



Planning & Infrastructure

Office of the Director General

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

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

Our ref: PP_2012_BALLI_005_00 (12/17745)
Your ref: LEP Amendment Request – Blue Seas
Parade, Lennox Head

Dear Mr Hickey,

Planning proposal to amend Ballina Local Environmental Plan (LEP) 1987 or draft Ballina LEP 2012

I am writing in response to your Council's letter dated 31 October 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 amend the Ballina Local Environmental Plan (LEP) 1987 or draft Ballina LEP 2012 to rezone land at Blue Seas Parade, Lennox Head for residential purposes.

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.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 1.2 Rural Zones are of minor significance. No further approval is required in relation to this Direction.

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 to meet the 12 month timeframe. 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 NSW 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 Jenny Johnson of the regional office of the department on 02 6641 6600.

Yours sincerely,


Sam Haddad
Director General

21/11/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_BALLI_005_00): to amend either the Ballina Local Environmental Plan (LEP) 1987 or draft Ballina Local Environmental Plan 2012 to rezone land at Lennox Head for residential purposes.

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 rezone land at Lot 1 DP 1173776, Blue Seas Parade, Lennox Head from 1(d) Rural (Urban Investigation) to 2(a) Residential (Living Area) under Ballina Local Environmental Plan (LEP) 1987 or to R2 Low Density Residential under the draft Ballina LEP 2012 and apply a 600m² minimum lot size should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to update the planning proposal maps to clearly identify the subject land and the proposed zoning of the site under Ballina LEP 1987 and draft Ballina LEP 2012.
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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

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.
4. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
5. 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).



6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 21st day of November 2012.

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