

Ballina LEP 2012 – Rezoning Stoneyhurst Dr Lennox Head

Proposal Title : **Ballina LEP 2012 – Rezoning Stoneyhurst Dr Lennox Head**

Proposal Summary : **The planning proposal seeks to amend Ballina LEP 2012 by rezoning eleven (11) rural residential lots in Stoneyhurst Drive, Lennox Head from RU1 Primary Production and RU2 Rural Landscape to R2 Low Density Residential and applying appropriate minimum lot sizes to enable the land to be developed for urban residential purposes. The proposal will also amend the Strategic Urban Growth Area Map to identify the land as land adjacent to a Strategic urban growth area.**

PP Number : **PP_2016_BALLI_002_00** Dop File No : **16/07083**

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**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.2 Mine Subsidence and Unstable Land**
- 5.1 Implementation of Regional Strategies**
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

Additional Information : **It is recommended that the planning proposal should proceed subject to the following;**

- 1. The planning proposal proceed as a 'routine' planning proposal.**
- 2. Prior to community consultation the following site investigations are to be undertaken and included with the planning proposal for community consultation.**
 - a. European and aboriginal heritage;**
 - b. Ecological assessment;**
 - c. Geotechnical assessment;**
 - d. Land contamination;**
 - e. Land use conflict;**
 - f. Mosquito hazard;**
 - g. Road noise impacts;**
 - h. Engineering, Infrastructure and services and stormwater management;**
 - i. Traffic impacts;**
 - j. Obstacle limitation surface and ANEF assessment; and**
 - k. Coastal zone and visual amenity impacts.**
- 3. Once the site investigations and consultation with the relevant Commonwealth aviation authorities are completed, and prior to community consultation, Council is to review the consistency of the proposal with S117 Directions 2.1 Environmental Zones, 2.3 Heritage Conservation and 3.5 Development Near Licensed Aerodromes, and amend the planning proposal if necessary. The agreement of the Secretary of the Department of Planning and Environment is to be obtained for any inconsistency with these directions**

prior to the plan being made.

4. A community consultation period of 14 days is necessary.

5. The planning proposal is to be completed within 12 months.

6. The RPA is to consult with the following State agencies and organisations;

- * The NSW Office of Environment and Heritage;
- * The local Aboriginal land council in relation to matters of Aboriginal cultural heritage.

7. A written authorisation to exercise delegation be issued to Ballina Shire Council.

8. A delegate of the Secretary agree that the inconsistency of the proposal with S117 Directions 1.2 and 5.3 are justified in accordance with the terms of the directions.

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

1. The proposal will contribute to the identified demand for further residential development in the Ballina Shire Growth Management Strategy 2012.
2. The land is relatively unconstrained and has been identified as generally suitable for residential development through the strategic planning process.
3. The proposal is consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

Panel Recommendation

Recommendation Date : 26-May-2016

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This proposal is considered to be local significance and can be appropriately considered by the Director Regions, Northern and referral to the panel is not required.

Gateway Determination

Decision Date : 26-May-2016

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 12 months

Gateway Determination : 1. Prior to community consultation the following site investigations are to be undertaken and included with the planning proposal for community consultation:

- (a) European and aboriginal heritage;
- (b) Ecological assessment;
- (c) Geotechnical assessment;
- (d) Land contamination;
- (e) Land use conflict;
- (f) Mosquito hazard;
- (g) Road noise impacts;
- (h) Engineering, infrastructure and services and stormwater management;
- (i) Traffic impacts;
- (j) Obstacle limitation surface and ANEF assessment; and
- (k) Coastal zone and visual amenity impacts assessment.

2. Once the site investigations and consultation with the relevant Commonwealth aviation authorities are completed, and prior to community consultation, Council is to review the consistency of the proposal with S117 Directions 2.1 Environmental Zones, 2.3 Heritage Conservation and 3.5 Development Near Licensed Aerodromes, and amend the planning proposal if necessary. The agreement of the Secretary of the Department of Planning and Environment is to be obtained for any inconsistency with these directions prior to the plan being made.

3. Community consultation is required under sections 56(2)(c) and 57 of the 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 2013) and must be made publicly available for a minimum of 14 days;

(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 2013); and

(c) Any mapping material must meet the specifications in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).

4. Consultation is required with the following public authorities and organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- The NSW Office of Environment and Heritage; and
- The local Aboriginal land council in relation to matters of Aboriginal cultural heritage.

Each public authority or organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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 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:

Craig Diss

Date:

26 May 2016