



Planning & Environment

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

Our ref: PP_2015_BALLI_002_00 (15/02187)
Your ref: 1592-02

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan (2012)

I am writing in response to your Council's letter dated 23 January 2015 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 land at Blue Seas Parade Lennox Head, to permit residential development.

As delegate of the Minister for Planning, 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, 1.5 Rural Land and 4.2 Mine Subsidence and Unstable Land are justified and of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions 3.5 Development Near Licensed Aerodromes and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

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 for Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 Ms Jenny Johnson of the Northern Region office to assist you. Ms Johnson can be contacted on (02) 6641 6614.

Yours sincerely

 3 February 2015
Stephen Murray
General Manager, Northern Region
Planning Services



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2015_BALLI_002_00): to rezone land at Blue Seas Parade Lennox Head, to permit residential development.

I, the General Manager, Northern Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Ballina Local Environmental Plan (LEP) (2012) to rezone land at Blue Seas Parade Lennox Head, to permit residential development should proceed subject to the following conditions:

1. Prior to undertaking public exhibition the following studies need to be completed:
 - Bushfire Threat Assessment Report;
 - Coastal Zone Impacts and Visual Amenity Impacts assessment;
 - Contaminated Land Assessment and Remedial Action Plan;
 - Due Diligence Aboriginal Heritage assessment;
 - Flora and Fauna assessment;
 - Geotechnical Assessment (Landslip); and
 - Land Use Conflict Risk Assessment.
2. Following the preparation of the studies in condition (1) Council should determine an appropriate minimum lot size and prepare a map for public exhibition in accordance with the Standard Technical Requirements for LEP Maps. Council is to provide the Department with a copy of the material for community consultation for approval, as required by section 57(2) of the EP&A Act.
3. Consultation is required with the following public authorities and agencies prior to public exhibition under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Air Services Australia
 - Ballina Byron Gateway Airport (Ballina Council)
 - Civil Aviation Safety Authority (CASA)
 - NSW Primary Industries
 - NSW Rural Fire Service

Each public authority and agency 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.

4. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **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 (*Planning & Infrastructure 2013*).
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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *3rd* day of *February* 2015.


Stephen Murray
General Manager, Northern Region
Planning Services

Delegate of the Minister for Planning