

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

Proposal Details

Date Planning
Proposal Received : **03-Apr-2014**

LGA covered : **Ballina**

Region : **Northern**

RPA : **Ballina Shire Council**

State Electorate : **BALLINA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **1 Libby Lane & 200 North Creek Rd**

Suburb : **Lennox Head**

City :

Postcode : **2478**

Land Parcel : **Lots 29 & 31 DP 1121058**

DoP Planning Officer Contact Details

Contact Name : **Claire Purvis**

Contact Number : **0266416611**

Contact Email : **claire.purvis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Matthew Wood**

Contact Number : **0286128400**

Contact Email : **mattheww@ballina.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Aspects Estate Dual Occupancy Lots, Lennox Head

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	2
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning Code of Practice in relation to communication and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes :	Council wishes to use its delegations. The evaluation criteria form for the issue of plan making delegations has been completed. No special arrangements are proposed for processing the planning proposal, due to the minor nature of the matter.
External Supporting Notes :	

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :	The objective is adequate and clearly stated - to acknowledge residential outcomes for the land at the time of subdivision approval, by zoning the subject allotments for medium density.
-----------	--

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :	The explanation of the provisions is adequate. It describes the current and proposed zoning of the land. It explains that the proposed zone R3 will allow dual occupancy on the land as planned under the subdivision approval.
-----------	--

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

No other matters need to be considered.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

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 proposal should be referred to the NSW Rural Fire Service for comment, and bushfire provisions must be included in the exhibited proposal following RFS comments.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

A Land Zoning Map and a Lot Size Map are provided. Additionally, a site identification map is provided. The maps are adequate.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The RPA recommends the proposal is to be exhibited in accordance with the Gateway determination. The planning proposal is 'low impact' in accordance with the Department's guidelines and therefore a 14 day public exhibition period is recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal satisfies the adequacy criteria by:

1. Providing adequate objectives and intended outcomes;

2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes;

3. Providing an adequate justification for the proposal;

4. Providing a project timeline, which envisages the finalised proposal being forwarded to P&I by June 2014 - however, while the proposal may be finalised by that time, the Council is to be given 6 months to finalise in case of unexpected delays.

5. Providing sound justification for Council's use of delegation.

Aspects Estate Dual Occupancy Lots, Lennox Head

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Ballina LEP 2012 is the principal LEP. The planning proposal will amend the zoning map LZN_005D and the Lot Size Map LSZ_005D.

Assessment Criteria

Need for planning
proposal :

The planning proposal is necessary to address an inconsistency between an approved subdivision consent over the land and the zoning of the land. The subdivision was approved under Ballina LEP 1987. The land was zoned under LEP 1987 as 2(a) Living Area, a zone in which dual occupancy was permitted. The approved subdivision plan indicates that the two lots subject to this planning proposal were designated for duplex (dual occupancy) development. When Ballina 2012 was subsequently prepared, the land was zoned R2 Low Density Residential. Dual occupancy is prohibited in Zone R2. Zoning the land to R3 Medium Density Residential will resolve this inconsistency and allow the approved subdivision to develop as planned.

Consistency with
strategic planning
framework :

The land is identified in the Far North Coast Regional Strategy Town and Village Growth Boundary map for urban use. In providing medium density residential development, the proposal assists to achieve the desired outcomes of the Strategy.

The proposal is consistent with the Ballina Growth Management Strategy 2012 approved by the Director General on 7/5/2013.

Section 117 Direction 4.4 - Planning for Bushfire Protection

The land is identified as being partly bush fire prone. The Direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after the Gateway Determination is issued and the exhibited plan should include any recommended provisions. Until this has occurred, the consistency of the proposal with the Direction remains unresolved.

Environmental social
economic impacts :

The development is of a minor nature. No environmental impacts are likely. The land is in an established residential area, and is currently zoned residential. Providing any bushfire issue is resolved as above, no social or economic impacts are likely. The land is currently zoned residential and is in an established residential area where adequate services exist.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	NSW Rural Fire Service		

Aspects Estate Dual Occupancy Lots, Lennox Head

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning proposal.pdf	Proposal	No
location map.pdf	Map	No
evaluation criteria.pdf	Proposal	No

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.

Aspects Estate Dual Occupancy Lots, Lennox Head

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

Signature:



Printed Name:

JIM CLARK

Date:

9 April 2014