

Ballina LEP 2012 - Reclassification of land on Old Bagotville Road, Wardell

Proposal Title : **Ballina LEP 2012 - Reclassification of land on Old Bagotville Road, Wardell**

Proposal Summary : **The Planning Proposal seeks to reclassify Lot 5, DP 843369, Old Bagotville Road, Wardell from community to operational land. The purpose of the reclassification is to permit the sale of the land as the site has constraints that limit its potential for use for community purposes. The site also forms part of the preferred route for the Pacific Highway upgrade and the reclassification may aid the acquisition of the land if required.**

PP Number : **PP_2013_BALLI_007_00** Dop File No : **13/14467**

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 4.1 Acid Sulfate Soils**
- 4.4 Planning for Bushfire Protection**
- 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 6 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;**
- 6. That an authorisation to exercise delegation be issued to Council; and**
- 7. That a revised project time line (that addresses the additional steps to be completed by Council due to an authorisation to exercise delegation being issued) be included in the Planning Proposal prior to public exhibition.**

Supporting Reasons : **The proposal seeks to reclassify Lot 5, DP 843369, Old Bagotville Road, Wardell from community to operational land. The purpose of the reclassification is to permit the sale of the land as the site has constraints that limit its potential for use for community purposes. The site also forms part of the preferred route for the Pacific Highway upgrade and the reclassification may aid the acquisition of the land if required.**

The subject land is currently partly zoned RU2 Rural Landscape under the Ballina LEP 2012 and partly includes a deferred matter. The deferred matter includes land proposed to be zoned E2 Environmental Protection. It is deferred due to the ongoing 'Review of environmental zones in Far North Coast'. The deferred areas are covered by the Ballina LEP 1987 and are zoned 1(b) Rural (Secondary Agricultural Land) and 7(l) Environmental Protection (Habitat). No change in zoning or development standard is proposed or needed in association with the reclassification.

Panel Recommendation

Ballina LEP 2012 - Reclassification of land on Old Bagotville Road, Wardell

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

Decision Date : **06-Sep-2013**

Gateway Determination : **Passed with Conditions**

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

Exhibition period : **28 Days**

LEP Timeframe : **6 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:

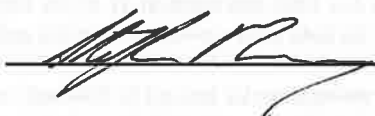
(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

6 SEPTEMBER 2013