



Planning Proposal 22/011

» *Strategic Urban Growth Area Map Amendments*

January 2023 (v2 Exhibition) 23/19

ballina
shire council

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1. Introduction

Overview

This planning proposal (PP) amends the Ballina Local Environmental Plan 2012 (BLEP 2012) Strategic Urban Growth Area Map following a review of all previously identified Strategic Urban Growth Areas (SUGAs).

SUGAs are areas not yet zoned for urban development that, at a broad strategic level, have potential to accommodate longer-term future urban growth.

A SUGA designation does not seek to rezone land, nor does it provide certainty for any future rezoning. Rather, it signals that Council is of the view that further detailed investigation of land for urban potential may be appropriate at some future date.

More importantly, the SUGA designation prevents the land from being developed for a use that might jeopardise its future urban potential, through the application of clause 7.8 of BLEP 2012.

SUGAs are one of the foundation elements of the long-term strategic planning for the shire. Identification of investigation areas (potential residential and employment lands) is a key strategic planning policy platform, from the perspective of meeting future housing and employment demands and in relation to the protection of environmental assets, reflecting local planning outcomes and recognising constraints and hazards (e.g. flooding).

The intention of identifying the SUGA areas is to ensure that realistic longer-term growth options remain available as the Shire grows.

Subject Land

This PP relates to various properties across the Shire, as identified in the Strategic Urban Growth Area Review report in **Appendix 1**.

Background to the Planning Proposal

SUGAs have been identified over many years through Council's strategic planning processes, to ensure that longer term urban growth demands are not compromised and there is a clear policy framework for decision making when it comes to greenfield rezoning proposals.

There are currently 27 SUGAs mapped across the Shire.

These areas were all originally identified as investigation areas in the development of the Ballina Local Environmental Plan 1987 and zoned 1(d) Rural (Urban Investigation) under that LEP.

In translating the 1987 LEP into BLEP 2012, standard template zones were applied to the 1(d) zoned areas, which were then identified on the Strategic Urban Growth Area Maps, linked to clause 7.8 in the new LEP.

All but one of the existing areas are identified as potential future residential areas, with the Ross Lane / Coast Road SUGA identified as potential future employment land.

All existing SUGAs have been reviewed to ensure that they still represent a realistic potential for future urban development.

The review was guided by the following objectives:

- To identify land with a realistic potential for urban development (whether for residential or employment purposes), for which further detailed urban suitability investigations will be required to confirm this potential.
- To avoid creating unreasonable landowner expectations, which could lead to owners incurring significant costs associated with the preparation of technical studies for sites that have little potential for urban development.

The review considered the following factors:

- Whether the site has been the subject of detailed investigations since the initial designation as an investigation area, such as through a planning proposal or development assessment process.
- Whether changes have occurred to the locality since the identification of the site, such as nearby developments or subdivision works and / or major civil works projects (such as the highway upgrade).
- Whether changes in relevant planning (and related) legislation have impacted on the suitability of the land, having regard for contemporary community standards (such as bushfire, biodiversity, flooding).
- Whether fractured land ownership is likely to make the coordination of urban suitability investigations and the planning and delivery of required urban infrastructure prohibitively costly or impractical.
- The suitability of the land having regard for contemporary urban design thinking to avoid the development of urban settlements that would be disjointed, car-dependent (for lack of nearby services) or inefficient with respect to the delivery of urban infrastructure and/or the consumption of agricultural land.

Council Resolutions

Council considered the review of existing Strategic Urban Growth Areas (SUGAs) at an Extraordinary Meeting held on 10 October 2022. A copy of the report considered by the Council is contained in **Appendix 2**.

In addition to resolutions regarding individual SUGAs, the Council resolved:

1. *That Council adopts the revised Strategic Urban Growth Areas framework set out in the Strategic Urban Growth Area Review, including changes to the remove and refine areas, as exhibited and summarised in Table 1 to this report, subject to the previous resolutions for this meeting, in relation to each area.*
2. *That Council prepare a planning proposal to amend the Ballina LEP 2012 Strategic Urban Growth Area Map to reflect the adopted changes to the Strategic Urban Growth Areas in the shire.*
3. *That the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination.*
4. *That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.*

5. *That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.*
6. *That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.*
7. *That the adopted changes to the Strategic Urban Growth Areas be communicated to the Department of Planning and Environment as input to their review of the North Coast Regional Plan.*
8. *That the adopted changes be reflected in Council's strategic planning strategies, policies and instruments relating to urban growth management.*

The resolutions relating to all individual SUGAs are outlined in the review report in **Appendix 1**.

Department Endorsement

The SUGA Review Report was provided to the Department of Planning and Environment (DPE) in accordance with part 7 of the Council resolution so that these areas could be included as Investigation Area – Urban Land in the (then) draft North Coast Regional Plan 2041.

By letter dated 4 November 2022 (**Appendix 3**), DPE provided their approval of the review “except in relation SUGA No 28 Russellton Industrial Estate, Alstonville, and SUGA No 12 (sic) Ross Lane/The Coast Road, Lennox Head extension”.

This approval was followed by updates to the Urban Growth Area Map for Ballina in the finalised North Coast Regional Plan 2041.

Gateway Determination

DPE issued a Gateway Determination on 23 December 2022. A copy of the Determination is contained as **Appendix 4**.

The Gateway Determination is conditioned to:

“remove the proposed Russellton Industrial Estate, Alstonville and expanded Ross Lane/The Coast Road, Lennox Head sites, consistent with the Department's conditional approval of the SUGA Review on 4 November 2022 which identified further strategic justification and planning work was required to support the inclusion of these sites”

Based on this condition, the Map extracts contained in Part 4 of this PP (below) have been updated accordingly.

2. Planning Proposal

Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* (the Act) outlines requirements that must be provided for when preparing PPs. The following sections provide details of the PP as it relates to Section 3.33(2) of the Act.

Part 1 – Objectives or Intended Outcomes

The intended outcome is to amend a number of Strategic Urban Growth Area Maps, which are part of Ballina LEP 2012, to implement the resolutions of Council, following the review of existing SUGAs.

Part 2 – Explanation of Provisions

The PP will amend a number of Strategic Urban Growth Area Map Sheets, as identified in Part 4 of the PP (below).

Part 3 – Justification

Section A – Need for the planning proposal

Q1 *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

Yes. The PP is a result of Council's review of existing SUGAs, approved by DPE on 4 November 2022 as a local strategy.

Q2 *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Clause 7.8 of BLEP 2012 contains local provisions relating to Strategic Urban Growth Areas. The clause relies on the Strategic Urban Growth Area maps for effect. It is important, therefore, that the maps are up to date.

Section B – Relationship to strategic planning framework

Q3 *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

North Coast Regional Plan 2041 (NCRP)

In endorsing the SUGA review, DPE amended the relevant Urban Growth Area Map within the North Coast Regional Plan. The updated Maps in Part 4 (below) are therefore consistent with the Investigation Areas mapped in the Regional Plan.

Q4 *Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

Ballina Shire Council Community Strategic Plan 2017-2027 (CSP)

The planning proposal is consistent with the Prosperous Economy and Engaged Leadership outcomes contained within Council's CSP.

Ballina Shire Local Strategic Planning Statement 2020-2040 (LSPS)

The purpose of the LSPS is to provide a land use planning vision for Ballina Shire in the 20-year period to 2040. The LSPS provides a level of consistency between key directions and actions within the North Coast Regional Plan 2041 and Ballina Shire's strategic planning priorities and actions. The planning priorities and actions contained within the LSPS build on the strategic planning actions already contained within the CSP and the 2019-2023 Delivery Program and Operational Plan.

The planning proposal is consistent with the themes and planning priorities contained within the LSPS. The maps within the LSPS will be updated to accord with the endorsed SUGA areas during the upcoming review of that Statement.

Q5 *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

There are no State Environmental Planning Policies (SEPPs) that are directly relevant to this PP.

Q6 *Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?*

The applicable Planning Directions are addressed below, and a full list of directions is addressed in the checklist provided at **Appendix 5**.

Ministerial Direction	Comment
1.1 Implementation of Regional Plans	Consistent. The proposed changes to the LEP SUGA Maps are consistent with the areas identified as Investigation Area – Urban Land in the North Coast Regional Plan 2041.
3.1 Conservation zones	Consistent. Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls. The presence of environmentally sensitive areas was a key consideration in the review of existing SUGAs and resulted in the resolution to remove some locations. Future detailed assessment of the remaining SUGA areas will consider need to protect and conserve environmentally sensitive areas.
3.2 Heritage Conservation	Consistent. Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls. Future detailed assessment of the remaining SUGA areas will consider need to protect and conserve areas of heritage significance.
4.1 Flooding	Consistent. Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls. The presence of significant flood risk was a key consideration in the review of existing SUGAs and resulted in the resolution to remove some locations. Future detailed assessment of the remaining SUGA areas will consider flood risks.

Ministerial Direction	Comment
4.2 Coastal Management	<p>Consistent.</p> <p>Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls.</p> <p>The presence of significant flood risk was a key consideration in the review of existing SUGAs and resulted in the resolution to remove some locations. Future detailed assessment of the remaining SUGA areas will consider coastal process and hazards.</p>
4.3 Planning for Bushfire Protection	<p>Consistent.</p> <p>Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls.</p> <p>Future detailed assessment of SUGA areas will consider bushfire risks.</p>
4.4 Remediation of Contaminated Land	<p>Consistent.</p> <p>Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls.</p> <p>Future detailed assessment of SUGA areas will consider the need for remediation of contaminated land.</p>
4.5 Acid Sulfate Soils	<p>Consistent.</p> <p>Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls.</p> <p>Future detailed assessment of SUGA areas will consider risks associated with acid sulfate soils.</p>

Section C – Environmental, social and economic impact

Q7 *Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

Designation of land as a SUGA does not rezone land or otherwise promote future development. Further detailed studies would be required before any SUGA areas could be rezoned in the future, and biodiversity values/ issues would be an important consideration in undertaking those future studies.

Q8 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

As above, environmental aspects/ issues will be subject of detailed future studies should any of the SUGA area be considered for rezoning.

Q9 *Has the planning proposal adequately addressed any social and economic effects?*

As above, social and economic aspects/ issues will be subject of detailed future studies should any of the SUGA area be considered for rezoning.

Section D – State and Commonwealth interests

Q10 *Is there adequate public infrastructure for the planning proposal?*

Infrastructure requirements will be subject of detailed future studies should any of the SUGA area be considered for rezoning.

Q11 *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

Part 4 – Mapping

As outlined in Part 2, the PP will amend the following Strategic Urban Growth Area Map Sheets:

- SGA_003A
- SGA_005B & 005D
- SGA_006A
- SGA_006C

The figures below show extracts from these existing map sheets and the draft updated maps subject of this planning proposal.

Suitable LEP maps will be prepared to meet the Department's technical mapping requirements, prior to the finalisation of the PP.

SGA_003A:

Existing:



Proposed:



NOTE: Existing Maps SGA_005B & SGA_005D are to be replaced with one (1) new map – see below

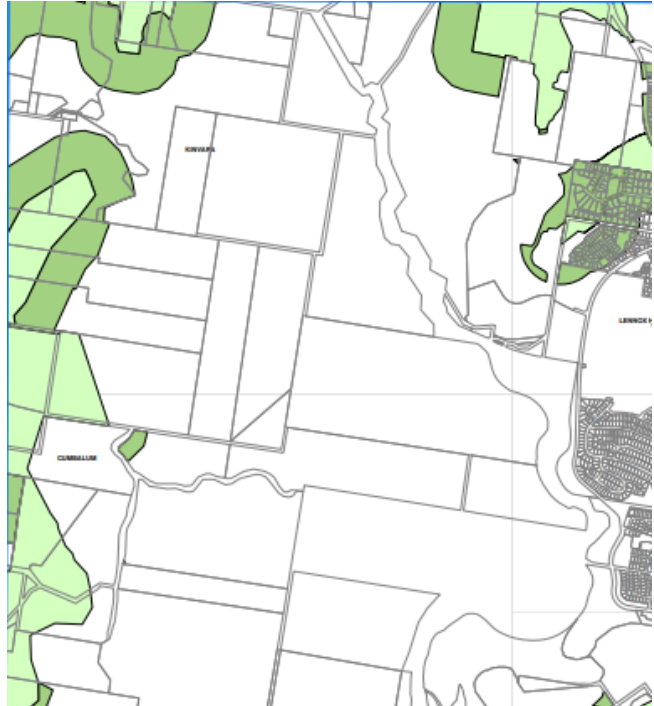
SGA_005B:

Existing:

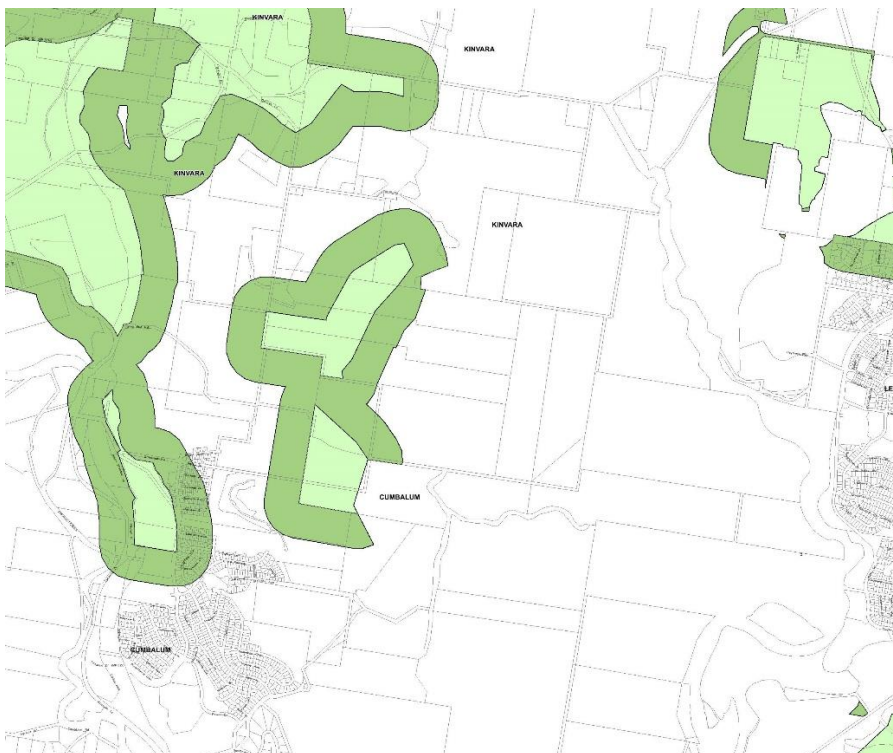


SGA_005D:

Existing:

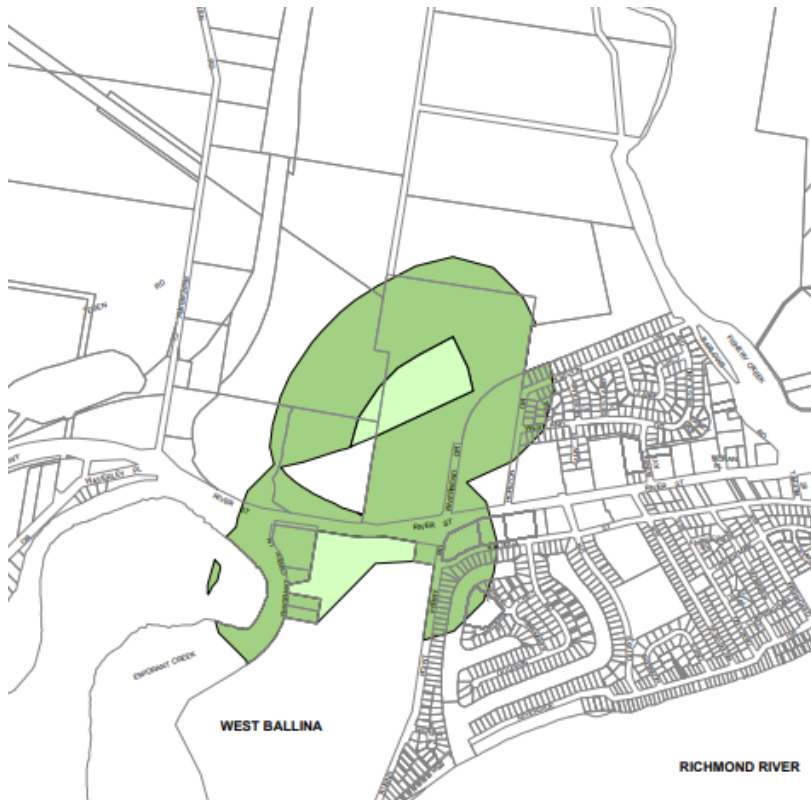


New Replacement Proposed:



SGA_006A:

Existing:



Proposed:



SGA_006C:

Existing:



Proposed:



Part 5 – Community Consultation

Consultation undertaken to date

A draft version of the review report contained in **Appendix 1** was publicly exhibited prior to reporting to the Council.

A letter advising of the exhibition was sent to all landowners within each of the identified SUGA areas. A total of 28 individual submissions were received, assessed, and reported to the October Council meeting.

The following table summarises the post-exhibition recommendations and the subsequent resolutions of Council at the October Meeting.

Strategic Urban Growth Area		Recommendation	Comments	Resolution of Council Meeting
1	Precinct B North, Kinvara	Refine	Remove area north of Ross Lane. Review areas south of Ross Lane as adjacent residential estate is developed	Retain whole of Area 1
2	Precinct B East, Kinvara	Remove	Significant constraints – flood, bush fire, road noise, indigenous cultural heritage	Remove Area 2
3	Precinct B South, Kinvara	Retain	Review as adjacent residential estate is developed	Retain Area 3
4	Precinct C Cumbalum	Remove	No reasonable prospect of accommodating urban development	Retain Area 4
5	Precinct A Northern, Western Sandy Flat, Cumbalum	Remove	No reasonable prospect of accommodating urban development	Remove Area 5
6	Precinct A Northern, Eastern Sandy Flat, Cumbalum	Refine	Remove parts of the site subject to environmental constraints	Refine Area 6 as recommended
7	Precinct A Stormwater Area, Cumbalum	Remove	Stormwater works and ecological restoration in this area associated with adjacent subdivision	Remove Area 7
8	Precinct A Western, Cumbalum	Retain	Review as adjacent residential estate is developed – non-residential use may be	Retain Area 8

Strategic Urban Growth Area		Recommendation	Comments	Resolution of Council Meeting
			attainable	
9	Deadmans Creek Road, Cumbalum	Remove	No reasonable prospect of accommodating urban development	Remove Area 9
10	Ross Lane & The Coast Road, Lennox Head	Refine	Remove parts of the site subject to environmental constraints and divided by Coast Road Include area propose for future open space	Refine Area 10 as recommended
11	Byron Bay Road, Lennox Head	Retain	Potential to address ecological impacts	Retain Area 11
12	Henderson Lane, Lennox head	Remove	No reasonable prospect of accommodating urban development	Remove Area 12
13	Stoneyhurst Drive, Lennox Head	Refine	Remove area south of Henderson Lane due to fragmented land ownership	Retain whole of Area 13
14	West Lennox Palms, Lennox Head	Remove	Has been subdivided after identification as SUGA	Retain Area 14
15	Ballina Headlands Holiday Park, Skennars Head	Retain	Residential zoning would be consistent with current use	Retain Area 15
16	North Creek Road, Skennars Head	Retain	Includes relatively unconstrained land close to existing urban settlements	Retain Area 16
17	Corks Lane and North Creek Road, Ballina	Remove	Site has been investigated in detail and found to be not suitable for urban development	Remove Area 17
18	Southern Cross Industrial Estate Expansion Area, Ballina	Retain	Current planning proposal will determine future of the site	Retain Area 18
19	North Creek Road, Ballina	Remove	Initiate a planning proposal to implement a	Remove Area 19

Strategic Urban Growth Area		Recommendation	Comments	Resolution of Council Meeting
			low density residential zoning to reflect current use of land	
20	Racecourse Road, Ballina	Retain	Assessment through the planning proposal process is likely to determine an appropriate urban land use	Retain Area 20
21	West Ballina Structure Plan Area, Ballina	Retain	Assessment through the planning proposal process is likely to determine an appropriate urban land use	Retain Area 21
22	West Ballina	Refine	Align boundary with existing relocatable home park	Refine Area 22 to align with approved relocatable home park
23	Pimlico Road, Wardell	Refine	Remove densely vegetated parts of the site. Assessment through the planning proposal process is likely to determine an appropriate urban land use for remainder of the site	Refine Area 23 as recommended
24	Wilson Street & Pimlico Road, Wardell	Refine	Remove areas of Core Koala Habitat. Assessment through the planning proposal process is likely to determine an appropriate urban land use for remainder of the site	Refine Area 24 as recommended
25	Fitzroy Street, Wardell	Remove	Area is subject to current planning proposal to implement an R3 Medium Density Residential zone over 4 of the 6 lots. One of the remaining lots contains an existing lawful dwelling and can be	Remove Area 25

Strategic Urban Growth Area		Recommendation	Comments	Resolution of Council Meeting
			zoned residential in a future 'housekeep' LEP amendment. The last lot contains rainforest vegetation and can be considered further in a future Conservation Zone review	
26	Sinclair Street, Wardell	Refine	Remove areas of Core Koala Habitat. Assessment through the planning proposal process is likely to determine an appropriate urban land use for remainder of the site	Refine Area 26 as recommended
27	Bath Street, Wardell	Remove	Remove areas of Core Koala Habitat and adjoining vegetated land	Remove Area 27
Recommended Addition:				
28	Russellton Industrial Estate, Alstonville	Include	Detailed assessment through the planning proposal process will need address conflict with State Significant Farmland Mapping	Include Area 28 as a new Strategic Urban Growth Area

Formal public exhibition of the planning proposal

This proposal will be exhibited in accordance with a Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. It is anticipated that a minimum public notification period of 28 days will be applied to this planning proposal.

Part 6 – Timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion (Before)
Gateway Determination	December 2022
Government Agency Consultation	January / February 2023
Public Exhibition Period	January / February 2023
Public Hearing	N/A

Plan Making Step	Estimated Completion (Before)
Submissions Assessment	March – April 2023
RPA Assessment of Planning Proposal and Exhibition Outcomes	May 2023
Finalisation and notification of Plan	May – July 2023

Appendix 1 – Strategic Urban Growth Area Review Report

PROVIDED UNDER SEPARATE COVER

Appendix 2 – Council Report

5.1 Strategic Urban Growth Areas Review

5. Planning and Environmental Health Division Reports

5.1 Strategic Urban Growth Areas Review

Section	Strategic Planning
Objective	To report on the outcomes from the public exhibition of the Strategic Urban Growth Areas Review and seek direction on adjustments to the local urban growth planning framework.

Background

At the 25 August 2022 Ordinary meeting Council considered a report on the Strategic Urban Growth Area Review and resolved to defer the matter to a Councillor briefing.

The Councillor briefing was held on 12 September 2022. The following report has been updated following the briefing.

At the 26 May 2022 Ordinary meeting, Council resolved to publicly exhibit the draft Strategic Urban Growth Area Review.

Strategic Urban Growth Areas (SUGAs) are areas not yet zoned for urban development that, at a broad strategic level, have potential to accommodate longer-term future urban growth.

A SUGA designation does not rezone land, nor does it provide certainty for any future rezoning. Rather, it signals that Council is of the view that further investigation of land for urban potential is appropriate.

More importantly, the SUGA designation prevents the land from being developed for a use that might jeopardise its future urban potential, through the application of clause 7.8 of Ballina Local Environmental Plan 2012.

SUGAs are one of the foundation elements of the long-term strategic planning for the shire. Identification of potential urban areas (residential and employment lands) is a key strategic planning policy platform, from the perspective of meeting future housing and employment demands and in relation to the protection of environmental assets, reflecting local planning outcomes and recognising constraints and hazards (e.g. flooding).

The intention of identifying the SUGA areas is to ensure that realistic longer-term growth options are available as the Shire grows.

As identified in the Ballina Shire Local Strategic Planning Statement, there is enough residentially zoned land to accommodate the shire's housing needs for the anticipated population growth to 2040.

This zoned land is primarily located within existing towns and villages and in 'greenfield' new subdivision areas, particularly at Cumbalum and Kinvara.

5.1 Strategic Urban Growth Areas Review

The purpose of the current SUGA review is to ensure that the SUGAs retain a realistic longer-term urban potential, reflecting contemporary constraints information, planning principles and policy.

The review process did not involve a comprehensive examination of potential for the investigation areas. Rather, it sought to align existing policy with current place-based planning and contemporary site information.

SUGAs are also mapped as 'Investigation Areas' within the State Government's North Coast Regional Plan 2036.

The Department of Planning and Environment (DPE) recently exhibited a draft update to the Regional Plan. Council provided a submission to that exhibition in accordance with a resolution at the August 2022 Ordinary meeting, which included advice that further information regarding the SUGA review outcomes would be submitted separately.

DPE is working on finalising the updated Regional Plan in this calendar year and as a result the sooner the SUGA Review outcomes are provided to the Department the more likely it is that these will be reflected in the new regional plan in alignment with Council's local planning policy.

This report revisits the SUGA areas post the Councillor briefing and seeks direction on a series of recommended adjustments.

Key Issues

- Removal of potential urban growth areas no longer considered suitable for further investigation
- Inclusion of potential future employment land adjoining the Russellton Industrial Estate
- Management of landowner expectations

Discussion

SUGAs have been identified over many years through Council's strategic planning processes, to ensure that longer term urban growth demands are not compromised and there is a clear policy framework for decision making when it comes to greenfield rezoning proposals.

The successive iterations of this planning policy framework have served Ballina Shire very well by supporting decision making, enabling alignment of infrastructure provisions, and providing opportunities for new housing and employment lands within a framework that considers environmental attributes and community needs, values, and expectations.

There are currently 27 SUGAs across the Shire.

These areas were all originally identified as investigation areas in the development of the Ballina Local Environmental Plan 1987.

All but one of these areas are identified as potential future residential areas, with the Ross Lane / Coast Road SUGA identified as potential future employment land.

5.1 Strategic Urban Growth Areas Review

All existing SUGAs have been reviewed to ensure that they still represent a realistic potential for future urban development.

The review was guided by the following objectives:

- To identify land with a realistic potential for urban development (whether for residential or employment purposes), for which further detailed urban suitability investigations will be required to confirm this potential.
- To avoid creating unreasonable landowner expectations, which could lead to owners incurring significant costs associated with the preparation of technical studies for sites that have little potential for urban development.

The review considered the following factors:

- Whether the site has been the subject of detailed investigations since the initial designation as a SUGA, such as through a planning proposal or development assessment process.
- Whether changes have occurred to the locality since the identification of the site as an SUGA, such as nearby developments or subdivision works and / or major civil works projects (such as the highway upgrade).
- Whether changes in relevant planning (and related) legislation have impacted on the suitability of the land, having regard for contemporary community standards (such as bushfire, biodiversity, flooding).
- Whether fractured land ownership is likely to make the coordination of urban suitability investigations and the planning and delivery of required urban infrastructure prohibitively costly or impractical.
- The suitability of the land having regard for contemporary urban design thinking to avoid the development of urban settlements that would be disjointed, car-dependent (for lack of nearby services) or inefficient with respect to the delivery of urban infrastructure and/or the consumption of agricultural land.

Of the 27 sites currently mapped as SUGAs, the review recommended that eight be removed and a further eight be refined.

The remainder were recommended to be retained, and one new area was proposed to be added, being potential employment land adjoining the Russellton Industrial Estate at Alstonville.

The review report was publicly exhibited from 6 June to 6 July 2022. A copy of the exhibited review report is included as Attachment 1.

A letter advising of the exhibition was sent to all landowners within each of the identified SUGA areas. A total of 28 individual submissions were received. A summary of the submissions is outlined below, and a copy of each submission is included as Attachment 2.

Submissions were made relating to several individual SUGAs and are addressed as follows in relation to those relevant areas. Recommendations are included for each of the areas subject to submissions.

The following table summarises the post-exhibition recommendations. The orange shading denotes areas where a change is proposed post exhibition.

5.1 Strategic Urban Growth Areas Review

Table 1: Summary of Post-Exhibition Recommendations

Strategic Urban Growth Area		Exhibited Recommendation	Post-Exhibition Recommendation
1	Precinct B North, Kinvara	Refine	Refine
2	Precinct B East, Kinvara	Remove	Remove
3	Precinct B South, Kinvara	Retain	Retain
4	Precinct C Cumbalum	Remove	Remove
5	Precinct A Nthn, West Sandy Flat, Cumbalum	Remove	Remove
6	Precinct A Nthn, East Sandy Flat, Cumbalum	Refine	Refine
7	Precinct A Stormwater Area, Cumbalum	Remove	Remove
8	Precinct A Western, Cumbalum	Retain	Retain
9	Deadmans Creek Road, Cumbalum	Remove	Remove
10	Ross Lane & The Coast Road, Lennox Head	Refine	Refine
11	Byron Bay Road, Lennox Head	Retain	Retain
12	Henderson Lane, Lennox head	Remove	Remove
13	Stoneyhurst Drive, Lennox Head	Refine	Retain
14	West Lennox Palms, Lennox Head	Remove	Remove
15	Ballina Headlands Holiday Park, Skennars Hd	Retain	Retain
16	North Creek Road, Skennars Head	Retain	Retain
17	Corks Lane and North Creek Road, Ballina	Remove	Remove
18	Southern Cross Industrial Estate Expansion Area, Ballina	Retain	Retain
19	North Creek Road, Ballina	Remove	Remove
20	Racecourse Road, Ballina	Retain	Retain
21	West Ballina Structure Plan Area, Ballina	Retain	Retain
22	West Ballina	Refine	Refine
23	Pimlico Road, Wardell	Refine	Refine
24	Wilson Street & Pimlico Road, Wardell	Refine	Refine
25	Fitzroy Street, Wardell	Remove	Remove
26	Sinclair Street, Wardell	Refine	Refine
27	Bath Street, Wardell	Remove	Remove
Recommended Addition:			
28	Russellton Industrial Estate, Alstonville	Include	Defer

5.1 Strategic Urban Growth Areas Review

Implementing the review recommendations will require the preparation of a Planning Proposal to amend the Strategic Urban Growth Area maps within Ballina LEP 2012.

Given the current review of the North Coast Regional Plan 2036, Council adopted updates to the SUGA areas will also be communicated to DPE to inform their update to the North Coast Regional Plan, to ensure consistency between State and local strategic planning documents.

1. Precinct B North Kinvara

Existing SUGA:



Draft Review Recommendation:

REFINE by removing area located north of Ross Lane

5.1 Strategic Urban Growth Areas Review

Submissions:

Landowner at Glenross Drive	Agree with recommendation to remove area north of Ross Lane. Strongly opposed to any rezoning of their land for urban release.
Solicitor acting for Estate of landowner in Glenross Drive	<p>Strongly object to recommended removal of area north of Ross Lane.</p> <ul style="list-style-type: none"> On purchase, land was zoned for urban investigation – expectation at time of purchase, reflected in purchase price Land north of Ross Lane has fewer number of lots than land to south – fractured ownership therefore not a concern It is premature to exclude the north side of Ross Lane – future uncertainty applies equally to both sides Approval of Glenross Dr rural residential estate is a precedent for future urban development Ross Lane should not be seen as a barrier, but as a central part of supporting infrastructure for future urban development. Road noise applies equally to land north and south of Ross Lane and should not be a reason for exclusion Land north of Ross Lane is flood free and is a natural extension to Cumbalum
Consultant on behalf landowner within CURA B area	Support retention of area south of Ross Lane as a logical extension to the existing zoned areas of CURA B.

Post-Exhibition Recommendation:

No change to review recommendation – remove area located north of Ross Lane.

The Cumbalum Structure Plan (2006) notes that any future urban potential for land north of Ross Lane is dependent on the realignment of the western section of that road. Realignment is not planned for that road section.

The primary reason to exclude land north of Ross Lane is the physical separation created by that road, which will continue to be an important connector road.

The SUGA areas mapped south of Ross Lane were omitted from the original CURA B urban zoning because of impacts of road noise.

It was acknowledged that, while road constrains the urban potential, the land provides a visual and noise buffer and has some potential for associated uses that could support the CURA B development.

It is considered that Ross Lane remains an appropriate northern boundary to the CURA B urban release area.

5.1 Strategic Urban Growth Areas Review

2. Precinct B East Kinvara

Existing SUGA:



Draft Review Recommendation:

REMOVE as a Strategic Urban Growth Area (SUGA).

Submission:

Consultant on behalf
landowner within
CURA B area

Do not support recommendation to remove.
Acknowledge that land may not have potential for
residential development, but the southern part of the
land might be needed for drainage or other
purposes to support CURA B.

5.1 Strategic Urban Growth Areas Review

Submission:

Consultant on behalf
landowner within
CURA B area

Support retention of the area as a logical extension
to the existing zoned areas of CURA B.

Post-Exhibition Recommendation:

No change to review recommendation. Further information regarding the capacity of the site will become available as the adjacent residential estate is developed.

4. Precinct C Cumbalum

Existing SUGA:



5.1 Strategic Urban Growth Areas Review

Draft Review Recommendation:

REMOVE as a Strategic Urban Growth Area (SUGA).

Submissions:

Consultant on behalf landowner within CURA B area	<p>Request that the area remain as a SUGA.</p> <p>Suggest that removal of potential residential or rural residential areas from strategies without more detailed research may further exacerbate the housing shortage and reduce affordability.</p> <p>Consultants are currently preparing a scoping study as first step in an upcoming rezoning request.</p>
Landowner within SUGA area	<p>Strongly object to recommendation to remove this area.</p> <p>Acknowledge that land may not be suitable for residential development – but should be retained for potential 'special uses' that could supplement nearby future urban development.</p>

Post-Exhibition Recommendation:

No change to review recommendation.

The land is significantly constrained, with steep slopes and exposure to road noise from the Motorway and the old highway. It is physically separate from the Cumbalum and Kinvara growth areas.

It has been particularly impacted by the construction of the Pacific Motorway.

The land does not have a reasonable prospect of accommodating residential or commercial development at any significant scale due to the presence of combined environmental constraints.

It is noted that the potential for a smaller part of this area to be identified as SUGA was discussed at the Councillor briefing (i.e. higher parts of the land area).

If this is preferred by Council this change can be embodied in the resolution by identifying the areas of land to be retained as SUGAs.

However, this approach is not recommended on the basis that there would likely be minimal dwelling yield relative to infrastructure cost and there is limited connectivity to planned or existing urban areas should urban development occur in these 'pockets'.

5.1 Strategic Urban Growth Areas Review

5. Precinct A Northern, Western Sandy Flat, Cumbalum

Existing SUGA:



Draft Review Recommendation:

REMOVE as a Strategic Urban Growth Area (SUGA).

Submissions:

Consultant on behalf
landowner within
CURA B area

Request that the area remain as a SUGA.
Currently preparing a scoping study as first step in
an upcoming rezoning request.

Landowner within SUGA
area

Strongly object to recommendation to remove this
area.
Acknowledge that land may not be suitable for
residential development – but should be retained for
potential 'special uses' that could supplement
nearby future urban development.

5.1 Strategic Urban Growth Areas Review

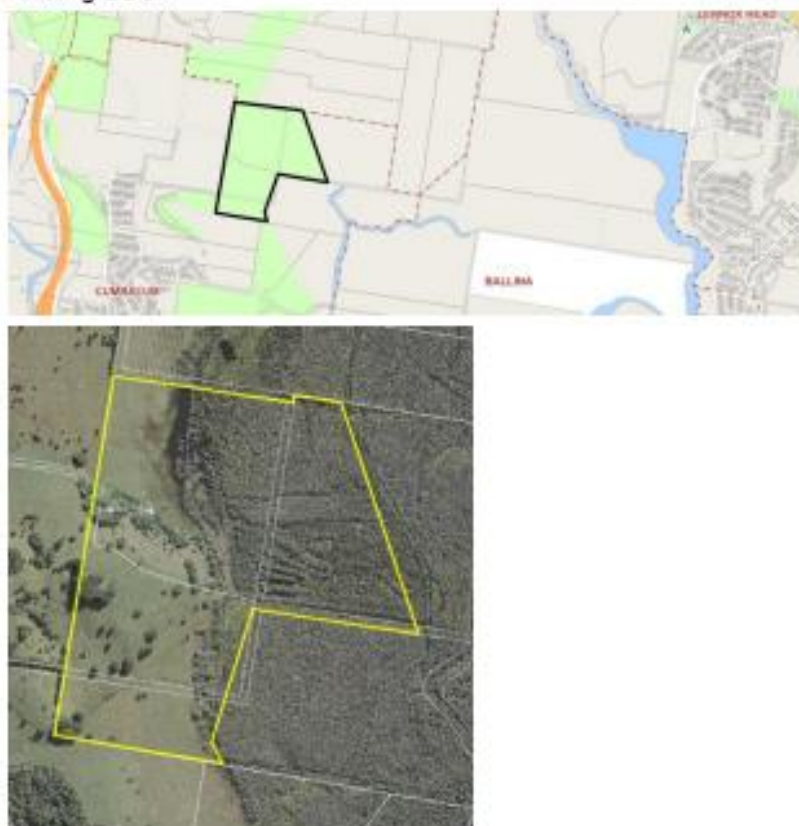
Post-Exhibition Recommendation:

No change to review recommendation.

The land does not have a reasonable prospect of accommodating residential or commercial development at any significant scale due to the presence of environmental constraints.

6. Precinct A Northern, Eastern Sandy Flat, Cumbalum

Existing SUGA:



Draft Review Recommendation:

REFINE the boundary of the Strategic Urban Growth Area (SUGA).

Submission:

Consultant on behalf
landowner within
Cumbalum area

Supports the amendment proposed for this SUGA.
Currently preparing a scoping study as first step in
an upcoming rezoning request, noting the area to
be retained represents a logical extension to the
Banyan Hill estate.

Post-Exhibition Recommendation:

No change to review recommendation.

5.1 Strategic Urban Growth Areas Review

Area to be refined by removal of vegetated and low-lying parts of the area, particularly the area mapped as Coastal Wetland, and land in proximity to that wetland.

7. Stormwater Areas, Cumbalum

Existing SUGA:



Draft Review Recommendation:

REMOVE as a Strategic Urban Growth Area (SUGA).

Submission:

Consultant on behalf
landowner within
Cumbalum area

Supports Council's removal of this SUGA.

Post-Exhibition Recommendation:

No change to review recommendation.

5.1 Strategic Urban Growth Areas Review

8. Precinct A Western Cumbalum

Existing SUGA:



Draft Review Recommendation:

RETAIN as a Strategic Urban Growth Area (SUGA).

5.1 Strategic Urban Growth Areas Review

However, not including this land may reduce flexibility in considering the optimal configuration of future urban development in the area (if it is ultimately shown to be a suitable outcome through further investigations).

Submissions:

Lennox Head Chamber of Commerce	<p>Support for identifying this land as suitable for employment uses.</p> <ul style="list-style-type: none"> - short supply of employment land - existing businesses experience discontinuous demand as most residents work elsewhere - creative entrepreneurs are looking to expand - Lennox population is growing
Resident of adjoining residential land (Sanctuary Village)	<p>Concerns with potential impacts of any future development of this land including:</p> <ul style="list-style-type: none"> - increased flooding affecting surrounding housing and roads; - fill needed to develop the land and impacts of this on truck movements along Ross Lane; - disturbance of Acid Sulphate Soils and its impacts on the environment; - ecological impacts on threatened species and their habitats; - potential Aboriginal cultural significance of this land. <p>Comprehensive investigations into the matters mentioned above must be completed and considered as part of any rezoning and/or development proposals for the land.</p>

The future use of this land is also being considered in further detail through the current Lennox Head Strategic Plan preparation process and was subject of discussions at a Community Reference Group workshop on 14 September.

The Group acknowledged the potential benefits of employment land located close to the Village, as well as some of the opportunities for open space, ecological rehabilitation and establishing an attractive gateway entrance to Lennox.

The Group noted that further detailed investigation will be required to understand constraints such as flooding, cultural heritage, and visual exposure to ensure that the potential benefits of employment and other uses can be achieved without significant negative impacts.

Post-Exhibition Recommendation:

No change to review recommendation.

5.1 Strategic Urban Growth Areas Review

As is the case with any land identified as a SUGA, detailed site investigations will be needed to inform any rezoning proposals for the land. The SUGA designation signals that further investigation of the land for urban potential is appropriate, however does not rezone the land or provide certainty for any future rezoning of it.

12. Henderson Lane, Lennox Head

Existing SUGA:



Draft Review Recommendation:

REMOVE as a Strategic Urban Growth Area (SUGA).

Submission:

Landowner	Preference to retain the status quo – despite no intention to develop.
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Post-Exhibition Recommendation:

No change to review recommendation.

5.1 Strategic Urban Growth Areas Review

The SUGA has an area of approx. 3ha, with at least half of this area constrained by steep slopes and/or vegetation. Dense vegetation and the presence of an unmade Crown Road reserve would limit the potential to develop the land as part of the R2 zoned land to the west.

The land does not have a reasonable prospect of accommodating additional residential subdivision.

13. Stoneyhurst Drive, Lennox Head

Existing SUGA:



Draft Review Recommendation:

REFINE the area of the Strategic Urban Growth Area (SUGA) – retain only land north of Henderson Lane.

5.1 Strategic Urban Growth Areas Review

Submissions:

Landowner – north of Henderson Lane	No objection to recommendation.
Landowners (4) within Stoneyhurst Dr	Strongly object to recommendation to remove this area. Land all around this area has been subdivided into conventional residential lots. Land ownership has changed since previous (unsuccessful) attempt to rezone. Current zoning is not appropriate. Land has no potential for agriculture. Allowing subdivision is consistent with SUGA objectives.
Landowner	A late verbal submission was received from a landowner who was away during the previous exhibition process, objecting to the recommendation to remove the area. The landowner agreed with the issues raised by his neighbours in the previous submissions.

Post-Exhibition Recommendation:

RETAIN the whole of the area as a SUGA. The primary reason for the draft recommendation was the difficulty associated with the coordination of the necessary urban investigations and infrastructure delivery because of the multiple ownership of the land.

Given that half of the owners in this part of the SUGA wish to retain the future potential, it is reasonable to leave the SUGA in place.

Any long-term investigations of this land would be initiated by the landowners and undertaken at their expense.

14. West Lennox Palms, Lennox Head

Existing SUGA:



5.1 Strategic Urban Growth Areas Review



Draft Review Recommendation:

REMOVE as a Strategic Urban Growth Area (SUGA).

Submissions:

Landowners (2) within
SUGA

Object to recommendation to remove
Not immediately intending to pursue development,
but don't want to lose future option.

Post-Exhibition Recommendation:

No change to review recommendation.

16. North Creek Road, Skennars Head

Existing SUGA:



5.1 Strategic Urban Growth Areas Review



Draft Review Recommendation:

RETAIN as a Strategic Urban Growth Area (SUGA).

Submission:

While no written submissions were received regarding this SUGA area, it was discussed at a workshop of the Lennox Head Strategic Plan Community Reference Group.

The Group raised concerns regarding potential loss of rural amenity, impact on historic rock walls in the locality, and potential for airport noise to impact future residents. These issues would be included in any future assessment undertaken for this area.

Post-Exhibition Recommendation:

No change to review recommendation.

5.1 Strategic Urban Growth Areas Review

18. Southern Cross Industrial Estate Expansion Area, Ballina

Existing SUGA:



Draft Review Recommendation:

RETAIN as a Strategic Urban Growth Area (SUGA).

Submission:

Ballina resident

Notes that flood assessment will need to be updated before any rezoning.

Post-Exhibition Recommendation:

No change to review recommendation.

5.1 Strategic Urban Growth Areas Review

Based on recent resolutions of Council, staff are currently working on a planning proposal to zone part of this area for employment uses. A contemporary flood assessment will form part of this proposal as well as detailed assessment of other characteristics of the site.

28. Russellton Industrial Estate, Alstonville

No existing SUGA.

Proposed SUGA:



Draft Review Recommendation:

INCLUDE as a Strategic Urban Growth Area (SUGA).

Submissions:

Five local residents,
plus Wollongbar
Progress Association

Strongly object to development within the
Alstonville/ Wollongbar buffer.
Development of nominated area would have
major visual impact on Alstonville.
Buffer zone is necessary to maintain village
character of Alstonville & Wollongbar.

5.1 Strategic Urban Growth Areas Review

	Area is State Significant Farmland – should be retained for future agriculture.
	No demonstrated need for additional industrial land.
Solicitor on behalf of unnamed local landowner	Strongly object to development within the Alstonville/ Wollongbar buffer Suggestion that Lot 18 DP1046117 (12 Gilmore Close Wollongbar) be included, and rezoning fast-tracked, to provide "affordable regional (housing & land)" because the land is flood-free.

Post-Exhibition Recommendation:

It is recommended that further consideration of this area be deferred with further investigation to be undertaken to inform the decision on identification of this land as a potential growth area for employment activities.

Investigation of this property is an action from the adopted Wollongbar Strategic Plan 2019-2039:

"Evaluate the potential for land adjoining the Russellton Industrial Estate to the east (Lot 13 DP 1059499 and Lot 1 DP 738412) to enable industrial development."

All submissions made in relation to this property suggest that there is sufficient industrial land available in the shire to meet anticipated future needs. The adopted Local Strategic Planning Statement (2020) indicates that, while there is currently sufficient land for employment purposes, there is likely to be a shortfall within the next decade.

Given that the 2021 Census results are starting to be released, it is reasonable that further consideration of the longer-term availability of employment land be undertaken once all new employment statistics have been released.

The land is also identified as State Significant Farmland and as such a deeper level of analysis will most likely be required by the Department of Planning if the land is to be proposed for a zoning to enable employment purposes in future. An update of the analysis for employment land needs in the shire will inform considerations in relation to the State Significant Farmland designation.

Importantly, the draft North Coast Regional Plan includes a mechanism to enable the further consideration of the land for urban purposes where it is not included in the investigation area mapping under the plan (i.e. under the draft regional plan it is not essential to the further consideration of this site that the land is included in the regional plan at present).

Council can continue to examine this land under its local strategic planning framework through the action in the Wollongbar Strategic Plan.

It is recommended that the land at Gilmore Close not be investigated further. Options of residential expansion were investigated in the *Wollongbar Strategic Plan 2019-2039* and Council did not support further consideration of this land during that process.

5.1 Strategic Urban Growth Areas Review

Delivery Program Strategy / Operational Plan Activity

Council's 2021 – 2025 Delivery Program and Operational Plan recognises the importance of managing the Shire's future growth.

Long term growth area planning relates to the following delivery program strategies:

- PE3.1 Facilitate commercially viable industrial precincts.
- PE3.2 Facilitate residential land.
- HE3.1 Implement plans that balance the built environment with the natural environment

The SUGA review also underpins actions:

- HE3.1k to review Council's Local Strategic Planning Statement to incorporate updated local growth management strategy material (the SUGAs are an integral part of this process).
- PE3.2c to prepare a housing strategy (the SUGAs feed into long term projected land and housing supply calculations).

Essentially, a refinement of the SUGAs informs and supports a series of other strategic land use planning projects that are underway or planned for commencement in the 22/23 financial year. It also assists Council in the administration of planning proposals relating to rezoning of land for urban purposes.

Community Consultation Policy

The draft review document was publicly exhibited in accordance with Council's Community Consultation Policy.

Council also wrote to all landholders within the SUGA areas where a proposed change was identified through the review process.

Financial / Risk Considerations

Tasks required to finalise a review of SUGAs can be undertaken within existing staff resources.

One of the objectives is to ensure that areas identified as a SUGA have a realistic opportunity for future urban development. This will avoid the potential for landowners to incur unreasonable costs associated with technical studies for sites that have little potential for longer term urban development.

Options

Option 1 - Adopt the recommendations as outlined in Table 1 to this report.

Strategic Urban Growth Areas are identified to ensure that realistic long-term urban growth options will be available.

5.1 Strategic Urban Growth Areas Review

The SUGAs are not intended for development in the short-term. They are mapped within Ballina LEP 2012 and subject to clause 7.8 of that plan with the intention being to ensure that their longer-term potential is not jeopardised by inappropriate short-term actions.

It is important, therefore, that each of the identified areas has a realistic potential.

The review undertaken has considered a range of factors associated with land use changes in and around the SUGAs as well as contemporary urban design and community expectation factors.

SUGAs also feed into the North Coast Regional Plan 2036, within which they are mapped as "Investigation Areas". The Regional Plan is currently under review, and it is therefore opportune that the updates to these areas feed into that review process.

Regarding land adjacent to the Russellton Industrial Estate, the public exhibition of the SUGA review generated considerable interest in this parcel. For this site it is recommended that further investigation be undertaken into the future employment land needs to inform an action under the Wollongbar Strategic Plan in relation to this site.

If this option is endorsed, staff will take a series of steps to implement the identified changes including a planning proposal to adjust the Ballina LEP 2012 and an addendum to the Local Growth Management Strategy to reflect the revised SUGA boundaries. The outcomes will also be incorporated into a review of the Local Strategic Planning Statement for the shire and the preparation of a housing strategy for the shire.

Staff will also engage with the Department of Planning to seek to have the decision of Council reflected in the new North Coast Regional Plan.

This option is recommended.

Option 2 – Endorse revised SUGAs with changes as determined by Council.

It is open to Council to make changes to the boundaries of individual SUGA areas. If this is preferred by Council, it is recommended that Council identifies any adjustments in the body of its resolution in association with the adoption of the review outcomes that are otherwise endorsed.

If Council wishes to fully remove additional areas from the SUGA designation, it is recommended that Council separates these areas from the current review for further consultation with landholders whilst proceeding with other aspects of the adjustments where supported. This would leave these as part of the current SUGA areas until more detailed analysis is undertaken.

The suggested approach to make changes is to add to point 1 in the recommendation as follows (new text underlined):

5.1 Strategic Urban Growth Areas Review

That Council adopts the revised Strategic Urban Growth Areas framework set out in the Strategic Urban Growth Area Review, including changes to remove and refine areas, as exhibited and summarised in Table 1 to this report, inclusive of, and subject to, the following amendments:

- *Retention of the entire Strategic Urban Growth Area in the vicinity of Stoneyhurst Drive; and*
- *Deferral of the inclusion of the potential employment land expansion area adjacent to the Russellton Industrial Estate as a Strategic Urban Growth Area, with this site to be further investigated under adopted action 8 of the Wollongbar Strategic Plan.*
- *Add in additional changes to be made (new dot point for each site)*

If this approach is taken, staff will implement the approach based on the steps outlined in option 1.

This approach is not recommended as the proposed approach set out in this report is based on the consideration of the various review factors outlined earlier in this report.

Option 3 - Do not change any of the existing SUGA areas

Most of the SUGAs were identified many years ago. A number of relevant land use changes have occurred since most were identified, notably the construction of the Pacific Motorway and its resulting impact on SUGAs around the Cumbalum release area.

Because the provisions of BLEP 2012 impose restrictions on land use within mapped SUGAs, it is important that Council remains confident that each of the areas has a realistic long-term potential.

It is also important that SUGA areas have strategic value and realistic development potential in order to best direct and apply investigation and assessment resources for both Council and proponents.

Several of the currently mapped SUGAs no longer have that potential, and it is appropriate that they be refined and / or removed as recommended in this report.

