



*Planning Proposal 17/011*

# **» Housekeeping Amendment 2017**

March 2018 (V3. Exhibition) 18/8815

**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 (LEP). These amendments primarily relate to adjustments to align zoning and other attribute mapping to the cadastre (map showing location of land parcels) 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 included 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

The Department of Planning and Environment issued a Gateway determination on 2 February 2018 which permitted the planning proposal to proceed subject to conditions. A copy of the Gateway determination is contained within Appendix 1.

Matters of relevance contained within the Gateway determination and the accompanying letter from the Department of Planning and Environment are summarised below:

- The planning proposal's inconsistencies with Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.2 Coastal Protection, 3.1 Residential Zones, 3.5 Development Near Licensed Aerodromes and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.
- The agreement of the Secretary may be required to comply with the requirements of Section 117 Direction 4.4 Planning for Bushfire Protection.
- Plan making powers are delegated to Council. An authorisation for Council to exercise delegation accompanied the Gateway determination.
- The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the date of the Gateway determination.
- Prior to community consultation the planning proposal is to be amended to include:
  - a locality map indicating the general location of each amendment, street names and highlight the mapping change so that it is easily identifiable;
  - text to explain the mapping change in terms of what mapped control is being reduced and what mapped control is being increased;
  - explanation as to why the change at Blue Seas Parade (Item 6) is required, indicating the buffer distance was originally wrongly mapped;
  - identification of which land is bushfire prone, within the Coastal zone, and within the vicinity of a licensed aerodrome;
  - an assessment against SEPP 71 or any SEPP which might replace SEPP 71.
- The planning proposal must be publically exhibited for a minimum period of 14 days.
- Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act.

## 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;
- Correct minor mapping errors relating to land use zoning, minimum lot size standards, height of buildings and strategic urban growth area mapping;
- Amend the Land Application Map to incorporate land into the Ballina LEP 2012 that is currently under the provisions of the Ballina LEP 1987; and
- Amend the Land Application Map to remove land from the Ballina LEP 2012 and to increase the Deferred Matter area in the Ballina LEP 1987.

## 3. Explanation of Provisions

### 3.1 The Proposal

This planning proposal seeks to amend the Ballina Local Environmental Plan 2012 (LEP), or Ballina LEP 1987 9BLEP 1987) 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.

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

Amendment Item	Map Sheets Affected*	Amendment Summary	Primary Reason	
1	Item 1 was reported to Council's Ordinary Meeting held on 23 November 2017 (see Appendix 4) and was included in the request to the Department of Planning and Environment (DPE) seeking a Gateway determination. Following discussions with the DPE, Item 1 was removed from the overall housekeeping amendment.			
2	River Street, West Ballina	SGA Map	Adjust area affected by Strategic Urban Growth Area (SUGA) mapping to remove SUGA designation from land identified as a Deferred Matter (DM) in the LEP and which is subject to the provisions contained in the Ballina LEP 1987.	Correct a minor mapping error contained within the SGA map.
3	Emigrant Creek	LZN Map LSZ Map	Adjust mapping to align attributes with cadastre. Involves a reduction of the W1 zone and an increase in the RU1 and RU2 zones and the application of a 40ha minimum lot size standard to RU1 and RU2 zoned areas.	Reflect updates to cadastral boundaries in Council's mapping system.

Amendment Item		Map Sheets Affected*	Amendment Summary	Primary Reason
4	Pimlico Road, Pimlico	LAP Map LZN Map LSZ Map ASS Map FLD Map BHA Map HOB Map	Adjust mapping to align attributes with cadastre. Involves adjustment to include land within the LEP by removing land from a Deferred Matter (DM) designation and zoning it RU1 and application of a 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 Map LZN Map LSZ Map	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustment to remove land from within the LEP to reduce the RU1 zone and increase the DM area in BLEP 1987; realignment of the R2 and RE1 zones in the LEP; reduce the 40ha minimum lot size standard and increase the 800m <sup>2</sup> minimum lot size standard.	Reflect updates to cadastral boundaries in Council's mapping system following subdivision of land.
6	Blue Seas Parade, Lennox Head	LZN Map LSZ Map	Adjust mapping to part of Lot 1 DP 1165957 to reduce the RU1 zone and increase the R2 zone, and to alter the minimum lot size from 40ha to 1200m <sup>2</sup> .	Amendment No.30 to the Ballina LEP 2012 was completed with a mapping error. This resulted in the full extent of the rezoning not currently being reflected in the LEP. This amendment corrects the mapping error.
7	Blue Seas Parade, Lennox Head	HOB Map	Adjust mapping to apply an 8.5m building height standard to the Blue Seas Parade road reserve to achieve alignment with the Land Zoning Map.	Correct a minor mapping error.



Amendment Item		Map Sheets Affected*	Amendment Summary	Primary Reason
8	North Creek Road, Lennox Head	LZN Map HER Map	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves realignment of R2 and R3 zones for land with frontage to North Creek Road, Lennox Head and adjacent land with frontage to Fieldcrest Place, Lennox Head. Also involves adjustment of the heritage mapping for item I71 by increasing the area of application of the heritage layer.	Reflect updates to cadastral boundaries in Council's mapping system following subdivision of land.
9	Hutley Drive South, Lennox Head	LAP Map LZN Map LSZ Map ASS Map HOB Map	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustment to include land within the LEP by redesignating land within the Hutley Drive road reserve from DM and applying a R2 zone, application of a 600m <sup>2</sup> minimum lot size standard, 8.5m height of buildings standard and acid sulfate soils attributes within the 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 Map	Remove lot size standard from an area of open space at the intersection of North Creek Road and Castle Drive, Lennox Head. Open space is not subject to minimum lot size restrictions under the LEP.	Correct a minor mapping error.

Amendment Item		Map Sheets Affected*	Amendment Summary	Primary Reason
11	Skinner Street, Ballina	LZN Map LSZ Map	Adjust zoning and lot size mapping to align with location of approved dwelling house at 2 Skinner Street, Ballina. Involves a reduction of the W1 zone and an increase of the R2 zone and the application of a 1200m <sup>2</sup> minimum lot size standard.	Reflect location of existing approved dwelling house.
12	Ballina Heights – Liffey Avenue, Cumbalum	LZN Map LSZ Map	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves realignment of RE1, R2 and R3 zones for land adjacent to Liffey Avenue and Lindsay Avenue, Cumbalum; removal of the minimum lot size standard from the RE1 zoned land; and application of a 600m <sup>2</sup> and 800m <sup>2</sup> minimum lot size standard to the R2 and R3 zones respectively.	Reflect updates to cadastral boundaries in Council's mapping system following subdivision of land.
13	Ballina Heights – Chilcott Avenue, Cumbalum	LZN Map LSZ Map	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves realignment of RE1, R2 and R3 zones for land with frontage to Chilcott Avenue, Kemp Street and O'Rourke Street, Cumbalum; removal of the minimum lot size standard from the RE1 zoned land; and application of a 600m <sup>2</sup> and 800m <sup>2</sup> minimum lot size standard to the R2 and R3 zones respectively.	Reflect updates to cadastral boundaries in Council's mapping system following subdivision of land.

Amendment Item		Map Sheets Affected*	Amendment Summary	Primary Reason
14	Richmond Street, Wardell	LZN Map LSZ Map	Adjust mapping to align attributes with updates to cadastre. Involves a reduction of R2 and R3 zones and an increase to the R3 and W1 zones for land with frontage to the Richmond River, Richmond Street and Swamp Street, Wardell, and application of a 600m <sup>2</sup> and 800m <sup>2</sup> minimum lot size standard to the R2 and R3 zones respectively.	Reflect updates to cadastral boundaries in Council's mapping system.
15	Newports Lane, Uralba	LAP Map LZN Map LSZ Map HOB Map	Adjust mapping to align attributes with updates to cadastre. Involves adjustment to include land within the LEP by redesignating land from DM and applying a RU1 zone, and application of a 40ha minimum lot size standard and 8.5m height of buildings standard.	Reflect updates to cadastral boundaries in Council's mapping system.

**\* Legend:**

ASS	Acid Sulfate Soils Map
BHA	Building Height Allowance Map
FLD	Flood Planning Map
HER	Heritage Map
HOB	Height of Buildings Map
LAP	Land Application Map
LSZ	Lot Size Map
LZN	Land Zoning Map
SGA	Strategic Urban Growth Area Map

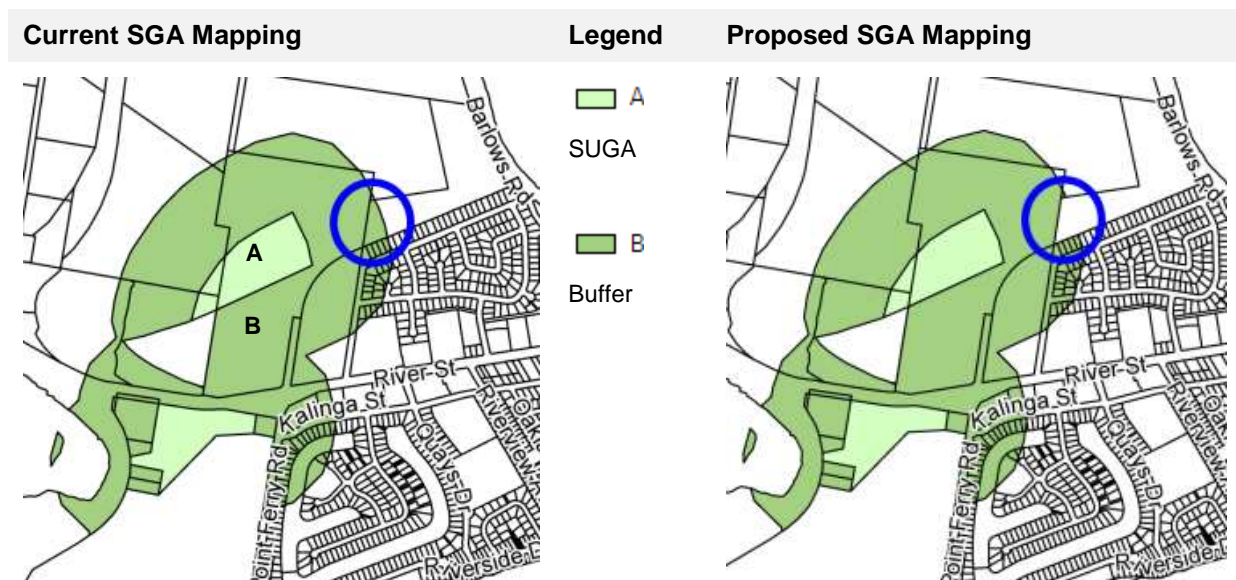
## 3.2 Mapping Overview

The proposal will require changes to a number of map sheets for various mapping attributes as detailed in Section 3.1. 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)

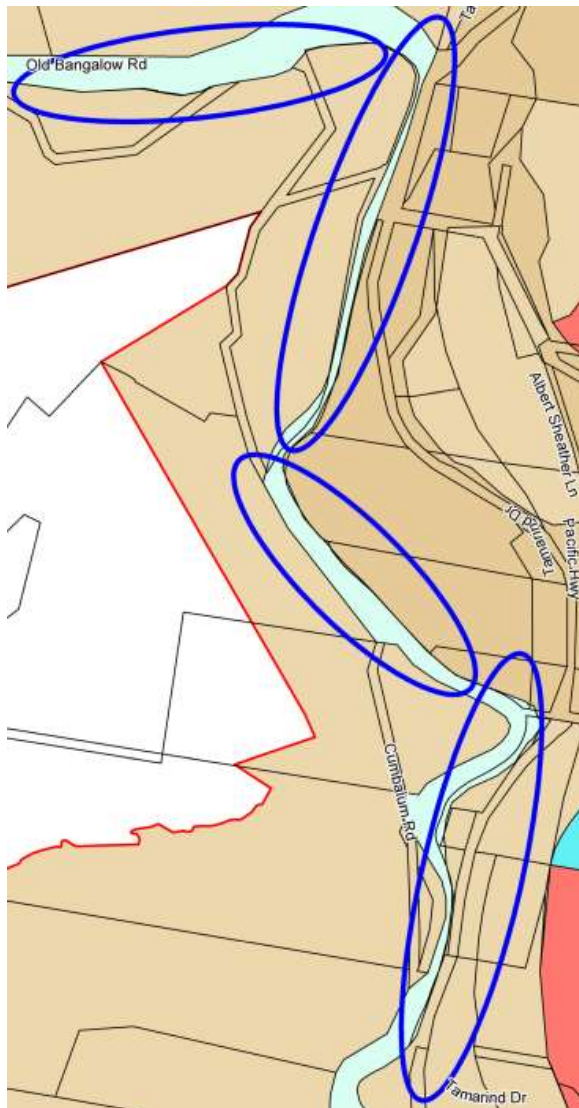
The amendment seeks to adjust the area affected by Strategic Urban Growth Area (SUGA) mapping by removing the SUGA designation from Lot 137 DP 858896 as this land is identified as a deferred matter and subject to the provisions contained within the Ballina LEP 1987. The subject land is identified as being within the coastal zone and within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces. Part of the land is mapped as being bushfire prone land comprising Vegetation Category 2 and a 30m buffer.



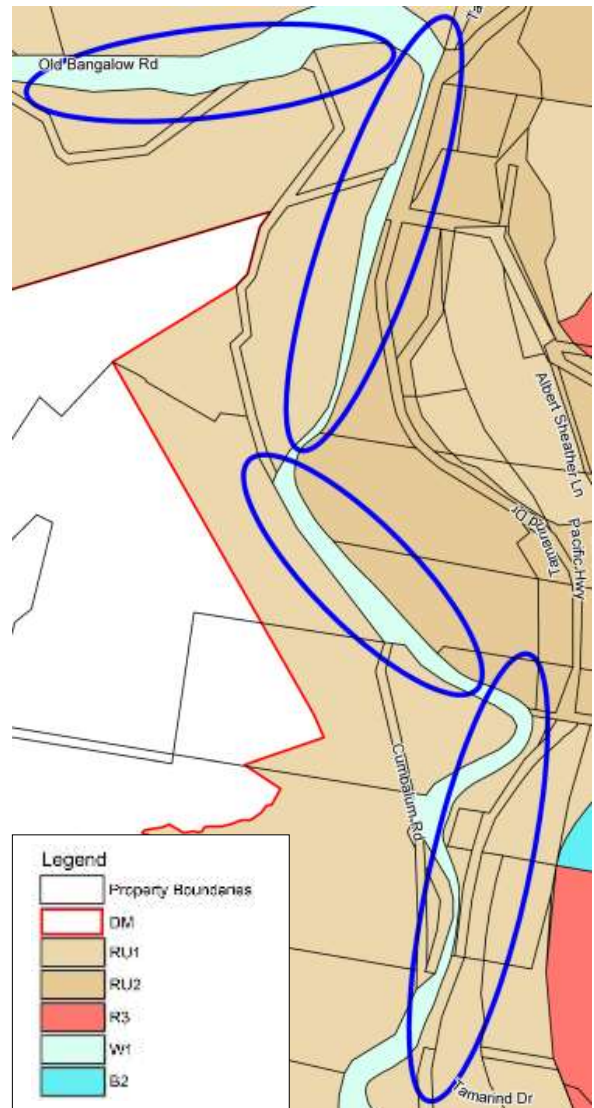
### 3. Emigrant Creek

The amendment seeks to adjust mapping to align attributes with the cadastre for land adjoining Emigrant Creek. It involves a reduction of the W1 Natural Waterways zone and an increase in the RU1 Primary Production and RU2 Rural Landscape zones, and the application of a 40ha minimum lot size standard to the RU1 and RU2 zoned areas. Part of the land is mapped as being bushfire prone land comprising Vegetation Category 1, Vegetation Category 2 and associated buffers. The land is within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces.

**Current Land Zoning Mapping**

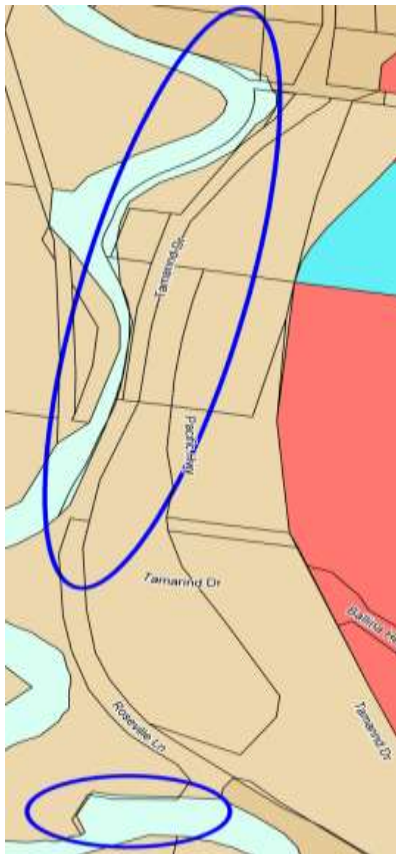


**Proposed Land Zoning Mapping**

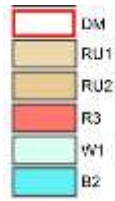




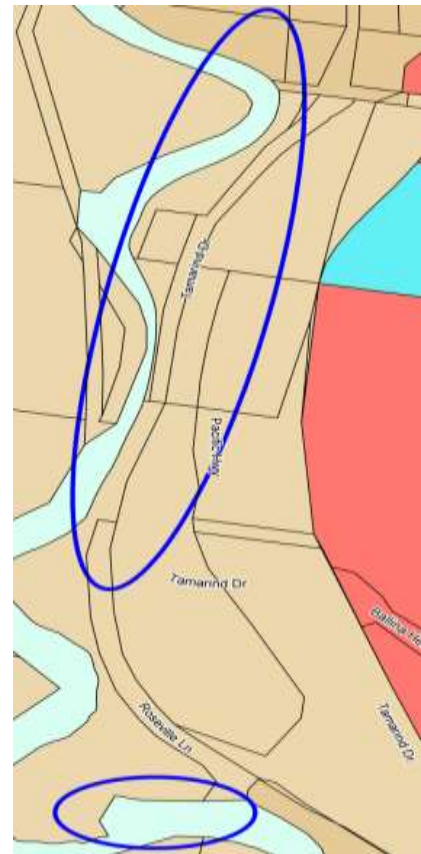
**Current Land Zoning Mapping**



**Legend**

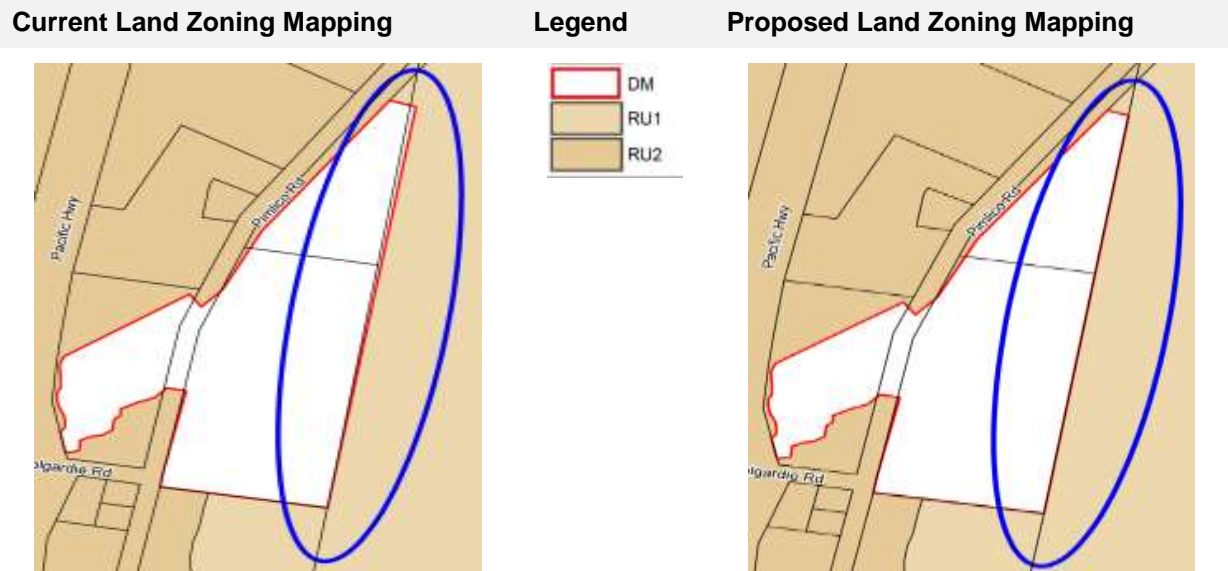


**Proposed Land Zoning Mapping**



#### 4. Pimlico Road, Pimlico

The amendment seeks to adjust mapping to align attributes with the cadastre. It involves adjustment of the Land Application map to include land within the LEP by removing land from a Deferred Matter (DM) designation and zoning it RU1 Primary Production. The amendment also seeks to apply a 40ha minimum lot size standard, 8.5m building height, flooding, height allowance and acid sulfate soils attributes. The subject land is identified as being within the coastal zone and is mapped as being bushfire prone land comprising Vegetation Category 1 and a 100m buffer.

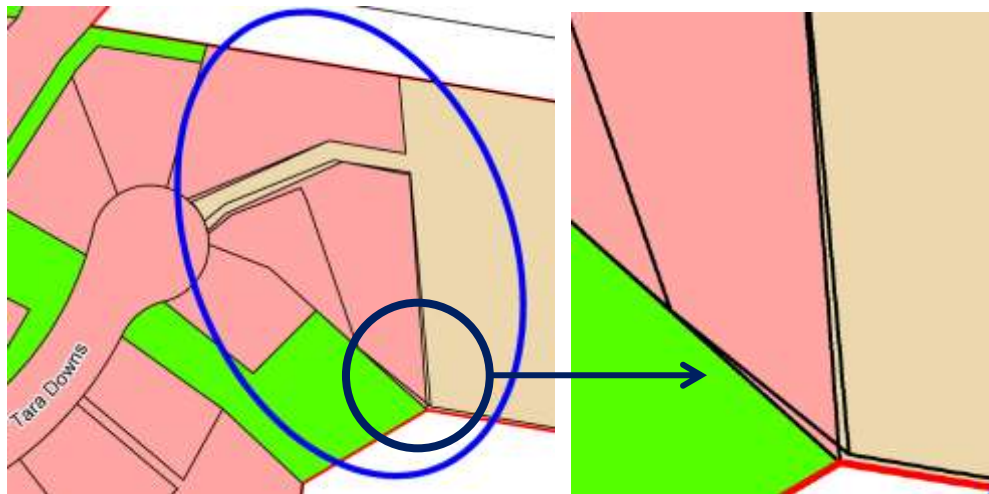


## 5. Tara Downs, Lennox Head

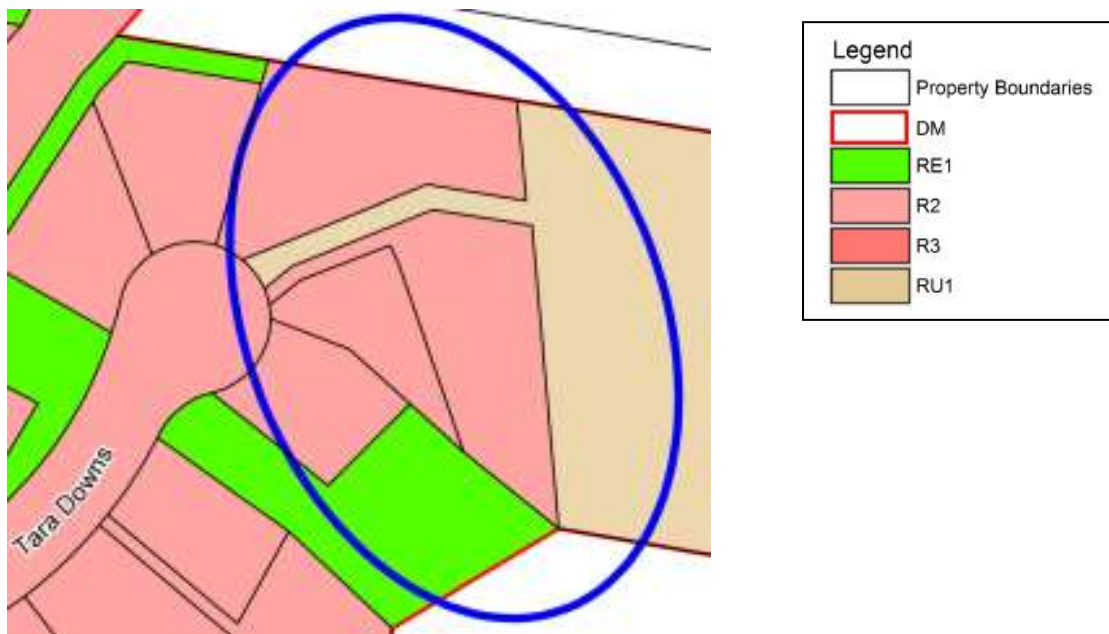
The amendment seeks to adjust mapping to align attributes with updates to the cadastre arising from the subdivision of land. It involves adjustment of the Land Application map to remove land from within the LEP to reduce the RU1 Primary Production zone and increase the DM area in BLEP 1987, and the realignment of the R2 Low Density Residential and RE1 Public Recreation zones. The amendment also seeks to reduce the area subject to the 40ha minimum lot size standard and increase the area of land subject to the 800m<sup>2</sup> minimum lot size standard.

The subject land is identified as being within the coastal zone and within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces. Part of the land is mapped as being bushfire prone land comprising Vegetation Category 2 and a 30m buffer.

### Current Land Zoning Mapping



### Proposed Land Zoning Mapping





## 6. Blue Seas Parade, Lennox Head

The amendment seeks to correct mapping errors that occurred as a result of an incorrect map set being exhibited and subsequently forwarded to the Department of Planning and Environment following exhibition of the planning proposal for finalisation. The amendment relates to land known as Lot 1 DP 1165957, 44 – 52 Blue Seas Parade, Lennox Head.

The subject land is identified as being within the coastal zone and within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces. Part of the land is mapped as being bushfire prone land comprising Vegetation Category 2 and a 30m buffer.

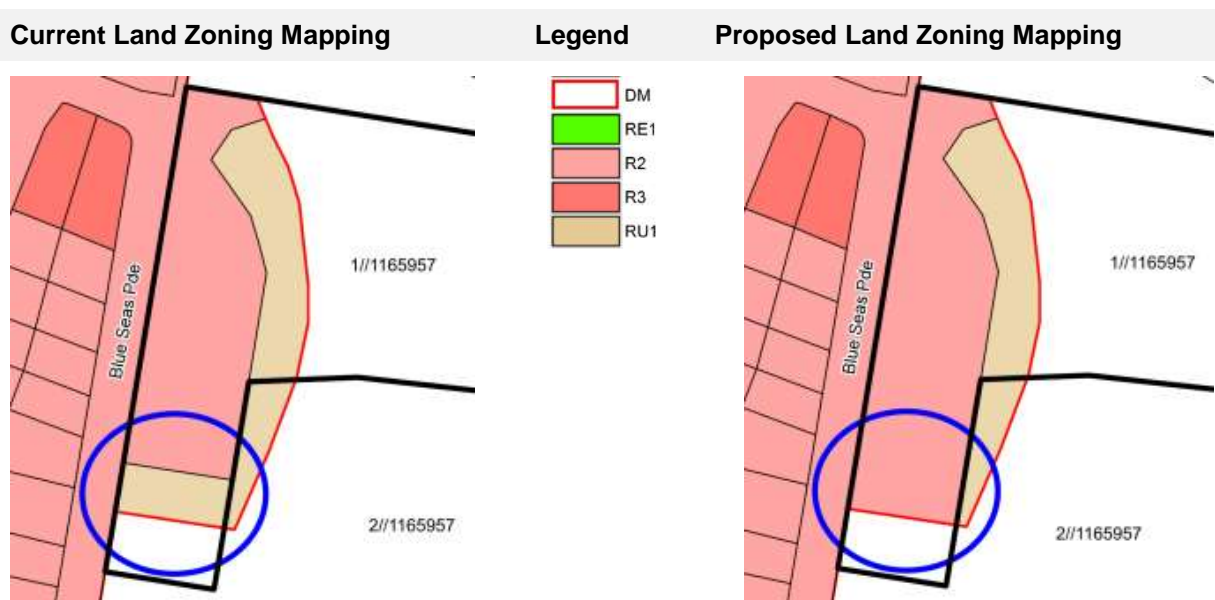
### *Background:*

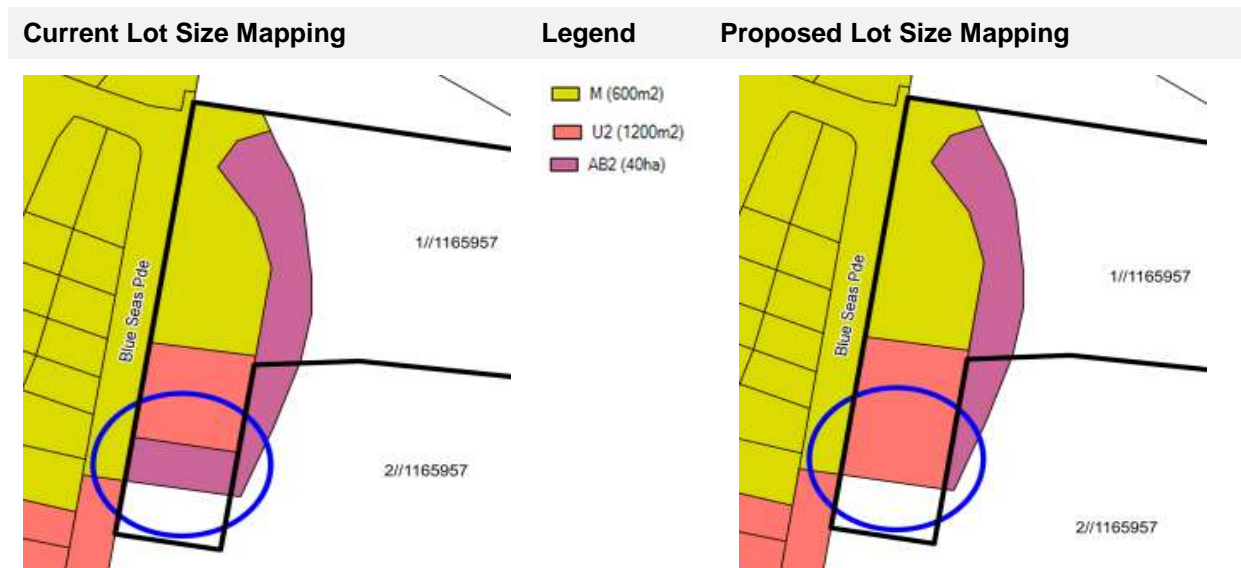
The Council at its Ordinary Meeting on 23 June 2016 resolved to apply a 50 metre rural buffer to the southern boundary of the adjoining property, Lot 2 DP 1165957, No. 54 – 78 Blue Seas Parade, Lennox Head. This decision was subsequently rescinded by the Council at its Ordinary Meeting on 28 July 2016 when it resolved to reduce the buffer to 30 metres as per the original recommendations to the 23 June 2016 Council report.

The planning proposal that was subsequently publically notified referenced the rescission motion and the proposed 30 metre rural buffer to proposed residential lots. Mapping contained within the planning proposal, and subsequently sent to the Department of Planning and Environment for finalisation, was incorrect as it reflected the original 50 metre rural buffer.

### *Proposal:*

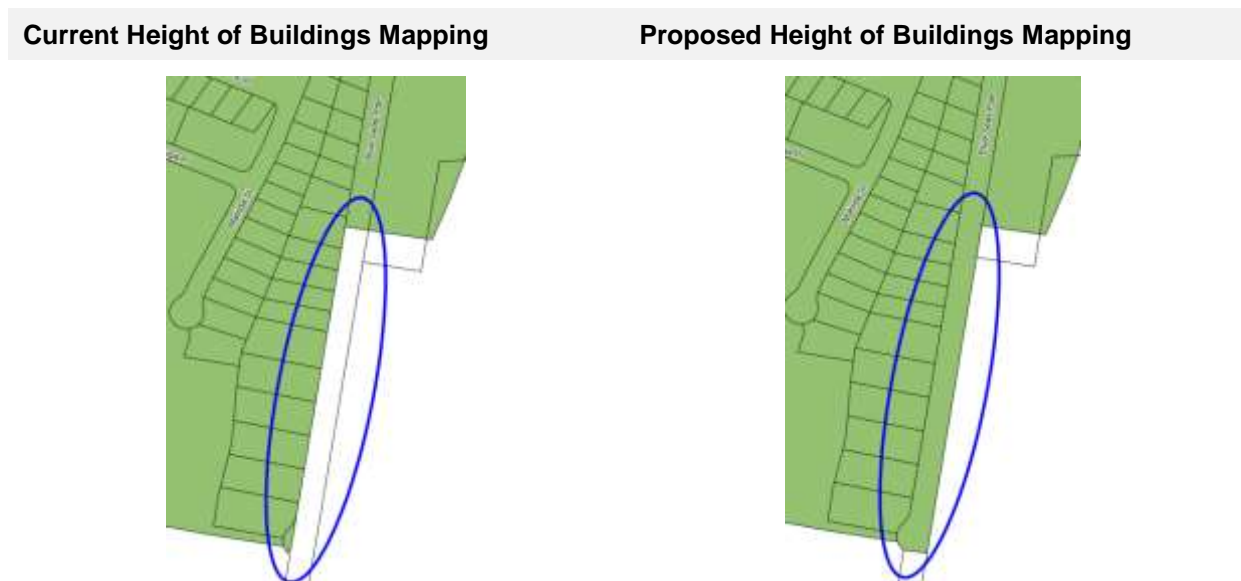
To amend the Ballina LEP 2012 Land Zoning and Lot Size Maps so as to correct the mapping errors relating to Lot 1 DP 1165957 as detailed above. This involves rezoning an additional 20 metres of land from RU1 Primary Production to R2 Low Density Residential zone and altering the minimum lot size from 40 hectares to 1200m<sup>2</sup>.





## 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 to achieve alignment with the Land Zoning Map. The subject land is identified as being within the coastal zone and within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces. Part of the land is mapped as being bushfire prone land comprising Vegetation Category 2 and a 30m buffer.



## 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 realignment of the R2 Low Density Residential zone and R3 Medium Density Residential zone for land with frontage to North Creek Road, Lennox Head and adjacent land with frontage to Fieldcrest Place, Lennox Head. The subject land is identified as being within the coastal zone and within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces.

**Current Land Zoning Mapping**

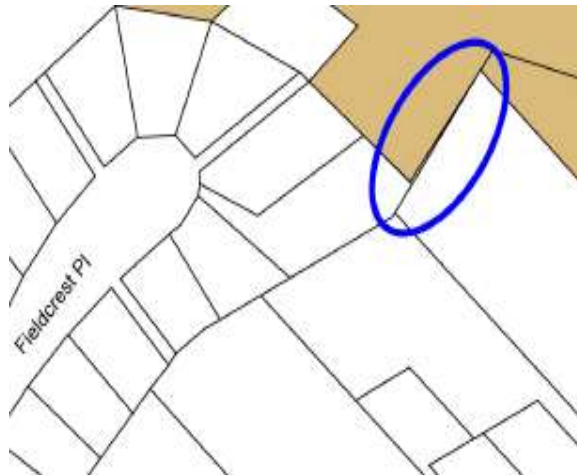


**Proposed Land Zoning Mapping**

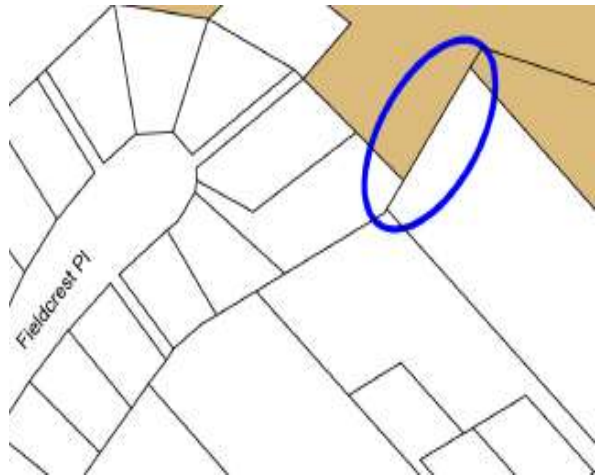


The amendment also seeks to adjust the heritage mapping for item I71 by increasing the area of application for the heritage layer.

**Current Heritage Mapping**



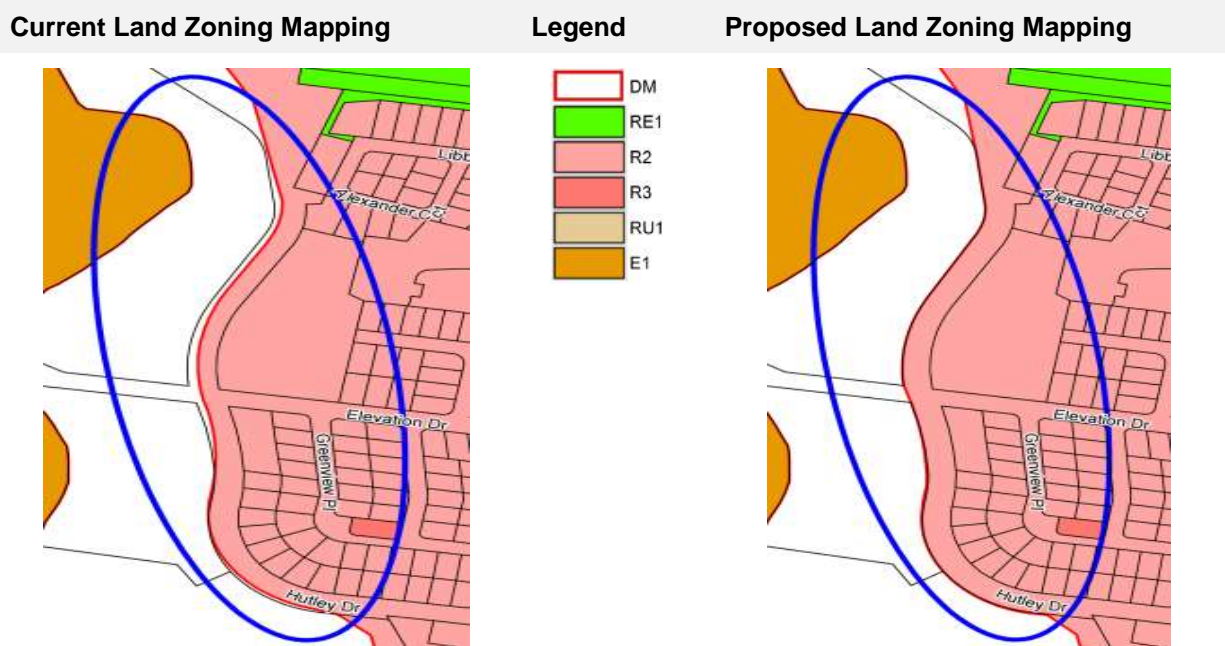
**Proposed Heritage Mapping**



## 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 of the Land Application map to include land within the LEP by redesignating land within the Hutley Drive road reserve from Deferred Matter (DM) and applying a R2 Low Density Residential zone. The amendment also seeks to apply a 600m<sup>2</sup> minimum lot size standard, 8.5m height of buildings standard and acid sulfate soils attributes within the western boundary of Hutley Drive South.

The subject land is identified as being within the coastal zone and within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces. Part of the land is mapped as being bushfire prone land comprising a 100m buffer to Vegetation Category 1.

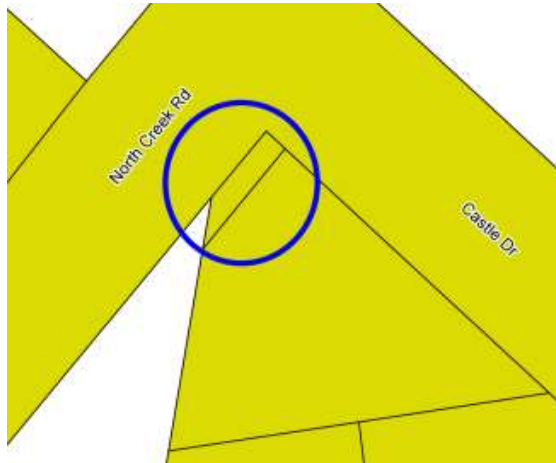




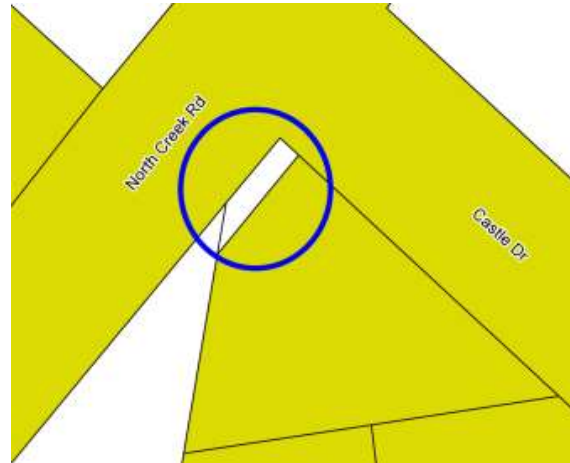
## 10. Castle Drive, Lennox Head (Minimum Lot Size Map)

The amendment involves the removal of a 600m<sup>2</sup> minimum lot size standard from an area of open space at the intersection of North Creek Road and Castle Drive, Lennox Head. Open space is not subject to minimum lot size restrictions under the BLEP 2012. The subject land is identified as being within the coastal zone and within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces.

**Current Lot Size Mapping**



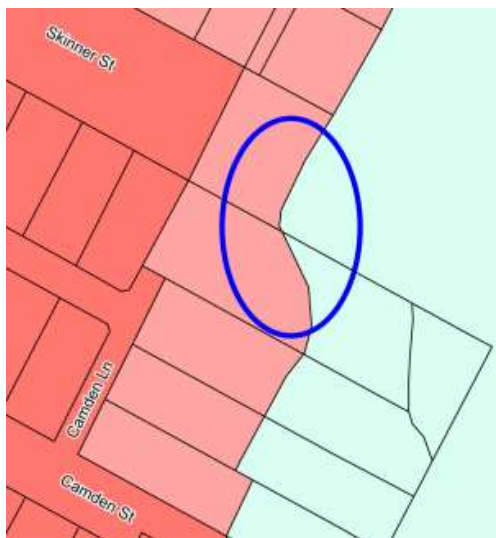
**Proposed Lot Size Mapping**



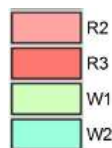
## 11. Skinner Street, Ballina

The amendment seeks to adjust the zoning and lot size mapping to align with the location of the approved dwelling house at 2 Skinner Street, Ballina (Lot 10 DP 1126929). It involves a reduction of the W1 Natural Waterways zone and an increase to the R2 Low Density Residential zone and the application of a 1200m<sup>2</sup> minimum lot size standard. The subject land is identified as being within the coastal zone and within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces.

**Current Land Zoning Mapping**



**Legend**



**Proposed Land Zoning 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 the realignment of RE1 Public Recreation, R2 Low Density Residential and R3 Medium Density Residential zones for land adjacent to Liffey Avenue and Lindsay Avenue, Cumbalum. The amendment also seeks to remove the minimum lot size standard from the RE1 zoned land and apply a 600m<sup>2</sup> and 800m<sup>2</sup> lot size standard to the R2 and R3 zones respectively.

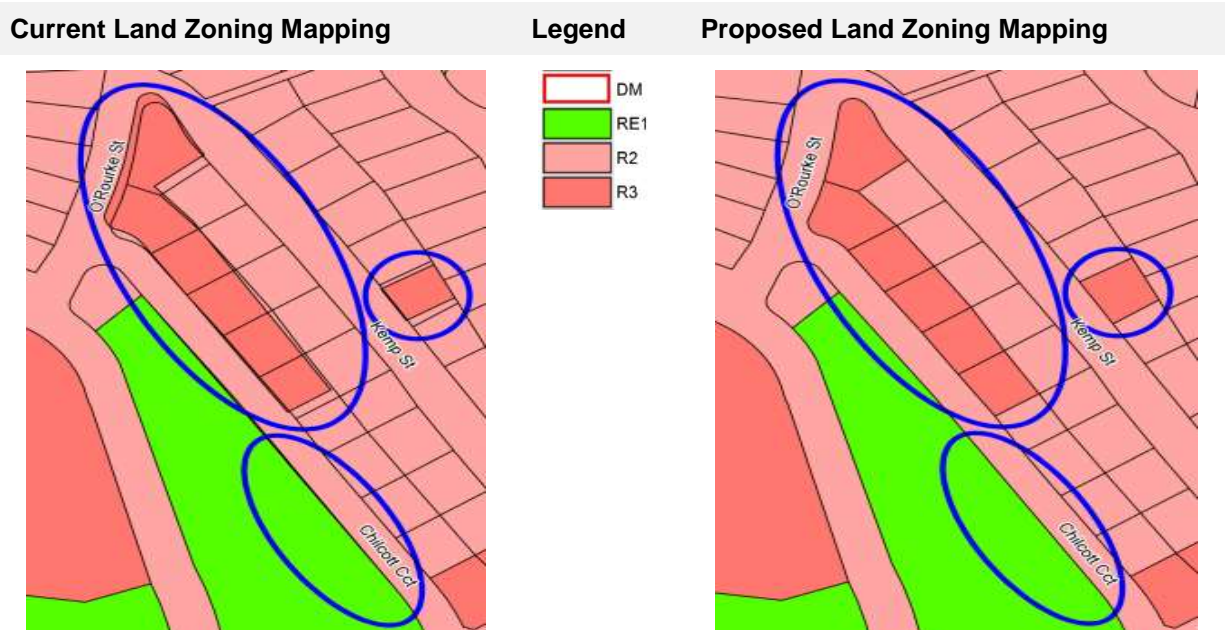
The subject land is identified as being within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces. Part of the land is mapped as being bushfire prone land comprising a 100m buffer to Vegetation Category 1.



### 13. Ballina Heights – Chilcott Avenue, Cumbalum

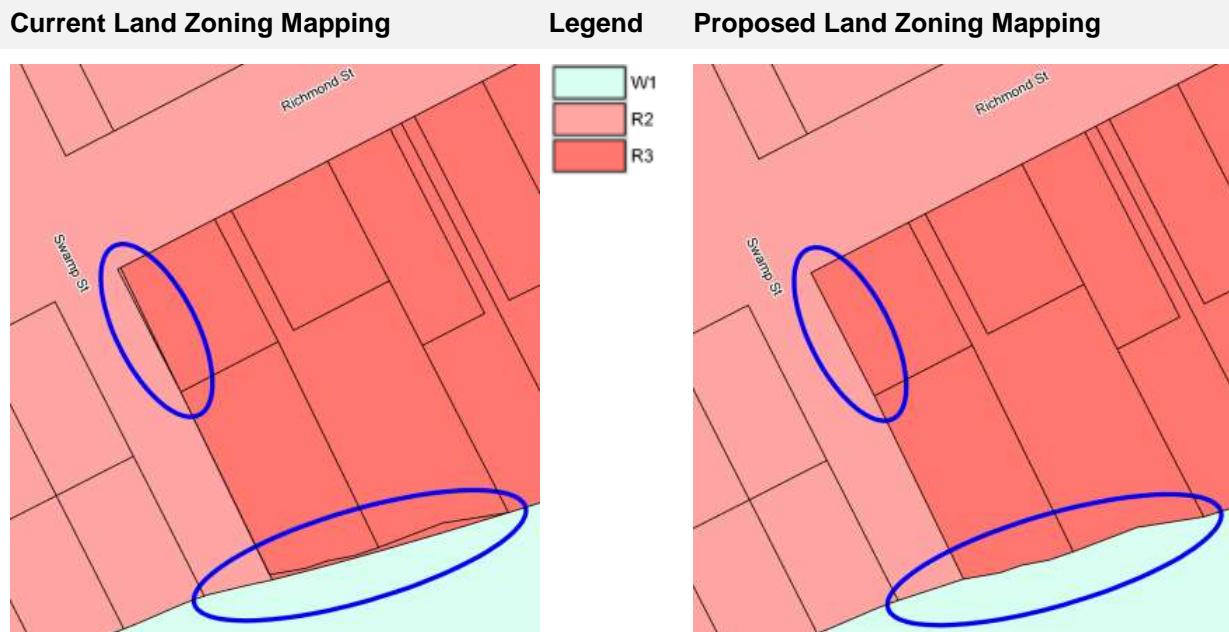
The amendment seeks to adjust mapping to align attributes with updates to the cadastre arising from the subdivision of land. It involves the realignment of RE1 Public Recreation, R2 Low Density Residential and R3 Medium Density Residential zones for land with frontage to Chilcott Avenue, Kemp Street and O'Rourke Street, Cumbalum. The amendment also seeks to remove the minimum lot size standard from the RE1 zoned land and apply a 600m<sup>2</sup> and 800m<sup>2</sup> lot size standard to the R2 and R3 zones respectively.

The subject land is identified as being within the vicinity of the Ballina-Byron Gateway Airport, and is affected by the Airports Obstacle Limitation Surfaces. Part of the land is mapped as being bushfire prone land comprising Vegetation Category 1 and a 100m buffer.



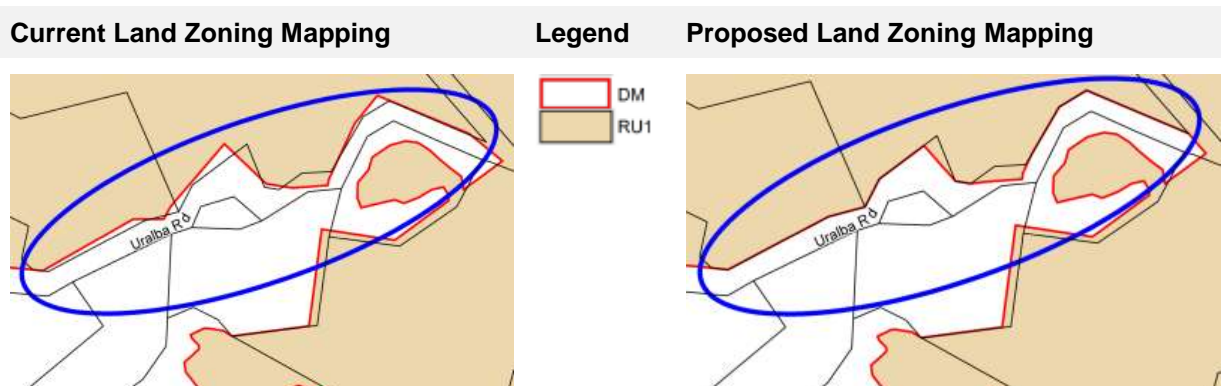
#### 14. Richmond Street, Wardell

The amendment seeks to adjust mapping to align attributes with updates to the cadastre. It involves a reduction of the R2 Low Density Residential zone and an increase to the R3 Medium Density Residential zone at the intersection of Richmond Street and Swamp Street, Wardell. It also involves a reduction of the R3 Medium Density Residential zone and an increase to the W1 Natural Waterways zone for land with frontage to the Richmond River. The amendment also seeks to apply a 600m<sup>2</sup> and 800m<sup>2</sup> minimum lot size standard to the R2 and R3 zones respectively. The subject land is identified as being within the coastal zone.



#### 15. Newports Lane, Uralba

The amendment seeks to adjust mapping to align attributes with updates to the cadastre. It involves adjustments to the Land Application map to include land within the LEP by redesignating land from Deferred Matter (DM) and applying a RU1 Primary Production zone. The amendment also seeks to apply a 40ha minimum lot size standard and 8.5m height of buildings standard. The subject land is mapped as being bushfire prone land comprising Vegetation Category 1 and a 100m buffer.





## 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 or the correction of mapping errors.

### 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.

The amendments in Table 1 relating to areas within the coastal zone are consistent with the aims and provisions of *SEPP No. 71 – Coastal Protection*. The amendments include changes to land use zones and other planning attributes to align the attributes with the cadastre and to correct mapping errors.

The amendment to correct mapping errors in respect to zoning and minimum lot size requirements for 44 – 52 Blue Seas Parade, Lennox Head relates to Amendment No. 30 to the Ballina LEP 2012. Consideration of coastal zone and visual amenity impacts in relation to *SEPP 71 – Coastal Protection* were considered in the planning proposal for Amendment No. 30. Refer to the extract from planning proposal BSCPP 14/005 provided at Appendix 3.

**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 generally 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 generally 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 generally 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 generally 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 the NSW Rural Fire Service as required by the Gateway determination during the public exhibition stage of the LEP amendment.

## 5. Mapping

The following maps which will incorporate the changes detailed in Section 3.2 will be prepared following public exhibition:

Map	Map Sheet
Strategic Urban Growth Area Map	SGA_006A
Land Zoning Map	LZN_002A, LZN_002B, LZN_003A, LZN_005B, LZN_005D, LZN_006B, LZN_006C
Lot Size Map	LSZ_002A, LSZ_002B, LSZ_003A, LSZ_005B, LSZ_005D, LSZ_006B, LSZ_006C
Acid Sulphate Soils Map	ASS_002, ASS_005, ASS_006
Flood Planning Map	FLD_002, FLD_006
Building Height Allowance Map	BHA_002B, BHA_006B
Height of Building Map	HOB_002, HOB_005, HOB_006
Heritage Map	HER_005D
Land Application Map	LAP_001

Current and proposed mapping reflecting the amendments set out in Table 1 are contained in Appendix 2.

## 6. Community Consultation

Community consultation will be undertaken for this planning proposal in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. A minimum public exhibition period of 14 days is proposed.

## 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	March 2018
Public Exhibition Period	March 2018
Public Hearing	N/A
Submissions Assessment	April 2018
RPA Assessment of Planning Proposal and Exhibition Outcomes	May 2018
Submission of Endorsed LEP to DP&E for Finalisation	N/A
RPA Decision to Make the LEP Amendment (if delegated)	June 2018
Forwarding of LEP Amendment to DP&E for Notification (if delegated)	July 2018

Council has been issued with delegation of planning functions for the processing of this LEP amendment.

# Appendices

# Appendix 1 – Gateway Determination



SF17/57863

Mr Paul Hickey  
General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Dear Mr Hickey

**Planning Proposal PP\_2017\_BALLI\_009\_00 to amend Ballina Local Environmental Plan 2012**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 21 December 2017 in respect of the Planning Proposal to make housekeeping amendments to the Ballina LEP 2012 maps.

As delegate of the Minister for Planning, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.2 Coastal Protection, 3.1 Residential Zones and 3.5 Development Near Licensed Aerodromes, and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Heidi Naylor to assist you. Ms Naylor can be contacted on 02 6641 6604.

Yours sincerely



2-02-2018

**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**

Encl: Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template





## Planning & Environment

### Gateway Determination

*Planning Proposal (Department Ref: PP\_2017\_BALLI\_009\_00): to make housekeeping amendments to the Ballina Local Environmental Plan 2012 maps.*

I, the Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to make housekeeping amendments to the Ballina LEP 2012 maps should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to community consultation to include;
  - a locality map indicating the general location of each amendment. Mapping is to indicate street names and highlight the mapping change so that it can be easily identified by the community;
  - text to explain the mapping change in terms of what mapped control is being reduced and what mapped control is being increased;
  - an explanation as to why the change at Blue Seas Parade (Item 6) is required, indicating the buffer distance was originally wrongly mapped;
  - identification of which land is bushfire prone; within the Coastal zone, and within the vicinity of a licensed aerodrome;
  - an assessment against SEPP 71 or any SEPP which might replace SEPP 71.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days, and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.



4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 6 months following the date of the Gateway determination.

Dated 2 day of February 2018.



**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**



## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ballina Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_BALLI_009_00	Planning Proposal to make housekeeping amendments to the Ballina Local Environmental Plan 2012 maps.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated            2 February                            2018

A handwritten signature in black ink, appearing to read "J. Gray".

**Jeremy Gray**  
Director Regions, Northern  
Planning Services  
Department of Planning and Environment

Delegate of the Secretary  
of the Department of Planning and Environment



## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to Table 2 to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP 2017 BALLI 009_00
Date Sent to DP&E under s56	21 December 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	2-2-2018

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

## Appendix 2 – Maps

(Under separate cover)

# Appendix 3 – Section 117 Direction Checklist and Extract from Planning Proposal BSCPP 14/005, 44-52 Blue Seas Parade, Lennox Head (Ballina LEP 2012 Amendment No. 30)

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. Refer to the Gateway determination dated 2 February 2018. 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 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. Refer to the Gateway determination dated 2 February 2018. 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 mapping errors.
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Justifiably inconsistent. Refer to the Gateway determination dated 2 February 2018. 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 mapping errors.
2.2 Coastal Protection	Justifiably inconsistent. Refer to the Gateway determination dated 2 February 2018. 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 mapping errors.  The amendment to correct mapping errors in respect to zoning and minimum lot size requirements for 44-52 Blue Seas Parade, Lennox Head relates to Amendment No. 30 to the Ballina LEP 2012. Consideration of coastal zone and visual amenity impacts in relation to <i>SEPP 71 – Coastal Protection</i> were considered in the planning proposal for Amendment No. 30. Refer to the extract from planning proposal BSCPP 14/005 provided at the end of this s.117 Direction Checklist.
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.

Section 117 Direction Checklist Planning Proposal – Housekeeping Amendment 2017	
Direction No.	Compliance of Planning Proposal
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Justifiably inconsistent. Refer to the Gateway determination dated 2 February 2018. 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 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.
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. Refer to the Gateway determination dated 2 February 2018. 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 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. Refer to the Gateway determination dated 2 February 2018. 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 mapping errors.



<b>Section 117 Direction Checklist</b>	
<b>Planning Proposal – Housekeeping Amendment 2017</b>	
<b>Direction No.</b>	<b>Compliance of Planning Proposal</b>
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 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.

**Extract from Planning Proposal BSCPP 14/005, 44-52 Blue Seas Parade, Lennox Head  
(Ballina LEP 2012 Amendment No. 30)**

Key Issue	Summary
Coastal Zone Impacts and Visual Amenity Impacts	<p>Consideration of relevant matters for consideration as specified in Clause 8 of <i>SEPP 71 - Coastal Protection</i> and Appendix C – Table 3 of the <i>NSW Coastal Policy</i> is required. This includes issues associated with visual impacts.</p> <p>The <i>Coastal Zone Design Guidelines 2003</i> are also required to be considered.</p> <p>The proponent's consultant has submitted a Visual Assessment to support the planning proposal. Appendix P contains a copy of this Visual Assessment.</p> <p>The proponent's assessment has been supplemented by work undertaken by MSP. MSP have undertaken an assessment of the visual and amenity impacts of future residential development on lots shown within the subdivision concept plan (contained within Appendix K).</p> <p>It was concluded by MSP that development of the eastern most 20 metres of the subject land will have the potential to impact on the skyline when viewed from Pat Morton Lookout. MSP has recommended a building height limit of 4.8 metres to be imposed for land at or above the 60 metre contour level. A rear setback (20 metres) has also been recommended to prevent development on the eastern end of certain proposed lots.</p> <p>The proposed building height limit is an LEP control. The 20 metre rear setback is a proposed DCP control.</p> <p>An 8.5 metre building height limit currently applies to the land, which is consistent with the height applicable to R2 zoned areas elsewhere within the shire. MSP notes that under the provisions of the Codes SEPP it would be possible to build an 8.5 metres high dwelling despite the provisions of the LEP.</p> <p>Incorporating a 4.8 metre height limit into Ballina LEP 2012 for this site, as suggested by MSP, is not supported. There are already a number of structures built on the crest of the hill on the subject and adjoining site as well as elsewhere along the Lennox Head escarpment. In this context a reduced building height is not considered to provide any significant advantage, especially in the context of the Codes SEPP's ability to override the height restriction.</p> <p>The approach supported is to reduce the potential for multiple structures through adoption of a larger minimum lot size. The 1,200m<sup>2</sup> minimum lot size endorsed by Council for part of this site is considered appropriate. It will assist to ensure that, whilst buildings will be visible from various vantage points, they will be surrounded by open unbuilt upon areas which will assist to reduce their overall visual impact.</p> <p>The proposed 30 metre minimum rural zone buffer to the southern boundary of Lot 1 will also assist to reduce the visual impact of future residential development. This will be achieved by pushing development further towards the north where it will be clustered with existing development on Lots 1 and 2.</p> <p>A rear building line to the 60 metre contour as suggested by MSP has not been supported as this will push development towards the Blue Seas Parade end of the site. This will also be the steepest part of future residential lots. In this location buildings will have a greater visual impact when viewed from the street level. It is considered that the 12 metre minimum rear boundary setback prescribed by the Codes SEPP (General Housing Code) for buildings having a height greater than 4.5 metres, on lots with an area of 1200m<sup>2</sup>, is appropriate and will bring consistency between the standards applicable to complying development and those applicable to development that requires consent.</p> <p>If the land is to be rezoned for low density residential purposes then it is considered that issues of visual amenity can best be addressed by restricting the lot yield via a suitable larger minimum lot size applied to part of Lot 1 and limiting the extent of the residential zone, as has been recommended by MSP, and setting a 12 metre rear setback as a DCP control for lots subject to the 1200m<sup>2</sup> lot size control.</p>



## 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 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 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 cadastre arising from subdivision of land. Involves alignment of R2 and R3 zones and heritage mapping for item 171.	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 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.	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.