



Planning

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

Our ref: 10/21795
Your ref: BALLINA LEP Amnt No.103
Hendersons Farm

Dear Mr Hickey

Subject: Conversion of Ballina LEP 1987 (Amendment No 103 – Henderson Farm, Lennox Head) to a Planning Proposal

I refer to your letter dated 29 October 2010 requesting that this draft plan be converted into a planning proposal pursuant to clause 12 of the EP&A Regulations and clause 122(2) of Schedule 6 of the EP&A Act.

I am writing to notify you that I have determined (as delegate of the Director General) under clause 12(2) of the Regulations that the former LEP plan making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the Act now apply.

Furthermore I have, as delegate for the Minister for Planning, determined under clause 122(2) of Schedule 6 of the Act to dispense with conditions precedent prior to section 57(1) of the Act for making of this draft LEP. Council will note that this will require the Director General to be satisfied that the summary (the material to be exhibited) provides sufficient details for community consultation, including consultation with relevant State agencies prior to exhibition (section 57(2)).

In this regard, due to the length of time this draft plan has taken to date, it is recommended that Council ensure that the studies supporting the proposal are updated where necessary prior to public consultation and that Government agencies such as Rural Fire Service, DECCW, Industry and Investment, are consulted during the consultation process. The community consultation period is to be 28 days.

Council is required to finalise the LEP within nine (9) months of the week following the date of this letter. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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As delegate of the Director General, I have agreed that the draft plan's inconsistencies with section 117 directions 1.2, 1.5, 3.4 and 5.3 are justified in the circumstances

Should you have any queries in regard to this matter, please contact Jenny Vallis of the Northern Region Office on 02 6641 6606.

Yours sincerely



11/11/10

Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal
(as delegate of the Minister and Director-General)