



Office of the Director General

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

Contact: Paul Garnett
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Paul.Garnett@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2013_BALLI_001_00 (13/01037)
Your ref: 12/58618

Dear Mr Hickey,

Planning proposal to amend draft Ballina Local Environmental Plan 2012

I am writing in response to your Council's letter dated 24 December 2012 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 permit boundary adjustments and enable the creation of residual lots, lots for environmental purposes and split zoned lots where the resulting lots are less than the minimum lot size.

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

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 for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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, please contact Paul Garnett of the regional office of the department on 02 6641 6600.

Yours sincerely,

**Sam Haddad
Director General**

25/1/2013.

Gateway Determination

Planning proposal (Department Ref: PP_2013_BALLI_001_00): to amend the subdivision provisions in draft Ballina Local Environmental Plan 2012.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to draft Ballina Local Environmental Plan (LEP) 2012 to permit boundary adjustments and enable the creation of residual lots, lots for environmental purposes and split zoned lots where the resulting lots are less than the minimum lot size should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to advise that the proposed clauses are indicative only and are subject to change during the drafting of the LEP. Council is to ensure that the intended outcome of each clause is consistent with the draft clause in Part 2 'explanation of provisions' within the planning proposal.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to refer to 'potential urban growth areas' instead of 'strategic urban growth areas,' to maintain consistency with draft Ballina LEP 2012.
3. Council is to consult with the NSW Rural Fire Services 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.
4. 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 Infrastructure 2012)* and must be made publicly available for **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 2012)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.



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 25th day of January 2013.

Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure