

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**

Proposal Details

Date Planning Proposal Received :	28-Aug-2013	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 :	Ballina Quays Canals		
Suburb :	City :	West Ballina	Postcode : 2478
Land Parcel :	Lot 63, DP 263861 and Lot 132, DP 775228		
Street :	Banyanda Lake		
Suburb :	City :	Ballina	Postcode : 2478
Land Parcel :	Lot 50, DP 259593		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Lachlan Sims**
 Contact Number : **0266864444**
 Contact Email : **council@ballina.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

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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
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 :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **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.**

The lands currently have public reserve status and Council will seek to discharge these interests with the approval of the Governor.

External Supporting Notes : **In accordance with the requirements of the Local Government Act, a public hearing will be held into the reclassification at a later stage.**

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 to reclassify the land from community to operational.**

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

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

Comment : **The explanation of provisions adequately addresses the intended changes to the reclassify the land by inclusion in Schedule 4, Part 2 (interest changed) of the Ballina LEP 2012.**

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

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

Is the Director General's agreement required? **No**

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 :

The Far North Coast Regional Strategy applies to the Ballina LGA.

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

If No, explain :

The Planning Proposal is considered to be consistent with all relevant SEPPs, section 117 Directions and the Far North Coast Regional Strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

No changes to the Ballina LEP 2012 maps will be necessary to facilitate the proposal. An aerial photo map identifying the sites and their location relative to the Richmond River, North Creek Canal and Ballina is included in the Planning Proposal and is considered adequate for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

As the Planning Proposal seeks to reclassify land from community to operational, a 28 day public exhibition period has been proposed by Council. Council has also confirmed that a public hearing for the reclassification will be conducted after the conclusion of the public exhibition period. The proposed community consultation is considered to be 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 and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provision proposed by the Amending LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining the proposed community consultation program; and**
- 5. Providing an adequate Project Timeline.**

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Council is not seeking an Authorisation to exercise its plan making delegations in this instance due to Council's interests in the land and its public reserve status. As approval from the Governor is required Council cannot use thier delegations.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in April 2014. The submitted project time line is considered as reasonable and a 9 month time frame for completion of the proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Tha Ballina LEP 2012 was notified on 4 February 2013.

Assessment Criteria

Need for planning
proposal :

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

Consistency with
strategic planning
framework :

While the RPA has nominated a number of relevant section 117 directions, the Planning Proposal includes advice that it is consistent with all applicable directions.

The Planning Proposal is considered to be consistent with all relevant section 117 Directions, SEPPs, the Far North Coast Regional Strategy and The Ballina Shire Growth Management Strategy 2012 that was prepared by Council and approved by the Deputy Director General in May 2013.

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.

The Planning Proposal identifies that the existing public reserve status of the land is to be discharged. This will require the approval of the Governor.

In accordance with the requirements of 'A guide to preparing local environmental plans', the Planning Proposal confirms that:

1. it is not the result of any strategic study or report;
2. it is consistent with Council's community strategic plan and local planning strategy;
3. interests in the land will be extinguished; and
4. Council is the only landowner.

The Planning Proposal has also been prepared in accordance with Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan. Additional information has been provided in the Planning Proposal where necessary to address matters raised in the practice note.

Environmental social
economic impacts :

No adverse environmental, social or economic impacts have been identified as likely to occur as a result of the Planning Proposal.

A public hearing will address any issues of community concern.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) :

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

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

If no, provide reasons : **No consultation with any public authority is needed in relation to the proposed reclassification.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are needed in relation to the proposed reclassification.

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
2013_08_28_Cover_Letter.pdf	Proposal Covering Letter	Yes
2013_08_28_Planning_Proposal.pdf	Proposal	Yes

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**

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Supporting Reasons :

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.

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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.

Signature:



Printed Name:

JIM CLARK

Date:

4 September 2013