

Ballina LEP 1987 – Private Native Forestry Provisions.

Proposal Title : **Ballina LEP 1987 – Private Native Forestry Provisions.**

Proposal Summary : The planning proposal seeks to amend Ballina LEP 1987 by;

1. Adding definitions for 'forestry' and 'private native forestry' to the LEP;
2. Requiring development consent for private native forestry in the 1(b) Rural (Secondary Agricultural Land), 1(d) Rural (Urban Investigation), 1(e) Rural (Extractive and Mineral Resources), 7(c) Environmental Protection (Water Catchment), 7(f) Environmental Protection (Coastal Lands) and 7(l) Environmental Protection (Habitat) zones.
3. Adding a clause to the LEP which specifies matters to be considered when determining a development application for private native forestry.

PP Number : **PP_2015_BALLI_001_00** Dop File No : **15/01168**

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
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : It is recommended that;

1. The planning proposal proceed as a 'routine' planning proposal.
2. The planning proposal is to be completed within 9 months.
3. Prior to undertaking community consultation, Council is to amend the 'Explanation of Provisions' within the planning proposal to provide a plain English description of the intended outcomes from the proposed heads of consideration clause for private native forestry.
4. That a community consultation period of 14 days is necessary for the planning proposal.
5. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
6. That the RPA consult with;

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- a. NSW Office of Environment and Heritage
- b. NSW Environment Protection Authority
- c. NSW Department of Primary Industry - Forests

Supporting Reasons : The reasons for the recommendation are as follows;

1. The proposed provisions will clarify the requirements for private native forestry in the Ballina shire.
2. The proposed provisions will enable the potential adverse impacts of private native forestry to be addressed through the development application process.
3. The proposed provisions are not inconsistent with the strategic planning framework.

Panel Recommendation

Recommendation Date : 22-Jan-2015

Gateway Recommendation : Passed with Conditions

Panel Recommendation : • The matter was considered by the Local Environmental Plan Review Panel (Panel) on 22 January 2015. The Panel consisted of:

- o Simon Manoski (Chair), Acting General Manager, Metropolitan
 - o James Matthews, Project Officer, Planning Services
 - o David Rowland, General Manager, Hunter Region
 - o David Green, Land Use Planning Manager, Wollongong Council
- The Panel supported the regional office's recommendation that the matter proceed subject to agency consultation.
- Following the Panel meeting the Environmental Protection Agency and Department of Primary Industries – Forestry were informally consulted.
- Neither agency expressed major concerns with the progression of the planning proposal at this stage. The Department of Primary Industries do not play a role in approving private native forestry but do liaise with the forestry industry, and the Environmental Protection Agency have only issued 10 approvals (property vegetation plans) for private native forestry since 2007 in the Ballina Shire.

Therefore, it is recommended that the an amendment to the Ballina Local Environmental Plan (LEP) 1987 to require development consent for private native forestry in certain zones, and introduce provisions which require the consideration of specific matters when considering a development application for private native forestry, should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal to include a plain English explanation of the objectives and matters to be considered in the proposed clause for private native forestry.
2. Council is to consult with the NSW Rural Fire Service as per the requirements of section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary to take into consideration any comments made prior to undertaking public exhibition.
3. Prior to undertaking public exhibition Council is to consult with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Office of Environment and Heritage
 - NSW Environment Protection Authority
 - NSW Department of Primary Industry - Forests

Each public authority 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.

Council is to include any public authority comments in the planning proposal and address any concerns prior to proceeding to community consultation.

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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 to be made publicly available for a minimum of 28 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 and Environment 2013).

5. 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).

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

Signature:



Printed Name:

Simon Madsen

Date:

19.2.15