



Gateway determination report – PP-2025-359

305 The Coast Road, Skennars Head

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
NSW Coastal Design Guidelines 2023: Assessment checklist for planning proposals
Landowners consent

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Balina Shire
PPA	Ballina Shire Council
NAME	Rezone part of Lot 7 DP 1225206, 305 The Coast Rd, Skennars Head for rural and environmental purposes and apply associated development controls.
NUMBER	PP-2025-359
LEP TO BE AMENDED	Ballina Local Environmental Plan 2012
ADDRESS	305 The Coast Rd, Skennars Head
DESCRIPTION	Part of Lot 7 DP 1225206
RECEIVED	28/08/2025
FILE NO.	IRF25/1966
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal comprises land that has been deferred from the Ballina LEP 2012 and is subject to the Ballina LEP 1987.

The objectives of this planning proposal are not considered to be clear and adequate. It is recommended that Part 1 – Objectives and intended outcomes of the planning proposal is updated to reflect the rationale for the proposal as outlined in the report to the Ordinary Council meeting on 28 August 2025 (page 1).

The Council report confirms that the intent of the proposal is to facilitate a future subdivision of the existing residential zoned area of the site, while limiting the development potential of strategically important coastal areas. A condition has been imposed on the Gateway determination to require the proposal be updated prior to agency and community consultation.

1.3 Explanation of provisions

The planning proposal seeks to transition part of 305 The Coast Road, Skennars Head from the Ballina LEP 1987 to the Ballina LEP 2012 as per the changes below.

Table 3 Current and proposed controls for planning proposal area

Control	Current (Ballina LEP 1987)	Proposed (Ballina LEP 2012)
Zone	7(f) Environmental Protection (Coastal Lands) 7(d) Environmental Protection (Scenic Escarpment)	RU1 Primary Production C2 Environmental Conservation C3 Environmental Management
Height buildings	6.4 m	8.5m
Lot size	40ha	RU1: 40ha C2: 5ha C3: 1ha
Number of dwellings	2	2

The submitted planning proposal does not include any assessment or justification in relation to the proposed zones, including how the proposal complies with the Northern Councils E Zone Review – Final Recommendations Report (2015).

Further information was requested from Council following submission of the planning proposal. The subsequent explanation provided by Council is considered to be satisfactory and a condition has been imposed on the Gateway determination to require this information be included in the planning proposal prior to agency and community consultation.

To assist with interpretation of the planning proposal, it is also recommended that Council include a table which nominates the area of land to which the planning proposal applies and the size of the current and proposed land zones. This requirement forms a condition of the Gateway determination.

1.4 Site description and surrounding area

Skennars Head is located halfway between Lennox Head and Ballina. The proposal applies to part of Lot 7 DP 1225206, 305 The Coast Road, Skennars Head (Figure 1).

The land is dissected by The Coast Road. The portion of the land on the east side of The Coast Road is vacant slashed land. The portion to the west of The Coast Road, is farmed and contains two dwellings.

North of the subject site is Aureus Estate which is a residential subdivision. To the south on the coast side is heavily vegetated land that forms part of the Flat Rock Camping Ground.

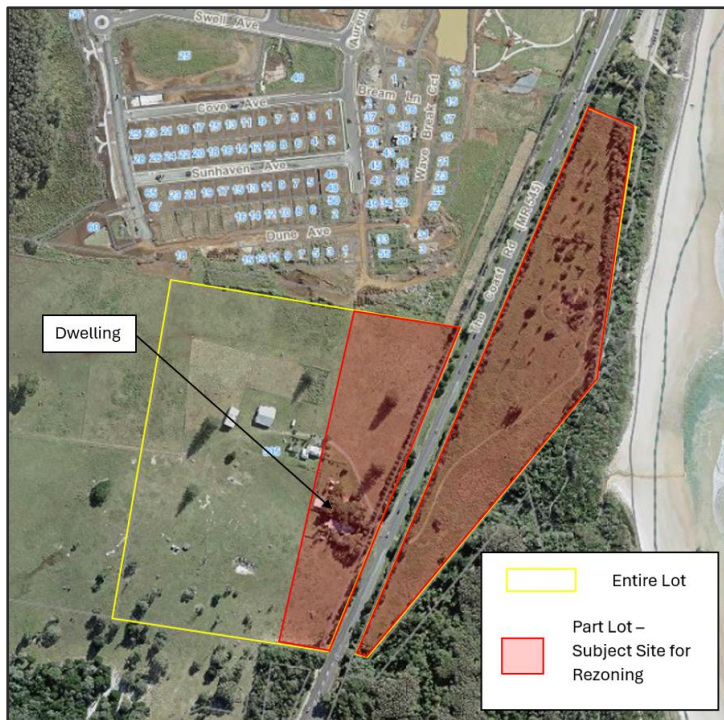


Figure 1: Subject site (Source: Council GIS)

1.5 Mapping

The planning proposal includes mapping showing the existing and the proposed changes to the Ballina LEP 2012 maps, including Land Zoning Map (LZN_006C), Lot Size Map (LSZ_006C) Height of Building Map (HOB_006) and Land Application Map (LAP_001) (Figures 3-10).

To provide context, it is recommended that a map which demonstrates the existing zoning of the land under the Ballina LEP 1987 (Figure 2) is also included in the planning proposal prior to agency and community consultation. A condition has been imposed on the Gateway determination in this regard.

Mapping that complies with the Standard Technical Requirements for Standard Instrument LEP Maps will need to be prepared prior to finalising the LEP amendment.

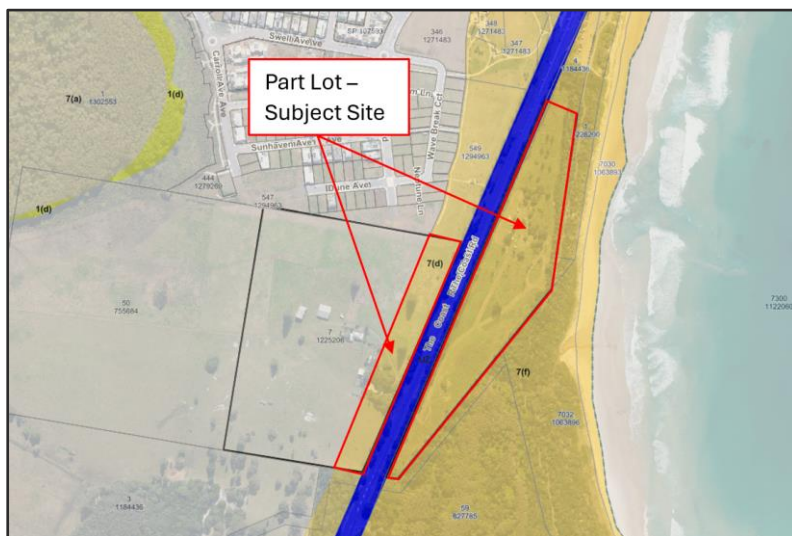


Figure 2: Current land zoning map - Ballina LEP 1987 (Source: Council GIS)

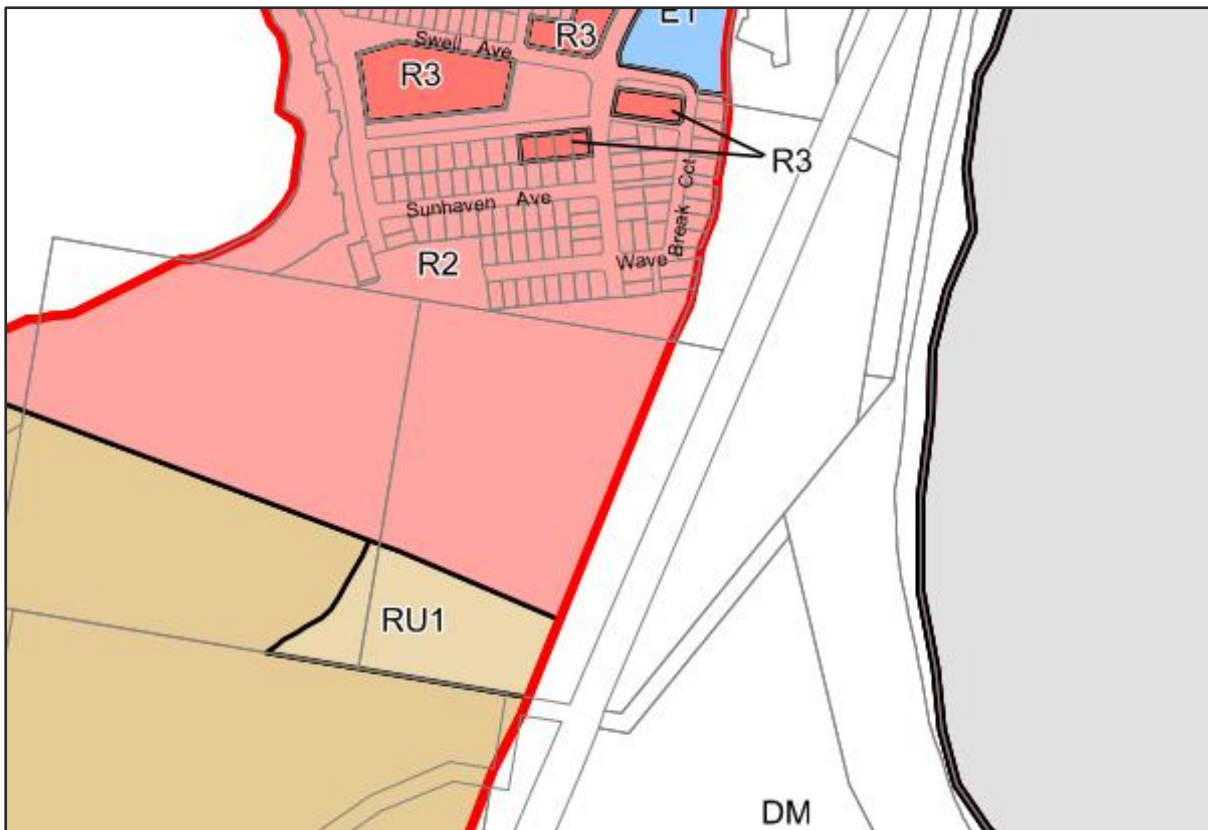


Figure 3: Current Land Zoning Map - Ballina LEP 2012 (Source: planning proposal)

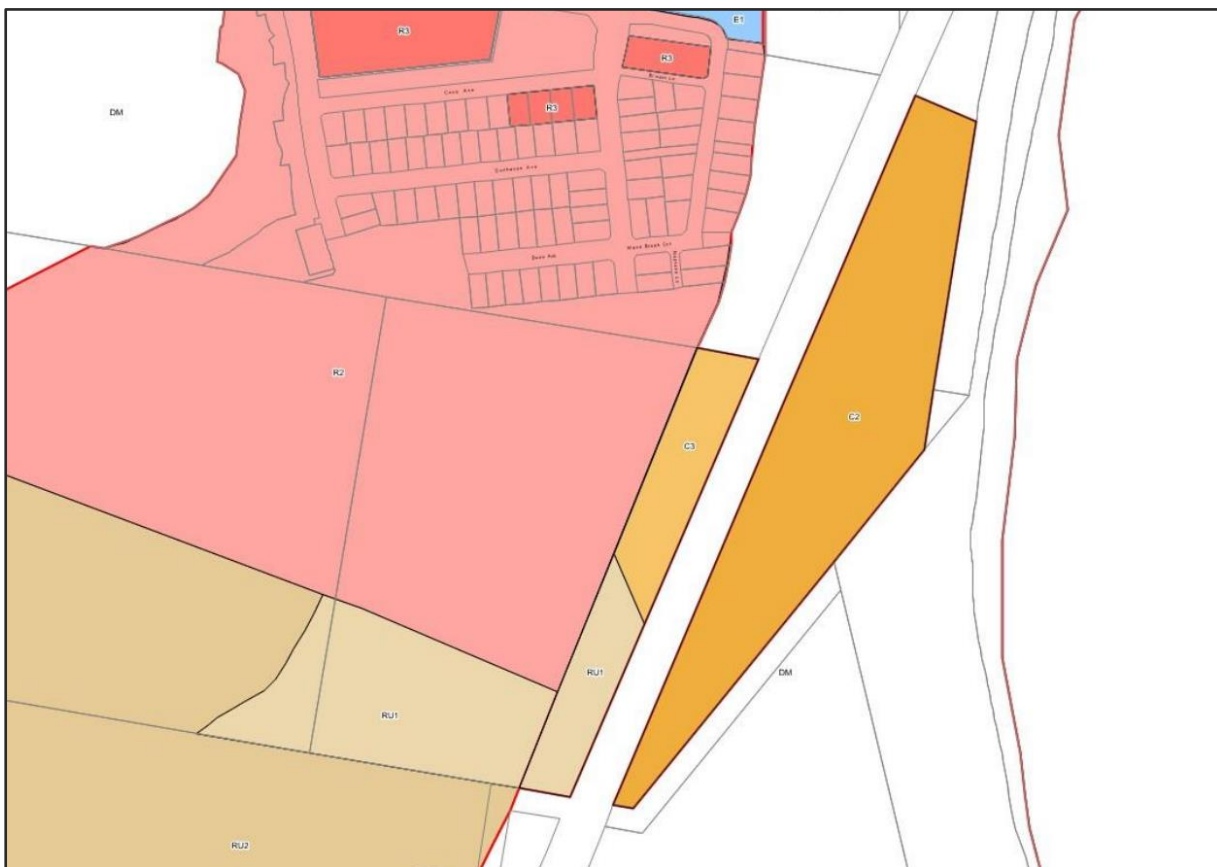


Figure 4: Proposed Land Zoning Map – Ballina LEP 2012 (Source: planning proposal)

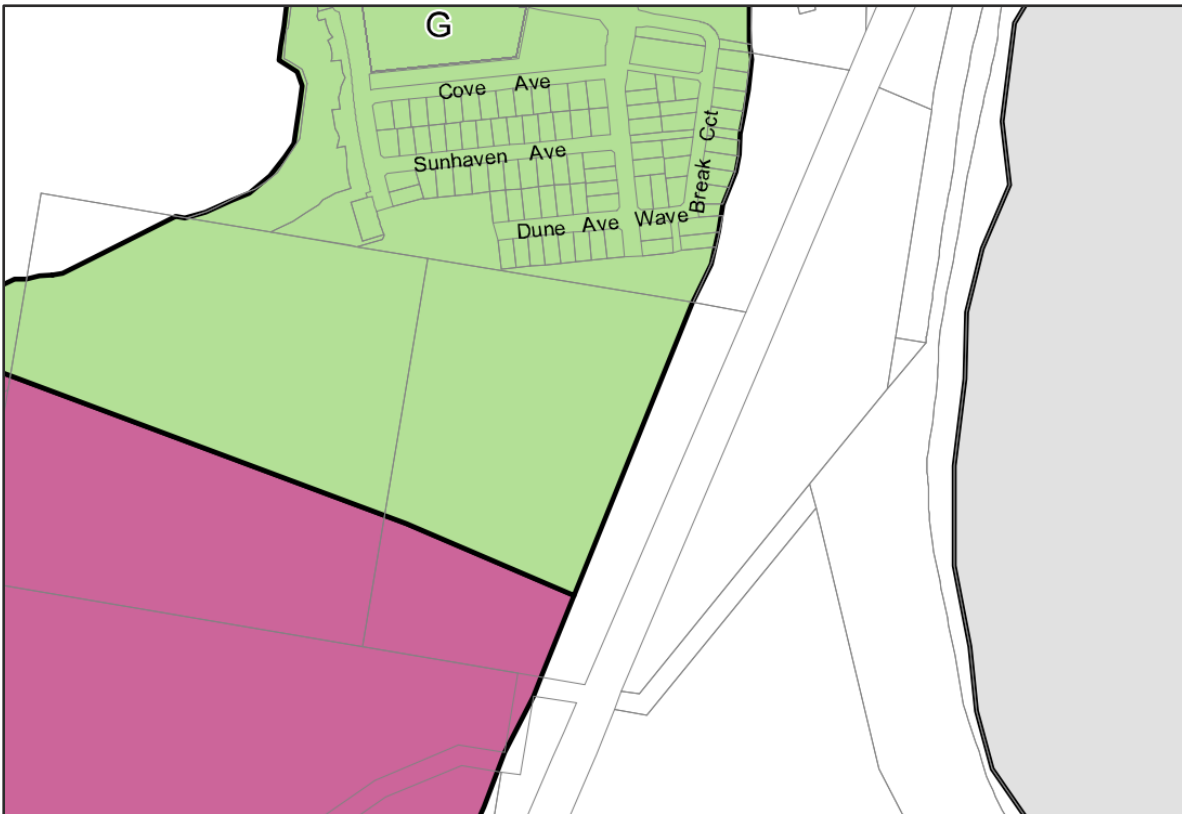


Figure 5: Current Lot Size Map – Ballina LEP 2012 (Source: planning proposal)



Figure 6: Proposed Lot Size Map – Ballina LEP 2012 (Source: planning proposal)



Figure 7: Current Height of Buildings Map – Ballina LEP 2012 (Source: planning proposal)



Figure 8: Proposed Height of Building Map Ballina LEP 2012 (Source: planning proposal)



Figure 9: Current Land Application Map – Ballina LEP 2012 (Source: planning proposal)



Figure 10: Proposed Land Application Map - Ballina LEP 2012 (Source: planning proposal)

2 Need for the planning proposal

The planning proposal is not a result of an approved local strategy, study, or report. It has been initiated by the landowner and is supported by Council to facilitate urban expansion in Skennars Head and provide long-term conservation outcomes. It will also allow an existing farmhouse to be incorporated into adjoining rural land.

A planning proposal is the only way to zone deferred matter land, and it is considered the best means of achieving the intended outcomes for the site.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 1: Provide well located homes to meet demand	The planning proposal is considered to be consistent with this objective as transition of the land into the Ballina LEP 2012 will help facilitate that part of the land zoned R2 Low Density Residential to be developed. This will contribute to housing choices at Skennars Head within the urban growth area boundary.
Objective 3: Protect regional biodiversity and areas of high environmental value	<p>The land is mapped as containing a small area of potential High Environmental Value (HEV) (Figure 11).</p> <p>Additional information provided by Council following submission of the planning proposal indicates that the portion of the land located on the:</p> <ul style="list-style-type: none"> • eastern side of The Coast Road is largely cleared but contains a mix of endemic and introduced vegetation; and • western side of The Coast Road is largely cleared land with some planted native and introduced vegetation, predominantly along the fence line and is periodically mowed. <p>The potential HEV is mapped primarily on the part of the land proposed to be zoned C2. A small area is also located on the proposed RU1 area. It is recommended consultation is undertaken with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to confirm the suitability of the proposal.</p>

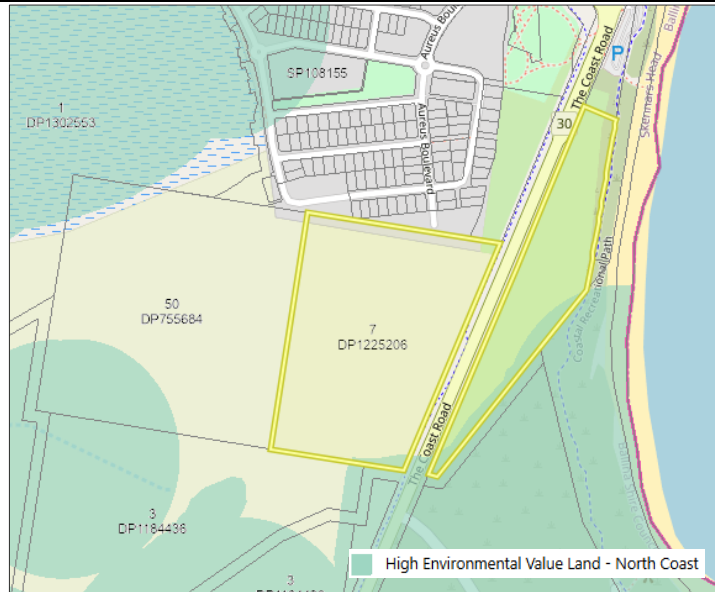


Figure 11: Potential High Environmental Value (Source: North Coast Regional Plan 2041)

Objective 4:
Understand, celebrate
and integrate Aboriginal
culture

The planning proposal indicates that an AHIMS search has been conducted. Three sites and one Aboriginal place were identified by the search within the vicinity. It is recommended that consultation is undertaken with the Jali Local Aboriginal Land Council (LALC) to confirm the suitability of the proposal.

Objective 5: Manage
and improve resilience
to shocks and stresses,
natural hazards and
climate change

The site is mapped as bushfire prone land (Figure 12). Consultation is required to occur with the NSW Rural Fire Service (RFS) in accordance with Ministerial Direction 4.3 Planning for Bushfire Protection. A condition is included on the Gateway in this regard.

Council's flood mapping indicates the land is not affected by the 1% AEP flood event or flood planning level. Furthermore, it is not mapped as having probability of containing acid sulfate soils.



Figure 12: Bushfire Prone Land (Source: Spatial Viewer)

Objective 8: Support the productivity of agricultural land

The land proposed to be zoned C2 and C3 is mapped as important farmland by the North Coast Regional Plan 2041 (Figure 13).

The additional information provided by Council following submission of the planning proposal indicates that the landowner's intend for the C2 portion of the land is to be managed by a not-for-profit trust for its ongoing conservation. The C3 portion of land is to be dedicated to Council for public open space.

The North Coast Regional Plan 2041 recognises that agricultural production may not be suitable on some small pockets of mapped important farmland due to non-biophysical factors that make the land more suited to other uses. This land is identified by Council to be a strategically important coastal area which is better suited to conservation.

Notwithstanding, it is recommended that consultation is undertaken with the Department of Primary Industries and Regional Development – Agriculture (DPIRD) and this forms a condition of the Gateway determination.



Figure 13: Important Farmland (Source: North Coast Regional Plan 2041)

3.2 Local

The proposal confirms that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Ballina Shire Council Community Strategic Plan 2025-2035 (CSP)	<p>The proposal aligns with the following key priorities of the CSP:</p> <ul style="list-style-type: none"> • Balance housing and population growth • Protect the environment and live sustainably • Improve community recreational infrastructure • Encourage vibrant foreshores and town centres

Ballina Shire Local Strategic Planning Statement 2020-2040 (LSPS)	The planning proposal is not inconsistent with the planning priorities, strategic directions and actions of the LSPS.
Ballina Shire Growth Management Strategy 2012 (GMS)	The GMS was endorsed by the Department on 7 May 2013. The proposal is not inconsistent with the objectives of the GMS as it will protect a key natural environment and facilitate the future subdivision of the R2 zoned portion of the lot
Lennox Head Strategic Plan 2023-2043	<p>The Lennox Head Strategic Plan is a Council adopted strategy. The proposal aligns with the objective of the Plan to <i>“Protect iconic landscapes and the views and vistas to these places from the public realm.”</i></p> <p>It is also in alignment with the following objectives of the Character Statement for Lennox Head:</p> <ul style="list-style-type: none"> • Maintain and sensitively increase residential densities close to the local centre; and • Retain wild coast values of Skennars headland.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Unresolved	Despite landowner agreement to the proposed C2 and C3 zones, consistency of the proposal with this Direction is unable to be resolved until after consultation is completed. Consistency of the proposal with this direction therefore remains unresolved.
4.2 Coastal Management	Inconsistent - Justified	<p>The proposal is inconsistent with this direction as part of the site is mapped as 'coastal environment area' (Figure 14) and 'coastal use area' (Figure 15) under SEPP (Resilience and Hazards) 2021 and the planning proposal does not give effect to the objectives of the Coastal Management Act 2016, the NSW Coastal Management Manual, the NSW Coastal Design Guidelines 2003 or any relevant Coastal Management Program.</p> <p>This inconsistency is considered to be of minor significance as the proposal does not seek to provide any increased development potential and is considered to be generally consistent with the regional and local planning framework. The planning proposal is also supported by a completed NSW Coastal Design Guideline Assessment checklist which</p>

indicates no impact to either the coastal area.

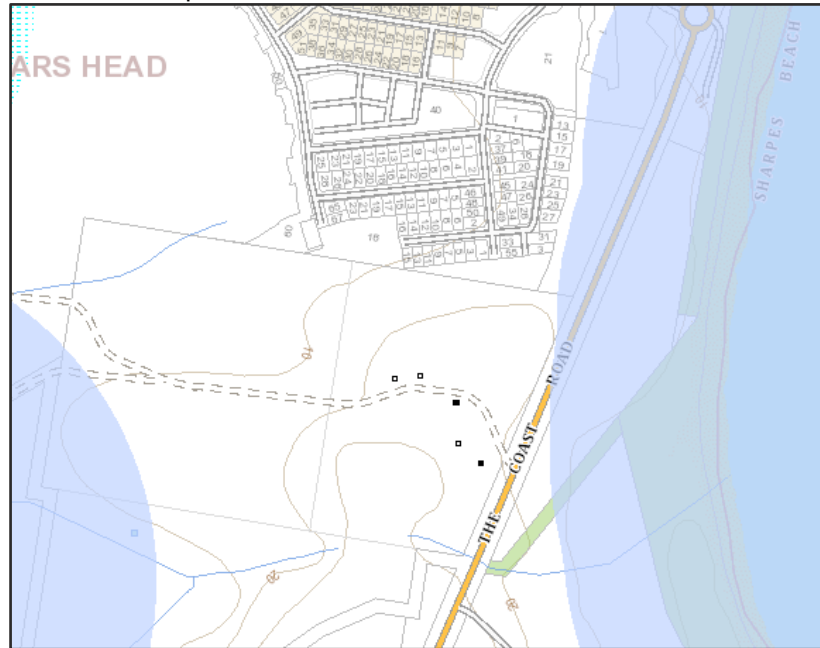


Figure 14: Coastal Environment Area (Source: Spatial Viewer)

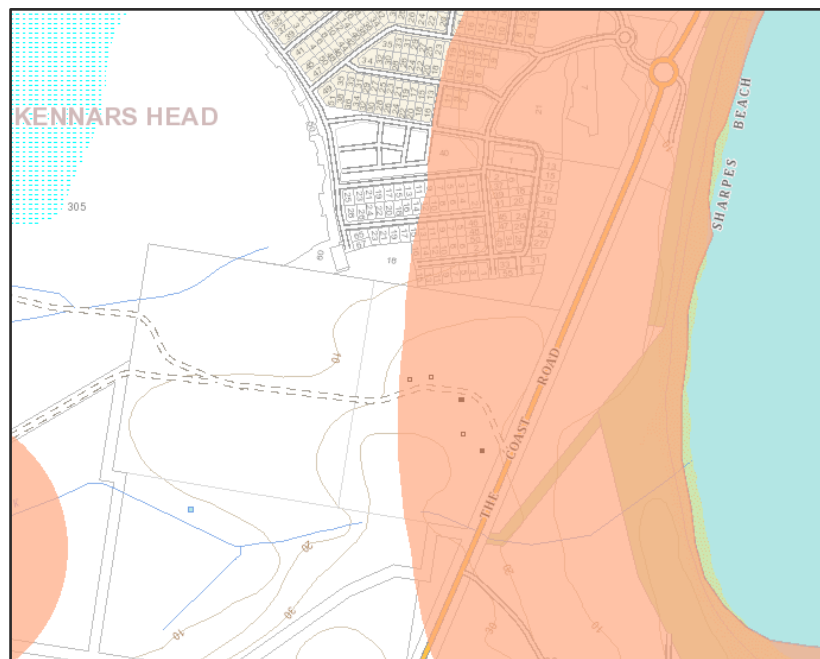


Figure 15: Coastal Use Area (Source: Spatial Viewer)

4.3 Planning for Bushfire Protection	Unresolved	<p>This direction applies as the site is mapped as bushfire prone land.</p> <p>This direction requires that Council consult with the Commissioner of the NSW RFS following the issue of a Gateway determination. Until this consultation has occurred the inconsistency of the proposal with this direction remains unresolved.</p>
9.2 Rural Lands	Inconsistent - Justified	<p>The proposal is inconsistent with this direction as it will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) and</p>

does not address and satisfy all of the requirements listed in the direction.

The inconsistency is likely to be of minor significance as it protects and enhances the site's environmental characteristics and supports the continued use of part of the land for agricultural pursuits.

