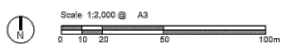




Legend	
	Existing Zoning Boundary
	R2 - Min. Lot Size 600m ²
	R3
	Super Lot for RU1
	Future Open Space
	Stormwater Detention Basin
	DA Boundary

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RESERVOIR HILL
 DA Subdivision Plan
 Lennox Head



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PROJECT No: ND1932
 DRAWING No: 02
 REV: 2
 DATE: 08.08.16



Planning Proposal 18/004

» *Reservoir Hill Site, Lennox Head*

20 North Creek Road, Lennox Head

April 2019 (V1 Initiation/Gateway) 18/75985

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1. Introduction

1.1 Summary of Planning Proposal

This planning proposal seeks to amend the Ballina Local Environmental Plan (LEP) 2012 in relation to land at Lot 1, DP 517111 and located at 20 North Creek Road, Lennox Head. The land is commonly referred to as the 'Reservoir Hill Site' as it adjoins a concrete reservoir structure that is located on the eastern boundary of the site within Lot 2, adjacent to North Creek Road.

The planning proposal seeks to rationalise existing LEP mapping boundaries which are irregular and the result of a planning scheme no longer supported by Council. The planning proposal seeks to facilitate the desired outcomes by:

- Amending the Ballina LEP 2012 Land Zoning Map to facilitate a minor realignment of the existing irregular shaped RU1 Primary Production zone boundaries;
- Amending the Ballina LEP 2012 Land Zoning Map to facilitate minor realignment of various R3 Medium Density Residential zone boundaries; and
- Amending the Ballina LEP 2012 Lot Size Map to facilitate consistency with the zone boundary realignments.

1.2 Background

The site was subject to a planning proposal in 2014. The original planning proposal was prepared in association with an indicative subdivision master plan as a guide to the type of development that could occur on the land if rezoned. The relevant LEP mapping was subsequently amended in accordance with the indicative subdivision master plan, resulting in the existing irregular shaped zone and minimum lot size boundaries of the RU1 Primary Production land within the site.

The original subdivision design included a planned road corridor for the realignment of North Creek Road and the extension of Hutley Drive along the northern boundary of the site, with both roads intersecting at a new 2 lane roundabout which was to connect with The Coast Road, Ballina Road and Byron Bay Road. These road works were to be located within the north-eastern corner of the site.

In February 2018 the applicant was advised that Council no longer requires the realignment of North Creek Road and Hutley Drive through the site and consequently a revised concept subdivision plan was submitted to Council, which also identified the requirement for minor rationalisation of existing zone boundaries.

Development application DA 2018/51, currently under assessment, comprises the first stage of development and includes the creation of super lots for future residential development in Stage 2. The applicant was advised that a minor LEP amendment would be required to facilitate the proposed Stage 2 development. A copy of the revised subdivision layout plan is provided at Appendix 3.

1.3 Land to Which the Planning Proposal Applies

This planning proposal relates to land at Lot 1 DP 517111, No. 20 North Creek Road, Lennox Head as outlined in orange, and adjacent road reserves as outlined in red, as shown in Figure 1 below.



Figure 1: Site identification – 20 North Creek Road, Lennox Head

1.4 Council Resolutions

To be completed following the submission of the planning proposal to Council.

1.5 Gateway Determination

To be completed following the Gateway determination.

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2. Objectives & Intended Outcomes

The objectives and intended outcomes of this planning proposal are to rationalise existing Ballina LEP 2012 mapping boundaries to enable the efficient use of land and provide consistency with a proposed revised subdivision layout.

3. Explanation of Provisions

3.1 The Proposal

The proposed outcomes will be achieved by:

- Amending the Ballina LEP 2012 Land Zoning Map in accordance with the proposed land zoning map extract shown in Figure 4; and
- Amending the Ballina LEP 2012 Lot Size Map in accordance with the proposed minimum lot size map extract shown in Figure 6b, to facilitate consistency with the zone boundary realignment.

3.2 Mapping Overview

The planning proposal proposes to amend the Ballina LEP 2012 to make minor zone boundary changes to the RU1, R2 and R3 zone boundaries to provide consistency with the revised subdivision layout proposed under DA 2018/51, with the exception of proposed Lots 6, 7 and 16 (located in the north eastern corner of the site) being rezoned from R2 to R3. A copy of the revised subdivision layout plan is provided at Appendix 3. It is also proposed to amend the minimum lot size map consistent with the proposed zone boundary realignment.

The proponent is seeking relatively minor zone boundary adjustments comprising the following:

- Realignment of the existing irregular shaped RU1 Primary Production zone boundary located on the southern side of the RU1 boundary; and
- Realignment of various R3 Medium Density Residential zone boundaries to incorporate additional R2 Low Density Residential zoned land.

In addition to the minor amendments sought by the proponent additional amendments to zone boundaries are considered to be warranted. These amendments, whilst more significant than what has been proposed by the proponent, are also essentially "housekeeping" in nature and serve to ensure consistency with the subdivision now proposed and zone boundaries.

The map extracts in Figures 2 to 7 below indicate the mapping outcomes proposed by this planning proposal. The proposed amendments to zone boundaries are intended to apply to the subject site, as outlined in red, and to the road reserves located adjacent to the subject site.

4

Land Use Zoning:

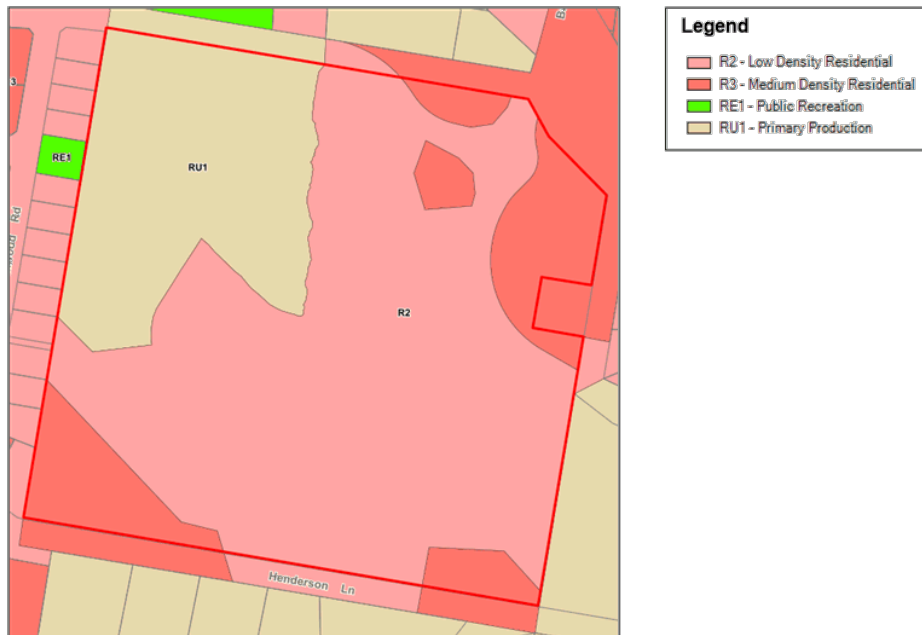


Figure 2: Existing Land Zoning Map Extract



Figure 3: Proposed Land Zoning Map Extract showing changes

Ballina Shire Council

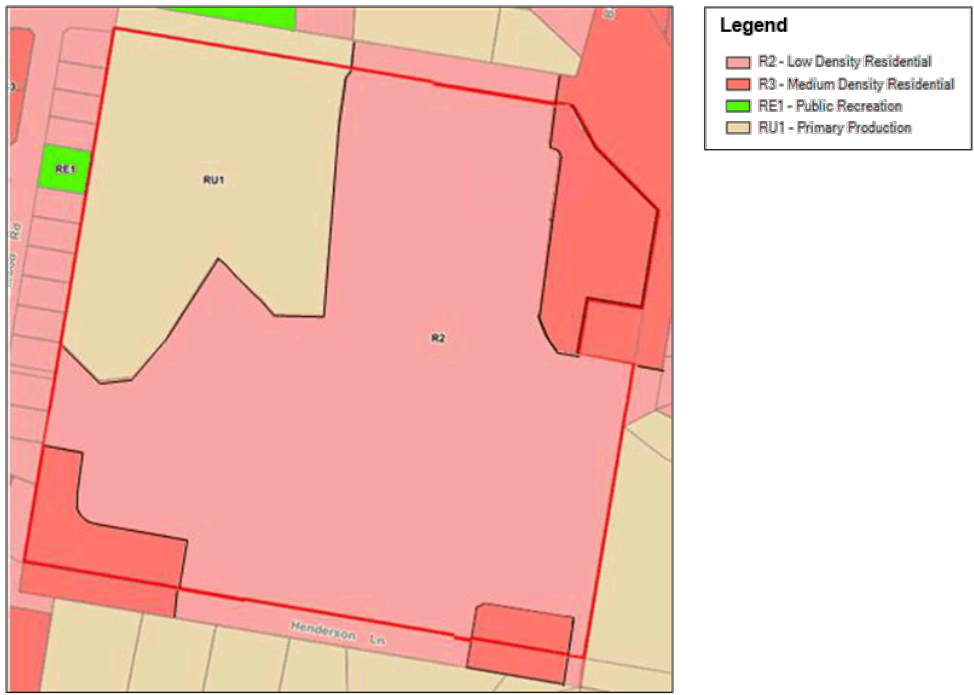


Figure 4: Proposed Land Zoning Map Extract

Minimum Lot Size:

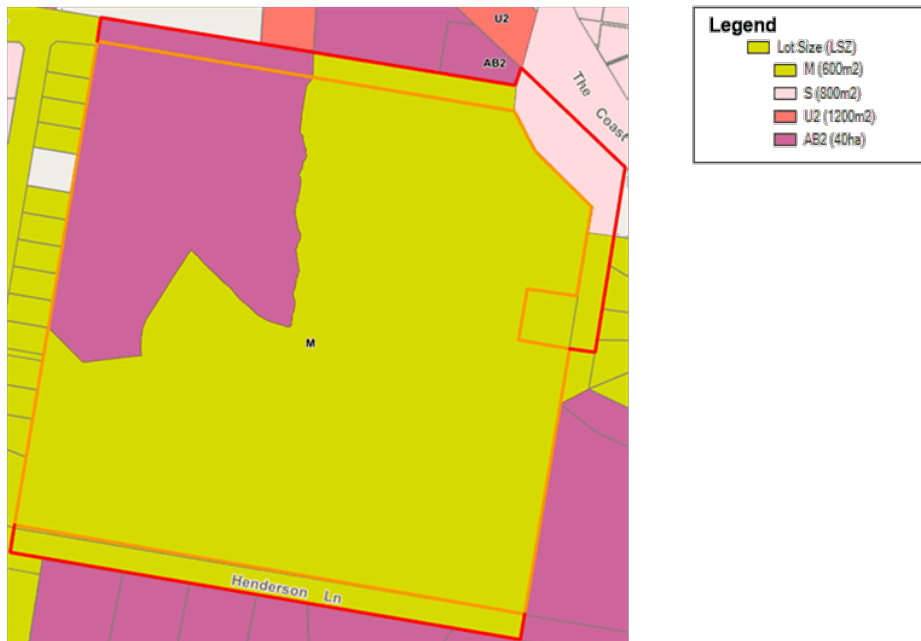


Figure 5: Current Lot Size Map Extract



Figure 6a and 6b: Proposed Lot Size Map Extract showing changes

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4. Justification

4.1 Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of any strategic study or report?

No. The proposed amendments are minor and generally of a 'housekeeping' nature as a result of an amended subdivision layout plan.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal is the best way of achieving the proposed outcomes as the proposal relates to the amendment of zone boundaries and minimum lot size requirements.

4.2 Section B – Relationship to Strategic Planning Framework

Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal demonstrates strategic merit through its consistency with the objectives and actions set out in the North Coast Regional Plan 2036 and aligns with the following goals and objectives of the plan:

Goal 3: Vibrant and engaged communities

Direction 15: Develop healthy, safe, socially engaged and well-connected communities

Goal 4: Great housing choice and lifestyle options

Direction 22: Deliver greater housing supply

Direction 23: Increase housing diversity and choice

Direction 24: Deliver well-planned rural residential housing areas

Q4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with the elements and outcomes contained within Council's Community Strategic Plan 2017-2027. The direction of most relevance to the proposal is:

PE3 – Prosperous Economy

PE3.1 – Support residential development that delivers services close to home

PE3.2 – Facilitate and provide affordable infrastructure

PE3.3 – Improve connectivity within the shire

The planning proposal is consistent with this direction as the objective of the proposal is to provide a more efficient subdivision layout for future residential development, facilitate the efficient delivery of stormwater infrastructure and improve connectivity to the shire by facilitating an alternative internal road network to Council's standards.

Ballina 2035 – Ballina Major Regional Centre Strategy

The proposal is consistent with the following objectives of the Ballina Major Regional Centre Strategy 2015-2035:

Objective F1 – Ensure future housing stock is appropriate, accessible and affordable.

Objective C4 – Protect and enhance the qualities that contribute to the amenity and character of Ballina.

The planning proposal will facilitate a residential development in close proximity to regional road networks, local amenities and services. The proposed boundary adjustment will ensure adequate separation between the proposed internal road network and the RU1 zoned land in the north-western corner of the site, allowing for the preservation of natural assets that contribute to the amenity of Ballina.

Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs).

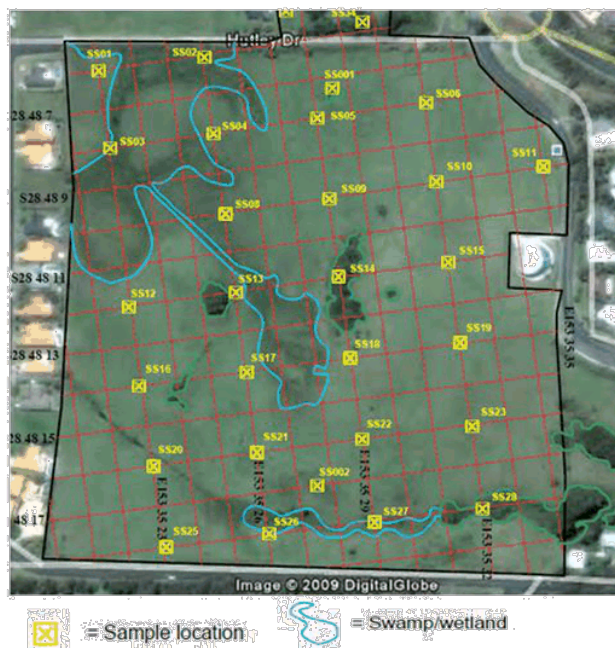
SEPP No. 55 – Remediation of Land

Following a Court of Appeal decision (*Moorebank Recyclers Pty Ltd v Tanlane Pty Ltd* [2018] NSWCA 304) it is required that planning authorities must give specific consideration to whether the land included within a planning proposal is contaminated land under the provisions of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55).

The issue of whether Lot 1 is contaminated land has been previously considered as part of the process associated with the 2016 amendment of Ballina LEP 2012. In this respect the whole of Lot 1 was the subject of a Phase 1 Site Contamination Assessment (SCA) undertaken by Coffey Geotechnics in 2013. The SCA identified no areas of environmental concern and concluded that further assessment is not required for this site. The conclusions were based on a review of site history as well as analysis of soil samples.

The diagram below is an extract from the 2013 Coffey report which shows the locations upon Lot 1 which were subject to soil sampling.

Ballina Shire Council



It is considered that land contamination issues have been previously assessed as required by SEPP 55 and the associated Land Contamination Guidelines and no further land contamination assessments are required to support the current planning proposal. A copy of the 2013 Coffey Site Contamination Report is included at Appendix Five.

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The planning proposal is consistent with applicable Section 9.1 Ministerial Directions as outlined in Appendix Two.

4.3 Section C – Environmental, Social and Economic Impact

Q7 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The sites ecological attributes have been considered previously as part of the original planning proposal that rezoned the land (Ballina LEP 2012 Amendment No. 27).

A revised ecological assessment report dated March 2019 has been submitted as part of DA 2018/51 and is included at Appendix Four. The assessment of DA 2018/51 will consider the likelihood of any impacts on threatened species and ecological communities located on the site as a result of the amended subdivision layout plan.

Stormwater drainage infrastructure basins are proposed to be located within an area identified as containing a Freshwater Wetland Endangered Ecological Community (EEC) as well as Hairy-joint grass (HJG), located within the north western portion of

Planning Proposal 18/004 – Reservoir Hill Site, Lennox Head

the site that is zoned RU1. HJG is listed as vulnerable plant species under both Federal and State legislation. The mitigation of ecological impacts associated with proposed drainage works is subject to separate consideration as part of the DA (DA 2018/51) process. There are a number of options available to address this issue none of which are considered to impact the land zoning applied to the land.

No additional impacts are anticipated as a result of the minor boundary adjustments to the RU1 zone proposed by this planning proposal.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

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

Q9 Has the planning proposal adequately addressed any social and economic effects?

The social and economic effects of the planning proposal are considered to be positive. The proposal will facilitate the creation of additional residential zoned lots and a more functional and efficient subdivision layout. This will provide for increased social and economic outcomes through the provision of increased housing supply and improved accessibility whilst minimising impacts to RU1 zoned land.

4.4 Section D – State and Commonwealth Interests

Q10 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. The proposal includes substantial new road infrastructure throughout the site.

Site drainage works are proposed to be located within the RU1 zoned portion of the site. Once drainage works have been satisfactorily completed it is proposed that the land occupied by such works be dedicated to Council for drainage purposes.

The dedication of land for drainage purposes involves a land subdivision and is consistent with the approach taken by Council in other release areas. Typically the drainage works are located on residential zoned land and subdivision is not impeded as a consequence of minimum lot size requirements. In the subject case the minimum lot size for the RU1 zone is 40ha and presents a significant constraint to land subdivision which would require an LEP amendment to resolve.

It was initially proposed to apply a SP2 Infrastructure zone, which is not subject to minimum lot size restrictions, to that part of Lot 1 required for drainage purposes. Whilst feasible the difficulty with this approach relates to the extent of the land area required for drainage works not being able to be precisely determined until after works have been constructed. An alternative, and more favoured, option is to permit land subdivision for the purpose of drainage works within all of the RU1 and RU2 rural zones utilizing the mechanism of a special clause within Ballina LEP 2012.

The special clause mechanism could then be utilized on other sites in the future where drainage works located on rural zoned land are proposed to be transferred to the Council.

Ballina Shire Council

In the event that the special local clause option is not able to be implemented an alternative to limit the permissibility of land subdivision for drainage purposes to only that part of the site zoned RU1 is also included within the planning proposal.

The drainage infrastructure basins are proposed to be located within an area identified as containing a Freshwater Wetland Endangered Ecological Community (EEC) as well as Hairy-joint grass (HJG). HJG is listed as vulnerable plant species under both Federal and State legislation. The mitigation of ecological impacts associated with proposed drainage works is subject to separate consideration as part of the DA (DA 2018/51) process. There are a number of options available to address this issue none of which are considered to impact the land zoning applied to the land.

Q11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

5. Mapping

The following maps will be prepared to support this planning proposal:

- Land Zoning Map – Sheet LZN_005D
- Lot Size Map – Sheet LSZ_005D

6. Community Consultation

This proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. It is anticipated that a minimum public notification period of 28 days will be applied to this planning proposal.

7. Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	May 2019
Government Agency Consultation	June 2019
Public Exhibition Period	June 2019
Public Hearing	N/A
Submissions Assessment	July 2019
RPA Assessment of Planning Proposal and Exhibition Outcomes	August 2019
Submission of Endorsed LEP to DP&E for Finalisation	September 2019
RPA Decision to Make the LEP Amendment (if delegated)	September 2019
Forwarding of LEP Amendment to DP&E for Notification (if delegated)	September 2019

Council is seeking to exercise the functions of the local plan-making authority for finalisation of this LEP amendment.

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8. Appendices

Appendix 1 – Maps

(To be prepared post-Gateway determination).

Ballina Shire Council

Appendix 2 – Section 9.1 Direction Checklist

Section 9.1 Direction Checklist Planning Proposal – Reservoir Hill Site, 20 North Creek Road, Lennox Head	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to planning proposal.
1.2 Rural Zones	Justifiably inconsistent. The planning proposal involves a minor adjustment of rural zone boundaries consistent with the proposed residential allotment layout and the extent of roads proposed within the subdivision application currently being assessed by Council under DA 2018/51. The extent of rural land proposed to be rezoned to residential comprises approximately 1,000m ² of land on the eastern and southern edges of the 3.68ha rural zoned area of the site and therefore is considered to be of minor significance.
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	Justifiably inconsistent. The planning proposal involves a minor adjustment of rural zone boundaries consistent with the proposed residential allotment layout and the extent of roads proposed within the subdivision application currently being assessed by Council under DA 2018/51. The extent of rural land proposed to be rezoned to residential comprises approximately 1,000m ² of land on the eastern and southern edges of the 3.68ha rural zoned area of the site and therefore is considered to be of minor significance.
2. Environment and Heritage	
2.1 Environment Protection Zones	Consistent. Environmental Protection zones are not proposed due to deferral of E zones from the Ballina LEP 2012. Areas within the site having ecological value are not proposed to be rezoned for urban purposes. Amendments to rural zone boundaries are essentially of a housekeeping nature.
2.2 Coastal Protection	Consistent. The planning proposal relates to amendments that are generally of a housekeeping nature and are considered to be of minor significance.
2.3 Heritage Conservation	Consistent. There are no known items of environmental or Aboriginal cultural heritage value on the land.
2.4 Recreation Vehicle Areas	Consistent. The planning proposal relates to the provision of residential housing and does not involve the development of land for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.

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Planning Proposal 18/004 – Reservoir Hill Site, Lennox Head

Section 9.1 Direction Checklist	
Planning Proposal – Reservoir Hill Site, 20 North Creek Road, Lennox Head	
Direction No.	Compliance of Planning Proposal
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The planning proposal involves the realignment of RU1, R2 and R3 zone boundaries. The proposal is consistent with this direction as it will facilitate a large scale residential subdivision on which dwelling houses are to be constructed. The Ballina LEP 2012 includes 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.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The planning proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.
3.3 Home Occupation	Consistent. The planning proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrating Land Use and Transport	Consistent. The planning proposal relates to amendments that are generally of a housekeeping nature and are considered to be of minor significance. The proposal will facilitate an internal road network that will provide access to future residential lots within the subdivision.
3.5 Development near Licensed Aerodromes	Consistent. The planning proposal relates to amendments that are generally of a housekeeping nature and are considered to be of minor significance. The proposal does not involve any change to the allowable building heights on the site and therefore will not impact on the effective and safe operation of aerodromes.
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate 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	Does not apply to planning proposal.
5. Regional Planning	
5.1 Implementation of Regional Strategies (Revoked 17 October 2017)	Revoked.
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	Does not apply to planning proposal. The subject land is not mapped as State significant farmland, regionally significant farmland or significant non-contiguous farmland.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Revoked 18 June 2010)	Revoked.

Ballina Shire Council

Section 9.1 Direction Checklist	
Planning Proposal – Reservoir Hill Site, 20 North Creek Road, Lennox Head	
Direction No.	Compliance of Planning Proposal
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	Revoked.
5.7 Central Coast (Revoked 10 July 2008)	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to planning proposal.
5.9 North West Rail Link Corridor Strategy	Does not apply to planning proposal.
5.10 Implementation of Regional Plans	Consistent. The planning proposal is generally consistent with the North Coast Regional Plan 2036.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land reserved for public purposes.
6.3 Site Specific Provisions	Consistent. The planning proposal does not introduce any new site specific provisions.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Does not apply to planning proposal.
7.2 Implementation of greater Macarthur Land Release Investigation	Does not apply to planning proposal.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to planning proposal.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply to planning proposal.
7.5 Implementation of Greater Parramatta Priority growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to planning proposal.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to planning proposal.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to planning proposal.
7.9 Implementation of Bayside West Precincts 2036 Plan	Does not apply to planning proposal.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply to planning proposal.

Ballina Shire Council

Appendix 4 – Revised Ecological Assessment (March 2019)

(Provided under separate cover)

Appendix 5 – Site Contamination Assessment (Coffey 2013)

(Provided under separate cover)

8.2 LEP Amendment Request - Reservoir Hill Site - North Creek Road.DOC

