



**PLANNING PROPOSAL /  
LEP AMENDMENT REQUEST  
PROPONENT & PROPOSAL  
INFORMATION FORM**

40 cherry street,  
po box 450, ballina nsw 2478  
dx 27789 ballina  
ph: 02 6688 4444  
fax: 02 6681 1375  
email: council@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: TRACY CHAMBERS OF 31 TARA DOWNS  
 ADDRESS: AND BRETT + JENNY STEPHENSON OF 32 TARA DOWNS  
 POSTAL ADDRESS: PO BOX 648, NARRABEEN, NSW 2101  
 PHONE: W: \_\_\_\_\_ H: \_\_\_\_\_ MOB: 0422 752705  
 EMAIL: tchambers@tdh.com.au FAX: \_\_\_\_\_  
 SIGNATURE(S): [Signatures] DATE: 6/3/13

**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: N/A  
 ADDRESS: \_\_\_\_\_  
 PHONE: \_\_\_\_\_ MOB: \_\_\_\_\_  
 EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

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

ADDRESS: 31 TARA DOWNS, LENNOX HEAD, 2478  
 LOT/PORTION: 31 SECTION: \_\_\_\_\_ DP: 837448  
 ADDRESS: 32 TARA DOWNS, LENNOX HEAD, 2478  
 LOT/PORTION: 32 SECTION: \_\_\_\_\_ DP: 837448  
 ADDRESS: \_\_\_\_\_  
 LOT/PORTION: \_\_\_\_\_ SECTION: \_\_\_\_\_ DP: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 LOT/PORTION: \_\_\_\_\_ SECTION: \_\_\_\_\_ DP: \_\_\_\_\_

**OFFICE USE ONLY**

Proposal Name: \_\_\_\_\_ Type: Major  Minor

Fee Paid: Y  N  Amount: \_\_\_\_\_ Date Received: \_\_\_\_\_

Pre-Lodgment Discussion: Y  N  Receipt Detail: \_\_\_\_\_

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**LANDHOLDER DETAILS & 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 planning proposal/LEP amendment is required in conjunction with this form. Space is provided at the end of this form for additional landholder details.

I/we Tracy Chambers + Brett Jenny Stephenson (please print name or names)  
of 31 and 32 TARA DOWNS, LENNOX HD. (please print address)  
Lot/Portion: 31+32 Section: \_\_\_\_\_ DP: 937448 (31)  
(32)  
PHONE: (W) \_\_\_\_\_ (H) \_\_\_\_\_  
MOBILE: 0422 752 705 FAX: \_\_\_\_\_

being the owner(s) of the property identified above, consent to the submission of this planning proposal/LEP amendment.

\*\*

SIGNATURE(S): [Signature] \* [Signature] DATE: 6/3/13

**SUMMARY OF THE PLANNING PROPOSAL / LEP AMENDMENT REQUEST** Brief outline of the concept or idea underpinning the planning proposal / LEP amendment request.

LOT 31 AND 32 TARA DOWNS HAS HAD RURAL ZONING FOR OVER 15 YEARS AND PRESENTS A ZONING ANOMALY COMPARED TO THE REST OF THE ENTIRE TARA DOWNS PROPERTIES WITH RESIDENTIAL ZONING

THIS REQUEST IS FOR THE ZONING TO BE AMENDED TO ACCORD WITH THE EXISTING RESIDENTIAL PROPERTIES IN TARA DOWNS AND SUGGESTS THAT THE APPLICATION OF A R2 LOW DENSITY RESIDENTIAL ZONE AND A MINIMUM LOT SIZE OF 800 m<sup>2</sup> MAY BE APPROPRIATE.

TRACY CHAMBERS HAS PRESENTED PREVIOUS SUBMISSIONS TO THE DRAFT LEP ON THIS ISSUE SINCE 2010 AND COUNCIL HAS COPIES OF ALL CORRESPONDENCE ON FILE TO SUPPORT THIS REQUEST.

BOTH OWNERS AT 31 AND 32 TARA DOWNS ARE IN SUPPORT AND AGREEMENT IN THIS MATTER.

IN FUTURE EACH WOULD LIKE TO SUBDIVIDE ONE ADDITIONAL BLOCK ONLY ON EACH PROPERTY AND A MLS OF 800 m<sup>2</sup> PROVIDES ADEQUATE LAND FOR GOOD SIZE BLOCKS.

ACCESS AND SERVICES ALREADY EXIST AND THIS WOULD BE CONSISTENT WITH EXISTING SURROUNDING LANDUSE.

**LIST OF INFORMATION PROVIDED IN SUPPORT OF THE PLANNING PROPOSAL / LEP AMENDMENT REQUEST**

.....  
 COMMUNICATION AND EMAIL CORRESPONDENCE  
 ON THIS ISSUE HAS BEEN TAKING PLACE  
 SINCE 2010.  
 COUNCIL HAS OFFERED TO PROVIDE A  
 PRINTOUT OF ALL SUPPORTING CORRESPONDENCE  
 FROM THEIR FILES.  
 .....

ATTACHED ARE TWO LETTERS TO COUNCIL  
 DATED 18/05/11 AND 14/11/12 AS EXAMPLES  
 THE SECOND ONE IN PARTICULAR OUTLINES  
 THE AGREEMENT BETWEEN (DT 31+32)  
 ON THIS MATTER, CONSISTENCY OF TONING  
 CHANGES TO COME IN LINE WITH SURROUNDING  
 LANDUSE, BOTH ARE VERY LARGE BLOCKS,  
 WITH GOOD VEHICULAR ACCESS AND EXISTING  
 SERVICES, BOTH OWNERS WISH ONLY TO BREAK  
 OFF ONE ADDITIONAL LOT IN FUTURE AND HAVE  
 TAKEN STEPS TO OBTAIN CERTAINTY OVER BLOCK  
 SIZE SUITABILITY THROUGH DESKTOP CADASTRAL INFORMATION  
 ASSESSMENT.

**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 Section 12 of the Local Government Act. The information will be stored in Council's Strategic & Community Services Group.

**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 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 NSW Department of Planning & Infrastructure website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

Is a disclosure statement to accompany your application? Yes  No

ADDITIONAL INFORMATION

SEE PRINT OUT OF ALL CORRESPONDENCE  
BETWEEN PROPERTY OWNERS AND  
STRATEGIC PLANNING TEAM, AS WILL  
BE PROVIDED BY COUNCIL STAFF

COUNCIL STAFF PREVIOUSLY VISITED  
LOT 31 IN SEPTEMBER 2012 REGARDING  
REZONING ISSUE.

14/11/2012

**To Whom It May Concern**

This letter follows discussions with Mathew Wood and is a request to Ballina Shire Council to assess the current zoning and lot size of Lot 31 (DP 837448) and Lot 32 (DP 837448), Tara Downs, Lennox Head.

A formal submission has already been made within the Draft Ballina LEP process, with involvement from 2010.

I, Tracy Chambers of Lot 31 and Brett and Jenny Stephenson of Lot 32 wish to have our current zoning changed to come in line with the rest of Tara Downs. We are both in agreement on this matter.

We would like to have zoning that is suitable for each of us to subdivide one lot on each of our land in the future. (For example, the zoning to be R2 with a minimum lot size of 1000sq metres for each lot).

This is compatible with the landuse in the surrounding area and we already pay 'residential' rates.

Given that the existing dwellings on lots 31 and 32 are positioned to one side of each respective block, we can both easily accommodate another suitable dwelling with good existing access.

In summary

- \* We are both in agreement with this request
- \* It is consistent with the surrounding residential landuse
- \* We both own very large blocks of land and both with good access (Lot 31 is 2303.00 sq metres and Lot 32 is 2888.00 sq metres).
- \* Ballina Shire Council has already been onsite to inspect Lot 31, in August 2012
- \* Tracy Chambers has been involved in the Draft Ballina LEP process for the past 2 years in regards to this rezoning issue

This letter is co-signed by the owners of Lot 31 and Lot 32. Council can be assured we are in agreement on these matters

Kind regards,

Tracy Chambers  
Lot 31, Tara Downs, Lennox Head, NSW, 2478  
Mobile: 0422752705

Email:

And

Brett and Jenny Stephenson  
Lot 32, Tara Downs, Lennox Head, NSW, 2478  
Mobile: 0407265225

Email:

**Attn Mathew Wood, Strategic Planner**

**Re: Submission from T. Chambers of 31 Tara Downs, Lennox Head,**

**13/05/11**

I am writing to you as I have previously submitted a submission to Council for consideration in the preparation of the Draft Ballina LEP, 2010. The issue was one of a zoning anomaly which exists at the above address. I have now been informed that this issue will be addressed separately to the LEP process and will group all similar zoning anomalies within the Ballina Shire together in a separate review process.

I would therefore like to request that council reconsider my submission within the new proposed assessment procedure.

*This property is a normal house and block which sits within an entire residentially zoned street. An old 'rural' zoning of 1B still applies from many years ago and is no longer applicable or suitable to this residential situation.*

In favour of this request is the fact that very little investigative studies are required as the property meets the criteria for residential zoning purposes. It is a residential property and has been so for 16 years. It would not require any extensive environmental studies by council as part of the rezoning process.

I look forward to hearing from you soon. Please refer to my original submission for land specifications and feel free to contact me for any further information that you may require.

Warm regards,

Tracy Chambers

Mobile: 0422 752 705

Email: [tchambers@dodo.com.au](mailto:tchambers@dodo.com.au)



## Ballina Shire Council

### Planning Proposal – May 2013

# Lots 31 and 32 DP 837448, 31 and 32 Tara Downs, Lennox Head

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people • place • prosperity

Planning Proposal – May 2013 (13/15791)  
Lots 31 and 32 DP 837448 31 and 32 Tara Downs, Lennox Head

Council  
Report

## Introduction

### Summary of Planning Proposal

This planning proposal relates to Lots 31 and 32 DP 837448, 31 and 32 Tara Downs Lennox Head, as shown on the locality plan in Appendix 1.

The subject lots are owned by Ms Tracy Chambers and Mr Brett Stephenson and Mrs Jenny Stephenson. The land comprises a total area of 5191m<sup>2</sup> (2303m<sup>2</sup> and 2888m<sup>2</sup> respectively) and is separated by a battleaxe handle for 33 Tara Downs. Both lots currently contain an existing dwelling, gaining access from the adjoining right of carriageway.

The subject lots are currently zoned RU1 Primary Production under the provisions of the Ballina Local Environmental Plan (LEP) 2012 as shown in Appendix 1.

It is proposed that the R2 Low Density Residential zone be applied to the subject land within Lots 31 and 32 DP 837448, 31 and 32 Tara Downs, Lennox Head. It is also proposed that Council's subdivision standards be changed to enable subdivision of the land for residential purposes.

### Planning Context

The application of a residential zone to the subject land is generally consistent with both Council and State Government urban planning policy. The following provides an overview of the proposed amendment with respect to key planning policy documents.

#### Site History

The parent lot of the subject land, Lot 19 DP 715304, (3.032ha) was created in 1985 in conjunction with a 30 lot residential subdivision in Tara Downs. Upon gazettal of Ballina LEP 1987, the subject land was zoned 1(b) Rural (Secondary Agricultural).

In 1989, Lot 19 was further subdivided to create the subject Lots 31 and 32 in addition to Lot 33 located at the rear of the subject land. Lots 31 and 32 were approved in conjunction with DA 1989/53 and the provisions of Clause 16 (Development of land on adjoining boundaries), Ballina LEP 1987.

Considering the adjoining residential properties had minimum lot sizes of 600m<sup>2</sup>, the creation of two lots greater than 2000m<sup>2</sup> was considered consistent with the provisions of Clause 16 at that time. The DA assessment also stated that *"the 1(b) zoning of the land is in contiguous and (the land) should be incorporated into future urban development"*, indicating that the land was identified as being suitable for a residential zoning during this DA process in 1989.

#### Far North Coast Regional Strategy (FNCRS)

The subject land is identified as being located within the existing urban footprint, despite the rural zoning. Accordingly, the application of a residential zone to the land is consistent with this strategy.



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### Ballina Shire Growth Management Strategy 2012 (GMS)

The subject land is not recognised as a strategic urban growth area under this strategy as the two lots are essentially part of an existing residential area. The site is adjoined by R2 Low Density Residential zoned land to the south (Tara Downs) and west (North Creek Road and Aspects Drive). Land to the immediate north is an unformed road and subject to Ballina LEP 1987, being land currently deferred from the provisions of the Ballina LEP 2012. Immediately adjoining this deferred land to the north is low density residential zoned land (Page Court and Palisade Way). A 2.513ha parcel of RU1 Primary Production zoned land is located immediately to the east of the subject site.

Surrounding existing residential lot sizes are approximately 1000m<sup>2</sup>. The subject lots being 2303m<sup>2</sup> and 2888m<sup>2</sup>, if zoned low density residential, would have the potential for subdivision creating lots of a comparable size to those surrounding, dependant upon additional information regarding potential site constraints such as site vegetation and bushfire protection.

The land has not been identified for any other purpose within the GMS such as future employment lands, open space or the like. The land is, however, identified within the Lennox Head Structure Plan as being located within an existing developed area and/or urban zone. This plan is discussed below and is considered to be the appropriate framework for more growth management considerations in the locality. Therefore, the proposal is considered consistent with the GMS.

### Lennox Head Structure Plan (LHSP)

The LHSP provides a framework for the development of new urban land release areas within the Lennox Head locality and includes the subject land. Whilst the subject land is not identified as a candidate release area, it is identified as being located within an existing developed area and/or urban zones.

### Ballina Local Environmental Plan (LEP) 2012

During the preparation of the Ballina LEP 2012, Ms Tracy Chambers of Lot 31 lodged a submission during each exhibition period in support of the rezoning of the land to residential. Council agreed to give further consideration to the matter following discussions with the owner adjoining being Lot 32 (Environmental and Sustainability Committee May 2011). Reporting of submissions to Council's December 2011 Meeting identified that it was unlikely that progress of the shire-wide LEP matter would allow a zoning change prior to the implementation of the Ballina LEP 2012. Consequently, the LEP amendment request was lodged by the applicant in March 2013 following the commencement of Ballina LEP 2012.

The subject land is zoned RU1 Primary Production under the terms of the BLEP 2012. Previously under the Ballina LEP 1987, the subject land was zoned 1(b) Rural (Secondary Agricultural Land) zone.

The RU1 Primary Production zone has a minimum allotment size of 40ha. The subject lots have an individual site area of 2303m<sup>2</sup> and 2888m<sup>2</sup>. These lots are well below the

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minimum lot size for RU1 land and would not be considered suitable for sustaining an agricultural use, even with consolidation.

It is proposed to rezone the land as R2 Low Density Residential (Appendix 1). It is also proposed to change the minimum lot size map for the subject site to facilitate subdivision of the subject land. The surrounding R2 Low Density Residential zoned lots have minimum lot sizes of 600m<sup>2</sup>. The applicant has proposed a minimum lot size of 800m<sup>2</sup> to facilitate functional sized parcels. The application does not include any potential subdivision layouts.

The two lots are identified as adjoining strategic urban growth areas in accordance with the Strategic Urban Growth (SUG) Map. The SUG map will not require amending regardless of the outcome of this proposal.

### Bushfire Prone Land

The subject lots are identified as Category 2, Bushfire Prone Land. Pursuant to Clause 62 and Section 117 of the Environmental Planning and Assessment Act, 1979, (EPA Act), Council is required to consult with the Rural Fire Service (RFS) in conjunction with the LEP amendment process. It is envisaged that this consultation will occur following additional information from the applicant and an affirmative gateway determination from the DP&I.

## **Part 1 - Objectives or Intended Outcomes**

The objective of this planning proposal is to rezone the subject land to a low density residential zone, consistent with residential land in the North Creek Road locality. The amendment to the Ballina LEP 2012 in this locality would remove an existing zoning anomaly, subject to satisfactory information being provided by the applicant as deemed necessary by Council and government agencies.

## **Part 2 - Explanation of the Proposal**

This planning proposal relates to land described as Lots 31 and 32 DP 837448, 31 and 32 Tara Downs, Lennox Head. The two lots are currently zoned RU1 Primary Production pursuant to the provisions of the Ballina LEP 2012.

This planning proposal seeks to rezone the subject land to a R2 Low Density Residential zone to reflect the urban nature of each lot and to correct a current zoning anomaly within Tara Downs.

An amendment to the Minimum Lot Size Map under the Ballina LEP 2012 is also proposed. In relation to the Minimum Lot Size Map, the RU1 zoned area is subject to a 40ha subdivision standard. The proponent has proposed a minimum lot size of 800m<sup>2</sup> which would provide for a maximum of two lots in relation to Lot 31 and three lots in relation to Lot 32. The application does not include any potential subdivision layouts.

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Both lots have narrow street frontages due to their location at the head of the cul de sac. However, each lot does have access via the adjoining right of carriageway separating the subject lots. Existing dwellings upon each lot have established driveways off the adjoining right of carriageway. Council's infrastructure engineer has advised that this right of carriageway is applicable to the land, and therefore, would remain a legal access following any further subdivision. It is also considered that the existing right of carriageway could service two additional lots, if necessary.

Each lot is bushfire prone and located within a high risk mosquito management area. The subject land is encumbered by a drainage channel running in a north/south direction across both lots.

Lot 32 is within a nominated 100m buffer for an adjoining SEPP 26 littoral rainforest to the east. Both Lots 31 and 32 are located in proximity to potentially ecologically significant vegetation on the northern side of the subject land. As both lots currently contain a single dwelling, an LEP amendment to change the zoning from RU1 to R2 while retaining the current lots sizes would have negligible impact upon existing vegetation. However, if the minimum lot size proposed for the subject lots was to be consistent with or similar to the surrounding locality i.e. approximately 1000m<sup>2</sup>, there maybe adverse impact upon potentially significant vegetation. This impact has the potential to be compounded by bush fire protection and mosquito management measures required for future dwellings upon vacant lots.

Having regard for the above, it is proposed that the subdivision potential of the land and the associated minimum lot size standard will be determined following submission of further technical details before public exhibition.

Services have been provided to the subject land in association with the existing residential subdivision. Accordingly, services are acceptable to support a future residential use.

### **Part 3 - Justification**

#### **Section A - Need for the Planning proposal**

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

No. The lots are currently of a residential character in a predominantly residential area.

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

As noted above, a planning proposal for the application of a residential zone to the subject lots is generally consistent with the local planning framework.

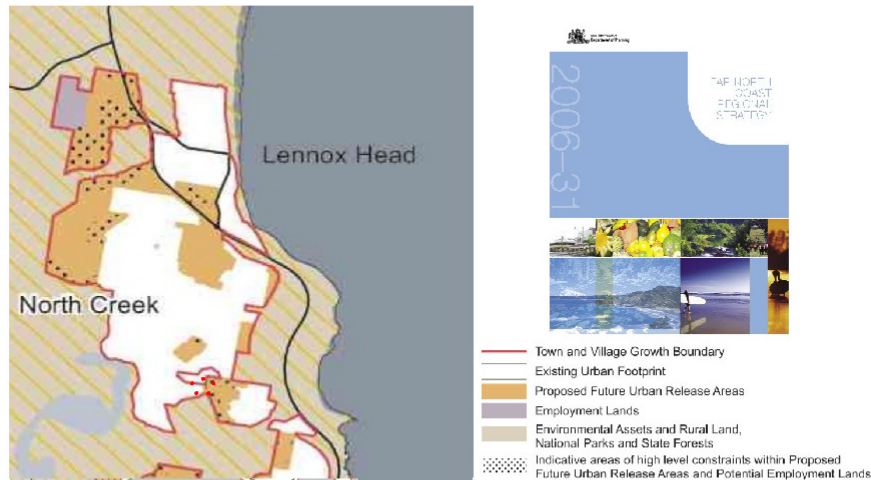
An LEP amendment is the best way of achieving the proposed outcomes as the proposal directly relates to land use zoning and subdivision potential.

**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 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 within the existing urban footprint within the 'Town & Village Growth Boundary Map – Sheet 3, as shown in the excerpt below).

The planning proposal involves potential future subdivision that will not result in the need for additional infrastructure and will provide additional housing opportunities for the projected regional population increase. This is consistent with the FNCRS regional framework.



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.

**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:

The Ballina LEP 2012

The subject land is currently zoned RU1 Primary Production under the provisions of the Ballina LEP 2012. The primary zone objectives are:

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- *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 is not unreasonable or uneconomic demands for the provision of public infrastructure.*

The land given its location, current use and site area is not well suited to agricultural use. This zone relates to the historic circumstances around the creation of Lots 31 and 32.

The objectives of the R2 low density residential zone are;

- *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 proposal is generally consistent with the objectives of the R2 Low Density Residential zone, in that the lots currently accommodate single dwellings in a locality that can provide facilities and services to meet the needs of the residents.

Infill style development would be compatible with the character and amenity of the surrounding neighbourhood.

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

Further assessment of environmental matters such as bushfire protection and the significance of onsite vegetation will determine the number of additional lots (if any) the site can sustain.

### Ballina Shire Growth Management Strategy 2012 (GMS)

The purpose of the Ballina Shire Growth Management Strategy is to provide the framework for managing population and employment growth in Ballina Shire over the planning period of 2012-2031.

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The strategy sets out local growth management arrangements for each of the shire's urban localities. These outline the desired future character of the particular locality, identify key locality objectives and proposed actions to give effect to those objectives.

The subject land, while not recognised as being within the strategic urban growth area, is within the existing urban footprint of Lennox Head.

### **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). The relevant SEPP's are as follows:

<b>SEPP Title</b>	<b>Compliance of Planning Proposal</b>
SEPP (Rural Lands) 2008	<p>The subject land is currently zoned RU1 Primary Production. The rezoning of these lots to residential will not be prejudicial to agricultural land due to the residential characteristics and size of the lots as existing. Amending the BLEP to create residential zoned lots will not result in increased land use conflicts with adjoining agricultural land having regard to the existing dwelling locations, the character of the surrounding land being primarily residential and the limited potential for agriculture of the remaining agricultural land to the east of the subject site. (Lot 33, DP 837448).</p> <p>Therefore it is considered that the planning proposal is consistent with the provisions of this SEPP.</p>
SEPP No. 26 - Littoral Rainforests	<p>Lot 32 is partially located within the 100m buffer of a SEPP 26 Littoral rainforest, pursuant to Clause 4(1)(b) of this SEPP. Additional information will be required from the applicant to address the relevant provisions of this SEPP. The minimum lot sizes for subdivision and lot layouts may be impacted by this buffer zone.</p>
SEPP No. 55 - Remediation of Land	<p>In accordance with Clause 6(1) of this SEPP, a change of use of the land to residential cannot occur until the planning authority has considered whether the land is contaminated. Additional information will be required from the applicant to determine the contamination status of each lot.</p>
SEPP No. 71 - Coastal Protection	<p>The planning proposal is consistent with the provisions of this SEPP and supports the intent of the SEPP. The subject land is located within the coastal zone. However, it is well separated from the coastal strip and public lands. The rezoning to enable residential development is consistent with the objectives of the SEPP.</p>

### **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 2.

**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?**

Preliminary assessment of the environmental characteristics of the site identify the lands as being previously cleared and either containing managed grasslands or well established landscaping. Lot 32 is heavily vegetated with species planted by the landowners and Lot 31 contains a mixture of native vegetation including rainforest species.

Lot 32 is also within the 100m buffer of a State Environmental Planning Policy No. 26 Littoral Rainforest.

Consequently, this planning proposal will require the submission of additional information to assess the significance of this vegetation on site. This information will also assist in determining the minimum lot sizes appropriate for the subject parcels. It is proposed that this material will be required and assessed following gateway determination should the matter proceed.

**8. 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:

- Slope stability;
- Sensitive vegetation;
- Bushfire hazard;
- Drainage; and
- Mosquitoes.

These and other issues have not been addressed in the information prepared by the proponent that accompanies the LEP amendment request. These issues will require additional information to be prepared and submitted by the applicant, following a positive gateway determination, prior to agency consultation requirements and public exhibition.

The site is located adjacent to existing residential subdivisions on either side of North Creek Road. As this land is already developed residential zoned land, there is unlikely to be significant impact on the residential amenity of the neighbourhood arising from the proposed rezoning.

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

The proposed rezoning of the land does not raise any significant social implications, although further assessment in relation to neighbourhood amenity maybe required depending on the identified subdivision potential of the land.

The land is already adequately serviced and will therefore have negligible economic impacts in relation to the provision of infrastructure.

### **Section D – State and Community Interests**

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

Infill development on the subject land can be economically serviced with the full range of 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 following the gateway determination stage of the LEP amendment.

## **Part 4 - Mapping**

Mapping details within Appendix 1 for the LEP amendment include

- a locality map identifying the subject site;
- a current zoning map for the area under the provisions of the Ballina LEP 2012;
- a zoning map for the area under the provisions of the Ballina LEP 1987 (showing previous site zoning and zoning of land deferred from the Ballina LEP 2012); and
- a proposed zoning map under the provisions of Ballina LEP 2012.

## **Part 5 - Community Consultation**

Council has not undertaken any community consultation concerning this specific planning proposal. It is anticipated that this will occur as part of the formal exhibition of the planning proposal or as directed through the gateway determination process.



**Part 6 - Project Timeline**

<b>Plan Making Step</b>	<b>Estimated Completion (Before)</b>
Gateway Determination (Anticipated)	June 2013
Completion of Technical Assessment	June 2013 and July 2013
Government Agency Consultation	August 2013
Public Exhibition Period	September 2013
Public Hearing (if required)	October 2013
Submissions Assessment	November 2013
RPA Assessment of Planning Proposal and Exhibition Outcomes	November 2013
Submission of Endorsed LEP to DP&I for Finalisation	January 2014
RPA Decision to Make the LEP Amendment (if delegated)	N/A – proposal not subject to delegation
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	N/A – proposal not subject to delegation

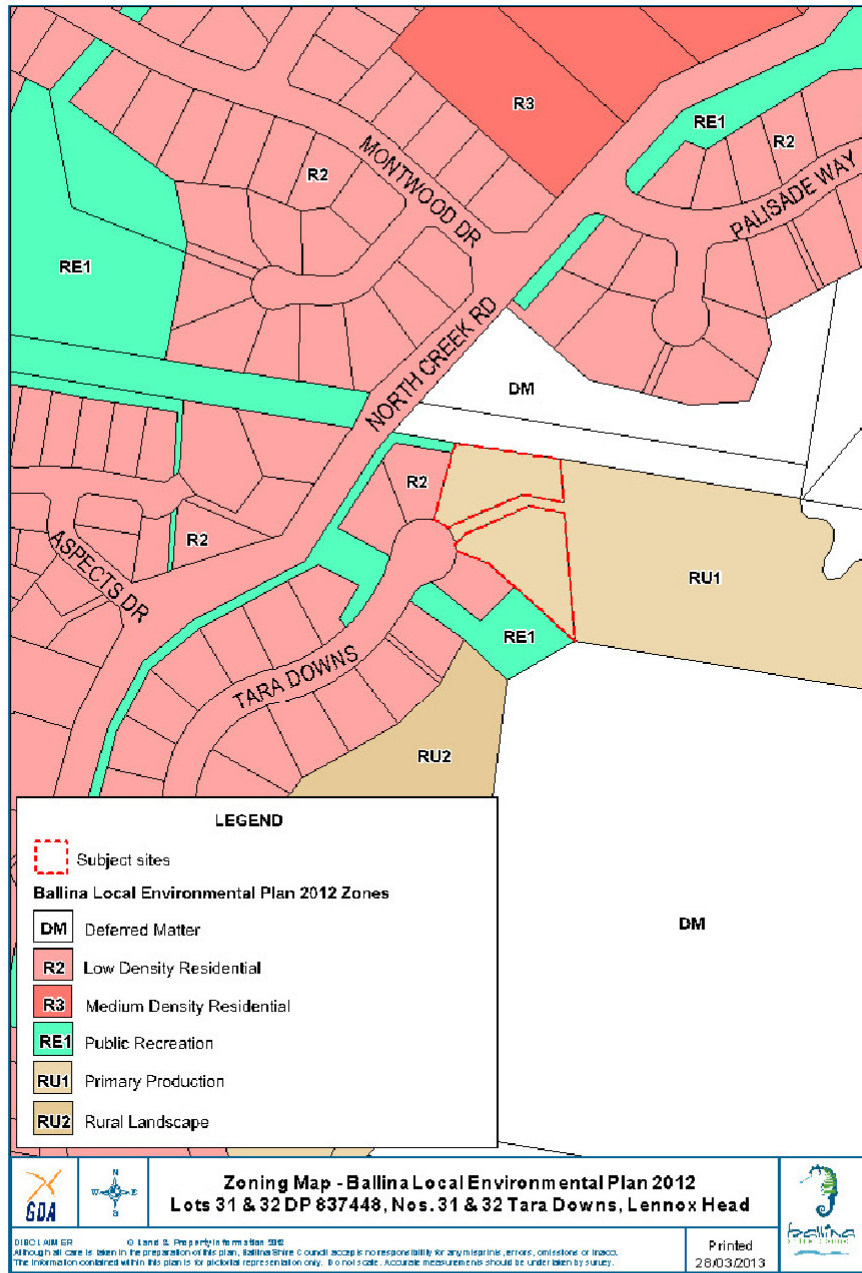


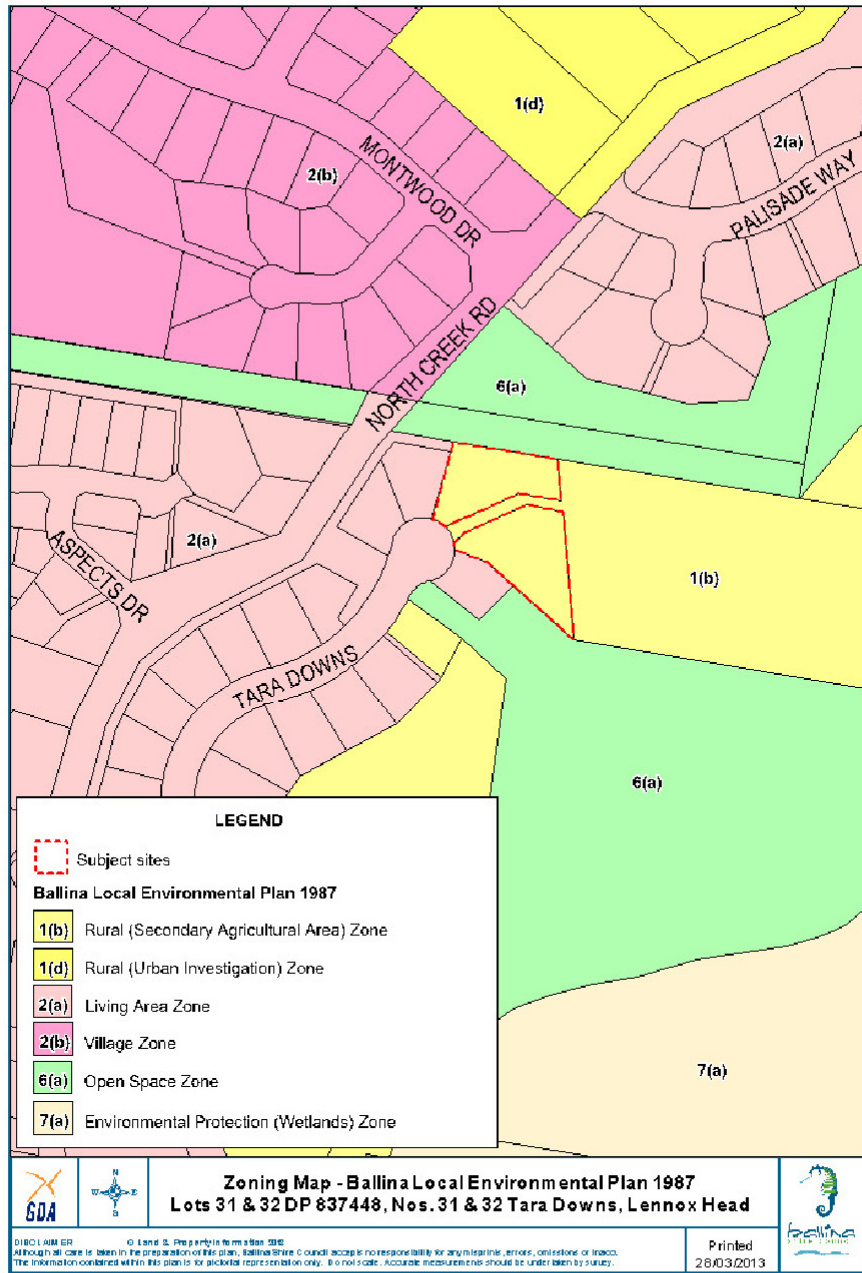
Appendices

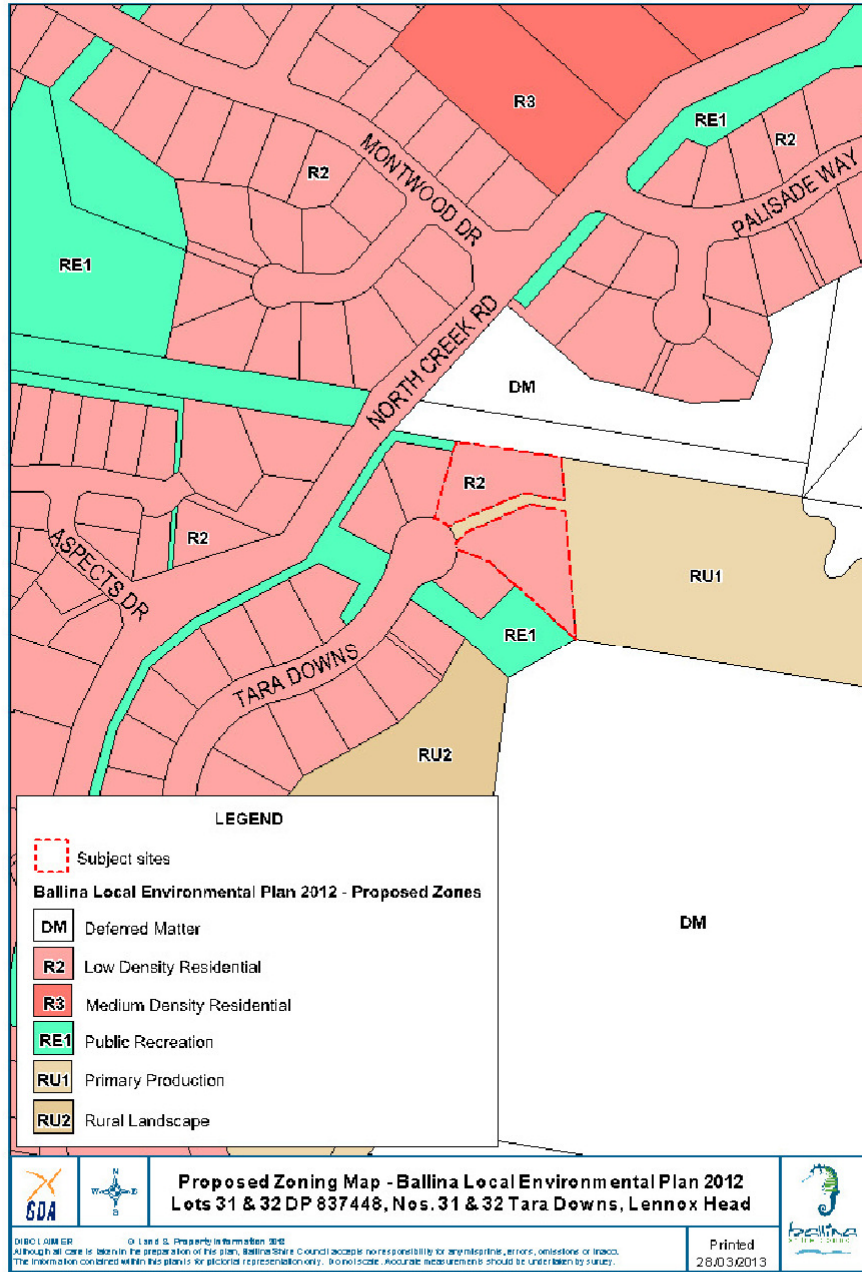
Appendix 1 – Map Set



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## Appendix 2 - Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – Tara Downs, Lennox Head	
DIRECTION NO.	Compliance of Planning Proposal
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	Does not apply to planning proposal.
1.2 Rural Zones	It is considered that the planning proposal is consistent with this Direction because the proposed residential area is within the urban footprint identified in the Far North Coast Regional Strategy and in the local urban planning framework.  The subject lots are not considered of a sufficient size to sustain agricultural activities, even with consolidation. The planning proposal is considered of minor significance as the subject lots are less than 6000m <sup>2</sup> combined, and therefore will result in a negligible loss to the agricultural production value of the land in the locality.
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	The table in Section B5 of this report addresses the Planning Principles contained in State Environmental Planning Policy (Rural Lands). In addition, this planning proposal is of relatively minor significance and is consistent with the Far North Coast Regional Strategy 2006 – 2031 in that the lots are located within the coastal town and village growth boundary.
<b>2. Environment and Heritage</b>	
2.1 Environmental Protection Zones	Does not apply to planning proposal
2.2 Coastal Protection	This planning proposal is consistent with this Direction. The proposal is considered to be minor in nature and will only result in two existing rural lots becoming residential lots. These lots will have the potential for further subdivision. However, subdivision potential of the land is yet to be determined. The proposal will not impact on public foreshore access due to physical separation from the coastal strip and the minor nature of the development.
2.3 Heritage Conservation	There are no items of environmental or cultural heritage identified by Council within the site that are considered to warrant specific LEP based protection based on the information currently available. A heritage item adjoining the site (dry stone wall) identified within Schedule 5 of Ballina LEP 2012 will not be adversely impacted in any way as a result of this planning proposal.
2.4 Recreation Vehicle Areas	Does not apply to planning proposal.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	The planning proposal is consistent with this Direction in that adequate infrastructure is available to service the two lots. The proposed rezoning will correct an anomaly in the zoning of the locality by placing a residential zoning upon residential sized lots within an urban environment. The residential zoning will then provide the two lots with the potential for further subdivision (which is yet to be determined).
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to planning proposal.
3.3 Home Occupations	This planning proposal is consistent with this Direction as home occupations are permitted in the R2 Low Density residential zone without consent under the Ballina LEP 2012.

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Section 117 Direction Checklist Planning Proposal – Tara Downs, Lennox Head	
3.4 Integrated Land Use and Transport	It is considered that the planning proposal is consistent with this Direction as the land is identified in the urban footprint of the Far North Coast Regional Strategy. Additionally, the site is located within an existing residential subdivision which is considered to have satisfactory access to public transport.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	The subject lots do not contain acid sulphate soils.
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	The Rural Fire Service will be consulted during the formal consultation period, should an affirmative gateway determination be received from the DP&I. The applicant will be required to provide information regarding potential subdivision layouts and the provision of satisfactory planning for bushfire protection measures.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	The site is identified within the urban footprint of the Far North Coast Regional Strategy. Therefore, the proposal is 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	The land is identified within the "Northern Rivers Farmland Protection Project - Final Recommendations, February 2005" as "significant non-contiguous farmland". However, the land is also identified as being within the "town and village growth boundary" by the Far North Coast Regional Strategy. In accordance with subclause (2), land identified within this boundary is excluded from the requirements of this Direction. Therefore, the provisions of this Direction do not apply to the subject land.
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).	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
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	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	The planning proposal is consistent with this provision as it does not include creation, altering or reduction of land for public purposes.
6.3 Site Specific Provisions	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.

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<b>Section 117 Direction Checklist Planning Proposal – Tara Downs, Lennox Head</b>	
<b>7. Metropolitan Planning</b>	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.