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qB150867  
10/15862

Department Generated Correspondence (Y)

## DEPARTMENT OF PLANNING

*Northern Region*

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### BALLINA LEP 1987 AMENDMENT 108 - CONVERSION TO PART 3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

#### PURPOSE

- To seek the conversion of Ballina LEP 1987 draft Amendment 108 from a pending LEP to a planning proposal under the current Part 3 of the EP&A Act.

#### RECOMMENDATION

- That the Deputy Director General as a delegate of the Director General and Minister for Planning:
  1. pursuant to clause 12(2) of the EP&A Regulations notify Ballina Council that the plan making provisions for a pending LEP cease to apply to Ballina LEP 1987 (draft Amendment No 108); and
  2. pursuant to clause 122(2) of Schedule 6 to the EP&A Act, Ballina LEP 1987 (draft Amendment No 39) be converted to a planning proposal and dispense with conditions precedent for the making of the LEP prior to section 57(1) of the Act.

#### CURRENT POSITION

- LEP Amendment No.108 is an amendment to the Ballina LEP 1987 to enable urban development and environmental protection of land on the southern perimeter of Lennox Head commonly referred to as the "Reservoir Site" (**Tag A**).
- The LEP is being prepared under the former provisions of Part 3 of the EP&A Act and is a pending LEP to which clause 12 of the EP&A Regulation applies.
- Council has requested that the draft amendment be converted to a planning proposal under Part 3 of the Act as they do not believe it will be completed by 1 January 2011 (**Tag B**).
- The Department, under the former Section 54, advised Council in December 2007 that an environmental study would be required. However, work on the LEP amendment has been on-hold for some time due to a breakdown in the business relationship between the rezoning proponents.
- Council has subsequently confirmed that work on the studies and technical reports has recommenced and they could complete the Planning Proposal within nine to twelve months (**Tag C**).
- The subject land is identified in the Far North Coast Regional Strategy as a proposed future urban release area with no significant constraints identified on the land. Its release is a key component in meeting the dwelling targets set for Ballina in the Regional Strategy.
- The conversion of the draft LEP to a Planning Proposal is supported.

- It is considered that the Planning Proposal dispense with the conditions precedent prior to section 57(1) of the Act. Council will be required to lodge the Planning Proposal for the approval of the form and content prior to community consultation.
- Community consultation should be 28 days and the Planning Proposal should be completed within nine (9) months.

## BACKGROUND

- The subject land has been identified as a future release area since the introduction of the 1987 LEP that zoned the land for urban investigation. It was identified as an urban land release area in the Ballina Urban Land Release Strategy 2000 agreed to by the Department of Planning in August 2000.
- The plan also identifies the site as the route of the northern extension of Hutley Drive which is a critical link in the future Lennox Head arterial road network.
- Council indicated that the proposal has the potential to deliver significant public benefit as it contains a critical linkage in the future arterial road network for Lennox Head. Accordingly, Council is keen to ensure that the planning pathway for this LEP is in place to facilitate the rezoning process.
- The proponent for the largest parcel of land subject to the rezoning lodged a Major Project development application with the Department in April 2009 for a 125 lot residential subdivision. The Department has had no further correspondence since issuing the DGR's on 20 May 2009.
- Finalisation of the rezoning is required to enable the Major Project to proceed.

Contact Officer: John Finlay  
Local Planning, Northern Region

  
Regional Director, Northern Region

10 August 2010

  
Executive Director, Planning Operations

16.8.10

  
Deputy Director General, Plan Making and Urban Renewal  
**As delegate of the Minister and the Director-General**

16/8/10



Planning

COPY

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

10/15706

Dear Mr Hickey

**Conversion of Ballina LEP 1987 (Amendment No 108) to a Planning Proposal**

I refer to your letter dated 22 July 2010, requesting the conversion of draft Ballina Local Environmental Plan No 108 from a pending LEP to a Planning Proposal.

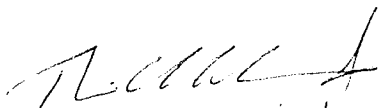
I am writing to notify you that I have determined (as the delegate of the Director-General) under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the Act now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 of the Act to dispense with the conditions precedent prior to section 57(1) of the Act for the making of this draft LEP. Council will note that this will require the Director General to be satisfied that the summary (the material to be exhibited) provides sufficient details for community consultation, including consultation with relevant State agencies prior to exhibition. The community consultation period is to be 28 days.

Council is required to finalise the LEP within 9 months of the week following the date of this letter. Council's request for the Department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

Should you have any queries in regard to this matter, please contact Jim Clark or John Finlay of the Northern Region Office on 02 6641 6600.

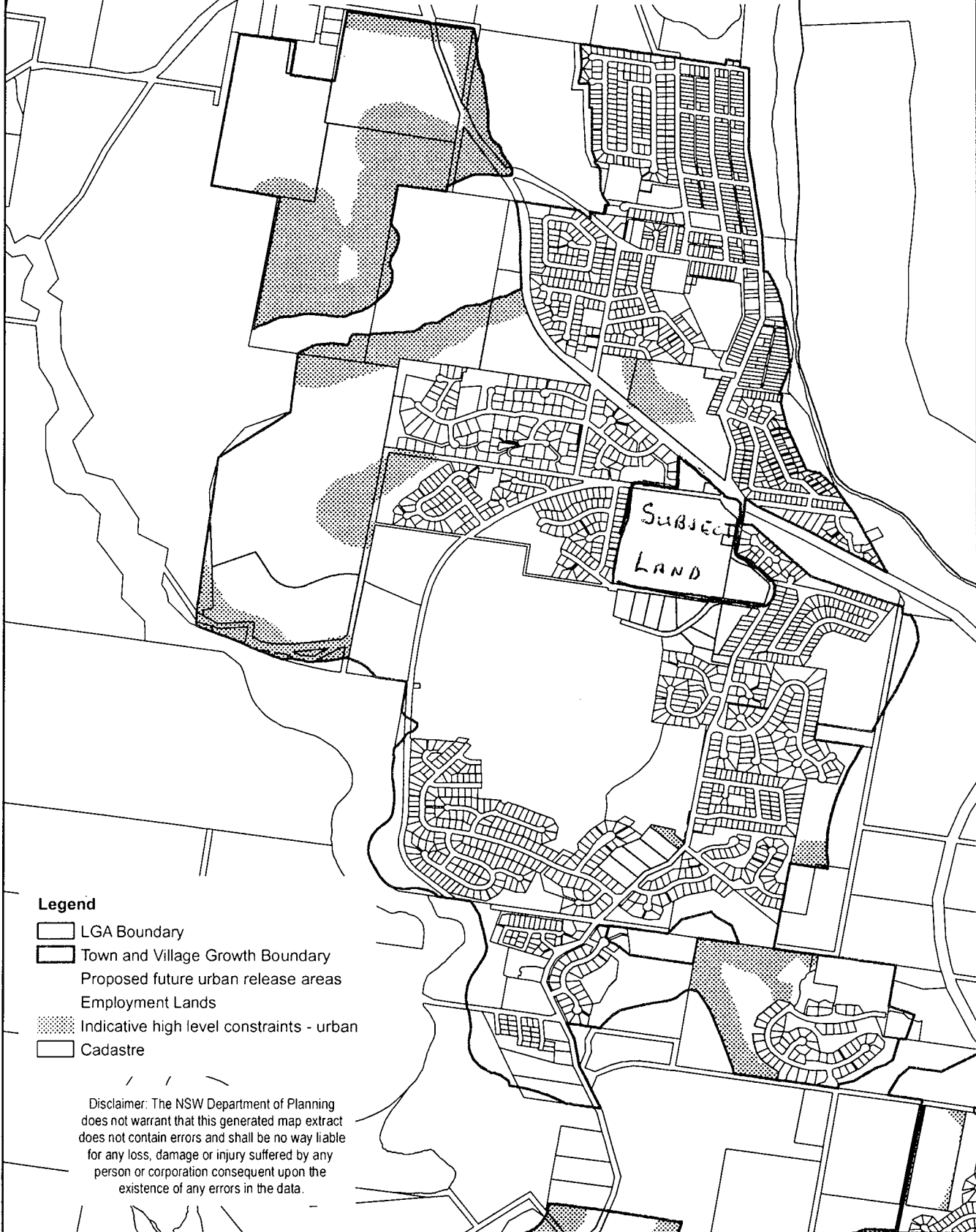
Yours sincerely









16/8/10

Tom Gellibrand  
**Deputy Director General**  
**Plan Making & Urban Renewal**  
**(as delegate of the Minister for Planning and the Director-General)**

# Far North Coast Regional Strategy Extract - Lennox Head



### Legend

-  LGA Boundary
-  Town and Village Growth Boundary
-  Proposed future urban release areas
-  Employment Lands
-  Indicative high level constraints - urban
-  Cadastre

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