

SEPP 1 – Objection

(Extract From Revised SEE – 5 November 2017)

| LEP Control | Assessment of Compliance |
|---|--|
| <p>Clause 11 – subdivision in Zone 7(d)</p> | <p>Council shall not consent to the subdivision of land in Zone 7(d) unless the area of the allotment to be created is 40ha, though Council can consent to the excision of land for purposes other than a dwelling, bed and breakfast establishment or agriculture.</p> <p>The land within the Coastal Reserve is zoned 7(d) Environmental Protection (Scenic/Escarpment) Zone under the Ballina Local Environmental Plan 1987. Once subdivided, the lot will have a lot size of around 5 hectares. The minimum lot size for the 7(d) Zone is 40 hectares (cl.11(2)(b) of the Ballina LEP 1987). The SEPP No 1 is therefore for variation to Clause 11 of the LEP.</p> <p>Below is further clarity on how the reduced minimum lot size achieves the objectives of the zone of the 1987 LEP s well as the Ballina DCP. The proposed subdivision achieves the objectives of the zone:-</p> <p>» The DM zoning, or previous 7(d) zoned land, was set aside to provide and retain a visual or scenic buffer from The Coast Road. The proposed subdivision achieves the retention of this coastal buffer or scenic value. The subdivision of this land is justified as this is the only manner in which to subdivide the coastal buffer off from the subdivision and R2 and B1 zoned land.</p> <p>» If the subdivision does not occur, it will not be able to achieve the objective of a retained scenic buffer as it will be included as part of a residential lot possibly resulting in conflict of land uses.</p> <p>» The subdivision will be able to retain and minimise erosion as the lot can be adequately vegetated as a coastal buffer.</p> <p>» The proposed subdivision ensures that the built form occurs predominantly outside of the 7(d) zoned land, and allows for the community uses, and environmental works</p> |

| | |
|--|--|
| | <p>to be enjoyed in the subdivided lot.</p> <p>» The subdivided lot will enable the land to form a coastal park which residents and community can use, and link to the new intersection at The Coast Road and the Sharpes Beach area.</p> <p>» The subdivided lot also provides for adequate space for a council neighbourhood park, as required by Section 94.</p> <p>» The proposed subdivision is consistent with the size and shape of the coastal buffer to the north; the land to the east of Headland Estate houses. For these reasons, in this case, it is considered that the development standard of lot size is not necessary.</p> <p>» The proposed subdivision of less than 40ha will also achieve the objectives and clauses of the Skennars Head Expansion Area DCP. The</p> <p>Department of Planning granted concurrence to the SEPP NO 1 variation on 19 October 2017.</p> |
|--|--|

Updated SEPP 1 - New subdivision plan

(Extract from Addendum 5 – July 2018)

Clause 11 of the Ballina Local Environmental Plan 1987 (BLEP 1987) stipulates that Council shall not consent to the subdivision of land in Zone 7(d) unless the area of the allotment to be created is no less than 40ha, though Council can consent to the excision of land for purposes other than a dwelling, bed and breakfast establishment or agriculture.

The land within the Coastal Reserve is zoned 7(d) Environmental Protection (Scenic/Escarpment) Zone under the BLEP 1987. Once subdivided, the lot will have an area of nearly 5 hectares. The minimum lot size for the 7(d) Zone is 40 hectares (cl.11(2)(b) of the Ballina LEP 1987). The SEPP No 1 is therefore for variation to Clause 11 of the LEP.

The amended DA 244/2017 in November 2017 had proposed Lot 346 as 47,061sqm. The Department granted concurrence for the SEPP No 1 objection on 10 January 2018.

Council in May 2018, requested that the alignment of the road in proposed Stage 1F close to the proposed reserve be straightened. The consequential amendment was that the lot layout to the east of the internal road provided smaller pedestrian connections to the reserve and

required the lots to align with the Zone 7(d) boundary. The proposed Lot 347 - proposed reserve – has a resultant area of 46,049sqm. The proposed reduction of the site is around 2% of that originally applied for in May and November 2017, which is a minimal impact over the site area.

Below is further clarity on how the reduced minimum lot size achieves the objectives of the zone of the BLEP 1987 as well as the Ballina DCP.

The proposed subdivision achieves the objectives of the zone:-

- » The DM zoning, or previous 7(d) zoned land, was set aside to provide and retain a visual or scenic buffer from The Coast Road. The proposed subdivision achieves the retention of this coastal buffer for scenic value. The subdivision of this land is justified as this is the only manner in which to subdivide the coastal buffer from the subdivision and R2 and B1 zoned land.
- » If the subdivision does not occur, it will not be able to achieve the objective of a retained scenic buffer as it will be included as part of a residential lot possibly resulting in conflict of land uses.
- » The subdivision will be able to retain and minimise erosion as the lot can be adequately vegetated as a coastal buffer.
- » The proposed subdivision ensures that the built form occurs outside of the 7(d) zoned land, and allows for the public open space, and environmental works to be enjoyed in the subdivided lot.
- » The subdivided lot will enable the land to form a coastal park which residents and community can use, and link to the new intersection at The Coast Road and the Sharpes Beach area.
- » The subdivided lot also provides for adequate space for a council neighbourhood park, as required by Section 7.11.
- » The proposed subdivision is consistent with the size and shape of the coastal buffer to the north; the land to the east of Headland Estate houses.

For the reasons discussed above, it is considered that strict compliance with the development standard for minimum lot size is not necessary in the circumstances of the case. The proposed subdivision of less than 40ha will also achieve the primary objectives of the BLEP and clauses of the Skennars Head Expansion Area DCP.