

Ballina LEP 2012 - Reclassification of Council owned waterways, Ballina

Proposal Title : **Ballina LEP 2012 - Reclassification of Council owned waterways, Ballina**

Proposal Summary : **The proposal seeks to reclassify Lot 63, DP 263861 and Lot 132, DP 775228, Ballina Quays canals in West Ballina and Lot 50, DP 259593, Banyanda Lake, in Ballina from community to operational land. The purpose of the reclassification is to enable Council to approve private structures such as jetties, pontoons and boat ramps within the waterways and resolve potential public liability issues with these structures.**

PP Number : **PP_2013_BALLI_008_00** Dop File No : **13/14468**

Planning Team Recommendation

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

S.117 directions: **2.2 Coastal Protection
2.3 Heritage Conservation
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes**

Additional Information : **1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 28 days;
3. The Planning Proposal be completed within 9 months;
4. That no consultation with public authorities is necessary;
5. That a public hearing on the reclassification of the subject land in accordance with section 29 of the Local Government Act 1993 and section 57 of the Environmental Planning and Assessment Act 1979 be held after completion of the public exhibition period; and
6. That details of the interests being discharged (public reserve status) be included in the Planning Proposal prior to exhibition.
7. That delegation to finalise the proposal not be issued to Council in view of the involvement of the Governor.**

Supporting Reasons : **The proposal seeks to reclassify Lot 63, DP 263861 and Lot 132, DP 775228, Ballina Quays canals in West Ballina and Lot 50, DP 259593, Banyanda Lake, in Ballina from community to operational land. The purpose of the reclassification is to enable Council to approve private structures such as jetties, pontoons and boat ramps within the waterways and resolve potential public liability issues with these structures.**

The Planning Proposal is needed as it is the only avenue available to Council to reclassify the land from community to operational status.

The subject lands are currently zoned W2 Recreational Waterway under the Ballina LEP 2012. No change in zoning or development standard is proposed or needed in association with the reclassification.

Panel Recommendation

Recommendation Date : **04-Sep-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This Planning Proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Regional Director. Therefore the Planning Proposal will not be considered by the Panel.**

Gateway Determination

Ballina LEP 2012 - Reclassification of Council owned waterways, Ballina

Decision Date : 06-Sep-2013 Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 9 months

Gateway Determination : The Planning Proposal should proceed subject to the following conditions:

1. 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 a minimum of 28 days;
- (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); and
- (c) the public exhibition must include details of the trusts to be discharged in relation to the reclassification of the land.

2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

3. 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).

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

Signature:



Printed Name:

STEPHEN MURRAY

Date:

6 SEPTEMBER 2013