

Gateway Determination

Planning proposal (PP_2019_BALLI_004_00): *to permit with consent industrial retail outlets associated with an approved rural industry in the RU1 Primary Production Zone and RU2 Rural Landscape Zone under the Ballina Local Environment Plan 2012.*

I, the Director, Northern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 permit with consent industrial retail outlets associated with an approved rural industry within the RU1 Primary Production Zone and RU2 Rural Landscape Zone should proceed subject to the following conditions:

1. Prior to agency or community consultation, the proposal is to be amended to include:
 - (a) a map of all affected land to assist the community understand where the proposed planning control changes will apply; and
 - (b) additional details on the reasons for excluding home industries from the proposed changes and the identification of a maximum 100m² as an appropriate floor space standard for industrial retail outlets in rural areas.
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 is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016) and must be made publicly available for a minimum of **14 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
3. Consultation is required with the following public authority/organisation under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service (RFS)
 - Department of Planning, Industry and Environment (Primary Industries)
 - Transport for NSW (RMS)

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.

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

Dated 2 day of October 2019.



Jeremy Gray
Director, Northern Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces