



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

Our ref: PP\_2013\_BALLI\_011\_00 (13/20027)  
Your ref: 13/76931

Dear Mr Hickey,

**Planning proposal to amend Ballina Local Environmental Plan 2012**

I am writing in response to Council's letter dated 5 December 2013 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 Ballina LEP 2012 by rezoning 28 lots in stage 7a of Ballina Heights Estate from R3 Medium Density Residential and B2 Local Centre to R2 Low Density Residential, and amending the building height, minimum lot size and floor space ratio development standards accordingly.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils 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 9 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 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, please contact Paul Garnett of the regional office of the department on 02 6641 6607.

Yours sincerely,



**Stephen Murray**  
Regional Director

*12 December 2013*

**Northern Region  
Planning Operations and Regional Delivery**

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_BALLI\_011\_00):** to amend Ballina LEP 2012 by rezoning 28 lots in stage 7a of Ballina Heights Estate from R3 Medium Density Residential and B2 Local Centre to R2 Low Density Residential, and amending the building height, minimum lot size and floor space ratio development standards accordingly.

I, the Regional Director, Northern Region at the 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 the Ballina Local Environmental Plan (LEP) 2012 to amend Ballina LEP 2012 by rezoning 28 lots in stage 7a of Ballina Heights Estate from R3 Medium Density Residential and B2 Local Centre to R2 Low Density Residential, and amending the building height, minimum lot size and floor space ratio development standards accordingly, should proceed subject to the following conditions:

1. 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 & Infrastructure 2013) and must be made publicly available for a minimum of **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 & Infrastructure 2013).
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 12<sup>th</sup> day of December 2013.



Stephen Murray  
Regional Director  
Northern Region  
Planning Operations and Regional Delivery  
Department of Planning and Infrastructure

Delegate of the Minister for Planning and  
Infrastructure



## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ballina Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_BALLI_011_00 | Planning proposal to amend Ballina LEP 2012 by rezoning 28 lots in stage 7a of Ballina Heights Estate from R3 Medium Density Residential and B2 Local Centre to R2 Low Density Residential, and amending the building height, minimum lot size and floor space ratio development standards accordingly. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 12 December 2013



Stephen Murray  
Regional Director

Northern Region  
Planning Operations and Regional Delivery  
Department of Planning and Infrastructure

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department 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 department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

| Stage                                               | Date/Details                                              |
|-----------------------------------------------------|-----------------------------------------------------------|
| Planning Proposal Number                            | PP_2013_BALLI_011_00                                      |
| Date Sent to Department under s56                   | 5 December 2013                                           |
| Date considered at LEP Review Panel (if applicable) | Proposal considered by Regional Director under delegation |
| Gateway determination date                          | 12/12/13                                                  |

**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 DP&I requesting notification       |              |                  |

**Table 3 – To be completed by the department**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |

#### Additional relevant information: