

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**

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 :	Old Bagotville Road		
Suburb :	Wardell	City :	Postcode : 2477
Land Parcel :	Lot 5, DP 843369, Old Bagotville Road, Wardell		

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**
 Contact Number : **0267019688**
 Contact Email : **jon.stone@planning.nsw.gov.au**

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 :

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

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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 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.
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 1 (no interest changed) of the Ballina LEP 2012 and Schedule 7 of the Ballina LEP 1987.**

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

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

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 or the Ballina LEP 1987 maps will be necessary to facilitate the proposal. An aerial photo map identifying the site and its location relative to the Richmond River and Wardell 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.

Council is not seeking an Authorisation to exercise its plan making delegations in this instance. It is understood that Council does not wish to utilise its delegations due to its commercial interests in the land. While this is appreciated, the Planning Proposal is:
- dealing with a minor reclassification of land that is of local significance;
- not changing any land zoning;
- not changing any interests so the Governor's approval is not required;
it is considered that an authorisation to exercise delegations be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in January 2014. The submitted project time line is considered as reasonable and a 6 month time frame for completion of the proposal is recommended. It is noted that a revised project time line (that addresses the additional steps to be completed by Council if an authorisation to exercise delegation is issued) will be needed prior to public exhibition.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The 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 reclassify the land from community to operational status.

Consistency with
strategic planning
framework :

While Council has nominated a number of section 117 directions as relevant, the Planning Proposal advises there are no inconsistencies with the 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 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.

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. no 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 :

This land was acquired by Council in 1996 as a potential extractive resource and landfill site, but no such activity has occurred.

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 be held to address any community concern at reclassification.

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.

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Signature:



Printed Name:

JIM CLARK

Date:

4 September 2013

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

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:
- 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;**