

Gateway Determination

Planning proposal (Department Ref: PP-2025-359): *Rezone part of Lot 7 DP 1225206, 305 The Coast Rd, Skennars Head for rural and environmental purposes and apply associated development controls.*

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 part of Lot 7 DP 1225206, 305 The Coast Road, Skennars Head and apply associated development controls should proceed subject to the following Gateway conditions.

The LEP should be completed within 9 months from the date of the Gateway determination.

Gateway Conditions

1. Prior to community and agency consultation the proposal is to be amended to:
 - (a) update Part 1 of the planning proposal to include the rationale for the proposal outlined in the Council report from the Ordinary Meeting on 28 August 2025;
 - (b) refer to the zone of the land under the Ballina LEP 1987 on page 2;
 - (c) include a table that nominates the area of land to which the planning proposal applies and the size of the current and proposed land zones;
 - (d) assess and justify the proposed zones, including how the proposed zones comply with the Northern Councils E Zone Review – Final Recommendations Report; and
 - (e) include an existing land zoning map for the Ballina LEP 1987.
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);
 - (c) Consistent with the recommendations of the E Zone Review, 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 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
 - Department of Climate Change, Energy, the Environment and Water – Biodiversity
 - NSW Rural Fire Service
 - Jali Local Aboriginal Land Council
- 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 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 22 September 2025



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

Delegate of the Minister for Planning and
Public Spaces