

Gateway Determination

Planning proposal (Department Ref: PP-2025-1798): *Incorporate deferred matter land and review conservation zones applied to certain land in Ballina local government area.*

I, the Executive Director, Local Planning and Council Support 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 incorporate deferred matter land and review conservation zones applied to certain land in Ballina local government area should proceed subject to the following:

The LEP should be completed on or before nine months from the date of Gateway determination.

Gateway Conditions

1. Prior to public exhibition the planning proposal is to be updated to include:
 - (a) maps which are suitable for public exhibition and demonstrate the proposed changes to the Land Application Map, Height of Buildings Map, Lot Size Map, and Acid Sulfate Soils Map; and
 - (b) a reference in section 5 of the planning proposal to the need to amend the Acid Sulfate Soils map under section 5 of the proposal.
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 complex 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 30 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);
 - (c) consistent with the Secretary's letter of 1 March 2016, Council must ensure that any landowner whose land is proposed to have a conservation zone applied, is notified in writing of the planning proposal and consultation arrangements; and
 - (d) when Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, the landowners whose land will be subject to a conservation zone must be notified in writing of Council's decision and advised that they have 28 days to notify the Department to undertake an independent review of the proposed zoning of their property.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Department of Primary Industries and Regional Development – Agriculture and Biosecurity (DPIRD - AG)
- Department of Climate Change, Energy, the Environment and Water – Biodiversity (DCCEEW - Biodiversity)
- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 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).
5. The final planning proposal is to detail how the C Zone application process for each property has been satisfied in accordance with the Northern Councils C Zone Review Final Recommendations Report.

Dated 13 October 2025



Daniel Thompson
Executive Director
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces