8.3 Strategic Urban Growth Areas Review

Section Strategic Planning

Objective To report on outcomes from the public exhibition of a

review of Strategic Urban Growth Areas in Ballina Shire and seek direction on adjustments to the local urban

growth planning framework.

Background

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 or make rezoning certain, but rather signals where Council is of the view that further investigation of land for urban potential is appropriate.

SUGA's (or potential urban growth areas) 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 both 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 longerterm 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.

The SUGAs are mapped within Ballina LEP 2012 and subject to clause 7.8 of that LEP, which is intended to prevent short-term development of these areas (and adjacent land) that might jeopardise future residential or employment land uses on the land.

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

The review process did not involve a comprehensive examination of potential new investigation areas but rather has sought to align existing policy with current place based planning and contemporary site information.

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

A draft review of the Regional Plan is currently on exhibition and it is intended that the SUGA review outcomes will be a part of Council's submission to the draft Regional Plan.

This is to ensure that investigation areas within that Plan are consistent with Council's Strategic Planning framework.

A report regarding a submission on the draft North Coast Regional Plan is contained elsewhere in this business agenda.

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 interactions 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.

All but one of these areas are identified as potential future residential areas.

The potential suitability of some of the areas has been impacted by other projects and major civil works, notably the Pacific Highway upgrade.

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), but for which detailed urban suitability investigations are required to confirm this potential.
- To avoid the potential to create unreasonable expectations or cause landholders to incur unreasonable 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 processes.
- 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 in BLEP 2012, 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 has been loaded to Councillor ipads (the Hub).

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 contained as Attachment 1 to this report.

Submissions were made relating to several individual SUGAs and are addressed below in relation to those relevant areas. Recommendations are included below 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.

Table 1: Summary of Post-Exhibition Recommendations

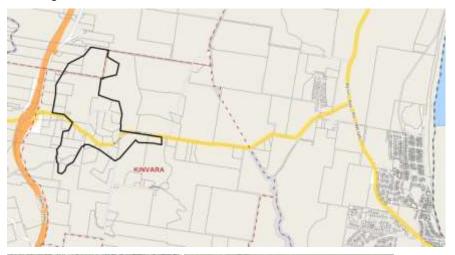
Strategic Urban Growth Area		Exhibited Recommendation	Post-Exhibition Recommendation
1	Precinct B North, Kinvara	Refine	Refine
2	Precinct B East, Kinvara	Remove	Remove
3	Precinct B South, Kinvara	Retain	Retain

Strategic Urban Growth Area		Exhibited Recommendation	Post-Exhibition Recommendation
4	Precinct C Cumbalum	Remove	Remove
5	Precinct A Northern, Western Sandy Flat, Cumbalum	Remove	Remove
6	Precinct A Northern, Eastern 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 Head	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

Implementing the review recommendations will require the preparation of a Planning Proposal to amend the relevant 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 form part of Council's submission to the draft Regional Plan, to ensure consistency between State and local strategic planning documents.

1. Precinct B North Kinvara





Draft Review Recommendation:
REFINE by removing area located north of Ross Lane

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 Strongly object to recommended removal of area north of Ross Lane.

- 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.

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.

Post-Exhibition Recommendation:

No change to draft review recommendation.

The small southern part of the SUGA, which is under the control of the CURA B landowner, is currently zoned RU1 Primary Production, as is the land immediately to the east and west of this smaller mapped portion.

At this time, there is no information available to confirm whether this land might be needed for an ancillary urban purpose when CURA B is developed.

In any case, should that need be established, it would likely require more land than currently mapped as a SUGA.

3. Precinct B South Kinvara

Existing SUGA:





Draft Review Recommendation:

RETAIN as a Strategic Urban Growth Area (SUGA).

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





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.

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.

Consultants are 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.

Post-Exhibition Recommendation:

No change to review recommendation.

The land is significantly constrained and 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.

5. Precinct A Northern, Western Sandy Flat, Cumbalum





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.

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.

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

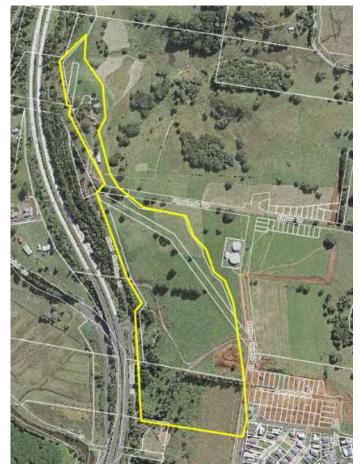
Supports Council's removal of this SUGA.

Post-Exhibition Recommendation:

No change to review recommendation.

8. Precinct A Western Cumbalum





RETAIN as a Strategic Urban Growth Area (SUGA).

Submission:

Consultant on behalf Supports Council's retention of this SUGA. landowner within Cumbalum area

Post-Exhibition Recommendation:

No change to review recommendation.

10. Ross Lane & The Coast Road, Lennox Head





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

Submissions:

Lennox Head Chamber of Commerce

Support for identifying this land as suitable for employment uses.

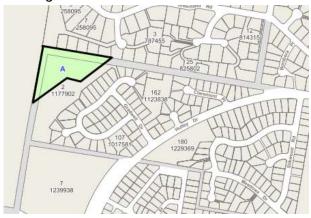
- short supply of employment land
- existing businesses experience discontinuous demand as most residents work elsewhere
- creative entrepreneurs are looking to expand
- Lennox population is growing

The future use of this land is being considered in further detail through the current Lennox Head Strategic Plan preparation process.

Post-Exhibition Recommendation:

No change to review recommendation.

12. Henderson Lane, Lennox Head





REMOVE as a Strategic Urban Growth Area (SUGA).

Submission:

Landowner Preference to retain the status quo – despite no

intention to develop.

Post-Exhibition Recommendation:

No change to review recommendation.

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





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

Submissions:

Landowner – north of Henderson Lane

No objection to recommendation.

Land owners (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.

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 land owners and undertaken at their expense.

14. West Lennox Palms, Lennox Head





REMOVE as a Strategic Urban Growth Area (SUGA).

Submissions:

Land owners (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.

18. Southern Cross Industrial Estate Expansion Area, Ballina





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:

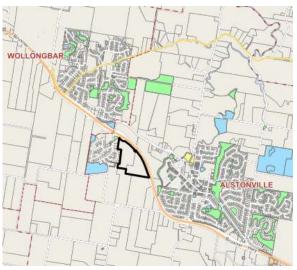
No change to review recommendation.

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.

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.

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 land owners 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.

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 particular site it is recommended that further investigation be undertaken into the future employment land needs to inform 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.

This option is recommended.

Option 2 - 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 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.

Option 3 – Defer consideration of the SUGA review.

Council could defer consideration of the overall SUGA review to seek additional information (e.g. further reporting or hold a briefing).

Given the submission period for the draft *North Coast Regional Plan 2041* closes at the end of August, it would be opportune for Council to include all updates to the SUGA areas in Council's submission to the draft Regional Plan, to ensure consistency between State and local strategic planning documents.

If Council wishes to alter some of the recommendations of the review to retain some areas recommended for removal, this can be done by identification of these sites for retention in Council's resolution.

If Council wishes to remove further 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.

Deferral is not recommended.

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, Industry and Environment for a Gateway determination.
- 4. That the Department of Planning, Industry and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
- That upon an affirmative Gateway determination being received from the Department of Planning, Industry 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 included in Council's submission to the draft North Coast Regional Plan 2041.

8.3 Strategic Urban Growth Areas Review

8. That the adopted changes be reflected in Council's strategic planning strategies, policies and instruments relating to urban growth management.

Attachment(s)

1. SUGA Review - Submissions ⇒