



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

Our ref: PP_2014_BALLI_002_00
Your ref: 14/20654

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan 2012

I am writing in response to your Council's letter dated 31 March 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 Lots 29 and 31 in DP 1121058 at Aspects Estate, Lennox Head, from R2 Low Density Residential to R3 Medium Density Residential and amend the Minimum Lot Size from 600m² to 800m².

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.

Council may still need to obtain the agreement of the Director General to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made. As the land is in proximity to land mapped as bushfire prone land, Council is required to consult the NSW Rural Fire Service. Until this has occurred, the consistency of the proposal with the Direction remains unresolved.

The Minister delegated his plan making powers to councils in October 2012. I note that Council has requested to be issued with delegation for this planning proposal. 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 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 Ms Claire Purvis of the Planning and Infrastructure regional office to assist you. Claire can be contacted on (02) 6641 6611.

Yours sincerely

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

Gateway Determination

Planning proposal (Agency Ref: PP_2014_BALLI_002_00): to rezone Lots 29 and 31 in DP 1121058 at Aspects Estate, Lennox Head, to R3 Medium Density Residential and amend the Minimum Lot Size map.

I, the General Manager, Northern Region 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 zone Lots 29 and 31 in DP 1121058 at Aspects Estate, Lennox Head, from R2 Low Density Residential to R3 Medium Density Residential and amend the Minimum Lot Size from 600m² to 800m², 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 NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service 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 10 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 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_002_00	Planning proposal to rezone land at Lots 29 and 31 in DP 1121058 at Aspects Estate, Lennox Head, from R2 Low Density Residential to R3 Medium Density Residential and amend the Minimum Lot Size from 600m ² to 800m ² .

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

Table 1 – To be completed by the agency

Stage	Date/Details
Planning Proposal Number	PP_2014_BALLI_002_00
Date sent to Agency under s56	03/04/2014
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	10/04/14

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 P&I requesting notification		

Table 3 – To be completed by the agency

Stage	Date/Details
Notification Date and details	

Additional relevant information: