



IRF26/4951

Gateway determination report – PP-2026-1684

General Amendments

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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

Planning Proposal V1 – (Ballina Shire Council) July 2026

Planning Proposal Appendix 1 - Council Report (23/07/26)

Planning Proposal Appendix 4 – NSW Coastal Design Guidelines Assessment Checklist

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Ballina Shire
PPA	Ballina Shire Council
NAME	General Amendments 2026
NUMBER	PP-2026-1684
LEP TO BE AMENDED	Ballina Local Environmental Plan 2012
ADDRESS	Various
DESCRIPTION	Various
RECEIVED	27/07/2026
FILE NO.	IRF26/4951
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 contains objectives and intended outcomes that adequately explain the intent of the planning proposal. The objective of the planning proposal is to amend Ballina LEP 2012 to address minor routine matters to clarify and adjust various aspects of the BLEP 2012.

The planning proposal proposes the following amendments:

1. amend clause *4.2B Exceptions to minimum subdivision lot size for lot boundary adjustments* to allow for broader changes to boundaries to occur within designated rural and conservation zones (being RU1 Primary Production, RU2 Rural Landscape, C2 Environmental Conservation and C3 Environmental Management);
2. adoption of optional clause *5.23 Public Bushland* within the Standard Instrument LEP relating to consent requirements and exemptions for maintenance in areas of public bushland; and
3. amend the zoning for the Ballina waste facility from RU2 Rural Landscape to SP2 Infrastructure and identifying the purpose of the site as 'waste and resource management facility' to reinforce the intended ongoing use of the facility.

The intended outcomes are to ensure the BLEP 2012 functions efficiently and that the provisions are up-to-date and reflect the community's expectations.

The objectives of the planning proposal are considered to be clear and adequate.

1.3 Explanation of provisions

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved as outlines below.

1.3.1 Boundary Changes – Zones RU1, RU2, C2 and C3

The proposal includes an amendment relating to boundary realignments by amending clause 4.2B *Exceptions to minimum subdivision lot size for lot boundary adjustments* to change the terminology from “boundary adjustments to “boundary changes”.

The amendment is intended to provide greater flexibility for rural and conservation landowners to reconfigure existing lot boundaries, while maintaining the underlying policy intent of avoiding fragmentation, the erosion of agriculture or environmental land values, and the creation of additional dwelling opportunities.

The proposal includes draft clause wording for the proposed amendment. Should the proposal proceed, final wording and drafting of the LEP amendment will be undertaken by Parliamentary Counsel’s Office.

1.3.2 Introduction of the Standard Instrument LEP clause 5.23 Public bushland

The proposal seeks to include the optional Standard Instrument clause 5.23 Public bushland which seeks to protect public bushland in urban areas by setting out the circumstances whereby activities may occur with and without consent.

The proposal includes the draft clause as worded in the Standard Instrument LEP.

1.3.3 Rezoning of Land at the Ballina Waste Facility from RU2 to SP2

The planning proposal seeks to amend the BLEP 2012 per the below map changes and as specified in Table 3:

- Amend the Land Zoning Map to rezone part of Lot 244 DP1175317, part of Lot 386 DP755684 and part of Lot 114 DP755684 from RU2 Rural Landscape to SP2 Infrastructure and to identify ‘waste or resource management facility’ as the purpose shown on the map.

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU2 Rural Landscape	SP2 Infrastructure

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal components relating to amending clause 4.2B *Exceptions to minimum subdivision lot size for lot boundary adjustments* and introducing clause 5.23 *Public bushland* apply to various land across the LGA.

1.4.1 Rezoning of land at the Ballina waste facility from RU2 Rural Landscape to SP2 Infrastructure

The site is located at Ballina adjacent to the Ballina airport and approximately 3 kilometres north-west of the Ballina Central Business District. It comprises three land parcels with a combined area of approximately 39.6 hectares:

- Part of Lot 244 DP1175317 (approximately 18.4 hectares)

- Part of Lot 386 DP755684 (approximately 10.5 hectares)
- Part of Lot 114 DP755684 (approximately 10.7 hectares)

The site is the Ballina waste facility and consists of cleared areas, detention basins, structures and disturbed areas (Figure 1). It is surrounded by a mix of agricultural and rural lots of varying lot sizes to the south-west. Environmental conservation land provides as a buffer from the industrial uses located to the east and to the residential properties located to the west. Ballina Byron Gateway Airport adjoins the site to the north (Figure 2).



