

Bellingen LEP 2010 Draft Amendment No 6 – Minor adjustments and administrative review.

Proposal Title : Bellingen LEP 2010 Draft Amendment No 6 – Minor adjustments and administrative review.

Proposal Summary : The planning proposal seeks to make 28 amendments to the LEP. These amendments constitute;

- An amendment to the mapping of Mineral Resources identified by the Department of Industry and Investment.
- Four (4) Corrections to the mapping of heritage items and their entries in Schedule 5 of the LEP as a result of recent subdivisions and investigations into the location of the items.
- An amendment to the zoning and lot size map for a recent extension of the New England National Park over Lot 43 DP 755555 and Lot 1 DP 755563.
- Nine (9) amendments to the Lot Size map to rectify anomalies and facilitate subdivision of properties which are currently prevented from subdividing because of the limitation on variation of minimum lot size in the LEP.
- Eleven (11) amendments to the zoning map to rectify anomalies and apply appropriate zones to recently dedicated public land.
- One (1) amendment to the zoning map to reinstate a residential zone on lot 102 DP 1015866, 35 Gordon Road Raleigh, and Lot 4 DP 1153206, 10 Gordon Road Raleigh
- Amend the grid for the map series in accordance with the Department's revised map grid requirements for standard LEPs.

PP Number : PP_2012_BELLI_001_00 Dop File No : 12/10358

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones
- 1.4 Oyster Aquaculture
- 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
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information : It is recommended that;

1. The planning proposal should proceed as a 'routine' planning proposal.
2. The planning proposal is to be completed within 9 months.
3. That a community consultation period of 14 days is necessary.
4. That the RPA consult with the Office of Environment and Heritage and the NSW Department of Primary Industries – Forests NSW in relation to the proposed amendments that affect land owned or managed by these authorities.
5. 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.
6. It is recommended that a delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 1.2, 3.1, 4.1 and 4.3 are justified in accordance with the provisions of the directions.

Supporting Reasons :

7. That the Director General agree to the rezoning of land for public purposes in accordance with the requirements of S117 Direction 6.2.

The reasons for the recommendation are as follows;

1. The proposed amendments will ensure an accurate and current LEP for Bellingen Shire which will provide confidence and clarity in the planning controls for the community.
2. The proposed amendments which alter the minimum lot size controls of some land will facilitate the orderly development of this land in accordance with the Council's Growth Management Strategy.
3. The inconsistencies of the proposal with the strategic planning framework are of minor significance.

Panel Recommendation

Recommendation Date : 12-Jul-2012

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. 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 2009) 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

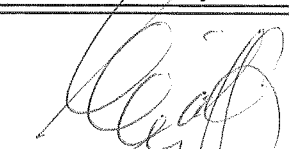
- Office of Environment and Heritage
- Department of Primary Industries (Forests NSW)
- NSW Rural Fire Services

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.

3. 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).

4. 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 McGaffie

Date:

25.7.12