

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

Via email: Andy.Parks@ballina.nsw.gov.au
council@ballina.nsw.gov.au

22 September 2025

Subject: (PP-2025-359) to amend the 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 rezone part of Lot 7 DP 1225206, 305 The Coast Rd, Skennars Head for rural and conservation purposes and apply associated development controls.

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 that 4.2 Coastal Management and 9.2 Rural Lands are 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 for Directions 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs and 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

I have considered whether Council should be the local plan-making authority and have determined not to authorise Council to be the local plan-making authority, to ensure a consistent approach to the finalisation of rezoning decisions consistent with the E Zone Review Final Recommendations Report.

The amending local environmental plan (LEP) is to be finalised within nine months from 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 (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 & Council Support

Encl: Gateway determination