

Planning

Planning Team Report

Amendment to Draft Ballina LEP 2011(when made) -Special Events and Associated Signage Exempt Development)					
Proposal Title :	Amendment to Draft Ballina LEP 2011(when made) -Special Events and Associated Signage (Exempt Development)				
Proposal Summary :	The planning proposal seeks to list special events as exempt development and clarify provisions for exempt signage within Schedule 2 - (Exempt Development) of the draft Ballina LEP 2011 (when made).				
PP Number :	PP_2012_BALLI_006_00	Dop File No :	12/18830		
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Date Planning Proposal Received :	23-Nov-2012	LGA covered :	Ballina		
Region :	Northern	RPA:	Ballina Shire Council		
State Electorate :	CLARENCE	Section of the Act :	55 - Planning Proposal		
LEP Type :	Policy				
Location Details					
Street :					
Suburb :	City :		Postcode :		
Land Parcel : All	public land within the Ballina lo	cal government area			
DoP Planning Offi	cer Contact Details				
Contact Name :	Denise Wright				
Contact Number :	0266416603				
Contact Email :	denise.wright@planning.nsw.g	jov.au			
RPA Contact Detai	ils				
Contact Name :	Matthew Wood				
Contact Number :	0266861284				
Contact Email :	mattheww@ballina.nsw.gov.au				
DoP Project Mana	ger Contact Details				
Contact Name :	Paul Garnett				
Contact Number :	0266416607				
Contact Email :	paul.garnett@planning.nsw.go	v.au			
Land Release Data	a				
Growth Centre :	N/A	Release Area Name :			
Regional / Sub Regional Strategy :	Far North Coast Regional	Consistent with Strateg	y∶ Yes		

MDP Number :		Date of Release :		
Area of Release (Ha)		Type of Release (eg Residential /	N/A	
		Employment land) :		
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	Yes			
Conduct has been complied with :				
If No. comment	The Department of Plan	ning and Infrastructure Code of Pra	actice in relation to	
	The Department of Planning and Infrastructure Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.			
Have there been	Νο			
meetings or communications with registered lobbyists? :				
If Yes, comment :	Northern Region has no	t met any lobbyists in relation to th	nis proposal, nor has Northern	
s 1	Region been advised of any meeting between other departmental officers and lobbyists concerning this proposal.			
upporting notes	5		*	
memai supporting	Ballina Council has not	requested that the plan making fur	ctions for this planning proposal	
	be delegated to Council.		nctions for this planning proposal	
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Internal Supporting Notes : External Supporting Notes :			actions for this planning proposal	
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Is the Director General's agreement required? No

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

d) Which SEPPs have the RPA identified?

SEPP No 64—Advertising and Signage SEPP (Exempt and Complying Development Codes) 2008 SEPP (Temporary Structures and Places of Public Entertainment) 2007

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

Have inconsistencies with items a), b) and d) being adequately justified? N/A

If No, explain :

The planning proposal is not considered to be inconsistent with the Far North Coast Regional Strategy. The planning proposal is considered to be consistent with all applicable S117 directions.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment :

The planning proposal is a LGA wide exempt development policy matter that does not require any map amendments.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

The RPA does not suggest a consultaion period for the planning proposal. The proposal is not inconsistent with the regional planning framework, presents no issues with regard to infrastructure provisions, is not a principal LEP, and does not reclassify public land. The proposed amendment is consistent with existing provisions of the Ballina LEP 1987 and Ballina Shire Development Control in relation to exempt development. A 14 day exhibition period is considered appropriate.

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 satisfies the adequacy criteria by;

- 1. Providing appropriate objectives and intended outcomes.
- 2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
- 3. Providing an adequate justification for the proposal.
 - Identifying a proposed community consultation process.

Proposal Assessment

Principal LEP:

Due Date : December 2012

Comments in relationThe draft comprehensive Ballina LEP 2011 is with the Department for consideration to beto Principal LEP :made by the Minister.

Assessment Criteria Need for planning The planning proposal intends to enable certain special events and associated signage to proposal : be undertaken without the need for development consent as exempt development. Council has undertaken a review of its special events policy and guidelines and identified the need for a revised local planning framework for special events to remove complexity and potential for duplication under the provisions of the draft comprehensive LEP. Schedule 2 of the draft LEP includes a list of additional exempt development not covered by SEPP (Exempt and Complying Development Codes)2008 or other State policies. The Schedule does not provide for special events to occur as exempt development and Council considers other provisions related to temporary signage require clarification. The proposed amendments to Schedule 2 are detailed on pages 5-6 of the planning proposal. Council acknowledges that draft revisions to the Codes SEPP for community notice and public information signs, as exempt development, may impact on the final form of the planning proposal. The draft provisions to the Codes SEPP limit the location of signage to within the property boundary. Council's proposed amendment to Schedule 2 will enable signage for special events on any land. The proposed change to the LEP is the most appropriate means of achieving the desired outcome for the proposal. The community benefit of the proposal will be achieved with simplification of special events on public land approvals and encourage community based economic and social activities.

Consistency with strategic planning framework : The planning proposal is considered to be consistent with all applicable S117 Directions, SEPPs and regional strategies.

While the RPA identifies the following S117 directions as applying, the planning proposal is not inconsistent with these directions and seeks only to permit temporary special events and associated signage as exempt development.

Section 117 Directions-

2.2 Coastal Protection applies as the planning proposal would affect land within the coastal zone. The Draft Ballina LEP 2011 includes provisions that give effect to and are consistent with the terms of this direction. Consistent.

2.3 Heritage Conservation applies when a relevant planning authority prepares a planning proposal. However exempt development does not apply to items of environmental heritage and is therefore not relevent in this case.

4.1 Acid Sulfate Soils applies as some public land contains acid sulfate soils. However any signage erected under the proposed provisions is for tempoary use and does not involve intensification of land use. Draft Ballina LEP contains provisions to enable appropriate consideration of acid sulfate issues. Consistent

4.4 Planning for Bushfire Protection is relevent to the proposal as special events may occur on bushfire prone land. The direction requires the RPA to consult with the Commissioner of the Rural Fire Service after a gateway determination has been issued. Until this consultation has occurred the consistency with the direction remains unresolved.

5.1 Implementation of Regional Strategies applies when a relevent planning authority prepares a planning proposal. Consistent

6.1 Approval and Referral Requirements applies when a relevent planning authority prepares a planning proposal. Not relevant.

6.2 Reserving Land for Public Purposes applies when a relevent planning authority prepares a planning proposal. Not relevent.

State Environmental Planning Policies (SEPP)-

Council has addressed the provisions of SEPP (Exempt and Complying Development Codes) 2008, SEPP 64-(Advertising and Signage) and SEPP (Temporary Structures) 2007. While these SEPPs contain related provisions, the exempt special event and associated signage provisions proposed for Ballina LEP will not be inconsistent with the SEPPs and will enable signage for special community events on any land.

Provisions relating to signage for events are also contained in Schedule 1 of SEPP (Infrastructure) 2007. However these provisions limit signage to within the boundaries of the subject land. This is more restrictive than Council proposes and therefore the amendment to update provisions for special events and associated signage in Schedule 2 of the draft Ballina LEP is appropriate.

Environmental social economic impacts :

No significant environmental, social or economic impacts are raised by the planning proposal.

It is considered that the RPA's consideration of the matters relating to the proposal is appropriate.

	S				
Proposal type :	Routine		Community Consultation Period :	14 Days	
Timeframe to make LEP :	9 Month		Delegation ;	DG	3
Public Authority Consultation - 56(2)(d) :	NSW Rural Fire Se Other	ervice			
Is Public Hearing by the	PAC required?	No			
(2)(a) Should the matter	proceed ?	Yes			
If no, provide reasons :					2
Resubmission - s56(2)(b	o) : No				
If Yes, reasons :					
Identify any additional st	udies, if required.				
If Other, provide reasons :					8
Identify any internal cons	sultations, if required	:			E
Identify any internal cons No internal consultation		:			
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Amendment to Draft Ballina LEP 2011(when made) -Special Events and Associated Signage (Exempt Development)		
	4. The RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection; 5. The RPA consult with the Department of Primary Industries-Crown Lands Division	
Supporting Reasons :	The planning proposal seeks to encourage community based economic and social activities with a simplified and clear approvals process for special events in the Ballina local government area.	

Signature:

Printed Name:

PAUL GARNETT

Date: Acting Team Leader Northen heeron .

29/11/12

