



Planning & Infrastructure

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

Our ref: 13/01664

Dear Mr Hickey

Planning Proposal PP_2010_BALLI_013_00 – Extension of Time to Complete Planning Proposal for Cumbalum Precinct "B"

I refer to your request seeking an extension of time to complete the Planning Proposal PP_2010_BALLI_013_00 for the rezoning of Cumbalum Precinct "B".

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 15 November 2010 for PP_2010_BALLI_013_00.

The Gateway Determination is amended by extending the time for the completion of the Planning Proposal by an additional nine (9) months. The Planning Proposal is now due for completion by 22 November 2013.

I note that this will be the fourth extension of time granted for the proposal. While I am aware of your concern regarding the provision of infrastructure, the proposal is a significant land release for the Ballina Shire. It is also noted that the relevant parties have signed the planning agreement and are in the process of arranging for the agreement to be registered on the land title. On this basis I request that you reconsider your position on not lodging the LEP with the Department until registration on the title is finalised.

You could consider other options such as submitting the plan to be made and deferring the commencement of the LEP for a set time. This approach would provide greater certainty to the proponents and give adequate time to finalise the registration process. Alternately, the LEP could be made and you could rely on the provisions of the planning agreement and clauses 6.2 and 7.7 of Ballina LEP 2012 if a development application was submitted.

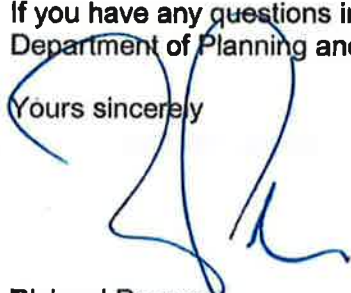
I request that this matter is resolved and the proposal is lodged with the department for finalisation by the end of September 2013.

At the end of each month, Council is to submit to the Department a report on the progress of the registration of the planning agreement to the titles of the subject land, and the intended actions to finalise the planning proposal. This will enable the Department to monitor progress, provide assistance if required or determine if any further action is required.

Notwithstanding this extension of time and any delay that might arise in regard to the planning agreement, Council should continue to work with the Department to ensure that the maps for the LEP amendment are prepared as soon as possible to enable checking for legal drafting to commence.

If you have any questions in relation to this matter, please contact, Paul Garnett of the Department of Planning and Infrastructure's Northern Region Office on (02) 6641 6607.

Yours sincerely



14/6/13

Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery