

Gateway Determination

Planning proposal (Department Ref: PP_2018_BALLI_004_00): to amend Schedule 1 in the Ballina Local Environmental Plan 2012 to permit residential flat buildings as an additional permitted use on certain sites within the B3 Commercial Core zone; insert a new clause requiring these sites to maintain active frontages; and add a new objective to the B3 zone.

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 *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to amend Schedule 1 in the Ballina Local Environmental Plan 2012 to permit residential flat buildings as an additional permitted use on certain sites within the B3 Commercial Core zone; insert a new clause requiring these sites to maintain active frontages; and add a new objective to the B3 zone should proceed subject to the following conditions:

1. Prior to agency or community consultation the proposal is to be amended to clarify that the relevant land parcels shown within the identified 'sites' on the Additional Permitted Use Map and Active Frontages Map are intended to be part of a potential building envelope for possible future redevelopment containing residential flat buildings, rather than as individual redevelopment sites for that land use.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 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).
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

4. 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.
5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 6 day of November 2018.



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

Delegate of the Minister for Planning