



		<p>LEP Amendment Request Reservoir Hill Site, Lennox Head</p>	
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Planning Proposal

Reservoir Hill Site, Lennox Head

June 2013



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## 1. EXECUTIVE SUMMARY

The purpose of this planning proposal is to enable the future residential development of land described as the 'Reservoir Hill Site', North Creek Road, Lennox Head.

This planning proposal identifies the likely amendments required to the Ballina Local Environmental Plan 2012 to enable residential development at this location.

This planning proposal also identifies and provides an analysis of relevant State and Local strategic planning reports that affect this land and considers any identified planning factors that should be addressed to demonstrate the suitability of this land for residential development.

In response to these planning factors, this planning proposal also includes a number of expert technical reports to investigate the likely impacts of residential development at this location and also includes a proposed plan of subdivision which provides an accurate illustration of the overall proposed neighbourhood design response and the proposed future road network.

## 2. INTRODUCTION

### 2.1 Summary of Planning Proposal

This Planning Proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning & Infrastructure publication *A guide to preparing planning proposals* to explain and justify the proposed planning instrument.

This Planning Proposal applies to land referred to as the Reservoir Hill Site, North Creek Road, Lennox Head, located immediately south of the Lennox Head township as indicated on the Locality Plan at **Attachment 1** of this report.

The subject land is identified as Lot 1, DP517111, North Creek Road, Lennox Head and is under the sole ownership of Ballina Island Developments Pty Ltd.

Under the provisions of the Ballina Local Environmental Plan 2012, the subject land is identified as (RU1) Primary Production zone as indicated in the Zoning Map provided in **Attachment 2**.



This planning proposal has been drafted to enable the future residential development of the subject land. This planning proposal also details the proposed changes to the Ballina Local Environmental Plan 2012 and provides the strategic justification in support of a proposed Local Environmental Plan.

Also included in this planning proposal are a number of technical reports that assess the suitability of the subject land to facilitate future residential development.

## 2.2 Planning History

Prior to drafting this planning proposal, the Reservoir Hill Site had been subject to previous consideration to rezone the subject land to provide for future residential development.

On 22 November 2007 the Ballina Shire Council resolved to commence rezoning of the land (and 2 other parcels in the immediate locality) pursuant to Section 54 of the Act to facilitate principally the future residential development of the subject land. The whole of the site was within Zone No 1 (d) Rural (Urban Investigation) Zone under the provisions of Ballina Local Environmental Plan 1987 and it was proposed to rezone the whole site and adjoining roads to Zone No 2 (a) Living Area Zone.

In February 2008 the Department of Planning approved the preparation of a Draft Local Environmental Plan for the subject land (and 2 other parcels in the immediate vicinity). The Department had required the preparation of a Local Environmental Study with the Draft Local Environmental Plan. The Department has not defined any specifications for the study.

On 4 October 2008, the Minister for Planning formed the opinion that the subdivision of the land was a Project to which Part 3A of the Environmental Planning and Assessment Act (as it was then) applied. Shortly after a Preliminary Environmental Assessment report was lodged. Part 3A of the Environmental Planning and Assessment Act was abandoned by the State Government however certain applications lodged prior to that abandonment have been saved. However, as the Reservoir Hill Site had been lodged prior to this legislative change the application could have still been considered under the 3A process.

The Department of Planning and Infrastructure extended the time for finalisation of the site LEP however the timeframe was not met.





### 2.3 Subject Site and Surrounds

The Reservoir Hill Site is located immediately to the south of the existing coastal village of Lennox Head and the Coast Road and has frontages to Hendersons Lane in the south, North Creek Road in the east and the Coast Road in the north. The subject land is described as Lot 1 DP 517111 and is 15.17 hectares in area.

The subject land generally slopes from east to west and rises steeply along the eastern portion of the land to RL60 AHD adjacent to the North Creek Road. The western portion of the land is described as low lying that slopes gently to the north-west corner adjoining existing developed residential land.

The subject land is described as a predominantly cleared grazing land that in the past would have formed part of a broader farming unit which has been fragmented by surrounding urban development of Lennox Head.

A small watercourse is located generally parallel with the southern boundary of the subject land adjacent to Henderson Lane. The watercourse flows from the south eastern corner through the subject land and is dispersed via the formalised drainage network of the existing residential development along Silkwood Road. Part of the watercourse has been dammed to provide a water source for grazing animals.

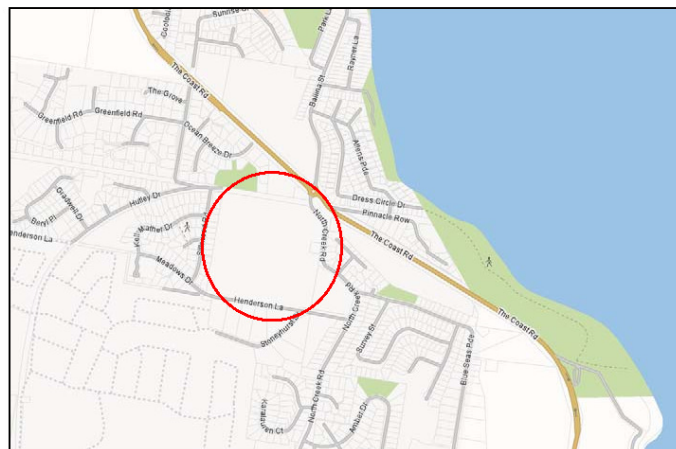
A Flora and Fauna assessment of the subject land has revealed that the watercourse contains mostly exotic vegetation. The assessment has also revealed that the overall site is considered to be relatively poor in terms of habitat value for native animals however the site does contain fragmented patches of Hairy Joint Grass which are subject to a proposed Compensatory Habitat Plan included as part of this proposal.

The subject land has three road frontages:

- North Creek Road along the eastern boundary of the subject land and adjoins developed residential land located further east. A water reservoir is located on a 1619m<sup>2</sup> lot, along the North Creek Road frontage, that has been acquired some time ago from the land owners. North Creek Road joins The Coast Road via a roundabout immediately to the north of the subject land which provides access to the Lennox Head village.



- Henderson Lane adjoins the southern frontage of the subject land and provides the only access to part of the “Lennox Meadows” residential estate. Rural residential dwellings are located on the southern side of Henderson Lane. Dwellings from the “Lennox Meadows” estate adjoin the western boundary and are accessed via Silkwood Road located further to the west.
  
- The northern boundary of the subject land adjoins an unmade road reserve, which has been designated as the continuation of Hutley Drive. Hutley Drive is a link road from Skennars Head Road to The Coast Road which is planned to link the communities on the western side of the North Creek ridge, balancing the traffic load on North Creek Road and Montwood Drive to the south.



**Subject Site**

**Regional Context**

The Reservoir Hill Site, Lennox Head, is located in Ballina Shire on the NSW Far North Coast. Lennox Head is located about 2 hours’ drive south of Brisbane, 9 hours north of Sydney or 1 hour flying time from Sydney. The Shire is a rural/coastal locality that enjoys a temperate to subtropical climate. The population of Ballina Shire was 38,980 persons at the 2006 Census. The Shire has strong tourism and fishing industries supported by a growing commercial centre with modern shopping complexes and a full range of community, sporting and social facilities. The Shire produces sugar, macadamia nuts, dairy, beef, avocado and stone fruit crops. Ballina, Lennox Head, Alstonville, Wollongbar and Wardell are the main towns and villages in the Shire.





The Ballina Shire has a broad range of educational and community institutions all within short driving distance to the Reservoir Hill Site to service the needs of future residents. The Ballina Shire has some 19 primary schools and 4 secondary schools and there are 5 non-government primary schools and 2 non-government high schools within a short drive of the Reservoir Hill Site. The Ballina and Wollongbar TAFE campuses are also situated within easy driving distance of the site. Ballina Shire has a wide range of health and welfare facilities.



Approximately 30 minutes west of Ballina at Lismore is the Lismore Base Hospital and St Vincent's Private Hospital. The Shire grew at a rate of about 3% per annum between the 1991 and 1996 Census. This rate placed it as one of the fastest growing shires in the Northern Rivers Region. The growth rate while still high has declined over the past two inter-censal periods to 1.41% (1996-2001) and 0.93% (2001-2006). The predicted growth is represented in the Table 1.1. Lennox Head has a superb climate with sultry summers and winters cool enough for a cosy open fire.



## 2.4 Detailed Description

In accordance with the Lennox Head Structure Plan 2004 the proposed indicative subdivision of the subject land has been designed to provide infill residential development to integrate within the existing surrounding residential context.

The subdivision seeks to create 148 conventional size residential allotments that range in size from 435m<sup>2</sup> to 1055m<sup>2</sup> in accordance with the proposed subdivision plan – **Attachment 4**. The design also includes a large medium density lot of 5218m<sup>2</sup> to provide a medium density for approximately 20 dwellings ideally located adjoining the proposed municipal reserve. The overall proposed density of approximately 12 lots/per hectare is considered appropriate at this location and commensurate with the existing developed residential densities adjoining the eastern boundary of the subject land. The proposed variety of lot sizes and medium density lots will provide opportunity to accommodate a wide variety of housing needs.

The proposed subdivision also seeks to create a municipal open space reserve of approximately 1.4 hectares in area which will incorporate the retention and planting of Hairy Joint Grass that occurs naturally within the lower slopes on the western portion of the subject land. Part of this reserve will also incorporate drainage infrastructure in the form of a detention basin and wetlands that will connect with the established drainage network adjoining the eastern boundary.

The proposed stormwater management system will detain and treat stormwater in accordance with best practise water urban sensitive design principles. The proposed wetlands, as part of this system, will also provide compensatory habitat for the removal of the existing degraded watercourse located adjacent to the southern boundary of the subject land.

The proposed subdivision also provides for opportunity to integrate with adjoining allotments to the north and south by the development of a connecting local road network. A key feature of the proposed road network is the extension of Hutley Drive. This extension will provide a significant strategic road connection and more direct route to the Coast Road and Lennox Head Town centre for existing and future residents.





**Proposed Plan of Subdivision**

The proposed design also provides a number of pedestrian connections to encourage walking and cycling to and from the estate. Overall, the proposed subdivision demonstrates a logical design and development nexus with the surrounding land uses.

This Planning Proposal is also includes a number of Plans and Reports that assess the subject land and its capabilities of facilitating future residential development. These include:

- Reservoir Hill Servicing Report, TGM Group, April 2013 – **Attachment 8**
- Reservoir Hill Stormwater Management Plan, TGM Group, April 2013 – **Attachment 9**
- Cultural Heritage Assessment, Everick Heritage Consultants, April 2013 – **Attachment 10**
- Flora and Fauna Assessment, JWA Ecological Consultants, April 2013 – **Attachment 11**
- Hairy Joint Grass Compensatory Habitat Plan, JWA Ecological Consultants, April 2013 – **Attachment 12**
- Phase 1 Site Contamination Assessment, Coffey Geotechnics, April 2013 – **Attachment 13**
- Geotechnical Investigation, Coffey Geotechnics, April 2013 – **Attachment 14**
- Environmental Noise Impact Report, CRG Acoustic Consultants, April 2013 – **Attachment 15**
- Traffic Impact Assessment, CRG Traffic and Transport Engineering Consultants, April 2013 – **Attachment 16**
- Bushfire Threat Assessment Report, Bushfire Certifiers, April 2013 – **Attachment 17**

These reports are attached to this planning proposal and demonstrate the subject land capabilities of the facilitating residential development subject to the recommendations contained in the reports.



### 3. PROPOSAL

#### 3.1 Objectives or Intended Outcomes

The objectives or intended outcomes of this planning proposal are to enable the future residential development of land known as the 'Reservoir Hill Site', Lot 1 DP517111, North Creek Road, Lennox Head by applying an urban zone to this land under the Ballina Local Environmental Plan 2012.

#### 3.2 Explanation of the Proposal

This planning proposal relates to land described as the 'Reservoir Hill Site', Lot 1 DP517111, North Creek Road, Lennox Head. The land is currently zoned as (RU1) Primary Production under the Ballina Local Environment Plan 2012 within the surrounding urban context.

This planning proposal seeks to facilitate the future residential development of this land.

This is proposed to be achieved by the rezoning of the land from (RU1) Primary Production Zone to Zone R3 Medium Density Residential under the Ballina Local Environment Plan 2012.

This proposed outcome will be achieved by the following amendments Ballina Local Environmental Plan 2012 Maps:

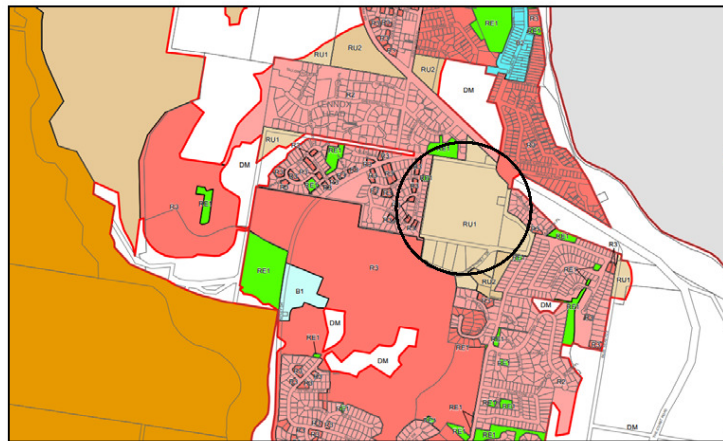
- Amend the Land Zoning Map – Sheet LZN\_005D to recognise the land as Zone R3 Medium Density Residential.
- Amend the Lot Size Map – Sheet LSZ\_005D to recognise the land as M 600m<sup>2</sup>.

The following map changes will also be required as a consequence of this amendment to the Ballina LEP 2012:

- Amend the Strategic Urban Growth Area Map – Sheet SGA\_005D to be no longer identify the land as a strategic growth area
- Amend the Dwelling Opportunity Reinstatement Map – Sheet DWE\_005D to be no longer identified for 1 dwelling.

The draft amended planning maps are included in **Attachment 3**.





Ballina LEP 2012

#### 4. 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) under the Town and Village Growth Boundary Map, Sheet 3, Ballina, as proposed future urban release areas. The subject land is also identified in the Ballina Urban Land Release Strategy (2000) under the Lennox Head, Map 10, as part of an area identified as 1(d) Rural (Urban Investigations) Zone. The Lennox Head Structure Plan, December 2004 also identifies the subject land as (1) Candidate release areas – Figure 2, Structure Plan Summary Map.

The Lennox Head Structure 2004 also provides the following recommendations regarding the subject land:

##### 3.3.10 Area 1 – Adjacent to the Water Reservoir

*Area 1 comprises the land located between Lennox Meadows Estate and North Creek Road, generally in the vicinity of the Water Reservoir. It is approximately 17 ha in size and in two landholdings. The land is zoned 1(d) Rural (Urban Investigation) Zone pursuant to the Ballina Local Environmental Plan*

1987. Area I is currently used for grazing and has a generally open landscape reflective of its previous use as a dairy farm. A dwelling and associated outbuildings are located in the vicinity of the intersection of Henderson Lane and North Creek Road, together with a clump of native vegetation.

The eastern portion of the site slopes relatively steeply from North Creek Road towards the west, whilst the western portion of the site adjoining Lennox Meadows Estate is low lying. A prominent drainage line runs along the southern portion of the site, generally parallel to Henderson Lane.

Whilst constrained by the above factors, the Structure Plan recognises that Area I appear 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 (L1, L2, D & M1 pursuant to DCP No.1) is the preferred use for this site.



The following planning factors will require particular attention as part of the possible rezoning of this area:

- Any rezoning of Area I is to occur on an integrated basis and should involve all land holdings within the area;
- As discussed in Section 4.8, the development of Area I will need to make provision for the construction of the northern extension of Hutley Drive to the satisfaction of Council;
- No vehicular access is to be obtained from North Creek Road, with all access either by way of either Henderson Lane or Hutley Drive. Vehicular access from Hutley Drive is to be via an integrated road access. No direct vehicular access to individual allotments from Hutley Drive will be permitted. At such time as the Hutley Drive extension is constructed, opportunities for direct access from Henderson Lane will be considered;
- Stormwater management will need to address both the retention and quality of stormwater



*generated on the site. It is envisaged that this will require the construction of on-site detention ponds on the lower portion of the site;*

- *The subdivision design should seek to minimise cut and fill on the steeper portions of the site; and*
- *Mature native vegetation on the site is to be retained as part of the development of the land.*

*Response: This planning proposal seeks to rezone the major portion of land identified as 'Area I – Adjacent to the Water Reservoir' indicated in the Lennox Head Structure 2004 identified as 'Reservoir Hill Site', Lot 1 DP517111, North Creek Road. This land represents 15 hectares of the total area of 17 hectares as proposed for rezoning in the Structure Plan.*

*The small parcel of land located adjoining the northern corner also identified in the Structure Plan in Area I is not included in this application as the land owner has indicated that they are not in a position to proceed with a rezoning at this time. However, due to the size and location of this land it is considered that the inclusion of this smaller land parcel in this rezoning application is not essential in addressing the relevant factors highlighted in the Structure Plan required to support the rezoning of this site. It is considered that these factors are addressed as part of the proposed residential zoning and development as detailed in this planning report which includes:*

- *The establishment of an integrated residential development consistent with the surrounding established residential neighbourhood character with external road and pedestrian linkages.*
- *The development of an integrated local road network that will include the strategically important construction of northern extension of Hutley Drive (as indicated in the Structure Plan) and extension of North Creek Road through the subject land. The proposed construction of these roads will serve both as access roads to enable the residential development of this land and will improve the existing road access arrangements for other surrounding residents by providing a more direct link to the Coast Road and the town centre.*
- *The establishment of an integrated stormwater management in accordance with best practise Water Sensitive Urban Design Principles and*
- *Minimising of cut and fill.*

*Also as indicated in the proposed plan of subdivision the proposed road layout will enable improved road access opportunities for both existing and other future potential residential land.*



#### Ballina Local Environmental Plan 2012

The Ballina Local Environmental Plan 2012 was gazetted on 25 January 2013 which introduced changes to the LEP including the adoption of standardised zones. As a consequence, the zone of the subject land changed from 1(d) Rural (Urban Investigation) Zone to RU1 Zone Primary Production. The objectives of the RU1 Zone Primary production are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprise 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.*

***Response: In response to these objectives due to the location and size of the subject land the land has limited to no capability of being used and managed for sustainable primary industry production. The development of a primary industry is incongruent with the surrounding urban context and would more than likely create conflict with the dominant surrounding residential use.***

Prior to the introduction of standardised zones as incorporated in the Ballina LEP 2012 the subject land was identified as 1(d) Rural (Urban Investigation) Zone under the Ballina LEP 1987. The primary objectives under this zone were:

- 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'*

*Response: Whilst the subject land is now (RU1) Primary Production zone it is considered that given the strategic location of the subject land within the Lennox Head settlement boundary, previous support to rezone the land for residential development and its limited capability of being used for sustainable primary industry production that the primary objectives under the former zoning as 1(d) Rural (Urban Investigation) Zone remain relevant. Also the standard instrument template did not provide for a zone equivalent to the 1(d) Rural (Urban Investigation) Zone and thus Council decided (despite the overwhelming urban strategic direction for this land) to allocate the 'base rural zone' to land identified for future urban release. In addition, the rezoning of this land to a residential zone is supported in the Lennox Head Structure Plan subject to the appropriate resolution of environmental issues. The suitability of this site for residential development is demonstrated also by the raft of technical investigations as further detailed in this planning proposal. Sufficient demand also exists for the release of additional residential land as outlined in the Ballina Urban Release Strategy and the Far North Coast Regional Strategy. The serviceability and integration opportunities provided to develop this land is also demonstrated in the Servicing Strategy TGM Group 2013 – Attachment 8 and the Traffic Impact Assessment by CRG April 2013 – Attachment 16.*

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

Yes, the preparation and submission of a planning proposal is the appropriate step required in preparing an LEP. The Shire wide Ballina Local Environmental Plan 2012 has been completed and it is considered that a Planning Proposal is the appropriate way of achieving the objectives and outcomes of this proposal. This Planning Proposal process is also consistent with the process identified through the preparation of the Ballina Local Environmental Plan 2012 for the rezoning of land in the Ballina Shire Growth Management Strategy 2012.



This planning proposal is supported by plans and reports that demonstrate the suitability of the subject land to be rezoned in accordance with broader established strategic planning recommendations for the rezoning of this land.

### Section B – Relationship to 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 planning proposal is considered to be consistent with the objectives and actions contained in the Far North Coast Regional Strategy. The Far North Coast Regional Strategy (FNCRS) provides the regional strategic planning framework applicable to northern New South Wales which includes the coastal town of Lennox Head. The actions and objectives considered relevant to this planning proposal include:

*Settlement and Housing Actions (page 29)*

*Local environmental plans, local growth management strategies and other statutory planning controls will align with the Regional Strategy's settlement network (as shown on the Housing Map) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.*

*Local environmental plans will ensure that all new development reinforces existing urban and rural centres, towns and villages.*

*New development must be located in a manner that prevents ribbon or strip development along major roads and does not impact on the safety and efficiency of arterial roads.*

***Response: This Planning Proposal is considered to be consistent with the above Actions as it seeks to provide a residential development consistent with the relevant growth strategies and the statutory controls of the Ballina Local Environmental Plan 2012. It will also contain urban development within an identified settlement boundary and utilise existing services.***

Under the Town and Village Growth Boundary (page 30), the following recommendations are relevant to the planning proposal:



*No land in the Coastal Area will be released other than land identified within the Town and Village Growth Boundary or within an approved rural residential release strategy.*

*Councils will prepare a Local Growth Management Strategy prior to zoning further land for urban, commercial and industrial uses in accordance with the Settlement Planning Guidelines.*

*Councils will demonstrate through the Local Growth Management Strategy how dwelling targets (Table 1) for each local government area will be met in local environmental plans.*

*Planning for urban land must be integrated with the supply of relevant infrastructure and transport provision.*

*Response: This planning proposal is considered to be consistent with these actions as Lennox Head is included in the Town and Village Growth Map, Sheet 3, Ballina, which identifies the subject land as Proposed Future Urban Release Area. The rezoning of the land is supported by the Ballina Local Growth Management Strategy 2012 and will result in an integrated development that will provide overall road management and stormwater management improvements.*

*Whilst the FNCRS identifies that not all land identified within the Town and Village Growth Boundary can be developed due to environmental constraints, it allows consideration of candidate sites subject to the appropriate consideration of environmental constraints. This planning proposal is supported by the necessary environmental assessments that demonstrate the subject land's development capability in accordance with the broader regional strategic planning framework.*

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

Yes, the proposal has been assessed as being generally consistent with the applicable State Environmental Planning Policies (SEPP). A SEPP checklist in response to this planning proposal is included in **Attachment 6**.

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

Yes, the proposal has been assessed as being generally consistent with the applicable Section 117 directions. A Section 117 checklist in response to this planning proposal is included in **Attachment 7**.



## Section C – Environmental, Social and Economic Impact

### 6. Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

#### Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy (BSGMS) has been drafted to 'provide the framework for managing population and employment growth in Ballina Shire, with respect to residential, commercial and industrial development opportunities, over the planning period of 2012-2031'.

The Strategy also identifies 'strategic urban growth areas', in non-urban parts of the shire that appear at a broad strategic level to have potential to accommodate future urban growth. These strategic growth areas will be subject to detailed consideration through the statutory rezoning process prior to the land being available for development. Such considerations will include the analysis of environmental constraints to development, and the capacity of urban and community infrastructure. Infrastructure requirements for strategic growth areas will be outlined in Infrastructure Delivery Plans (IDPs) prepared by the Council, prior to development occurring.

#### The BSGMS provides the following Locality Vision/Character Statement for Lennox Head:

*The seaside village atmosphere and environmental heritage of Lennox Head will be retained and enhanced as the community works together to provide for the needs of existing and future generations.*

#### The Key Issues relevant to this application include:

- Detailed strategic planning has been undertaken by Council (in close consultation with the Lennox Head community) which has established a coordinated framework for the future development of Lennox Head. This work has identified the following key issues relating to planning for Lennox Head:
  - Retaining the existing "village atmosphere";
  - Protecting key natural environments including heath, littoral rainforest and wetlands;
  - Concern about the rate of growth and its impact on existing character and the natural environment;
- Road network upgrades are required to accommodate increasing population growth in the locality and surrounds. These include the extension of Hutley Drive, improvements to North Creek Road including partial realignment, and an alternative corridor to the Coast Road to connect Lennox Head with Ballina.





- *The Lennox Head area contains Aboriginal, European and other non-Aboriginal heritage sites/values.*

*Response: This Planning Proposal addresses the key issues as identified in the BSMGS as the future residential development of the land accords with the strategic direction for urban development in Lennox Head. Residential growth at this location is largely located in a surrounding urban context and will not impact on the natural environmental features and unique town character of Lennox Head. The future residential development of this land will include the extension of Hutley Drive, improvements to North Creek Road including partial realignment, and an alternative corridor to the Coast Road to connect Lennox Head with Ballina. A Cultural Heritage Assessment has been conducted by Everick Heritage Consultants, April 2013 – Attachment 10 which has not revealed any sites of significance on the subject land.*

The relevant locality objective and strategic actions contained in the BSMGS relating to Lennox Head include:

**Locality Objective:**

*'Ensure that growth and development occurs in a coordinated and integrated manner and to ensure that appropriate infrastructure is provided in a timely manner.'*

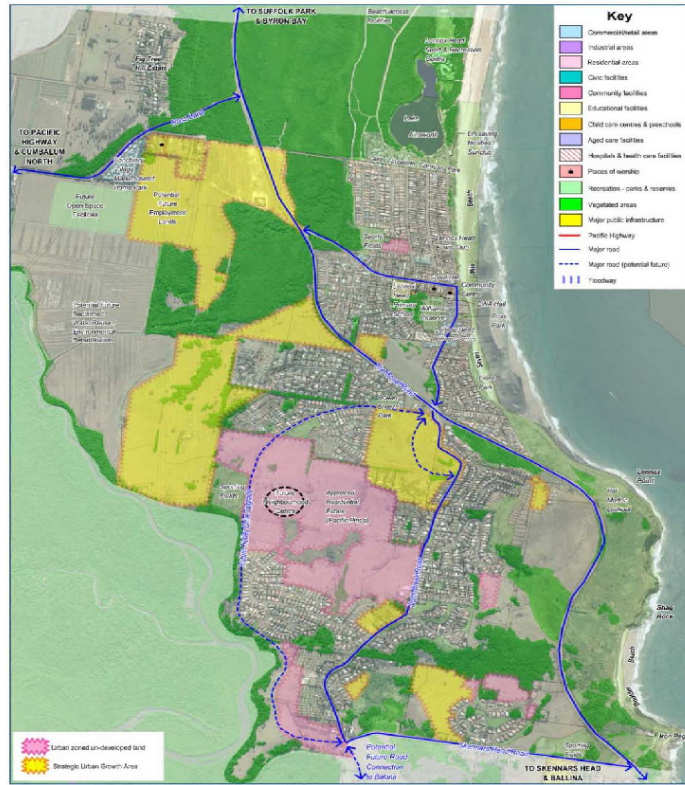
**Strategic Actions:**

*'Maintain commitment to the development framework established by the Lennox Head Community Aspirations Strategic Plan and Lennox Head Structure Plan.*

*Provide for additional road, community and sporting infrastructure in a timely manner.*

*Manage and/or promote Aboriginal, European and other non-Aboriginal cultural heritage values in accordance with relevant stakeholders.'*

*Response: The Reservoir Hill Servicing Report, TGM Group, April 2013 attached to this planning proposal demonstrates that conventional residential development can be facilitated at this location. The identification of this land for 'strategic urban growth' maintains the commitment to the development framework established by the Lennox Head Community Aspirations Strategic Plan and Lennox Head Structure Plan. Residential growth at this location will also substantially improve the local road network and as previously advised a Cultural Heritage Assessment has been conducted by Everick Heritage Consultants, April 2013 – Attachment 10 which has not revealed any sites of significance on the subject land.*



Extract Map from the Ballina Local Growth Management Strategy 2012

**(BSMGS) Growth Management Targets**

*The dwelling target identified for Ballina Shire is for 8,400 additional dwellings by 2031. A survey of potentially developable land, including vacant residential zoned land and estimates of potential yield from Strategic Urban Growth Areas suggests that Ballina Shire has sufficient englobo land supplies to accommodate the Department of Planning dwelling target.*

*The density target identified for all local government areas in the region is for future residential dwellings to be developed such that 60% are single dwellings and 40% are multi-unit dwellings. Council records for the period 1999-2007 suggests that approvals in Ballina Shire are reasonably consistent with that target, as shown below.*



Dwelling Type	Dwelling Approvals 1999-2007*	
	No.	%
Dwelling houses	1,502	56.3
Attached dwellings, units etc	1,168	43.7
Total	2,670	100.0

\*Financial year

- Including a strategic action to identify preferred precincts for infill development intensification including lot consolidation and multi-storey development having regard for:
  - proximity to key community and commercial facilities;
  - capacity of urban infrastructure;
  - residential amenity and heritage values; and
  - provision and retention of affordable housing.
  - the environmental constraints and opportunities of the land.
- Requiring future greenfield development areas to meet a gross neighbourhood dwelling density of 15 dwellings per hectare.

**Response:** The subject land is identified in the Ballina Growth Management Strategy Map for Lennox Head as a Strategic Growth Area. As such, it is considered that this land forms part of the potentially developable land identified to meet residential demand by 2031.

The proposed dwelling density of approximately 12 dwellings per hectare includes major roads and an area of 1.4 hectares of open space. The dwelling density at this location has been chosen to integrate with the surrounding neighbourhood amenity and character of this area of Lennox Head.

#### **(BSMGS) Maintaining Sufficient Land Release**

The timely release of land for residential, commercial or industrial purposes requires a number of conditions to be met, namely:

- The availability of land that has appropriate physical characteristics with respect to location, topography, and absence of significant environmental hazards or environmental values;



- *The availability and permissibility of the land's development with respect to planning controls (appropriate land use zoning and development controls);*
- *The land can be adequately serviced with respect to essential infrastructure including roads, water and sewerage, and that the development of the land does not place unacceptable pressure on other existing social infrastructure (such as hospitals); and*
- *Economic circumstances which support the marketing of such land and the willingness of the owner/developer of the land to release land at a rate commensurate with demand.*

***Response: It is considered that this planning proposal provides sufficient justification to release this land for residential development in response to the conditions above.***

**(BSMGS) Rezoning Strategic Urban Growth Areas**

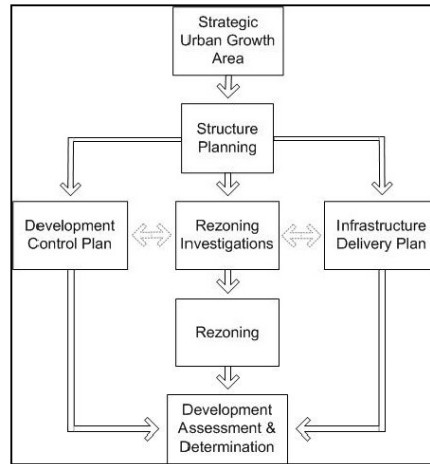
*The Strategic Urban Growth Areas identified in this Strategy will be subject to detailed assessment prior to rezoning for residential, commercial, industrial or other appropriate land use. This assessment is undertaken via the statutory (legally mandated) rezoning process.*

*It should be noted that the identification of land as a Strategic Urban Growth Area is not intended to pre-empt the detailed assessment of the land's suitability for urban development. It is possible, and in some circumstances likely, that parts of the identified Strategic Urban Growth Areas will be found to be suitable only for non-urban land uses, following the detailed assessment process.*

*The matters to be considered in such investigations depend upon the characteristics of the land in question and the statutory requirements that apply at the time of the assessment. Whilst many of these factors may change over time, Appendix 1 of this Strategy provides guidelines for the minimum requirements for the assessment of specific Strategic Urban Growth Areas in the localities of Ballina Shire.*

*The following diagram shows the process to be followed in the consideration of Strategic Urban Growth Areas.*





*Response: The subject land is identified as a Strategic Urban Growth Area in the Lennox Head Map as part of this Strategy. This planning proposal provides a detailed assessment of the land's suitability for rezoning having regard to the State and Local Strategic planning strategies that affect this land and potential environmental and social issues. Therefore, the submission of a planning proposal to enable the future residential development of this land is considered to accord with the process to be followed in consideration of Strategic Urban Growth Areas as illustrated above. The land is recognised as a Strategic Urban Growth Area and is also recognised for rezoning in the Lennox Head Structure Plan.*

**Infrastructure Servicing and Delivery**

This section of the Strategy lists key infrastructure required to support future population growth in the Shire.

*Response: It is considered that this planning proposal accords with the strategy of supplying appropriate infrastructure to support additional population growth as it will provide the following:*

- *An integrated local road network including the proposed extension of Hutley Drive and North Creek Road.*
- *Provision of a passive open space reserve.*
- *Provision of drainage infrastructure.*



#### Appendix 1: Matters of Consideration of Rezoning Investigations

This appendix provides a comprehensive list of matters relating to the Planning Context and Environmental Issues to be considered as part of the overall investigation of potential rezoning sites.

***Response: It is considered that this planning proposal and attached assessment reports adequately address all planning and environmental issues affecting this land in accordance with matters raised in Appendix 1.***

#### Ballina Local Environmental Plan 2012

The Ballina Local Environmental Plan 2012 was gazetted on 25 January 2013 which introduced changes to the LEP including the adoption of standardised zones. As a consequence, the zone of the subject land changed from 1(d) Rural (Urban Investigation) Zone to RU1 Zone Primary Production. The objectives of the RU1 Zone Primary production are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprise 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.*

***Response: In response to these objectives due to the location and size of the subject land the land has limited to no capability of being used and managed for sustainable primary industry production. The development of a primary industry is incongruent with the surrounding urban context and would more than likely create conflict with the dominant surrounding residential use.***



Prior to the introduction of standardised zones as incorporated in the Ballina LEP 2012 the subject land was identified as 1(d) Rural (Urban Investigation) Zone under the Ballina LEP 1987. The primary objectives under this zone were:

- d) 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;*
- e) 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*
- f) to ensure that the release of land for urban purposes, by rezoning, shall not take place unless:
  - (v) urban structure planning has been completed by Council;*
  - (vi) 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;*
  - (vii) sufficient demand exists for the release of urban land; and*
  - (viii) 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'**

***Response: Whilst the subject land is now (RU1) Primary Production zone it is considered that given the strategic location of the subject land within the Lennox Head settlement boundary, previous support to rezone the land for residential development and its limited capability of being used for sustainable primary industry production that the primary objectives under the former zoning as 1(d) Rural (Urban Investigation) Zone remain relevant. In addition, the rezoning of this land to a residential zone is supported in the Lennox Head Structure Plan subject to the appropriate resolution of environmental issues. The suitability of this site for residential development is demonstrated also by the raft of technical investigations as further detailed in this planning proposal. Sufficient demand also exists for the release of additional residential land as outlined in the Ballina Urban Release Strategy and the Far North Coast Regional Strategy. The serviceability and integration opportunities provided to develop this land is also demonstrated in the Servicing Strategy TGM Group 2013 – Attachment 8 and the Traffic Impact Assessment by CRG April 2013 – Attachment 16.***



#### Ballina Urban Land Release Strategy 2000

The Ballina Urban Land Release Strategy 2000 identifies the subject land as part of land zoned 1(d) Rural (Urban Investigation) Zone within the Lennox Head locality. The Ballina Urban Land Release Strategy (BULRS) has been developed in accordance with Clause 38 of the North Coast Regional Environmental Plan 1988 to provide an urban land release strategy for the Ballina Shire.

The BULRS is based on a number of principles (summarised below) that will also be used by Council to assess the appropriateness of future rezoning applications. These principles include:

- *Ongoing commitment to Council's existing zoning strategy;*
- *Providing an adequate land supply for various market segments;*
- *Achieving and maintaining reasonable developer competition in the marketplace;*
- *Ensuring the timely and economic provision of services;*
- *Masterplan rezoning followed by staged subdivision release;*
- *Third Plateau Village; and*
- *Planning over a 5 – 20 year timeframe.*

***Response: Map 2 of the BULRS provides an indicative guide of the likely timeframe to guide Council to consider future rezoning applications. Under Map 2, the subject land is identified 2 – 3 which is 'short-term rezoning commenced within 5 years' to 'medium-term rezoning commenced within 5 – 10 years'. Given this forecast, it is considered that the proposed timing of this planning proposal accords with the recommendations of the BULRS.***

#### Lennox Head Community Aspirations Strategic Plan 2002

The Lennox Head Community Aspirations Strategic Plan (LHCASP) was produced in response to significant community concern and interest regarding the future planning and development of Lennox Head. The LHCASP provides the future vision for Lennox Head and promotes a balanced planned sustainable development approach to ensure retention of the natural and environmental attributes whilst facilitating economic needs. The LHCASP includes a number of strategic actions to reinforce the communities' vision which include (among others) to:

*"To indicate that additional population demands will be accommodated in alternative areas as identified in the Ballina Urban Land Release Strategy".*

The LHCASP also provides Map 3 – Strategic Plan Summary Map that identifies the subject land Non-urban zoned land possibly suited to future development (subject to detailed environmental



assessment). This planning proposal to rezone the subject land accords with the recommendations of the LHCASP and is supported by detailed environmental assessments including a Flora and Fauna Assessment, April 2013, JWA Ecological Consultants – **Attachment 11** and a Geotechnical Investigation April 2013 by Coffey Geotechnics – **Attachment 14** that demonstrates the subject land's capability to facilitate residential development.

#### **Lennox Head Structure Plan 2004**

The Lennox Head Structure Plan 2004 (LHSP) was drafted to establish the future planned blueprint for the use and development of Lennox Head. As previously identified in this proposal Section 3.3.10 (Section A, Part 1 of this report) Area I – Adjacent to the Water Reservoir, recognises the subject land for future urban development subject to the satisfactory resolution of any environmental constraints.

#### **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?**

This Planning Proposal is supported by a Flora and Fauna Assessment, JWA Ecological Consultants – **Attachment 11**. The Assessment revealed the presence of clumps of Hairy Joint Grass and a highly degraded EEC Freshwater Wetland.

Amelioration measures are proposed as part of the residential development including the retention of a compensatory habitat area within the proposed municipal reserve to translocate Hairy Joint Grass in accordance with a *Arthraxon hispidus* Compensatory Habitat Plan – **Attachment 12** drafted as part of this planning proposal.

Compensation measures for the loss of the degraded wetland include:

- The removal of livestock
- Revegetation and rehabilitation works
- Implementation of the proposed *Arthraxon hispidus* Compensatory Habitat Plan

In summary the Assessment has revealed that there will be no adverse effects on any critical habitat listed, in the Register of critical habitat in NSW from the action proposed. It is also considered that with the adoption of recommended amelioration and management measures the proposed development will not affect the life cycle or reproductive success of any identified flora species. It was also assessed that the development is unlikely to result in any significant impacts on threatened fauna species considered to possibly occur on or adjacent to the subject site.





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

As previously advised the environmental effects are limited to small clumps of Hairy Joint Grass and the removal of a degraded wetland. The proposed plan of subdivision includes a Municipal Reserve where the Hairy Joint Grass will be retained. Other clumps proposed to be removed as part of this proposal will be translocated in accordance with the proposed *Arthraxon hispidus* Compensatory Habitat Plan. The Planning Proposal also includes the establishment of a wetland and detention basin which will be subject to planting of native flora and provide habitat for wetland species to compensate for the loss of the degraded wetland.

**Attachment 13** includes a Phase 1 Site Contamination Assessment which reveals that the subject land is not contaminated. In addition, an Environmental Noise Impact Report – **Attachment 15** has been undertaken to consider the future generation of noise as a consequence of the residential development. The assessment has revealed that only a small number of proposed lots will be affected however can be managed via an appropriate dwelling design response.

**Section D – State and Commonwealth Interests**

**9. How has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal demonstrates that the rezoning of this land is supported by Lennox Head Community Aspirations Strategic Plan that was drafted in consultation with the community to ensure that sufficient residential land is released to support residential and economic demand in Lennox Head having regard to the retention of the environmental and coastal attributes of the town. The planning proposal also accords with economic and growth demand principles of the Ballina Land Release Strategy 2000. The addition of residential land increases competition improves affordability and provides opportunity for continued community building in Lennox Head.

**10. Is there adequate public infrastructure for the Planning Proposal?**

Yes the Planning Proposal includes an area of approximately 1.452 hectares to be set aside as Municipal Reserve to provide open space and the retention of Hairy Joint Grass Habitat. Therefore the land will serve both as an opportunity for local residents to recreate and for the continued retention of this important grass species. The proposed Municipal Reserve is also considered to be ideally located on flat land adjoining the existing residential estate to the west. The residential development



also includes the development of a substantial road network that will have significant strategic value to Lennox Head.

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

We understand that relevant government authorities were consulted in response to the number of strategic planning documents that identify the potential rezoning of the land subject to a detailed environment assessment to demonstrate the capability of the land to facilitate residential development without significant environmental impact. In addition consultation with the NSW State Government was undertaken as part of initiative to rezone the subject land in accordance with the Ballina LEP 1987 under Part 3 of the EP&A Act. Whilst the Department of Planning Northern Region indicated support for an LEP amendment and the submission of a planning proposal this work was never completed within the agreed timeframe of 23 August 2012.

**5. COMMUNITY CONSULTATION**

We understand that during the drafting and finalisation of the key planning strategies relevant to Lennox Head that these strategies were developed in consultation with the Lennox Head Community. These key planning strategies in support of the residential development of this land:

- Ballina Local Environment Plan 1987
- Ballina Land Release Strategy 2000
- Lennox Head Community Aspirations Strategic Plan 2002
- Lennox Head Structure Plan 2004

Therefore the proposed rezoning of the subject land is an expected planning outcome that reflects previous responsible orderly planning work.

In addition, in 2008, an initial concept design was provided to the local community via a website and neighbourhood meetings were held to brief local resident groups regarding the details of the proposed residential development at this site. Whilst this application involved a different proponent, the basic subdivision design now proposed generally accords with that advertised in 2008. As there has been substantial notice of the potential development of this land for residential development, the proposed community consultation for this application will be undertaken via the standard statutory processes as determined via the Gateway determination.



## Planning Proposal – March 2014

### Reservoir Hill Site, Lennox Head

Lot 1 DP 517111, North Creek Road Lennox Head

14/13999 Council

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Planning Proposal – March 2014  
Reservoir Hill Site Lennox Head

## INTRODUCTION

### Summary of Planning Proposal

This planning proposal relates to Lot 1 DP 517111 North Creek Road, Lennox Head, as shown on the Site Identification Map in Part 4.

The LEP amendment request has been made by TGM Group on behalf of the sole owners of the land, being Ballina Island Developments Pty Ltd. The land comprises a total area of 15.17ha and has frontages to Henderson Lane in the south, North Creek Road in the east and the Coast Road in the north. The site surrounds an existing concrete reservoir structure that is located on the eastern boundary of the site, adjacent to North Creek Road.

The amendment as proposed by the proponent involves the rezoning of the land from RU1 Primary Production to enable residential development on the site via application of a mix of R3 Medium Density Residential zone and R2 Low Density Residential zonings along with application of an RE1 Public Recreation zone in the north western part of the site (see Existing and Proposed Zoning Maps in Part 4).

The proposal includes an indicative subdivision layout as a guide to the type of development that could occur on the land if rezoned. As shown, the proponent's currently envisage in the order of 150 residential lots of various sizes and an area of public open space. It is also intended to realign North Creek Road and construct a new section of road between North Creek Road and the planned northern extension to Hutley Drive (Appendix A).

As shown in the indicative subdivision plan, the proposal includes construction of realignment to North Creek Road through the subject land. The proponent proposes the application of the R2 zone east of this road, with and R3 zone to the west.

In association with the proposed zones, the proponent has proposed a 600m<sup>2</sup> minimum lot size standard for the R2 zoned land and a 450m<sup>2</sup> minimum lot size standard for the R3 zoned land. Consistent with Council's LEP, there is no minimum lot standard proposed for the RE1 zoned area.

There are a number of key technical issues that require further consideration to inform the zone arrangement and applicable development standards for the land (see planning context below). Council intends to further investigate these matters via the completion of an environmental study for the land by an independent third party. The outcomes of the study will be utilised by Council to establish its preferred approach to the planning proposal and LEP amendment.

### Planning Context

#### Site History – LEP Amendment No.108

Separate to the current request, the Council has previously considered the rezoning of the subject land for residential purposes via draft Amendment No.108, initially commenced in relation to the Ballina Local Environmental Plan 1987. Amendment No.108 included Lot 1 DP 517111, as well as Lots 1 and 2 DP 620838 and Lot 1 DP 878933.



## 9.4 LEP Amendment Request - Reservoir Hill Site, Lennox Head.DOC

With respect to that amendment, Council resolved to request that the Minister for Planning and Infrastructure discontinue Draft Amendment No.108 to the Ballina LEP (relating to the subject land) at its February 2013 Ordinary Meeting. Amendment No.108 had been before the Council since 2008 and the then proponent's had not submitted the necessary documentation to enable an assessment of the proposal. The Minister agreed to Council's request and the previous rezoning process was ceased.

The current request constitutes a new application for the rezoning of Lot 1 DP 517111 only by a different proponent and as indicated above, documentation has been submitted to Council to enable assessment of the proposed outcomes. The current proposal is not related to the former Amendment No.108.

### **Council Resolutions – Planning Proposal for Rezoning of Lot 1 DP 517111**

The current request for rezoning of the subject site was reported to Council's Ordinary Meeting held on 22 August 2013. At that meeting, the Council resolved as follows (Minute No: 220813/12);

1. *That Council prepare a planning proposal for the rezoning of Lot 5 DP 517111, North Creek Road, Lennox Head to enable residential development on the land.*
2. *That the preparation of the planning proposal includes further consideration of:*
  - *land use zoning options associated with residential development on the land;*
  - *land use zoning options for proposed open space areas; and*
  - *minimum lot size standards for subdivision of the land.*

Following this resolution of Council, additional information was requested and received from the proponent. This information has been considered in the preparation of this planning proposal.

### **Consistency with Strategic Planning Policy**

The zoning of the subject land to enable residential development 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.

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

The subject land is identified as a proposed future urban release area under the FNCRS. The proposed rezoning for residential purposes is consistent with this.

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

The subject land is identified as a strategic urban growth area under the GMS. Given that the site is identified as a potential future urban area, the proposed rezoning for residential purposes is consistent with Council's GMS.

#### *Lennox Head Structure Plan (LHSP)*

The subject land is identified as being within Area I under the Lennox Head Structure Plan. The structure plan identifies low and medium density housing as preferred urban land use outcomes. Residential use of the land is consistent with the envisaged outcomes identified in the structure plan.

## 9.4 LEP Amendment Request - Reservoir Hill Site, Lennox Head.DOC

The structure plan also identifies road infrastructure, vehicle access, stormwater management, slope and vegetation as key issues for consideration as part of any rezoning proposals. These matters will be subject to further assessment and consideration should the processing of the LEP amendment request proceed.

In addition to the above, the structure plan also indicates a preference for the rezoning of the subject land to occur in conjunction with the surrounding land within Area I (two land parcels, one to the east and one to the north). Whilst an integrated outcome is preferred, the proponent has indicated that the owner of the land to the east is not presently able to participate in the rezoning and the land to the north would ultimately be on the opposite side of any extension to Hutley Drive.

Given the above, the potential road infrastructure outcomes of benefit to the wider community, and that the subject land represents almost 90% of Area I, it is considered to be reasonable for the LEP amendment request to proceed in this instance. If the proposal proceeds, further consideration will be given to the relationship between potential development on the subject land and surrounding land holdings.

### *Ballina Local Environmental Plan (LEP) 2012*

Following gazettal of the Ballina LEP 2012 in January 2013, the zone of the subject land changed from 1(d) Rural (Urban Investigation) in accordance with the provisions of Ballina LEP 1987 to RU1 Primary Production. Having regard to the objectives of the RU1 zone and the location and size of the subject land, the site is considered to have limited to no capability of being used and managed for sustainable primary industry. The proponent's supporting documentation has stated that the development of a primary industry is incongruent with the surrounding urban context and would likely create conflict with the dominant surrounding residential use.

The site is also identified as a Strategic Urban Growth Area under the LEP consistent with Council's Growth Management Strategy.

### **Key Site Issues**

Key planning issues identified in relation to the proposal to date include the following:

<b>Key Issue</b>	<b>Summary</b>
Stormwater Management	<p>The proposal nominates land in the north western part of the site for the location of stormwater management infrastructure. This area is also nominated for open space purposes and contains the threatened flora species Hairy Joint Grass and a Freshwater Wetland described by the proponent's supporting material as an endangered ecological community.</p> <p>The interaction between stormwater management and infrastructure, public open space and the ecological attributes of the land, and associated impacts, require further assessment in relation to the suitability of the north western part of the site for the proposed infrastructure.</p>
Public Open Space	<p>The proposal nominates an area in the north western part of the site for public open space. The suitability of this land for public open space in public ownership requires further assessment given the stormwater and ecological issues (particularly the presence of Hairy Joint Grass and an EEC) associated with the land.</p> <p>The size and nature of the area should also be considered further in terms of suitability of the land for open space purposes and potential costs and benefits associated with public ownership of the land.</p>

## 9.4 LEP Amendment Request - Reservoir Hill Site, Lennox Head.DOC

Key Issue	Summary
Ecological Attributes	<p>The proponent's supporting ecological assessment identifies several vegetation communities on the site with key attributes being concentrated in the north western portion of the site. Key flora considerations are the threatened species Hairy Joint Grass and a Freshwater Wetland Endangered Ecological Community.</p> <p>As indicated above, these ecological attributes require consideration in relation to the proposed extent of urban development as well as implications for stormwater management and public open space.</p>
Road Infrastructure	<p>The proposal identifies the construction of a new road through the site, being a realignment of North Creek Road. The location of the road, including its relationship with the existing North Creek Road and Henderson Lane intersection, Stonehurst Drive and the tie in with the roundabout on The Coast Road requires further assessment in association with the proposed land use zone arrangement.</p> <p>The realignment of North Creek Road also needs to be considered in further detail in relation to potential noise implications for future dwellings on the subject land.</p> <p>Demonstration of practical road access to the adjoining Lot 1 DP 878933 to the east is also required as part of the analysis of road infrastructure associated with the proposal.</p>
Noise Impacts	<p>The proponent's supporting material indicates that some future dwellings on land adjoining the realignment of North Creek Road would require mitigation measures in the design and construction of the buildings. The extent and nature of these impacts requires further consideration, particularly with respect to the potential public benefits associated with the proposed upgrade to North Creek Road.</p>
Scenic Values and Amenity	<p>The subject land is visible from a number of key locations including The Coast Road to the north and the Meadows Estate to the west of the land. The implications on the scenic and amenity values of the land require further consideration having regard for the nature and extent of low and medium density residential development and site infrastructure, including the realignment of North Creek Road.</p>

It is proposed that the optimal means of addressing the key site issues and evaluating the overall rezoning proposal is to engage an independent third party to complete an environmental study of the land and provide a recommended land use zoning outcome. It is envisaged that such a study will draw on the extensive information submitted by the proponent as well as technical information provided by Council staff.

The intent of the environmental study is to draw together the assessment of the key site issues in an integrated way to inform a recommended zoning arrangement and recommendations on associated development standards under the LEP. The detailed analysis of the site through the environmental study may result in a zoning recommendation that differs from that proposed by the proponent. In particular, the extent of R2 Low Density Residential and R3 Medium Density Residential development would be examined as well as the suitability of open space zoning and the potential for environmental protection zoning over parts of the land.

## PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objectives of this planning proposal are to:

- enable residential development on the land through the application of low and/or medium density zoning; and
- recognise the environmental and open space attributes of the land through the application of open space and/or environmental protection zoning.

## PART 2 – EXPLANATION OF THE PROPOSAL

This planning proposal relates to Lot 1 DP 517111, North Creek Road, Lennox Head. The land is commonly known as the Water Tower or Water Reservoir site at Lennox Head (see Site Identification Map in Part 4).

The LEP amendment request has been made by TGM Group on behalf of the sole owners of the land, being Ballina Island Developments Pty Ltd. The proponent has submitted a comprehensive proposal inclusive of a variety of technical reports addressing servicing, stormwater management, cultural heritage, site ecology, site contamination, geotechnical conditions, noise, traffic and bushfire. The supporting material prepared by the proponent is available under separate cover.

The land comprises a total area of 15.17ha and has frontages to Henderson Lane in the south, North Creek Road in the east and the Coast Road in the north. The site surrounds an existing concrete reservoir structure that is located on the eastern boundary of the site, adjacent to North Creek Road.

The amendment to the LEP as proposed by the proponent involves the rezoning of the land from RU1 Primary Production to enable residential development on the site via application of a mix of R3 Medium Density Residential zone and R2 Low Density Residential zonings along with application of an RE1 Public Recreation zone in the north western part of the site (See Existing and proposed Zoning Maps in Part 4). The proposed amendment is generally consistent with applicable local and State government urban planning policy.

The proposal includes an indicative subdivision layout as a guide to the type of development that could occur on the land if rezoned. As shown, the proponent's currently envisage in the order of 150 residential lots of various sizes and an area of public open space. It is also intended to realign North Creek Road and construct a new section of road between North Creek Road and the planned northern extension to Hutley Drive (Appendix A).

As shown in the indicative subdivision plan, the proposal includes construction of realignment to North Creek Road through the subject land. The proponent proposes the application of the R2 zone east of this road, with and R3 zone to the west.

In association with the proposed zones, the proponent has proposed a 600m<sup>2</sup> minimum lot size standard for the R2 zoned land and a 450m<sup>2</sup> minimum lot size standard for the R3 zoned land. Consistent with Council's LEP, there is no minimum lot standard proposed for the RE1 zoned area.

Other mapping changes proposed (on the basis of the application of a residential zone to the land) include alteration to the Strategic Urban Growth Area map to remove the subject land from being identified as a strategic urban growth area and a change to the Dwelling Opportunity Reinstatement Map to delete the dwelling entitlement recognised for the site on the map.

Given that there are a number of key issues relating to the proposal that require further examination, it is proposed that Council will engage an independent third party to prepare an environmental study. It is envisaged that the study will inform a recommended zoning and development standard outcomes. As such, the ultimate zoning arrangement and associated amendments to development standards for the land may differ from that presented by the proponent. On this basis, the planning proposal is intended to enable flexibility in the application of proposed zones and standards following the completion of the environmental study, public exhibition and further deliberations by the Council.

### **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 Lennox Head Structure Plan, Ballina Shire Growth Management Strategy and the Far North Coast regional Strategy as a potential area for urban development. The proposed rezoning to enable residential development non the land is consistent with local and State government urban planning policy.

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

Yes, the zoning of the land to enable residential development is the appropriate mechanism to recognise the proposed change of land use.

#### **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, as it is identified as a proposed future urban release area. Consistency with the specific outcomes and actions of the Strategy will be further evaluated as part of the environmental study for the land.

**4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?**

The proposed is consistent with the Lennox Head Structure Plan and the Ballina Shire Growth Management Strategy as the land is identified as a potential urban release area in both plans (see further detail under Planning Context).

The proposal is consistent with Council's Community Strategic Plan in that it aligns with Council's endorsed urban planning policy which sits under the overarching direction of the CSP.

**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). More detailed assessment in relation to applicable SEPPs will be undertaken as part of the preparation of an environmental study for the land.

**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 B.

**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 supporting documentation provided by the proponent has identified the presence of the threatened species, Hairy Joint Grass, and a Freshwater Wetland Endangered Ecological Community on the site. The proponent has also identified measures to address the impacts on the ecological values of the site in the event that residential development is enabled on the land.

The extent of impact on the ecological attributes of the land requires further assessment. Such assessment will be undertaken through the preparation of an environmental study for the land post Gateway determination and prior to public exhibition.

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

There are a number of potential environmental impacts associated with the proposal. The extent of impacts and associated mitigation measures will be assessed further through the preparation of an environmental study for the land.

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

There is a range of potential social and economic effects that may arise as a result of the rezoning of the land for residential purposes. The implications of the proposal in relation to social and economic matters will be examined further as part of the preparation of an environmental assessment for the land.

Importantly, the proposal includes the realignment of North Creek Road which may have significant benefits for the local community in terms of the function of the local road network.



**Section D - State and Commonwealth interests.**

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

The proposal for residential development on the land is generally compatible with existing and planned infrastructure in the locality. However, there will be a need for onsite stormwater management infrastructure and the proposal includes substantial new road infrastructure in the form of the realignment of North Creek Road.

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

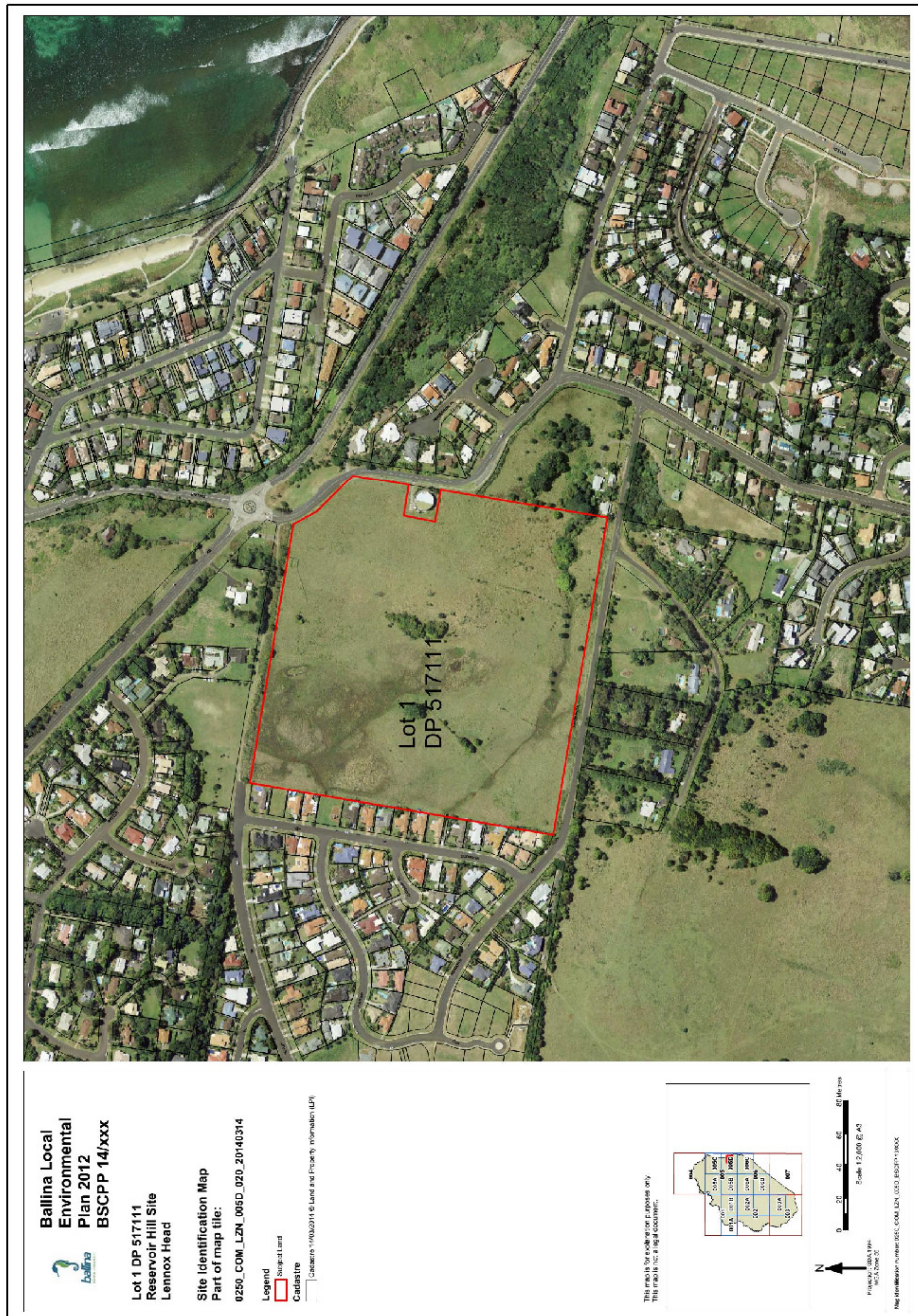
Consultation will be undertaken with relevant agencies during the public exhibition stage of the LEP amendment.

**PART 4 – MAPPING**

The following maps have been prepared to support this planning proposal and the proposed land use and development outcomes.

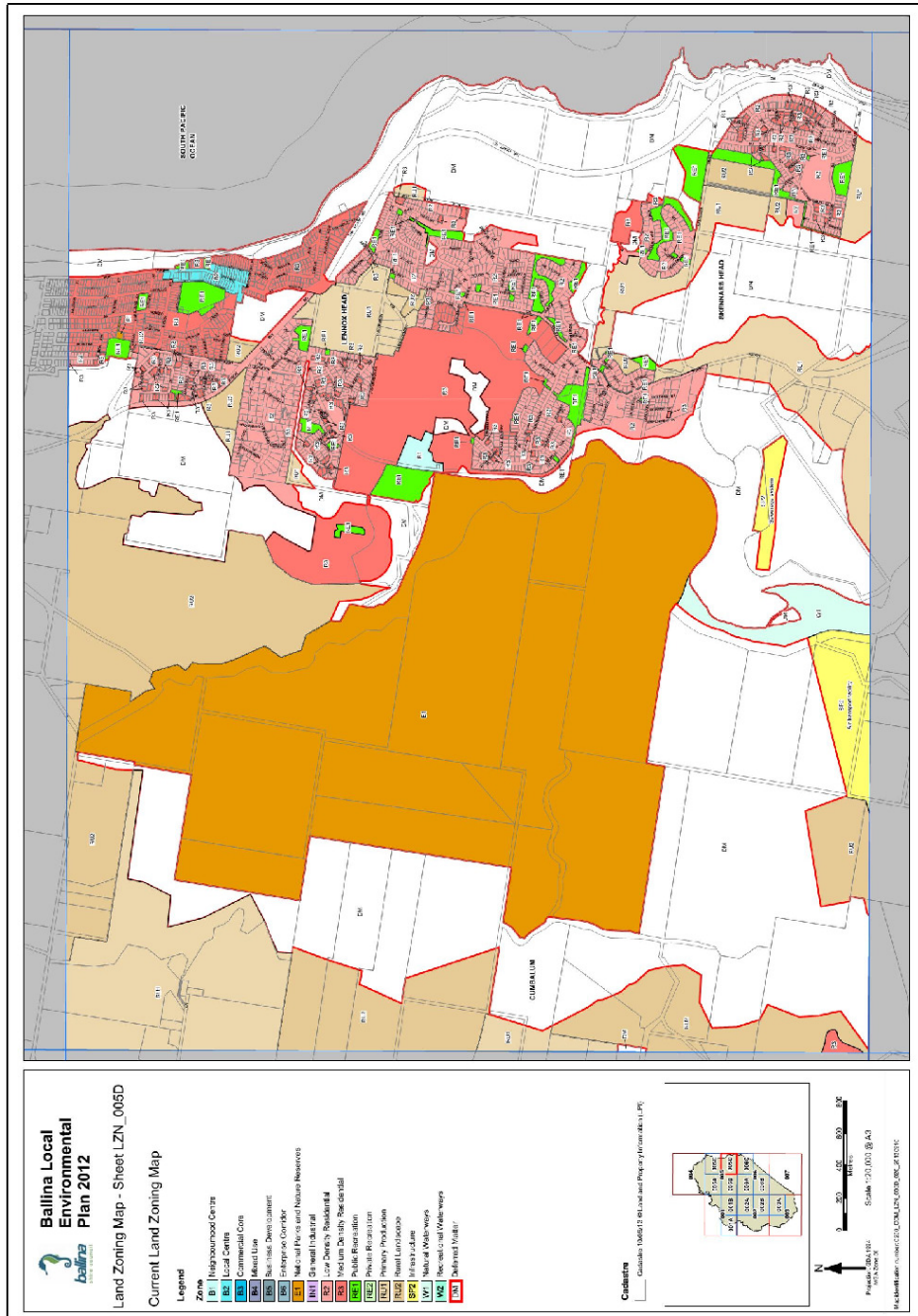
- Map 1 – Site Identification Map;
- Map 2 – Proposed Land Zoning Map;
- Map 3 – Proposed Lot Size Map;
- Map 4 – Proposed Strategic Urban Growth Area Map; and
- Map 5 – Proposed Dwelling Opportunity Reinstatement Map.

