

SECTION 59 PLANNING REPORT

Planning Proposal Details:

DPE reference: PP_2014BALLI_009_00

BSC reference: BSCPP14/010 (Amendment No.22)

BSCPP14/1010 is a planning proposal to make a number of general amendments to the Ballina LEP 2012 which are fundamentally housekeeping matters. The planning proposal has been prepared in response to a review of the LEP 2012 following 12 months of its operation.

Planning Proposal Summary:

The planning proposal seeks to amend Ballina LEP 2012 as summarised in the table below.

No.	Location	Affects	Details
1	Alstonville Showground	LZN Map, LSZ Map	Apply RE2 zone
2	Ballina High School	N/A	Excluded from proposal per Council resolution 23/10/2014
3	Brunswick Street Reserve, Ballina	LZN Map, LSZ Map	Excluded from proposal per Crown Lands Division request 13/04/2015
4	Coastal Grove Reserve, Lennox Head	LZN Map, LSZ Map	Extend RE1 zone to all public reserve areas
5	Dalmacia Drive Bushland, Wollongbar	LZN Map, LSZ Map	Apply RE1 to full reserve area
6	Lake Ainsworth Caravan Park, Lennox Head	LZN Map, LSZ Map	Excluded from proposal per Crown Lands Division request 13/04/2015
7	Latta Ave Waterfront, Ballina	N/A	Excluded from proposal per Council resolution 23/10/2014
8	Links Avenue Reserve, East Ballina	LZN Map, LSZ Map	Adjust RE1/R2 zone boundary to match cadastre
9	Palisade Way Buffer, Lennox Head	LZN Map, LSZ Map	Apply RE1 zone
10	Ballina Racecourse	LZN Map, LSZ Map	Excluded from proposal per Crown Lands Division request 13/04/2015
11	Jabiru Park, East Ballina	LZN Map, LSZ Map	Apply RE1 zone
12	Wollongbar Public School	LZN Map, LSZ Map	Apply R2 zone
13	Spring Creek Place, Wollongbar	LZN Map, LSZ Map	Correct edge discrepancies (zone and lot size areas)
14	Heritage items (various)	Sch 5	Corrections to property descriptions and mapping data (various existing items)
15	Treelands Reserve, Ballina	LZN Map, LSZ Map	Adjust RE1/B3 zone to match cadastre (western boundary of reserve)
16	Meldrum Park/North Creek foreshore, Ballina	LZN Map, LSZ Map	Adjust zone boundaries to match cadastre - eastern end Meldrum Park
17	30A-30B Smiths Lane, Wollongbar	LSZ Map	Adjust 800m ² min lot size for lots 2 & 3
18	19 Megan Cr, Lennox Head	LZN Map, LSZ Map	Apply R3 zone & 800m ² to entire lot (SP 83365)
19	Ferngrove Estate, Ballina	LZN Map,	Adjust zone boundaries to match cadastre
20	Tallow Wood Place Bushland, Lennox Head	LZN Map, LSZ Map	Apply RE1 zone to public reserve
21	Alstonville Swimming Pool	LZN Map, LSZ Map	Apply RE1 zone
22	Pacific Highway, Tintenbar	LZN Map	Realign RU1/RU2 boundary to reflect highway boundary near Sandy Flat Road (used highway alignment as basis for RU1/RU2 boundary)

No.	Location	Affects	Details
23	Stewart Farm, Skennars Head	SGA Map	Remove land and immediate surrounds from strategic growth area designation.
24	Dwelling entitlement reinstatement, East Wardell	DWE Map	Add Lot 10 DP 654898, Pacific Highway, East Wardell based on previous Council acknowledgement of entitlement
25	Kellie Ann Crescent, Lennox Head	LZN Map, LSZ Map	Adjust R2/R3 boundary and lot size provisions to match cadastre
26	Old Ballina Council Chambers	HER Map	Adjust heritage area, remove Lot 2 DP 1153927 and adjoining road reserve
27	Meadows Estate, Lennox Head	LZN Map, LSZ Map	Adjust R3 & R2 boundaries and associated minimum lot size to match cadastre
28	Warrawee Drive, Lennox Head	LZN Map, LSZ Map	Adjust R3 & R2 boundaries and associated minimum lot size to match cadastre
29	Kingsford Smith Park & Serpentine area, Ballina	LZN Map, LSZ Map	Adjust zone and minimum lot size for RE1, R3, R2 & W2 for consistency and clarity. No zoning changes to Lot 120 DP 1196060 per Crown Lands Division request 13/04/2015.
30	Drinking water catchments (shire wide provisions)	CI 7.4	Change reference from 'water supply authority' to 'supplier of drinking water'
31	Land use table - IN1 zone (shire wide provisions)	Land use table	Add 'agricultural produce industries' to list of permissible uses in IN1 zone
32	Dwelling entitlement reinstatement, Wardell	DWE Map	Add Lot 67 DP 755688, 1010 Pimlico Road, Wardell based on previous Council acknowledgement of entitlement

Date of Gateway Determination: 25 November 2014

1.0 SUMMARY

This report relates to Ballina LEP 2012 Amendment No 22.

The proposed amendment was exhibited from 11 February 2015 to 13 March 2015.

No public submissions were received during the exhibition period.

The Gateway determination required consultation with the NSW Rural Fire Service and the Crown Lands Division of NSW Trade and Investment. Details of responses received are contained in Part 4 of this report.

Council considered the proposed LEP amendment at its Ordinary Meeting on 26 March 2015. Following consideration of the report Council resolved to endorse the planning proposal as exhibited for implementation. Council also resolved to finalise and implement the planning proposal directly in liaison with Parliamentary Counsel (PCO). A copy of the report to Council and adopted resolution is contained in the final Planning Proposal.

Council received an Opinion advising that the draft LEP amendment can be made on 5 June 2015. Council received advice from POCGIS that the map sheet set is suitable for publication on 3 June 2015.

The report to Council's Ordinary Meeting specifically considered the issue of delegation. A recommendation to exercise Council's delegated plan making function was contained within the report.

2.0 GATEWAY DETERMINATION

The Gateway determination was issued on 25 November 2014. It required that the planning proposal be completed within 9 months from the week following the date of Gateway determination.

The Gateway determination required consultation with the NSW Rural Fire Service and the Crown Lands Division of NSW Trade and Investment.

Council consulted the Department of Planning on two occasions following the exhibition of the draft LEP in relation to changes made to the planning proposal. The matters addressed were the removal of several sites from rezoning under the proposal and the correction of a mapping error in Wollongbar arising from the previous Amendment No.19 to the LEP. In both cases, the Department advised that no amendment to the Gateway determination or further consultation would be required.

The Department has agreed with the inconsistencies associated with s117 Directions 3.1 and 4.4. Inconsistency with Direction 6.2 as raised in the Gateway determination has been resolved through the consultation undertaken with Crown Lands and associated amendments to the draft LEP to remove areas proposed for rezoning as requested by Crown Lands.

Subject to the LEP being made by 2 September 2015 all requirements of the Gateway determination have been complied with.

3.0 COMMUNITY CONSULTATION

Details related to community consultation have already been documented elsewhere in this report and are referenced within the final planning proposal document.

No changes to the proposed LEP amendment were made in response to the exhibition period. However, changes were made to the draft LEP to address objections to proposed rezonings as raised by Crown Lands following the conclusion of the exhibition period.

4.0 VIEWS OF PUBLIC AUTHORITIES

The Gateway determination required consultation with the NSW Rural Fire Service and the Crown Lands Division of NSW Trade and Investment.

The NSW Rural Fire Service did not raise any objections to the proposal. The Crown Lands Division objected to a number of the proposed rezonings that related to Crown Land. These matters were removed from the planning proposal.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

This matter is addressed in the planning proposal. The proposed amendment is consistent with all relevant s117 directions or inconsistencies have been justified and agreed by the Department of Planning and Environment.

6.0 PARLIAMENTARY COUNSEL OPINION

PCO opinion was initially sought on 29 May 2015. A final opinion was received on 5 June 2015 which indicates that the attached draft LEP may be legally made.

7.0 OTHER RELEVANT MATTERS

There are no other matters of relevance to this amendment.

8.0 MAPPING

Replacement map sheets were forwarded to POCGIS as per the details contained within the attached Map Cover Sheet (MCS).

The map sheets referenced in the MCS and within the proposed amendment have been checked by POCGIS who have confirmed that they have been prepared in accordance with Standard Technical Requirements.

The map sheets the subject of the amendment are also referenced in the planning proposal.

9.0 RECOMMENDATION

Having regard to the attached PCO Opinion, the contents of the MCS and the maps which form a part of draft Ballina LEP Amendment No 22 it is now recommended that the delegate sign the LEP and the attached MCS (0250_COM_MCS_20150527).

A handwritten signature in dark ink, reading "Matthew Wood". The signature is written in a cursive, flowing style.

Matthew Wood
Manager Strategic Planning