Figure 1: Aerial view of subject site (Source: Near Map, accessed on 14/8/2026)



Figure 2: Site Context (Source: Near Map, accessed on 14/8/2026)

1.5 Mapping

No map changes are associated with the changes to clause 4.2B Exceptions to minimum subdivision lot size for lot boundary adjustments or the inclusion of clause 5.23 Public bushland.

Rezoning the Ballina Waste Facility from RU2 Rural Landscape to SP2 Infrastructure will require a change to the Land Zoning Map (LZN_006C and LZN_006A). Maps showing the existing and proposed zoning are included in the planning proposal and are adequate for the purpose of consultation.

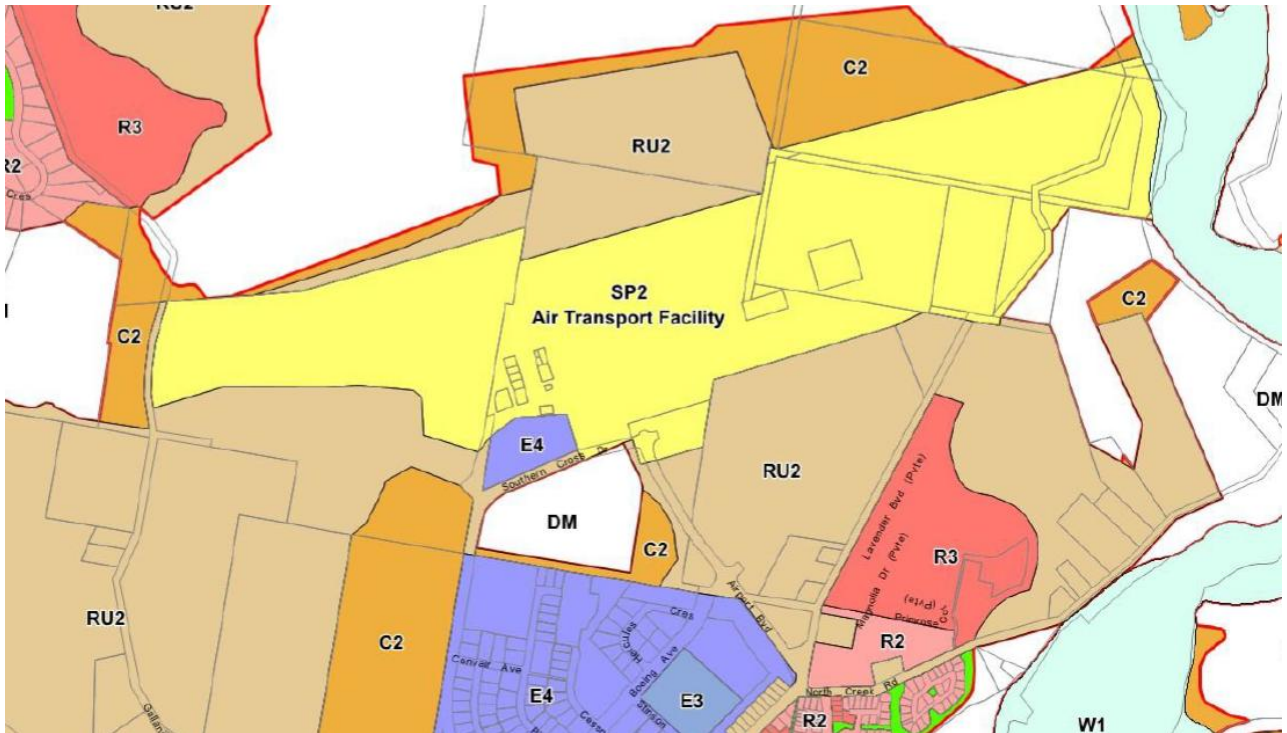


Figure 3: Current zoning map (Source: Planning Proposal)

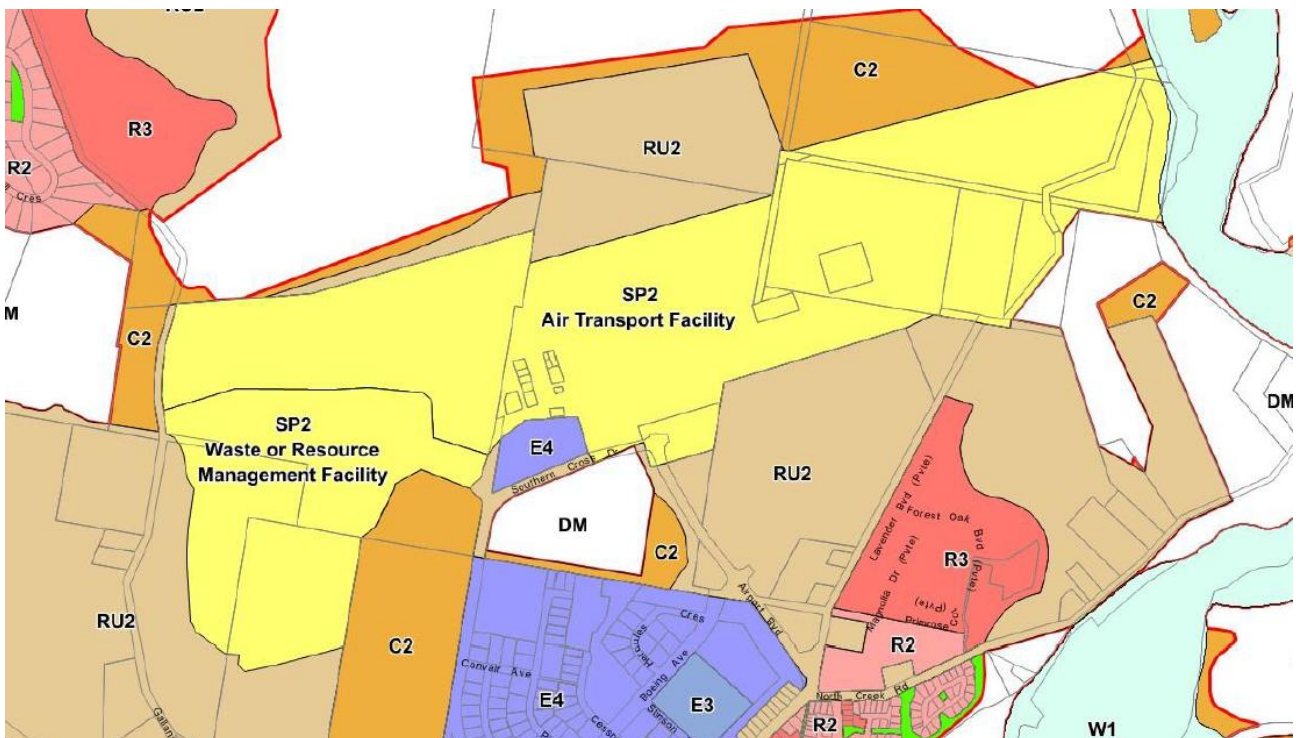


Figure 4: Proposed zoning map (Source: Planning Proposal)

2 Need for the planning proposal

The planning proposal is not the result of a local strategic planning statement, strategic study or report. It has been initiated by Council to address minor routine matters to clarify and adjust various aspects of the BLEP 2012. The planning proposal includes 3 amendments as discussed below:

1.6.1 Boundary Changes – Zones RU1, RU2, C2 and C3

The amendment seeks to enable greater flexibility for landowners to reconfigure existing lot boundaries rather than any form of subdivision, while retaining safeguards to prevent additional dwellings or lots, and not enabling the loss of agricultural or environmental land values.

While the practical application of the clause is still likely to be limited to minor changes, the amendment is considered reasonable and proportionate.

1.6.2 Introduction of the Standard Instrument LEP Clause 5.23 Public Bushland

By including clause 5.23 in the LEP, Council would be able to undertake certain activities on public bushland without the need to obtain development consent. No concerns are raised with this approach, noting Part 5 of the Environmental Planning and Assessment Act 1979 would still require potential impacts to be considered.

1.6.3 Rezoning of Land at the Ballina Waste Facility from RU2 to SP2

Following a recent development application associated with the Ballina Waste Facility, Council advises that the assessment highlighted the need for a zoning that better reflected the existing and intended long-term use of the site. As a result, Council proposes to rezone the site to SP2 infrastructure (Waste or resource management facility).

The planning proposal is the best means of achieving the objectives of the planning proposal.

2.1 State Plan

The following table provides an assessment of the planning proposal against relevant aspects of the NSW State Land Use Plan.

Table 4 State Land Use Plan assessment

State Plan Priorities	Justification
Resilient	<i>Priority statement: Supporting a sustainable environment and biodiversity to help achieve net zero emissions and build climate resilience. Success means communities can better withstand hazards and environmental pressures.</i> The proposed changes to clause 4.2B and introduction of clause 5.23 would ensure that impacts on land with biodiversity values would be adequately considered should boundary changes or activities on public bushland in urban areas be proposed.

2.2 Regional Plan

The proposal is considered to be consistent with the objectives of the North Coast Regional Plan 2041 and the Ballina LGA Local Narrative. While the proposal will rezone existing rural land to SP2 Infrastructure, this change only reflects the existing land use and will have no adverse impact on agriculture.

2.3 Local

The proposal confirms that it is consistent with the following local plans and endorsed strategies, as outline in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Ballina Shire Local Strategic Planning Statement 2026-2046	<i>Boundary Changes – Zones RU1, RU2, C2 and C3</i> The boundary changes component is considered generally consistent with the LSPS, as it improves flexibility for rural landowners while maintaining safeguards against additional lot creation or dwelling yield and avoiding increased fragmentation or land use conflict pressures. <i>Introduction of Standard Instrument LEP Clause 5.23 Public bushland</i> Support the LSPS objective of protecting and enhancing biodiversity and the environment by providing an additional assessment framework for development on public bushland. While the clause would allow certain activities to occur without consent, biodiversity impacts would still be considered under the requirements of Part 5 of the EP&A Act.
Ballina Shire Community Strategic Plan 2025-2035	<i>Boundary Changes – Zones RU1, RU2, C2 and C3</i> The proposed amendment is consistent with the Community Strategic Plan as the clause will only be able to be utilised if there are no adverse impacts on the agricultural production potential, biodiversity values or environmental characteristics of the lots and the surrounding locality. <i>Introduction of Standard Instrument LEP Clause 5.23 Public bushland</i> The proposed amendment is consistent with the Community Strategic Plan as it seeks to protect and ensure the ecological viability of bushland.

2.4 Section 9.1 Ministerial Direction – Local Plan Making priorities

The planning proposal's consistency with relevant section 9.1 Ministerial Direction – Local Plan Making priorities is discussed below:

Table 7 Section 9.1 Ministerial Direction – Local Plan Making priorities assessment

Direction priority	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
P3.2 Rural	Inconsistent (justified)	The proposal is inconsistent with this priority as it will affect rezone rural land to SP2 Infrastructure and does not comply with all the direction principles required by this Priority such as supporting landowners to exercise their right to farm. The inconsistency is considered to be of minor significance as the change in zoning affects only the existing Ballina Waste Management Facility and will have no adverse impact on existing agricultural lands uses.
P3.3 Airport Safeguarding	Unresolved	This priority applies as the proposal alters provisions relating to land located near an airport. The Priority requires that consultation be undertaken with the airport lessee/operator and remains unresolved until this is completed.

P3.4 Mining and Petroleum Production	Unresolved	The proposal is inconsistent with this priority as the rezoning of the waste facility from RU2 Rural Landscape to SP2 Infrastructure will have the effect of prohibiting mining on the land. Consultation with the NSW Department of Primary Industries and Regional Development (DPIRD) is required before consistency can be determined.
P5.4 Contaminated Lands	Inconsistent (justified)	The proposal is inconsistent with this priority as it will rezone existing contaminated land (Ballina Waste Management Facility) without a supporting preliminary site investigation. This inconsistency is considered to be of minor significance as the change in zoning will decrease the number of existing permissible uses, does not allow additional sensitive uses, and only seeks to apply a more appropriate zoning to reflect the existing land use on the site.
P5.5 Acid Sulphate Soils	Inconsistent (justified)	The proposal is inconsistent with the priority as it affects acid sulfate soils and the has not considered the Acid Sulfate Soils Assessment Guidelines as required. As the planning proposal does not propose an intensification of land uses or application of LEP clause 7.1 Acid Sulfate Soils, the inconsistency is considered of minor significance.
P5.7 Flooding	Inconsistent (justified)	The proposal is inconsistent with this priority as it will rezone land within the flood planning area from RU2 to SP2 Infrastructure.  Figure 5: Waste facility site showing flood affectation in 1% AEP flood event (Source: Ballina Online Mapping Tool) This inconsistency is considered minor because the waste facility use is already occurring on the site. Further consideration of flood impacts can adequately occur at the development application stage should new development be proposed.

P5.8 Coastal Management	Inconsistent (justified)	The proposal is inconsistent with this priority as it applies to and is located within a coastal environmental and coastal use area and the proposal does not include provisions that give effect to the NSW Coastal Management Act 2016. An assessment against the required Coastal Design Guidelines has been provided which concludes there will be no adverse impacts associated with the planning control changes. The inconsistency is therefore considered to be of minor significance.
P5.9 Planning for Bushfire Protection	Unresolved	This priority applies because the proposal applies to land mapped as bushfire prone. Consultation with the Development Coordination Authority – Hazard and Resources Advisory (bushfire) is required to before any potential inconsistency can be resolved.
P6.1 Reserving Land for Public Purposes	Inconsistent (justified)	The proposal is inconsistent with this priority as it will apply a special purpose zone without the agreement of the Planning Secretary. This inconsistency is considered to be of minor significance as the rezoning only seeks to an appropriate zone to reflect Councils existing waste management facility (whose agreement to the zoning is implicit within their proposal).

2.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with the provisions of the relevant SEPPs.

3 Site-specific assessment

3.1 Environmental

No adverse environmental impacts are expected to result from the proposed amendment.

3.2 Social and economic

The planning proposal is not expected to have adverse social and economic impacts. The proposed changes should provide more flexibility for landowners of rural and conservation land and simplify approval requirements for the waste facility and public bushland in urban areas.

3.3 Infrastructure

As the planning proposal would not facilitate any additional development, no additional demand for infrastructure is anticipated.

4 Consultation

4.1 Community

The planning proposal is categorised as standard under the LEP Making Guideline (July 2026). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

4.2 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 – NSW Resources
- Development Coordination Authority – Hazards and Resources Advisory (Bushfire)
- Ballina Byron Gateway Airport lessee/operator

5 Timeframe

The LEP Plan Making Guideline (July 2026) 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.

6 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is generally consistent with the State, regional and local planning framework and addresses matters of local significance, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

7 Assessment summary

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

- The proposal is not inconsistent with the State Land Use Plan and the North Coast Regional Plan 2041
- The proposal is not inconsistent with the Ballina Shire Local Strategic Planning Statement 2026-2046 and the Ballina Shire Community Strategic Plan 2025-2035
- The proposal is not likely to have significant adverse impacts subject to the agency review.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Ministerial Direction – Local Plan Making priorities 3.2 Rural, 5.4 Contaminated Lands, 5.5 Acid Sulphate Soils, 5.7 Flooding, 5.8 Coastal Management and 6.1 Reserving Land for Public Purposes are minor or justified; and

- Note that the consistency with section 9.1 Ministerial Direction – Local Plan Making priorities 3.3 Airport Safeguarding, 3.4 Mining and Petroleum Production, and 5.9 Planning for Bushfire Protection are 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. Consultation is required with the following public authorities:
 - Department of Primary Industries and Regional Development – NSW Resources
 - Development Coordination Authority – Hazards and Resources Advisory (Bushfire)
 - Ballina Byron Gateway Airport lessee/operator
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. No public hearing is required under section 3.34(2)(e) of the Act.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion timeframe of nine months be included on the Gateway.



(Signature)

25 August 2026 (Date)

Ben Holmes

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(Signature)

26 August 2026

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