The maps have been prepared on the basis of the proponent's proposal. The mapping is subject to change based on the outcomes of further assessment and the completion of an environmental study for the land.



Map 1 – Site Identification Map

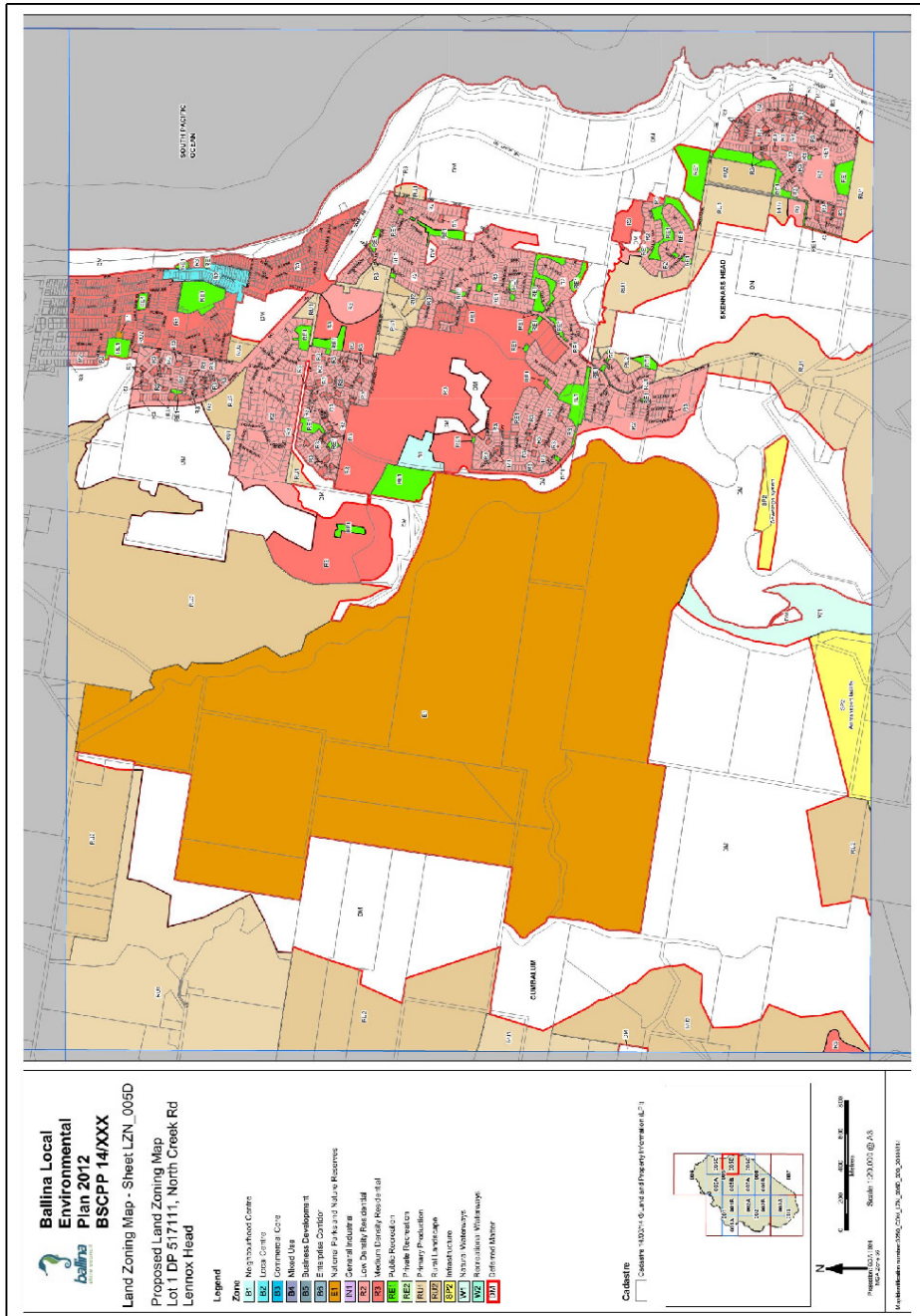
Planning Proposal – March 2014  
Reservoir Hill Site Lennox Head



Map 2 – Existing Land Zoning Map

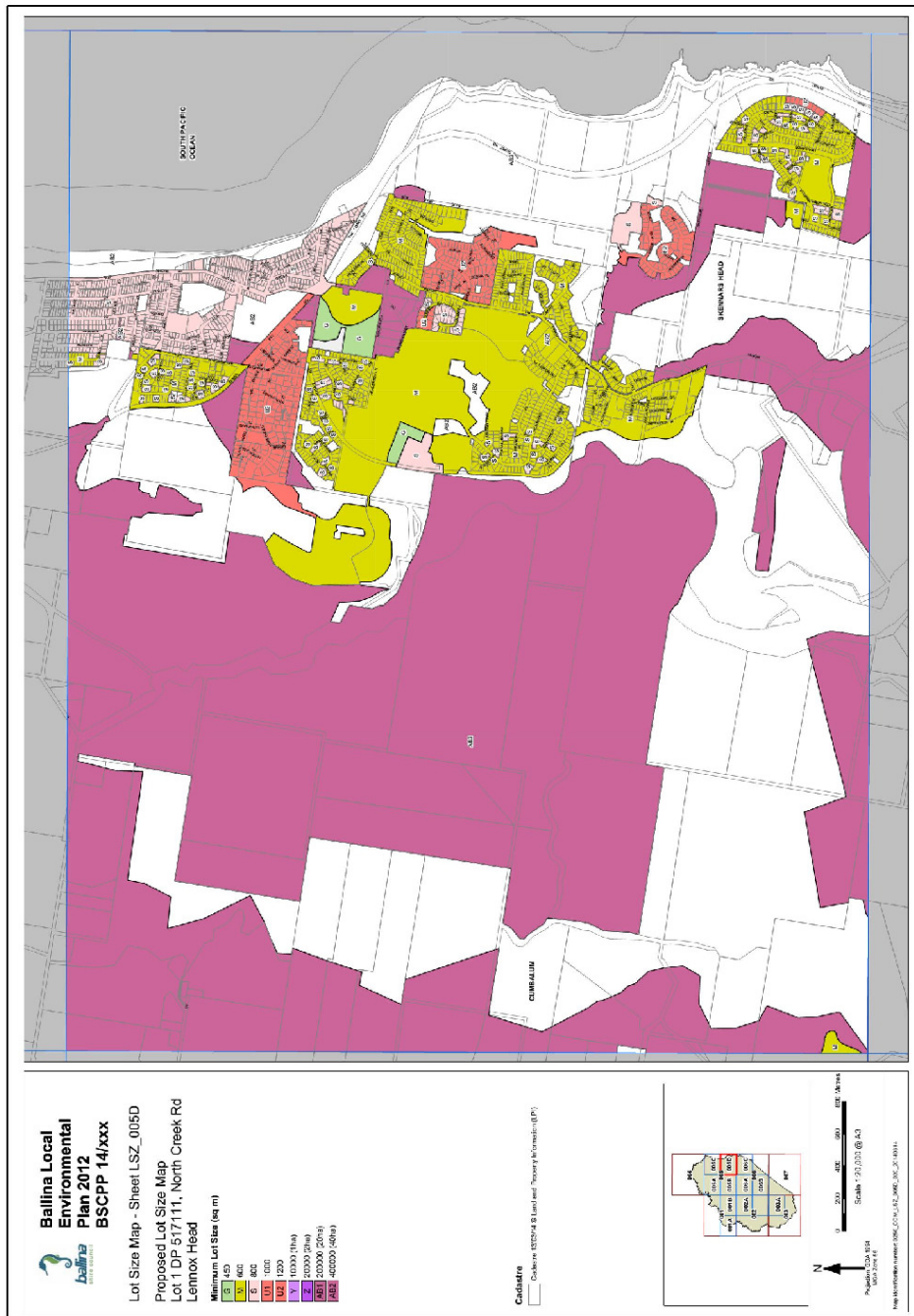
Planning Proposal – March 2014  
Reservoir Hill Site Lennox Head





