



Joint Regional Planning Panels

31 July 2015

Mr Marcus Ray
Deputy Secretary
Planning Services
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Mr Ray

**Subject: Request for Gateway Review – 2015NTH015 Ballina Local Government Area
PP_2015_BALLI_001_00: introduce provisions relating to private native forestry for areas
deferred under Ballina LEP 2012 (areas proposed to be zoned to a standard instrument
under Environment Zone)**

As per the request in your letter dated 10 July 2015, please find attached the advice of the Northern Joint Regional Planning Panel in regards to the above request for a Gateway Review of the subject planning proposal.

Should you require any further information on this matter please contact Lisa Foley on telephone number 02 9228 2067 or lisa.foley@planning.nsw.gov.au

Yours sincerely

Garry West
Chair, Northern Joint Regional Planning Panel

CC: Brett Whitworth, General Manager, Southern Region

Joint Regional Planning Panel – Gateway Review – Recommendation Report

The Northern Joint Regional Planning Panel (JRPP) has considered the request for a review of the proposal as detailed below.

The Gateway Review:

Dept. Ref. No:	PP_2015_BALLI_001_00
LGA:	Ballina
LEP to be Amended:	Ballina Local Environmental Plan 1987
Address / Location:	Areas deferred from Ballina LEP 2012
Summary of Proposal:	Introduce provisions relating to private native forestry, including requiring consent in a number of rural and environment protection zones.

Reason for review:	☒	A determination has been made that the planning proposal should not proceed.
	☐	A determination has been made that the planning proposal should be resubmitted to the Gateway.
	☐	A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

In considering the request, the JRPP has reviewed all relevant information provided as well as the views and position of the Department and the relevant local government authority. Based on this review the **JRPP recommends** the following:

Reason for Review: A determination has been made that the planning proposal should not proceed.

RECOMMENDATION:	☐	The planning proposal should not proceed past Gateway.
		☐ no amendments are suggested to original determination. ☐ amendments are suggested to the original determination.
	☒	The planning proposal should proceed past Gateway in accordance with the original submission.

JRPP Advice and Justification for Recommendation:

The delay in resolving the E zones has created an inconsistency between the deferred areas of the 1987 LEP and the 2012 LEP.

It is noted that the approved 2012 LEP contains the provisions sought by Council for the areas currently subject to deferral.

Neither the Code of Practice governing private native forestry nor the Native Vegetation Act provide a specific requirement for a physical inspection to identify potential koala habitat and the habitat of other threatened species. It is the panel's understanding that the current code only requires a desktop survey.

Whilst it is advised that since 2007 there have only been seven (7) private native forestry Private Vegetation Plans issued, the panel is of the view that it is the significance of the

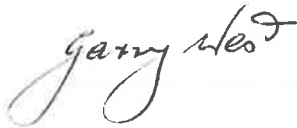
areas impacted that needs to be given more consideration than the actual number. Ballina Shire Council is characterised by limited forestry resource, both Crown and private.

It is acknowledged that a dual approval process will need to be followed, as is present in the 2012 LEP and is in keeping with the expectation of the Biodiversity Review. Whilst the PNF Code of Practice conditions and regulates construction and maintenance of forestry infrastructure it does not condition or regulate private native forest activities in relation to offsite impacts; for example, erosion and sediment control. Further, the Biodiversity Review should also consider strengthening the Code of Practice for PNF to ensure a physical site inspection is required by the consent authority and the addition of conditions in a PVP regulating offsite environmental impacts.

The panel accepts the advice that there is a process underway for the Northern Councils' review of environmental zones and the Government's review of the biodiversity legislation. The panel has no clear advice as to the potential timing or resolution of these reviews.

Date of Recommendation: 31 July 2015

Signed by:

A handwritten signature in cursive script, appearing to read 'Garry West', written in dark ink.

Chair
Garry West - Joint Regional Planning Panel Chair