

Our ref: PP-2026-1684/IRF26/4951

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

Via email: council@ballina.nsw.gov.au
andy.parks@ballina.nsw.gov.au

26 August 2026

Subject: PP-2026-1684 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 undertake 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 nominee of the Secretary, the inconsistency of the planning proposal with applicable Ministerial Direction – Local Plan Making priorities under section 9.1 of the Act 3.2 Rural, 5.4 Contaminated Lands, 5.5 Acid Sulphate Soils, 5.7 Flooding, 5.8 Coastal Management and 6.1 Reserving Land for Public Purposes is justified in accordance with the terms of the Direction

Council will still need to obtain the agreement of the Secretary to comply with the Ministerial Direction – Local Plan Making, and in particular priorities remaining unresolved under section 9.1 of the Act 3.3 Airport Safeguarding, 3.4 Mining and Petroleum Production and 5.9 Planning for Bushfire Protection before the plan can be 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 9 months of the date of this Gateway Determination. 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, Housing and Infrastructure.

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, July 2026) 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 Emi Wolf to assist you. Ms Wolf can be contacted on 02 6643 6421.

Yours sincerely



Craig Diss
Director, Hunter and Northern
Local Planning and Council Support

Encl: Gateway determination