



## Department of Planning and Environment

Our ref: 545032  
Your ref: BSCPP 21-006

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

Email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)

Dear Mr Hickey

### **Planning proposal PP-2022-315 to amend Ballina Local Environmental Plan 1987**

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) and additional information received on 28 January 2022 in respect of the planning proposal to undertake subdivision and dwelling permissibility amendments to the Ballina Local Environmental Plan 1987.

As delegate of the Minister for Planning and Homes, 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 EP&A Act 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils, 4.3 Flooding 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 section 9.1 of the EP&A Act 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition.

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 amending local environmental plan (LEP) is to be finalised within 6 months of the 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 and Environment.

Should you have any enquiries about this matter, I have arranged for Ella Wilkinson to assist you. Ms Wilkinson can be contacted on 9995 5665.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', written in a cursive style.

11/2/2021

**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**

Encl: Gateway determination