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Our ref: PP_2011_BALLI_001_00 (11/06842)
Your ref: LEP Amendment 114

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

Dear Mr Hickey,

Re: Planning Proposal to reclassify 5 parcels of land from Community Land to Operational Land requiring an amendment to Schedule 7 of the Ballina LEP 1987

I am writing in response to your Council's letter dated 21 April 2011 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 amend the Ballina Local Environmental Plan 1987 to reclassify 5 parcels of land from Community Land to Operational Land. The sites identified for reclassification are:

1. Part Lot 11 DP 260847 North Creek Road, Ballina,
2. Lot 1 DP 858199 adjoining the Richmond River at Ballina,
3. Lot 34 DP 1121058 Alexander Circuit, Lennox Head,
4. Lot 4 DP 1036635 Brunswick Street, Teven and
5. Lot 116 DP 1111892 Commercial Road, Alstonville.

The reclassification of this land requires an amendment to Schedule 7 of the Ballina LEP 1987.

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

Council are reminded of their obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational' land as per the Department's LEP Practice Note 09-003.

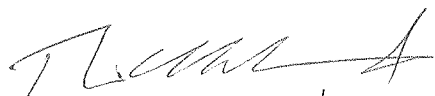
Council is to ensure that all lot and DP numbers are referred to correctly and consistently in all material that is placed on public exhibition to avoid confusion. It is noted that one map provided to the Department as part of the planning proposal had a reference Lot 24 DP 1121058, Alexander Circuit, Lennox Head while other material in the planning proposal refers to Lot 34 DP1121058. This property description should be clarified prior to exhibition.

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 within four (4) weeks from the week following this determination. 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 Denise Wright of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,



27/5/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_BALLI_001_00): to reclassify 5 parcels of land from Community Land to Operational Land. The sites identified for reclassification are:

1. Part Lot 11 DP 260847 North Creek Road, Ballina
2. Lot 1 DP 858199 adjoining the Richmond River at Ballina
3. Lot 34 DP 1121058 Alexander Circuit, Lennox Head
4. Lot 4 DP 1036635 Brunswick Street, Teven
5. Lot 116 DP 1111892 Commercial Road, Alstonville

The reclassification of this land requires an amendment to Schedule 7 of the Ballina LEP 1987.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Ballina Local Environmental Plan 1987 to reclassify 5 parcels of land from Community Land to Operational Land by amending Schedule 7 of the Ballina LEP 1987 should proceed subject to the conditions outlined below. The sites identified for reclassification are:

1. Part Lot 11 DP 260847 North Creek Road, Ballina
2. Lot 1 DP 858199 adjoining the Richmond River at Ballina
3. Lot 34 DP 1121058 Alexander Circuit, Lennox Head
4. Lot 4 DP 1036635 Brunswick Street, Teven
5. Lot 116 DP 1111892 Commercial Road, Alstonville

1. Council is to ensure that all lot and DP numbers are referred to correctly and consistently in all material that is placed on 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 must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. No Consultation is required with State or Commonwealth public authorities under Section 56(2)(d) of the EP&A Act:
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).



Planning & Infrastructure

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

Dated 27th day of May 2011.

A handwritten signature in black ink, appearing to read "Tom Gellibrand".

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure