

Ballina LEP 2012 – General Amendments (3)

Proposal Title : **Ballina LEP 2012 – General Amendments (3)**

Proposal Summary : The planning proposal seeks to make twelve (12) amendments to Ballina LEP 2012. The amendments relate to changes to the zoning and lot size maps to reflect cadastre boundaries including Local Government Area boundaries, amend zoning to reflect the dedication of an open space reserve, amend the lot size map on Blue Seas Parade to reflect the subdivision plan and limit further subdivision, amend the lot size map to apply a standard to Wollongbar Public School, amend the Strategic Urban Growth Map to correct a mapping error and include land identified as a growth area under the Ballina Shire Growth Management Strategy.

PP Number : **PP_2016_BALLI_001_00** Dop File No : **16/02805**

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
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes

Additional Information : It is recommended that;

1. The planning proposal should proceed as a minor planning proposal.
2. The planning proposal is to be completed within 9 months.
3. That a community consultation period of 14 days is necessary.
4. Prior to community consultation the planning proposal is to be amended to include draft Land Application and Minimum Lot Size Maps that identify all proposed changes.
5. That the RPA consult with the NSW Department of Primary Industries - Crown Lands in relation to the proposed amendments that affect land owned or managed by this authority prior to exhibition.
6. It is recommended that a delegate of the Secretary agree that the inconsistency of the proposal with S117 Directions 1.2, 1.5, 4.1 and 4.3 are justified in accordance with the provisions of the directions.
7. As required by S117 Direction 4.4, prior to public exhibition of the planning proposal consultation with the NSW Rural Fire Service is to be undertaken and the planning amended in accordance with any comments received.
8. The Council be advised that inconsistency with Direction 6.2 has not been justified at this stage as Crown Lands has not had the opportunity to comment on the proposal affecting its land. This matter will be reconsidered on receipt of advice by Council from this authority.
9. A written authorisation to exercise delegation not be issued to Ballina Shire Council.

Supporting Reasons : The reasons for the recommendation are as follows;

1. The proposed amendments will ensure an accurate and current LEP for Ballina which will provide confidence and clarity in the planning controls.
2. The inconsistencies of the proposal with the S117 Directions are of minor significance.

Panel Recommendation

Ballina LEP 2012 – General Amendments (3)

Recommendation Date :

Gateway Recommendation :

Panel Recommendation :

This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Acting Director Regions, Northern. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 25-Feb-2016

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 9 months

Gateway

Determination :

1. Prior to community consultation the planning proposal is to be amended to include draft Land Application Maps and Minimum Lot Size Maps that identify all proposed changes to the subject properties.

2. Community consultation is required under sections 56(2)(c) and 57 of the 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 and 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 and Infrastructure 2013)

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant s117 Directions:

(a) NSW Rural Fire Service; and

(b) Department of Primary Industries – Crown Lands.

Each public authority 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 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:

Craig Duss

Date:

25/2/16