

Ballina LEP 2012 - Amendment to allow for dual occupancy development on certain land at Lennox Head

Proposal Title : **Ballina LEP 2012 - Amendment to allow for dual occupancy development on certain land at Lennox Head**

Proposal Summary : **The planning proposal will rezone land from R2 Low Density Residential to R3 Medium Density Residential for certain properties in Kell Mather Drive; and Morton Way at Lennox Head. ("Elevation Estate") This will enable the land that is nominated in the respective development approvals as comprising dual occupancy lots to be considered for dual occupancy development, with development consent.**

The planning proposal also includes the application of a minimum lot size of 800 sqm for subdivision of the subject land.

PP Number : **PP_2013_BALLI_002_00** Dop File No : **13/07575**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

Additional Information : **It is recommended that:**

- 1) The planning proposal be supported subject to conditions;**
- 2) The planning proposal be publicly exhibited for a period of 14 days;**
- 3) Council should consult with the NSW Rural Fire Service during community consultation?;**
- 4) The planning proposal is to be completed within 6 months;**
- 5) The Director General (or an officer nominated by the Director General) agree that the inconsistency with S117 Direction 4.4 Planning for Bushfire Protection remains outstanding and will require justification following consultation with the NSW Rural Fire Service;**
- 6) An Authorisati and on to exercise delegation to make the plan be issued to the RPA for this planning proposal**

Supporting Reasons : **The reason for the Gateway Determination is to correct an anomaly that occurred during implementation of the Ballina LEP 2012 such that it was not clear that dual occupancy development was permissible on the subject land.**

Panel Recommendation

Recommendation Date : **09-May-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal should proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition, Council is to update the planning proposal to include the appropriate street names in the address of the subject land, to assist the public in locating the sites.**
- 2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**
- 3. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements**

Ballina LEP 2012 - Amendment to allow for dual occupancy development on certain land at Lennox Head

of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:

M. Simon

Printed Name:

MEN SIMON

Date:

19/5/13