5.1 Strategic Urban Growth Areas Review

RECOMMENDATIONS

1. That Council adopts the revised Strategic Urban Growth Areas framework set out in the Strategic Urban Growth Area Review, including changes to remove and refine areas, as exhibited and summarised in Table 1 to this report, inclusive of the following amendments:
 - Retention of the entire Strategic Urban Growth Area in the vicinity of Stoneyhurst Drive; and
 - Deferral of the inclusion of the potential employment land expansion area adjacent to the Russellton Industrial Estate as a Strategic Urban Growth Area, with this site to be further investigated under adopted action 8 of the Wollongbar Strategic Plan.
2. That Council prepare a planning proposal to amend the Ballina LEP 2012 Strategic Urban Growth Area Map to reflect the adopted changes to the Strategic Urban Growth Areas in the shire.
3. That the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination.
4. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
5. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
6. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.
7. That the adopted changes to the Strategic Urban Growth Areas be communicated to the Department of Planning and Environment as input to their review of the North Coast Regional Plan.
8. That the adopted changes be reflected in Council's strategic planning strategies, policies and instruments relating to urban growth management.

Attachment(s)

1. Strategic Urban Growth Areas Review Report [↗](#)
2. SUGA Review - Submissions [↗](#)

Appendix 3 – Department of Planning and Environment Letter



Department of Planning and Environment

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

IRF22/2333

By email: council@ballina.nsw.gov.au
Rob.vaniersel@ballina.nsw.gov.au

Dear Mr Hickey

Ballina Shire Strategic Urban Growth Areas Review

Thank you for your letter of 27 October 2022 in relation to the Ballina Shire Strategic Urban Growth Areas (SUGAs) Review, which was adopted by Council on 10 October 2022.

I wish to acknowledge Council's efforts and commitment in preparing the Review and commend Council for its holistic approach in identifying its SUGAs across the Shire.

I am pleased to approve the adopted SUGAs Review, except in relation SUGA No 28 Russellton Industrial Estate, Alstonville, and SUGA No 12 Ross Lane/The Coast Road, Lennox Head extension.

Further detailed investigations to determine the suitability and extent of these areas will firstly be needed and should address a range of issues, including important farmland and flooding, to ensure that any proposed development is consistent with relevant State and regional planning provisions.

Council may wish to show these areas as 'preliminary investigation areas' in its planning documents, for strategic planning purposes, noting that they have not been approved by the Department at this time.

These areas may be re-considered in a future strategic review process by Council and submitted to the Department for review and approval.

Should you have any enquiries about this matter, I have arranged for Sandra Bush to assist you. Sandra can be contacted via telephone 6588 5535 or email sandra.bush@dpie.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray'.

4/11/2022

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Appendix 4 – Gateway Determination



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-4253): to amend the Ballina LEP 2012 Strategic Urban Growth Area Map.

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 amend the Ballina LEP 2012 Strategic Urban Growth Area Map, should proceed subject to the following conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 30 June 2023.

Gateway Conditions

1. Prior to community and agency consultation, the planning proposal is to be updated to:
 - (a) remove the proposed Russellton Industrial Estate, Alstonville and expanded Ross Lane/The Coast Road, Lennox Head sites, consistent with the Department's conditional approval of the SUGA Review on 4 November 2022 which identified further strategic justification and planning work was required to support the inclusion of these sites; and
 - (b) revise Part 3B Q3 to provide an assessment against the North Coast Regional Plan 2041.
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 basic as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 10 working days; and
 - (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 Guidelines* (Department of Planning and Environment, 2021).

3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the EP&A 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 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 EP&A 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 23 day of December 2022



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning

Appendix 5 – Section 9.1 Direction Checklist

Section 9.1 Directions Checklist Planning Proposal – Strategic Urban Growth Area Maps	
Direction No.	Compliance of Planning Proposal
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent The proposed changes to the LEP SUGA Maps are consistent with the areas identified as Investigation Area – Urban Land in the North Coast Regional Plan 2014.
1.2 Development of Aboriginal Land Council Land	Does not apply to planning proposal.
1.3 Approval and Referral Requirements	Consistent This planning proposal does not contain provisions requiring concurrence, consultation, or referral of development applications.
1.4 Site Specific Provisions	Does not apply to planning proposal.
Focus area 1: Planning Systems – Place-based	
	None apply to planning proposal.
Focus area 2: Design and Place	
	No applicable Directions.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Consistent. Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls. The presence of environmentally sensitive areas was a key consideration in the review of existing SUGAs and resulted in the resolution to remove some locations. Future detailed assessment of the remaining SUGA areas will consider need to protect and conserve environmentally sensitive areas.
3.2 Heritage Conservation	Consistent. Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls. Future detailed assessment of the remaining SUGA areas will consider need to protect and conserve areas of heritage significance.
3.3 Sydney Drinking Water Catchments	Does not apply to planning proposal.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.
3.5 Recreation Vehicle Areas	Does not apply to planning proposal.
3.6 Strategic Conservation Zoning	Does not apply to planning proposal.

Section 9.1 Directions Checklist Planning Proposal – Strategic Urban Growth Area Maps	
Direction No.	Compliance of Planning Proposal
Focus area 4: Resilience and Hazards	
4.1 Flooding	<p>Consistent.</p> <p>Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls.</p> <p>The presence of significant flood risk was a key consideration in the review of existing SUGAs and resulted in the resolution to remove some locations.</p> <p>Future detailed assessment of the remaining SUGA areas will consider flood risks.</p>
4.2 Coastal Management	<p>Consistent.</p> <p>Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls.</p> <p>The presence of identified coastal wetlands and/ or littoral rainforests was a key consideration in the review of existing SUGAs and resulted in the resolution to remove some locations. Future detailed assessment of the remaining SUGA areas will consider relevant coastal mapping at that time.</p>
4.3 Planning for Bushfire Protection	<p>Consistent.</p> <p>Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls.</p> <p>Future detailed assessment of SUGA areas will consider bushfire risks.</p>
4.4 Remediation of Contaminated Land	<p>Consistent.</p> <p>Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls.</p> <p>Future detailed assessment of SUGA areas will consider the need for remediation of contaminated land.</p>
4.5 Acid Sulfate Soils	<p>Consistent.</p> <p>Identification of areas within the SUGA Maps does not alter the current zoning of the land or any applicable development controls.</p> <p>Future detailed assessment of SUGA areas will consider risks associated with acid sulfate soils.</p>
4.6 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Does not apply as the planning proposal will not alter any existing zoning or provisions relating to urban land.
5.2 Reserving Land for Public Purposes	Does not apply as the planning proposal will not alter any existing zoning or provisions relating to urban land.
5.3 Development Near regulated Airports and Defence Airfields	Does not apply as the planning proposal will not alter any existing zoning or provisions relating to urban land.
5.4 Shooting Ranges	Does not apply to planning proposal.
Focus area 6: Housing	
6.1 Residential Zones	Does not apply as the planning proposal will not alter any existing zoning or provisions relating to urban land.

Section 9.1 Directions Checklist Planning Proposal – Strategic Urban Growth Area Maps	
Direction No.	Compliance of Planning Proposal
6.2 Caravan Parks and Manufactured Home Estates	Does not apply as the planning proposal will not alter any existing zoning or provisions relating to urban land.
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Does not apply as the planning proposal will not alter any existing zoning or provisions relating to urban land.
7.2 Reduction in Non-hosted Short-term Rental Accommodation Period	Does not apply to planning proposal.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
Focus area 9: Primary Production	
9.1 Rural Zones	Does not apply as the planning proposal will not alter any existing zoning.
9.2 Rural Lands	Does not apply as the planning proposal will not alter any existing zoning.
9.3 Oyster Aquaculture	Does not apply to planning proposal.
9.4 Farmland of State and Regional Significance on the NSW Far Coast	Does not apply as the planning proposal will not alter any existing zoning.