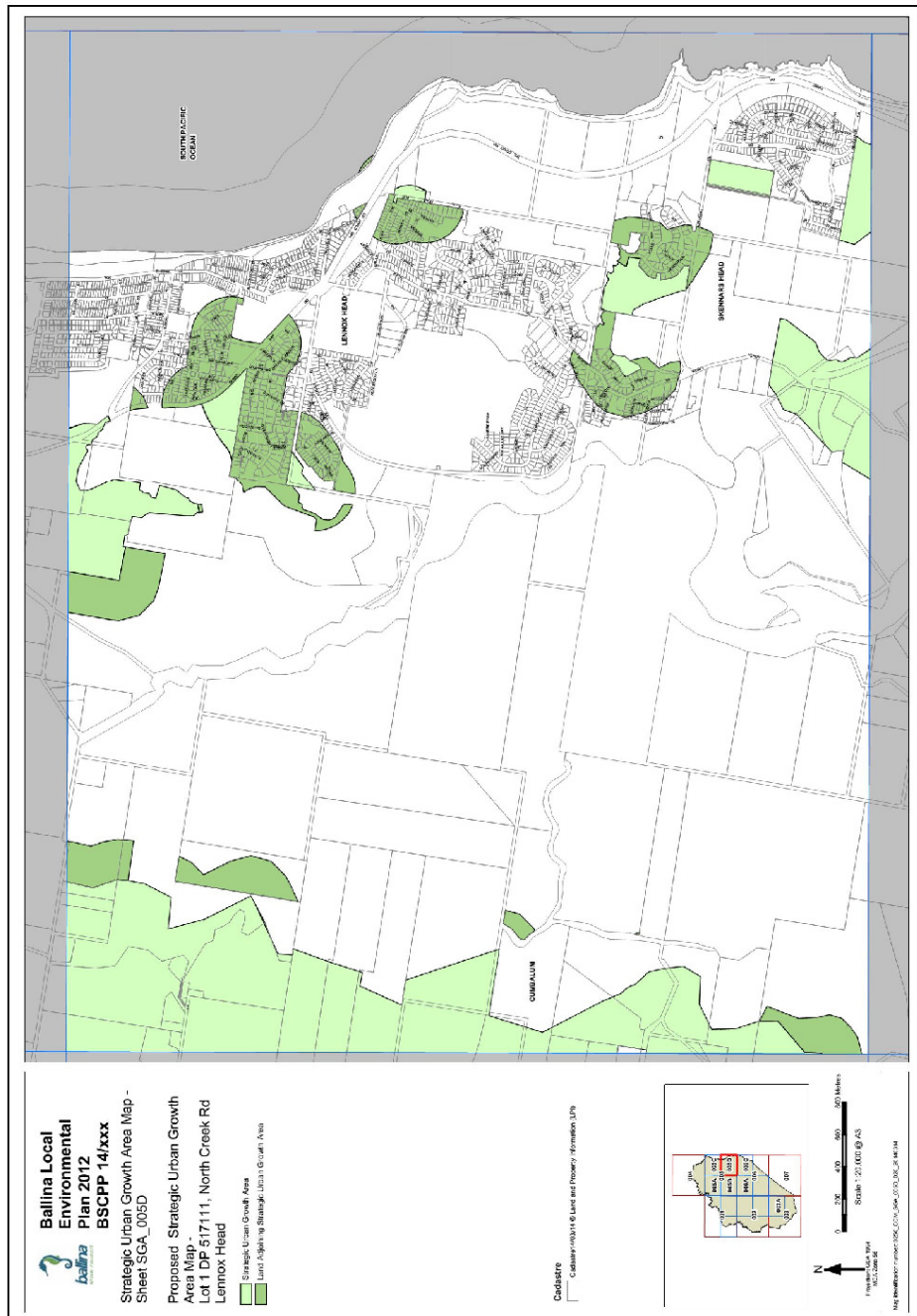
Map 3 – Proposed Land Zoning Map

Planning Proposal – March 2014  
 Reservoir Hill Site Lennox Head



Map 4 – Proposed Lot Size Map

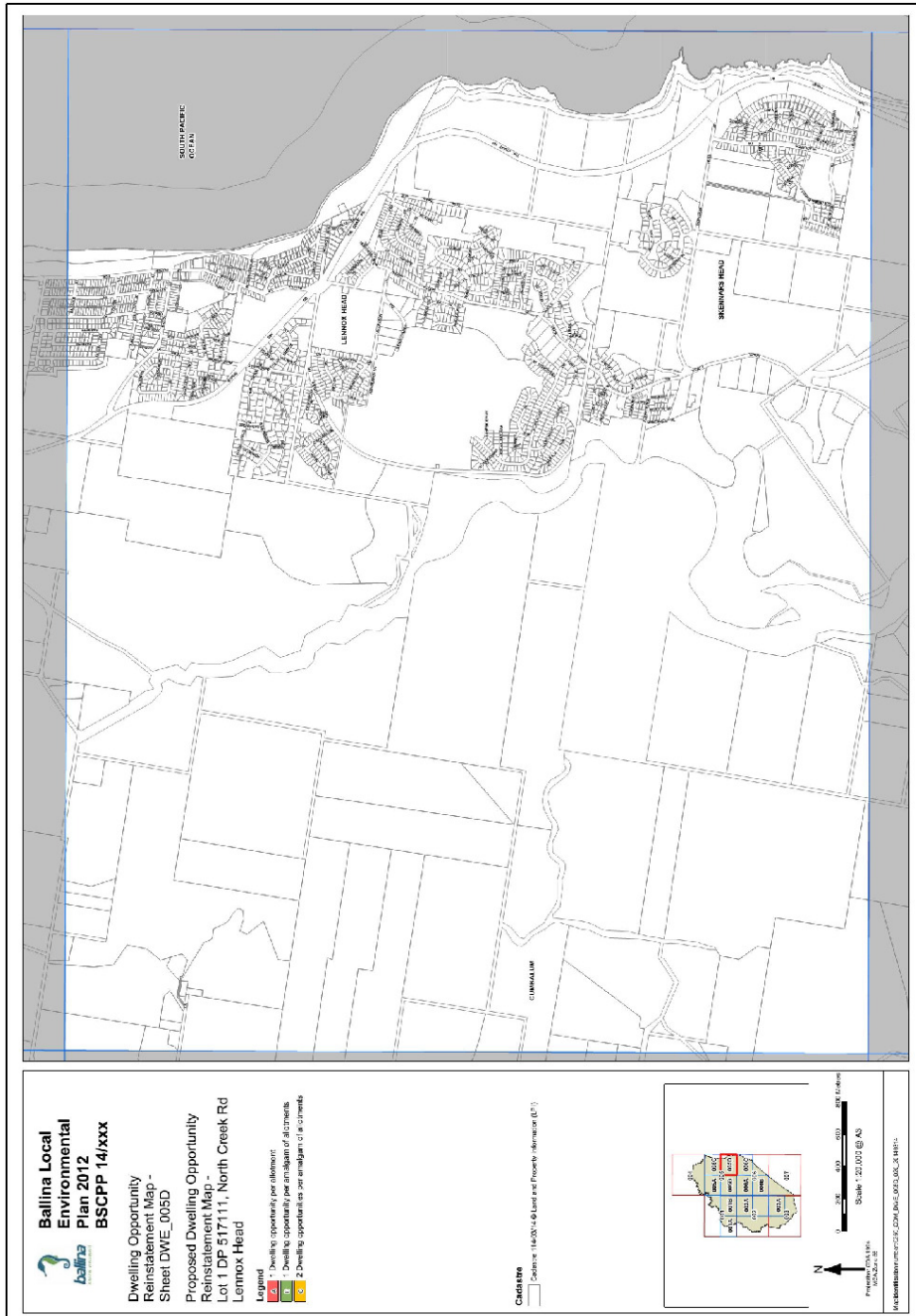
Planning Proposal – March 2014  
Reservoir Hill Site Lennox Head



Map 5 – Proposed Strategic Urban Growth Area Map

Planning Proposal – March 2014  
Reservoir Hill Site Lennox Head





Map6- Proposed Dwelling Opportunity Reinstatement Map

Planning Proposal – March 2014  
Reservoir Hill Site Lennox Head

## 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
Gateway Determination	April 2014
Government Agency Consultation	May 2014
Public Exhibition Period	September 2014
Public Hearing	N/A
Submissions Assessment	November 2014
RPA Assessment of Planning Proposal and Exhibition Outcomes	December 2014
Submission of Endorsed LEP to DP&I for Finalisation	January 2014
RPA Decision to Make the LEP Amendment (if delegated)	February 2014
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	February 2014

APPENDICES

Appendix A – Indicative Subdivision Layout



## Appendix B – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal Lot 1 DP 517111, North Creek Road 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	Inconsistent. However, the proposed rezoning is consistent with local and State government urban planning policy as the land is identified as a potential urban growth area in the Far North Coast Regional Strategy, the Ballina Shire Growth Management Strategy and the Lennox Head Structure Plan. The land is located within the Lennox Head urban area and has limited agricultural production values.
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	Consistent. The proposed rezoning and changes to minimum lot size standards for subdivision are consistent with local and State government urban planning policy as the land is identified as a potential urban growth area in the Far North Coast Regional Strategy, the Ballina Shire Growth Management Strategy and the Lennox Head Structure Plan. The land is located within the Lennox Head urban area and has limited agricultural production values. Having regard for the above, the proposed LEP amendment will not adversely impact on significant agricultural production on the land or in the immediate surrounds of the site through fragmentation or land use conflict. Further, additional assessment will be undertaken in relation to the suitability of the site for residential land use having regard for the characteristics of the land.
<b>2. Environment and Heritage</b>	
2.1 Environmental Protection Zones	Consistent. The application of environmental protection zoning will be considered as part of the preparation of an environmental study for the site, having regard for the environmental values and characteristics of the land.
2.2 Coastal Protection	Consistent. The application of coastal planning principles as established under the NSW Coastal Policy, the Coastal Design Guidelines and the NSW Coastline Management Manual will be considered as part of the preparation of an environmental study for the site, having regard for the characteristics of the land.
2.3 Heritage Conservation	Consistent. There are no known items of environmental or Aboriginal cultural heritage value on the land. Heritage values will, however, be further examined as part of the preparation of an environmental study for the land.
2.4 Recreation Vehicle Areas	Consistent. The proposed LEP amendment relates to provision of residential housing and does not involve development for the purpose of a recreational vehicle area.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Consistent. The proposed LEP amendment seeks to provide for additional residential development opportunities in the Lennox Head locality. The subject land is located close to existing services and is within the existing Lennox Head urban area. The proposal involves a rezoning from rural land (RU1) to residential zoning and open space and/or environmental protection zoning. The proposed R2 and R3 zones provide for a variety of permitted residential housing forms. The Ballina LEP 2012 include an existing provision (Clause 7.7) that requires that adequate servicing is in place, or suitable arrangements have been made for such servicing, before development proceeds.

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3.2 Caravan Parks and Manufactured Home Estates	Consistent. Caravan parks are not permitted under the current RU1 zoning of the land. The planning proposal does not specifically relate to the provision of caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. Home occupations are permitted in the R2 and R3 residential zones under the Ballina LEP 2012.
3.4 Integrated Land Use and Transport	Consistent. The application of the principles set out under Improving Transport Choice – Guidelines for planning and development and The Right Place for Business and Services – Planning Policy will be considered as part of the preparation of an environmental study for the site, having regard for the characteristics of the land and the proposed land use.
3.5 Development Near Licensed Aerodromes	Consistent. Development of the subject land for residential purposes may result in development that protrudes into the Obstacle Limitation Surface for the Ballina Byron Gateway Airport. The relevant Commonwealth agency and the operator of the Ballina Byron Gateway Airport will be consulted as part of the LEP amendment process. The subject land is not affected by ANEF contours of 20 or greater.
3.6 Shooting Ranges	Does not apply to planning proposal.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	Does not apply to planning proposal.
4.2 Mine Subsidence and Unstable Land	Consistent. The geotechnical assessment prepared by the proponent has indicated a very low to moderate risk of geotechnical instability across various potential hazard categories. The geotechnical conditions and associated risks will be further examined as part of the preparation of an environmental study for the land.
4.3 Flood Prone Land	Does not apply to planning proposal.
4.4 Planning for Bushfire Protection	Does not apply to planning proposal.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Consistent. The proposed rezoning is consistent with the FNCRS as it is identified as a proposed future urban release area under the policy. The proposed rezoning is also consistent with the Ballina Shire Growth Management Strategy and the Lennox Head Structure Plan.
5.2 Sydney Drinking Water Catchments	Does not apply to planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Inconsistent. The subject land is identified as regionally significant farmland under the Northern Rivers Farmland Protection Project mapping. However, the subject land is identified as a proposed future urban release area under the Far North Coast Regional Strategy and is identified as a potential urban area under the Ballina Shire Growth Management Strategy and the Lennox Head Structure Plan.
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	Repealed
5.7 Central Coast	Repealed
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to planning proposal.
<b>6. Local Plan Making</b>	
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.

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6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not propose land for open space purposes for dedication to authorities other than Council, or at the request of the State Government.
6.3 Site Specific Provisions	Does not apply to planning proposal.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of the Metropolitan Strategy	Does not apply to planning proposal