

9.1 LEP Amendment Request - 44 - 52 Blue Seas Parade, Lennox Head.DOC



ARDILL PAYNE

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ABN: 51 808 558 977



7350 planning proposal cover letter (feb 2014).doc

26 February 2014

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attn: Mr Matt Wood

Dear Matt

**re: Planning Proposal/LEP Amendment Request
Lot 1 DP 1165957, No. 44-52 Blue Seas Parade, Lennox Head**

I refer to prior communications in respect of the subject matter and in particular our meeting on the 20th February 2014.

Ardill Payne & Partners (APP) has been commissioned by Mr George Farley (owner of the subject land) to provide planning services in the preparation of a Planning Proposal/LEP Amendment Request to Ballina Shire Council.

Attached herewith is the following:

- signed landowner's authorisations enabling APP act on their behalf
- completed Planning Proposal/LEP Amendment Request Proponent & Proposal Information Form
- 2 x paper and 1 x CD copies of the planning proposal request
- cheque for \$2625.00 as advised in Mr Matt Wood's email dated 26th February 2014 (copy attached)

Should you have any questions in respect of this matter, please contact me on 6686 3280 or pauls@ardillpayne.com.au

Yours faithfully


Paul Snellgrove

ARDILL PAYNE & PARTNERS

Engineers | Planners | Surveyors | Environmental | Project Management

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79 Tamar Street
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ABN 51 808 558 977

WE Payne BE, MIE Aust ET Elford L & E S D TJ Cromack B.Tech (Eng), TMIE Aust PM Snellgrove BTP



APP Land Owner Authority.doc

LAND OWNER AUTHORITY

This is to advise that Ardill Payne & Partners
of 79 Tamar Street, Ballina NSW has been engaged by:

Landowner's name	George FARLEY
Landowner's address	117 Bayview Road, Merricks Beach VIC 3926

To prepare certain applications in respect of land known as:

Street	44-52 Blue Seas Parade
Town	Lennox Head
Real property description	Lot 1 DP 1165957

The owner(s) of the aforementioned land(s) hereby authorises Ardill Payne & Partners or its agents to:

1. Inspect all relevant Council records (DAs, BAs, CCs, etc).
2. Obtain copies of submissions made to Council or other government authorities.
3. Carry out searches and site inspections.
4. Lodge a Planning Proposal; Development, Construction Certificate, Subdivision Certificate, Section 68 or any other like application with Ballina Shire Council.

Signed	
Name	George FARLEY
Date	19 Feb 2014
Phone	0488 309 386

79 Tamar Street
PO Box 20
BALLINA NSW 2478

Phone: 02 6686 3280
Fax: 02 6686 7920
e-mail: info@ardillpayne.com.au

**Planning Proposal / LEP Amendment Request
Proponent & Proposal Information Form**

Lodge Applications at Ballina Shire Council • 40 Cherry Street • Ballina (Mon-Fri 8.15am to 4.30pm)
 mail PO Box 450 Ballina 2478 • dx 27789 • f 02 6686 7035 • e council@ballina.nsw.gov.au
 t 02 6686 4444 • w www.ballina.nsw.gov.au • abn 53 929 887 369

This form is to be completed and submitted when a request for an LEP amendment or planning proposal is lodged with Council.



Proponent Details			
All correspondence will be forwarded to this name and address unless alternative details are specified below.			
Proponent's Name	GEORGE FARLEY		
Address	117 BAYVIEW ROAD MERRICKS BEACH VIC		
Postal Address	3926		
Telephone (w)	(h)	Mobile	0488 300 386
Email Address	GEORGE.FARLEY@OUTLOOK.COM	Fax	
Signature	REFER ATTACHED	Date	

Consultant / Representative Details			
Details of consultants/representatives acting on behalf of the proponent are required. Please nominate whether the consultant/representative will be the principal contact for the proposal.			
Name	PAUL SNEUGROVE CARDU PAYNE & PARTNERS		
Address	PO BOX 20 BALLINA		
Telephone (w)	66863280	Mobile	0409 995 994 Fax 66867920
Email Address	PAULS@ARDUPAYNE.COM.AU		
<input checked="" type="checkbox"/> Please tick if consultant/representative is to be the principal point of contact with Council.			

Description of the Land			
Property descriptions of all land holdings the subject of the LEP amendment request/planning proposal are required. Additional properties the subject of the proposal should be documented in the additional information field at the end of the form.			
Property Address	44-52 BLUE SEAS PDE LENNOX HEAD		
Lot/Portion	1	Section	DP 1165957
Property Address			
Lot/Portion		Section	DP
Property Address			
Lot/Portion		Section	DP

Office Use Only		
Proposal Name:	Type: <input type="checkbox"/> Major <input type="checkbox"/> Minor	Pre-Lodgement Discussion: <input type="checkbox"/> Y <input type="checkbox"/> N
Fee Paid: <input type="checkbox"/> Y <input type="checkbox"/> N Amount: \$	Date Received:	Receipt No:
Code 6, Job No: 20001.1001.061		

Landholder Details and Consent

Details of all landholders are to be provided. If landholders do not sign this form, evidence of the consent of landholders for the nomination of their landholding as part of the LEP amendment/planning proposal is required in conjunction with this form. Space is provided at the end of this form for additional landholder details.

Owner's Name(s)

Address

Lot/Portion Section DP

Telephone (w) (h) Mobile

Email Address Fax

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

Signature Date

Summary of the LEP Amendment Request / Planning Proposal

Brief outline of the concept or idea underpinning the LEP amendment request / planning proposal.

List of Information Provided in Support of the LEP Amendment Request / Planning Proposal

Privacy Protection Notice

The completed application form contains personal information which is being collected for the purpose of assessing this LEP amendment request/planning proposal. Please be aware that information contained in this documentation is public information and may be accessed by other government agencies, service providers, the general community or other organisations. The information will be processed by Council officers and may be made available to public enquiries under the Government Information (Public Access) Act. The information will be stored in Council's electronic document management system.

Disclosure of Political Donations and Gifts

A person who submits an LEP amendment request/planning proposal to Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the proposal within the period commencing two years before the request is made and ending when the proposal is determined:

- All reportable political donations made to any Ballina Shire Councillor; and
- All gifts made to any local Councillor or employee of Ballina Shire Council.

A reference to a reportable political donation made to a 'Councillor' includes a reference to a donation made at the time the person was a candidate for election to the Council.

Significant penalties apply to non-disclosure. For more information and to obtain a political donations and gifts disclosure statement go to the Department of Planning and Infrastructure website at www.planning.nsw.gov.au.

Is a disclosure statement to accompany your application? Yes No

Additional Information



Paul Snellgrove

From: Matthew Wood <mattheww@ballina.nsw.gov.au>
Sent: Wednesday, 26 February 2014 1:50 PM
To: Paul Snellgrove
Subject: RE: Planning Proposal - Blue Seas Parade

Hi Paul,

The planning proposal initiation fee will be \$2625 (no GST applicable). If you bring a cheque in association with the LEP Amendment/Planning Proposal application form (available on the website - http://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-MCE-10-63-37), the counter staff should be right to receipt the fee.

Matt

Matthew Wood | Manager Strategic Planning
Strategic and Community Facilities Group
Ballina Shire Council

www.ballina.nsw.gov.au

p: 66861284 | f: 0266869514 |

From: Paul Snellgrove [mailto:PaulS@ardillpayne.com.au]
Sent: Monday, 24 February 2014 4:25 PM
To: Matthew Wood
Subject: Planning Proposal - Blue Seas Parade

Matt

Further to our meeting on the 20th February 2014.

Can you please arrange for a Fee Quote to be prepared and provided to me for the Commencement Fee.

I will need this to get past the front counter and enable lodgement.

Thanks.

Paul Snellgrove
Town Planner

Ardill Payne
Engineers | Planners | Surveyors | Environmental | Project Management

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Members of:

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Planning Institute of Australia
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ARDILL PAYNE & PARTNERS

Civil & Structural Engineers – Project Managers – Town Planners – Surveyors



PLANNING PROPOSAL/LEP AMENDMENT REQUEST

Submission to Ballina Shire Council

Part of Lot 1 DP 1165957
44-52 Blue Seas Parade, Lennox Head

for:
Mr George Farley


February 2014

*Planning Proposal/LEP Amendment Request
Lot 1 DP 1165957
44-52 Blue Seas Parade, Lennox Head*

1

Document Control Sheet

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	Name	Signed	Name	Signed
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*Planning Proposal/LEP Amendment Request
 Lot 1 DP 1165957
 44-52 Blue Seas Parade, Lennox Head*

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1 Introduction

This section introduces the proposal and provides a general overview of the project.

1.1 Background

This submission comprises a Planning Proposal/LEP Amendment Request and explains the intended effect of, and provides justification for, a proposed amendment to the Ballina Local Environmental Plan 2012 (BLEP).

The proposed amendments relate to part of Lot 1 DP 1165957, No.s 44-52 Blue Seas Parade, Lennox Head and involve:

- rezoning that part of the lot zoned RU1 – Primary Production Zone and mapped as “Strategic Urban Growth Area” to R2 – Low Density Residential Zone; and
- replacing the 40ha minimum lot size with a 600m² minimum lot size for the proposed R2 zoned land.

The proposed R2 zone is the same zone as the adjoining/adjacent residential lots in Coastal Grove. The minimum lot size standard for other existing residential lots in Coastal Grove is 600m².

This Planning Proposal has been prepared having regard to Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and:

- A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure, April 2013)
- A Guide to Preparing Planning Proposals (Department of Planning, July 2009)
- Planning Proposals and Local Environmental Plan Amendments – Process Guidelines v2.0 (Ballina Council, 12 June 2013)

This submission comprises and supports the Phase 1: LEP Amendment Initiation process of the Planning Proposal and addresses all of the information on Council's *Planning Proposal/LEP Amendment Request – Proponent & Proposal Information Form*.

There is no Political Donations and Gifts Disclosure required to accompany this request.

1.2 Structure and Scope of Report

This LEP Amendment Initiation Request contains the following:

- | | |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Section 2 | Context and characteristics of subject land. |
| Section 3 | A statement of the Objectives and Intended Outcomes of the proposed LEP amendment (Section 2, Part 1). |
| Section 4 | An Explanation of the Provisions that are to be included in the proposed LEP amendment (Section 2, Part 2). |
| Section 5 | The Justification for those objectives, outcomes and provisions and the process for their implementation (Part 2, Section 3). |
| Section 6 | Details of the Community Consultation in respect of the Planning Proposal (Part 2, Section 4). |
| Section 7 | Conclusion |

A number of appendices form part of this request being:

- | | |
|-------------------|-------------------------------------------------|
| Appendix A | Aerial photograph of subject and adjoining land |
| Appendix B | Copy of deposited plan |
| Appendix C | Contour and detail survey |
| Appendix D | Strategic Urban Growth Area overlay |

1.3 Background

A meeting was held on the 20th February 2014 between Council's Strategic Planner (Matthew Wood) and APP's Town Planner (Paul Snellgrove) to discuss the proposed LEP amendment.

An application was lodged with Council in 2008 seeking to rezone part of the land (previously described as Lot 2 DP 587685) that was then zoned 1(d) – Rural (Urban Investigation) Zone under the BLEP 1987.

Council resolved in June 2010 to prepare a Planning Proposal in relation to the 1(d) zoned part of the land.

As part of the Planning Proposal process, a consultant that was engaged on Council's behalf to peer review the Planning Proposal, recommended to Council that it proceed with the preparation of the Planning Proposal, but on the basis of a smaller footprint being considered for the application of a residential zone.

It is understood that the recommended smaller footprint is coincidental with that part of the site that is mapped as a "Strategic Urban Growth Area", which is the land that is subject of this request.

As a consequence of a period of inactivity in respect of the Planning Proposal, Council at its Ordinary Meeting in March 2011 resolved as follows:

1. *That Council cease processing of the current LEP amendment request relating to Lot 2 DP 587685 (prior lot description) Blues Seas Parade, Lennox Head.*
2. *That Council establish a land use zoning arrangement for Lot 2 DP 587658 under its new local environmental plan that reflects the recommendation of Darryl Anderson Consulting generally as contained in Attachment 4.*
3. *That Council incorporate a reduced footprint for potential urban development generally in accordance with the plan shown in Attachment 4 in its Local Growth Management Strategy.*
4. *That Council advise the Department of Planning of the change to the potential urban footprint for the land with respect to the Town and Village Growth Boundaries in the Far North Coast Regional Strategy.*

This prior Planning Proposal has therefore been discontinued.

