



Planning Proposal - July 2014

North Creek Foreshore

Lot 10 DP 1126929, Lot 1 DP 1119099,
Lot 3 DP 1079380 and Lot 33 DP 872966

2 Skinner Street, 3 & 5 Camden Lane, 1 Camden Street, Ballina

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INTRODUCTION

Summary of Planning Proposal

This planning proposal relates to four residential lots with frontage to the North Creek foreshore in Ballina. The lots are described as Lot 10 DP 1126929, Lot 1 DP 1119099, Lot 3 DP 1079380 and Lot 33 DP 872966 and are located off Skinner Street, Camden Lane and Camden Street, Ballina as shown in Figure 1.

The subject lots have a direct frontage to North Creek with the immediate foreshore and bank located within the boundaries of the subject lots. The shoreline in this location is currently unprotected by engineered structures from the processes of coastal erosion and the landowners have indicated the desire to seek consent for the coastal protection works within the subject land. The foreshore area is currently zoned W1 under the provisions of the Ballina Local Environmental Plan 2012 (BLEP 2012) within which coastal protection works are currently prohibited. The proposal seeks to amend the BLEP 2012 by adding coastal protection works to Schedule 1 as an additional permitted use on the subject lots in response to the particular circumstances that apply to the land.

Planning Context

Ballina Local Environmental Plan 2012

The land is currently zoned part R2 Low Density Residential and part W1 Natural Waterway under the *Ballina Local Environmental Plan 2012* (BLEP 2012) as shown in Figure 2. The landowners seek to amend the BLEP 2012 to enable coastal protection works within the W1 zoned portions of the subject lots. Coastal protection works are currently prohibited in the W1 zone. To achieve this, it is proposed to add coastal protection works as an additional permitted use to the subject lots through the addition of provisions in Schedule 1 of the BLEP 2012. The Council resolved to proceed to seek a Gateway determination on this basis at its Ordinary Meeting held on 26 June 2014.

Site History

The initial configuration of the subject lots was created in a plan of subdivision registered in 1955. The shoreward boundary of the lots was based at the time on the mean high water mark (MHWM) of North Creek. Due to coastal processes and shoreline accretion in the location, subsequent redefinition surveys of the lots have resulted in an eastward shift of the property boundaries to reflect the current lot configuration.

The current BLEP 2012 zone boundary (Figure 2) reflects the zone boundary as specified in the *Ballina Local Environmental Plan 1987* (BLEP 1987) that formerly applied to the subject land. The BLEP 1987 zone boundary was based on the shoreline boundary in place for the lots at the time of the preparation of the BLEP 1987. The zoning of the land was considered and reviewed during the preparation of the BLEP 2012. At the time, it was determined appropriate to apply the waterway zone to this component of the land given the environmental qualities of the site. Consideration was not given at this time to the permissibility of coastal protection works.



Figure 1. Land to which the planning proposal relates



Figure 2. Current Zone Boundary

PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objective of this planning proposal is to amend the provisions of the BLEP 2012 to enable coastal protection works on the subject land with development consent.

PART 2 – EXPLANATION OF THE PROPOSAL

This planning proposal relates to four separate lots adjacent to the North Creek foreshore in Ballina as illustrated in Figure 1. The details of the lots covered by this planning proposal are specified in Table 1.

Table 1 – Subject Lots

Address	Owner	Lot/DP
1 Camden Street	MJ Gribble	Lot 33 DP 872966
3 Camden Lane	WG Edwards	Lot 3 DP 1079380
5 Camden Lane	JA Carmont	Lot 1 DP 1119099
2 Skinner Street	KL Jambor	Lot 10 DP 1126929

To enable coastal protection works on the subject land, it is proposed that the BLEP 2012 be amended as follows:

1. Insert reference to the subject land and permissibility of coastal protection works into Schedule 1, Additional Permitted Uses; and
2. Identify the subject land on the Additional Permitted Uses Map that supports Schedule 1.

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

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

The proposal is not the result of any strategic study or report.

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

The Council considered various options to address the issue of permitting coastal protection works on the subject lots at its Ordinary Meeting on 26 June 2014. In the circumstances, the Council resolved to proceed with the proposal to amend the BLEP 2012 to add coastal protection works to Schedule 1 as an additional permitted use on the subject lots.

The proposed approach provides for a targeted application of the permissibility of coastal protection works to the subject land without enabling the wider permissibility of private protection works in the W1 Natural Waterways zone.

Section B - Relationship to the Strategic Planning Framework

- 3. 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 proposal is consistent with the Far North Coast Regional Strategy (FNCRS) as it relates to the management of residential land uses in an existing urban area under the strategy. The proposal is not in conflict with the outcomes or actions of the strategy.

- 4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?**

The planning proposal is generally consistent with the Council's Community Strategic Plan and the Ballina Shire Growth Management Strategy 2012 as it relates to management of residential land uses in the Ballina urban area.

- 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

State Environmental Planning Policy No 71—Coastal Protection

The land subject to this planning proposal is within the coastal zone and the provisions of this policy are applicable.

Amending the BLEP 2012 to make coastal protection works on the subject land will not result in any direct inconsistencies with the provisions of this SEPP. If it proceeds, this planning proposal will result in coastal protection works being permissible with consent on the subject lots. Any future proposals to provide coastal protection works on the lots will require appropriate levels of impact assessment in accordance with the approval and consent requirements specified in the *Environmental Planning and Assessment Act 1979*.

- 6. Is the planning proposal consistent with the applicable Ministerial Directions (S. 117 directions)?**

The proposal is consistent with the relevant Section 117 Directions. A Section 117 Direction checklist for the planning proposal is contained in Appendix A.

Section C - Environmental, Social and Economic Impact

- 7. 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?**

It is not expected that there will be any significant adverse ecological outcomes arising from the planning proposal. Impacts associated with any subsequently

proposed coastal protection works would be subject to assessment through the development application process.

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

No immediate or direct environmental effects will occur as a result of the planning proposal. It is proposed to amend the BLEP 2012 to allow coastal protection works on the land as development permissible with consent. Any future additional development of the land facilitated by the proposal will be subject to applicable impact assessment and development consent requirements in accordance with the *Environmental Planning and Assessment Act 1979*.

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

The planning proposal is being undertaken generally at the request of the owners of the subject lots. Coastal protection works are consistent with the existing and expected future uses of the subject land. The proposal is not expected to result in any negative social or economic effects. Any future proposals to provide coastal protection works on the lots will require appropriate levels of impact assessment in accordance with the approval and consent requirements specified in the *Environmental Planning and Assessment Act 1979*.

Section D - State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create the need for any additional public infrastructure.

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

Consultation will be undertaken with relevant agencies during the public exhibition stage of the LEP amendment in accordance with the Gateway determination.

PART 4 – MAPPING

This planning proposal seeks to add the subject lots to Schedule 1 of the BLEP 2012 to allow coastal protection works as an additional permitted use on the land. This will require an amendment to the Additional Permitted Uses Map.

The following maps have been prepared to support this planning proposal and its desired land use and development outcomes:

- Map 1 – Site Identification Map;
- Map 2 – Proposed Additional Permitted Uses Map (Sheet APU_005D);

Copies of the above maps are included in Appendix B.

PART 5 – COMMUNITY CONSULTATION

It is proposed that this planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*.

PART 6 – TIMELINE

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion (Before)
Gateway Determination	July 2014
Government Agency Consultation	August 2014
Public Exhibition Period	September 2014
Public Hearing	N/A
Submissions Assessment	October 2014
RPA Assessment of Planning Proposal and Exhibition Outcomes	October 2014
Submission of Endorsed LEP to P&I for Finalisation	N/A
RPA Decision to Make the LEP Amendment (if delegated)	November 2014
Forwarding of LEP Amendment to P&I for Notification (if delegated)	November 2014

APPENDICES

Appendix A – Section 117 Direction Checklist

Section 117 Direction Checklist

Planning Proposal

Lot 10 DP 1126929, Lot 1 DP 1119099, Lot 3 DP 1079380 and Lot 33 DP 872966

No. 2 Skinner Street, Nos. 3-5 Camden Lane and No. 1 Camden Street, Ballina

Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to planning proposal.
1.2 Rural Zones	Does not apply to planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Consistent. The subject site is not in the vicinity of an identified Priority Oyster Aquaculture Area. The outcomes of this proposal are not expected to adversely affect any Priority Oyster Aquaculture areas.
1.5 Rural Land	Does not apply to planning proposal.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The proposal does not directly impact on areas of high ecological value or sensitivity.
2.2 Coastal Protection	Consistent. The proposal does not raise any significant inconsistencies with the policies referred to under this direction.
2.3 Heritage Conservation	Consistent. The proposal will not result in impacts on any known heritage items.
2.4 Recreation Vehicle Areas	Consistent. The proposal will not enable development for a recreational vehicle area.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Does not apply to planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The proposal does not alter the permissibility of caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. The proposal does not alter the permissibility of home occupations.
3.4 Integrated Land Use and Transport	Consistent. The application of transport planning principles is not applicable in the subject circumstances.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Consistent. The subject land is identified as containing potential acid sulfate soils. The consequences of this planning proposal in relation to

	increased risks from exposure of acid sulfate soils are considered to be of minor significance in the circumstances. Any future development on the sites that is enabled by the planning proposal will be subject to the standard impact assessment requirements in relation to acid sulfate soils as provided in the Ballina LEP 2012. As such, the proposal is considered to be of minor significance in relation to acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Consistent. The proposal does not alter the flood planning provisions for the site under the BLEP 2012. The proposed permissibility of coastal protection works is not expected to result in significant adverse flooding impacts. Any future proposed coastal protection works on the subject land enabled by this planning proposal will be subject to the development assessment process which will require sufficient assessment of potential flooding impacts prior to the issue of development consent.
4.4 Planning for Bushfire Protection	Does not apply to planning proposal.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The subject land is contained within the urban footprint identified in the strategy.
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	Does not apply to planning proposal.
5.4 Commercial and Retail Development	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Repealed
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Repealed
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Repealed
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire
6. Local Plan Making	
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 proposal does not alter the zoning or reservation requirements for public land.
6.3 Site Specific Provisions	Does not apply to planning proposal.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.

Appendix B – Maps





**Ballina Local
Environmental
Plan 2012
BSCPP 14/007**

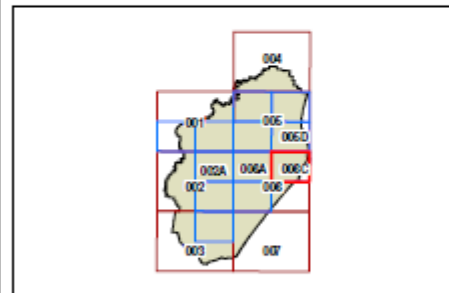
**Proposed Additional Permitted Uses
Map - Sheet APU_006C**

Legend

 Land to which Schedule 1 applies

Cadastral

 Cadastral 03/07/14 © Land and Property Information (LPI)



0 200 400 600 800 Metres

Scale 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_APU_006C_020_BSCPP_14_007

