

Gateway Determination

Planning proposal (Department Ref: PP-2024-2438): Amendment to 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.

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan 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 should proceed subject to the following.

The LEP should be completed within nine months of the date of the Gateway determination.

Gateway Conditions

1. Prior to agency consultation and public exhibition, the planning proposal is to be updated to:
 - state that it will amend the LEP to update the Land Zoning, Height of Building and Lot Size maps, as well as exact changes to SEPP (Planning Systems) 2021 to facilitate amendments to the Urban Release Area Map and SEPP (Exempt and Complying Development Codes) 2008 to facilitate amendments to the Greenfield Housing Code Area Map
 - include maps detailing proposed updates to the Urban Release Area map and Greenfield Housing Code Area map
 - address the provisions of the draft Ballina Local Strategic Planning Statement 2025 - 2046
 - include a completed NSW Coastal Design Guidelines Assessment checklist
 - include a bushfire risk assessment
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. Consultation is required with NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 28 May 2026



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

Delegate of the Minister for Planning and
Public Spaces