

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2014_BALLI_007_00)

I, Director Regions, Northern, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 25 September 2014 (as since altered) for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Change the description of the Planning Proposal from:

“Planning proposal (Department Ref: PP_2014_BALLI_007_00): to rezone Lot 4 DP 537419, Burns Point Ferry Road, West Ballina to part R2 Low Density Residential and part RU2 Rural Landscape, apply appropriate planning controls to the land and enable the development of “work” related land uses in the R2 Zone, and a restaurant or café incorporating information and education facilities and a dwelling in the RU2 Zone as additional permitted uses.

I, the Acting Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to rezone Lot 4 DP 537419, Burns Point Ferry Road, West Ballina to part R2 Low Density Residential and Part RU2 Rural Landscape, apply appropriate planning controls to the land and enable the development of “work” related land uses in the R2 Zone, and a restaurant or café incorporating information and education facilities and a dwelling in the RU2 Zone as additional permitted uses should proceed subject to the following conditions:”

to:

“Planning proposal (Department Ref: PP_2014_BALLI_007_00): to rezone Lot 4 DP 537419, Burns Point Ferry Road, West Ballina to part R2 Low Density Residential and part RU2 Rural Landscape, apply appropriate planning controls to the land and enable the development of “work” related land uses on part of the R2 Zone, and a restaurant or café incorporating information and education facilities and a dwelling in the RU2 Zone as additional permitted uses.

I, the Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 3.34(2) of the EP&A Act that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to rezone Lot 4 DP 537419, Burns Point Ferry Road, West Ballina to part R2 Low Density Residential and Part RU2 Rural Landscape, apply appropriate planning controls to the land and enable the development of “work” related land uses on part of the R2 Zone, and a restaurant or café incorporating information and education facilities and a dwelling in the RU2 Zone as additional permitted uses should proceed subject to the following conditions:”

2. Delete condition 6:

“6. The LEP is to be completed by 1 October 2018.”

and replace with a new condition 6:

“6. The LEP is to be completed by 1 January 2019.”

3. Insert new condition 9:

“9. **Further** public exhibition is required under section 3.34(2)(c) and schedule 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).”

4. Insert new condition 10:

“10. **Further** consultation is required with the following public authorities and/ organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Road and Maritime Services
- NSW Office of Environment and Heritage
- Department of Primary Industries – Fisheries and Aquaculture
- Department of Primary Industries – Agriculture

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. Insert new condition 11:

“11. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

- a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
- b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
- c. there are no outstanding written objections from public authorities.”

Dated 24 day of July 2018.



Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

