



**PLANNING PROPOSAL /  
LEP AMENDMENT REQUEST  
PROPONENT & PROPOSAL  
INFORMATION FORM**

40 cherry street,  
po box 450, ballina nsw 2478  
dx 27789 ballina  
ph: 02 6686 4444  
fax: 02 6681 1375  
email: council@ballina.nsw.gov.au  
abn: 53 929 887 369

This form is to be completed and submitted when a request for an LEP Amendment or Planning Proposal is lodged with Council.

**PROPONENT DETAILS** All correspondence will be forwarded to this name and address unless alternative details are specified below.

PROPONENT'S NAME: K.L. JAMBOUR, M.S. GRIBBLE, W.G. EDWARDS & J.A. CARMONT  
 ADDRESS: 2 SKINNER STREET, 1 CAMDEN STREET, 3 & 5 CAMDEN LANE, BALLINA  
 POSTAL ADDRESS: C/ 5 CAMDEN LANE BALLINA NSW 2478  
 PHONE: W: ..... H: ..... MOB: 0419 862 994  
 EMAIL: pcarmont@bigpond.net.au FAX: .....  
 SIGNATURE(S): ..... DATE: .....

**CONSULTANT/REPRESENTATIVE DETAILS** Details of consultants/representatives acting on behalf of the proponent are required. Please nominate whether the consultant/representative will be the principal contact for the proposal.

NAME: PETER CARMONT  
 ADDRESS: 5 CAMDEN LANE, BALLINA NSW 2478  
 PHONE: ..... MOB: 0419 862 994  
 EMAIL: pcarmont@bigpond.net.au FAX: .....  
 Please tick if Consultant/Representative is to be the principal point of contact with Council.

**DESCRIPTION OF THE LAND** Property descriptions of all land holdings the subject of the planning proposal/LEP amendment request are required. Additional properties the subject of the proposal should be documented in the additional information field at the end of the form.

ADDRESS: 2 SKINNER STREET, BALLINA  
 LOT/PORTION: 10 SECTION: - DP: 1126929  
 ADDRESS: 1 CAMDEN STREET, BALLINA  
 LOT/PORTION: 33 SECTION: - DP: 872966  
 ADDRESS: 3 CAMDEN LANE, BALLINA  
 LOT/PORTION: 3 SECTION: - DP: 107380  
 ADDRESS: 5 CAMDEN LANE, BALLINA  
 LOT/PORTION: 1 SECTION: - DP: 1119099

**OFFICE USE ONLY**

Proposal Name: ..... Type: Major  Minor   
 Fee Paid: Y  N  Amount: \$1575.00 Date Received: 5/11/13  
 Pre-Lodgment Discussion: Y  N  Receipt No: 375281  
 Code 6, Job No. 20001.1001.061

**LANDHOLDER DETAILS & CONSENT** Details of all landholders are to be provided. If landholders do not sign this form, evidence of the consent of landholders for the nomination of their landholding as part of the planning proposal/LEP amendment is required in conjunction with this form. Space is provided at the end of this form for additional landholder details.

I/we KL JAMBOUR, M.S GIBBLE, W.G EDWARDS, J.A CARMONA (please print name or names)

of 2 SKINNER ST, 1 CAMDEN ST, 3 & 5 CAMDEN LANE BALLINA (please print address)

Lot/Portion: 10/33/3/1 Section: - DP: 1126929/82966/107380/1119099

PHONE: (W) ..... (H) .....

MOBILE: ..... FAX: .....

being the owner(s) of the property identified above, consent to the submission of this planning proposal/LEP amendment.

SIGNATURE(S): J.A. Carmona, W.G Edwards, M.S. Gibble, KL Jambour DATE: 5.11.2013

**SUMMARY OF THE PLANNING PROPOSAL / LEP AMENDMENT REQUEST** Brief outline of the concept or idea underpinning the planning proposal / LEP amendment request.

RECTIFICATION OF ZONING ERROR WHERE "LAND IS ZONED AS WATERWAYS."

LIST OF INFORMATION PROVIDED IN SUPPORT OF THE PLANNING PROPOSAL / LEP AMENDMENT REQUEST

PLANNING PROPOSAL REPORT ATTACHED

PRIVACY PROTECTION NOTICE:

The completed application form contains personal information which is being collected for the purpose of assessing this LEP Amendment Request/Planning Proposal. Please be aware that information contained in this documentation is public information and may be accessed by other government agencies, service providers, the general community or other organisations. The information will be processed by Council officers and may be made available to public enquiries under Section 12 of the Local Government Act. The information will be stored in Council's Strategic & Community Services Group.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

A person who submits An LEP Amendment Request/Planning Proposal to Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the proposal within the period commencing two years before the request is made and ending when the proposal is determined:

- All reportable political donations made to any Ballina Shire Councillor; and
- All gifts made to any Councillor or employee of Ballina Shire Council.

A reference to a reportable political donation made to a "Councillor" includes a reference to a donation made at the time the person was a candidate for election to the Council.

Significant penalties apply to non-disclosure. For more information and to obtain a political donations and gifts disclosure statement go to the NSW Department of Planning & Infrastructure website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

Is a disclosure statement to accompany your application? Yes  No

**ADDITIONAL INFORMATION**

[A large rectangular area containing numerous horizontal dotted lines for text entry.]

## **Planning Proposal**

Lot 10 DP1126929, Lot 1 DP1119099, Lot 3 DP1079380 &  
Lot 33 DP872966  
1 Camden Street, 3 & 5 Camden Lane and 2 Skinner Street,  
Ballina

**11 October 2013**

**TABLE OF CONTENTS**

1. INTRODUCTION .....	1
2. OBJECTIVES OR INTENDED OUTCOMES .....	4
3. EXPLANATION OF PROVISIONS.....	5
4. JUSTIFICATION.....	6
5. COMMUNITY CONSULTATION.....	13
6. CONCLUSION AND RECOMMENDATIONS .....	14
7. APPENDIX A – CADASTRAL HISTORY.....	15



## **1. Introduction**

### **Project Details**

The registered owners of Lot 10 DP1126929, Lot 1 DP1119099, Lot 3 DP1079380 & Lot 33 DP872966 are requesting that the Ballina Shire Council rectify an anomaly in the zoning boundary relating to their property.

The Proposal seeks to amend the Ballina Local Environmental Plan 2012 (BLEP), specifically Land Zoning Map – Sheet LZN\_006C to rectify an anomaly in the zoning of the properties where physical land is actually zoned as W1 – Natural Waterways. It is requested that this land be rezoned to R2 – Low Density Residential in accordance with the surrounding land zoning.

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's "A guide to preparing planning proposals" (July 2009) to accompany a gateway application to rectify a zoning error where land has been zoned as waterways.

### **Site Details**

The land is located at 1 Camden Street, 3 & 5 Camden Lane and 2 Skinner Street, Ballina and is formally known as Lot 10 DP1126929, Lot 1 DP1119099, Lot 3 DP1079380 & Lot 33 DP872966, Parish of Ballina and County of Rous. Figure 1 identifies the subject land.

The land is zoned R2 – Low Density Residential and W1 – Natural Waterways under the provisions of the BLEP 2012 (see Figure 2).

Each of the four allotments have an established dwelling erected upon them.

The W1 zoning appears to be an error taken from the 1987 Ballina Local Environmental Plan as much of the land is located above the mean high water mark. Furthermore, it appears that the land is the only freehold parcel of land with frontage to North Creek that has been zoned W1. A Planning Proposal will be submitted in due course to change the W1 zoning to the appropriate R2 zoning.

Formally, the land is bound to the north by Skinner Street, to the south by Camden Street, to the West by Camden Lane and residential allotments and to the east by Norton Street road reserve and Lot 43 DP1009315.

The properties are the only freehold parcels of land between Missingham Bridge and King Street without the protection of a rock wall.

The cadastral history of the land is set out in Appendix A.

The W1 zoning has been replicated from the Ballina Local Environmental Plan 1987 zoning which is considered to be a mapping error at the time of gazettal.

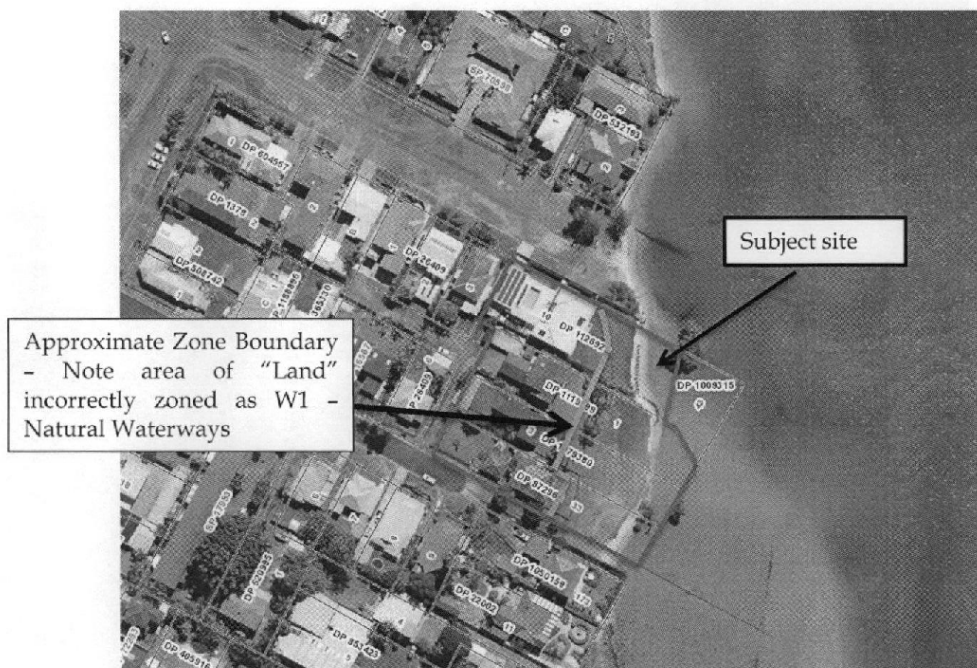


Figure 1: Aerial Photograph of the subject site. Note: boundaries are approximate (source: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au))

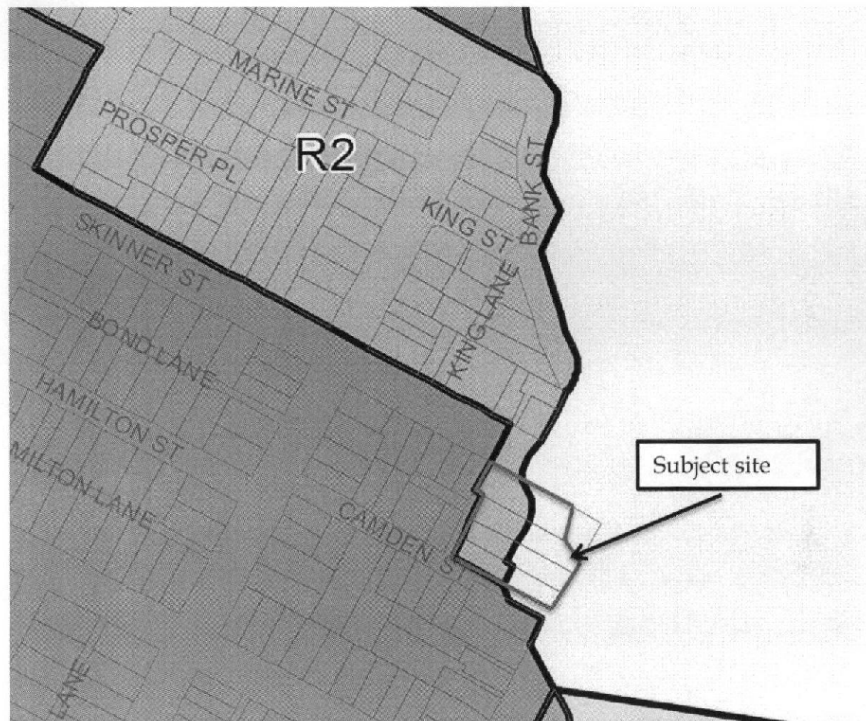


Figure 2: Zoning Map. Note: Boundaries are approximate (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

## **2. Objectives or Intended Outcomes**

---

The objective of the proposal is to correct an anomaly in the zoning of the land where the Ballina Local Environmental Plan 2012, specifically Land Zoning Map – Sheet LZN\_006C has incorrectly zoned land as W1 – Waterways. It is requested that the R2 – Low Density Residential zoning be extended to the existing cadastral boundaries of the four allotments.

### **3. Explanation of Provisions**

---

The Planning Proposal relates to Lot 10 DP1126929, Lot 1 DP1119099, Lot 3 DP1079380 & Lot 33 DP872966 located at 1 Camden Street, 3 & 5 Camden Lane and 2 Skinner Street, Ballina. The land is zoned R2 – Low Density Residential and W1 – Natural Waterways under the provisions of the BLEP 2012 (see Figure 2).

This Planning Proposal seeks to rectify an error in the zoning of the land. The proposal can be achieved by correctly zoning the land from W1 – Natural Waterways to R2 – Low Density Residential.

The outcome is achieved by amending Land Zoning Map – Sheet LZN\_006C to recognise the land as R2 – Low Density Residential. It is requested that the Low Density Residential zoning boundary be amended to the cadastral boundaries of the allotments.

A draft amended zone map identifying the required rezoning will be prepared once the Gateway Determination has been made.

---

## **4. Justification**

---

### **Section A – Need for the planning proposal**

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

No. The proposal seeks to amend the incorrect zoning of physical land from W1 – Waterways to R2 – Low Density Residential.

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

Yes. The LEP Amendment Request and subsequent Planning Proposal and Gateway Request is the most appropriate means of rectifying this situation.

**3. Is there a net community benefit?**

There will be a neutral community benefit. The Planning Proposal seeks to rectify an anomaly in the zoning of the land.

### **Section B – Relationship to strategic planning framework**

**4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Far North Regional Strategy. The land is identified as "Existing Urban Footprint" in the Town and Village Growth Boundary Map of Ballina and the Planning Proposal seeks to amend the zoning of the land to reflect this urban footprint.

**5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Yes. The proposal is consistent with the Ballina Shire Growth Management Strategy in that it seeks to rectify a zoning anomaly of residential land.

---

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

<b>State Environmental Planning Policy</b>	<b>Compliance</b>	<b>Comments</b>
SEPP 1 – Development Standards	Not applicable.	
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable.	
SEPP 6 – Number of Storeys in a Building	Not applicable.	
SEPP 14 – Coastal Wetlands	Not applicable.	
SEPP 15 – Rural Landsharing Communities	Not applicable.	
SEPP 19 – Bushland in Urban Areas	Not applicable.	
SEPP 21 – Caravan Parks	Not applicable.	
SEPP 22 – Shops and Commercial Premises	Not Applicable.	
SEPP 26 – Littoral Rainforests	Not applicable.	
SEPP 29 – Western Sydney Recreation Area	Not applicable.	
SEPP 30 – Intensive Agriculture	Not applicable.	
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Complies.	The Planning Proposal seeks to correctly zone the land for residential purposes.
SEPP 33 – Hazardous and Offensive Development	Not applicable.	
SEPP 36 – Manufactured Home Estates	Not applicable.	
SEPP 39 – Spit Island Bird Habitat	Not applicable.	
SEPP 44 – Koala Habitat Protection	Not applicable.	
SEPP 47 – Moore Park Showground	Not applicable.	
SEPP 50 – Canal Estate Development	Not applicable.	
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.	
SEPP 55 – Remediation of Land	Complies.	The Planning Proposal simply seeks to rectify an error in the zoning and does not seek to amend the existing land use. The land has been utilised for

		residential purposes for a number of year.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	Not applicable.	
SEPP 60 – Exempt and Complying Development	Not applicable.	
SEPP 62 – Sustainable Aquaculture	Not applicable.	
SEPP 64 – Advertising and Signage	Complies.	Any signage associated with the use of the site will be subject to normal application procedures.
SEPP 65 – Design Quality of Residential Flat Development	Not applicable.	
SEPP 70 – Affordable Housing (Revised Scheme)	Not applicable.	
SEPP 71 – Coastal Protection	Complies.	<p>The land is located within the coastal zone due to the proximity of North Creek.</p> <p>The Planning Proposal simply seeks to rectify an error in the zoning and does not propose to amend the existing use of the land for residential purposes being a backyard of existing dwellings.</p> <p>The Planning Proposal is not inconsistent with the objectives of the SEPP nor will it be inconsistent with the matters for consideration under Clause 8 of the SEPP.</p> <p>The proposal is also consistent with Part 4 of the SEPP pertaining to public access, effluent disposal and stormwater.</p>



SEPP (Affordable Rental Housing) 2009	Not applicable.	
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable.	
SEPP (Exempt and Complying Development Codes) 2008	Not applicable.	
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.	
SEPP (Infrastructure) 2007	Not applicable.	
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.	
SEPP (Kurnell Peninsula) 1989	Not applicable.	
SEPP (Major Development) 2005	Not applicable.	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.	
SEPP (Penrith Lakes Scheme) 1989	Not applicable.	
SEPP (Rural Lands) 2008	Not applicable.	
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable.	
SEPP (State and Regional Development) 2011	Not applicable.	
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.	
SEPP (Sydney Region Growth Centres) 2006	Not applicable.	
SEPP (Temporary Structures) 2007	Not applicable.	
SEPP (Urban Renewal) 2010	Not applicable.	
SEPP (Western Sydney Employment Area) 2009	Not applicable.	
SEPP (Western Sydney Parklands) 2009	Not applicable.	

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

<b>Section 117 Direction</b>	<b>Compliance</b>	<b>Comments</b>
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Not applicable.	
1.2 Rural Zones	Not applicable.	

1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.	
1.4 Oyster Aquaculture	Not applicable.	
1.5 Rural Lands	Not applicable.	
<b>2. Environment and Heritage</b>		
2.1 Environmental Protection Zones	Not applicable.	
2.2 Coastal Protection	Complies.	The proposal is not inconsistent with the applicable provisions of this direction (see SEPP 71 discussion).
2.3 Heritage Conservation	Not applicable.	
2.4 Recreation Vehicle Areas	Not applicable.	
<b>3. Environment and Heritage</b>		
3.1 Residential Zones	Complies.	The Planning Proposal seeks to rectify an error in the zoning of residential land and is therefore in accordance with this direction.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	
3.3 Home Occupations	Not applicable.	
3.4 Integrating Land Use and Transport	Complies.	The proposal will not impact upon transport as it simply seeks to rectify a zoning anomaly.
3.5 Development Near Licensed Aerodromes	Not applicable.	
3.6 Shooting Ranges	Not applicable.	
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Complies.	The land is entirely mapped as having the potential for Class 2 Acid Sulfate Soils. It should be noted that the land zoned W1 – Waterways is also mapped as having the potential for Class 2 Acid

		Sulfate Soils and is not mapped as Class 1 as is the case with waterways.
4.2 Mine Subsidence and Unstable Land	Not applicable.	
4.3 Flood Prone Land	Complies.	The proposal will not impact upon flooding characteristics in the area as the proposal seeks to rectify an anomaly in the zoning of the land.
4.4 Planning for Bushfire Protection	Not applicable.	
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	Complies.	The proposal is not inconsistent with the objectives of the Far North Coast Regional Strategy with no specific provisions of this strategy required to be implemented as part of this Planning Proposal.
5.2 Sydney Drinking Water Catchments	Not applicable.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)(Revoked 18 June 2010)	Not applicable.	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	Not applicable.	
5.7 Central Coast (Revoked 10 July 2008)	Not applicable.	
5.8 Second Sydney Airport.	Not applicable.	

Badgerys Creek		
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	Complies.	The Planning Proposal does not create the need to obtain the concurrence, consultation or referral of a Minister or public authority in future development applications.
6.2 Reserving Land for Public Purposes	Not applicable.	
6.3 Site Specific Provisions	Not applicable.	
<b>7. Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not applicable.	

#### **Section C – Environmental, social and economic impact**

**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The proposal relates to the correction of a zoning error of existing residential land. The land use of the land will not change from its existing residential use.

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

No other environmental effects are likely to result as a consequence of the Planning Proposal as the proposal seeks to rectify an error in zoning.

**10. How has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal will have minimal social and economic effects given the minor nature of the proposal.

#### **Section D – State and Commonwealth interests**

**11. Is there adequate public infrastructure for the planning proposal?**

Yes. Each of the allotments are connected to all relevant utility services and the Planning Proposal does not require the extension to these services.

**12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

As no gateway determination has been made in respect to this planning proposal at this stage, the views of State and Commonwealth public authorities is unknown.

This section will be revised following the review of the proposal by the Minister of Planning.

We have spoken to Member for Ballina Mr Don Page about the Planning Proposal and he has given his in principle support of the proposal.

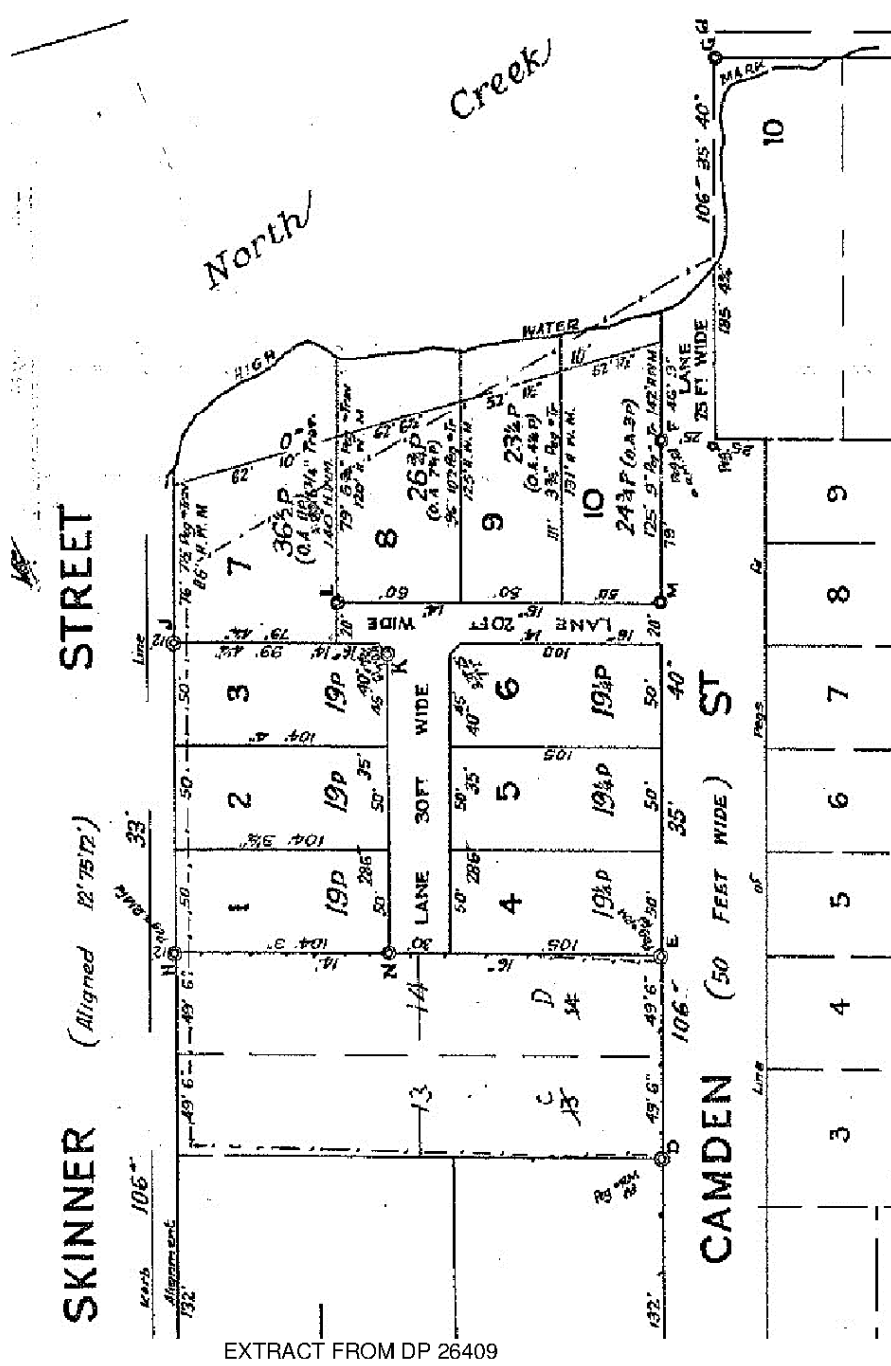
---

**5. Community Consultation**

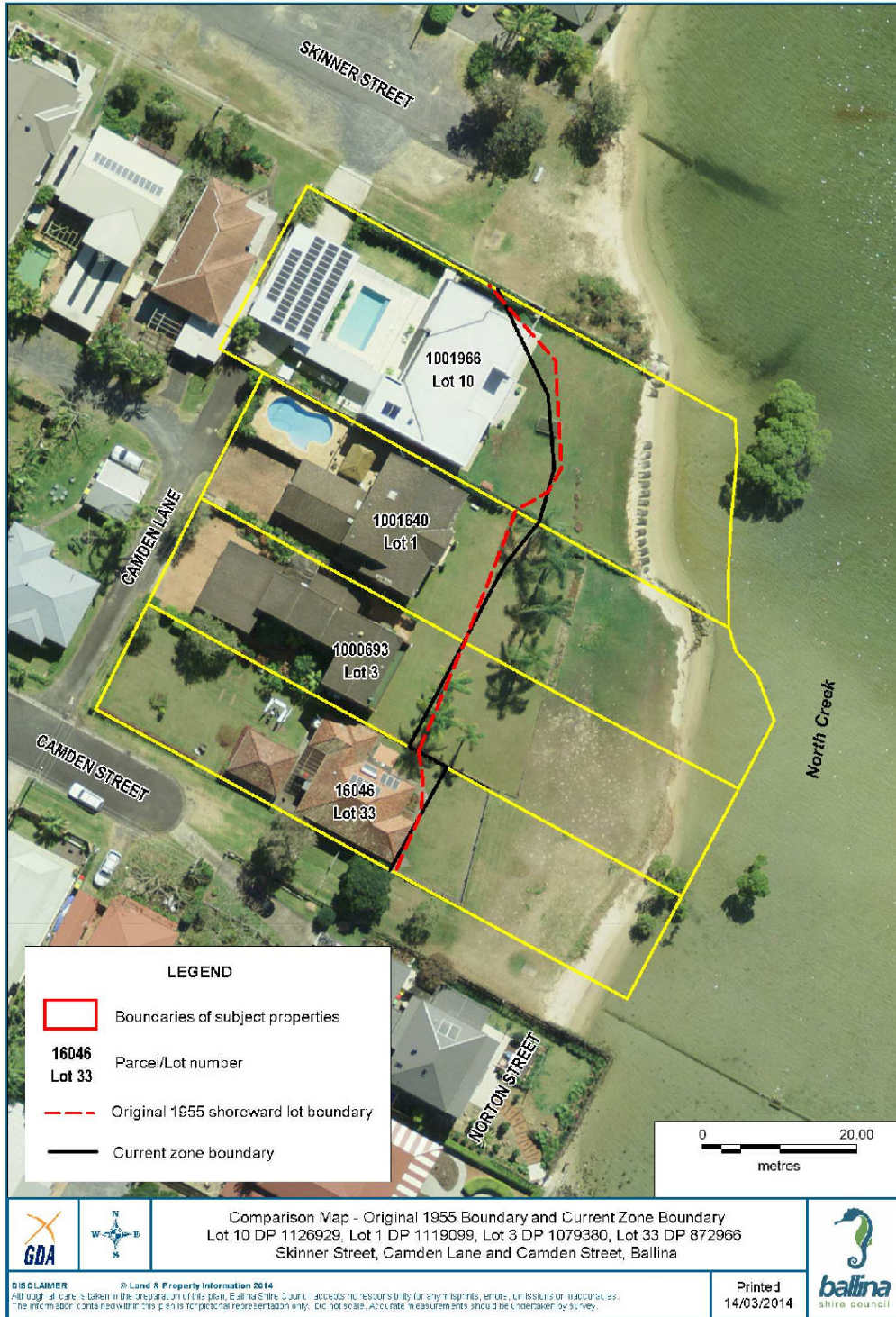
---

Having regard to the scale, nature and issues relating to the Planning Proposal, it is considered that the Planning Proposal is a "low impact planning proposal" under section 4.5 of *"a guide to preparing local environmental plans"*.

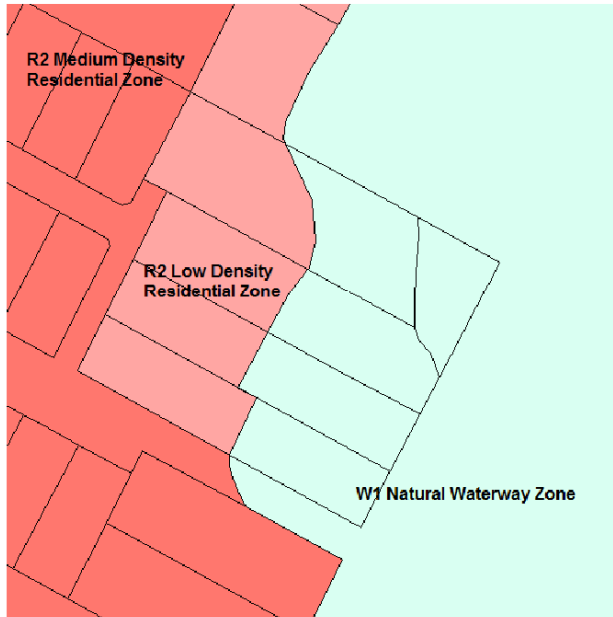
Appropriate exhibition material will be made available by the relevant planning authority during the exhibition period and the exhibition period will be undertaken in accordance with normal practices.



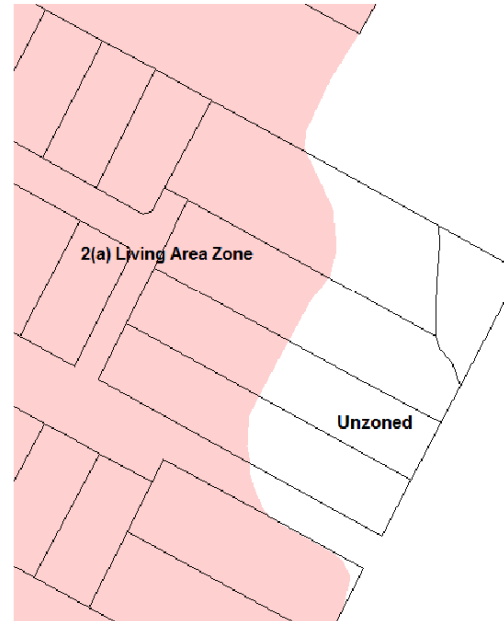
EXTRACT FROM DP 26409



9.1 LEP Amendment Request - North Creek Foreshore, Ballina.DOC



Ballina Local Environmental Plan 2012



Ballina Local Environmental Plan 1987

**North Creek Foreshore – Camden Lane LEP Amendment Request**  
Map showing comparison between BLEP 2012 and BLEP 1987 land use zoning







