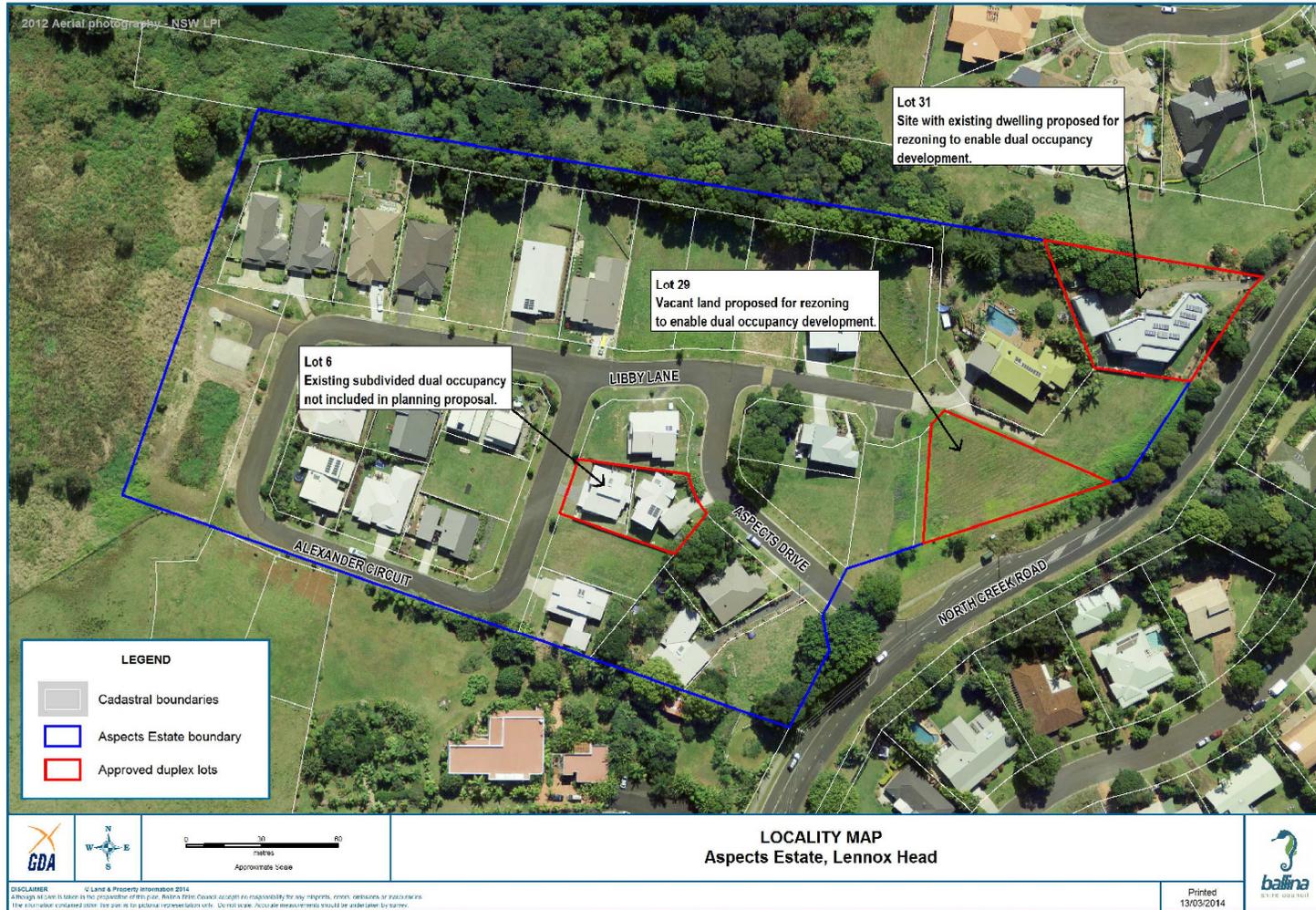


9.3 LEP Amendment Request - Aspects Estate Dual Occupancy Lots.DOC





Draft Planning Proposal - March 2014

Aspects Estate Dual Occupancy Lots

Lots 29 & 31 DP 1121058

1 Libby Lane & 200 North Creek Road, Lennox Head

14/15816 Gateway

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Planning Proposal – March 2014
Aspects Estate, Lennox Head

INTRODUCTION

Summary of Planning Proposal

This planning proposal relates to two residential lots created as part of the Aspects Estate at Lennox Head. The lots are described as Lots 29 and 31 in DP 1121058 and are identified as 1 Libby Lane and 200 North Creek Road, Lennox Head.

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

As detailed in Figure 1, the subject land is currently zoned R2 Low Density Residential under the *Ballina Local Environmental Plan 2012* (BLEP 2012). The planning proposal seeks to amend the BLEP 2012 to apply the R3 Medium Density Residential zone enabling each lot to be developed for the purposes of a dual occupancy. The proposed amended zone for the subject land reflects the subdivision approval granted in Development Application 2006/815 (DA 2006/815) which designated each of the subject sites as being suitable for “duplex” (dual occupancy) development. The proposal will result in amendments to the Land Zoning Map and the Minimum Lot Size Map to reflect the above changes.

The subject lots were approved by Council in DA 2006/815 on 15 December 2006 as being suitable for development for duplex (dual occupancy) purposes and were created upon the registration of DP 1121058 on 20 December 2007. The need for the planning proposal has arisen due to a request from the landowner of Lot 29 to amend the BLEP 2012 to reflect the intended development outcomes associated with the subdivision approval for the land. During preparation of the Draft Ballina Local Environmental Plan 2010, it was Council’s intent to apply the R3 Medium Density Residential zone to all lots previously identified in Council’s Development Control Plan (DCP) as suitable for duplex (dual occupancy) development. The subject lots were erroneously omitted from inclusion in this transfer process.

Planning Context

Ballina Local Environmental Plan 2012

The BLEP 2012 provides for the following residential zones:

- R2 Low Density Residential Zone – for low density residential development forms including dwellings and secondary dwellings (and other compatible uses);
- R3 Medium Density Residential Zone – 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 Low Density Residential under the terms of the BLEP 2012 as detailed in Figure 1 below.

A copy of the approved lot layout identifying the approved duplex (dual occupancy) sites in the Aspects Estate (DA 2006/815) is provided in Figure 2. It should be noted that a third lot in the original development (Lot 6) is also designated as suitable for duplex development. Lot 6 is not included in this proposal as duplex development and subsequent subdivision has already been undertaken on the lot (prior to the commencement of the BLEP 2012) and the application of the R3 zone is not necessary in the circumstances.

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This planning proposal also seeks to amend the lot size provisions for the subject lots from a minimum of 600m² to a minimum of 800m² consistent with the standard approach to land within the R3 Medium Density Residential zone.



Figure 1. Land to which the planning proposal relates

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.

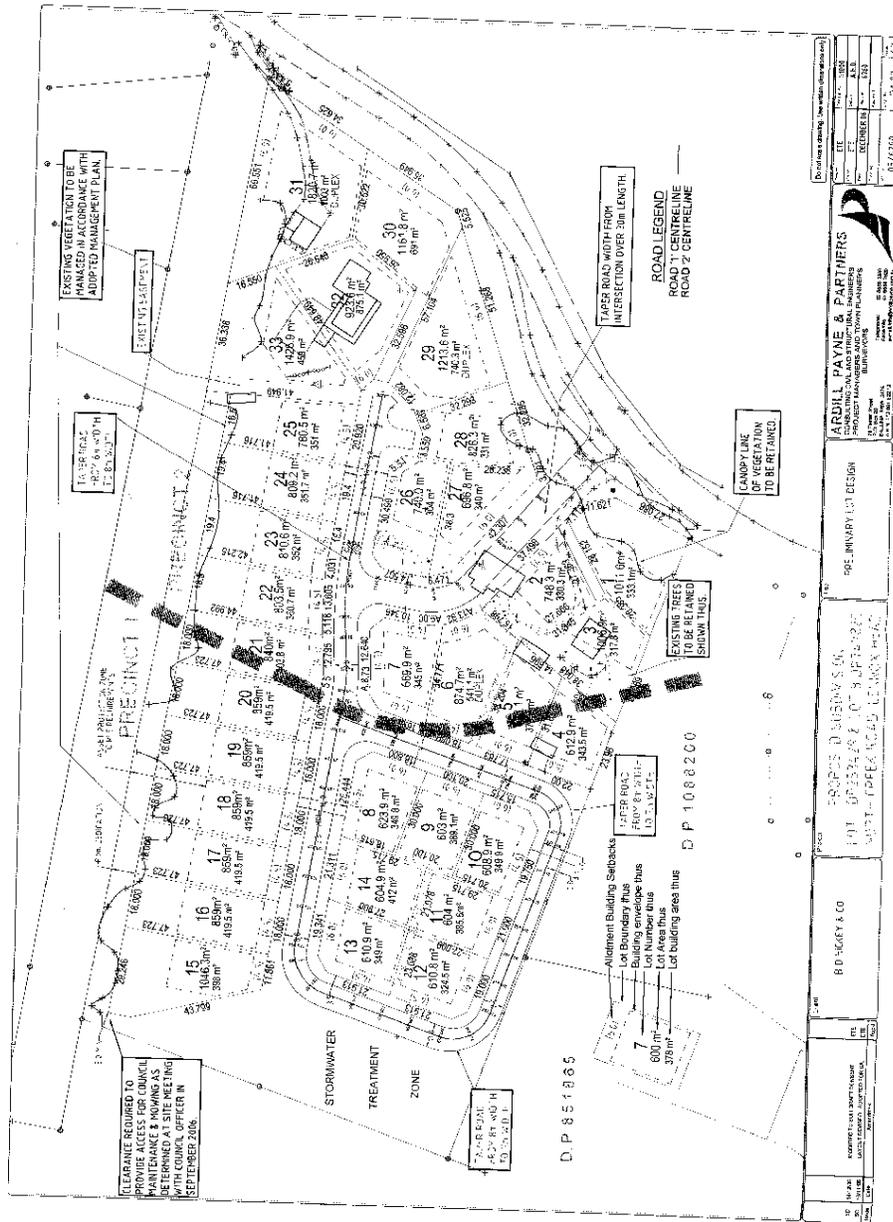


Figure 2. Approved Lot Configuration – DA 2006/815

PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objective of this planning proposal is to acknowledge the residential development outcomes intended for the land at the time of subdivision approval by identifying allotments created for the purpose of medium density development (dual occupancy) by way of zoning.

PART 2 – EXPLANATION OF THE PROPOSAL

This planning proposal relates to two allotments within the Aspects Estate development. The lots are identified in the table below.

Address	Owner	Lot/DP
1 Libby Lane, Lennox Head	PJ & VD Moloney	Lot 29 DP 1121058
200 North Creek Road, Lennox Head	PA & GD Crane	Lot 31 DP 1121058

As detailed in Figure 1, the subject land is currently zoned R2 Low Density Residential under the terms of the Ballina LEP 2012.

The planning proposal seeks to acknowledge the existing approval by the application of the R3 Medium Density Residential zone to the land that facilitates the dual occupancy development outcomes envisaged under the subdivision approval.

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

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

The proposal is not the result of any strategic study or report.

The subject lots were omitted from inclusion in areas zoned for medium density (dual occupancy) development during the preparation and drafting of the Ballina LEP 2012. The proposal seeks to rectify the omission of the lots that were been previously acknowledged as being suitable for medium density (dual occupancy) development as part of the subdivision approval for the land.

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?

Yes, the planning proposal is the most appropriate means of securing the intended development outcomes for the land.

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:

Ballina Local Environmental Plan 2012

Prior to the making of the BLEP 2012, the subject land was zoned 2(a) Living Area Zone under the terms of the *Ballina Local Environmental Plan* 1987 (BLEP 1987). Dual occupancy development was permissible in the 2(a) zone. Development consent (DA 2006/815) was granted to subdivide the land under the provisions of the BLEP 1987. The approved subdivision plans for DA 2006/815 applies the "duplex" (dual occupancy) designation to the subject lots.

The subject land is currently zoned R2 Low Density Residential under the terms of the Ballina LEP 2012. Dual occupancy development is not permissible in the R2 zone.

This planning proposal seeks to acknowledge the terms of the subdivision approval in DA 2006/815 by applying the R3 Medium Density Residential zone to the land. Dual occupancy development is permissible in the R3 zone.

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 A.

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 currently zoned for low density residential development (R2 Low Density Residential zone) and is within an established residential area. The planning proposal seeks to clarify the development intentions for the land and to enable future dual occupancy development. The planning proposal is unlikely to have any greater environmental impact than has already been envisaged in relation to the subdivision approval and current zone arrangement.

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 relatively 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

This planning proposal seeks to change the zoning of the subject land from R2 Low Density Residential to R3 Medium Density Residential. This change will affect the Land Zoning Map and associated minimum lot size standards on the Lot Size Map.

