



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

Our ref: PP_2014_BALLI_003_00 (14/06414)
Your ref: Reservoir Hill Site Lennox Head (14/20997)

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan (2012)

I am writing in response to Council's letter dated 4 April 2014 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 rezone Lot 1 DP 517111 at North Creek Road, Lennox Head to low density residential, medium density residential and public recreation purposes.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Land are of minor significance. No further approval is required in relation to these Directions.

While Council's request to rezone the land for residential purposes and retain the flexibility in the application of minimum lot size standards is supported your request to include the option to include environmental protection zones is not supported at this time. The agency is currently coordinating the 'Review of environmental zones and overlays in the Far North Coast', which reviews the application of environmental zones and overlays. Given the Review has not yet been completed, the application of environmental protection zones is not appropriate at this time and is to await the outcomes of the Review. Consequently the planning proposal is to be amended to remove reference to the environmental protection zones.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to Planning and Infrastructure for administrative purposes.

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 *EP&A 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 Jenny Johnson of the Grafton regional office to assist you. Jenny can be contacted on (02) 6641 6614.

Yours sincerely



17 April 2014
Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery

Gateway Determination

Planning proposal (Agency Ref: PP_2014_BALLI_003_00): to rezone Lot 1 DP 517111 at North Creek Road, Lennox Head to low density residential, medium density residential and public recreation purposes.

I, the General Manager, Northern Regional Team at 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 the *Ballina Local Environmental Plan (LEP) 2012* to rezone Lot 1 DP 517111 at North Creek Road, Lennox Head to low density residential, medium density residential and public recreation purposes should proceed subject to the following conditions:

1. 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 (Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **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 (Planning & Infrastructure 2013)*.
2. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the EP&A Act. Office of Environment and Heritage 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. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

17

day of April

2014.



Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery
Planning and Infrastructure

Delegate of the Minister for Planning
and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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

Number	Name
PP_2014_BALLI_003_00	Planning proposal to rezone Lot 1 DP 517111 at North Creek Road, Lennox Head to low density residential, medium density residential and public recreation purposes

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 17 April 2014

Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery
Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

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

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2014_BALLI_003_00
Date Sent to Department under s56	04/04/2014
Date considered at LEP Review Panel (if applicable)	Proposal considered by General Manager, Northern Region under delegation
Gateway determination date	17/04/2014

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		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: