

Rezoning of Lots 31 & 32 DP 837448, Tara Downs, Lennox Head from RU1 to R2

Proposal Title : Rezoning of Lots 31 & 32 DP 837448, Tara Downs, Lennox Head from RU1 to R2

Proposal Summary : Proposed rezoning of Lots 31 & 32 DP 837448, Tara Downs, Lennox Head from RU1 Primary Production to R2 Low Density Residential, to reflect the existing urban nature of the land and to consider an appropriate minimum lot size for the land.

PP Number : PP_2013_BALLI_003_00 Dop File No : 13/09313

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
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. That the Director General's delegate agree that the inconsistency with Section 117 Directions 1.2 Rural Zones and 4.4 Planning for Bushfire Protection is justified as consistent with the Far North Coast Regional Strategy;
3. That consultation be undertaken with the NSW Rural Fire Service regarding the issue of Bushfire Prone land;
4. Prior to undertaking public exhibition, further studies detailing potential constraints relating to sensitive vegetation and bushfire hazard, be prepared to support the Planning Proposal, in view of the site's proximity to SEPP 26 Littoral Rainforest areas;
5. That the Planning Proposal be considered as low impact and exhibited for a period of 14 days; and
6. The Planning Proposal should be completed within 9 months;
7. That an authorisation to exercise delegation be issued to Council (Council has formally accepted its plan making delegations); and
9. Council is to update the project timeline within the Planning Proposal to reflect the date of Gateway Determination (if approved) and the issuing of an authorisation to Council to exercise its plan making delegations in relation to the Planning Proposal.

Supporting Reasons : The Planning Proposal is in keeping with the recommendations of the Far North Coast Regional Strategy and surrounding landuse.

Panel Recommendation

Recommendation Date : 13-Jun-2013 Gateway Recommendation : **Passed with Conditions**

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

1. To demonstrate the proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 26 – Littoral Rainforests, additional information regarding potential constraints relating to sensitive vegetation and bushfire hazard is to be placed on public

exhibition with the planning proposal in view of the sites proximity to Littoral Rainforest areas.

2. Prior to undertaking public exhibition, Council is to update the 'explanation of provisions' within the planning proposal to include the proposed minimum lot size to be applied to the subject land. The planning proposal is to include existing and proposed lot size maps, which are at an appropriate scale and clearly identify the subject land.

3. Prior to undertaking public exhibition, Council is to update the project timeline within the planning proposal to reflect the decision to delegate plan making functions for this planning proposal to Council.

4. 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).

5. 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.

6. 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).

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

Signature:



Printed Name:

NEIL SELMAN

Date:

14/6/13