

Mr Paul Hickey  
General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Our ref: IRF22/4471

Via email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)  
[rob.vaniersel@ballina.nsw.gov.au](mailto:rob.vaniersel@ballina.nsw.gov.au)

Dear Mr Hickey

**Planning proposal PP-2022-4253 to amend Ballina Local Environmental Plan 2012**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Ballina LEP 2012 Strategic Urban Growth Area Map

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

It should be noted that the determination requires that the SUGA areas for the proposed Russellton Industrial Estate, Alstonville, and expanded Ross Lane/The Coast Road, Lennox Head, be excluded consistent with the Department's conditional approval on 4 November 2022 of Council's the SUGA Review. This approval identified further strategic justification and planning work was required prior to supporting the inclusion of these sites in the SUGA areas due to State significant farmland or flooding issues.

Council will need to obtain the agreement of the Secretary to comply with the requirements of the Minister under section 9.1 of the EP&A Act Direction 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 30 June 2023. As this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting as soon as practicable. A copy of the request should be forwarded to the Department of Planning and Environment.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to [mapinstrument.drafting@dpie.nsw.gov.au](mailto:mapinstrument.drafting@dpie.nsw.gov.au). The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Sandra Bush to assist you. Sandra can be contacted on 6588 5535.

Yours sincerely



23/12/2022

**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**

Encl: Gateway determination