

Alteration of Gateway determination for planning proposal PP-2023-134

Purpose: To recommend the Director, Northern Region as delegate of the Minister, agree to alter the Gateway determination for planning proposal no PP-2023-134.

Analysis: A Gateway determination was issued on 17 March 2023 for the planning proposal, which seeks to relocate the neighbourhood commercial centre at Cumbalum by amending the zoning and associated development standards. Ballina Shire Council has requested a Gateway alteration to extend the timeframe for completion by one month. The request is considered to have merit and an alteration to the Gateway determination has been prepared.

Approval required (if applicable): 7 September 2023

Reason for deadline (if applicable): 15 days since receipt of request.

Recommendation

That the Director, Northern Region as delegate of the Minister:

1. **agree** under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination for planning proposal no. PP-2023-134 in accordance with the Alteration of Gateway determination document (**Attachment A**), which in summary involves extends the timeframe for completion by one month.
2. **agree** under schedule 1, clause 4 of the Act that no additional community consultation is required;
3. **sign** the Alteration of Gateway determination (**Attachment A**); and
4. **sign** the letter to Ballina Shire Council (**Attachment B**).

Director approval



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Date: 23/8/2023

Approved

Key reasons

Planning proposal

Ballina Shire Council has prepared a planning proposal to relocate the neighbourhood commercial centre at Cumbalum by amending the zoning and associated development standards.

The Gateway determination issued on 17 March 2023 (**Attachment C**) determined that the proposal should proceed subject to conditions. The Gateway determination was previously altered on 10 July 2023 to amend the proposal to also insert a subdivision clause in the Ballina LEP 1987 to facilitate and implement that intent of the proposal.

Council requests an extension of time to complete the planning proposal

The Gateway determination required that the local environmental plan (LEP) be finalised in 6 months from the date of the Gateway determination expiring on 8 September 2023.

Council has requested the period to complete the LEP be extended for a further month to 8 October 2023.

The delay in meeting this Gateway determination time frame has arisen due to drafting the LEP Amendment being more complex than originally anticipated. Council resolved to finalise the planning proposal at the Ordinary Meeting on 27 July 2023 and is currently reviewing the first draft of the LEP prepared by PCO.

Council has also advised the VPA has not yet been registered on the title and a requisition issued by NSW Land Registry Services in relation to the property details has delayed the process. Council has authorised the necessary amendments to VPA and has been returned to proponent's solicitor for lodgement with NSW Land Registry Services. Council has resolved not to finalise the LEP until the planning agreement has been registered on the title.

Council has submitted an amended project timeline as follows:

Plan Making Step	Estimated Completion (Before)
Gateway Determination	January 2023
Government Agency Consultation	February 2023
Public Exhibition Period	April - May 2023
Public Hearing	N/A
Submissions Assessment	June 2023
PPA Assessment of Planning Proposal and Exhibition Outcomes	22 June 2023
LPMA Decision to Make the LEP Amendment	22 June 2023
Forwarding of LEP Amendment to DPE for Notification	September / October 2023

It is considered that the date be extended to 13 October 2023 to enable Council and Parliamentary Counsel's Office to finalise the drafting of the LEP amendment.

This date is within timeframe for completion of a standard category of planning proposal under the Local Environmental Plan Making Guidelines. The Active Management Plan date is 12 March 2024.

Community consultation

Community consultation occurred between 21 April 2023 and 22 May 2023.

No issues or objections were raised by agencies.

A total of 17 public submissions indicating support and 3 public submissions not supporting the proposal were received. The submissions not supporting the proposal raised concerns primarily around issues associated with living adjacent to a local commercial centre rather than residential dwellings.

It is considered that the revised planning proposal does not require further community consultation.

Attachments

Attachment	Title
A	Alteration of Gateway determination
B	Letter to Council
C	Gateway determination
D	Previous Gateway determination alterations
E	Letter from Council requesting extension

Departmental approval and contact

Approver	Position	Date approved
Lucy Walker	Manager, Local and Regional Planning, Northern Region	22.08.2023
Contact name	Position	Phone number
Jon Stone	Senior Planning Officer	5778 1488