

23 May 2023

Our reference: S_1529.4378

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Sir

**RE: Submission to the Ballina Shire Planning Proposal 21/002-Ballina Heights
Commercial Centre relocation.**

PLANNERS NORTH provides advice to Vixsun Pty Limited, the owner of Lot 497 DP1261230. Once the subject rezoning is gazetted, Vixsun intends to pursue the residential subdivision of part of Lot 497. We have prepared preliminary designs and carried out a pre DA meeting with council Officers in relation to a potential subdivision and Council has provided notes in relation to that pre DA review.

Page 7 of the advice says:

"The portion of the subject site zoned 2(b) is identified in the planning proposal to be rezoned C2 under the BLEP 2012. The remainder of the eastern portion of the lot is zoned 1(d) and 7(l) under the BLEP 1987 and will not be subject to a change of zoning under this planning proposal.

As the site contains zoning under the BLEP 1987, Clauses 11 and 11B of the BLEP 1987 are applicable to the proposed subdivision. It is understood that the applicant intends for the eastern portion of the lot to be excised from the western portion of the lot, but the proposed subdivision of these two portions of the existing lot would not satisfy the provisions of Clauses 11 and 11B.

It is recommended that this matter be further investigated by the proponent, as there is no existing planning mechanism to facilitate excision of this land. The proposal for a residential subdivision on the western portion of the allotment could not proceed without this matter being resolved."

Vixsun would be pleased if when Council considers the finalisation of the subject Planning Proposal it might give consideration to an amendment to the proposal as exhibited that would facilitate the excision of environmentally zoned land as described in the above pre lodgement advice.

Should Council require any additional information in which to clarify any matter raised by this request, please feel free to contact the writer.

Yours faithfully,

PLANNERS NORTH



Stephen Connelly RPIA (Fellow)

PARTNERSHIP PRINCIPAL

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