



Office of the Director General

Mr Paul Hickey
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Our ref: PP_2012_BALLI_007_00 (12/19107)
Your ref: 12/52080

Dear Mr Hickey,

Planning proposal to amend either Ballina Local Environmental Plan (LEP) 1987 or draft Ballina LEP 2011

I am writing in response to your Council's letter dated 26 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 either Ballina Local Environmental Plan (LEP) 1987 or draft Ballina LEP 2011 to rezone land at 6 Burns Point Ferry Road, West Ballina for residential purposes and if an amendment is made to draft LEP 2011 to allocate a 600sqm minimum lot size to the land and remove the land from the Strategic Urban Growth Area Map.

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.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

The amending LEP is to be finalised within 12 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 Carlie Boyd of the regional office of the department on 02 6641 6600.

Yours sincerely,


Sam Haddad
Director General

14/12/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_BALLI_007_00): to facilitate the development of land at West Ballina for residential purposes.

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 either Ballina Local Environmental Plan (LEP) 1987 or draft Ballina LEP 2011 to rezone land at 6 Burns Point Ferry Road, West Ballina for residential purposes and if amending draft LEP 2011 to allocate a 600sqm minimum lot size to the land and remove the land from the Strategic Urban Growth Area Map should proceed subject to the following conditions:

1. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning. This report is to be included as part of the public exhibition material.
2. As part of the public exhibition material, Council is to include the Ballina Flood Study Update prepared by BMT WBM Pty Ltd in 2008 and any subsequent updates to this study, including any other supporting material it may have relating to flooding matters.
3. 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 and Infrastructure 2012) and must be made publicly available for **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 and Infrastructure 2012).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage (Flooding Issues)

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.
5. 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).



Planning & Infrastructure

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 14th day of December 2012.

Sam Haddad

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