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

Our ref: PP_2012_BALLI_003_00 (12/08576)
Your ref: LEP Amendment Request – North Creek road
(313)

Dear Mr Hickey,

Planning Proposal to rezone land at 160-190 North Creek Road, Lennox Head from a rural zone to a residential zone

I am writing in response to your Council's letter dated 10 May 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 the Ballina Local Environmental Plan 1987 or the Ballina Local Environmental Plan 2012 to rezone land at 160-190 North Creek Road, Lennox Head from a rural zone to a residential zone.

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.

It is also noted that Council intend to amend the minimum lot size for the subject land from 40ha to 600sq.m. Council is to ensure that appropriate maps are prepared to clearly illustrate the proposed outcome for the purposes of community consultation. Council should also ensure that all mapping is prepared in accordance with the Department's Standard Technical Guidelines for LEP Maps prior to the finalisation of the planning proposal.

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

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

The amending Local Environmental Plan (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 within four (4) weeks from the week following this determination. 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 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 Di Yeates of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,



Sam Haddad
Director-General

1/6/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_BALLI_003_00): to rezone land at 160-190 North Creek Road, Lennox Head from a rural zone to a residential zone.

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 the Ballina Local Environmental Plan 1987 or the Ballina Local Environmental Plan 2012 to rezone land at 160-190 North Creek Road, Lennox Head from a rural zone to a residential zone should proceed subject to the following conditions:

1. Council is to ensure that appropriate maps are prepared to clearly illustrate the proposed outcome for the purposes of community consultation. Council should also ensure that all mapping is prepared in accordance with the Department's Standard Technical Guidelines for LEP Maps prior to the finalisation of the planning proposal.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

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. Further to Condition 4 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal, if necessary as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
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 **9 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated

1st

day of

May

2012.

Sam Haddad

Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure