

Proposed industrial zone for part Lot 1 DP817406, Robb Street, Alstonville

Proposal Title : **Proposed industrial zone for part Lot 1 DP817406, Robb Street, Alstonville**

Proposal Summary : **To rezone 0.68 hectares of land currently zoned 7(i) Environmental Protection (Urban Buffer) to 4 Industrial under the provisions of the Ballina LEP 1987**

PP Number : **PP_2012_BALLI_002_00** Dop File No : **12/07066**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions : **1.1 Business and Industrial Zones
1.5 Rural Lands
2.1 Environment Protection Zones
5.1 Implementation of Regional Strategies
5.3 Farmland of State and Regional Significance on the NSW Far North Coast**

Additional Information : **See below.**

Supporting Reasons : **Although initially the planning proposal appears to be a minor spot rezoning and a possible solution to the long standing land use conflict between the existing industrial and residential development there are a number of significant issues associated with this matter. These include:**

Encroachment into the Alstonville 7(i) Environmental Protection urban buffer;

Encroachment into State Significant Farmland;

Adequate industrial land supply; and

The continued residential use of the dwelling house - Council has the option of seeking enforcement of the relevant environmental standards and compliance with the condition attached to the development consent for the industrial operations. This may allow the dwelling to remain and provide accommodation for the macadamia farm.

The planning proposal is not supported by Council planning staff on the basis that the proposal is inconsistent with local and state planning policies and statutory requirements.

If the planning proposal is to proceed, then the proposal should be publicly exhibited for 28 days, and be completed in 6 months. Council will need to consult with the Department of Trade and Industry (Agriculture) and the NSW Rural Fire Service.

However, it is not possible to justify an inconsistency with section 117 direction 5.3, having regard to the significance of the Farmland Protection Policy as it relates to State Significant farmland (see extract of Policy under direction 5.3 in "Assessment" above).

Panel Recommendation

Recommendation Date : **17-Jun-2012** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed for the following reasons:**

- 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Trade and Industry (agriculture)
- NSW Rural Fire Service

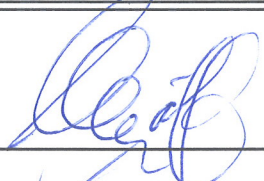
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.

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

Signature:



Printed Name:

Neil McGaffin

Date:

12.6.12