



Planning Proposal BSCPP 14/010

March 2015

General Amendments (2)

15/16383 Final - Council

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Planning Proposal – March 2015
General Amendments (2)

INTRODUCTION

Summary of Planning Proposal

This planning proposal contains a number of amendments to the *Ballina Local Environmental Plan 2012* (BLEP 2012) that have been identified following a review of the plan's function and content after 12 months of operation (following its commencement in February 2013).

A proposal detailing 32 separate amendments to the BLEP 2012 was submitted to the Council for consideration at its Ordinary Meeting on 23 October 2014. The Council resolved to proceed with 30 of the proposed amendments as detailed in this planning proposal. A copy of the report submitted to the Council and its resolution of 23 October 2014 is provided in Appendix A.

The Department of Planning and Environment issued a Gateway determination in respect of the proposal on 28 November 2014 authorising the proposal to proceed subject to conditions. A copy of the Gateway determination is provided in Appendix B.

The amendments in this planning proposal relate primarily to the efficient functioning of the plan and seek to ensure consistency across its provisions. The amendments are summarised in Table 1.

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	Apply RE1 zone
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	Adjust RE1 zone to include Ross Street lots
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	Apply RE2 zone (extend IN1 over road reserve)
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

9.3 Planning Proposal - Ballina LEP 2012, General Amendments (2).DOC

No.	Location	Affects	Details
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)
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
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

PART 1 – OBJECTIVES & INTENDED OUTCOMES

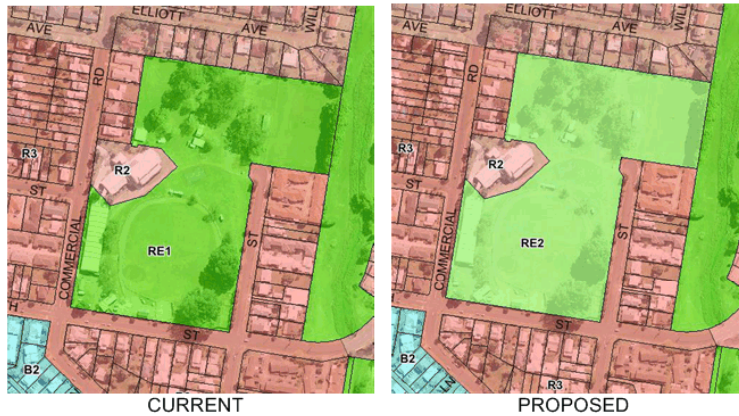
The objective of this planning proposal is to implement amendments to improve the function, content and consistency of the *Ballina Local Environmental Plan 2012* (BLEP 2012). The amendments seek to ensure the BLEP 2012 functions efficiently and that its provisions are up-to-date and reflect the community's expectations.

PART 2 – EXPLANATION OF THE PROPOSAL

The amendments contained in this planning proposal are detailed as itemised below.

1. Alstonville Showground

The land containing the Alstonville Showground (Lot 2 DP 1031929) located at 22-40 Commercial Road, Alstonville is currently zoned RE1 Public Recreation. The land does not comprise public open space and is owned and managed by a private organisation. In this regard, it is considered zone RE2 Private Recreation is more appropriate for this site. It is further considered that the regulatory impacts of this change are minimal with the zone change providing additional permitted uses for the site and aligning the zone objectives more towards the actual use of the land. In conjunction with the above zone change, it is proposed to apply a minimum lot size restriction of 40 hectares to the land to regulate its subdivision potential.



2. Ballina High School

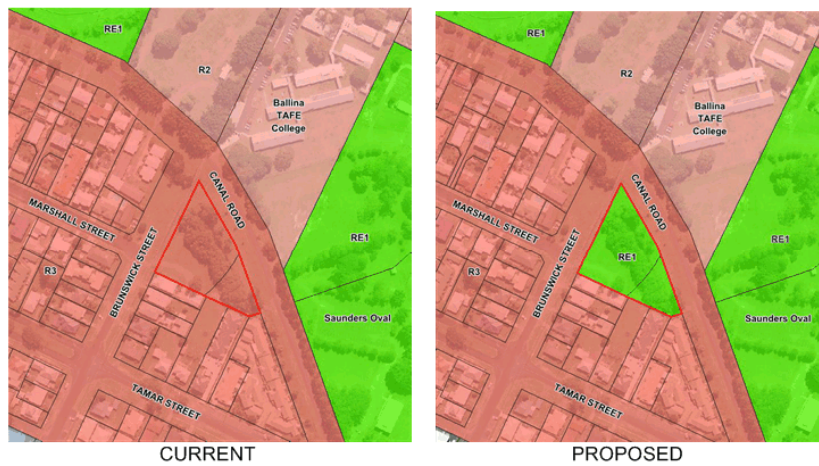
This amendment was excluded from proposal per Council resolution on 23 October 2014.

3. Brunswick Street Reserve, Ballina

This site contains two parcels of Crown land that function as public open space. The land is described as follows:

Description	Crown Reserve	Reserve Type	Status
Lot 489 DP 729290	R59029	Public Recreation	Devolved to Council
Lot 490 DP 729290	Part R755684	Future Public Requirements	Unassigned

Because the land comprises public land that functions as open space, it is considered appropriate to apply the RE1 Public Recreation zone to the site and remove existing minimum lot size provisions (consistent with the approach to lot size standards for RE1 zoned land).



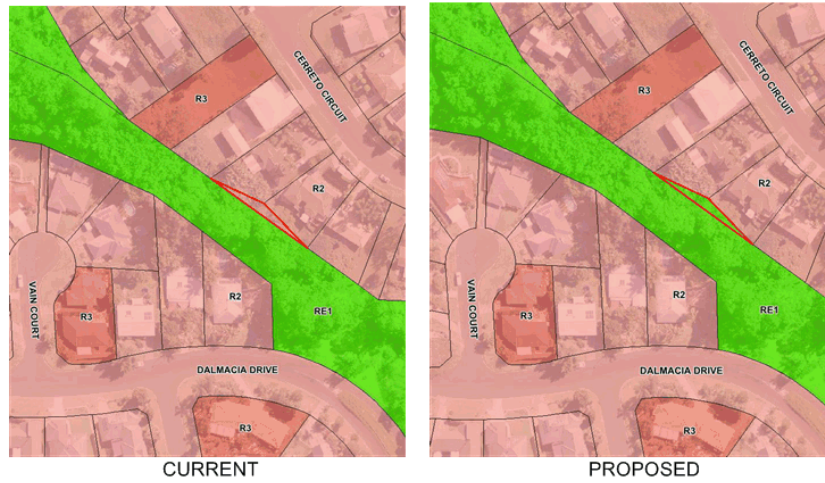
4. Coastal Grove Reserve, Lennox Head

The current boundaries between the RE1 Public Recreation and R2 Low Density Residential zone in the vicinity of the public reserve in the Coastal Grove Estate do not align with the cadastre. It is proposed to adjust the zone boundaries and associated minimum lot size provisions to ensure the entire area of public reserve in Council ownership is within the RE1 Public Recreation zone consistent with the approach taken for other public reserves. This change will reflect the extent of land dedicated to Council for open space post completion of the zone mapping for the BLEP 2012.



5. Dalmacia Drive Bushland, Wollongbar

A small parcel of land in Council ownership (Lot 126 DP 814523) is included in the R2 Low Density Residential zone. This parcel is contiguous with a larger public reserve parcel in Council's ownership. It is proposed to include Lot 126 in the RE1 Public Recreation zone and remove the minimum lot size provisions consistent with the adjoining public reserve.



6. Lake Ainsworth Caravan Park, Lennox Head

Two lots (Lots 1 & 2 DP 517499) formerly owned by Council have been recently integrated with the surrounding Crown reserve and are now occupied by the NSW Crown Holiday Parks Trust as part of the Lake Ainsworth Caravan Park. Consistent with the rest of the caravan park zoning, it is proposed to amend the zoning of these lots from R3 Medium Density Residential to RE1 Public Recreation and remove the existing minimum lot size provisions (also consistent with the standards applying to the adjoining open space zoned area).



7. Latta Avenue Waterfront, Ballina

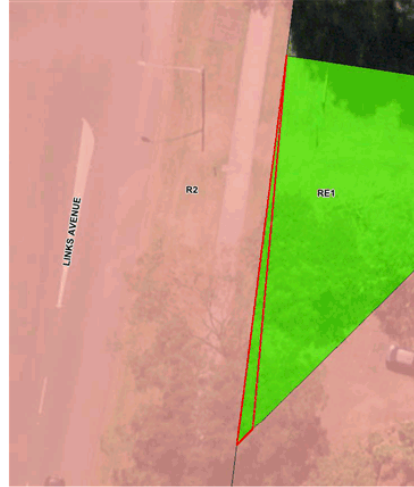
This amendment was excluded from proposal per Council resolution on 23 October 2014.

8. Links Avenue Reserve, East Ballina

This amendment corrects an anomaly in the zoning boundary between the RE1 Public Recreation zone and the R2 Low Density Residential zone. It is proposed to adjust the RE1 boundary and associated minimum lot size provisions to ensure the entire Council owned public reserve is within that zone.



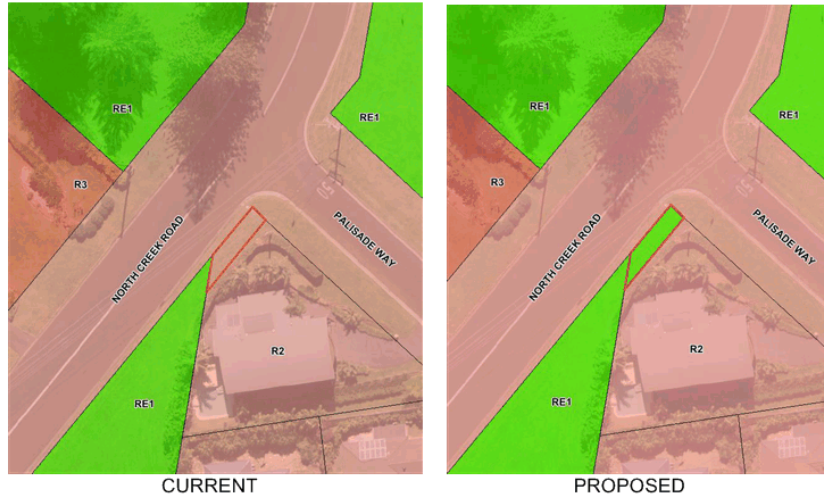
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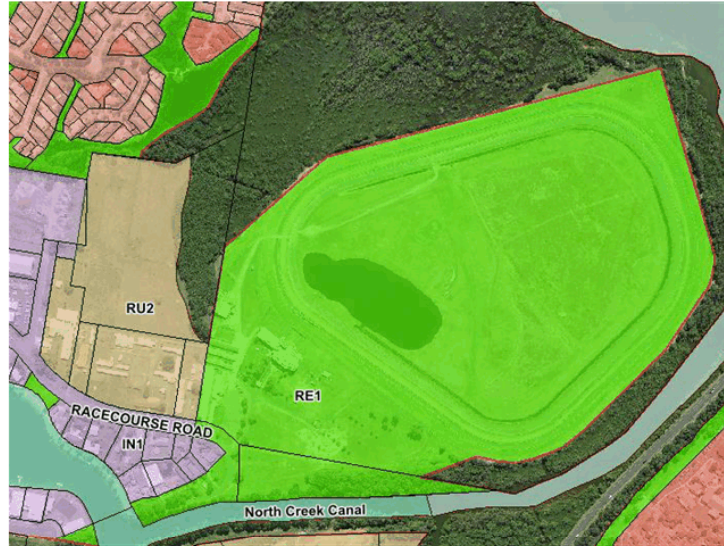
9. Palisade Way Buffer, Lennox Head

It is proposed to change the zoning of this small parcel of Council owned public reserve from the R2 Low Density Residential zone to the RE1 Public Recreation zone and remove existing minimum lot size provisions consistent with the surrounding public reserve.



10. Ballina Racecourse

The Ballina Racecourse and adjoining land and road reserve is currently zoned RE1 Public Recreation. It is proposed to zone the racecourse site RE2 Private Recreation to better reflect the actual use of the land with the adjoining road reserve zoned IN1 General Industrial consistent with the adjoining land to better recognise the existing and expected future land uses for this site. Associated with the above change, it is proposed to apply a minimum lot size of 40 hectares to the racecourse site and extend the 1000m² minimum lot size to the adjusted IN1 General Industrial zone.



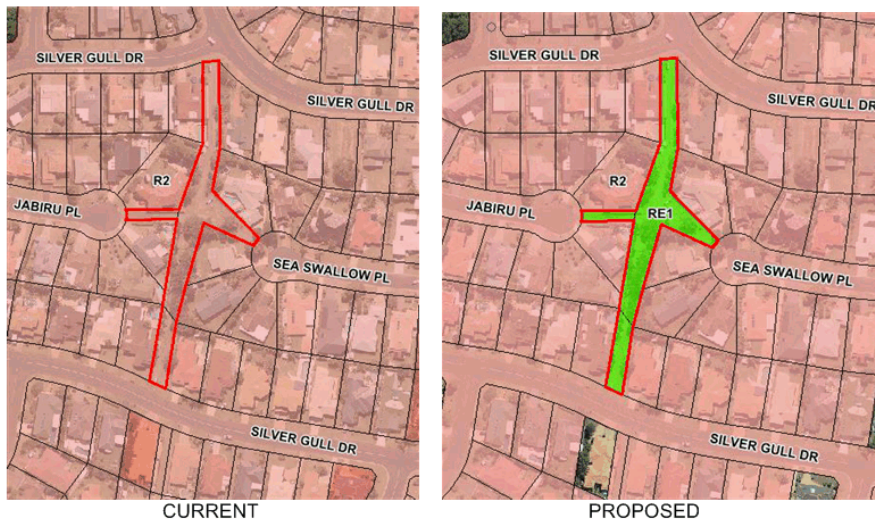
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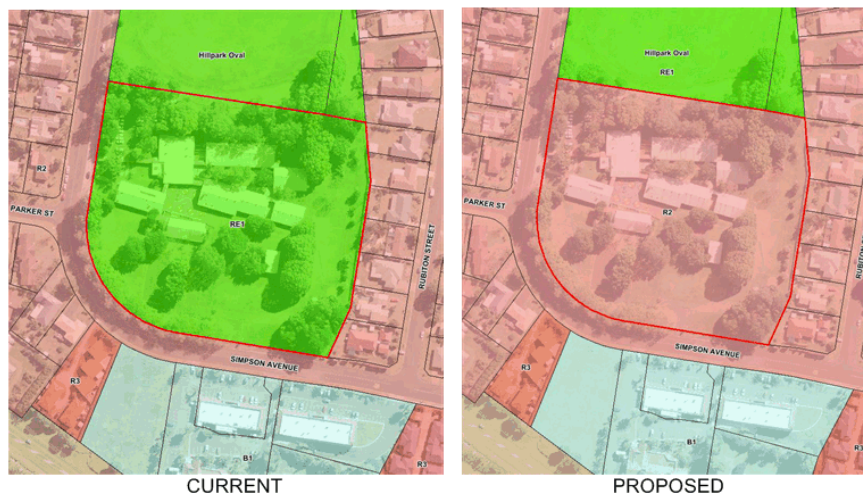
11. Jabiru Park, East Ballina

This area of public reserve is currently zoned R2 Low Density Residential. It is considered more appropriate to zone this reserve RE1 Public Recreation and remove existing minimum lot size provisions consistent with the approach taken elsewhere in the Shire.



12. Wollongbar Public School

The Wollongbar Public School site is currently zoned RE1 Public Recreation. The site does not comprise a public reserve with public access restricted. It is proposed to change the zoning of the site to R2 Low Density Residential and apply a minimum lot size of 600m². This is consistent with the direction given by the (then) Department of Planning in relation to zoning schools in accordance with surrounding zones. It is also consistent with the approach taken to zoning of other schools in the Shire.



13. Spring Creek Place, Wollongbar

This recently completed residential subdivision contains three designated dual occupancy lots zoned R3 Medium Density Residential. Because the zone boundaries were gazetted prior to the cadastral boundaries, there are minor misalignments between the zone and cadastral boundaries. It is proposed to adjust the land use zoning and associated minimum lot size provisions to correctly align with the recently gazetted cadastral boundaries. Due to the minor nature of this adjustment, no imagery is provided.

14. Heritage Items (Various)

The BLEP 2012 schedule of heritage items has been reviewed with a number of discrepancies and improvements identified (many in relation to the inclusion of 'section' in property descriptions). It is proposed to adjust this information based on the data in the table below.

Item No.	Description	Proposed Change
I9	RSL Sub Branch Hall, Alstonville	Correct Lot/DP to Lot 2, Section 1, DP 1315
I13	Saw Miller's Cottage, 3 Green St, Alstonville	Correct Lot/DP to Lot 8, Section 2, DP 1315
I25	St Bartholomew's Anglican Manse, Alstonville	Correct Lot/DP to Lots 39, 40 and 41, Section 1, DP 4536
I31	Former Ballina Council Chambers	Correct mapping to reflect cadastral boundaries, remove adjoining lot
I37	Ballina Public School (1913 building)	Correct Lot/DP to Lots 5 and 6, Section 12, DP 758047
I40	Anglican Church Palms, Ballina	Correct Lot/DP to Lot 2, Section 29, DP 758047
I50	Federation house, 54 Swift St, Ballina	Correct Lot/DP to Lot 7, Section 17, DP 758047
I51	Cabbage Tree Island	Correct reference to include entire island – Lot 94, part Lot 258, Lot 260, Lot 261, DP 755691
I52	Fenwick House, East Ballina	Correct property reference – Lots 1-2, SP 45324
I53	Monument to HMAS Lismore, East Ballina	Update map to reference correct site, correct property reference to Lot 527, DP 729677
I54	Shaws Bay ship wreck sites, East Ballina	Update Lot/DP to Lots 4-6, DP 1197191
I55	Ballina lighthouse	Correct Lot/DP to Lot 5, Section 78, DP 758047
I60	East Ballina Cemetery	Adjust boundary and add central road reserve to site area. Change mapping and property reference to "Part of Lots 467 and 468, DP 729067 and intermediate road reserve"
I73	Henderson Family Graves, Meerschaum Vale	Correct Lot/DP to Lot 4, DP 253873
I84	Tintenbar Cemetery	Correct Lot/DP to Lot 1, DP 123581; Lot 1, DP 123582; Lot 480, DP 728690; Lots 7313 and 7314, DP 1165924
I91	Catholic church precinct, Wardell	Correct Lot/DP to Lot 8, Section 5, DP 759050; Lots 10 and 14, DP 217966
I92	Royal Hotel, Wardell	Correct Lot/DP to Lot 1, Section 2, DP 759050

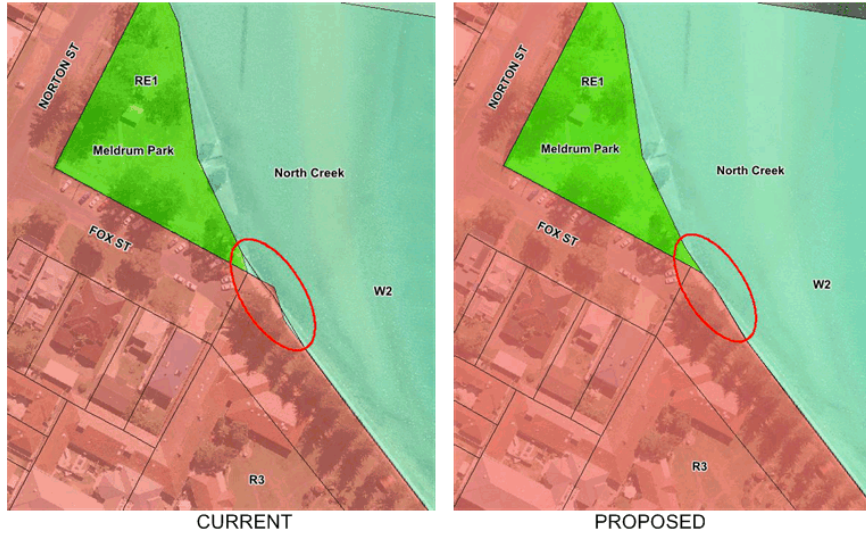
15. Treelands Reserve, Ballina

This amendment corrects an anomaly in the zoning boundary between the B3 Commercial Core zone and the RE1 Public Recreation zone. It is proposed to adjust the RE1 zone boundary and associated minimum lot size provisions to ensure the entire Council owned public reserve (Treelands Reserve) is within that zone.



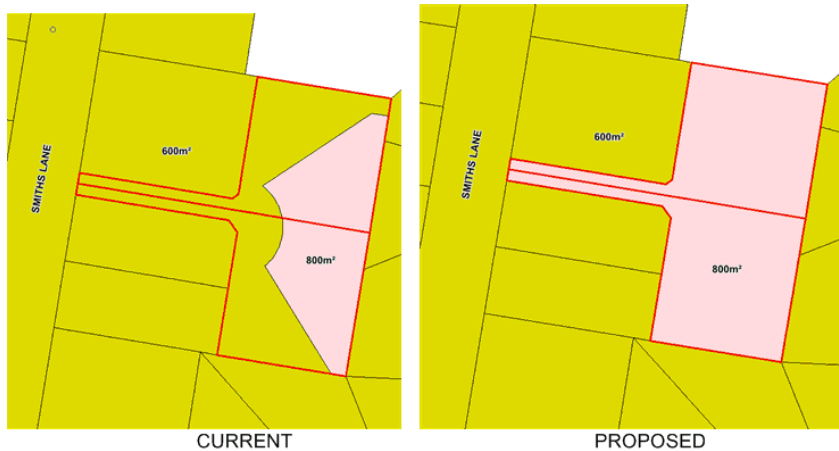
16. Meldrum Park & North Creek Foreshore, Ballina

A minor zoning discrepancy has been identified at the edge of Meldrum Park and on the North Creek foreshore. It is proposed to correct the zone boundaries (and associated minimum lot size provisions) to align with the cadastre.



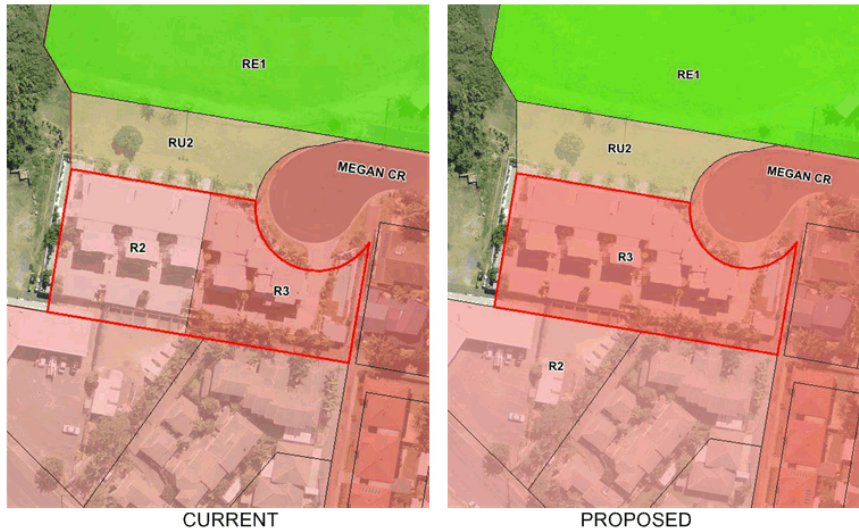
17. 30A & 30B Smiths Lane, Wollongbar

An anomaly in the boundaries for the minimum lot size areas has been identified for the subject lots. It is proposed to adjust the 800m² minimum lot size area to cover 30A and 30B Smiths Lane in their entirety in accordance with the zoning of the subject lots.



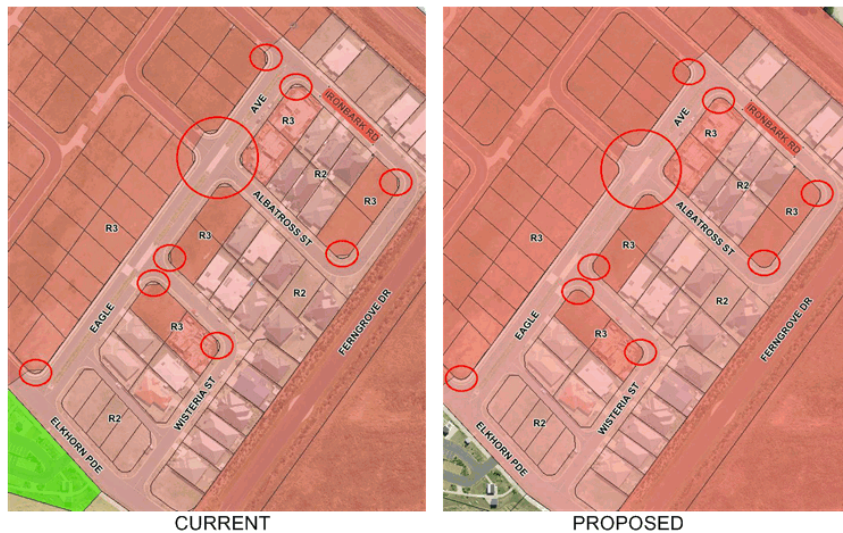
18. 19 Megan Crescent, Lennox Head

A zoning discrepancy has been identified for this land with the site split between two zones. It is proposed to correct this to include the entire site within the R3 Medium Density Residential zone and adjust the associated minimum lot size provisions. This also reflects the approved residential land use on the site.



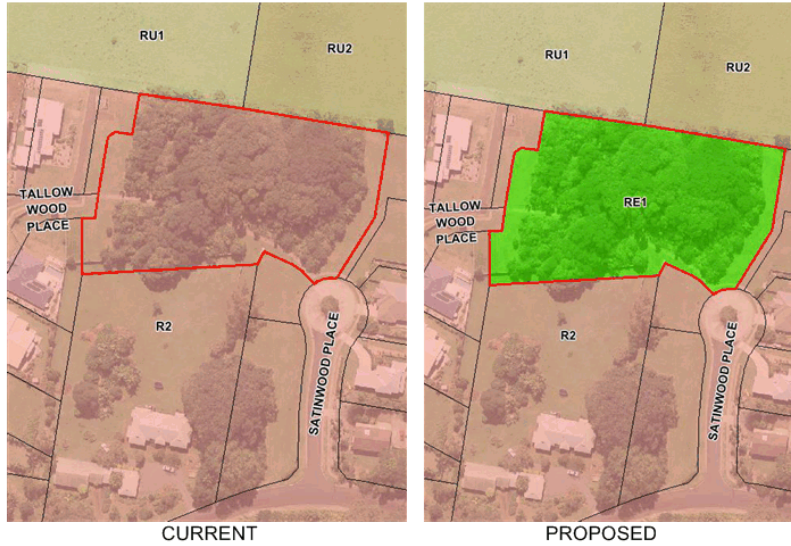
19. Ferngrove Estate, Ballina

A number of minor anomalies have been identified between cadastral and zoning boundaries in the Ferngrove Estate. It is proposed to rectify these as part of this amendment. This has arisen due to updates to the cadastral boundaries.



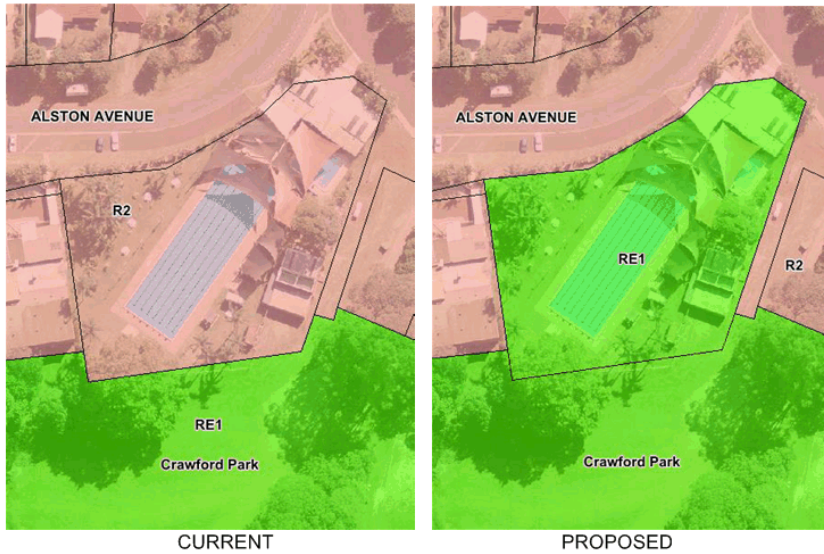
20. Tallow Wood Place Bushland, Lennox Head

This area of public reserve (Lot 105) within the Greenwood Grove Estate was dedicated to Council in 2013. It is proposed to amend the zoning of this land to RE1 Public Recreation remove the minimum lot size provision to reflect its public reserve status.



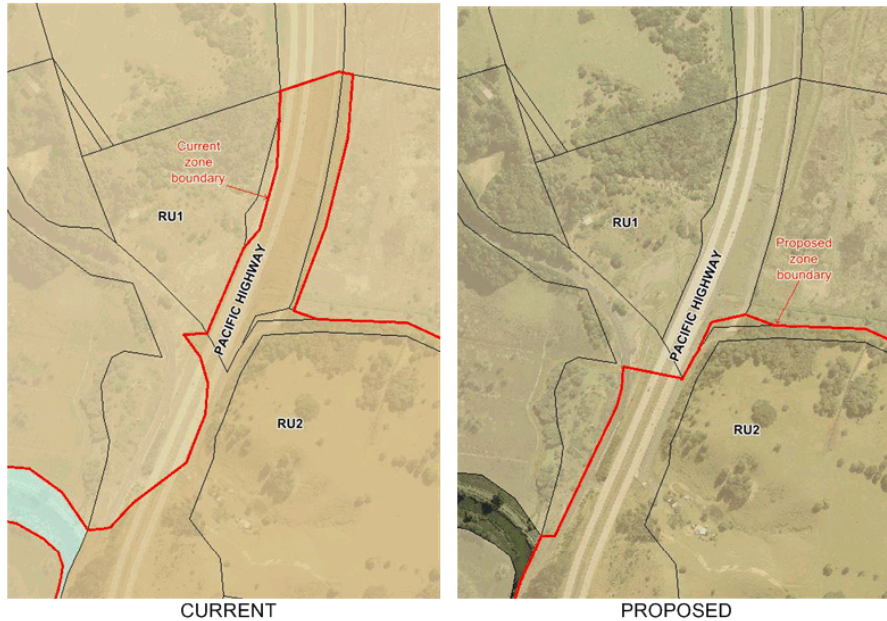
21. Alstonville Swimming Pool

It is proposed to change the zoning of the Alstonville Swimming Pool site from R2 Low Density Residential to RE1 Public Recreation to reflect the nature of the use of the site. This approach is consistent with that taken for other similar community facilities in the Shire.



22. Pacific Highway, Tintenbar

An unintended discrepancy in the boundary between the RU1 Primary Production and RU2 Rural Landscape zones has been identified in Tintenbar near the Sandy Flat Road underpass of the Pacific Highway. This relates to a realignment of cadastral boundaries as a result of the completion of the highway upgrade. It is proposed to amend the zone boundary to reflect a clearer, more logical alignment in this vicinity.



23. Stewart Farm, Skennars Head

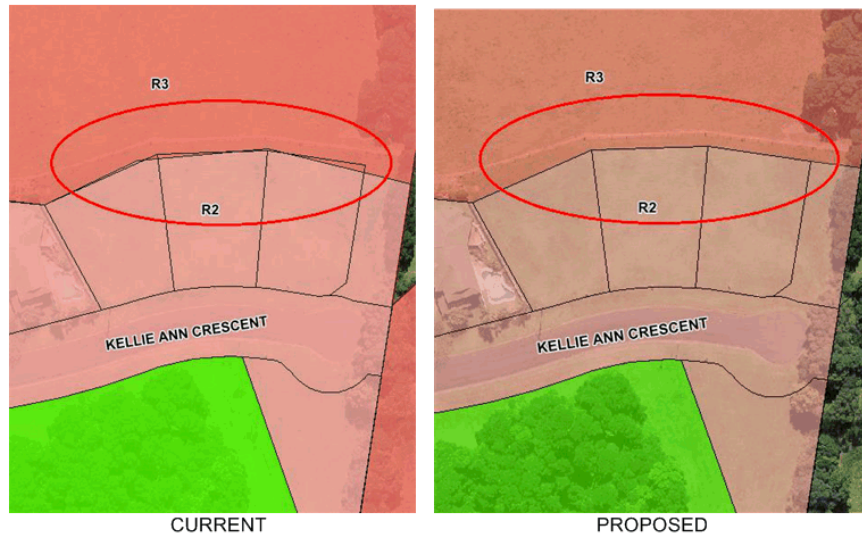
Following the recent gazettal of the Stewart Farm urban zoning, it is proposed to modify and remove the identification of the land and its immediate surrounds as a strategic urban growth area from the Strategic Urban Growth Area Map in this locality. Now that the future urban footprint for this area has been finalised and zoned for urban purposes, the identification of the land and its surrounds as a potential growth area is no longer necessary.

24. Lot 10 DP 654898, Pacific Highway, East Wardell

Following a request from the landowner, it is proposed to identify this land as having a dwelling entitlement on the Dwelling Opportunity Reinstatement Map. This is consistent with Council's policy position on the retention of dwelling entitlements previously recognised by Council.

25. Kellie Ann Crescent, Lennox Head

Recently gazetted cadastral boundaries in this vicinity have resulted in a discrepancy with the zone boundaries. It is proposed to adjust the zone boundaries and associated minimum lot size provisions to align with the cadastral boundaries.

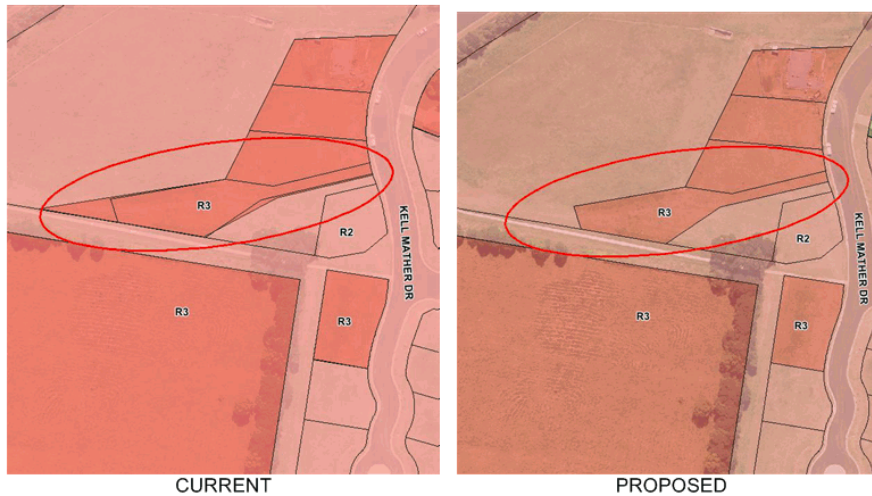


26. Old Ballina Council Chambers

Following the preparation of the BLEP 2012, the site containing the Old Ballina Council Chambers has been subdivided with the section containing the adjoining old library building now on a separate lot. To ensure Schedule 5 and the Heritage Map accurately identify heritage items, it is proposed to adjust the Heritage Map to remove reference to the adjoining lot and correct the property description for the site in Schedule 5.

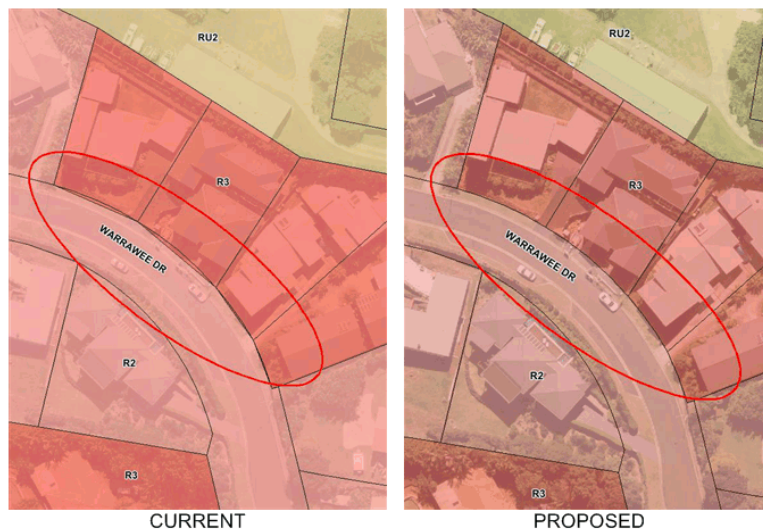
27. Meadows Estate, Lennox Head

A discrepancy between the cadastral boundaries, zone boundaries and minimum lot size area boundaries has been identified in relation to several lots in the Meadows Estate. It is proposed to adjust the zone boundaries and associated minimum lot size provisions to align with the cadastral boundaries. This has arisen due to updates to the cadastre upon registration of new land parcels.



28. Warrawee Drive, Lennox Head

A discrepancy between the cadastral boundaries, zone boundaries and minimum lot size area boundaries has been identified in relation to several lots in Warrawee Drive. It is proposed to adjust the zone boundaries and associated minimum lot size provisions to align with the cadastral boundaries.



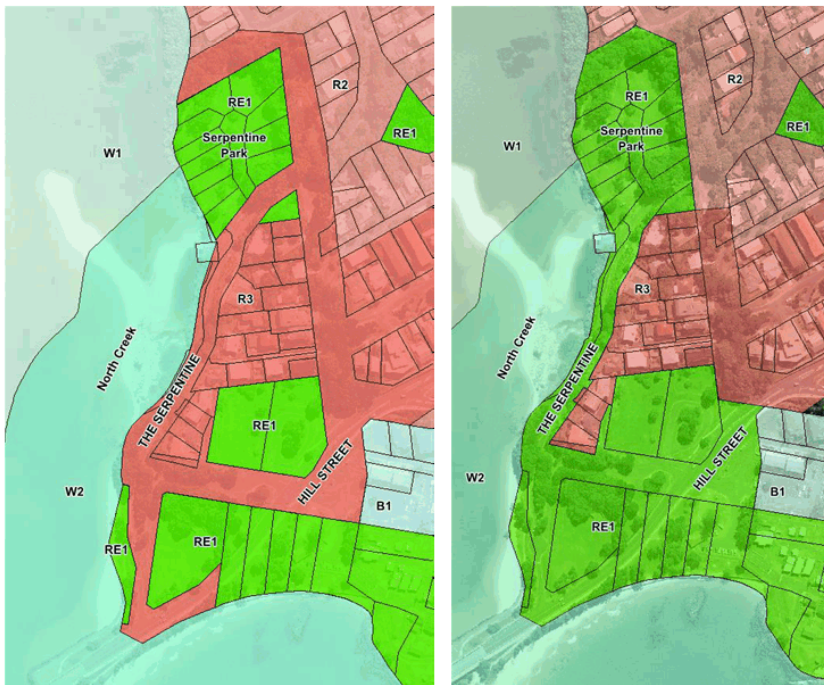
29. Kingsford Smith Park & The Serpentine Areas, Ballina

The review has identified roads dissecting open space areas that have been zoned R3 Medium Density Residential. It is considered more appropriate to zone roads the same as surrounding land. It is proposed to remove the R3 zone from roads in the Kingsford Smith Park and Serpentine areas and align the zoning to match existing and desired future land uses of the surrounding areas. In association with the adjusted zone boundaries above, it is also proposed to adjust the minimum lot size provisions to reflect the standard applied for similar sites in the BLEP 2012.



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30. Drinking Water Catchments (Clause 7.4)

Feedback has been received from Rous Water, the regional county council bulk water supply authority in relation to the provisions of clause 7.4. This clause currently includes a requirement for development on land within a drinking water catchment that a consent authority must consider comments provided by a "water supply authority". The clause includes the definition of "water supply authority" from the Water Management Act 2000. The definition of "water supply authority" as detailed above excludes reference to county council entities supplying bulk water such as Rous Water.

An alternative to the above is to change the reference from "water supply authority" as defined under the Water Management Act 2000 to "supplier of drinking water" as defined in the Public Health Act 2010. This definition includes entities such as Rous Water through reference to "a local council or county council exercising water supply functions".

Based on the above, it is proposed to amend clause 7.4 of the BLEP 2012 by changing the reference in subclause (3)(d) from "water supply authority" to "supplier of drinking water" and to change subclause (5) to reference "supplier of drinking water has the same meaning as it has in the *Public Health Act 2010*. This is consistent with the original intent of the provision (i.e. to seek feedback from Rous Water on certain types of development proposals in drinking water catchment areas).

31. Land Use Table – IN1 General Industrial Zone

The range of permissible land uses in the IN1 General Industrial Zone has been raised for review in relation to permissibility of "agricultural produce industries". The BLEP 2012 defines "agricultural produce industry" as:

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Under the current BLEP 2012 provisions, land uses falling under this definition are prohibited in the IN1 General Industrial zone. Historically, land uses falling under this definition, such as cheese and butter factories or macadamia nut processing facilities, have been considered appropriate and permitted land uses in industrial zones. Consistent with the historic permissibility, it is proposed to enable these land uses in the IN1 General Industrial zone by amending the zoning table to provide "agricultural produce industries" as a permissible land use in the zone. This provides an alternative location for such uses outside rural zoned land parcels.

32. Lot 67 DP 755688, 1010 Pimlico Road, Wardell

Following a request from the landowner, it is proposed to identify this land as having a dwelling entitlement on the Dwelling Opportunity Reinstatement Map. This is consistent with Council's policy position on the retention of dwelling entitlements previously recognised by Council.

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of a strategic study or report. The proposed amendments result from a review of the function and operation of the BLEP 2012 12 months after its commencement and generally comprise housekeeping actions and rectifications of identified anomalies.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed amendments are considered the best way to achieve the updates and adjustments identified.

Section B - Relationship to the Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

In general, the proposed amendments are consistent with the Far North Coast Regional Strategy (FNCRS), which provides the regional framework for the consideration of policy development and the overall vision of the future. The elements of this proposal are not in conflict with the outcomes or actions of the strategy.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

The proposal is consistent with the principles of Council's Community Strategic Plan and other local strategies in that it seeks to enhance the function, content and consistency of the BLEP 2012. The amendments contained in the proposal will achieve a more functional local environmental plan that will better serve the community's needs.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is generally consistent with applicable State Environmental Planning Policies (SEPP).

6. Is the planning proposal consistent with the applicable Ministerial Directions (S. 117 directions)?

The proposal is consistent with the relevant Section 117 Directions. A Section 117 Direction checklist for the planning proposal is contained in Appendix C.

Section C - Environmental, Social and Economic Impact

7. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?**

The amendments contained in this proposal are not expected to impact on critical habitats, threatened species, populations or ecological communities or their habitats.

8. **Are there any other likely environmental effects as a result of the planning proposals and how are they proposed to be managed?**

No significant adverse environmental impacts are likely to arise as a result of the planning proposal.

9. **How has the planning proposal adequately addressed any social and economic effects?**

As a consequence of its relatively minor nature, no broad positive or negative social or economic impacts are likely to arise as a result of the planning proposal.

Section D - State and Commonwealth interests.

10. **Is there adequate public infrastructure for the planning proposal?**

The planning proposal does not create the need for any additional public infrastructure.

11. **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation is being undertaken with the NSW Rural Fire Service as required by the Gateway determination prior to the public exhibition of the LEP amendment. As part of the public exhibition process, the proposal will be referred to the Crown Lands Division of NSW Trade and Investment in relation to the proposed rezoning of Crown reserves.

PART 4 – MAPPING

The amendments included in this planning proposal will necessitate updates to the following BLEP 2012 maps:

- Dwelling Opportunity Reinstatement Map (DWE_003, DWE_003A)
- Heritage Map (HER_006C)
- Lot Size Map (LSZ_001B, LSZ_002A, LSZ_005C, LSZ_005D, LSZ_006C)
- Land Zoning Map (LZN_001B, LZN_002A, LZN_005B, LZN_005C, LZN_005D, LZN_006C)
- Strategic Urban Growth Area Map (SGA_005D, SGA_006C)

Copies of the full draft amended map tiles referenced above maps are included in Appendix D.

PART 5 – COMMUNITY CONSULTATION

This proposal has been exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. The proposal was placed on public exhibition from 11 February to 13 March 2015. No submissions were received.

In accordance with the Gateway determination the NSW Rural Fire Service was consulted in relation to the proposal prior to public exhibition. The Rural Fire Service has raised no objection to the proposal. A copy of the Rural Fire Service response is included in Appendix E. Details of the proposal were also forwarded to the Crown Lands Division of NSW Trade and Investment on 11 February 2015 in accordance with the Gateway determination requirements. At the time of finalisation, no response had been received from the Crown Lands Division.

PART 6 – TIMELINE

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion (Before)
Gateway Determination	November 2014
Government Agency Consultation	January 2015
Public Exhibition Period	February 2015
Public Hearing	N/A
Submissions Assessment	March 2015
RPA Assessment of Planning Proposal and Exhibition Outcomes	March 2015
Submission of Endorsed LEP to DP&I for Finalisation	April 2015
RPA Decision to Make the LEP Amendment (if delegated)	April 2015
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	April 2015

APPENDICES

Appendix A – Council report and resolution

9.2 Ballina Local Environmental Plan 2012 - 12 Month Review

9.2 Ballina Local Environmental Plan 2012 - 12 Month Review

Delivery Program Strategic Planning

Objective To inform the Council of the outcomes of the 12 month review of the operation of the Ballina Local Environmental Plan 2012 and seek direction with respect to the progress of a planning proposal to facilitate a number of identified 'housekeeping' amendments to the Plan.

Background

The *Ballina Local Environmental Plan 2012* (BLEP 2012) was formulated by Council in response to the NSW State Government's Standard Instrument Local Environmental Plan program. Council resolved to endorse its new comprehensive LEP in December 2011 and, following processing by the Department of Planning and Environment, the plan came into effect in February 2013.

Following 12 months of operation of the plan, the Strategic and Community Facilities Group has undertaken a general review of the plan to examine its overall operation and identify any areas where adjustments might be made to improve its function and content.

This commitment was made to the Council at the time the plan was introduced.

The review has been undertaken as it is considered to be good practice to routinely consider the operation of planning instruments, including specific examination of the initial period of plan implementation.

In general, it is apparent that the plan and its provisions are functioning well. There have been a number of transitional issues including matters associated with the standardising of land use definitions, interpretation of new provisions, changes in the location of provisions between the LEP and DCP and the deferral of environmental protection zones by the State Government. However, as a generalization, Council's operations and industry appear to have adjusted well to the implementation of the new plan.

The review has, however, identified 32 recommended amendments to the plan, details of which are further discussed in this report and are detailed in the planning proposal included in Attachment One.

As outlined below, these amendments are typically housekeeping in nature, with more significant amendments and rezonings subjects to stand alone amendment processes.

Key Issues

- The function and operation of the BLEP 2012.
- Minor adjustments to the content of the BLEP 2012.

9.2 **Ballina Local Environmental Plan 2012 - 12 Month Review**

Information

In addition to considering the overall operation of the BLEP 2012 since its introduction, the review of the BLEP 2012 has been undertaken having particular regard for:

- Ensuring consistency of zoning and associated planning provisions with actual land and/or desired land uses,
- Aligning of zone boundaries with cadastre wherever possible,
- Assessment and review of identified minor discrepancies, and
- General housekeeping to maximise the function of the plan.

Having regard for the above, the review has identified a total of 32 items that are recommended for adjustment as detailed in the table below. Further details in relation to the amendments, including changes associated with the primary amendment, are contained in the planning proposal in Attachment One.

Item	Location/ Matter	Details
1	Alstonville Showground	The showground site is currently zoned RE1 Public Recreation. It is proposed to change the zoning of the showground site to RE2 Private Recreation to better reflect the ownership of the land (i.e. Alstonville Agricultural Society Inc) and the associated private recreational land use aspects of the site.
2	Ballina High School	Part of the Ballina High School site is zoned RE1 Public Recreation (the former Clement Park component of the school playground). Because this site is the property of the Department of Education and the land is no longer fully publicly accessible, it is proposed to zone the entire school site as R3 Medium Density Residential. This is consistent with the direction in the Department of Planning's zoning guidelines which recommend zoning school sites consistent with surrounding land uses. This approach has been applied to all other school sites in the Shire.
3	Brunswick Street Reserve, Ballina	This small public reserve area near the corner of Brunswick Street and Canal Road is currently zoned R3 Medium Density Residential. It is proposed to zone this reserve as RE1 Public Recreation to reflect its use as a public reserve.
4	Coastal Grove Area, Lennox Head	It is proposed to apply the RE1 Public Recreation zone to the entire area of the public reserve now dedicated to Council as part of the Coastal Grove Development. Currently this reserve is zoned part RE1 Public Recreation and part R2 Low Density Residential.

9.2 **Ballina Local Environmental Plan 2012 - 12 Month Review**

Item	Location/ Matter	Details
5	Dalmacia Drive Bushland, Wollongbar	A small sliver of Council-owned land is within the R2 Low Density zone. It is proposed to realign the boundaries of the RE1 Public Recreation zone for this bushland reserve to include all land in Council's ownership.
6	Lake Ainsworth Caravan Park	The two Ross Street lots originally in Council's ownership were zoned R3 Medium Density Residential upon gazettal of the BLEP 2012. Since gazettal, these lots have been sold and absorbed into the Crown reserve occupied by the Lake Ainsworth Caravan Park. It is proposed to remove these lots from the R3 zone and apply the RE1 Public Recreation zone consistent with the rest of the caravan park site.
7	Latta Avenue Waterfront	A small strip of Crown land zoned RE1 Public Recreation exists along the water frontage of three Latta Avenue properties. The land is inaccessible to the public and does not function as public open space. It is therefore proposed to remove the RE1 zone and apply the R3 Medium Density Residential zone to the land.
8	Links Avenue Reserve, East Ballina	A small discrepancy has been identified with the zone boundary between the R2 Low Density Residential and RE1 Public Recreation zones on the edge of this reserve. It is proposed to adjust the boundary to ensure the entire reserve is within the RE1 Public Recreation zone.
9	Palisade Way Buffer, Lennox Head	A small section of public reserve in this buffer has been zoned R2 Low Density Residential. It is proposed to remove this zone and place the entire buffer/reserve within the RE1 Public Recreation zone.
10	Ballina Racecourse	It is proposed to change the zone of this site from RE1 Public Recreation to RE2 Private Recreation given the nature of the uses of the site. Adjustments to the surrounding road reserve are also proposed to apply an IN1 General Industrial zone consistent with the adjoining land zoning.
11	Jabiru Park, East Ballina	Consistent with the approach to other public reserves, it is proposed to zone this park RE1 Public Recreation (changing from the current R2 Low Density Residential zone).

9.2 **Ballina Local Environmental Plan 2012 - 12 Month Review**

Item	Location/ Matter	Details
12	Wollongbar Public School	The Wollongbar Public School site is currently zoned RE1 Public Recreation. It is proposed to change the zoning of the site to R2 Low Density Residential. The school site does not function as public open space. Applying the R2 Low Density Residential zone is consistent with the direction in the Department of Planning's zoning guidelines which recommend zoning school sites consistent with surrounding land uses. This approach has been applied to all other school sites in the Shire.
13	Spring Creek Place subdivision, Wollongbar	It is proposed to adjust the land zoning and minimum lot size provisions to better align with the recently gazetted cadastral boundaries in this subdivision. This is a housekeeping amendment and does not materially affect the application of the BLEP 2012 provisions to the land.
14	Schedule of heritage items	The schedule of heritage items has been reviewed and a number of adjustments to improve site descriptions have been identified. No items are proposed to be added or removed to the schedule.
15	Treelands Reserve, Ballina	It is proposed to align the zone boundaries with the cadastral boundaries in this locality.
16	Meldrum Park, Ballina	Anomalies with the zoning boundaries have been identified along the North Creek foreshore in the vicinity of Meldrum Park. It is proposed to align the zone boundaries with the cadastral boundaries in this locality.
17	30A & 30B Smiths Lane, Wollongbar	A discrepancy with the boundaries of the minimum lot size areas has been identified on these sites. It is proposed to realign the minimum lot size areas to match the cadastral and zoning boundaries on these sites.
18	19 Megan Crescent, Lennox Head	It is proposed to adjust the BLEP 2012 provisions to ensure the entire site is within the R3 Medium Density Residential zone with an 800m ² minimum lot size.
19	Femgrove Estate, Ballina	It is proposed to adjust the zone boundaries to align with the cadastral boundaries in this locality. This is a housekeeping amendment and does not materially affect the application of the BLEP 2012 provisions to the land.
20	Tallow Wood Place Bushland, Lennox Head	It is proposed to apply the RE1 Public Recreation zone to this recently gazetted public reserve.
21	Alstonville Swimming Pool	This site is currently zoned R3 Medium Density Residential. It is proposed to change the zoning of this site to RE1 Public Recreation to better reflect its current and ongoing land use.

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9.2 Ballina Local Environmental Plan 2012 - 12 Month Review

Item	Location/ Matter	Details
22	Pacific Highway, Tintenbar	The finalisation of the upgraded highway alignment has resulted in a discrepancy in the zone boundaries in this locality. It is proposed to make a small adjustment to the boundary between the RU1 Primary Production and RU2 Rural Landscape zones in this locality matching them to the alignment of the Pacific Highway.
23	Stewart Farm area, Skennars Head	Following the recent urban zoning of part of this site, it is now proposed to remove reference to this site and the immediately surrounding land as a strategic urban growth area from the Strategic Urban Growth Area map.
24	Dwelling entitlement reinstatement, East Wardell	Following a request from the landowner, it is proposed to identify the land at Lot 10 DP 654898, Pacific Highway, East Wardell on the dwelling opportunity reinstatement map. This is consistent with Council's criteria for the provision of dwelling entitlements where such entitlements were impacted by a previous amendment to the Ballina LEP 1987.
25	Kellie Ann Crescent area, Lennox Head	It is proposed to realign the zone boundaries to match recently gazetted cadastral boundaries in this locality. This is a housekeeping amendment and does not materially affect the application of the BLEP 2012 provisions to the land.
26	Old Ballina Council Chambers	It is proposed to adjust the details on the Heritage Map to reference the Old Council Chambers site only and not the adjoining Old Library Building.
27	Meadows Estate, Lennox Head	It is proposed to adjust the zone boundaries to align with recently adjusted cadastral boundaries in this locality. This is a housekeeping amendment and does not materially affect the application of the BLEP 2012 provisions to the land.
28	Warrawee Drive, Lennox Head	It is proposed to adjust the zone boundaries to align with the cadastral boundaries in this locality. This is a housekeeping amendment and does not materially affect the application of the BLEP 2012 provisions to the land.
29	Kingsford Smith Park and Serpentine Area, Ballina	It is proposed to rationalise the zone boundaries in this area to best reflect the uses of the surrounding land. The proposal involves the removal of the residential zoning over roads running through Kingsford Smith Park and The Serpentine area.

9.2 **Ballina Local Environmental Plan 2012 - 12 Month Review**

Item	Location/ Matter	Details
30	Drinking water catchments	Following a request from Rous Water, it is proposed to change the reference in clause 7.4 from "water supply authority" to "supplier of drinking water". This is a technical amendment that will ensure entities such as Rous Water to be consulted in relation to development proposals in water catchment areas. This is consistent with the original intent of the provision.
31	Land use table – IN1 General Industrial zone	Following a review of the permissible land uses in the IN1 General Industrial zone, it is proposed to amend the table of permitted land uses to enable "agricultural produce industries" in the IN1 zone. This will enable industrial uses involving the handling, treating, processing or packing, for commercial purposes, of produce from agriculture which are currently prohibited in the zone.
32	Dwelling entitlement reinstatement, Wardell	Following a request from the landowner, it is proposed to identify the land at Lot 67 DP 755688, 1010 Pimlico Road, Wardell on the dwelling opportunity reinstatement map. This is consistent with Council's criteria for the provision of dwelling entitlements where such entitlements were impacted by a previous amendment to the Ballina LEP 1987.

Sustainability Considerations

- **Environment**
The amendments proposed in this report are not expected to result in any direct or substantial social or economic impacts, or impacts on the Shire's natural environment. The proposed changes will enable Council to more efficiently manage land use planning in the Shire through a functional and up-to-date local environmental plan.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

Having a functionally efficient and up-to-date local environmental plan is an essential component of Council's obligations as a planning authority under the provisions of the *Environmental Planning and Assessment Act 1979*. The various changes proposed to the BLEP 2012 seek to ensure the plan is updated and functional and that it will continue serve as the primary regulatory planning instrument for Ballina Shire. Importantly, the majority of the suggested changes are intended to rectify anomalies which have been identified during the transition from the former 1987 plan.

9.2 Ballina Local Environmental Plan 2012 - 12 Month Review

The proposed changes are relatively minor and can be accommodated within the Strategic and Community Facilities Group's existing allocation of resources and current work program.

Consultation

If the Council resolves to endorse the recommended amendments and associated planning proposal, the matter will be referred to the Department of Planning and Environment for Gateway determination. Following a favourable determination from the Department, the planning proposal will be publicly exhibited in accordance with the requirements of the Gateway determination. The matter will be reported to the Council, including details of any community feedback, prior to its finalisation.

Options

1. Proceed with the planning proposal

The Council has the option to proceed with the planning proposal, as drafted, to undertake the amendments to the BLEP 2012 as detailed in this report.

In this approach, the Council would authorise the submission of the planning proposal contained in Attachment One to the Department of Planning and Environment for Gateway determination. Subject to a favourable Gateway determination, the proposal would be publicly exhibited and reported to the Council prior to finalisation. It should be noted that the Council may resolve to decline to proceed with any of the proposed changes at any time during the amendment process.

This first option is the recommended approach as it facilitates an update to the BLEP in line with the matters raised in the table above.

Where Council proceeds to submit a planning proposal for Gateway determination, it has the option of requesting delegation of certain plan making functions from the Department. Under these delegations, Council would perform some of the plan making functions that are otherwise completed by the Department. In the subject case, it is recommended that Council does not seek application of this delegation on the basis that some of the land the subject of the amendment is owned by Council.

2. Defer or amend the planning proposal

The Council may seek to defer consideration of the matter, seek additional information or adjust the planning proposal.

Such approaches are not recommended based on the following:

- As detailed in this report, a number of adjustments to improve the function and content of the BLEP 2012 have been identified in the review process.
- The recommended amendments are intended to ensure the BLEP 2012 contains provisions that are consistent with and achieve the Council's intended land use planning outcomes.

9.2 Ballina Local Environmental Plan 2012 - 12 Month Review

It is, however, suggested that if the Council resolves to progress the planning proposal, that a briefing session be held following the public exhibition of the proposal where submissions are received. This would enable the Council to consider public feedback on the proposed changes prior to proceeding to finalise the amendments in the planning proposal.

3. Cease further action

The Council has the option to cease further action in relation to this proposal. For the same reasons outlined in relation to option two, this approach is not recommended.

RECOMMENDATIONS

1. That Council endorses the proposed adjustments to the Ballina Local Environmental Plan 2012 arising from the 12 month review of the plan as outlined in the planning proposal contained in Attachment One.
2. That Council submit the planning proposal relating to the amendment of various provisions of the Ballina Local Environmental Plan 2012 (Attachment One) to the NSW Department of Planning & Environment for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning & Environment, Council staff will carry out the procedural steps associated with the progress of the planning proposal, including public exhibition.
4. That the matter be reported for further consideration by the Council following the mandatory public exhibition period.

Attachment(s)

1. Planning Proposal - BLEP 2012 General Amendments (2)

9.3 Planning Proposal - Ballina LEP 2012, General Amendments (2).DOC

231014/13 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council endorses the proposed adjustments to the Ballina Local Environmental Plan 2012 arising from the 12 month review of the plan as outlined in the planning proposal contained in Attachment One, excluding Item No. 2 – Ballina High School and Item No. 7 – Latta Avenue Waterfront.
2. That Council submit the planning proposal relating to the amendment of various provisions of the Ballina Local Environmental Plan 2012 (Attachment One) to the NSW Department of Planning & Environment for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning & Environment, Council staff will carry out the procedural steps associated with the progress of the planning proposal, including public exhibition.
4. That the matter be reported for further consideration by the Council following the mandatory public exhibition period.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Appendix B – Gateway determination



Mr P Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Our ref: PP_2014_BALLI_009_00 (14/19177)
Your ref: BSCPP 14/010

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan 2012

I am writing in response to your Council's letter dated 12 November 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to make general housekeeping amendments to the Ballina LEP 2012.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 3.1 is justified in accordance with the terms of the direction. No further approval is required in relation to this Direction.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4, after consultation with the Commissioner of the NSW Rural Fire Service, and Direction 6.2 after consultation with Crown Lands Division of NSW Trade and Investment. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now accepted this delegation however has not sought delegation in this instance as some of the subject land is owned by Council. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet


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9.3 Planning Proposal - Ballina LEP 2012, General Amendments (2).DOC

these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Paul Garnett of the Department's regional office to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely

 25 November 2014
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2014_BALLI_009_00): to make general housekeeping amendments to the Ballina LEP 2012.

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to make general housekeeping amendments to the LEP, should proceed subject to the following conditions:

1. Council is to consult with the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
2. 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 and Environment 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 Environment 2013)*.
3. Consultation is required with the Crown Lands Division of NSW Trade and Investment in relation to the proposed rezoning of Lots 489 and 490 DP 729290, Brunswick Street Reserve, Ballina and Lots 1 and 2 DP 517499, in Lake Ainsworth Caravan Park, Lennox Head, under section 56(2)(d) of the EP&A Act. Crown Lands Division 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 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.

Dated 25th day of November

2014


 Stephen Murray
 General Manager, Northern Region
 Planning Services
 Department of Planning and Environment
 Delegate of the Minister for Planning

PP_2014_BALLI_009_00 (14/19177)



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ballina Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_BALLI_009_00	Planning proposal to make general housekeeping amendments to the Ballina LEP 2012.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 25 November 2014


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Appendix C – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – General Amendments (2)	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. Some of the amendments in this planning proposal include minor adjustments to the boundaries of business and industrial zones in Ballina Shire. The proposed amendments comprise adjustments to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity. The proposed adjustments will not result in any material loss or gain to any existing zoned business or industrial areas.
1.2 Rural Zones	Consistent. This proposal includes minor adjustments to the boundaries of rural zones. The proposed amendments comprise adjustments to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity. The proposed adjustments will not affect the agricultural production value of rural land.
1.3 Mining, Petroleum Production and Extractive Industries	Consistent. This proposal does not include any amendments that will result in compromising any future extraction of coal, minerals, petroleum or other resources.
1.4 Oyster Aquaculture	Consistent. None of the amendments included in this proposal will negatively impact on Priority Oyster Aquaculture Areas.
1.5 Rural Land	Consistent. This proposal includes minor adjustments to the boundaries of rural zones. The proposed amendments comprise adjustments to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity. The proposed adjustments will not affect the agricultural production value of rural land nor will they affect the orderly and economic development of rural land.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The proposal is not expected to result in adverse impacts on environmentally sensitive areas.
2.2 Coastal Protection	Consistent. The proposal is generally consistent with the principles of the NSW Coastal Policy.
2.3 Heritage Conservation	Consistent. The proposal contains amendments to Schedule 5 of the BLEP 2012 and associated Heritage Map. The amendments seek to refine and clarify references to identified items of environmental heritage.
2.4 Recreation Vehicle Areas	Consistent. The proposal will not result in any adverse impacts from recreation vehicles on sensitive land or land with significant conservation values .

9.3 Planning Proposal - Ballina LEP 2012, General Amendments (2).DOC

3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. This proposal includes minor adjustments to the boundaries of residential zones. The proposed amendments comprise adjustments to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity. The proposed adjustments will not result in any material loss or gain to any existing zoned residential areas.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. This proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrated Land Use and Transport	Consistent. This proposal will not result in any negative impacts on accessibility or transport movements.
3.5 Development Near Licensed Aerodromes	Consistent. The proposal does not significantly impact on land in the immediate vicinity of the Ballina Byron Gateway Airport or its associated noise and obstacle navigation areas.
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Consistent. The proposal does not increase or alter existing development provisions and controls relating to land having the probability of containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Consistent. The proposal does not increase or alter existing development provisions and regulatory controls relating to flood prone land or the requirements for consideration of potential flood impacts.
4.4 Planning for Bushfire Protection	Consistent. The proposal does not increase or alter existing development provisions and regulatory controls relating to bushfire prone land or the requirements for consideration of bushfire risk.
5. Regional Planning	
5.1 Implementation of Regional Strategies	The planning proposal is generally consistent with the planning framework set out under the Far North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Consistent. The proposal does not propose the rezoning of identified significant farmland for residential purposes.
5.4 Commercial and Retail Development	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Revoked.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1	Revoked.

9.3 Planning Proposal - Ballina LEP 2012, General Amendments (2).DOC

5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent. The proposal includes amendments to several areas of public reserve through the addition to or alteration of zone boundaries for public recreation areas already in public ownership. The proposed changes do not promote the acquisition of land.
6.3 Site Specific Provisions	Does not apply to planning proposal.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.

Appendix D – Rural Fire Service consultation response



NSW RURAL FIRE SERVICE



RECORDS SCANNED 29 JAN 2015 Doc No..... Batch No.....

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Your reference BSCPP 14/010
Our reference L12/0003
DA14120994974AB

Attention Lachlan Sims

21 January 2015

Dear Mr Sims

Agency Comment:- Ballina Local Environmental Plan 2012; Planning Proposal 14/010 General Amendments

I refer to your letter dated 5 December 2014 seeking comments and recommendations from the NSW Rural Fire Service (RFS) with respect to the above planning proposal.

The RFS has reviewed the referred documentation, has no objection to the Planning Proposal and provides the following advice:

- Any future development applications on land mapped Bush Fire Prone will be required to comply with the 'specifications and requirements' of Planning for Bush Fire Protection 2006.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours Sincerely

John Ball
Manager – Customer Service Centre Coffs Harbour

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Postal address

NSW Rural Fire Service
Coffs Harbour Customer Service Centre
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

Street address

NSW Rural Fire Service
Coffs Harbour Customer Service Centre
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Appendix E – Maps

Dwelling Opportunity Reinstatement Map - DWE_003

Dwelling Opportunity Reinstatement Map – DWE_003A

Heritage Map – HER_006C

Lot Size Map – LSZ_001B

Lot Size Map – LSZ_002A

Lot Size Map – LSZ_005C

Lot Size Map – LSZ_005D

Lot Size Map – LSZ_006C

Land Zoning Map – LZN_001B

Land Zoning Map – LZN_002A

Land Zoning Map – LZN_005B

Land Zoning Map – LZN_005C

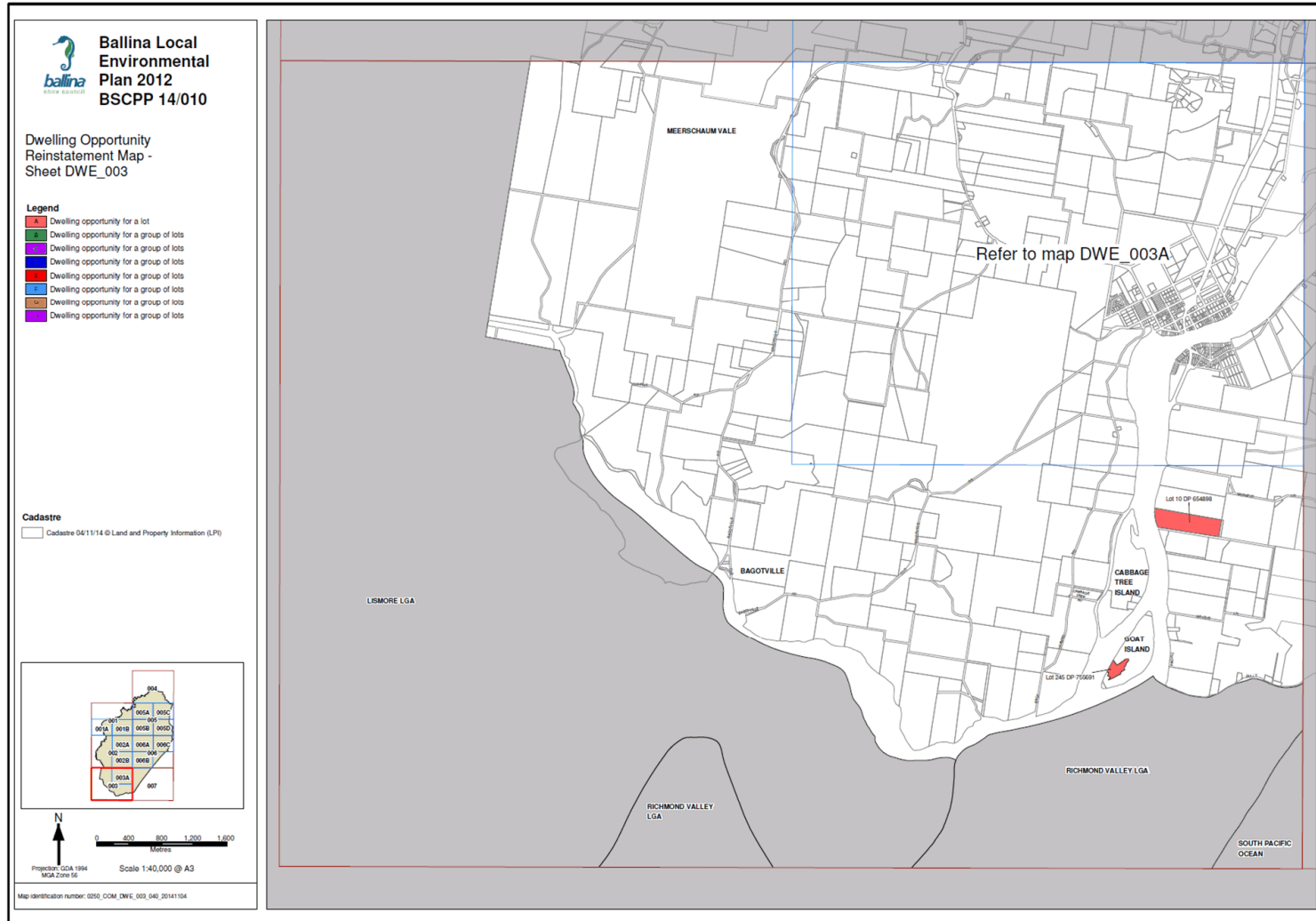
Land Zoning Map – LZN_005D

Land Zoning Map – LZN_006C

Strategic Urban Growth Area Map – SGA_005D

Strategic Urban Growth Area Map – SGA_006C

9.3 Planning Proposal - Ballina LEP 2012, General Amendments (2).DOC



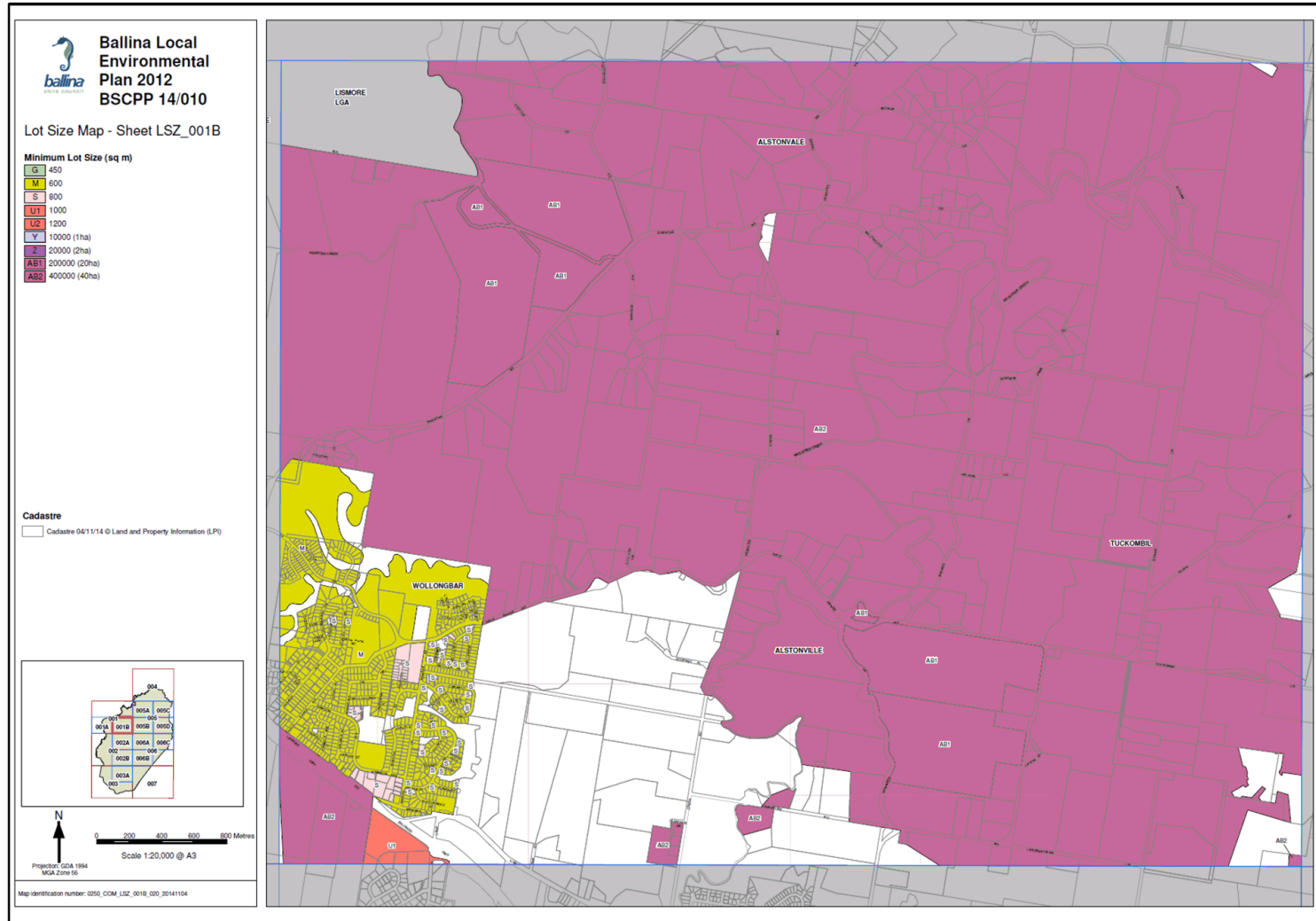
9.3 **Planning Proposal - Ballina LEP 2012, General Amendments (2).DOC**



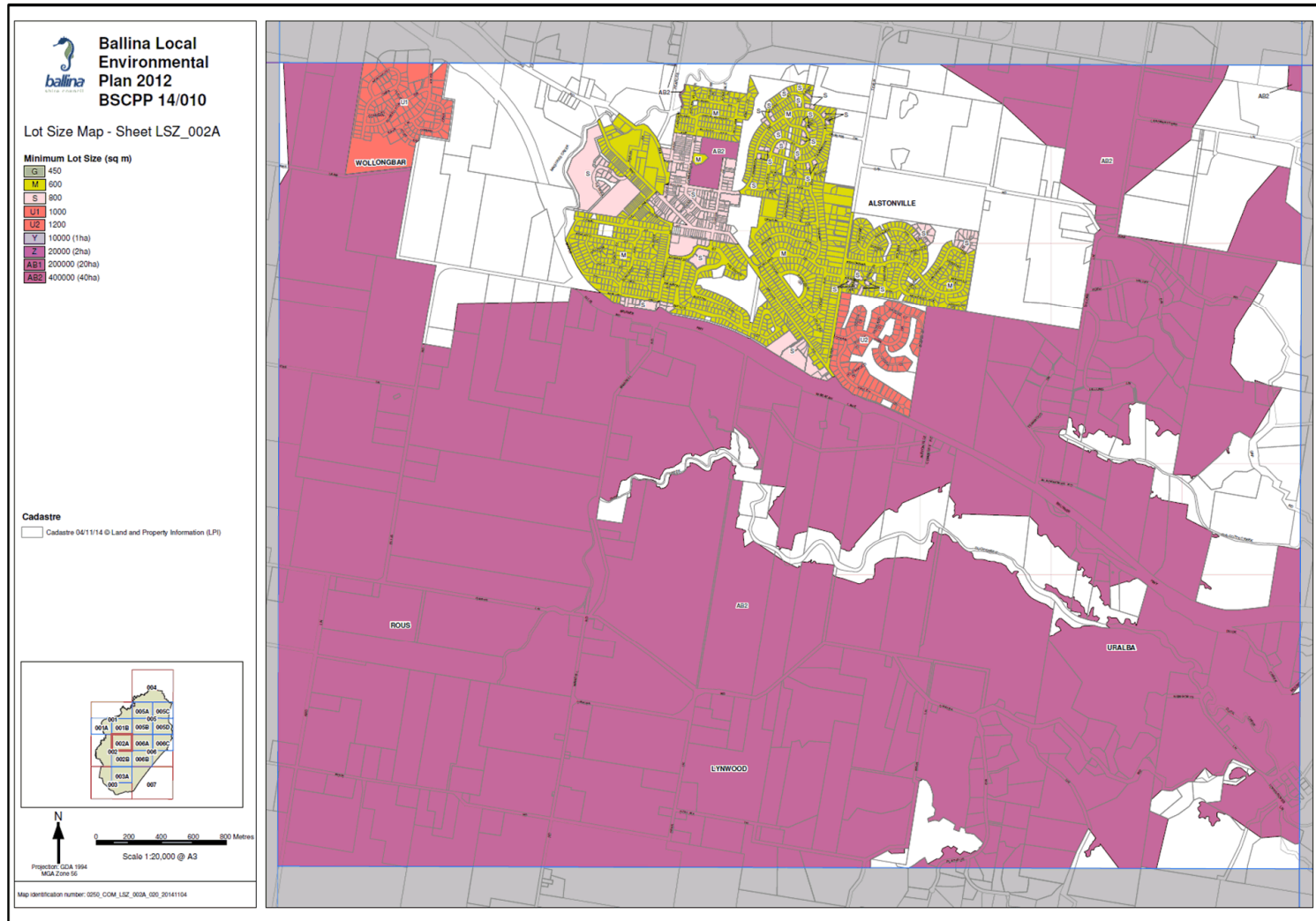
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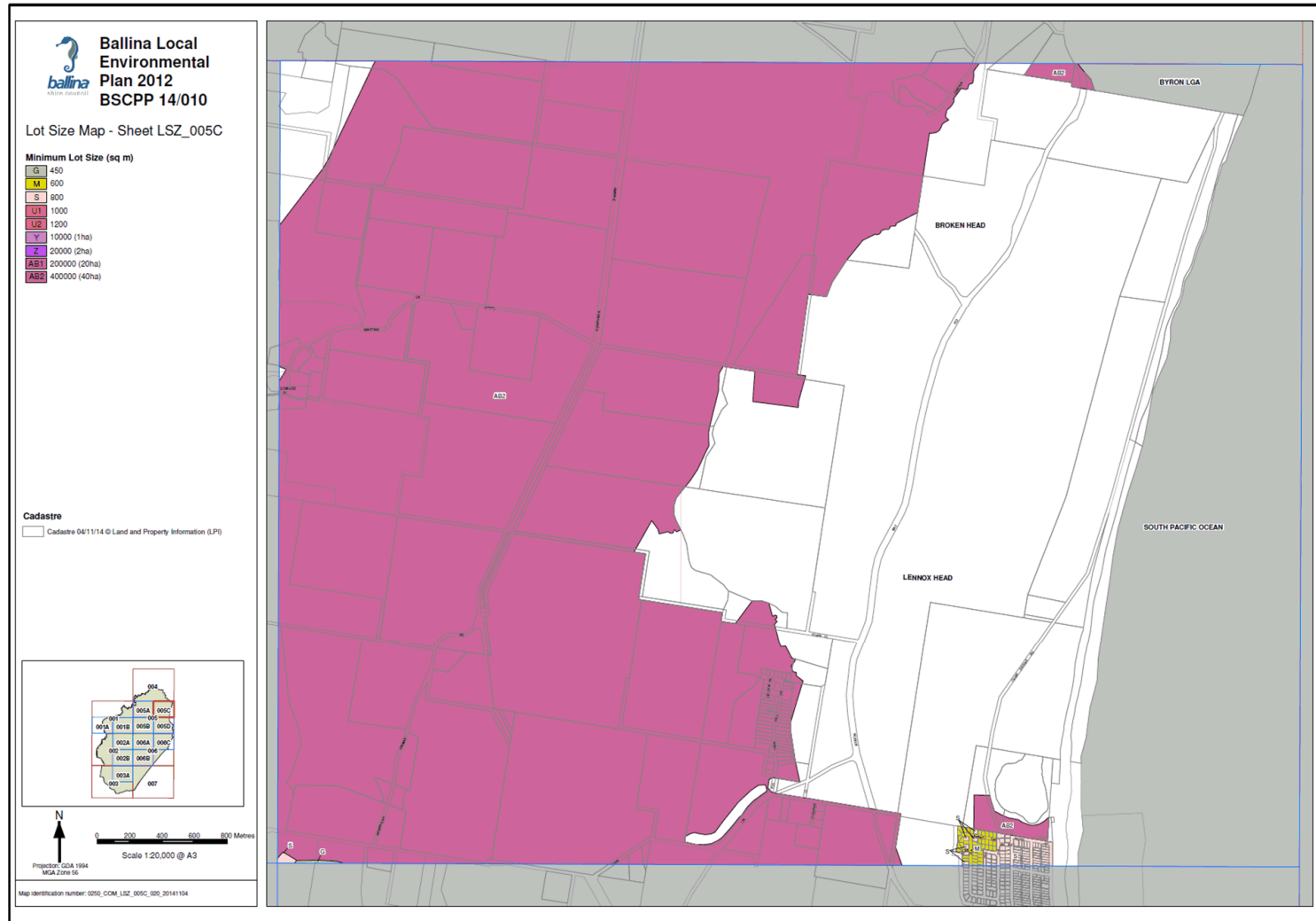
9.3 Planning Proposal - Ballina LEP 2012, General Amendments (2).DOC



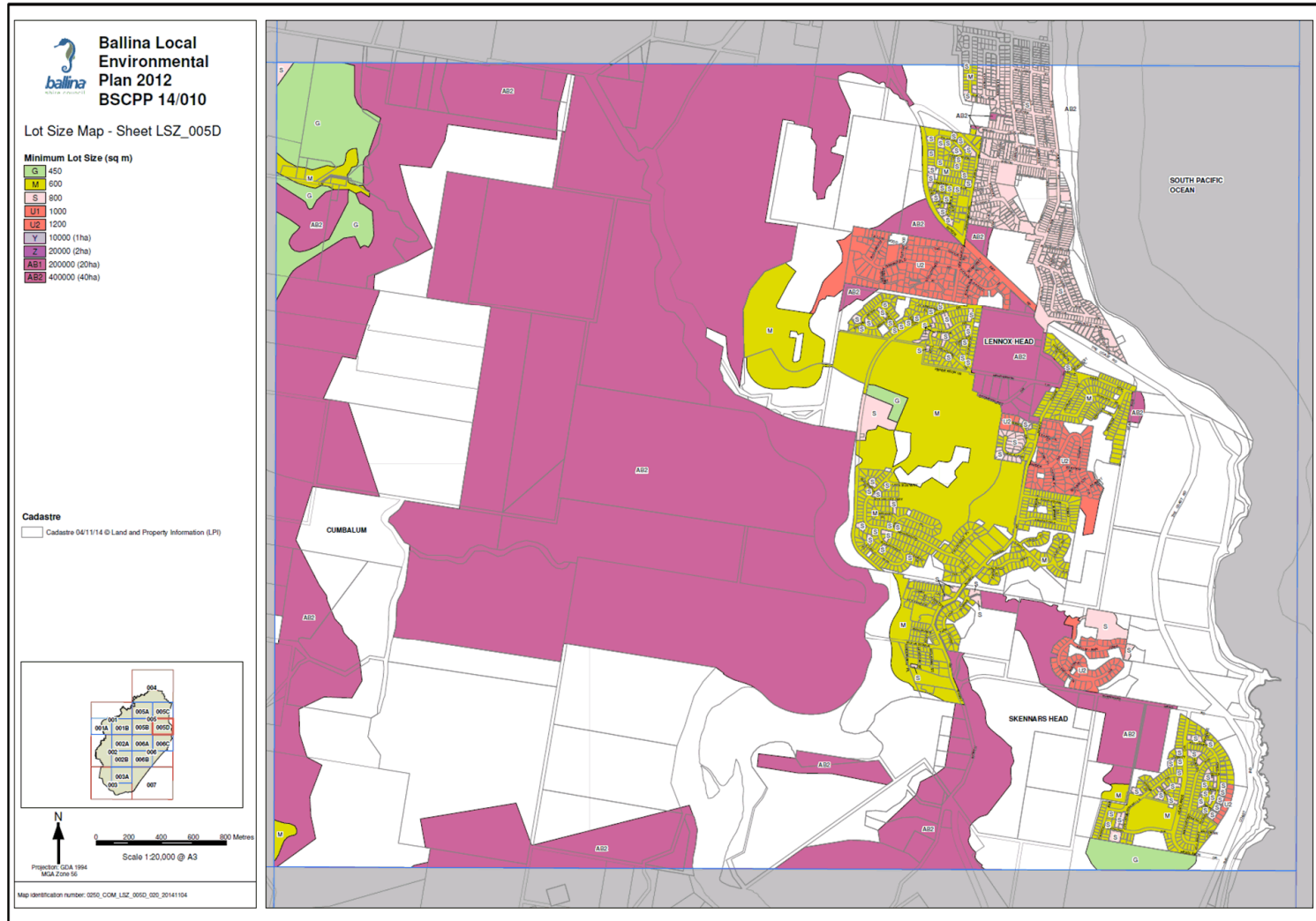
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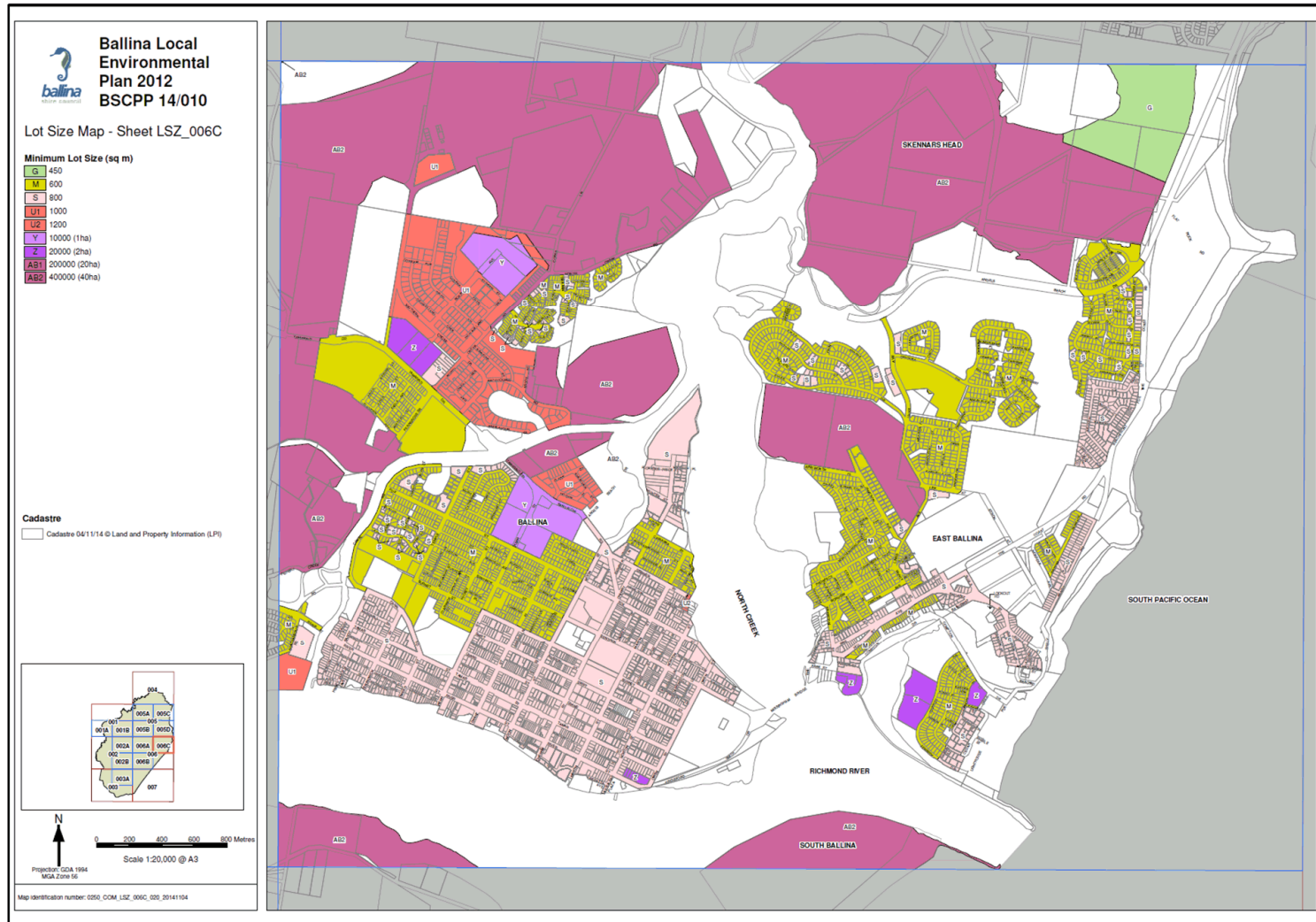
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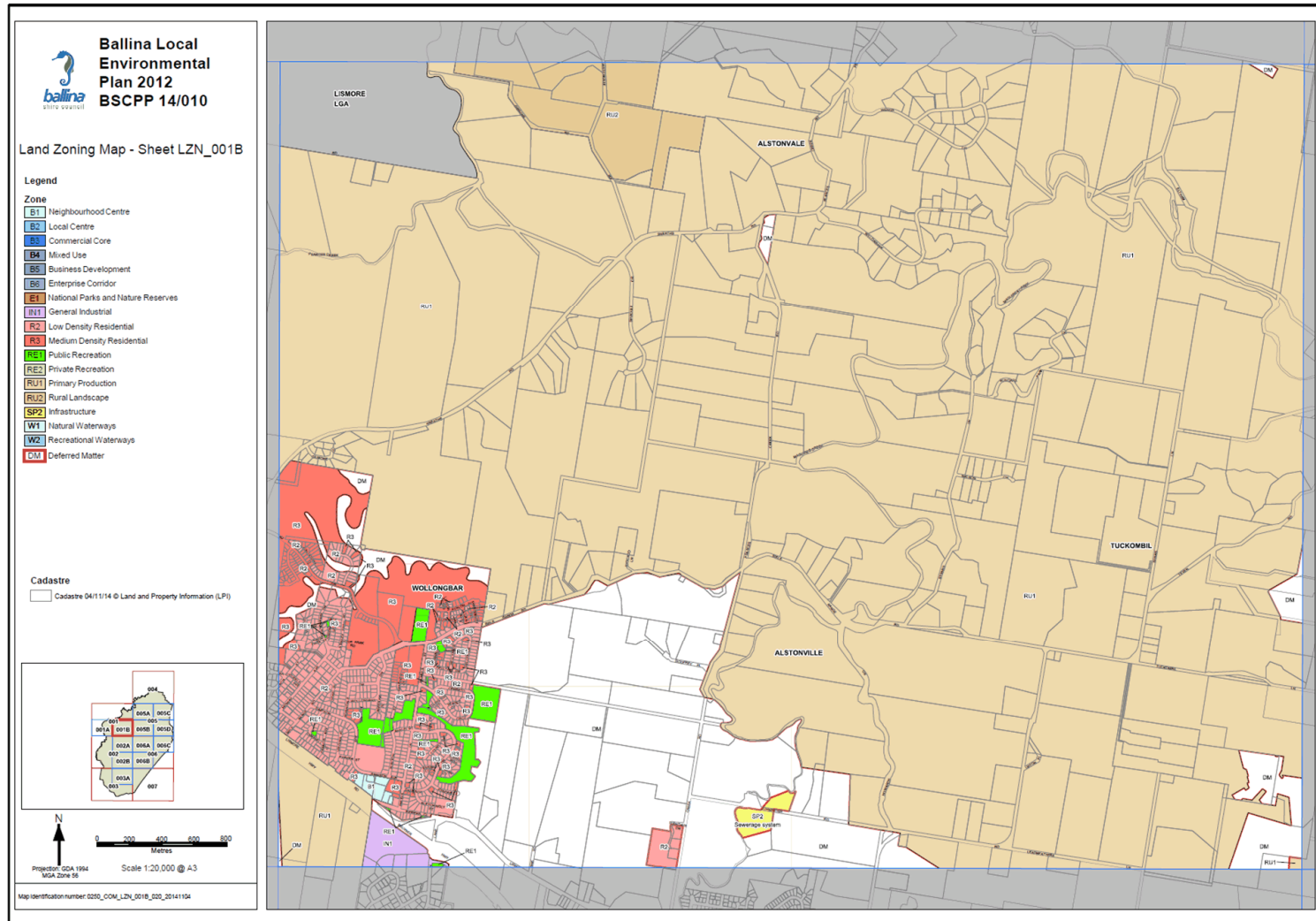
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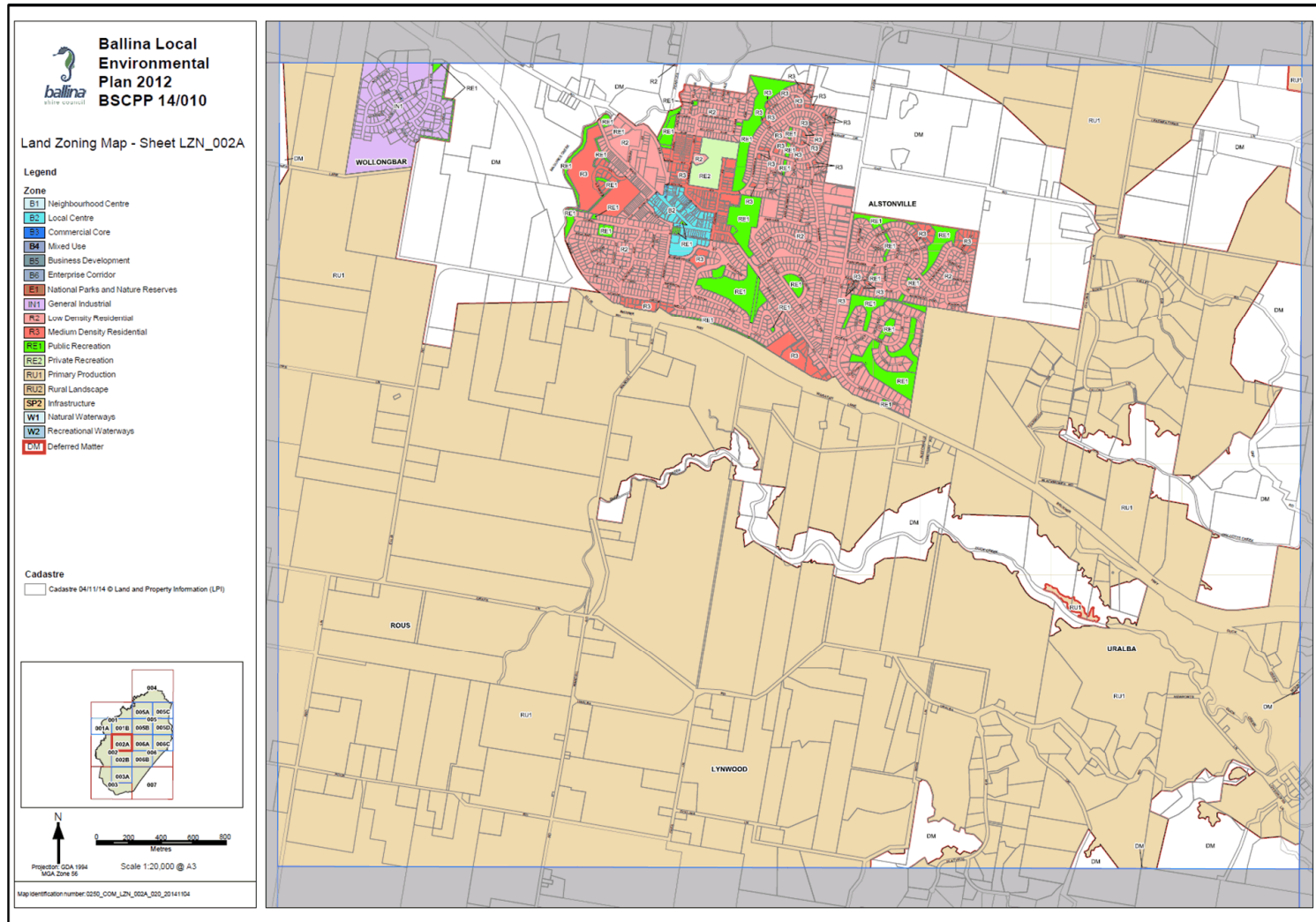
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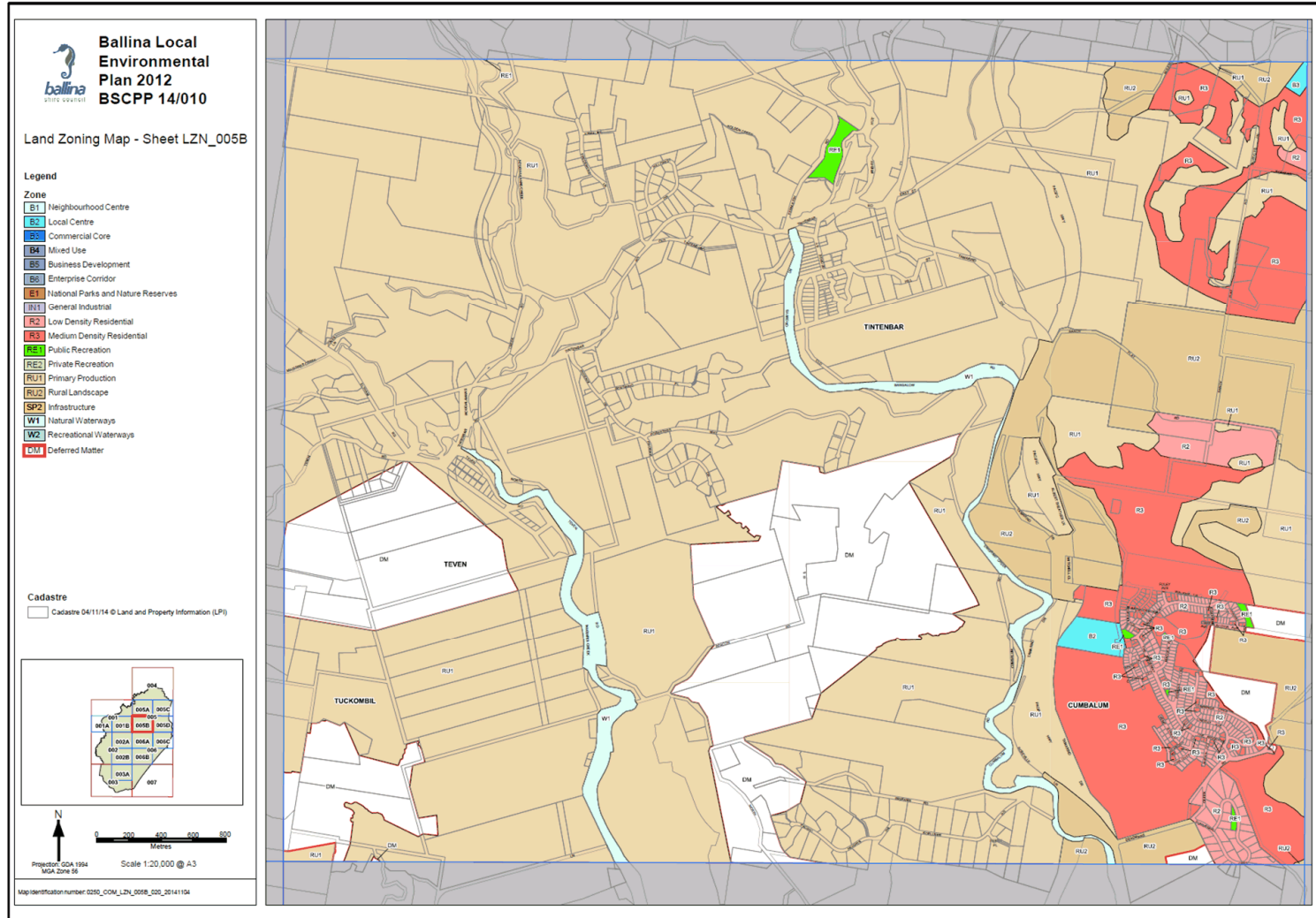
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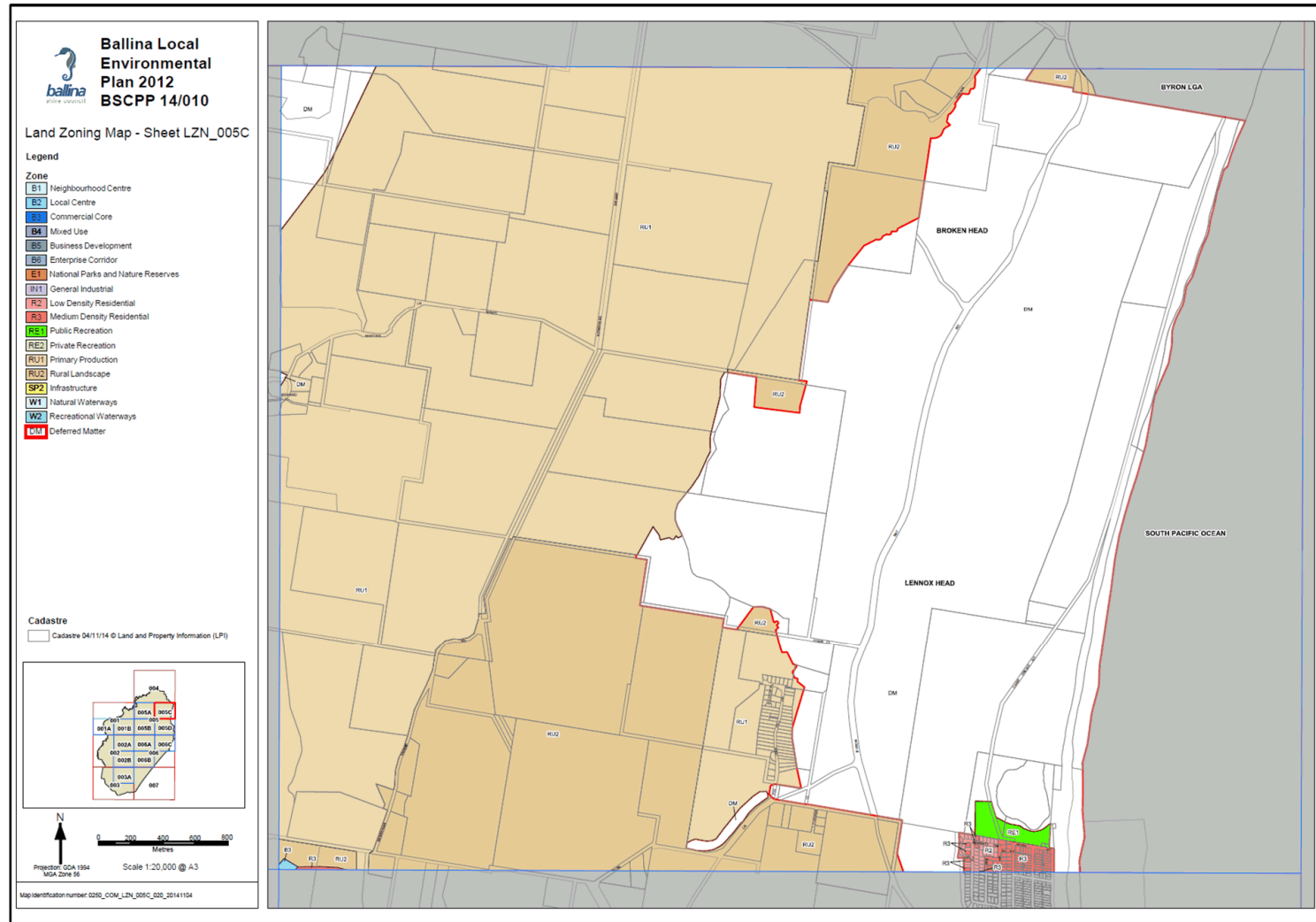
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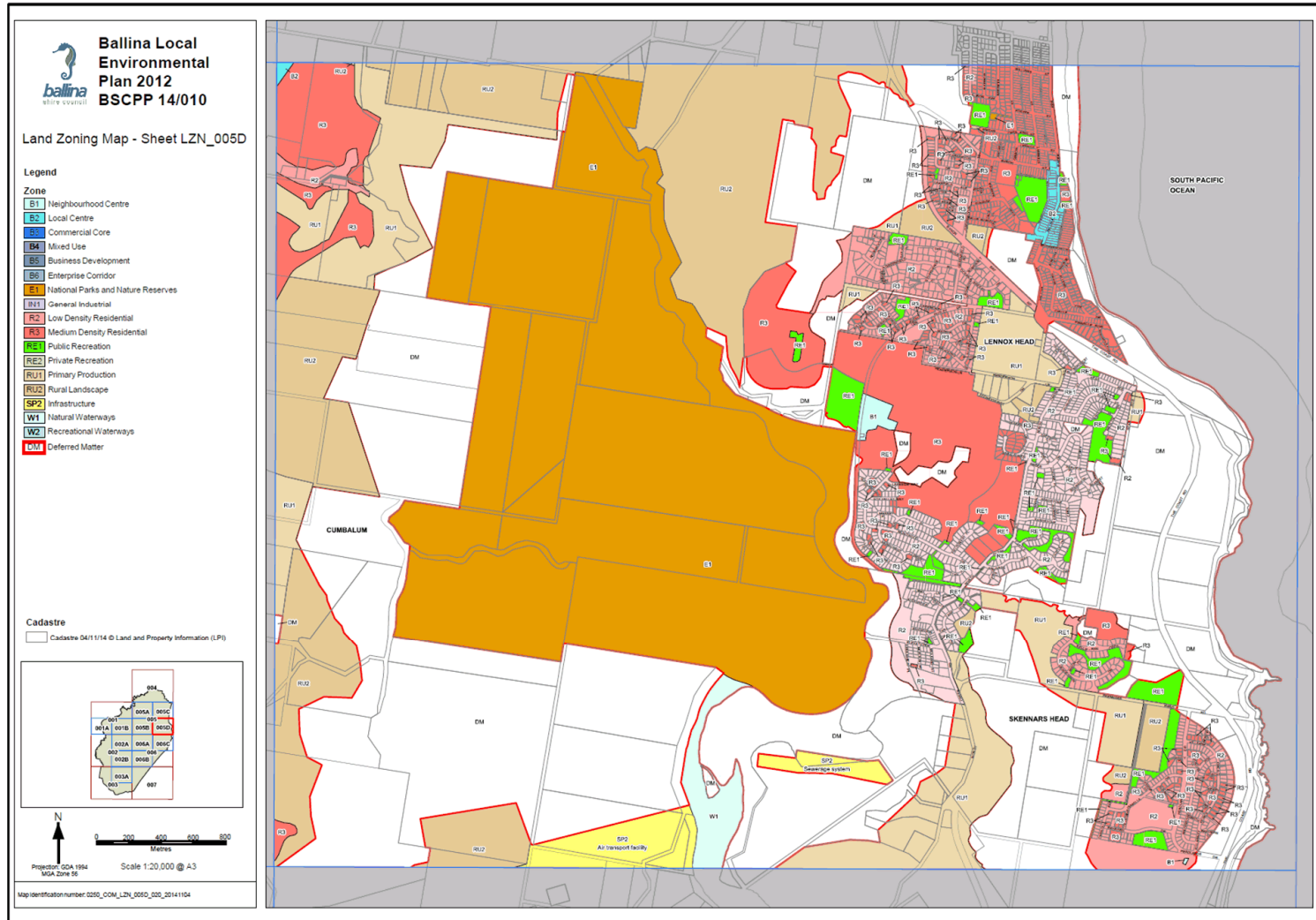
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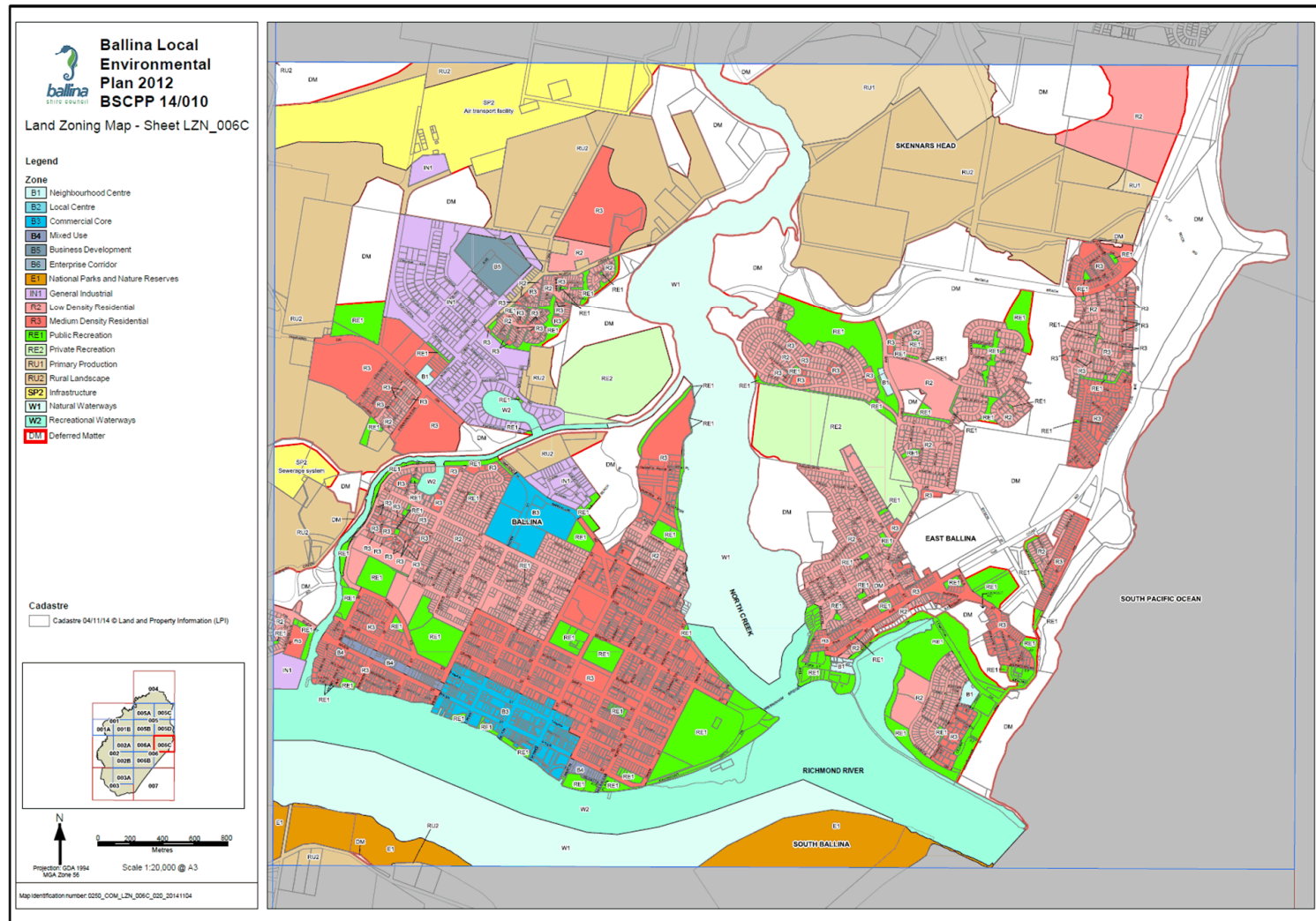
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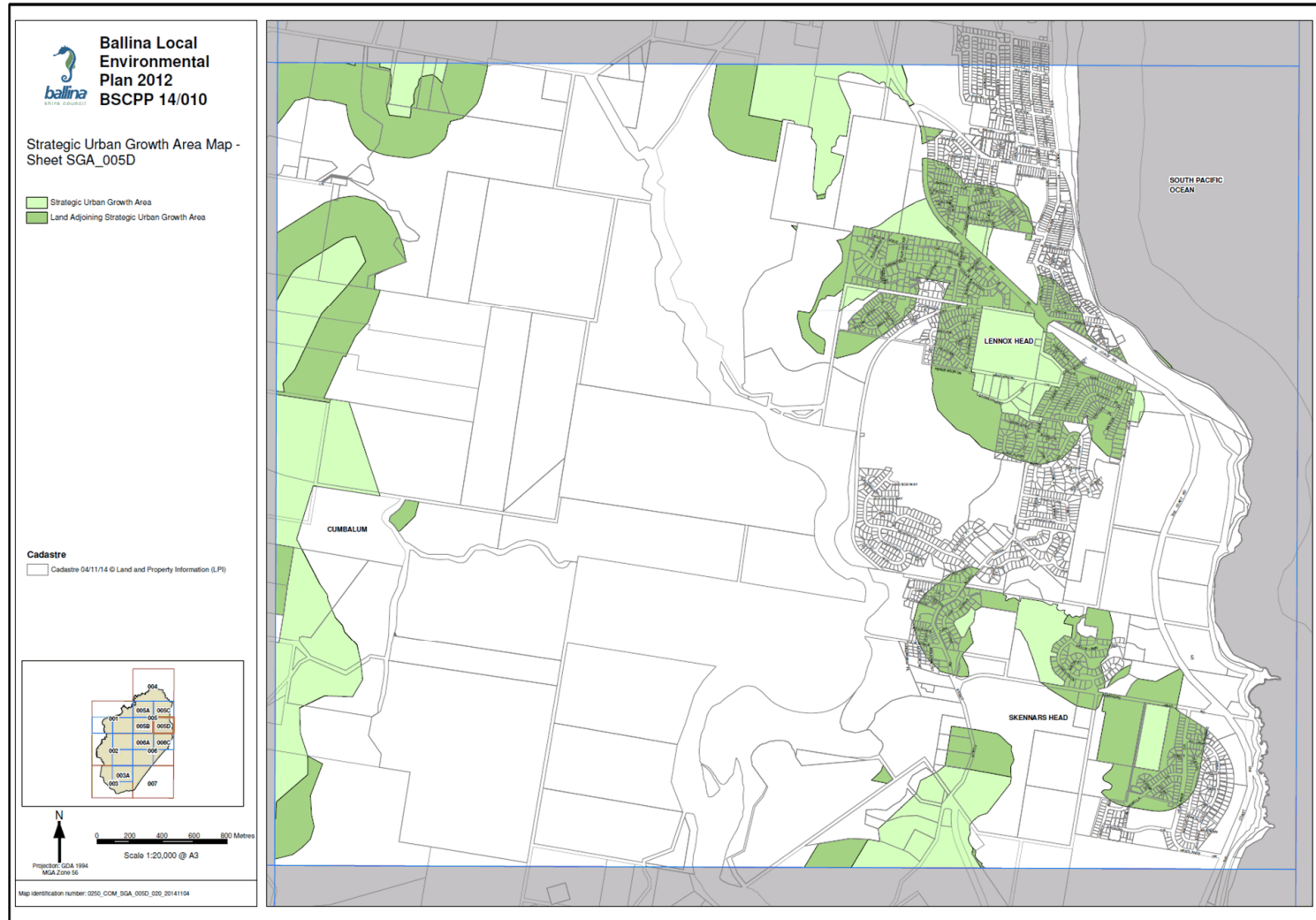
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