

Aspects Estate Dual Occupancy Lots, Lennox Head

Proposal Title : **Aspects Estate Dual Occupancy Lots, Lennox Head**

Proposal Summary : **The proposal is to rezone land at Lots 29 and 31 DP 1121058, Aspects Estate Lennox Head, from R2 Low Density Residential to R3 Medium Density Residential under Ballina LEP 2012, and to change the minimum lot size over the land from 600m2 to 800m2. The land is subject to an existing development consent for subdivision. The approved subdivision plans apply the 'duplex' (dual occupancy) designation to the land. However, dual occupancy is prohibited in Zone R2, while permitted in Zone R3. Under the previous Ballina LEP 1987, the land was in a residential zone which allowed dual occupancy.**

PP Number : **PP_2014_BALLI_002_00** Dop File No : **14/06369**

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements**

Additional Information : **Preparation of the planning proposal is supported at this stage. Recommended with conditions.**

It is recommended that:

- 1) The planning proposal be supported;**
- 2) The planning proposal be exhibited for 14 days;**
- 3) The proposal should be referred to the NSW Rural Fire Service for comment and any recommended bushfire provisions should be included in the final proposal (section 117 direction 4.4);**
- 4) The planning proposal be completed within 6 months;**
- 5) Written authorisation should be provided to Council to use its delegation to finalise the proposal.**

Supporting Reasons : **1) The proposal is minor in nature and scale, and supports the desired outcomes of the Far North Coast Regional Strategy.**

2) Medium density use of the land is unlikely to result in environmental, social or economic impacts.

3) While the proposal is of a minor nature, a community consultation period should be undertaken.

4) The land is within 30 metres of identified Category 2 bushfire prone land. The provisions of Planning for Bushfire Protection therefore apply. To be consistent with the Direction, the RFS must be consulted.

Panel Recommendation

Recommendation Date : **09-Apr-2014** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the General Manager, Northern**

Region. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 10-Apr-2014 Gateway Determination : Passed with Conditions
Decision made by : General Manager, Northern Region
Exhibition period : 14 Days LEP Timeframe : 6 months
Gateway Determination : The planning proposal should proceed as a "routine" planning proposal and an authorisation to exercise plan making delegation should be issued to Council.

The planning proposal should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

10 APRIL 2014