

Ballina LEP 2012 - realign the boundaries of the Additional Permitted Use map as it relates to the highway service centre at Teven Road interchange, West Ballina.

Proposal Title :	Ballina LEP 2012 - realign the boundaries of the Additional Permitted Use map as it relates to the highway service centre at Teven Road interchange, West Ballina.		
Proposal Summary :	The planning proposal seeks to amend Ballina LEP 2012- Additional Permitted Uses map. The amendment realigns the boundary of an area delineated as a highway service centre which has resulted following the completion of the Pacific Highway upgrade at Ballina. The original site was based on lot boundaries of a subdivision registered in 2000. Following the completion of the Ballina Pacific Highway Bypass, a Road and Martine Services due diligence assessment identified an area of 14.14 hectares to be removed and an area of 4,034 square metres to be included as the highway service centre boundary. The changes to the site identified under Schedule 1 Additional Permitted Uses have resulted in a need to amend the map to show the accurate boundary of the subject site.		
PP Number :	PP_2015_BALLI_003_00	Dop File No :	15/05805

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
- 2.2 Coastal Protection
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information :

It is recommended that;

1. The planning proposal should proceed as a minor planning proposal.
2. The planning proposal is to be completed within nine (9) months.
3. That a community consultation period of 14 days is necessary.
4. It is recommended that a delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 1.2 Rural Lands, 1.5 Rural Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the provisions of the directions.
5. Council consult with NSW Roads and Maritime Services.
6. As required by S117 Direction 4.4, prior to public exhibition of the planning proposal consultation with the NSW Rural Fire Service is to be undertaken and the planning proposal amended in accordance with any comments received.
7. A written authorisation to exercise delegation is issued to Ballina Shire Council in this instance to enable Council to make the plan.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The planning proposal is consistent with Council's strategic framework and the Far North Coast Regional Strategy.
2. The proposal is otherwise consistent with all relevant local and regional planning strategies, section 117 Directions and SEPPs.
3. There is an identified need for a Highway Service Centre in Ballina and the site has been identified as the preferred site.
4. The planning proposal is minor in nature and rationalises excess land on the site.
5. The planning proposal will enable the development of employment generating land uses that will contribute to the economic growth of the region.

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Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation :

Gateway Determination

Decision Date : **15-Apr-2015**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **14 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 EP&A Act as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2013) and must be made publicly available for a minimum of 14 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).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Road and Maritime Services; and**
- NSW Rural Fire Service (S 117 Direction 4.4 Planning for Bushfire Protection).**

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S 117 Direction 4.4 Planning for Bushfire Protection.

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 nine (9) months from the week following the date of the Gateway determination

Signature:



Printed Name:

STEPHEN MURRAY

Date:

15 APRIL 2015