



Mr Paul Hickey  
General Manager  
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Via email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)  
[Klaus.Kerzinger@ballina.nsw.gov.au](mailto:Klaus.Kerzinger@ballina.nsw.gov.au)

Dear Mr Hickey

**Planning proposal PP\_2020\_BALLI\_001\_00 to amend Ballina Local Environmental Plan 2012**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to provide additional employment lands for the future expansion of the Southern Cross Industrial Estate.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Lands, 1.3 Mining, Petroleum and Extractive Industries, 1.5 Rural Zones, 3.2 Caravan Parks and Manufactured Homes Estates and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Directions 2.1 Environmental Protection Zones, 3.5 Development Near Regulated Airports and Defence Airfields, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

It is noted that Council has asked not to be the local-plan making authority for this planning proposal. I have considered Council's request and have not conditioned the Gateway for Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within eight months of 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, Industry and Environment to draft and finalise the LEP should be made eight 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

I also have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 23 July 2013 (since altered) for PP\_2013\_BALLI\_005\_00 in accordance with Council's decision not to proceed with the proposal. The Alteration of Gateway determination is enclosed.

Should you have any enquiries about this matter, I have arranged for Ms Lucy Walker to assist you. Ms Walker can be contacted on 5778 1402.

Yours sincerely



4/11/2020

**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Alteration of Gateway determination