

Ballina LEP 2012 - Mt Moriah Subdivision, Plateau Road, Wollongbar.

Proposal Title : **Ballina LEP 2012 - Mt Moriah Subdivision, Plateau Road, Wollongbar.**

Proposal Summary : **This Planning Proposal aims to rezone land north of Wollongbar to reflect the lot design and density of an approved subdivision. The amendment to the LEP would result in the application of the R2 Low Density Residential zone to 27 proposed allotments and the retention of the current R3 Medium Density Residential zone on 3 lots of land that have been designated for dual occupancy development. An additional lot created by the subdivision is to be dedicated to Council for open space purposes.**

PP Number : **PP_2013_BALLI_006_00** Dop File No : **13/12666**

Planning Team Recommendation

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

S.117 directions : **2.1 Environment Protection Zones
3.1 Residential Zones
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
5.3 Farmland of State and Regional Significance on the NSW Far North Coast**

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

- 1. The Planning Proposal be supported**
- 2. That the Planning Proposal be amended prior to agency consultation and public exhibition as follows:**
 - (a) That 'Map 1 – The Subject Land' be amended to apply only refer to the land being zoned R2 Low Density Residential;**
 - (b) That 'Map 3 - Proposed Zoning' show only the amended zoning for the land proposed to be R2 Low Density Residential;**
 - (c) Commentary be added to the Planning Proposal that after the completion of the 'Review of environmental zones in Far North Coast' an appropriate zoning will be applied to the remainder of the subdivision;**
- 3. The Planning Proposal be exhibited for a period of 14 days;**
- 4. The Planning Proposal should be completed within 6 months;**
- 5. That an authorisation to exercise delegation be issued to Council as the revised Planning Proposal is dealing with matters of local significance and that are consistent with the Far North Coast Regional Strategy and Council's Growth Management Strategy;**
- 6. That consultation be undertaken with the NSW Rural Fire Service;**
- 7. The Director General, or his delegate, approve the inconsistency with section 117 Direction 3.1 Residential Zones as a matter of minor significance.**
- 8. The potential unresolved inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection be noted.**

Supporting Reasons : **The Planning Proposal is supported as it aims to reflect the current layout and density of an approved subdivision. It is consistent with the Far North Coast Regional Strategy and Council's Growth Management Strategy and is of local significance.**

Panel Recommendation

Recommendation Date : **08-Aug-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal should proceed subject to the following conditions:**

- 1. The proposal to zone land currently deferred from Ballina LEP 2012 or currently zoned R3 Medium Density Residential to E3 Environmental Management is not supported at this time and is to be removed from the planning proposal, prior to undertaking public exhibition. The zoning of this land for environmental purposes can be progressed as a future amendment, once the 'Review of environmental zones in Far North Coast' has been**

completed and the recommendation of the Review can be considered and addressed. The planning proposal is to be updated to advise that an appropriate zoning for this land will be considered, following finalisation of the Review.

2. Prior to undertaking public exhibition, Council is to amend 'Map 1 - The Subject Land' and 'Map 3 - Proposed Zoning' within the planning proposal to only refer to the land proposed to be zoned for residential purposes.

3. 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 & 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 (Department of Planning & Infrastructure 2013).

4. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS 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. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking 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 6 months from the week following the date of the Gateway determination.

Plan making delegations:

The Minister delegated his plan making powers to councils in October 2012. Council has now accepted this delegation, however has asked not to use its delegation for the making of this plan. Council should be issued an authorisation to exercise delegation to make this plan because the proposal is considered to be of local significance.

Signature:



Printed Name:

Neil McGiffin

Date:

13.8.13.