

Gateway Determination

Planning Proposal (Department Ref: PP_2017_BALLI_008_00): to rezone and amend the minimum lot size of Lot 1, Section 15, DP 759050, 17 Bath St, Wardell to facilitate residential development and remove the Strategic Urban Growth Area affection at this site and associated buffer areas on surrounding land.

I, the Director regions, Northern, 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* (EP&A Act) that an amendment to the Ballina Local Environmental Plan (LEP) (2012) to rezone and amend the minimum lot size of Lot 1, Section 15, DP 759050, 17 Bath St, Wardell to facilitate residential development and remove the Strategic Urban Growth Area affection at this site and associated buffer areas on surrounding land, should proceed subject to the following conditions:

1. Community consultation is required under Sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14**; 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 local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant Section 117 Directions:
 - NSW Rural Fire Service
 - NSW Office of Environment and Heritage
 - Jali Local Aboriginal Land Council

Each public authority/organisation 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.
3. Prior to consultation with agencies the following additional studies are to be carried out. These studies are to be placed on exhibition with the Planning Proposal.
 - a. Heritage assessment;
 - b. Bushfire Threat Assessment; and
 - c. Site contamination Assessment



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).
5. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Dated 30th August day of 2017.

30/08/2017

Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ballina Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_BALLI_008_00	Planning proposal to rezone and amend the minimum lot size of Lot 1, Section 15, DP 759050, 17 Bath St, Wardell to facilitate residential development and remove the Strategic Urban Growth Area affection at this site and associated buffer areas on surrounding land.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 30th August 2017

Jeremy Gray
Directors Regions, Northern
Planning Services
Department of Planning and Environment

**Delegate of the Secretary
of the Department of Planning and Environment**

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

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

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_BALLI_008_00
Date Sent to DP&E under s56	11 August 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	30/08/2017

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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	30/08/2017

Additional relevant information: