



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

Our ref: PP_2015_BALLI_004_00 (15/05827)
Your ref: Greenwood Place Lennox Head (1668)

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan 2012

I am writing in response to your Council's letter dated 1 April 2015 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 rezone Lot 12 DP 581159 and part of Lot 21 DP 1007134, Greenwood Place, Lennox Head from RU2 Rural Landscape to R2 Low Density Residential (Ballina LEP 2012) and part of Lot 21, DP 1007134, Greenwood Place, Lennox Head from 1(d) Rural (Urban Investigation) (Ballina LEP 1987) to R2 Low Density Residential (Ballina LEP 2012) to permit residential development.

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, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are justified and of minor significance. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land. 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. 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 12 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 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 Ms Gina Davis of the Department's regional office to assist you. Ms Davis can be contacted on (02) 6701 9687.

Yours sincerely

 14 April 2015
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_2015_BALLI_004_00): to rezone Lot 12 DP 581159 and part of Lot 21 DP 1007134, Greenwood Place, Lennox Head from RU2 Rural Landscape to R2 Low Density Residential (Ballina LEP 2012) and part of Lot 21, DP 1007134, Greenwood Place, Lennox Head from 1(d) Rural (Urban Investigation) (Ballina LEP 1987) to R2 Low Density Residential (Ballina LEP 2012) to permit residential development.

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 *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to rezone Lot 12 DP 581159 and part of Lot 21 DP 1007134, Greenwood Place, Lennox Head from RU2 Rural Landscape to R2 Low Density Residential (Ballina LEP 2012) and part of Lot 21, DP 1007134, Greenwood Place, Lennox Head from 1(d) Rural (Urban Investigation) (Ballina LEP 1987) to R2 Low Density Residential (Ballina LEP 2012) to permit residential development should proceed subject to the following conditions:

1. Prior to undertaking public exhibition the following studies need to be completed:
 - Coastal Zone Impacts and Visual Amenity Impacts assessment;
 - Contaminated Land Assessment;
 - Due Diligence Aboriginal Heritage assessment;
 - Flora and Fauna assessment;
 - Geotechnical Assessment (Landslip);
 - Mosquito Management Assessment;
 - Road Noise Assessment;
 - Services and Stormwater Management Assessment; and
 - Land Use Conflict Risk Assessment.
2. Following the preparation of the studies in condition (1) Council should determine an appropriate minimum lot size and prepare a map for public exhibition in accordance with the Standard Technical Requirements for LEP Maps. Council is to provide the Department with a copy of the material for community consultation for approval, as required by section 57(2) of the EP&A Act.
3. Prior to undertaking public exhibition the proposal is to be amended to include a draft Land Application Map and Height of Building Map incorporating the land to be rezoned from 1(d) Rural (Urban Investigation). These maps are to be prepared in accordance with the Standard Technical Requirements for LEP Maps.
4. Consultation is required with the following public authorities and agencies prior to public exhibition under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Primary Industries
 - Office of Environment and Heritage

Each public authority and agency 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.

5. Community consultation is required under sections 56(2)(c) and 57 of the EP&A 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 Infrastructure 2013)*.
6. 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 14th day of April 2015


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

Delegate of the Minister for Planning

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_2015_BALLI_004_00	Planning proposal to rezone Lot 12 DP 581159 and part of Lot 21 DP 1007134, Greenwood Place, Lennox Head from RU2 Rural Landscape to R2 Low Density Residential (Ballina LEP 2012) and part of Lot 21, DP 1007134, Greenwood Place, Lennox Head from 1(d) Rural (Urban Investigation) (Ballina LEP 1987) to R2 Low Density Residential (Ballina LEP 2012) to permit residential development.

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 14 April 2015


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

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP 2015 BALLI 004 00
Date Sent to DoP&E under s56	1 April 2015
Date considered at LEP Review	N/A
Gateway determination date	14 April 2015

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: