



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

Our ref: PP_2015_BALLI_005_00 (15/13017)
Your ref: BSCPP 15/001

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan 2012 & Ballina Local Environmental Plan 1987

I am writing in response to your Council's letter dated 25th August 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify and rezone Council owned land.

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 inconsistency with S117 Directions 2.1 Environmental Protection Zones, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that this land does not serve the function of open space and that the proposal is consistent with Council's open space strategy. No further approval is required in relation to these Directions.

Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Prone Land. Council should ensure this occurs prior to the plan being made.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 section 54(2)(d) of the 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 Mr Luke Blandford of the Department's regional office to assist you. Mr Blandford can be contacted on (02) 6641 6612.

Yours sincerely



23 September 2015

Craig Diss
Acting General Manager, Northern Region
Planning Services

Encl:
Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_BALLI_005_00): to reclassify and rezone Council owned land.

I, the Acting 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* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 and Ballina LEP 1987 to reclassify and rezone Council owned land should proceed subject to the following conditions:

1. The Planning Proposal is required to be updated, prior to community consultation, to:
 - (a) indicate what allotments are proposed to have public reserve notations removed and what interests, if any, are proposed to be retained; and
 - (b) remove all written and map references to Lot 1 DP 604567.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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)*.
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. NSW Rural Fire Service 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.
4. A public hearing on the extinguishment of reserve designations is to be held in accordance with Section 57 of the Act after completion of the public exhibition period.
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 23 day of September 2015


Craig Diss
Acting General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning