

8.3 Planning Proposal - Strategic Urban Growth Areas

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Section Strategic Planning

Objective To present the outcomes of the public exhibition of a planning proposal to amend the Ballina LEP 2012 Strategic Urban Growth Area Map and seek direction on the finalisation of the LEP amendment.

Background

At the 10 October 2022 Extraordinary meeting, Council considered a report on the Strategic Urban Growth Area (SUGA) Review. The purpose of the review was to ensure that the SUGAs are representative of contemporary constraints information, planning principles and policy.

SUGAs reflect Council's long term growth planning policy and are expressed across several aspects of the local planning framework. The strategic position of Council is illustrated in the local growth management strategy and local strategic planning statement. This also intersects with Council's place based strategic plans. SUGAs are also mapped in the local environmental plan as a link between the strategic planning policy of Council and its statutory planning framework.

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.

In relation to this matter, Council resolved as follows:

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.*

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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 changes adopted by Council to the SUGA frameworks as referred to in item 1 of the resolution above are summarised in Table 1 below. Further information and background on each Strategic Urban Growth Area listed in Table 1 is available in Appendix 1 of Attachment 1 to this report.

The outcomes of the SUGA review presented at the 10 October 2022 Extraordinary meeting resulted in an addendum to the Ballina Growth Management Strategy to reflect the revised SUGA boundaries. The review also informed the North Coast Regional Plan 2041, within which 18 SUGAs, as presented in Table 1, are mapped as urban or employment land "Investigation Areas".

Table 1: Summary of adopted changes to the Strategic Urban Growth Areas framework as resolved at the 10 October 2022 Extraordinary Council meeting

Resolution No.	Strategic Urban Growth Area		Outcome of meeting 10 Oct 2022
101022/3	1	Precinct B North, Kinvara	Retain whole of Area 1
101022/4	2	Precinct B East, Kinvara	Remove Area 2
101022/5	3	Precinct B South, Kinvara	Retain Area 3
101022/6	4	Precinct C Cumbalum	Retain Area 4
101022/7	28	Area 28 Russellton Industrial Estate, Alstonville	Include Area 28 as a new Strategic Urban Growth Area Note: subsequent DPE gateway determination conditioned removal of this area from planning proposal BSCPP 22/011.
101022/8	5	Precinct A Northern, Western Sandy Flat, Cumbalum	Remove Area 5
101022/9	13	Stoneyhurst Drive, Lennox Head	Retain whole of Area 13
101022/10	6	Precinct A Northern, Eastern Sandy Flat, Cumbalum	Refine Area 6 as recommended
101022/10	7	Precinct A Stormwater Area, Cumbalum	Remove Area 7
101022/10	8	Precinct A Western, Cumbalum	Retain Area 8
101022/10	9	Deadmans Creek Road, Cumbalum	Remove Area 9
101022/10	11	Byron Bay Road, Lennox Head	Retain Area 11
101022/10	12	Henderson Lane, Lennox Head	Remove Area 12

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Resolution No.	Strategic Urban Growth Area		Outcome of meeting 10 Oct 2022
101022/11	10	Ross Lane & The Coast Road, Lennox Head	Refine Area 10 as recommended Note: subsequent DPE gateway determination conditioned removal of this area from planning proposal BSCPP 22/011.
101022/12	26	Sinclair Street, Wardell	Refine Area 26 as recommended
101022/13	15	Residential zoning would be consistent with current use	Retain Area 15
101022/13	16	North Creek Road, Skennars Head	Retain Area 16
101022/13	17	Corks Lane and North Creek Road, Ballina	Remove Area 17
101022/13	18	Southern Cross Industrial Estate Expansion Area, Ballina	Retain Area 18
101022/13	19	North Creek Road, Ballina	Remove Area 19
101022/13	20	Racecourse Road, Ballina	Retain Area 20
101022/13	21	West Ballina Structure Plan Area, Ballina	Retain Area 21
101022/13	22	West Ballina	Refine Area 22 as recommended
101022/13	23	Pimlico Road, Wardell	Refine Area 23 as recommended
101022/13	24	Wilson Street & Pimlico Road, Wardell	Refine Area 24 as recommended
101022/13	25	Fitzroy Street, Wardell	Remove Area 25
101022/13	27	Bath Street, Wardell	Remove Area 27
101022/14	14	West Lennox Palms, Lennox Head	Retain Area 14

A planning proposal to amend the Ballina LEP 2012 SUGA map was prepared as per Council's resolution and forwarded to the Department of Planning and Environment (DPE) for a Gateway determination.

The purpose of the planning proposal is to align the mapping in Council's LEP to the October resolution of Council.

That is, to align Council's statutory planning instrument with its strategic planning policy decision.

A condition of the Gateway determination required Area 28 (Russellton Industrial Estate expansion area) and refinements to Area 10 (Ross Lane and the Coast Road) to be removed from the planning proposal before placing it on public exhibition.

This is consistent with the Department's response to Council's request for these areas to be included in the revision of the North Coast Regional Plan.

Importantly through, this does not change Council's local planning policy position.

The planning proposal was placed on public exhibition from 18 January to 10 February 2023, reflecting the Gateway Determination condition.

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Attachment 1 contains the planning proposal, as amended to reflect the outcomes of the exhibition.

All post-exhibition changes to the planning proposal are highlighted in yellow in the attachment.

The purpose of this report is to seek direction on the finalisation of the matter following consultation and public exhibition.

Key Issues

- Gateway Determination conditions altering Council's decision on the inclusion and extent of two proposed SUGAs.
- Outcomes of the public exhibition and consultation process
- Finalisation of the LEP amendment

Discussion

The planning proposal was referred to the NSW DPE for Gateway determination on 12 December 2022.

A Gateway determination, allowing the planning proposal to proceed to public exhibition was issued on 23 December 2022. A copy of the Gateway determination is included in Appendix 4 to the planning proposal (Attachment 1).

Conditional gateway approval was granted to refine or remove 14 Strategic Urban Growth Areas within the SUGA map of the Ballina LEP 2012, as presented in Table 1. A condition of the Gateway determination required that Council amend the planning proposal prior to consultation 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.*

The planning proposal was amended to reflect the requirements of the condition prior to placing it on public exhibition.

Area 28 (Russellton Industrial Estate) and refinements to Area 10 (Ross Lane/The Coast Road) were also not supported by DPE for inclusion into areas mapped as urban or employment land "Investigation Areas" within the North Coast Regional Plan 2041.

Evaluation of the expansion of the Russellton Industrial Estate is an action (Action 8) of the Wollongbar Strategic Plan and will be considered for inclusion on Council's work program once the outcomes of a regional study into industrial/employment land supply (being prepared by the DPE) are published.

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With respect to the expanded Ross Lane/The Coast Road SUGA, the reason for the proposed expansion of this area was to accommodate an open space area proposed in the Lennox Head Structure Plan 2004.

However, its removal from the SUGA mapping in the LEP is immaterial given that open space is a permissible use on the land as currently zoned (RU2 Rural Landscape).

The changes to the SUGAs as adopted by Council at the 10 October Extraordinary meeting, including Area 28 and the refinements to Area 10 will still be reflected in Council's Local Strategic Planning Statement and Local Growth Management Strategy in the next review of these documents, as per Council's resolution.

Essentially this means they can be investigated further in relation to their potential for urban development (and Council will have further opportunities to determine the planning outcomes for this land).

This work could be done by Council or the landholder (and is typically done by the land holder at their cost).

The Gateway determination required consultation with the NSW Rural Fire Service.

The NSW Rural Fire Service have considered the information submitted and subsequently raised no concerns or issues in relation to bush fire.

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.
- E3.1 Implement plans that balance the built environment with the natural environment

The SUGA review and planning proposal to amend the SUGA map in BLEP 2012 also aligns with 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).

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 Engagement Strategy

The draft Strategic Urban Growth Area Review document was publicly exhibited in accordance with Council's Community Consultation Policy from 6 June to 6 July 2022.

The planning proposal was publicly exhibited, after receiving and complying with conditions of the Gateway Determination, from 18 January to 10 February 2023.

There were 33 submissions received during this public exhibition period.