2 Context and Characteristics of Subject Land

This section describes the subject land and identifies the geographical context of the site and its relationship to the surrounding locality.

2.1 Property Details

The Planning Proposal relates to part of a single lot which is described as Lot 1 DP 1165957, No. 44-52 Blue Seas Parade, Lennox Head and which has an area of 3.476ha.

An aerial photograph of the subject and adjoining land is provided at **Appendix A**. A copy of the deposited plan is provided at **Appendix B**. A contour and detail survey is provided at **Appendix C**.

Vehicular access to the site is via an existing concrete and bitumen driveway to Blue Seas Parade which is a constructed urban (residential) road with a bitumen seal.

It should be noted that the attached detail survey was undertaken in March 2012 and shows an existing dwelling that has since been demolished (per DA 2013/266). A new dwelling house is currently being constructed on the site (per DA 2012/421) and is not shown on the detail survey.

2.2 Other matters

Preliminary planning investigations (including reference to Section 149 Certificate No. 2653) in respect of that part of the subject land that is subject to this request confirm that the land is:

- **not** mapped as being subject to SEPP 14 or SEPP 26
- mapped as being bushfire prone (part Vegetation Category 2 and part 30m buffer)
- **not** likely to be contaminated as a consequence of existing or prior land uses
- **not** is mapped as being subject to the 1 in 100 year flood event or tidal inundation
- **not** mapped as being subject to acid sulfate soils (Sheet ASS_005 – BLEP 2012)

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*Planning Proposal/LEP Amendment Request
Lot 1 DP 1165957
44-52 Blue Seas Parade, Lennox Head*

- **not** identified as being or containing an item of environmental heritage (per Schedule 5 of the Ballina LEP 2012)
- **not** identified as including or comprising critical habitat as prescribed in the Threatened Species Conservation Act 1995 or (subject to section 5C) Part 7A of the Fisheries Management Act 1994
- **not** identified as being affected by the operation of Sections 38 or 39 of the Coastal Protection Act 1979
- **not** affected by any road widening or realignment proposal under either Division 2 of Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council
- **not** identified as being subject to acquisition by a public authority under the provisions of any environmental planning instrument, deemed or draft environmental planning instrument

An easement for overhead power lines (20m wide) exists on the land and is coincidental with the existing overhead power lines on the land, which are identified on the detail survey at **Appendix C**. Essential Energy is the prescribed authority that is benefitted by the easement.

Integral to the rezoning and development of the land for future urban residential purposes, would be a likely requirement for the power lines to be removed with the electricity supply being re-routed.

Such relocation would have to be undertaken in consultation with and the approval of Essential Energy.

2.3 Local Context

The subject lot is a partially developed rural residential type lot (which contains a dwelling house that is under construction) which adjoins urban residential estates of Lennox Head to the west.

Land to the north and east comprises coastal land (including coastal reserve) and to the south comprises rural land.

2.4 Strategic Planning Context

2.4.1 Far North Coast Regional Strategy 2006-31 (FNCRS)

The subject land is mapped in the Strategy as being a 'Proposed Future Urban Release Area'.

Under the circumstances, the proposed application of a residential zone is consistent with the Strategy.

2.4.2 Ballina Shire Growth Management Strategy 2012 (GMS)

The subject land is mapped as a "strategic urban growth area" under the Strategy.

Under the circumstances, the proposed application of a residential zone is consistent with the Strategy.

2.4.3 Lennox Head Structure Plan (2004) (LHSP)

The LHSP provides a framework to ensure that the growth and development of Lennox Head occurs in a co-ordinated and integrated manner. The subject land is contained in the Plan.

The land is not identified as a candidate release area under the Structure Plan, however it adjoins the existing and planned urban area in the vicinity of Blue Seas Parade.

This is not considered to be a significant inconsistency, particularly as a consequence of the land being identified for future urban purposes under both the FNCRS and the GMS.

2.5 Relevant Provisions of BLEP 2012

That part of the subject land proposed for rezoning is mapped under the BLEP 2012 as follows:

- RU1 – Primary Production Zone
- AB2 – 40ha minimum lot size/subdivision standard

- "Strategic Urban Growth Area"



*Planning Proposal/LEP Amendment Request
Lot 1 DP 1165957
44-52 Blue Seas Parade, Lennox Head*

3 Objectives or Intended Outcomes of Proposed LEP

3.1 Objectives of Planning Proposal

The objective of the Planning Proposal is to rezone part of the subject land to an urban residential zone and to apply a minimum lot size that will enable the land to be subdivided into minimum 600m² lots, and to enable the construction of a dwelling house on the vacant lots at some future time (and subject to a separate approval process).

3.2 Possible Future Subdivision

That part of the site that is proposed to be zoned R2 has an area of approximately 11,000m². Provided at **Appendix D** is the detail survey which has been overlain by the "Strategic Urban Growth Area" which has been extracted from the Strategic Urban Growth Area Map (Sheet SGA_005D of the BLEP 2012).

Based purely on a 600m² lot size and approximately 200m² of road/lot, the site could yield up to 13 lots. As a consequence of the existing rock wall along the eastern side of Blue Seas Parade, it is likely that a new road will have to be constructed on the subject land to service any future lots, as access will not likely be possible through the rock wall. It should be noted that this yield is a purely hypothetical number and has not been calculated having regard to any of the constraints that may exist on the site.

The broader locality is serviced by all necessary reticulated public infrastructure services, including:

- potable water supply (including hydrants within Blue Seas Parade road reserve)
- sewerage disposal
- electricity
- telecommunications
- constructed urban roads (including stormwater)

Any future new lots would be able to be connected to and serviced by such systems.

4 Explanation of Provisions

4.1 Explanation of Proposed Amendments

The proposed amendments to the BLEP 2012 involve:

- rezoning that part of the lot from RU1 – Primary Production Zone to R2 – Low Density Residential Zone;
- applying a 600m² minimum lot size to the R2 zoned land; and

The proposed R2 zone is same zoning as the adjoining/adjacent residential lots in Coastal Grove. The existing residential lots in Coastal Grove have a 600m² minimum lot size.

Contingent upon the zoning change being affected, there will have to be a consequential change to the Strategic Urban Growth Area map, such that the land is no longer mapped as a 'Strategic Urban Growth Area'.

5 Justification for the Proposed Amendments

5.1 Section A – Need for the planning proposal

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

The subject land is identified in the Far North Coast Regional Strategy as being a 'proposed future urban release area' and as a "strategic urban growth area" under the Ballina Shire Growth Management Strategy.

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

The proposed application of a residential zone is consistent with these strategic planning documents that identify the land for future urban investigation/use.

It is submitted that an LEP amendment is the best (and only) way in which to achieve the proposed outcomes, as the proposal relates expressly to land use zoning and subdivision potential.

3. *Is there a net community benefit?*

The net community benefit that will result from the proposal is:

- additional economic activity generated by the development of the land for urban residential purposes
- additional land available for residential and related development

5.2 Section B – Relationship to strategic planning framework

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

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As detailed elsewhere in this Planning Proposal, the proposal is consistent with the Far North Coast Regional Strategy.

The Planning Proposal involves changes to the zoning and minimum lot size standards to enable future subdivision (and construction of new dwelling houses).

The Planning Proposal will provide for increased housing opportunities which will assist in accommodating the projected local and regional population increase.

The Planning Proposal is thus consistent with the FNCRS. The information contained in this Planning Proposal document confirms and supports the capability of the land to accommodate urban residential development, which is thus consistent with the regional planning framework.

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

Ballina Shire Growth Management Strategy 2012 (GMS)

The purpose of the GMS is to provide the framework for management population and employment growth in Ballina Shire over the planning period of 2012-2013.

The subject land is mapped as a "Strategic Urban Growth Area" under the GMS, and as such, the application of a residential zone over the land is consistent with the Strategy.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are a number of SEPP's that are of relevance to the proposal, details of which are as follows:

SEPP Title	Compliance of Planning Proposal
SEPP (Rural Lands) 2008	<p>The subject land is currently zoned RU1. The proposed rezoning of the lot to a residential zone will not compromise or prejudice the use of the subject and adjoining land for agricultural purposes, due primarily to the characteristics, existing use, adjoining use and small size of the lot.</p> <p>The application of a residential zone will not result in increased land use conflicts with adjoining agricultural land as a consequence of the siting of the existing and future dwellings, the character of the adjoining and surrounding land (being primarily urban residential) and the limited potential for agricultural use of the adjoining land.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of this SEPP.</p>
SEPP 44 – Koala Habitat Protection	<p>The subject land is devoid of significant native vegetation and is not likely to contain any Koala food trees.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary to the intent of the SEPP.</p>
SEPP 55 – Remediation of Land	<p>Clause 6(1) of this SEPP requires the planning authority when preparing a Draft LEP to consider whether the land is contaminated and whether the land is suitable for such purpose (as not being contaminated or requiring remediation to make it suitable). A contamination assessment would have to be undertaken should the Planning Proposal proceed to Phase 2.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary to the intent of the SEPP.</p>
SEPP 71 – Coastal Protection	<p>The subject land is physically and spatially removed from any coastal foreshore area. The land is quite prominent/visible in the local landscape and streetscape and thus a visual setting and impact assessment would have to be undertaken should the Planning Proposal proceed to Phase 2. The future subdivision and residential development of the land will not have any adverse or tangible impacts on any part of the coastal foreshore or any public land.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary the intent of the SEPP.</p>

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

Section 117 of the EP & A Act 1979 provides directions that relevant planning authorities must have regard to when preparing planning proposals for new LEPs. The following table identifies which of these directions are applicable to the proposed rezoning and how the Planning Proposal is consistent with their provisions.

Direction Number	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to Planning Proposal.
1.2 Rural Zones	Complies – Part of the subject lot is contained within the 'Proposed Future Urban Release Area' (Town and Village Growth Boundary Map – Sheet 3 – Ballina) of the FNCRS and is thus able to be justified as a consequence of the FNCRS.
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 Lands	Complies – comments in respect of the Rural Lands SEPP are provided in Section 5.2 of this Planning Proposal. Further, the proposed rezoning is of relatively minor significance and is consistent with the FNCRS 2006-31 in that part of the lot is mapped as a 'Proposed Future Urban Release Area'.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Does not apply to Planning Proposal.
2.2 Coastal Protection	Complies – the proposal is considered to be of a relatively minor nature, resulting in a possible maximum of 13 lots (and future houses). The subject land is physically and spatially removed from any coastal foreshore area and is not subject to flooding, tidal inundation, acid sulfate soils, or any coastal processes. The proposal will not have any impact on any coastal foreshore land (public or private).
2.3 Heritage Conservation	Complies – the subject land is not identified as containing or comprising a heritage item or place (per Schedule 5 of the BLEP 2012).
2.4 Recreation Vehicle Areas	Does not apply to Planning Proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Complies – adequate public infrastructure is available in the immediate locality to service the existing lot and possible new lots (contingent upon consent being granted to future subdivision). The proposal will facilitate urban development which is able to connect to and make use of existing infrastructure services.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to Planning Proposal.
3.3 Home Occupations	Complies – home occupations are permitted without consent in the R2 zone under the BLEP 2012.
3.4 Integrated Land Use and Transport	Complies – the land is identified in the 'Proposed Future Urban Release Area' of the FNCRS. The proposal will facilitate development which is able to make use of existing roads and transport services.
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	<p>A Bushfire Hazard Assessment would have to be prepared in accordance with the provisions of Planning for Bushfire Protection 2006 to support of the proposed rezoning and future possible subdivision of the land should the Planning Proposal proceed to Phase 2.</p> <p>As evidenced on the aerial photograph, the subject land and broader locality is not heavily timbered and thus it is suggested that bushfire will not likely be a prohibiting factor to the Planning Proposal.</p>
5. Regional Planning	
5.1 Implementation of Regional Strategies	Complies – the land is identified as a 'Proposed Future Urban Release Area' under the FNCRS.
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	<p>Complies – The land is mapped in the "Northern Rivers Farmland Protection Project – Final Recommendations, February 2005 as "significant non-contiguous farmland".</p> <p>Notwithstanding such, the land is mapped as a 'Proposed Future Urban Release Area' under the FNCRS 2006-31. Pursuant to Subclause (2) of Direction 5.3, land identified as such is excluded from the requirements of the Direction.</p> <p>The provisions of this Direction do not effectively apply to the Planning Proposal.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to the Planning Proposal.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010.
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008
5.7 Central Coast	Revoked 10 July 2010
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to the Planning Proposal.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Complies – 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 the Planning Proposal.
6.3 Site Specific Provisions	Complies – seeks to apply the existing R2 land use zone and standards that are compatible with the residential development of the site and adjoining land.
7. Metropolitan Planning	

7.1 Implementation of the Metropolitan Plan for Sydney 2036	Does not apply to Planning Proposal.
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5.3 Section C – Environmental, social and economic impact

8. *Is there any likelihood of critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

As evidenced from the aerial photograph at **Appendix A**, that part of the site that is subject of the proposed rezoning is largely cleared, containing managed grassland and domestic type landscaping.

The subject land is not likely to contain any critical habitat or threatened species, populations or ecological communities.

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

The subject land is mapped as being bushfire prone. A Bushfire Threat Assessment Report would have to be prepared which addresses Planning Direction 4.4 (Section 117 Directions) and assesses the proposal in the context of:

- the provisions of Planning for Bushfire Protection (PBP) 2006
- introducing controls that avoid placing inappropriate developments in hazardous areas
- ensuring that bushfire hazard reduction is not prohibited in the APZ

The land is in a locality that is mapped as being high mosquito risk. The whole of the towns of Lennox Head and Ballina are situated in such an area and it has not been Council's practice to preclude urban residential development in such areas as a consequence of mosquito risk.

In accordance with Council's current controls and strategies (Section 3.6 – Mosquito Management, Chapter 2 – General and Environmental Considerations, DCP 2012), any future dwellings will be required to contain effective screening to all windows, external doors and other openings to habitable rooms (would be conditioned at DA stage for future houses).

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

The proposed rezoning (and construction of future houses) may have impacts on the landscape and scenic character of the locality as well as possible amenity impacts on adjacent dwellings/residents. These matters would have to be addressed in more detail should the Planning Proposal proceed to Phase 2.

The subject land is already connected to all necessary reticulated public infrastructure services and thus there are no significant economic issues with the servicing of any future lots.

5.4 Section D – State and Commonwealth interests

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

The existing locality is connected to and serviced by all necessary reticulated public infrastructure services. There is sufficient capacity for any proposed new lots to be efficiently and economically connected to and serviced by such services.

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

The views of the Department of Planning & Infrastructure and other relevant Governmental bodies would be obtained should Council resolve to enable the Planning Proposal to proceed.

6 Community Consultation

There has not been any community consultation undertaken in respect of this Planning Proposal at this point in time.

It is likely that a requirement for community consultation will be contained in any Gateway Determination, with such community consultation and advertising having to be duly undertaken by Council in the further processing of this Planning Proposal.

7 Scope of Engagement

This Planning Proposal has been prepared by Ardill Payne & Partners (APP) on behalf of George Farley for lodgement with Ballina Shire Council and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

No part of this report may be reproduced, stored or transmitted in any form without the prior consent of APP.

APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

8 **Appendices**

- Appendix A** Aerial photograph of subject and adjoining land
- Appendix B** Copy of deposited plan
- Appendix C** Detail and contour survey
- Appendix D** Strategic Urban Growth Area overlay

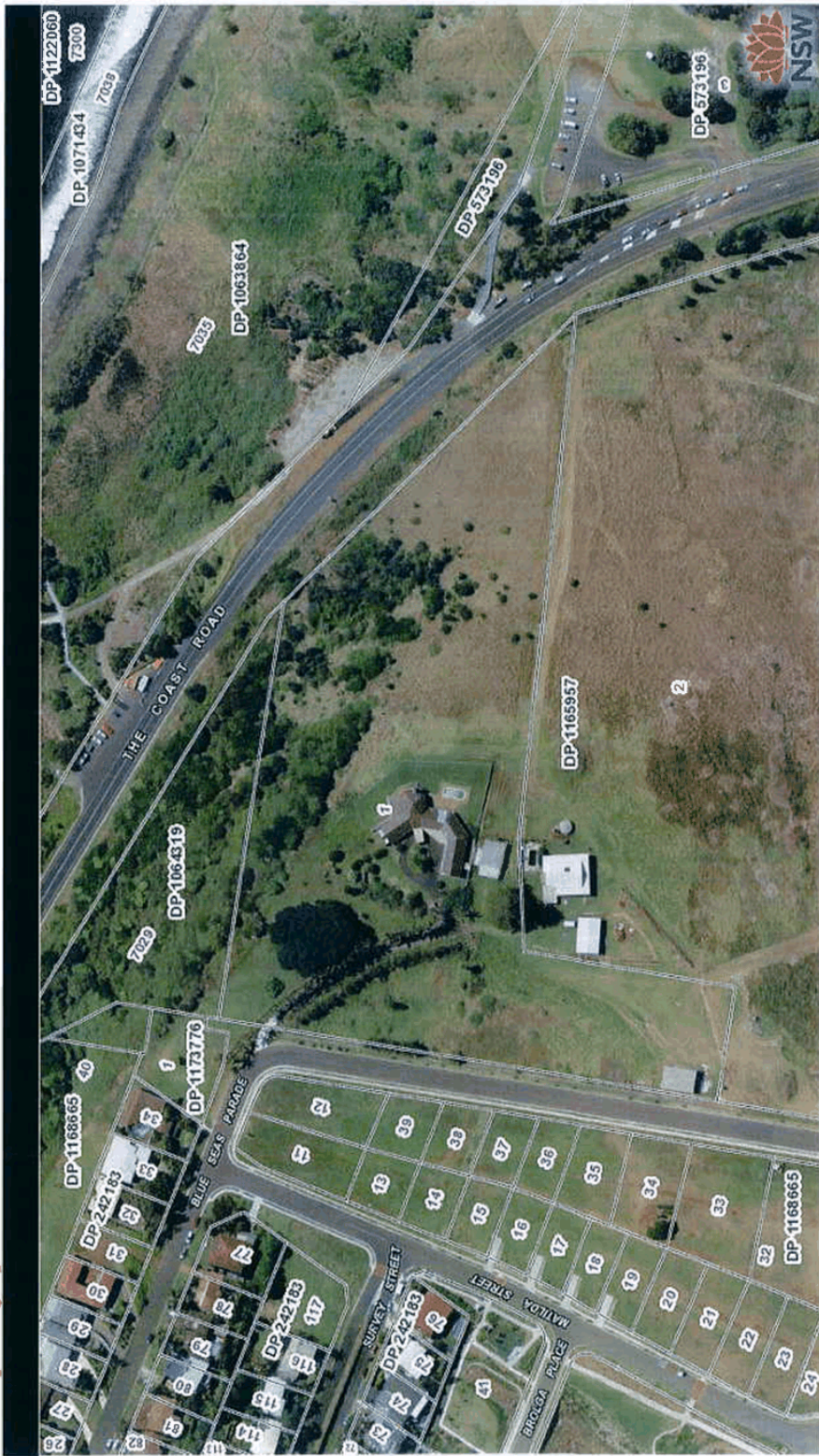
APPENDIX A

Appendix A
Aerial photograph of subject
and adjoining land

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*Planning Proposal/LEP Amendment Request
Lot 1 DP 1165957
44-52 Blue Seas Parade, Lennox Head*

Aerial photograph of Lot 1 DP 1165957



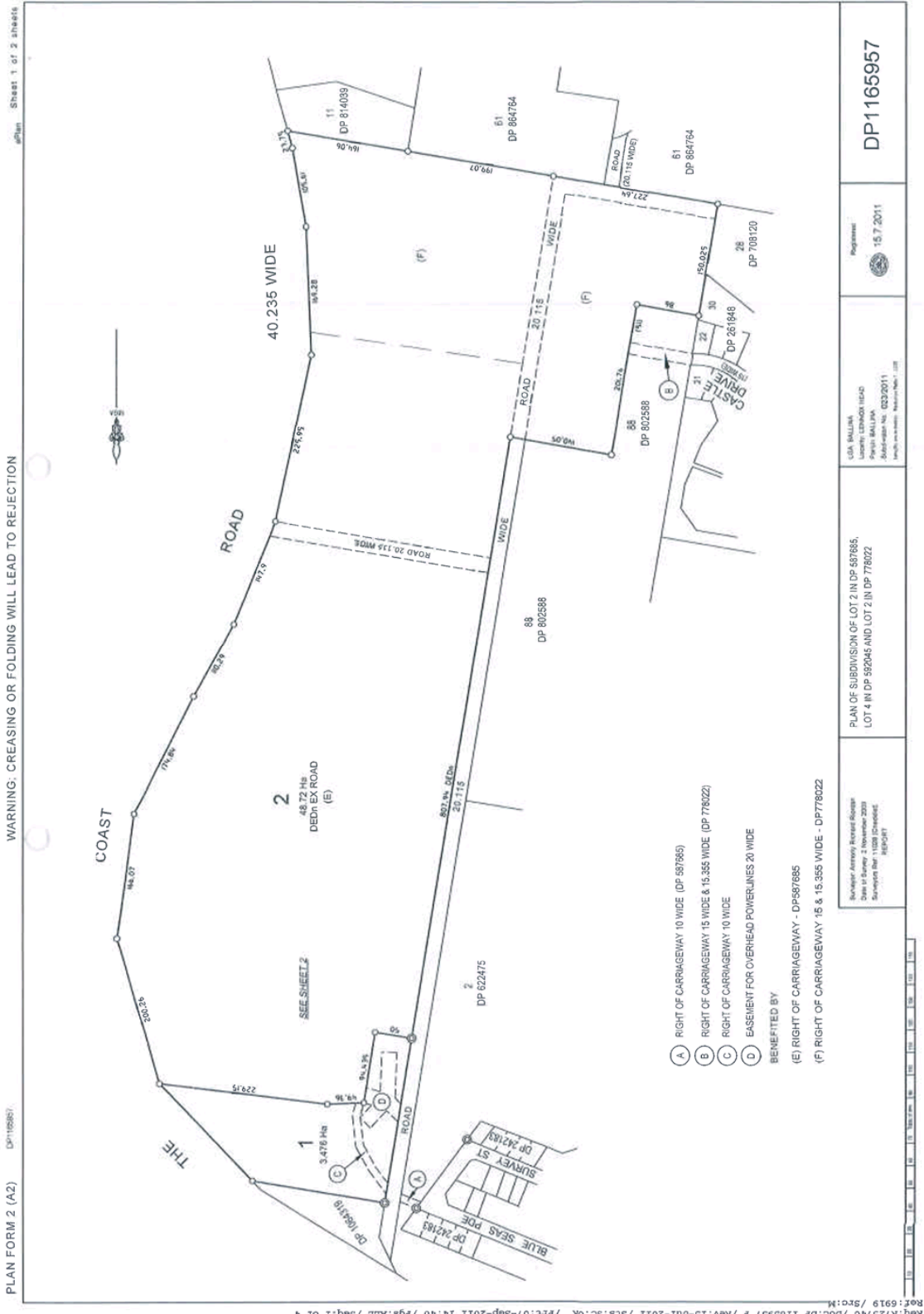
Disclaimer: This report has been generated by various sources and is provided for information purposes only. Land and Property Information (LPI), a division of the Department of Finance and Services does not warrant or represent that the information is free from errors or omission, or that it is exhaustive. LPI gives no warranty in relation to the information, especially material supplied by third parties. LPI accepts no liability for loss, damage, or costs that you may incur relating to any use or reliance upon the information in this report.

