



*Planning Proposal 17/011*

# **» Housekeeping Amendment 2017**

December 2017 (V2. Gateway) 17/99714

***ballina***  
shire council



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# 1. Introduction

## 1.1 Summary of Planning Proposal

This planning proposal incorporates a number of 'housekeeping' amendments to the Ballina Local Environmental Plan 2012. These amendments primarily relate to adjustments to align zoning and other attribute mapping to cadastre as a result of updates to the cadastre, either through availability of improved information or as a result of subdivision of land. Changes are also improved to address minor mapping errors or to improve the interpretation of the LEP.

These amendments have been identified as part of an ongoing LEP review program undertaken by Council.

## 1.2 Land to Which the Planning Proposal Applies

This planning proposal applies to a variety of land parcels as shown in the mapping contained in Section 3.

## 1.3 Council Resolutions

Council considered this planning proposal at its Ordinary Meeting held on 23 November 2017. The Council resolved as follows [Minute No. 231117/14]:

1. *That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 as outlined in the planning proposal (BSCPP 17/011 Housekeeping Amendment 2017) contained in Attachment 1.*
2. *That Council submit BSCPP 17/011 Housekeeping Amendment 2017 to amend the Ballina Local Environmental Plan 2012 to the NSW Department of Planning & Environment for Gateway determination.*
3. *That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.*
4. *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 be undertaken, including public exhibition.*
5. *That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.*

A copy of the report considered by the Council is contained in Appendix 4.

## 1.4 Gateway Determination

To be completed following the Gateway determination. A copy of the determination is to be included in Appendix 1.



## 2. Objectives & Intended Outcomes

The objectives of this planning proposal are to:

- Adjust land use zoning and other attributes as relevant to align mapping attributes to changes in the cadastre that underpins the LEP mapping; and
- Correct minor mapping errors relating to land use zoning, minimum lot size standards, height of buildings and strategic urban growth area mapping.

## 3. Explanation of Provisions

### 3.1 The Proposal

This planning proposal seeks to amend the Ballina Local Environmental Plan as outlined in Table 1. Table 1 also includes the rationale for the proposed change.

Mapping showing the location of the proposed amendments is set out in Section 3.2. A full map set showing existing and proposed mapping for each of the affected map attributes is contained in Appendix 2.

**Table 1 BSCPP 17/011 Amendment Summary**

Amendment Item	Amendment Summary	Primary Reason
1	Deleted from planning proposal pre Gateway determination (see note below <sup>1</sup> ).	
2	River Street, West Ballina (SGA) Adjust area affected by Strategic Urban Growth Area mapping to remove SUGA designation from land identified as a deferred matter.	Correct a minor mapping error.
3	Emigrant Creek (LZN, LSZ) Adjust mapping to align attributes with cadastre. Involves alignment of RU1, RU2 and W1 zones and nil and 40ha lot size standards.	Reflect updates to cadastral boundaries in Council's mapping system.
4	Pimlico Road, Pimlico (LAP, LZN LSZ, ASS, FLD, BHA, HOB) Adjust mapping to align attributes with cadastre. Involves adjustment to include land within BLEP 2012 and align RU1 zone, 40ha lot size standard, 8.5m building height and flooding, height allowance and acid sulfate soils attributes.	Reflect updates to cadastral boundaries in Council's mapping system.
5	Tara Downs, Lennox Head (LAP, LZN, LSZ) Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustment to remove land from within BLEP 2012 and alignment of RU1 and R2 zones and 40ha and 800m <sup>2</sup> minimum lot size standards.	Reflect updates to cadastral boundaries in Council's mapping system following subdivision of land.
6	Blue Seas Parade, Lennox Head (LZN, LSZ) Adjust mapping to apply R2 zone and 1200m <sup>2</sup> minimum lot size to land.	Amendment No.30 to the LEP was completed with a mapping error that means the full extent of the rezoning is not currently reflected in the LEP. This amendment corrects the mapping error. <sup>2</sup>
7	Blue Seas Parade, Lennox Head (HOB) Adjust mapping to apply an 8.5m building height standard to the Blue Seas Parade road reserve.	Correct a minor mapping error.

Amendment Item		Amendment Summary	Primary Reason
8	North Creek Road, Lennox Head (LZN, HER)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves alignment of R2 and R3 zones and heritage mapping for item I71.	Reflect updates to cadastral boundaries in Council's mapping system following subdivision of land.
9	Hutley Drive South, Lennox Head (LAP, LZN, LSZ, ASS, HOB)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustment to include land within BLEP 2012 and align R2 zone, 600m <sup>2</sup> lot size standard and 8.5m height of buildings standard with western boundary of Hutley Drive South.	Reflect updates to cadastral boundaries in Council's mapping system following subdivision of land.
10	Castle Drive, Lennox Head (LSZ)	Apply nil minimum lot size standard to area of open space consistent with minimum lot size standard applied to public open space.	Correct a minor mapping error.
11	Skinner Street, Ballina (LZN, LSZ)	Adjust zoning and lot size mapping to apply R2 zone and 1200m <sup>2</sup> minimum lot size to align with location of approved dwelling house at 2 Skinner Street, Ballina.	Reflect location of existing approved dwelling house.
12	Ballina Heights – Liffey Avenue, Cumbalum (LZN and LSZ)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustments to align RE1, R2 and R3 zones and nil, 600m <sup>2</sup> and 800m <sup>2</sup> lot size standards.	Reflect updates to cadastral boundaries in Council's mapping system following subdivision of land.
13	Ballina Heights – Chilcott Avenue, Cumbalum (LZN and LSZ)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustments to align RE1, R2 and R3 zones and nil, 600m <sup>2</sup> and 800m <sup>2</sup> lot size standards.	Reflect updates to cadastral boundaries in Council's mapping system following subdivision of land.
14	Richmond Street, Wardell (LZN and LSZ)	Adjust mapping to align attributes with updates to cadastre. Involves adjustments to align R2 and R3 zones and 600m <sup>2</sup> and 800m <sup>2</sup> lot size standards.	Reflect updates to cadastral boundaries in Council's mapping system.
15	Newports Lane, Uralba (LAP, LZN, LSZ, HOB)	Adjust mapping to align attributes with updates to cadastre. Involves adjustment to include land within BLEP 2012 and align RU1 zone, 40ha lot size standard and 8.5m height of buildings standard.	Reflect updates to cadastral boundaries in Council's mapping system.

**Explanatory Notes:**

<sup>1</sup> Item 1 related to Clause 4.2A – Erection of dwelling houses and dual occupancies (attached) on land in certain rural zones. The original proposal sought to change wording in the clause to allow replacement of a dwelling house if there is or has been a lawfully erected dwelling house on the land. The aim was to improve the clarity of

clause 4.2A in relation to replacement of a lawfully erected dwelling house on land in cases where a dwelling has been destroyed and/or is otherwise not currently located on the land.

On review, a number of ambiguities and potential unintended outcomes were identified in relation to the proposed change. As a result, this proposed amendment has been removed from the overall housekeeping amendment.

<sup>2</sup> Amendment No.30 to the Ballina LEP 2012 included a Council decision to apply a 30m separation between the southern extent of residential development applied under the rezoning and cattle yards on the adjoining property. The mapping published as part of the amendment applies a 50m separation in error.

### 3.2 Mapping Overview

The proposal will require changes to a number of map sheets for various mapping attributes. Current and proposed mapping reflecting the amendments set out in Table 1 are contained in Appendix 2.

The areas subject to mapping amendments are shown below. Changes to the zone map attributes are shown for each site unless the zoning is not affected. In such cases, an alternative attribute is shown (and noted).

#### 2. River Street, West Ballina (Strategic Urban Growth Area Map)

The amendment seeks to adjust the area affected by Strategic Urban Growth Area (SUGA) mapping by removing the SUGA designation from land identified as a deferred matter.

**Current Mapping**

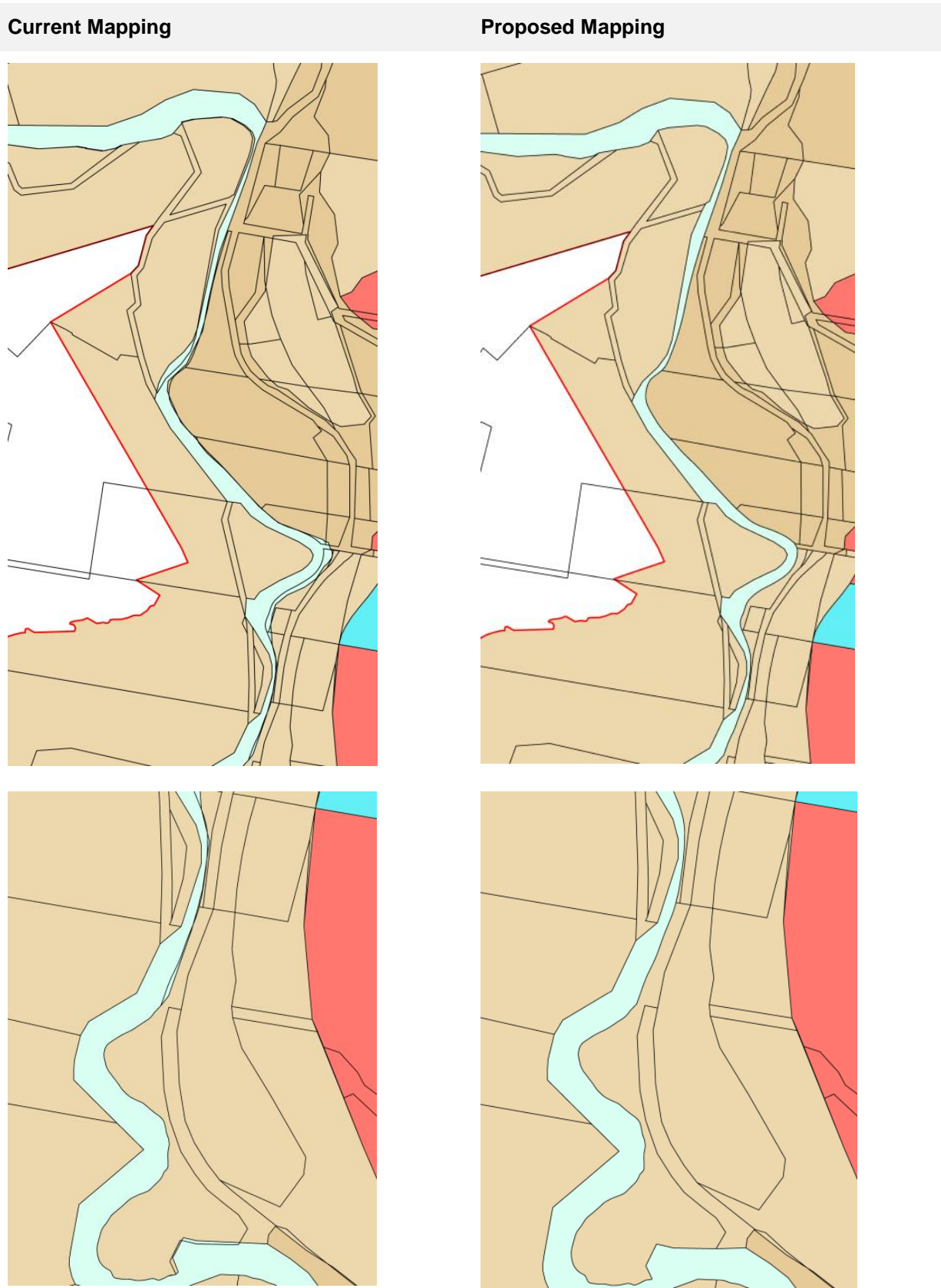


**Proposed Mapping**



### 3. Emigrant Creek

The amendment seeks to adjust mapping to align attributes with the cadastre. It involves alignment of RU1, RU2 and W1 zones and nil and 40ha lot size standards.

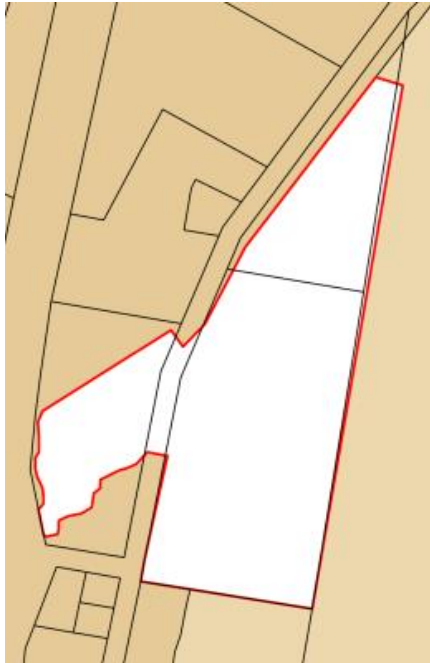




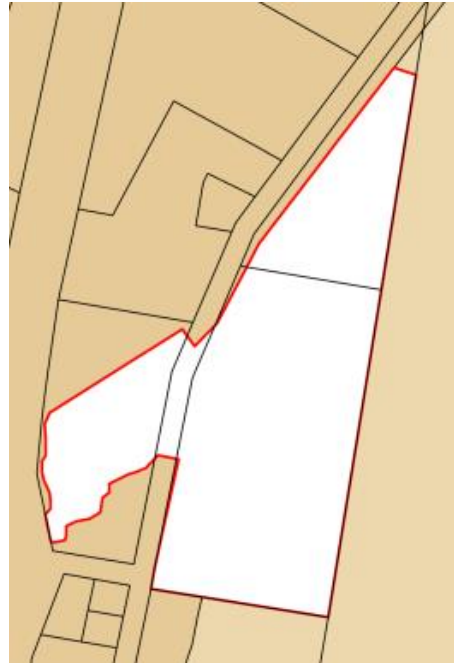
#### 4. Pimlico Road, Pimlico

The amendment seeks to adjust mapping to align attributes with the cadastre. It involves adjustment to include land within the BLEP 2012 and align RU1 zone, 40ha lot size standard, 8.5m building height and flooding, height allowance and acid sulfate soils attributes.

**Current Mapping**



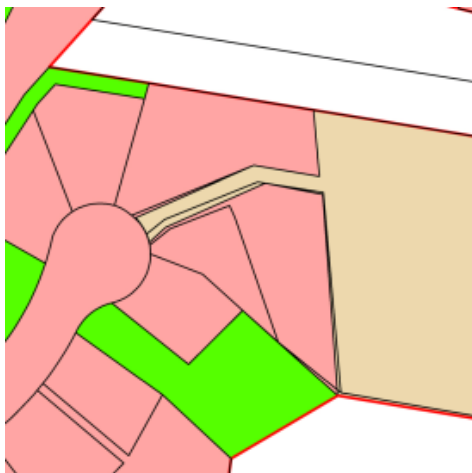
**Proposed Mapping**



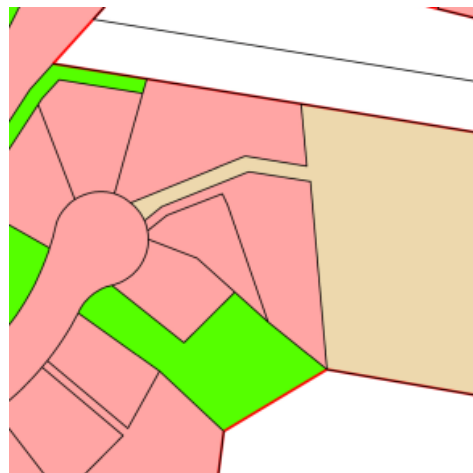
#### 5. Tara Downs, Lennox Head

The amendment seeks to adjust mapping to align attributes with updates to the cadastre arising from the subdivision of land. It involves adjustment to remove land from within the BLEP 2012 and alignment of RU1 and R2 zones and 40ha and 800m<sup>2</sup> minimum lot size standards.

**Current Mapping**



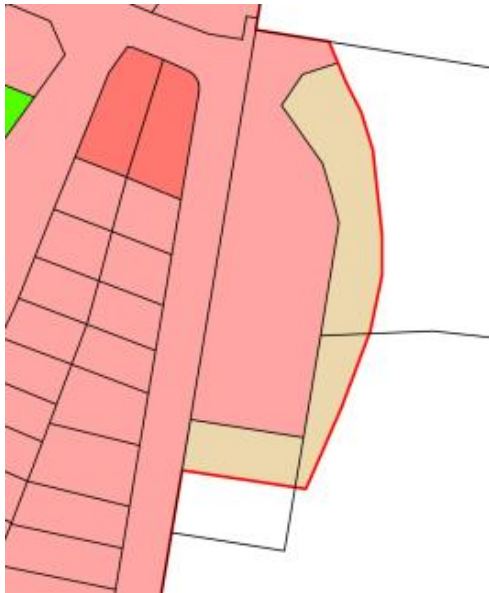
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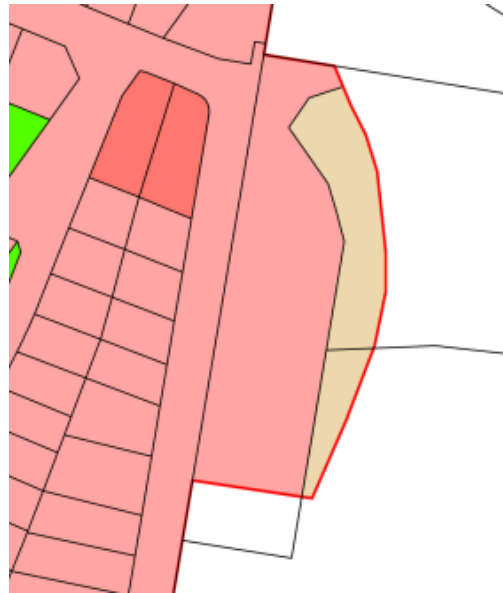
**6. Blue Seas Parade, Lennox Head**

The amendment involves the adjustment of mapping to apply the R2 zone and 1200m<sup>2</sup> minimum lot size to the land.

**Current Mapping**



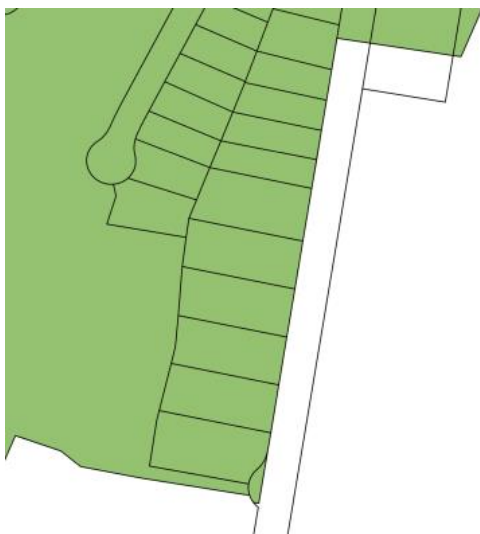
**Proposed Mapping**



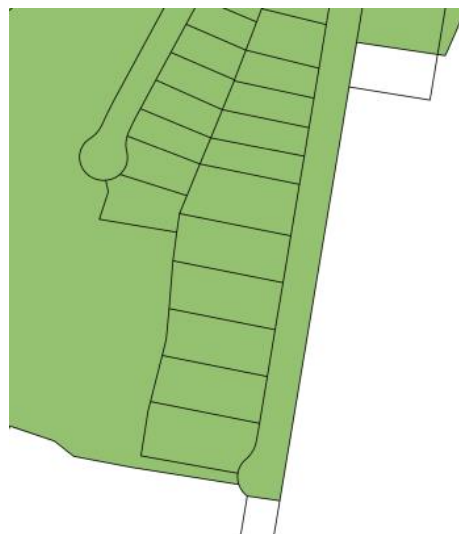
**7. Blue Seas Parade, Lennox Head (Height of Buildings Map)**

The amendment seeks to adjust mapping to apply an 8.5m building height standard to the Blue Seas Parade road reserve.

**Current Mapping**



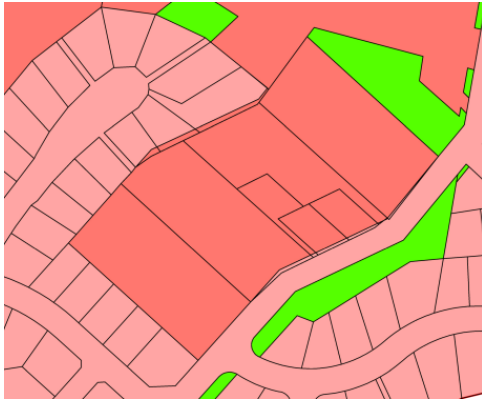
**Proposed Mapping**



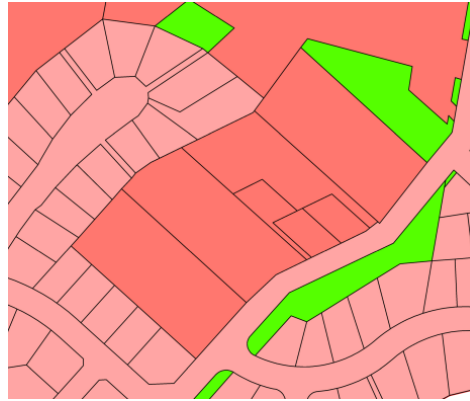
## 8. North Creek Road, Lennox Head

The amendment seeks to adjust mapping to align attributes with updates to the cadastre arising from the subdivision of land. It involves the alignment of R2 and R3 zones and heritage mapping for item 171.

**Current Mapping**



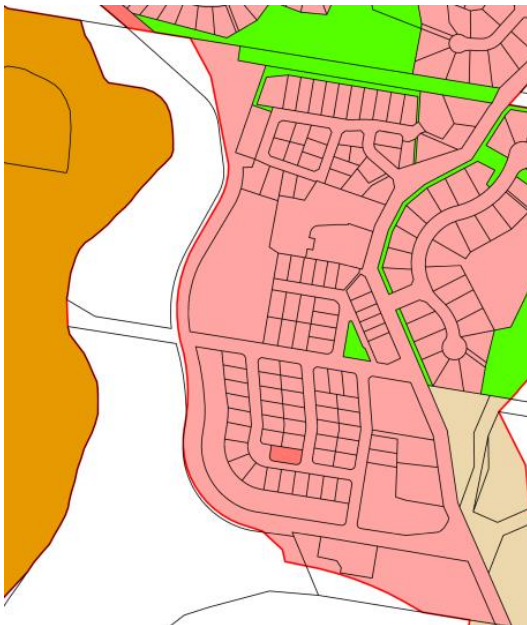
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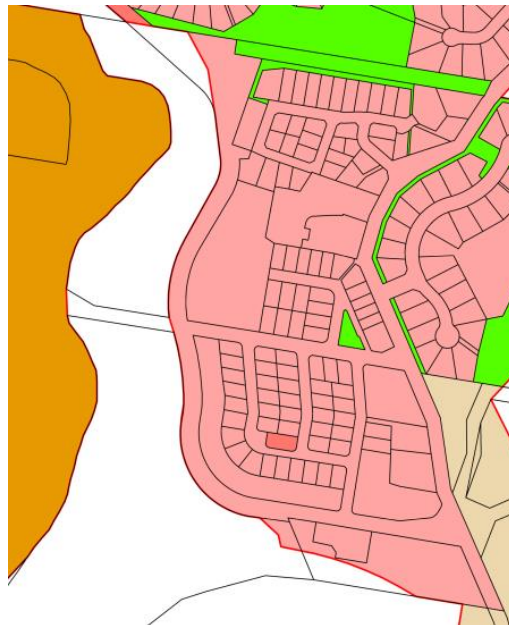
## 9. Hutley Drive South, Lennox Head

The amendment seeks to adjust mapping to align attributes with updates to the cadastre arising from the subdivision of land. It involves adjustment to include land within the BLEP 2012 and to align R2 zone, 600m<sup>2</sup> lot size standard and 8.5m height of buildings standard with the western boundary of Hutley Drive South.

**Current Mapping**



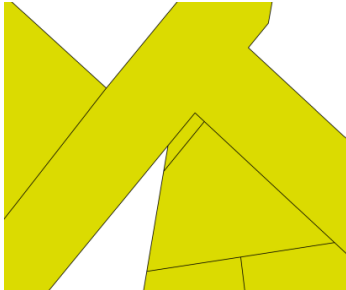
**Proposed Mapping**



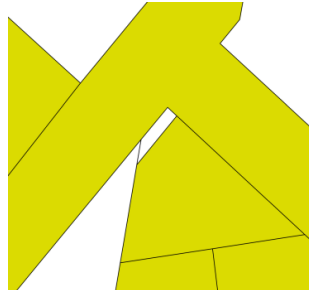
**10. Castle Drive, Lennox Head (Minimum Lot Size Map)**

The amendment involves the application of a nil minimum lot size standard to an area of open space consistent with the minimum lot size standard applied to public open space.

**Current Mapping**



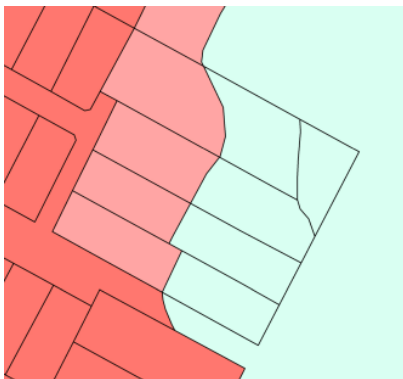
**Proposed Mapping**



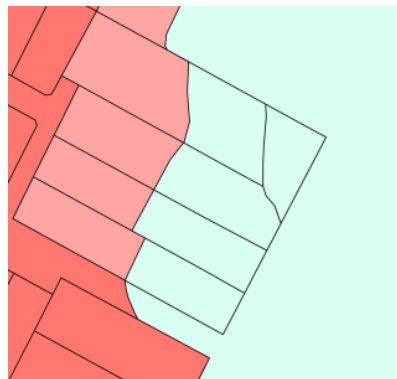
**11. Skinner Street, Ballina**

The amendment seeks to adjust the zoning and lot size mapping to apply the R2 zone and 1200m<sup>2</sup> minimum lot size to align with the location of the approved dwelling house at 2 Skinner Street, Ballina.

**Current Mapping**



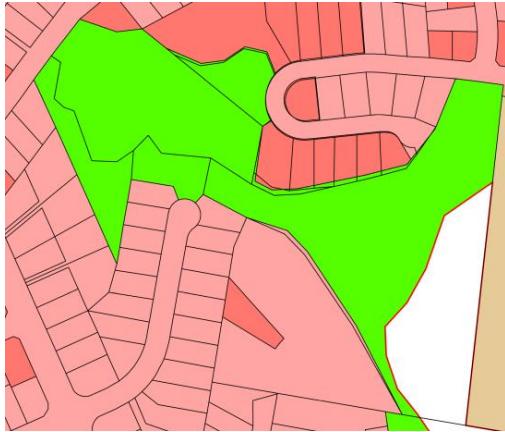
**Proposed Mapping**



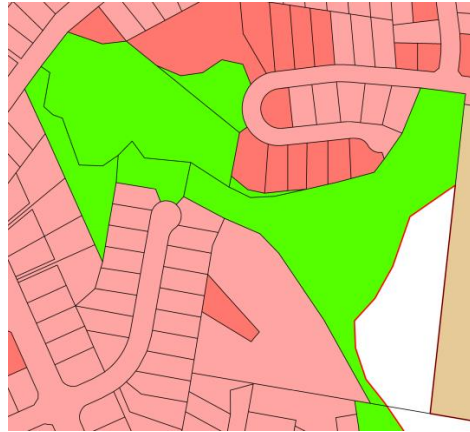
## 12. Ballina Heights – Liffey Avenue, Cumbalum

The amendment seeks to adjust mapping to align attributes with updates to the cadastre arising from the subdivision of land. It involves adjustments to align RE1, R2 and R3 zones and nil, 600m<sup>2</sup> and 800m<sup>2</sup> minimum lot size standards.

**Current Mapping**



**Proposed Mapping**



## 13. Ballina Heights – Chilcott Avenue, Cumbalum

The amendment seeks to adjust mapping to align attributes with updates to the cadastre arising from the subdivision of land. It involves adjustments to align RE1, R2 and R3 zones and nil, 600m<sup>2</sup> and 800m<sup>2</sup> minimum lot size standards.

**Current Mapping**



**Proposed Mapping**

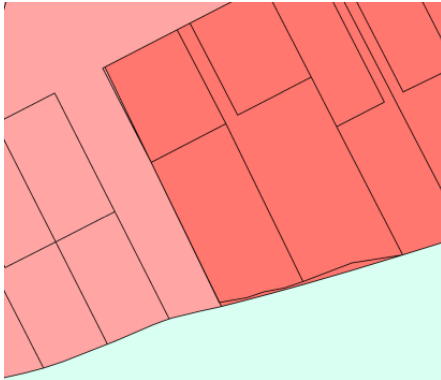




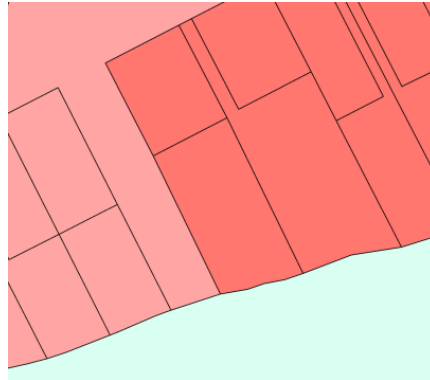
#### 14. Richmond Street, Wardell

The amendment seeks to adjust mapping to align attributes with updates to the cadastre. It involves adjustments to align R2 and R3 zones and 600m<sup>2</sup> and 800m<sup>2</sup> minimum lot size standards.

**Current Mapping**



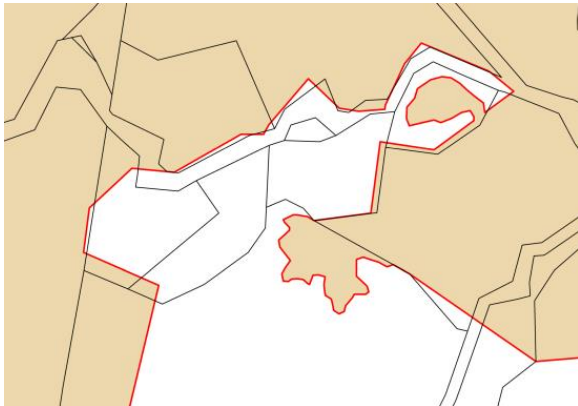
**Proposed Mapping**



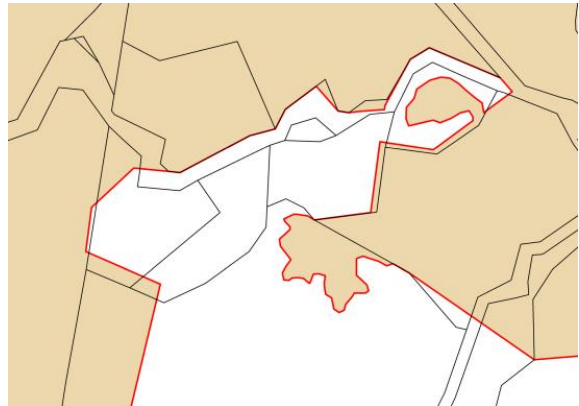
#### 15. Newports Lane, Uralba

The amendment seeks to adjust mapping to align attributes with updates to the cadastre. It involves adjustments to include land within the BLEP 2012 and to align RU1 zone, 40ha minimum lot size standard and 8.5m height of buildings standard.

**Current Mapping**



**Proposed Mapping**



## 4. Justification

### 4.1 Section A – Need for the Planning Proposal

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

No. The amendments are housekeeping changes as a result of a general review of the function and operation of the LEP.

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

An LEP amendment is the best way of achieving the proposed outcomes as the proposal directly relates to the mapping of attributes.

### 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 generally consistent with the objectives and actions set out in the North Coast Regional Plan as they seek to ensure efficient operation of the Ballina LEP 2012.

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

The planning proposal is consistent with the elements and specified outcomes contained within Council's Community Strategic Plan 2017 – 2027 (CSP) as its objectives align with the principles of good governance and ensuring that planning instruments are operating optimally.

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

No inconsistencies with applicable State Environmental Planning Policies (SEPPs) have been identified. The amendments constitute housekeeping changes and as such, a detailed assessment relative to each SEPP is not included in this planning proposal.

**Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

A Section 117 Direction checklist for the planning proposal is provided at Appendix 3.

### 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?**

No. The amendments proposed are housekeeping amendments of a minor nature that reflect existing intended planning outcomes for the affected land.

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

No. The amendments proposed are housekeeping amendments of a minor nature that reflect existing intended planning outcomes for the affected land.

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

There are no significant social or economic outcomes likely to result from the planning proposal as the amendments are housekeeping changes of a minor nature that reflect existing intended planning outcomes for the affected land.

An overall benefit associated with efficiency in the implementation of the plan is expected.

#### **4.4 Section D – State and Commonwealth Interests**

**Q10 Is there adequate public infrastructure for the planning proposal?**

The amendments proposed are housekeeping amendments of a minor nature that reflect existing intended planning outcomes for the affected land. Adequate provision for infrastructure is in place with respect to the affected land.

**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**

A map set showing the existing and proposed mapping for each site and attribute is contained in Attachment 2.

## **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*.

## 7. Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	January 2018
Government Agency Consultation	February 2018
Public Exhibition Period	March 2018
Public Hearing	N/A
Submissions Assessment	April 2018
RPA Assessment of Planning Proposal and Exhibition Outcomes	April 2018
Submission of Endorsed LEP to DP&I for Finalisation	N/A
RPA Decision to Make the LEP Amendment (if delegated)	May 2018
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	June 2018

Council is seeking delegation of planning functions for the processing of this LEP amendment.

# Appendices






# Appendix 1 – Gateway Determination

To be inserted following Gateway determination

## Appendix 2 – Maps

# Legend

-  Property Boundaries
-  Land adjacent to Strategic Urban Growth Area
-  Strategic Urban Growth Area






## Current Strategic Urban Growth Map - West Ballina



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# Legend

-  Property Boundaries
-  Land adjacent to Strategic Urban Growth Area
-  Strategic Urban Growth Area



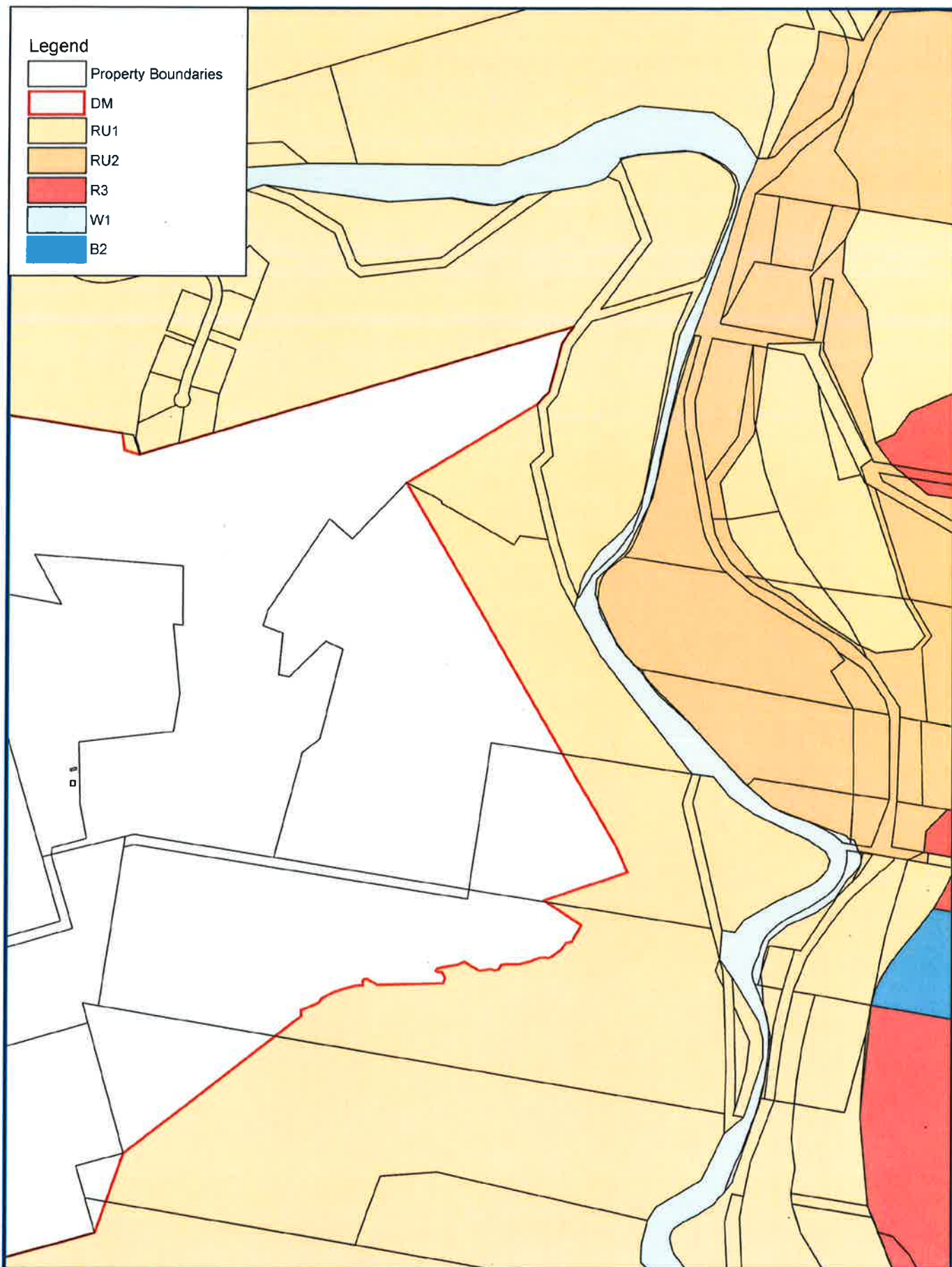
## Proposed Strategic Urban Growth Map - West Ballina

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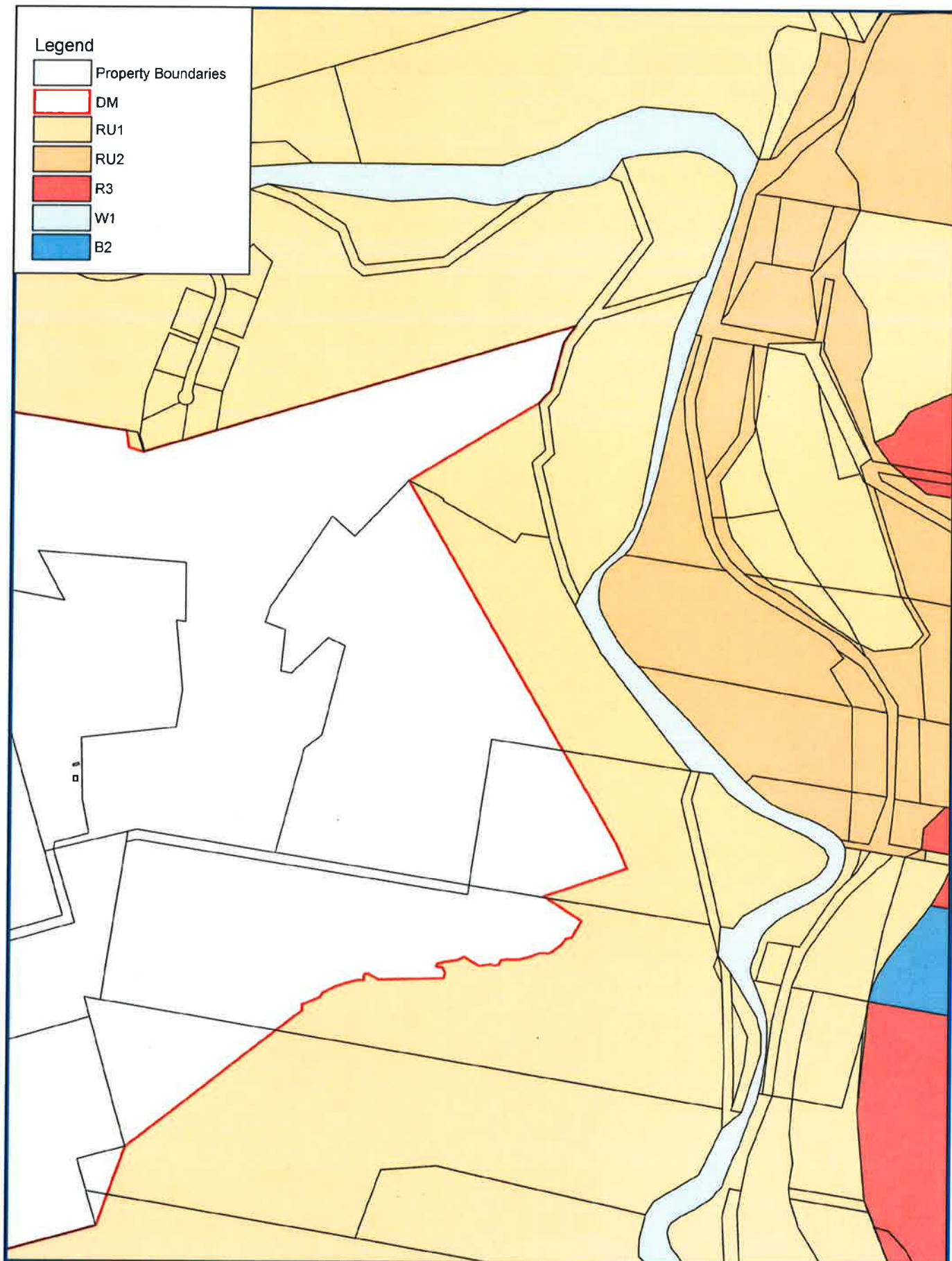
## Current Land Zoning Map - Emigrant Creek 1








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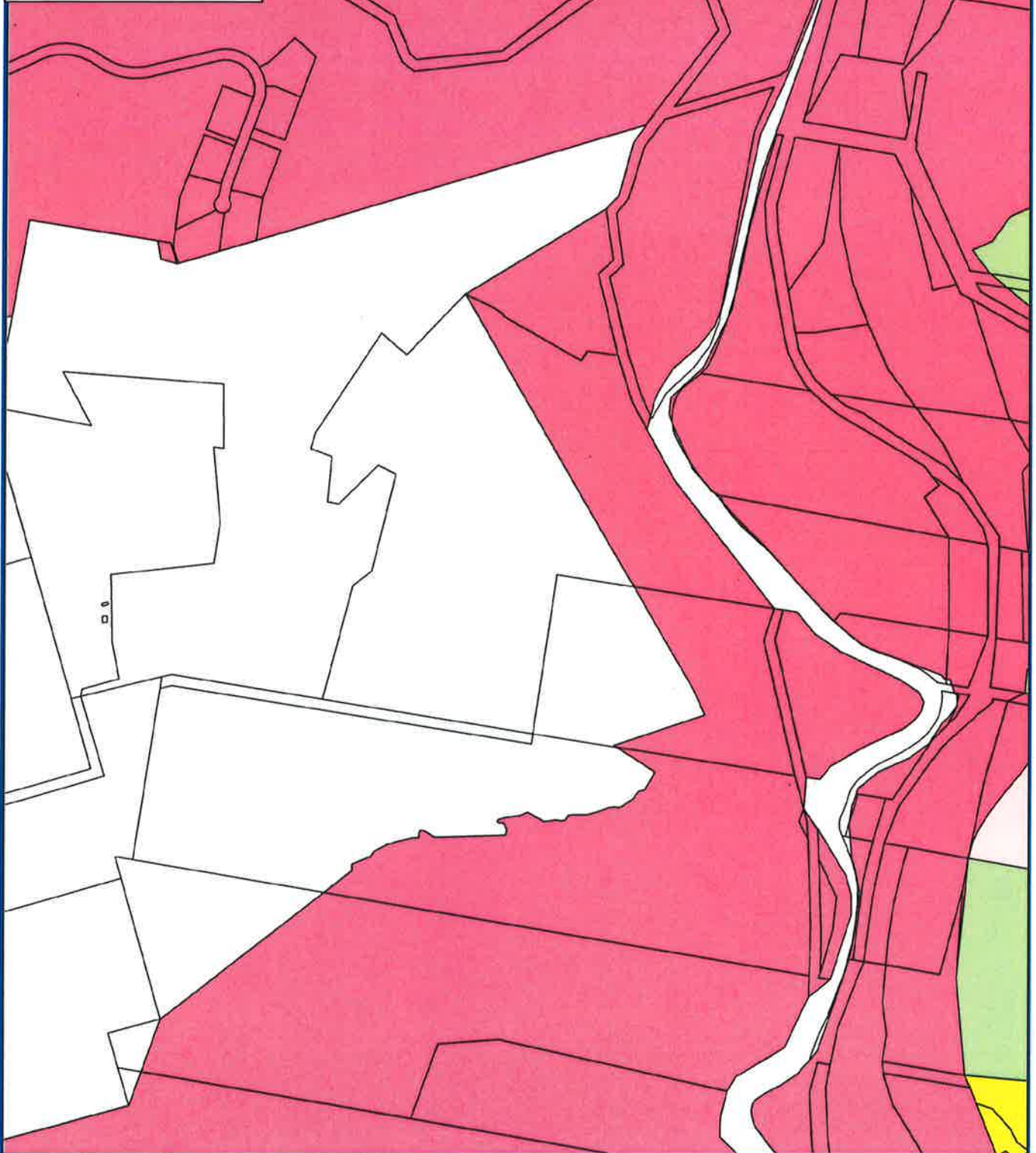
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# Legend

-  Property Boundaries
-  S
-  G
-  M
-  AB2



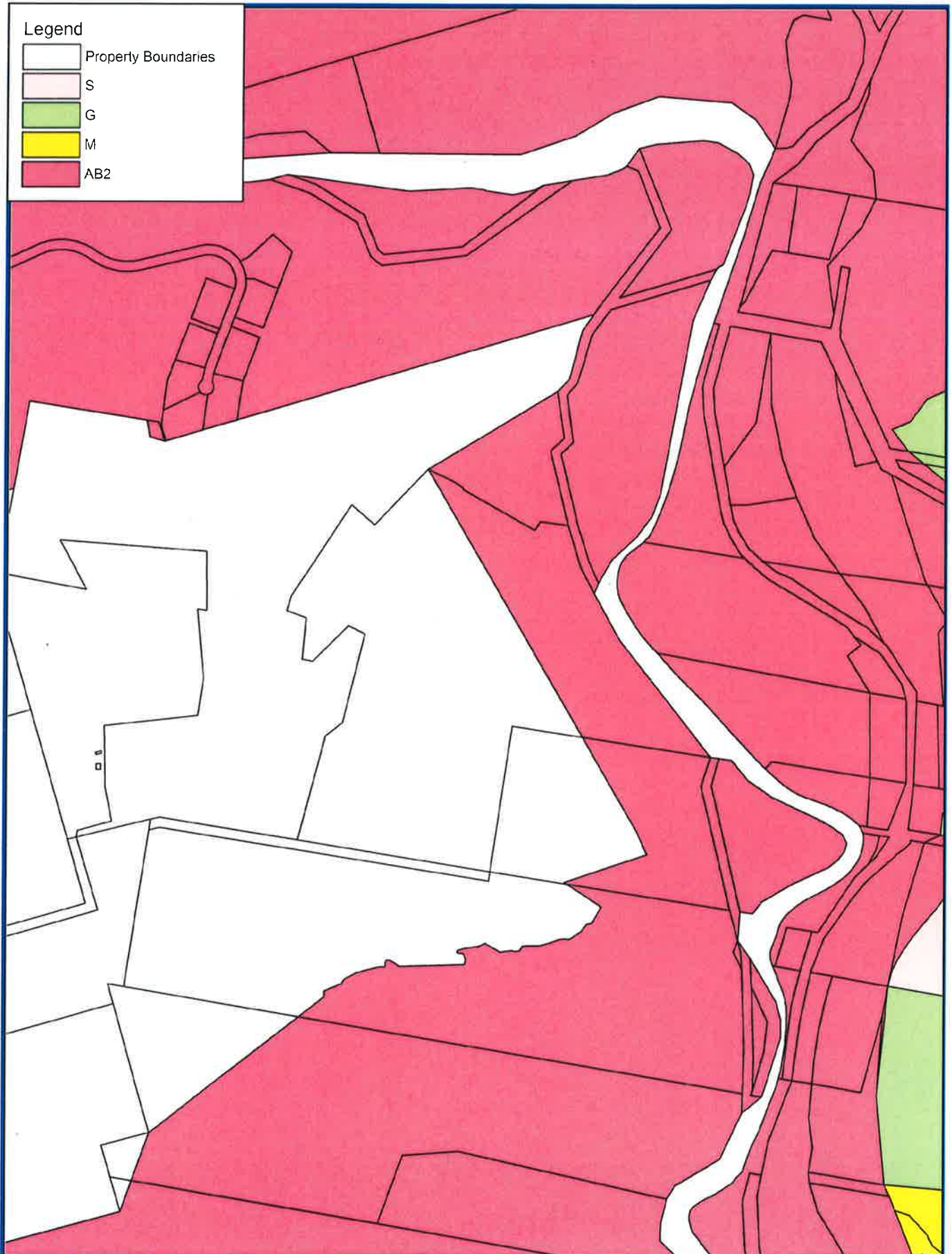
## Current Minimum Lot Size Map - Emigrant Creek 1



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# Legend

- Property Boundaries
- S
- G
- M
- AB2



## Proposed Minimum Lot Size Map - Emigrant Creek 1










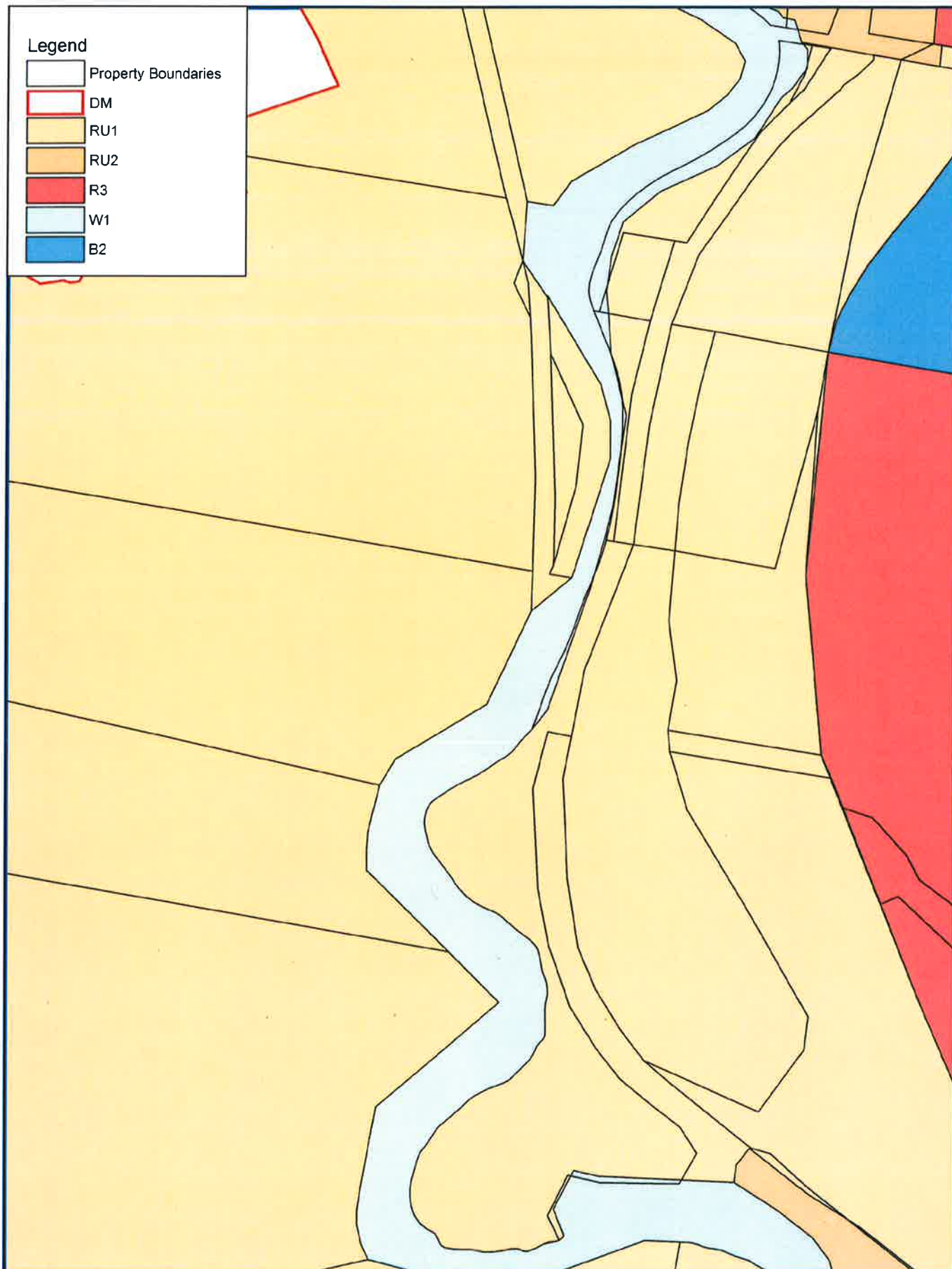
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# Legend

	Property Boundaries
	DM
	RU1
	RU2
	R3
	W1
	B2

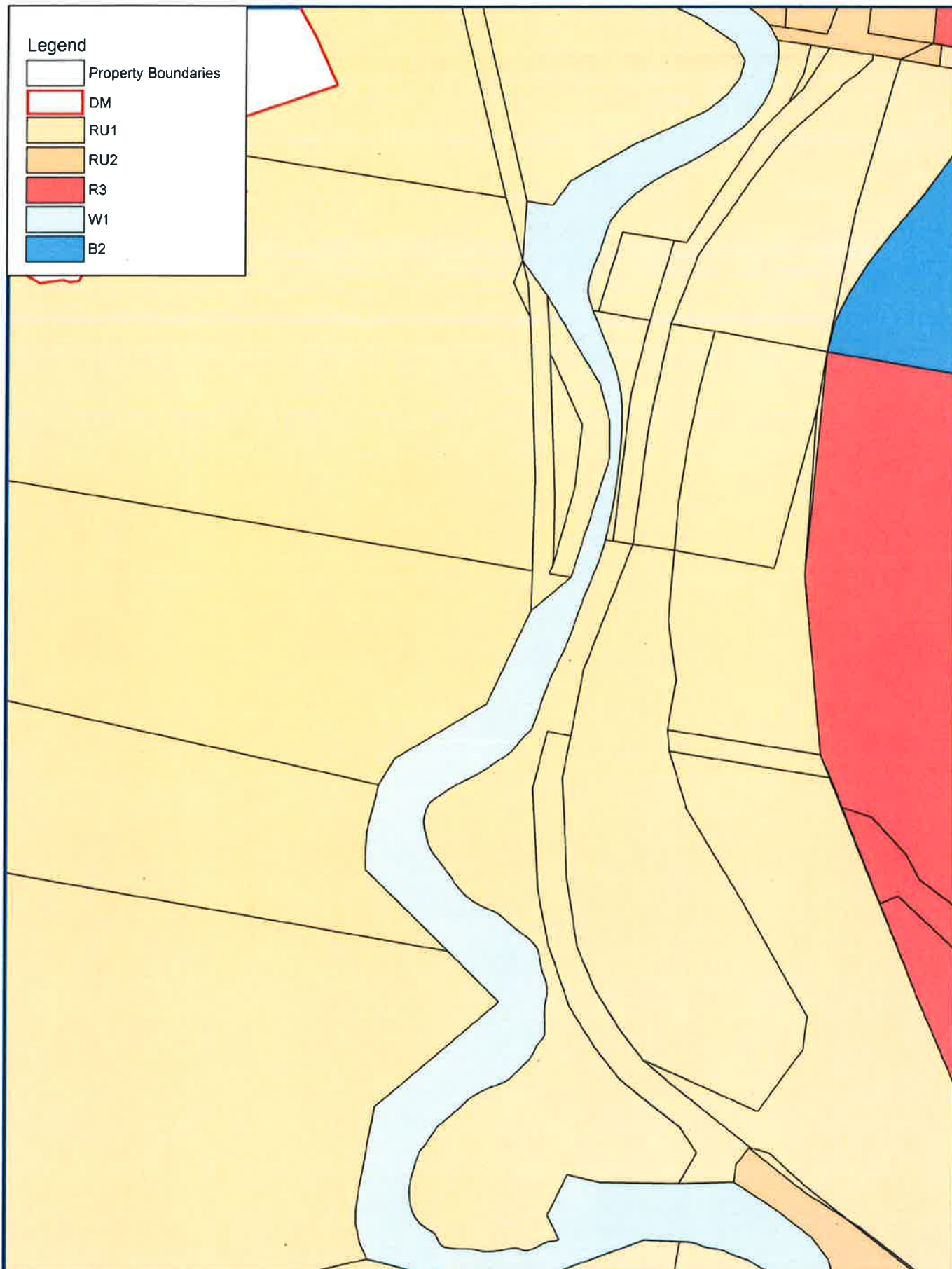


## Current Land Zoning Map - Emigrant Creek 2

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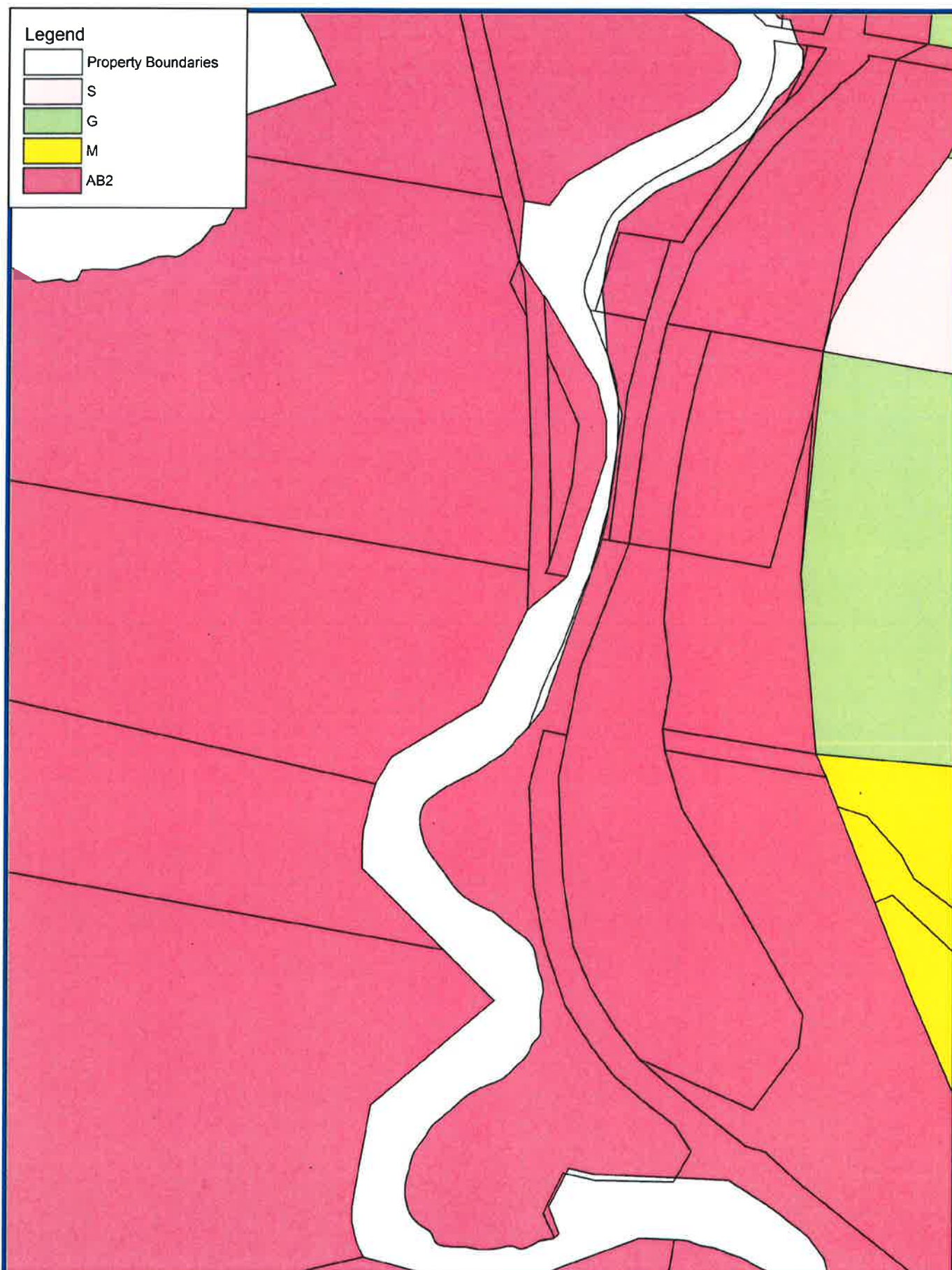
## Proposed Land Zoning Map - Emigrant Creek 2

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### Current Minimum Lot Size Map - Emigrant Creek 2






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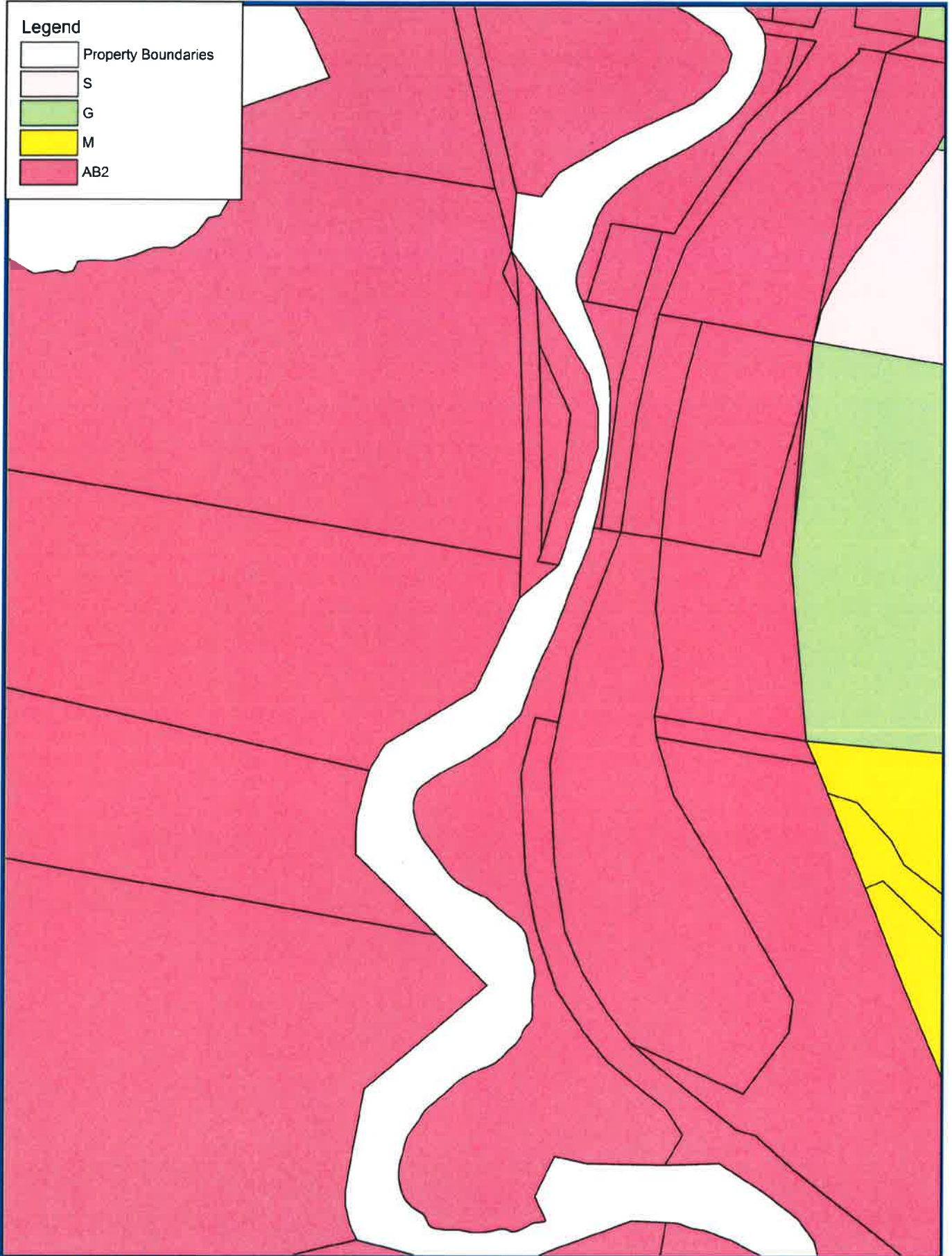
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# Legend

-  Property Boundaries
-  S
-  G
-  M
-  AB2



## Proposed Minimum Lot Size Map - Emigrant Creek 2



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**Legend**

-  Property Boundaries
-  Deferred Matters



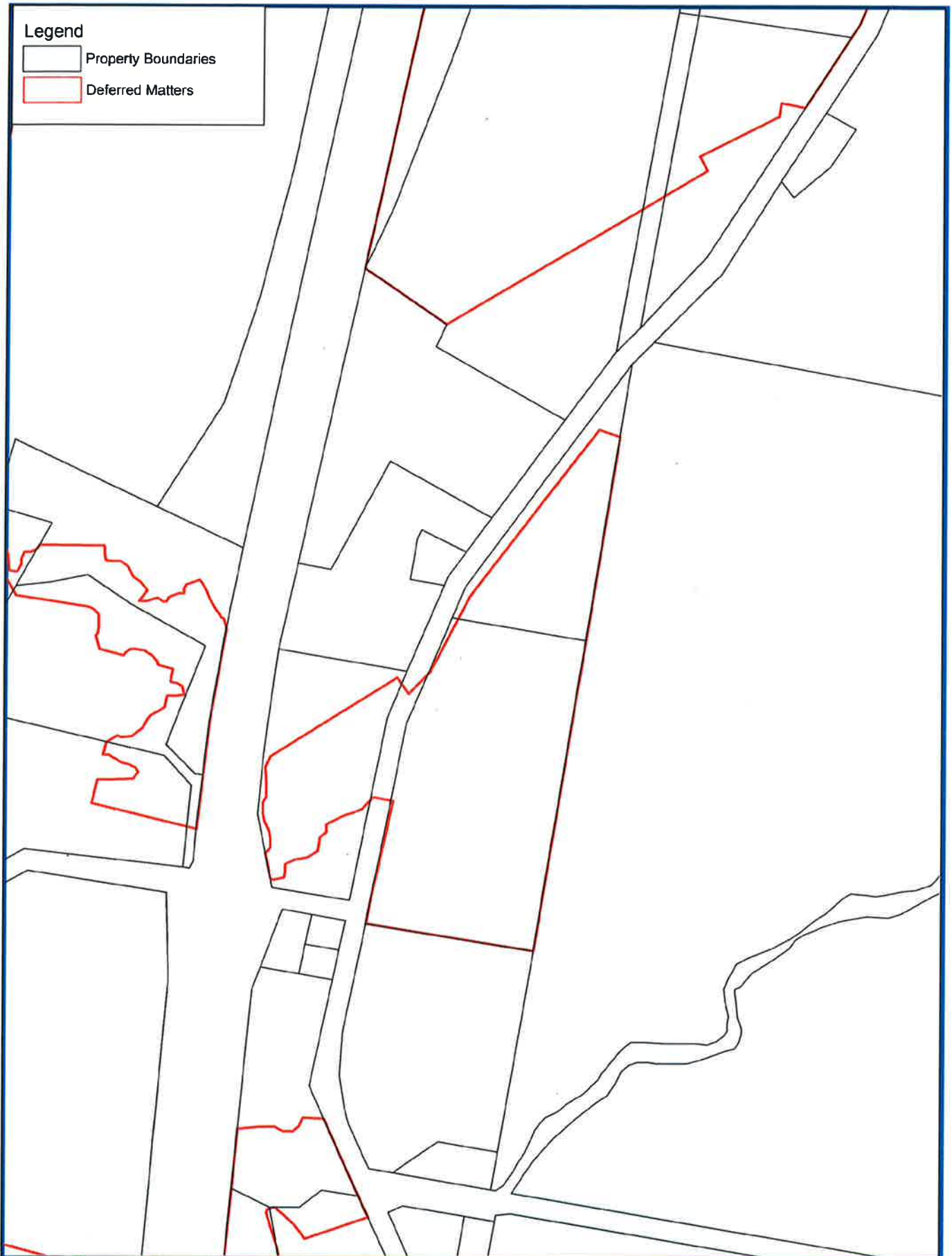
**Current Land Application Map -  
Pimlico Road**



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**Legend**

- Property Boundaries
- Deferred Matters



**Proposed Land Application Map -  
Pimlico Road**







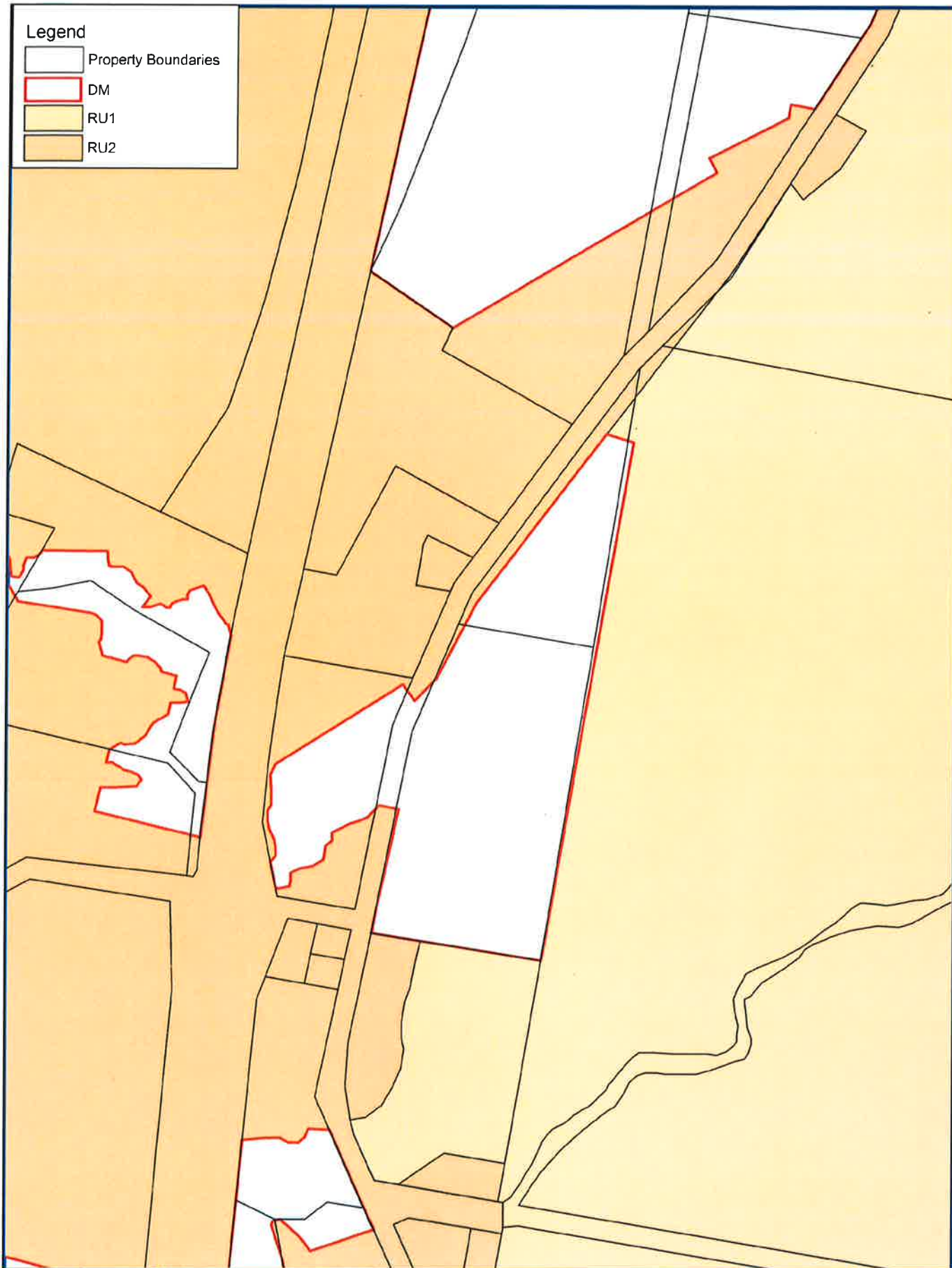
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**Legend**

-  Property Boundaries
-  DM
-  RU1
-  RU2

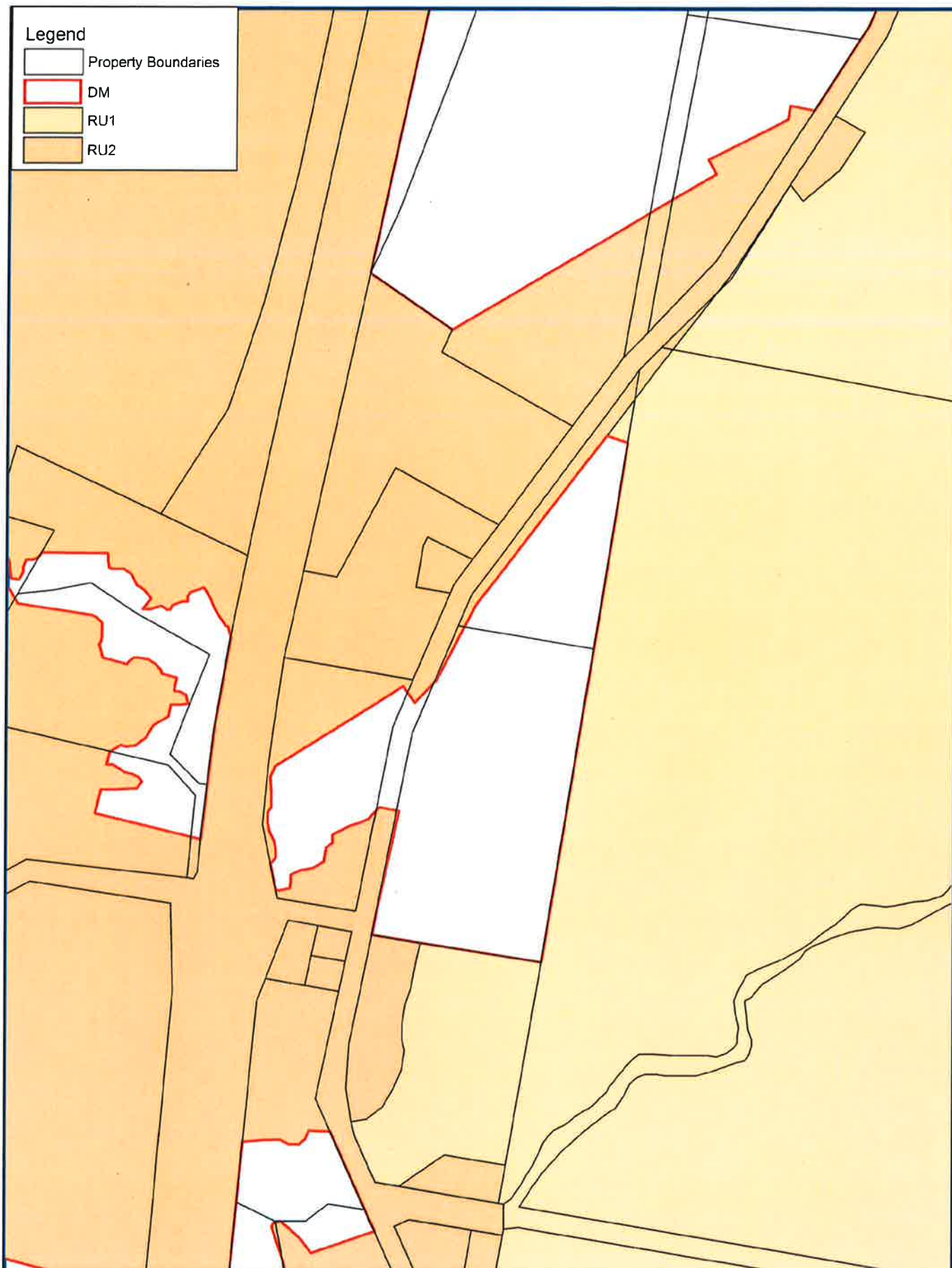


**Current Land Zoning Map -  
Pimlico Road**



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## Proposed Land Zoning Map - Pimlico Road

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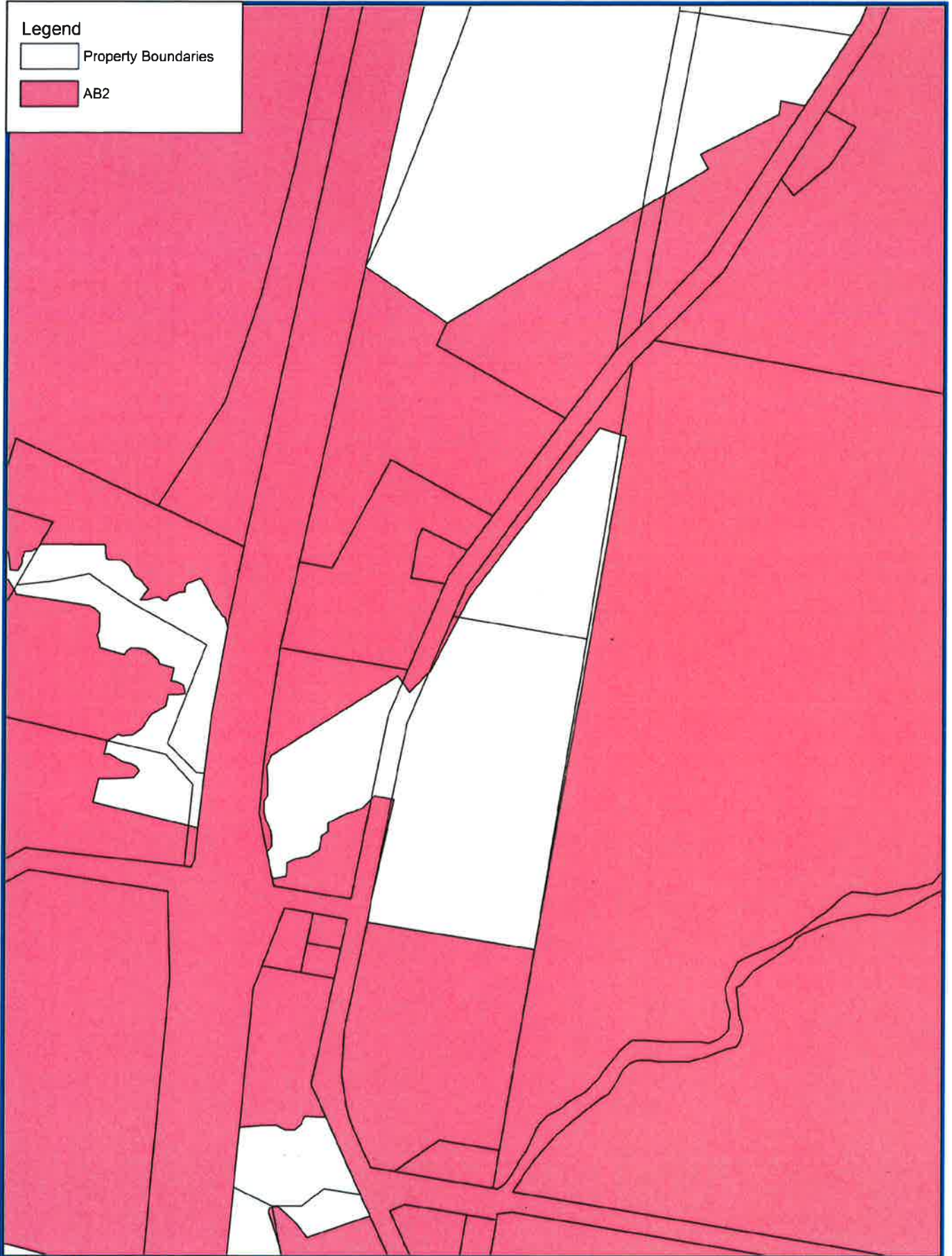




**Legend**

 Property Boundaries

 AB2



**Current Minimum Lot Size Map -  
Pimlico Road**



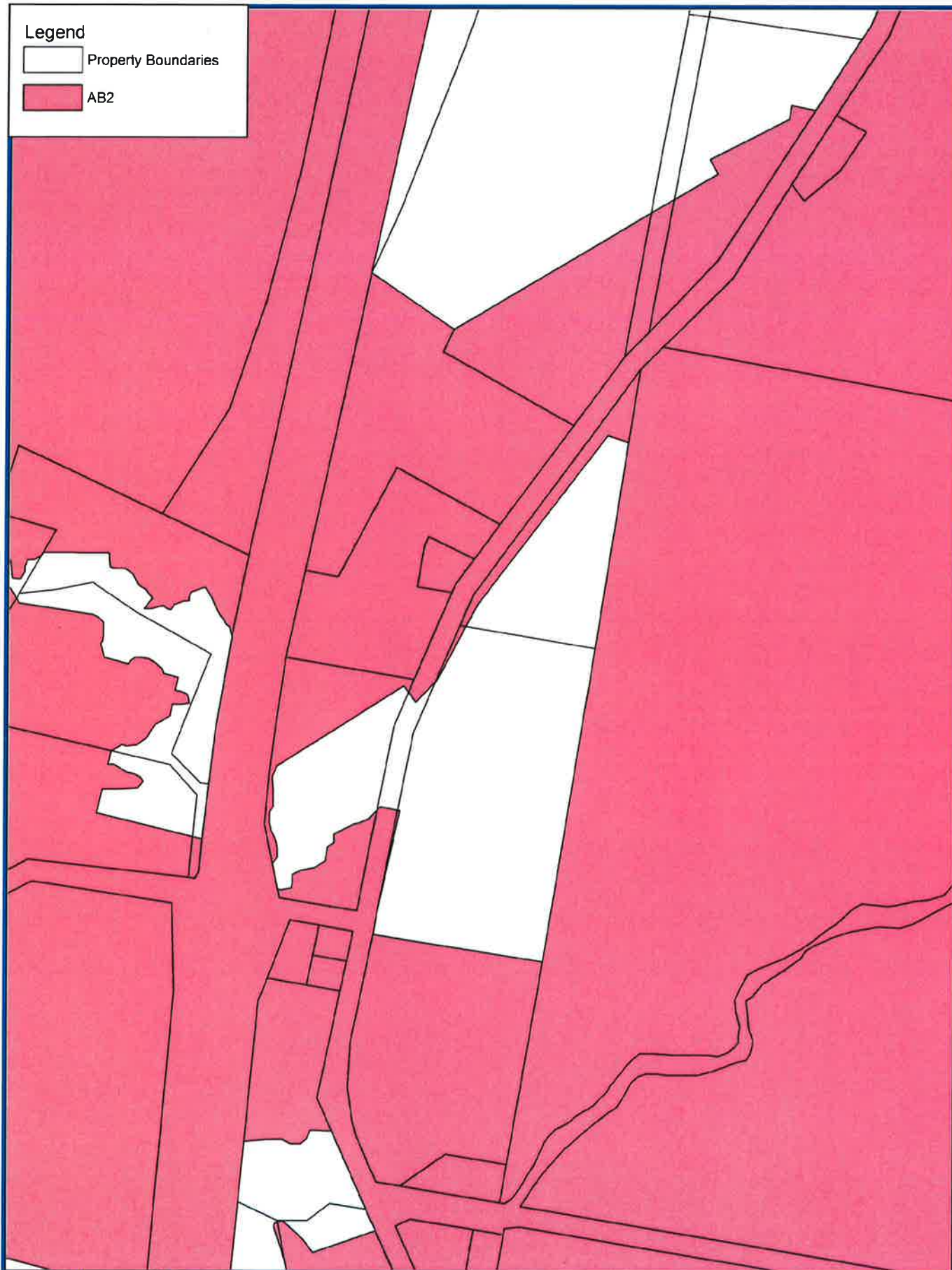
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Legend

 Property Boundaries

 AB2



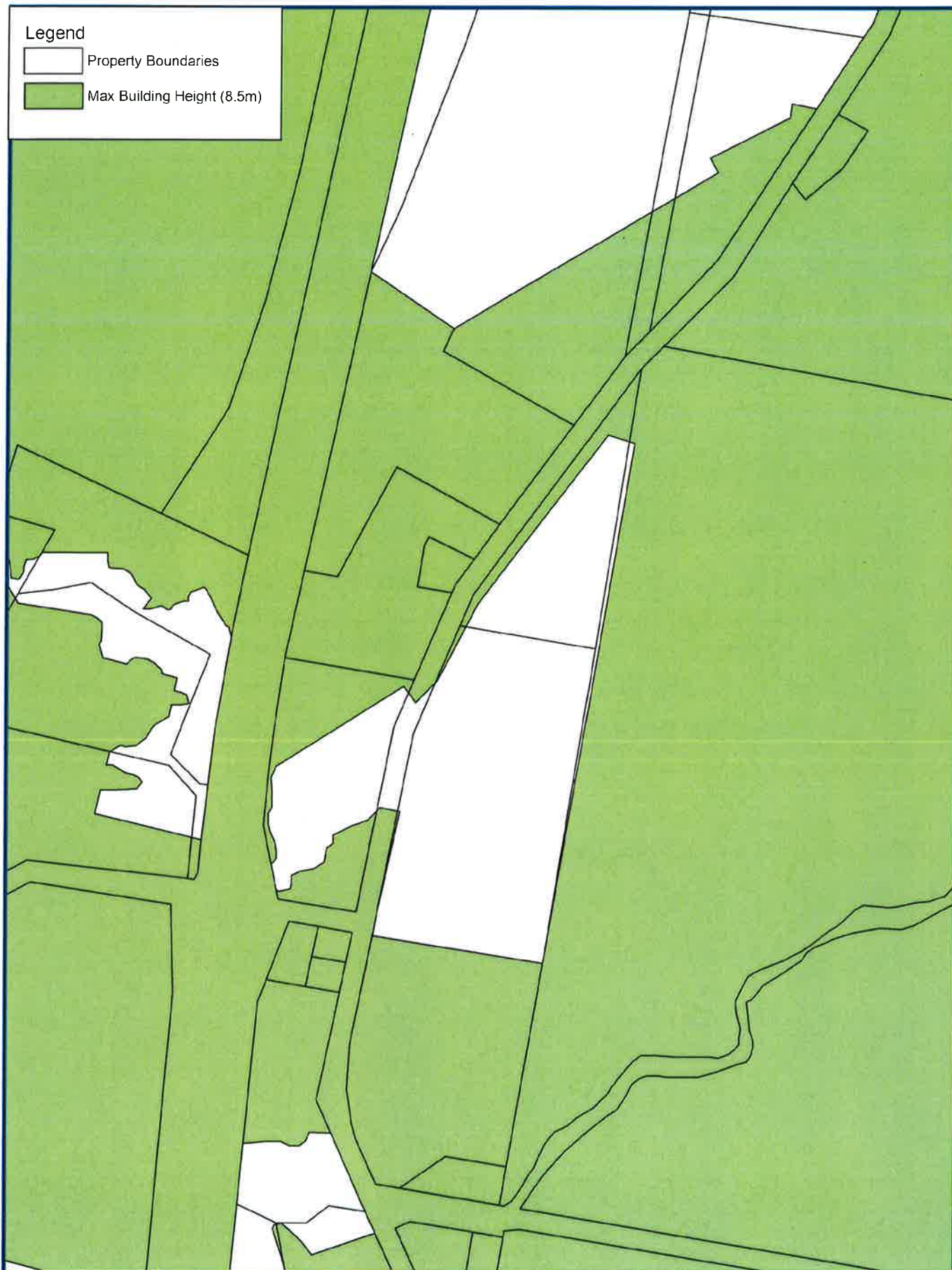
**Proposed Minimum Lot Size Map -  
Pimlico Road**

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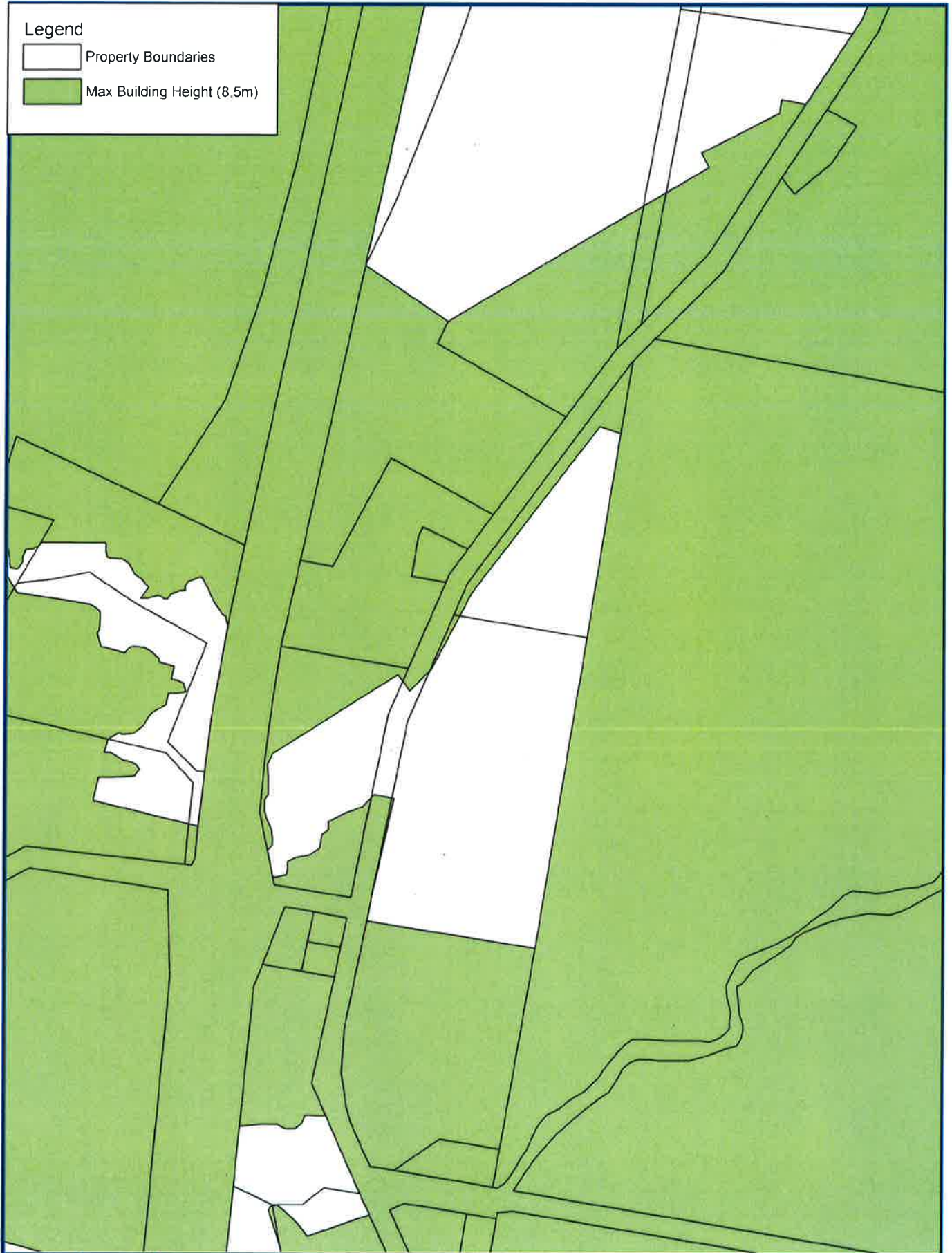






**Legend**

-  Property Boundaries
-  Max Building Height (8.5m)



**Proposed Height of Building Map -  
Pimlico Road**

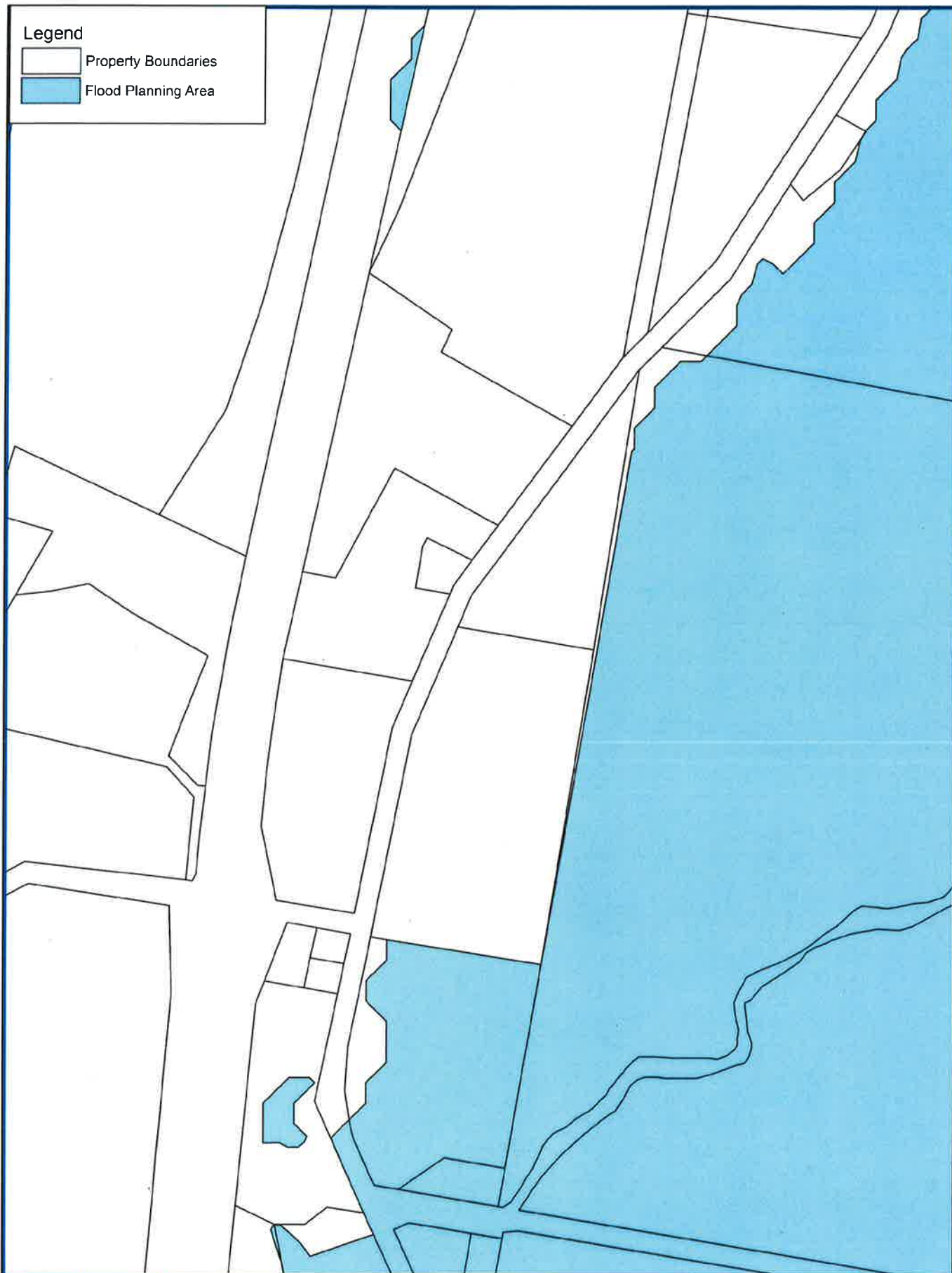


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**Legend**

-  Property Boundaries
-  Flood Planning Area



**Current Flood Planning Map -  
Pimlico Road**





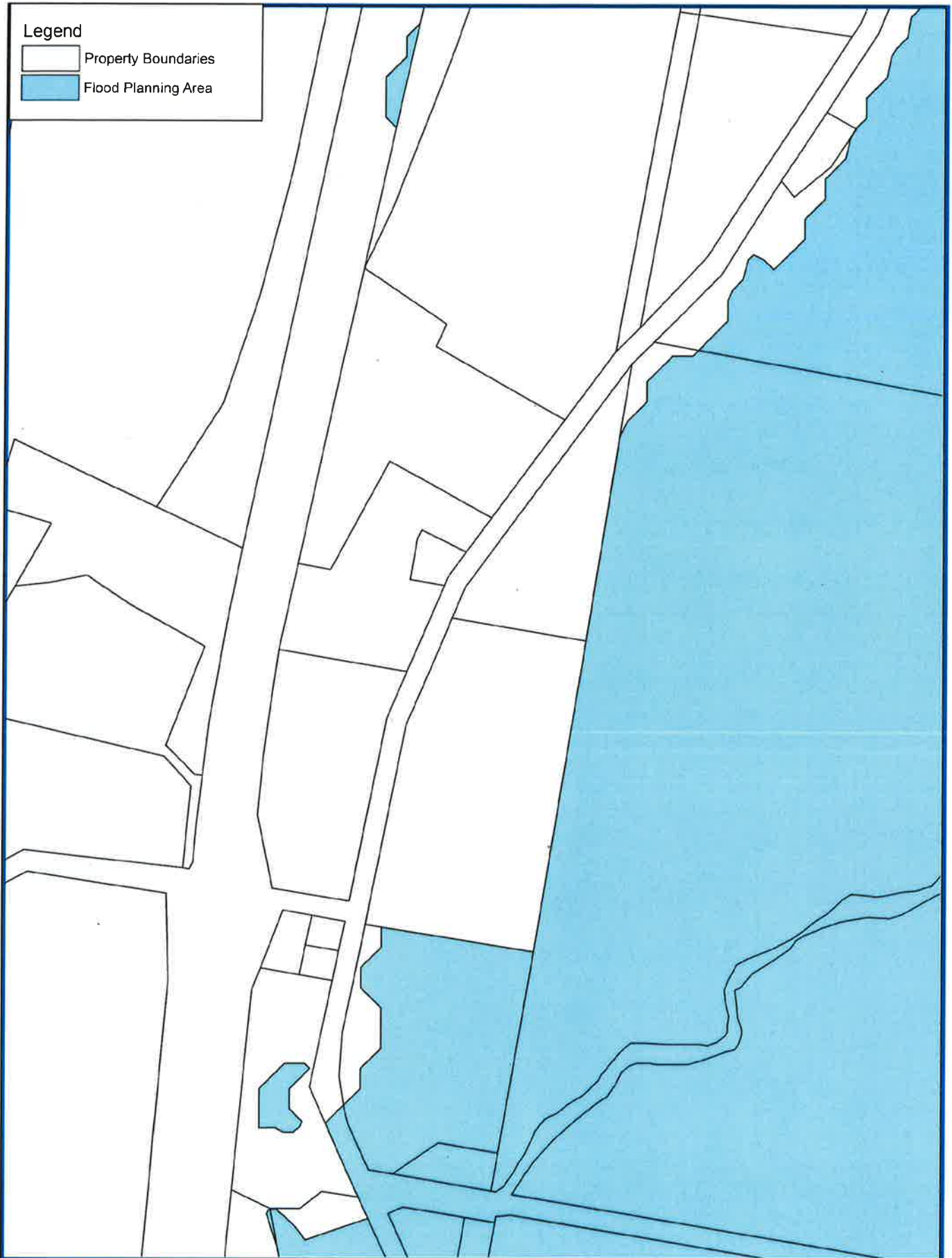
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**Legend**

-  Property Boundaries
-  Flood Planning Area

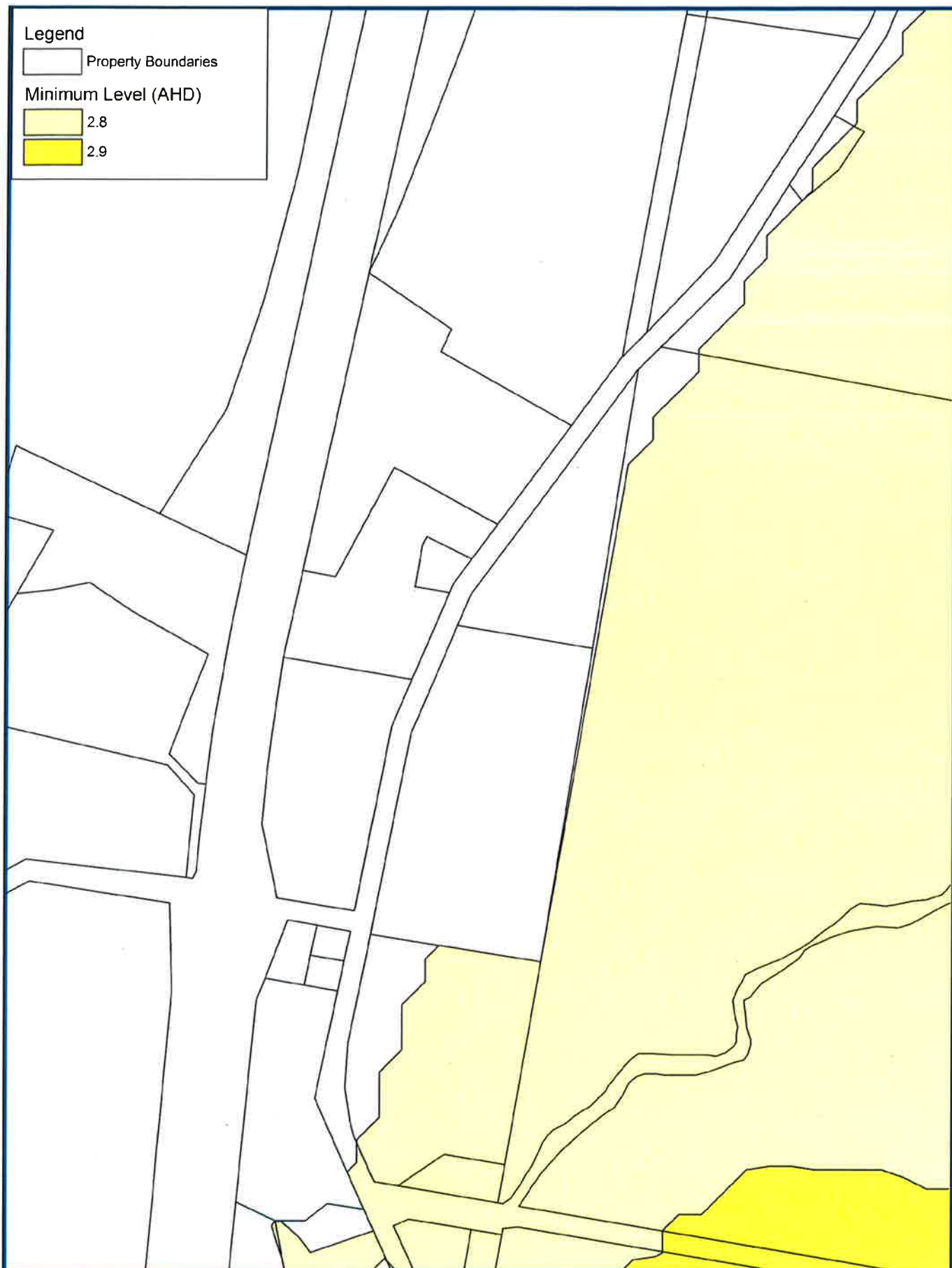


**Proposed Flood Planning Map -  
Pimlico Road**



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## Current Building Height Allowance Map - Pimlico Road




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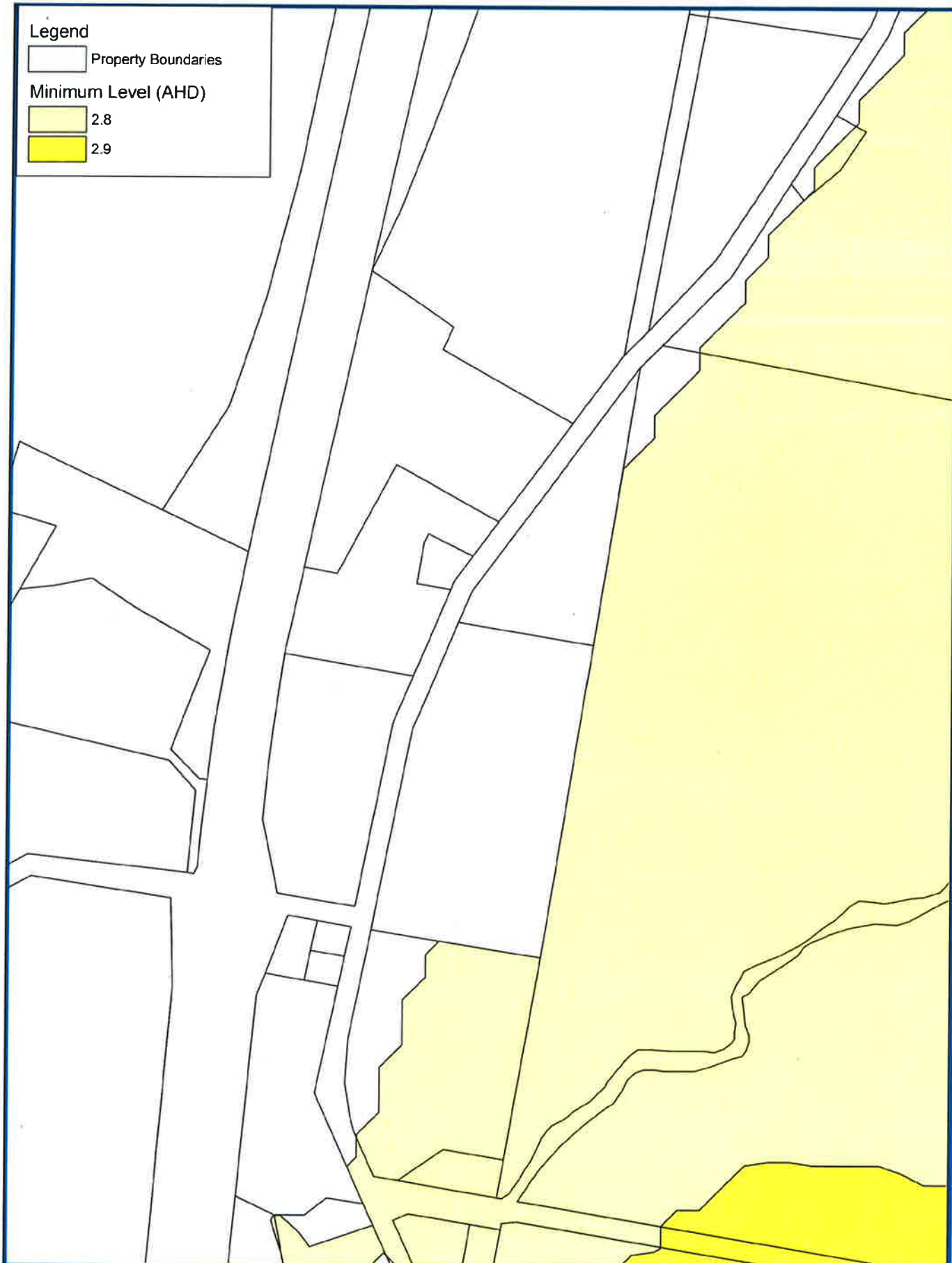
**Legend**

 Property Boundaries

**Minimum Level (AHD)**

 2.8

 2.9



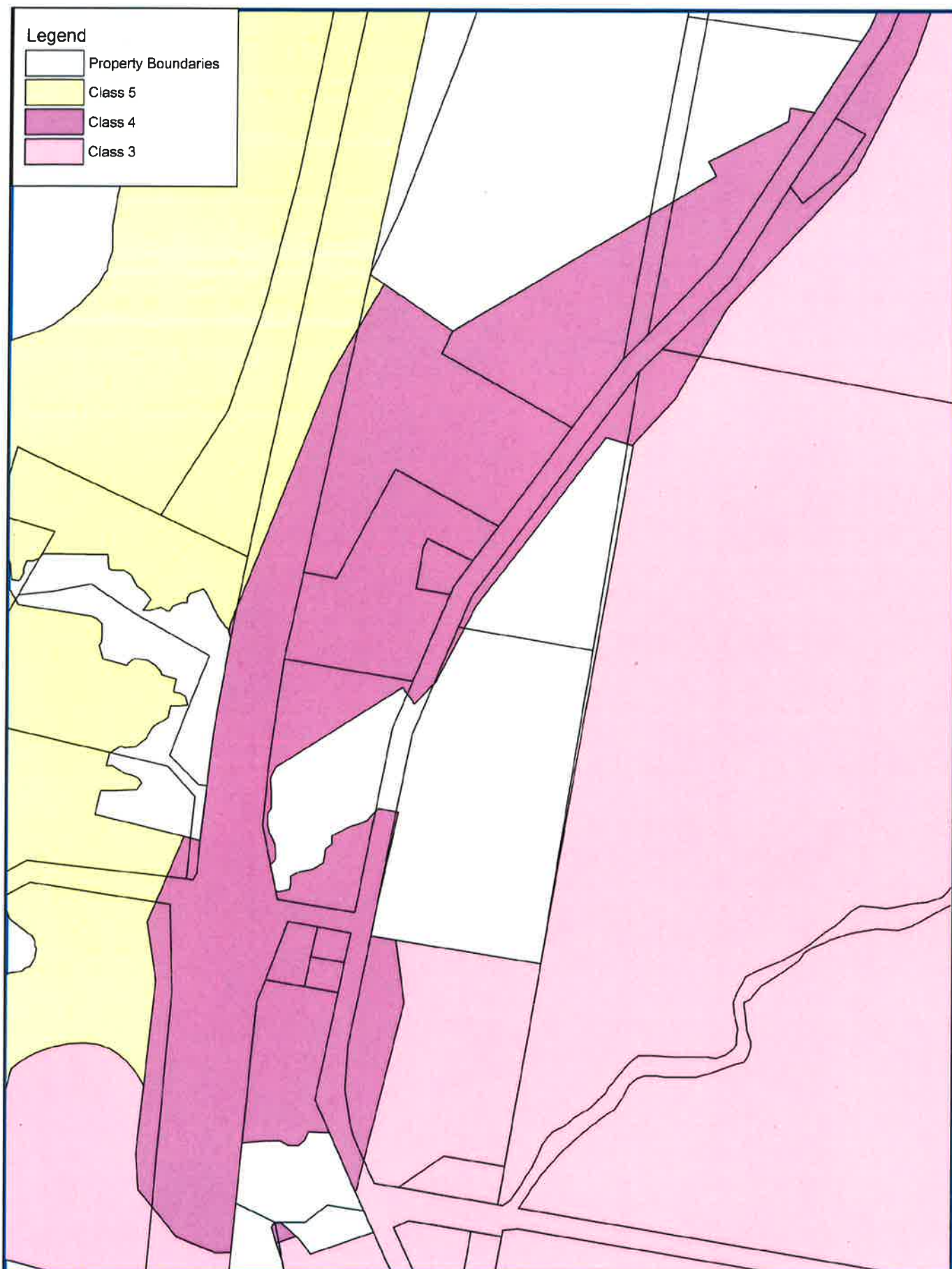
**Proposed Building Height Allowance Map -  
Pimlico Road**



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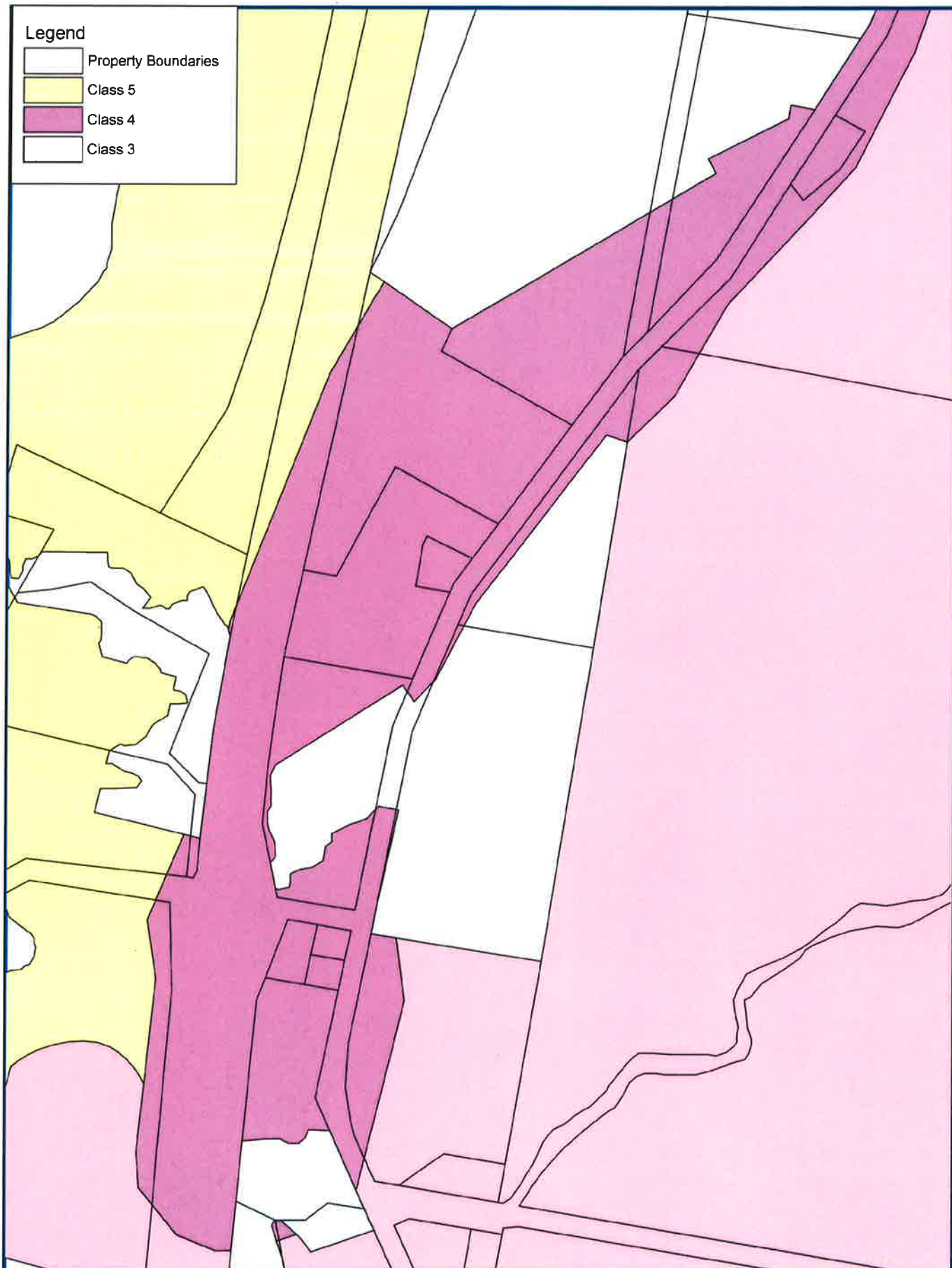


### Current Acid Sulphate Soil Map - Pimlico Road



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## Proposed Acid Sulphate Soil Map - Pimlico Road



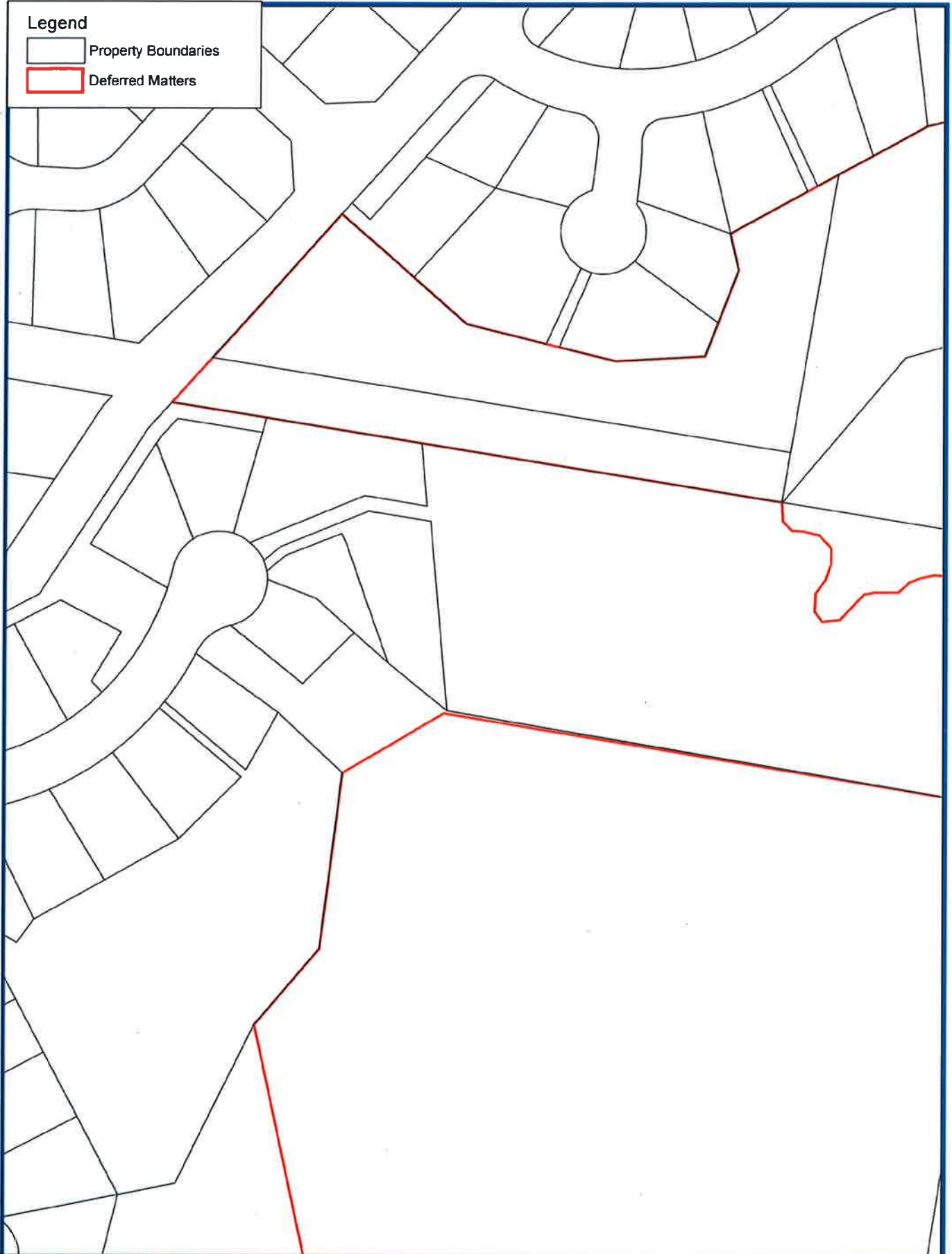
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**Legend**

-  Property Boundaries
-  Deferred Matters



**Current Land Application Map  
- Tara Downs**



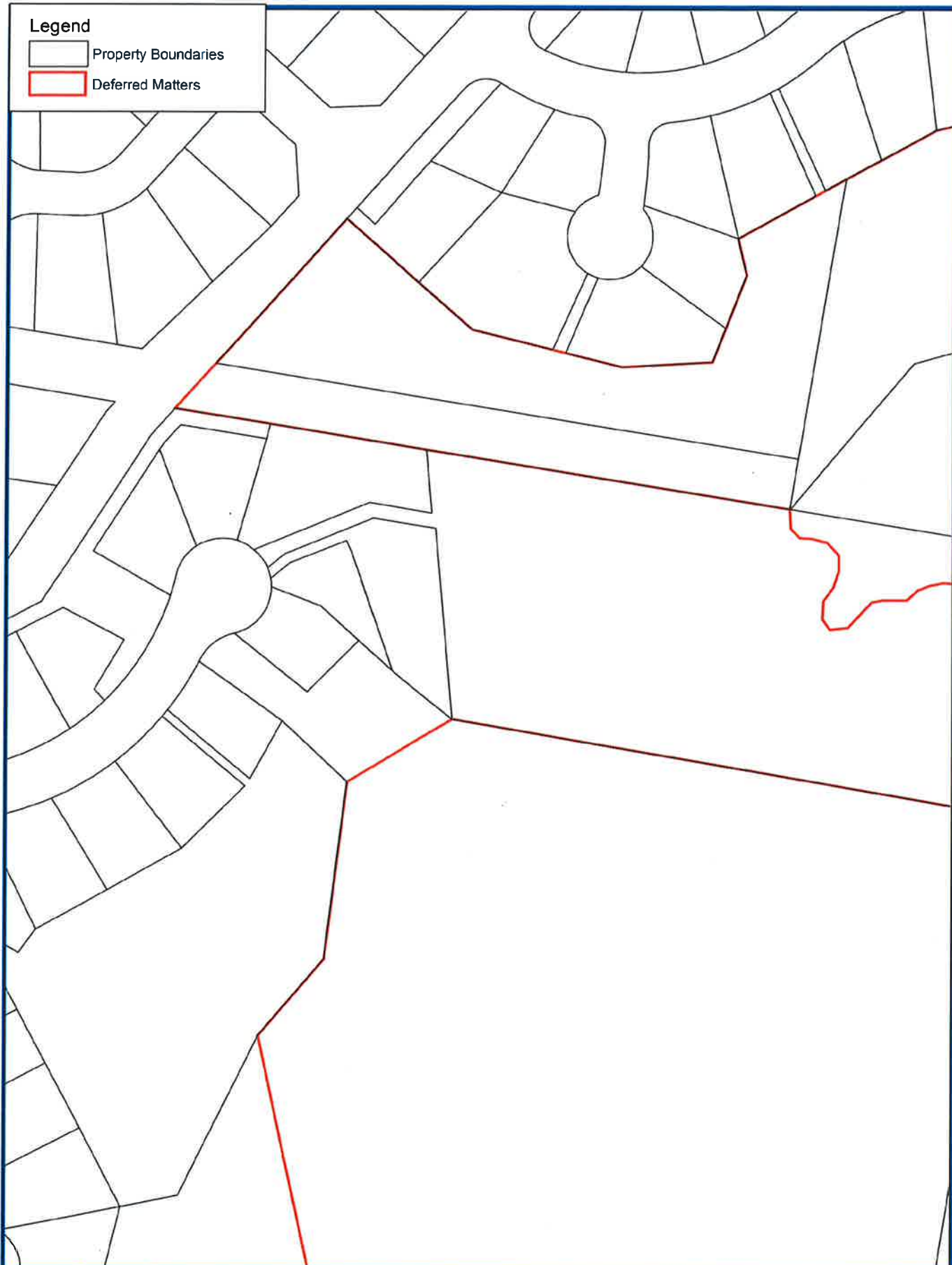
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# Legend

-  Property Boundaries
-  Deferred Matters

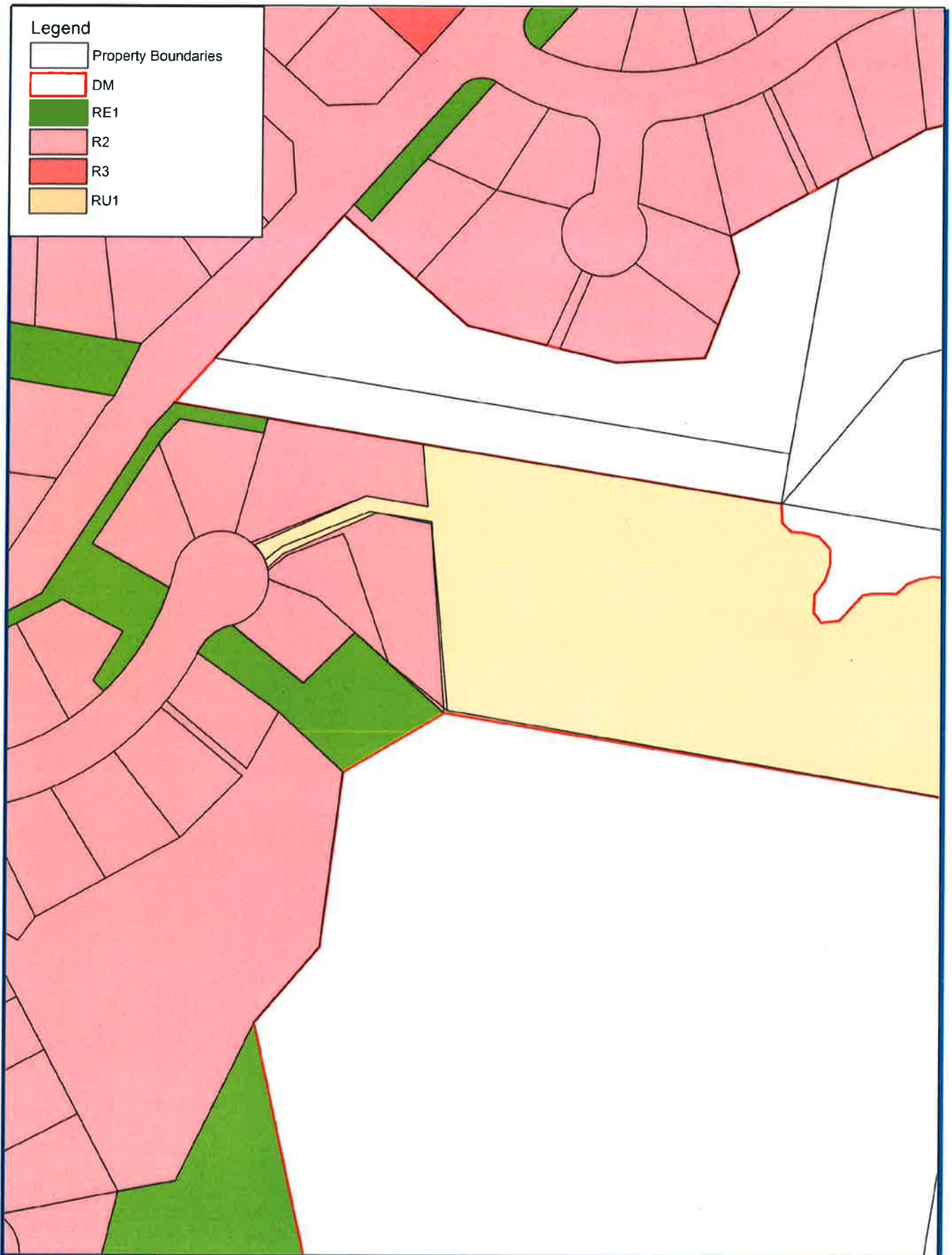


## Proposed Land Application Map - Tara Downs



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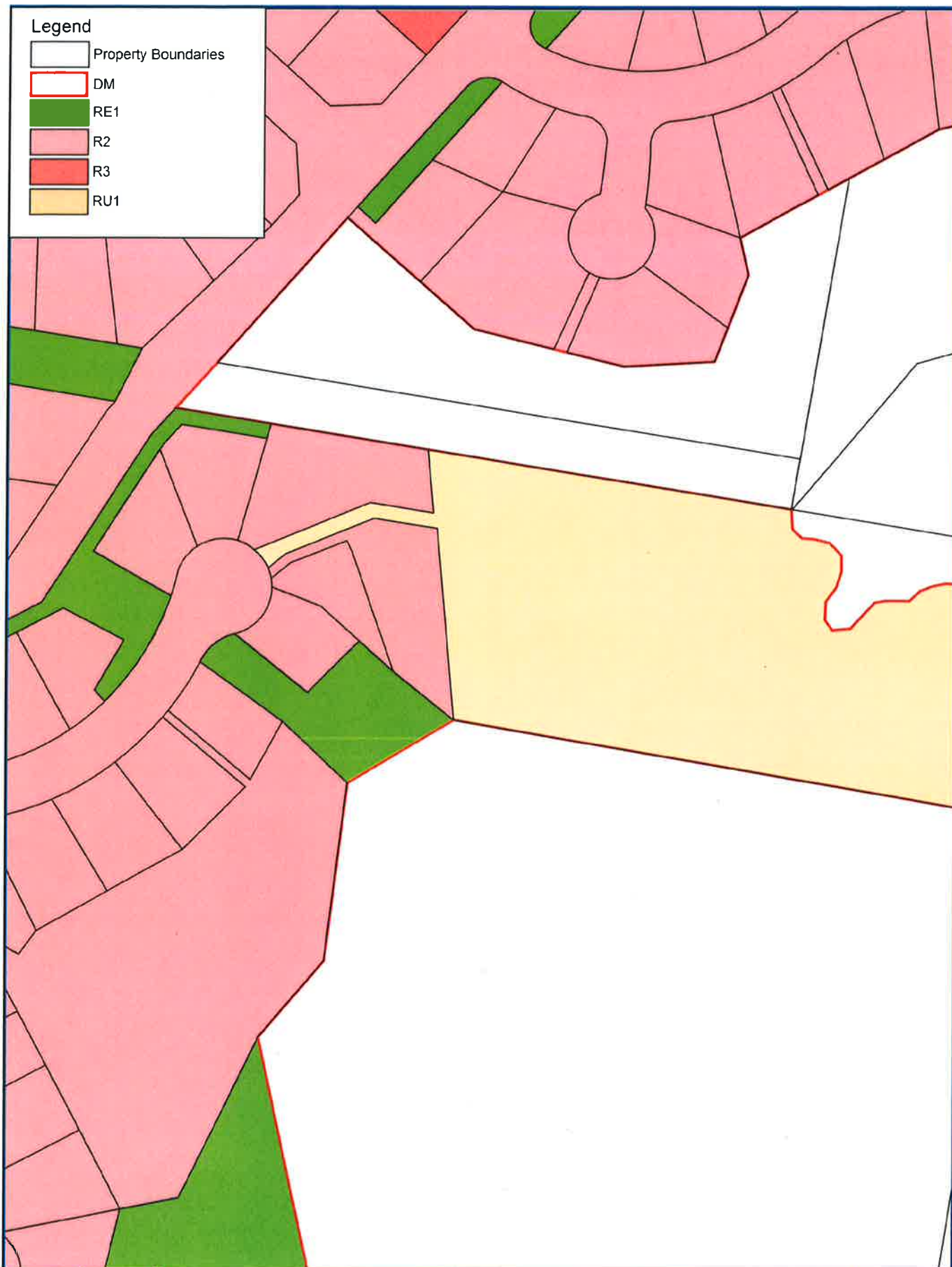
## Current Land Zoning Map - Tara Downs

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## Proposed Land Zoning Map - Tara Downs



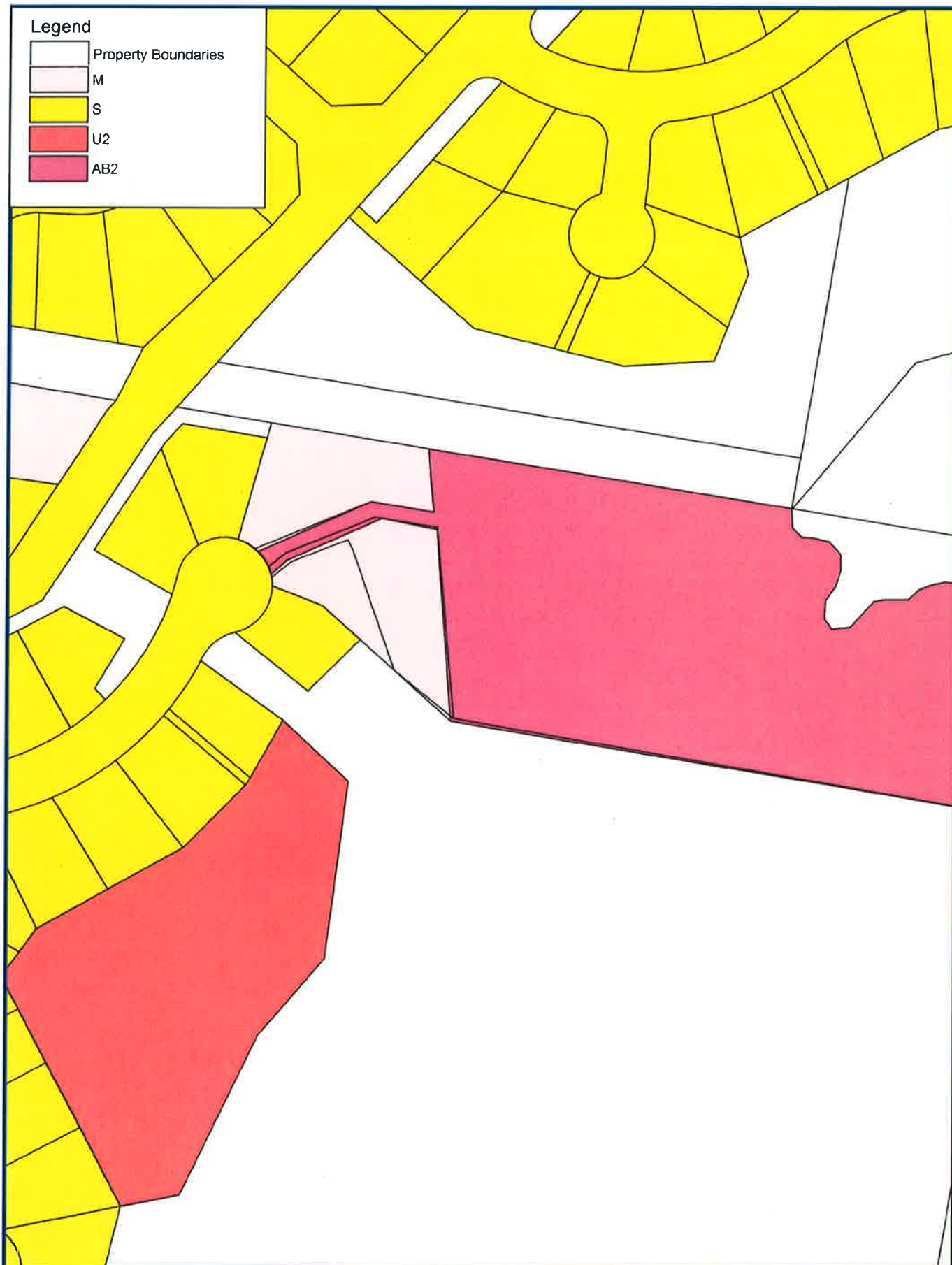
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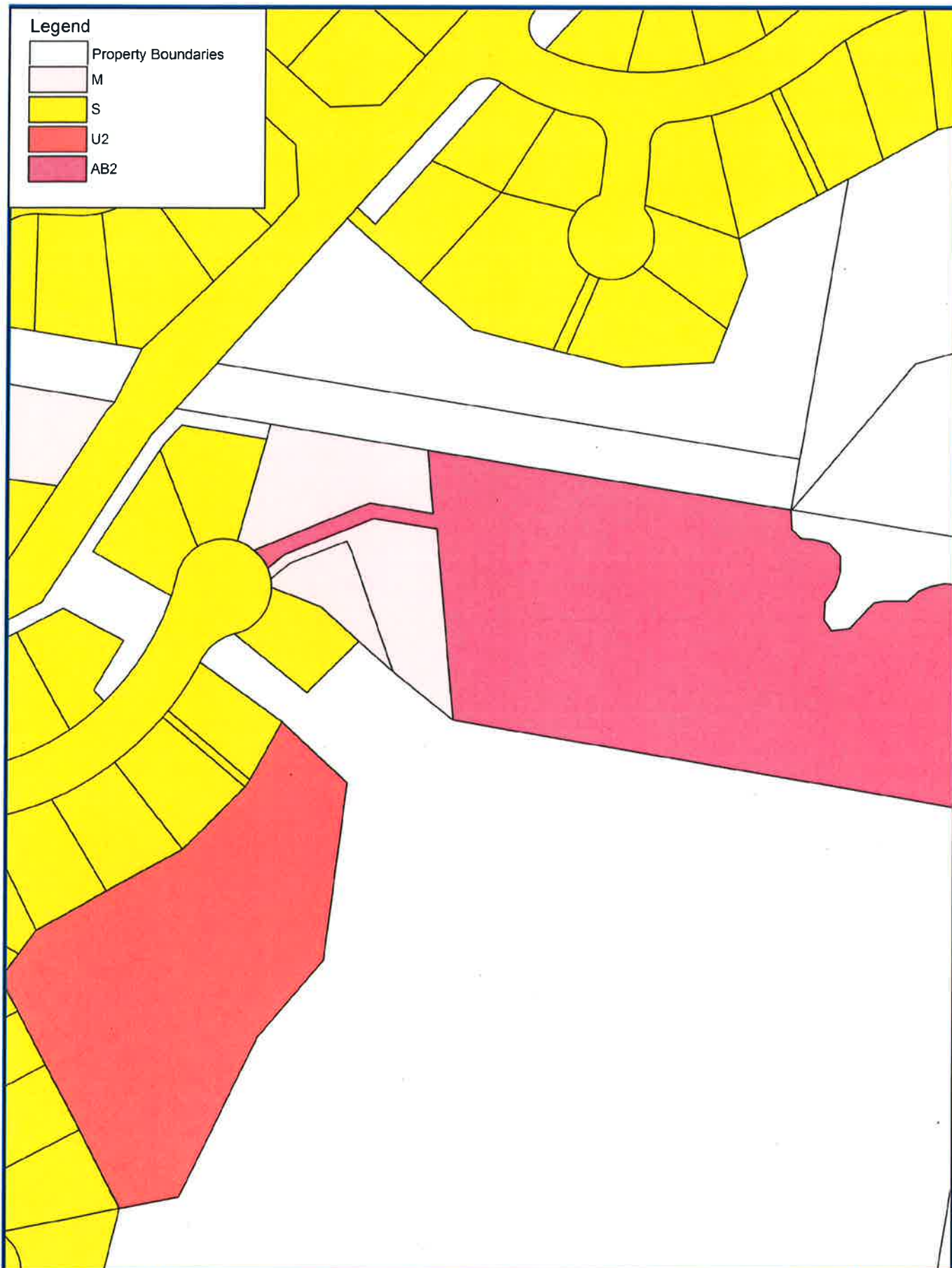
## Current Minimum Lot Size Map - Tara Downs

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## Proposed Minimum Lot Size Map - Tara Downs



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# Legend

-  Property Boundaries
-  DM
-  RE1
-  R2
-  R3
-  RU1



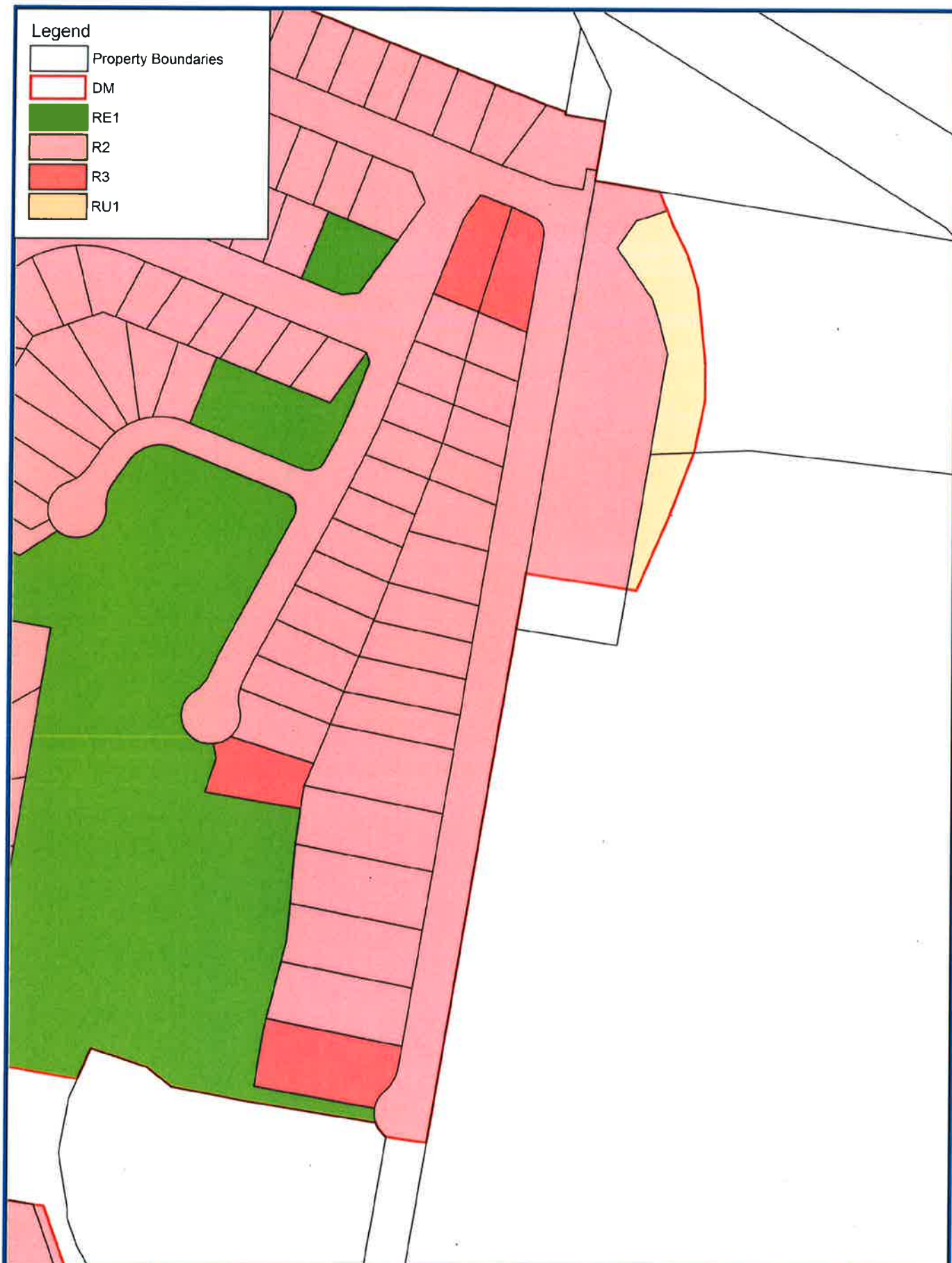
## Current Land Zoning Map - Blue Seas Parade, Lennox Head



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# **Proposed Land Zoning Map - Blue Seas Parade, Lennox Head**

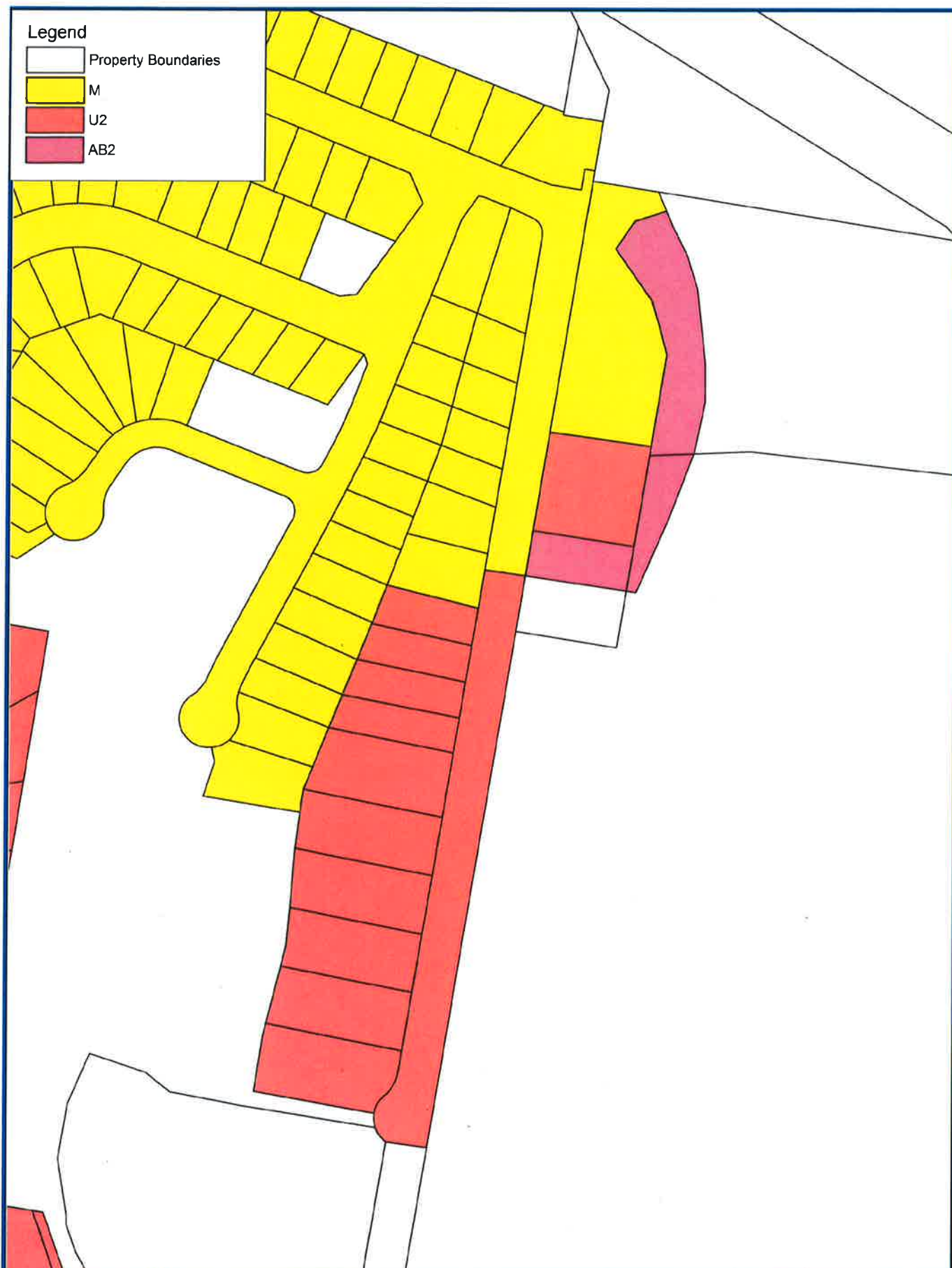


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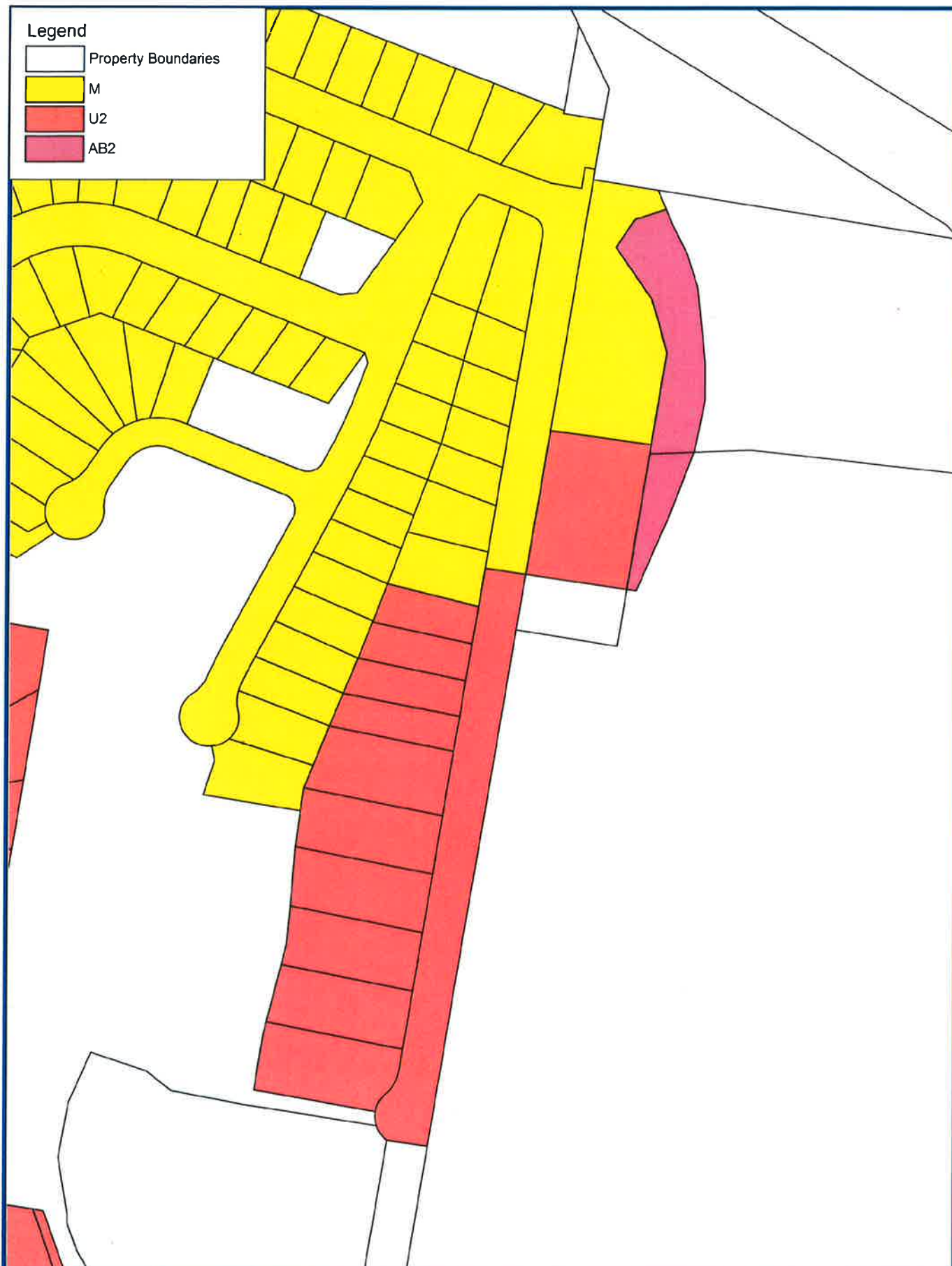


### Current Minimum Lot Size Map - Blue Seas Parade, Lennox Head



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
### Proposed Minimum Lot Size Map - Blue Seas Parade, Lennox Head



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**Legend**

-  Property Boundaries
-  Max Building Height (8.5m)



**Current Height of Building Map -  
Blue Seas Parade, Lennox Head**





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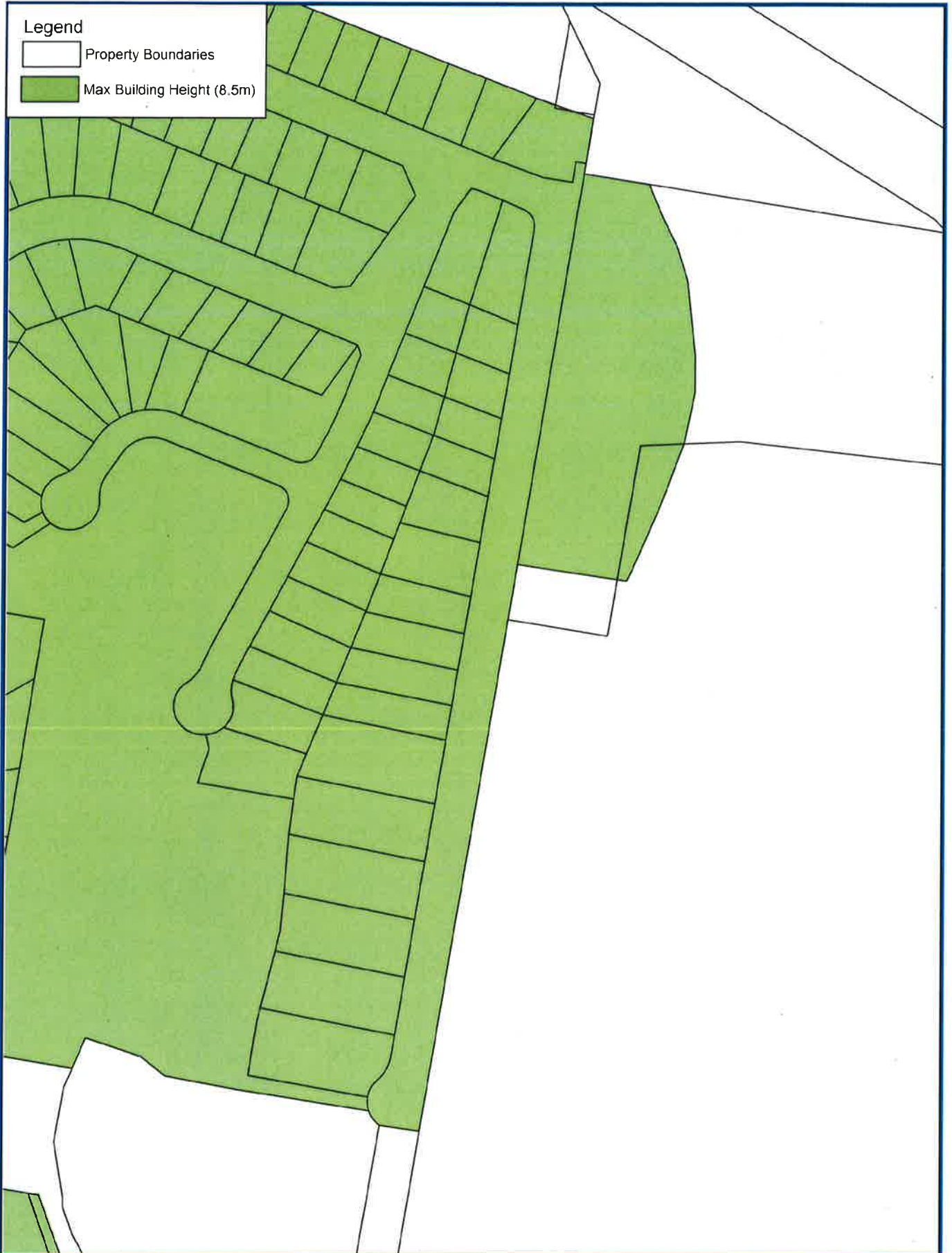
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**Legend**

-  Property Boundaries
-  Max Building Height (8.5m)



**Proposed Height of Building Map -  
Blue Seas Parade, Lennox Head**









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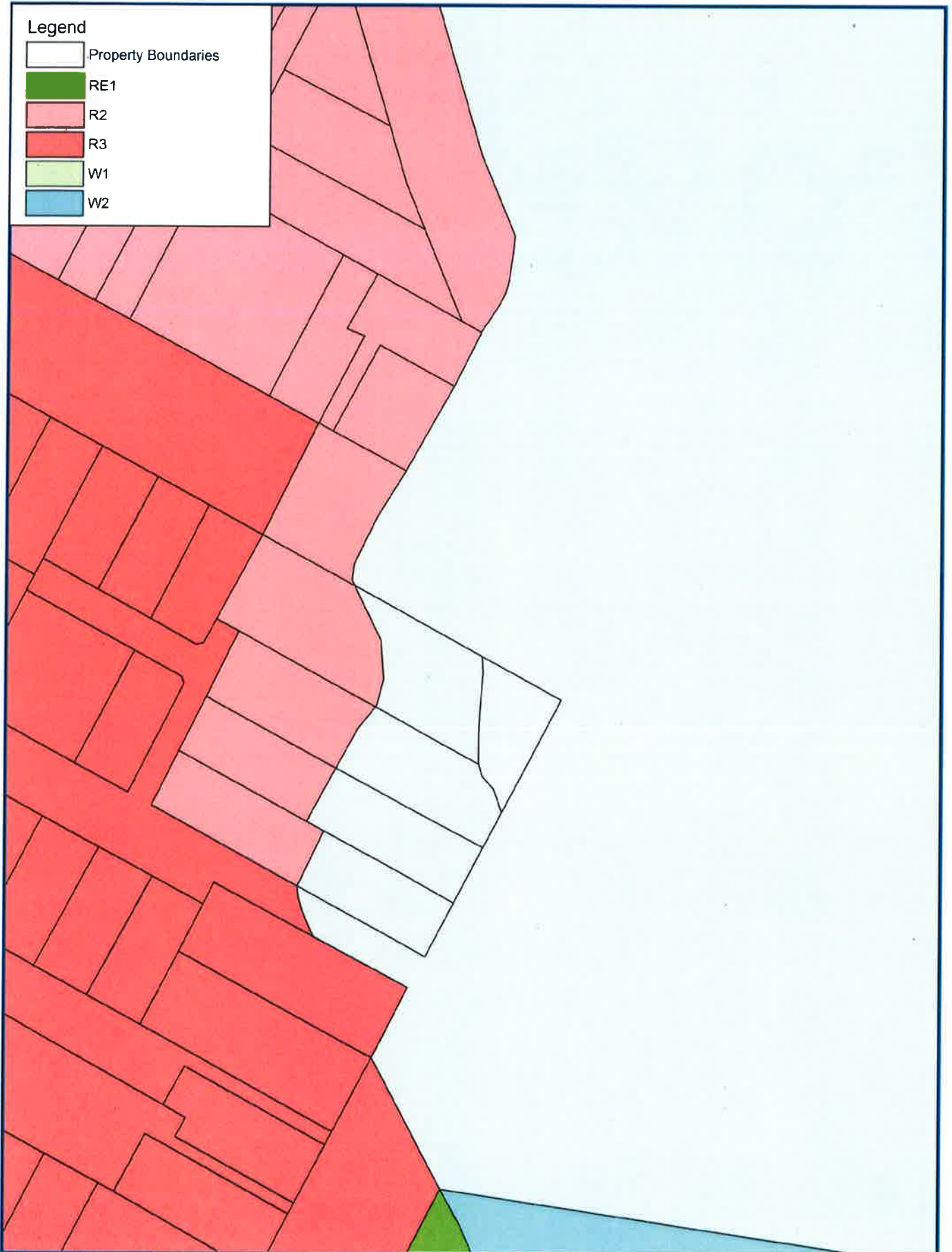
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# Legend

-  Property Boundaries
-  RE1
-  R2
-  R3
-  W1
-  W2



## Current Land Zoning Map - Skinner Street, Ballina



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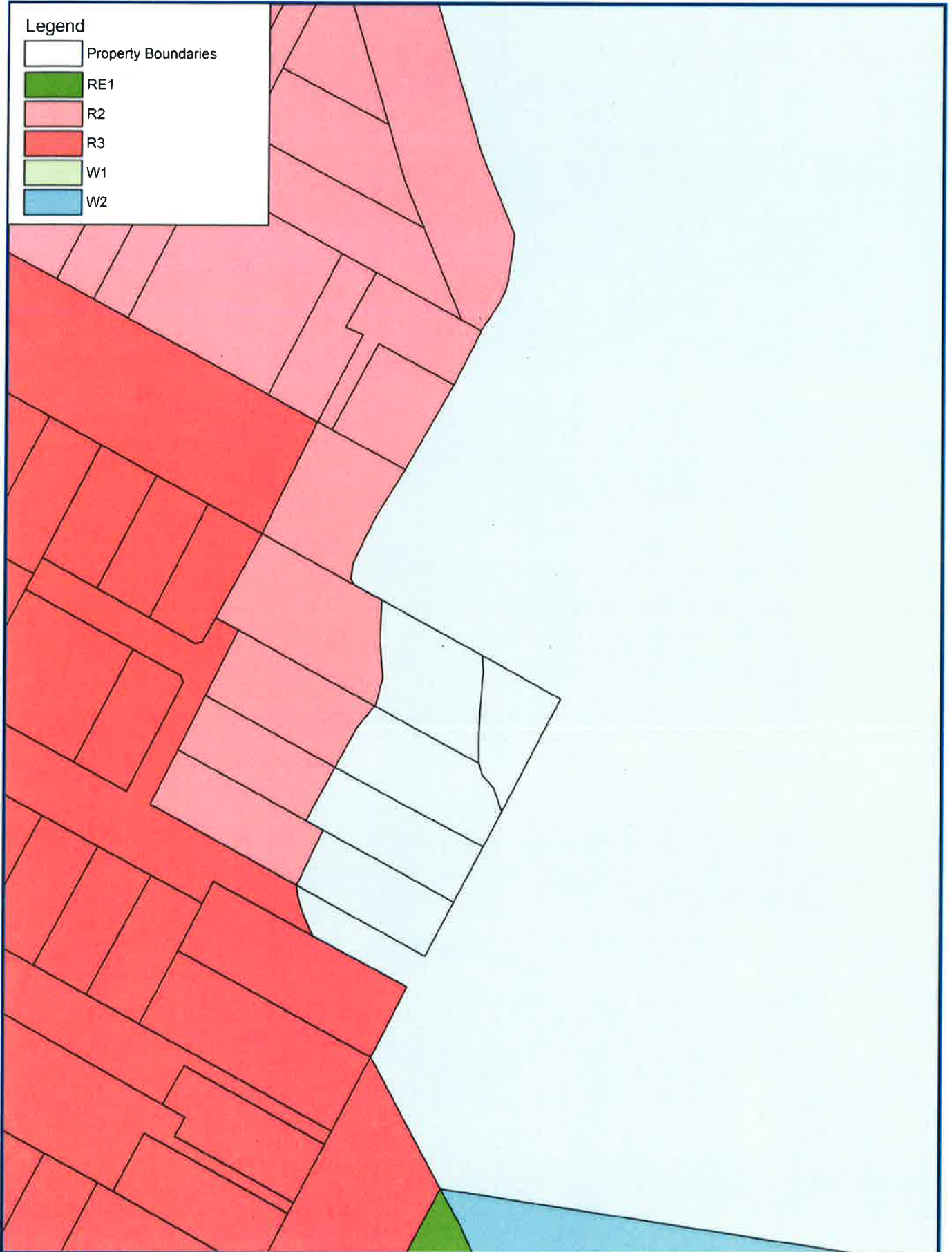
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# Legend

-  Property Boundaries
-  RE1
-  R2
-  R3
-  W1
-  W2

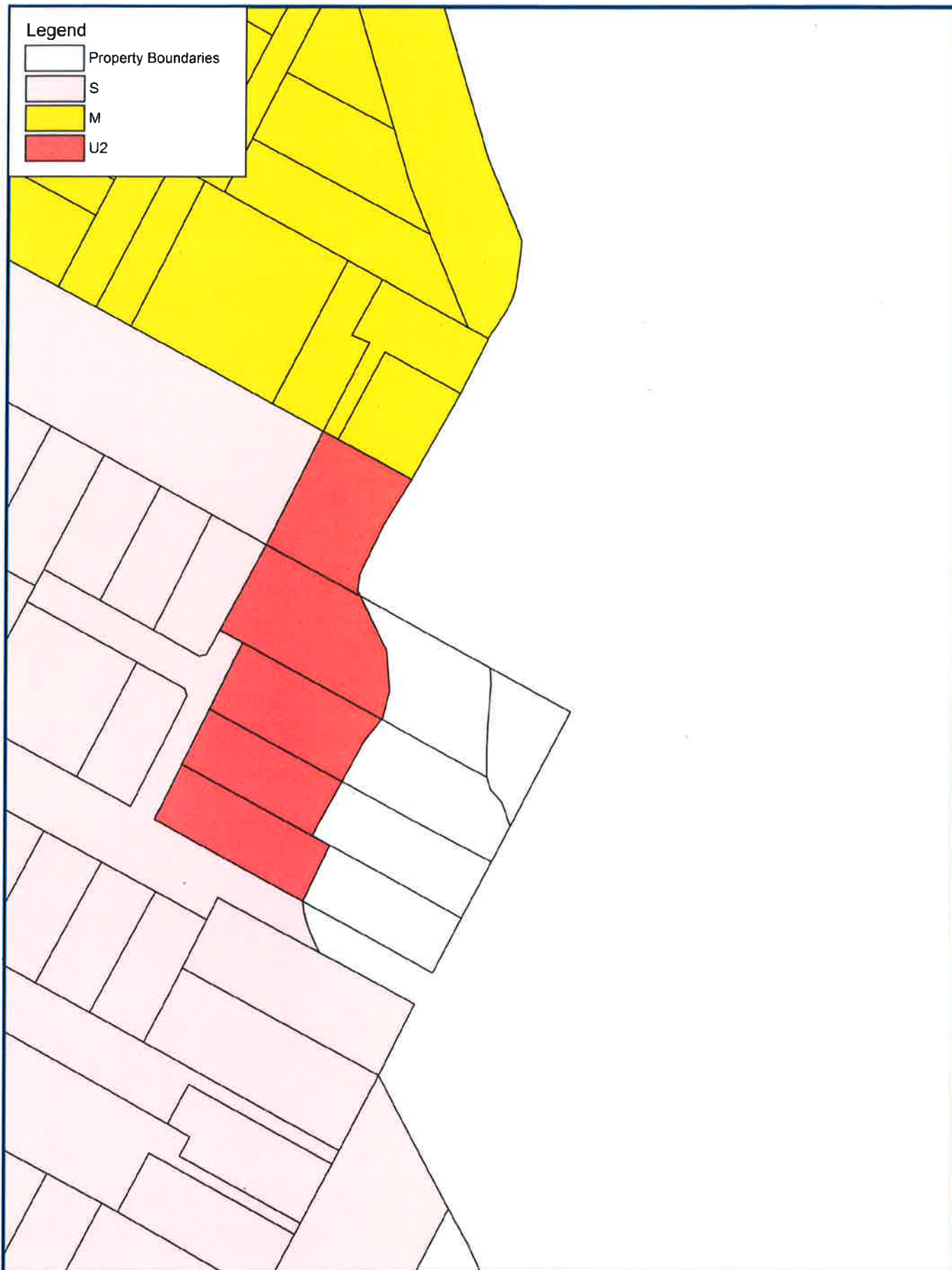


## Proposed Land Zoning Map - Skinner Street, Ballina



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### Current Minimum Lot Size Map - Skinner Street, Ballina

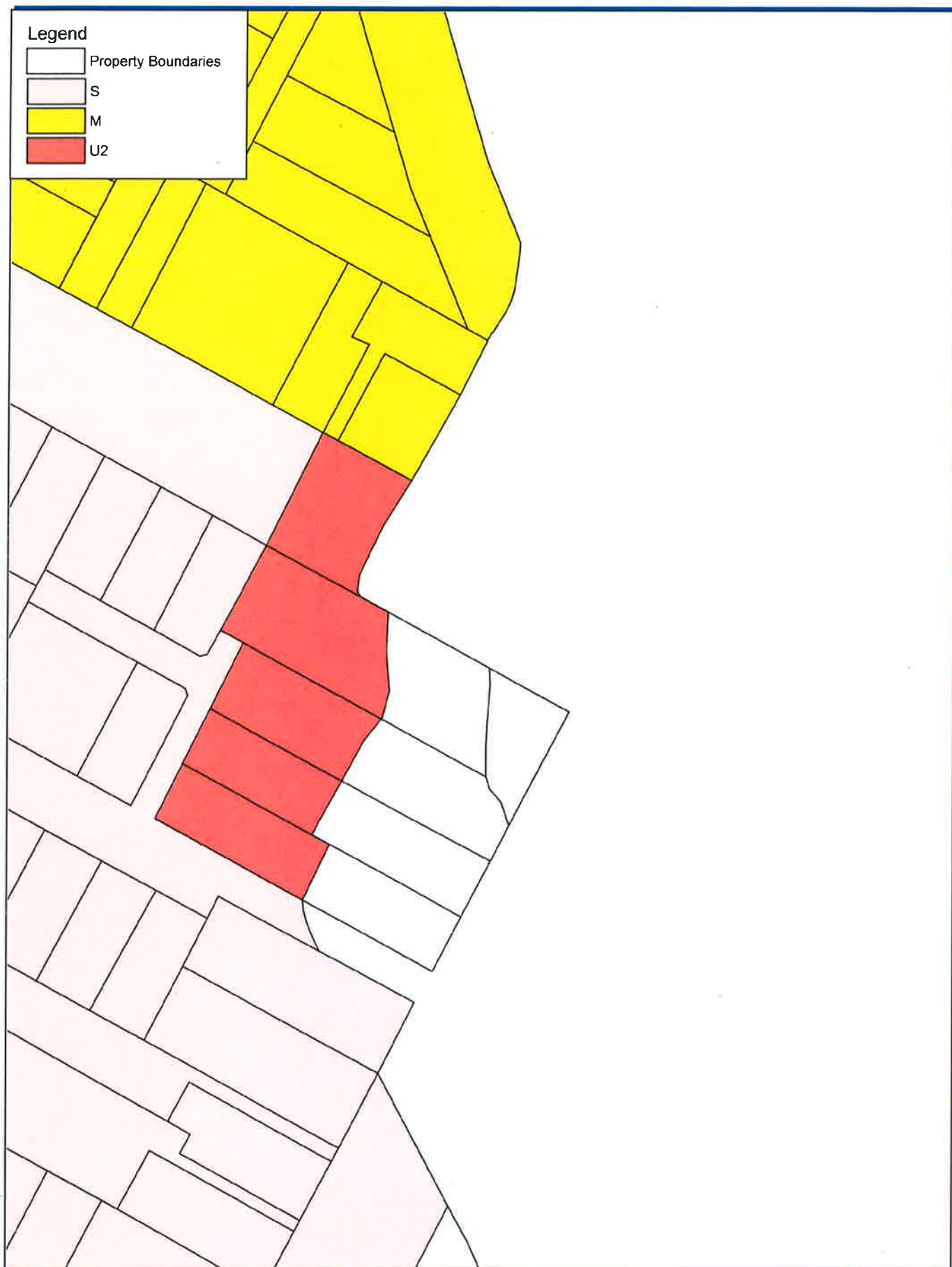


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## Proposed Minimum Lot Size Map - Skinner Street, Ballina



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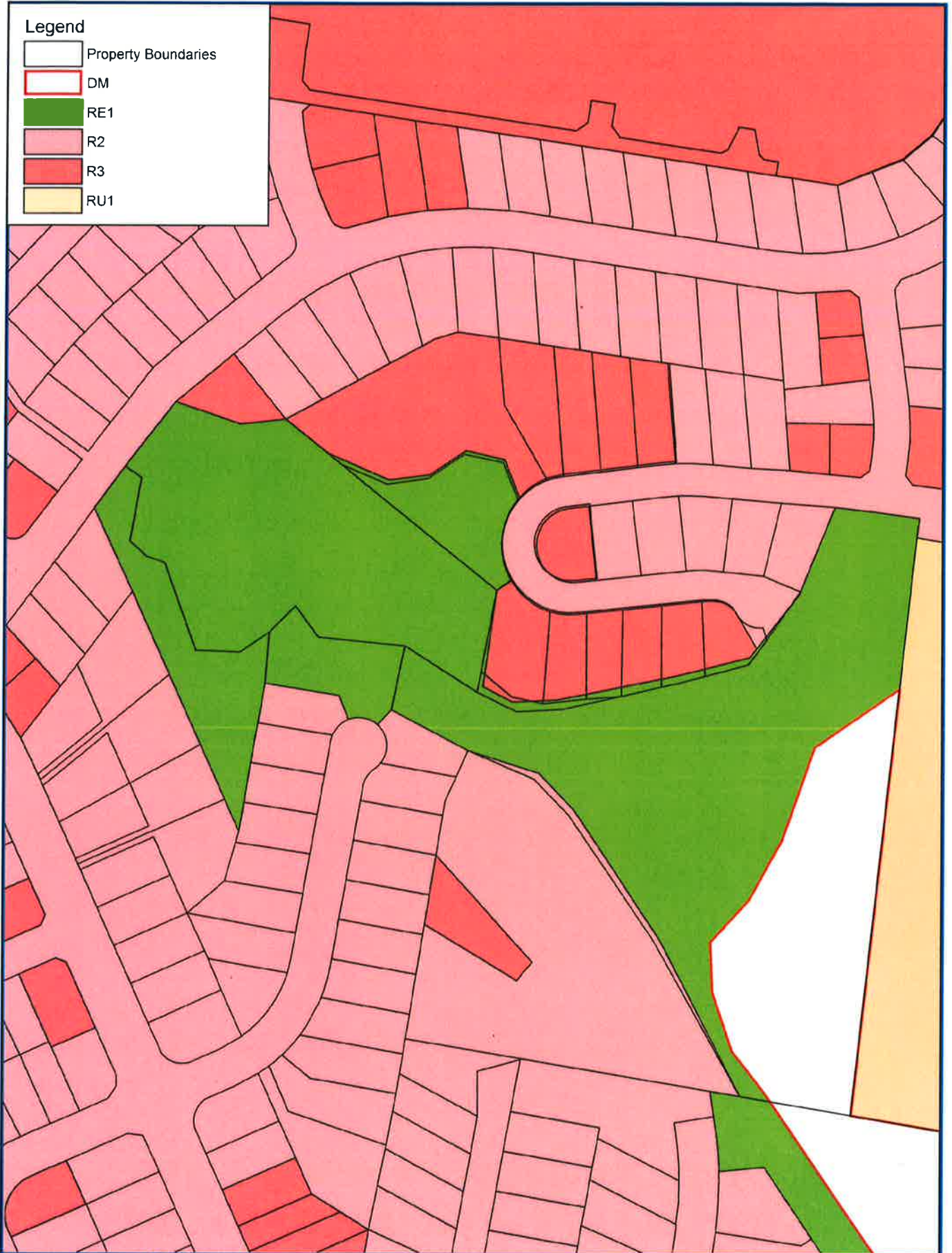
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# Legend

-  Property Boundaries
-  DM
-  RE1
-  R2
-  R3
-  RU1



## Current Land Zoning Map - Liffey Avenue, Cumbalum



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




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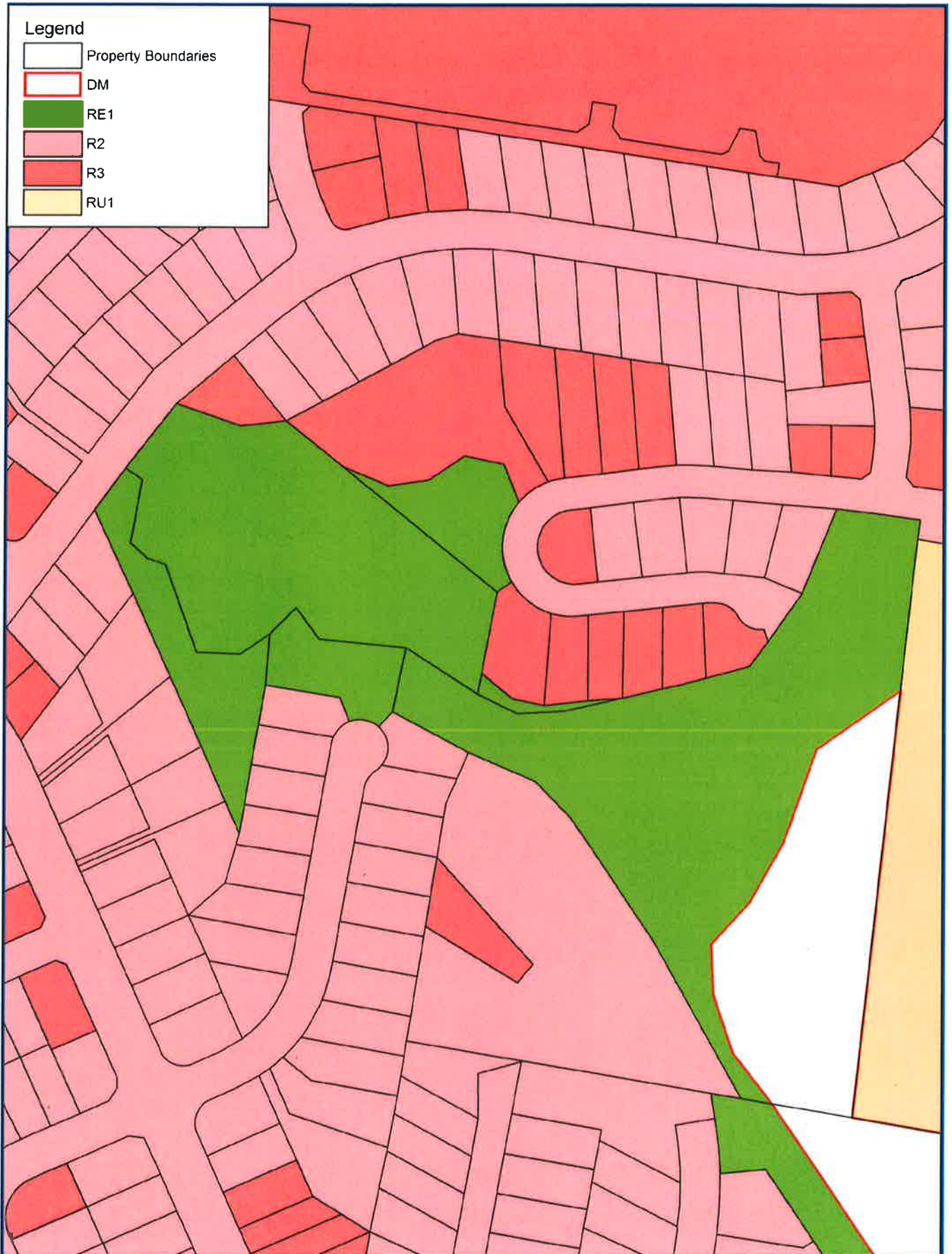
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# Legend

-  Property Boundaries
-  DM
-  RE1
-  R2
-  R3
-  RU1



## Proposed Land Zoning Map - Liffey Avenue, Cumbalum








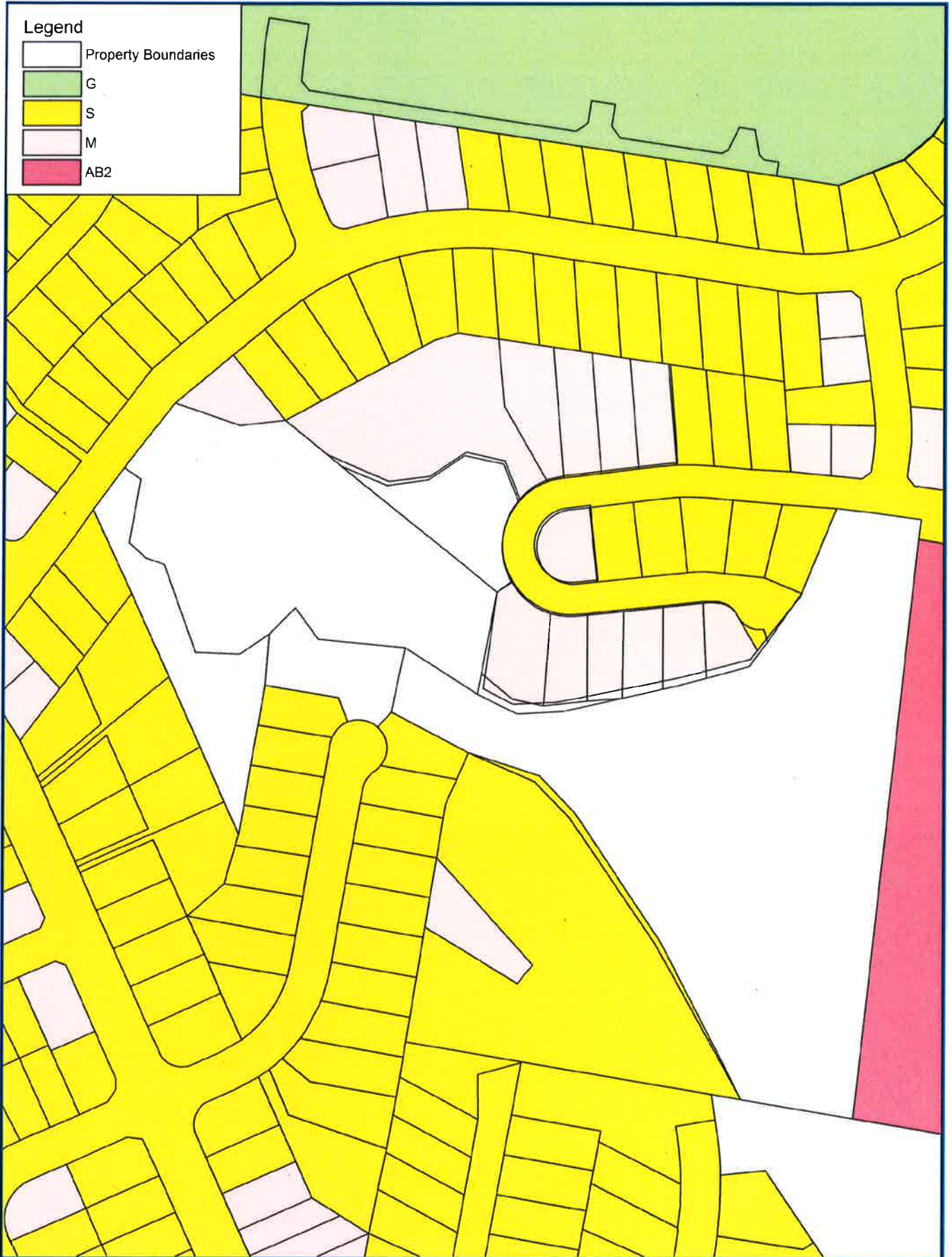
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**Legend**

-  Property Boundaries
-  G
-  S
-  M
-  AB2








**Current Minimum Lot Size Map -  
Liffey Avenue, Cumbalum**

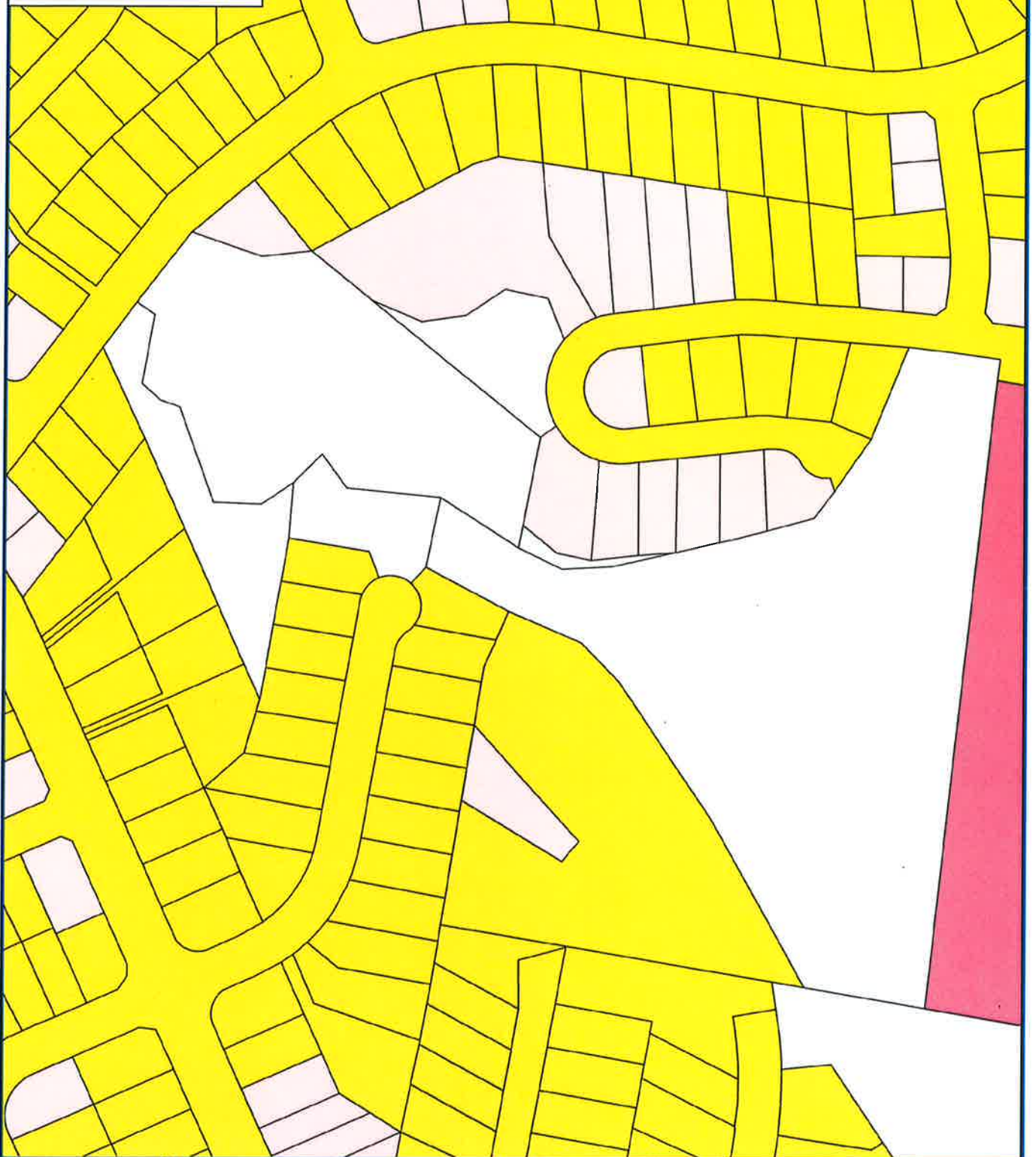


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# Legend

-  Property Boundaries
-  G
-  S
-  M
-  AB2



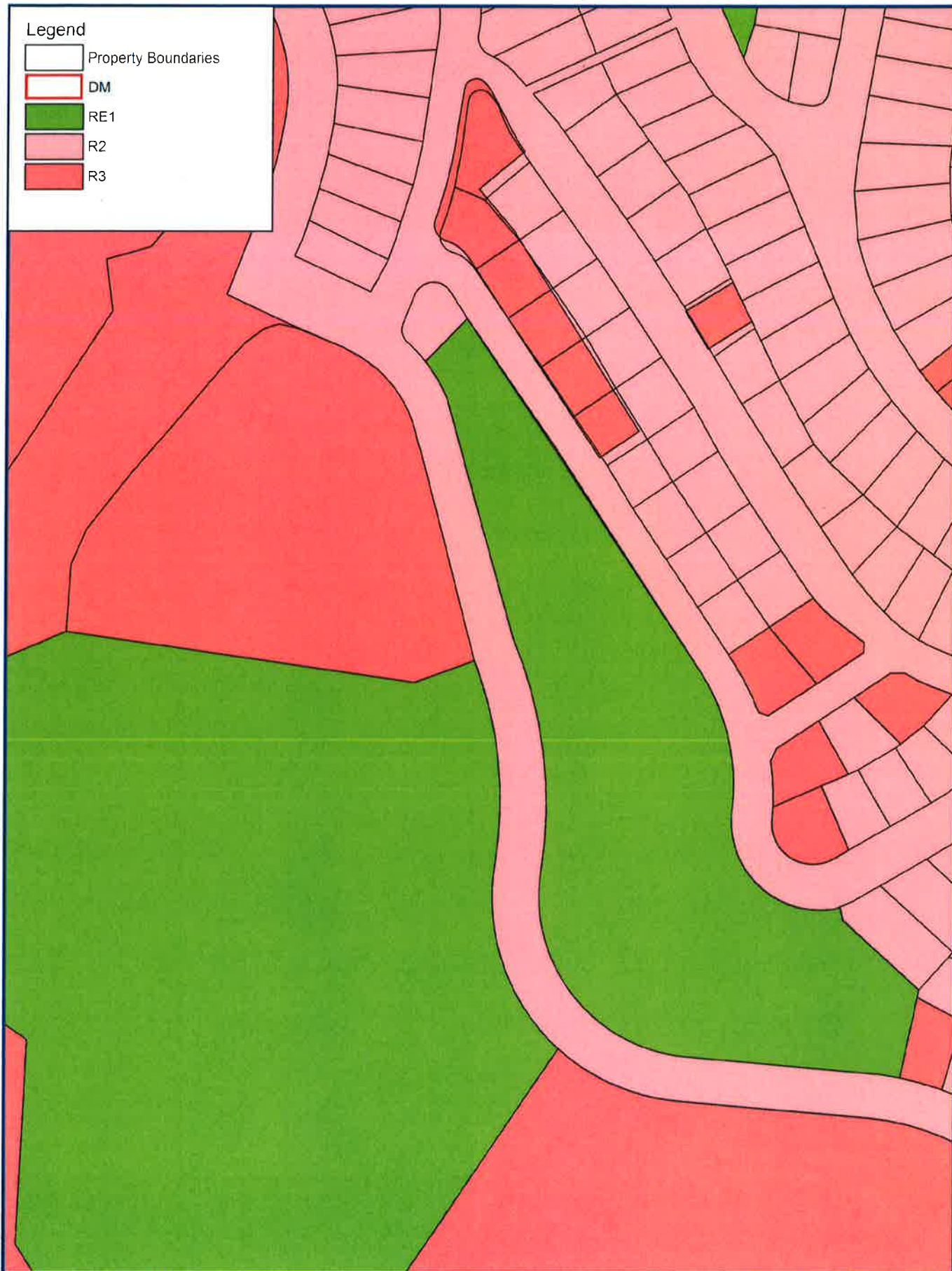
## Proposed Minimum Lot Size Map - Liffey Avenue, Cumbalum

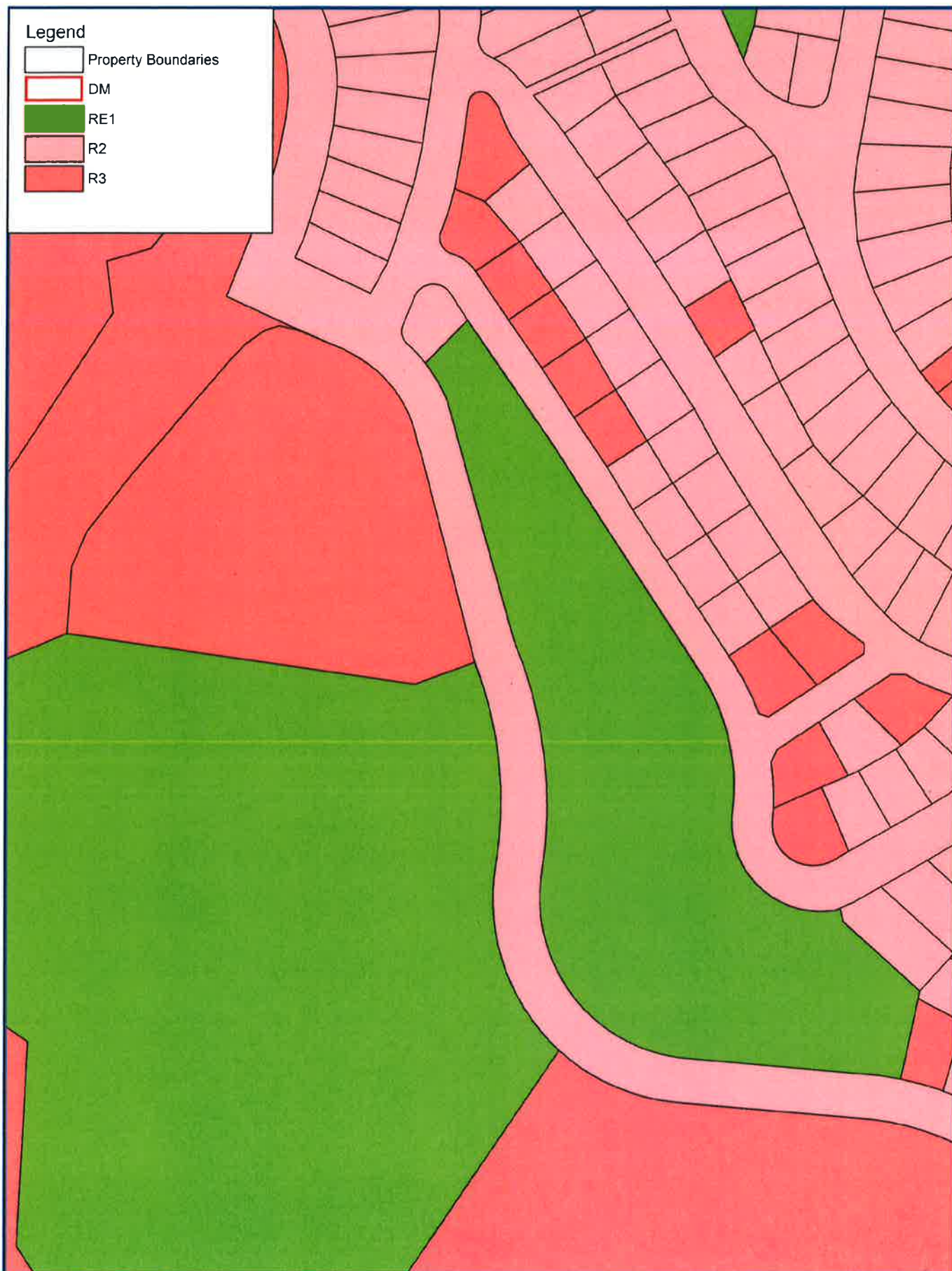


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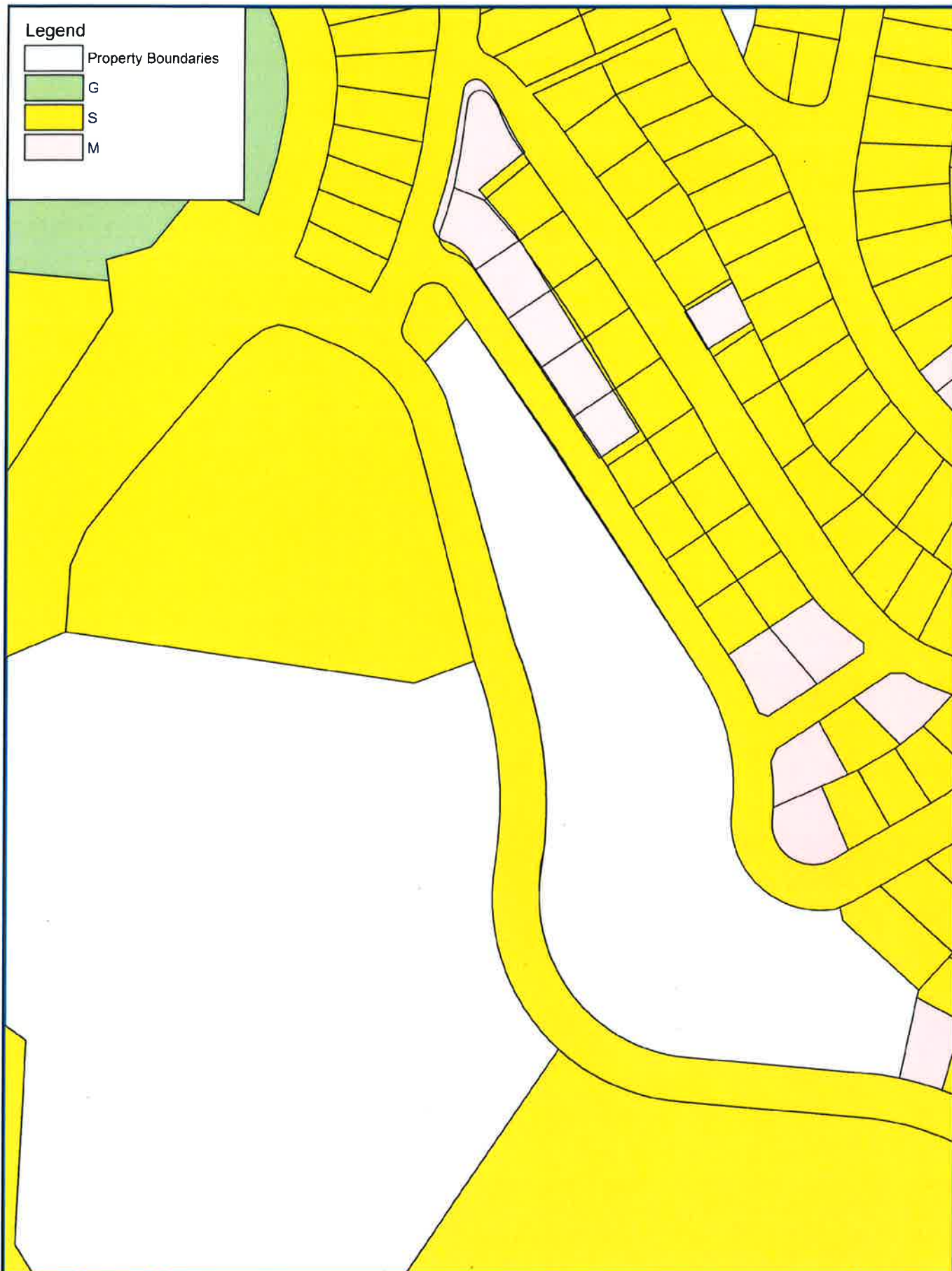
# **Proposed Land Zoning Map - Chilcott Circuit, Cumbalum**

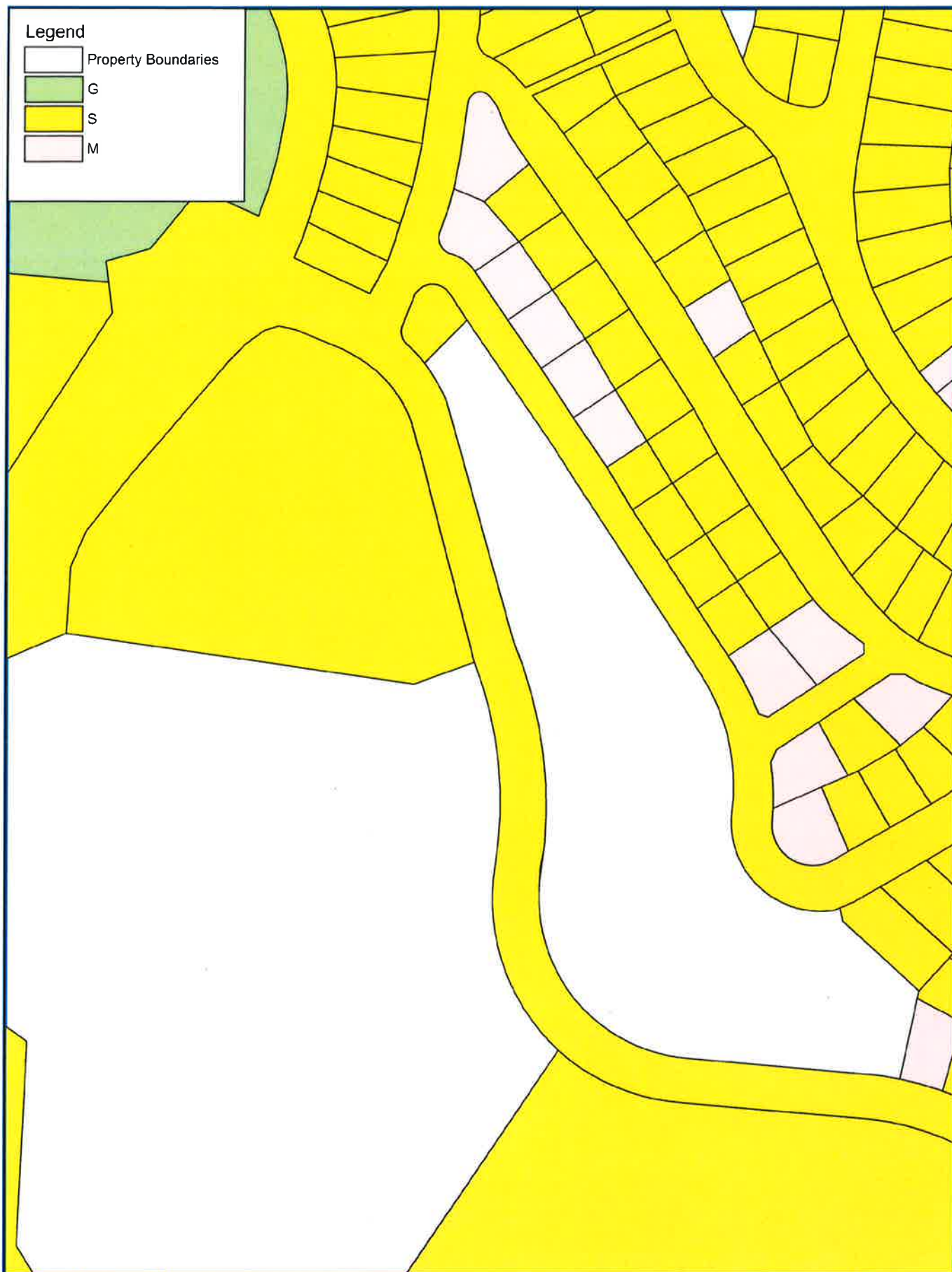


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### Proposed Minimum Lot Size Map - Chilcott Circuit, Cumbalum









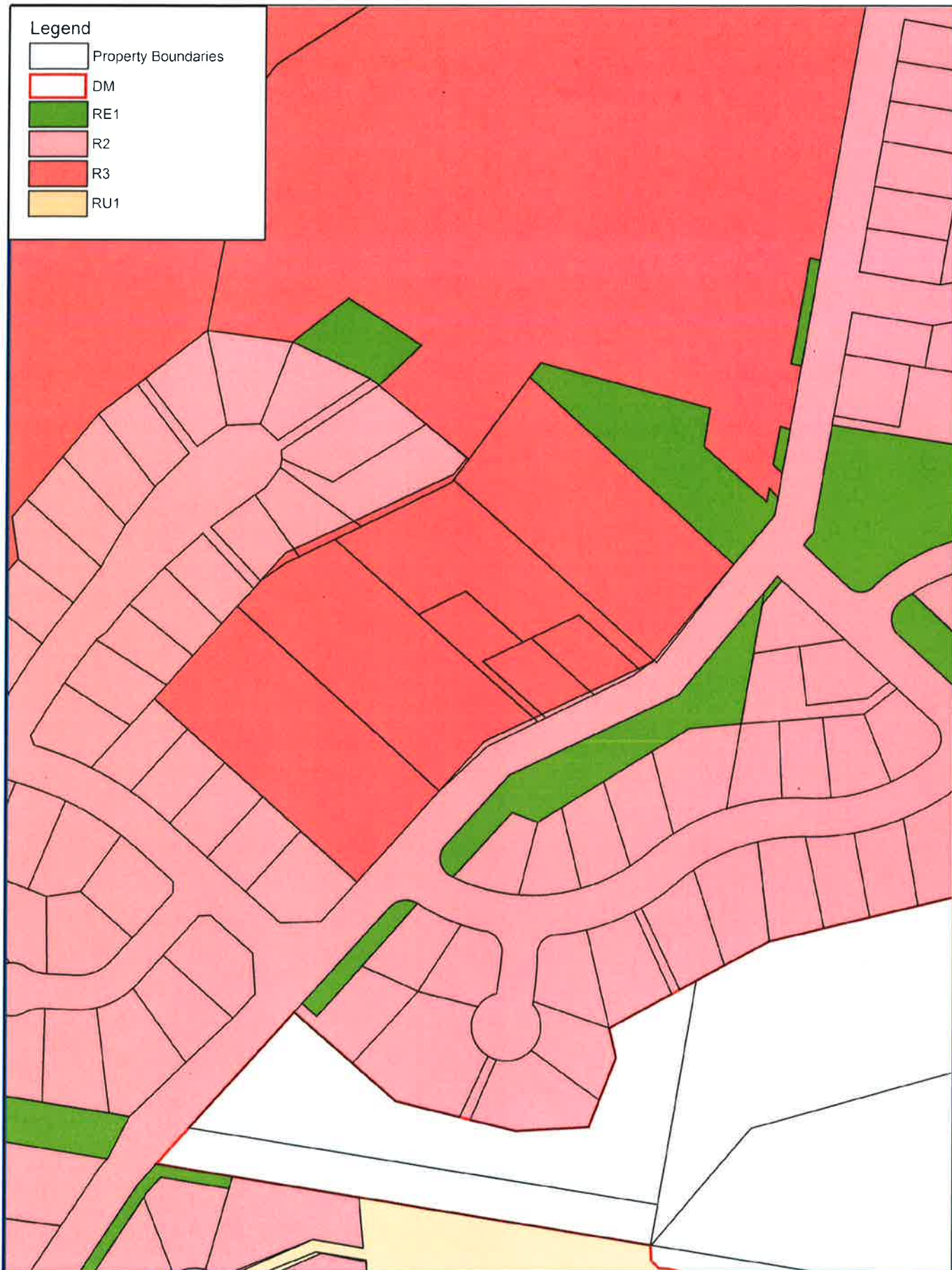
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# Legend

-  Property Boundaries
-  DM
-  RE1
-  R2
-  R3
-  RU1









## Current Land Zoning Map - North Creek Road, Lennox Head



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# Legend

-  Property Boundaries
-  DM
-  RE1
-  R2
-  R3
-  RU1



## Proposed Land Zoning Map - North Creek Road, Lennox Head



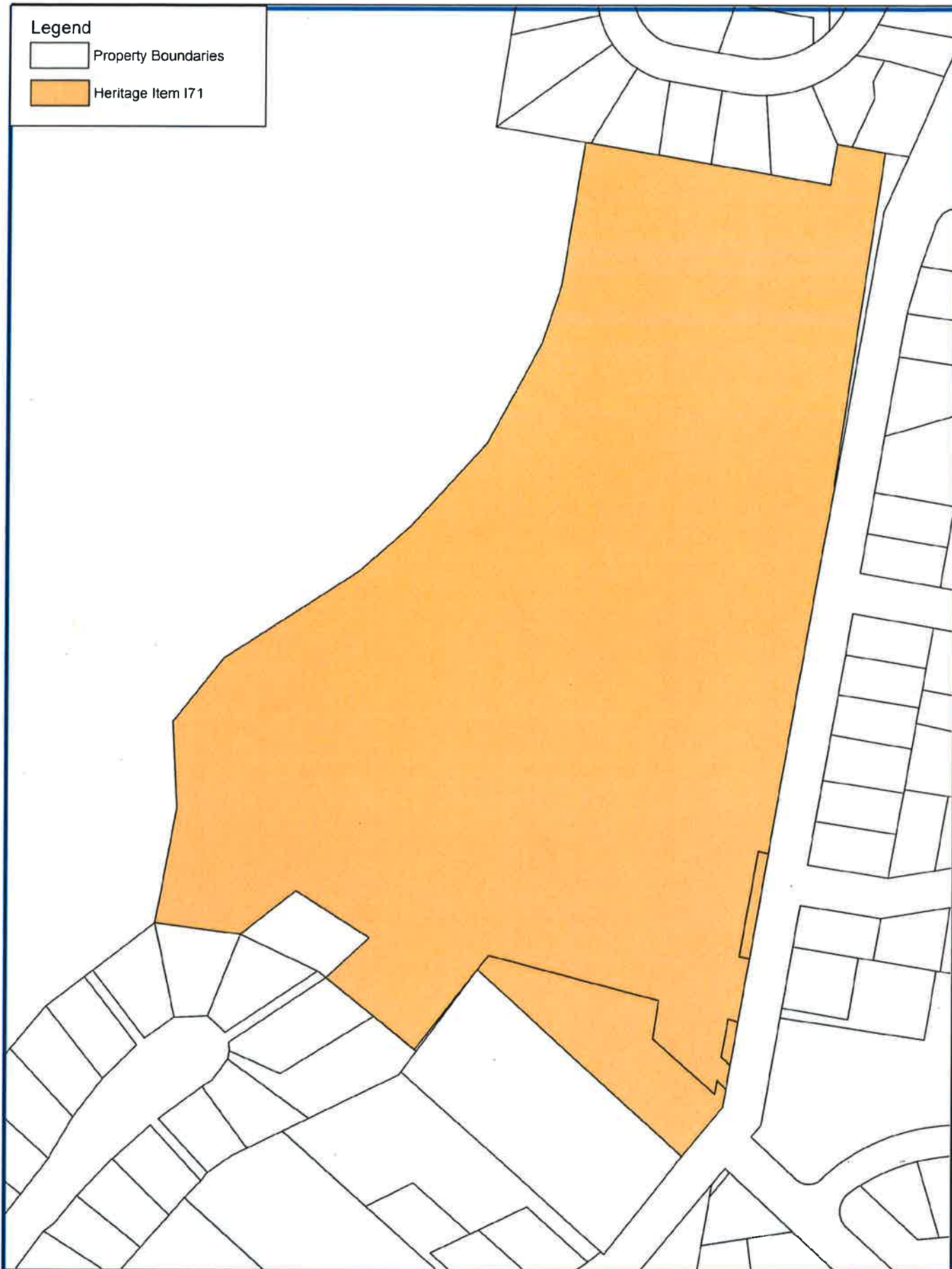
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# Legend

-  Property Boundaries
-  Heritage Item I71



## Current Heritage Map - North Creek Road, Lennox Head

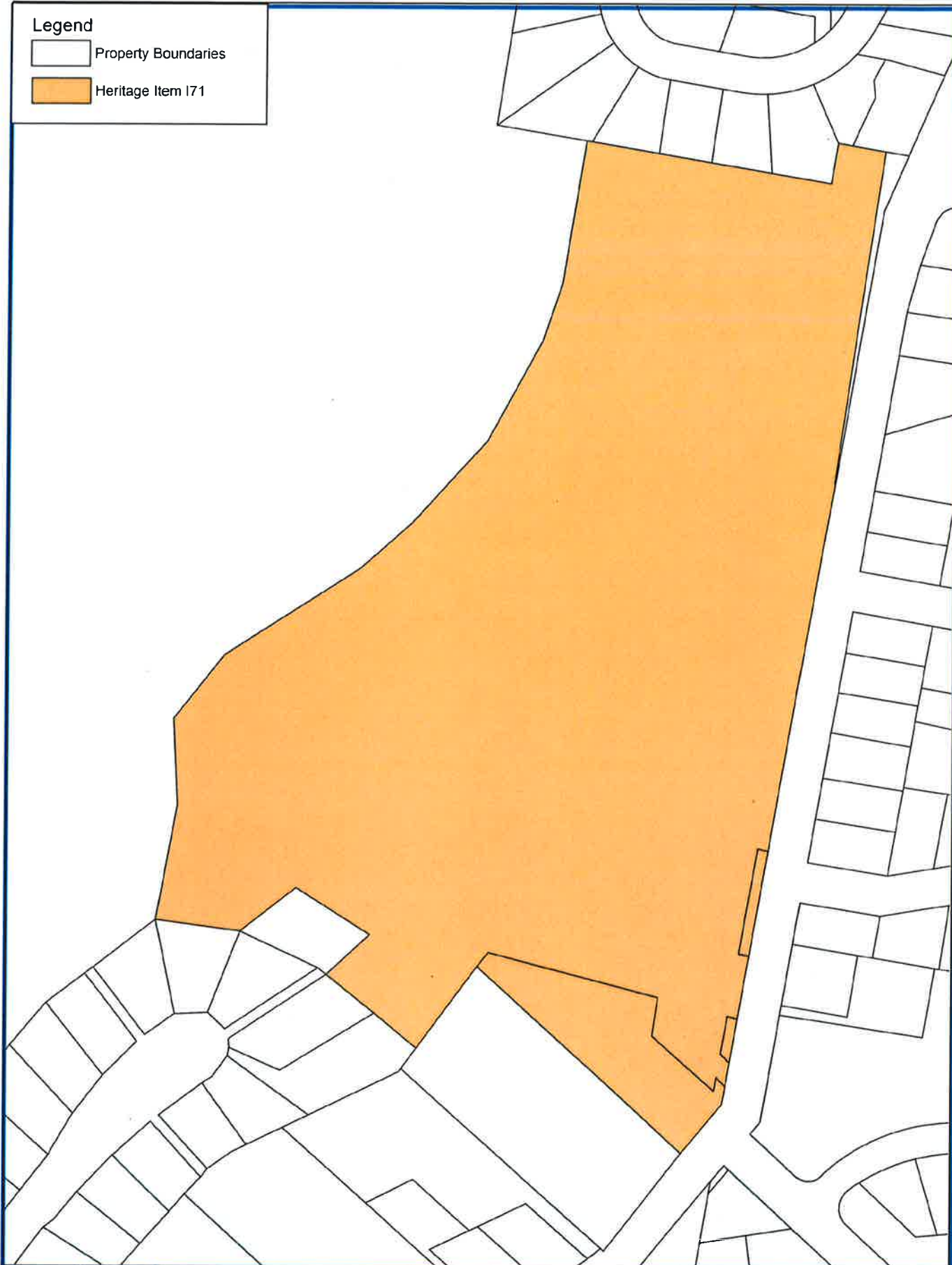


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**Legend**

-  Property Boundaries
-  Heritage Item 171



**Proposed Heritage Map -  
North Creek Road, Lennox Head**







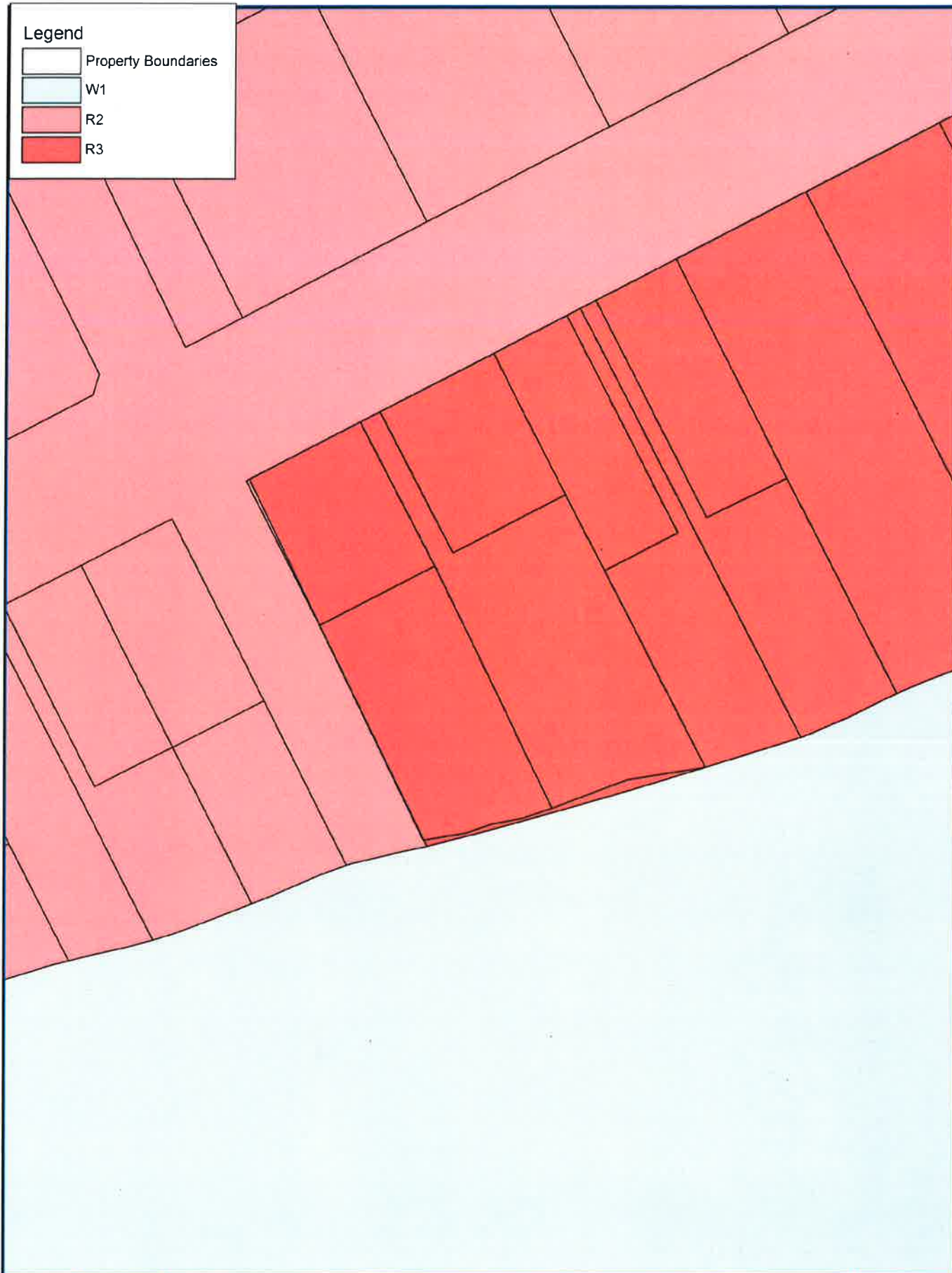
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**Legend**

-  Property Boundaries
-  W1
-  R2
-  R3



**Current Land Zoning Map -  
Richmond Street, Wardell**

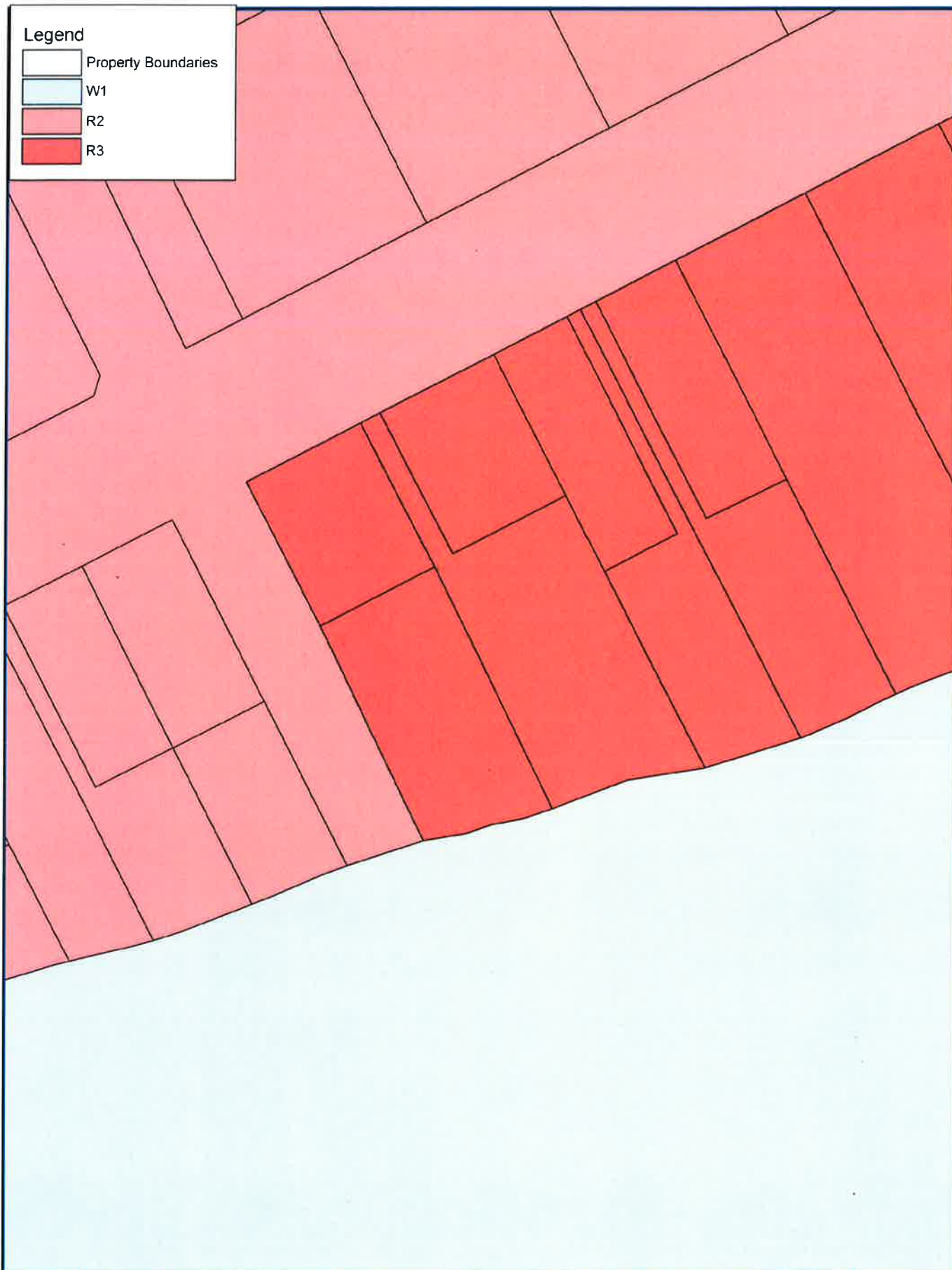


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**Legend**

-  Property Boundaries
-  W1
-  R2
-  R3






**Proposed Land Zoning Map -  
Richmond Street, Wardell**

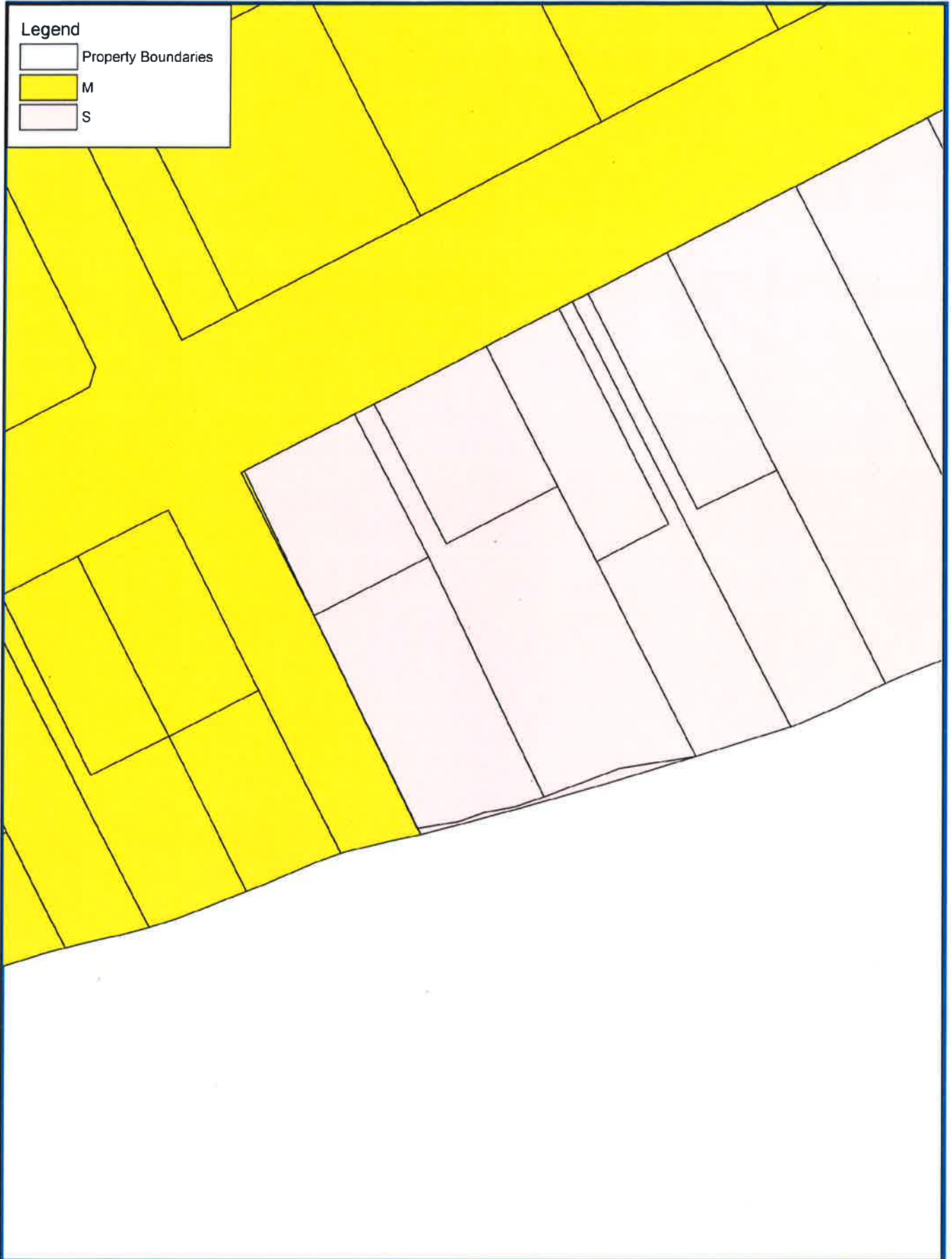


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**Legend**

-  Property Boundaries
-  M
-  S



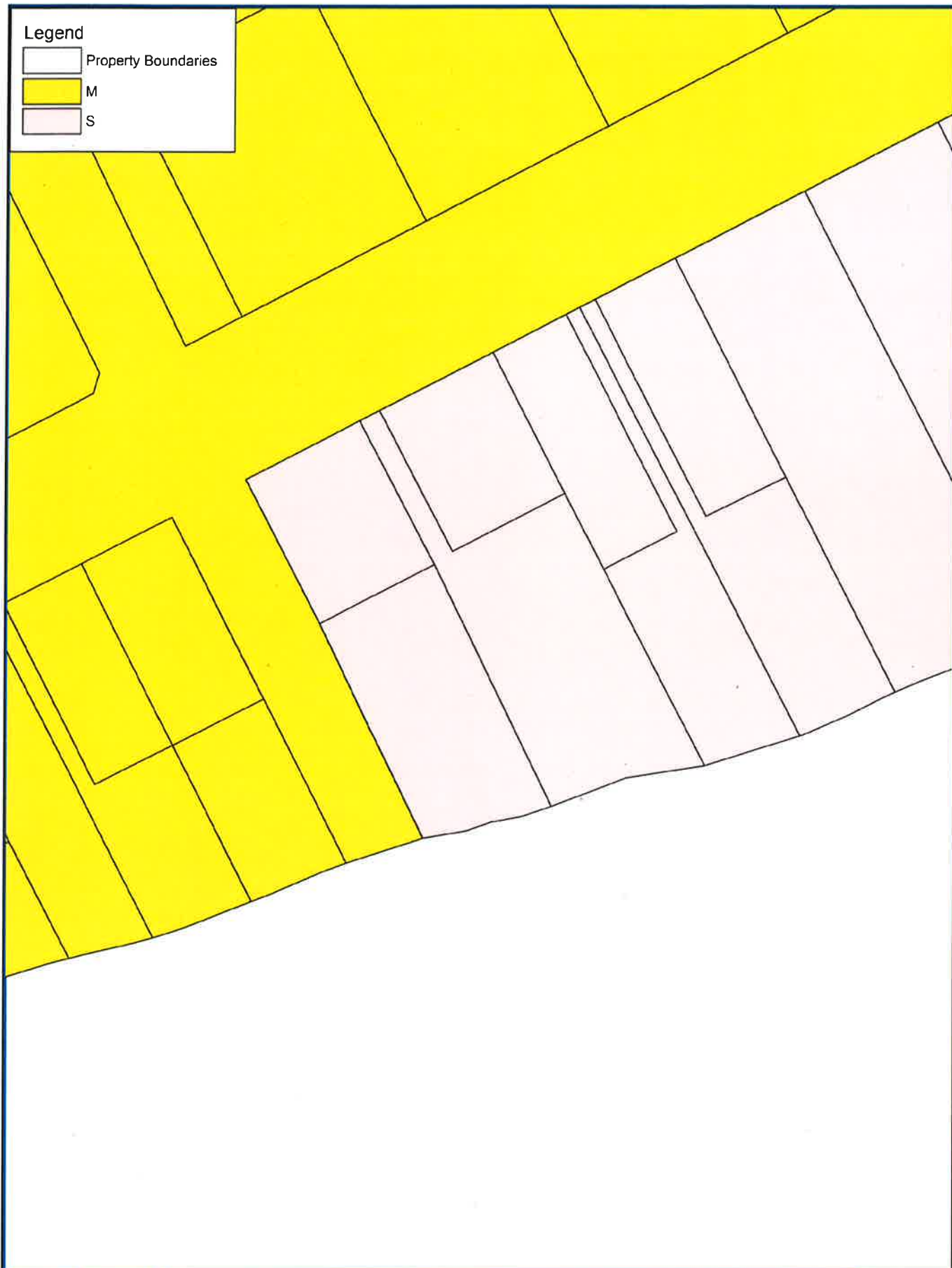
**Current Lot Size Map -  
Richmond Street, Wardell**



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### Proposed Lot Size Map - Richmond Street, Wardell



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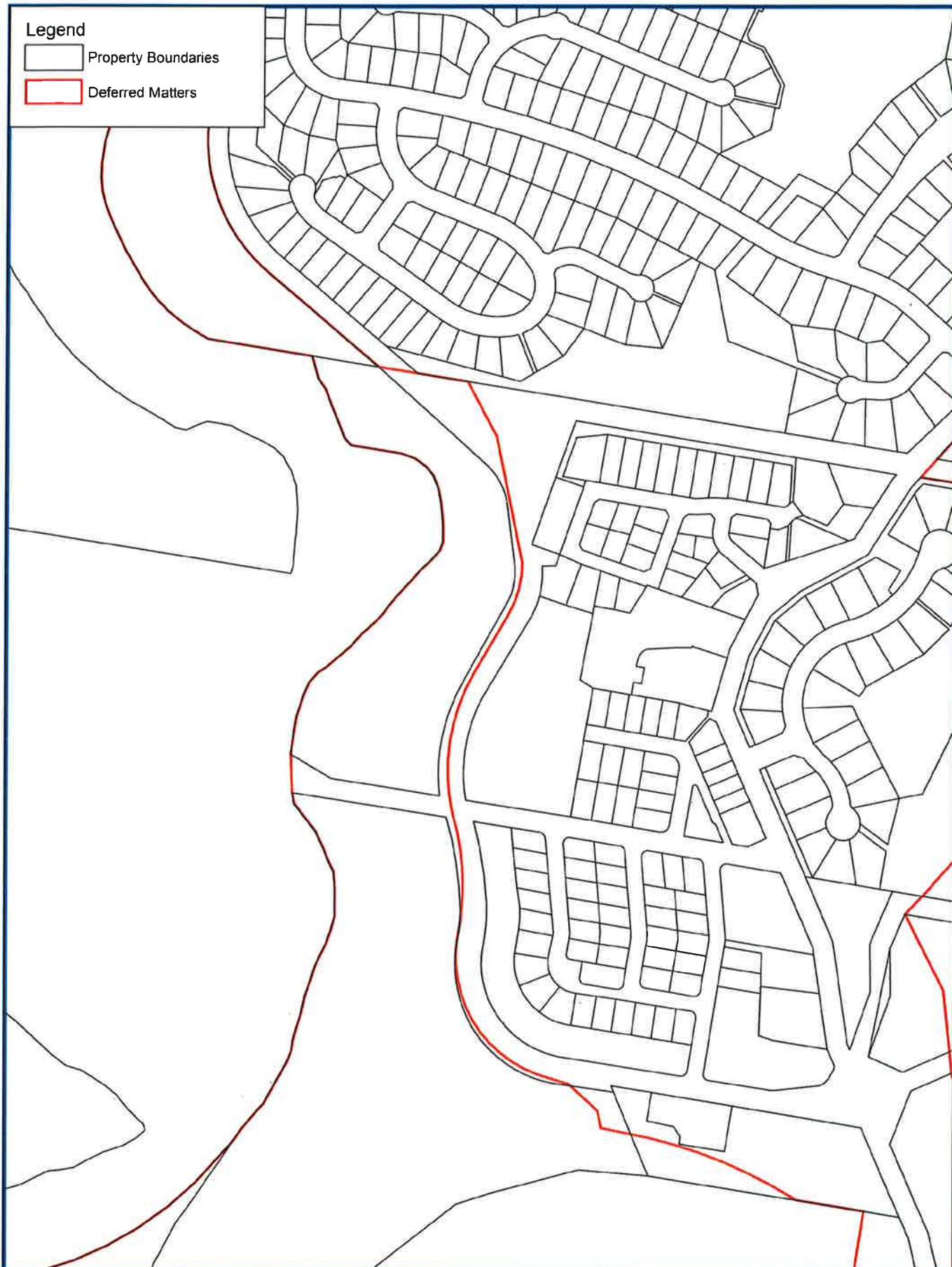
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**Legend**

-  Property Boundaries
-  Deferred Matters



**Current Land Zoning Map -  
Hutley Drive South, Lennox Head**



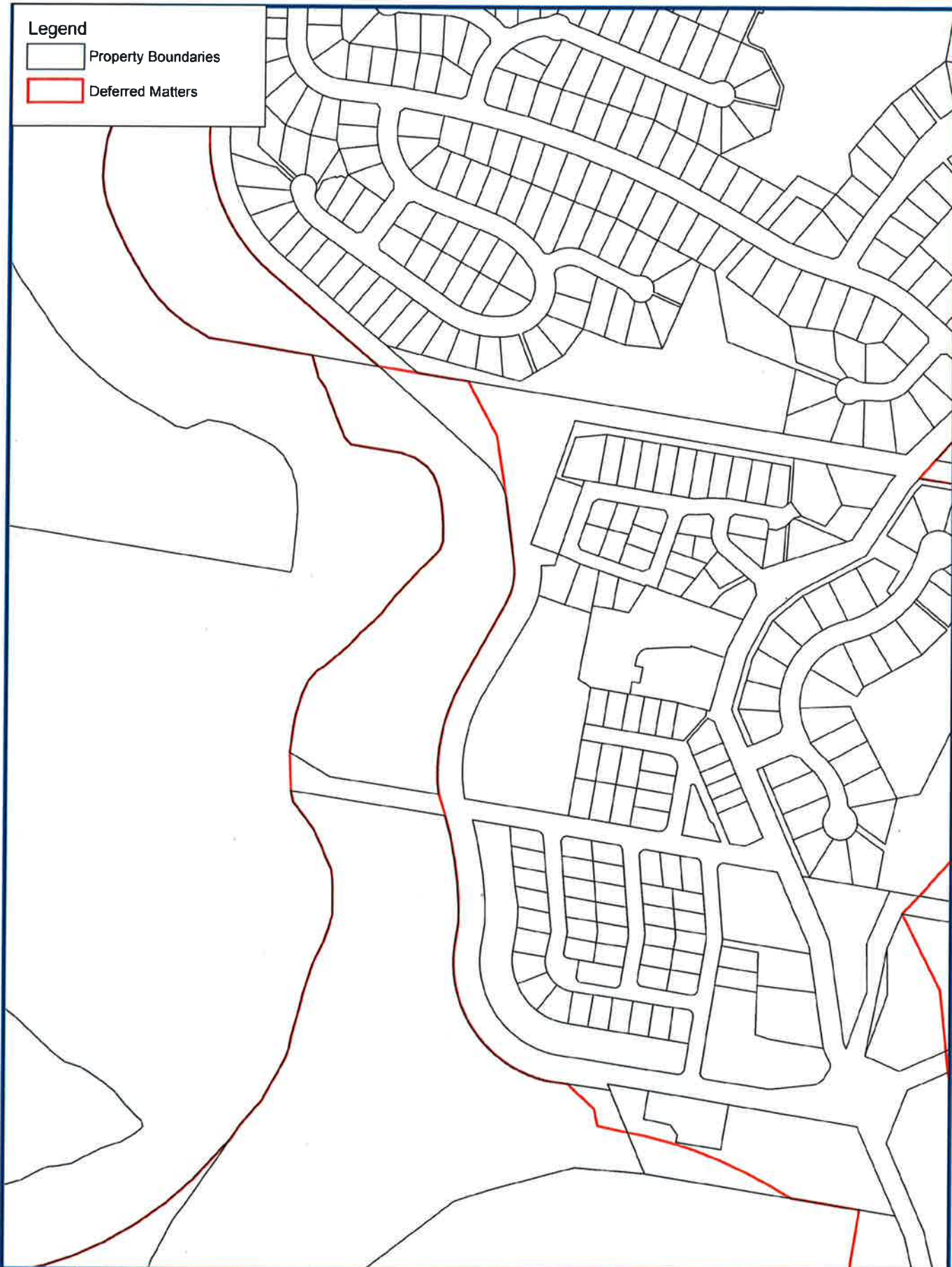
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**Legend**

-  Property Boundaries
-  Deferred Matters



**Proposed Land Zoning Map -  
Hutley Drive South, Lennox Head**




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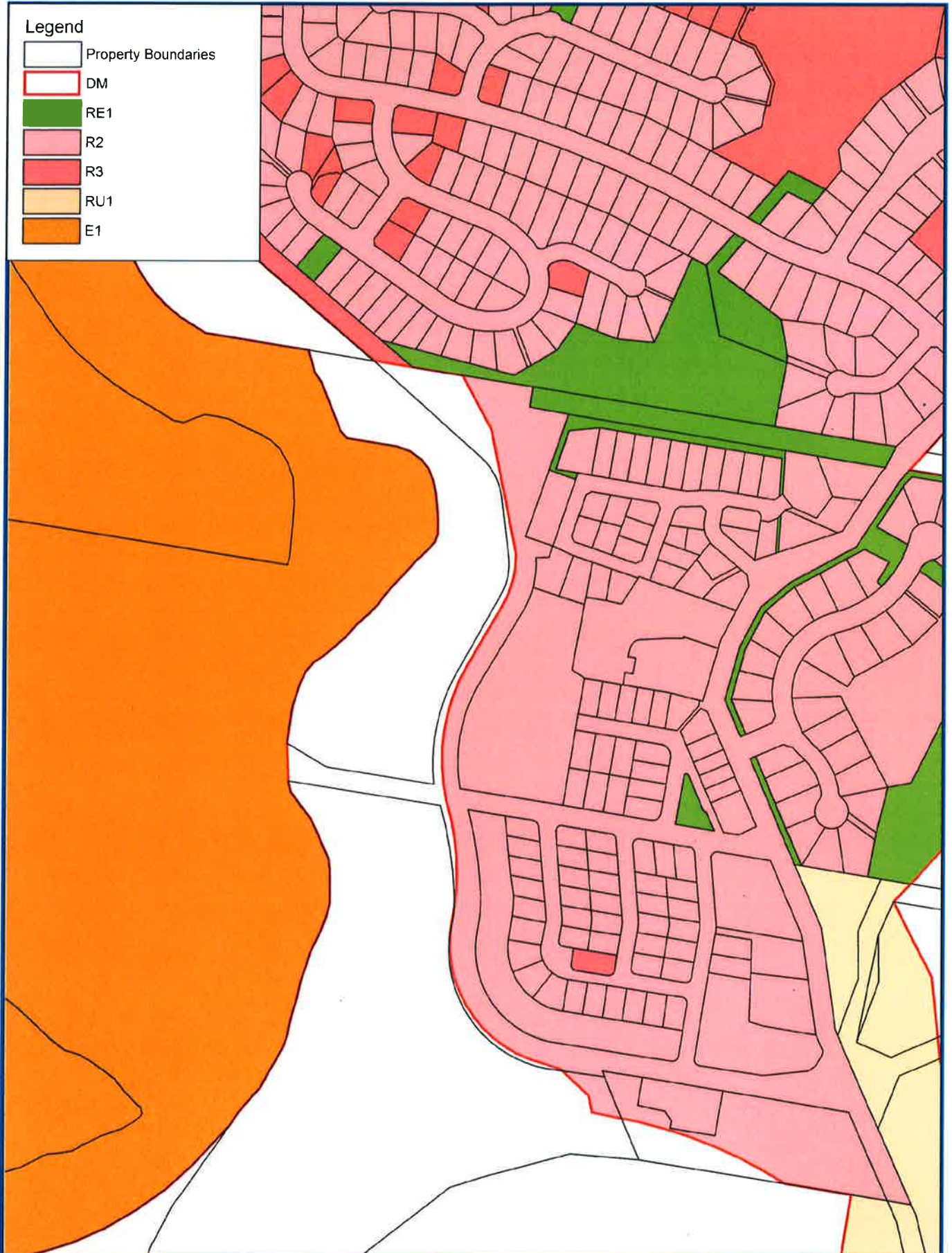
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# Legend

-  Property Boundaries
-  DM
-  RE1
-  R2
-  R3
-  RU1
-  E1



## Current Land Zoning Map - Hutley Drive South, Lennox Head



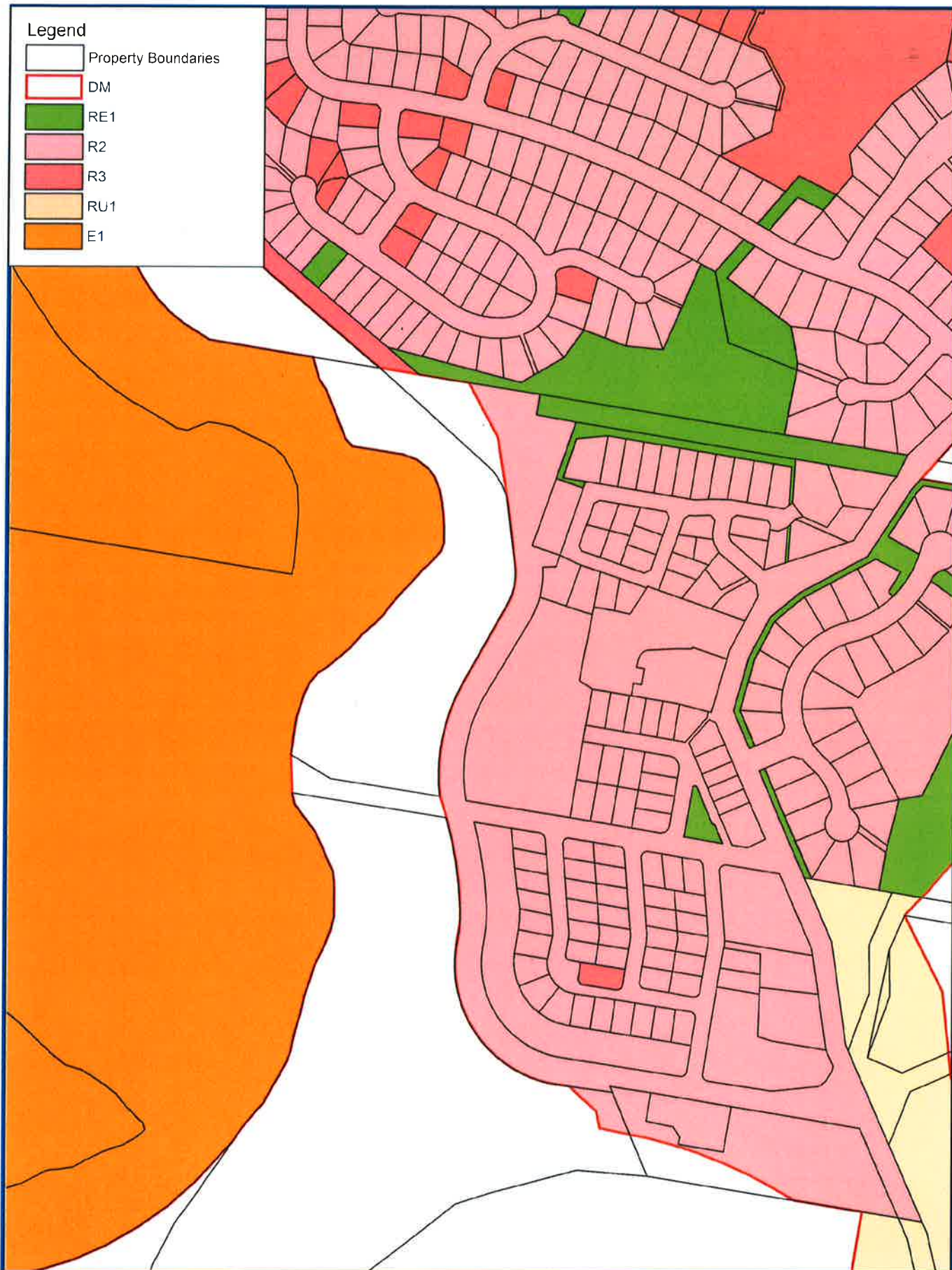
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# Legend

-  Property Boundaries
-  DM
-  RE1
-  R2
-  R3
-  RU1
-  E1



## Proposed Land Zoning Map - Hutley Drive South, Lennox Head








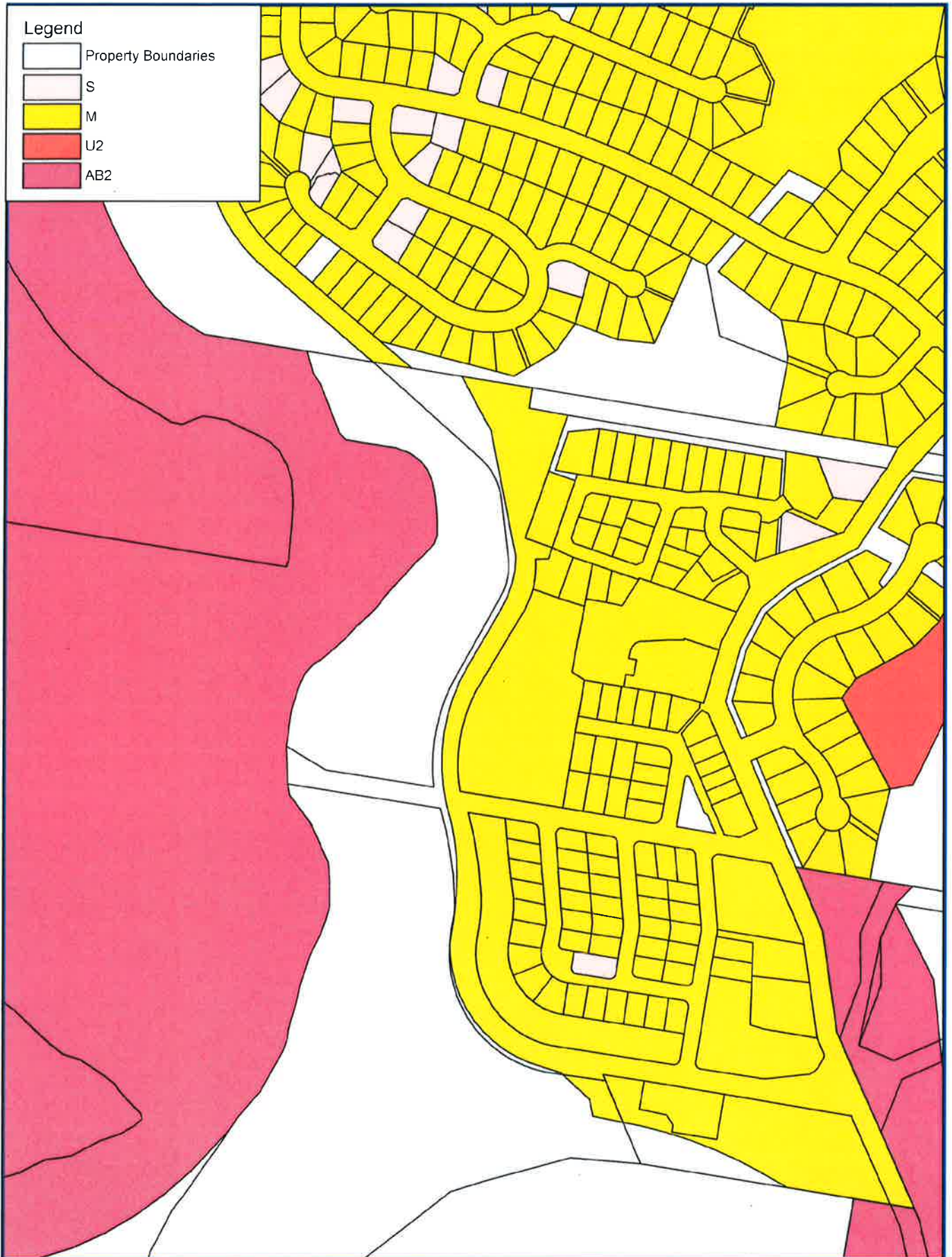
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**Legend**

-  Property Boundaries
-  S
-  M
-  U2
-  AB2



**Current Minimum Lot Size Map -  
Hutley Drive South, Lennox Head**



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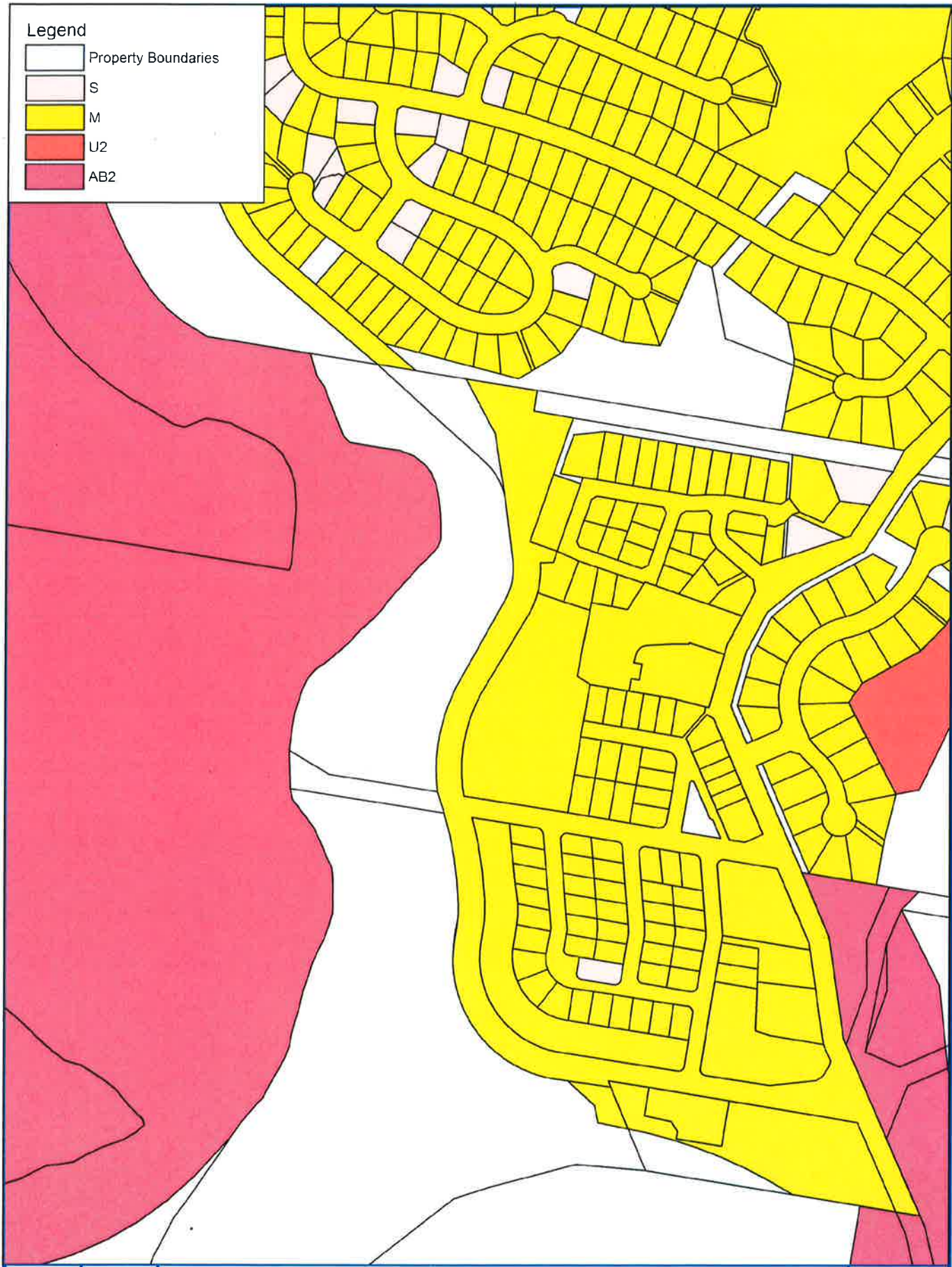
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# Legend

-  Property Boundaries
-  S
-  M
-  U2
-  AB2



## Proposed Minimum Lot Size Map - Hutley Drive South, Lennox Head



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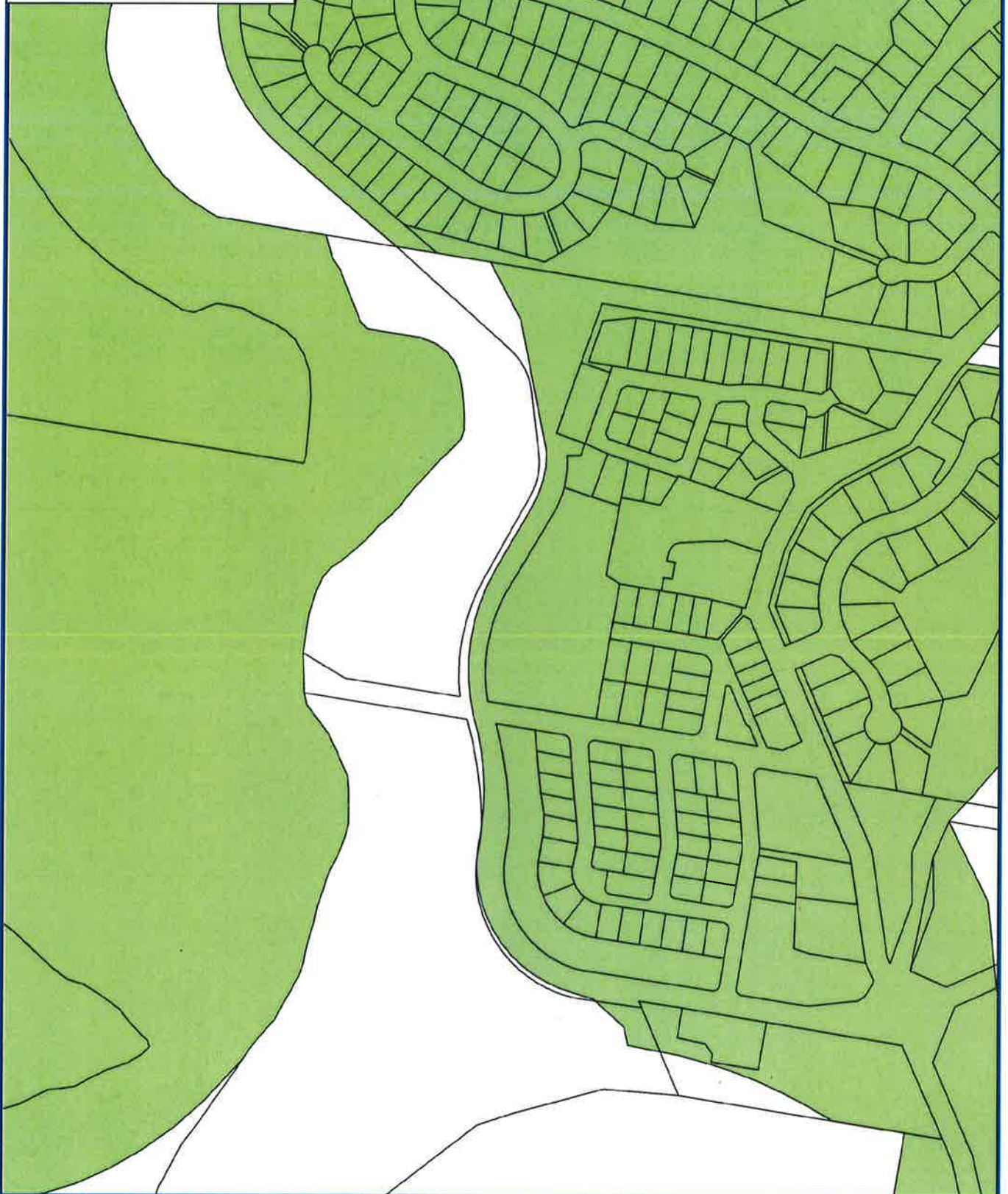
**Legend**



Property Boundaries



Max Building Height (8.5m)



**Current Height of Building Map -  
Hutley Drive South, Lennox Head**



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# Legend



Property Boundaries



Max Building Height (8.5m)



## Proposed Height of Building Map - Hutley Drive South, Lennox Head



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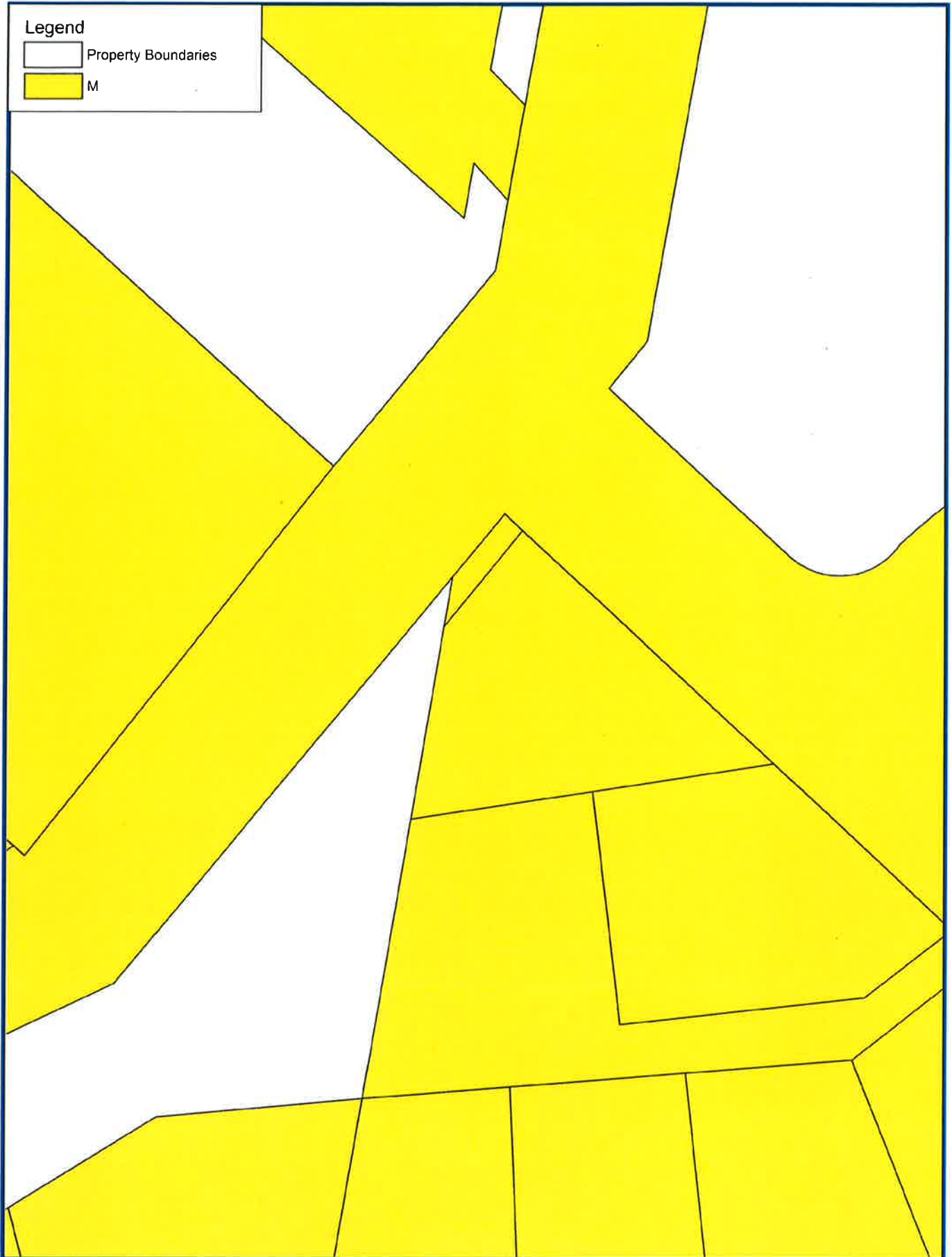
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Legend

-  Property Boundaries
-  M



**Current Minimum Lot Size Map -  
Castle Drive, Lennox Head**



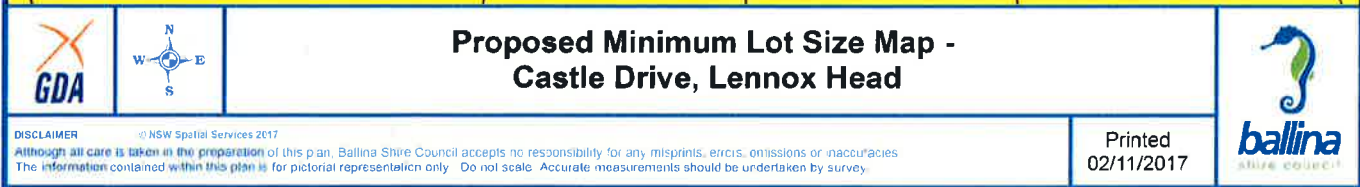
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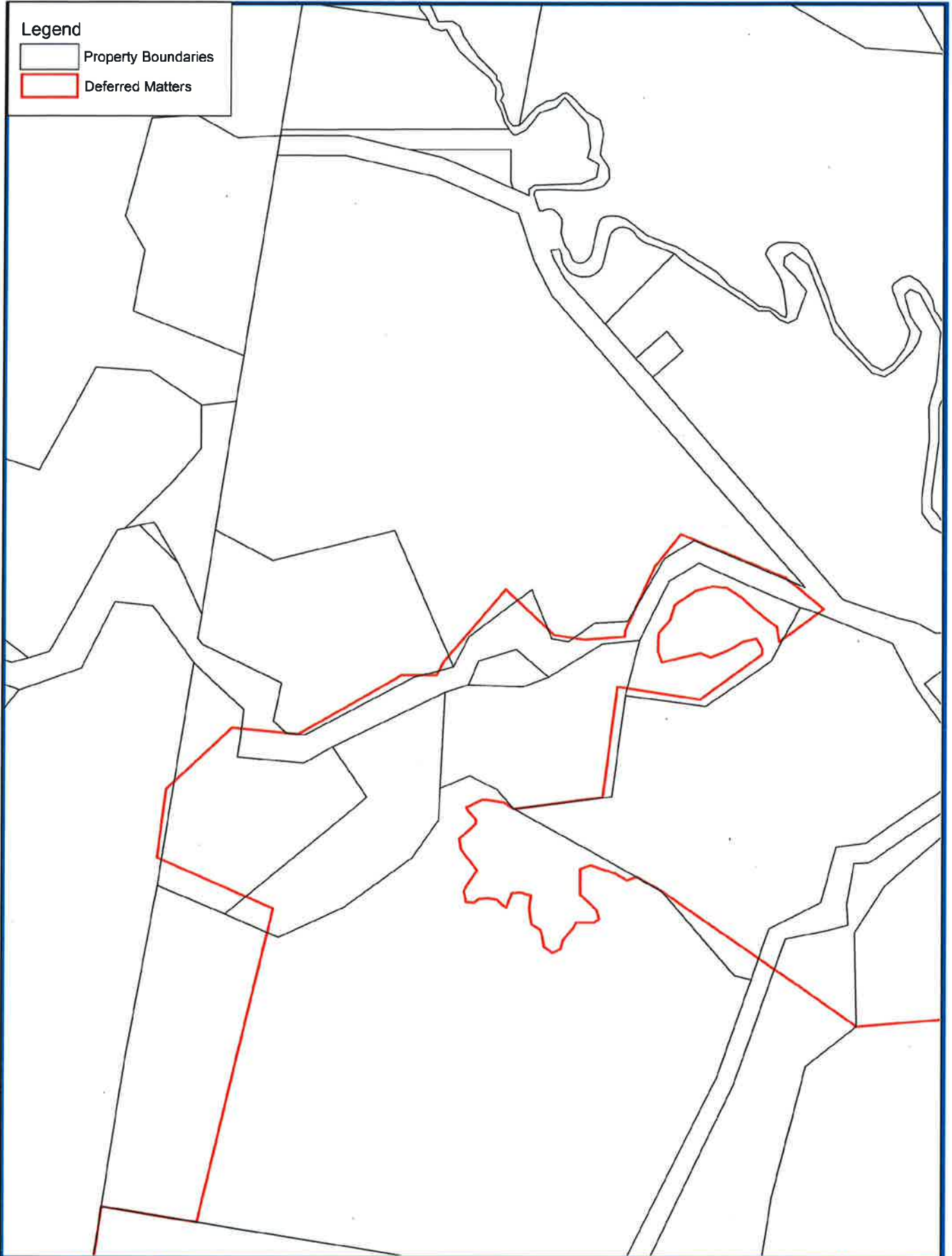
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**Legend**

-  Property Boundaries
-  Deferred Matters



**Current Land Application Map -  
Newports Lane, Alstonville**




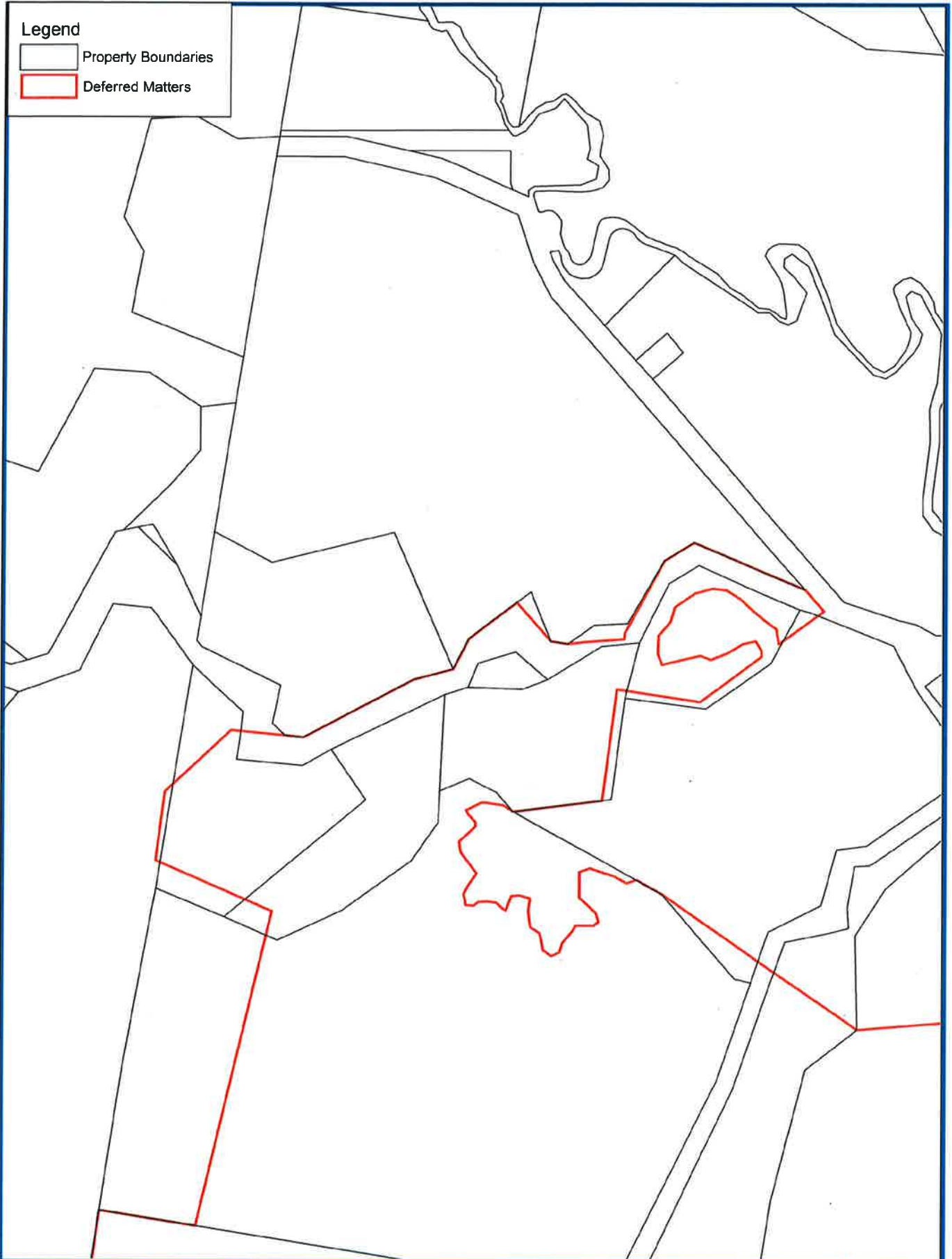
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**Legend**

-  Property Boundaries
-  Deferred Matters

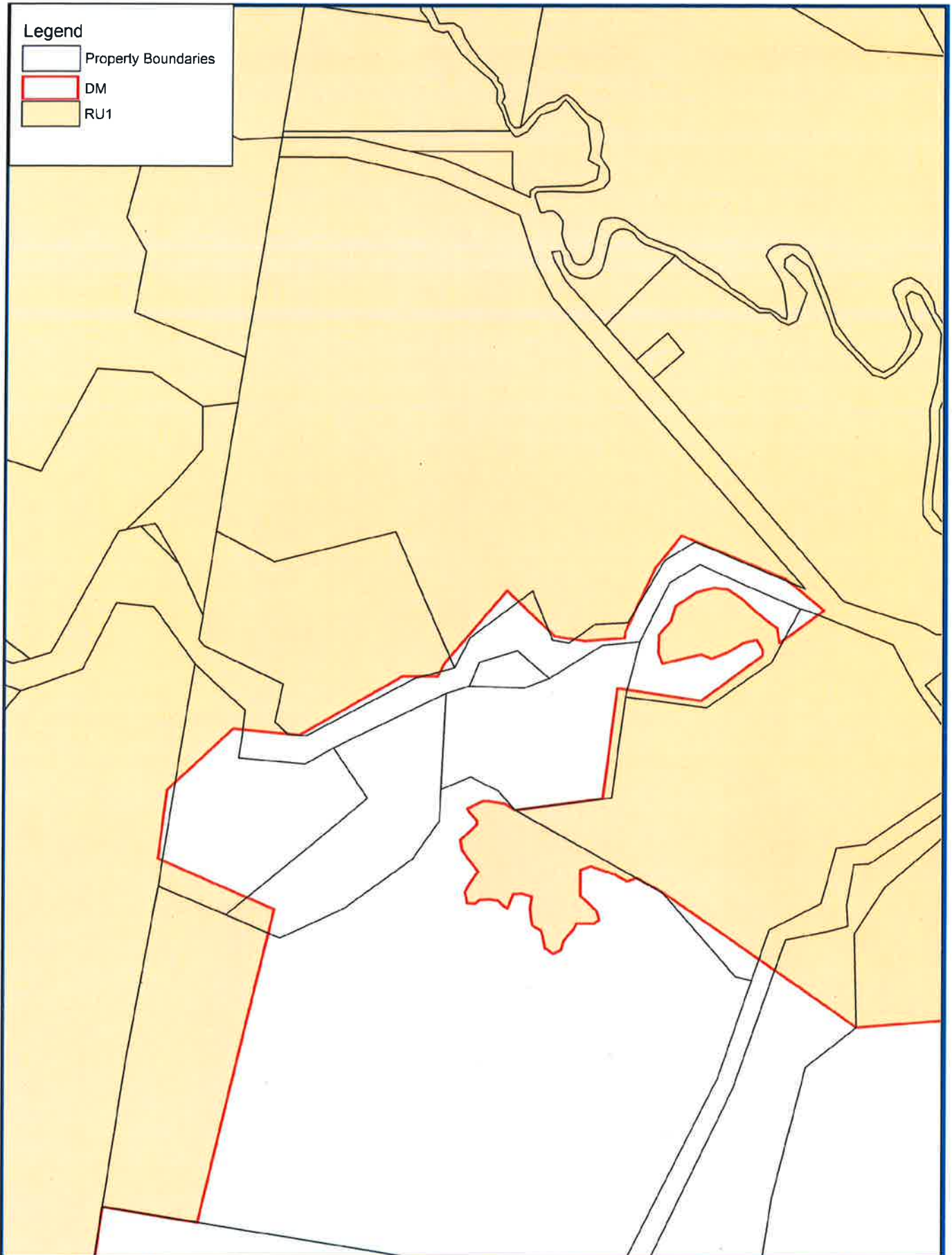


**Proposed Land Application Map -  
Newports Lane, Alstonville**



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**Legend**

- Property Boundaries
- DM
- RU1

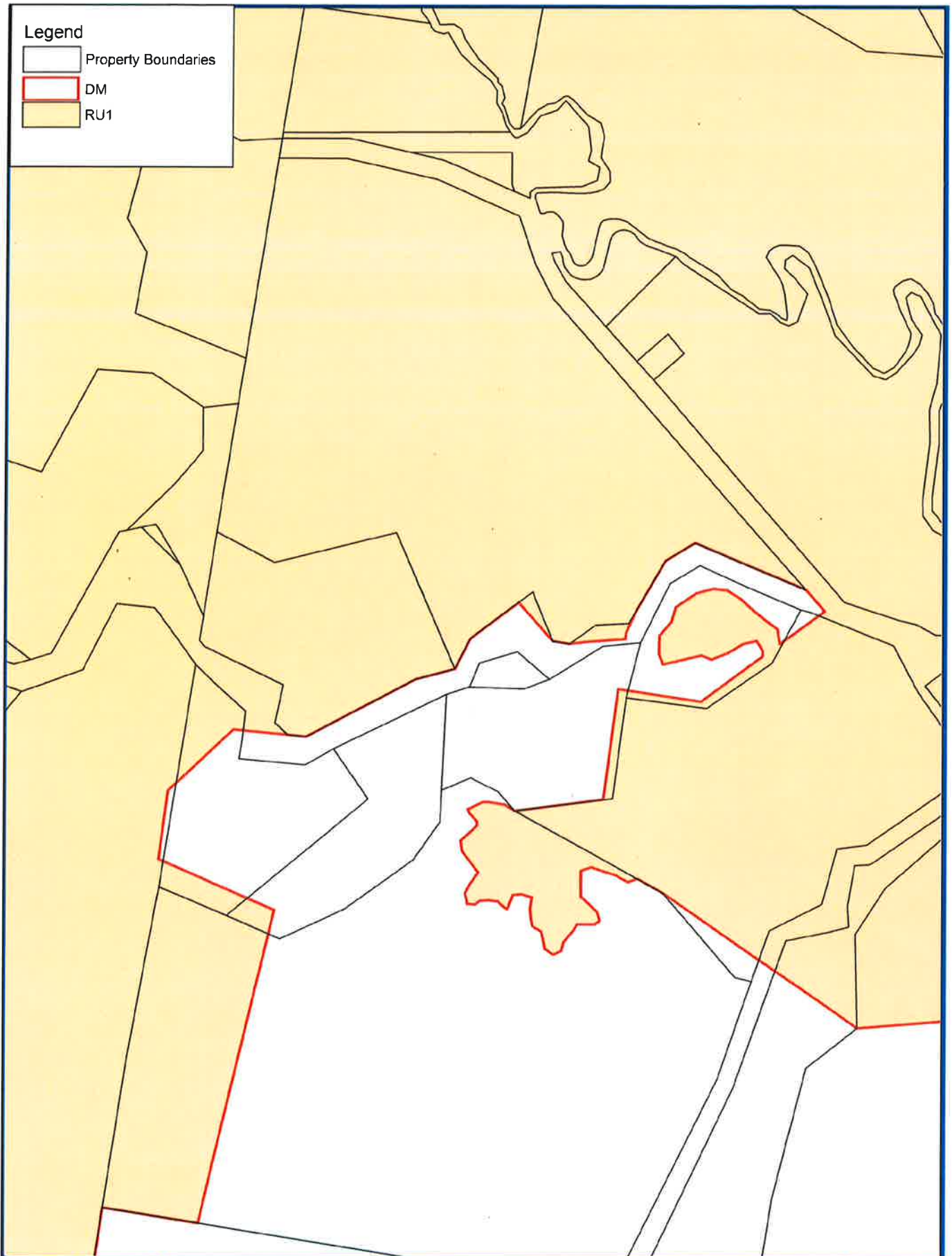


**Current Land Zoning Map -  
Newports Lane, Alstonville**



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**Legend**

- Property Boundaries
- DM
- RU1



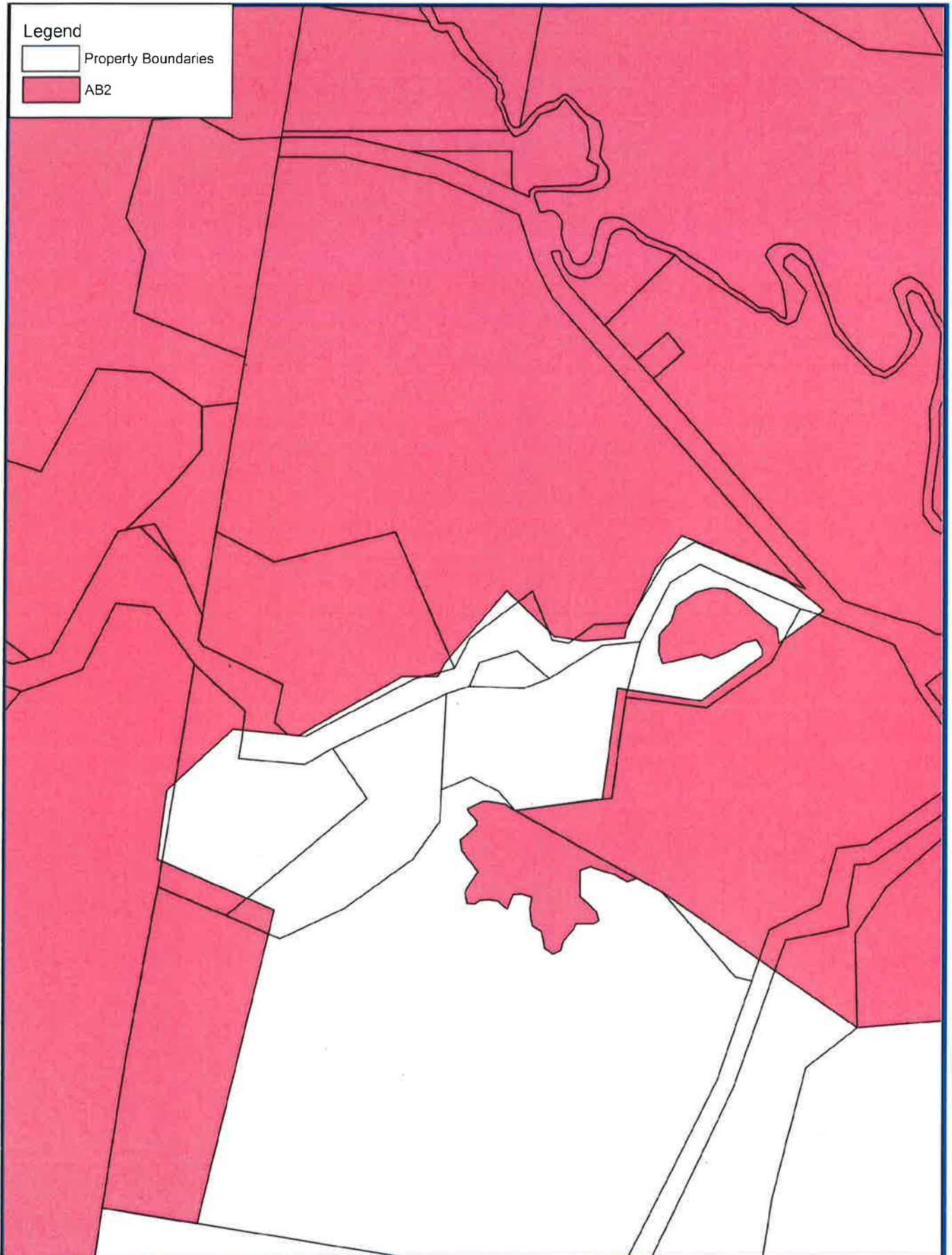
**Proposed Land Zoning Map -  
Newports Lane, Alstonville**



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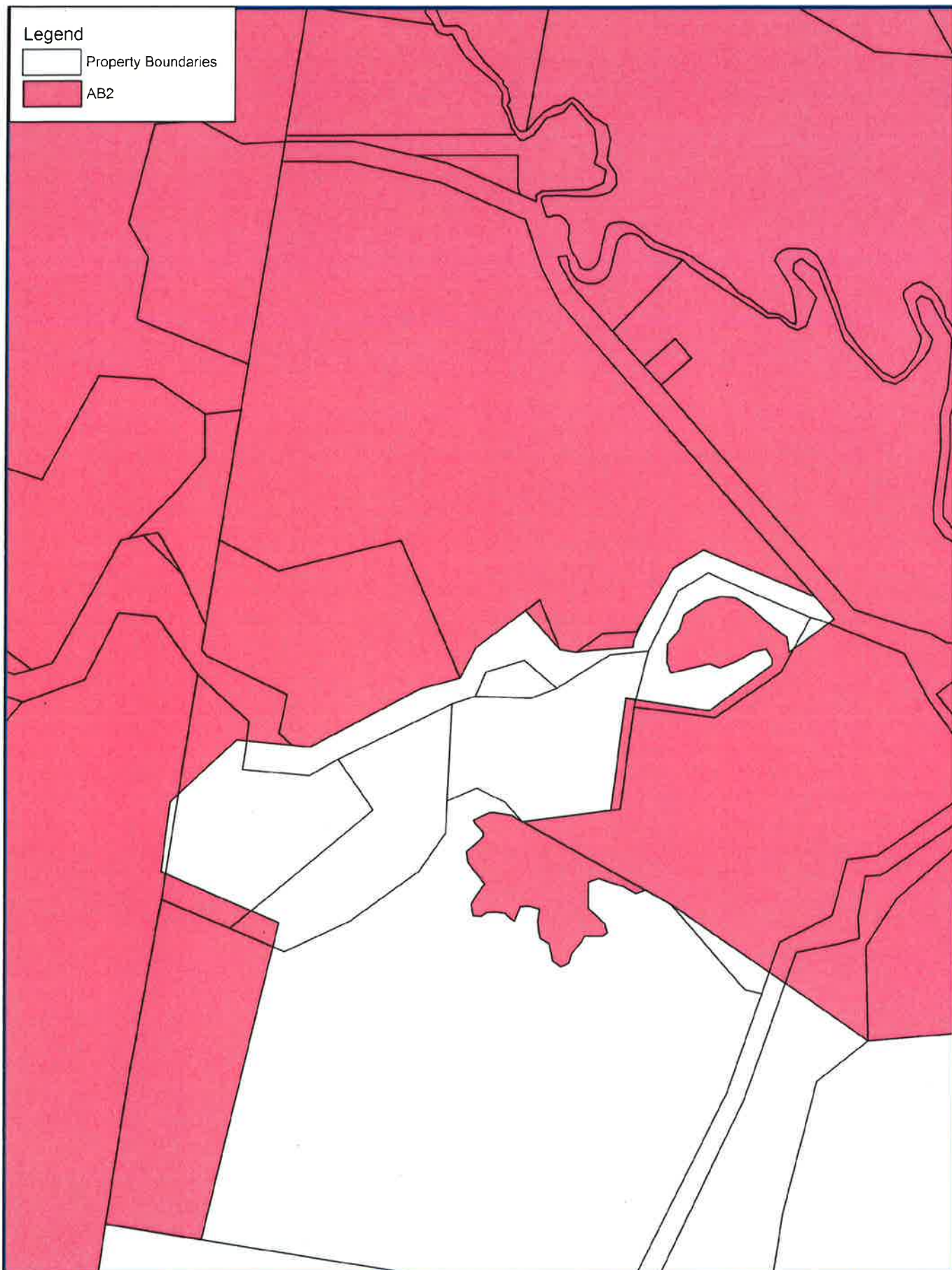


### Current Minimum Lot Size Map - Newports Lane, Alstonville





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**Legend**

-  Property Boundaries
-  AB2



**Proposed Minimum Lot Size Map -  
Newports Lane, Alstonville**



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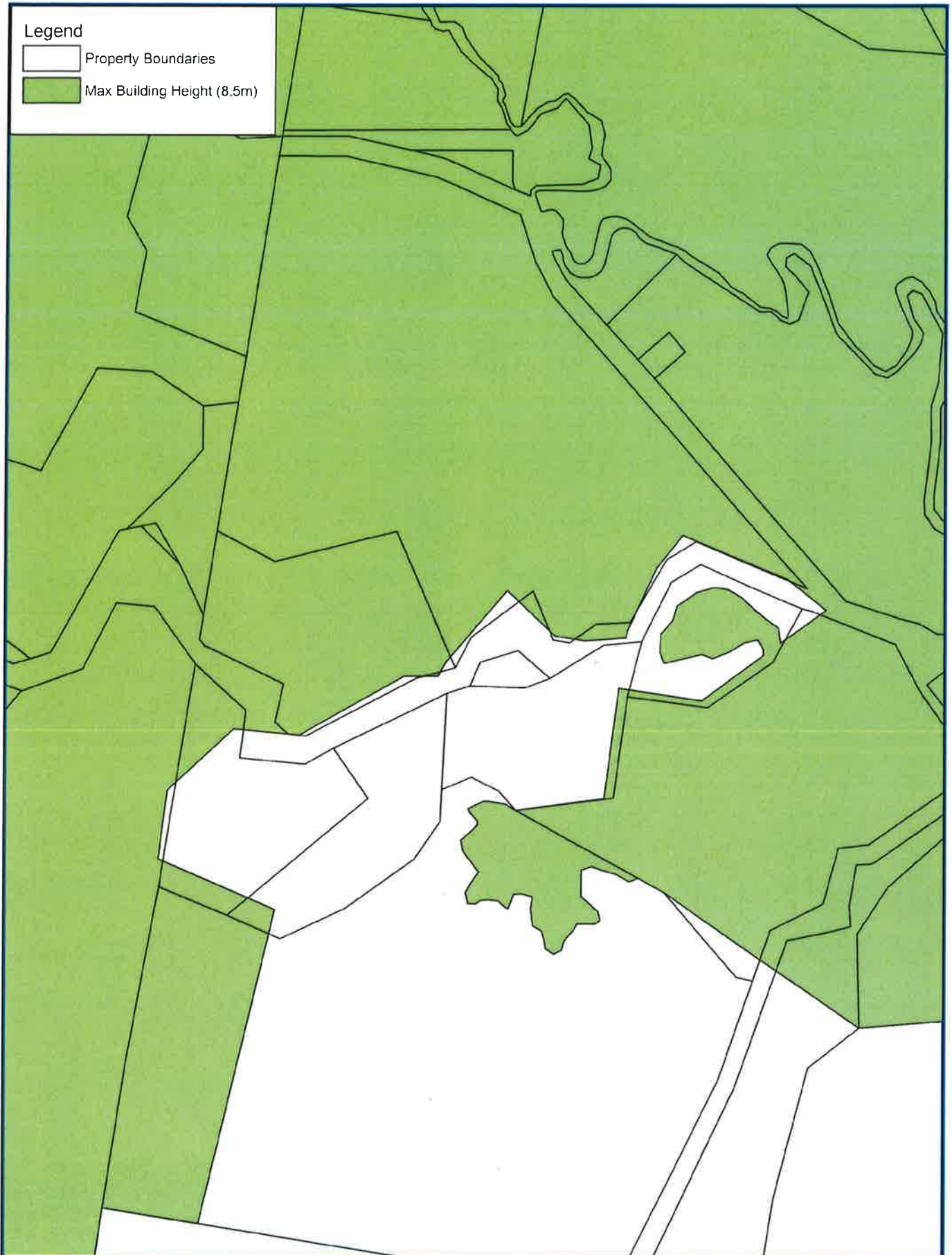
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### Current Height of Building Map - Newports Lane, Alstonville

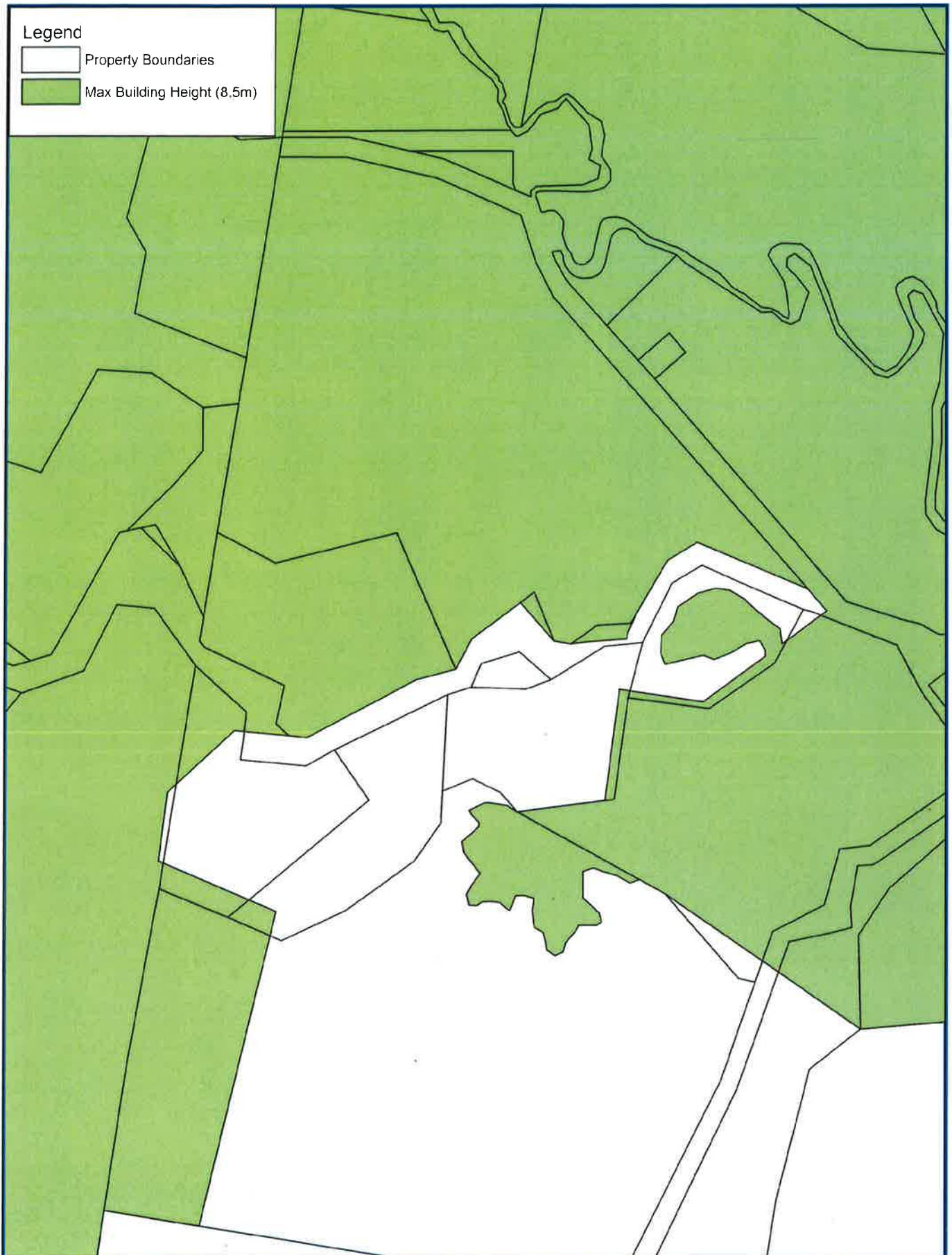


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## Proposed Height of Building Map - Newports Lane, Alstonville



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## Appendix 3 – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – Housekeeping Amendment 2017	
Direction No.	Compliance of Planning Proposal
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	Does not apply to planning proposal.
1.2 Rural Zones	Justifiably inconsistent. The housekeeping amendments include instances where rural zones are to be changed to urban zones to align zones with cadastre and existing planned outcomes. These changes are a result of changes in cadastre or correction of minor mapping errors.
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	Justifiably inconsistent. The housekeeping amendments include instances where rural zones are to be changed to align zones with cadastre and existing planned outcomes. These changes are a result of changes in cadastre or correction of minor mapping errors.
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Consistent. The planning proposal does not involve the zoning of land identified as being of environmental significance as changes of zoning are to align zoning to match existing planned outcomes for the areas affected. The amendments are a result of changes in cadastre or correction of minor mapping errors.
2.2 Coastal Protection	Justifiably inconsistent. The housekeeping amendments include instances where land use zones and other planning attributes within the coastal zone are to be changed to align the attributes with cadastre and existing planned outcomes. These changes are a result of changes in cadastre or correction of minor mapping errors.
2.3 Heritage Conservation	Consistent. The planning proposal includes one amendment to align heritage mapping with updated cadastral information. No other heritage items are affected by the amendments.
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.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Justifiably inconsistent. The housekeeping amendments include instances where residential zones are to be changed to align zones with cadastre and existing planned outcomes. These changes are a result of changes in cadastre or correction of minor mapping errors.
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.

Section 117 Direction Checklist Planning Proposal – Housekeeping Amendment 2017	
Direction No.	Compliance of Planning Proposal
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	Justifiably Inconsistent. The housekeeping amendments include instances where planning provisions applying to land in the vicinity of the Ballina Byron Gateway Airport are to be changed to align zones with cadastre or existing planned outcomes. These changes are a result of changes in cadastre or correction of minor mapping errors.
3.6 Shooting Ranges	Does not apply to planning proposal.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	Consistent. The planning proposal provides for the application of acid sulfate soil mapping and associated planning provisions for land to be incorporated into the BLEP 2012 where acid sulfate soils have been mapped in areas currently deferred from the 2012 LEP.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Consistent. The planning proposal provides for the application of flood planning mapping and associated planning provisions for land to be incorporated into the BLEP 2012 where flood affected land has been mapped in areas currently deferred from the 2012 LEP.
4.4 Planning for Bushfire Protection	Justifiably Inconsistent. Some of the subject land is mapped as bush fire prone land. The NSW RFS will be consulted as part of the planning proposal.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Consistent. The planning proposal is generally consistent with the North Coast Regional Plan 2036.
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	Justifiably Inconsistent. The amendments relating to land identified as State or regionally significant farmland are minor in nature, being for the purpose of aligning zones with cadastre and existing planned outcomes. These are a result of changes in cadastre or correction of minor mapping errors.
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.



Section 117 Direction Checklist Planning Proposal – Housekeeping Amendment 2017	
Direction No.	Compliance of Planning Proposal
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	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 generally consistent with the North Coast Regional Plan 2036.
<b>6. Local Plan Making</b>	
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 that are not in Council ownership.
6.3 Site Specific Provisions	Consistent. The planning proposal does not introduce any site specific provisions.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of the Metropolitan Strategy	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.

## Appendix 4 – Reports and Resolutions

### 9.1 Planning Proposal - Housekeeping Amendments BLEP 2012

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#### 9. Strategic and Community Facilities Group Reports

#### 9.1 Planning Proposal - Housekeeping Amendments BLEP 2012

**Delivery Program** Strategic Planning

**Objective** To seek direction from the Council concerning the progress of a planning proposal relating to various housekeeping amendments to the Ballina Local Environmental Plan 2012.

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#### **Background**

Council's Strategic Planning Section undertakes periodic 'housekeeping' reviews of the Ballina Local Environmental Plan 2012 (the LEP) to ensure that the plan is operating efficiently.

These reviews typically look for minor improvements that can be made and usually involve updates to mapping as a result of improved cadastral information that becomes available to Council from time to time, or correction of minor errors. Housekeeping reviews do not examine significant policy changes as these are addressed through either policy specific amendments or comprehensive review processes.

Staff has recently completed a housekeeping review and identified a number of minor amendments to the LEP that are recommended.

The purpose of this report is to present a planning proposal incorporating the proposed amendments to the Council and seek direction on progression of the changes.

#### **Key Issues**

- Outcomes of housekeeping review of the LEP
- Efficient functioning of the LEP

#### **Information**

Table 1 outlines a number of amendments to the LEP that are recommended as a result of a housekeeping review of the plan. These amendments (including mapping) are also outlined in the draft planning proposal contained in Attachment 1.

As indicated in the table, most of the amendments are proposed to align zoning and other planning attributes to cadastre as a result of updated cadastral information, or to correct minor mapping errors which have been identified.

One change to the text of the LEP is provided to clarify the interpretation of clause 4.2A (see item 1 in Table 1).

## 9.1 Planning Proposal - Housekeeping Amendments BLEP 2012

The abbreviations in the table (LZN, LSZ etc) identify the LEP map set that requires amendment.

**Table 1 BSCPP 17/011 Amendment Summary**

Amendment		Amendment Summary	Primary Reason
1	Clause 4.2A – Erection of dwelling houses and dual occupancies (attached) on land in certain rural zones	The proposal is to change wording in the clause to allow replacement of a dwelling house if there is or has been a lawfully erected dwelling house on the land.	To clarify clause 4.2A to enable replacement of a lawfully erected dwelling house on land in cases where a dwelling has been destroyed and/or is otherwise not currently located on the land.
2	River Street, West Ballina (SGA)	Adjust area affected by Strategic Urban Growth Area mapping to remove SUGA designation from land identified as a deferred matter.	To correct a minor mapping error.
3	Emigrant Creek (LZN, LSZ)	Adjust mapping to align attributes with cadastral. Involves alignment of RU1, RU2 and W1 zones and nil and 40ha lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system.
4	Pimlico Road, Pimlico (LAP, LZN LSZ, ASS, FLD, BHA, HOB)	Adjust mapping to align attributes with cadastral. Involves adjustment to include land within BLEP 2012 and align RU1 zone, 40ha lot size standard, 8.5m building height and flooding, height allowance and acid sulfate soils attributes.	To reflect updates to cadastral boundaries in Council's electronic mapping system.
5	Tara Downs, Lennox Head (LZN, LSZ)	Adjust mapping to align attributes with updates to cadastral arising from subdivision of land. Involves adjustment to remove land from within BLEP 2012 and alignment of RU1 and R2 zones and 40ha and 800m2 minimum lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.
6	Blue Seas Parade, Lennox Head (LZN, LSZ)	Adjust mapping to apply R2 zone and 1200m <sup>2</sup> minimum lot size to land.	Amendment No.30 to the LEP was completed with a minor mapping error that means the full extent of the rezoning is not currently reflected in the LEP. This amendment corrects the mapping error.
7	Blue Seas Parade, Lennox Head (HOB)	Adjust mapping to apply an 8.5m building height standard to the Blue Seas Parade road reserve.	To correct a minor mapping error.
8	North Creek Road, Lennox Head (LZN, HER)	Adjust mapping to align attributes with updates to cadastral arising from subdivision of land. Involves alignment of R2 and R3 zones and heritage mapping for item I71.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.
9	Hutley Drive South, Lennox Head (LAP, LZN, LSZ, ASS, HOB)	Adjust mapping to align attributes with updates to cadastral arising from subdivision of land. Involves adjustment to include land within BLEP 2012 and align R2 zone, 600m <sup>2</sup> lot size standard and 8.5m height of buildings standard with western boundary of Hutley Drive South.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.



## 9.1 Planning Proposal - Housekeeping Amendments BLEP 2012

Amendment	Amendment Summary	Primary Reason
10 Castle Drive, Lennox Head (LSZ)	Apply nil minimum lot size standard to area of open space consistent with minimum lot size standard applied to public open space.	To correct a minor mapping error.
11 Skinner Street, Ballina (LZN, LSZ)	Adjust zoning and lot size mapping to apply R2 zone and 1200m <sup>2</sup> minimum lot size to align with location of approved dwelling house at 2 Skinner Street, Ballina.	Reflect location of existing approved dwelling house.
12 Ballina Heights – Liffey Avenue, Cumbalum (LZN and LSZ)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustments to align RE1, R2 and R3 zones and nil, 600m <sup>2</sup> and 800m <sup>2</sup> lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.
13 Ballina Heights – Chilcott Avenue, Cumbalum (LZN and LSZ)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustments to align RE1, R2 and R3 zones and nil, 600m <sup>2</sup> and 800m <sup>2</sup> lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.
14 Richmond Street, Wardell (LZN and LSZ)	Adjust mapping to align attributes with updates to cadastre. Involves adjustments to align R2 and R3 zones and 600m <sup>2</sup> and 800m <sup>2</sup> lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system.
15 Newports Lane, Uralba (LAP, LZN, LSZ, HOB)	Adjust mapping to align attributes with updates to cadastre. Involves adjustment to include land within BLEP 2012 and align RU1 zone, 40ha lot size standard and 8.5m height of buildings standard.	To reflect updates to cadastral boundaries in Council's electronic mapping system.

Key to map abbreviations: LZN – Land Use Zoning Map, LSZ, Minimum Lot Size Map, HOB – Height of Buildings Map, SGA – Strategic Urban Growth Area Map, LAP – Land Application Map, ASS – Acid Sulfate Soils Map, BHA – Building Height Allowance Map, FLD – Flood Planning Area Map.

### Sustainability Considerations

- **Environment**  
There are no significant environment, social or economic impacts expected as a result of the proposed amendments as the changes aim to reflect existing planned outcomes and/or improve the interpretation and application of the LEP.
- **Social**  
As above.
- **Economic**  
As above.

### Legal / Resource / Financial Implications

There are no significant legal, financial or resource implications associated with the planning proposal.

## **9.1 Planning Proposal - Housekeeping Amendments BLEP 2012**

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The processing of the planning proposal can be undertaken within the existing resources of Council's Strategic Planning Section.

Given the minor nature of the amendments proposed, it is recommended that Council seeks delegation of plan making functions from the NSW Department of Planning and Environment to enable Council's processing of the amendment to a point of finalisation.

### **Consultation**

Consultation with Government agencies as required by the Department of Planning and Environment will be undertaken if the planning proposal proceeds beyond Gateway determination.

A public exhibition including community notification of the proposed amendments will be undertaken as part of the processing of the amendment post Gateway determination.

### **Options**

The Council has the following options in relation to the planning proposal:

- proceed with the planning proposal,
- amend the planning proposal,
- defer the planning proposal, or
- cease further action on the planning proposal.

On the basis that the proposed minor amendments seek to update the LEP to align zoning and other attributes with changes to the cadastre and improve the interpretation and application of the LEP, it is recommended that the Council proceeds with the planning proposal.

This would involve staff submitting the planning proposal to the Department of Planning and Environment for Gateway determination. In the event of an affirmative Gateway determination allowing the proposal to proceed, staff would then undertake the procedural steps to progress the proposal to finalisation including public exhibition. A further report would be submitted to the Council in relation to the completion of the amendments following the public exhibition phase of the process.

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 performs some of the plan making functions that would otherwise be completed by the Department. In the subject case, given the proposal's consistency with the State and local strategic planning context, and that the matters sought to be addressed are of a minor "housekeeping" nature, it is recommended that Council seeks the delegation.

It is open to the Council to amend the planning proposal, defer the matter for further consideration (this could be via a briefing) or to cease progression of

## **9.1 Planning Proposal - Housekeeping Amendments BLEP 2012**

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the amendments. Given the relatively minor nature of the amendments, these options are not recommended.

### **RECOMMENDATIONS**

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 as outlined in the planning proposal (BSCPP 17/011 Housekeeping Amendment 2017) contained in Attachment 1.
2. That Council submit BSCPP 17/011 Housekeeping Amendment 2017 to amend the Ballina Local Environmental Plan 2012 to the NSW Department of Planning & Environment for Gateway determination.
3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
4. 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 be undertaken, including public exhibition.
5. That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.

### **Attachment(s)**

1. Planning Proposal (17/011) - Housekeeping Amendments 2017 (Council Report) (Under separate cover)



**9.1 Planning Proposal - Housekeeping Amendments BLEP 2012**

**231117/14 RESOLVED**

(Cr Ben Smith/Cr Keith Williams)

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 as outlined in the planning proposal (BSCPP 17/011 Housekeeping Amendment 2017) contained in Attachment 1.
2. That Council submit BSCPP 17/011 Housekeeping Amendment 2017 to amend the Ballina Local Environmental Plan 2012 to the NSW Department of Planning & Environment for Gateway determination.
3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
4. 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 be undertaken, including public exhibition.
5. That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.

FOR VOTE - All Councillors voted unanimously.