

enquiries refer

Sally McGarry
in reply please quote

LEP Amendment Request – North Creek Road (313)

10 May 2012



Mr Steve Murray
Regional Director, North Coast
Department of Planning and Infrastructure
Locked Bag 9022
GRAFTON NSW 2460

Received

14 MAY 2012

North Coast

Dear Mr Murray

Re: North Creek Road Planning Proposal

Council has received a rezoning request submitted on behalf of the landowners relating to four lots located on North Creek Road, Lennox Head. With respect to this matter, Council considered the progress of the planning proposal at its Ordinary Meeting held on 26 April 2012 and resolved as follows (260412/13):

1. *That Council submit the planning proposal relating to properties described as No's. 160-190 North Creek Road, Lennox Head to the NSW Department of Planning for review and gateway determination.*
2. *That upon an affirmative response being received from the Department, Council staff will carry out the procedural steps associated with the planning proposal.*
3. *That a further report be submitted to Council in relation to this matter following the mandatory community consultation.*

In accordance with the above resolution, please find enclosed the abovementioned planning proposal for gateway determination in accordance with Section 56 of the *Environmental Planning & Assessment Act 1979*.

If you have any enquiries in regard to this matter please contact me on telephone (02) 6686 1284.

Yours faithfully

Sally McGarry
Strategic Planning
Strategic and Community Services Group

Encl. North Creek Road Planning Proposal



Ballina Shire Council

Planning proposal - April 2011

160-190 North Creek Road, Lennox Head

Contents

Introduction.....	2
Summary of Planning proposal	2
Planning Context	5
Part 1 - Objectives or Intended Outcomes.....	6
Part 2 - Explanation of the Proposal.....	6
Part 3 - Justification	8
Section A - Need for the Planning proposal	8
Section B - Relationship to the Strategic Planning Framework	8
Section C - Environmental, Social and Economic Impact	12
Section D - Community Consultation	13
Appendices.....	14
Appendix 1 – State Environmental Planning Policy Checklist	14
Appendix 2 - Section 117 Direction Checklist	16



people • place • prosperity

Introduction

Summary of Planning proposal

This planning proposal relates to lots 2, 3 and 4 DP 241585 and Lot 6 DP 598177, 160-190 North Creek Road, Lennox Head, as shown on the locality map below.



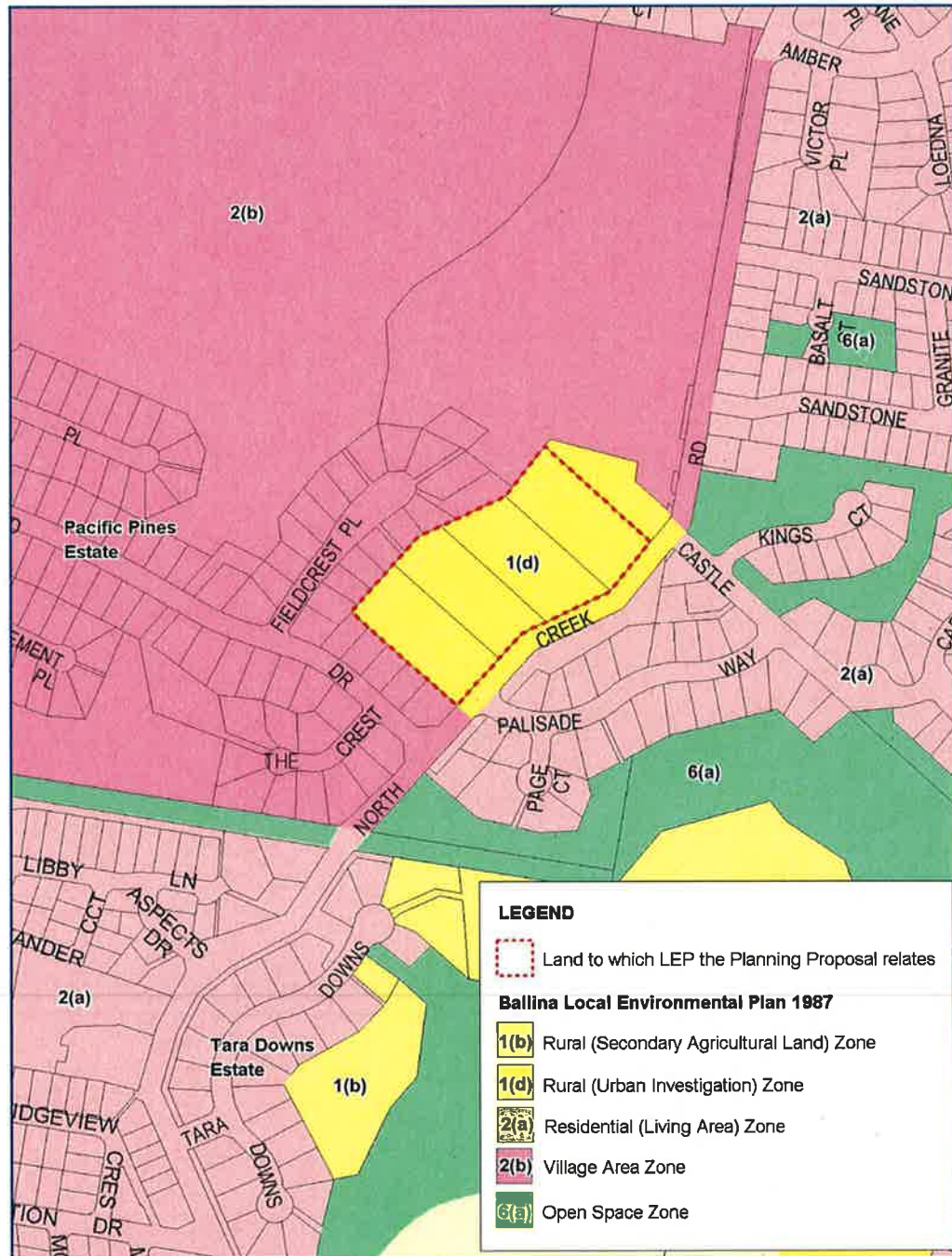
Source: Gateway Planning proposal Report, Newton Denny Chapelle, December 2011

Land ownership within the area subject of the planning proposal area is as described in the following table. As outlined in the table, the total area of the land subject to the planning proposal is 3.23 ha.

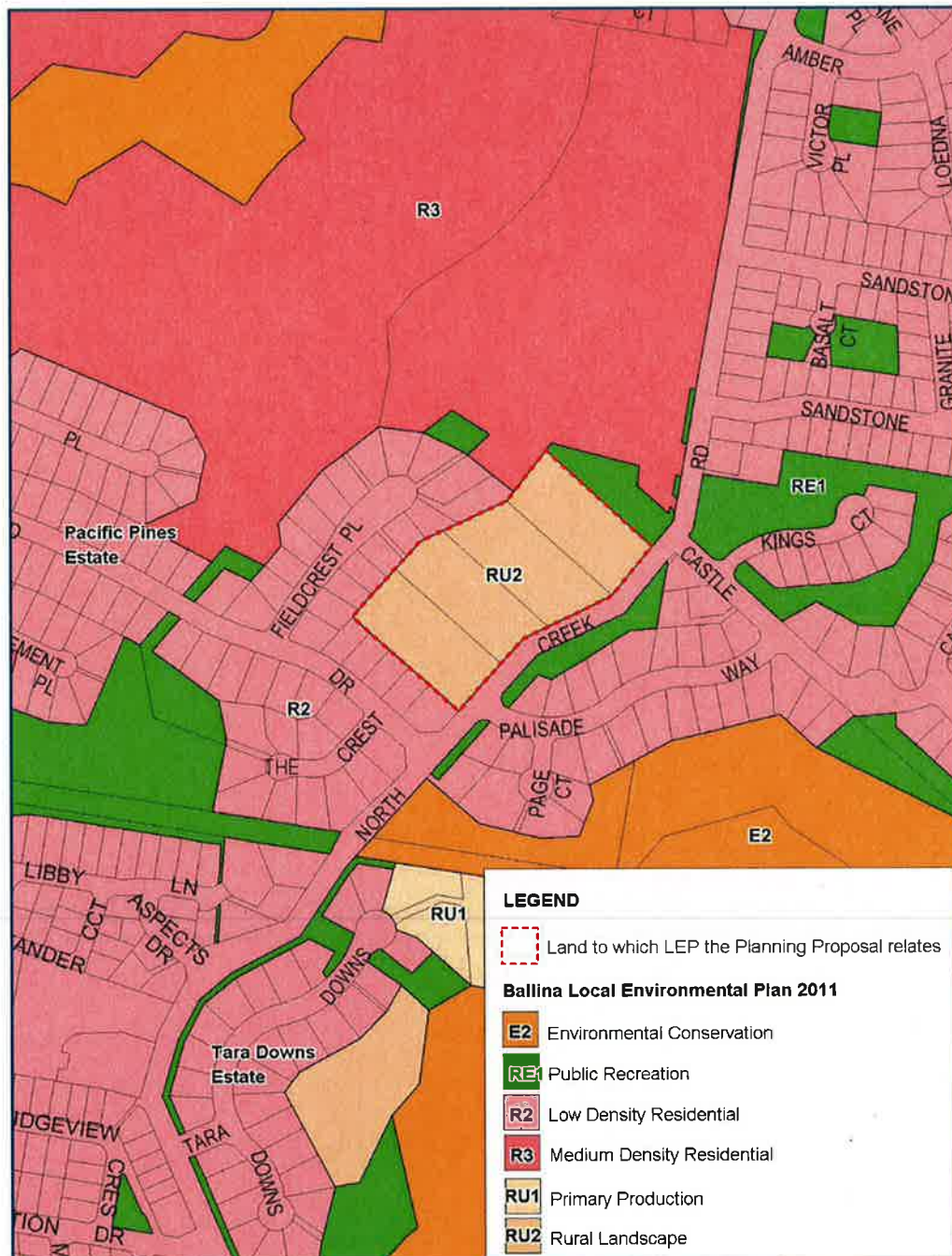
Owner	Land Parcel	Area (Ha)
Mr K Howard	Lot 2 DP 241585, No. 160 North Creek Road, Lennox Head	0.81 ha
Mr D and Mrs L Walsh	Lot 3 DP 241585, No. 170 North Creek Road, Lennox Head	0.81 ha
Mr P and Mrs D Fahey	Lot 4 DP 241585, No. 180 North Creek Road, Lennox Head	0.81 ha
Mr A Lewis and Mrs D Zorse	Lot 6 DP 598177, No. 190 North Creek Road, Lennox Head	0.8 ha
Total		3.23 ha



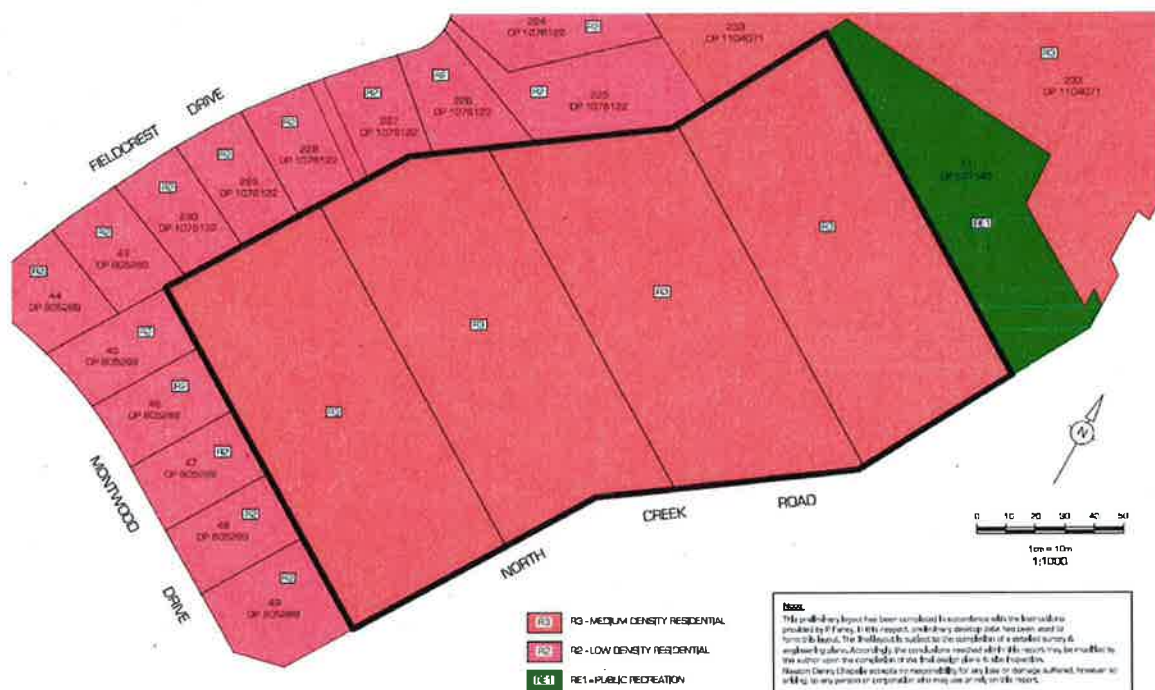
The site is currently zoned 1(d) Urban Investigation under the provisions of the Ballina Local Environmental Plan 1987 (Ballina LEP 1987) as shown in the excerpt map below.



Under the provisions of the draft Ballina Local Environmental Plan 2011 (Draft Ballina LEP 2011), the proposed RU2 Rural Landscape Zone has been applied to the subject land, as shown in the excerpt below.



As it is likely that the draft LEP 2011 will be adopted prior to completion of the subject LEP amendment, it is proposed that the R3 Medium Density Zone will be applied to the land, as shown below.



Source: Planning proposal Report, Newton Denny Chapelle, December 2011.

Planning Context

Council has identified the subject land as having urban development potential since the introduction of the Ballina LEP 1987. Additionally, future urban zoning of the land has been contemplated in a number of planning policies.

Ballina LEP 1987

The subject land is zoned 1(d) Rural (Urban Investigation) under the terms of the Ballina Local Environmental Plan 1987. A key aim of the zone is to avoid inappropriate development that may limit the urban potential of the land prior to detailed urban investigation being undertaken. The 1(d) Zone has been used by Council to indicate areas considered to have potential for urban development.

The objectives of the 1(d) zone are outlined in Part 3 Section B of this planning proposal.

Ballina Urban Land Release Strategy 2000

The subject land is located within the Lennox Head Planning Precinct and is identified as having potential for rezoning for urban purposes with a short to medium term time frame recommended.

Lennox Head Structure Plan 2004

The Lennox Head Structure Plan (LHSP) provides a framework for the development of new urban land release areas within the Lennox Head locality and includes the subject land. The implications of the LHSP for the subject proposal are discussed further in section B of this report.

Far North Coast Regional Strategy

Far North Coast Regional Strategy (FNCRS) provides the regional framework for the consideration of rezoning land for urban purposes in Ballina Shire. The FNCRS identifies the subject land as a 'Proposed Future Urban Release Area' within the 'Town & Village Growth Boundary' for Ballina Shire.

Draft Ballina LEP 2011

The subject land is zoned RU2 Rural Landscape under the provisions of the Draft Ballina LEP 2011. The Lot Size Map contained in this plan applies a 40 hectare minimum lot size to the site. The site is also identified on the 'Strategic Urban Growth Areas Map' as being a "potential urban growth area".

Council has typically applied rural zones under its draft LEP to areas currently zoned 1(d) as there is no zone equivalent to the 1(d) zone under the standard instrument. Under this approach, potential urban release areas are identified in the relevant strategic planning policy documents.

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to rezone the subject land to enable density residential development and associated infrastructure.

Part 2 - Explanation of the Proposal

This planning proposal relates to land located at 160-190 North Creek Road, Lennox Head. The site is currently zoned 1(d) Rural (Urban Investigation) under the provisions of the Ballina LEP 1987. The proposal involves an infill development outcome within an established urban area in Lennox Head.

The draft Ballina LEP 2011 proposes to zone the subject land RU2 Rural Landscape Zone. This planning proposal seeks to rezone the subject land to an R3 Medium Density Zone to enable future development for residential purposes.



An amendment to the Minimum Lot Size Map and the Strategic Urban Growth Areas Map under the Draft Ballina LEP 2011 are also proposed. In relation to the Minimum Lot Size Map, it proposed to change the application of the 40 Hectare minimum lot size that is currently nominated for the site to a 600m² minimum lot size that is consistent with the surrounding locality. Should the site be rezoned, its nomination on the Strategic Urban Growth Areas Map will no longer be required, as such, the land would be removed from this map set.

The LEP amendment request prepared on behalf of the applicant has demonstrated that the site is relatively unconstrained and is capable of supporting low and medium density residential land uses. The proposal provides various conceptual subdivision options to enable an assessment of the potential impacts associated with future residential uses and are considered appropriate in supporting the conceptual stages and planning proposal phase of the LEP amendment process.

A preliminary contamination assessment was prepared to support the LEP amendment request. A review of this assessment indicates that additional information will be required to ensure that there will be no increased risk to human health or the environment from contamination. As three of the four subject lots already contain dwellings and are surrounded by residential zoned land, the risk of contamination is considered to be low. On this basis, it is anticipated that the following additional information in relation to site contamination will be sought following the gateway determination (if the matter proceeds) and prior to any public exhibition.

- A detailed site history, and
- Soil sampling and analysis of the area to the west of the dwelling on Lots 2, 3 & 4 of DP 241585, and
- Soil sampling and analysis of Lot 6 DP 598177.

A single access point onto North Creek Road is proposed. Given that North Creek Road is an important collector road for the Lennox Head locality, consideration of an appropriate access point was identified as a potential constraint to the release of the subject land. A number of road configuration and intersection options were identified in the LEP amendment request which demonstrate that an intersection arrangement compliant with *Austroads Part 5 Intersection at Grade* can be achieved to service a future residential subdivision. The conceptual location of an intersection to the south of the subject land onto North Creek Road is considered acceptable at this stage and will be more suitably determined at the development application stage.