APPENDIX B

Appendix B
Copy of deposited plan

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*Planning Proposal/LEP Amendment Request
Lot 1 DP 1165957
44-52 Blue Seas Parade, Lennox Head*



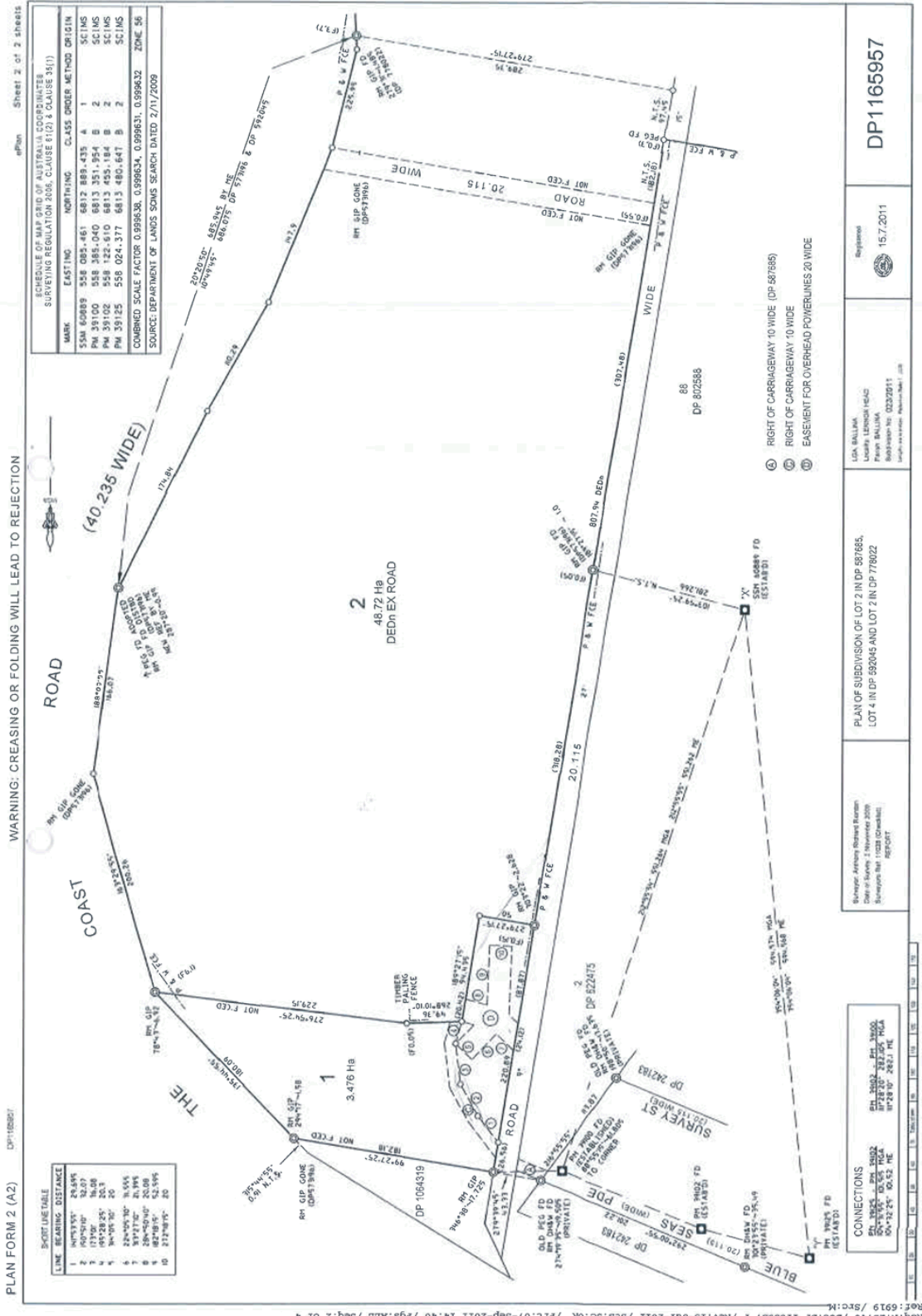
PLAN FORM 2 (A2) DP1165957

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 2 sheets

<p>Ballina Shire Council 22/05/14</p>	<p>Ordinary Meeting Attachments Page 66 of 138</p>	<p>PLAN OF SUBDIVISION OF LOT 2 IN DP 587865, LOT 4 IN DP 582045 AND LOT 2 IN DP 778022</p>	<p>15.7.2011</p>	<p>DP1165957</p>
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Reg: R725740 / Doc: DP 1165957 P / Rev: 15-Jul-2011 / Sca: SC:OK / Pct: 07-Sep-2011 14:40 / Pgn: 1 / Sca: 1 of 4



Ref: R725740 / Doc: DP 1165957 P / Rev: 15-Jul-2011 / Sta: SC.OK / Pct: 07-Sep-2011 14:40 / Pgs: A1L / Seq: 2 of 4

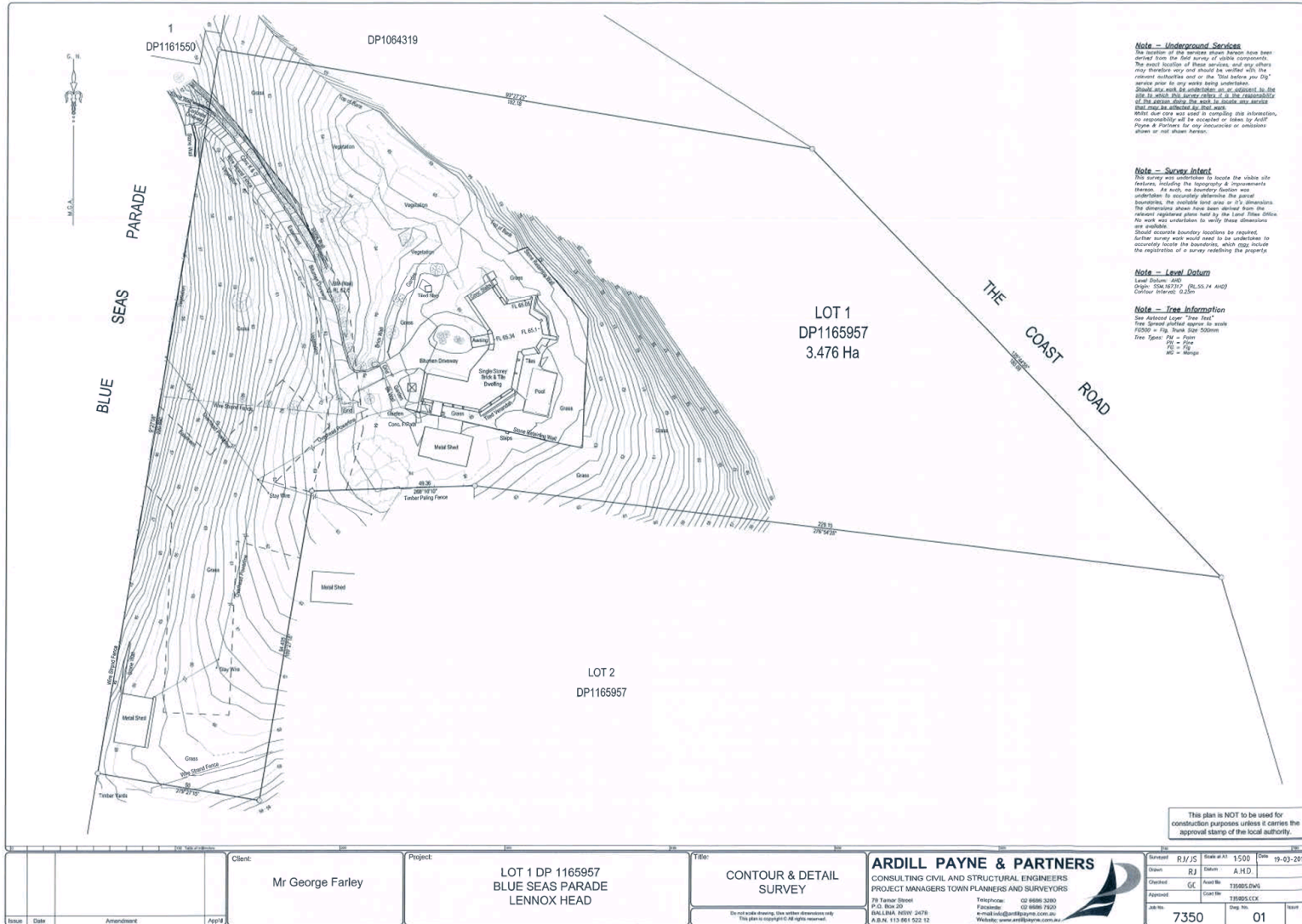
APPENDIX C

Appendix C
Contour and detail survey

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*Planning Proposal/LEP Amendment Request
Lot 1 DP 1165957
44-52 Blue Seas Parade, Lennox Head*

9.1 LEP Amendment Request - 44 - 52 Blue Seas Parade, Lennox Head.DOC

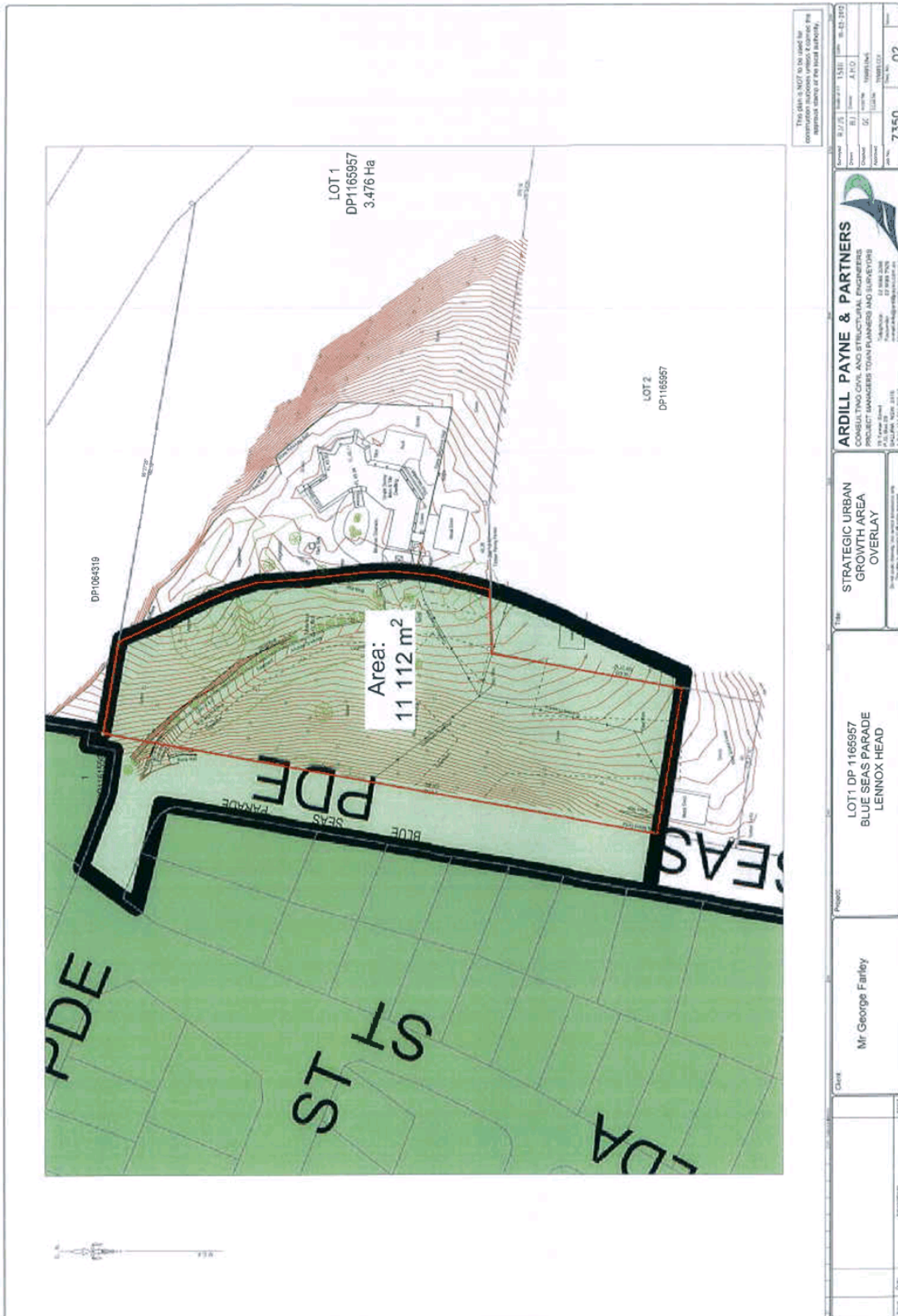


APPENDIX D

Appendix D
Strategic Urban Growth Area
overlay

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*Planning Proposal/LEP Amendment Request
Lot 1 DP 1165957
44-52 Blue Seas Parade, Lennox Head*



9.1 LEP Amendment Request - 44 - 52 Blue Seas Parade, Lennox Head.DOC

