



## Department of Planning and Environment

Your ref: BSCPP 21/004 – DM Integration (CM 2388)

Our ref: IRF22/419

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

Via email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)  
[leah.toole@ballina.nsw.gov.au](mailto:leah.toole@ballina.nsw.gov.au)

Dear Mr Hickey

### Planning proposal PP-2022-456 to amend Ballina Local Environmental Plan

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) to integrate certain deferred matter land into Ballina Local Environmental Plan 2012 and amend Ballina LEP 1987.

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

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act 5.1 Integrating Land Use and Transport and 5.2 Reserving Land for Public Purposes is justified in accordance with the terms of the Direction. In relation to Direction 6.2 Reserving Land for Public Purposes, I have agreed to the change in land for public purposes on the basis that the proposal is implementing the outcomes of the Northern Councils E Zone Review and no loss of public open space will occur.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act 1.1 Implementation of Regional Plans, 3.2 Heritage Conservation, 3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs, 4.3 Planning for Bushfire Protection, 5.3 Development Near Regulated Airports and Defence Airfields, 6.1 Residential Zones, 6.2 Caravan Parks and Manufactured Home Estates, 7.1 Business and Industrial Zones, 8.1 Mining, Petroleum and Extractive Industries, 9.2 Rural Land.

Consistent with the former Secretary's letter to Ballina Council on 1 March 2016, which specified plan making delegations, an authorisation to act as the Local Plan-Making Authority is not to be issued where a planning proposal seeks to apply a conservation zone to land. This is to ensure a consistent approach to the finalisation of rezoning decisions consistent with the E Zone Review Final Recommendations Report. Therefore, I have determined not to authorise Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised 12 months from the date of Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

Should you have any enquiries about this matter, I have arranged for Ms Ella Wilkinson to assist you. Ms Wilkinson can be contacted on 9995 5665.

Yours sincerely

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

18/3/2022

**Jeremy Gray**  
**Acting Executive Director**  
**Local and Regional Planning**  
**Planning and Assessment**

Encl: Gateway determination