

Rezone Lot 1 DP 1173776, Blue Seas Parade, Lennox Head for residential purposes

Proposal Title : **Rezone Lot 1 DP 1173776, Blue Seas Parade, Lennox Head for residential purposes**

Proposal Summary : **The Planning Proposal seeks to rezone Lot 1 DP 1173776 under Ballina LEP 1987 from 1(d) Rural (Urban Investigation) to 2(a) Residential (Living Area).**

UNDER THE DRAFT BALLINA LEP 2012

The draft comprehensive Ballina LEP 2012 is currently being finalised and has the potential to be made prior to this rezoning being completed. If the comprehensive Ballina LEP is made, only the eastern part of Lot 1 DP 1173776 will need be rezoned to R2 - Low Density Residential. The eastern portion of the site is part of a former Crown road reserve which has been consolidated with an adjacent parcel.

The planning proposal also seeks to amend the Minimum Lot Size (MLS) Map and the Strategic Urban Growth Area (SGA) Map. If the land is rezoned R2 - Low Density Residential the MLS applying to the land, to be consistent with the surrounding locality, would change from 40ha to 600m2.

The draft Ballina LEP has nominated the lot for potential urban growth on the SGA Map. If the rezoning proceeds the nomination on the SGA map would no longer be required and the land can be removed from the map set.

PP Number : **PP_2012_BALLI_005_00** Dop File No : **12/17745**

Planning Team Recommendation

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

S.117 directions : **1.2 Rural Zones
1.5 Rural Lands
2.2 Coastal Protection
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies**

Additional Information : **It is recommended that:**

- 1. The planning proposal be supported;**
- 2. The planning proposal be exhibited for 28 days;**
- 3. The planning proposal should be completed within 12 months;**
- 4. The Director General (or an officer of the Department nominated by the DG) agree that the inconsistency with S117 Direction 1.2 Rural Zones is justified in accordance with the terms of the direction;**
- 5. Consultation is to be undertaken with the Commissioner of the NSW Rural Fire Service in relation to S117 Direction 4.4 Planning for Bushfire Protection.**
- 6. Prior to exhibition, Council are to provide further detailed mapping to clearly depict and clarify the land that is to rezoned, either under the current planning instrument (Ballina LEP 1987) or the draft future planning instrument (Ballina LEP 2012).**

Supporting Reasons : **The planning proposal will rezone land to allow for residential development identified in the Far North Coast Regional Strategy.**

Panel Recommendation

Rezone Lot 1 DP 1173776, Blue Seas Parade, Lennox Head for residential purposes

Recommendation Date : **15-Nov-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to commencing public exhibition, Council is to update the planning proposal maps to clearly identify the subject land and the proposed zoning of the site under Ballina LEP 1987 and draft Ballina LEP 2012.

2. 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 must be made publicly available for 28 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service

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.

4. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

5. 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).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Noel de Graaff

Date:

19.11.12