The submissions are provided in Attachment 2 and are summarised below.

Name	Sentiment	Council response
Steven Grant	Supportive of the overall objectives and content of the document	Noted.
Jennifer Castle, Marilyn Miller, Zoe Dowling, Jessica Briggs, Jane Green, Kym Bambrook, Jade Watt, Jennifer Goeldner, Stanley Meng Heong YEO, Mary Birch, Ron Birch, Laura McKinley, Rebecca Sutherland, Anonymous, Bonnie McGuinness, Lesley Earner, Patricia Williams, Gail Mensinga	Maintain Alstonville buffer zone – Remove Area 28	Area 28 was removed prior to exhibition as required by a condition of Gateway Determination.
Jane Gardiner, Helen Saenger	Maintain Alstonville buffer zone – Remove Area 28 Confusing document	Area 28 was removed prior to exhibition as required by a condition of Gateway Determination.
Paul Earner, Helen O'Loughlin	Maintain Alstonville buffer zone – Remove Area 28 State Significant farmland should have more weight	Area 28 was removed prior to exhibition as required by a condition of Gateway Determination.
Ken Martin	State Significant farmland should have more weight Do not industrialize farmland	Noted.
Tracey Crispo, Sharon Bermann, Heath Punshon, Chris McNally	Unsupportive of the overall objectives and content of the document	Noted.
Glenn Thompson	Retain Area 28	Area 28 was removed prior to exhibition as required by a condition of Gateway Determination. The DPE will not support the planning proposal should Area 28 be included as a SUGA in the BLEP 2012 mapping. If Council prefers to include Area 28 as a SUGA within the LEP, staff recommend that this is pursued as a separate stand-alone planning proposal so as not to delay the remaining SUGA map amendments.

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Name	Sentiment	Council response
Dave Rowe	Maintain Alstonville buffer zone – Remove Area 28 State Significant farmland should have more weight Development impacts on Richmond River should be considered	Area 28 was removed prior to exhibition as required by a condition of Gateway Determination.
Helen McNiven	Maintain Alstonville buffer zone – Remove Area 28. This land should remain zoned 7 (i) Environmental Protection - Urban Buffer under the Ballina's LEP 1987.	Area 28 was removed prior to exhibition as required by a condition of Gateway Determination.
Kate Hogan, Georgia Cheffins	Not enough detail to understand sentiment	Noted.

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.

Alignment of the strategic and statutory planning frameworks to the extent possible provides for improved and efficient administration of Council's planning policy.

Clear SUGA policy is also highly valuable in managing and evaluating requests for rezoning of land and development of greenfield areas.

Options

Option 1 – Authorise the General Manager to finalise the amendment of the Ballina Local Environment Plan 2012 as detailed in the exhibited Planning Proposal 22/011 SUGA Maps (Attachment 1).

This is the recommended option.

Strategic Urban Growth Areas are identified to ensure long term urban growth options within the Shire.

It is important, therefore, that the SUGAs are reviewed and refined to ensure each has 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.

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Ultimately, the planning proposal is a reflection of the SUGA policy decision made by Council in October 2022. The LEP amendment provides for improved alignment between the local strategic and statutory planning framework.

If this option is endorsed, staff will complete the required steps to implement the identified changes within the Ballina LEP 2012.

Council has been delegated plan making functions by the Department of Planning and Environment to complete the LEP amendment.

Option 2 – Discontinue the planning proposal

This option would involve writing to the Department of Planning and Environment to advise of Council's decision and seek the Minister's agreement to discontinue the planning proposal. The Minister for Planning may agree to discontinue the planning proposal.

This option is not recommended for reasons set out under Option 1.

RECOMMENDATION

That Council authorises the General Manager to finalise and implement the amendment of the Ballina Local Environmental Plan 2012 to undertake adjustments to Strategic Urban Growth Area map as outlined in Planning Proposal BSCPP 22/011, as per Attachment 1 to this report.

Attachment(s)

1. BSCPP 22/011 SUGA Maps - Planning Proposal (v3 Post Exhibition) [⇒](#)
2. BSCPP 22/011 Submissions [⇒](#)