

Rezoning Lot 12 DP 813210, Tara Downs, Lennox Head for residential purposes

Proposal Title :	Rezoning Lot 12 DP 813210, Tara Downs, Lennox Head for residential purposes		
Proposal Summary :	The proposal seeks to rezone Lot 12 DP 813210, 16 Tara Downs at Lennox Head from RU1 Primary Production to R2 Low Density Residential and to consider an appropriate minimum lot size for the land. The planning proposal will require an amendment to Ballina LEP 2012 Zoning and Lot Size Maps to illustrate the new residential zone proposed.		
PP Number :	PP_2014_BALLI_004_00	Dop File No :	14/07403

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 4.1 Acid Sulfate Soils 4.4 Planning for Bushfire Protection		
Additional Information :	It is recommended that: 1) The planning proposal should proceed as a routine planning proposal; 2) The Secretary (or an officer nominated by the Secretary) agrees that the inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.1 Acid Sulfate Soils are justified and accept that inconsistency with Direction 2.1 Environment Protection Zones will be resolved prior to exhibition once the additional studies are completed and with 4.4 Planning for Bushfire Protection will be resolved through consultation prior to exhibition with the NSW Rural Fire Service ; 3) Prior to undertaking public exhibition, Council complete: • Flora and Fauna Impact Assessment; and • Landslip Assessment to support the planning proposal and assist Council's assessment of setting a appropriate minimum lot size for the land. This material should be placed on public exhibition with the planning proposal; 4) That the planning proposal be considered as low impact and exhibit the planning proposal for a period of 28 days; 5) The planning proposal be completed in 9 months; 6) Delegation to finalise the planning proposal be issued to Ballina Shire Council.		
Supporting Reasons :	The planning proposal to rezone Lot 12 DP 813210 from rural to residential in accordance with the Local Growth Management Strategy is appropriate to proceed. The issue of delegation to Council to finalise the planning proposal is appropriate in this instance.		

Panel Recommendation

Recommendation Date :	09-May-2014	Gateway Recommendation :	Passed with Conditions
Panel Recommendation :	The planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the General Manager, Northern Region. Therefore the planning proposal will not be considered by the panel.		

Gateway Determination

Decision Date :	13-May-2014	Gateway Determination :	Passed with Conditions
Decision made by :	General Manager, Northern Region		

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Exhibition period : **14 Days**

LEP Timeframe : **9 months**

Gateway

The planning proposal should proceed subject to the following conditions:

Determination :

1. Prior to commencing public exhibition, the following studies are to be undertaken:

- **Flora and Fauna Impact Assessment**
- **Land slip Assessment**

These studies along with the proposed Minimum Lot Size map should be placed on public exhibition with the planning proposal.

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 is classified as low impact as described in A Guide to Preparing LEPs (Planning & Infrastructure 2013) and must be made publicly available for a minimum of 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 (Planning & Infrastructure 2013).

3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service 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.

4. 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).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

13 MAY 2014