

Ballina Standard LEP Draft Amendment – Subdivision provisions.

Proposal Title : **Ballina Standard LEP Draft Amendment – Subdivision provisions.**

Proposal Summary : The planning proposal seeks to amend the draft Ballina LEP when it is made. The planning proposal seeks to introduce new provisions to provide greater flexibility to the subdivision provisions within the Standard LEP template. The proposed provisions intend to enable boundary adjustments, and the creation of residual lots, lots for environmental purposes and split zoned lots where the resulting lots are less than the mapped minimum lot size by greater than the 10% currently permitted by the LEP.

PP Number : **PP_2013_BALLI_001_00**

Dop File No :

13/01037

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

Additional Information : It is recommended that;

1. The planning proposal proceed as a 'routine' planning proposal.
2. The planning proposal is to be completed within 12 months.
3. That the RPA amends the planning proposal for exhibition so that it only contains a plain English explanation of the intent of the proposed clauses. It is noted that there are inconsistencies in the "Objectives or Intended Outcomes" of the planning proposal and the draft clauses provided in the "Explanation of the Proposal". The drafting of the clauses will be conducted by Parliamentary Counsel's Office based on the explanation of the intent of the provisions.
4. Prior to exhibition, the planning proposal is to be amended to reflect the updated terminology used in the draft Ballina LEP. Specifically, the reference to "Potential Urban Growth Areas" should be altered to refer to "Strategic Urban Growth Areas".
5. That a community consultation period of 14 days is necessary for the planning proposal.
6. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

Supporting Reasons : The reasons for the recommendation are as follows;

1. The proposed provisions will facilitate the efficient and orderly subdivision of land.
2. The principles of the proposed provisions are supported and are not considered to be inconsistent with the intent of the Standard LEP.

Panel Recommendation

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Recommendation Date : 17-Jan-2013

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to advise that the proposed clauses are indicative only and are subject to change during the drafting of the LEP. Council is to ensure that the intended outcome of each clause is consistent with the draft clause in Part 2 'explanation of provisions' within the planning proposal.
 2. Prior to undertaking public exhibition, Council is to amend the planning proposal to refer to 'potential urban growth areas' instead of 'strategic urban growth areas,' to maintain consistency with draft Ballina LEP 2012.
 3. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
 4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012) and must be made publicly available for 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).
 5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Services
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SELMAN

Date:

22/01/2013

NSR