

Our ref: PP-2024-2438 / IRF26/4188

Mr Paul Hickey
General Manager
Ballina Shire Council
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BALLINA NSW 2478

By email: council@ballina.nsw.gov.au
Georgia.buncle@ballina.gov.au

28 May 2026

Subject: PP-2024-2438 to amend Ballina Local Environmental Plan 2012

Dear Mr Hickey

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 Ballina LEP 2012 to rezone land at 47 Dufficys Lane and Ross Lane, Kinvara (part Lot 60 DP 1136918 and part Lot 11 DP 1127111), amend associated development standards, and facilitate changes to SEPP (Planning Systems) 2021 and SEPP (Exempt and Complying Development Codes) 2008.

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 4.1 Flooding, 4.5 Acid Sulfate Soils and 7.1 Employment 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 4.2 Coastal Management and 4.3 Planning for Bushfire Protection. 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 as the planning proposal will require amendments to SEPP (Planning Systems) 2021 and SEPP (Exempt and Complying Development Codes) 2008.

The amending local environmental plan (LEP) is to be finalised within nine months of the date 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 Melissa Thomson to assist you. Ms Thomson can be contacted on 5778 1486.

Yours sincerely



Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and Infrastructure

Encl: Gateway determination