



Office of the Director General

Mr Paul Hickey
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Our ref: PP_2012_BALLI_006_00 (12/18830)
Your ref: 12/47700

Dear Mr Hickey,

Planning proposal to amend draft Ballina Local Environmental Plan 2011

I am writing in response to your Council's letter dated 20 November 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 draft Ballina Local Environmental Plan (LEP) 2011 to list special events and associated signage as exempt development.

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.

Notwithstanding the above, Council is advised that public events are currently covered under s68 of the Local Government Act 1993.

Structures associated with events, such as marquees, tents and stages are currently provided for under the State Environmental Planning Policy (SEPP) - Temporary Structures and are proposed to be transferred into the Codes SEPP as part of the amendments currently being undertaken. Community notice and public information signs are also proposed to be transferred to the Codes SEPP. These amendments are anticipated to be finalised in the first quarter of 2013.

Council may therefore wish to amend the planning proposal, or not proceed with it following consideration of the existing and proposed legislation covering these land uses.

The amending 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 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 Denise Wright of the regional office of the department on 02 6641 6600.

Yours sincerely,

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Sam Haddad
Director General

15/12/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_BALLI_006_00): to list special events and associated signage as exempt development under draft Ballina LEP 2011.

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 draft Ballina Local Environmental Plan (LEP) 2011 to list special events and associated signage as exempt development should proceed subject to the following conditions:

1. 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.
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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Services
 - Department of Primary Industries – Crown Lands Division

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. 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** from the week following the date of the Gateway determination.

Dated 15th day of December 2012.



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