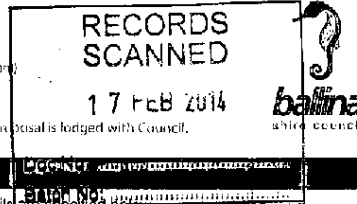




**Planning Proposal / LEP Amendment Request  
Proponent & Proposal Information Form**

Lodge Applications at Ballina Shire Council • 40 Cherry Street • Ballina (Mon-Fri 8:15am to 4:30pm)  
mail PO Box 450 Ballina 2478 • dx 27789 • f 02 6686 7035 • e council@ballina.nsw.gov.au  
t 02 6686 4444 • w www.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 D. Foley.  
 Address 33 STEWART ST, LENNOX HEAD, 2478  
 Postal Address PO BOX 460, LENNOX HEAD, 2478  
 Telephone (w)  (h)  Mobile 0412664660.  
 Email Address project@foleyconstruction.com.au Fax   
 Signature [Signature] Date 10/2/14.

**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 NEWTON DENNY CHAPELLE (DAMIAN CHAPELLE)  
 Address PO BOX 138, LISMORE  
 Telephone (w) 66221011 Mobile 0438862856 Fax 66224088  
 Email Address dchapelleg@newtondennychapelle.com.au

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 LEP amendment request/planning proposal are required. Additional properties the subject of the proposal should be documented in the additional information field at the end of the form.

Property Address 16 TARA DOWNS, LENNOX HEAD  
 Lot/Portion 12 Section  DP 813210  
 Property Address   
 Lot/Portion  Section  DP   
 Property Address   
 Lot/Portion  Section  DP

**Office Use Only**

Proposal Name <u>[Signature]</u>	Type: <input type="checkbox"/> Major <input checked="" type="checkbox"/> Minor	Pre-Lodgement Discussion: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Fee Paid: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Amount: \$ <u>2,625.00</u>	Date Received: <u>14/2/14</u>	Receipt No: <u>405664</u>
Code 6, Job No 20001.1001.061		

**Landholder Details and 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 LEP amendment/planning proposal is required in conjunction with this form. Space is provided at the end of this form for additional landholder details.

Owner's Name(s) The Uniting Church in Australia Property Trust (NSW)

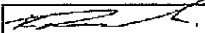
Address PO BOX A2178 SYDNEY SOUTH NSW 1235

Lot/Portion 12 Section            DP 813210

Telephone (w) 82674300 (h)            Mobile           

Email Address property@nsw.uca.org.au Fax           

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

Signature  Date 12/2/14

**Summary of the LEP Amendment Request / Planning Proposal**

Brief outline of the concept or idea underpinning the LEP amendment request / planning proposal.




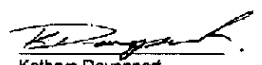
The Uniting Church in Australia Property Trust (NSW) and ~~The Uniting Church in Australia (Australian Capital Territory) Property Trust~~ in accordance with The Uniting Church in Australia Act 1977 No. 47 (NSW) and No 46 (ACT), hereby delegate to:


- Robert Ramsbottom (Head of Property Services for The Uniting Church in Australia, Synod of NSW & ACT);
- Michael New (Asset Manager for The Uniting Church in Australia, Synod of NSW & ACT);
- Gabriel Thielbeer (Asset Manager for The Uniting Church in Australia, Synod of NSW & ACT);
- Kathryn Davenport (Asset Manager for The Uniting Church in Australia, Synod of NSW & ACT);
- and
- Jae Hunt (Senior Legal Counsel for The Uniting Church in Australia, Synod of NSW & ACT),

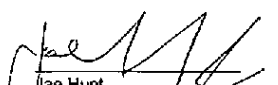
the authority to sign all Development Applications and related documentation in accordance with Section 49 of the Environment Planning & Assessment Regulations 2000 (NSW).

Any earlier delegation granted to Geoff Daley (Manager, The Uniting Church in Australia, Synod of NSW & ACT) is hereby revoked and the earlier delegation granted to Gabriel Thielbeer, described above, is confirmed.

  
 Robert Ramsbottom  
 Head of Property Services  
 The Uniting Church in Australia,  
 Synod of NSW and the ACT

  
 Kathryn Davenport  
 The Uniting Church in Australia,  
 Synod of NSW and the ACT

  
 Michael New  
 Property & Projects Manager  
 The Uniting Church in Australia,  
 Synod of NSW and the ACT

  
 Jae Hunt  
 The Uniting Church in Australia,  
 Synod of NSW and the ACT

**THE COMMON SEAL OF THE UNITING CHURCH IN AUSTRALIA PROPERTY TRUST (NSW)** was hereunto affixed on the 21 January 2014 pursuant to a resolution of the Trust at a duly convened meeting in the presence of:

Member:

Name:

Dated: 21 January 2014

Member Name: LAWRENCE JOHN GRAVE



*Spulker - Gabriel Thielbeer*

*B.L. Brown*  
 BRIAN LAWRENCE BROWN

Level 9, 222 Pitt Street  
 Sydney NSW 2000

PO Box A2178  
 Sydney South NSW 1235

nsw.uca.org.au

List of Information Provided in Support of the LEP Amendment Request / Planning Proposal

REFER NDC LETTER 31/1/14

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 the Government Information (Public Access) Act. The information will be stored in Council's electronic document management system.

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:

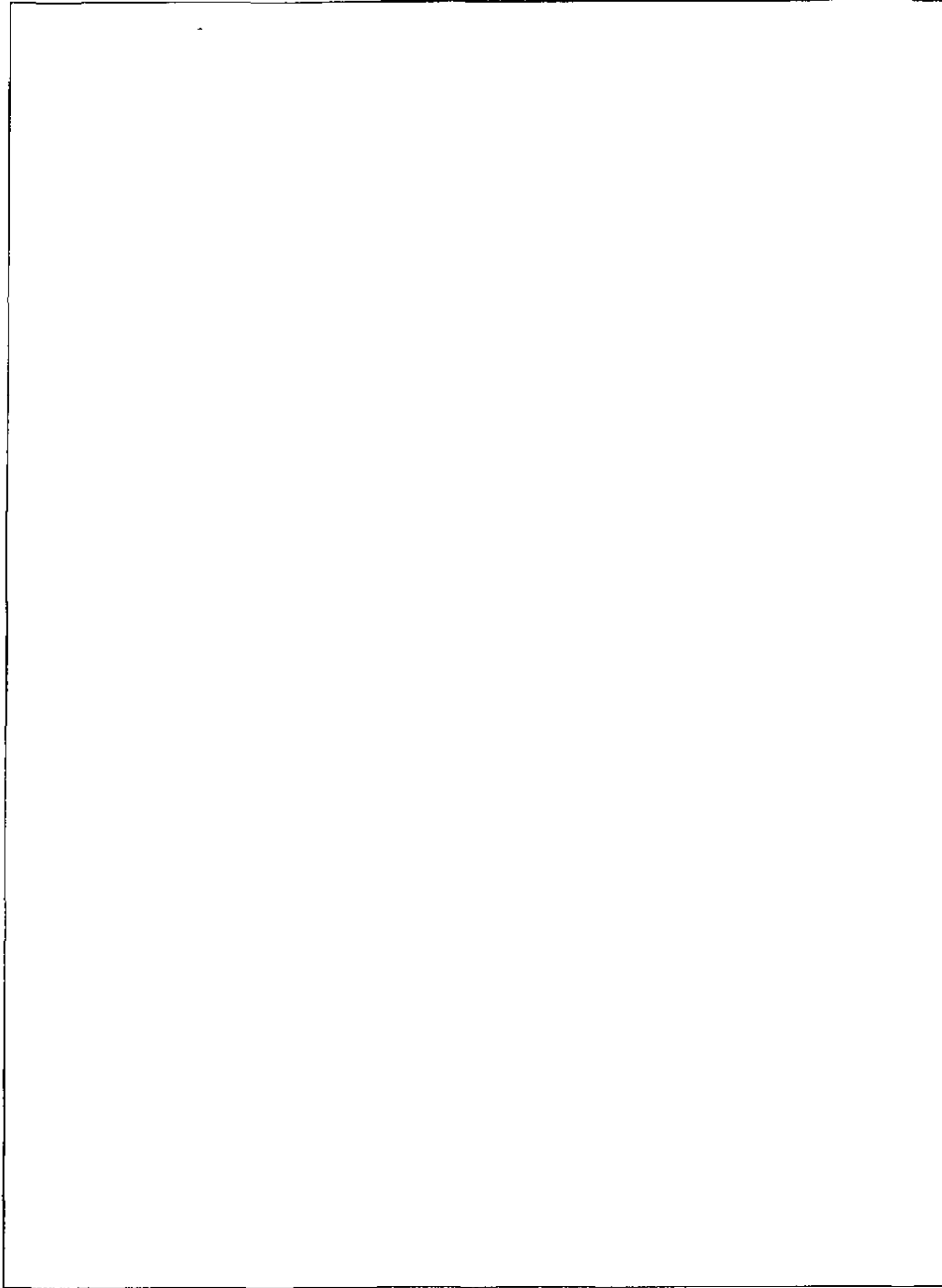
- All reportable political donations made to any Ballina Shire Councillor; and
- All gifts made to any local Councillor or employee of Ballina Shire Council.

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 Department of Planning and 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





**Newton Denny Chapelle**

SURVEYORS PLANNERS ENGINEERS

Date: 31 January 2014  
Our Ref: 13/445

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

Attention: Mr Matthew Wood

Dear Sir,

**Re: "Concept" Planning Proposal Request  
16 Tara Downs, Lennox Head.**

**1. Introduction & Background**

Newton Denny Chapelle (NDC) has been engaged by the owners of 16 Tara Downs, Lennox Head to prepare a "Concept" Planning Proposal request to Ballina Shire Council.

This request is made in accordance with Step 1 of Ballina Shire Council's Process Guidelines for the Preparation of Planning Proposals and Local Environmental Plan Amendments. The request is seeking Council's support to commence the rezoning process to enable the development of Lot 12 DP 813210 for residential purposes. To this end, this request proposes the rezoning of the subject site from the current RU1 - Primary Production zone to R2 - Low Density Residential, pursuant to the Ballina Local Environmental Plan 2012 and Council's subdivision standards also be modified to enable subdivision of the land for residential purposes.

**2. Description of Site and Surrounds**

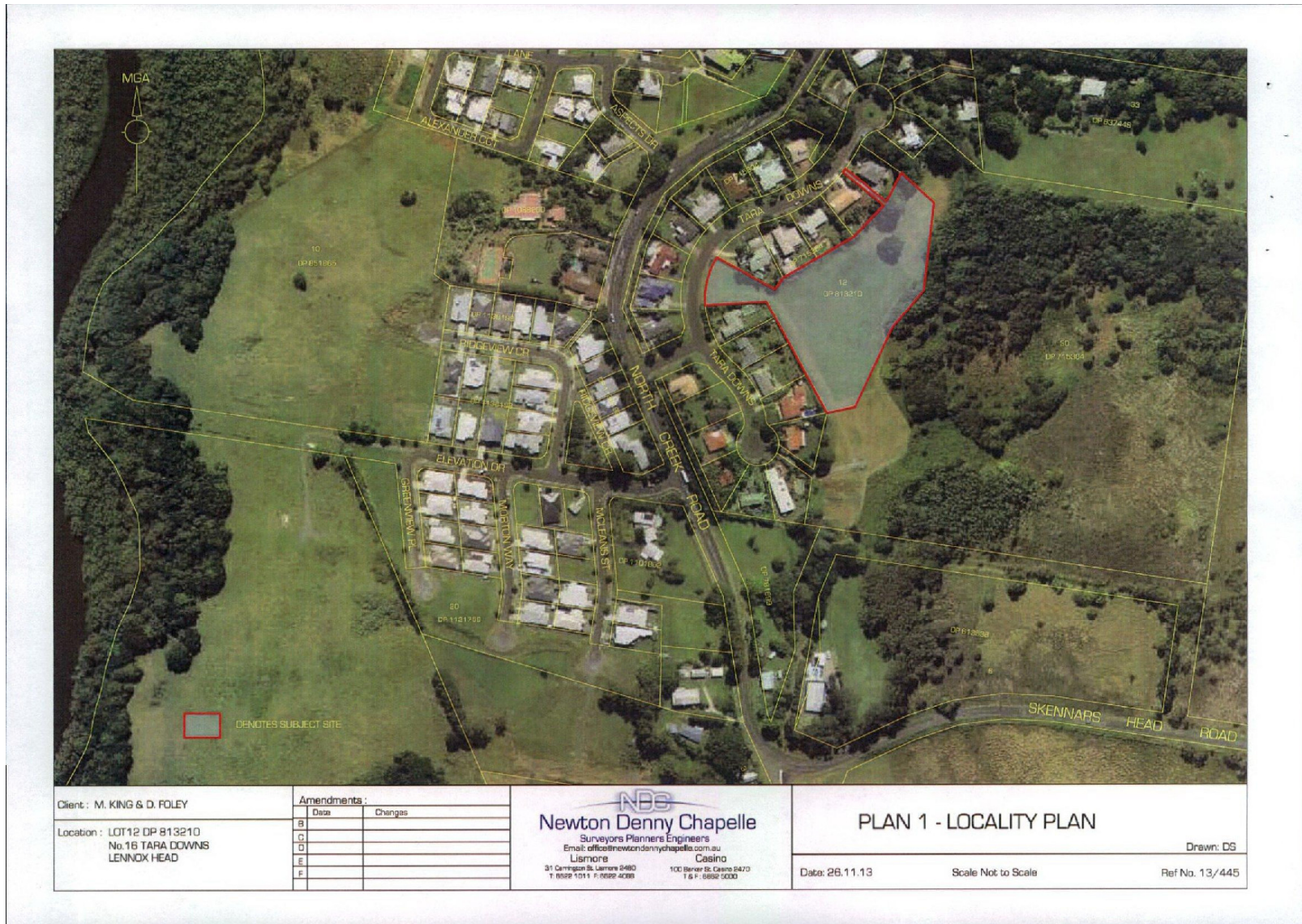
Lot 12 DP 813210 is located at 16 Tara Downs, Lennox Head. The property comprises a battle-axe configuration with two connections to Tara Downs with the balance of the land being east of the current housing lots which themselves front Tara Downs. **Plan 1** illustrates the site in its local context.

JOHN NEWTON B. Surv. M.I.S. Assoc. TONY DENNY B. Surv. (Hons) M.I.S. Assoc. DAMIAN CHAPELLE BTP DPP  
Office: Suite 1, 31 Carrington Street, Lismore, Postal Address: PO Box 1138 Lismore NSW 2480  
Phone (02) 6622 1011 Fax (02) 6622 4088 Email office@newtondennychapelle.com.au  
Also at: Casino Court, 100 Barker Street, Casino NSW 2470 Phone/Fax (02) 6662 5000

Page 1



9.2 LEP Amendment Request - 16 Tara Downs, Lennox Head.DOC



Client : M. KING & D. FOLEY  
 Location : LOT 12 DP 813210  
 No. 16 TARA DOWNS  
 LENNOX HEAD

Amendments :	
Date	Changes
B	
C	
D	
E	
F	

**NBS**  
**Newton Denny Chapelle**  
 Surveyors Planners Engineers  
 Email: office@newtondennychapelle.com.au  
 Liamore Casino  
 31 Carrington St. Liamore 2460  
 T 0828 1211 F 0828 4288  
 100 Barker St. Casino 2470  
 T 0828 2000

**PLAN 1 - LOCALITY PLAN**

Drawn: DS  
 Date: 26.11.13  
 Scale: Not to Scale  
 Ref No. 13/445





### 3. Site History

The parent lot of the subject land, Lot 4 DP 253429, (17.85ha) was created in 1977 in conjunction with a three lot subdivision. Upon gazettal of Ballina LEP 1987, the subject land was zoned 1(b) Rural (Secondary Agricultural).

The lot was further subdivided to create Lot 17 DP 715304 (1.414ha) in 1985 in conjunction with a 30 lot residential subdivision in Tara Downs. The subdivision also encompassed the creation of Lot 30 for a public reserve (8.862ha) which adjoins the subject land to the east.

The current lot (Lot 12 DP 813210) configuration resulted through the excision of a further single residential lot of 1007m<sup>2</sup> (Lot 13 DP 813210) in 1991.

### 4. Environmental and Planning Matters for Consideration

The site is subject to a number of environmental and physical matters for consideration which will need to be the subject of further consideration as part of the formal Planning Proposal process. These include the following:

- **Contaminated Land** - The subject land has historically been utilised for grazing purposes and until more recent times as vacant land by the former landowner. Meaney's Dip site is located within the 250m investigation zone for the land. NSW Department of Primary Industries have identified the dip as being decommissioned with the last lease for the dip expiring in 2001.

Notwithstanding the decommissioning of Meaney's Dip, appropriate soil contamination testing will be required in order to meet Council's guidelines. Implications of stormwater run-off from the site on the dip site will also be required to be considered as part of a Gateway Determination. It is proposed such sampling occur as part of the suite of reports/assessments required as part of the Gateway determination.

- **Bushfire Prone Lands** - The subject site is identified in Council mapping as containing a minor land area which is bushfire prone. The buffer from the bushfire hazard located in the eastern adjoining reserve encroaches slightly into the subject land and is not considered to prejudice the future subdivision layout.

- **Ecological Values** - The site was previously utilised for grazing pursuits and has been maintained as a cleared site. Accordingly, it is unlikely that any significant stands native vegetation exists on the site or that it comprises important habitat for native fauna. However, any planning proposal will need to have regard to individual species located within the northern portion of the site and potential "edge effects" with the adjoining public reserve.
- **Visual Amenity** - An assessment of the proposed subdivision layout and future housing against the amenity of the existing residents fronting Tara Downs will be required to be completed. The assessment will need to have regard to view paths, privacy and acoustic amenity.
- **Infrastructure Services & Stormwater Management** - The land is able to be connected to all essential infrastructure services including water, sewer, electricity and telecommunications. An assessment of the proposed stormwater management addressing water quality and quantity pursuant to Ballina Development Control Plan 2012 - Chapter 2.

#### 5. Current Planning Status

The site has been identified in a wide range of strategic planning documents as being a candidate for future urban development (subject to appropriate environmental assessment via the rezoning and development application processes). These include:

- **Ballina Local Environmental Plan 2012** - The site is currently zoned RU2- Rural Landscape Zone pursuant to the BLEP 2012. The primary planning objectives for this zone aim to identify land for agriculture and permit such uses which maintain rural landscapes.

The land is identified within Council's mapping for the strategic urban growth areas for Lennox Head (see Plate 2). Through the identification of the land, clause 7.8 of the Ballina LEP seeks to ensure that strategic urban development opportunities in the Strategic Urban Growth Area are maintained.



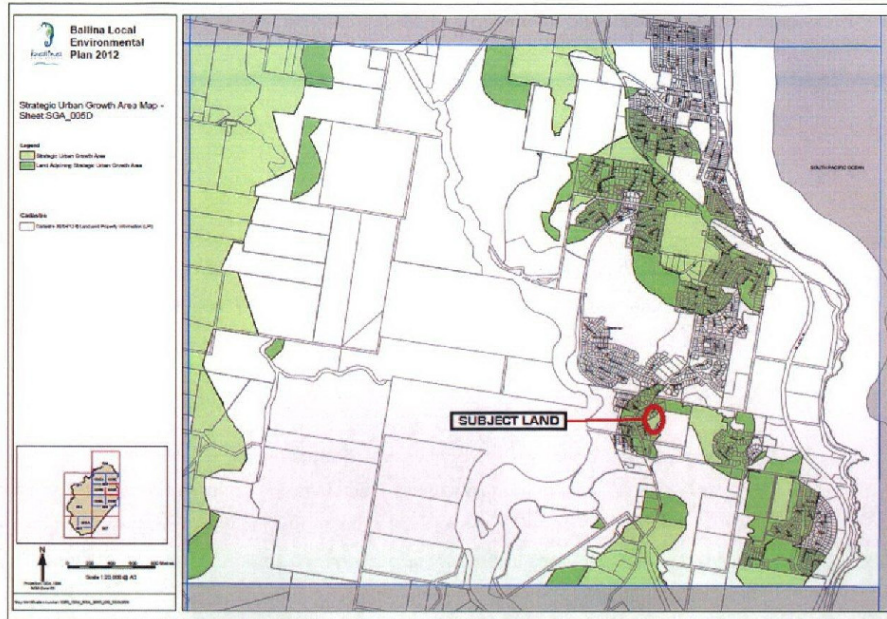


Plate 2: Ballina LEP Strategic Urban Growth Areas Map.

- **Far North Coast Regional Strategy 2006** – The subject land is identified as being located within the existing urban footprint, despite the rural zoning. Accordingly, the application of a residential zone to the land is consistent with this strategy.



Plate 3: Far North Coast Regional Strategy.





- **Ballina Shire Growth Management Strategy 2012** – The property is mapped as a Strategic Urban Growth Area pursuant to the Growth Management Strategy as provided within **Plate 5** below.

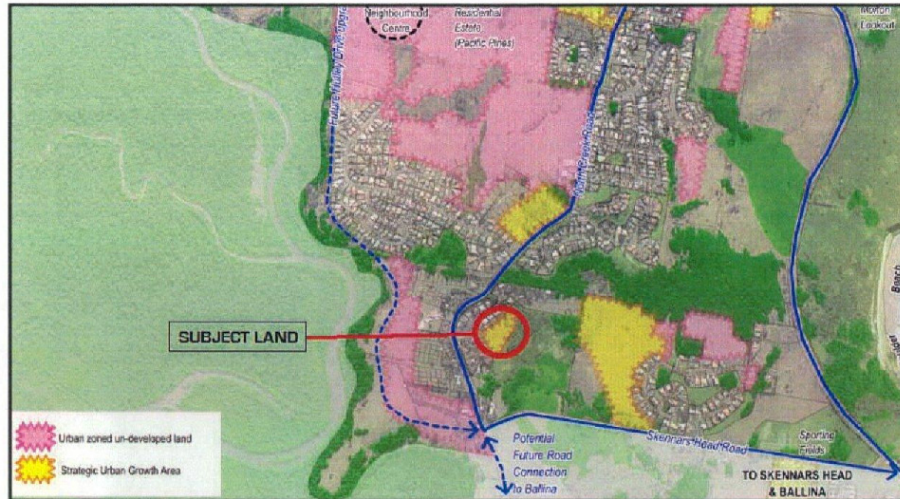


Plate 5: Ballina Shire Growth Management Strategy 2012.

In accordance with this planning status, our clients are now seeking to advance the Planning Proposal and development of the site for residential purposes. Having regard to the nature of the land and potential dwelling sites, it is submitted the opportunity exists to provide lots below 1,200m<sup>2</sup> in a manner which is still compatible with the existing residential lots west of the site fronting Tara Downs.

#### 6. Conclusion

Our clients are seeking Ballina Shire Council's support to commence the rezoning process to enable the development of Lot 12 DP 813210 for residential subdivision and dwelling purposes. This request is made in accordance with "Step 1" of Ballina Shire Council's Process Guidelines for the preparation of Planning Proposals and Local Environmental Plan Amendments.

It is acknowledged that more detailed planning, environmental and engineering assessments will be required in order to progress the project through the Planning Proposal and subsequent Development Application processes. However, it is submitted that sufficient information is available at this time to enable Council to progress to "Step 2"

of the process – that is the preparation of a formal request for Council to prepare a Planning Proposal.

We trust that the above is satisfactory to your requirements and look forward to Council's favourable consideration of this request. Should Council have any queries regarding the above, please do not hesitate to contact Mr Damian Chapelle of this office on (02) 6622 1011.

Please find **enclosed** a cheque in accordance with Council's prescribed fees for this matter.



**DAMIAN CHAPELLE**  
Town Planner, BTP, CPP.