



# **Planning Proposal BSCPP 16/002**

**May 2016**

**Stoneyhurst Drive, Lennox Head**

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# INTRODUCTION

## Summary of Planning Proposal

This planning proposal seeks to facilitate residential zoning and enable further subdivision of the subject land through changes to the land use zoning and minimum lot size provisions of the *Ballina Local Environmental Plan 2012*.

The Stoneyhurst Drive precinct covers an area of approximately 7.5 hectares (excluding road reserves), comprising 11 separate rural residential allotments ranging in size from 2,023m<sup>2</sup> to 11,602m<sup>2</sup>. An existing dwelling house is erected on each lot and several lots contain associated outbuildings. Each lot is under separate ownership under freehold title.

The subject land is located on the existing edge of the urban area of Lennox Head. The site is, however, surrounded by Lennox Head's main greenfield residential growth areas, with the Epiq development site located to the south of Stoneyhurst Drive and Reservoir Hill urban release area located to the north of Henderson Lane. Following the development of these adjacent lands, the subject land will be located wholly within the urban locality of Lennox Head.

Currently the subject land is zoned partly RU1 Primary Production zone and partly RU2 Rural Landscape zone under the terms of the *Ballina Local Environmental Plan 2012*. A 40 hectare minimum lot size standard applies to land. Further, the land is identified as a Strategic Urban Growth Area on the strategic urban growth areas map of the LEP.

This planning proposal seeks to amend the *Ballina Local Environmental Plan 2012* to affect the following:

- Application of a R2 Low Density Residential zone to the land, through amendment to the zoning map;
- Application of a 600m<sup>2</sup> minimum lot size standard to one parcel of land having frontage to North Creek Road and a 1200m<sup>2</sup> minimum lot size standard to the remainder of the land, through amendment to the minimum lot size map; and
- Removal of the subject land as a strategic urban growth area, through amendment to the strategic urban growth areas map.

## PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objectives of this planning proposal are to:

- Enable subdivision and further residential development on the subject land through the application of the R2 Low Density Residential zone and appropriate minimum lot size provisions to the land;
- Amend the strategic urban growth area map to remove the subject land from designation as a strategic urban growth area.

## PART 2 – EXPLANATION OF THE PROPOSAL

### The Subject Land

The Stoneyhurst Drive precinct covers an area of approximately 7.5 hectares (excluding road reserves), comprising eleven separate rural residential allotments ranging in size from 2,023m<sup>2</sup> to 11,602m<sup>2</sup>. An existing dwelling house is erected on each lot and several lots also contain associated outbuildings. Each lot is under separate ownership under freehold title. A map identifying the subject land is providing in Appendix 1.

Council has received an LEP amendment request on behalf of seven of the eleven landholders within the precinct. Four landholders have declined to participate in the process. Property details for the eleven land parcels within the precinct are provided in the table below, along with an indication of which landholders have/have not participated in the LEP amendment request.

| Lot and DP                             | Street Address       | Land Area (m <sup>2</sup> ) | Ownership       | Landholder participating in this LEP amendment request (Yes/No) |
|----------------------------------------|----------------------|-----------------------------|-----------------|-----------------------------------------------------------------|
| Lot 2 DP 259704                        | 11 Stoneyhurst Drive | 8,060                       | M. O'Reilly     | Yes                                                             |
| Lot 5 DP 259704                        | 12 Stoneyhurst Drive | 7,640                       | N. Mackay       | Yes                                                             |
| Lot 3 DP 259704                        | 13 Stoneyhurst Drive | 6,542                       | R & E Dowling   | Yes                                                             |
| Lot 4 DP 259704                        | 17 Stoneyhurst Drive | 6,716                       | R Brearley      | No                                                              |
| Lot 6 DP 259704                        | 20 Stoneyhurst Drive | 7,494                       | S & R Hudson    | Yes                                                             |
| Lot 7 DP 259704                        | 28 Stoneyhurst Drive | 7,023                       | L. Fuchs        | Yes                                                             |
| Lot 8 DP 259704                        | 34 Stoneyhurst Drive | 6,758                       | D & M Baker     | No                                                              |
| Lot 9 DP 259704                        | 38 Stoneyhurst Drive | 6,988                       | S & S Fletcher  | Yes                                                             |
| Lot 10 DP 542783                       | 9 Henderson Lane     | 11,602                      | M. Taylor       | Yes                                                             |
| Lot 1 DP 323386                        | 82 North Creek Road  | 2,023                       | S & M Alexander | No                                                              |
| Lot 4 DP 244488                        | 84 North Creek Road  | 4,041                       | C Cooney        | No                                                              |
| <b>Total Land Area (m<sup>2</sup>)</b> |                      | 74,887                      |                 |                                                                 |
| <b>Total Land Area (hectares)</b>      |                      | 7.49                        |                 |                                                                 |

Maps showing the location of the above lots are provided in the LEP amendment request provided in Appendix 2.

The subject land is currently zoned partly RU1 Primary Production zone and partly RU2 Rural Landscape zone. The 40 hectare minimum lot size provision currently applies to the land. The site is also identified as a Strategic Urban Growth Area of the strategic urban growth areas map of the *Ballina Local Environmental Plan 2012*.

The subject land is located on the existing edge of the urban area of Lennox Head. The site is, however, surrounded by Lennox Head's main greenfield residential growth areas, with the Epiq development site located to the south of Stoneyhurst Drive and Reservoir Hill urban release area located to the north of Henderson Lane. Following the development of these adjacent lands, the subject land will be located wholly within the urban locality of Lennox Head. It is noted that the Reservoir Hill urban release area is the subject of a separate planning proposal (BSCPP 14/002).

## Background

The land to which this planning proposal relates is identified as a Strategic Urban Growth Area in the Ballina Shire Growth Management Strategy 2012 and the *Ballina Local Environmental Plan 2012* (clause 7.8). The land is also identified as a Proposed Future Urban Release Area in the Far North Coast Regional Strategy (2012) and as 'Candidate Release Area J' of the Lennox Head Structure Plan (2004). Further details regarding the strategic planning context of the proposal are provided in Part 3 of this planning proposal.

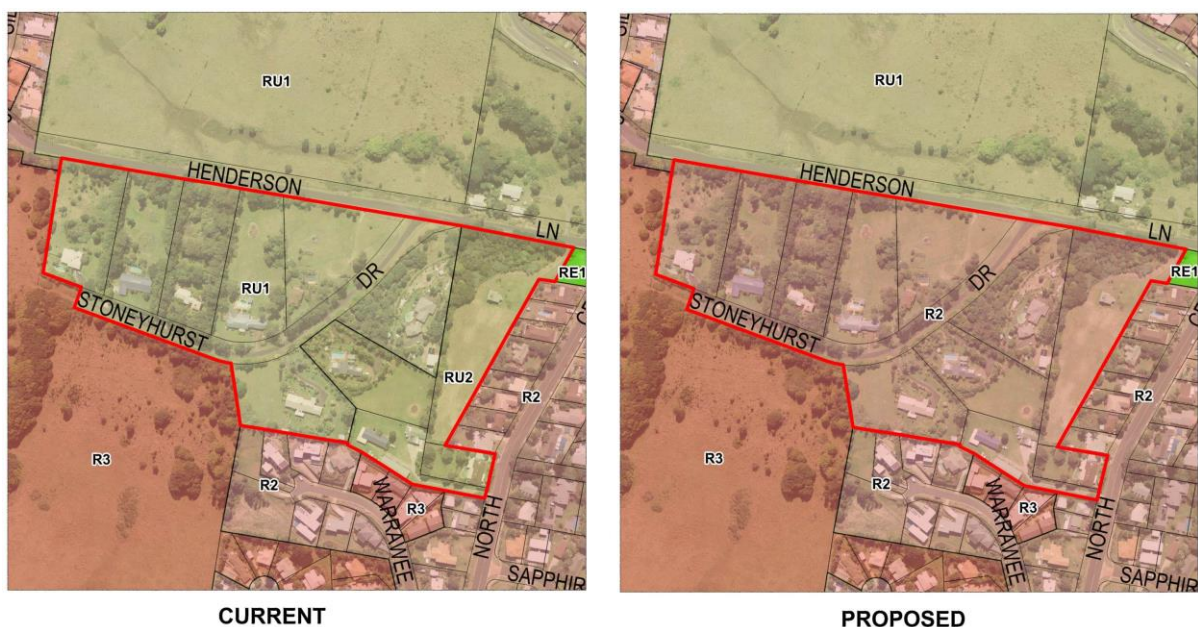
A submission was made in 2010 in relation to the area during the public exhibition processes associated with the drafting of the Ballina Local Environmental Plan 2012. In consideration of this matter, in May 2011, the Council resolved to invite the subject landholders to progress the matter through the planning proposal process. Landholders were advised at the time that progress of the matter, through reporting to the elected Council, would require support for the proposal from a majority of landholders within the precinct.

Council has received an LEP amendment, prepared by Newton Denny Chapelle, on behalf of seven of the eleven landholders within the precinct. A copy of the proponents' request is provided in Appendix 2. The proponents' submission seeks an LEP amendment that would facilitate residential zoning and further subdivision of the land through changes to the land use zoning and minimum lot size provisions of the Ballina Local Environmental Plan 2012.

It is noted that whilst the majority of landholders within the precinct support the proposal, several landholders are not party to the request.

## The Proposal

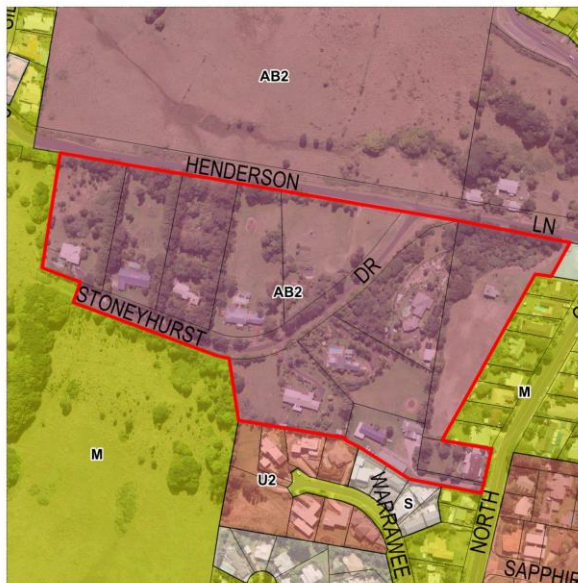
The proponents LEP amendment request involves amending the *Ballina Local Environmental Plan 2012* to rezone the land from part RU1 Primary Production and part RU2 Rural Landscape to the R2 Low Density Residential zone, to enable residential development. A map identifying the existing and proposed zoning is shown below.



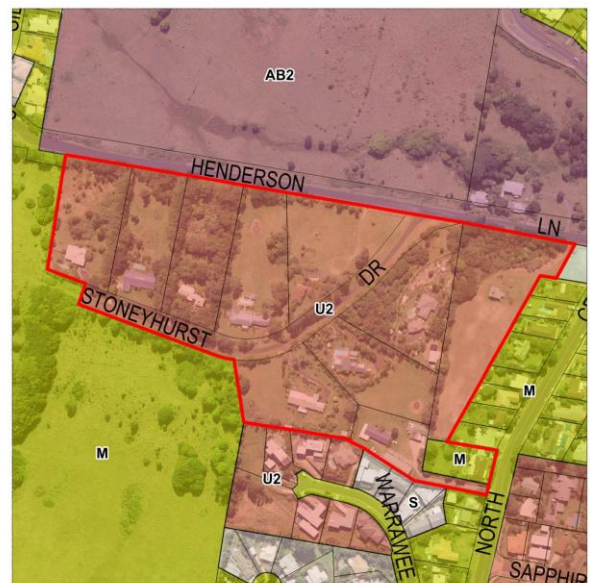
Whilst not definitive in terms of the minimum lot size standard being sought, the proponent's initial request suggests that development of larger residential lots 1000 to 1200m<sup>2</sup> may be appropriate having regard for the character of the land and the existing property arrangements.

At this preliminary stage, Council proposes the application of the 600m<sup>2</sup> minimum lot size standard to one parcel of land having frontage to North Creek Road and the 1200m<sup>2</sup>

minimum lot size standard to the remainder of the land, through amendment to the minimum lot size map. A map identifying the existing and proposed minimum lot size standard is shown below.



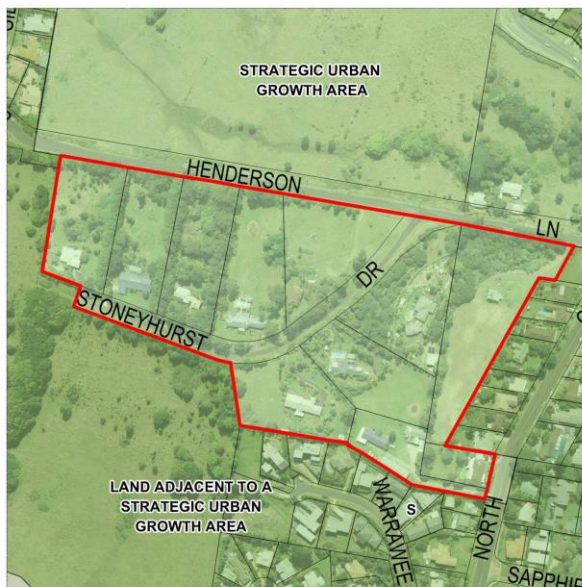
**CURRENT**



**PROPOSED**

Notwithstanding the above, it is proposed that the appropriate minimum lot size standard be confirmed following the consideration of detailed environmental assessments and site analysis to be undertaken for the land, prior to the finalisation of the planning proposal.

The site is identified as a Strategic Urban Growth Area in the strategic urban growth areas map of the Ballina Local Environmental Plan 2012 (linked to clause 7.8). The proposal includes the removal of the land from such designation as shown below.



**CURRENT**



**PROPOSED**

With respect to this aspect of the proposal, it is noted that the function of the strategic urban growth area map in the *Ballina Local Environmental Plan 2012* is to identify areas that are earmarked for urban suitability investigations (in the Ballina Shire Growth Management Strategy) and to preserve them from inappropriate development impacts that could occur (on the land or on adjacent land) prior to their investigation. Once such areas are investigated, designation as a strategic urban growth area is removed.

The extent to which the land would remain within the area '*adjacent to a strategic urban growth area*' is dependent on the progress of the planning proposal for the Reservoir Hill site immediately to the north. If this site is rezoned for residential purposes, the mapping will change.

Council considered this planning proposal at its Ordinary Meeting held on 28 April 2016 and Council resolved as follows (Minute No.280416/10):

1. *That Council submit the planning proposal for the amendment of the Ballina Local Environmental Plan 2012 (Attachment Two), relating to the application of a residential zone and provision for subdivision of land in the Stoneyhurst Drive precinct in Lennox Head, to the NSW Department of Planning & Environment for Gateway determination.*
2. *That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.*
3. *That Council invite the Stoneyhurst Drive landholders to submit technical information required to support residential zoning and application of an appropriate minimum lot size standard, under the terms of the Ballina Local Environmental Plan 2012, for all land within the Stoneyhurst Drive precinct.*
4. *That the matter be reported for further consideration by the Council prior to the mandatory public exhibition period.*

A copy of the report and minute of the Council are provided in Appendix 4.

### **Environmental assessments**

The proponent has not at this stage submitted comprehensive information required to justify the outcomes sought by the planning proposal. It is proposed that this information be required to be prepared and submitted by the proponent following Gateway determination.

Technical information relating to the following matters will be required, at a minimum, to support the finalisation of the planning proposal:

- Coastal zone and visual amenity impacts;
- European and Aboriginal heritage;
- Ecological values;
- Geotechnical assessment including assessment of land slip hazards;
- Land contamination;
- Land use conflict;
- Mosquito hazards;
- Road noise impacts;
- Engineering services and stormwater management;
- Traffic impacts arising from the development; and
- Obstacle limitation surface and ANEF considerations arising from proximity of the land to flightpaths of the Ballina-Byron Gateway Airport.

## PART 3 – JUSTIFICATION

### Section A - Need for the Planning Proposal

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

Yes, the Lennox Head Structure Plan (2004) identifies the site as a Candidate Release Area. The land is also identified in the Ballina Shire Growth Management Strategy (2012) and the Far North Coast Regional Strategy (2012) as a potential area for urban development.

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

Yes, amending the local environmental plan through zoning the land to enable residential development and amending the minimum lot size standard is the appropriate mechanism to recognise the proposed change of land use.

### Section B - Relationship to the Strategic Planning Framework

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

The subject land is identified as a 'Proposed Future Urban Release Area' in the Far North Coast Regional Strategy (2012). The site is also identified as 'Proposed Urban Land' in the Draft North Coast Regional Plan (2016). Consequently, the consideration of the land for further residential development is consistent with the relevant regional planning framework.

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

The proposal is consistent with the Ballina Shire Growth Management Strategy as the land is identified as a Strategic Urban Growth Area. The growth management strategy identifies such as being *"areas which Council considers warrant further detailed investigation to determine their urban suitability"*.

The planning proposal is also consistent with the Lennox Head Structure Plan 2004, which identifies the subject land as Candidate Urban Release Area J, as shown below.



The Lennox Head Structure Plan provides that if Area J is found through the rezoning process to be suitable for urban development, subdivision of the land for residential purposes with a range of lot sizes provided is the recommended development outcome.

The structure plan also flags the following as important planning considerations for Area J at rezoning stage:

- Any rezoning of Area J is to occur on an integrated basis and should involve all land holdings within the area;
- Vehicular access should primarily be from Stoneyhurst Drive. Vehicular access from Henderson Drive is to be via integrated road access points, although at such time as the Hutley Drive extension is constructed, opportunities for direct access from Henderson Lane will be considered.
- The subdivision design should be such that development should not protrude above the ridgeline.
- The subdivision design should seek to minimise cut and fill on the steeper portions of the site
- Mature native vegetation on the site is to be retained as part of the development of the land.

The above matters are to be addressed as part of the detailed investigations to be undertaken post Gateway determination.

## 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is considered to be generally consistent with applicable State Environmental Planning Policies (SEPP's). Further consideration of applicable SEPPs will be undertaken in association with the detailed technical assessments to be undertaken post Gateway determination.

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

The proposal is considered to be justifiably inconsistent with the following Ministerial Directions (s.117):

- 1.2 Rural Zones;
- 1.5 Rural Lands;
- 5.3 Farmland of State or Regional Significance on the NSW Far North Coast.

In each case the above inconsistencies are considered to be minor and justifiable in terms of the criteria contained within the direction.

Currently the planning proposal is inconsistent with Ministerial Direction 3.5 Development Near Licensed Aerodromes, as consultation has not yet been undertaken with relevant Commonwealth aviation authorities. Part of the subject land is located within the Obstacle Limitation Surface of the Ballina-Byron Gateway Airport. Notwithstanding, consultation will be undertaken in association with the progress of the planning proposal, following Gateway Determination. It is noted that the subject land is not affected by the ANEF categories referred to in the direction.

It is noted, with respect to Ministerial Direction 4.2 Mine Subsidence and Unstable Land, that part of the subject land has been identified as being susceptible to potential land slip hazard in the study 'Geotechnical Zoning Survey of Slope Instability in Residential Areas of Ballina Shire' prepared by Coffey Partners Pty Ltd (1986). Consequently, more detailed investigation is required to determine the degree of land slip risk and its impact on any potential residential subdivision. Such investigations will be undertaken to inform the planning proposal, following Gateway determination. Notwithstanding, the planning proposal is considered to be consistent with Ministerial Direction 4.2 on the basis that such instability does not relate to mine subsidence issues.

Further information regarding the above consistencies with the Ministerial Directions is provided in Appendix 3.

## **Section C - Environmental, Social and Economic Impact**

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

The proponent has not yet examined the ecological significance of the subject site. A detailed ecological assessment is to be undertaken following Gateway determination.

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

There are a number of potential environmental effects associated with the proposal which include stormwater management issues. The extent of impacts and associated mitigation measures will be assessed following Gateway determination.

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

The potential for adverse social impact is considered to be limited given the infill nature of the proposed LEP amendment request.

Economic impacts associated with the release of additional residential land in the Lennox Head area are considered to be positive.

**Section D - State and Commonwealth interests**

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

Development of the subject land will require the extension of existing water, sewerage, electricity and telephone infrastructure. There may also be a need for onsite stormwater management infrastructure such as on site detention and bio-filtration areas. These matters will be further examined as a part of the technical assessments to be undertaken post Gateway determination.

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

Consultation has not yet been undertaken with any State or Federal Authority in relation to the planning proposal. Such consultations will be undertaken following the preparation of detailed technical studies to be undertaken post Gateway determination.

## **PART 4 – MAPPING**

The following maps have been prepared to support this planning proposal and are contained in Appendix 1:

- Map 1 – Site Identification Map (Aerial)
- Map 2 – Proposed Land Zoning Map, Ballina LEP 2012
- Map 3 – Proposed Minimum Lot Size Map, Ballina LEP 2012
- Map 4 - Proposed Strategic Urban Growth Area Map, Ballina LEP 2012

The mapping may be subject to change based on the outcome of further assessment.

## PART 5 – COMMUNITY CONSULTATION

It is proposed that this planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. A minimum exhibition period of 28 days is suggested as appropriate for this planning proposal.

## PART 6 – TIMELINE

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

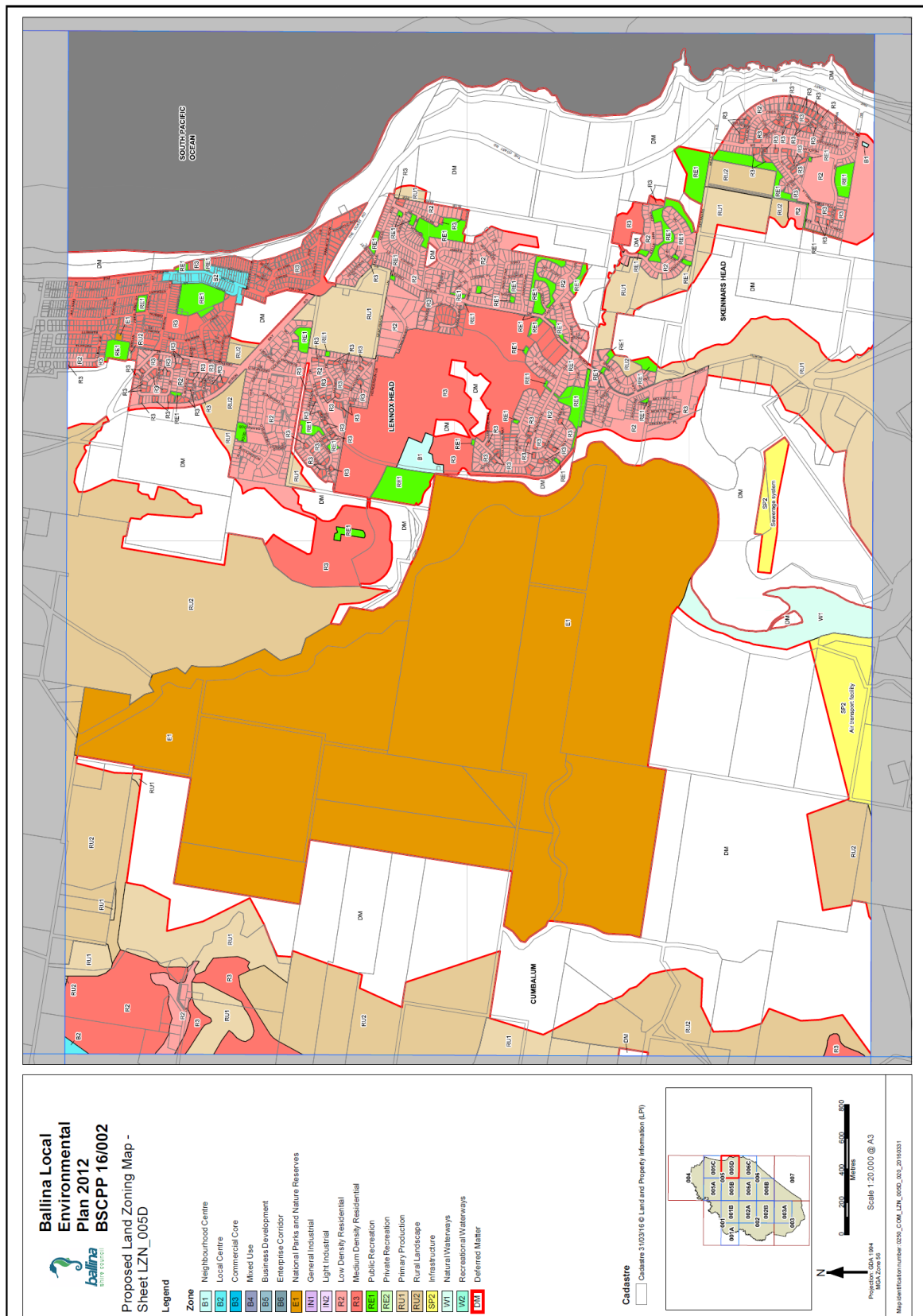
| Plan Making Step                                                    | Estimated Completion |
|---------------------------------------------------------------------|----------------------|
| Gateway Determination                                               | May 2016             |
| Preparation of technical studies                                    | August 2016          |
| Government Agency Consultation                                      | October 2016         |
| Public Exhibition Period                                            | October 2016         |
| Public Hearing                                                      | N/A                  |
| Submissions Assessment                                              | November 2016        |
| RPA Assessment of Planning Proposal and Exhibition Outcomes         | November 2016        |
| Submission of Endorsed LEP to DP&E for Finalisation                 | December 2016        |
| RPA Decision to Make the LEP Amendment (if delegated)               | January 2017         |
| Forwarding of LEP Amendment to DP&E for Notification (if delegated) | February 2017        |

### Appendix 1 – Maps

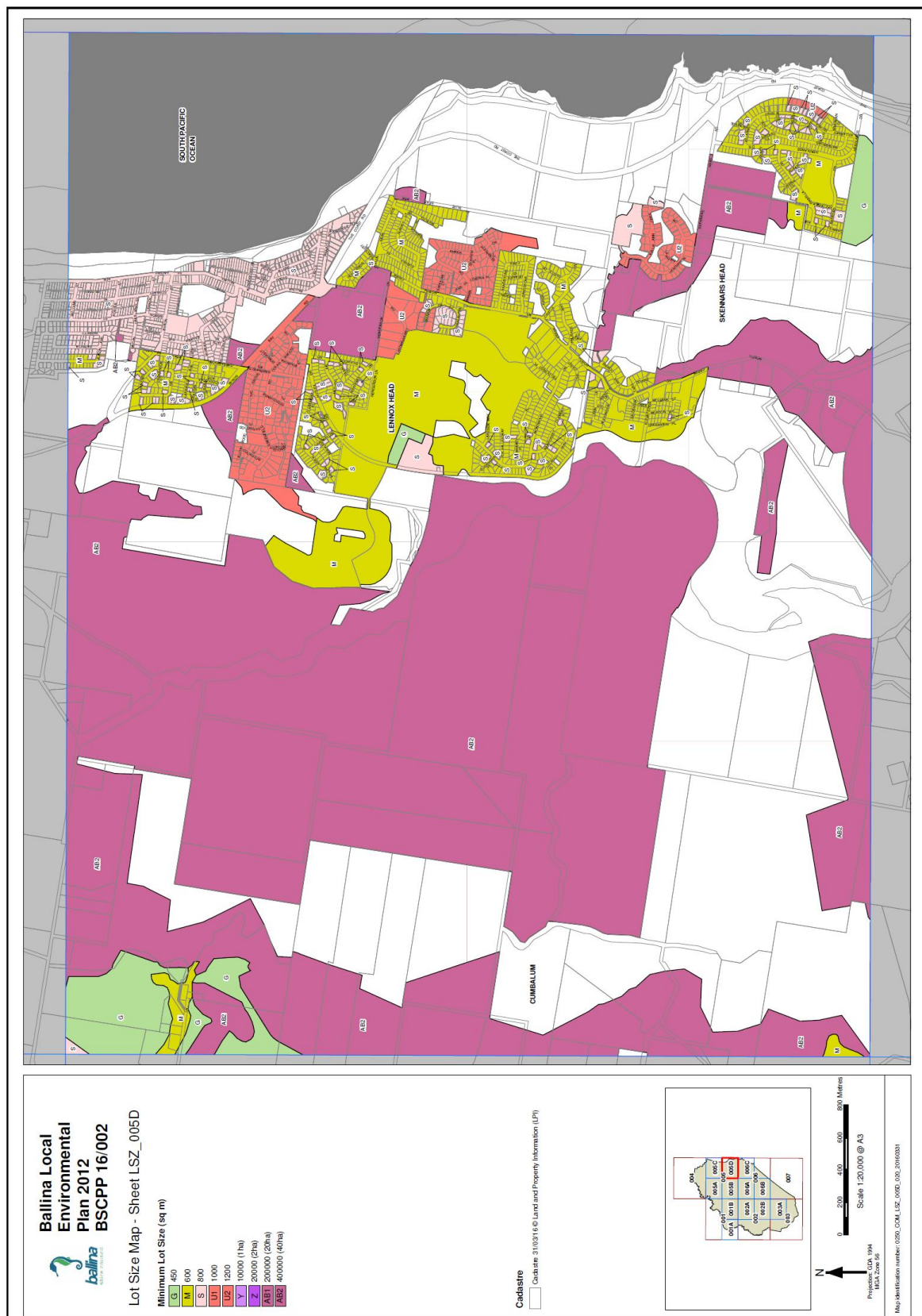
## Map 1 – Site Identification Map



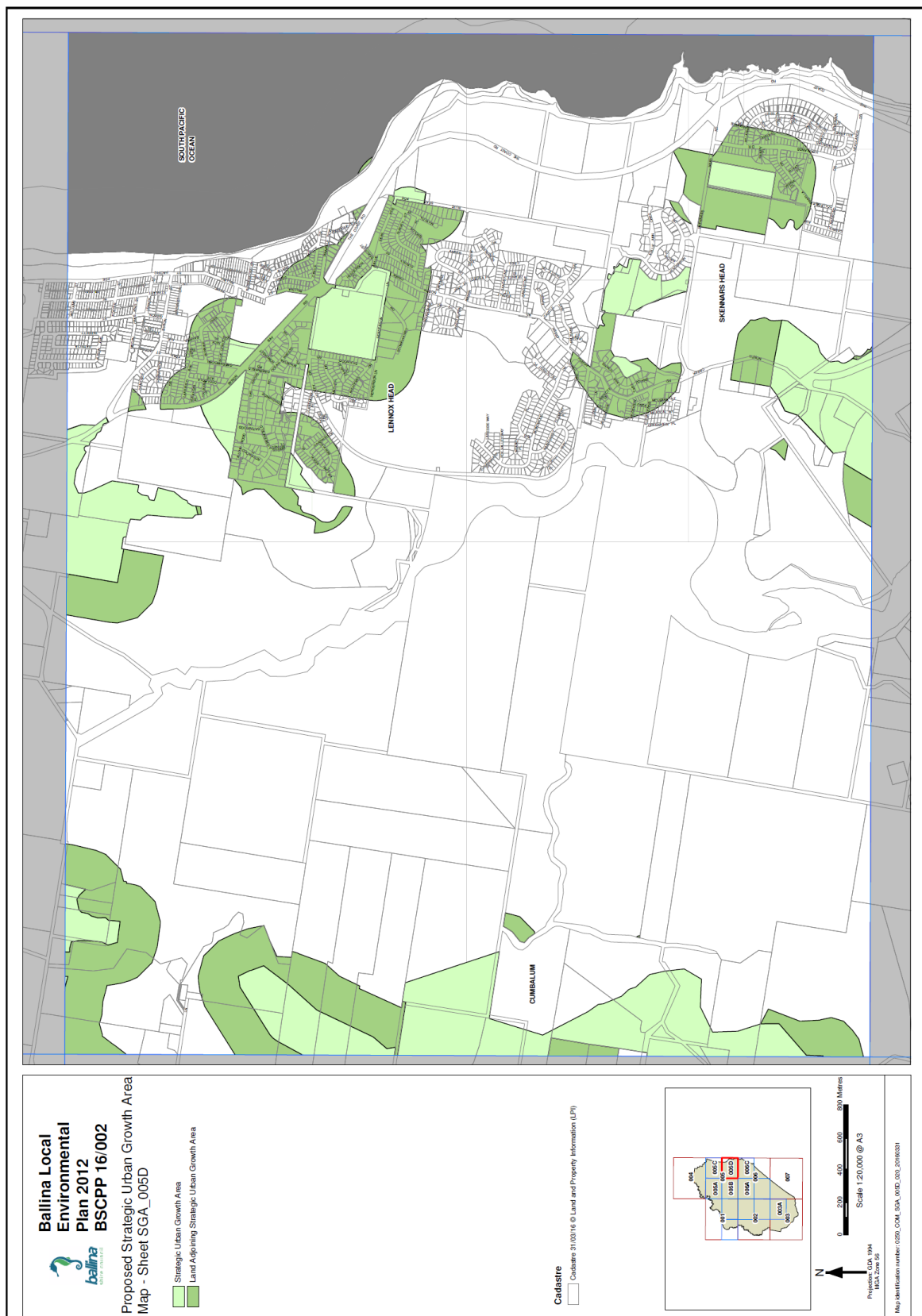
## Map 2 – Proposed Zoning Map, Ballina LEP 2012



# Map 3 – Proposed Minimum Lot Size Map, Ballina LEP 2012



## Map 4 – Proposed Strategic Urban Growth Area Map, Ballina LEP 2012



## Appendix 2 – LEP Amendment Request prepared by Newton Denny Chapelle, June 2015.



Date: 17<sup>th</sup> June 2015  
Our Ref: 07/542

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

Attention: Mr Matthew Wood

Dear Sir,

**Re: "Concept" Planning Proposal Request  
Stoneyhurst Drive, Lennox Head.**

### **1. Introduction and Summary of Request**

Newton Denny Chapelle (NDC) has been engaged to prepare a "Concept" Planning Proposal request to Ballina Shire Council relating to the Stoneyhurst Drive Precinct in Lennox Head.

This request is made in accordance with 'Step 1' of Ballina Shire Council's Process Guidelines for the Preparation of Planning Proposals and Local Environmental Plan Amendments. The request is seeking Council's support to commence the rezoning process to enable the development of land at Stoneyhurst Drive for residential purposes.

To this end, this request proposes the rezoning of the Stoneyhurst Drive Precinct from the current RU1 – Primary Production and RU2 Rural Landscape zones to R2 – Low Density Residential zone, pursuant to the Ballina Local Environmental Plan 2012. This request also proposes that Council's subdivision standards also be modified to enable subdivision of the land for residential purposes.

JOHN NEWTON B. Surv. M.L.S. Aust. TONY DENNY B. Surv. (Hons) M.L.S. Aust. DAMIAN CHAPELLE BIP GPP  
Office: Suite 1, 31 Carrington Street, Lismore, Postal Address: PO Box 1138 Lismore NSW 2480  
Phone (02) 6622 1011 Fax (02) 6622 4088 Email office@newtondennychapelle.com.au  
Also at: Cassino Court, 100 Barker Street, Casino NSW 2470 Phone/Fax (02) 6662 5000

Page 1

This request has been prepared on behalf of 7 of the 11 landholders within the Precinct. As part of Council's consideration of this matter, direction is sought as to whether or not a future Planning Proposal will relate only to these 7 allotments, or whether it would apply to all 11 allotments within the Precinct.

## **2. Pre-Lodgement Engagement with Council**

Various discussions and consultations have occurred with Council concerning this project including:

- **June 2010** – A submission was made to the exhibition of the Draft BLEP 2010 on behalf of 5 land owners within part of the Precinct (located between Stoneyhurst Drive and Henderson Lane) requesting that their landholdings be rezoned as part of the finalisation of the LEP. Council resolved to advise the respective landholders that the rezoning would best be managed by way of a 'standalone' Planning Proposal. Council also advised that it would require a majority of the landholders in the Precinct (ie 6 out of 11) to be party to the Planning Proposal and that relevant environmental site assessments be made over all 11 allotments on an integrated basis.
- **December 2012** – Council hosted a briefing session for landholders in the Precinct to outline the rezoning process and Council's requirements with respect to a future Planning Proposal.
- **March 2014** – A meeting was held with Council's Mr Matthew Wood to discuss the project. Key advice conveyed by Mr Wood at this meeting is as follows:
  - The proposed rezoning is consistent with the strategic planning framework for Lennox Head as adopted by both Council and the State Government;
  - Council has one written submission on file (from one of the landholders in the Precinct) objecting to the rezoning of the land;
  - Council has previously required the development of the landholdings to be considered on an integrated basis (ie. the Precinct being developed as if it were a single landholding rather than 11 individual parcels). NDC outlined the difficulties associated with this, particularly given the different development expectations and financial capacities of the individual landholders. Mr Wood advised that Council may be willing to consider an alternate approach, provided that Council can be satisfied that an efficient and logical approach to servicing and access can be achieved; and
  - Given the history of the site and the fragmented land ownership, it would be preferable to report the matter to Council, prior to preparing detailed planning, engineering and other technical assessments for the site.

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### 3. Location and Property Details

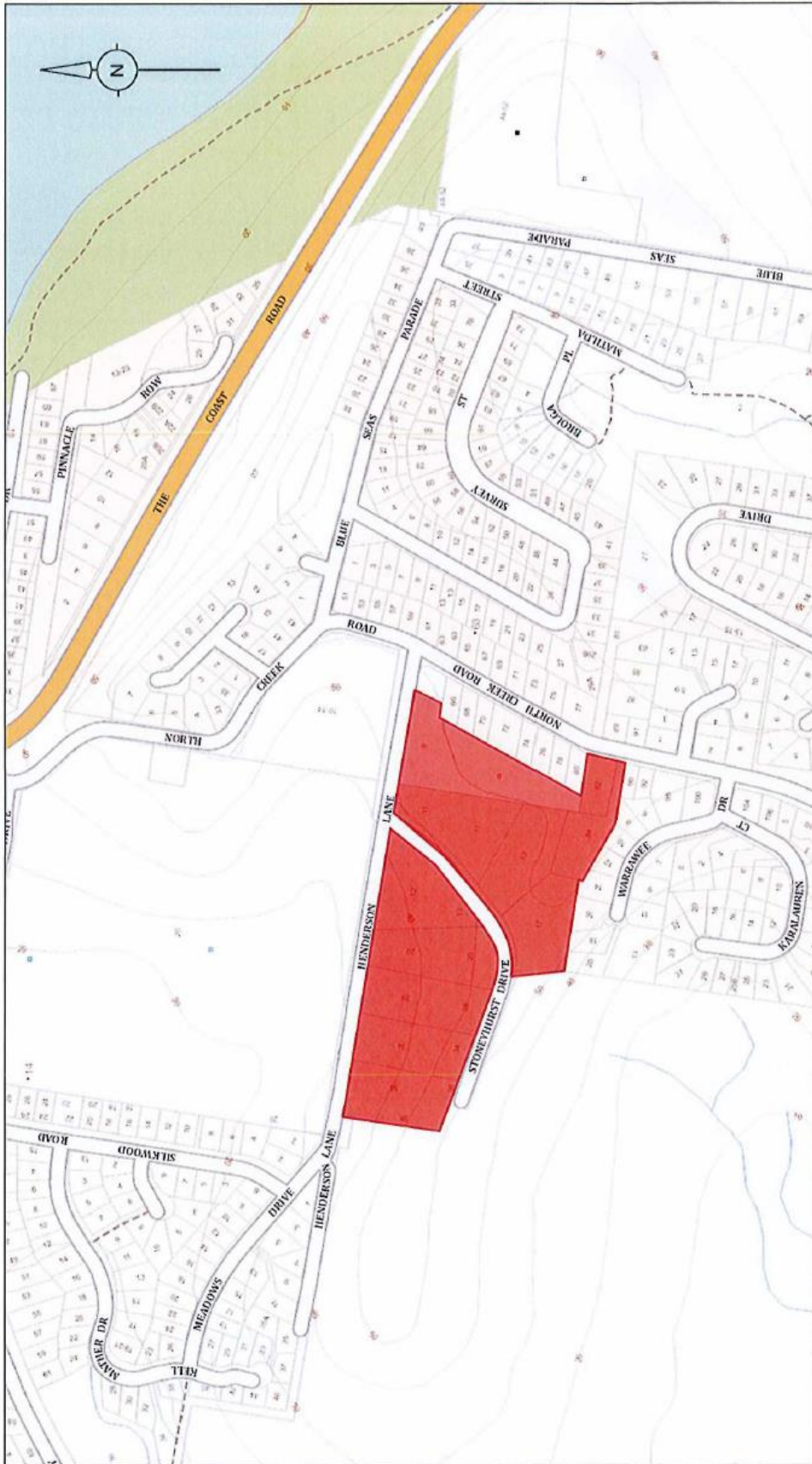
The area referred to within this report as the 'Stoneyhurst Drive Precinct' is illustrated in **Plate 1** and within **Plan 1**. The Precinct is located in the vicinity of Stoneyhurst Drive and Henderson Lane approximately 1.5km to the south of the Lennox Head Village Centre.

The Precinct comprises 11 individual ownerships. Of these, NDC is acting on behalf of 7 of the landholders. **Plan 2** illustrates the individual land holdings within the Precinct and illustrates the parcels owned by our clients.



**Plate 1** – General Location of Precinct

Image Source: Six Viewer, Accessed 29/01/15



LEGEND:



SITE BOUNDARY

## PLAN 1 - LOCATION

CLIENT: STONEYHURST CLIENT GROUP

LOCATION:  
STONEYHURST DRIVE  
LENNOX HEAD NSW

DATE: 03.02.15  
SCALE: n/s

REF: 07/542  
DRAWN: BK

**NBS**  
**Newton Denny Chapelle**  
Surveyors Planners Engineers  
Email: [office@newtondennychapelle.com.au](mailto:office@newtondennychapelle.com.au)  
LEWIS ST, CANNING ST, LEWIS ST, CANNING ST, LEWIS ST, CANNING ST  
CANNING 100 BAKER ST, CANNING 2470 PH 8683 5000

SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 03.02.15

k:\john\2007\07542 - stoneyhurst\plans\ced file\07542 - stoneyhurst.dwg - plan 1 - location



PLAN 2 - STONEYHURST DRIVE

PLANNING PRECINCT

CLIENT: STONEYHURST CLIENT GROUP

LOCATION: STONEYHURST DRIVE, LENNOX HEAD NSW

DATE: 03.02.15

SCALE: 1:1500 @ A3

Newton Denny Chapelle

Surveyors Planners Engineers

Email: [office@newtondennychapelle.com.au](mailto:office@newtondennychapelle.com.au)

LEVEL 31, 31 Carnegie St, Lennox Head NSW 2462

PHONE: 1300 361 942

REV

DATE

AMENDMENT

1

03.02.15

1

2

03.02.15

2

3

03.02.15

3

4

03.02.15

4

SOURCE PLAN: [www.maps.sir.nsw.gov.au](http://www.maps.sir.nsw.gov.au) - accessed 03.02.15

by: jdc: B0027, 02742 - stoneyhurst; pdc: ocl: fcl: 02742 - stoneyhurst; jdc: jdc: 02742 - stoneyhurst; jdc: jdc: 02742 - stoneyhurst

**Table 1** identifies the pertinent property details with respect to the land owned by our clients.

**Table 1.1 – Property Details**  
**(Properties within Precinct and party to Rezoning Request)**

| Lot & DP                         | Street Address       | Registered Owner/s | Area                                |
|----------------------------------|----------------------|--------------------|-------------------------------------|
| Lot 2 DP 259704                  | 11 Stoneyhurst Drive | M O'Reilly         | 8,060m <sup>2</sup>                 |
| Lot 5 DP 259704                  | 12 Stoneyhurst Drive | N Mackay           | 7,640m <sup>2</sup>                 |
| Lot 3 DP 259704                  | 13 Stoneyhurst Drive | R & E Dowling      | 6,542m <sup>2</sup>                 |
| Lot 6 DP 259704                  | 20 Stoneyhurst Drive | S & B Hudson       | 7,494m <sup>2</sup>                 |
| Lot 7 DP 259704                  | 28 Stoneyhurst Drive | L Fuchs            | 7,023m <sup>2</sup>                 |
| Lot 9 DP 259704                  | 38 Stoneyhurst Drive | S & S Fletcher     | 6,988m <sup>2</sup>                 |
| Lot 10 DP 542783                 | 9 Henderson Lane     | M Taylor           | 12,000m <sup>2</sup> *              |
| <b>Total</b>                     |                      |                    | <b>55,747m<sup>2</sup> (5.57ha)</b> |
| * Area provided approximate only |                      |                    |                                     |

In addition to the above, there are four [4] landholders within the Precinct who have declined to be part of the current process. These properties are identified in Table 1.2.

**Table 1.2 – Property Details**  
**(Properties within Precinct, but not party to Rezoning Request)**

| Lot & DP                         | Street Address       | Area                                |
|----------------------------------|----------------------|-------------------------------------|
| Lot 8 DP 259704                  | Stoneyhurst Drive    | 6,758m <sup>2</sup>                 |
| Lot 4 DP 259704                  | 15 Stoneyhurst Drive | 6,716m <sup>2</sup>                 |
| Lot 1 DP 323386                  | 82 North Creek Road  | 2,070m <sup>2</sup> *               |
| Lot 4 DP 244488                  | 84 North Creek Road  | 4,217m <sup>2</sup> *               |
| <b>Total</b>                     |                      | <b>19,671m<sup>2</sup> (1.97ha)</b> |
| * Area provided approximate only |                      |                                     |

As indicated in the above tables, the Precinct comprises a total of approximately 7.54 ha (excluding roads), of which our clients own a combined total of 5.57 ha.

#### **4. Description of Planning Precinct**

As illustrated on **Plans 1 and 2**, the Stoneyhurst Drive Planning Precinct is located in the vicinity of Stoneyhurst Drive, Henderson Lane and North Creek Road in Lennox Head.

The boundaries of the Precinct have been defined within this report by reference to the underlying zoning framework pursuant to the provisions of BLEP2012. In this regard, the subject land is currently zoned a combination of RU1 Primary Production and RU2 Rural Landscape zones, whilst surrounding landholdings to the south of Henderson Lane are all

zoned for urban purposes. Landholdings immediately to the north of Henderson Lane (known as the Reservoir Site) are also zoned for rural land uses and are currently subject to a separate rezoning process.

As indicated above, this request has been prepared on behalf of 7 of the 11 landholders within the Precinct. As part of Council's consideration of this matter, direction is sought as to whether or not a future Planning Proposal will relate only to these 7 allotments, or whether it would apply to all 11 allotments within the Precinct.

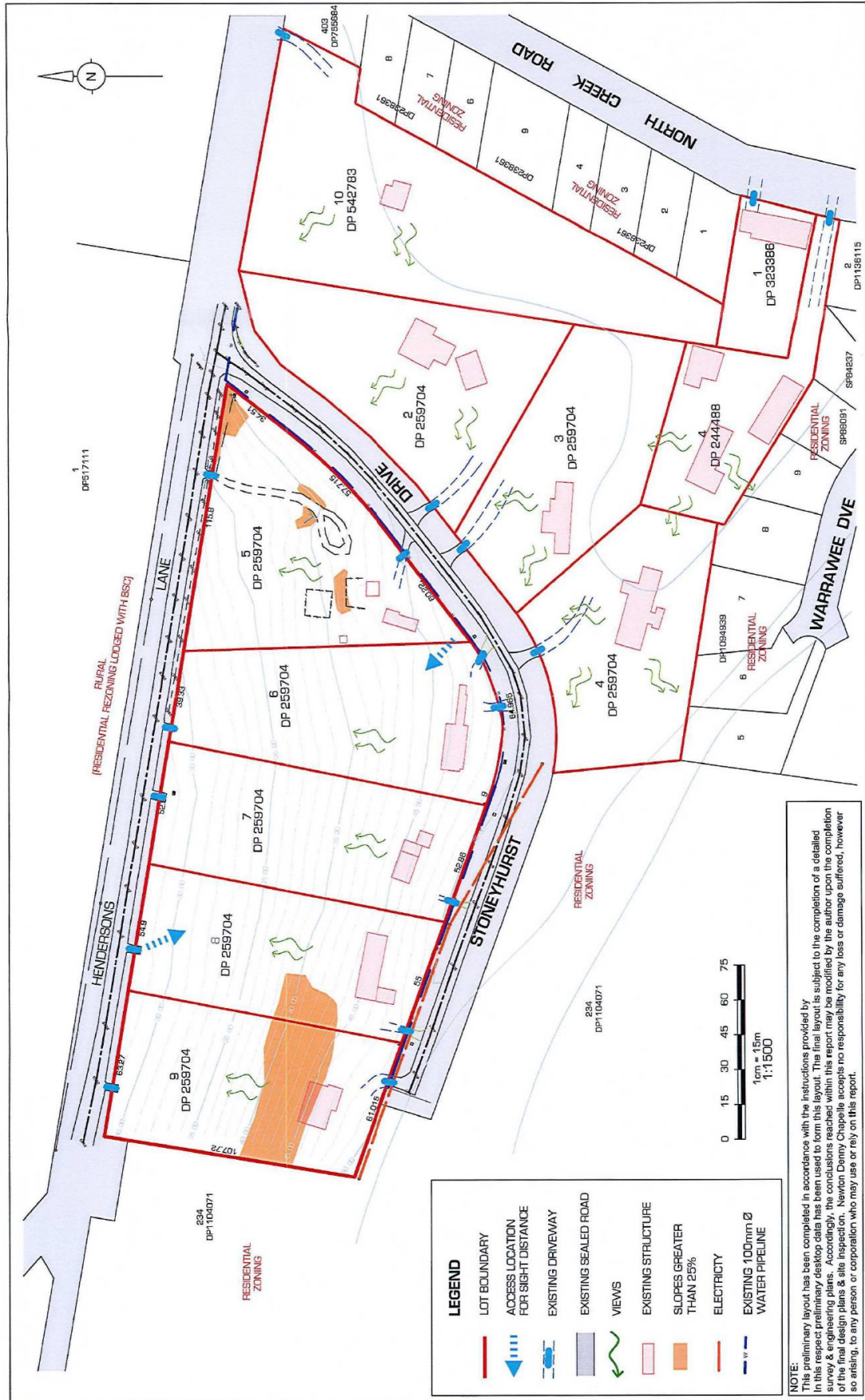
**Plan 3** provides preliminary information with respect to the site features. As illustrated, the Precinct comprises a series of individual landholdings containing detached dwellings and associated outbuildings.

## **5. Environmental and Planning Matters for Consideration**

The site is subject to a number of environmental and physical considerations which will need to be the subject of further investigation as part of the formal Planning Proposal process. These include the following:

- **Topography & Soils** – Morand (1994) 2 indicates that the site is located on the Bangalow Soil Landscape. The Bangalow soil landscape classification identifies lands which are generally set amongst areas of 15-20% slope and are extensively cleared of closed forest and containing grassland. The soil contains moderately deep profile with well drained Krasnozems profiles. In regard to limitations, the soil profile is recognised as containing strong acidity, moderately erodible with localised stony profile with opportunities for mass movement. We note that an inspection of the property failed to identify any areas of mass movement.

The properties have elevations ranging from approximately 65m AHD (fronting North Creek Road in the south east portion of the site) to 30m AHD (adjacent to Henderson Lane in the western portion of the precinct). Small portions of the Precinct contain slopes greater than 25%. A review of *Slope Instability Residential Areas of Ballina Shire (Coffey Report No S7761/1-AA 1986)* classifies a very small portion (less than 10% of area) as Category II (medium to high) risk of instability. Refer below extract from *Slope Instability Lennox Head* for location details of the risk area. It is recommended that prior to lodgement of future development applications, more investigations (test pits) occur in this zone so as to refine the engineering practices required to minimise risk. This further investigation may also enable re-classification to a lower risk category (medium to low) depending upon findings.



| PLAN 3 - SITE ANALYSIS                                                                                                                                                                                                                                             |                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| CLIENT: STONEYHURST CLIENT GROUP                                                                                                                                                                                                                                   | LOCATION: STONEYHURST DRIVE, LENNOX HEAD NSW |
| DATE: 03.02.15                                                                                                                                                                                                                                                     | REF: 07/542                                  |
| SCALE: 1:1500 (A3)                                                                                                                                                                                                                                                 | DRAWN: BK                                    |
| <b>Newton Denny Chapelle</b><br>Surveyors Planners Engineers<br>Email: <a href="mailto:office@newdennychapelle.com.au">office@newdennychapelle.com.au</a><br>LEVINGS 31 Carrington St. Levees 2407 Ph: 9832 1011<br>CAGND 100 Barter St. Cessno 8470 Ph: 9866 9000 |                                              |
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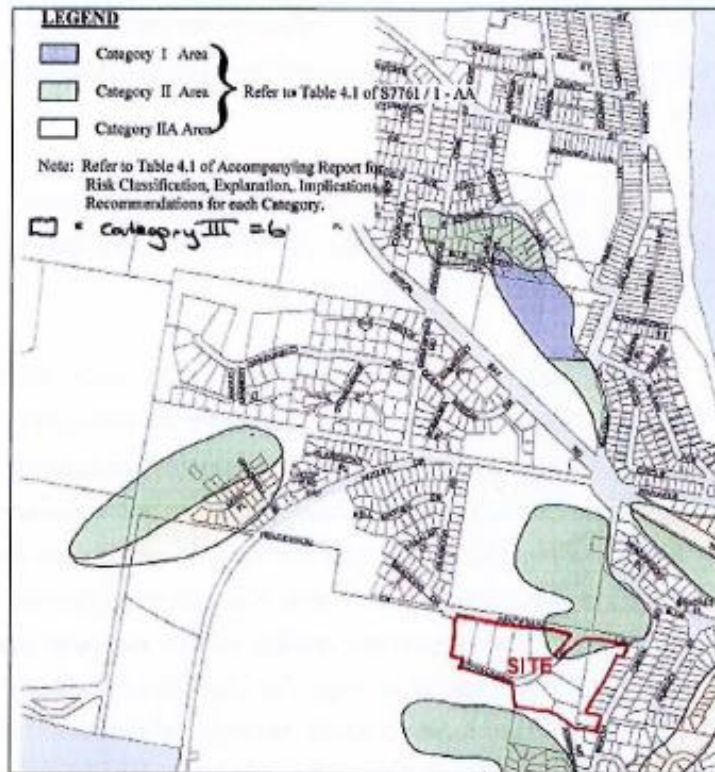


Plate 2: Extract: Slope Instability Residential Areas of Ballina Shire

The subject land is not either mapped or recorded by Ballina Shire Council as containing acid sulphate soil conditions or known soil contamination.

- **Views and Visual Amenity** - The topography of the central and western portion of the site allows for views to the north over the Reservoir site and through to Seven Mile Beach whilst the topography of the eastern portion provides for views to the west. As such, the land provides opportunities for development which seeks to maximize views whilst retaining good solar orientation and access. The land is visually prominent for users of North Creek Road and Henderson Lane. Accordingly, specific treatment to the road frontage will be required by way of landscaping and associated furniture (fencing etc).
- **Bushfire Prone Lands** - The subject site is not identified in Council mapping as containing bushfire prone land.
- **Ecological Values** - Investigations with respect to the ecological characteristics of the site would need to occur should the project advance to a formal Planning Proposal. We understand, however, that the site was originally cleared to facilitate agricultural pursuits. Since the subdivision of the land into rural residential allotments, the properties have typically been embellished with landscaped gardens in the vicinity of the dwellings and maintained grassland for those portions of the site removed from the dwellings. Perimeter windbreak plantings are provided along the boundaries of a

Page 6

number of the allotments located between Stoneyhurst Drive and Henderson Lane. Native trees (including Tuckeroo trees) have grown along the fence line to Henderson Lane.

We note also that preliminary ecological assessments completed by Place Environmental in 2010 for the portion of the precinct located between Stoneyhurst Drive and Henderson Lane advised that:

*The Site may support common rainforest regrowth species such as Guioa (Guioa semiglaucula); Tuckeroo (Cupaniopsis anacardioides); and Blue lilly pilli (Syzygium oleosum) but is considered unlikely to support any areas of well-developed Littoral Rainforest analogous to the noted TEC or EEC. More detailed survey will also be required to determine the occurrence of threatened plants, but the highly managed nature of the constituent properties indicates that it is unlikely to provide significant habitat for (or extensive populations of) such species. When detailed surveys are completed particular consideration will need to be given to the critically endangered Fontainea oraria - known from rainforest remnants in the locality - and Hairy joint grass (Arthraxon hispidus) - a species found on the adjoining Pacific Pines Estate.*

*The Site's common landscape species are considered unlikely to provide significant fauna habitat. More detailed surveys will be required to determine the occurrence of keystone habitat species such as Figs, but none are apparent from aerial photography. It appears unlikely that any other significant fauna management issues will arise from the Site's development. There would be no need for a Koala Plan of Management (as per SEPP 44) to accompany a development application.*

## 6. Current Planning Status

The site has been identified in a wide range of strategic planning documents as being a candidate for future urban development (subject to appropriate environmental assessment via the rezoning and development application processes). These include:

- **Ballina Local Environmental Plan 2012** -The site is currently zoned RU1- Primary Production Zone pursuant to the BLEP 2012 and is allocated a 40ha minimum subdivision standard on the applicable lot size map. The land is, however, identified as a 'Strategic Urban Growth Area' through the identification of the land on the Strategic Urban Growth Area map. **Plates 3 - 5** provide extracts from the LEP mapping illustrating the above.

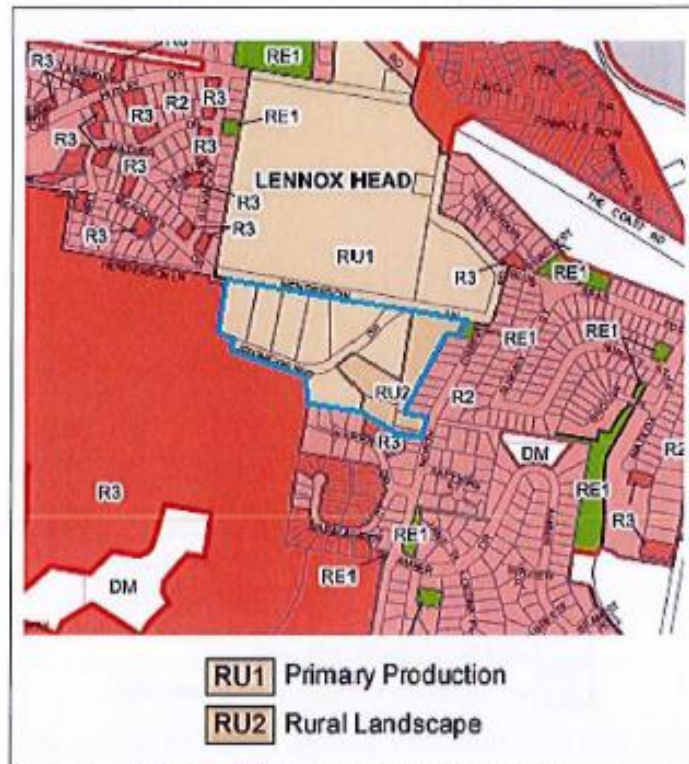


Plate 3 - Extract BLEP2012 Zoning Map

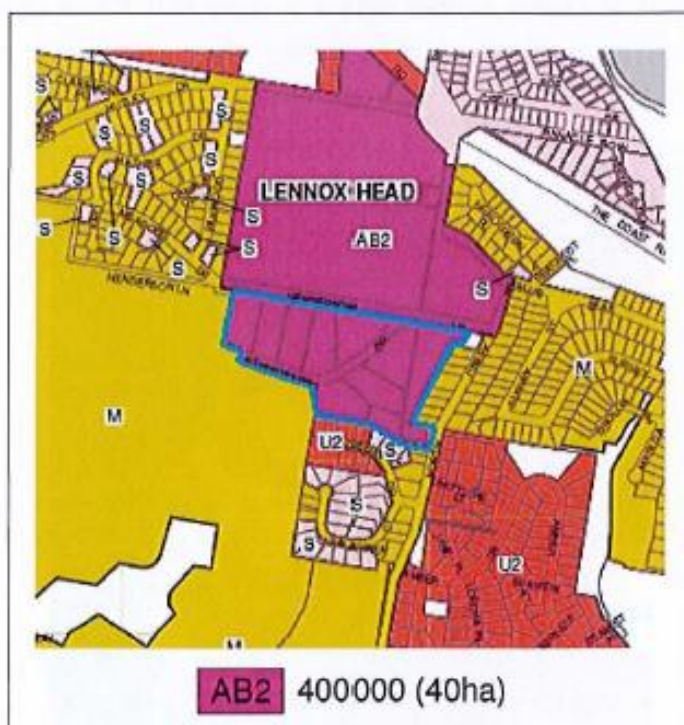


Plate 4 - Extract BLEP2012 Lot Size Map

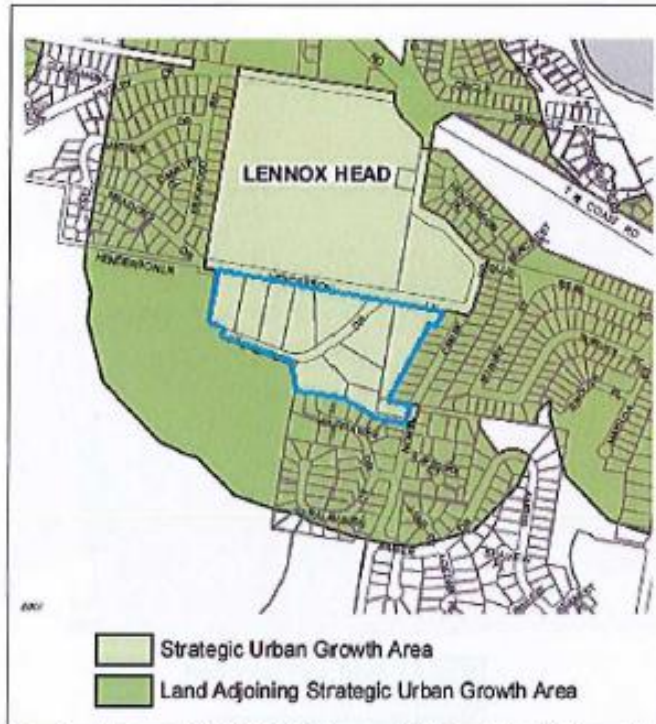


Plate 5 – Extract BLEP2012 Strategic Urban Growth Area Map

- **Far North Coast Regional Strategy 2006** – As illustrated in **Plate 6**, the subject land is identified as being located within a 'proposed future urban release area'. Accordingly, the application of a residential zone to the land is consistent with this Strategy.

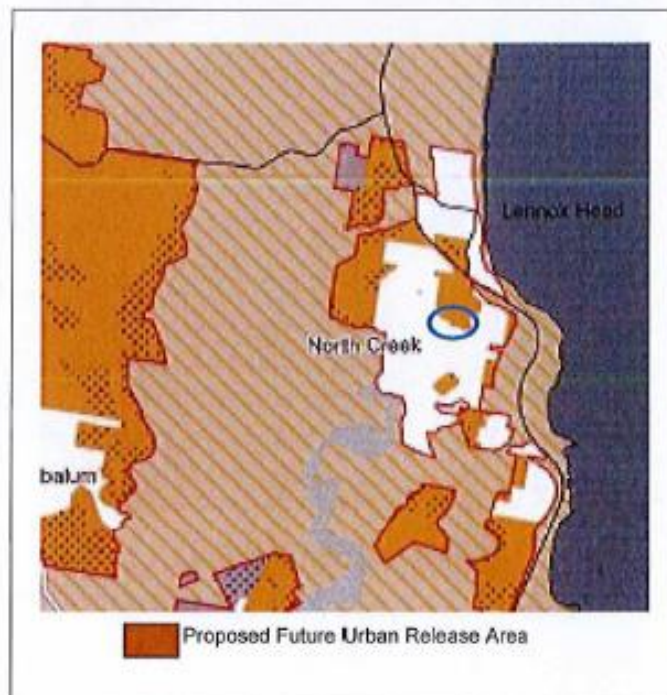
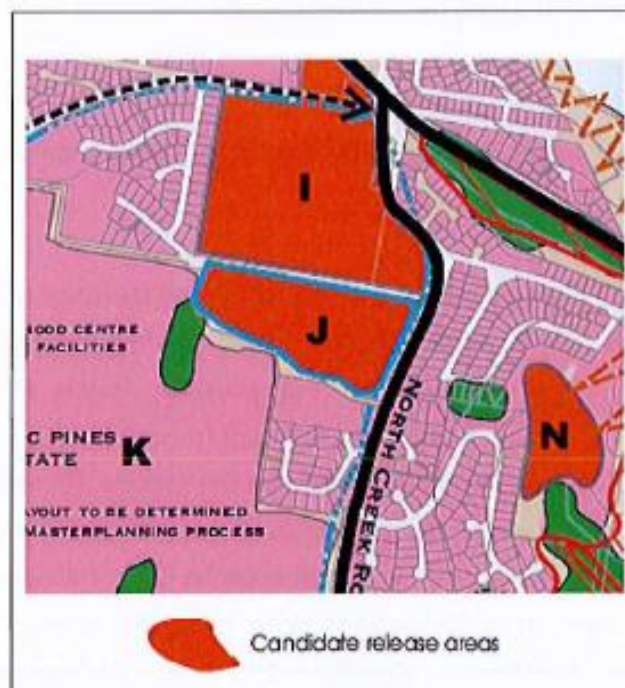


Plate 6 – Extract Far North Coast Regional Strategy  
Town & Village Growth Area Map

- **Lennox Head Structure Plan** – The Lennox Head Structure Plan establishes Councils framework for the development of new urban release areas in the Lennox Head district. Figure 2 (refer **Plate 7**) of the Structure Plan identifies the subject lands as possible “Candidate Release Area L” with the Plan providing the following commentary for the release area.

*Area J comprises 11 rural/residential landholdings in separate ownership. It is currently zoned 1(d) Rural (Urban Investigation) Zone pursuant to the Ballina Local Environmental Plan 1987. Vehicular access to eight of these allotments is via Stoneyhurst Drive, whilst two obtain access from North Creek Road and the remaining lot from Henderson Lane.*

*The Structure Plan recognises that Area J appears to be suited to accommodating future urban development. Should detailed assessment (via the rezoning process) confirm this to be the case, residential development comprising a range of low and medium density housing (L1, L2, D & M1 pursuant to DCP No.1) is the preferred use for this site.*



**Plate 7** – Extract Lennox Head Structure Plan 2004

- **Ballina Shire Growth Management Strategy 2012** – The property is mapped as a ‘Strategic Urban Growth Area’ pursuant to the Growth Management Strategy as provided within **Plate 8**.



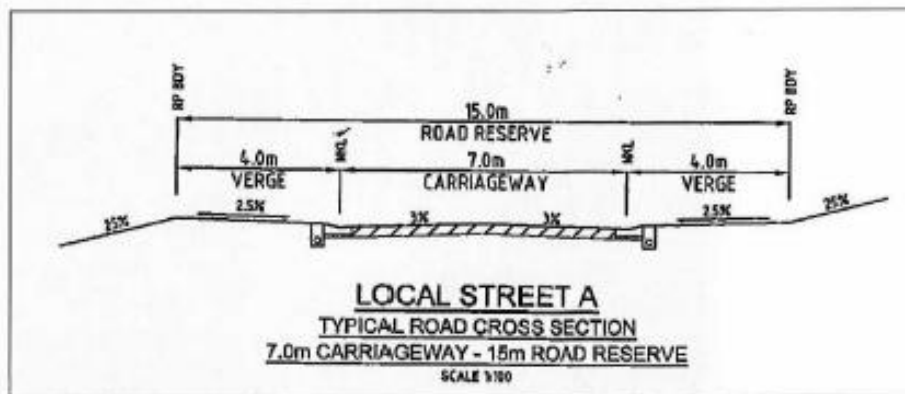
Plate 8 Extract – Ballina Shire Growth Management Strategy

In accordance with this planning status, our clients are now seeking to advance the Planning Proposal and development of the site for residential purposes. Having regard to the nature and location of the land and potential dwelling sites, it is submitted that the site appears suited to providing larger residential lots (say, 1000m<sup>2</sup> – 1200m<sup>2</sup>) to supplement the available land supply for such allotments.

## 7. Infrastructure Services & Stormwater Management

### A. Roads

The existing Stoneyhurst Drive is of a rural road standard of variable sealed 4.5m to 5.0m width. The road currently services 8 dwellings (approx 52 vpd). A review of the existing Master Planning approvals for the adjoining Pacific Pines development show that Stoneyhurst Drive will form a *Local Street* (7m sealed width) and service in the order of 50 new lots. Final concept design details for the existing Stoneyhurst Drive upgrade are yet to be nominated, however the expectation would be for the upgrade of Stoneyhurst Drive to 7m sealed width and also the implementation of local area traffic management devices to minimise over-use of Stoneyhurst Drive by residents from Pacific Pines. Refer ***Typical Road Cross Sections*** and ***Condition C10 Traffic Assessment*** extract below for details of proposed local road configuration and the need for considering local area traffic management requirements to limit 'rat running'.



Extract: Typical Road Cross Sections - Pacific Pines Estate Master Planning  
 (Drg No 3310069E-MP-02 Rev B 13.01.12)

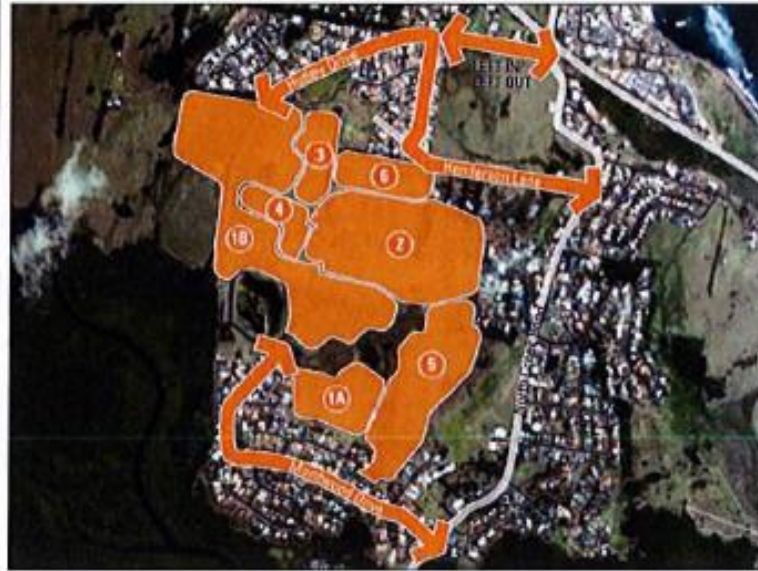
| Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p><b>C10-Traffic Assessment</b></p> <p>Future applications for the development of each of the super-lots and each additional stage of the project shall include a detailed traffic assessment prepared in accordance with the RTA's Guide to Traffic-Generating Developments. These assessments shall be consistent with the Traffic Management Plan required by term B7 of this approval. The traffic assessment shall identify the potential impacts created as a result of the proposed use and provides details of any road upgrades necessary. Road upgrades are to be designed in accordance with relevant AUSTROADS guidelines.</p> <p>These assessments are to nominate the location of bus stops where relevant.</p> <p>The traffic assessment prepared for the future application(s) for Stage 2 shall include consideration of the potential for the Stoneyhurst Drive line to become a rat-run for all future stages of development.</p> |

Extract: Concept Approval Condition C10

Given the location of existing dwellings on the land the subject of the current Planning Proposal and the available access arrangements to Henderson Lane, it is anticipated that development in the Precinct will approximately double the number of dwellings accessing Stoneyhurst Drive. This will create a duplication of traffic flows to nominally 100vpd. The *Northern Rivers Design and Development Design Specification D1* requires a minimum seal road width of 6m, hence Stoneyhurst Drive would require upgrading either with or without the Pacific Pines subdivision occurring.

Henderson Lane has a sealed width of 6.5m to 7.0m and is capable of servicing upwards of 3,500vpd. Current modelling undertaken during master planning for Pacific Pines subdivision shows that with the Hutley Drive connection to North Creek Road in place (left in / left out), Henderson Lane would carry in the order of 2,000vpd which is less than its nominal capacity of 3,500vpd - even with the full development of the Pacific Pines subdivision. Refer *Cardno Figure 3 details below*. Conversely, if Hutley Drive was not in place, the volumes on Henderson Lane were modelled to be 3,386vpd which is at the roads maximum capacity.

Figure 3 Network Option 3



Extract: Cardno Figure 3 - Master Planning Traffic Modelling (July 2014)

Based upon the Cardno modelling, it can be concluded that direct driveway access to Henderson Lane would be suitable, subject to the Hutley Drive connection to North Creek Road proceeding.

Discussions have also been had with Council's technical officers as to the likely configuration of the Hutley Drive / North Creek Road intersection. Whilst no proposal is currently endorsed by the elected Council, technical opinion of staff is that such Hutley Drive connection is likely to occur without the need to involve a re-diversion of North Creek Road via Henderson Lane, thereby further freeing up opportunity to have direct driveway connections to Henderson Lane.

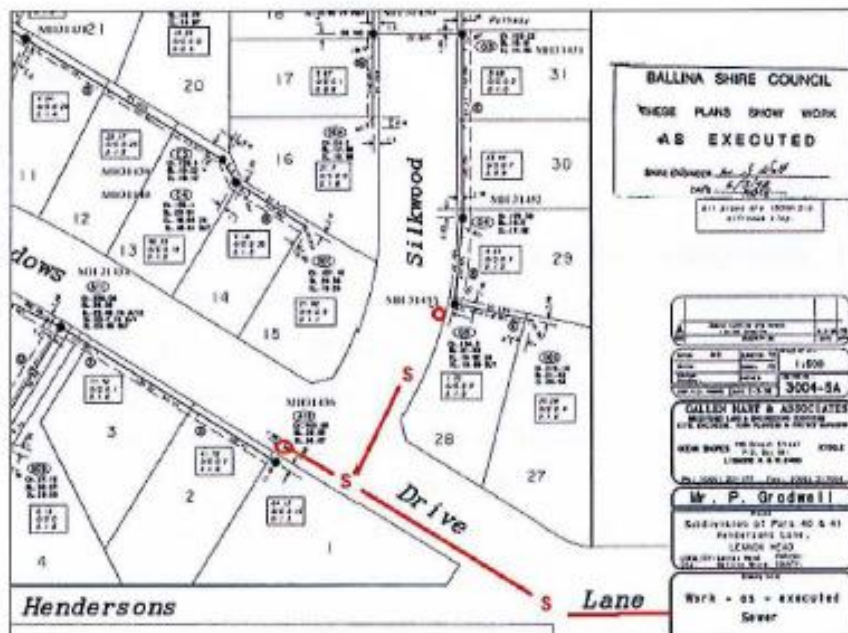
#### **B. Sewer Services**

The rezoning lands are not serviced by reticulated sewer but are located within the proposed *Development Servicing Plans (Wastewater)* which are to come into force as at July 2015. No trunk main works or reservoirs are identified for the lands.



Extract: Figure 3 Area B (North) – DSP Wastewater (2015)

Sewer connections are currently available within Meadows Drive or Silkwood Drive which could provide a reticulation connection for the rezoning. Final preferred point of connection would be subject to more detailed design review in conjunction with Council's technical officers.



Extract: WAX Sewer Plans (Dated 6/3/1998)

### C. Water Services

The rezoning lands are currently serviced with a 100mm diameter water main within Stoneyhurst Road reserve. A review of the proposed *Development Servicing Plans [Water Supply]* which is to come in force in July 2015 identifies that a recently constructed water main link was installed on Henderson Lane (work item WPD62)

Page 14

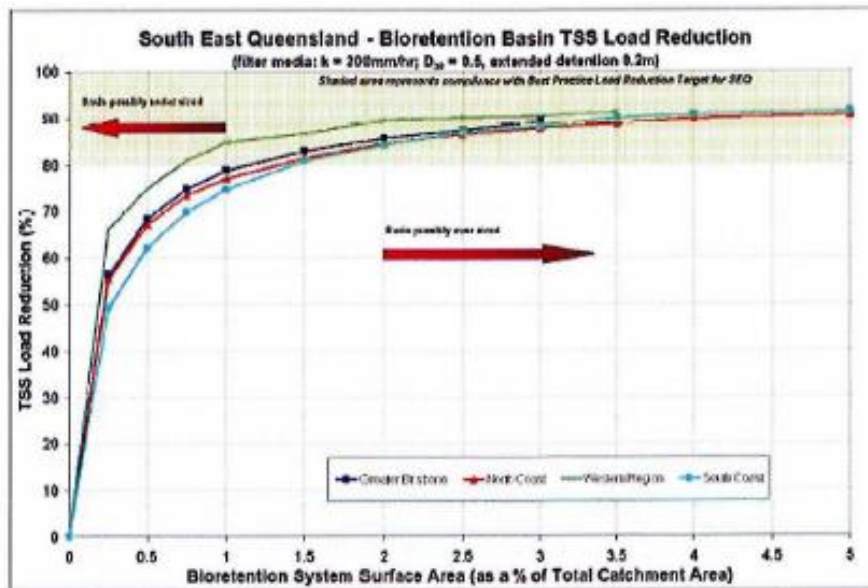
using headworks levies. The *Development Servicing Plans (Water Supply) Figure 3* as shown below, also nominates localised upgrade of the existing 100mm diameter main to directly service the Pacific Pines development [pink dashed line] from Stoneyhurst Road [to service some 50 lots]. Detailed modelling of water demand would be required during development application documentation to ascertain whether the intensification by this proposal (ie additional 8 lots as compared to 50 lots) would trigger the need to upgrade the existing 100mm diameter watermain. Notwithstanding this design review to confirm sizing requirements, water servicing is available.



Extract: Figure 3 Area B (North) – DSP Water Supply (2015)

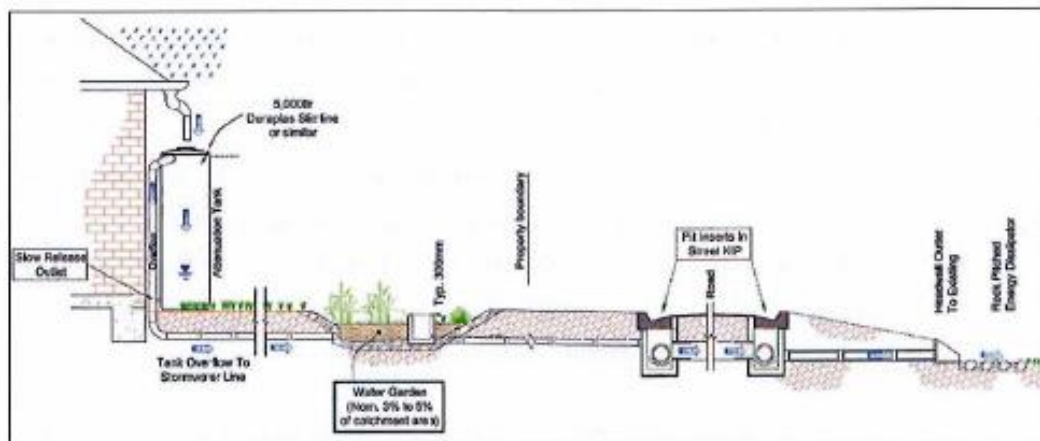
#### D. Stormwater Treatment

The rezoning lands will be required to implement stormwater quantity and quality provisions pursuant to *Ballina Development Control Plan 2012 – Chapter 2*. The lands are already of an urbanised nature, however increase in impervious areas would result. The principal mechanism to manage additional runoff from impermeable areas would be the implementation of rainwater attenuation tanks (nominal 5kL) for roof areas and water gardens with rock infiltration zones. The water gardens would also provide water quality treatment and as a guide, bio-retention basins in the order of 3% of catchment areas provide high levels of performance. Refer extract below from *Figure 5-3 – WSUD Technical Design Guidelines Healthy Waterways S.E. QLD (JUNE 2006)* for typical performance outcomes.



Extract: Figure 5-3: Bioretention Basin TSS Removal Performance

The final sizing and location on each lot for a water basin would be dependent upon detailed design, with the intention that the water basin becomes a landscaping asset for the property owners as well as achieving water treatment objectives. A schematic of the concept details achievable for the site are shown below:



Extract: Stormwater Concept Treatment Train Suitable For Site

## 8. Conclusion

Our clients are seeking Ballina Shire Council's support to commence the rezoning process to enable the development of land within the Stoneyhurst Drive Planning Precinct for residential subdivision and dwelling purposes. This request is made in accordance with "Step 1" of Ballina Shire Council's Process Guidelines for the preparation of Planning Proposals and Local Environmental Plan Amendments.

It is acknowledged that more detailed planning, environmental and engineering assessments will be required in order to progress the project through the Planning Proposal and subsequent Development Application processes. However, it is submitted that sufficient information is available at this time to enable Council to progress to "Step 2" of the process – that is, the preparation of a formal request for Council to prepare a Planning Proposal.

Given the issues outlined in this report, Council's clear direction is particularly sought with respect to:

- Whether a future Planning Proposal will apply to all 11 allotments within the Precinct, or only the 7 allotments represented by NDC;
- In the event that all 11 allotments are to be included, what level of investigation will be required with respect to matters such as contamination and vegetation on those properties within the Precinct not choosing to be part of the Planning Proposal process, and
- What level of 'integration' will be required with respect to future subdivision of the allotments. It is our experience that it is very difficult to coordinate the provision of infrastructure (particularly roads) through multiple small land ownerships in a timely manner. As such, it is our client's preference that they be able to each subdivide gaining access off the existing public road network in the locality.

We trust that the above is satisfactory to your requirements and look forward to Council's favourable consideration of this request. Should Council have any queries regarding the above, please do not hesitate to contact either Ms Karina Vikstrom or Mr Damian Chapelle of this office on [02] 6622 1011.

Please find **enclosed** cheques totalling \$2,700 in accordance with Council's prescribed fees for this matter together with Council's Planning Proposal application form and applicable land owner authorities.



DAMIAN CHAPELLE

Town Planner, BTP, CPP.



KARINA VIKSTROM

Town Planner, BTP.

## Appendix 3 – Section 117 Direction Checklist

| Section 117 Direction Checklist<br>Planning Proposal - Stoneyhurst Drive Precinct, Lennox Head |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Direction No.                                                                                  | Compliance of Planning Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>1. Employment and Resources</b>                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1.1 Business and Industrial Zones                                                              | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1.2 Rural Zones                                                                                | <p>Justifiably Inconsistent.</p> <p>The planning proposal involves the rezoning of rural land to a residential zone and is thus inconsistent with the Ministerial Direction. Notwithstanding, this inconsistency is justified by the NSW Government's Far North Coast Strategy (2012) which identifies the land as a potential urban growth area. The land is also identified as a Strategic Urban Growth Area in the Ballina Shire Growth Management Strategy (2012), which has been endorsed by the Department of Planning and Environment.</p> <p>Further to the above, the land is located adjoining the Lennox Head urban footprint area and has been previously subdivided and developed for large lot residential housing. The land also has limited agricultural production values.</p> <p>As a consequence, the planning proposal's inconsistency with this direction is considered justifiable under the circumstances.</p>                                                                                                                                                                                                   |
| 1.3 Mining, Petroleum Production and Extractive Industries                                     | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1.4 Oyster Aquaculture                                                                         | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1.5 Rural Land                                                                                 | <p>Justifiably Inconsistent.</p> <p>The planning proposal involves the rezoning of rural land to a residential zone and thus may be considered to be inconsistent with the principles of the Rural Lands SEPP 2008 and thus with the Ministerial Direction. Notwithstanding, this inconsistency is justified by the NSW Government's Far North Coast Strategy (2012) which identifies the land as a potential urban growth area. The land is also identified as a Strategic Urban Growth Area in the Ballina Shire Growth Management Strategy (2012), which has been endorsed by the Department of Planning and Environment.</p> <p>Further to the above, the planning proposal is considered to be of minor significance on basis that the land is located directly adjoining the Lennox Head urban footprint area and has been previously subdivided and developed for large lot residential purposes. The land is also considered to be unsuitable for commercial agricultural production.</p> <p>As a consequence, the planning proposal's inconsistency with this direction is considered justifiable under the circumstances.</p> |
| <b>2. Environment and Heritage</b>                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2.1 Environmental Protection Zones                                                             | <p>Consistent.</p> <p>The land is not considered to be an environmentally sensitive area on the basis of current information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.2 Coastal Protection                                                                         | <p>Consistent.</p> <p>The application of coastal planning principles as established under the NSW Coastal Policy, the Coastal Design Guidelines and the NSW Coastline Management Manual will be required to be evaluated by the proponent after Gateway determination.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2.3 Heritage Conservation                                                                      | <p>Consistent.</p> <p>There are no known items of environmental or Aboriginal cultural heritage value on the land. Heritage values will however, be required to be further assessed by the proponent after Gateway determination.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.4 Recreation Vehicle Areas                                                                   | <p>Consistent.</p> <p>The proposed LEP amendment relates to provision of residential housing and does not involve development for the purpose of a recreational vehicle area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | <p>Consistent.</p> <p>The proposed LEP amendment does not propose to apply environmental zones or overlays to the subject land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>3. Housing, Infrastructure and Urban Development</b>                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3.1 Residential Zones                                                                 | <p>Consistent.</p> <p>The proposed LEP amendment seeks to provide for additional residential development opportunities in the Lennox Head locality. The subject land is located close to existing services and adjoins the existing Lennox Head urban footprint area. The proposal involves a rezoning from rural land (part RU1 and part RU2) to residential (R2).</p> <p>The Ballina LEP 2012 includes an existing provision (Clause 7.7) that requires that adequate servicing be in place, or suitable arrangements to have been made for such servicing, before development proceeds.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3.2 Caravan Parks and Manufactured Home Estates                                       | <p>Consistent.</p> <p>Caravan parks are permitted under the current RU2 Rural Landscape zone, which applies to part of the land. Caravan parks will continue to be permitted within the proposed R2 Low Density Residential zone.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3.3 Home Occupations                                                                  | <p>Consistent.</p> <p>Home occupations are permitted in the proposed R2 Low Density Residential zone.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.4 Integrated Land Use and Transport                                                 | <p>Consistent.</p> <p>The application of the principles set out under Improving Transport Choice – Guidelines for planning and development and The Right Place for Business and Services – Planning Policy will be able to be considered in the environmental assessment and planning report following submission of technical reports by the proponent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3.5 Development Near Licensed Aerodromes                                              | <p>Inconsistent.</p> <p>The planning proposal is inconsistent with this direction as consultation has not yet been undertaken with the relevant Commonwealth aviation authorities.</p> <p>The subject site is located within the Obstacle Limitation Surface (OLS) associated with the Ballina Byron Gateway Airport as the level of the land exceeds the designated level of RL 46.5 AHD on the OLS map. Site contour levels at the highest part of the subject site are approximately 62m AHD in the eastern extents of the site. It is noted, however, that the subject land adjoins existing urban development to the east which is higher than 62m AHD. Further, no variations to the standard building height limit are proposed as a part of the planning proposal.</p> <p>The subject land is not affected by the ANEF categories referred to in the direction. Consultation with relevant agencies will occur in association with the preparation of technical studies to inform the progress of the planning proposal, post Gateway determination. It is anticipated that following this consultation, the planning proposal will be consistent with the direction.</p> |
| 3.6 Shooting Ranges                                                                   | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>4. Hazard and Risk</b>                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4.1 Acid Sulphate Soils                                                               | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4.2 Mine Subsidence and Unstable Land                                                 | <p>Consistent</p> <p>The northern extents of Lot 2 DP 259704, Lot 5 DP 259704 and Lot 10 DP 542783 are identified as being susceptible to land slip Category 2 (Geotechnical Zoning Survey of Slope Instability in Residential Areas of Ballina Shire prepared by Coffey Partners Pty Ltd 1986). More detailed investigation is required to determine the degree of land slip risk and its impact on any potential residential subdivision.</p> <p>A geotechnical assessment will be required to be prepared by the proponent to determine the specific risk of the land to geotechnical instability across the various potential hazard categories, following Gateway determination.</p> <p>Notwithstanding, the planning proposal is considered to be consistent with Ministerial Direction 4.2 on the basis that such instability does not relate to mine subsidence issues.</p>                                                                                                                                                                                                                                                                                               |

|                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.3 Flood Prone Land                                                             | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4.4 Planning for Bushfire Protection                                             | Consistent<br>The subject site is not designated bush fire prone land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>5. Regional Planning</b>                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5.1 Implementation of Regional Strategies                                        | Consistent.<br>The proposed rezoning is consistent with the FNCRS as it is identified as a proposed future urban release area under the policy. The proposed rezoning is also consistent with the Ballina Shire Growth Management Strategy.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 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       | Justifiably Inconsistent<br>The subject land is identified as significant regional non-contiguous farmland under the Northern Rivers Farmland Protection Project mapping. However, the subject land is also identified as a proposed future urban release area under the Far North Coast Regional Strategy (2012) and is identified as a potential urban area under the Ballina Shire Growth Management Strategy (2012). Consequently, the planning proposal complies with the planning principles contained in Section 4 of the report titled Northern Rivers Farmland Protection Project – Final Recommendations, February 2005, and is considered to be justifiably inconsistent with the direction. |
| 5.4 Commercial and Retail Development                                            | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA). | Repealed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.6 Sydney to Canberra Corridor                                                  | Repealed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.7 Central Coast                                                                | Repealed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.8 Second Sydney Airport: Badgerys Creek                                        | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>6. Local Plan Making</b>                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 6.1 Approval and Referral Requirements                                           | Consistent.<br>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.<br>This planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.<br>The planning proposal does not propose to reserve land for a public purpose.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 6.3 Site Specific Provisions                                                     | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>7. Metropolitan Planning</b>                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 7.1 Implementation of the Metropolitan Strategy                                  | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## Appendix 4 – Council Report and Resolution

MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 28/04/16 AT 9.00 AM

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8.3 **Development Consent and Infrastructure Approvals - March 2016**

280416/8      **RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 March 2016 to 31 March 2016.

FOR VOTE - All Councillors voted unanimously.

8.4 **Development Applications - Works in Progress - April 2016**

280416/9      **RESOLVED**

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of the report on the status of outstanding development applications for April 2016.

FOR VOTE - All Councillors voted unanimously.

9. **Strategic and Community Facilities Group Reports**

9.1 **Planning Proposal - Stoneyhurst Drive, Lennox Head**

280416/10      **RESOLVED**

(Cr Keith Johnson/Cr Susan Meehan)

1. That Council submit the planning proposal for the amendment of the *Ballina Local Environmental Plan 2012* (Attachment Two), relating to the application of a residential zone and provision for subdivision of land in the Stoneyhurst Drive precinct in Lennox Head, to the NSW Department of Planning & Environment for Gateway determination.
2. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
3. That Council invite the Stoneyhurst Drive landholders to submit technical information required to support residential zoning and application of an appropriate minimum lot size standard, under the terms of the *Ballina Local Environmental Plan 2012*, for all land within the Stoneyhurst Drive precinct.
4. That the matter be reported for further consideration by the Council prior to the mandatory public exhibition period.

FOR VOTE - All Councillors voted unanimously.

## **9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head**

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### **9. Strategic and Community Facilities Group Reports**

#### **9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head**

**Delivery Program** Strategic Planning

**Objective** To present the Council with a proposal to amend the Ballina Local Environmental Plan 2012 to rezone land for residential purposes in Stoneyhurst Drive Lennox Head and to seek direction on the submission of a planning proposal for Gateway determination.

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#### **Background**

Council has received an LEP amendment request relating to land in Stoneyhurst Drive, Lennox Head. The proponents are seeking an LEP amendment that would facilitate residential zoning and further subdivision of the land through changes to the land use zoning and minimum lot size provisions of the Ballina Local Environmental Plan 2012. The subject land is currently zoned partly RU1 Primary Production and partly RU2 Rural Landscape.

The land is located on the existing edge of the urban area of Lennox Head, adjacent to North Creek Road and the Meadows Estate. The site is also surrounded by Lennox Head's main greenfield residential growth areas (the Epiq development site and Reservoir Hill). Following the development of these adjacent lands, the subject land will be located wholly within the urban area of Lennox Head.

The Stoneyhurst Drive precinct is identified in Council's Ballina Shire Growth Management Strategy (2012) and Ballina Local Environmental Plan 2012 as a Strategic Urban Growth Area. It is also identified as a potential infill development area in the Lennox Head Structure Plan 2004 (Candidate Release Area J).

A submission from some of the landholders in the area was made in 2010 in relation to the rezoning of the land during the public exhibition processes associated with the drafting of the Ballina Local Environmental Plan 2012. In consideration of this matter, in May 2011, the Council resolved to invite the subject landholders to progress the matter through the planning proposal process. Landholders were advised at the time that progress of the matter, through reporting to the elected Council, would require support for the proposal from a majority of landholders within the precinct.

The LEP amendment request now before Council has been prepared by Newton Denny Chapelle on behalf of seven of the eleven landholders within the precinct. A copy of the proponents' request is provided in Attachment One to this report. It is important to note that whilst the majority of landholders within the precinct support the proposal, several landholders are not a party to the request.

## 9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

In light of the proposal's general consistency with the state and local planning context, a planning proposal has been prepared and forms Attachment Two to this report, for Council's consideration. The planning proposal has been drafted on the basis of the proposal applying to all land within the precinct on the principle that an integrated rezoning provides for the optimal planning outcome.

This report provides an overview of the LEP amendment request and seeks the Council's direction on progress of the matter.

### Key Issues

- Urban growth management.
- Urban suitability investigations.
- Landholder engagement.

### Information

#### *The Subject Land*

The Stoneyhurst Drive precinct covers an area of approximately 7.5 hectares (excluding road reserves), comprising eleven separate rural residential allotments ranging in size from 2,023m<sup>2</sup> to 11,602m<sup>2</sup>. An existing dwelling house is erected on each lot and several lots also contain associated outbuildings. Each lot is under separate ownership under freehold title.

Property details for the eleven land parcels within the precinct are provided in the table below, along with an indication of which landholders are specifically party to the LEP amendment request.

| Lot and DP                        | Street Address       | Land Area (m <sup>2</sup> ) | Ownership       | Landholder Participating in this LEP Amendment Request (Yes/ No) |
|-----------------------------------|----------------------|-----------------------------|-----------------|------------------------------------------------------------------|
| Lot 2 DP 259704                   | 11 Stoneyhurst Drive | 8,060                       | M. O'Reilly     | Yes                                                              |
| Lot 5 DP 259704                   | 12 Stoneyhurst Drive | 7,640                       | N. Mackay       | Yes                                                              |
| Lot 3 DP 259704                   | 13 Stoneyhurst Drive | 6,542                       | R & E Dowling   | Yes                                                              |
| Lot 4 DP 259704                   | 17 Stoneyhurst Drive | 6,716                       | R Brearley      | No                                                               |
| Lot 6 DP 259704                   | 20 Stoneyhurst Drive | 7,494                       | S & R Hudson    | Yes                                                              |
| Lot 7 DP 259704                   | 28 Stoneyhurst Drive | 7,023                       | L. Fuchs        | Yes                                                              |
| Lot 8 DP 259704                   | 34 Stoneyhurst Drive | 6,758                       | D & M Baker     | No                                                               |
| Lot 9 DP 259704                   | 38 Stoneyhurst Drive | 6,988                       | S & S Fletcher  | Yes                                                              |
| Lot 10 DP 542783                  | 9 Henderson Lane     | 11,602                      | M. Taylor       | Yes                                                              |
| Lot 1 DP 323386                   | 82 North Creek Road  | 2,023                       | S & M Alexander | No                                                               |
| Lot 4 DP 244488                   | 84 North Creek Road  | 4,041                       | C Cooney        | No                                                               |
| Total Land Area (m <sup>2</sup> ) |                      | 74,887                      |                 |                                                                  |
| Total Land Area (hectares)        |                      | 7.49                        |                 |                                                                  |

The LEP amendment request to rezone the land is made on behalf of seven of the eleven landholders within the precinct. Maps showing the location of the above lots are provided in the LEP amendment request provided in Attachment One.

### *Strategic Planning Context*

As outlined below, the Stoneyhurst Drive Precinct (comprising the eleven lots the subject of this report) is identified in the strategic planning framework applicable to Ballina Shire as a potential future urban development area, subject to land suitability investigations to be undertaken through the planning proposal process.

The Stoneyhurst Drive Precinct is identified as a Strategic Urban Growth Area in the *Ballina Local Environmental Plan 2012* and the Ballina Shire Growth Management Strategy 2012. Further, the land is identified as a Proposed Future Urban Release Area in the NSW Government's Far North Coast Regional Strategy (2012). This is also reflected in the draft North Coast Regional Plan that is currently on public exhibition.

The Stoneyhurst Drive Precinct was identified as 'Candidate Release Area J – Stoneyhurst Drive' in the *Lennox Head Structure Plan 2004*. The Lennox Head Structure Plan provides the following in relation to the precinct:

*"The Structure Plan recognises that Area J appears to be suited to accommodating future urban development. Should detailed assessment (via the rezoning process) confirm this to be the case, residential development comprising a range of low and medium density housing (L1, L2, D & M1 pursuant to DCP No 1) is the preferred use for this site".*

The Structure Plan also flags the following as important planning considerations for the subject land, at the rezoning stage:

- *Any rezoning of Area J is to occur on an integrated basis and should involve all land holdings within the area.*
- *Vehicular access should primarily be from Stoneyhurst Drive. Vehicular access from Henderson Drive is to be via integrated road access points, although at such time as the Hutley Drive extension is constructed, opportunities for direct access from Henderson Lane will be considered.*
- *The subdivision design should be such that development should not protrude above the ridgeline.*
- *The subdivision design should seek to minimise cut and fill on the steeper portions of the site.*
- *Mature native vegetation on the site is to be retained as part of the development of the land.*

### *Landholder Engagement*

Council previously received a request for rezoning (part of) the 'Stoneyhurst Drive Precinct' in the form of a submission to the public exhibition processes associated with the drafting of the *Ballina Local Environmental Plan 2012*. This previous request was made in June 2010 on behalf of five of the landholders. Following the Council's consideration of the matter, as a part of the draft BLEP 2012, Council advised these landholders that:

- the rezoning proposal would best be managed by way of a stand-alone planning proposal;

## 9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

- for the proposal to proceed to be reported on further, Council would require a majority of the landholders in the precinct to participate; and
- all technical assessments and associated reporting must be undertaken in an integrated manner (i.e. reports must cover all eleven lots within the precinct).

In December 2012, Council invited all landholders within the Stoneyhurst Drive precinct to attend an information session where staff provided information about the planning proposal process. Following this information session, Council received a written objection from one of the landholders to any future rezoning of the precinct (this objection has not been reiterated in relation to the current proposal to date).

In March 2014 Newton Denny Chapelle, representing seven landholders within the precinct, met with Council staff to discuss the matter. In acknowledgement of the previous request for rezoning made to Council during the LEP exhibition process and the high consistency of the rezoning proposal with state and local strategic planning policies, Council staff advised the proponent that, upon receipt of a formal LEP amendment request with signed owners' consents from the seven landholders and payment of the associated processing fees, a planning proposal would be prepared for the consideration of the elected Council.

Subsequently, Council has received an LEP amendment request from Newton Denny Chapelle on behalf of the majority of landholders within the precinct (seven of the eleven landholders). In response, a planning proposal has been drafted which would give effect to the landholders request (Attachment Two).

### *Summary of the Proposal*

The proposal involves rezoning the subject land from partly RU1 Primary Production zone and partly RU2 Rural Landscape zone to R2 Low Density Residential zone. The proposal also involves amending the minimum lot size standard (currently 40 hectares), whereby one lot located adjacent to North Creek Road would have a 600m<sup>2</sup> minimum lot size, and the remainder of the parcels would have a 1,200m<sup>2</sup> minimum lot size. The zoning and minimum lot size standards proposed for each lot are summarised in the table below.

| Street Address       | Existing Land Area (m <sup>2</sup> ) | Proposed |                     |
|----------------------|--------------------------------------|----------|---------------------|
|                      |                                      | Zone     | Lot Size            |
| 11 Stoneyhurst Drive | 8,060                                | R2       | 1,200m <sup>2</sup> |
| 12 Stoneyhurst Drive | 7,640                                | R2       | 1,200m <sup>2</sup> |
| 13 Stoneyhurst Drive | 6,542                                | R2       | 1,200m <sup>2</sup> |
| 17 Stoneyhurst Drive | 6,716                                | R2       | 1,200m <sup>2</sup> |
| 20 Stoneyhurst Drive | 7,494                                | R2       | 1,200m <sup>2</sup> |
| 28 Stoneyhurst Drive | 7,023                                | R2       | 1,200m <sup>2</sup> |
| 34 Stoneyhurst Drive | 6,758                                | R2       | 1,200m <sup>2</sup> |
| 38 Stoneyhurst Drive | 6,988                                | R2       | 1,200m <sup>2</sup> |
| 9 Henderson Lane     | 11,602                               | R2       | 1,200m <sup>2</sup> |
| 82 North Creek Road  | 2,023                                | R2       | 600m <sup>2</sup>   |
| 84 North Creek Road  | 4,041                                | R2       | 1,200m <sup>2</sup> |

## 9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

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In summary, the planning proposal would facilitate the residential subdivision and development of the land as per the following:

- In a manner consistent with the character of North Creek Road, in the case of 82 North Creek Road;
- In a manner similar to the character of the Greenfield Road area, for the remainder of the subject land.

### *Site Assessments*

At this stage, the planning proposal presented to Council is not supported by detailed technical studies. Consequently, the extent of site specific land constraints that may impact on the suitability of the land for residential purposes is not presently known. The purpose of this report is to seek direction on whether the proposal has the Council's in-principle support, prior to detailed site suitability investigations being undertaken.

Should the proposal receive the Council's in-principle support, the planning proposal (provided in Attachment Two) will be forwarded to the NSW Department of Planning & Environment for Gateway determination. The Gateway determination will specify the range of site specific investigations and technical studies required to advance the planning proposal, which may be in addition to those typically required by Council for a request of this nature.

Technical information will be required to be submitted to Council by the proponent for incorporation within the planning proposal, prior to Council undertaking consultation with other public authorities and the community, through the statutory public exhibition process. Should the matter proceed past Gateway determination stage, it is proposed that the Council receive a further report on the outcome of these technical investigations prior to the public exhibition of the planning proposal.

An important matter for Council to resolve at this point is whether or not the planning proposal should proceed inclusive of all lots within the precinct, given the varying levels of participation by landholders.

A majority of the landholders within the Stoneyhurst Drive Precinct (seven of the eleven) have indicated their active support for the LEP amendment request. Four landholders have not participated in the lodgment of the amendment request. One landholder had previously objected to the rezoning (when the matter was considered during the drafting of the Ballina LEP 2012), however this objection has not been reiterated in relation to the current proposal. These landholders are presently considered to be silent as they have not expressed a written view in favour of, or against, the progress of the proposal.

As outlined above, if Council resolves to progress the planning proposal and an affirmative Gateway determination is received, the proponent will be required to undertake detailed technical assessments to determine the suitability of the land for residential zoning. A key question for Council at this stage is whether the subject investigation area should include the four lots within the precinct held by the non-participating landholders.

The approach preferred by staff, with respect to this aspect of the planning proposal, is that the active proponents be required to address the relevant issues as they apply to all land within the precinct to the fullest extent possible. The inclusion of all land within the precinct in the requisite technical studies will enable the consideration of relevant issues as they affect the precinct as a whole, with the potential to better address the broader public interest outcomes associated with the consideration of the land for urban development.

Further, more comprehensive reports will better inform future planning deliberations with respect to the area. The provision of access roads and water and sewer infrastructure to service new lots are key technical issues for this site. A precinct-based approach will also provide for better integration of future development with the existing and approved development in the locality and achieve better planning outcomes overall.

It is acknowledged, however, that a lack of information may mean that some parts of the subject area may not be able to be zoned for residential purposes (such a lack of information may occur due to limited property access). Notwithstanding, the inclusion of all land within the precinct (currently under rural zoning) at this stage is recommended so that the technical investigations can give initial consideration to the whole of the precinct within its broader context. It will remain open to Council at any stage in the assessment process to remove or defer land parcels from the rezoning.

This recommended approach is consistent with Council's historic practice in the consideration of urban investigation areas. Further, the Lennox Head Structure Plan states that any rezoning of the Stoneyhurst Drive Precinct (identified in the plan as Candidate Release Area J) is to occur on an integrated basis and should involve all land holdings within the area.

There will be financial implications for the participating landholders if Council resolves to include all eleven lots in the rezoning proposal, as technical investigations across a larger study area will likely incur higher investigation fees. However, any such additional cost is likely to be a minor proportion of the overall costs that will be incurred in undertaking the necessary work required by Council and the Department of Planning and Environment, should the proposal proceed.

### **Sustainability Considerations**

- **Environment**

The significance of the existing native vegetation on the land, as well as the impact of the proposed subdivision on adjoining flora and fauna communities, will be assessed further if the planning proposal proceeds.

- **Social**

The proposal to provide infill residential housing within an existing residential area of Lennox Head fulfils the identified need for more housing in the locality to help address affordable housing issues in the region.

Potential visual amenity impacts of future new dwellings may be of concern to the residents of existing homes within the precinct and adjoining properties. This matter will be examined in further detail if the proposal proceeds.

- **Economic**

There are no significant economic implications for Council currently identified in relation to the proposed rezoning.

### **Legal / Resource / Financial Implications**

In accordance with Council's adopted fees and charges policy the proponent will be required to cover all costs associated with processing the LEP amendment request. There are no significant resourcing or financial implications for Council associated with the proposal proceeding to Gateway determination.

### **Consultation**

Preliminary consultation has been undertaken with landholders within the Stoneyhurst Precinct, as outlined in the body of this report.

Should the Council support the matter proceeding, the planning proposal will be forwarded to the NSW Department of Planning and Environment for Gateway determination. If the planning proposal receives affirmative Gateway determination, the Department will advise Council of the requirements for consultation with government agencies and the community.

Community engagement will then occur following assessment of the required additional information, in accordance with the Gateway determination.

Council will continue to liaise with all landholders in the precinct regarding the progress of the planning proposal at key stages.

### **Options**

The Council has several options available to it in relation to the subject LEP amendment request, as set out below.

1. Council could resolve to decline to proceed with the planning proposal at this time.

This option would involve Council advising the proponent landholders that Council does not support the urban investigation of the land at this time. Council could also advise the proponents that Council will only support the consideration of the land for residential purposes if all landholders within the precinct support the proposal.

This option is not recommended on the basis of the following:

- The LEP rezoning request is consistent with the strategic planning framework applying to the land and the locality;

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- The option would effectively give a minority of landholders veto power over the potential public interest outcomes associated with land use planning considerations for the land; and
  - The comprehensive consideration of the area may be able to be achieved by allowing the matter to proceed to the investigation stage.
2. Council could resolve to proceed with the planning proposal, on the basis that the requisite technical studies are to address all land within the Stoneyhurst Drive precinct to the fullest extent possible.

This option would involve referring the planning proposal to the NSW Department of Planning & Environment for Gateway determination. The planning proposal provided in Attachment Two would be updated to reflect the Council's decision on the matter.

Under this option the proponents would also be required to seek to address all relevant planning and environmental considerations for the precinct as a whole, in the preparation of their supporting technical assessments.

The matter would be reported back to the elected Council following the completion of the technical studies, to seek the Council's direction on the progress of the planning proposal, including the application of an appropriate minimum lot size standard, prior to public exhibition.

Importantly, this approach will provide Council with additional information on the suitability of the precinct for a residential zoning and subdivision. Based on this information Council may elect to proceed with an overall or partial rezoning or cease the process.

This option is the recommended course of action.

Where Council proceeds to submit a planning proposal for Gateway determination, it has the option of requesting delegation of certain plan making functions from the Department. Under these delegations, Council would perform some of the plan making functions that would otherwise be completed by the Department. In the subject case, and given the proposal's consistency with the State and local strategic planning context, it recommended that Council seeks the delegation.

3. Council could resolve to proceed with the planning proposal for only those landholdings that have participated in the making of the LEP amendment request.

This option would involve amending the planning proposal to only land parcels that are a party to the LEP amendment request. This amended planning proposal would then be referred the planning proposal to the NSW Department of Planning & Environment for Gateway determination. Under this option, the proponents would only be required to address the subject properties in relation to the technical studies required to support the progress of the planning proposal.

This option is not recommended on the basis of the following:

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- The comprehensive consideration of relevant planning and environmental considerations may be compromised;
- The efficient and cost effective delivery of infrastructure and servicing to the land may be difficult to achieve in the absence of all landholdings; and
- The omission of some landholdings within the precinct from the urban suitability investigations could result in a sub-optimal planning outcome for the precinct.

### RECOMMENDATIONS

1. That Council submit the planning proposal for the amendment of the *Ballina Local Environmental Plan 2012* (Attachment Two), relating to the application of a residential zone and provision for subdivision of land in the Stoneyhurst Drive precinct in Lennox Head, to the NSW Department of Planning & Environment for Gateway determination.
2. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
3. That Council invite the Stoneyhurst Drive landholders to submit technical information required to support residential zoning and application of an appropriate minimum lot size standard, under the terms of the *Ballina Local Environmental Plan 2012*, for all land within the Stoneyhurst Drive precinct.
4. That the matter be reported for further consideration by the Council prior to the mandatory public exhibition period.

### Attachment(s)

1. LEP Amendment Request - Stoneyhurst Drive, Lennox Head
2. Planning Proposal BSCPP 16/002 - Stoneyhurst Drive, Lennox Head