



Planning Proposal BSCPP 14/009

October 2014

Ballina Heights Estate

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INTRODUCTION

Summary of Planning Proposal

This planning proposal relates to part of the remaining, largely undeveloped components of the Ballina Heights Estate, Cumbalum. The proposal seeks to adjust the land use zone boundaries and associated planning provisions for a number of sites, all of which are either owned by the current developers of the estate (i.e. Vixsun Pty Ltd and the Roman Catholic Church) or which comprise public land in the care and control of Ballina Shire Council.

The land parcels affected by the changes in this planning proposal are shown in Figure 1.

The subject land contains a mix of land use zones and it is proposed to adjust these to better reflect the desired future land use outcomes as preferred by the developers of the estate and to be more consistent with the intent of various plans of subdivision approved in development applications to Ballina Shire Council.

The components of this planning proposal are summarised in Table 1.

The zoning amendments included in this planning proposal also necessitate updates to the following BLEP 2012 maps:

- Land Application Map
- Acid Sulfate Soils Map ASS_005
- Building Height Allowance Map BHA_005B
- Flood Planning Map FLD_005
- Floor Space Ratio Map FSR_005B
- Height of Buildings Map HOB_005
- Lot Size Map LSZ_005B
- Land Zoning Map LZN_005B
- Strategic Urban Growth Area Map SGA_005B

A series of maps to support the proposal has been drafted and is included in Appendix C. These maps include copies of the proposed amended BLEP 2012 map tiles as well as maps at a scale of 1:5,000 detailing the Ballina Heights Estate to assist in the identification of the proposed mapping changes.

The Council considered this planning proposal at its Ordinary Meeting on 23 October 2014 where it resolved to submit the proposal to the Department of Planning and Environment for Gateway determination. A copy of the report submitted to the Council and details of the Council's subsequent resolution is in Appendix A.



Figure 1 – Land affected by planning proposal

Table 1 – Schedule of Proposed Changes

Land Description	Owner	Proposed Change
Lot 116 DP 1058129 Lot 136 DP 1066838 Lot 153 DP 1066838	Ballina Shire Council	Rezone public reserves from R2 Low Density Residential to RE1 Public Recreation, remove minimum lot size provisions.
Lot 114 DP 1058129 Lot 317 DP 1148856	Ballina Shire Council	Adjust zone boundary for RE1 Public Recreation zone to match cadastral boundaries.
Lot 360 DP 1189176	Roman Catholic Church	Adjust residential zone boundaries (R2/R3) and associated minimum lot size provisions to reflect future land use intent and subdivision consent.
Lot 360 DP 1189176	Roman Catholic Church	Add RE1 Public Recreation zone to land intended for future public open space, remove minimum lot size provisions.
Lot 389 DP 1199596	Vixsun Pty Ltd	Adjust the B2 Local Centre zone boundary to reflect recently gazetted cadastral boundaries. Also adjust associated minimum lot size, height of buildings and floor space ratio provisions.
Lots 360-385, 387 and 389 DP 1199596	Vixsun Pty Ltd	Adjust residential zone boundaries (R2/R3) and associated minimum lot size provisions to match cadastral boundaries and to reflect future land use intent and subdivision consent.
Lot 388 DP 1199596	Ballina Shire Council	Add recently dedicated public open space to RE1 Public Recreation zone, remove minimum lot size.
Lot 303 DP 1147087 Lot 318 DP 1148856	Ballina Shire Council	Adjust boundaries of RE1 Public Recreation zone to include all open space areas, adjust Land Application boundary and associated mapping for acid sulfate soils, building height allowance and flood planning.
Lot 360 DP 1189176	Roman Catholic Church	Adjust zone boundaries for clarity at eastern extremity of lot.

Planning Context

Ballina Local Environmental Plan 2012

The *Ballina Local Environmental Plan 2012* (BLEP 2012) provides a suite of land use zones and associated planning provisions to facilitate various forms of urban development in Ballina Shire. The Ballina Heights Estate has been under development for over 10 years and comprises a mix of residential, business and open space zones.

In the drafting of the BLEP 2012, the approach taken in relation developing residential areas such as the Ballina Heights Estate was to provide for uniform flexibility in the range of permissible land uses. This was achieved through the application of the R3 Medium Density Residential zone. The views of the landowners were sought at the time of drafting; however no indication was given with regard to their preferred zoning outcomes.

With the development of the estate now in its final stages, the landowners have sought to amend the provisions of the LEP to achieve their desired land use outcomes. This planning proposal seeks to refine the existing land use zones and associated planning provisions for sections of the undeveloped components of the estate to ensure the zoning is compatible with the developers' land use intent and is consistent with development approvals for the subdivision of the land.

Residential Zones

This planning proposal seeks to adjust existing zone boundaries in undeveloped stages of the Ballina Heights Estate to reflect the developers' preferred land use outcomes and to be generally consistent with subdivision consents granted by Council. It is proposed to apply the R2 Low Density Residential zone to the majority of this residual component of the estate with certain lots retaining the R3 Medium Density zone to enable medium density and dual occupancy development.

These changes to residential zoning are primarily intended to provide for consistency with previous subdivision approvals within the estate. The exception to this is that the developer proposes to retain ten lots under the current R3 Medium Density Residential zone that are not currently approved as dual occupancy lots (five are currently subject to a s96 modification to the development approval for Stage 8A to provide for designation of additional dual occupancy lots). This is generally consistent with the principle of providing for some variation in housing types in the estate and the concept of providing an indication of intended development outcomes prior to sale of individual allotments.

Business Zone

The Ballina Heights Estate includes an area of B2 Local Centre zone on its western edge. This land is to contain a future mixed use development including commercial and retail components. Recent registration of subdivision plans has more clearly defined the eastern boundary of this commercial precinct. This planning proposal seeks to align the boundary between the B2 Local Centre (and its associated land use controls such as height of buildings, floor space ratio and special minimum lot sizes) and the rest of the estate (general R2 Low Density Residential zone) along the recently gazetted cadastral boundary for Ballina Heights Drive.

Open Space Zone

The Ballina Heights Estate contains a number of areas of public open space, some already in Council's control and ownership and others soon to be dedicated. Now that the boundaries of these areas of current and near future open space areas have been finalised, this planning proposal seeks to apply the RE1 Public Recreation zone to all public open space land currently in Council's ownership and those areas identified as soon to be dedicated. In addition, this planning proposal seeks to add a number of additional areas already in Council's ownership and functioning as open space into the RE1 zone. In conjunction with the application of the RE1 zone, existing minimum lot size provisions for this land will be removed consistent with Council's approach to managing RE1 zoned land across the Shire.

An adjustment to the boundary of the RE1 Public Recreation zone on the eastern edge of the estate will necessitate an adjustment to the Land Application Map and removes an area currently identified as Deferred Matter. This will consequently result in changes to the Acid Sulfate Soils Map, Building Height Allowance Map and Flood Planning Map. The proposed changes to the maps are detailed in Appendices C and D.

Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 provides the strategic planning context for urban development in Ballina Shire. The proposed changes to the planning provisions affecting the land to which this planning proposal relates are consistent with Council's Growth Management Strategy as the estate is a planned residential area.

PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objective of this planning proposal is to acknowledge the development outcomes intended for the land based on the developers' preferred land uses and a series of existing subdivision consents.

The primary outcomes of the change will be a reduction in the area of land zone R3 Medium Density Residential and an increase in the areas zoned R2 Low Density Residential and RE1 Public Recreation.

PART 2 – EXPLANATION OF THE PROPOSAL

The proposal will result in adjustments to the land use zoning and associated planning controls applicable to undeveloped sections of the Ballina Heights Estate. These areas are in the ownership of the developers of the estate (the Roman Catholic Church and Vixsun Pty Ltd).

The proposal also seeks to modify certain zoning provisions and planning controls applicable to existing and soon to be dedicated open space areas in the Ballina Heights Estate.

The specific changes included in this proposal are detailed in Table 1 above.

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

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

The proposal is not the result of any strategic study or report.

The need for the planning proposal has arisen as a result of the processes associated with the implementation of the BLEP 2012. At the time of preparation of the BLEP 2012, the planning for the Ballina Heights Estate had not been finalised. With the developers of the Ballina Heights Estate now in a position to indicate the intended land use outcomes for a substantial portion of the estate, Council is now in a position to define with more certainty the final land use outcomes desired for the estate by way of zoning.

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

The planning proposal is considered to be the most appropriate means of securing the intended development outcomes for the land into the future as the change sought relates specifically to permissibility of land uses in residential zones.

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 proposal is consistent with the Far North Coast Regional Strategy (FNCRS), which provides the regional framework for the consideration of policy development and the overall vision of the future. The Ballina Heights Estate is a planned residential area.

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

The planning proposal is consistent with the local and regional planning framework and Council's Community Strategic Plan as it provides for a mixture of housing types (notwithstanding the reduction in the area of land zoned for medium density development) in a planned residential area. It does not compromise the overall intended density outcomes for the area.

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

Yes, the proposal is generally consistent with applicable State Environmental Planning Policies (SEPP).

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

Yes, the proposal is consistent with the relevant Section 117 Directions. A Section 117 Direction checklist for the planning proposal is contained in Appendix B.

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 proposal seeks to apply a refined regime of land use zones and associated planning controls to land within the Ballina Heights Estate. The majority of this land has been previously zoned and approved as being suitable for urban residential development. Additional areas within the estate have been identified and approved for dedication as public open space. These public open space areas are either already in Council ownership or will soon be dedicated. They comprise a mix of active and passive public recreation land uses and include areas that will be retained and restored as significant urban bushland.

As a result, there is not considered any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as part of the proposal.

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

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

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

As a consequence of its relatively minor nature, no broad positive or negative social or economic impacts are likely to arise as a result of the planning proposal.

Section D - State and Commonwealth interests.

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

The planning proposal does not create the need for any additional public infrastructure.

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

Consultation will be undertaken with relevant agencies during the public exhibition stage of the LEP amendment in accordance with the Gateway determination.

PART 4 – MAPPING

The amendments included in this planning proposal will necessitate updates to the following BLEP 2012 maps:

- Land Application Map
- Acid Sulfate Soils Map ASS_005
- Building Height Allowance Map BHA_005B
- Flood Planning Map FLD_005
- Floor Space Ratio Map FSR_005B
- Height of Buildings Map HOB_005
- Lot Size Map LSZ_005B
- Land Zoning Map LZN_005B
- Strategic Urban Growth Area Map SGA_005B

Copies of the proposed amended BLEP 2012 map tiles are included in Appendix C. In addition, a map set at a scale of 1:5,000 has been prepared to assist in the identification of the proposed changes. This map set details the Ballina Heights Estate and provides details of the current mapped controls and the proposed amendments.

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*.

PART 6 – TIMELINE

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	November 2014
Government Agency Consultation	January 2015
Public Exhibition Period	January-February 2015
Public Hearing	N/A
Submissions Assessment	February 2015
RPA Assessment of Planning Proposal and Exhibition Outcomes	February 2015
Submission of Endorsed LEP to DP&I for Finalisation	March 2015
RPA Decision to Make the LEP Amendment (if delegated)	March 2015
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	March 2015

Appendix A – Council Report and Resolution

9.3 LEP Amendment Request - Ballina Heights Estate, Cumbalum

9.3 LEP Amendment Request - Ballina Heights Estate, Cumbalum

Delivery Program Strategic Planning

Objective To seek direction from the Council in relation to a planning proposal to recognise the intended residential development outcomes for currently undeveloped parts of the Ballina Heights Estate.

Background

The Council's approach to the type and density of residential development is primarily set out in the *Ballina Local Environmental Plan 2012* (BLEP 2012) and the *Ballina Shire Development Control Plan 2012* (DCP). Under the BLEP 2012, the Council uses two zones to make a distinction between the types of residential development that is planned for and permitted.

The R2 Low Density Residential Zone covers the majority of residential areas and limits residential development to single dwellings and secondary dwellings only. The R3 Medium Density Residential Zone enables additional residential land uses such as dual occupancy, multi-dwelling housing and residential flat buildings.

The R3 zone is applied to specified areas of the Shire where Council seeks to enable a greater diversity of residential development types. The DCP then provides further guidance and direction on how development should occur, including design parameters. This includes the application of minimum lot sizes for various forms of development, such as dual occupancy (detached) having a minimum lot size of 600m² and multi-dwelling housing/residential flat buildings having a minimum lot size of 1000m².

Prior to the commencement of the BLEP 2012, Council's residential density controls were contained in the DCP, rather than in the planning instrument itself. During this time, development applications for major urban subdivisions would designate individual lots within each development for certain medium density land uses generally consistent with Council's former DCP provisions.

This approach is no longer possible under the Standard Instrument LEP (the BLEP 2012). As such, zones are now used as the basis to identify sites that have the potential for dual occupancy, multi-dwelling and apartment style housing. The principle employed under the BLEP 2012 when it was prepared was to provide for flexibility in the range of permissible residential land uses in residential areas, unless the landowner sought a particular land use pattern akin to the historic process applied under the former DCP (known colloquially as the 'salt and pepper' approach).

The various stages of the Ballina Heights Estate (the estate) at Cumbalum have been approved by Council in a number of subdivision development consents from 2003 to 2011. Each of these provided generally for a suite of residential lots primarily for low density residential development (single dwellings) with some lots specified as either dual occupancy or multiple dwelling lots.

While the majority of the estate has been subdivided and developed for residential development, there are several remaining stages yet to be released. Council has been approached by Ardill Payne and Partners, on behalf of the developers of the estate, with a request to adjust the zoning in these remaining areas to better reflect the intended land use outcomes and subdivision approvals applicable to the estate. The land subject to this planning proposal is shown in the documentation contained in Attachment One.

By way of context, it is not unexpected that zoning adjustments have been sought in the estate because it is a rapidly changing area that has developed during a transition period in the local planning framework. In anticipation of this, Council invited the views of the land owners during the preparation of the BLEP 2012. However, at that time, the landowners did not indicate their preferred zoning outcomes.

The purpose of this report is to present the Council with a planning proposal that seeks to amend the current residential zoning regime for the undeveloped parts of the estate to reflect the land use outcomes envisaged in the subdivision approvals already granted by Council (as requested by the landowners).

Key Issues

- Land use zoning and future residential development.
- Consistency of zoning with development intent.
- Residential density consistent with existing subdivision approvals.

Information

Ardill Payne & Partners, acting on behalf of the developers of the Ballina Heights Estate, have provided Council with details of their preferred land use outcomes for various undeveloped sections of the estate. The intended land use outcomes have become clearer recently as the developers of the estate have sought to progress the release for sale of further stages of Ballina Heights.

The information provided has been verified by Council staff and is generally consistent with the subdivision approvals previously granted by Council. The only exception to this is that the developer proposes to retain ten lots under the current R3 Medium Density Residential zone that are not currently approved as duplex lots (five are currently subject to a s96 modification to the development approval for Stage 8A to provide for designation of additional dual occupancy lots). This is generally consistent with the principle of providing for variation in housing types in the estate and the concept of providing an indication of intended development outcomes prior to sale of individual allotments.

No significant technical or amenity issues of concern have been identified in relation to this proposal (adjacent landholders will be notified of the proposed change and invited to provide feedback for further consideration by the Council).

At present, the undeveloped parts of the estate that are planned for residential occupation are zoned R3 Medium Density Residential. This zone was applied to provide flexibility in housing types on this land. Under the LEP amendment request it is proposed to apply the R2 Low Density Residential zone to the majority of the estate, with designated lots and areas set aside for medium density development (dual occupancies and multi-dwelling housing) under the R3 zone. This essentially means reducing the area of land that is zoned R3 Medium Density Residential.

In addition, it is proposed to adjust the existing zone boundaries in relation to the existing and future open space areas in the estate to correlate with recent land dedications and planned outcomes. It is proposed to apply the RE1 Public Recreation zone to these areas. Further, the proposal will also adjust the B2 zoning over the commercial area in the estate and modify other provisions in the BLEP 2012 as they apply to floor space ratio, height of buildings and minimum lot sizes to reflect the amended zoning regime. These associated changes are minor in scale.

A draft planning proposal has been prepared for the subject area which reflects the changes foreshadowed above. A copy of this draft planning proposal is provided in Attachment One. Should the Council resolve to support this proposal, staff will proceed to seek Gateway determination from the Department of Planning and Environment and conduct the requisite public exhibition of the proposal following receipt of a favourable Gateway determination. The proposal would then be reported to the Council for further consideration and endorsement following public exhibition.

The proposed adjustments to the BLEP 2012 are considered to be relatively minor and relate to land that has not yet been made available for residential housing. The land subject to the proposal is still in the ownership of the developers of the estate (i.e. the Trustees of the Roman Catholic Church and Vixsun Pty Ltd).

However, Council has been advised that (at the time of preparing this report) six recently registered residential lots in the estate are subject to a contract for sale. These contracts for sale have arisen prior to the availability of planning certificates that would indicate to purchasers that a proposed rezoning is being considered by the Council.

The proponent, on behalf of the developers, has advised verbally that the relevant parties to the contracts have been made aware of the rezoning proposal and have the expectation that the land will be subject to land uses as identified in the approved subdivision plans.

It appears that the sites have been marketed as predominantly for low density (single dwelling/detached) housing, with specific lots retained and identified for dual occupancy and medium density development. This approach is reflected in a covenant that has been applied to the land by the land owners under the provisions of the Conveyancing Act. Having regard for these circumstances, it is considered reasonable to proceed with the planning proposal on the basis of applying an R2 zone to these lots. As part of the LEP amendment process, it is suggested that these and any other parties contracted to buy land that is subject to the proposed LEP amendment be advised of the amendment prior to public exhibition of the plan.

Sustainability Considerations

- **Environment**

The proposed adjustments to the BLEP 2012 primarily affect existing residential zoned (but undeveloped) land and seek to apply density controls consistent with the land use outcomes envisaged in the various subdivision applications and respective consents granted for the land. In addition, minor adjustments to the existing public recreation and nominated business areas respectively in the BHE are also proposed. It is not expected that the changes will result in significant or negative environmental, social or economic outcomes.

- **Social**

See above.

- **Economic**

See above.

Legal / Resource / Financial Implications

The proposed adjustments to the provisions of the BLEP 2012 as they apply to areas within the Ballina Heights Estate are consistent with Council's legal obligations and responsibilities as a local planning authority. The workload to undertake the proposed amendments can be undertaken within existing resources.

Consultation

Should the Council support the proposed LEP amendments, the planning proposal will be referred to the Department of Planning and Environment for Gateway determination. If the Gateway determination enables the proposal to advance, it will be publicly exhibited in accordance with the terms and conditions of the determination.

Options

1. That the Council endorse the attached planning proposal to advance the proposed rezoning and submit the planning proposal to the Department of Planning and Environment for Gateway determination; or
2. That Council not commence the rezoning process.

Option one is the preferred course of action on the basis that it will address the issues outlined in this report and will progress the matter to the next step in the rezoning process. This step involves a review of the proposal by the Department of Planning and Environment and Gateway determination. It should be noted that the Gateway determination may or may not allow the rezoning to proceed.

It is recommended that Council proceed to submit the draft planning proposal to the Department of Planning and Environment for Gateway determination. This is primarily because the rezoning provides for consistency in the BLEP 2012 with previous decisions of Council in relation to the subdivision of the land.

It also reflects the landowners' intended land use outcomes, which are considered reasonable in the circumstances. That is, the proposed amendment does not create any significant inconsistencies for the area as set out in Council's principal planning documents.

If the Council proceeds to advance the planning proposal, it is recommended that the community engagement process includes notification of the proposed change to landowners as well as parties contracted to purchase lots that are subject to the amendment.

The primary disadvantage of the planning proposal not proceeding is the inconsistency that arises between the currently approved and anticipated use of the subject lots and the zoning under the LEP at present.

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 functions that are otherwise completed by the Department. In the subject case, it is recommended that this delegation be sought in order to expedite the rezoning process.

RECOMMENDATIONS

1. That Council endorses the proposed adjustments to the R2 Low Density Residential, R3 Medium Density Residential, B2 Local Centre and RE1 Public Recreation zoning and related planning provisions in the *Ballina Local Environmental Plan 2012* as they apply to the Ballina Heights Estate at Cumbalum and in accordance with the attached planning proposal.
2. That Council authorises the submission of the planning proposal relating to the Ballina Heights Estate (as contained in Attachment One) to the Department of Planning and Environment for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
4. That prior to the public exhibition of the planning proposal, that parties contracted to purchase lots the subject of the amendment are notified of the proposed changes.
5. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.

Attachment(s)

1. Planning Proposal - Ballina Heights Estate

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/10/14 AT 9.00 AM**

9.3 LEP Amendment Request - Ballina Heights Estate, Cumbalum

231014/14 RESOLVED

(Cr Paul Worth/Cr Ben Smith)

1. That Council endorses the proposed adjustments to the R2 Low Density Residential, R3 Medium Density Residential, B2 Local Centre and RE1 Public Recreation zoning and related planning provisions in the *Ballina Local Environmental Plan 2012* as they apply to the Ballina Heights Estate at Cumbalum and in accordance with the attached planning proposal.
2. That Council authorises the submission of the planning proposal relating to the Ballina Heights Estate (as contained in Attachment One) to the Department of Planning and Environment for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
4. That prior to the public exhibition of the planning proposal, that parties contracted to purchase lots the subject of the amendment are notified of the proposed changes.
5. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

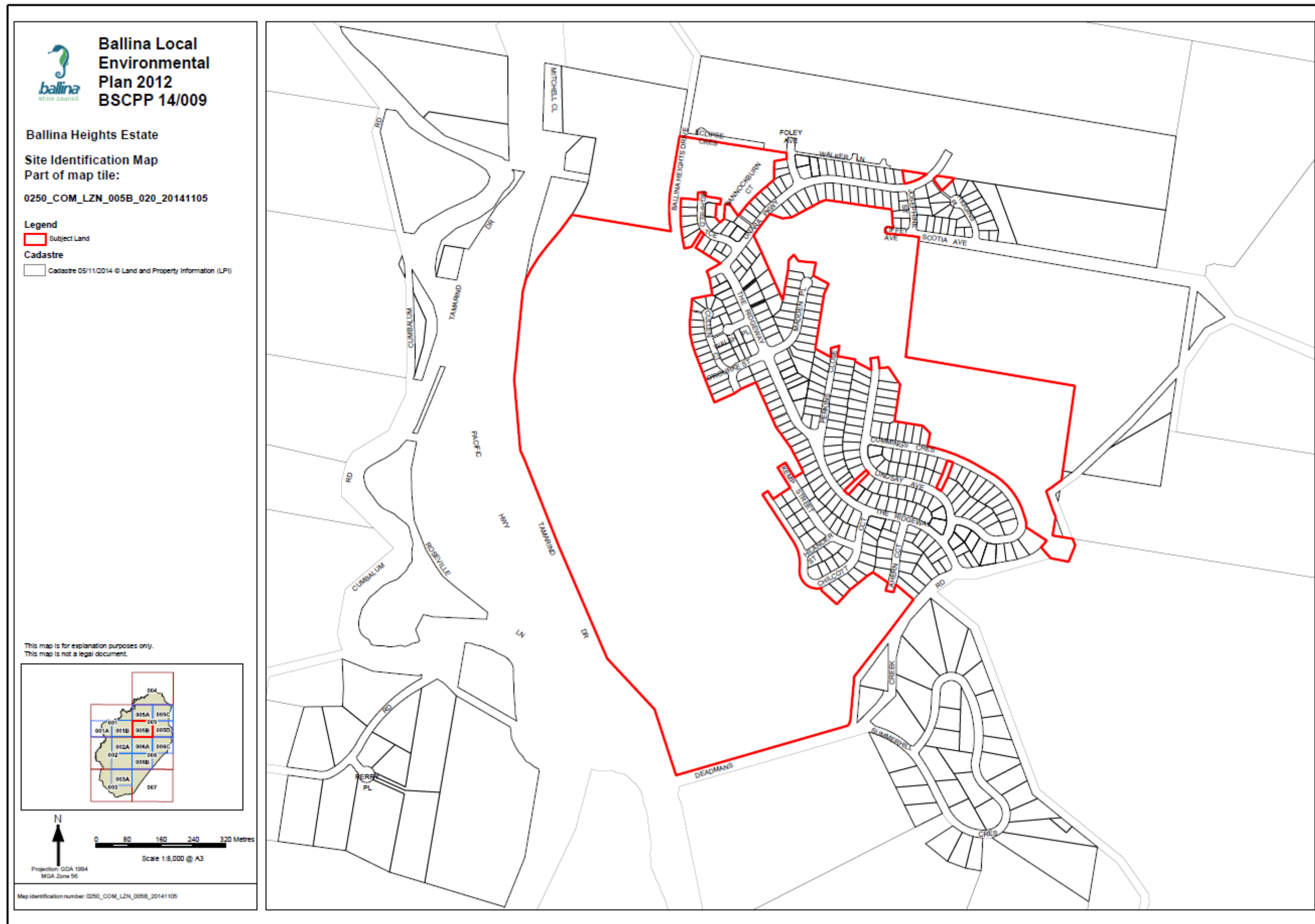
Appendix B – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal Ballina Heights Estate, Cumbalum	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. This planning proposal seeks to adjust the existing boundary of the future commercial precinct of the Ballina Heights Estate. This land is currently zoned B2 Local Centre and the proposed amendment equates to a minor adjustment to the existing eastern boundary of this future precinct to reflect recently gazetted cadastral boundaries. The functional area of the future commercial precinct is not compromised by this adjustment.
1.2 Rural Zones	Does not apply to planning proposal.
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	Does not apply to planning proposal.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. Land identified as having environmental values has been incorporated into the RE1 Public Recreation zone to be managed as land under public ownership.
2.2 Coastal Protection	Does not apply to planning proposal.
2.3 Heritage Conservation	Consistent. There are no heritage items affected by the proposal.
2.4 Recreation Vehicle Areas	Consistent. The proposal does not relate to recreational vehicle areas.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	This proposal seeks to refine the zoning regime for vacant areas within existing residential zones that are soon to be developed for residential land uses. It will result in a reduction of existing land zoned R3 Medium Density Residential by rezoning areas to R2 Low Density Residential. This will result in a reduction in the permissible residential density of the land and as such is inconsistent with the requirements of this direction. In the circumstances it is considered that this inconsistency is of minor significance in that the proposed rezoning applies to a relatively small area and is consistent with the overall planning intent for the estate. It is also consistent with existing subdivision approvals that have considered and designated specific lots for specific residential densities. The proposed zoning regime is also consistent with the established land use pattern in the rest of the Ballina Heights Estate.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The proposal does not relate to caravan parks and manufactured home estates.
3.3 Home Occupations	Consistent. The proposal will not affect the existing permissibility of home occupations.
3.4 Integrated Land Use and Transport	Consistent. The proposal will not alter transport planning arrangements in the approved estate.
3.5 Development Near Licensed Aerodromes	The proposal affects land affected by the Obstacle Limitation Surface for the Ballina airport. Areas subject to this proposal have an elevation that exceeds the identified 46.5m AHD inner horizontal surface for this airport. It is intended to consult with the Department of the Commonwealth responsible for

	aerodromes and the operators of the aerodrome in relation to the proposal and apply appropriate development standards where relevant.
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Consistent. No intensification of development is enabled by this proposal on land subject to acid sulfate soils. This proposal includes an adjustment to the Land Application Map and consequently, will necessitate an amendment to the Acid Sulfate Soils map. The amended ASS map data will be consistent with the Acid Sulfate Soils Planning Maps adopted for Ballina Shire.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Consistent. This proposal includes an adjustment to the Land Application Map and consequently, will necessitate an amendment to the Flood Planning Map. The data specified on the amended Flood Planning Map will be consistent with the data adopted by Council in the 2010 Ballina Flood Study Update which has been prepared in accordance with NSW Government requirements.
4.4 Planning for Bushfire Protection	Expected to be consistent. The subject land is identified as being bush fire prone. Further consultation will be undertaken with the NSW Rural Fire Service in accordance with any requirements specified in the Gateway determination and prior to the finalisation of this proposal. The proposed amendments are not expected to increase or exacerbate the risk for any existing urban land uses affected by bush fire risk. Existing residential subdivisions approved in the Ballina Heights Estate will be subject to relevant terms of approval under any bush fire safety authority issued by the Rural Fire Service.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The proposal relates primarily to residential land uses within a planned urban area as identified in the Far North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The proposal affects land identified as Regionally Significant Farmland. The proposal includes an adjustment to the existing boundary of land currently zoned RE1 Public Recreation which affects this identified farmland. The proposal is consistent with the provisions of the Far North Coast Regional Strategy and will not result in the loss of land that is currently used for farming or is expected to be in the future.
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 (Revoked 10 July 2008. See amended Direction 5.1)	Repealed
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Repealed
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.

6.2 Reserving Land for Public Purposes	Consistent. The proposal includes the incorporation of additional public land into the RE1 Public Recreation zone. The subject land is already owned and managed by Council and no other government agencies or private landowners are affected by this component of the proposal.
6.3 Site Specific Provisions	Does not apply to planning proposal.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.

Appendix C – Maps



PROPOSED BLEP 2012 Acid Sulfate Soils Map, Sheet ASS_005



Ballina Local
Environmental
Plan 2012
BSCPP 14/009

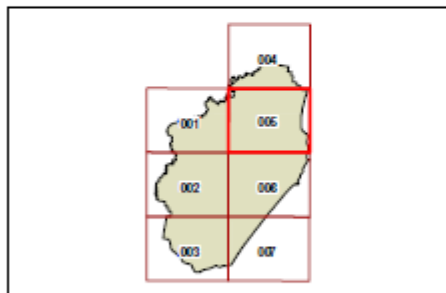
Acid Sulfate Soils Map -
Sheet ASS_005

Acid Sulfate Soils

- 1 Class 1
- 2 Class 2
- 3 Class 3
- 4 Class 4
- 5 Class 5

Cadastral

□ Cadastral 1/11/14 © Land and Property Information (LPI)



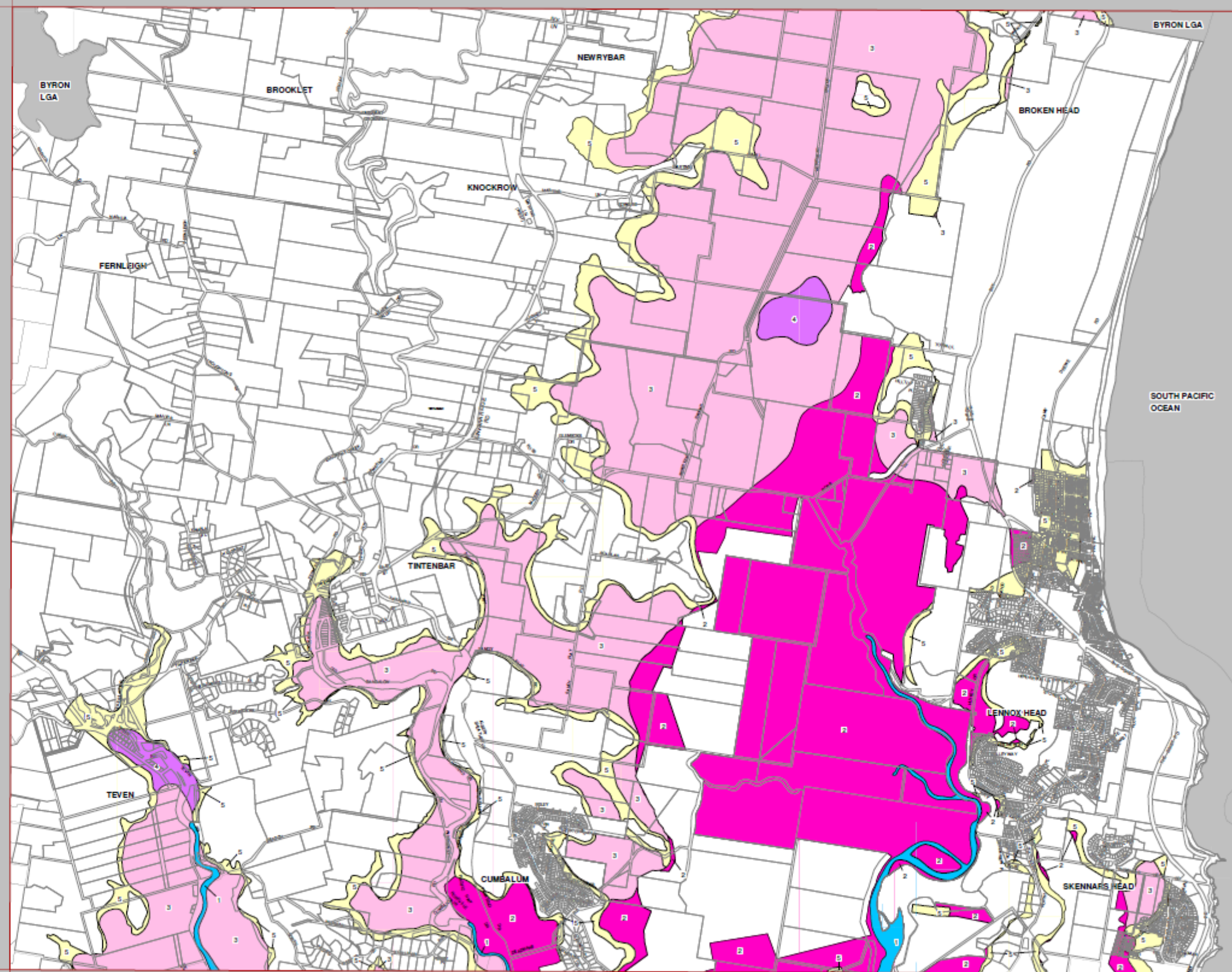
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0 400 800 1,200 1,600 Metres

Scale 1:40,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identifier number: 0250_OCM_ASS_005_040_20141111



CURRENT MAPPING Acid Sulfate Soils – Ballina Heights Estate



Ballina Local
Environmental
Plan 2012

Acid Sulfate Soils Map -
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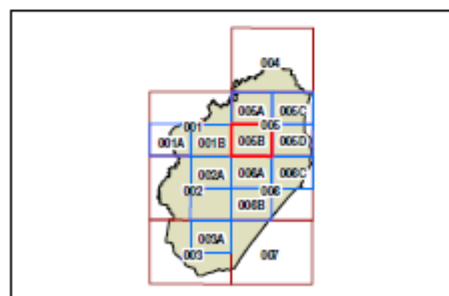
0250_COM_ASS_005B_020_20141105

Acid Sulfate Soils

- 1 Class 1
- 2 Class 2
- 3 Class 3
- 4 Class 4
- 5 Class 5

Cadastral

Cadastral 05/11/14 © Land and Property Information (LPI)



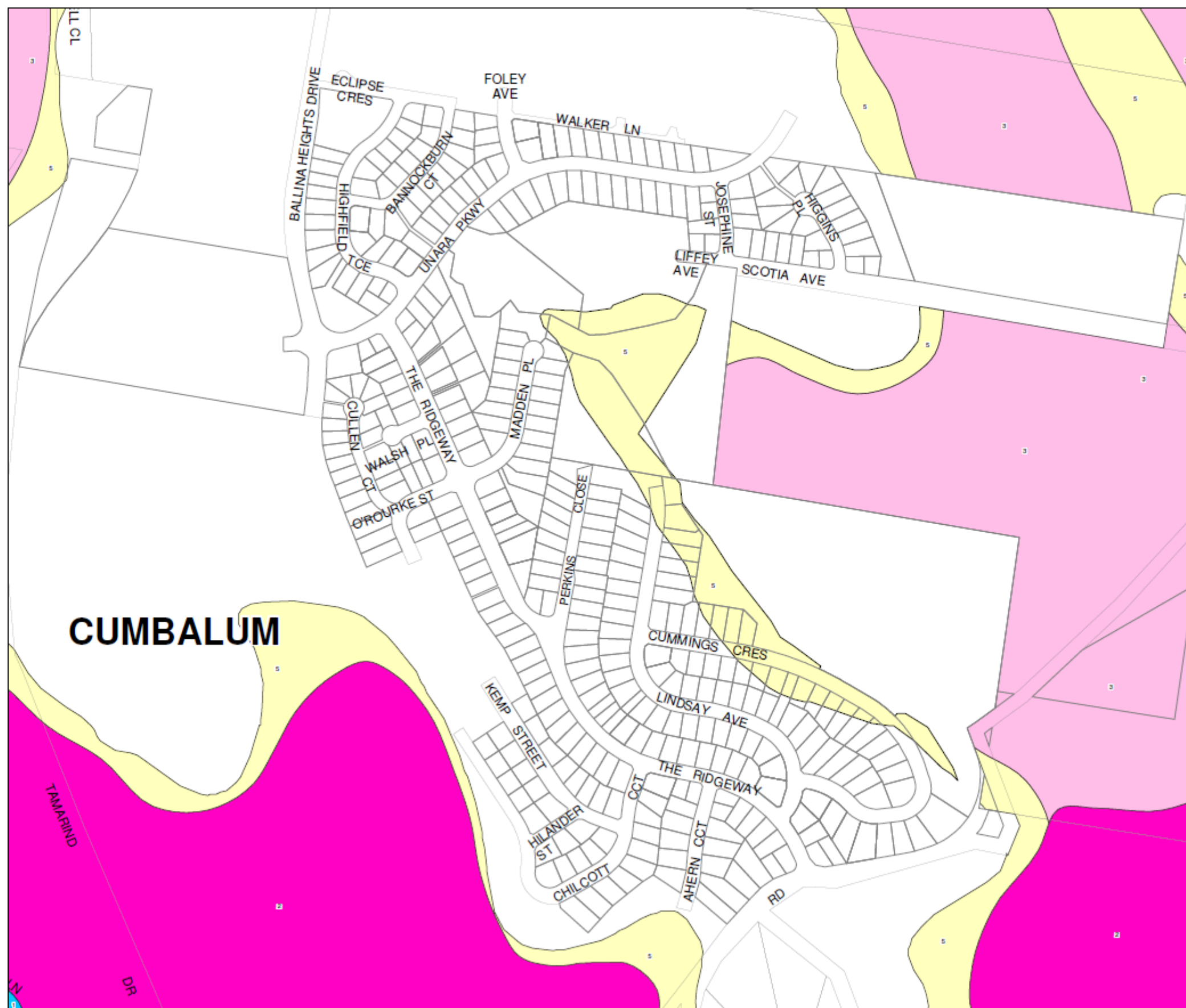
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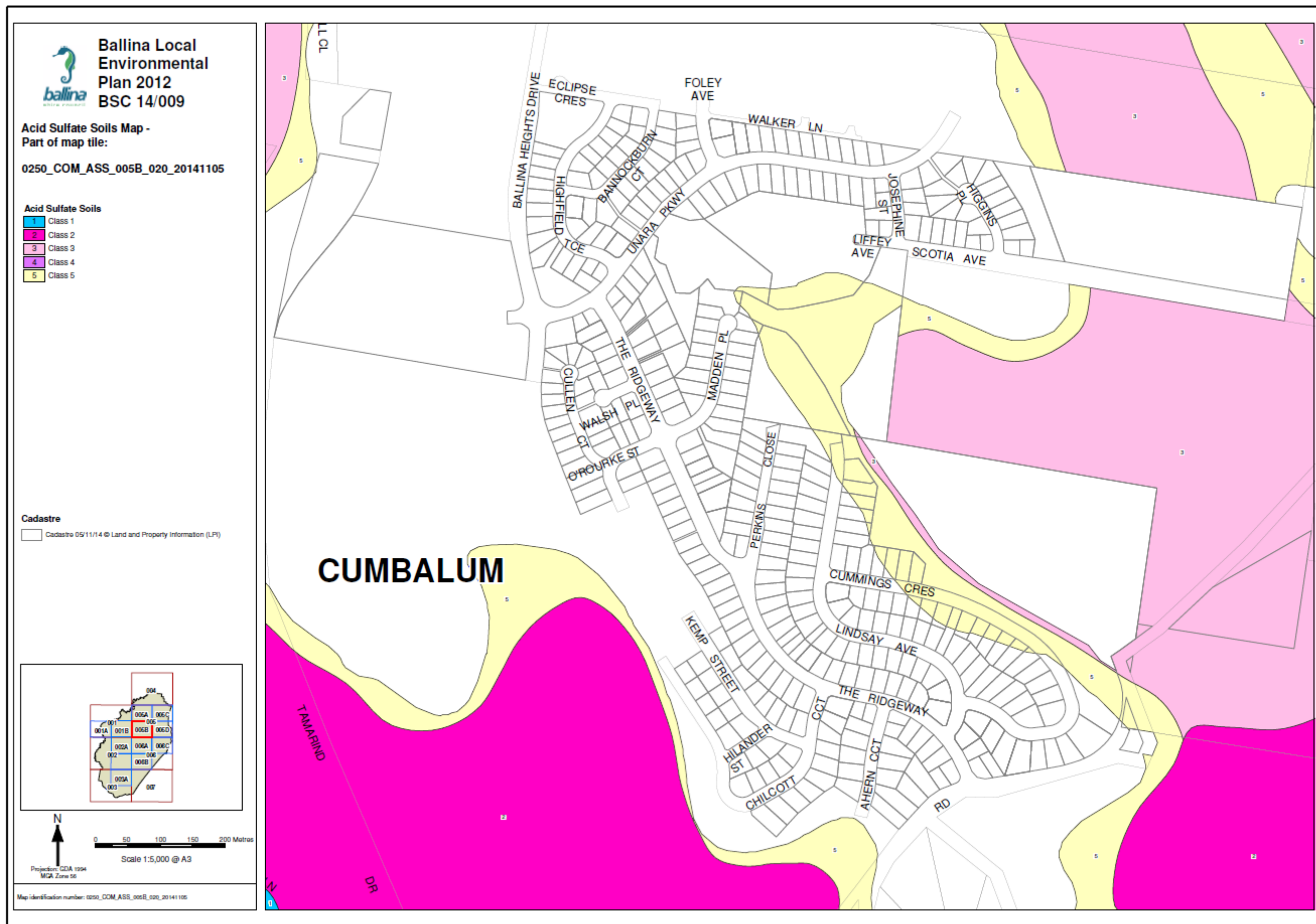
Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_ASS_005B_020_20141105



PROPOSED MAPPING Acid Sulfate Soils – Ballina Heights Estate



PROPOSED BLEP 2012 Building Height Allowance Map, Sheet BHA_005B



Ballina Local
Environmental
Plan 2012
BSCPP 14/009

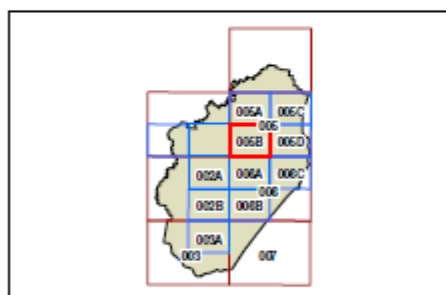
Building Height Allowance Map -
Sheet BHA_005B

Minimum Level Australian Height Datum (AHD)

A	1.8
B	1.9
C	2.0
D	2.1
E	2.2
F	2.3
G	2.4
H	2.5
I	2.6
J	2.7
K	2.8
L	2.9
M	3.0
N	3.1
O	3.2
P	3.3
Q	3.4
R	3.5
S	3.6
T	3.7
U	3.8
V	3.9
W	4.0

Cadastral

Cadastral 05/11/14 © Land and Property Information (LPI)



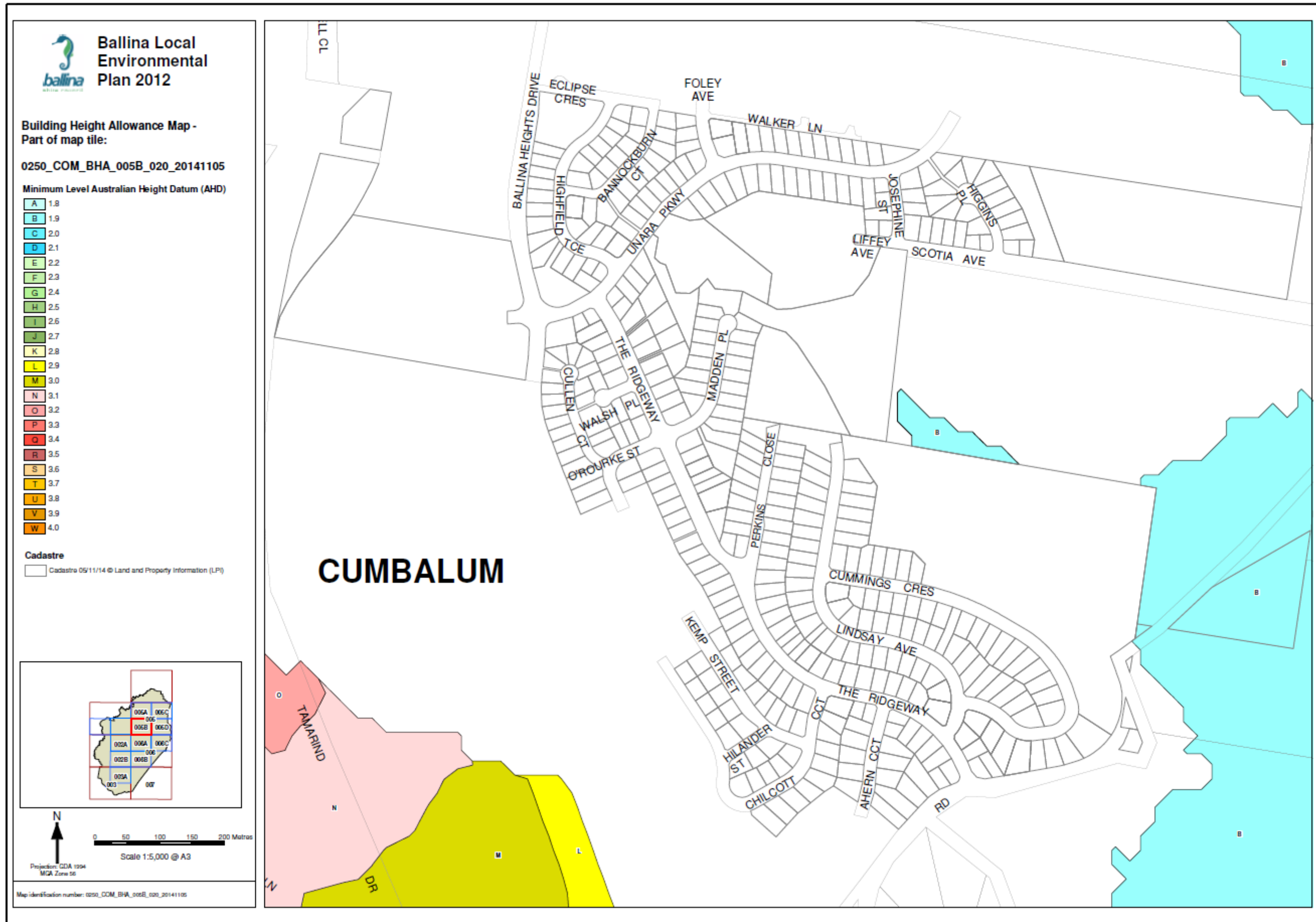
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Metres

Projection: GDA 1994
MGA Zone 56
Scale 1:20,000 @ A3

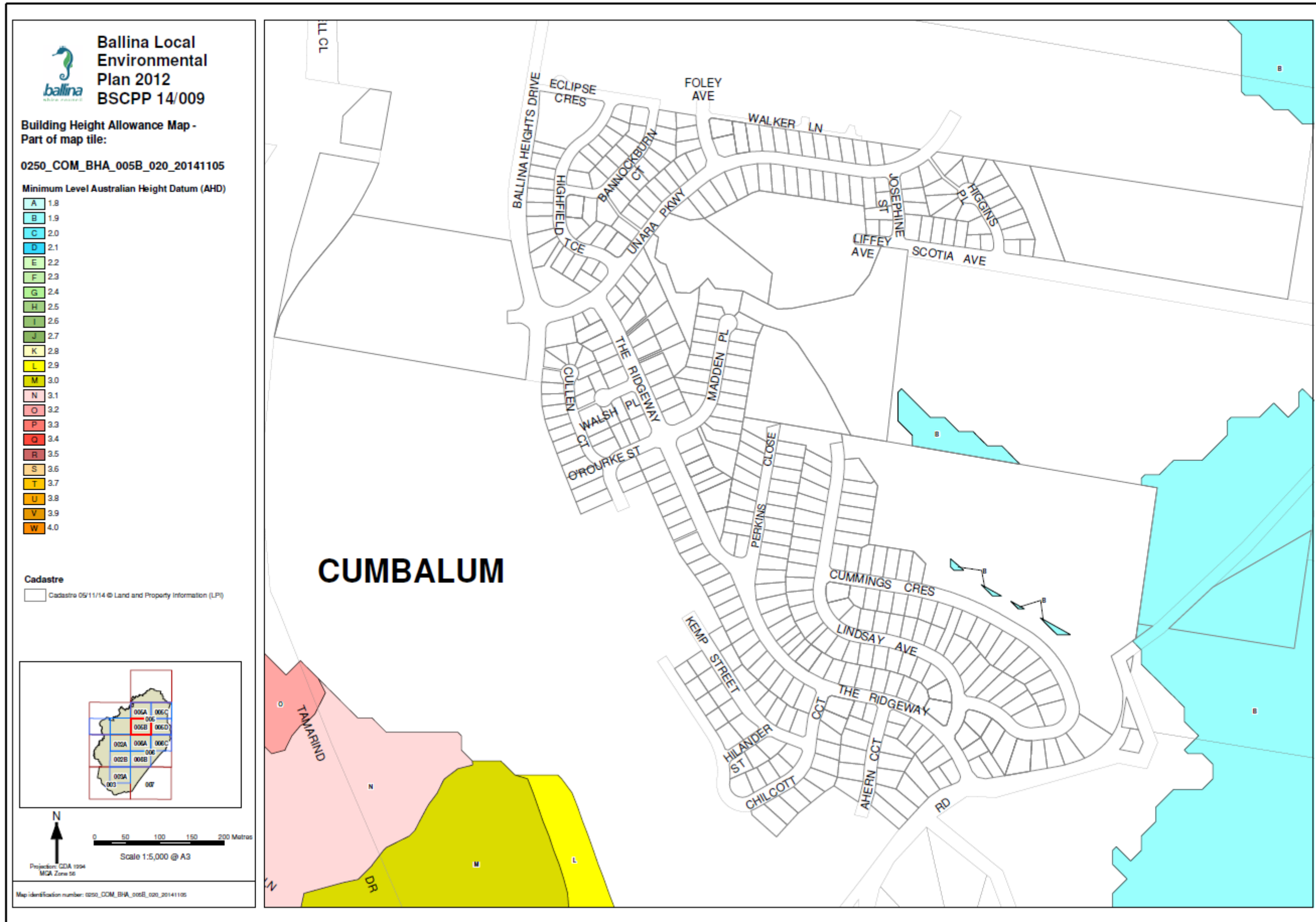
Map identification number: 0250_COM_BHA_005B_020_20141105



CURRENT MAPPING Building Height Allowance – Ballina Heights Estate



PROPOSED MAPPING Building Height Allowance – Ballina Heights Estate



PROPOSED BLEP 2012 Flood Planning Map, Sheet FLD_005

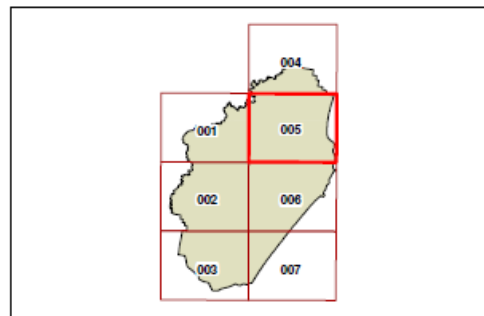


Ballina Local
Environmental
Plan 2012
BSCPP 14/009

Flood Planning Map -
Sheet FLD_005

Flood Planning Land
Flood Planning Area

Cadastre
Cadastre 11/11/14 © Land and Property Information (LPI)

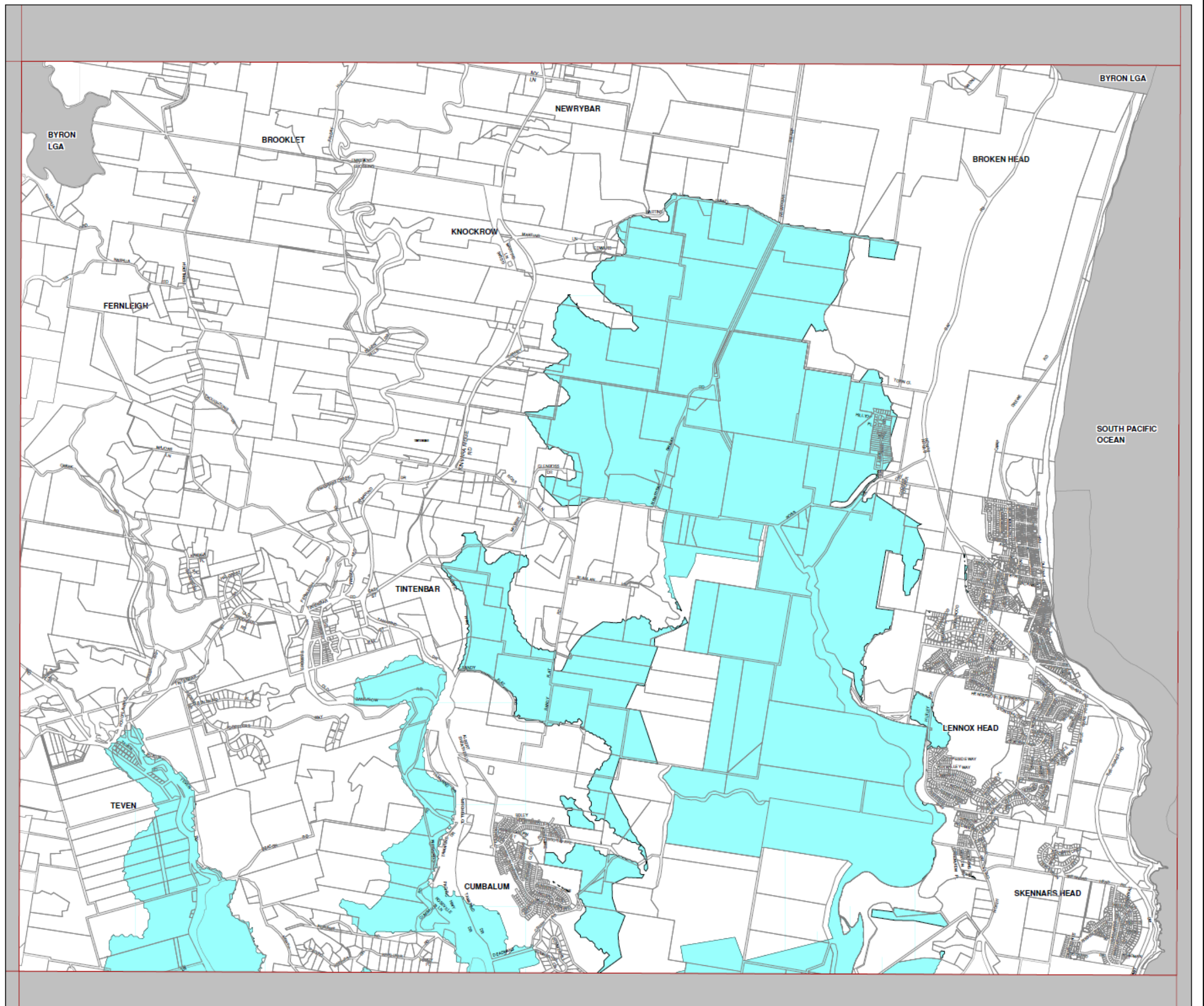


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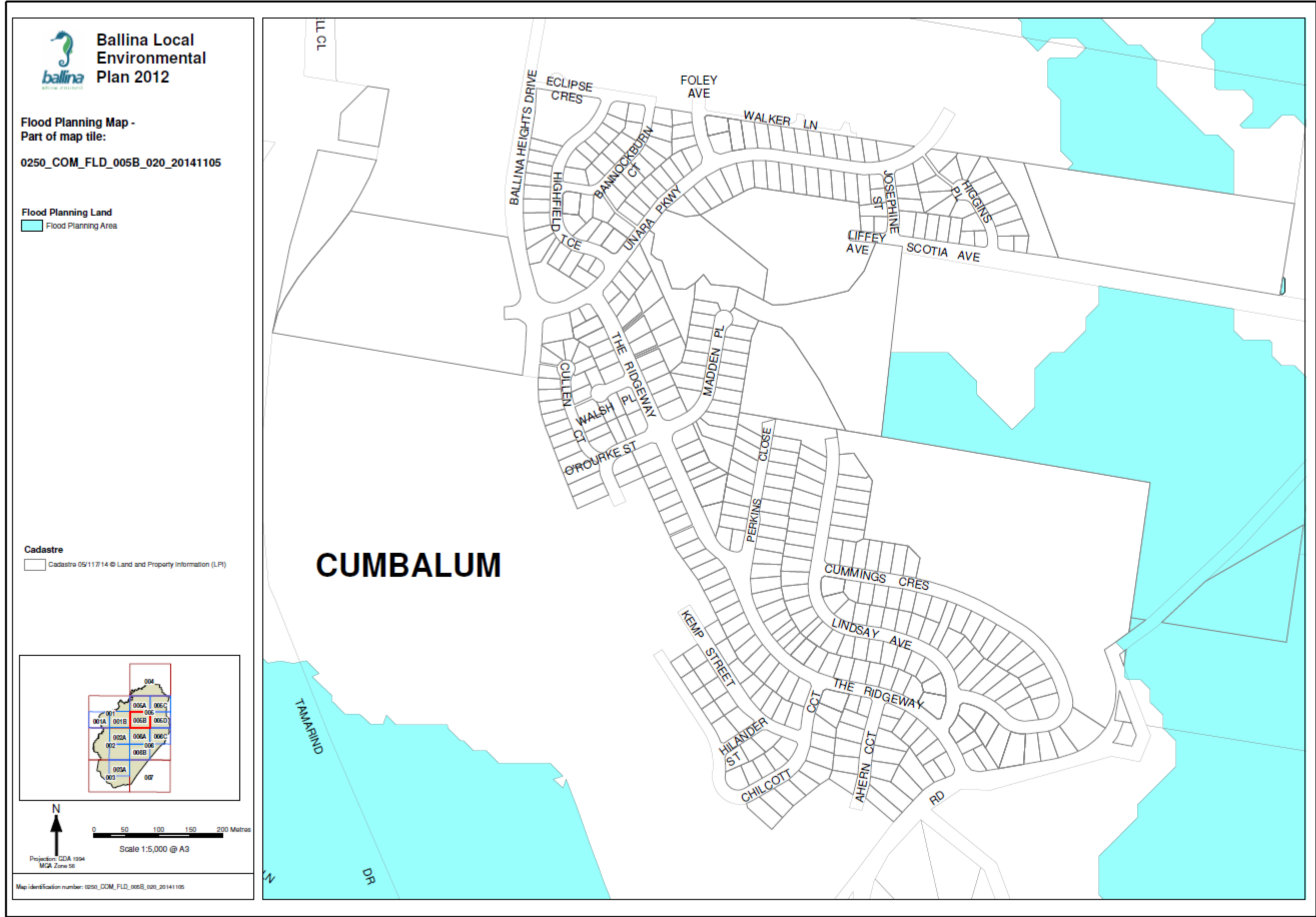
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Projection: GDA 1994
MGA Zone 56

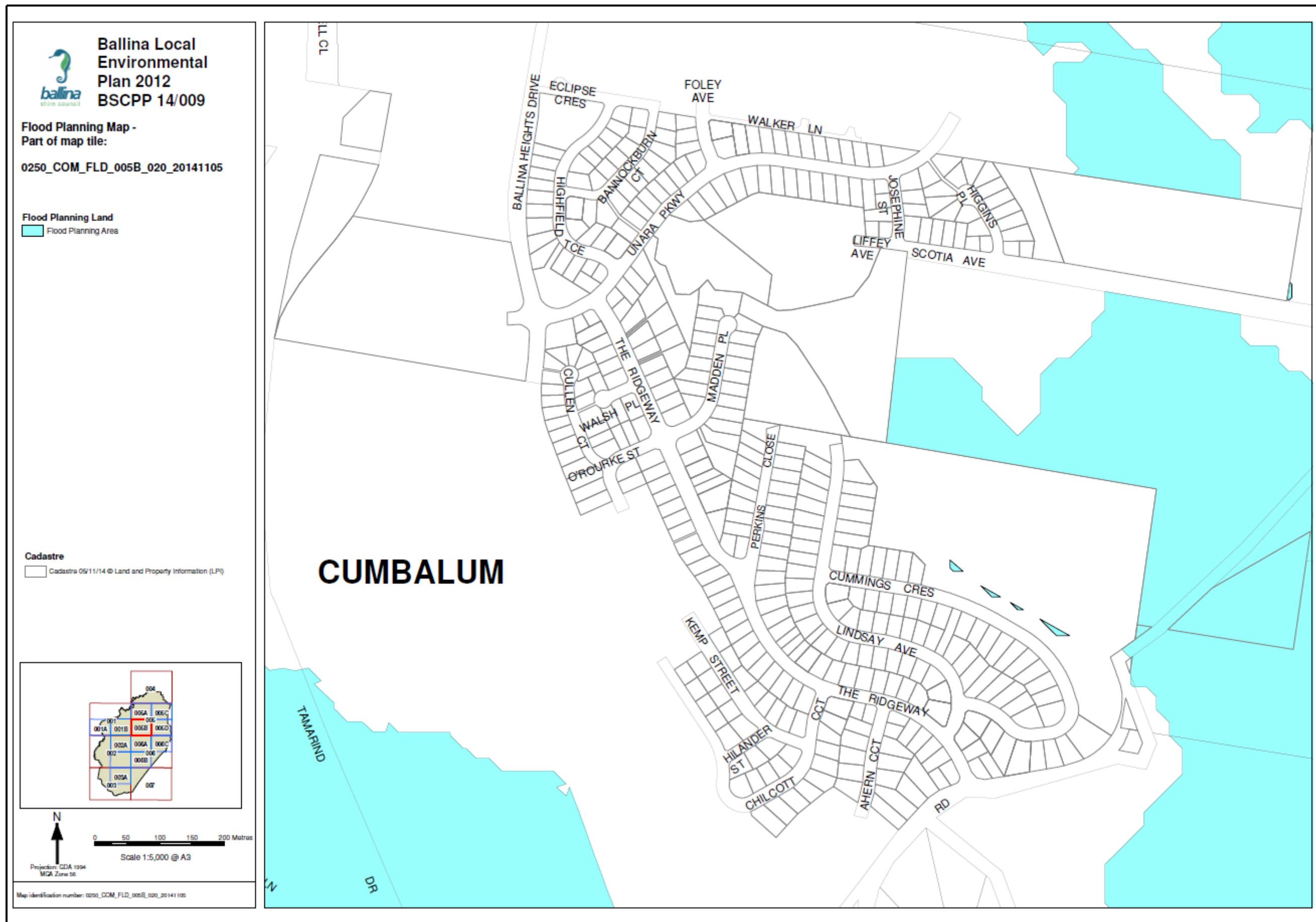
Map identification number: 0250_COM_FLD_005_040_20141111



CURRENT MAPPING Flood Planning – Ballina Heights Estate



PROPOSED MAPPING Flood Planning – Ballina Heights Estate



PROPOSED BLEP 2012 Floor Space Ratio Map, Sheet FSR_005B



Ballina Local
Environmental
Plan 2012
BSCPP 14/009

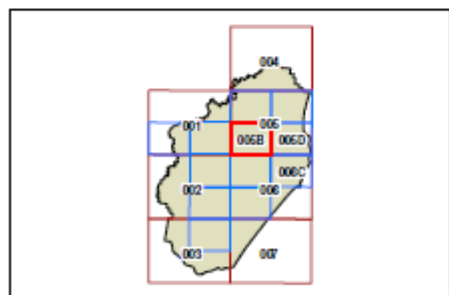
Floor Space Ratio Map -
Sheet FSR_005B

Maximum Floor Space Ratio (n:1)

F	0.6
J	0.8
U	2.6

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Cadastre 05/11/14 © Land and Property Information (LPI)



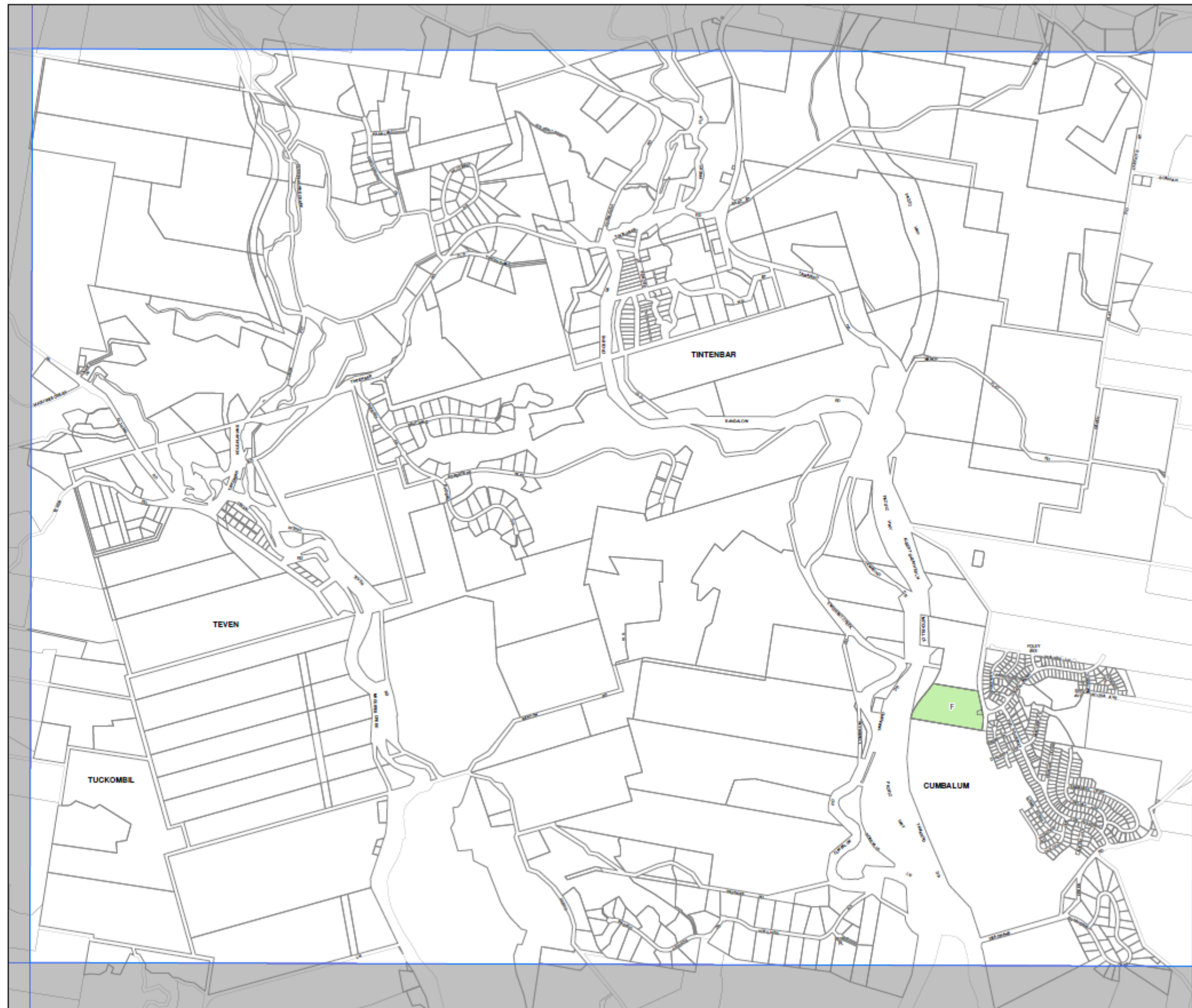
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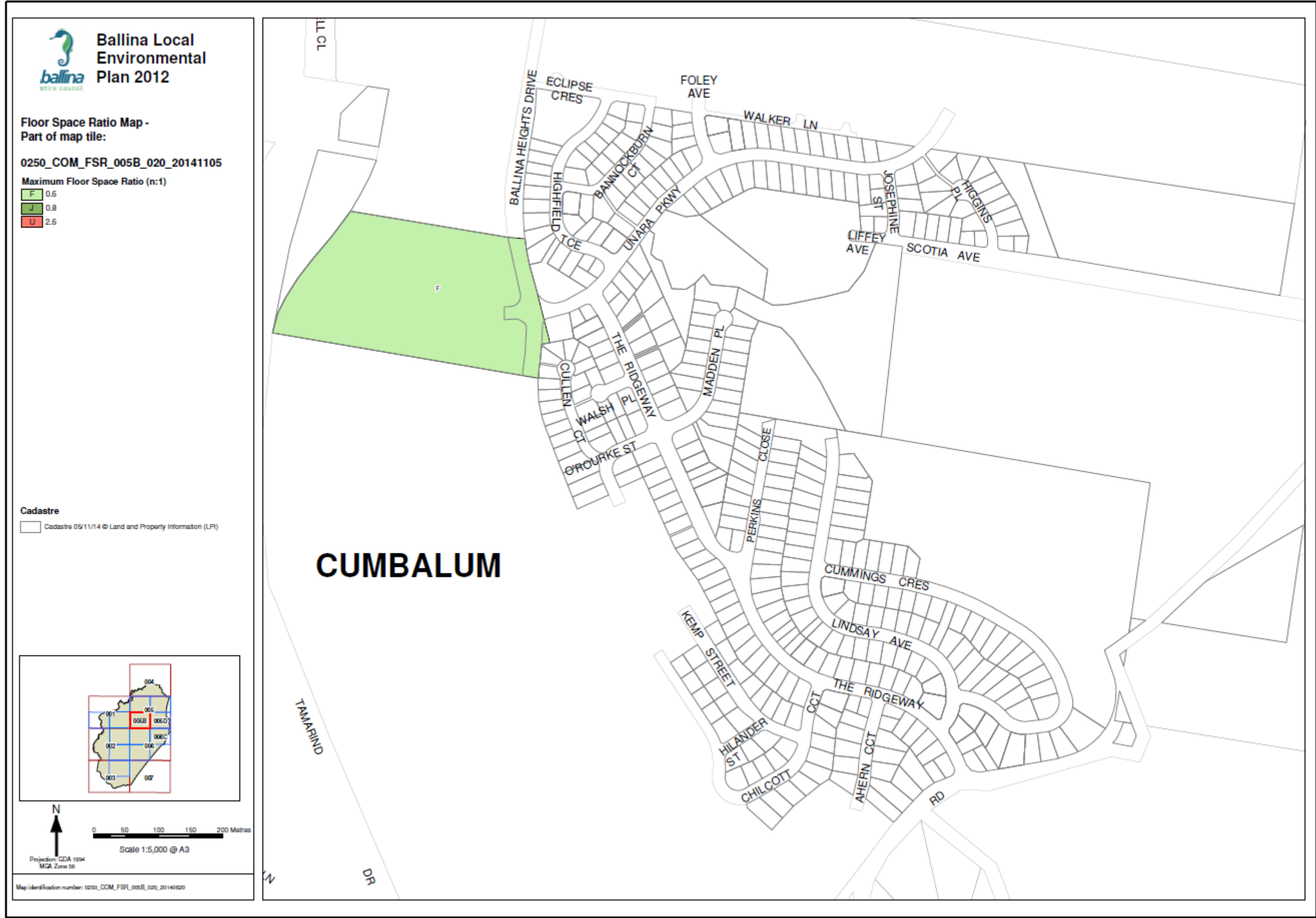
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Projection: GDA 1994
MGA Zone 56

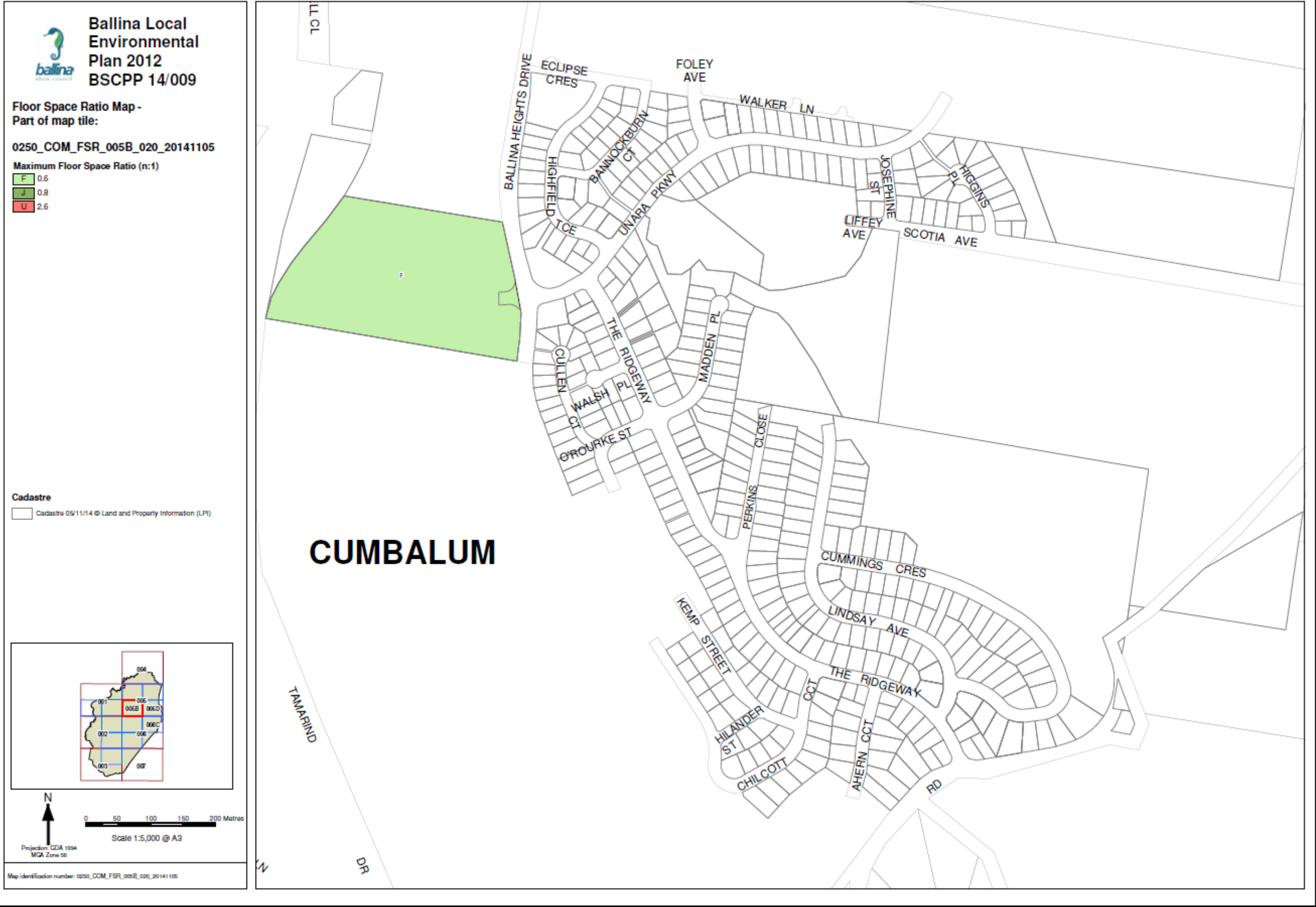
Map identification number: 0250_COM_FSR_005B_020_20141105



CURRENT MAPPING Floor Space Ratio – Ballina Heights Estate



PROPOSED MAPPING Floor Space Ratio – Ballina Heights Estate



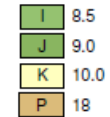
PROPOSED BLEP 2012 Height of Buildings Map, Sheet HOB_005



**Ballina Local
Environmental
Plan 2012
BSCPP 14/009**

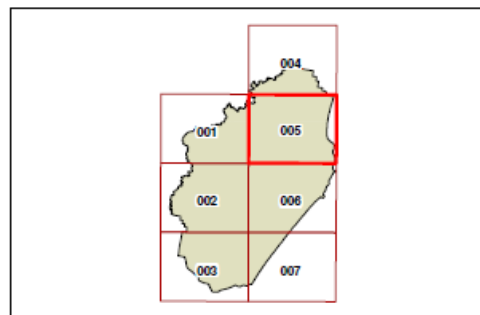
Height of Buildings Map -
Sheet HOB_004

Maximum Building Height (m)



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0 400 800 1,200 1,600 Metres
Scale 1:40,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_HOB_005_040_20141111



CURRENT MAPPING Floor Space Ratio – Ballina Heights Estate



Ballina Local
Environmental
Plan 2012

Height of Buildings Map -
Part of map tile:

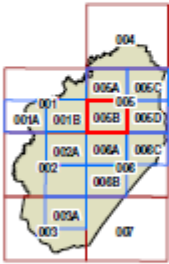
0250_COM_HOB_005B_020_20141105

Maximum Building Height (m)

I	8.5
J	9.0
K	10.0
P	18

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Cadastral 05/11/14 © Land and Property Information (LPI)



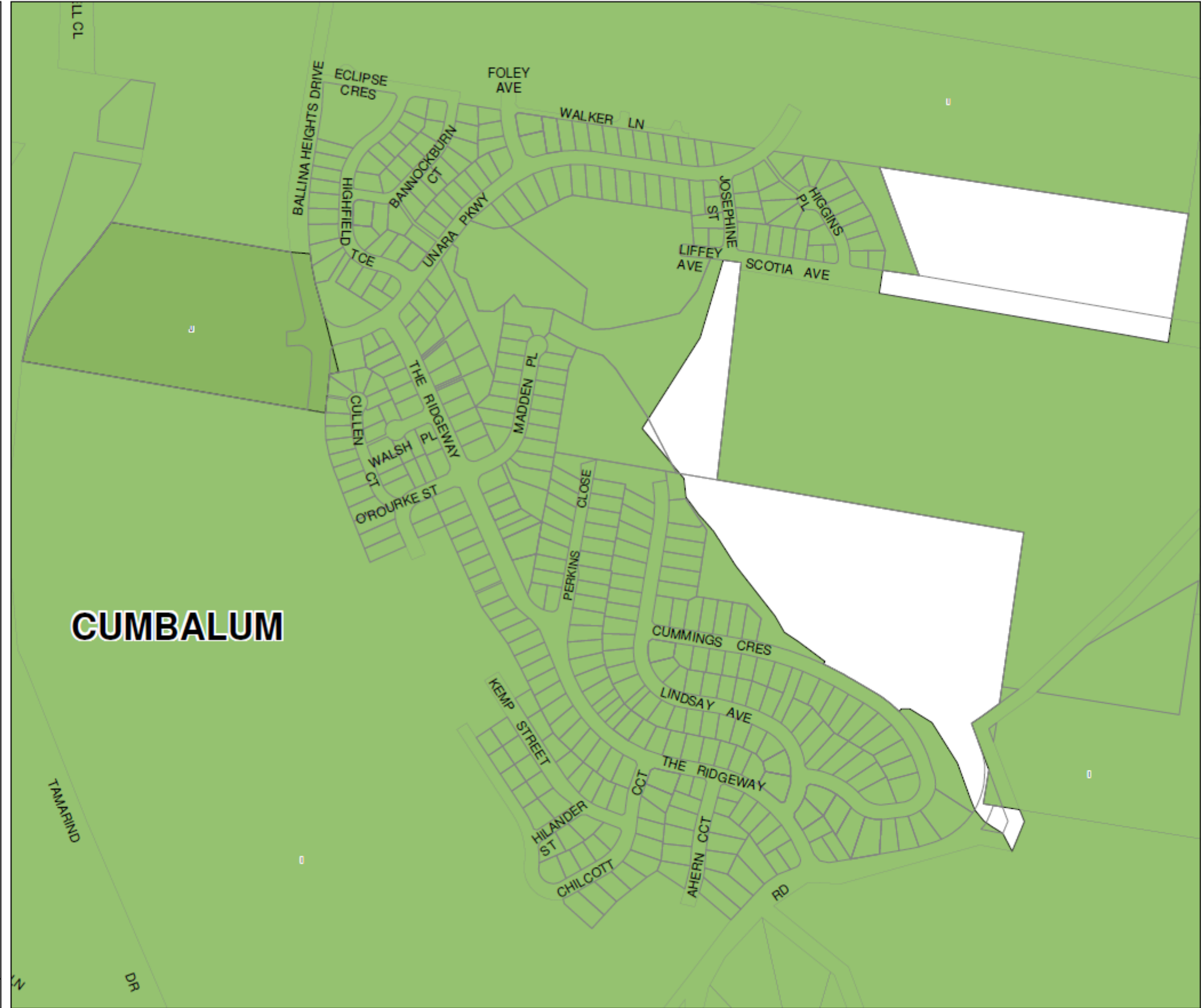
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Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identifier number: 0250_COM_HOB_005B_020_20141105



PROPOSED MAPPING Floor Space Ratio – Ballina Heights Estate



Ballina Local
Environmental
Plan 2012
BSCPP 14/009

Height of Buildings Map -
Part of map tile:

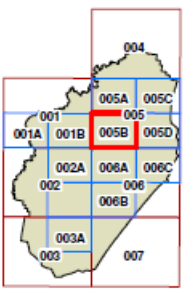
0250_COM_HOB_005B_020_20141105

Maximum Building Height (m)

I	8.5
J	9.0
K	10.0
P	18

Cadastre

 Cadastre 05/11/14 © Land and Property Information (LPI)



0 50 100 150 200 Metres

Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_HOB_005B_020_20141105



PROPOSED BLEP 2012 Lot Size Map, Sheet LSZ_005B



**Ballina Local
Environmental
Plan 2012
BSPP 14/009**

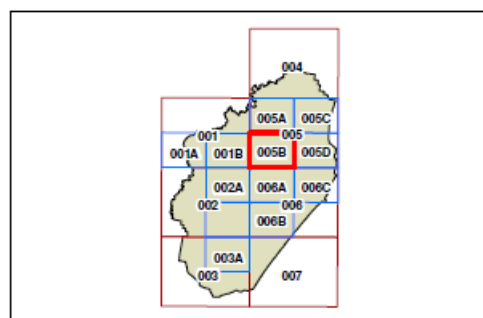
Lot Size Map - Sheet LSZ_005B

Minimum Lot Size (sq m)

G	450
M	600
S	800
U1	1000
U2	1200
Y	10000 (1ha)
Z	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

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— Cadastre 05/11/14 © Land and Property Information (LPI)



0 200 400 600 800 Metres

Scale 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_LSZ_005B_020_20141105



CURRENT MAPPING Lot Size – Ballina Heights Estate



Ballina Local
Environmental
Plan 2012

Lot Size Map -
Part of map tile:

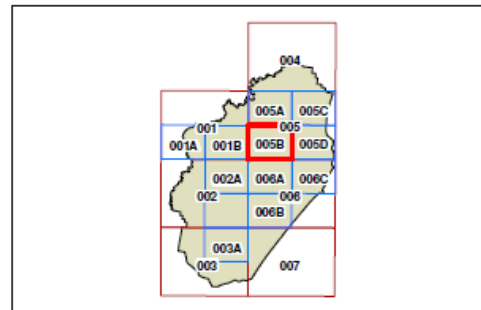
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Z	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastre

Cadastre 05/11/14 © Land and Property Information (LPI)

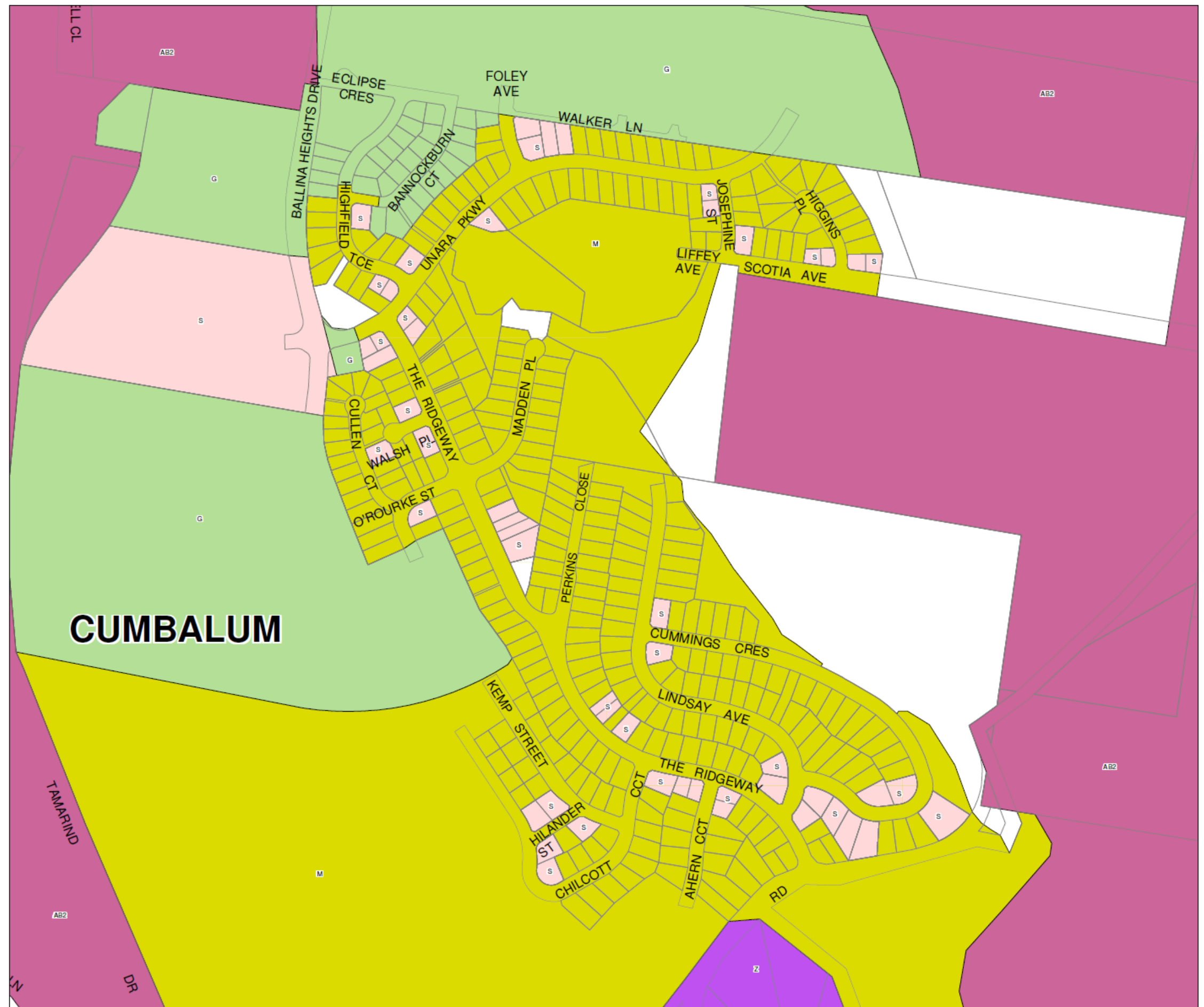


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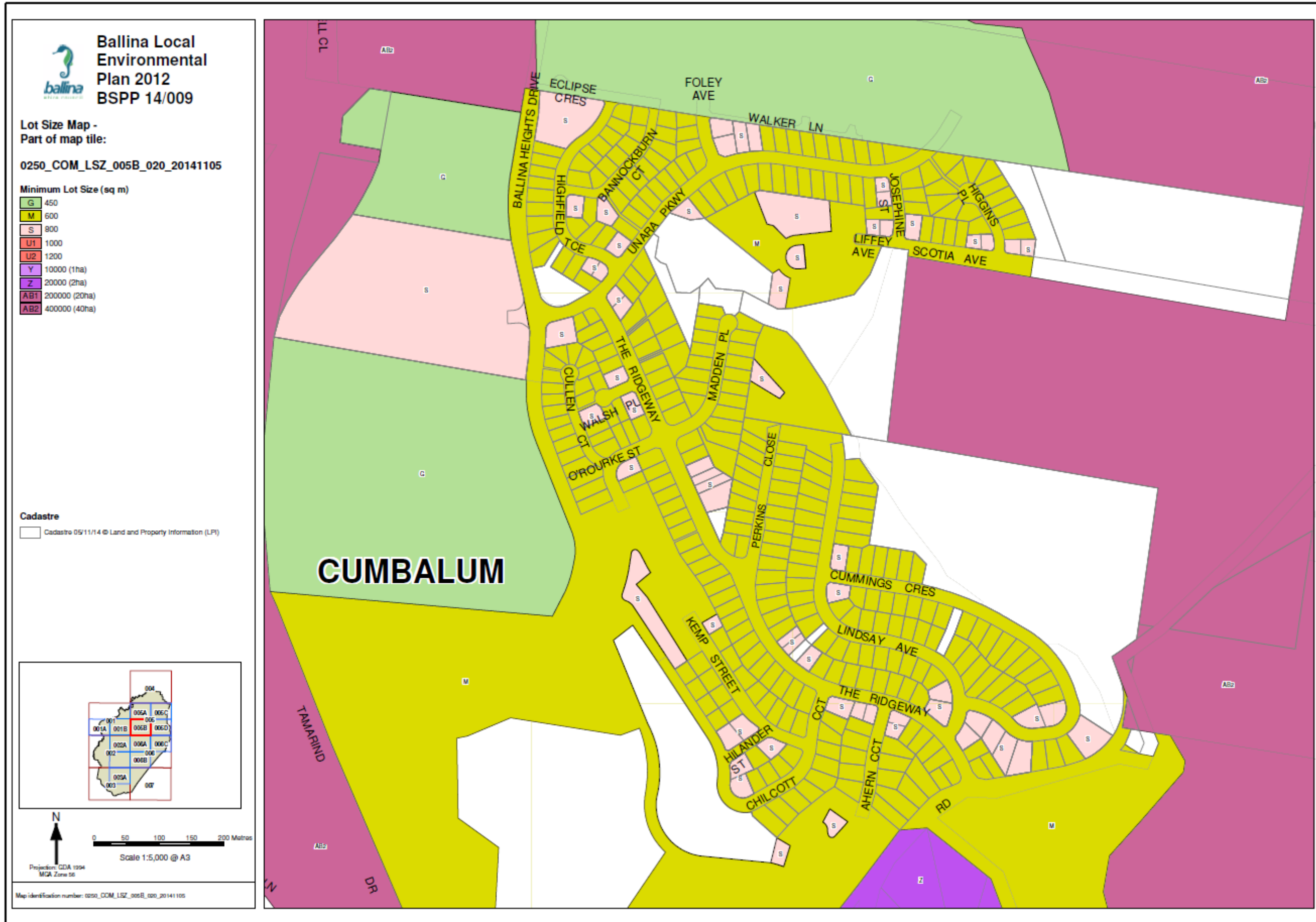
Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_LSZ_005B_020_20141105



PROPOSED MAPPING Lot Size – Ballina Heights Estate



PROPOSED BLEP 2012 Land Zoning Map, Sheet LZN_005B



**Ballina Local
Environmental
Plan 2012**
BSCPP 14/009

Land Zoning Map - Sheet LZN_005B

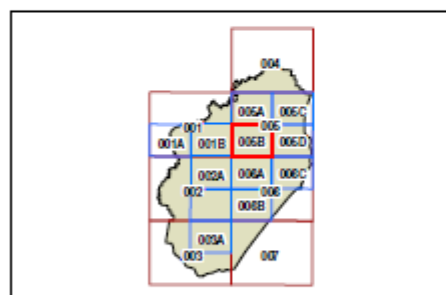
Legend

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- IN1 General Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter

Cadastre

Cadastre 05/11/14 © Land and Property Information (LPI)



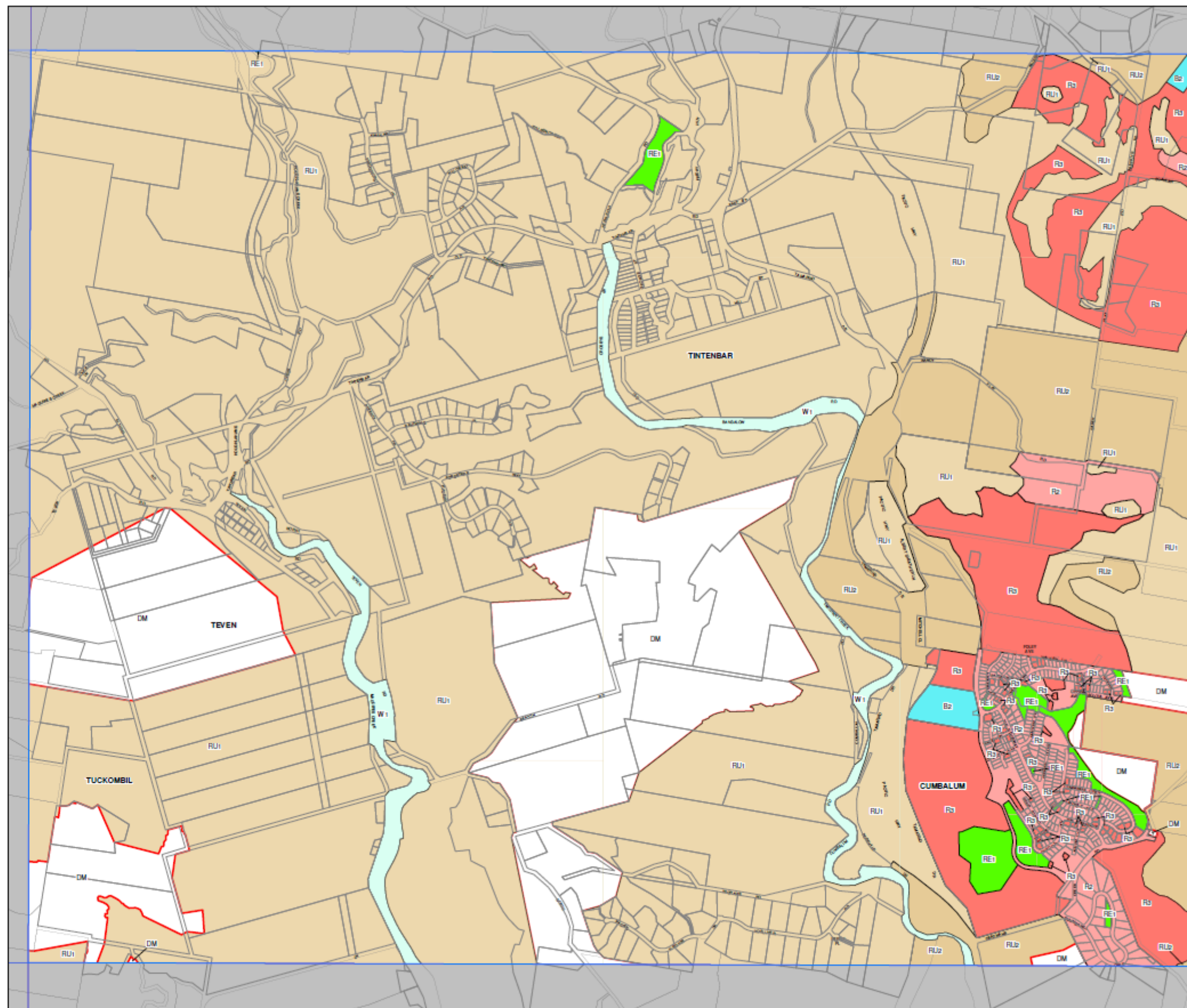
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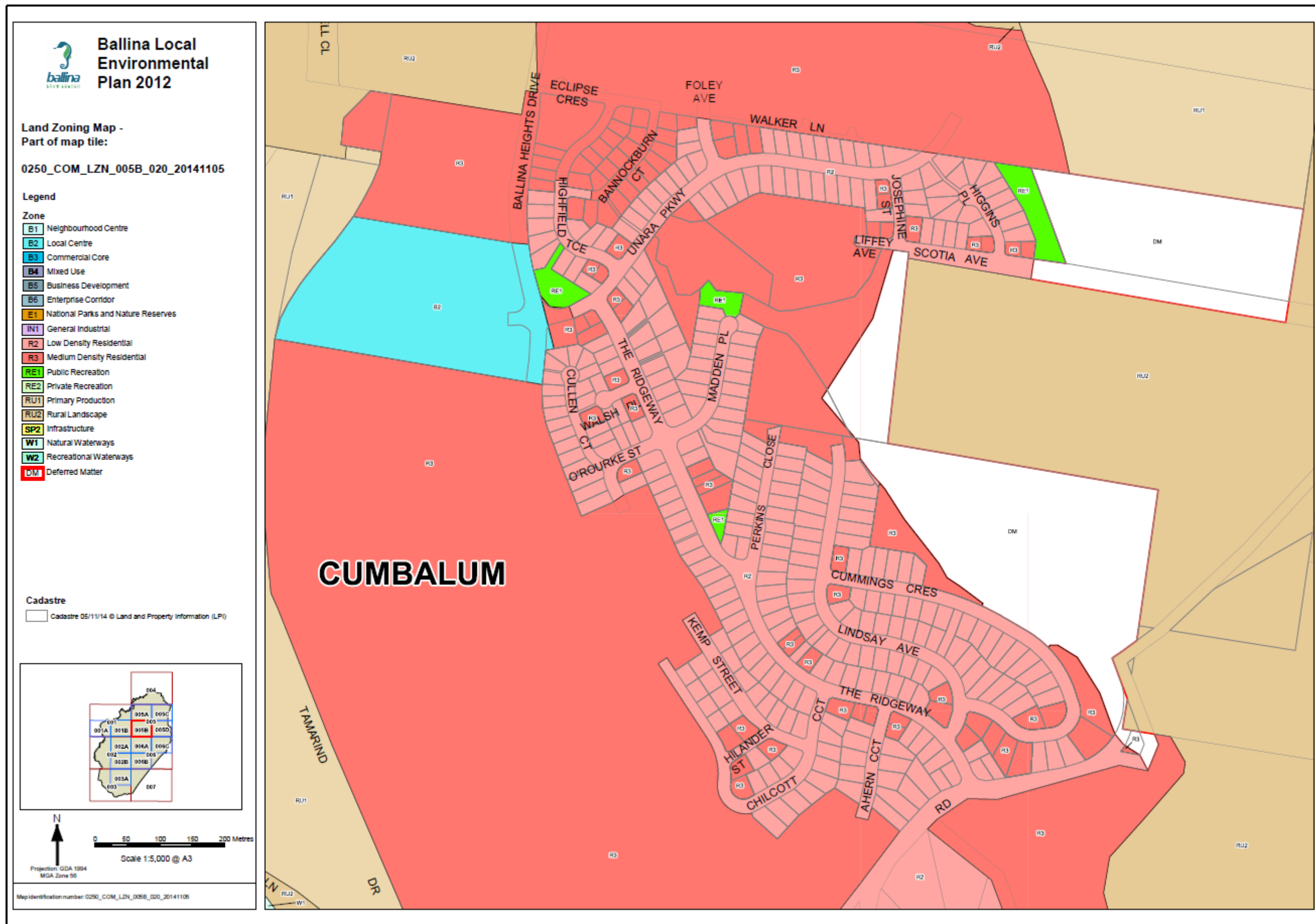
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MGA Zone 56

Scale 1:20,000 @ A3

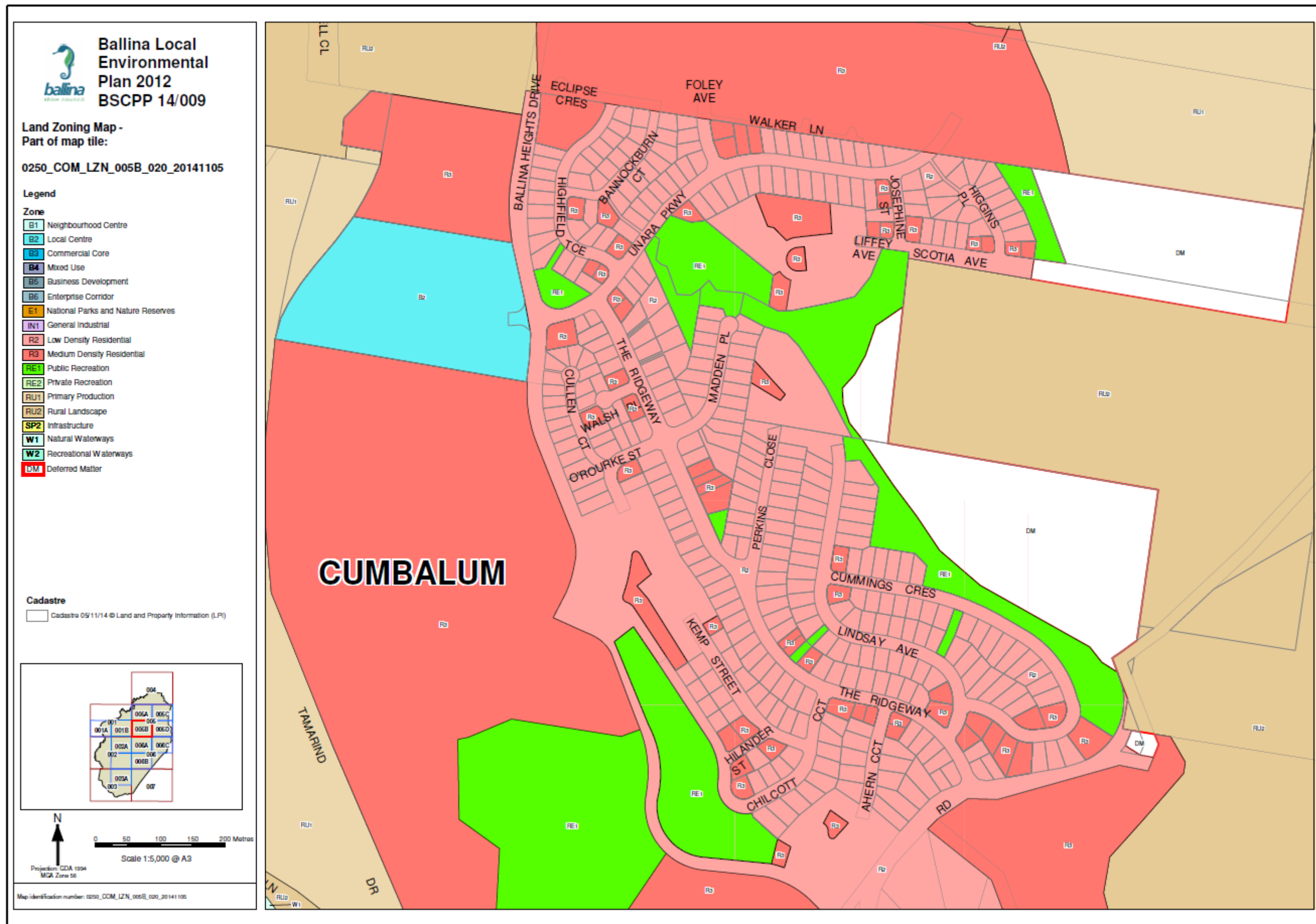
Map identification number: 0250_COM_LZN_005B_020_20141105



CURRENT MAPPING Lot Size – Ballina Heights Estate



PROPOSED MAPPING Land Zoning – Ballina Heights Estate



PROPOSED BLEP 2012 Strategic Urban Growth Area Map, Sheet SGA_005B



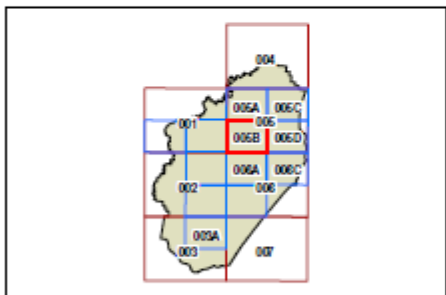
Ballina Local
Environmental
Plan 2012
BSCPP 14/009

Strategic Urban Growth Area Map -
Sheet SGA_005B

- Strategic Urban Growth Area
- Land Adjoining Strategic Urban Growth Area

Cadastral

Cadastral 05/11/14 © Land and Property Information (LPI)



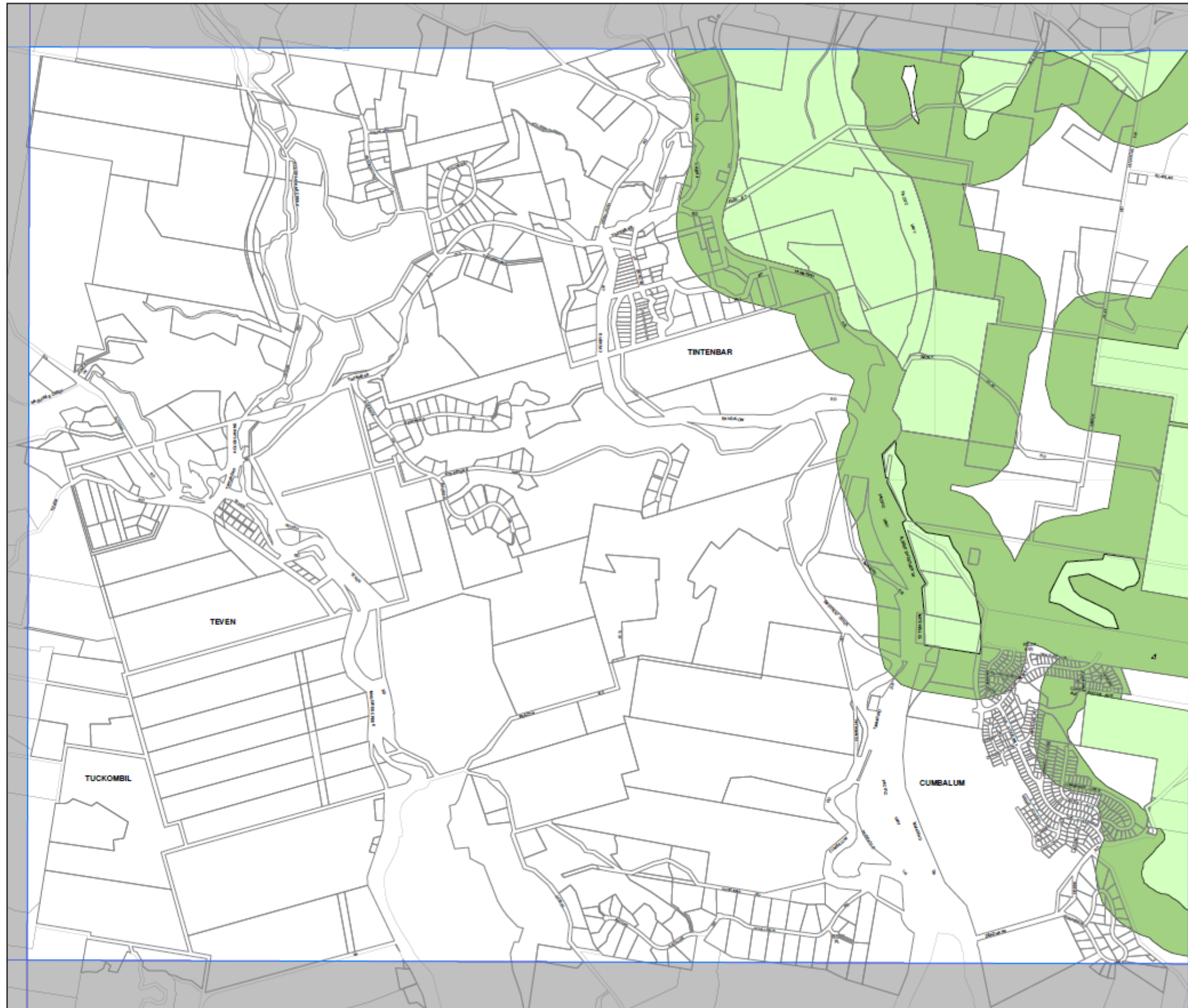
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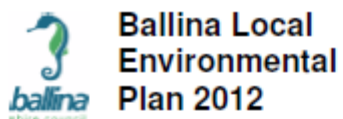
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Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_SGA_005B_020_20141105



CURRENT MAPPING Strategic Urban Growth Area – Ballina Heights Estate



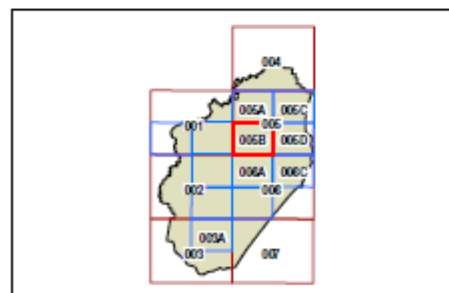
Strategic Urban Growth Area Map -
Part of map tile:

0250_COM_SGA_005B_020_20141105

- Strategic Urban Growth Area
- Land Adjoining Strategic Urban Growth Area

Cadastral

Cadastral 05/11/14 © Land and Property Information (LPI)



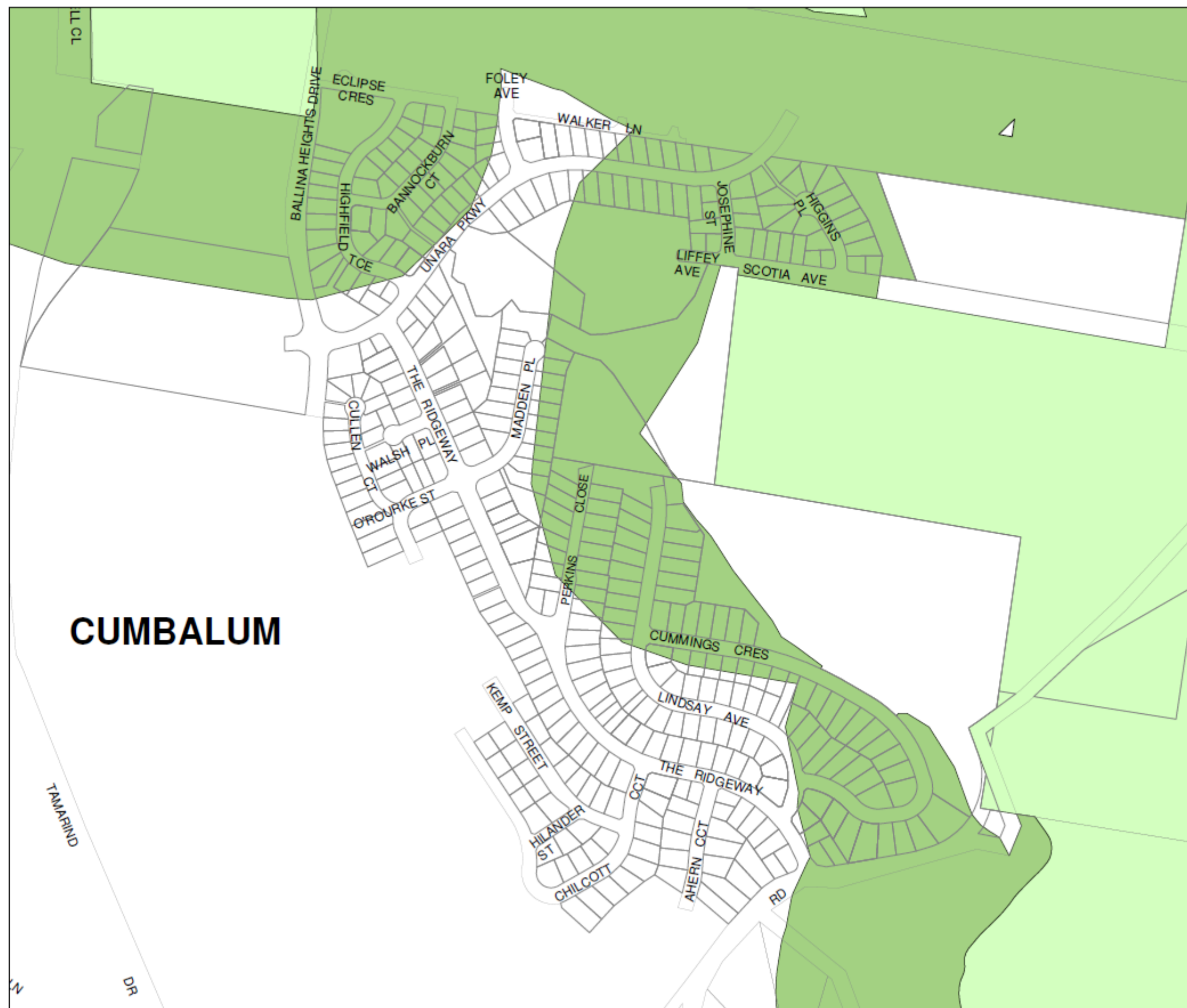
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Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_SGA_005B_020_20141105



PROPOSED MAPPING Strategic Urban Growth Area – Ballina Heights Estate

