

Gateway Determination

Planning proposal (Department Ref: PP-2022-456): *Integration of certain deferred matter land into Ballina LEP 2012 and amend Ballina LEP 1987*

I, the Executive Director, Local and Regional Planning at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 2012 and Ballina Local Environmental Plan 1987 to integrate certain deferred matter land should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - (a) Amend the Explanation of Provisions of the planning proposal to identify all the changes put forward by the planning proposal and to include a note that the proposed land use zones applied are subject to change as further work is undertaken in accordance with the Northern Councils E Zone Review Final Recommendations Report;
 - (b) Address consistency of the proposal against the Ballina Local Strategic Planning Statement;
 - (c) Clarify that not all 9(a) Roads (Main Roads Proposed) Zone, 9(b) Roads (Local Roads Proposed) Zone and unzoned land will be rezoned based on adjacent zoning;
 - (d) Include a table that:
 - (i) lists each property affected by the proposal;
 - (ii) outlines existing zones;
 - (iii) outlines proposed zones;
 - (iv) outlines primary use of the land (as determined by Council, prior to consultation with landholders);
 - (e) Include information that confirms:
 - (i) the number of affected landowners;
 - (ii) a breakdown of the number of lots proposed to have an environmental protection zone;
 - (iii) the number of lots proposed to have an alternate zone applied;
 - (iv) the amount of land (in hectares) proposed for rezoning as part of this proposal;
 - (f) Include all existing and proposed maps that will be amended as a result of this proposal (Land Application, Land Zoning, Height of Building, Floor Space Ratio, Lot Size, Acid Sulfate Soils, Heritage, Building Height Allowance and Strategic Urban Growth Area);

- (g) Amend all maps to identify all relevant proposed controls for land zoned 9(a) Roads (Main Roads Proposed), 9(b) Roads (Local Roads Proposed) and unzoned land within the LGA, in accordance with the objectives and explanation of provisions;
 - (h) Remove reference to amending the Flood Planning maps; and
 - (i) Update references and inconsistencies with all relevant section 9.1 Directions.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days;
 - (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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021);
 - (c) Consistent with the recommendations of the E Zone Review, Council must ensure that any landowner whose land is proposed to have a conservation zone applied, is notified in writing of the planning proposal and consultation arrangements;
 - (d) When Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, the landowners whose land will be subject to a conservation zone must be notified in writing of Council's decision and advised that they have 28 days to notify the Department if they would like the Chief Planner (or equivalent) to review the proposed zoning of their property.

Exhibition must commence within six (6) months following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- NSW Mining, Exploration and Geoscience,
 - Jali Local Aboriginal Land Council,
 - Heritage NSW,
 - Ballina Airport Operator,
 - NSW Rural Fire Service,
 - Biodiversity Conservation Division,
 - Transport for NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 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 EP&A 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 final planning proposal is to detail how the E Zone application process for each property has been satisfied in accordance with the review recommendations.
6. The LEP should be completed 12 months from the date of Gateway determination.

Dated 18 day of March 2022.

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

Jeremy Gray
Acting Executive Director
Local and Regional Planning
Department of Planning and
Environment

Delegate of the Minister for Planning
and Homes