

Ballina LEP 2013 Building Height Allowance Provision (amdt 9)

Proposal Title : **Ballina LEP 2013 Building Height Allowance Provision (amdt 9)**

Proposal Summary : **The proposal clarifies Council's building height policy. It aims to align building height and flood planning provisions. In flood-prone areas where minimum fill levels are set out, building heights are proposed to be referenced from a defined fill height rather than existing ground level.**

PP Number : **PP_2013_BALLI_010_00**

Dop File No : **13/18181**

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast**
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

Additional Information : **It is recommended that:**

- 1. The planning proposal be supported.**
- 2. A community consultation period of 14 days is necessary.**
- 3. That no consultation with public authorities is required.**
- 4. The planning proposal is to be completed in 6 months.**
- 5. Delegation to finalise the planning proposal be issued to the Council.**
- 6. The Gateway should include a condition that the Building Height Allowance Map be amended if necessary to support the intent of the planning proposal.**

Supporting Reasons : **The reason for the conditions to the Gateway Determination are as follows:**

- 1. The proposal is consistent with all relevant local and regional planning strategies, section 117 Directions and SEPPs.**
- 2. The Building Height Allowance Map may need to be amended in order to clarify that building height in flood prone areas is proposed to be referenced from a defined fill**

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height in metres AHD.

Panel Recommendation

Recommendation Date : 13-Nov-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 : 14-Nov-2013

Gateway Determination : **Passed with Conditions**

Decision made by : Regional Director, Northern Region

Exhibition period : 14 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 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 & 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.

5. The Ballina LEP 2012 Building Height Allowance Map should be amended as required to support the intent of the planning proposal.

6. The planning proposal is to be amended prior to exhibition to clearly outline, through the objectives and explanation of the provisions that the intent of the planning proposal is to allow building height in flood-prone areas to be referenced from a defined fill height rather than existing ground level.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

14 NOVEMBER 2013