



**Planning &
Infrastructure**

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Our ref: PP_2012_BALLI_004_00 (12/14845)
Your ref: LEP Amendment - Bulky Goods Retailing
Precinct

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

Dear Mr Hickey,

Planning proposal to amend draft Ballina Local Environmental Plan 2011

I am writing in response to your Council's letter dated 12 September 2012 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 amend the draft Ballina Local Environmental Plan (LEP) 2011 to rezone land at the Southern Cross Industrial Estate, Ballina from IN1 General Industrial to B5 Business Development.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.4 Integrated Land Use and Transport and 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these Directions.

The amended LEP is to be finalised within 12 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 following agency consultation. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW 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 s54(2)(d) of the EP&A Act if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Carlie Boyd of the Departments Northern Regional Office on 02 6641 6600.

Yours sincerely,

Richard Pearson
A/Director-General

Gateway Determination

Planning proposal (Department Ref: PP_2012_BALLI_004_00): to rezone land at the Southern Cross Industrial Estate, Ballina from IN1 General Industrial to B5 Business Development

I, the Acting Director-General, Department of 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 draft Ballina Local Environmental Plan (LEP) 2011 to rezone Lot 951 DP1165266 and proposed Lots 2 and 3 at Stinson Street, Ballina from IN1 General Industrial to B5 Business Development and apply a 1ha minimum lot size to the site 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 must be made publicly available for **28 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. Further to Condition 2 above, Council is to consult with Roads and Maritime Services in regards to the suitability of road access to the proposed development along the old Pacific Highway access. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway Determination.

Dated

5

day of

October

2012.


Richard Pearson
A/Director-General
Delegate of the Minister for Planning and
Infrastructure