



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

Our ref: PP_2017_BALLI_006_00 (17/09325)
Your ref: LEP Amendment – Rural Area Dual
Occupancies (1910)

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan (2012)

I am writing in response to your Council's letter dated 4 July 2017 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to amend Ballina LEP 2012 to permit with consent, detached dual occupancies on land zoned RU1 Primary Production and RU2 Rural Landscape.

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 inconsistency with S117 Direction 1.5 Rural Land, 4.1 Acid Sulfate Soils, 4.2 Mine Subsidence and Unstable Land and 4.3 Flood Prone Land is of minor significance. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions 3.5 Development Near Licensed Aerodromes and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

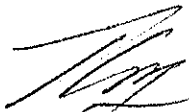
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 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 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 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 Gina Davis of the Department's regional office to assist you. Ms Davis can be contacted on (02) 6701 9687.

Yours sincerely

 28-7-2017

Jeremy Gray
Director Regions, Northern
Planning Services

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

Gateway Determination

Planning Proposal (Department Ref: PP_2017_BALLI_006_00): to amend Ballina LEP 2012 to permit with consent, detached dual occupancies on land zoned RU1 Primary Production and RU2 Rural Landscape.

I, the 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* (EP&A Act) that an amendment to the Ballina Local Environmental Plan (LEP) (2012) to permit with consent, detached dual occupancies on land zoned RU1 Primary Production and RU2 Rural Landscape should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend Section 3.2 of the Planning Proposal so that only a plain English explanation of the proposed provisions is included.
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 local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14**; 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant Section 117 Directions:
 - NSW Rural Fire Service
 - NSW Department of Primary Industries - Agriculture
 - Civil Aviation Safety Authority

Each public authority/organisation 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 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).



Planning & Environment

5. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Dated *28* day of *JULY* 2017.

Jeremy Gray
Director Region, 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* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_BALLI_006_00	Planning proposal to amend Ballina LEP 2012 to permit with consent, detached dual occupancies on land zoned RU1 Primary Production and RU2 Rural Landscape.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated *28 July* 2017

Jeremy Gray
Directors Regions, Northern
Planning Services
Department of Planning and Environment

**Delegate of the Secretary
of the Department of Planning and Environment**