



Planning Proposal 18/002

**» Attached Dual
Occupancy
Alstonville**

February 2019 (V3 – Gateway) 19/11898

ballina
shire council



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1. Introduction

1.1 Summary of Planning Proposal

This planning proposal seeks to amend the Ballina Local Environmental Plan 2012 (BLEP 2012) to permit attached dual occupancy development on certain R2 zoned lots at Alstonville having a minimum area of 900m².

A draft amendment to Ballina Shire DCP 2012 seeks to further limit attached dual occupancy development at Alstonville to those R2 zoned lots which have a slope of less than 20%.

The planning proposal has been prepared in response to the outcomes of the Alstonville Planning and Environmental Study and the adopted Strategic Action No. 8 within the Alstonville Strategic Plan 2017-2037.

1.2 Background

The Council adopted the Alstonville Strategic Plan 2017-2037 at its Ordinary Meeting held in December 2017 [Minute No. 141217/3]. This strategic plan is informed by the outcomes of the Alstonville Planning and Environmental Study. The Alstonville Strategic Plan is used to guide Council's strategic planning and decision making relating to Alstonville Village for the period 2017 to 2037. The recommendations and strategic actions identified in the plan reflect the community's vision for the future development of Alstonville to 2037.

The provision of new housing opportunities that are affordable and provide choice for people to meet changing life needs is one of five locality objectives contained within the Alstonville Strategic Plan. Strategic Action No. 8 within the plan provides as follows:

Initiate a planning proposal to permit dual occupancy development within the R2 Low Density Residential zone upon lots having an area of 900m² or more.

1.3 Land to Which the Planning Proposal Applies

This planning proposal relates to all land within Alstonville Village zoned R2 Low Density Residential under the provisions of Ballina LEP 2012 with a minimum lot area of 900m².

1.4 Council Resolutions

Council considered this planning proposal at its Ordinary Meeting held on 13 December 2018. The Council resolved as follows [Minute No. 131218/1]:

1. *That Council endorses the Alstonville Dual Occupancy Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning and Environment for a Gateway determination.*
2. *That Council resolves to prepare a draft amendment to Ballina Shire Development Control Plan 2012 to introduce slope controls, as well as other associated amendments, relating to the development of land for dual occupancy purposes, as detailed in Attachment 2 to this report.*
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 and associated draft DCP amendments be undertaken, including public exhibition.*
4. *That the Department of Planning and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.*
5. *That the planning proposal and associated draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.*

A copy of the report considered by the Council is contained in Appendix Two.

1.5 Gateway Determination

To be completed following the Gateway determination.

2. Objectives & Intended Outcomes

The objective and intended outcome of this planning proposal is to amend the Ballina LEP 2012 to enable attached dual occupancy development to be carried out on certain lots within the Alstonville Village.

3. Explanation of Provisions

3.1 The Proposal

Dual occupancy development is currently prohibited within the R2 Low Density Residential zone. The planning proposal seeks to permit, with consent, attached dual occupancy development on certain lots within the R2 zone in Alstonville that have a minimum area of at least 900m².

One method of achieving the outcome sought by this planning proposal is to include a local provision that confirms that the controls relate only to lots zoned R2 Low Density Residential having a minimum lot area of 900m².

3.2 Relationship to the Low Rise Medium Density Housing Code

In 2018 the State Government introduced the Low Rise Medium Density Housing Code (the Code) which contains development standards to allow one and two storey dual occupancies, manor houses and multi-dwelling housing (terraces and townhouses/villas) to be carried out under a fast-track complying development approval. The Code does not currently apply to Ballina Shire.

The objectives of the Code are to provide a broader range of housing options to suit changing lifestyle needs and to improve housing affordability by increasing the supply of housing across NSW. The Code is accompanied by a design guide for development applications that contains best practice controls and design standards to ensure a consistent approach to the good design of medium density housing across NSW.

The Ballina Shire local government area (LGA) is one of 50 LGAs that have been temporarily deferred from the Code until 1 July 2019. Council is yet to consider its position in respect to whether it will be seeking to be deferred from the Code after 1 July 2019. In the absence of the Code provisions, Ballina Shire Development Control Plan 2012 – Chapter 4 – Residential and Tourist Development will provide the development controls applicable to dual occupancy development.

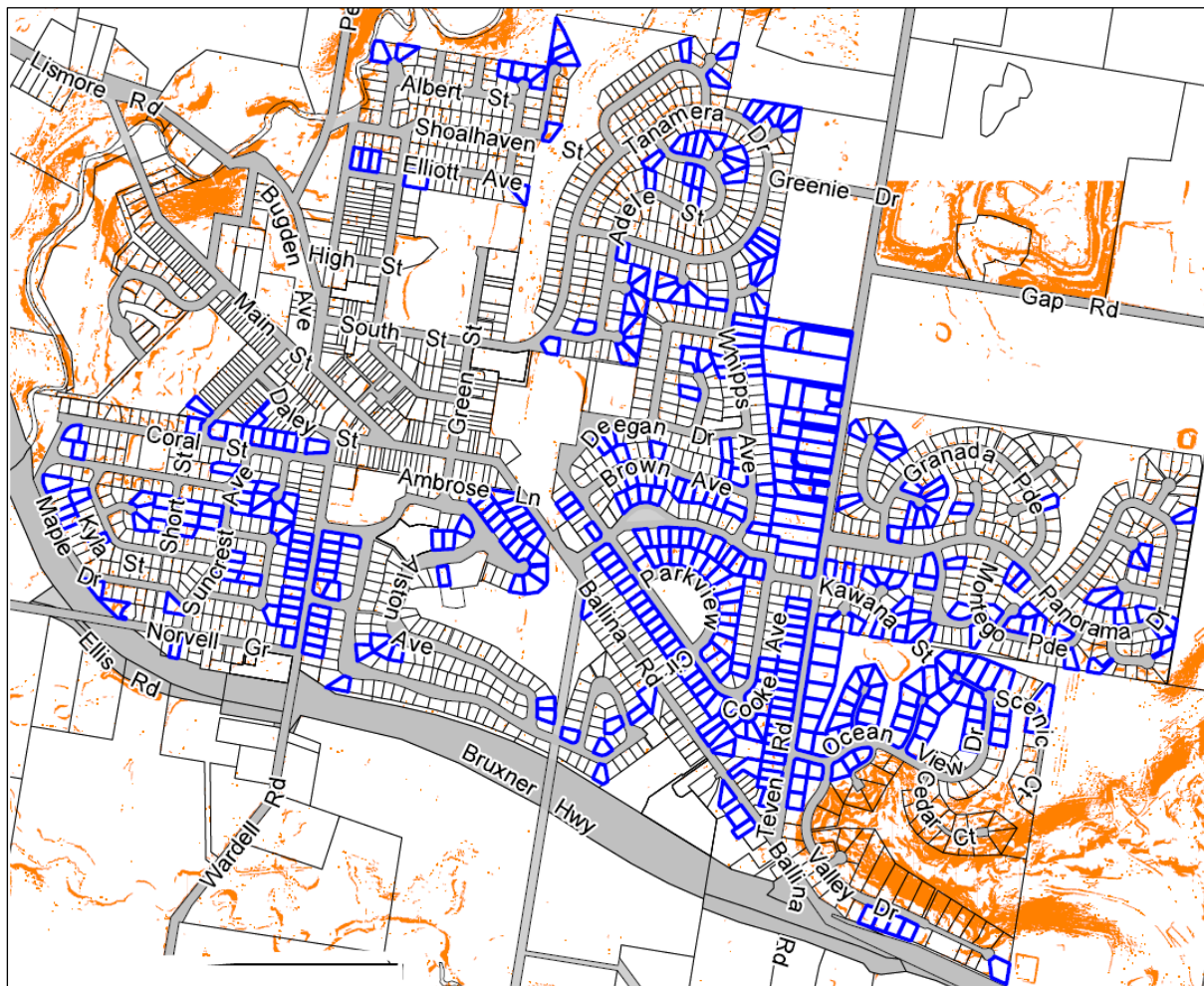
The Low Rise Medium Density Housing Code will only apply to dual occupancy development permitted within the R2 zone by the proposed planning amendment in the event that Council is not exempted from the Codes provisions after 1 July 2019. The Code will also apply to low rise medium density housing development within the R3 Medium Density Residential zone.

3.3 Mapping Overview

There is no map associated with this planning proposal. It was initially proposed to include a map which showed the lots subject to this planning proposal. In excess of 400 lots were identified as meeting the proposed dual controls of lot size (LEP control) and land slope (DCP control). These lots are outlined in blue on the map contained within Diagram One below.

Mapping such lots is not favoured due to difficulties associated with identifying lots that do not meet the proposed slope criteria and the potential exclusion of future lots created through subdivision and land consolidation.

Diagram One – Lots identified as being impacted by the planning proposal (outlined in blue)



4. Justification

4.1 Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal has been prepared in response to the outcomes of the Alstonville Planning and Environment Study 2016 (APES) and the Alstonville Strategic Plan 2017-2037. Strategic Action No. 8 within the plan provides that Council *‘Initiate a planning proposal to permit dual occupancy development within the R2 Low Density Residential zone upon lots having an area of 900m² or more’*.

The above strategic action was included within the APES so as to facilitate greater housing choice within the existing village. It also provides a means through which limited population growth may be achieved through a consolidation strategy as opposed to a greenfield land release strategy.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the appropriate mechanism for achieving the intended development outcomes for the subject land.

4.2 Section B – Relationship to Strategic Planning Framework

Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the North Coast Regional Plan 2036 (NCRP), which provides the regional framework for the consideration of policy development and the overall vision of the future.

The NCRP encourages housing diversity through an action which stipulates that 40 per cent of new housing is to be delivered in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres by 2036. Given that no future urban release areas were identified for Alstonville in the NCRP 2036, any additional dwellings can presently only be achieved through infill development within existing appropriately zoned areas.

Q4 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

The planning proposal is consistent with the following key local plans:

Ballina Shire Council Community Strategic Plan 2017 – 2027

The planning proposal is consistent with the elements and specified outcomes contained within Council’s Community Strategic Plan 2017-2027 as indicated in the table below:

Element and Reference	Outcomes	Benefits
PE3 Prosperous Economy	Improve liveability in the shire	

PE3.1	Support residential development that delivers services close to home	Lower cost of living
PE3.2	Facilitate and provide affordable infrastructure	More affordable housing
PE3.3	Improve connectivity within the shire	Reduced transport costs
HE3 Healthy Environment	Our built environment blends with the natural environment	
HE3.1	Develop and implement plans that balance the built environment with the natural environment	More people are satisfied with our management of development
HE3.2	Minimise negative impacts on the natural environment	Retention of our natural environment
HE3.3	Match infrastructure with development	No under supply of community infrastructure

Ballina Shire Growth Management Strategy 2012 (BSGMS)

The planning proposal is consistent with the locality objectives and strategic actions identified for Alstonville within the BSGMS relating to maintenance of the village scale and character, retention of the village footprint, accommodation of further infill development in a manner that is sensitive to the village character and heritage values, provision for changing housing needs and investigation of the potential for infill development intensification.

Ballina Local Environmental Plan 2012 (BLEP 2012)

The BLEP 2012 provides for the following residential zones:

- R2 Low Density Residential Zone – for low density residential development forms including dwellings and secondary dwellings (and other compatible uses); and
- R3 Medium Density Residential Zone – for a broad range of residential development forms including dual occupancies, residential flat buildings, multi dwelling housing and the like (and other compatible uses).

Dual occupancy development is currently only permissible in the R3 Medium Density Residential zone.

Rather than alter the zoning of the identified properties, the planning proposal seeks to increase housing choice by permitting attached dual occupancy development on certain sized lots (900m² or larger). Limiting the proposal to attached dual occupancies and certain larger lots is designed to assist to maintain the existing character and amenity of the village.

Attached dual occupancy development is considered to be a low impact form of denser housing which would provide greater diversity in housing choice within Alstonville. Permitting attached dual occupancy development as infill development is an alternative option to lateral expansion and will assist with facilitating low scale planned population growth without compromising the existing footprint of the village and thereby maintaining the scale and character of Alstonville.

Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs).

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

A Section 9.1 Direction checklist for the planning proposal is contained in Appendix Three.

4.3 Section C – Environmental, Social and Economic Impact

Q7 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land is currently zoned for the purposes of low density residential development (single detached dwellings and secondary dwellings) and is within an established residential area. The planning proposal will enable development for two attached dwellings to occur on each lot that meets the minimum lot size criteria. The planning proposal is unlikely to have any greater environmental impact than is anticipated from the development of the land under the current zoning arrangement.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

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

Q9 Has the planning proposal adequately addressed any social and economic effects?

The social and economic impacts of the planning proposal are considered to be generally positive and were addressed in the Alstonville Planning and Environmental Study.

4.4 Section D – State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create the need for any additional public infrastructure. Existing infrastructure such as water and sewerage are adequate to cater for any future development.

Q11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

5. Mapping

No mapping is associated with this planning proposal.

6. Community Consultation

This proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. It is anticipated that a minimum public notification period of 28 days will be applied to this planning proposal.

7. Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	February 2019
Government Agency Consultation	February 2019
Public Exhibition Period	March 2019
Public Hearing	N/A
Submissions Assessment	April 2019
RPA Assessment of Planning Proposal and Exhibition Outcomes	May 2019
Submission of Endorsed LEP to DP&E for Finalisation	June 2019
RPA Decision to Make the LEP Amendment (if delegated)	June 2019
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	June 2019

Council is seeking to exercise plan finalisation functions under delegation.

8. Appendices

Appendix One – Maps

No mapping is associated with this planning proposal.

Appendix Two – Council Reports

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

Delivery Program	Strategic Planning
Objective	To invite Council to initiate a planning proposal and associated draft Development Control Plan amendments to enable attached dual occupancy residential development under the Ballina Local Environmental Plan 2012 on various properties in Alstonville and seek direction on the submission of a planning proposal for Gateway determination.

Background

Council, at its Ordinary Meeting held on 14 December 2017 resolved to adopt the Alstonville Strategic Plan 2017 - 2037 and the Alstonville Planning and Environmental Study [Minute No. 141217/3].

The recommendations and strategic actions identified in the strategic plan reflect the community's vision for the future development of Alstonville township to 2037.

The provision of new housing opportunities that promote affordability and provide choice for people to meet changing life needs is one of five locality objectives contained within the Alstonville Strategic Plan.

One method for achieving this objective is identified in Strategic Action No. 8 which provides for Council to initiate a planning proposal to permit dual occupancy development on land within the R2 Low Density Residential zone upon allotments having an area of 900m² or more.

The rationale for the above action is that dual occupancy development (two dwellings attached or detached on a single allotment of land) is a lower impact form of denser housing which may assist with providing greater housing choice within Alstonville.

Having previously endorsed this concept in its adoption of the Strategy, the purpose of this report is to seek the Council's authorisation to initiate a planning proposal to enable attached dual occupancy residential development to occur on certain lots within the R2 Low Density Residential zone.

A draft planning proposal has been prepared for the consideration of the Council and is provided in Attachment 1.

Associated draft Development Control Plan (DCP) amendments have also been prepared and are contained within Attachment 2.

Key Issues

- Implementing Alstonville Strategic Plan 2037
- Housing choice initiative
- Consistency with strategic planning intent

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

Information

This planning proposal relates to lots within the Alstonville urban area which contain a minimum site area of 900m² and which are zoned R2 Low Density Residential under the provisions of the Ballina Local Environmental Plan 2012 (LEP).

It is also proposed to further limit attached dual occupancy development to those lots that are not affected by slope constraints of 20% or greater.

This control is proposed to be contained within Ballina DCP 2012 as opposed to the LEP.

The DCP amendment is preferred because the determination of which lots are likely to be impacted by slope constraints is not precise.

Therefore, should a property be erroneously excluded from the proposed LEP amendment provisions due to a perceived slope constraint, it will be significantly more cumbersome and time consuming to incorporate such lots within the LEP at a later stage.

The identification of slope constrained lots within the DCP (as distinct from the LEP) does not result in the above concerns.

This is because the DCP provisions do not prohibit development on such lots in a statutory sense but are a matter for consideration during the assessment of development proposals.

Therefore, should detailed survey information submitted as part of the DA process confirm a lot's suitability for attached dual occupancy development (in the context of slope) the DCP provision may be relaxed.

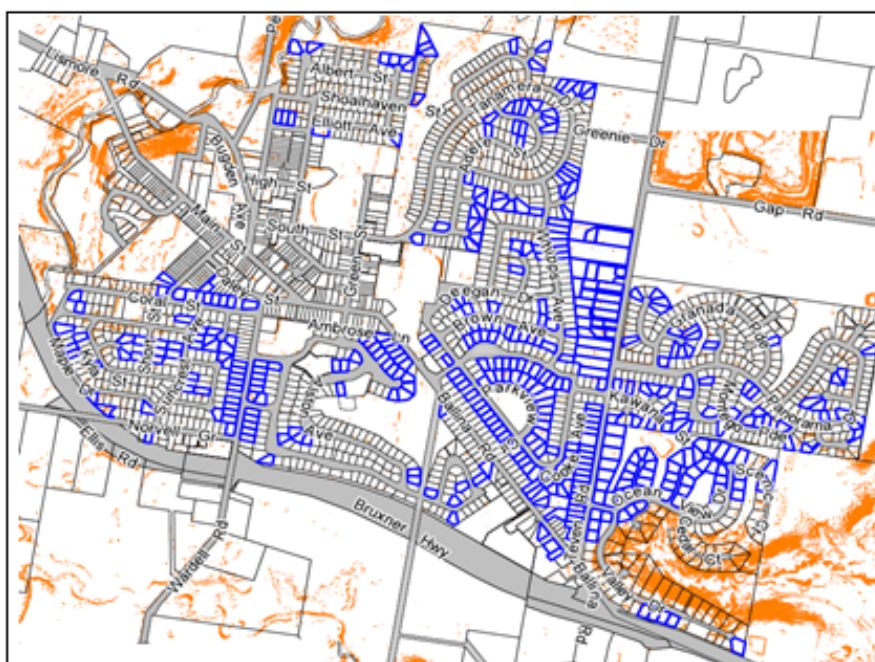
The lots identified as meeting the 900m² minimum lot size criterion, and which are not slope constrained (by a preliminary non-survey assessment) are shown in the diagram below.

In total, there have been 414 such lots identified.

This simply serves to illustrate for the Council and the community the potential scope of change if all the dual occupancy "entitlements" were taken up over time.

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

Diagram One – Lots identified as being impacted by the planning proposal (outlined in blue)



Strategic Planning Context

The planning proposal contained in Attachment One has been prepared as a result of an adopted action within the Alstonville Strategic Plan 2017 - 2037. Strategic Action No. 8 within the Plan provides for Council to 'initiate a planning proposal to permit dual occupancy development within the R2 Low Density Residential zone upon lots having an area of 900m² or more'.

The Alstonville Planning and Environmental Study (the precursor to the Plan) initially identified approximately 529 R2 zoned properties containing an area of 900m² or more as being potentially suitable for dual occupancy development.

Adoption of a slope control within the DCP, and by inferring that all lots currently identified as slope constrained are deemed to be unsuitable, reduces the lots potentially activated by this planning proposal to approximately 414.

The Ballina Shire Growth Management Strategy 2012 identified a number of strategic actions for Alstonville, which included the investigation of the potential for infill development intensification as distinct from "greenfield" lateral expansion of the township.

The proposed planning proposal is considered to be consistent with the strategic direction provided by the Council-adopted Growth Management Strategy.

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

The North Coast Regional Plan 2036, which provides the regional framework for the consideration of policy development and the overall vision for the future, encourages housing diversity by specifying that 40 per cent of new housing is to be delivered in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400m² by 2036.

The adoption of the new policy approach, as outlined in the planning proposal contained in Attachment 1, is considered to be consistent with the strategic objectives of the Alstonville Strategic Plan, Council's Growth Management Strategy and the North Coast Regional Plan.

Ballina LEP 2012 and Ballina Shire Development Control Plan 2012

It is proposed to amend the Ballina LEP 2012 to enable attached dual occupancy development to be carried out in Alstonville on lots within the R2 Low Density Residential zone which meet the 900m² minimum lot size criteria.

Dual occupancy development is currently only permissible on land within the R3 Medium Density Residential zone.

The planning proposal has been prepared on the basis that it will permit "attached" dual occupancy development only. This was done so as to reduce the potential for dwellings to be erected in rear yard areas.

This approach has been taken in response to some resident concerns already expressed and which relate to the perceived amenity impacts associated with second dwellings approved in rear yard settings.

It is, however, open to the Council to change the planning proposal so as to remove this proposed restriction and seek to permit both attached and detached dual occupancy development.

In order to introduce a restriction on dual occupancy development for those sites identified as being subject to a slope constraint of 20% or greater it is proposed to incorporate relevant controls within Ballina Shire DCP 2012.

If the approach outlined in this report ie; LEP controls related to 900m² minimum lot size and limitation of dual occupancy to attached designs, is supported by the Council as the preferred approach then draft DCP controls will be publicly exhibited concurrently with the planning proposal.

Attachment 2 to this report contains the recommended draft DCP controls relating to consideration of the slope constraint issue, as well as associated administrative amendments which clarify applicable minimum lots sizes and the zones and locations to which these controls apply.

Proposed amendments are highlighted in yellow within the attachment.

As discussed in the report dealing with the Wardell Attached Dual Occupancy Planning Proposal (elsewhere in this Business Agenda) it is also proposed to provide clarification within Ballina Shire DCP Chapter 3 Urban Subdivision and Chapter 4 – Residential and Tourist Development that existing attached dual occupancy controls relating to minimum lot size and frontage (450m² and 12 metres) will also apply to lots within the R2 zone affected by the Wardell planning proposal.

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

Council is invited to endorse the attached planning proposal for referral to NSW Department of Planning and Environment for Gateway determination. Following the Gateway determination, the planning proposal and associated draft DCP amendments will be placed on public exhibition.

Following public exhibition the planning proposal will then be reported back to the Council for further consideration and/or finalisation endorsement.

Sustainability Considerations

- **Environment**
The proposal to permit attached dual occupancy infill residential housing within part of an existing residential area is consistent with existing urban planning policy for the Alstonville area.

The proposal is not likely to have any significant implications from an environmental perspective.
- **Social**
The proposal is likely to have positive social impacts resulting from the provision of greater housing choice and, hopefully, affordability.
- **Economic**
The proposal has the potential to result in a number of positive economic impacts associated with construction.

Legal / Resource / Financial Implications

Initiating a planning proposal to permit attached dual occupancy development on certain land in Alstonville within the R2 Low Density Residential zone under the provisions of the Ballina LEP 2012, and associated draft DCP amendments, can be managed within existing staff resources. This matter is included in the current Strategic and Community Facilities Group work program.

It is also proposed to seek delegation from the Department of Planning and Environment to enable the processing of the proposed LEP amendment to finalization.

Consultation

Following referral to the NSW Department of Planning and Environment the planning proposal, if allowed to advance, will be placed on public exhibition in accordance with the Gateway determination.

The period of public exhibition proposed is not less than 28 days.

The proposed draft DCP amendments will be publically notified with the planning proposal.

Options

The following options are presented for the Council's consideration.

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

1. Council may resolve to submit the Alstonville Attached Dual Occupancy Planning Proposal to the NSW Department of Planning and Environment for Gateway determination.

This is the preferred option as it will enable the planning proposal to progress to the next step in the LEP amendment process which is to enable a review 'in principle' by the NSW Department of Planning and Environment and Gateway determination.

Following consideration of the proposal by the Department, and subject to a favourable Gateway outcome, draft DCP amendments are proposed to be exhibited concurrently with the planning proposal. Following public exhibition the planning proposal and draft DCP amendments will then be reported back to the Council for further consideration.

2. Council may resolve to defer consideration of the planning proposal and associated DCP amendments.

It is open to the Council to request additional information should there be matters that require additional investigation or clarification. This could then be referred back to the Council in a subsequent report or take the form of a Councillor briefing.

This option is not recommended, as the matter has been discussed at some length during previous Councillor briefings associated with the preparation of the draft Alstonville Strategic Plan, and has been canvassed in the reporting relating to that matter.

In that context, the planning proposal is implementing the strategic directive previously provided by the Council.

3. Council may resolve to decline to initiate the planning proposal and draft DCP amendment or alternatively, to amend the proposal prior to seeking a Gateway determination.

Under this option the Council could either decline to support the planning proposal and draft DCP amendment or require further amendments prior to the planning proposal being submitted for a Gateway determination.

For example, should Council consider it is more appropriate to permit both attached and detached dual occupancy development then it could resolve to amend the planning proposal to achieve this outcome.

Under this option it is also possible for Council to decline to support the planning proposal and DCP amendment and take no further action.

This action is not supported as the preparation of a planning proposal for dual occupancy development within the R2 zone at Alstonville is part of Council's adopted Strategic Plan for Alstonville township to 2037.

RECOMMENDATIONS

1. That Council endorses the Alstonville Dual Occupancy Planning Proposal, as contained in Attachment 1 to this report, for submission to the

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

- Department of Planning and Environment for a Gateway determination.
2. That Council resolves to prepare a draft amendment to Ballina Shire Development Control Plan 2012 to introduce slope controls, as well as other associated amendments, relating to the development of land for dual occupancy purposes, as detailed in Attachment 2 to this report.
 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 and associated draft DCP amendments be undertaken, including public exhibition.
 4. That the Department of Planning and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.
 5. That the planning proposal and associated draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.

Attachment(s)

1. BSCPP 18/002 - Draft Planning Proposal - Attached Dual Occupancy Development, Alstonville
2. Proposed Draft DCP Amendments

9.2	Planning Proposal and DCP Amendments - Dual Occupancy Alstonville
	<p>131218/1 RESOLVED</p> <p>(Cr Ben Smith/Cr Sharon Cadwallader)</p> <ol style="list-style-type: none"> 1. That Council endorses the Alstonville Dual Occupancy Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning and Environment for a Gateway determination. 2. That Council resolves to prepare a draft amendment to Ballina Shire Development Control Plan 2012 to introduce slope controls, as well as other associated amendments, relating to the development of land for dual occupancy purposes, as detailed in Attachment 2 to this report. 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 and associated draft DCP amendments be undertaken, including public exhibition. 4. That the Department of Planning and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment. 5. That the planning proposal and associated draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process. <p>FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith</p> <p>AGAINST VOTE - Cr Jeff Johnson</p> <p>ABSENT. DID NOT VOTE - Cr Sharon Parry</p>

Appendix Three – Section 9.1 Direction Checklist

Section 9.1 Direction Checklist Planning Proposal – Attached Dual Occupancy, Alstonville	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to planning proposal.
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 Environment Protection Zones	Consistent. The planning proposal does not involve the development of land identified as being of environmental significance.
2.2 Coastal Protection	Does not apply to planning proposal. Land is not within the coastal zone.
2.3 Heritage Conservation	Consistent. The planning proposal does not involve the development of land on which a heritage item is located, within a heritage conservation area or within the vicinity of a heritage item or conservation area.
2.4 Recreation Vehicle Areas	Consistent. The planning proposal does not involve the development of land for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The planning proposal proposes to increase the permissible dwelling density on the subject land parcels which are currently zoned R2 Low Density Residential. The proposal is consistent with the objectives of this direction as it will provide variety and choice in housing types and makes efficient use of existing infrastructure and services whilst minimising the impacts on the environment and resource lands.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. This proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrating Land Use and Transport	Consistent. This proposal will not result in any negative impacts on accessibility or transport movements.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
3.6 Shooting Ranges	Does not apply to planning proposal.

Section 9.1 Direction Checklist	
Planning Proposal – Attached Dual Occupancy, Alstonville	
Direction No.	Compliance of Planning Proposal
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Does not apply to planning proposal.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Does not apply to planning proposal.
4.4 Planning for Bushfire Protection	Justifiably Inconsistent. Part of the subject land is mapped as bush fire prone land. The subject land is within an existing residential area containing fully constructed urban roads and a reticulated water supply system (including fire hydrants). The proposal will be referred to the NSW Rural Fire Service for comment subject to the requirements of the Gateway determination.
5. Regional Planning	
5.1 Implementation of Regional Strategies (Revoked 17 October 2017)	Revoked.
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	Does not apply to planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked.
5.6 Sydney to Canberra Corridor	Revoked.
5.7 Central Coast	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire.
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire.
5.10 Implementation of Regional Plans	Consistent. The planning proposal is consistent with the North Coast Regional Plan 2036.
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 planning proposal does not create, alter or reduce existing zonings or reservations of land reserved for public purposes.
6.3 Site Specific Provisions	Consistent. The planning proposal is consistent with this Direction as it seeks to allow a land use that is compatible with the residential development of the site.
7. Metropolitan Planning	

Section 9.1 Direction Checklist Planning Proposal – Attached Dual Occupancy, Alstonville	
Direction No.	Compliance of Planning Proposal
7.1 Implementation of A Plan for Growing Sydney	Does not apply to Ballina Shire.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to Ballina Shire.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to Ballina Shire.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to Ballina Shire.
7.8 <i>There is no information relating to 7.8</i>	<i>There is no information relating to 7.8</i>
7.9 Implementation of Bayside West Precincts 2036 Plan	Does not apply to planning proposal.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply to planning proposal.