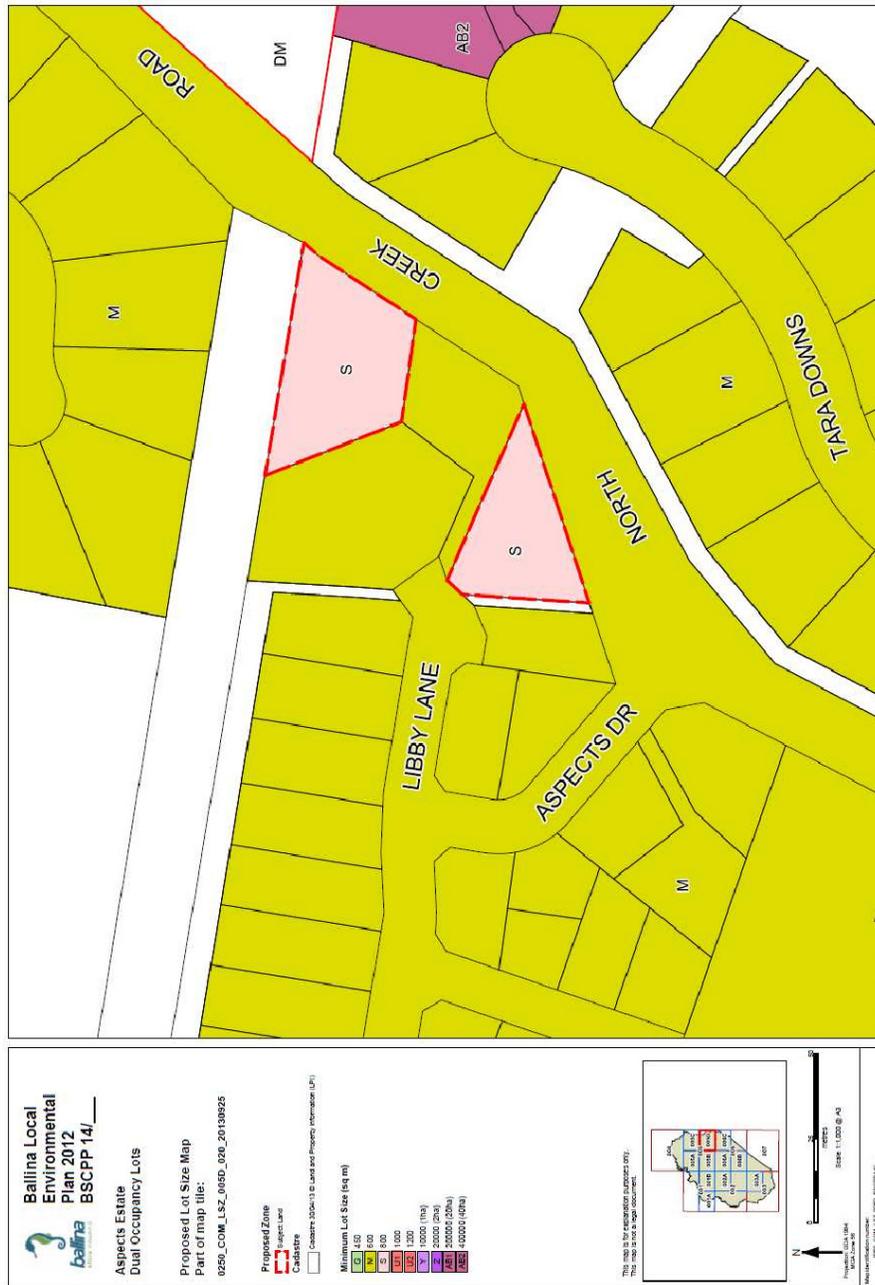
The following maps have been prepared to support this planning proposal and its desired land use and development outcomes:

- Map 1 – Site Identification Map;
- Map 2 – Proposed Land Zoning Map (Sheet LZN_005D);
- Map 3 – Proposed Lot Size Map (Sheet LSZ_005D).

Copies of the full draft amended map tiles referenced above will be prepared following Gateway determination and prior to public exhibition.



Map 1 – Site Identification Map



Planning Proposal – March 2014
Aspects Estate Dual Occupancy Lots

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 – TIMELINE

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	April 2014
Government Agency Consultation	May 2014
Public Exhibition Period	May 2014
Public Hearing	N/A
Submissions Assessment	May 2014
RPA Assessment of Planning Proposal and Exhibition Outcomes	May 2014
Submission of Endorsed LEP to P&I for Finalisation	June 2014
RPA Decision to Make the LEP Amendment (if delegated)	June 2014
Forwarding of LEP Amendment to P&I for Notification (if delegated)	June 2014

APPENDICES

Appendix A – Section 117 Direction Checklist

Section 117 Direction Checklist	
Planning Proposal Lots 29 & 30 DP 1121058 No. 1 Libby Lane & No. 200 North Creek Road, 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	Does not apply to planning proposal.
2.3 Heritage Conservation	Does not apply to planning proposal.
2.4 Recreation Vehicle Areas	Does not apply to planning proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The subject land is currently R2 Low Density Residential. It is proposed to rezone the subject land to R3 Medium Density to enable dual occupancy development. The rezoning is to ensure the development standards applicable to the subject land are consistent with the approved subdivision.
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.
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Does not apply to planning proposal.
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	Lot 31 in the subject proposal falls within 30 metres of identified Category 2 bushfire prone land and as such the provisions of Planning for Bushfire Protection apply. As a result, the proposal will be referred to the NSW Rural Fire Service for comment subject to the requirements of the Gateway determination.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The subject land is contained within the urban footprint identified in the strategy.
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	Does not apply to planning proposal.

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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. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Does not apply to planning proposal.
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.