



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

Our ref: 14/15938
Your ref: BSCPP 14/008

Attention: Klaus Kerzinger

Dear Mr Hickey

Planning Proposal PP_2014_BALLI_007_00 – Alteration of Gateway Determination

I refer to your letter of 23 March 2016 in relation to revisions to and an extension of time to complete Planning Proposal PP_2014_BALLI_007_00 for rezoning of land at Burns Point Ferry Road, West Ballina.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 25 September 2014 for PP_2014_BALLI_007_00. The Alteration of the Gateway Determination and amended written authorisation to Exercise Delegation are enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Paul Garnett to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely

8 April 2016

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl:
Alteration to Gateway Determination
Written Authorisation to Exercise Delegation

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2014_BALLI_007_00)

I, the Acting Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 25 September 2014 for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Change the description of the Planning Proposal

from

"Planning proposal (Department Ref: PP_2014_BALLI_007_00): to rezone Lot 4 DP 537419, Burns Point Ferry Rd, West Ballina for residential and employment uses and RU2 Rural Landscape.

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 rezone Lot 4 DP 537419, Burns Point Ferry Rd, West Ballina for residential and employment uses and RU2 Rural Landscape should proceed subject to the following conditions:"

to

"Planning proposal (Department Ref: PP_2014_BALLI_007_00): to rezone Lot 4 DP 537419, Burns Point Ferry Road, West Ballina to part R2 Low Density Residential and part RU2 Rural Landscape, apply appropriate planning controls to the land and enable the development of "work" related land uses in the R2 Zone, and a restaurant or café incorporating information and education facilities and a dwelling in the RU2 Zone as additional permitted uses.

I, the Acting Director Regions, Northern 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 rezone Lot 4 DP 537419, Burns Point Ferry Road, West Ballina to part R2 Low Density Residential and part RU2 Rural Landscape, apply appropriate planning controls to the land and enable the development of "work" related land uses in the R2 Zone, and a restaurant or café incorporating information and education facilities and a dwelling in the RU2 Zone as additional permitted uses should proceed subject to the following conditions:"

2. Delete:

"6. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination."

and replace with a new Condition 6:

"6. The LEP is to be completed by **1 April 2017.**"

3. Insert new condition 7:

"7. Prior to community consultation, the planning proposal is to be amended to remove references to:

- (a) including the controls for live/work developments in clause 5.4 of the LEP; and
- (b) the potential application of an environmental zone to the land.

A plain English explanation of the intended live/work controls without reference to clause 5.4 is to be included in *Part 2 - Explanation of the Proposal*. This will enable the most appropriate legal drafting method to be employed when finalising the LEP amendment without requiring further changes to the planning proposal.

4. Insert new condition 8:

"8. During community consultation the relevant planning authority is to consult with the Local Aboriginal Land Council. A copy of the planning proposal, the Aboriginal Cultural Heritage Assessment and the Archaeological Survey is to be provided to the Local Aboriginal Land Council and it is to be given at least 21 days to comment on the proposal.

Dated 8 day of April 2016



Craig Diss
Acting Director Regions, Northern
Planning Services
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_007_00	Planning proposal to rezone Lot 4 DP 537419, Burns Point Ferry Road, West Ballina to part R2 Low Density Residential and part RU2 Rural Landscape, apply appropriate planning controls to the land and enable the development of "work" related land uses in the R2 Zone, and a restaurant or café incorporating information and education facilities and a dwelling in the RU2 Zone as additional permitted uses

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

Dated 8 April 2016

Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning