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Land Surveyors & Town Planning Consultants

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Stage 3A Ferngrove Ballina Modification Report

Lot 100 of DP 1198731 - Located at Elkhorn Parade, Ballina

19 March 2015

Job Number: 14027



DOCUMENT CONTROL RECORD

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PROJECT DETAILS				
Proponent:	Rayshield Pty Ltd			
Proponent Contact:	C/- Northern Rivers Land Solutions 76 Tamar Street, Ballina NSW 2478			
Land to be developed:	Lot 100 of DP 1198731			
Project outline:	Application under S75W of the <i>Environmental Planning and Assessment Act</i> 1979 to modify Ministers Approval MP 06_0118			
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EXECUTIVE SUMMARY

Northern Rivers Land Solutions Pty Ltd has been engaged for the preparation and lodgement of an application under S75W of the *Environmental Planning and Assessment Act* 1979 to modify Ministers Approval MP 06_0118 in regards to land described as Lot 100 of DP 1198731, Elkhorn Parade, Ballina.

The proposed changes relate to the areas and types of lots in Stage 3A, changes to the lot numbers so they are consecutive, as required by NSW Land and Property Information, changes to the wording of the consent to reflect the modifications and amended plans to demonstrate the changes.

The proposed modifications are minor in scale and do not substantially alter the development from that approved under MP 06_0118.

1. INTRODUCTION

This section of the report identifies the nature of client instructions, relevant background information and the structure of the report.

1.1 SITE DETAILS

Lot in DP:	Lot 100 in DP 1198731
Property Address:	Elkhorn Parade, Ballina
Registered Owner:	Rayshield Pty Ltd
Applicant:	Northern Rivers Land Solutions Pty Ltd, on behalf of the proponent
Local Authority:	Ballina Shire Council

1.2 BACKGROUND

Northern Rivers Land Solutions Pty Ltd has been engaged to prepare and lodge an application under S75W of the *Environmental Planning and Assessment Act* 1979 to modify Ministers Approval MP 06_0118 with the Department of Planning in regard to land described as Lot 100 of DP 1198731 at Elkhorn Parade, Ballina.

The modifications, as described herein, will enable the proponent to provide allotments which appropriately address the needs of Ballina's current property market. In addition, the proposed modifications will ensure that the lot numbers of the development are in accordance with the requirements of NSW Land and Property Information. Modifications to the wording of the original approval and conditions will ensure that the development consent accurately reflects the previously mentioned changes and amended plans will clearly demonstrate the proposed changes.

1.3 APPROVED DEVELOPMENT

Major Project application 06_0118 was approved by the Minister for Planning on 14 December 2008. There have not been any previous modifications to the development.

The approval is for a subdivision of land into 237 allotments (providing for up to 270 future dwellings), open space, landscaping, a 2.25Ha playing field, land assigned for a childcare centre, a pedestrian link/cycleway and provision of associated roads (including a link road), infrastructure and services (including recontouring for drainage purposes).

1.4 PROPOSED MODIFICATION

The current application seeks approval to modify a small number of aspects of the original approval, as specified in Section 2 of this report. The intent of the modification is to ensure the development addresses the demands of the current property market in Ballina; to renumber the lots in accordance with the requirements of NSW Land and Property Information; update the development consent to reflect the proposed changes and submit amended plans to clearly demonstrate the proposed modifications.

1.5 STRUCTURE AND SCOPE OF REPORT

Section 2 of this report describes the proposed modifications to the approved development. Section 3 addresses the assessment of the modification. The final section of the report undertakes a general review of the project and summation.

2. PROPOSED MODIFICATIONS

This section of the report describes the proposed modifications to the approved development.

2.1 OVERVIEW

The key changes proposed for the approved development:

- decreasing the number of duplex allotments;
- decreasing the number of courtyard allotments;
- increasing the number of traditional allotments;
- altering the numbering of Stage 3A to ensure it complies with the requirement to be consecutive, and
- changing the wording of the approval to reflect the proposed modifications.

2.2 DETAILS OF MODIFICATION

2.2.1 DECREASED NUMBER OF DUPLEX ALLOTMENTS

The proposed reduction in the number of duplex lots has been developed in response to a perceived drop in demand in the local property market for both Duplex and Courtyard allotments and an increased demand for Traditional (generally 500m²-700m²) allotments. Please note that the lot numbers referenced in **Tables 2.1, 2.2** and **2.3** are as appear on the modified plans.

The proposal aims to change Lots 110 and 118, as indicated on the modified plans, to traditional allotments with areas of 685.1m² and 684.6m², respectively. See **Table 2.1** below. Please note, Lot 122 and Lot 130 are not included in Stage 3A of the development, however they will require changes as a result of Stage 3A and have been adjusted accordingly on the modified plans and in **Table 2.1**.

Table 2.1 Comparative Lot Sizes and Types – Duplex Lots

Lot Number	Original Lot Size (m ²)	Modified Lot Size (m ²)
Lot 110	803	685.1
Lot 118	801.2	684.6
Lot 122	801	684.6
Lot 130	800.9	685

The allocation of the remainder of land from the downsizing of the duplex lots will be incorporated into the approved Courtyard allotments, being Lot 119 and Lot 120, to increase them to a Traditional allotment area.

The decrease in the number of Duplex allotments will result in a slight reduction in the density of the Ferngrove Estate, whilst maintaining the approved 51 allotments in Stage 3A.

2.2.3 DECREASED NUMBER OF COURTYARD ALLOTMENTS

Rayshield Pty Ltd have proposed a reduction in the number of Courtyard lots in response to a perceived drop in demand in the local property market and an increased demand for Traditional (generally 500m²- 700m²) allotments.

Given the proposed modifications to decrease the number of Duplex allotments, there will be approximately 234.5m² of land left over from their area reduction. It is proposed that this area be added to the Courtyard allotments to increase their sizes as per **Table 2.2** below.

Table 2.2 Comparative Lot Sizes and Types – Courtyard Lots

Lot Number	Original Lot Size (m ²)	Modified Lot Size (m ²)
Lot 119	453	684.7
Lot 120	450.3	685.2

The proposed modifications will result in a slight reduction in the density of Stage 3A of the Ferngrove Estate.

2.2.4 INCREASED NUMBER OF TRADITIONAL ALLOTMENTS

As previously mentioned, the proposed modifications to the approved development have been determined in relation to a perceived need for Traditional allotments, with areas of generally 500m²- 700m².

The reductions in the numbers of both Duplex and Courtyard allotments have subsequently resulted in an increase in the number of traditional allotments within Stage 3A of Ferngrove. Please see **Table 2.3** for a comparison of the original and modified lot types by numbers.

Table 2.3 Lot Type Numbers Comparison Stage 3A

Original Lot Type	Numbers	Modified Lot Type	Numbers
Duplex	4	Duplex	2
Courtyard	6	Courtyard	4
Traditional	7	Traditional	11
Total	17	Total	17

2.2.5 CHANGE IN LOT NUMBERS

The modification to the approved lot numbers is required given the NSW Land and Property Information cannot register plans which have inconsecutive lot numbers. The original approved development included lot numbers for Stage 3A which were not consecutive. As such, the lot numbers have been amended as shown below in **Table 2.4** and the modified plans included in **Appendix B** of this report.

Table 2.4 Stage 3A Lot Number Changes

Original Lot Numbers	Modified Lot Numbers
109	107
110	108
111	109
112	110
113	111
114	112
115	113
116	114
117	115
118	116
119	117
120	118
121	119
131	120

2.2.6 MODIFICATIONS TO THE WORDING OF THE CONSENT & CONDITIONS

While this S75W application deals specifically with Stage 3A of the approved development, further modifications are proposed to be lodged in response to the remaining Stages of the approved development. Please note that while Lots 122 and 130 are not included in Stage 3A of the development, they will require changes as a result of the modifications to Stage 3A. As such, they have been adjusted accordingly on the modified plans and included within the modified wording below.

The original consent under **PART A – ADMINISTRATIVE AND GENERAL CONDITIONS - A2 Staging** Condition 3 reads as follows-

“(3) Stage 3 has an area of 4.67 ha comprising:

(a) Subdivision of part Lot 1 DP 1074242 into 51 lots consisting of:

(i) 10 duplex allotments;

(ii) 14 courtyard allotments; and

(iii) 27 traditional allotments;

(b) construction of a 2.25 ha playing field.”

Due to the proposed modifications to the approved plans, the wording should be changed to read as follows-

(3) Stage 3 has an area of 4.67 ha comprising:

(a) Subdivision of part Lot 1 DP 1074242 into 51 lots consisting of:

(i) 6 duplex allotments;

(ii) 12 courtyard allotments; and

(iii) 33 traditional allotments;

Lot 100 Of DP 1198731 – Elkhorn Parade, Ballina

(b) construction of a 2.25 ha playing field.

The proposed wording will ensure that the development approval is consistent with the modified plans.

Given the requirement to change the lot numbers of Stage 3A to ensure they are consecutive, the wording of conditions within the original consent will also require modification. The conditions which require modification are as follows-

Current Condition –

- Section **B8 Roads** - Condition 2) which currently reads as follows-

“Provision is to be made for on-street car parking spaces and a turning bay area within the road reserves of the minor access roads servicing proposed lots 77, 87, 102, 112, 113, 114, 154, 155, 178 and 179 in accordance with Plan No. LM070113-PL100 Revision B prepared by LandPartners. Details are to be included in the engineering design plans submitted prior to the issue of the Construction Certificate for each stage of the project.”

Proposed Modification –

The modified Condition 2) wording should be changed to read as follows-

Provision is to be made for on-street car parking spaces and a turning bay area within the road reserves of the minor access roads servicing proposed lots 77, 87, 102, 110, 111, 112, 154, 155, 178 and 179 in accordance with Plan No. LM070113-PL100 Revision B prepared by LandPartners. Details are to be included in the engineering design plans submitted prior to the issue of the Construction Certificate for each stage of the project.

Current Condition –

- Section **D3 Covenant Restrictions - residential** Condition 7) which currently reads as follows-

“The covenant restriction shall prohibit construction of any future building or built structure within one (1) metre of the property boundaries specified for the following lots:

a) Lots 1, 2, 3, 4, 5, 8, 9, 13, 14, 15, 22, 23, 24, 25, 30, 32, 33, 34, 35, 36, 37, 39, 41, 42, 45, 46, 60, 61, 62, 69, 70, 71, 79, 80, 81, 83, 84, 85, 94, 95, 96, 104, 105, 106, 109, 110, 111, 112, 117, 118, 119, 120, 121, 122, 123, 124, 131, 132, 133, 134, 135, 136, 144, 145, 146, 147, 148, 149, 150, 160, 161, 162, 163, 164, 165, 166, 184, 185, 186, 204, 205, 206, 211, 212, 213, 214, 215, 216 and 236.”

Lot 100 Of DP 1198731 – Elkhorn Parade, Ballina

Proposed Modification –

The modified Condition 7) wording should be changed to read as follows-

The covenant restriction shall prohibit construction of any future building or built structure within one (1) metre of the property boundaries specified for the following lots:

a) Lots 1, 2, 3, 4, 5, 8, 9, 13, 14, 15, 22, 23, 24, 25, 30, 32, 33, 34, 35, 36, 37, 39, 41, 42, 45, 46, 60, 61, 62, 69, 70, 71, 79, 80, 81, 83, 84, 85, 94, 95, 96, 104, 105, 106, 107, 108, 109, 110, 115, 116, 117, 118, 119, 122, 123, 124, 131, 132, 133, 134, 135, 136, 144, 145, 146, 147, 148, 149, 150, 160, 161, 162, 163, 164, 165, 166, 184, 185, 186, 204, 205, 206, 211, 212, 213, 214, 215, 216 and 236.

Current Condition -

- **Schedule 3 Statement of Commitments Section VII** Prior to Construction Condition 16. Which currently reads as follows-

“In regards to the road design provision must be made for on-street car parking spaces and a turning bay area within the road reserves of the minor access roads servicing proposed lots 77, 87, 102, 112, 113, 114, 154, 155, 178 and 179. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate for that stage.”

Proposed Modification –

The modified Condition 16. wording should be changed to read as follows-

“In regards to the road design provision must be made for on-street car parking spaces and a turning bay area within the road reserves of the minor access roads servicing proposed lots 77, 87, 102, 110, 111, 112, 154, 155, 178 and 179. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate for that stage.”

These modifications will ensure that the development approval reflects the constructed subdivision.

2.3 MODIFIED PLANS

Set out below is a summary of the approved plans relating to lot dimensions, lot types and numbering. The amended plans clearly demonstrate the proposed modifications to the approved development.

Table 2.5 Approved and Updated/New Plans

Approved Plan	Updated/New Plan
6607- LOT DIMS Survey Lot Boundary Set Out Plan 24/06/2008	Plan Showing Dimensions and Areas As At 24/03/2015 Ferngrove Estate, Ballina
	Sales Plan - Stage 3A: Lots 104 to 120 Ferngrove Estate, Ballina Issue D 18 March 2015

The proposed updated plans are attached in **Appendix B**.

3. ASSESSMENT OF MODIFICATION

This section of the report addresses the assessment of the proposed modification to the approved development.

3.1 SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modifications would result in a reduction in the number of Duplex and Courtyard lots proposed as part of Stage 3A, and subsequently an increase in the traditional allotments. There would be no changes to the overall number of lots within Stage 3 as a result of the modification.

In the context of the overall development, the modifications are considered a refinement. The key component parts of the development remain unaltered as does its nature and scale. Overall, it is concluded that the development as modified is substantially the same as that approved.

3.2 CONSISTENCY WITH APPROVALS

As detailed in the previous sections, the proposed modifications, have been designed in response to the current property market in Ballina, particularly in relation to the increased demand for Traditional allotments and reduction in demand for Duplex and Courtyard allotments. The modifications are consistent with the approval and do not result in a different number of allotments for Stage 3. The changes to lot numbering were triggered as the NSW Land and Property Information are unable to register subdivision plans with inconsecutive lot numbering. The proposed changes to the wording of the original consent are required in order to ensure that the consent reflects the modified development. Finally, the amended plans will clearly demonstrate the proposed modifications relating to lot area, type and numbering.

Accordingly, the proposed modifications do not result in a substantially different development from that approved under MP 06_0118, in that there are no changes to the number of lots within Stage 3 and the changes to lot numbering are required by NSW Land and Property Information. The changes to the wording of the consent are directly as a result of the proposed modifications.

4. CONCLUSION

The application seeks consent under S75W of the *Environmental Planning and Assessment Act 1979* to modify Ministers Approval MP 06_0118 in regards to land described as Lot 100 of DP 1198731, Elkhorn Parade, Ballina.

The modifications as proposed will result in an improved development which caters for to the demands of the local property market; satisfies the requirements of NSW Land and Property Information and ensures the consent is consistent with the modified development. The changes are minor in scale and consistent with the existing approvals, in that the number of lots created under Stage 3 will remain unchanged.

The modifications do not substantially alter the nature or scale of the approved development.

APPENDIX A **Owners Authority**



11. Political donation disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes ☐

No ☒

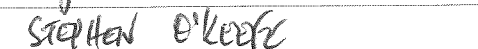
Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.


12. Owner's consent

The owner(s) of the land to be developed must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. **An original signature must be provided.**

As the owner(s) of the above property, I/we consent to this application:

Signature 

Name 

Date 

Signature 

Name 


Date 

Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than the owner is required.

13. Applicant's signature


The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).

Signature 

Date 

In what capacity are you signing if you are not the applicant



Name, if you are not the applicant 

14. Privacy policy

The information you provide in this application will enable the Department, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be made available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.

APPENDIX B **Modified Plans**



TAMARIND DRIVE

FERNGROVE DRIVE

LOT 1
DP 578477

LOT 2
DP 1074242

COMPLETED DEVELOPMENT

IMPORTANT:
AREAS AND DISTANCES SHOWN HEREON ARE APPROXIMATE
ONLY AND SUBJECT TO FINAL DESIGN AND APPROVAL.

0 40m

NRS
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SCALE: 1:2000 (A3)
PLANNER: MAM
DRAWN: azaCAD
DATE: 24th MAR 15
CAD REF: 12027-07

CLIENT: RAYSHIELD Pty Ltd
PROJECT: FERNGROVE ESTATE
(STAGE 3A)
LGA: BALLINA
SOURCE: RAYSHIELD Pty Ltd

PLAN SHOWING DIMENSIONS AND AREAS
AS AT 24th MARCH 2015
FERNGROVE ESTATE, BALLINA

(THIS PLAN MAY NOT BE THE LATEST ISSUE) ISSUE: A



0 30m

LEGEND:

- TRADITIONAL
- DUPLEX
- COURTYARD

IMPORTANT:
AREAS AND DISTANCES SHOWN HEREON ARE APPROXIMATE ONLY AND
SUBJECT TO COUNCIL APPROVAL AND REGISTRATION OF SURVEY PLANS.

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DRAWN: azaCAD
DATE: 18th MAR 15
CAD REF: 14027-01
CLIENT: RAYSHIELD Pty Ltd
PROJECT: FERNGROVE ESTATE
LGA: BALLINA

SALES PLAN - STAGE 3A:
LOTS 104 TO 120
FERNGROVE ESTATE, BALLINA

(THIS PLAN MAY NOT BE THE LATEST ISSUE) **ISSUE: D**

