



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

Our ref: PP_2016_BALLI_001_00 (16/02805)
Your ref: 16/6188

Attention: Simon Scott

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan 2012

I am writing in response to your Council's correspondence dated 2 February 2016 and additional information provided on 11 February 2016, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to undertake twelve (12) mapping amendments including changes to the land zoning, minimum lot size and strategic urban growth area maps and to rectify various cadastre anomalies.

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, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes following consultation with the Commissioner of the NSW Rural Fire Service and Department of Primary Industries – Crown Lands. Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be issued with a written authorisation to exercise plan making delegations for this planning proposal. I have considered the nature of Council's planning proposal and have decided to not issue an authorisation to Council for this proposal until the appeal against Development Application DA2015/377 relating to the land at Blue Seas Parade, Lennox Head has been finalised.

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 as soon as possible. Council's request for the 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 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 Katrina Burbidge to assist you. Ms Burbidge can be contacted on (02) 6641 6606.

Yours sincerely

 25 February 2016

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_BALLI_001_00): to undertake twelve (12) mapping amendments including changes to the land zoning, minimum lot size and strategic urban growth area maps and to rectify various cadastre anomalies.

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 *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Ballina Local Environmental Plan (LEP) 2012* to undertake twelve (12) mapping amendments including changes to the land zoning, minimum lot size and strategic urban growth area maps and to rectify various cadastre anomalies should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to include draft Land Application Maps and Minimum Lot Size Maps that identify all proposed changes to the subject properties.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 and 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 (Department of Planning and Infrastructure 2013)*
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant s117 Directions:
 - (a) NSW Rural Fire Service; and
 - (b) Department of Primary Industries – Crown Lands.

Each public authority 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. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 25 day of February 2016



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

Delegate of the Minister for Planning