

Ballina LEP 2012 & 1987 - Reclassification with some rezoning of Council owned land

Proposal Title : **Ballina LEP 2012 & 1987 - Reclassification with some rezoning of Council owned land**

Proposal Summary : **The proposal seeks to reclassify seventeen (17) Council owned allotments from 'community' to 'operational' and rezone eight (8) of these allotments. The proposal requires amendments to the maps and written instrument for both the Ballina LEP 2012 and Ballina LEP 1987.**

PP Number : **PP_2015_BALLI_005_00** Dop File No : **15/13017**

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.4 Oyster Aquaculture
 - 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
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 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
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes

Additional Information : **It is RECOMMENDED that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Ballina Local Environmental Plan 2012 and Ballina LEP 1987 to rezone and reclassify Council owned land should proceed subject to the following conditions:**

1. The Planning Proposal is required to be updated prior to community consultation to include:
 - updating Part 2 – Explanation of the Proposal to indicate what allotments are proposed to have public reserve notations removed and what interests, if any, are proposed to be retained.
 - removing all written and map references to Lot 1 DP 604567.
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 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.
3. Consultation is required with the following public authorities under section 56(2)(d) of

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the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

(a) NSW Rural Fire Service

4. A public hearing on the extinguishment of reserve designations is to be held in accordance with Section 57 of the EP&A Act 1979, after completion of the public exhibition period.

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

6. Section 117 Directions - It is recommended that:

(a) The Secretary's delegate can be satisfied that the Planning Proposal's inconsistency with s117 Directions 2.1 Environmental Protection Zones and 4.3 Flood Prone Land is of minor significance.

(b) Consultation is required in relation to s117 Direction 4.4 Planning for Bushfire Protection with the NSW Rural Fire Service

(c) In relation to Direction 6.2 Reserving Land for Public Purposes, the Secretary's delegate agree to the reclassification of land for public purposes given that this land does not perform the function of open space and that the proposal is in accordance with Council's open space strategy.

7. Plan making functions should not be delegated to Council, given that the Governor's approval is required to discharge interests.

Supporting Reasons : The reasons for the above recommendations for the Planning Proposal are as follows:

1. The proposal will reclassify and rezone land that has reserve status but do not perform an 'open space function'.
2. The proposal will facilitate the better management of infrastructure assets and new development opportunities on underutilised land.

Panel Recommendation

Recommendation Date : 23-Sep-2015

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 23-Sep-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 9 months

Gateway Determination : 1. The Planning Proposal is required to be updated, prior to community consultation, to:

- (a) indicate what allotments are proposed to have public reserve notations removed and what interests, if any, are proposed to be retained; and
- (b) remove all written and map references to Lot 1 DP 604567.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

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3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the 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 on the extinguishment of reserve designations is to be held in accordance with Section 57 of the Act after completion of the public exhibition period.

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:

Craig Duss

Date:

23 September 2015