It is noted that the conceptual subdivision options provided in the LEP amendment report identifies the need for removal of existing mature Norfolk Island Pine trees to accommodate the integrated road and subdivision design for the site. It is considered appropriate that this matter be further considered as part of the planning proposal exhibition process and development application stages, should this matter proceed.



Part 3 - Justification

Section A - Need for the Planning proposal

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

The subject land is identified in the Far North Coast Regional Strategy 2006 (FNCRS) as being a "Proposed Future Urban Land Release Area".

The subject land is considered in the Ballina Urban Land Release Strategy 2000 and in the Lennox Head Structure Plan 2004, with both policies identifying the subject land as having potential for urban development.

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

As noted above, the proposal is consistent with a range of strategic planning studies that identify the site for future urban investigation. The LEP amendment request and supporting documentation which informed the preparation of this planning proposal demonstrate that this process is the best means to enable development for future residential uses.

3. Is there a net community benefit?

The following net community benefits will be achieved by the planning proposal:

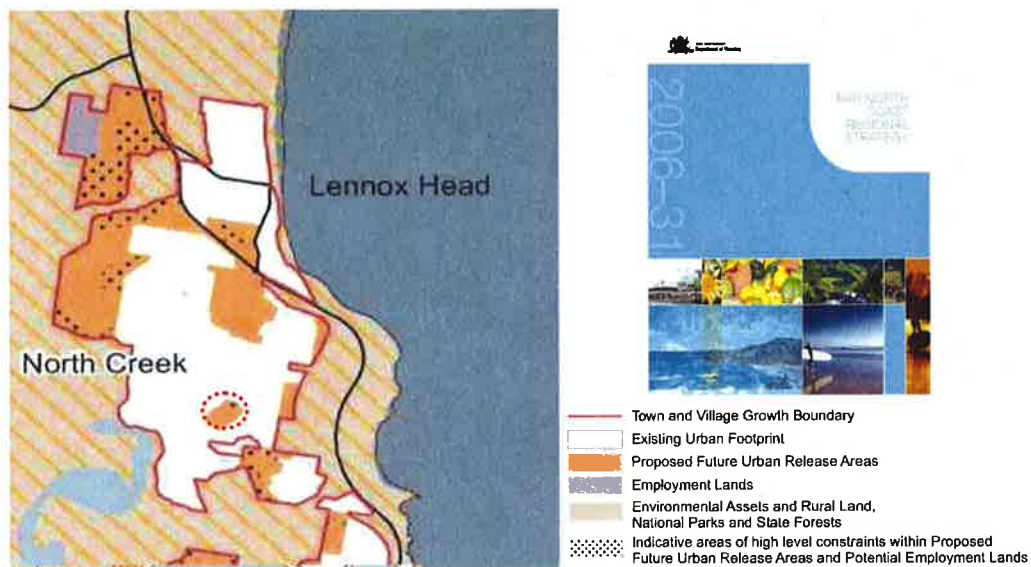
- Additional economic activity generated by the development of the land for urban purposes, and
- Additional land available for residential development and ancillary (home-based) commercial uses.

Section B - Relationship to the Strategic Planning Framework

4. 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 FNCRS, which provides the regional framework for the consideration of rezoning land for urban purposes in Ballina Shire. The FNCRS identifies the subject land as being a "Proposed Future Release Area" within the 'Town & Village Growth Boundary Map – Sheet 3, as shown in the excerpt below);





The FNCRS notes that land identified in the Town and Village Growth Area Boundary will be subject to more detailed investigations to determine capability and future yield. Accordingly, investigation of the subject land for future urban development through the statutory rezoning process, involving assessment of the land's capability to accommodate urban development is consistent with the regional planning framework.

5. 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 following key local plans:

The Ballina Local Environmental Plan 1987

The subject land is currently zoned 1(d) Rural (Urban Investigation) under the provisions of the Ballina LEP 1987. The primary zone objectives are:

- a. *to identify land which may be needed in the future and will be thoroughly investigated with respect to its suitability or otherwise for urban land uses and the environmental consequences associated with the land's release for urban purposes;*
- b. *to regulate the subdivision and use of land so as to prohibit development which could prejudice the possible future release of land within this zone for urban purposes; and*
- c. *to ensure that the release of land for urban purposes, by rezoning, shall not take place unless –*
 - i. *urban structure planning has been completed by Council;*
 - ii. *the Council reviews urban suitability investigations for individual planning units, and detailed land use allocations for each planning unit have been determined by the Council;*

- iii. *sufficient demand exists for the release of urban land; and*
- iv. *appropriate urban infrastructure and facilities are available to the land or can be provided to the land in a manner which does not create an unreasonable or uneconomic demand, or both, for the provision or extension of such services.*

In applying the 1(d) Zone, Council recognises that the subject land has potential for urban development, subject to detailed investigation being undertaken.

The proposal addresses the provisions on the zone objectives, in that a future development of the site within a combination of low and medium density residential uses is consistent with the Council's adopted Lennox Head Structure Plan.

The proposal demonstrates that the site is physically capable of supporting future residential development with regard to environmental constraints and servicing.

Ballina Urban Land Release Strategy 2000 (ULRS 2000)

The ULRS 2000 provides the framework for the release of land for urban development in the Ballina local government area. The land release program contained within the Strategy has been agreed with the former Department of Infrastructure Planning and Natural Resources as required by Cl. 38(3) of the North Coast Regional Environmental Plan 1988 (the REP).

The subject land is identified within the Lennox Head Planning Precinct and anticipates the rezoning of this land to commence in the short to medium term, being within the period of 2005 – 2010. The consideration of the site is therefore within the framework of the ULRS.

Lennox Head Community Aspirations Strategic Plan 2002

The Lennox Head Community Aspirations Strategic Plan is an umbrella document which provides guidance for future Council activities, including town planning, works programs and annual budgets. The document was prepared in close consultation with the Lennox Head Community.

The planning proposal is consistent with the objectives of this plan.

Lennox Head Structure Plan 2004 (LHSP)

The LHSP outlines Council's broad strategies in relation to urban land release within the Lennox Head locality. All development of new release areas in Lennox Head should comply with the framework established by the Structure Plan. The subject land is identified as "Candidate Release Area L" as shown in the map excerpt below.





With respect to Area L, the LHSP advises;

Area L is approximately 4ha in size and currently comprises four rural/residential land holdings in separate ownership. It is currently zoned 1(d) Rural (Urban Investigation) Zone pursuant to the Ballina Local Environmental Plan 1987.

Whilst constrained by a number of planning factors, the Structure Plan recognises that Area L 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 is the preferred use for this site.

The following planning factors will require particular attention as part of the rezoning and redevelopment of this site;

- *Any rezoning of Area L is to occur on an integrated basis and should involve all land holdings within the area;*
- *Vehicular access to the site is to be via a single integrated access point from North Creek Road; and*
- *Stormwater management will need to address both the retention and quality of stormwater generated on the site.*

The planning proposal is consistent with the outcomes envisaged for the site in the LHSP and demonstrates that future development of the site is capable of satisfying the intent and planning factors outlined for 'Candidate Release Area L'.

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

Yes, the proposal is generally consistent with applicable State Environmental Planning Policies (SEPP). A SEPP checklist for the planning proposal is contained in **Appendix 1**.

7. 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 2**.

Section C - Environmental, Social and Economic Impact

8. 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?

Preliminary advice relating to the environmental characteristics of the site identify the site as being predominately cleared and dominated by exotic and extra-regional native species.

Consequently, this planning proposal and subsequent development of the subject land is not expected to result in any adverse impacts on any critical habitat, threatened species, populations or ecologically communities.

There is a large Fig tree located to the north of the land. This specimen is likely to be a remnant individual and is considered to be significant from a conservation, scenic and historical perspective. Whilst the tree is located on Council reserve, the root zone extends into the subject land and consideration of impacts from earth works and other associated development activities will need to be addressed.

Further detailed environmental assessment will be required to support a development application for subdivision of the subject land.

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

Other potential environmental effects of the proposal are as follows:

- Disposal and treatment of stormwater;
- Impacts on existing residential amenity.

These and other issues have been addressed in the LEP amendment request.

A preliminary stormwater assessment has been prepared to support the LEP amendment request that demonstrates that stormwater treatment measures can be accommodated within the site to address potential stormwater impacts on both downslope neighbouring lands and the receiving natural environmental environment.

The site is located within an already established residential neighbourhood and therefore has the potential to impact on the residential amenity of existing dwellings on adjoining properties. Given that the site has been identified in a number of strategic plans for the shire as having urban development potential, the potential for development outcomes on the subject land has been in the public domain for a significant period of time.

The final subdivision and dwelling design will need to address the potential for overshadowing and privacy impacts on adjoining dwellings.

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

The rezoning of the land for urban purposes will likely have positive social and economic effects. In particular, the development of the land for housing will assist in meeting regional dwelling targets. Further, as an infill development outcome, efficiencies are likely in relation to infrastructure provision.

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

A future development on the subject land can be economically serviced with the full range of infrastructure.

Community and open space infrastructure can be provided by way of payment of Section 94 Contribution levies.

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

Consultation will be undertaken with relevant agencies following the gateway determination stage of the LEP amendment.

Section D - Community Consultation

Extensive community consultation was undertaken during the preparation and exhibition of the *Ballina LEP 1987* in the mid 1980s. This process involved the introduction of the 1(d) Rural (Urban Investigation) Zone. The subsequent land release strategies, including the ULRS 2000 and the LHSP 2004 were also subject to community engagement processes.

Council has not undertaken any community consultation concerning this specific planning proposal. It is anticipated that this will occur as part of the formal exhibition of the planning proposal or as directed through the gateway determination process.

Appendices

Appendix 1 – State Environmental Planning Policy Checklist

State Environmental Planning Policy Checklist Planning proposal – 160-190 North Creek Road, Lennox Head	
SEPP Title	Compliance of Planning Proposal
SEPP (Affordable Rental Housing) 2009	The planning proposal is not inconsistent with the provisions of this SEPP. The full range of residential land uses will be permissible with consent in the proposed R3 – Medium Density Residential zone.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal is not inconsistent with the provisions of this SEPP. The Codes SEPP will apply to detached, attached and semi-detached dwellings within the proposed R3 – Medium Density zoned land.
SEPP (Rural Lands) 2008	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Infrastructure) 2007	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Temporary Structures) 2007	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Major Development) 2005	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal is not inconsistent with the provisions of this SEPP. The full range of residential land uses will be permissible with consent within the R3 Medium Density zoned land.
SEPP No. 1 - Development Standards	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 6 - Number of Storeys in a Building	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 14 - Coastal Wetlands	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 15 - Rural Land-Sharing Communities	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 21 - Caravan Parks	The planning proposal is not inconsistent with the provisions of this SEPP.



SEPP Title	Compliance of Planning Proposal
SEPP No. 22 - Shops and Commercial Premises	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 26 - Littoral Rainforests	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 30 - Intensive Agriculture	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 33 - Hazardous and Offensive Development	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 36 - Manufactured Home Estates	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 44 - Koala Habitat Protection	The planning proposal is not inconsistent with the provisions of this SEPP. No known koala habitat exists on the subject site.
SEPP No. 50 - Canal Estates	The Planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 55 - Remediation of Land	The planning proposal is not inconsistent with the provisions of this SEPP. The provisions of SEPP No. 55 – Remediation of will need to be considered in detail following the gateway determination phase and prior to rezoning the land.
SEPP No. 60 - Exempt and Complying Development	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 62 - Sustainable Aquaculture	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 64 - Advertising and Signage	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 65 - Design Quality of Residential Flat Development	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 71 - Coastal Protection	The planning proposal is not inconsistent with the provisions of this SEPP and supports the intent of the SEPP. The subject land is located within the coastal zone. The rezoning to enable residential development is consistent with the objectives of the SEPP.
North Coast Regional Environmental Plan (NCREP) (deemed SEPP)	The NCREP now has the status of a SEPP. This SEPP provides local government with state and regional policy guidelines for the preparation of local environmental plans and for certain types of development. The plan sets the basis for new urban and rural development. The planning proposal is not inconsistent with the provisions of this SEPP.

Appendix 2 - Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – 160 – 190 North Creek Road, Lennox Head
--

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
1. Employment and Resources		
1.1 Business and Industrial Zones	Applies to Ballina Shire. Does not apply to Draft Plan.	
1.2 Rural Zones	In summary, this Direction provides that Draft LEPs shall retain existing zones and provisions relating to the control of traffic generating developments or access to major roads and shall not rezone rural land for urban purposes unless the land has been identified in a Strategy, is justified by an Environmental Study or is in accordance with an approved Regional Strategy.	It is considered that the rezoning is consistent with this Direction because the proposed residential area is identified in the Ballina Urban Land Release Strategy and the Far North Coast Regional Strategy for urban development.
1.3 Mining, Petroleum Production and Extractive Industries	Applies to Ballina Shire. Does not apply to Draft Plan.	
1.4 Oyster Aquaculture	Applies to Ballina Shire. Does not apply to Draft Plan.	
1.5 Rural Land	In summary, this Direction provides that a planning proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The Policy further provides that a planning proposal may be inconsistent with the terms of the Direction only if the relevant planning authority can satisfy the Director General of the Department of Planning that the provisions of the proposal are justified by a strategy which gives consideration to the objectives of the Direction of identifies the land which is the subject of a planning proposal or is approved by the Director General of the Department of Planning or is of minor significance.	The table in Appendix 1 addresses the Planning Principles contained in State Environmental Planning Policy (Rural Lands) and demonstrates compliance. In addition, this rezoning is of relatively minor significance and is consistent with the Far North Coast Regional Strategy 206 – 2031.
2. Environment and Heritage		
2.1 Environmental Protection Zones	Applies to Ballina Shire. Does not apply to Draft Plan.	
2.2 Coastal Protection	In summary this Direction provides that a Draft LEP shall give effect to and be consistent with the Coastal Management Manual 1990, the NSW Coastal Policy 1997 and the Coastal Design Guidelines 2003.	The rezoning is consistent with this Direction. The proposal demonstrates that the subject land can accommodate stormwater management, effluent disposal and will not impact on public foreshore access.
2.3 Heritage Conservation	In summary this Direction provides that a Draft LEP shall contain provisions to facilitate the	There a no items of environmental or cultural heritage identified by Council within the site that are considered to warrant

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
	conservation of items of environmental heritage significance and aboriginal objects, areas of aboriginal heritage significance or aboriginal places.	specific LEP based protection based on the information currently available.
2.4 Recreation Vehicle Areas	Applies to Ballina Shire. Does not apply to Draft Plan.	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	In summary, this Direction provides that Draft LEPs shall contain requirements that broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development, are of good design, not permit residential development until the land is adequately serviced and not contain provisions which will reduce the permissible residential density of the land.	The planning proposal is consistent with this Direction in that adequate infrastructure is available to service the area and a future Development Control Plan could address urban design and density considerations. The rezoning is therefore consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	Applies to Ballina Shire. Does not apply to Draft Plan.	
3.3 Home Occupations	In summary, this Direction provides that a Draft LEP shall permit home occupations to be carried out in dwelling houses without the need for development consent.	This Plan is consistent as it simply adopts the provisions of the current Ballina Local Environmental Plan 1987 or the Draft Local Environmental Plan 2011.
3.4 Integrated Land Use and Transport	In summary, this Direction provides that a Draft LEP shall locate zones for urban purposes and include provisions that give effect to or are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001). The Direction also provides that a Draft LEP may be consistent with the Direction if the land has been identified in the Strategy prepared by Council and approved by the Director General or, the rezoning is justified by an Environmental Study or the rezoning is in accordance with the relevant regional strategy.	It is considered that the proposed rezoning is consistent with this Direction because the land is identified in the Ballina Urban Land Release Strategy, the Far North Coast Regional Strategy and the site is located within an existing residential area and fronts North Creek Road, which provides a public transport route.
3.5 Development Near Licensed Aerodromes	Applies to Ballina Shire. Does not apply to Draft Plan.	
4. Hazard and Risk		
4.1 Acid Sulphate Soils	Direction requires Councils to consider the Acid Sulphate Soils Planning Guidelines and include provisions which are consistent with the Acid Sulphate Soils Model Local Environmental Plan.	The study site does contain Acid Sulphate Soils.

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
4.2 Mine Subsidence and Unstable Land	Applies to Ballina Shire. Does not apply to Draft Plan.	
4.3 Flood Prone Land	Applies to Ballina Shire. Does not apply to Draft Plan.	
4.4 Planning for Bushfire Protection	Applies to Ballina Shire. Does not apply to Draft Plan.	
5. Regional Planning		
5.1 Implementation of Regional Strategies	This Direction provides that when a Council prepares a Draft LEP the Plan shall be consistent with a Regional Strategy released by the Minister for Planning.	The site is identified in the Far North Coast Regional Strategy as a proposed future urban release area and therefore the rezoning is entirely consistent with this Direction.
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	Applies to Ballina Shire. Does not apply to Draft Plan.	
5.4 Commercial and Retail Development	Applies to Ballina Shire. Does not apply to Draft Plan.	
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Does not apply to Ballina Shire	
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	In summary, this Direction provides that a Draft LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met.	The planning proposal is consistent with this Direction in that it does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	This Direction provides that a Draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant Authority among other things.	The planning proposal is not inconsistent with this provision as it does not include creation, altering or reduction of land for public purposes.

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
6.3 Site Specific Provisions	This Direction provides that a Draft LEP that amends another Environmental Planning Instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or rezone the site to an existing zone already applying in the Environmental Planning Instrument that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal Planning Instrument being amended.	The planning proposal is consistent with this direction as it seeks to apply a land use zone and standards compatible with the residential development of the site.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire	

