



Department of Planning, Housing and Infrastructure

Mr Craig Bennett
General Manager
Balranald Shire Council
PO Box 120
BALRANALD NSW 2715

Our ref: IRF23/3029

Attention: Ray Mitchell, Health and Development Officer

Dear Mr Bennett,

Balranald Local Environmental Plan 2010 (PP-2023-2531) – Balranald Housekeeping Planning Proposal

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) for various housekeeping amendments to the Balranald LEP 2010.

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

Condition 1 of the Gateway determination requires the planning proposal to be updated before exhibition. Item 6 of the planning proposal is not adequately justified and requires additional clarification on the intent of this amendment. The Department of Planning, Housing and Infrastructure's Western Region team can work with Council on the alternative options available for this item.

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 Act 3.1 Conservation Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

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 Act 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated Land, 9.1 Rural Zones and 9.2 Rural Lands. Council should ensure this occurs prior to the LEP being made.

I have determined not to authorise Council to be the local plan-making authority.

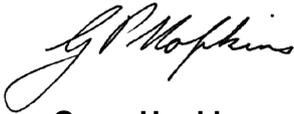
The amending local environmental plan (LEP) is to be finalised on or before 12 January 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible (subject to meeting Gateway condition 1). Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

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, August 2023) 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 Rebecca Martin to assist you. Ms Martin can be contacted on 02 5852 6810.

Yours sincerely



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Housing and Infrastructure

Encl: Gateway determination

15 January 2024