



Department of Planning, Housing and Infrastructure

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

Our ref: IRF24/1889

Email: council@ballina.nsw.gov.au

Dear Mr Hickey

Planning proposal PP-2024-1710 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 make general amendments to the Ballina LEP 2012.

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.

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, being Directions 1.2 Implementation of Regional Plans, 4.1 Flooding, 4.5 Acid Sulfate Soils, 6.1 Residential Zones; 9.1 Rural Zones and 9.2 Rural Lands are justified in accordance with the terms of the Directions. 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 including Direction 4.2 Coastal Management and 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

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 in regard to the E Zone Review Final Recommendations Report. Therefore, I have determined not to authorise Council to be the local plan-making authority.

The proposed local environmental plan (LEP) is to be finalised within nine months of the 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, 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, Housing and Infrastructure, 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 Carlie Boyd to assist you. Ms Boyd can be contacted on 6643 6404.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the date.

26/8/24

Jeremy Gray
Director, Hunter and Northern Region
Local Planning and council Support

Encl: Gateway determination