

Contact: Jenny Vallis
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Jenny.Vallis@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

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

Our ref: PP_2012_BALLI_002_00 (12/07066)
Your ref: Ballina LEP Amendment Request, Stovielle
Pty Ltd

Dear Mr Hickey,

Planning proposal to rezone 0.68 hectares of land at Robb Street, Alstonville from 7(i) Environmental Protection (Urban Buffer) to 4 Industrial under the Ballina LEP 1987

I am writing in response to your Council's letter dated 4 May 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 Ballina Local Environmental Plan 1987 to rezone 0.68 hectares of land at Robb Street, Alstonville from 7(i) Environmental Protection (Urban Buffer) to 4 Industrial.

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.

It is noted that the subject land is identified as State Significant Farmland under the Northern Rivers Farmland Protection Project and therefore the planning proposal is inconsistent with the requirements of S117 Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast. A planning proposal may be inconsistent with the Local Planning Direction if the planning proposal is consistent with the Far North Coast Regional Strategy (FNCRS). The land is not identified as future urban release under the FNCRS, but does adjoin the town and village growth boundary for Ballina, and is currently being utilised for industrial purposes.

The FNCRS permits variations to the growth boundary where sufficient justification has been provided. Given the land is currently being utilised for industrial purposes, it is considered that a variation to the growth boundary to include the subject land is necessary so that the land is correctly identified as being industrial. Therefore, the planning proposal is considered consistent with the FNCRS and the requirements of S117 Direction 5.1 Implementation of Regional Strategies, and that the planning proposals inconsistencies with S117 Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast is of minor significance. No further approval is required in relation to this Direction.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones and 1.5 Rural Lands are on minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. 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 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 time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jenny Vallis of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,



Sam Haddad
Director-General

18/6/2012 .

Gateway Determination

Planning Proposal (Department Ref: PP_2012_BALLI_002_00): to rezone 0.68 hectares of land at Robb Street, Alstonville from 7(i) Environmental Protection (Urban Buffer) to 4 Industrial under the Ballina LEP 1987

I, the 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 Ballina Local Environmental Plan 1987 to rezone land at Alstonville from 7(i) Environmental Protection (Urban Buffer) to 4 Industrial 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:
 - Department of Trade and Industry (Agriculture)
 - NSW Rural Fire Service

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 the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.
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.
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 18th day of June 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and Infrastructure