



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

Our ref: PP_2014_BALLI_006_00 (14/11781)
Your ref: BSCPP 14/007

Attention: Lachlan Sims

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan 2012

I am writing in response to your Council's letter dated 15 July 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 include coastal protection works as an additional permitted use on Lot 33 DP 872966, Lot 3 DP 1079380, Lot 1 DP 1119099 and Lot 10 DP 1126929, North Creek, Ballina, under Schedule 1 of Ballina Local Environmental Plan 2012.

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 2.2 Coastal Protection, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has 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 6 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 the Department of Planning and Environment 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.

I would also encourage Council to give consideration in any future strategic planning exercise for the North Creek area to assess whether an alternate zone to the existing W1 Natural Waterways Zone may be more appropriate and reflective of the existing and likely future land uses on the accreted land.

Should you have any queries in regard to this matter, I have arranged for Ms Tamara Prentice of the Grafton regional office to assist you. Ms Prentice can be contacted on (02) 6641 6616.

Yours sincerely



Stephen Murray
General Manager, Northern Region
Growth Planning

24 JULY 2014

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (PP_2014_BALLI_006_00): to include coastal protection works as an additional permitted use on Lot 33 DP 872966, Lot 3 DP 1079380, Lot 1 DP 1119099 and Lot 10 DP 1126929, North Creek, Ballina, under Schedule 1 of Ballina Local Environmental Plan 2012.

I, the General Manager, Northern Region at the 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 include coastal protection works as an additional permitted use on Lot 33 DP 872966, Lot 3 DP 1079380, Lot 1 DP 1119099 and Lot 10 DP 1126929, North Creek, Ballina, under Schedule 1 of Ballina Local Environmental Plan 2012 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. The 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 **6 months** from the week following the date of the Gateway determination.

Dated 24th day of July 2014.



Stephen Murray
General Manager, Northern Region
Growth Planning
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* 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_006_00	Planning proposal to include coastal protection works as an additional permitted use on Lot 33 DP 872966, Lot 3 DP 1079380, Lot 1 DP 1119099 and Lot 10 DP 1126929, North Creek, Ballina, under Schedule 1 of Ballina Local Environmental Plan 2012.

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

Dated *24 July* 2014

Stephen Murray
General Manager, Northern Region
Growth Planning
Department of Planning and Environment