

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

Our ref: IRF23/498

Via email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)  
[simon.scott@ballina.nsw.gov.au](mailto:simon.scott@ballina.nsw.gov.au)

Dear Mr Hickey

**Planning proposal PP-2023-134 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 relocate the neighbourhood commercial centre at Cumbalum by amending the zoning and associated development standards.

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.

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* 1.1 Implementation of Regional Plans, 4.2 Coastal Management, 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport and 7.1 Business and Industrial Zones are justified in accordance with the terms of the Directions.

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 8 September 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

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, 2021) 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 Mr Jon Stone to assist you. Mr Stone can be contacted on 5778 1488.

Yours sincerely

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

17/3/2023

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

E/ncl: Gateway determination