

Planning Proposal to reclassify land at Mullumbimby from community to operational land

Proposal Title :	Planning Proposal to reclassify land at Mullumbimby from community to operational land		
Proposal Summary :	The planning proposal seeks to reclassify Lot 1 DP 952598, Vallances Road, Mullumbimby from 'community' to 'operational'.		
PP Number :	PP_2014_BYRON_002_00	Dop File No :	14/09289

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
- 2.3 Heritage Conservation
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information : It is recommended that:

- 1) The planning proposal should proceed;
- 2) The planning proposal is to be completed within 12 months;
- 3) A community consultation period of 28 days be undertaken;
- 4) A public hearing be held into the reclassification in accordance with the requirements of section 29 of the Local Government Act 1993;
- 5) Council is to consult with the NSW Rural Fire Service;
- 6) The planning proposal is to be amended prior to exhibition so that it only contains a plain English version of the explanation of provisions;
- 7) That the Secretary (or his delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection, and the potential inconsistency with section 117 Direction 6.2 Reserving Land for Public Purposes, and that these inconsistencies will need to be resolved prior to the proposal being finalised; and
- 8) Delegation not been granted to Council, as the reclassification may require approval by the Governor depending on whether any land interests are to be changed.

Supporting Reasons : The proposal to change the classification of the land from community to operational will allow Council to potentially dispose of the excess property to fund future infrastructure projects and is considered appropriate.

Panel Recommendation

Recommendation Date : 13-Jun-2014 Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 16-Jun-2014 Gateway Determination : **Passed with Conditions**

Decision made by : **General Manager, Northern Region**

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Exhibition period : 28 Days

LEP Timeframe : 12 months

Gateway

The Planning Proposal should proceed subject to the following conditions:

Determination :

1. That the planning proposal be amended prior to exhibition by:

- (a) identifying the need to amend both Byron Local Environmental Plan 1988 and Byron Local Environmental Plan 2014 to reclassify the land; and
- (b) removing the proposed drafting amendments and providing a plain English explanation of the planning proposal in the Explanation of Provisions;

2. 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 and Environment 2013).

3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service 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.

4. 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).

5. The planning proposal be amended prior to submitting the plan to the department to be made by:

- (a) providing information on whether the planning proposal will extinguish any interests applying to the land; and
- (b) including appropriate mapping to accompany the proposed LEP amendment.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

16 JUNE 2014