It is recommended that consultation on this matter occur with DPRID – Agriculture and this forms a condition of the Gateway determination.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	<p>Council has indicated that the planning proposal area is largely cleared and the land has been used for rural and recreational pursuits. A small area of the site is, however, shown as potential HEV in the North Coast Regional Plan 2041 and on the Biodiversity Values Map.</p> <p>It is proposed that a Vegetation Management Plan (VMP) be prepared and implemented for the land proposed to be zoned C2 as part of a Voluntary Planning Agreement (VPA).</p> <p>It is considered appropriate that consultation occur with DCCEEW to confirm the suitability of the proposal and this forms a condition of the Gateway determination. As noted in Section 1.3 of this report, the planning proposal is to be updated prior to agency and community consultation to include further information to justify the proposed zones.</p>
Land contamination	<p>The planning proposal indicates that the site has had a history of agricultural use, and a former (demolished) dip site has been identified on the eastern side of the Coast Road.</p> <p>Given this area is vacant and the planning proposal will not change the current use or facilitate any additional future sensitive uses of the land, Council has formed the view that no further investigation is warranted in relation to contamination and remediation requirements.</p> <p>It is considered that contamination can satisfactorily be considered at the development application stage under State Environmental Planning Policy (Resilience and Hazards) 2021 should any future development be proposed in the C2 zone.</p>

4.2 Social and economic

The planning proposal seeks to facilitate the subdivision and expansion of the Skennars Head urban area which will contribute to housing availability and diversity in the locality.

It is understood that part of the land proposed to be zoned C2 will remain in private ownership, and it will be managed by a not-for-profit trust. The landowners have provided Council with a letter of offer to enter into a VPA to ensure that no dwelling can ever be built on that part of the site proposed to be zoned C2. The report to the Ordinary Council meeting on 28 August 2025 indicates that the limitation on the erection of a dwelling on this portion of the land is key to the merit of the proposed amendment from a public interest perspective.

The part of the lot proposed to be zoned C3 will be dedicated to Council to expand the public open space and recreation area from the north.

On this basis, it is considered that the proposal unlikely to result in any adverse social or economic impacts

4.3 Infrastructure

There is no new or additional demand for state or local infrastructure arising from this planning proposal. Any proposed future development of the site will require an assessment of the availability and adequacy of local infrastructure needed to support a proposal.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- 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

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

An LEP completion date of 9 months is recommended in line with the Department's commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making authority.

Consistent with the former Secretary's letter to Ballina Shire Council of 1 March 2016, an authorisation to act as the local plan-making authority cannot be issued where a planning proposal seeks to apply an environmental zone to land. This is to ensure a consistent approach to the finalisation of rezoning decisions consistent with the E Zone Review Final Recommendations Report.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal is generally consistent with the North Coast Regional Plan 2041; and
- the proposal will facilitate urban expansion in Skennars head and provide long-term conservation outcomes for the community.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- 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;
- refer to the zone of the land under the Ballina LEP 1987 on page 2;
- 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;
- assess and justify the proposed zones, including how the proposed zones comply with the Northern Councils E Zone Review – Final Recommendations Report; and
- include an existing land zoning map for the Ballina LEP 1987.

9 Recommendation

It is recommended the delegate of the Secretary:

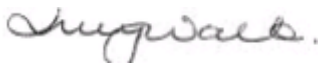
- agree that any inconsistencies with section 9.1 Directions 4.2 Coastal Management and 9.2 Rural Lands are justified; and
- note that the consistency with section 9.1 Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs and 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - 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;
 - refer to the zone of the land under the Ballina LEP 1987 on page 2;
 - 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;
 - assess and justify the proposed zones, including how the proposed zones comply with the Northern Councils E Zone Review – Final Recommendations Report; and
 - include an existing land zoning map for the Ballina LEP 1987.
2. Consultation is required with the following public authorities:
 - 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
3. The planning proposal should be made available for community consultation for a minimum of 20 working days
 4. 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
 5. 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.
 6. Given the nature of the planning proposal, it is recommended that the Gateway not authorise Council to be the local plan-making authority and that an LEP completion date of within 9 months be included on the Gateway.



19/09/2025

(Signature)

(Date)

Lucy Walker
Manager, Local Planning and Council Support
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22/9/25

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