



ENGINEERS PLANNERS SURVEYORS ENVIRONMENTAL PROJECT MANAGEMENT

Ref/Job Number: 5009
5009 - Cover letter - Planning Proposal

16 June 2020

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

Dear Sir/Madam

re: **Planning Proposal/LEP Amendment Request**
Lot 1 DP 1077982, Mitchell Close, Cumbalum

Ardill Payne & Partners continues to act on behalf of the Catholic Church and has been requested to provide town planning services in the preparation and lodgement of a Planning Proposal/LEP Amendment Request with Ballina Shire Council in respect of the subject land.

Attached herewith is the following:

- completed Planning Proposal/LEP Amendment Request – Proponent & Proposal Information Form
- signed landowner's consent to the making of the Planning Proposal/LEP Amendment Request
- 2 x paper copies and 1 x CD copy of the Planning Proposal (NB: Council's Klaus Kerzinger requested that the planning proposal be provided in this form, using Council's template)
- cheque for \$3900.00 payable to Ballina Shire Council (Commencement Fee – Stage 1)
- copy of Leah Toole's email dated 15th June 2020 identifying the application fees
- locality plan and copy of DP 1077982
- indicative/concept subdivision layout plans (Ardill Payne & Partners, dated 9th June 2020)
- Precinct A Cumbalum Urban Release Area Slope Stability Assessment (Shaw:Urquhart, Ref.: 04097/1-H, dated 2nd October 2009)
- Preliminary Contaminated Site Investigation – Proposed subdivision of Cumbalum Views (Ardill Payne & Partners, dated 9th September 2010)
- Preliminary Contaminated Site Investigation – Ballina Heights Estate – Lot 302 DP 1147087 & Lot 316 DP 1148856, Pacific Highway, Cumbalum (Ardill Payne & Partners, dated 5th October 2016)

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45 River Street
PO Box 20
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02 6686 3280

ARDILLPAYNE.COM.AU
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GUNNEDAH
Germane House
285 Conadilly Street
GUNNEDAH NSW 2380
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-
- Road Traffic Noise Assessment – Proposed Residential Zoned Land at Lot 1 DP 1077982, Ballina Heights Drive, Cumbalum (TTM Consulting, dated 11th June 2020)

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paul Snellgrove'.

Paul Snellgrove

ARDILL PAYNE & PARTNERS

s:\01 jobs\5000-5099\5009 ballina heights\03 town planning\5009 - planning proposal - church land - north bhe\5009 - cover letter - planning proposal.docx

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**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 2475 · **T** 02 6686 7035 · **e** council@ballina.nsw.gov.au
t 02 664 444 · **w** www.ballina.nsw.gov.au · **abn** 59 929 667 869

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

Address

Postal Address

Telephone (w) (h) Mobile

Email Address Fax

Signature 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

Address

Telephone (w) Mobile Fax

Email Address

Please tick if consultant/representative is to be the principal point of contact with Council.

Paul Snowgrove

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

Lot/Portion Section DP

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 checked="" type="checkbox"/> Y <input type="checkbox"/> N Amount: \$ 3,900.00	Date Received: 17/6/20	Receipt No: 1226381
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

Refer attached Town Planning report

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

Refer attached Town Planning report



ENGINEERS PLANNERS SURVEYORS ENVIRONMENTAL PROJECT MANAGEMENT

APP Land Owner Authority.doc

LAND OWNER AUTHORITY

This is to advise that Ardill Payne & Partners
of 45 River Street, Ballina NSW has been engaged by:

Landowner's name	ST FRANCIS XAVIER PARISH BALLINA
Landowner's address	PO BOX 46 BALLINA 2478

To prepare certain applications in respect of land known as:

Street	Mitchell Close
Town	Cumbalum
Real property description	Lot 1 DP 1077982
Description of proposed development	Amend the zoning and minimum lot size for part of the subject land

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

1. Inspect all relevant Council records.
2. Obtain copies of submissions made to Council or other government authorities.
3. Carry out searches and site inspections.
4. Lodge a Planning Proposal/LEP Amendment Request with Ballina Council.

Signed	<i>P Lloyd</i>
Name	PAUL LLOYD
Date	16/6/20
Phone	02 66811078
Email	admin@sfxballina.org.au

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ST FRANCIS XAVIER CATHOLIC PARISH
BALLINA

ADMINISTRATION CENTRE
53 - 57 CHERRY STREET BALLINA
ABN 79 530 089 905



PO BOX 46 BALLINA 2478 | Phone: (02) 6681 1048 Fax: (02) 6686 8774 | Email: admin@sfxballina.org.au

16 June 2020

Ballina Shire Council
PO Box 450
Ballina NSW 2478

Dear Sir / Madam,

Please be advised that I am employed as the Business Manager of St Francis Xavier Parish Ballina and an authorised officer of the Roman Catholic Church for the Diocese of Lismore with the authority to sign the Land Owner Authority.

Please do not hesitate to contact me at the above address or telephone number should any further verification be required.

Yours faithfully,


Paul Lloyd
Parish Business Manager

Paul Snellgrove

From: Leah Toole <Leah.Toole@ballina.nsw.gov.au>
Sent: Monday, 15 June 2020 12:01 PM
To: Paul Snellgrove
Subject: RE: Help please

Hi Paul,

The commencement fee for Stage 1 is \$3,900 with no refund provision once the planning proposal has been considered by Council.

Kind regards,
Leah

Leah Toole
Strategic Planner



ballina.nsw.gov.au | discoverballina.com.au
p: (02) 6686 1454 | f: (02) 6686 7035 |



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Opinions, conclusions and other information contained within this message that do not relate to official Council business are those of the individual sender, understood as being neither given nor endorsed by the Ballina Shire Council.

From: Paul Snellgrove <PaulS@ardillpayne.com.au>
Sent: Monday, 15 June 2020 11:54 AM
To: Leah Toole <Leah.Toole@ballina.nsw.gov.au>
Cc: Bill Payne <BillP@ardillpayne.com.au>
Subject: Help please

1

CYBER SECURITY WARNING - This message is from an **external sender - be cautious**, particularly with links embedded within the message and/or attachments.

Leah

Can you please provide me with a fee quote for a Commencement Fee – Stage 1 (which is not likely such that would be considered a minor amendment) in respect of Lot 1 DP 1077982, Mitchell Close, Cumbalum – Ballina Heights Estate. Proposing to change the zoning and minimum lot size to enable future residential subdivision and development.

Kind regards,

Paul Snellgrove
Principal Town Planner



02 6686 3280 | 45 River Street, Ballina NSW 2478
02 6742 9955 | 285 Conadilly Street, Gunnedah NSW 2380
PO Box 20, Ballina NSW 2478

pauls@ardillpayne.com.au MailScanner has detected definite fraud in the website at "scanmail.trustwave.com". **Do not trust this w**



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Planning Proposal [] []

**» Lot 1 DP 1077982,
Mitchell Close,
Cumbalum**

[]

ballina
shire council



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Ballina Shire Council

1. Introduction

1.1 Summary of Planning Proposal

The proposed amendment relates to land described as Lot 1 DP 1077982, Mitchell Close, Cumbalum, which is an irregular shaped lot with the following dimensions and area:

- 316.66m northern boundary to Lot 30 DP 1223594
- 361.6m eastern boundary to Ballina Heights Drive
- 248.2m southern boundary to Lot 496 DP 1237675
- 452.43m western boundary to Lot 30 DP 1022777, Lot 11 DP 1062002, Lot 1 DP 1219033 and Lot 11 DP 1013876
- area 9.078ha

The subject land is zoned part R3 – Medium Density Residential and part RU2 – Rural Landscape Zone under the provisions of Ballina LEP 2012. This planning proposal relates to that part of the subject land that is zoned RU2.

The RU2 zoned land is also mapped as being a “Strategic Urban Growth Area (SGA)” on the Strategic Urban Growth Area Map – SGA_005B (BLEP 2012).

The subject land is vacant and is traversed by a driveway that runs between Mitchell Close and Ballina Heights Drive.

The planning proposal involves:

- rezoning the RU2 zoned part of the subject land to R3 – Medium Density Residential Zone
- replacing the 40ha minimum lot size for the RU2 zoned part of the subject land with a 450m² minimum lot size

1.2 Background

The subject land comprises part of the Ballina Heights Estate. A number of development consents have been granted for the subdivision and development of the Ballina Heights Estate (BHE), with the main consents that are of relevance to the subject land being detailed below:

Planning Proposal 19/003 246 – 250 Lismore Road, Wollongbar

- DA 2001/128 (as amended) – Aspects (i)-(xv) and Stages 1-4 of the BHE (210 residential lots)
- DA 2003/413 (as amended) – To Undertake a Torrens Title Subdivision to Create 189 Urban (Residential) Allotments being Stages 5-8 of the BHE
- DA 2010/1045 (as amended) – To Undertake a Subdivision to Create and Dedicate a Road Corridor as Public Road (Ballina Heights Drive) and the Subsequent Construction of the Public Road in Association with the Development of the BHE
- DA 2010/715 – To Undertake Site Filling for Urban Purposes
- DA 2015/468 (as amended) – To Undertake a Torrens Title Subdivision to create 179 Residential Lots, Two Residue Lots and associated Infrastructure Works

1.3 Council Resolutions

(To be completed after application has been reported to Council)

1.4 Gateway Determination

(To be completed after Gateway determination)

2. Objectives & Intended Outcomes

The objective of the Planning Proposal is to rezone the RU2 section of the subject land to R3 – Medium Density Residential Zone and to apply a minimum lot size/subdivision standard that will enable the land to be subdivided into minimum 450m² residential lots, and to enable the future construction of dwelling houses, dual occupancies, multi dwelling housing and residential flat buildings on the vacant residential lots at some future time (and subject to separate application and approval processes).

That part of the subject land that is to be zoned R3 – Medium Density Residential Zone has an area of approx. 4.913ha. Based purely on a 450m² lot size and approx. 150m² of road per lot, the site could yield in the order of approx. 80 lots. It should be noted that this yield is a purely arbitrary number that has not been calculated having regard to any of the characteristics or constraints of the site.

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

- potable water supply

Ballina Shire Council

- sewerage disposal
- electricity
- telecommunications
- constructed urban road (including stormwater)

Such services would have to be extended so that any future new lots could be connected to and serviced by such systems.

3. Explanation of the Proposal

3.1 Land to Which the Planning Proposal Applies

This planning proposal applies to Lot 1 DP 1077982, Mitchell Close, Cumbalum, as shown outlined in red within Figure 1 below.



Figure 1: The subject land, outlined in red

3.2 The Proposal – Explanation of Provisions

The proposed amendments to the BLEP 2012 involve:

- rezoning that part of the subject lot that is zoned RU2 – Rural Landscape Zone to R3 – Medium Density Residential Zone

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- applying a 450m² minimum lot size/subdivision standard to the new R3 zoned land

which is the same zoning and minimum lot size for the adjoining land to the south and on the eastern side of Ballina Heights Drive (Banyan Hill – being Eclipse Crescent and Lawrence Rise).

It will also be necessary to amend the Strategic Urban Growth Area (SGA) map by replacing the “Strategic Urban Growth Area” mapping with “Land Adjacent to Strategic Urban Growth Area” mapping.

4. Justification

4.1 Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes, the subject land is mapped as:

- “Investigation Area – Urban Land” – North Coast Regional Plan 2036
- “Strategic Urban Growth Area” – Ballina Shire Growth Management Strategy 2012
- “Strategic Urban Growth Area” – Ballina LEP 2012

and is therefore the result of, and is consistent with these documents.

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

Yes, it is submitted that a planning proposal (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 future urban/residential subdivision.

Ballina Shire Council

4.2 Section B – Relationship to Strategic Planning Framework

Q3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

North Coast Regional Plan 2036

The NCRP is the State Government's "...blueprint for the next two decades that reflects community and stakeholder aspirations and opportunities from leveraging the North Coast's position between two of the fastest growing population corridors in the nation."

The Planning Proposal is considered to be consistent with the general applicable directions and in particular the following:

Direction 1: Deliver environmentally sustainable growth

Action 1.1 is to "Focus future urban development to mapped urban growth areas."

Action 1.3 is to "Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment."

Direction 22: Deliver greater housing supply

Action 22.1 is to "Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs."

Urban Growth Area Maps – Ballina Shire – Regional Priorities – Housing

"Deliver housing at Cumbalum, Wardell, North Creek Road and Lennox Head"

"Support the delivery of greater housing diversity in appropriate locations, including higher housing densities in Ballina."

Q4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Ballina Shire Council Community Strategic Plan 2017-2027

The proposal is considered to be generally consistent with the elements and specified outcomes of the CSP as detailed in the below table:

6

Element and Reference	Outcomes	Benefits
<i>PE3 Prosperous Economy</i>	<i>Improve liveability in the Shire</i>	
PE3.2	Facilitate and provide affordable infrastructure	Increased housing opportunities created
<i>HE3 Healthy Environment</i>	<i>Our built environment blends with the natural environment</i>	
HE3.1	Develop and implement plans that balance the built environment with the natural environment	Reduced environmental impacts and greater community satisfaction
HE3.3	Match infrastructure with development	Increased use of existing infrastructure

The consistency of the planning proposal with the key local plans and strategies is detailed below:

Ballina LEP 2012

That part of the subject land that is subject of this planning proposal is mapped as a "Strategic Urban Growth Area".

Ballina Shire Growth Management Strategy 2012 (BSGMS)

The purpose of the BSGMS is to provide a framework and strategic planning context for managing population and employment growth in the Shire's urban areas for the 2012-2031 planning period and includes the following 'locality objectives' and 'strategic actions' in respect to the Cumbalum locality:

Ballina Shire Council

Locality Objectives:	Strategic Actions:
<ul style="list-style-type: none"> • Future development to provide for a range of lifestyle and other opportunities, including commerce and employment, recreation and a quality living environment. • Economic and efficient development that recognises that these areas represent several of the remaining significant land releases in the shire. • Preference for development to proceed as a south to north progression to maximise the efficient delivery of infrastructure. • Manage Aboriginal, European and other non-Aboriginal cultural heritage values in accordance with best practice guidelines. 	<ul style="list-style-type: none"> • Undertake a detailed site analysis and investigations to determine appropriate land use zoning that includes provision for employment and recreation outcomes. • Establish a Development Control Plan (DCP) to guide future integrated subdivision, development and services delivery. • Prepare an Infrastructure Delivery Plan for the locality. • Manage and/or promote Aboriginal, European and other non-Aboriginal cultural heritage values in accordance with relevant stakeholders.

The subject land is mapped under the Strategy as part “Urban zoned un-developed land” and part “Strategic Urban Growth Area” with this Planning Proposal relating to that part of the site mapped as “Strategic Urban Growth Area”.

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

There are a number of SEPPs that are of relevance to the subject land and/or proposal, details of which are as follows:

SEPP Title	Compliance of Planning Proposal
SEPP (Koala Habitat Protection) 2019	The subject land is a 9.078ha vacant lot that is zoned part R3 and part RU2. As shown on the below extract from Council’s Intramaps, a strip of trees that exists along the internal driveway on the subject land is mapped as “Preferred Koala Habitat” (being Secondary A) under the Ballina Koala Management Strategy 2016.

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	 <p>As shown on the below extract from the Koala Development Application Map, parts of the subject land are mapped as "Site Investigation Area for Koala Plans of Management Map" (being the areas in blue):</p>  <p>It is expected that should Council resolve to proceed with this Planning Proposal, that a detailed Ecological/F&F report (including Koala/SEPP-KHP assessment) would have to be provided to support/inform the next stage of the Planning Proposal.</p> <p>It is therefore submitted that the Planning Proposal would be able to be prepared in a manner consistent with the provisions of SEPP-KHP.</p>
<p>SEPP 55 – Remediation of Land</p>	<p>Clause 7 of this SEPP provides that a consent authority must not grant consent to the carrying out of development on any land unless:</p> <ul style="list-style-type: none"> (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Ballina Shire Council

	<p>Two Preliminary Contaminated Site Investigations have been prepared by APP (dated September 2010 and October 2016 – copies attached) to support/inform the proposed subdivision of land in Ballina Height and CURA-A respectively, which include that part of the subject land that is subject to this Planning Proposal. These investigations did not identify any areas of environmental concern for the subject land. The 2016 report identified that the south-western part of the subject land is within the 200m buffer of the 'Quinlans spray dip' which is situated on lower-lying, down-slope land to the west and thus the subject land is not likely contaminated as a consequence of such.</p> <p>It is submitted that the Planning Proposal is consistent with the provisions of and is not contrary to the intent of the SEPP.</p>
<p>SEPP (Coastal Management) 2018</p>	<p>The subject land is situated in the coastal zone and is thus subject to the provisions of SEPP-CM. The subject land is <u>not</u> mapped on the:</p> <ul style="list-style-type: none"> • Coastal Wetlands and Littoral Rainforests Area Map and thus Part 2, Division 1 does not apply • Coastal Vulnerability Area Map (NB: no map at this time) and thus Part 2, Division 2 does not apply <p>The whole of the subject land is mapped on the Coastal Environment Area Map and thus Division 3 of Part 2 applies. As per Clause 13, the potential future residential subdivision and development as proposed by this planning proposal are not such that will have any adverse impacts on:</p> <ul style="list-style-type: none"> • the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment – subject to appropriate management of stormwater • coastal environmental values and natural coastal processes • the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>) or any sensitive coastal lakes • marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms • existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability • Aboriginal cultural heritage, practices and places • the use of the surf zone <p>The western part of the subject land is mapped on the Coastal Use Area Map and thus Division 4 of Part 2 applies. As per Clause 14, the potential future residential subdivision and development as proposed by this planning proposal are not such that will have any adverse impacts on:</p> <ul style="list-style-type: none"> • the existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public • overshadowing, wind funnelling or the loss of any views from public places to foreshores • the visual amenity and scenic qualities of the coast (including headlands) • Aboriginal cultural heritage, practices or places • cultural and built environmental heritage <p>As per Clause 15, the proposed development will not cause increased risk of coastal hazards on the subject or any other land.</p>

	<p>As per Clause 16, the proposed development is not subject to any coastal management program or coastal zone management plan that applies to the land.</p> <p>The subject land is physically and spatially removed from any coastal foreshore area, being in excess of 150m from Emigrant Creek and being separated therefrom by the Pacific Motorway and Tamarind Drive. The future potential residential subdivision and development of the subject land will not have any adverse or tangible impacts on any part of the coastal foreshore or any public land and will not impact existing, or be able to provide new or improved public access to any, foreshore area.</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>
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Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. A number of section 9.1 directions are relevant to the planning proposal. A section 9.1 checklist is provided at Appendix 2.

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?

A strip of trees that exists along the internal driveway on the land is mapped as “Preferred Koala Habitat” (being Secondary A) under the Ballina Koala Management Strategy 2016.

It is expected that should Council resolve to proceed with this planning proposal that a detailed Ecological/F&F report (including Koala/SEPP-KHP assessment) would have to be provided to support/inform the next stage of the 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?

The subject land is **not** mapped as being subject to flooding or damaging coastal processes, containing acid sulfate soils or being bushfire prone.

The land is in a locality that is mapped as being an “Area of High Mosquito Risk”, with the whole of Lennox Head, Ballina and East Ballina and the bulk of the Cumbalum Urban Release Area being situated in such an area.

Ballina Shire Council

In accordance with Council's current controls and strategies (Section 3.6 – Mosquito Management, Chapter 2 – General and Environmental Considerations, BDCP 2012) any future dwellings on any future residential lots will be required to be provided with effective screening to all windows, external doors and other openings to habitable rooms. There would also be specific design considerations for any bulk stormwater detention areas required to service any residential subdivision.

The subject land is proximate to the Pacific Motorway and thus there could be potential road traffic impacts on any future dwellings. As a consequence of such, a noise impact assessment has been prepared and is attached.

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

The planning proposal is consistent with the applicable strategic planning documents applying to the subject land and is considered to be such that will provide benefits to the community via an increase in housing stock and competition in the market place and will have consequential increases in economic activity and employment through an increase in building and development in the area.

The reticulated public infrastructure services are available in the immediate locality and there are no significant economic issues with the servicing of any future residential lots.

As such, there will likely be positive social and economic outcomes resulting from the proposal.

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 subject land is generally consistent with the existing and planning infrastructure servicing the locality. The existing locality is connected to and serviced by all necessary reticulated public infrastructure services. It is understood that there is sufficient capacity for any future residential lots to be efficiently and economically connected to and serviced by such services.

There may be a need for an on-site stormwater management facility to service any future residential subdivision of the land such as on-site detention, which would be subject of further investigation and reporting.

Planning Proposal 19/003 246 – 250 Lismore Road, Wollongbar

Q11 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 have to be obtained should Council resolve to enable the Planning Proposal to proceed.

5. Mapping

The following map has been prepared to support this planning proposal:

[]

6. Community Consultation

[]

7. Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	
Completion of Technical Information	
Government Agency Consultation if required.	
Public Exhibition Period	
Public Hearing	
Submissions Assessment	
Local Plan Making Authority (LPMA) Assessment of Planning Proposal and Exhibition Outcomes	
LPMA Decision to Make the LEP Amendment (if delegated)	
Submission of Endorsed LEP to DPI&E for Finalisation	

Council is proposing to exercise plan finalisation functions under delegation as the Local Plan Making Authority.

Ballina Shire Council

8. Appendices

Planning Proposal 19/003 246 – 250 Lismore Road, Wollongbar

Appendix 1 – Maps



Ballina Shire Council

Appendix 2 – Section 9.1 Direction Checklist

Section 9.1 Direction Checklist Planning Proposal – Lot 1 DP 1077982, Mitchell Close, Cumbalum	
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	Consistent. The subject land is mapped as "Investigation Area – Urban Land" under the North Coast Regional Plan 2036 and "Strategic Urban Growth Area" under the Ballina Shire Growth Management Strategy 2012 and is thus able to be justified as a consequence of both documents.
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	Consistent. The subject land is mapped as "Investigation Area – Urban Land" under the North Coast Regional Plan 2036 and "Strategic Urban Growth Area" under the Ballina Shire Growth Management Strategy 2012 and is thus able to be justified as a consequence of both documents.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The Planning Proposal does not involve or relate to land that is identified as having any environmental significance.
2.2 Coastal Management	Consistent. The subject land is mapped as "Investigation Area – Urban Land" under the North Coast Regional Plan 2036 and "Strategic Urban Growth Area" under the Ballina Shire Growth Management Strategy 2012 and is thus able to be justified as a consequence of both documents. Further, the subject land is physically and spatially removed from any coastal foreshore and is not subject to flooding, tidal inundation, acid sulfate soils or any damaging coastal processes. The Planning Proposal will not have any impacts on any coastal foreshore land (public or private) or public access thereto.
2.3 Heritage Conservation	Consistent. The Planning Proposal does not involve the development of land on which a heritage item is located, or is situated in a heritage conservation area or in the vicinity of a heritage item or conservation area.
2.4 Recreation Vehicle Areas	Does not apply to Planning Proposal.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to Planning Proposal.
2.6 Remediation of Contaminated Land	Consistent. Two Preliminary Contaminated Site Investigations have been prepared by APP (dated September 2010 and October 2016 – copies attached) to support/inform the subdivision of land in Ballina Height and CURA-A respectively, which include that part of the subject land that is subject to this Planning Proposal. These investigations did not identify any areas of environmental concern for the subject land. The 2016 report identified that the south-western part of the subject land is within the 200m buffer of the 'Quinlans spray dip' which is situated on lower-lying, down-slope land to the west and thus the subject land is not likely contaminated as a consequence of such.

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Section 9.1 Direction Checklist	
Planning Proposal – Lot 1 DP 1077982, Mitchell Close, Cumbalum	
Direction No.	Compliance of Planning Proposal
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>Consistent.</p> <p>The subject land is mapped as "Investigation Area – Urban Land" under the North Coast Regional Plan 2036 and "Strategic Urban Growth Area" under the Ballina Shire Growth Management Strategy 2012.</p> <p>The immediate locality is serviced by all required public infrastructure services which have sufficient capacity to service the loads that will be imparted by the future residential subdivision and development of the subject land.</p> <p>The BLEP 2012 contains existing provisions (Clause 7.7) that requires adequate infrastructure servicing to be in place, or suitable arrangements to have been made for such servicing, prior to development proceeding.</p>
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to Planning Proposal.
3.3 Home Occupations	<p>Consistent.</p> <p>Home occupations are permitted without consent in the R3 zone under the BLEP 2012.</p>
3.4 Integrating Land Use and Transport	<p>Consistent.</p> <p>The subject land is mapped as "Investigation Area – Urban Land" under the North Coast Regional Plan 2036 and "Strategic Urban Growth Area" under the Ballina Shire Growth Management Strategy 2012 and is thus able to be justified as a consequence of both documents.</p> <p>The proposal will facilitate development that is able to make use of existing roads and transport services.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>Consistent.</p> <p>The Ballina Byron Gateway Airport exists in the local area, approx. 2.5m to the south-east of the subject land.</p> <p>The subject land is not impacted by the ANEF's for the Airport.</p> <p>The subject land is within the OLS for the Airport, however is situated on land that is lower than other zoned and developed residential land in the immediate locality.</p> <p>The Planning Proposal will not create, alter or remove a zone or a provision relating to land near the Airport.</p>
3.6 Shooting Ranges	Does not apply to Planning Proposal.
3.7 Reduction in non-hosted short term rental accommodation period	Does not apply to Planning Proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Does not apply to Planning Proposal. The land is not mapped as containing acid sulfate soils.

Ballina Shire Council

Section 9.1 Direction Checklist	
Planning Proposal – Lot 1 DP 1077982, Mitchell Close, Cumbalum	
Direction No.	Compliance of Planning Proposal
4.2 Mine Subsidence and Unstable Land	<p>Consistent.</p> <p>The subject land is not situated in a Mine Subsidence District.</p> <p>Part of the subject land is mapped by the Department of Mineral Resources as being subject to landslip.</p> <p>It should be noted that the land subject to the Planning Proposal is consistent with adjoining land that has been subdivided and developed for residential purposes (Ballina Heights Estate and Banyan Hill) in terms of soil types, geology, landform and topography.</p> <p>A Slope Stability Assessment was undertaken by Shaw:Urquhart (Ref.: 04097/1-H, Dated 2nd October 2009 – copy attached) in respect of Precinct A of the Cumbalum Urban Release Area, which encompassed that part of the subject land that is proposed to be rezoned to R3.</p> <p>As shown on Figure 4 of that report, the land that is proposed to be zoned R3 is mapped as a combination of "Low", "Medium" and "High" Likelihood of Instability.</p>
4.3 Flood Prone Land	Does not apply to Planning Proposal. The land is not identified as being flood prone.
4.4 Planning for Bushfire Protection	Does not apply to Planning Proposal. The land is not identified as being bushfire prone.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Does not apply to Ballina Shire.
5.2 Sydney Drinking Water Catchment	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>Consistent.</p> <p>That part of the subject land that is subject to this Planning Proposal (which is zoned RU2) is mapped under the Northern Rivers Farmland Protection Project as "Regionally Significant Farmland Protection Area".</p> <p>Notwithstanding such, the subject land is mapped as "Investigation Area – Urban Land" under the North Coast Regional Plan 2036 and "Strategic Urban Growth Area" under the Ballina Shire Growth Management Strategy 2012 and is thus able to be justified as a consequence of both documents.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>Consistent.</p> <p>The subject land is within the vicinity of the Pacific Motorway and is adjacent to an "out-of-town" segment as defined in Paragraph 5(c).</p> <p>The Planning Proposal does not involve/relate to any new commercial or retail development and there will not be any impacts on the safety and efficiency of the highway. There will not be any direct access to any of the future residential lots on the proposed R3 zoned land to/from the Pacific Motorway.</p>
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Revoked 18 June 2008.
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008.
5.7 Central Coast	Revoked 10 July 2008.
5.8 Second Sydney Airport: Badgerys Creek	Revoked 20 August 2018.
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire.
5.10 Implementation of Regional Plans	<p>Consistent.</p> <p>No inconsistencies with the North Coast Regional Plan 2036 have been identified.</p>

Planning Proposal 19/003 246 – 250 Lismore Road, Wollongbar

Section 9.1 Direction Checklist	
Planning Proposal – Lot 1 DP 1077982, Mitchell Close, Cumbalum	
Direction No.	Compliance of Planning Proposal
5.11 Development of Aboriginal Land Council land	Does not apply to this planning proposal.
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 for public purposes.
6.3 Site Specific Provisions	Consistent. The Planning Proposal seeks to apply the R3 land use zone and minimum lot size which is compatible with that of the adjoining residential land.
7. Metropolitan Planning	
7.1 to 7.10	These Directions do not apply to Ballina Shire.

8.4 **LEP Amendment Request - Mitchell Close, Cumbalum**

Ballina Shire Council

Appendix 3 – Council Reports

Planning Proposal 19/003 246 – 250 Lismore Road, Wollongbar

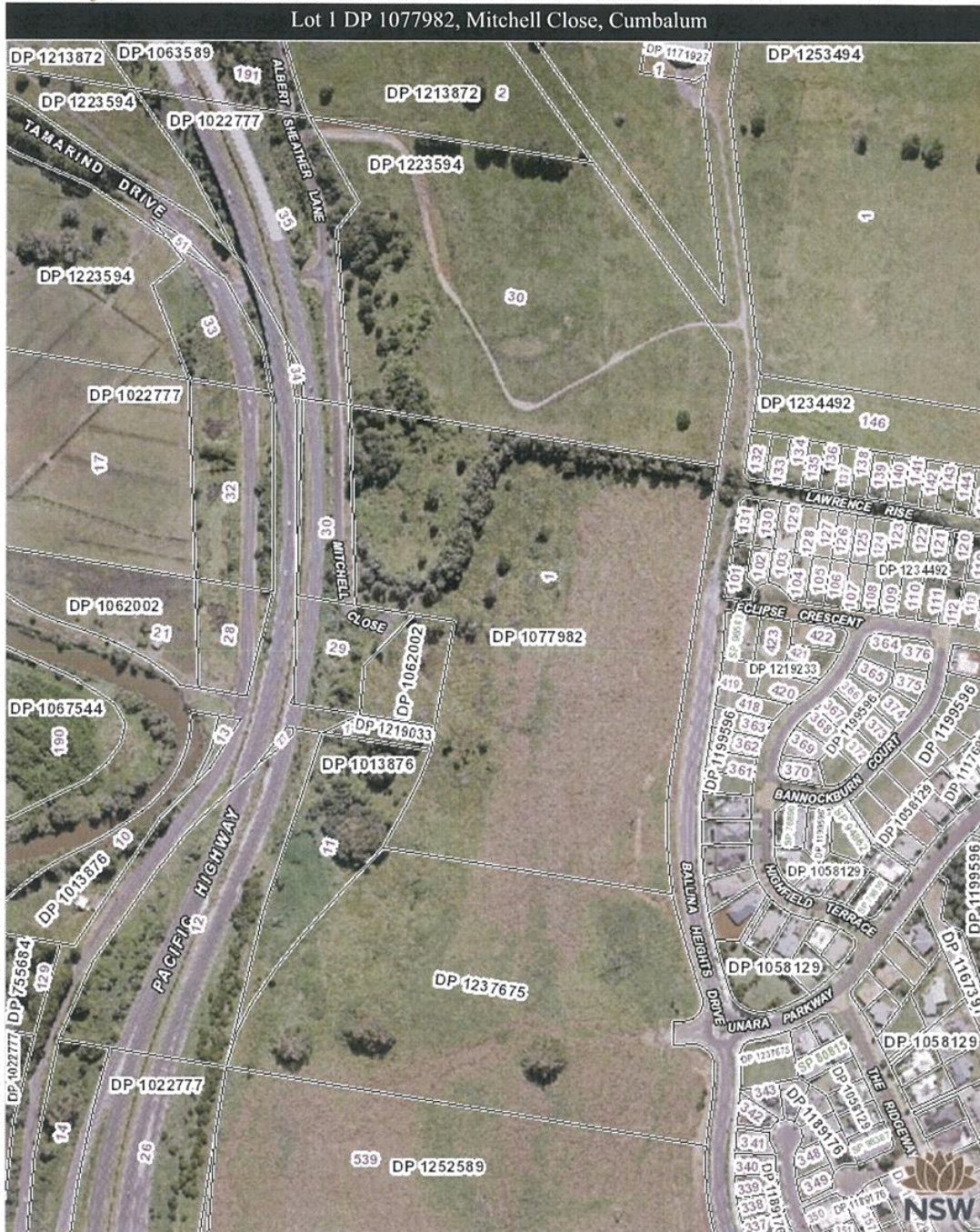
Appendix 4 – Gateway Determination

8.4 **LEP Amendment Request - Mitchell Close, Cumbalum**

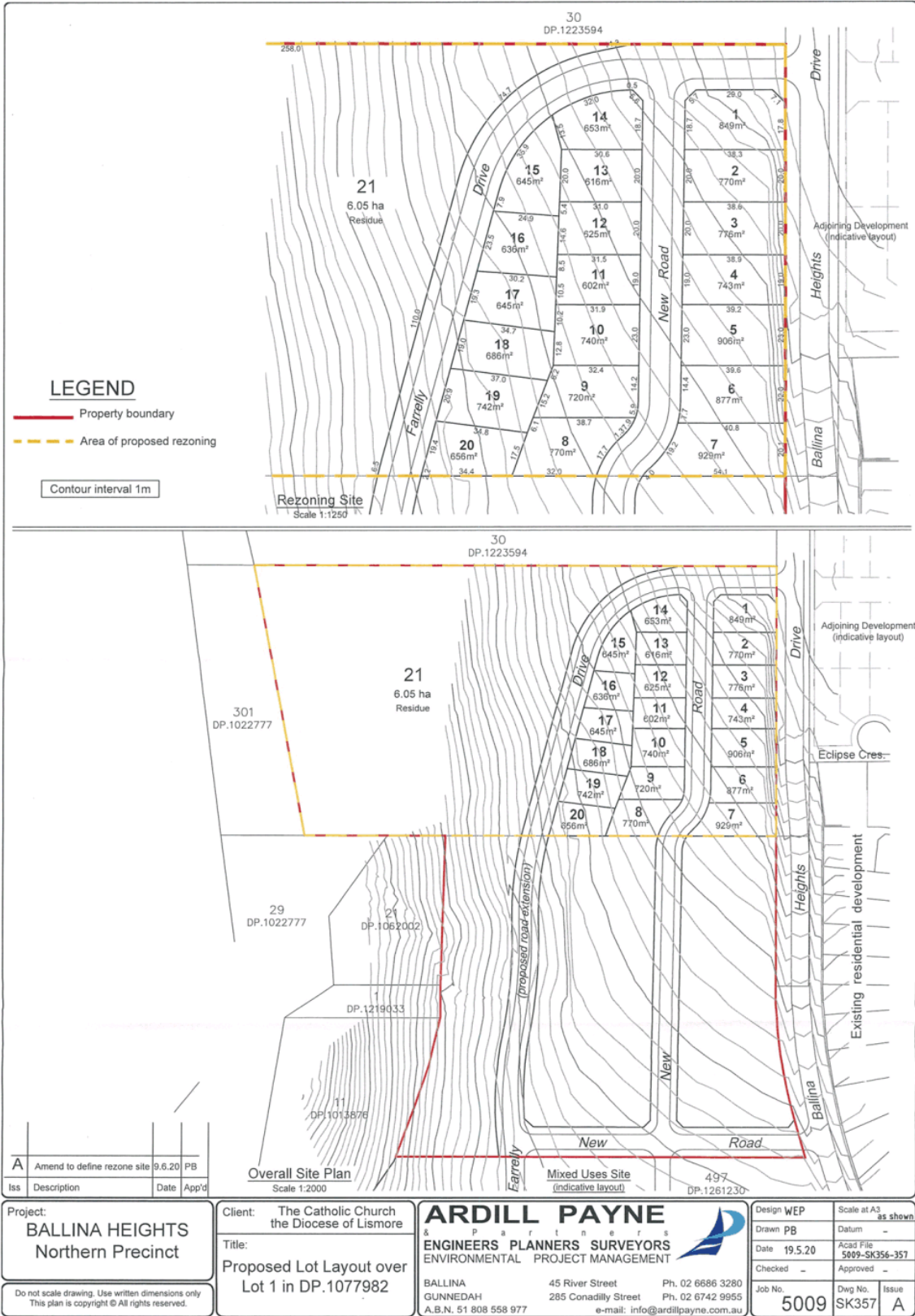
Ballina Shire Council

Appendix 5 – Environmental Site Assessment

Locality Plan



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Iss	Description	Date	App'd
A	Amend to define rezone site	9.6.20	PB

Project:
BALLINA HEIGHTS
Northern Precinct

Do not scale drawing. Use written dimensions only
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Client: The Catholic Church
the Diocese of Lismore

Title:
Proposed Lot Layout over
Lot 1 in DP.1077982

ARDILL PAYNE
ENGINEERS PLANNERS SURVEYORS
ENVIRONMENTAL PROJECT MANAGEMENT

BALLINA 45 River Street Ph. 02 6686 3280
GUNNEDAH 285 Conadilly Street Ph. 02 6742 9955
A.B.N. 51 808 558 977 e-mail: info@ardillpayne.com.au

Design WEP	Scale at A3 as shown
Drawn PB	Datum -
Date 19.5.20	Acad File 5009-SK356-357
Checked -	Approved -
Job No. 5009	Dwg No. SK357 Issue A

8.4 **LEP Amendment Request - Mitchell Close, Cumbalum**

