

Gateway Determination

Planning proposal (Department Ref: PP-2023-134): to relocate the neighbourhood commercial centre at Cumbalum by amending the zoning and associated development standards.

I, the Director, 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 2012 to relocate the neighbourhood commercial centre at Cumbalum by amending the zoning and associated development standards should proceed subject to the following conditions.

The Council as the planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 8 September 2023.

Gateway Conditions

1. The planning proposal is to be updated to:
 - (a) Correctly refer to the B2 Local Centre zone;
 - (b) Include discussion on the implementation of the State Environmental Planning Policy Amendment (Land Use Zones) (No 2) 2022 that will alter land use zones and clauses within the Ballina LEP 2012 on 26 April 2023. The future change of the B2 Local Centre to E1 Local Centre is to be acknowledged in the planning proposal and associated maps; and
 - (c) Replace references and commentary on the North Coast Regional Plan 2036 with references and appropriate discussion on the North Coast Regional Plan 2041.
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 standard 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 20 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
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:
- Transport for NSW
 - NSW Rural Fire Service
 - The Civil Aviation Safety Authority.
- 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 30 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).

Dated 17 day of March 2023.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning