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

Our ref: PP\_2013\_BALLI\_005\_00 (13/11378)  
Your ref: Planning Proposal – Southern Cross Precinct  
Expansion (13/37339)

Dear Mr Hickey,

### **Planning proposal to amend Ballina Local Environmental Plan 2012**

I am writing in response to Council's letter dated 3 July 2013 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 rezone certain land, adjoining the Southern Cross Industrial Estate, at Corks Lane, Ballina from RU2 Rural Landscape to B6 Enterprise Corridor and B7 Business Park, apply a minimum lot size of 1,000sqm and, if appropriate, amend other applicable development standards for the subject land, remove the land from the Strategic Urban Growth Area Map and include a new zone, B7 Business Park in the Ballina Local Environmental Plan (LEP) 2012.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are justified by the Far North Coast Regional Strategy, endorsed local strategy or in accordance with the Floodplain Development Manual. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

It is noted that the proposal introduces a new B7 Business Park zone into Ballina LEP 2012. Council is encouraged to discuss the proposed land use table for the new zone with the department's regional office, prior to undertaking public exhibition. The land use table for the new B7 zone and the Southern Cross Precinct Master Plan are to form part of the material placed on public exhibition with the planning proposal.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has asked not to be issued with delegation for this planning proposal because of its commercial interest in the land. I have considered the nature of Council's planning proposal and have decided to support Council's position and not issue an authorisation for Council to exercise delegation to make this plan to ensure a third party review of the planning proposal is undertaken.

The amending 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. Council's request for the department to draft and finalise the LEP should be made 6 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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Jennifer Vallis of the regional office of the department on (02) 6641 6600.

Yours sincerely,



Neil McGaffin

23.7.13

**Executive Director**  
**Rural and Regional Planning**  
**Planning Operations and Regional Delivery**

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_BALLI\_005\_00):** to facilitate the expansion of the Southern Cross Industrial Estate at Ballina.

I, the Executive Director, Rural and Regional Planning at the 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 Ballina Local Environmental Plan (LEP) 2012 to rezone certain land, adjoining the Southern Cross Industrial Estate, at Corks Lane, Ballina from RU2 Rural Landscape to B6 Enterprise Corridor and B7 Business Park, apply a minimum lot size of 1,000sqm and, if appropriate, amend other applicable development standards for the subject land, remove the land from the Strategic Urban Growth Area Map and include a new zone, B7 Business Park should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to advise of the intended future uses, zones and development standards proposed for the subject land. The proposed land use table for the new B7 Business Park zone and the Southern Cross Precinct Master Plan is to be placed on public exhibition with the planning proposal.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
  - ecological, flora and fauna
  - acid sulphate soils
  - geotechnical
  - stormwater impact and flooding
  - entomological (mosquitoes)
  - bushfire hazard
  - archaeological/cultural heritage
  - aerodromes impact (airport noise and obstacle limitation surfaces)
3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - NSW Aboriginal Land Council
  - Office of Environment and Heritage

- NSW Department of Primary Industries – Agriculture
- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Department of the Commonwealth responsible for aerodromes and the lessee of the aerodromes (S117 Directions 3.5 Development Near Licensed Aerodromes)

Each public authority 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.

6. 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 23rd day of July 2013.



Neil McGaffin  
**Executive Director**  
**Rural and Regional Planning**  
**Planning Operations and Regional Delivery**  
**Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and Infrastructure**