

Ballina LEP 2012 - 111 Friday Hut Road Tintenbar - Rural subdivision

Proposal Title : **Ballina LEP 2012 - 111 Friday Hut Road Tintenbar - Rural subdivision**

Proposal Summary : **The planning proposal seeks to facilitate the subdivision of Lot 339, into two lots which reflects the separate uses undertaken on the land.**

PP Number : **PP_2017_BALLI_002_00** Dop File No : **16/15250**

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 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**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : **It is recommended that the planning proposal proceed subject to the following:**

- 1. Prior to community consultation:**
 - (a) the planning proposal be updated to clarify the objectives in relation to dot point (1) to remove reliance on existing use rights for the dwelling, and (3) that this mechanism is specific to this proposal and not a LGA wide amendment, and**
 - (b) Council consider a reduction in the area of land included with the residence to only that necessary to meet statutory criteria, e.g accommodation of a compliant waste water system and appropriate setbacks, to maximise the area of land being retained for primary production.**
- 2. 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. Department of Primary Industries – Agriculture**
 - b. NSW Rural Fire Service**
- 3. Community Consultation is required under sections 56(2)(c) and 57 of the Act as follows:**
 - a. The planning proposal must be made publicly available for a minimum of 28 days;**
 - 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 2016).**
 - c. 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).**

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

It is also recommended that:

4. The Secretary's delegate determine that the inconsistencies with s117 Directions 1.5 Rural Lands and 4.3 Flood Prone Land are justified as they are of minor significance.
5. The Secretary's delegate note the outstanding inconsistency of the proposal with s117 Direction 4.4 Planning for Bushfire Protection; and
6. A written authorisation to exercise delegation be issued to Ballina Shire Council.

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

1. The proposal will enhance the orderly and economic use and development of rural land for rural purposes.

Panel Recommendation

Recommendation Date : **23-Feb-2017**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This matter is considered to be of local planning significance and can be appropriately considered by the Director Regions, Northern**

Gateway Determination

Decision Date : **24-Feb-2017**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **28 Days**

LEP Timeframe : **9 months**

Gateway Determination : **1. Prior to community consultation:**

- (a) the planning proposal is to be updated to clarify the objectives in relation to existing use rights for the dwelling and that the proposal is not a LGA wide amendment; and
- (b) Council is to consider whether the primary production lot should be increased in size to include the greatest amount of regionally significant farmland as possible.

2. Community consultation is required under sections 56(2)(c) and 57 of the 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 2016).

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) Department of Primary Industries – Agriculture
- (b) NSW Rural Fire Service

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 Diss

Date:

24/2/17

