

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**

Proposal Details

Date Planning Proposal Received :	18-Sep-2015	LGA covered :	Ballina
Region :	Northern	RPA :	Ballina Shire Council
State Electorate :	BALLINA	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Various Land Parcels**

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release (Ha) : 0.00

Type of Release (eg Residential / Employment land) : N/A

No. of Lots : 0

No. of Dwellings (where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Section 27 of the Local Government Act provides that the classification or reclassification of public land occurs by means of a local environmental plan (LEP).

The Ballina LGA has two LEPs in force, being the Ballina LEP 2012 and Ballina LEP 1987. The Ballina LEP 1987 continues to apply to land that has been deferred from the Ballina LEP 2012. This Planning Proposal seeks to reclassify 13 sites which are subject to the provisions of the Ballina LEP 2012 and 4 sites subject to the Ballina LEP 1987. The proposal in this regard will result in amendments being made to both planning instruments.

The proposed reclassifications will ensure land is classified in accordance with its primary use and support the sale or lease of Council owned land that is not being used for community reserve purposes.

Of the 13 sites subject to the Ballina LEP 2012, the Planning Proposal also seeks to rezone 5 of them and apply development standards that reflect the prevailing zone and standards for the surrounding land (minimum lot size and building height).

Of the 4 sites subject to the Ballina LEP 1987, the Planning Proposal seeks to transfer 3 of them into the Ballina LEP 2012, rezone these sites in accordance with their primary use and apply development standards that reflect the surrounding land (minimum lot size and building height). The Ballina LEP 1987 will still remain applicable to the 4th site, which is not proposed to be transferred into the Ballina LEP 2012.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Statement of objectives adequately describes the intention of the Planning Proposal, which is to reclassify and rezone a number of Council owned allotments for various**

reasons, including:

- Classify land in accordance with its primary use;
- Support the sale or lease of Council owned land that is not being used for community reserve purposes; and
- Enable Council to better manage its own public infrastructure assets.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The Planning Proposal provides a plain English explanation of the intended provisions to achieve the objectives and intended outcomes.

It seeks to reclassify seventeen (17) sites from 'community' to 'operational'. This will include amending Schedule 4 of the Ballina LEP 2012 and Schedule 7 of the Ballina LEP 1987.

The proposal also seeks to rezone and amend the height of building and minimum lot size development standards (where applicable) for eight (8) of these sites. This will involve a number of map amendments under both the LEP 2012 and LEP 1987.

A description of each site, proposed reclassification and rezoning (where applicable) is provided under the 'need for the Planning Proposal' section of this Planning Team Report.

An addendum to the Planning Proposal has been provided to clarify which sites are proposed to have public reserve notations removed as part of the reclassification process. This addendum has been uploaded to the LEP tracking system for reference. The Planning Proposal will need to be updated to include this information, prior to community consultation.

Approval of the Governor under section 30(2) of the Local Government Act 1993 will be required for the removal of public reserve notations. This will require the reporting of the proposed reclassification to the Executive Council.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

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Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

An assessment of the applicable directions and SEPPs is provided within the 'Assessment' section of this planning team report.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **See the 'Assessment' section of this planning team report**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal includes thumbnail maps that identify each site as well as A3 mapping, which identifies the Ballina LEP 2012 map amendments. These maps are considered suitable for community consultation.**

Revised maps which comply with the Department's 'Standard Technical Requirements for LEP Maps' would need to be prepared for the making of the LEP. This will include maps for both the Ballina LEP 2012 and Ballina LEP 1987.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Planning Proposal has not indicated a set timeframe for community consultation. A 28 day public exhibition/community consultation period will be required as the proposal relates to the reclassification of land.**

Council has indicated that a Public Hearing will be commenced post exhibition of the Planning Proposal. This is consistent with the Department's guidelines and requirements under the Local Government Act 1993.

Consultation with the NSW Rural Fire Service will be required in accordance with the relevant Section 117 Directions (discussed further below).

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The Planning Proposal generally satisfies the adequacy criteria by:**

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the Planning Proposal to achieve the outcomes (noting the addendum which nominates removal of one allotment from the proposal and that public reserve notations will be changed);**
- 3. Providing an adequate justification for the proposal;**
- 4. Providing maps which suitably identify the site and intended outcomes;**
- 5. Indicating that public exhibition of the proposal and a subsequent public hearing will be undertaken; and**
- 6. Providing a project timeframe which suggests completion within 5 months.**

Timeline

- The Planning Proposal includes a project timeline which estimates the completion of the Planning Proposal by January 2016 (5 months). Due to potential delays around the

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Christmas period, it is considered that a 9 month time frame would be appropriate. This does not restrict Council from finalising the LEP amendment sooner.

Delegation

- Given the Governor will be involved in the reclassification of land, plan making functions are not requested or proposed by Council. This is considered appropriate.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Ballina LEP 2012 commenced in February 2013. This Planning Proposal seeks an amendment to the Ballina LEP 2012.

Ballina LEP 1987 still applies to land that has been deferred from the Ballina LEP 2012, due to the Environmental Zone Review on the Far North Coast. Sites No. 2, 6, 9 and 14 are located on land that has been deferred from the LEP 2012 and remain subject to the provisions of LEP 1987. The proposal will therefore require amendments to both planning instruments.

The proposal seeks to transfer 3 of the deferred sites (Site No. 2, 6 and 9) into the Ballina LEP 2012 and apply zones and development standards to this land which is consistent with the primary use of the land. It does not seek to apply an environmental zone to these land parcels

Assessment Criteria

Need for planning
proposal :

The 17 sites are not being used for public recreation purposes, nor are they identified under Council's Open Space Strategy as local parks, district or regional recreational spaces.

SITE NO. 1 – PINE AVENUE EAST BALLINA (LOTS 1 & 2 DP 598548 AND LOT 3 SECTION 91 DP 758047)

- Lot 1 and 2 are Council owned allotments. Lot 3 is Crown Land. These 3 allotments comprise the East Ballina Water Reservoir. Lot 1 and 2 are classified as community land. All three allotments are zoned for public recreation purposes however public access to the site is restricted.
- The proposal seeks to reclassify Lot 1 and 2 from community to 'operational', which is consistent with the primary use of this land, being infrastructure (water storage/supply system).
- The Planning Proposal also seeks to rezone Lot 1, 2 and 3 from RE1 to SP2 under the Ballina LEP 2012, consistent with this primary use.
- No issues are raised in regard to this proposal.

SITE NO. 2 – SULVA STREET, EAST BALLINA (LOT 1 DP 632176)

- This site comprises the Richmond Hill Water Reservoir and a number of telecommunication infrastructure units. The land containing these telecommunication units is leased by the Council to telecommunication providers.
- The site is accessible to the public and also functions as an open space buffer and asset protection zone for the adjoining residential land and bushland reserve.
- The proposal seeks to reclassify this site to 'operational' to reflect the primary use of the site, being infrastructure. This will also assist in the efficient management of telecommunication lease agreements.
- The site is currently deferred from the Ballina LEP 2012 and zoned 6(a) open space under the Ballina LEP 1987.
- The proposal seeks to transfer this site into the Ballina LEP 2012 and apply the RE1 zone and a minimum building height control of 8.5m. This height control requirement is consistent with the maximum building height standard for the adjoining residential land.
- The RE1 zone is considered appropriate given that the site does perform an open space role, but will not be detrimental or inconsistent to the use of the site for

infrastructure purposes.

SITE NO. 3 – 3 BASALT COURT, LENNOX HEAD (LOT 47 DP 240657)

- This site comprises the Basalt Court Water Reservoir. Public access to this site is restricted. The site's primary use is housing infrastructure.
- The proposal seeks to reclassify this site to 'operational' and rezone it from RE1 to SP2, consistent with its primary use.
- No issues are raised in regard to this proposal.

SITE NO. 4 – REGATTA AVENUE, BALLINA (LOT 2 DP 604567)

- Site No. 4 under the submitted Planning Proposal consists of two small allotments that house sewage pumping infrastructure (Lot 1 & 2 DP 604567).
- Council has indicated that there is an inconsistency with their records and NSW Lands Title for Lot 1 DP 604567. To ensure this matter does not delay the reclassification process for all of the sites, Council is seeking to remove Lot 1 from the proposal. All written and map references to this site should be removed from the Planning Proposal prior to community consultation.
- Lot 2 fronts the Regatta Avenue road reserve to the south and does not form part of any open space area. The proposal seeks to reclassify this land to 'operational', consistent with its primary infrastructure use.
- No issues are raised in regard to this proposal.

SITE NO. 5 – HUTLEY DRIVE, LENNOX HEAD (LOT 1 DP 856703)

- Site No. 5 is a small allotment that houses a sewage pumping station. It does not perform any function of public open space.
- The proposal seeks to reclassify this land to 'operational' consistent with its primary use.
- The land is zoned B1. No amendment to this zoning is proposed.

SITE NO. 6 – 8 SEAMIST PLACE, LENNOX HEAD (LOT 43 DP 1168665)

- This site contains a sewage pump station. It does not perform the function of open space. The proposal seeks to classify this site as 'operational' consistent with its primary use.
- The site is zoned part R2 under the Ballina LEP 2012 and part 2(a) Living Area under the Ballina LEP 1987.
- The proposal seeks to transfer the land deferred from the Ballina LEP 2012 into this planning instrument and apply the R2 zone to this part of the site (i.e. the whole site will now be zoned R2). The proposal also seeks to apply a 1,200m² minimum lot size and 8.5m maximum building standard requirement to this rezoned portion, which is consistent with the surrounding R2 zoned land.

SITE NO. 7 – 34-36 LINKS AVENUE, EAST BALLINA (LOT 104 DP 871675)

- The Good Start Child Care Centre is located on two allotments, one privately owned parcel (Lot 102 DP 859973) and one parcel owned by Council (the subject site).
- The Council owned parcel is leased to the child care centre operator, is not accessible to the public and does not perform any open space function.
- The Planning Proposal seeks to classify this land as 'operational', which will assist in lease arrangements and/or potential disposal and sale to the child care centre.
- The proposal seeks to rezone this site from RE1 to B1, consistent with the rest of the Child Care Centre site (Lot 102). The proposal also seeks to apply an 800m² minimum lot size and 8.5m building height standard to this site, which is consistent with the surrounding B1 zoned land.

SITE NO. 8 – WESTLAND DRIVE, BARLOWS ROAD AND SUNSET AVENUE, WEST BALLINA (LOT 1 DP 850774, PART LOT 52 DP 842077, PART LOT 2 DP 850774, LOT 179 DP 879355)

- Site 4 includes 4 allotments.
- Lot 1 is leased and used by the Seeds Early Learning Child Care Centre. There is no public access to this leased land. The proposal seeks to reclassify this land to 'operational' to assist with the leasing and/or potential disposal and sale of this land to the

child care centre operator.

- Lot 179 and part of Lot 52 and Lot 2, form a drainage reserve through a residential estate. This reserve does not provide any pedestrian through link, with either private residential land or the child care centre restricting access/egress. There are no open space embellishments (i.e. pathways, seating, and play-equipment) along this drainage reserve. This reserve does act as a buffer area however, separating residential and business/employment land. The proposal seeks to reclassify this drainage land to 'operational', consistent with its primary use as a drainage reserve.
- Lot 52 and Lot 2 are split lots (two part lots). Part of these lots are embellished as open space land and do not form part of the drainage reserve or proposed reclassification. A 'part lot reclassification map' will be required.
- All land within Site No. 8 that is proposed to be reclassified is also proposed to be zoned R2 and have a minimum lot size of 600m² and building height standard of 8.5m applied to it. This is consistent with the surrounding R2 zoned land.
- The reclassification and rezoning of this drainage reserve does provide opportunity for this land to be sold off and amalgamated with the adjoining residential land. This is not stated as an intended outcome for the Planning Proposal. Council would need to consider the potential implications on land use conflict, maintaining drainage requirements, etc. at DA stage if future residential works were proposed on this land.

SITE NO. 9 – JOHNSTONS ROAD, ALSTONVILLE (LOT 1 DP 853747)

- This site comprises the Alstonville Wastewater Treatment Plant. Council acquired the site in 1995 and did not classify the land as 'operational'. In accordance with Section 31(2A) this land is classified as 'community'.
- The site does not perform any public open space function. The proposal seeks to reclassify this site as 'operational', in accordance with its primary use.
- Part of the site is deferred from the Ballina LEP 2012 and is zoned for environmental protection (urban buffer) purposes under the Ballina LEP 1987. The proposal seeks to transfer this site into the Ballina LEP 2012 and apply the SP2 zone. This is consistent with the zoning for the rest of the site. The proposal also seeks to apply a 40 minimum lot size and 8.5m building height standard to this land which is consistent with the rest of the site.

SITE NO. 10 – NORTH CREEK ROAD, SKENNARS HEAD (LOT 1 DP 831017)

- Site No. 10 forms part of the Lennox Head Wastewater Treatment Plant site. Council acquired the site in 1995 and did not classify the land as 'operational'. In accordance with Section 31(2A) this land is classified as 'community'.
- The rest of the wastewater treatment plant site is classified as 'operational'. This proposal seeks to reclassify this land to 'operational', consistent with the rest of the treatment plant site and to reflect its primary use.
- The site is zoned SP2. No zoning or development standard amendments are proposed.

SITE NO. 11 – MCLEANS STREET, SKENNARS HEAD (LOT 41 DP 1149233)

- This site comprises stormwater and sewer infrastructure that was dedicated to Council as part of a wider residential release project. Council acquired the site in 2010 and did not classify the land as 'operational'. In accordance with Section 31(2A) this land is classified as 'community'.
- The proposal seeks to reclassify this site to 'operational' consistent with its primary use, being infrastructure.
- The land is zoned R2. No zoning or development standard amendments are proposed.

SITE NO. 12 – DAINTREE DRIVE, LENNOX HEAD (LOT 47 DP 1012769)

- This site comprises stormwater infrastructure that was dedicated to Council as part of a wider residential release project. Council acquired the site in 2000 and did not classify the land as 'operational'. In accordance with Section 31(2A) this land is classified as 'community'.
- The proposal seeks to reclassify this site to 'operational' consistent with its primary use, being infrastructure.
- The land is zoned R2. No zoning or development standard amendments are proposed.

SITE NO. 13 – KARALAUREN COURT, LENNOX HEAD (LOT 28 DP 864257)

- This site comprises stormwater and sewer infrastructure that was dedicated to Council as part of a wider residential release project. Council acquired the site in 1996 and did not classify the land as 'operational'. In accordance with Section 31(2A) this land is classified as 'community'.
- The proposal seeks to reclassify this site to 'operational' consistent with its primary use, being infrastructure.
- The land is zoned R2. No zoning or development standard amendments are proposed.

SITE NO. 14 – 23 COMPTON DRIVE, EAST BALLINA (LOT 1 DP 781542)

- This site has historically been used in association with an adjoining private restaurant premises as additional seating and storage space.
- The Planning Proposal seeks to reclassify this land to 'operational' to assist with the possible leasing and/or sale of this land to the restaurant operator.
- The site is zoned for environmental protection purposes (scenic escarpment) under the Ballina LEP 1987. The proposal does not seek to amend these zone provisions. This land will remain subject to the provisions of the Ballina LEP 1987.

SITE NO. 15 – WAYSIDE PLACE, BALLINA (LOT 9 DP 716371)

- This site comprises a short driveway which provides access to seven residential allotments. This driveway has been dedicated to Council however was not classified as 'operational' in 2005 when Council acquired it, nor was it designated as road reserve. In accordance with Section 31(2A) this land is classified as 'community'.
- The proposal seeks to reclassify this site to 'operational' in accordance with its primary use, being driveway/roadway access.
- This lot is zoned R3, which is consistent with other roadways in the local area. No amendment is proposed to this zoning.
- The site includes a thin (2m wide) handle which provides pedestrian access to North Creek in the east.
- This handle is registered as a 'right of footway' on the title. Reclassifying this land to operational will not preclude use of this footway for access to the foreshore. It is noted that there are 2 more pedestrian access points to the foreshore within 200m of the site and a vehicular access point within 550m south of the site. No issues are raised in regard to the proposed reclassification.

SITE NO. 16 – DRESS CIRCLE DRIVE, LENNOX HEAD (LOTS 2-5 DP 781641)

- These 4 allotments were created as residue parcels and acquired by Council at the time of the realignment and construction of The Coast Road.
- Their configuration, size and surrounding uses limit their development potential and use. They do not perform any public open space or access function, are zoned for residential purposes and potentially could be consolidated with adjoining residential land.
- The Planning Proposal seeks to reclassify this land to 'operational' to permit the potential disposal of these lands.
- No issues are raised in regard to this proposal.

SITE NO. 17 – GRANT STREET, BALLINA (LOT 29 DP 230062)

- This site sits between the frontage of a dual occupancy lot and a public roadway (Marsh Avenue). Its size and location limits the ability to utilise this space for community purposes and appears as being part of the road verge and private lot frontage.
- Reclassifying this site to 'operational' will allow for the potential disposal of this land to the adjoining landowner or potentially have this land dedicated as road reserve.
- The proposal also seeks to rezone this site from RE1 to R2 and apply the 600m2 minimum lot size and 8.5m building height standards, which is consistent with the surrounding R2 zoned land.
- No issues are raised in regard to this proposal.

The Planning Proposal is needed as it is the only avenue available to Council to extinguish trusts, reserve designations and other encumbrances on the lands, to reclassify land as 'operational' and in some cases, rezone the land.

Consistency with strategic planning framework :

FAR NORTH COAST REGIONAL STRATEGY (FNCRS)

The proposal does not result in the zoning of urban (residential or business) land outside of the Town and Village Urban Growth Boundaries. It will result in the reclassification and rezoning of a number of existing Council owned allotments that will assist with the management of infrastructure assets and facilitate the potential future private ownership and use of land that is suited to residential or commercial purposes.

The proposal is consistent with the aims, objectives and intent of the Strategy.

LOCAL STRATEGIES

The proposal does not result in the zoning of urban (residential or business) land outside of the Urban Growth Boundaries nominated under the Ballina Growth Management Strategy 2012.

None of the allotments proposed to be reclassified are identified as either local, district or regional open space areas for the Shire under the Ballina Shire Open Space Strategy - June 2008

A key outcome (Direction Four: Engaged Leadership) of the Ballina 2015/16 to 2018/19 Delivery Program and Operational Plan is to 'review land classifications to ensure they reflect community standards and intended land use outcomes'.

The proposal is consistent with the local strategies.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal notes that consistency with all relevant SEPPs is achieved. Comments are provided below regarding specific SEPPs that are relevant to this proposal.

SEPP 55

The reclassification and rezoning of these land parcels will not result in any significant new development opportunities or sensitive uses being permitted on land that is likely to have been subject to contaminating activities. Any future land uses on this rezoned land would need to be considered through a development application process which will provide additional opportunity to review land capability / suitability.

SEPP 71

Site No. 15 does comprise land that is being used for foreshore access and its reclassification will not preclude this use being maintained.

SECTION 117 DIRECTIONS

Direction 2.1 Environment Protection Zones

- The proposal will reclassify and rezone land zoned for environmental protection (urban buffer) purposes to a special provision (infrastructure) zone (Site 9). The proposal is inconsistent with this Direction.
- The proposed rezoning will not result in any new land use being permitted on the site. The proposed rezoning will ensure land is zoned in accordance with its primary use.
- The proposal's inconsistency with this Direction can be justified as of minor significance.

Direction 4.3 Flood Prone Land

- The proposal seeks to rezone land that is within a flood prone area and zoned for recreation purposes to residential (Site 8 and 17). The proposal is inconsistent with this Direction.
- This rezoned land could be amalgamated with adjoining private residential land. The potential for any 'significant increase in the development of the land' is low considering its

size, shape and location.

- Should this land be amalgamated with adjoining residential land and future development is proposed, a Development Application would need to demonstrate compliance with Council's LEP, DCP and Flood Management Plan (which is consistent with the Floodplain Development Manual).
- The Secretary can therefore determine that the proposal's inconsistency with this Direction is justified.
- Consultation with the Office of Environment and Heritage is not considered necessary as the proposal will not significantly increase residential density on flood prone land.

Direction 4.4 Planning for Bushfire Protection

- Site No. 1, 2, 5, 6, 10, 11, 12 & 14 are mapped as being either bushfire prone or within a bushfire prone buffer area. Consistency with the Direction is currently unresolved. Consultation with the NSW Rural Fire Service would be required post Gateway to satisfy the requirements of the Direction.

Direction 6.2 Reserving Land for Public Purposes

- The proposal will alter the amount of land zoned for Public Recreation Purposes (Site 1, 3, 7, 8 & 17). Consistency with this direction is currently unresolved until the Secretary agrees to the proposal.
- The land being rezoned from public recreation does not perform the function of recreational land nor is it identified under Council's open space strategy as being required as open space as there is sufficient open space land in the vicinity of each site.
- It is considered that the Secretary (or her delegate) should agree to the proposal which allow for the classification and zoning of land that is consistent with its primary use.

The proposal is consistent with all other relevant Section 117 Directions.

Environmental social
economic impacts :

The potential for environmental impact associated with the potential development and/or use of the reclassified and rezoned sites will be reviewed as part of any future DA. It is considered that any potential impacts would be minor given that the sites are already being used for infrastructure or urban uses.

The proposal will facilitate the appropriate use of land affected by reserves which do not perform an open space function. None of the sites are identified as either local, district or regional open space areas under Council's open space strategy and there is sufficient open space land in the vicinity of each site.

The reclassification and rezoning (where applicable) of these sites will support the sale or lease of Council owned land that is not being used for community reserve purposes. It will also enable Council to better manage its own public infrastructure assets.

There are no negative impacts envisaged for the proposal.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	Minister
Public Authority Consultation - 56(2) (d) :	NSW Rural Fire Service		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are required due to the nature of the proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2015-08-27 Planning Proposal.pdf	Proposal	Yes
Ballina Shire Council_27-08-2015_LEP 1987 & 2012 Amendment Reclassification of Land (Various Parcels) - s56_.pdf	Proposal Covering Letter	Yes
150918 Addendum to Planning Proposal.pdf	Proposal	Yes

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 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.

Signature:



Printed Name:

JIM CLARK

Date:

22 September 2015

Team Leader Local Planning