

Gateway Determination

Planning proposal (Department Ref: PP_2020_BALLI_001_00): to provide additional employment lands for the future expansion of the Southern Cross Industrial Estate.

I, the Director, Northern at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to provide additional employment lands for the future expansion of the Southern Cross Industrial Estate should proceed subject to the following conditions:

1. Prior to community and agency consultation, Council is to:
 - (a) update Part 3 to address the:
 - (i) North Coast Regional Plan 2036
 - (ii) Local Strategic Planning Statement
 - (iii) Section 9.1 Directions 2.6 Remediation of Land and 5.10 Implementation of Regional Plans
 - (iv) The proposed IN2 Light Industrial land use table to ensure compliance with the Standard Instrument LEP
 - (b) prepare reports in relation to:
 - (i) ecological, flora and fauna
 - (ii) acid sulfate soils
 - (iii) geotechnical
 - (iv) stormwater impact and flooding
 - (v) entomological (mosquitoes)
 - (vi) bushfire hazard
 - (vii) archaeological/cultural heritage
 - (viii) aerodromes impact (airport noise and obstacle height limitation surfaces)
 - (ix) site contamination
2. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Jali Aboriginal Land Council
 - Department of Planning, Industry and Environment (Division of Biodiversity Conservation)
 - Heritage NSW
 - NSW Rural Fire Service
 - Civil Aviation Safety Authority
 - Air Services Australia
 - Ballina Byron Gateway Airport
 - Regional NSW (Department of Primary Industries - Agriculture)
 - Transport for NSW (Roads and Maritime)
 - NSW Resources and Geoscience

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.

5. The time frame for completing the LEP is to be by **30 June 2021**.

Dated 4 day of November 2020.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning
and Public Spaces**