

Gateway Determination

Planning proposal (Department Ref: PP-2024-1710): Ballina Housekeeping Amendment 2024

I, the Director, Hunter and Northern Region, at the Department of Planning, Housing and Infrastructure, 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 2012 to make housekeeping amendments should proceed subject to the following Gateway conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the 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 within nine (9) months of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be amended to:
 - (a) include mapping of all proposed planning controls changes;
 - (b) remove Item 9 from the planning proposal;
 - (c) update the proposed zoning and lot size maps within the document to show that no changes are intended for adjoining land Lot 2 DP 791177;
 - (d) clarify that the purpose of Council's proposed amendment of clause 4.2B (Item 11) is to restrict the clause's application to boundary adjustments;
 - (e) clarify in Item 12 that advertising structures are currently permissible in the E4 General Industrial zone;
 - (f) include a completed NSW Coastal Design Guidelines 2023 Appendix 1: Assessment checklist for planning proposals; and
 - (g) clarify that no change to the current permissibility of agritourism in the C3 Zone is intended in regard to Item 4.
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 Guideline* (Department of Planning and Environment,

August 2023) and must be made publicly available for a minimum of 20 working 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 Guideline* (Department of Planning and Environment, August 2023);
 - (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 the consultation arrangements; and
 - (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.
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 Act:
- NSW Rural Fire Service
 - Department of Climate Change, Energy, the Environment and Water - Biodiversity Conservation and Science Division (Biodiversity Conservation)
 - Department of Primary Industries and Regional Development – Agriculture and Biosecurity

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 working 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).

Dated 26 August 2024



Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces