

Gateway Determination

Planning Proposal (Department Ref: PP_2018_BALLI_001_00): to change the zoning configuration of the Skennars Head Expansion Area by relocating and increasing the size of the B1 Neighbourhood Centre zone, amending the Floor Space Ratio Map accordingly, and rezoning part of the land to R3 Medium Density Residential.

I, the 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 *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to change the zoning configuration of the Skennars Head Expansion Area by relocating and increasing the size of the B1 Neighbourhood Centre zone, amending the Floor Space Ratio Map accordingly and rezoning part of the land to R3 Medium Density Residential should proceed subject to the following conditions:

1. Prior to community consultation a review of the Retail Demand and Impact Analysis report is to be undertaken to confirm that the maximum commercial floor area that could be achieved within the proposed area of B1 Neighbourhood Centre zoned land will not result in an adverse impact on neighbouring commercial centres. If the review identifies that there will be an adverse impact on neighbouring commercial centres then details of the maximum commercial floor area at which an impact does not occur is to be provided.
2. Prior to community consultation the planning proposal is to be amended as follows:
 - a. maps which show the current and proposed floor space ratio for the land are to be included in the planning proposal; and
 - b. to reflect any necessary changes arising from the outcomes of the review of the potential impacts of the increase in the area of B1 zoned land.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 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 local environmental plans* (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:

- NSW Rural Fire Service;
- NSW Roads and Maritime Services;
- Ballina – Byron Gateway Airport; and
- Civil Aviation Safety Authority.

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. A public hearing is not required to be held into the matter by any person or body under section 56(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).
6. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 15 day February of 2018.



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

Delegate of the Minister for Planning