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Ordinary Meeting Business Paper
27 November 2025



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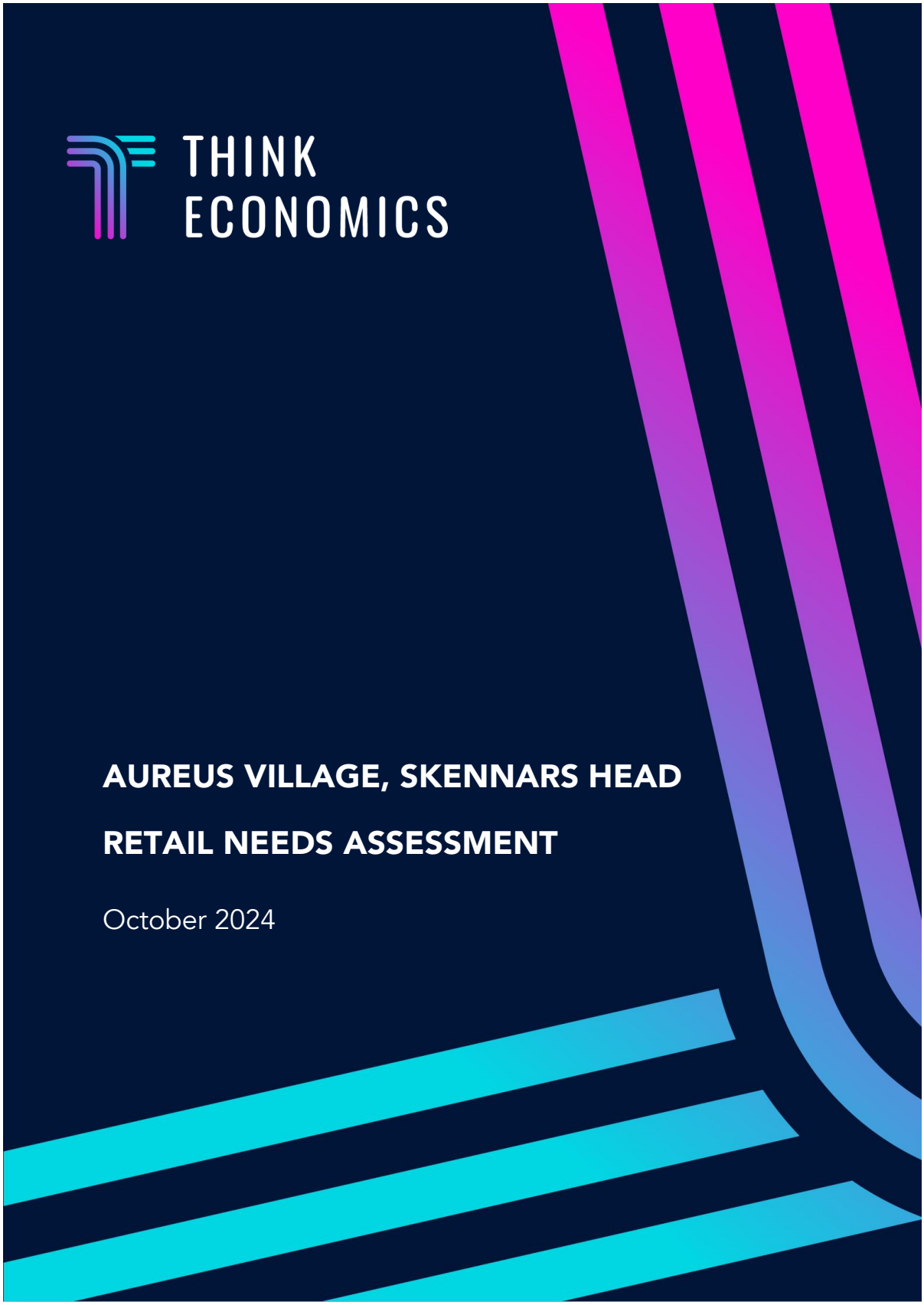
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ECONOMICS
AUREUS VILLAGE, SKENNARS HEAD
RETAIL NEEDS ASSESSMENT
October 2024

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1.0 Introduction

1.1 Scope

Think Economics has been engaged to provide an independent retail needs assessment for the proposed Aureus Village at Skennars Head, NSW.

This report has been prepared on behalf of Intrapac Property, the owner of Aureus Village ("subject site") and relates to the proposed development of 1,184sqm of retail commercial floorspace.

Key report formulation elements include:

Section 2 review the local and regional context of the centre, providing an overview of the existing centres and the proposed expansions. This sections also reviews the strategic planning framework within which the proposed centre operates.

Section 3 delineates the main trade area the proposed redevelopment will likely serve. This section provides estimates of current and future population levels within the trade area; analysis of the socio-demographic profile of the area; and assesses the current and future estimated retail expenditure generated by residents in main trade area.

Section 4 provides a review of the existing and proposed retail centres and the likely competitive framework of the proposed centre.

Section 5 provides an assessment of the market potential of the centre, including an assessment of retail floorspace demand and market gap within the trade area.

Section 6 presents an assessment of economic need and examines the net community benefits associated with the proposed expansion, including employment generation and other economic and social benefits.

2.0 Site Context

2.1 Location

The report relates to the development of a village centre within the Aureus residential estate at the corner of The Coast Road and Seaside Avenue in Skennars Head, otherwise referred to as the 'subject site' (refer Figure 2.1)

Skennars Head is a small town located between Ballina and Lennox Head in the Northern Rivers region of New South Wales. The region is a popular destination for tourists and has been attracting residents seeking a well-connected coastal living location. The subject site is about 6km north of Ballina, 25km south of Byron Bay, and 10km from the Ballina Byron Gateway Airport.

Ballina is the largest town in the region with an estimated residential population (ERP) of 18,578 people in 2021. The town serves as a regional commercial and cultural hub with significant retail provision including restaurants and cafes in addition to shopping centres with major supermarkets and department stores.

2.2 Development Overview

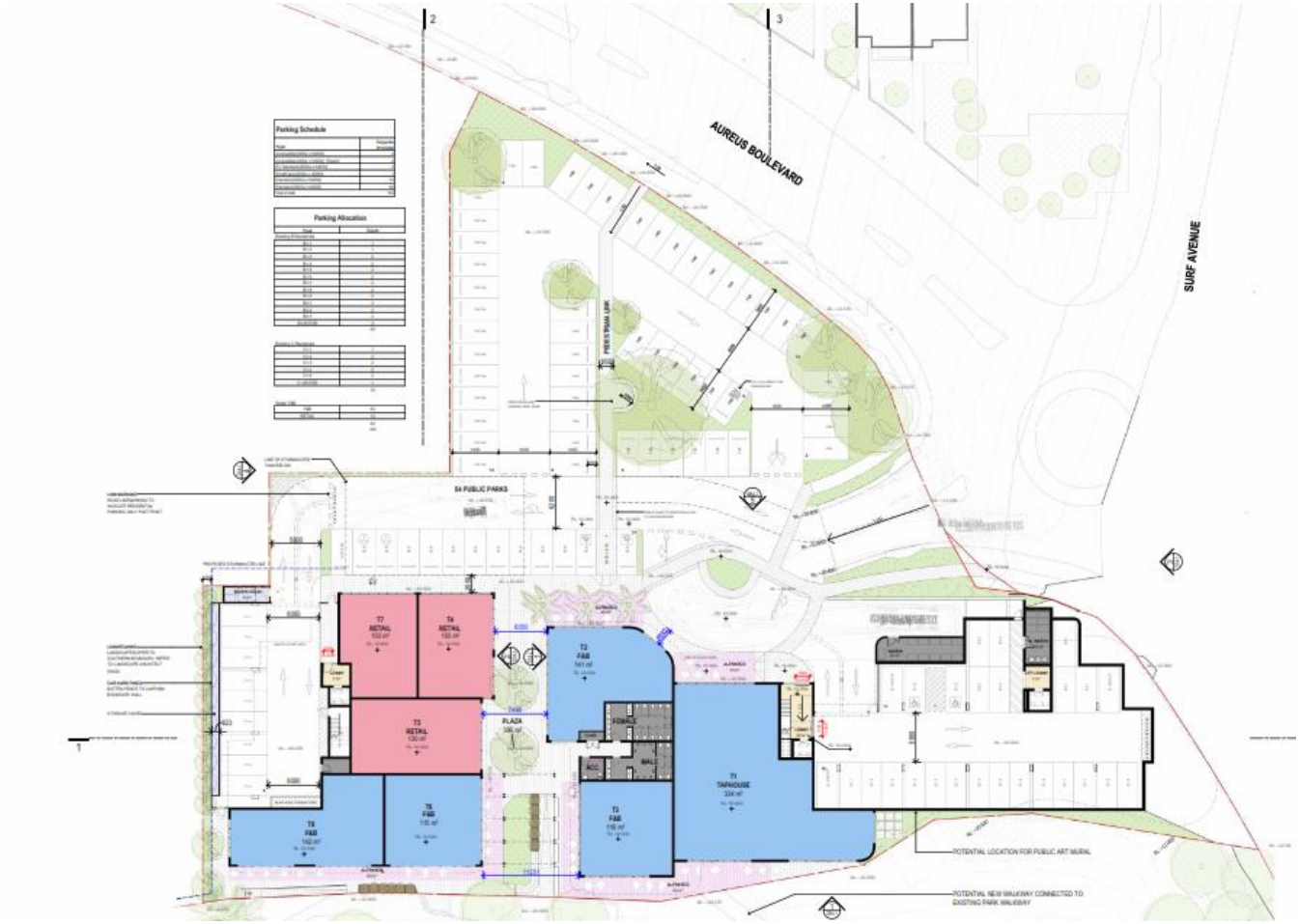
The Aureus Village residential development will comprise around 400 dwellings in total, with the first stage of the land subdivision completed and a large proportion of the townhouses under construction. The masterplan also includes parks and open areas, a playground, and a neighbourhood centre.

The subject site is approximately 13,500sqm and currently zoned E1 Local Centre. We understand this was designated as part of a 2018 approval, which at the time envisaged the inclusion of at-grade carparking, retail, commercial, public realm space and other local services. We also understand that from a role and function perspective, the initial concept plans for the subject site were for a neighbourhood centre catering for the day-to-day shopping needs of the surrounding community.

The current proposed development is for 1,184sqm of retail commercial floorspace, 65 car at-grade car parking, public realm space and shop-top residential (refer Figure 2.2)



Figure 2.1 Locational Context



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Figure 2.2 Aureus Village – Ground Floor Plan

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3.0 Retail Context Update

This section of the report will discuss the current retail context and activity centres hierarchy within which the proposed commercial centre now operates since the centre was designated as part of a 2018 approval.

Factors such as COVID, inflationary pressures and the opening of the Epiq Shopping Centre at Lennox Head have had a significant impact on the potential commercial opportunity at Skennars Head and the role and function it can play in the activity centres hierarchy. New data from the 2021 Census of Population and Housing is also available to underpin updated analysis.

A more comprehensive exploration of each of these factors and their resultant implications to be discussed in more detail following.

3.1.1 Strategic Planning Context - Centres Hierarchy

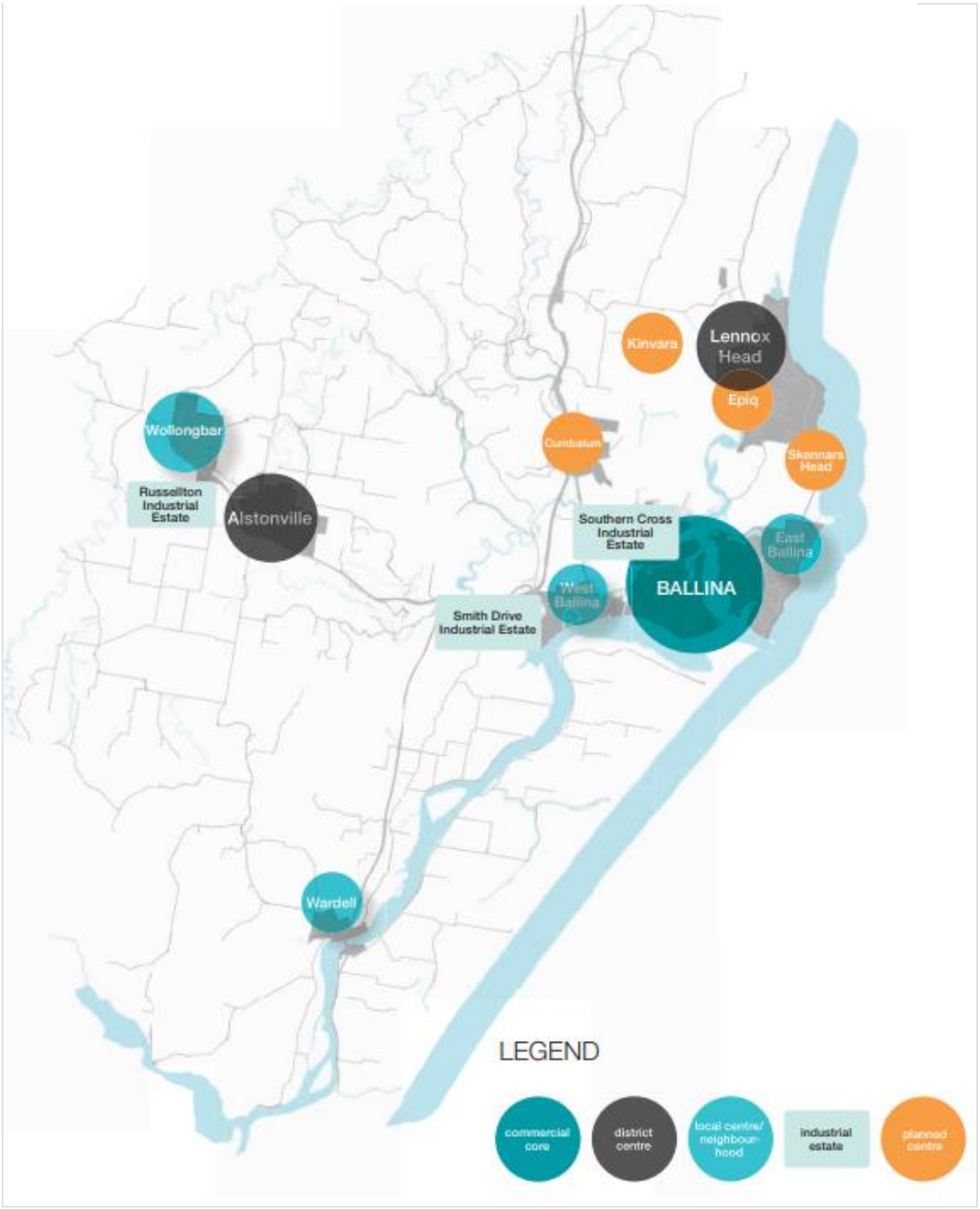
The council's strategic plan for commercial and industrial growth relies on a retail centre structure designed for the Shire. This structure designates the Ballina Town Centre and the Kerr Street Retailing Precinct as the main retail hubs within the Shire. It suggests that these establishments should be safeguarded and strengthened as the highest-ranking components of the retail hierarchy. The present structure is visually represented in the Commercial and Industrial Hierarchy diagram in Figure 3.1 over the page.

Additional retail facilities of a neighbourhood/local scale are planned for the Cumbalum urban release area and Skennars Head expansion area in the future (the subject site). There is also a light industrial estate planned on the northern side of Lennox Head and a neighbourhood shopping centre (being a second retail area) now built in the Epiq development at Lennox Head.

The commercial hierarchy is also supplemented by a range of quasi-retail activities and bulky goods outlets located within the Southern Cross, Clark Street and Russellton Industrial Estate (Alstonville) areas, as well as dispersed bulky goods activity along the former Pacific Highway, Kerr Street (e.g. Super A-Mart and Good Guys).

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Figure 3.1 Commercial and Industrial Hierarchy Ballina Shire (2019)



Source: Ballina Shire Local Strategic Planning Statement 2020 – 2040

In addition to the central facilities located in Ballina, surrounding localities also include a variety of smaller scale commercial areas, in East Ballina, West Ballina, Lennox Head and Alstonville, with a smaller neighbourhood shopping centre in Wollongbar. Modest levels of retail services are also provided in the Shire's rural villages such as Wardell, Newrybar and Tintenbar.

3.1.1 Epiq Market Place

While the subject site remains undeveloped since approval, significant changes to the surrounding retail hierarchy have occurred. Most significantly has been the delivery of Epiq Marketplace in Lennox Head in 2020, located just 3.4km from the subject site.

The Epiq marketplace is a 5,500sqm shopping centre located at the corner of Hutley Drive and Snapper Drive. The centre is part of the Epiq masterplan community which foresees approximately 500 dwellings upon completion and a retirement community with around 100 units. So far, the development has been successful with stage 7 now released.

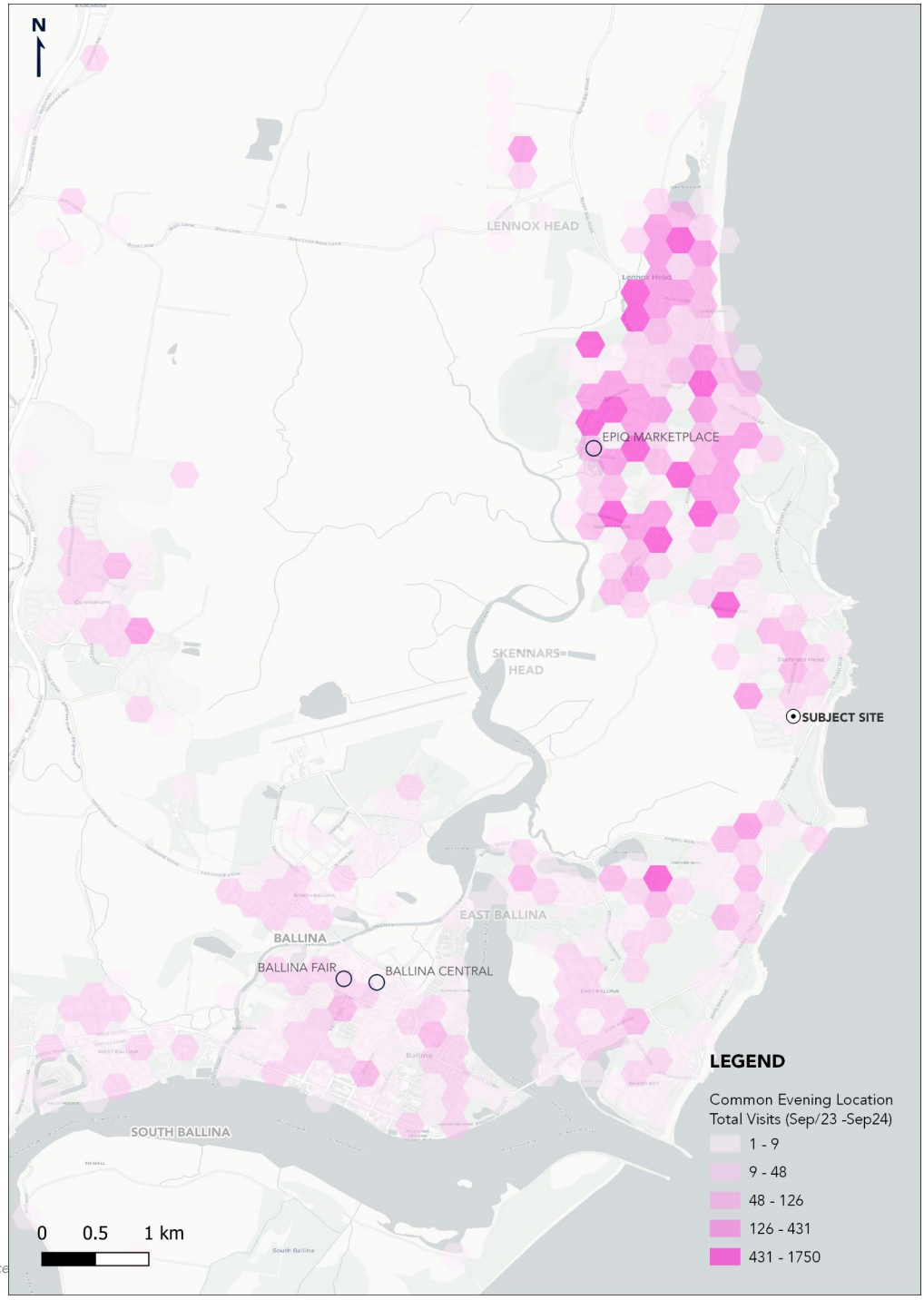
During planning, the commercial precinct concept plans envisaged a neighbourhood centre to cater for the day-to-day shopping needs of the surrounding community providing increased accessibility and convenience to residents.

Since its opening in 2020, the Epiq Marketplace has become a vital component of the entire Lennox Head area serving not only as a location for food and grocery shop but also for medical consultations, fitness, leisure and social gathering.

The current role and function of Epiq Marketplace including its actual catchment, rather than being assumed can be visualised and determined using mobile geolocation data for devices that have been recorded within the existing shopping centre. This data is represented in Figure 3.2 over the page for the period September 2023 to September 2024 (to reflect visitation patterns that are unaffected by COVID impacts on travel) and covers approximately 37,823 visits made by around 15,036 devices.

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Figure 3.2 Epic Marketplace Visitation (Sep 23 – Sep 24)



Source: Near & Think Economics 2024 - Common Evening Location (CEL) - where a mobile device rests during "non work" hours, defined as evenings (6 pm to 8 am) and weekends.

The mobile geolocation data has been purchased through the VISTA platform operated by Azira and provides details of the geolocation of smartphone devices where owners have location services turned on. The data shows both the origin and frequency of visitation and illustrates the broad attraction the centre achieves across a wide area[1], especially Lennox Head north of Skennars Head Road.

Observed visitation patterns reflect a higher role and function of the Epiq centre than what was likely originally considered, with very strong penetration into the local suburbs extending down to East Ballina.

This effect has been considered in subsequent analysis and specifically in the delineation of an appropriate trade area for the Skennars Head commercial centre.

3.1.1 Ecommerce Platforms

The COVID-19 pandemic-induced lockdowns brought about a transformative impact on the retail sector, triggering a notable transition from traditional physical stores to online shopping. Despite the conclusion of lockdowns and pandemic-related limitations, consumer inclination towards online shopping remains strong and remains above pre-pandemic levels. Current online retail expenditure represents 16.8% of total retail expenditure ($63.6bn), up from 11.3% ($32bn) in 2019.[2]

The recent shift to online operations has seen many retailers rethinking their physical footprint and network location strategies. Delivery of additional retail floorspace nationally is at the lowest levels observed over the last 15 years as the impact of online-sales, construction delays and a slow-down in discretionary spending as a result of heightened cost-of-living pressures impact retail development.

This effect has been considered in subsequent analysis and informed by latest available 2021 Census of Population and Housing and Consumer Spend Potential (CSP) data sourced

[1] *Note that areas on the map with a darker shading represent those areas with higher visitation over the preceding 12-month period.*
[2] *Aus Post: Inside Australian Online Shopping Report 2024*

from Precisely which assesses both physical and online retail expenditure by trade area residents.

3.1.2 Food and Grocery Home Delivery Trends

While non-food purchases dominate online expenditure, the growth of online food sales has also risen significantly, increasing by 167% from $459.8 mil in August 2019 to $1.23 bn in August 2024.[3]

Woolworths achieved e-commerce sales of $4.08bn through their online platform, Woolies X for the financial year 2024 which is up 27.5% on the previous 12 month and now represents 11.4% of total sales. Meanwhile, its biggest competitor, Coles had its online sales increase 29.2% of the same period to $1.8bn.

Research indicates that almost half – 48% – of Australians buy at least some of their groceries online, with 10% now ordering most or all of their groceries via the internet[4]

The shift to online and food and grocery delivery has fundamentally changed the retail competitive landscape, with the concept of convenience shifting and large online ready operators' ability to service both larger trade areas and achieve greater market shares.

Smaller operators and those which do not offer home delivery services are increasingly at a significant disadvantage.

[3] *ABS, Retail Trade, June 2023*
[4] *Spryker - 'Australian Online Grocery Report 2022*

4.0 Aureus Village Trade Area

4.1 Trade Area Definition

A trade area is defined as the geographic area for which a centre generates the majority of its turnover and visitation. The extent of a trade area is driven by a range of accessibility and convenience factors including:

- Centre attraction relative to the competition, including tenancy mix, car parking and co-location with higher order facilities and/or services. The key factors that determine the strength and attraction of any convenience centre are primarily the scale and composition of the centre, in particular anchors, car parking, including access and ease of use and ambience and presentation of the centre.
- The surrounding competitive framework and existing supply. While the strength and appeal of a centre directly impacts its ability to extract market share, the proximity and attraction of competitive uses impact the extent of a centre's trade area. In essence, all being equal, consumers naturally gravitate to the most convenient option.
- Road networks and traffic flows. The available road network, public transport service and journey to work patterns all affect centre access and impact a centre's convenience and relative attractiveness.
- Natural and man-made physical boundaries such as rivers, rail, freeways etc. Significant physical barriers often act to delineate a trade area boundary. Evidence indicates that the more difficult a barrier to negotiate, the larger the decrease in customer patronage and market share experienced.

In regard to the subject site, the primary determinant impacting delineation of a retail catchment is the location and spatial distribution of existing centres and proximity to population critical mass.

In the context of the subject site, this primarily includes Epiq Marketplace (3.4km northwest of the subject site), the Lennox Local Centre (4.2km north) and the East Ballina neighbourhood centre (2.6km south).

On the basis of the previously outlined considerations, Figure 4.1 over the page illustrates the defined main trade area for the subject site, which consists of a primary sector and two secondary sectors that are described as follows:

- The Primary Trade Area consists of the entire Skennars Head area and a small southern part of Lennox Head which has easy access to the subject site via Skennars Head Road. The proposed Village Centre will be the most proximate and convenient retail development for residents of this area and therefore this area is expected to generate the majority of demand for retail uses onsite.

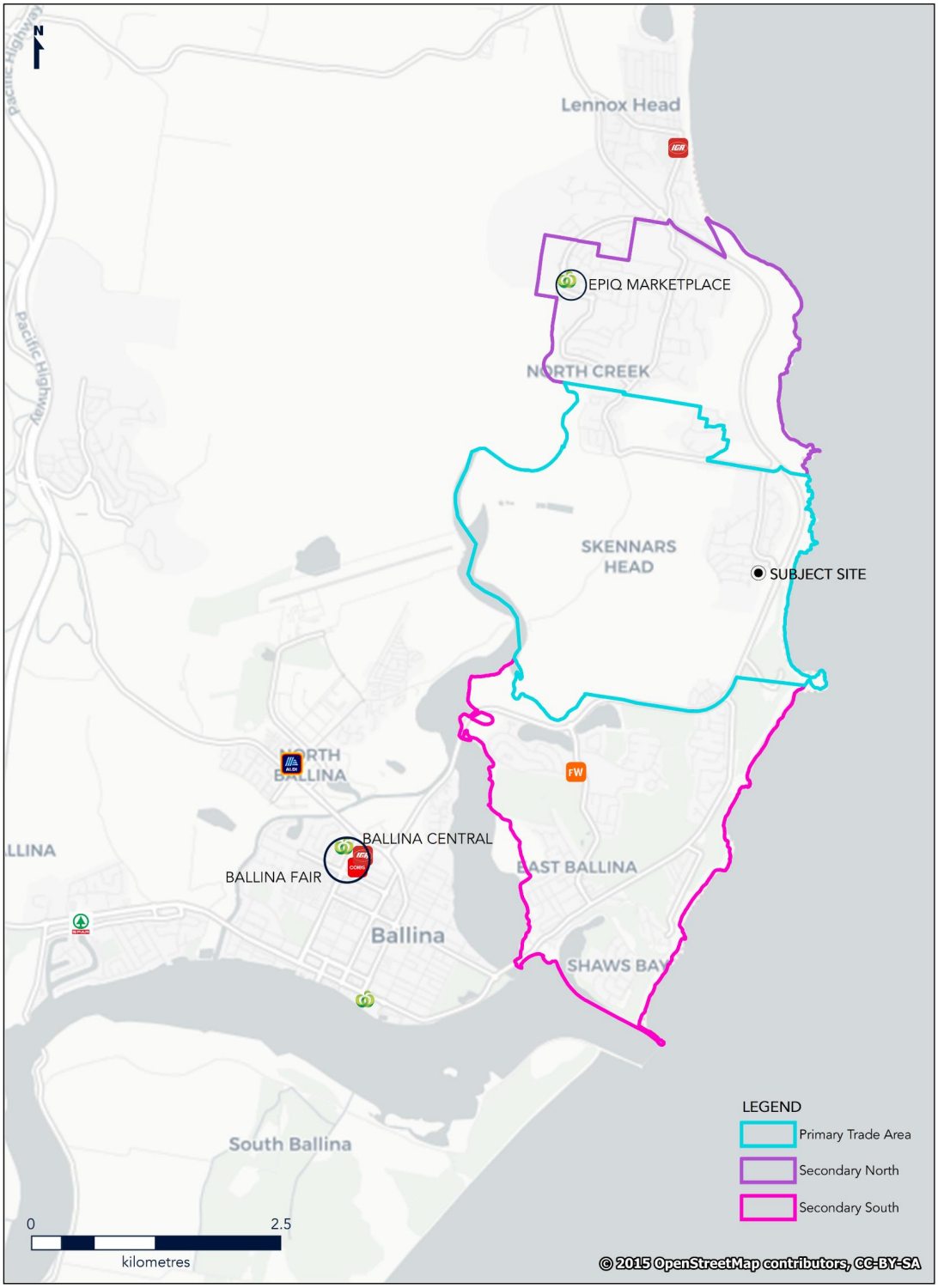
- The Secondary South Trade Area includes the entire East Ballina region. Residents of this area have relatively easy access to the subject site via Angels Beach Drive and The Coast Road with the proposed retail uses onsite providing increased choice. It is noted that this area is serviced by the East Ballina local centre and overlaps with the Ballina Fair and Ballina Central shopping centre catchments.

- The Secondary North Trade Area comprises a large part of Lennox Head's urban area. Residents of this area will also benefit from reasonable easy access to the subject site and increased retail options. As illustrated in Figure 3.2, the Epiq Marketplace dominates visitation from the Lennox Head region, and as such the potential retention rates which are considered achievable at the subject site are substantially impacted in the secondary north area due to the observed role and function of the Epiq Marketplace centre. It is expected that the proposed centre at the subject site would capture only a small proportion of demand from this area.

The Primary, Secondary South and Secondary North trade areas combined are referred to as the main trade area in the remainder of this report.

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Figure 4.1 Aureus Commercial Centre Trade Areas



4.2 Competitive Framework

4.2.1 Existing supply

There is no existing retail supply within Skennars Head, with the closest commercial precincts being the East Ballina neighbourhood centre, about 2.6km southwest of the site, and the Epiq Marketplace, approximately 3.4km northwest of the subject site.

The East Ballina neighbourhood centre is a small commercial precinct located at Links Avenue, adjacent to the Southern Cross public school and the Goodstart Early Learning Ballina childcare centre. The commercial facility features approximately 2,000sqm and includes a FoodWorks supermarket, a pharmacy, bottle shop, butchery, medical and dental clinics, hair salon, and some cafes and restaurants.

The Epiq marketplace is a 5,500sqm neighbourhood shopping centre located at the corner of Hutley Drive and Snapper Drive. The centre is part of the Epiq masterplan community. The centre is anchored by a full-line Woolworths supermarket (3,500sqm) which includes designated parking bays for drive-through pickup services from online orders. Other retail tenants include a BWS, deli shop, Chempro, bulk foods store, and nail and hair salon. The centre also includes a range of non-retail commercial uses including a 24/7 gym, a dental clinic, a physiotherapy centre, and a medical centre with 12 general practitioners.

Further, there are two small retail precinct areas within the secondary south sector, one at Shaws Bay comprising the Shaws Bay Hotel tavern, a café, and a takeaway restaurant, and one at Lighthouse Beach comprising a restaurant at the Ballina surf club.

A summary of existing retail supply relevant to the subject site is presented on Table 4.1 following.

Table 4.1 Local Area Existing Retail Supply

Centre	Retail floorspace (sqm)	Main tenants	Distance from subject site (km)
Within trade area			
East Ballina neighbourhood centre	2,000	FoodWorks, Bottlemart, Amcal Pharmacy	2.6
Epiq marketplace	5,500	Woolworths, Chempro chemist, BWS	3.4
Shaws Bay	500	Shaws Bay Hotel tavern	4.3
Ballina Surf Club	400	Capiche restaurant	4.0
Beyond trade area			
Lennox Head Local Centre (Ballina St.)	8,500	IGA, Cellarbrations liquor, Pharmacy	4.2
Ballina Central	14,130	Big W, IGA, Priceline pharmacy	4.8
Ballina Fair	14,850	Woolworths, BWS, Best&Less	5.0
Ballina Bayside	10,500	Coles, Kmart, First Choice Liquor	4.9
Ballina Town Centre	42,000	Woolworths	5.8

Source: Think Economics 2024, HillPDA 2019.

Outside the main trade area to the north, the Lennox Head local centre along Ballina Street includes a range of retail facilities, predominantly food and beverage stores and an IGA supermarket.

Meanwhile, the largest concentration of retail floorspace within the region is located in Ballina, within the Town Centre and Kerr Street precinct. The Kerr Street precinct includes the collocated centres of Ballina Fair, Ballina Central, and Ballina Bayside comprise a total of nearly 40,000sqm of retail floorspace and include major supermarket brands, department stores, food and beverage shops, and numerous retail specialties.

Ballina Town Centre is the original retail and commercial centre in the LGA and comprises an elongated commercial core area focused upon River Street. It is estimated to comprise approximately 42,000sqm of retail and about the same of non-retail commercial floorspace.

4.2.2 Future supply

As outlined in Section 3, the Ballina Shire Council Strategic Planning Context foresees the development of future centres at Kinvara and Cumbalum which are located about 10km northwest and 12km west of the site respectively. We note however that there are currently no current active developments in these precincts.

In terms of current proposed major retail additions, a review of Ballina Shire Council development applications has identified four (4) major and/or relevant projects of interest:-

- **"EPIQ Lennox", Lennox Head (DA 2023/339.1) -** located approximately 3.4km form the subject site at the existing Epiq centre, the approval for development of a two (2) storey commercial building on the Pad Site at EPIQ Lennox Marketplace, incorporating Retail Shops, Café, Commercial Offices and associated Carparking.

  The development will have a total gross leasable floor area of 696sqm. External to the GLFA will be an alfresco dining area of 75sqm and an associated 6sqm amenities building. The proposal will increase the Epiq centre to a total GFA of approximately 6,200sqm, which is within the maximum commercial gross leasable floor area of 6,300sqm, as prescribed under the Concept Plan approval.

  The approval represents a 13% increase on the existing retail GFA at the Epiq centre and will have direct impact on the quantum and timing of potential uses at the subject site.

- **Harvey Norman, 32 Boeing Avenue Ballina (DA 2023/107.1)** - approval for the construction of specialised retail premises including approximately 10,500sqm of floorspace including:

  - Harvey Norman (Tenancy 3): comprising 7,696sqm of combined floor area, consisting of 5,533sqm of retail floor area, 1,968sqm of warehouse, 194sqm of offices, reception and administration floor areas space.

  - Tenancies 1 – 4: comprising 2,692sqm of floor area.

  - Ancillary take away food and drink premises: comprising 76sqm of floor area.

The approval is for predominately high-order destination bulky good uses and is considered to be of limited competitive relevance to the subject proposal.

- **Mixed-Use Retail 72 Ballina Street, Lennox Head (DA 2023/287.1)** – pending development application for the construction of a three-storey mixed use development including one food and drink premises and two retail premises at ground level and shop top housing comprising two dwellings above, and associated car parking (13 spaces), infrastructure works and signage.

  Total retail additions proposed equate to 200sqm of retail floorspace, however largely represent a replacement of existing ground floors tenancies within the Lennox local centre and are considered to be of limited impact to the subject proposal.

- **319 River Street (DA 2023/111.1)** – Approval for development of a specialised retail premises with a gross leasable floor area (GLFA) of 1,520sqm at 319 River Street in Ballina, approximately 8km from the subject site.

  The approval is for predominately high-order destination bulky good uses and is considered to be of limited competitive relevance to the subject proposal.

4.2.3 Socio-demographic Profile

Table 4.2 following details the socio-demographic profile of the identified trade areas. The profiles have been compared with the respective benchmarks for non-metro NSW and the Australian average.

The data is sourced from the 2021 Census of Population and Housing. Key points to note about the socio-demographic profile are as follows:

- The average household size within the main trade area is calculated at 2.46, slightly below the regional and national averages of 2.64 and 2.74 persons per household respectively. However, the household size varies significantly across the trade areas with 2.98 for the Secondary North, 2.42 for the Secondary South, and 2.60 for the Primary trade area.

- The main trade area attributes a higher proportion of 55+ residents with 36.1% of the population within this age cohort compared to 35.6% across Non-metro NSW and 29.1% across Australia. This is driven by the Secondary South trade area with 42.2% of residents aged 55+, while the proportion for the Secondary North sector is estimated at only 25.1%.

- The main trade area comprises a higher proportion of couple families with no children at 33.8%. This compares to 29.7% across Non-metro NSW and 26.9% across Australia. The main trade area also attributes a high proportion of couple families with children at 29.3%, driven by the Secondary North sector at 38.7% and lower in the Secondary South area at 23.6%.

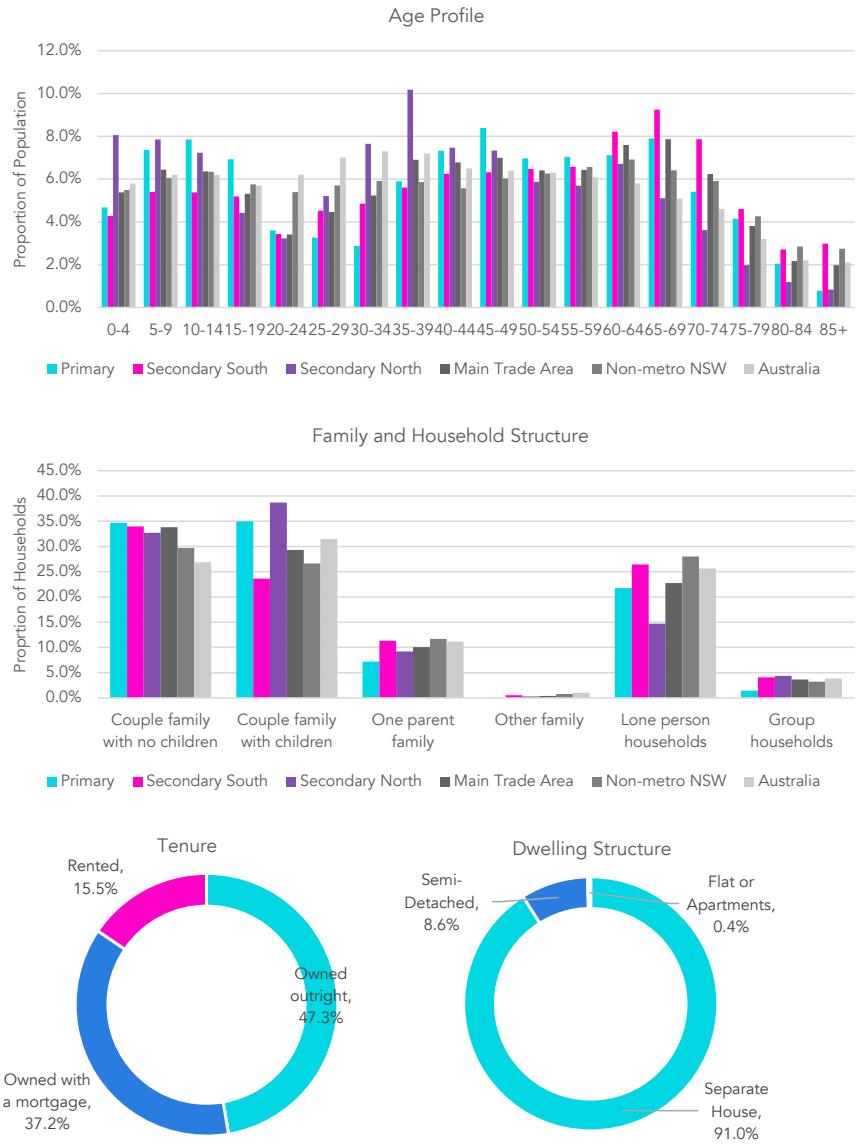
- The average total personal income of the main trade area is lower at than the regional and national benchmarks at $58,342, compared to $62,064 for Non-metro NSW and $70,522 for Australia.

- The residential product mix in the main trade area predominantly comprises separate houses (73.4%) with few townhouses (22.2%) and apartments (4.4%). Notably, across the

main trade area, 75.8% of homes are owned outright or with a mortgage, driven especially by the Primary sector (84.5%).

To summarise, the catchment is reflective of a developing community composed of a mix of young families with children predominately in the Lennox and Skennars Head area to the north and older couples with no children and lone person households in the Ballina East / secondary sector in the south.

Figure 4.1 Aureus Centre Trade Area – Socio-demographic Profile



Source: Census of Population and Housing 2021, Think Economics 2024

Table 4.2 Aureus Centre Trade Area – Socio-demographic Profile

	Primary	Secondary South	Secondary North	Main Trade Area	Non-metro NSW	Australia
Population (ERP):						
2016	1,852	5,587	1,896	9,335	2,707,935	24,190,907
2021	2,045	5,653	2,872	10,570	2,834,051	25,688,079
2022	2,068	5,653	2,918	10,639	2,862,910	26,014,540
2023	2,144	5,662	2,989	10,795	2,891,789	26,649,020
Average Annual Growth 2016 - 21 (%)	2.00%	0.24%	8.66%	2.52%	0.91%	1.21%
Average Annual Growth 2021 - 23 (%)	2.39%	0.08%	2.02%	1.06%	1.01%	1.85%
Population Density (persons/sqkm)	247.3	884.8	674.1	558.8	3.6	3.3
Household Size:	2.60	2.42	2.98	2.46	2.64	2.74
Age Profile:						
Median Age	45	49	39	45	43	38
0-4	4.7%	4.3%	8.1%	5.4%	5.5%	5.8%
5-9	7.4%	5.4%	7.9%	6.4%	6.1%	6.2%
10-14	7.9%	5.4%	7.2%	6.4%	6.3%	6.2%
15-19	6.9%	5.2%	4.4%	5.3%	5.8%	5.7%
20-24	3.6%	3.4%	3.2%	3.4%	5.4%	6.2%
25-29	3.3%	4.5%	5.2%	4.5%	5.7%	7.0%
30-34	2.9%	4.9%	7.6%	5.2%	5.9%	7.3%
35-39	5.9%	5.6%	10.2%	6.9%	5.9%	7.2%
40-44	7.3%	6.2%	7.5%	6.8%	5.6%	6.5%
45-49	8.4%	6.3%	7.3%	7.0%	6.0%	6.4%
50-54	7.0%	6.5%	5.9%	6.4%	6.3%	6.3%
55-59	7.0%	6.6%	5.7%	6.4%	6.6%	6.1%
60-64	7.1%	8.2%	6.7%	7.6%	6.9%	5.8%
65+	20.3%	27.4%	12.7%	22.0%	22.2%	17.2%
Family and Household Composition:						
Couple family with no children	34.7%	34.0%	32.7%	33.8%	29.7%	26.9%
Couple family with children	34.9%	23.6%	38.7%	29.3%	26.6%	31.5%
One parent family	7.2%	11.3%	9.2%	10.0%	11.7%	11.2%
Other family	0.0%	0.6%	0.3%	0.4%	0.8%	1.0%
Lone person households	21.7%	26.4%	14.7%	22.8%	28.0%	25.6%
Group households	1.4%	4.1%	4.3%	3.7%	3.2%	3.8%
Income:						
Average total personal income	$72,302	$53,613	$72,302	$58,342	$62,064	$70,522
Tenure:						
Owned outright	47.3%	45.9%	34.4%	43.5%	39.6%	32.1%
Owned with a mortgage	37.2%	25.2%	46.1%	32.4%	32.5%	36.2%
Rented	15.5%	28.9%	19.5%	24.2%	27.9%	31.7%
Dwelling Structure:						
Separate House	91.0%	61.0%	89.4%	73.4%	83.6%	73.0%
Semi-Detached	8.6%	32.1%	9.0%	22.2%	10.0%	12.7%
Flat or Apartments	0.4%	6.9%	1.6%	4.4%	6.4%	14.3%

Source: ABS Census of Population and Housing 2021, Think Economics 2024

4.2.4 Population Projections

In order to inform estimates of projected population growth, analysis of a range of data and information sources has been undertaken, including:

- Dwelling Approvals Data
- Estimated Residential Population (ERP) Data (2016-2023).
- Forecast ID Population Projections
- ABS Estimated Residential Population (ERP) 2023, NSW Dept. of Planning and Environment (2022)

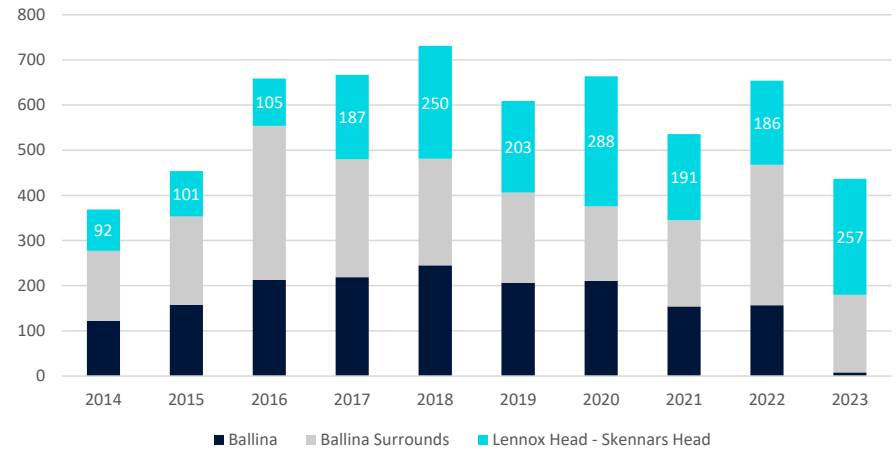
The rate of growth has continued to decline across the Ballina Region post-pandemic, with the latest ERP for 2023 showing an increase of +430 persons from 2022, below the long-term (10 year) average of +578 persons (refer Figure 4.2).

The rate of growth remains strongest within the Lennox Head-Skennars Head[8] area, which accounted for almost 60% of Ballina Shire population growth over the most recent period. Over the last 5 years, the Lennox Head-Skennars Head population has on average increased by 230 persons per annum.

Analysis of development approvals (refer Figure 4.3) across the Shire largely reflect the trend in ERP. Over the 12mth period to July 2024, the Lennox Head-Skennars Head area accounted for 138 dwelling approvals or 46% of total Ballina Shire activity. From July 2020, the average total dwelling approvals across these Lennox Head- Skennars Head SA2 has been 151 per year.

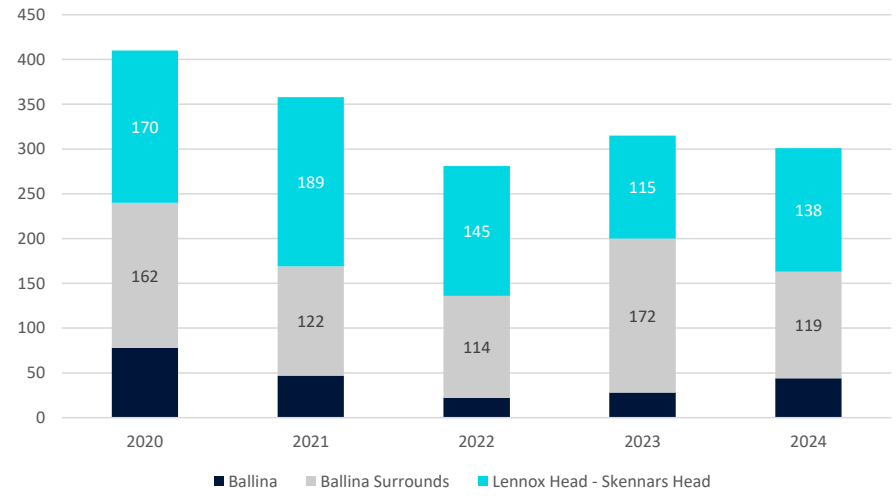
[8] *Australian Bureau of Statistics - Statistical Area 2. It is important to note that from a concordance perspective, the defined catchment does not align with the ABS defined SA2 boundaries, with the Primary and Secondary North sectors forming part of the Lennox Head-Skennars Head SA2 and the Secondary South sector a component of the Ballina SA2.*

Figure 4.2 Ballina Shire - Estimated Resident Population (ERP) – Annual Change



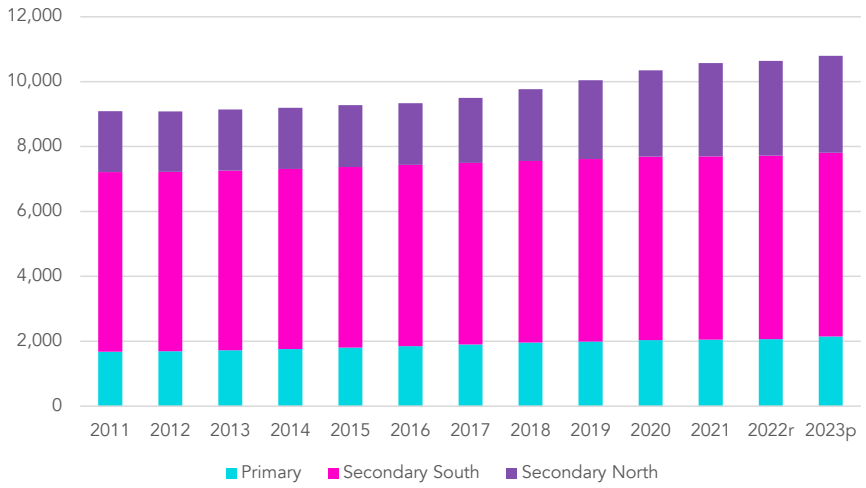
Source: Australian Bureau of Statistics, ERP by SA2 and above (ASGS Edition 3), 2001 onwards. Think Economics 2024

Figure 4.3 Ballina Shire - Total Dwelling Approvals (2020 – 2024)



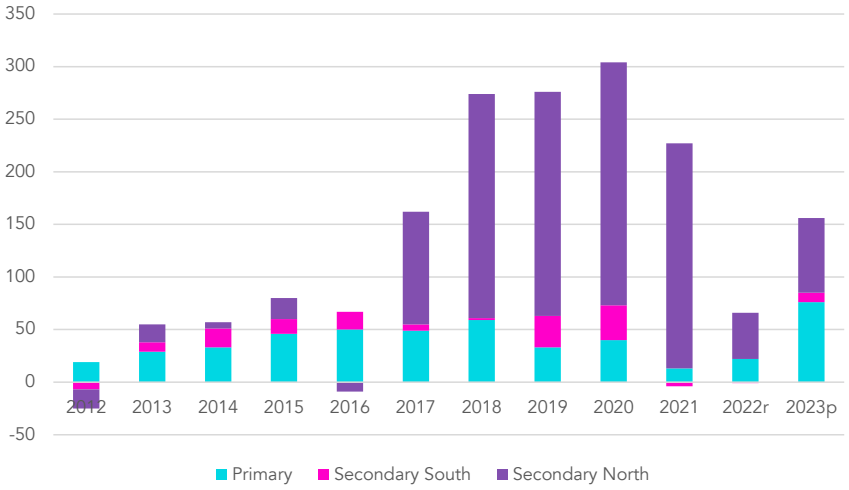
Source: Australian Bureau of Statistics, Building Approvals (July respective years), Australia. Think Economics 2024

Figure 4.4 Main Trade Area - Estimated Resident Population (ERP) (2016 – 2023)



Source: ABS Estimated Residential Population (ERP) 2023, Think Economics 2024

Figure 4.5 Main Trade Area - Annual Change in Population (2012-2023)



Source: ABS Estimated Residential Population (ERP) 2023, Think Economics 2024

At a catchment sector level, the secondary south represents the largest established population with a current estimated resident population of 5,662 persons, followed by the Secondary north at 2,989 persons and the primary with a population of 2,144.

Growth over the last few years between 2016-2023 has been driven largely by the secondary north trade area, mostly driven by the Epiq community development. During that period, the population increased by 156 people per year on average through the secondary north sector or an average annual growth rate of 6.7%. This rate of growth is expected to slow down in the coming years as the Epiq masterplan gets closer to completion.

Over the most recent 12month period, the primary trade area saw the largest growth in ERP, largely driven by development of the Aureus Estate. We have been advised by the developer that they have completed approximately 140 dwellings, with another 100 dwellings and 50 townhouses/apartments under construction. An additional 110 dwellings are still to be developed and assumed to be completed by 2031.

Over the medium to long term, ongoing population growth will be supported by remaining development capacity throughout the main trade area, in particular across the primary area.

In this instance analysis of population estimates and projections have been based on the latest ABS Estimated Residential Population (ERP) from April 2023 together with data from the 2022 Population, Housing and Implied Dwelling Projections from the New South Wales Department of Planning and Environment and small area projections completed by Forecastid for Ballina Shire Council.

Based on these considerations, the population of the primary trade area is projected to grow from 2,144 in 2023 to 3,019 in 2031 and to 3,419 people by 2036.

Going forward, the main trade area population is estimated to reach 12,570 by 2036, reflecting an average annual growth of 1.2%, or an average of 136 additional residents per year. Table 4.2 below presents the estimated population projections for the trade areas over the period to 2036.

Table 4.3 Population Projections

	Estimated Residential Population					Forecast Population		
	2006	2011	2016	2021	2023	2026	2031	2036
	Population (Persons)							
Primary	1,449	1,675	1,852	2,046	2,144	2,519	3,019	3,419
Secondary	7,391	7,464	7,483	8,528	8,651	8,801	8,976	9,151
Secondary South	*5,632*	*5,536*	*5,587*	*5,654*	*5,662*	*5,692*	*5,692*	*5,692*
Secondary North	*1,759*	*1,928*	*1,896*	*2,874*	*2,989*	*3,109*	*3,284*	*3,459*
Main Trade Area	8,840	9,139	9,335	10,574	10,795	11,320	11,995	12,570
	2006-11	**2011-16**	**2016-21**	**2021-23**	**2023-26**	**2026-31**	**2031-36**	
	Average Annual Growth (Persons)							
Primary	45	35	39	49	125	100	80	
Secondary	15	4	209	62	50	35	35	
Secondary South	-19	10	13	4	10	0	0	
Secondary North	34	-6	196	58	40	35	35	
Main Trade Area	60	39	248	111	175	135	115	
	2006-11	**2011-16**	**2016-21**	**2021-23**	**2023-26**	**2026-31**	**2031-36**	
	Average Annual Growth (%)							
Primary	2.9%	2.0%	2.0%	2.4%	4.2%	3.7%	2.5%	
Secondary	0.2%	0.1%	2.6%	0.7%	0.6%	0.4%	0.4%	
Secondary South	-0.3%	0.2%	0.2%	0.1%	0.1%	0.0%	0.0%	
Secondary North	1.9%	-0.3%	8.7%	2.0%	1.6%	1.1%	1.0%	
Main Trade Area	0.7%	0.4%	2.5%	1.0%	1.4%	1.2%	0.9%	

Source: ABS Estimated Residential Population (ERP) 2023, NSW Dept. of Planning and Environment 2022, Forecastid Ballina Shire Council, Aureus Development

5.0 Market Demand Assessment

This section assesses existing and forecast retail expenditure and retail floorspace demand within the main trade area as well as specific analysis of demand and market gap in order to determine underlying need conditions for the proposed retail development.

5.1 Retail Expenditure Analysis

The retail demand profile for the trade area will be dependent on the retail expenditure characteristics of residents within the area. Think Economics estimates retail expenditure capacity generated by trade area residents based on the latest available 2021 Consumer Spend Potential (CSP) data sourced from Precisely.

Unlike other products on the market, CSP was designed using a top-down method which overcomes several biases in base data for household expenditure. The size of the market for each CSP category is calculated from a variety of sources, the primary one being Household Final Consumption Expenditure (HFCE) tables from the National Accounts (Australia's gross domestic product figures). Because this dataset is an integral part of GDP statistics, it is the final arbiter of the size of the household market in Australia. In addition, Precisely uses other data sources to augment HFCE data. These include other National Accounts tables from the Australian Bureau of Statistics, as well as Retail Trade, Apparent Consumption of Alcohol, International Trade in Services, and Socio Economic Indexes for Areas (SEIFA). They also incorporate data from other Commonwealth sources – the Australian Prudential Regulation Authority, the Productivity Commission, and Tourism Research Australia – as well as other publicly available sources.

The CSP data is considered to be an accurate and detailed measure of retail expenditure capacity and behaviour and is widely relied on in the retail industry. Total retail expenditure is detailed in a number of categories, as follows:

- Food and groceries – goods typically sold in supermarkets and specialty fresh food stores.

- Off Premise liquor – packaged beer, wine and spirits such as those purchased at bottle shops and liquor outlets. The combination of take-home food and groceries and packaged liquor is referred to as FLG expenditure.

- Meals out and Fast Food – cafes, takeaway outlets and restaurants, including liquor consumed on such premises.

- Apparel – clothing, footwear, fashion and accessories.

- Household goods – giftware, electrical, computers, furniture and homewares.

- Leisure – sporting goods, music, DVDs, games, books, magazines and newspapers.

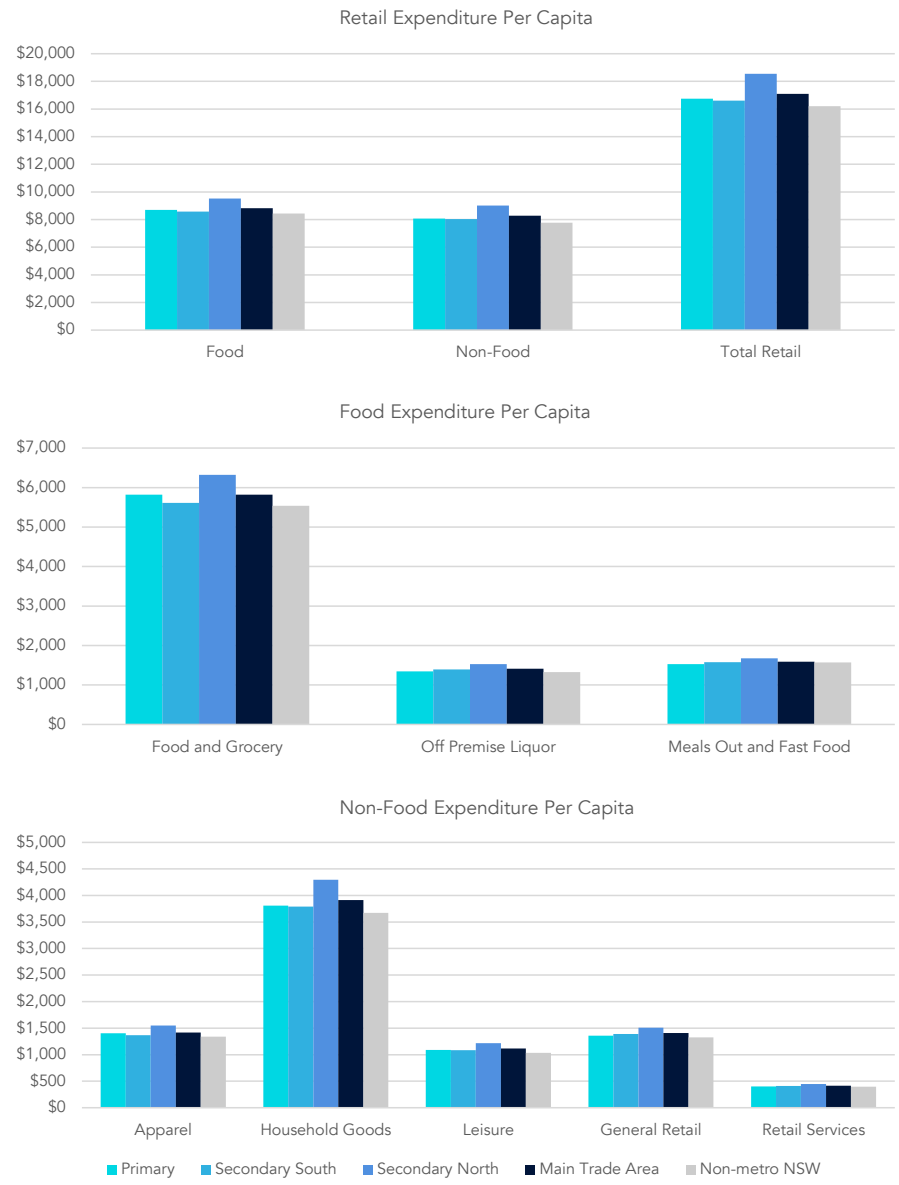
- General retail space –pharmaceutical goods, cosmetics, toys, florists and mobile phones.

- Retail Services – retail services such as key cutting, shoe repairs, hair and beauty.

Figure 5.1 presents a comparison of the retail spending behaviour of the trade area residents with Non-metro NSW averages. The total level of annual retail expenditure per person for the main trade area is estimated at $17,091, which is above the regional average of $16,198. Around 51.6% of this expenditure, or $8,821 per annum, is food expenditure. Per capita expenditure levels fluctuate across retail categories and are above the regional benchmark for most retail categories such as leisure (+7.9%), household goods (+6.6%), and off-premises liquor (6.6%).

Expenditure levels also vary among trade areas influenced by different socio demographic characteristics as well as the retail supply provision within each region. Annual retail expenditure per person is higher across the secondary north sector at $18,546 and 14.5% above the Non-metro NSW average.

Figure 5.1 Aureus Village Main Trade Area - Retail Expenditure Per Capita



Source: Precisely Consumer Spend Potential 2021, Think Economics 2024

5.2 Retail Market Size

Table 5.1 presents estimates of total retail expenditure generated by the resident population within the primary, secondaries and combined main trade area over the forecast period to 2036. All spending forecasts are inclusive of GST and presented in constant 2021 dollars. Forecasts include estimated real growth in retail expenditure, which is assumed to average approximately 0.7% per annum.

Total available retail expenditure within the trade area is forecast to grow moderately, from $181.5 million in 2021 to $238.7 million in 2036, reflecting an average annual growth rate of around 1.84% per annum over the forecast period. The primary sector expenditure is expected to grow from $34.3 million in 2021, to around $63.3 million in 2036, reflecting an average annual rate of 4.17%. On average the retail expenditure pool in the main trade area is forecast to increase by $3.8 million per annum.

Table 5.1 Aureus Village Main Trade Area – Retail Expenditure by Sector

Aureus Village - Retail Expenditure ($M), 2021 - 2036				
Year	Primary	Secondary South	Secondary North	Main Trade Area
2021	34.3	93.9	53.3	181.5
2022	34.9	94.5	54.5	183.9
2023	36.4	95.3	56.2	187.9
2024	38.8	96.1	57.3	192.2
2025	41.2	96.9	58.4	196.5
2026	43.6	97.7	59.6	201.0
2027	45.7	98.4	60.7	204.7
2028	47.7	99.1	61.8	208.5
2029	49.8	99.7	62.9	212.4
2030	51.9	100.4	64.0	216.3
2031	54.0	101.1	65.1	220.2
2032	55.8	101.7	66.2	223.8
2033	57.7	102.4	67.4	227.4
2034	59.5	103.1	68.5	231.1
2035	61.4	103.8	69.7	234.9
2036	63.3	104.5	70.9	238.7
Average annual growth ($M)				
2021 - 2036	1.9	0.7	1.2	3.8
Average annual growth (%)				
2021 - 2036	4.17%	0.71%	1.92%	1.84%

**Constant 2021 dollars & including GST*

Source: Precisely 2021 Consumer Spend Potential, Think Economics (2024)

Table 5.2 details the projected retail spending of the Aureus Village main trade area population by retail category. Food and groceries are the main expenditure category for supermarkets. Spending on food and groceries currently represents 34% of the total retail expenditure in the main trade area and is forecast to grow from $61.8 million in 2021 to $83.4 million by 2036, reflecting an average annual growth rate of 2.0% or an average annual increase of $1.4 million.

Meals out and fast food is projected to see the strongest rate of growth at 2.3% per annum over the projection period.

Table 5.2 Aureus Village Main Trade Area – Retail Expenditure by Category

Aureus Village - Main Trade Area Retail Expenditure ($M), 2021 - 2036

Year	Food and Grocery	Off Premise Liquor	Meals Out and Fast Food	Apparel	Household Goods	Leisure	General Retail	Retail Services	Total Retail
2021	61.8	15.0	16.9	15.0	41.6	11.9	15.0	4.4	181.5
2022	62.7	15.2	17.1	15.2	42.1	12.0	15.1	4.5	183.9
2023	64.2	15.6	17.6	15.5	42.9	12.2	15.4	4.6	187.9
2024	65.7	15.9	18.1	15.8	43.8	12.5	15.8	4.7	192.2
2025	67.3	16.3	18.6	16.1	44.7	12.7	16.1	4.8	196.5
2026	68.9	16.7	19.0	16.4	45.7	13.0	16.4	4.9	201.0
2027	70.3	17.0	19.5	16.6	46.4	13.2	16.7	5.0	204.7
2028	71.7	17.4	19.9	16.9	47.2	13.4	17.0	5.1	208.5
2029	73.2	17.7	20.4	17.1	48.0	13.6	17.2	5.2	212.4
2030	74.6	18.0	20.8	17.4	48.8	13.8	17.5	5.3	216.3
2031	76.1	18.4	21.3	17.6	49.6	14.0	17.8	5.4	220.2
2032	77.5	18.7	21.7	17.8	50.3	14.2	18.1	5.5	223.8
2033	78.8	19.0	22.2	18.1	51.1	14.4	18.3	5.5	227.4
2034	80.2	19.4	22.6	18.3	51.8	14.6	18.6	5.6	231.1
2035	81.6	19.7	23.1	18.5	52.6	14.8	18.9	5.7	234.9
2036	83.1	20.0	23.6	18.7	53.3	15.0	19.1	5.8	238.7
Average annual growth ($M)									
2021 - 2036	1.4	0.3	0.4	0.2	0.8	0.2	0.3	0.1	3.8
Average annual growth (%)									
2021 - 2036	2.0%	2.0%	2.3%	1.5%	1.7%	1.6%	1.7%	1.9%	1.8%

**Constant 2021 dollars & including GST*

Source: Precisely 2021 Consumer Spend Potential, Think Economics (2024)

5.3 Retail Demand Analysis

The amount of floorspace which can be supported at the proposed Aureus Village centre, and which will be appropriate to meet the needs of the trade area population, will be driven primarily by the level of retail sales which the centre can reasonably expect to retain from the pool of available expenditure generated by the trade area population.

Table 5.3 presents estimates of total retail expenditure by category which the Aureus Village could reasonably expect to retain from the trade area population over the forecast period to 2036. These indicative estimates take into account the competitive framework in which the centre will operate, having regard to the surrounding alternative offers discussed in Section 4 earlier.

The respective retention rates which are considered achievable by the proposed centre at the subject site are substantially impacted in the secondary north area due to the observed role and function of the Epiq Marketplace centre, and in the secondary south sector based on the existing Ballina East local centre and overlapping trade area with the Ballina Fair and Ballina Central shopping centres.

The demand assessment takes all of these factors into account in providing indicative estimates of the sales potential for the subject centre by retail category for the defined trade area, based on estimated market shares of available retail expenditure, by category and by trade area sectors, which the centre can attract. All spending forecasts include estimated real growth in retail expenditure, which is assumed to average 0.7% per annum.

Across the total retail spectrum, the proportion of available retail expenditure which the centre is forecast to retain from the defined trade area is in the order of around 4.6%. This proportion increases to around 12.3% across the primary sector, which is the key sector for the Aureus Village centre.

This means that approximately 95.4% of all expenditure generated by residents in the main trade area would be directed to other retail facilities including the Epiq Marketplace, the East Ballina neighbourhood centre, and the Ballina Fair and Ballina Central shopping centres.

Total retained retail expenditure within the primary trade area is forecast to grow from $7.7 million in 2021 to $11.8 million in 2036, reflecting an average annual growth rate of around 2.8% per annum over the forecast period.

This growth in expenditure will be dispersed across all retail categories, though the highest rates of growth are anticipated within the Meals Out and Fast Food category, followed by the Retail Services and Leisure categories.

Table 5.3 Aureus Village - Retained Retail Expenditure ($M), 2021 - 2036

Year	Food and Grocery	Off-Premise Liquor	Meals Out and Fast Food	Apparel	Household Goods	Leisure	General Retail	Retail Services	Total Retail
2021	4.3	1.0	1.3	0.1	0.4	0.2	0.3	0.1	7.7
2022	4.3	1.0	1.3	0.1	0.4	0.2	0.3	0.1	7.8
2023	4.5	1.1	1.4	0.1	0.4	0.2	0.3	0.1	8.1
2024	4.6	1.1	1.4	0.1	0.4	0.2	0.4	0.1	8.4
2025	4.8	1.1	1.5	0.1	0.4	0.2	0.4	0.1	8.7
2026	5.0	1.2	1.6	0.2	0.4	0.2	0.4	0.1	9.0
2027	5.1	1.2	1.6	0.2	0.4	0.2	0.4	0.1	9.3
2028	5.3	1.3	1.7	0.2	0.5	0.2	0.4	0.1	9.5
2029	5.4	1.3	1.7	0.2	0.5	0.2	0.4	0.1	9.8
2030	5.6	1.3	1.8	0.2	0.5	0.2	0.4	0.1	10.1
2031	5.7	1.4	1.8	0.2	0.5	0.2	0.5	0.1	10.4
2032	5.8	1.4	1.9	0.2	0.5	0.2	0.5	0.1	10.6
2033	6.0	1.4	1.9	0.2	0.5	0.2	0.5	0.1	10.9
2034	6.1	1.5	2.0	0.2	0.5	0.2	0.5	0.1	11.2
2035	6.3	1.5	2.0	0.2	0.5	0.2	0.5	0.2	11.4
2036	6.4	1.5	2.1	0.2	0.5	0.3	0.5	0.2	11.7
Average annual growth ($M)									
2021 - 2036	0.1	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.3
Average annual growth (%)									
2021 - 2036	2.7%	2.7%	3.2%	2.6%	2.8%	3.1%	3.0%	3.2%	2.8%
% Retail Expenditure Retained									
Primary	15.0%	20.0%	20.0%	5.0%	5.0%	7.5%	15.0%	15.0%	12.3%
Secondary South	5.0%	5.0%	5.0%	0.5%	0.5%	0.5%	1.0%	1.0%	2.9%
Secondary North	5.0%	5.0%	5.0%	0.5%	0.5%	0.5%	1.0%	1.0%	2.9%
Main Trade Area	6.9%	7.7%	7.8%	1.4%	1.3%	1.8%	3.6%	3.6%	4.6%

Source: Precisely Consumer Spend Potential 2021, Think Economics 2024

5.4 Retail Gap

Having addressed the market capture which the proposed Aureus Village centre is considered able to achieve, Table 5.4 provides indicative estimates of the amounts of supportable retail floorspace for the subject centre on a year-on-year basis, taking into account the estimated levels of expenditure which the centre is considered likely to retain.

The following retail demand forecasts utilise average retail turnover densities (RTDs) by retail category to estimate floorspace demand. The RTDs provide an estimation of the sustainable turnover per sqm for each category, with these RTDs applied to the retail expenditure forecasts presented in Table 5.3 to determine the existing and forecast floorspace demand by category.

The RTD assumed for 2024 is approximately $8,221/sqm for total retail. The estimation allows for real growth in this RTD, averaging around 0.7% per annum from 2021 onwards, as well as additional demand from beyond trade area which varies across retail categories with an average of 12%.

Table 5.4 details the estimated quantum of retail floorspace demand expected to be retained by the proposed centre at the subject site. The analysis indicates that, as of 2024, the estimated amount of supportable retail floorspace for the centre would be in the order of around 1,165sqm, with the majority of that floorspace being allocated across the food categories (904sqm or 78%). Total retail floorspace demand is expected to grow to approximately 1,395sqm by 2031 and 1,522 by 2036.

Total growth in food and liquor sustainable floorspace is estimated to increase from 904sqm in 2024 to 1,167sqm in 2036.

Table 5.4 Skennars Head - Retained Floorspace (sqm), 2021 - 2036

Year	Food and Grocery	Off-Premise Liquor	Meals Out and Fast Food	Apparel	Household Goods	Leisure	General Retail	Retail Services	Total Retail
2021	515	106	228	30	97	30	62	22	1,091
2022	519	107	231	31	98	30	63	22	1,100
2023	531	110	237	31	100	31	65	23	1,127
2024	546	113	245	33	104	32	68	24	1,165
2025	562	117	254	34	109	34	70	25	1,204
2026	577	120	262	35	113	35	73	26	1,242
2027	590	123	269	36	116	36	75	27	1,272
2028	602	126	276	37	119	37	78	28	1,303
2029	615	129	283	38	122	38	80	29	1,334
2030	627	132	291	39	125	39	82	30	1,364
2031	640	134	298	40	128	40	84	30	1,395
2032	650	137	304	40	131	41	86	31	1,420
2033	661	139	310	41	133	42	88	32	1,446
2034	671	142	316	42	136	43	90	33	1,471
2035	682	144	323	42	138	43	91	33	1,497
2036	692	146	329	43	141	44	93	34	1,522

Source: Precisely Consumer Spend Potential 2021, Think Economics 2024

6.0 Need Implications

Any retail development at the Skennars Head site will cater primarily to a limited trade area, encompassing Skennars Head and a small southern portion of Lennox Head accessible via Skennars Head Road. This area is expected to generate the majority of demand for retail uses at the site.

With a primary trade area of only 2,150 persons growing to 3,420 by 2036 and limited opportunities to attract market share from the north, a supermarket is unlikely to be sustainable at the subject site, both now and into the future. Full-line supermarkets typically require a minimum primary trade area of at least 8,000 people to be viable. It is also important to note that without a large supermarket anchor at the subject site the amount of supportable specialty retail also becomes limited by overall reduced foot traffic and customer flows to the centre.

Based on the analysis of catchment demand, existing supply and information on similar centres, we consider there is an opportunity for the establishment of a small retail centre within a total retail floorspace ranging from 1,000sqm to 1,500sqm.

Small neighbourhood centres of this size tend to be anchored by a food related tenant, supported by a small selection of specialties, again predominantly food, liquor and takeaway related. Non-food tenancies such as apparel, household goods and leisure are generally limited. Depending on the surrounding provision, the centre may include a small amount of non-retail commercial floorspace such as medical, allied health, or local professional office (i.e. real estate)

In this instance, we consider that most of the larger non-retail commercial opportunities have been realized at Epiq Marketplace which includes a 24/7 gym, a medical centre, and adjacent childcare centre.

Based on site coverage benchmarks, a centre of around 1,000 – 1,500sqm would typically necessitate a site area of between 3,000sqm – 5,000sqm. On this basis, we would consider the current designated E1 zoned area of 13,500sqm excessive. An area of this size area is more suitable to large neighbourhood centres supported and anchored by large full-line supermarkets (GFA 3,000sqm+) which is considered un-sustainable at the subject site.

6.1 Social, community and employment impacts

The development of the proposed Aureus Village centre will result in additional on-going employment on site, as well as further jobs throughout the supply chain, including those in industries servicing the retail tenants at the site, such as transport workers, wholesalers and the like.

Furthermore, the construction phase of the project will support temporary construction related employment, and additional temporary jobs through the broader economic supply chain (i.e. multiplier impacts).

In estimating the various employment benefits, we have relied upon various data sources including information from retail operators, the ABS, state and local government agencies, as well as past experience in preparing assessments of this nature.

The following table illustrates the estimated net increase in direct on-site retail employment that could potentially be created if the proposed development at the subject site were to proceed. An estimated 35 jobs could be created on site once the development is fully operational. Making an allowance of around 5% for employment being redirected from other centres, the proposed development could result in a net addition of 33 jobs.

Table 6.1 Aureus Village – Estimated employment impacts

Scenario	Estimated sq.m per worker	GLA (sq.m)	Employment (persons)
Food & Beverage	30	848	28
Specialty retail	50	336	7
Total Centre			35
Net employment increase*			**33**

Source: Think Economics 2024

The proposed development at the subject site would generate a range of other economic benefits, in particular the following:

- Increased choice and amenity for the population of the main trade area as well as likely increased competition for the benefit of consumers.
- More convenient access to new retail shopping facilities, to serve both the current residents of the main trade area and future residents.
- Reduced travels distances, leading to savings on time and fuel for main trade area residents, due to a much better provision of shopping facilities at the local level.
- Providing additional convenience retail to service a growing residential growth area, without reducing the level of service provision anywhere else.
- Opportunities for small businesses to open premises within the local centre.
- Providing jobs near people's homes and consequent economic multiplier impacts, which will boost the local economy.

6.2 Conclusion

This report provides evidence indicating that there is a market gap for the proposed Aureus Village at the subject site which would result in a net community benefit to residents within the main trade area and surrounds.

Overall, we consider the proposed development concept will provide a positive net community benefit given the following:

- There is currently no retail floorspace within Skennars Head and analysis indicates a sustainable market gap of between 1,000 – 1,500sqm.

- Overall, the proposed development concept and associated scale and mix will result in negligible impacts on surrounding centres, with any potential impact offset by ongoing population and retail expenditure growth throughout the local area.

- Our analysis demonstrates that the proposed development concept is of an appropriate scale and composition based on both current and projected demand conditions within the main trade area and taking into consideration the context of the existing and planned centres hierarchy in the surrounding area.

- Based on site coverage benchmarks, a centre of around 1,000 – 1,500sqm would typically necessitate a site area of between 3,000sqm – 5,000sqm. We consider the current designated E1 zoned area of 13,500sqm excessive. The proposal supports opportunities to deliver more appropriate land uses on the residual land parcel that will multiply net benefits for the community.

- The proposed centre will provide a supporting retail function and will not impact the role or function of higher order centres (such as the Ballina Town Centre) within the surrounding area.

- The proposal will create an employment generating use which will provide 33 net additional on-going jobs.

- The proposed development is likely to result in additional consumer choice, convenience and amenity for local shoppers, and is also likely to reduce vehicle kilometres travelled by residents and workers. It will thus result in a net community benefit.

On the basis of the findings presented above, there is considered strong economic, planning and community need conditions supporting the current proposed Aureus Village centre concept and a reduction in the designated E1 zoned area.


THINK
ECONOMICS

Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-2212)*: rezone land for residential and employment purposes, correct mapping anomalies and make consequential amendments to development controls at 21 Aureus Boulevard, Skennars Head.*

I, the Director, Hunter and Northern, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 rezone land for residential and employment purposes, correct mapping anomalies and make consequential amendments to development controls at 21 Aureus Boulevard, Skennars Head should proceed subject to the following.

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 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 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 within nine (9) months of this Determination.

Gateway Conditions

1. Prior to community and agency consultation, the planning proposal is to be amended to reference the additional consequential changes to floor space ratio, minimum lot size and height of building controls for that part of Lot 346 DP1271483 currently zoned under the provisions of Ballina Local Environmental Plan 1987 and include maps that show all the current and proposed LEP controls.

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 standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 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 Guideline* (Department of Planning and Environment, August 2023).

3. Consultation is required with the Ballina Byron Gateway Airport under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9.1 of the Act:

   The Ballina Byron Gateway Airport is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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 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 15 April 2025



Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces

PP-2024-2212 (IRF25/714)

Respondent No: 1 **Responded At:** Aug 21, 2025 11:25:13 am
Login: Registered **Last Seen:** Aug 25, 2025 07:16:26 am

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

The residents were sold these expensive blocks of land believing the brochures that said there would be a community hub eg coffee shop, bar pub, conveniance supermarket ect.

Q4. **Please provide any further comments on the Planning Proposal**

The beach was only part of the reason myself and my wife personally paid alot of money for the land for our home.The community hub was equally as important if not more than the beach all the glosey sales brochers talked about the community hub retail spaces. For people going into retirement this very important.The council should not let the developers change the zoning to just residential its a disgrace if they do.The developers should be made do what we the residence were led to believe what this development was about and it was about community.

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Q6. **I have read and agree with Council's Privacy Policy** Yes

Respondent No: 2
Login: Registered

Responded At: Aug 21, 2025 12:04:02 pm
Last Seen: Aug 21, 2025 02:00:33 am

Q1.	**Do you support the overall vision for Aureus Village Rezoning Planning Proposal?**	No

Q2. Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.

not answered

Q3. Please provide a reason for your objection

False advertising, I purchased knowing shops/cafes where being built. Further medium density townhouses will decrease the property value and there's not enough car parking available already. NOT Happy.

Q4. Please provide any further comments on the Planning Proposal

not answered

Q5.	**If you would like your submission to be confidential, please provide a reason for confidentiality**	not answered
Q6.	**I have read and agree with Council's Privacy Policy**	Yes

Respondent No: 3
Login: Registered
Responded At: Aug 22, 2025 08:09:40 am
Last Seen: Aug 21, 2025 22:05:48 pm

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?**	No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

When buying in Aureus they promised multiple shops, not more units down in that area. There will be a class action if this doesn't happen.

Q4. **Please provide any further comments on the Planning Proposal**

More shops, less dwellings

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality**	not answered
Q6. **I have read and agree with Council's Privacy Policy**	Yes

Respondent No: 4 **Responded At:** Aug 22, 2025 15:54:59 pm
Login: Registered **Last Seen:** Aug 25, 2025 01:19:49 am

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

We live in Sunhaven Ave and a big reason why we chose to buy and build a home on this arra is due to the developer promising shops including cafe, brewery, up market deli and cafes. The developer is getting greedy by wanting more residential. We chose this area for a lifestyle choice, beach across the road, lovely homes and shops and cafes. The town houses are a plenty already and this diminishes the value of our home. The townhouses are quickly and poorly built and leak badly. They look like lego. I strongly object to this proposal.

Q4. **Please provide any further comments on the Planning Proposal**

We were originally tild by Aureus that shops, cafes and restaurants would be built which would greatly increase the value of our home in the future. Look what happened to Epic when the shops were built. Propertie values exploded. This home is our retirment home and a lifestyle choice that is being ruined by a greedy developer. Surely they have made a fortune already.

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** Na

Q6. **I have read and agree with Council's Privacy Policy** Yes

Respondent No: 5
Login: Registered
Responded At: Aug 22, 2025 15:56:11 pm
Last Seen: Aug 25, 2025 00:29:51 am

Q1.	**Do you support the overall vision for Aureus Village Rezoning Planning Proposal?**	No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

There are more than enough town houses in the estate already. We need shops and restaurants as was the proposal when we purchased our land. We were promised a retail outlets, grocery store, cafes, restaurants.

Q4. **Please provide any further comments on the Planning Proposal**

This proposal is just greed. It is not what we paid top dollar for our land. It was meant to be a lifestyle not Lego land.

Q5.	**If you would like your submission to be confidential, please provide a reason for confidentiality**	not answered
Q6.	**I have read and agree with Council's Privacy Policy**	Yes

Respondent No: 6
Login: Registered
Responded At: Aug 25, 2025 13:16:51 pm
Last Seen: Aug 25, 2025 02:54:45 am

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

We have so much medium density housing now- the INFRASTRUCTURE does not support this increased level. Considering 25 units are going in where the office is and all the other units, the house residents need some consideration for their investments on the original proposal!! Residential parking will monopolise the retail/playground parking! We don't want a big shopping centre but the proposed level will be more limiting and harder for the businesses to survive!!!!

Q4. **Please provide any further comments on the Planning Proposal**

The retail area seems more limiting and there needs to be more foresight to cover future developments which no doubt will occur. Parking will be at a premium! It is busy(and dangerous) enough now. Once the development has happened, there should be no parking allowed on the road at the entrance- too narrow for the multiple big cars that everyone seems to have, and small children!! It should happen now but there really is no other option at the moment!

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Q6. **I have read and agree with Council's Privacy Policy** Yes

Respondent No: 7
Login: Registered
Responded At: Aug 25, 2025 13:55:11 pm
Last Seen: Aug 25, 2025 03:49:24 am

Q1.	**Do you support the overall vision for Aureus Village Rezoning Planning Proposal?**	No

Q2. Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.

not answered

Q3. Please provide a reason for your objection

We purchased land on the promise that there would be a decent size commercial area with shops cafes pub and restaurants. We are frustrated at the long wait for these to materialise, and now angry that the plans aare being changed. It is an outrage and the entire community strongly opposes these plans for more residential!

Q4. Please provide any further comments on the Planning Proposal

not answered

Q5.	**If you would like your submission to be confidential, please provide a reason for confidentiality**	not answered
Q6.	**I have read and agree with Council's Privacy Policy**	Yes

Respondent No: 8 **Responded At:** Sep 11, 2025 12:58:31 pm
Login: Registered **Last Seen:** Sep 11, 2025 02:54:15 am

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

I like the original plan to have a larger commercial precinct to suit the number of people recently moved here. It was also a large reason we bought across the road from the commercial space and that was how it was sold to us. To have more townhouses across from us would feel overcrowded.

Q4. **Please provide any further comments on the Planning Proposal**

That being said, I really want the commercial space to go ahead regardless of size as opposed to not having one at all, that would be the worst thing possible for this buzzing new estate

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Q6. **I have read and agree with Council's Privacy Policy** Yes

Respondent No: 9 **Responded At:** Sep 16, 2025 05:18:48 am
Login: Registered **Last Seen:** Sep 15, 2025 18:42:13 pm

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

There are already 60 units built with a further 20+ to built where the current site of the sales office is. Speking to residents in both the new and original parts of Skennars Head, they have concerns about volume of people, cars, stale appearance and these units becoming "slummy" as time progresses. The more units/townhouses that are built must surely cheapen the value of homes in the area as there are now more options for buy real estate. Intrapac should be made to adhere to their original design. Had I been made aware of the slippery and cunning manoeuvrability to change their design by adding even more townhouses or mixed use, as seems to be the preferred term, I would not have bought my land and built.

Q4. **Please provide any further comments on the Planning Proposal**

Land owners were wined and dined at the launch of the estate. Cheeses, cured meats, canapes, wines, a guest singer and a guest speaker. This was all an elaborate hoax. We were sold what a great location it is and a village with cafe, small supermarket, tavern of sorts and further speciality shops will enhance our choice to buy. It seems Intrapac clearly had no intention of adhering to their original design and by adding more townhouses has only clarified this for me. It is corporate greed. We were told at the launch how great its going to be to watch your kids at the park (that has no toilet facilities), while you sip on a cup of coffe or cold beer. It all sounded very romantic. This motion is eerily similar to the people at Cumbalum who had their deposit returned as a sunset clause was activated and the developer could now sell the land again for a higher price and further line their pockets with cash. These people have no interest is becoming part of the fabric of our community. As a result their greed, I find it hard to swallow when people say "oh you live at Aureus". No we don't. Aureus has become part of the local vernacular now and it stinks. Council needs to enforce the original proposal. But as I have been told they have terrific lawyers who can them to weasel their way out of a previous plan. They have no intention of forming a cornerstone in our community as a whole and this rezoning only further proves my point.

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Q6. **I have read and agree with Council's Privacy Policy** Yes

Respondent No: 10 **Responded At:** Sep 16, 2025 13:53:53 pm
Login: Registered **Last Seen:** Sep 16, 2025 02:49:06 am

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

1. Historical Commitment to Commercial Zoning The Ballina Shire Development Control Plan 2012 (DCP) has long recognised the need for commercial zones in Skennars Head to support the growing community and strengthen the linkage between Ballina and Lennox Head. The original planning proposal for this development was guided by a clear vision, and all land purchases were made on that basis. This development was intended to fill a gap in local retail services and support the community's needs as the area developed. Reducing the commercial area would undermine this original vision and limit the ability of Aureus Village to serve the growing population. The Skennars Head community has been waiting for a commercial precinct—not only from the Aureus development but also based on previous commitments made when the Skennars Head community was first established. Previous planning proposals, such as BSCPP 17/010, have designated areas for commercial development, including B1 Neighbourhood Centre zoning within the Skennars Head Expansion Area. These longstanding commitments underscore the strategic importance of maintaining and expanding commercial zones to meet the needs of the local population. 2. Need for Additional Commercial Space The Ballina Shire is projected to experience significant population growth, increasing from approximately 49,900 in 2025 to over 62,000 by 2046. The local population is also ageing, with the proportion of residents of retirement age expected to grow by more than 40% over the next decade. These trends indicate an increased demand for local services and retail opportunities, including shops, cafes, and community amenities, particularly within neighbourhood centres. Rezoning this land to residential reduces the potential for Aureus Village to develop a fully functional local centre capable of meeting these future needs. 3. Walkable Communities and Accessibility The vision for Skennars Head has consistently emphasised the creation of a sustainable, integrated community. Planning documents highlight the importance of walkable neighbourhoods that promote healthy, active lifestyles. Converting prime commercial land to residential use contradicts this vision by reducing the availability of local services within walking distance. This would increase reliance on private transport and diminish the quality of life for residents, particularly the ageing population. 4. Strategic Value of Ocean-View Commercial Land This site is one of the few commercial parcels in Skennars Head and the wider Ballina Shire with ocean views, making it uniquely suitable for high-value commercial development such as cafes, restaurants, and specialty retail. Rezoning to residential would waste this rare opportunity to develop a vibrant neighbourhood centre that leverages its strategic location. Maintaining or expanding E1 zoning preserves the potential for a commercial hub that can attract visitors, support local businesses, and align with regional economic development strategies. Conclusion For the reasons above, I strongly object to the rezoning of this land from E1 Local Centre to R3 Medium Density Residential. I urge Ballina Shire Council to retain, and where possible expand, commercial zoning on this site to ensure Aureus Village develops as a fully functional, vibrant local centre capable of meeting the future needs of the growing and ageing community.

Q4. **Please provide any further comments on the Planning Proposal**

not answered

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Q6. **I have read and agree with Council's Privacy Policy** Yes

Respondent No: 11 **Responded At:** Sep 16, 2025 18:34:27 pm
Login: Registered **Last Seen:** Sep 16, 2025 08:30:24 am

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

I formally object to Planning Proposal BSCPP 2024-004. I am a resident of Aureus at Skennars Head and reside at 29 Surf Avenue. My reasons for my objection are summarised below, and included in detail under Step 3 - The Need for a Local Centre - Proximity to Epiq Marketplace is Not a Justification - Future Demand and Lost Opportunity

Q4. **Please provide any further comments on the Planning Proposal**

I am writing to formally object to Planning Proposal BSCPP 2024-004. I am a resident of Aureus at Skennars Head and reside at 29 Surf Avenue. The proposed rezoning of land from E1 (Local Centre) to R3 (Medium Density Residential) is not in the best long-term interests of our community. While the proposal retains some of the original Aureus Village, it significantly reduces the size of the area designated for community services and retail. The Need for a Local Centre The E1 zoned land is essential for the entire Aureus community and its visitors. This area is intended to serve as a genuine local centre, providing much-needed services and amenities. Preserving this land is critical for both current and future residents, as well as visitors to Aureus Park and Sharpes Beach who would benefit from a local hub. Aureus already has a mix of stand-alone dwellings and townhouses. The existing Aureus masterplan already includes ample residential areas that do not encroach upon the space allocated for the village. Rezoning this critical E1 land for more housing is unnecessary and sacrifices the potential for a vibrant community hub. Proximity to Epiq Marketplace is Not a Justification The planning proposal frequently references Epiq Marketplace. As a local resident, I am well aware of Epiq's success. However, its proximity to Aureus is not a valid justification for reducing the size of our local village. Epiq is half the distance from the Lennox Head main street shops as it is from Aureus Village. Our community needs its own distinct and convenient retail precinct, not a smaller, less viable alternative to an existing one. Future Demand and Lost Opportunity Approving this planning proposal would be a short-sighted decision. As the Aureus community continues to grow, so will the demand for a local retail precinct and community services. The current E1 zoning allows for a wide range of services, including a child care centre, which would be incredibly valuable and well-patronised by our community. Once this land is rezoned and developed for housing, the potential for a local centre is lost permanently. We cannot afford to surrender this opportunity. Please listen to the needs of the community and reject this planning proposal. The long-term vision for Aureus requires the full E1 zoning to be retained for a future that truly serves its residents and visitors.

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Q6. **I have read and agree with Council's Privacy Policy** Yes

Respondent No: 12 **Responded At:** Sep 18, 2025 14:33:32 pm
Login: Registered **Last Seen:** Sep 18, 2025 04:31:15 am

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** Yes

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

not answered

Q4. **Please provide any further comments on the Planning Proposal**

We make this submission as owners currently building within the Aureus Estate. We consider the proposed rezoning will provide a commercial centre of a suitable size for the area with, we hope, primarily boutique retail and hospitality outlets. This view is conditional on the proposed restrictions relating to the issuing of occupation certificates and, in the E1 zone, shop-top housing. To ensure the whole area is completed in a timely way, with the maximum opportunity of success for the businesses to set up there, we also suggest that in relation to the first stage of commercial premises being built (600m2 minimum) conditions are imposed requiring: 1. adequate car parking 2. suitable landscaping in the completed area/s 3. public toilets to be included. In addition, we would like a requirement that the remainder of the commercial building works on the entire site should be completed within a specific time period from the date of the occupation certificate for the first 600m2. Although we broadly support the proposal we have some misgivings about the additional medium density residential land to be added. Overall, however, we have taken a pragmatic approach in providing our response. We ask that our views are taken into consideration when the planning proposal is determined.

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Q6. **I have read and agree with Council's Privacy Policy** Yes

Respondent No: 13 **Responded At:** Sep 19, 2025 11:53:26 am
Login: Registered **Last Seen:** Sep 24, 2025 03:42:08 am

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

Re: Planning Proposal 24/004 – Part Lot 346 DP 1271483, 21 Aureus Boulevard, Skennars Head. I am writing in opposition to the above rezoning proposal of Lot 346. I am a resident of the Skennars Head sub division since building here in 2007. At the time of purchasing the block of land, much was made of the land set aside for a future convenience store adjacent to Xavier Catholic College. This never eventuated and the site was subsequently subsumed into the college. Going forward to the time of the original zoning and planning proposals much emphasis was placed on the plan to include a significant space for retail and recreational facilities adjacent to the open reserve fronting the Coast Road. This was, of course, met with some scepticism by the longer term residents. The continuing emphatic assertion that this would definitely happen was one of the main factors in the acceptance of the proposals by the neighbouring community. Fast forward to the present and the Developer is seeking to renege. Any observer would have to admit the major failure in planning of residential subdivisions, not only in Ballina but, in all localities on the Far North Coast is the almost total reliance on the motor car to obtain even the most basic necessities. The ability to walk to the shops has gone. This is the role that lot 346 was supposed to fill. On page7 at 1.3 Council Resolutions of the document titled "Planning Proposal 24/004 Aureus Village Centre, at point 8 ... in relation to the planning agreement Council expresses a preference for the following: • That no residential lots are registered, or occupation certificates sought in the R3 zone area until an occupation certificate has been issued for at least 600m2 of the approved commercial floor space. If the rezoning is approved it is my submission that the above italicised be included as a consent condition.

Q4. **Please provide any further comments on the Planning Proposal**

This proposal has been before council since early 2024 (24/04) The time line on page 14 would appear to make this a fait accompli.

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Q6. **I have read and agree with Council's Privacy Policy** Yes

Respondent No: 14 **Responded At:** Sep 19, 2025 12:00:41 pm
Login: Registered **Last Seen:** Sep 24, 2025 04:12:38 am

Q1. **Do you support the overall vision for Aureus Village Rezoning Planning Proposal?** No

Q2. **Please share your reason for supporting the vision for Aureus Village Rezoning Planning Proposal.**

not answered

Q3. **Please provide a reason for your objection**

It is contrary to what was assured at the community meetings I attended before Aureus was commenced. Aty hose meeting there were a lot of question raised by existing residents who live at Skenners Head about whether there would be retail area for the residents. The residents made it clear that this was important to have some shops and services close by so that local residents do not have to get into their car every time they need to get basic necessities like bread, milk, coffee, newapapers etc This is one of the things that the community stressed was important . In the past this had been promised & expected at Skennars Head but it never happened. It should not be allowed to happen agaon. The represnetatives for the developers gave unequivocal and firm assurances that there would defininetly be a retails area and they showed the plans indicating the area and location for retail space and parking. This area needs to be at least as big as the East Ballina shopping village in Links Rd . It needs to have similar style amenity as is available for East Ballina residents. In my opinion, it is not justifiable or morally right to change this now, It is a breach of the assurances which were given . The Epiq plans had been in place long before this & it is deceptive to claim that the developers did not know about Epiq. In any case, for local residents there needs to be some local amenity. The council should not collude with the developers. There has been a breach of trust.

Q4. **Please provide any further comments on the Planning Proposal**

PLease enaure that there is space for basic retail amenity & community market & meeting place . With considerations of environment and emissions , it is crazy that the Council would allow this developement at Skennars Head without amentity and then all residents have to get in their car to go and do shopping for basic necessities.

Q5. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Q6. **I have read and agree with Council's Privacy Policy** Yes

From: [redacted]
Subject: BSCPP 2024-004
Date: Sunday, 31 August 2025 2:54:28 PM

Dear Ballina shire council,

I am writing as a recent property purchaser in Aureus, and I wish to raise my frustration and concern regarding the proposed amendments to the approved development across the road from my property.

When I purchased my property, it was marketed and sold on the understanding that the adjoining project would include a significant commercial precinct — with cafés, shops, and supporting infrastructure. This was a key factor in my decision to buy, as it promised a vibrant, mixed-use community with amenities that would benefit both residents and the broader area.

I have since become aware that the developer is now seeking to reduce the scale of the commercial component and replace much of it with additional townhouses. This represents a substantial departure from what was originally presented to buyers and the community.

My concerns are as follows:

- **Loss of amenity:** Reducing the commercial offering limits access to local services and reduces the long-term liveability of the neighbourhood.
- **Impact on community character:** The balance of residential and commercial uses was integral to the original vision for the area. More townhouses at the expense of shops and cafés undermines that vision.
- **Transparency for buyers:** Many purchasers, myself included, made significant financial decisions based on the expectation of nearby commercial facilities. Changing the development mix after the fact feels misleading and unfair to residents.
- **Increased demand, not less:** The area has continued to grow in population since the project was first approved. There is no realistic way demand for cafés, shops, and local services has decreased. If anything, the need for the commercial precinct is stronger now than ever before.

I ask that Council take these concerns into account when assessing any modification applications from the developer. Preserving the commercial precinct is critical for creating the vibrant, connected community that was promised and that many of us invested in.

Thank you for your time and consideration. I would appreciate being kept informed of the progress of this matter and any opportunities for community input.

Kind regards,

[redacted]

From: [redacted]
Subject: BSCPP 2024-004
Date: Monday, 1 September 2025 6:21:43 PM

Dear Georgia,
I submitted an extensive submission, by way of objection, to the proposal to build 25 units on the site of the current Aureus sales office.
There were many submissions / objections.
However, the development was approved without any changes being made.
The process was a complete waste of our time.
The planned development continues the ugliness of the Aureus development and this new proposal will be more of the same.
If you ask most locals, the response is along the lines of how did this ugliness get through.
Therefore, I don't plan to waste my time again as it appears that the approval is already supported by a draft Planning Agreement. The objections I previously submitted would apply here.
I would, however, request that Council, at some point, require developers to actually comply with original development approvals. If this area was zoned E1 Local Centre, then it should remain this.
Some 'Retail Needs Assessment' shouldn't allow the greed of the developers to keep changing conditions of previous consent.
Kind regards,
[redacted],

From: [redacted]
Subject: Aureus Planning Proposal No. BSCPP 2024-004
Date: Friday, 19 September 2025 7:42:10 AM

Good morning
After reviewing Ballina Councils planning proposal as well as taking into consideration the initial promises of Intrapac and the requirements of residents, I propose that initially the commercial/retail zone is built as per councils recommendations for the size of the neighbourhood (ie. 9 stores) and that the remainder of land remain temporarily vacant.
When this is completed, council will have a better view of the demands of the area and at that time can determine if a commercial/residential expansion is required or if residential rezoning would be a more suitable option.
Kind regards
[redacted]

Voluntary Planning Agreement

***Environmental Planning and Assessment Act 1979* (NSW)**

21 Aureus Boulevard, Skennars Head

[**INSERT DATE OF EXECUTION**]

Ballina Shire Council
ABN 53 929 887 369

AND

Intrapac Skennars Head Pty Ltd
ACN 609 488 780

DRAFT

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This Planning Agreement is dated

Parties

Council
Ballina Shire Council (ABN 53 929 887 369)

Applicant
Intrapac Skennars Head Pty Ltd (ACN 609 488 780)

Introduction

A The Applicant is the registered proprietor of the Land.

B The Land is part of the development known as the Aureus Estate.

C The Land comprises the E1 Land zoned 'E1 Local Centre' under the LEP and the Deferred Matter Land zoned '7(d) Environmental Protection (Scenic / Escarpment)' under the *Ballina Local Environmental Plan 1987* (NSW).

D The E1 Land is the result of a rezoning in December 2019 to facilitate development of a neighbourhood centre, providing small-scale retail, business and community services to meet the needs of the surrounding residents in the Aureus Estate.

E In October 2024, the Applicant procured a Retail Needs Assessment. The Retail Needs Assessment concluded that the demand for retail space had reduced since the Land was rezoned in 2019 and accordingly, the area of the Land zoned 'E1 Local Centre' was excessive.

F In October 2024, Planit Consulting Pty Ltd, on behalf of the Applicant, lodged the Planning Proposal Request to enable the development of part of the Land for residential housing, consistent with the strategic intent for the area.

G In conjunction with the Planning Proposal Request, the Applicant made an offer to enter into a planning agreement within the meaning of section 7.4 of the Act with the Council to provide the Material Public Benefit to facilitate the timely development of the local centre on the Future E1 Land.

H In response to the Planning Proposal Request, Council prepared the Planning Proposal.

I On 12 December 2024, Council at its ordinary meeting resolved to endorse the Planning Proposal.

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It is agreed:

1. Definitions and interpretation

1.1 Definitions

Capitalised terms in this deed have the meaning given to them in **Schedule 3**.

1.2 Interpretation

The provisions at **Schedule 4** apply in interpreting this deed.

2. Operation and application of this agreement

2.1 Operation

This deed commences on the date that it is signed by all the parties.

2.2 Planning agreement under the Act

(a) This deed constitutes a planning agreement within the meaning of section 7.4 of the Act.

(b) The parties agree on the matters set out in **Schedule 1**.

2.3 Application

This deed applies to:

(a) the Land;

(b) the Planning Proposal and LEP amendment; and

(c) the Future Development.

2.4 Application of sections 7.11, 7.12 and Division 7.1, Subdivision 4 of the Act

The application of sections 7.11, 7.12 and Division 7.1, Subdivision 4 of the Act is excluded to the extent stated in **Schedule 1**.

3. Planning Proposal

3.1 Lodgement of Planning Proposal Request

(a) The parties acknowledge and agree that:

(i) the Applicant lodged the Planning Proposal Request with Council; and

(ii) in response to the Planning Proposal Request, Council prepared the Planning Proposal.

(b) Nothing in this deed relieves the Applicant of its statutory obligations under the Act to obtain the necessary development consent/s for the Future Development of the Land.

(c) Nothing in this deed fetters Council's discretion under the Act in assessing and determining as it sees fit any future development applications for the Future Development of the Land.

4. Material Public Benefit to be provided under this deed

4.1 Development of Future E1 Land

(a) Prior to the issuing of any Subdivision Certificate or Occupation Certificate for any Future Development on the Future R3 Land, the Applicant is to obtain Commercial Premises Occupation Certificate(s) for Future Development of not less than 600sqm of Gross Floor Area on the Future E1 Land.

(b) The Applicant is not to apply for any Subdivision Certificate or Occupation Certificate for any Future Development on the Future R3 Land until it has obtained Commercial Premises Occupation Certificate(s) for Future Development of not less than 600sqm of Gross Floor Area on the Future E1 Land.

4.2 Register Restriction on Use

(a) Within 90 Business Days of the making of the LEP Amendment, the Applicant is to register the Restriction on Use on the Future E1 Land.

(b) The Restriction on Use is taken to be registered on title, when the Council is given evidence that registration has been effected by means of electronic lodgement and registration through PEXA or another ELNO

(c) The Applicant is to do all things necessary to enable registration of the instrument of transfer to occur.

(d) The Applicant is not to lodge any Development Application for any Future Development on the Land unless and until the Restriction on Use has been registered on the Future E1 Land.

5. Enforcement and Indemnity

5.1 Enforcement

The parties agree that the requirement to make the Material Public Benefit under this deed is a restriction on the issue of a Subdivision Certificate and an Occupation Certificate for Future Development carried out on the Future R3 Land for the purposes of section6.15(1)(d) of the Act and section 48 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* respective.

5.2 Breach of Deed

(a) This clause applies to a breach of the Applicant's obligations under this deed.

(b) Council may give the Applicant written notice specifying the particulars of the breach, the means for rectifying the breach (if such exists), the reasonable timeframe for rectification of the breach or compensation Council will accept in a reasonable timeframe in lieu of the rectification of the breach.

(c) Nothing in this clause prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this deed by the Applicant, including, seeking relief in an appropriate Court.

5.3 Acquisition – Breach of Deed

(a) If the Applicant does not register the Restriction on Use at the time at which it is required to be registered, the Applicant consents to the Council compulsorily acquiring the Restriction on Use for compensation in the amount of $1 without having to follow the pre acquisition procedure under the Just Terms Act.

(b) Subclause (a) constitutes an agreement for the purposes of s30 of the Just Terms Act.

(c) If, as a result of the acquisition referred to in subclause (a), the Council is required to pay compensation to any person other than the Applicant, the Applicant is to reimburse the Council that amount, upon a written request being made by the Council.

(d) The Applicant indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the Restriction on Use except if, and to the extent that, the Claim arises because of the Council's negligence or default.

(e) The Applicant is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 5.3, including without limitation:

(i) signing any documents or forms,

(ii) giving land owner's consent for lodgement of any Development Application,

(iii) producing certificates of title to the Registrar-General under the Real Property Act 1900 (NSW), and

(iv) paying the Council's costs arising under this clause 5.3.

6. Dispute resolution

6.1 Parties not to commence court proceedings without complying with dispute resolution procedures

(a) A party must not commence any court proceedings relating to a dispute unless it complies with this clause 6.

(b) Clause 6.3(a) does not prevent, or prejudice the right of a party to institute, court proceedings for urgent injunctive or declaratory relief in relation to any matter arising out of or relating to this deed.

6.2 Written notice of dispute

A party claiming that a dispute has arisen under or in relation to this deed must give written notice to the other party specifying the nature of the dispute ('**Dispute Notice**').

6.3 Attempt to resolve through informal dispute resolution

After a Dispute Notice is received, the parties must endeavour in good faith:

(a) to resolve the dispute expeditiously; and

(b) to agree on:

(i) an informal dispute resolution technique;

(ii) an independent person required to guide the parties to resolve the matters in the Dispute Notice using the informal dispute resolution technique; and

(iii) procedures and a timetable for the carrying out of the agreed informal dispute resolution technique.

6.4 Mediation if dispute not resolved through informal dispute resolution

If the parties do not agree to the matters in clause 6.3(b) within 7 Business Days of receipt of a Dispute Notice (or any further period agreed to by the parties in writing), the parties must:

(a) mediate the dispute in accordance with the Mediation Rules of the Law Society of NSW; and

(b) in preparing for this mediation, jointly request the president of the Law Society of NSW or the president's nominee to select the mediator and determine the mediator's remuneration.

6.5 When Court proceedings may be commenced

If the dispute is not resolved through mediation in accordance with clause 6.4, then any party which has complied with the provisions of this clause 6 may:

(a) terminate the dispute resolution process undertaken under clause 6; and

(b) following termination, commence court proceedings in relation to the matter set out in the Dispute Notice.

6.6 Parties not to use dispute resolution information for other purposes

(a) The parties acknowledge the purpose of any exchange of information or documents or the making of any offer of settlement under this clause 6 is to attempt to settle the matter set out in the Dispute Notice.

(b) No party may use any information or documents obtained through any dispute resolution process undertaken under this clause 6 for any purpose other than in an attempt to settle the matter set out in the Dispute Notice.

7. Assignment and Transfer

7.1 Right to assign or novate

(a) The Applicant (being the registered proprietor of the Land at the time of execution of this deed) must not:

(i) sell or transfer the Land or any part of it; and/or

(ii) assign the Applicant's rights or obligations under this deed, or novate this deed,

to any person, unless:

(iii) the Applicant has, at no cost to the Council, first procured the execution by the person to whom the Land, or part thereof, is to be assigned or novated, a deed in favour of the Council on terms reasonably satisfactory to the Council;

(iv) the Council has given written notice to the Applicant that:

(A) it reasonably considers that the purchaser, transferee, assignee or novate is reasonably capable of performing its obligations under this deed;

(B) the Applicant is not in breach of this deed; and

(C) the Council otherwise consents to the transfer, assignment of novation, such consent not to be unreasonably withheld.

(b) The Applicant acknowledges and agrees that it remains liable to fully perform its obligations under this deed unless it has complied with its obligations under clause 7.1(a).

(c) On and from the date that Council provides written notice under clause 7.1(a)(iv), the Council acknowledges and agrees that:

(i) the Applicant is released and discharged from the obligations arising under this deed; and

(ii) the Council will not seek to enforce the terms of this agreement against the Applicant in the event of a breach by the Applicant of any obligation arising under this deed.

7.2 Registration to Title

(a) Upon the commencement of this Deed, the Applicant is to deliver to the Council:

(i) an instrument in registrable form requesting registration of this Deed on the title to the Land duly executed by the registered proprietor of the Land, and

(ii) the written irrevocable consent of the registered proprietor and each person referred to in s 7.6(1) of the Act to that registration.

(b) The Applicant is to do such other things as are reasonably necessary to enable lodgement and registration of this Deed to occur electronically through PEXA or another ELNO.

(c) The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land once the Applicant has completed its obligations under this Deed to the satisfaction of the Council or this Deed is terminated or otherwise comes to an end for any other reason.

8. Capacity and relationship

8.1 General warranties

Each party warrants to each other party that:

(a) this deed creates legal, valid and binding obligations, enforceable against the relevant party in accordance with its terms.

(b) unless otherwise stated, it has not entered into this deed in the capacity of trustee of any trust.

8.2 Power of attorney

If an attorney executes this deed on behalf of any party, the attorney declares that it has no notice of the revocation of that power of attorney.

8.3 Assurances

Each party must promptly execute all documents and do every thing necessary or desirable to give full effect to the arrangements contained in this deed.

8.4 Relationship of parties

Unless otherwise stated:

(a) nothing in this deed creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and

(b) no party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

9. GST

9.1 Definitions

Words used in this clause that are defined in the GST Law have the meaning given in that legislation.

9.2 Intention of the parties

The parties intend that:

(a) Divisions 81 and 82 of the GST Law apply to the supplies made under and in respect of this deed; and

(b) no additional amounts will be payable on account of GST and no tax invoices will be exchanged between the parties.

9.3 Reimbursement

Any payment or reimbursement required to be made under this deed that is calculated by reference to a cost, expense, or other amount paid or incurred will be limited to the total cost, expense or amount less the amount of any input tax credit to which any entity is entitled for the acquisition to which the cost, expense or amount relates.

9.4 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this deed are GST Exclusive. Any consideration that is specified to be inclusive of GST must not be taken into account in calculating the GST payable in relation to a supply for the purposes of this clause 9.

9.5 Additional Amounts for GST

To the extent an amount of GST is payable on a supply made by a party under or in connection with this deed (**GST Amount**), the Recipient will pay to the Supplier the GST Amount. However, where a GST Amount is payable by the Council as Recipient of the supply, the Applicant will ensure that:

(a) the Applicant makes payment of the GST Amount on behalf of the Council including any gross up that may be required; and

(b) the Applicant provides a Tax Invoice to the Council.

9.6 Non-monetary consideration

Clause 9.5 applies to non-monetary consideration.

9.7 Assumptions

The Applicant acknowledges and agrees that in calculating any amounts payable under clause 9.5 the Applicant will assume the Council is not entitled to any input tax credit.

9.8 No merger

This clause will not merge on completion or termination of this deed.

10. Termination

10.1 Termination

This deed terminates if:

(a) the parties agree in writing to terminate the deed;

(b) the Applicant has satisfied all of the obligations imposed on it under this deed in full and there are no amounts payable to the Council under this deed which are unpaid; or

(c) the Council notifies the Applicant that it has requested that the Minister administering the Act determine that the Planning Proposal not proceed in accordance with s 3.35(4) of the Act.

10.2 Consequences of termination

If this deed terminates:

(a) all future rights and obligations of the parties under this document are discharged; and

(b) all rights and obligations of the parties existing at the time of termination.

11. General provisions

11.1 Entire deed

This deed constitutes the entire deed between the parties regarding the matters set out in it and supersedes any prior representations, understandings or arrangements made between the parties, whether orally or in writing.

11.2 Notices and time for doing acts

(a) The provisions relating to the time for doing acts at Item 2 of Schedule 2 apply.

(b) The notice provisions at Item 3 of Schedule 2 apply.

11.3 Variation

This deed must not be varied except by a later written document executed by all parties.

11.4 Waiver

A right created by this deed cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right does not constitute a waiver of that right, nor will a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.

11.5 Preservation of existing rights

The expiration or termination of this deed does not affect any right that has accrued to a party before the expiration or termination date.

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11.6 No merger

Any right or obligation of any party that is expressed to operate or have effect on or after the completion, expiration or termination of this deed for any reason, will not merge on the occurrence of that event but will remain in full force and effect.

11.7 No fetter

Nothing in this deed will be construed as requiring the Council, to do anything that would cause it to be in breach of any of its obligations at law and, without limitation, nothing will be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

11.8 Costs – Giving Effect to Deed

The Applicant agrees to pay Council's reasonable legal costs, incurred to give effect to this deed, including, the costs of preparing, negotiating, executing, registering and removing registration of this deed and any other related document within 28 Business Days of a written demand by Council for such payment.

11.9 Costs – Enforcement

(a) The Council may serve a notice in writing on the Applicant ('Enforcement Cost Notice') requiring the Applicant to pay all or any reasonable costs and expenses incurred by the Council in connection with:

(i) investigating a non-compliance by the Applicant with this Deed, and

(ii) enforcing compliance by the Developer with this Deed.

(b) For the avoidance of doubt, the costs and expenses referred to in clause (a) may include the costs or expenses incurred by the Council relating to the preparation or serving of the Enforcement Cost Notice.

(c) An Enforcement Cost Notice is to specify the amount required to be paid to the Council by the Applicant and the date by which the amount is to be paid.

(d) The Council may recover any unpaid costs and expenses specified in an Enforcement Cost Notice as a debt in a court of competent jurisdiction.

11.10 Counterparts

This deed may be executed in any number of counterparts. All counterparts taken together constitute one instrument. Delivery of this deed by email constitutes an effective mode of delivery.

Schedule 1 – Requirements under section 7.4 of the Act

The parties acknowledge and agree that the table set out below provides for certain terms, conditions and procedures for the purpose of the deed complying with the Act.

Requirement under the Act	This deed
Planning instrument and/or development application – (section 7.4(1)) The Applicant has: (a) sought a change to an environmental planning instrument. (b) made, or proposes to make, a Development Application. (c) entered into a deed with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	 (a) Yes (b) Yes (c) No
Description of land to which this deed applies – (section 7.4(3)(a))	See definition of 'Land' at Schedule 3.
Description of development to which this deed applies – (section 7.4 (3)(b))	NA
Description of change to the environmental planning instrument to which this deed applies – (section 7.4 (3)(b))	See the definition of 'LEP Amendment' and 'Planning Proposal' at Schedule 3.
The scope, timing and manner of delivery of contribution required by this deed – (section 7.4 (3)(c))	See clause 4.1.
Applicability of sections 7.11 of the Act – (section 7.4 (3)(d))	This deed does not exclude the application of section 7.11 of the Act in respect of the Future Development.
Consideration of benefits under this deed if section 7.11 applies – (section 7.4 (3)(e))	No
Applicability of section 7.12 of the Act – (section 7.4 (3)(d))	This deed does not exclude the application of section 7.12 of the Act in respect of the Future Development.
Applicability of Division 7.1, Subdivision 4 of the Act – (section 7.4 (3)(d))	This deed does not exclude the application of Division 7.1, Subdivision 4 of the Act in respect of the Future Development.

Requirement under the Act	This deed
Mechanism for Dispute Resolution – (section 7.4(3)(f))	See clause 6.
Enforcement of this deed – (section 7.4(3)(g))	See clause 5.
No obligation to grant consent or exercise functions – (section 7.4(10))	See clause 11.7.
Registration of the Planning Agreement – (section 7.6 of the Act)	Yes
Whether the Planning Agreement specifies that certain requirements of the deed must be complied with before a construction certificate is issued – (section 21 of *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*)	No.
Whether the Planning Agreement specifies that certain requirements of the deed must be complied with before an occupation certificate is issued – (section 48 of *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*)	Yes.
Whether the Planning Agreement specifies that certain requirements of the deed must be complied with before a subdivision certificate is issued – (section 6.15(1)(d) of the Act)	Yes.

Schedule 2– Address for service and Notices

Item 1 Address for service

Council	
Contact:	Ballina Shire Council ABN 53 929 887 369 General Manager – Paul Hickey
Address:	40 Cherry Street Ballina NSW 2478
Email:	Paul.Hickey@ballina.nsw.gov.au
Applicant	
Contact:	Intrapac Skennars Head Pty Ltd ACN 609 477 780 The Company Director(s) and Secretary
Address:	SUITE 1, LEVEL 6 580 ST KILDA ROAD MELBOURNE VIC 3004
Email:	info@intrapac.com.au jhunter@intrapac.com.au mkhan@intrapac.com.au

Item 2 Time for doing acts

1. If:

   (a) the time for doing any act or thing required to be done; or

   (b) a notice period specified in this deed,

   expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

2. If any act or thing required to be done is done after 5 pm on the specified day, it is taken to have been done on the following Business Day.

Item 3 Notice provisions

1. Any notice, demand, consent, approval, request or other communication (**Notice**) to be given under this deed must be in writing and must be given to the recipient at its Address for Service by being:

   (a) hand delivered;

(b) sent by prepaid ordinary mail within Australia; or

(c) sent by email.

2. A Notice is taken to have been given at the time stated in column 4, in relation to the method of giving the Notice stated in column 2 below, depending on the timing of delivery if relevant as set out in column 3 of the table below:

Ref.	Method of giving notice	Timing of delivery	When the notice is taken to be given
1	Hand delivery	If delivery occurs after 5pm New South Wales time or a day that is not a Business Day,	The next Business Day.
		If delivery occurs before 5pm New South Wales time on a Business Day,	On the date of delivery.
2	Prepaid ordinary mail within Australia	NA	On the date that is 2 Business Days after the date of posting.
3	Email	If the email is sent before 5 pm on a Business Day, and the sender does not receive a delivery failure notice,	On the date of sending.
		If the email is sent after 5 pm on a Business Day or on a day that is not a Business Day	On the next Business Day after the email is sent.

Schedule 3– Definitions

(clause 1.1)

In this deed, unless the context clearly indicates otherwise:

Act	means the *Environmental Planning and Assessment Act 1979* (NSW).
Address for Service	means the address of each party appearing in Item 1 of Schedule 2 to this deed or any new address notified by any party to all other parties as its new Address for Service.
Approved Signing Method	means signing electronically by: (a) the person including a statement on the Deed near or above their electronic signature to the following effect: Electronic signature of me, [insert full name], affixed by me, or at my direction, on [insert date]; or (b) using a digital platform that indicates on the Deed that a digital signature was applied, and the date and time that this occurred;
Aureus Estate	means the parcels of land within Skennars Head zoned predominantly for residential uses and identified as 'AUREUS' in the image at Item 1 of Annexure A.
Authority	means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council constituted under the *Local Government Act 1993* (NSW), or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.
Business Day	means any day that is not a Saturday, Sunday, gazetted public holiday or bank holiday in Sydney, and concludes at 5 pm on that day.
Claim	includes any claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.
Commercial Premises Occupation Certificate	Commercial Premises Occupation Certificate means an Occupation Certificate for a commercial premises as defined in the LEP.
Cost	means any cost, charge, expense, outgoing, payment, fee and other expenditure.
Council	means Ballina Shire Council ABN 53 929 887 369.
Deferred Matter Land	means that part of the Land: (a) deferred from application of the LEP;

(b) zoned '7(d) Environmental Protection (Scenic / Escarpment)' under the provisions of *Ballina Local Environmental Plan 1987;* and

(c) outlined in red and identified as '7(d' on the image at Item 2 of Annexure A.

Development	has the same meaning as in the Act.
Development Application	has the same meaning as in the Act.
E1 Land	means that part of the Land zoned 'E1: Local Centre' under the LEP, denoted in blue and identified as 'E1' on the image at Item 2 of Annexure A.
Explanatory Note	means the note exhibited with a copy of this deed when this deed is made available for inspection by the public pursuant to the Act.
Future Development	means the Development to be carried out on any part of the Land following the making of the LEP Amendment.
Future E1 Land	The part of the Land that is zoned 'E1 Local Centre' under the LEP following the making of the LEP Amendment, which, at the date of commencement of this deed is anticipated to be the part identified as 'E1 (LOCAL CENTRE)' in the image at Item 3 at Annexure A with an estimated area of 6,402sqm.
Future R3 Land	The part of the Land that is zoned 'R3 Medium Density' under the LEP following the making of the LEP Amendment, which, at the date of commencement of this deed is anticipated to be the part identified as 'R3 (MEDIUM DENSITY)' in the image at Item 3 at Annexure A with an estimated area of 6,650sqm.
Gross Floor Area	has the same meaning as in *Standard Instrument—Principal Local Environmental Plan*.
GST	means any form of goods and services tax payable under the GST Law.
GST Law	means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).
Land	means Lot 346 in Deposited Plan 1271483, comprising (as at the date of this deed): (a) an irregular shaped lot of land with its boundaries shown outlined in white on the image at Item 1 of Annexure A; (b) 1.305ha in area; (c) the E1 Land; and (d) the Deferred Matter Land.
LEP	means the *Ballina Local Environmental Plan 2012*.

LEP Amendment	LEP Amendment means the amendment to the LEP arising as a result of the Planning Proposal
Material Public Benefit	is the provision of commercial premises prior to Future Development of Future R3 Land as set out in clause 4.1.
Mediation Rules of the Law Society of NSW	means the mediation rules published by the Law Society of NSW, from time to time.
Occupation Certificate	has the same meaning as in section 6.4(c) of the Act.
Planning Proposal	means the planning proposal made by Council in response to the Applicant's Planning Proposal Request, being PP-2024-2212.
Planning Proposal Request	means the request prepared by Planit Consulting dated October 2024, on behalf of the Applicant, to rezone approximately 6,650m^2 of the Land zoned 'E1 Local Centre' under the LEP to 'R3 Medium Density Residential' as indicated in the image at Item 3 of Annexure A.
Retail Needs Assessment	means the document entitled 'Retail Needs Assessment' prepared by Think Economics and dated October 2024 lodged in support of the Planning Proposal Request.
Restriction on Use	Restriction on Use means a restriction on use benefitting the Council registered on the title of the Future E1 Land prohibiting any Residential Accommodation use of that land other than for the purposes of shop-top housing as defined in the LEP.
Subdivision Certificate	has the same meaning as in section 6.4(d) of the Act.

Schedule 4– Interpretation

(a) Neither this deed nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting.

(b) The Explanatory Note must not be used to assist in construing this deed.

(c) If any clause or part of any clause in this deed is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this deed without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

(d) In this deed unless the context clearly indicates otherwise:

(i) a reference to **this deed** or another document means this deed or that other document and any document which varies, supplements, replaces, assigns or novates this deed or that other document;

(ii) a reference to **legislation** or a **legislative provision** includes any statutory modification or substitution of that legislation or legislative provision and any subordinate legislation issued under that legislation or legislative provision;

(iii) a reference to a **body** or **authority** which ceases to exist is a reference to either a body or authority that the parties agree to substitute for the named body or authority or, failing agreement, to a body or authority having substantially the same objects as the named body or authority;

(iv) a reference to the **introduction**, a **clause**, **schedule** or **annexure** is a reference to the introduction, a clause, a schedule or an annexure to or of this deed;

(v) **clause headings** and the **table of contents** are inserted for convenience only and do not form part of this deed;

(vi) the **introduction**, **schedules** (if any) and **annexures** (if any) form part of this deed;

(vii) the **introduction** accurately sets out the circumstances in which the parties have entered into this deed;

(viii) a reference to a **person** includes a natural person, corporation, statutory corporation, partnership, the Crown or any other organisation or legal entity;

(ix) a reference to a **natural person** includes their personal representatives, successors and permitted assigns;

(x) a reference to a **corporation** includes its successors and permitted assigns;

(xi) **related** or **subsidiary** in respect of a corporation has the same meaning given to that term in the Corporations Act;

(xii) a reference to a right or obligation of a party is a reference to a right or obligation of that party under this agreement;

(xiii) an **obligation** or **warranty** on the part of 2 or more persons binds them jointly and severally and an obligation or warranty in favour of 2 or more persons benefits them jointly and severally;

(xiv) a reference to a **breach of warranty** includes that warranty not being complete, true or accurate;

(xv) a requirement to do any thing includes a requirement to cause that thing to be done and a requirement not to do any thing includes a requirement to prevent that thing being done;

(xvi) **including** and **includes** are not words of limitation;

(xvii) the words **at any time** mean at any time and from time to time;

(xviii) a reference to a time is to that time in New South Wales;

(xix) a word that is derived from a defined word has a corresponding meaning;

(xx) **monetary amounts** are expressed in Australian dollars;

(xxi) the singular includes the plural and vice-versa;

(xxii) words importing one gender include all other genders; and

(xxiii) a reference to a thing includes each part of that thing.

Execution page

Executed as a deed

Signed, sealed and delivered

Signed, sealed and delivered for and on behalf of **Intrapac Skennars Head Pty Ltd** (ACN 609 477 780) under a power of attorney dated 28 January 2021) in the presence of:

.....	.....
Signature of Witness	Signature of attorney
.....	.....
Name of Witness	Name of attorney

By signing, the attorney confirms that they have had no notice of revocation or suspension of the power of attorney specified above.

Signed, sealed and delivered

by **Ballina Shire Council** (ABN 53 929 887 369) by its authorised delegate pursuant to s 377 of the *Local Government Act 1993* (NSW), in the presence of:

.....	.....
Signature of Witness	Signature of delegate
.....	.....
Name of Witness	Name of delegate

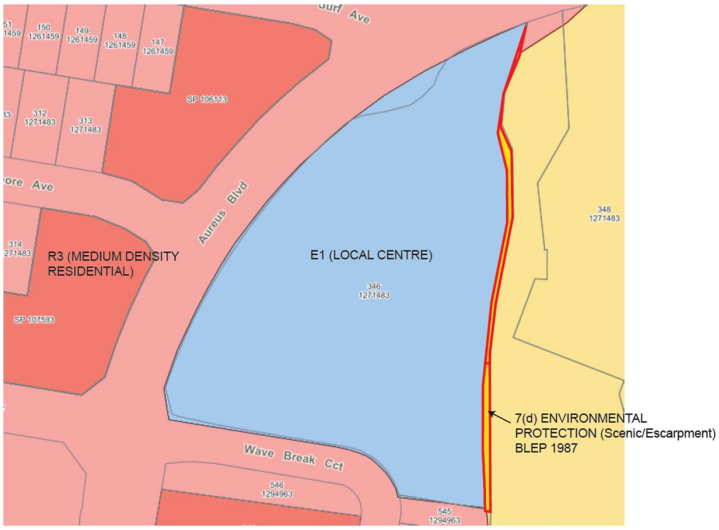
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Annexure A

Item 1 Site Context

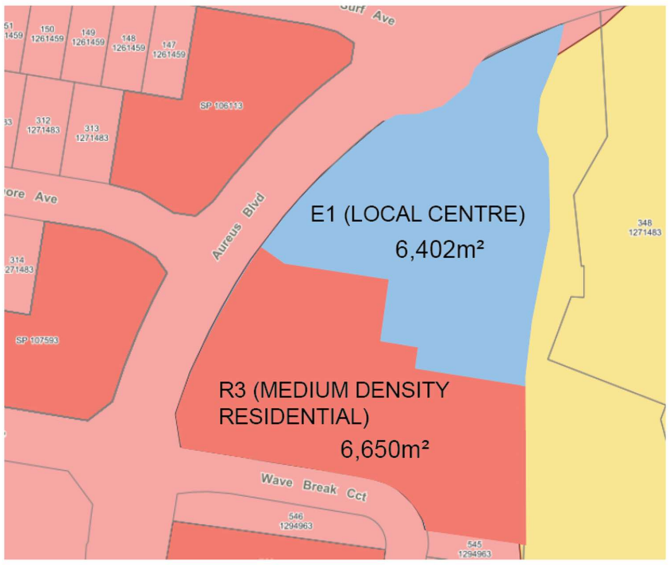


Item 2 Existing Land Zoning Map



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Item 3 Proposed Land Zoning



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Annexure B

Explanatory Note

PLANNING AGREEMENT - AUREUS VILLAGE, SKENNARS HEAD

Environmental Planning and Assessment Regulation 2021 (Clause 205)

1. Introduction

This Explanatory Note has been prepared in accordance with clause 205 of the *Environmental Planning and Assessment Regulation 2021* to provide a plain English summary of a planning agreement (the **Planning Agreement**) prepared under section 7.4 (1) of the *Environmental Planning and Assessment Act 1979* (**the Act**).

2. Parties to the Planning Agreement

The parties to the Planning Agreement are Ballina Shire Council (the **Council**) and Intrapac Skennars Head Pty Ltd (the **Applicant**).

This Explanatory Note has been prepared by Ballina Shire Council.

3. Description of the Subject Land

The Planning Agreement applies to the land identified in Schedule 3 (the **Land**).

Intrapac Skennars Head Pty Ltd is the owner of the land, which forms part of the Aureus Village precinct at Skennars Head.

4. Description of the Proposed Development

The Planning Agreement applies to Lot 346 DP 1271483 at 21 Aureus Boulevard, Skennars Head. The Applicant proposes to develop part of the Land for residential purposes and retain part of the Land for purposes of a neighbourhood commercial centre.

To facilitate the development, the Applicant has sought an amendment to the environmental planning instrument applying to the Land, being the *Ballina Local Environmental Plan*. The amendment is to rezone part of the Land from E1 Local Centre to R3 Medium Density Residential (approximately 6,650m^2). The remaining part of the Land will retain its current E1 Local Centre zone (approximately 6,402 m^2) to accommodate the delivery of commercial floor space as part of a neighbourhood centre. The proposed zone change is identified in Annexure A.

The Planning Agreement does not permit the development to be carried out and the Applicant will be required to seek and obtain the necessary development consent/s under the Act to do so.

5. Summary of Objectives, Nature and Effect of the Planning Agreement

The Applicant has offered to enter into the Planning Agreement with the Council.

The primary objective of the Planning Agreement is to ensure additional housing on the R3 Land is directly linked to the timely delivery of commercial floor space on the E1 Land and that the E1 land is primarily used for commercial purposes.

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The Planning Agreement provides that the Applicant, Intrapac Skennars Head Pty Ltd, will obtain Occupation Certificates for at least 600m² of gross floor area of commercial premises on the Future E1 Land prior to the issue of any Subdivision Certificate or Occupation Certificate for the Future R3 Land. This facilitates the development of the commercial centre to meet residents' needs.

The Applicant also agrees to the registration of a restriction on use on the title of the Future E1 Land that prohibits residential uses except for shop-top housing, as defined in the LEP. This restriction is to be registered within 90 business days of the LEP amendment coming into force. This facilitates retention of the Future E1 Land for mostly commercial purposes.

The effect of the Planning Agreement is to ensure that the delivery of additional residential development on the R3 Land is directly linked to, and conditional upon, the timely delivery of commercial floor space and associated public benefits on the E1 Land.

This arrangement seeks to maintain the strategic planning intent for the site, balancing increased housing supply with the retention of an active, functional neighbourhood centre.

6. Assessment of Merits of the Planning Agreement

The Planning Purpose of the Planning Agreement

The Agreement will benefit the public by linking the development of the commercial centre with the development of the Land for housing and ensuring Future E1 land is primarily occupied by commercial uses.

The Agreement promotes the provision of local services ahead of additional residential development arising from a proposed change to the *Ballina Local Environmental Plan 2012.*

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by:

- Facilitating development of neighbourhood commercial uses to meet residents' needs.
- Supporting walkable, connected neighbourhoods and reducing reliance on car travel.
- Strengthening the local economy through new commercial spaces and increased pedestrian activity.

How the Planning Agreement Promotes the Objectives of the Act

The Planning Agreement promotes the following objects of the Act:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

In addition to the above, the Planning Agreement will not be inconsistent with any of the other objects of the Act.

How the Planning Agreement Promotes Elements of the Local Government Act 1993 and the Guiding Principles for Councils

The Agreement aligns with the *Local Government Act 1993* by upholding good governance, transparency, and accountability to encourage integrated outcomes that enhance local character and community well-being.

The Planning Agreement promotes the guiding principles for councils under section 8A of the *Local Government Act 1993* by assisting the Council to:

(a) Carry out functions in a way that provides the best possible value for residents and ratepayers.

(b) Provide strong and effective representation, leadership, planning and decision-making.

(c) Consider the long term and cumulative effects of actions on future generations.

(d) Identify and prioritise local community needs and aspirations.

(e) Work with others to secure appropriate services for local community needs.

How the Planning Agreement Promotes the Council's Capital Works Program

The Planning Agreement supports the application of sections 7.11, 7.12 and Division 7.1, Subdivision 4 of the Act for Infrastructure upgrades in connection with future development of the Land.

Requirements Relating to Construction and Occupation Certificates

The Agreement sets out conditions on the Applicant seeking occupation and subdivision certificates in relation to the development of the Land to facilitate the timely development of the commercial centre.

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Planning Proposal 24/004 *(PP-2024-2212)*

Aureus Village Centre, Skennars Head

Ballina Local Environmental Plan 2012

October 2025 (V4 Final - 24/77588)

ballina shire council

ballina
shire council

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1. Introduction

1.1 Summary

This planning proposal (PP) primarily seeks to rezone part of Lot 346 DP 1271483 (Lot 346), 21 Aureus Boulevard, Skennars Head, from its current E1 Local Centre (E1) zoning to R3 Medium Density Residential (R3) under the provisions of Ballina LEP 2012 (BLEP2012).

The planning proposal also seeks to correct a zoning anomaly, created through the misalignment of cadastral boundaries and zoning map data. Correction of the anomaly will result in the rezoning of that part of Lot 346 zoned 7(d) Environmental Protection (Scenic / Escarpment) under the provisions of Ballina LEP 1987 (BLEP1987) to E1 or R3. Minor adjustment of zones along road boundaries will also result through the correction of zone map boundaries to match cadastral boundaries.

Consequential changes to the Floor Space Ratio map, and Land Application map if required, are also proposed.

Lot 346 is located on the eastern side of the Aureus Estate at Skennars Head, between Aureus Boulevard and the coastal parkland public open space. Figure 1 below shows the location of Lot 346.

Figure 1 - Site Locality Aerial Photo



Lot 346 has an area of 1.305 hectares. This planning proposal primarily relates to part of Lot 346 which has an area of 6,650m², bordered by Aureus Boulevard to the west, Wave Break Circuit to the south, and public open space to the east. The remainder of Lot 346, located north of the rezoning area, will retain an E1 zoning.

Figures 2 and 3 below shows the existing and proposed zones to be applied to Lot 346.

Figure 2 – Existing Zoning Map

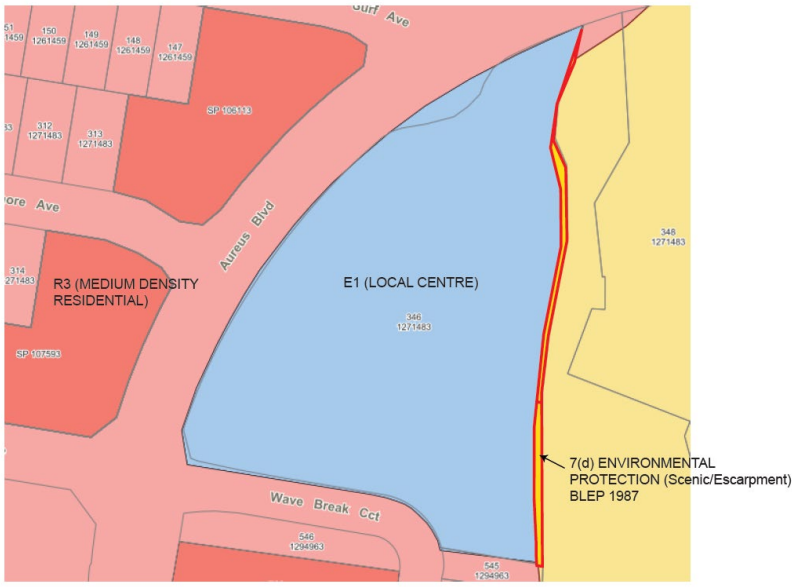


Figure 3 – Proposed Zoning Map

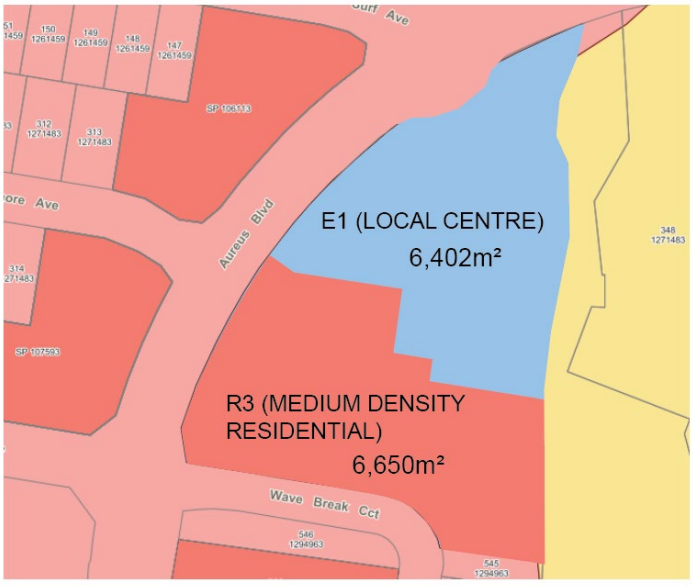


Figure 4 – Existing Minimum Lot Size (MLS) Map

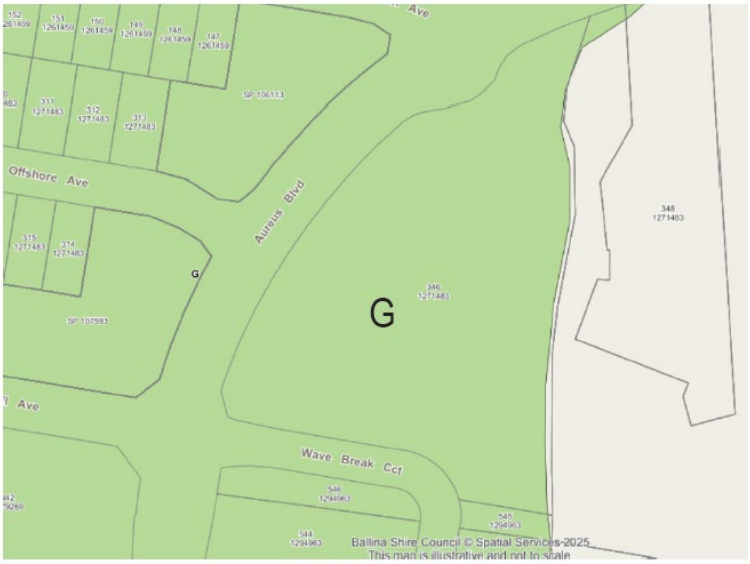


Figure 5 – Proposed Minimum Lot Size (MLS) Map



Figure 6 – Existing Floor Space Ratio (FSR) Map



Figure 7 – Proposed Floor Space Ratio (FSR) Map

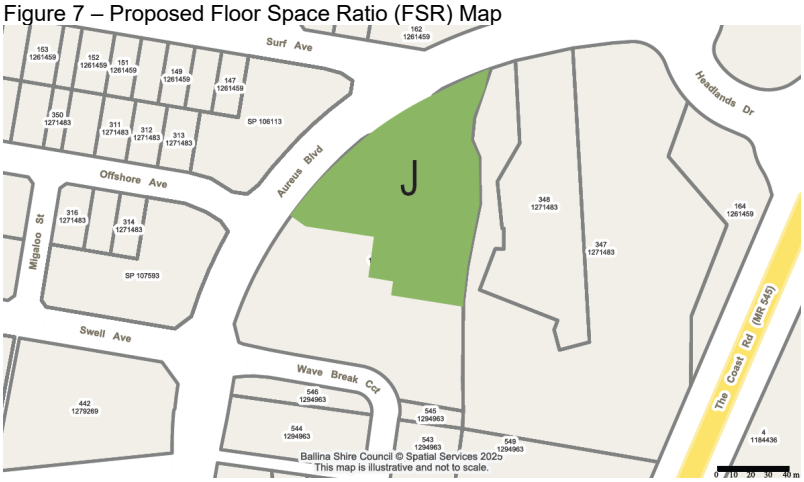


Figure 8 – Existing Height of Buildings (HOB) Map



Figure 9 – Proposed Height of Buildings (HOB) Map



The proposed rezoning also seeks to facilitate the development of medium density housing, enhancing the site's residential diversity while maintaining the viability of commercial activities.

In support of the planning proposal, the proponent has offered to enter into a planning agreement to ensure the timely completion of part of the proposed commercial development.

The planning proposal is considered to be consistent with the strategic planning framework applicable to the site and to have local and strategic planning merit. Specifically, the proposal seeks to amend the Ballina Local Environmental Plan 2012 (BLEP 2012) to rezone the southern portion of Lot 346, covering 6,650m² to R3. The northern portion, comprising 6,402m², will retain a E1 zoning.

Zone boundary mapping anomalies are also proposed to be corrected. This will remove a sliver of 7(d) zoned land from the eastern side of Lot 346 and align lot zone boundaries with road boundaries.

This planning proposal also proposes to amend the Floor Space Ratio (FSR) map. The FSR map is proposed to be amended to remove that part of Lot 346 proposed to be rezoned R3 from the map.

This planning proposal has been prepared following consideration by the Council of a request to prepare a planning proposal submitted on behalf of the property owners.

1.2 Background to Planning Proposal

The Aureus Estate was initially zoned for urban development in April 2014 via Amendment No. 8 to the BLEP 2012. This amendment applied an R2 Low Density Residential zoning to the site, with a small portion of land near Headlands Drive in the northern section zoned as B1 Neighbourhood Centre.

In December 2019, BLEP2012 Amendment No. 38 was made. This amendment amongst other matters increased the area of B1 zoned land within the Aureus Estate from 870m^2 to its current size of 1.305ha. The B1 area was also relocated to a more central location adjoining open space. At that time the planning controls permitted the construction of a neighbourhood centre having a maximum 5,400m^2 gross leasable floor area.

The objective of Amendment No 38 was to facilitate the development of a neighbourhood centre, providing small-scale retail, business, and community services to meet the needs of the surrounding residents.

In December 2021, the State Government implemented reforms to employment zones. This changed the zoning of the site from substantially B1 Neighbourhood Centre to substantially E1 Local Centre. The E1 Local Centre zone being the same zone as is applicable to the Epiq Centre, and the Lennox Head and East Ballina commercial centres.

Economic analysis conducted in 2018, as part of the process leading to BLEP2012 Amendment No. 38 identified sufficient retail demand to support the proposed uses, including a local supermarket, specialty stores, and supporting development such as gyms and childcare facilities. This analysis was based on Council's retail hierarchy and the economic conditions at the time.

A *Retail Needs Assessment* submitted in support of the current planning proposal request (Appendix 5) highlights significant changes since the 2018 analysis. The most notable change being the completion of the Epiq Marketplace in Hutley Drive at Lennox Head. This centre now attracts a substantial portion of local retail spending.

Although Epiq Marketplace was approved at the time of the 2018 analysis, it was then not operational. It has since been fully developed. It contains a full-line Woolworths supermarket,

specialty shops (including a bottle shop and medical facilities), a gym, and cafes. This marketplace has become a major retail destination, significantly reducing the demand for additional commercial development in the surrounding area, including Skennars Head. Additions approved in 2024 to the Epiq Marketplace have increased retail floorspace within this centre to approximately 6,500m^2.

The *Retail Needs Assessment* also points to shifts in consumer behavior, particularly the growth of online shopping and home delivery services, which it is argued have further reduced demand for traditional brick-and-mortar retail.

Given these economic shifts, the *Retail Needs Assessment* concluded that the original allocation of a 13,500m^2 E1 zoned site was excessive. The retail demand analysis indicates a market gap of between 1000 – 1500m^2 of retail floor space at Skennars Head. This would typically require a site area of between 3000 – 5,000m^2.

Consequently, this planning proposal seeks to reduce the size of the proposed Skennars Head local centre and rezone that part of the site no longer required for commercial purposes by applying an R3 zone. This will facilitate this area being developed for medium density residential development. Preliminary site planning suggests that this area could accommodate 20 to 30 medium-density townhouses, depending on the final unit mix.

1.3 Council Resolutions

Council at its meeting on 12 December 2024 resolved as follows (121224/43):

1. *That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 relating to the application of a R3 zone to part of Lot 346 DP1271483, the correction of the zoning anomaly as it relates to the 7(d) zone, and consequential changes to the Floor Space Ratio Map, and Land Application Map if required, as detailed in planning proposal (BSCPP 24/004 Aureus Village Centre) contained in Attachment 6.*
2. *That Council submit planning proposal BSCPP 24/004 Aureus Village Centre to the NSW Department of Planning Housing and Infrastructure for Gateway determination.*
3. *That the Department of Planning Housing and Infrastructure be advised that Council is seeking to be authorised as the Local Plan Making Authority for this LEP amendment and to exercise its delegated plan making functions.*
4. *That upon an affirmative Gateway determination being received the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.*
5. *That Council endorse the preparation of a draft Planning Agreement as detailed in this report with amendments as proposed.*
6. *The draft planning agreement (or other suitable legal mechanism) once finalised be publicly exhibited concurrently with the planning proposal.*
7. *That the planning proposal and associated planning agreement be reported to Council for further consideration following the completion of the public exhibition period.*
8. *That in relation to the planning agreement Council expresses a preference for the following:*
   - *That no residential lots are registered, or occupation certificates sought in the R3 zone area until an occupation certificate has been issued for at least 600m2 of the approved commercial floor space.*

1.4 Gateway Determination

A Gateway Determination was issued on 15 April 2025, allowing for exhibition of the Planning Proposal. A copy of the determination is Appendix 2 to this document.

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 Planning Proposal (PP) as it relates to Section 3.33(2) of the Act.

Part 1 – Objectives and intended outcomes

The objective of this PP is to amend the BLEP 2012 to provide a fit for purpose urban structure and to facilitate the development of part of the site for medium density residential purposes. This will be achieved by:

1. Amending the BLEP 2012 Land Zoning Map by rezoning part of Lot 346 from E1 to R3.
2. Correcting a zoning anomaly and rezoning that part of Lot 346 zoned 7(d) to match the proposed zone to the west (R3 or E1) as well as better aligning zone boundaries with road and lot boundaries.
3. Amending the BLEP 2012 Floor Space Ratio Map to remove FSR provisions from that part of Lot 346 proposed to be rezoned R3.
4. Amending the Land Application Map if required to include that part of the land subject to a 7(d) zone (designated as a deferred matter) within Ballina LEP 2012 if required.

Part 2 – Explanation of provisions

The amendments contained in this planning proposal are mapping only amendments. They do not require the preparation of an LEP amendment by the NSW Parliamentary Counsel's Office.

It is proposed to rezone part of Lot 346 from E1 to R3, remove the 7(d) zone as it affects this lot and better align lot and road boundaries with zone boundaries. This will require Land Zoning Maps – Sheet LZN_006C and Sheet LZN_005D to be amended.

It is also proposed to remove the floor space ratio restriction applicable to that part of Lot 346 proposed to be zoned R3. This will require the Floor Space Ratio Maps – Sheet FSR_006C and Sheet FSR_005D to be amended so as to reconfigure Area J.

No change is proposed to BLEP2012 clause 7.11 Floor space ratio—Skennars Head Expansion Area. This clause will continue to apply to that part of Lot 346 which will retain an E1 zone.

A minor change to the Land Application Map LAP_001 may also be required to incorporate the area currently zoned 7(d) under Ballina LEP 1987 within Ballina LEP2012 as it affects Lot 346.

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?

No.

The planning proposal is a result of a *Retail Needs Assessment* report. The report concludes that there is insufficient commercial /retail demand to support the development of the whole of Lot 346 for neighbourhood shopping facilities.

The *Retail Needs Assessment* report also concludes, based on the analysis of catchment demand, existing supply, and information on similar centres, that there is an opportunity for the establishment of a retail centre with a total floorspace ranging from 900m^2 to 1,200m^2 within the Aureus estate. The report states that site coverage benchmarks would indicate that this quantum of floorspace would typically require a site area of between 3,000m^2 and 5,000m^2.

Based on the analysis undertaken in the *Retail Needs Assessment*, it is proposed to make provision for an E1 zoned local centre with a site area of 6,402m^2 within Lot 346. The remaining area of Lot 346 (6,650m^2) is proposed to be zoned R3 and is the subject of this planning proposal.

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

Yes.

A planning proposal is the appropriate mechanism for achieving the proposed changes to the Ballina LEP 2012 Land Zoning, Floor Space Ratio Map, and Land Application Map if required.

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)?

Yes.

The *North Coast Regional Plan 2041* is the current top level strategic planning document applicable to the Ballina Shire. It provides the regional framework for the consideration of policy development and the overall vision of the future.

The site is located within the "*urban growth area boundary*" as mapped in the North Coast Regional Plan 2041.

"Support the delivery of housing supply and greater diversity in strategic and local centres, including higher density housing within and close to Ballina CBD" is a specific action of this Plan.

This planning proposal will directly deliver on this action, while also ensuring that an appropriate area of E1 Local Centre zoning remains on the site to facilitate a local

mixed-use village scale commercial development to meet the needs of residents and visitors.

Q4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or CSC, or another endorsed local strategy or strategic plan?

Yes.

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

The planning proposal is consistent with the intent of relevant planning priorities contained within the LSPS.

LSPS Planning Priority 5 states:

Maintain a supply of suitably located employment land, close to population centres at Alstonville – Wollongbar and Ballina – Lennox Head, so as to foster local employment opportunities and reduce journey to work travel distances.

The *Retail Needs Assessment* (Appendix 5) demonstrates that the current area of E1 zoned land is well in excess of the area required to support a level of commercial / retail floor space that can be sustained at Skennars Head. Rezoning the southern part of the site will therefore ensure that an economically viable and sustainable neighbourhood centre can be delivered. This is consistent with the intent of the LSPS Planning Priority 5.

LSPS Planning Priority 6 states:

Incorporate diverse housing choice options, including infill development options, when preparing placed based strategic plans.

The proposed R3 zone will provide for a local increase in housing diversity, to add to the existing townhouse supply within the Aureus estate. Shop top housing is also proposed as part of the commercial development proposed for the retained E1 zoned portion of the site.

The planning proposal is also consistent with the *Ballina Shire Housing Strategy 2024*. The preparation of this strategy is referenced as Action Item 6.4 of the LSPS. The Housing Strategy principles support the delivery of diverse housing options on infill sites.

Ballina Shire Council Community Strategic Plan 2022-2032 (CSP)

The planning proposal is consistent with the elements and specified outcomes contained within Council's CSP as its objectives align with the principles of good governance and ensuring that planning instruments are operating optimally.

Q5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

N/A

There are no other relevant state or regional studies or strategies relevant to the planning proposal.

Q6 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes

The planning proposal is generally consistent with applicable State Environmental Planning Policies as demonstrated in the table below.

SEPP	Comments	Consistency
SEPP (Biodiversity and Conservation) 2021	Chapter 3 Koala habitat protection 2021 This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	The site is not located within the Koala Planning Area mapped with Ballina Shire Koala Management Strategy, 2017. The site does not contain any native vegetation that could be considered potential koala habitat.
SEPP (Housing) 2021		While the delivery of additional diverse housing options at the site is consistent with the principles of this Policy, there are no provisions directly relevant to the proposed rezoning.
SEPP (Planning Systems) 2021	Chapter 2 deals with State and regional development and is applicable at DA stage rather than rezoning.	There are no provisions directly applicable. Future residential development within the rezoned parcel could be regionally significant, depending on the estimated cost.
SEPP (Resilience and Hazards) 2021	Chapter 2 Coastal Management The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.	The site is not mapped under the SEPP as containing any areas of coastal wetland or littoral rainforest, nor is it mapped within areas proximate to those attributes. An area of mapped wetland is located approx. 350m to the west of the site. The site is not identified as a Coastal Vulnerability Area and is not within the Coastal Environment Area. It is mapped within the Coastal Use Area. Considerations for a future Development Application in this area relate to access to foreshore areas, protection of coastal amenity, and protection of cultural and built environmental heritage. The location of the site is such that its future development can

		be designed in a way that it will not impact on these coastal values.
	Chapter 4 Remediation of land This Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment: *(a) by specifying when consent is required, and when it is not required, for a remediation work, and* *(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and* *(c) by requiring that a remediation work meet certain standards and notification requirements.*	The potential for soil contamination was comprehensively addressed as part of the original subdivision application for the Aureus Estate. A Remediation of Contaminated Soil – Validation Report (Appendix 5) was prepared in 2019 and details how a minor area of contamination was remediated. That area of concern was located south of the Aureus Village site. The Validation Report demonstrates that the whole of the area is suitable for residential use.
SEPP (Sustainable Buildings) 2022	The Policy aims to encourage the design and delivery of sustainable buildings.	There are no provisions of this Policy directly applicable at rezoning stage. Future residential development at the site will be designed in accordance with the principles and requirements of this SEPP.
SEPP (Transport and Infrastructure) 2021		There are no provisions of this SEPP directly applicable at rezoning stage.

Q7 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

Yes, or justifiably inconsistent.

A number of section 9.1 Directions are relevant to the planning proposal. A section 9.1 Direction checklist is provided at Appendix 3.

Section C – Environmental, social and economic impact

Q8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No.

Lot 346 has been cleared and was subject to extensive earthworks as part of subdivisional works for the broader Aureus estate. The land does not contain native vegetation or other vegetation having biodiversity value.

Q9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No

There are no likely adverse environmental effects associated with the planning proposal.

Q10 Has the planning proposal adequately addressed any social and economic effects?

Yes

The planning proposal is considered likely to achieve positive social and economic effects by:

- Providing additional R3 zoned land which will add to the potential housing diversity within this residential estate via the provision of 20 to 30 townhouse style dwelling units.
- Provide an E1 Local Centre zoned site of a size able to be supported by the local Skennars Head population. Refer to the *Retail Needs Assessment* which forms a part of the proponent's planning proposal request submission contained within Appendix 5.

Section D – Infrastructure (Local, State and Commonwealth)

Q11 Is there adequate public infrastructure for the planning proposal?

Yes.

The adequacy of public infrastructure consisting of water, sewer and stormwater drainage has been confirmed in a Technical Memorandum from OSKA Consulting Group.

Section E – State and Commonwealth Interests

Q12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation was undertaken with the Ballina Byron Gateway Airport (BBGA) as required by the Gateway determination. The BBGA did not make a submission.

Part 4 – Mapping

The following map sheets of the BLEP 2012 are proposed to be amended as outlined in response to Part 2, as part of this PP:

- Land Zoning Map – Sheet LZN_006C and LZN_005D
- Floor Space Ratio Map –Sheet FSR_006C and FSR_005D
- Land Application Map – Sheet LAP_001

Part 5 – Community Consultation

The planning proposal was publicly exhibited in accordance with the Gateway determination, the terms of the *Environmental Planning and Assessment Act 1979* and Council's Community Participation Plan 2019.

The planning proposal was exhibited for at least 28 days and concurrently with a draft planning agreement and associated explanatory statement. 17 submissions were received from the community and were considered by Council before resolving to finalise the Planning Proposal.

Part 6 – Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	April 2025
Government Agency Consultation	August - September 2025
Public Exhibition Period	August - September 2025
Public Hearing	N/A
Submissions Assessment	October 2025
Local Plan Making Authority (LPMA) Assessment of Planning Proposal and Exhibition Outcomes	November 2025
PPA Decision to Make the LEP Amendment (if delegated) #	December 2025
Forwarding of LEP Amendment to DPHI for Notification (if delegated)	December 2025

Appendices

Appendix 1 – Council Reports

8. Planning and Environmental Health Division Reports

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

Section	Strategic Planning
Objective	To outline a planning proposal that seeks to reduce the size of the Skennars Head E1 Local Centre zoned area and increase the area of R3 Medium Density zoned land within the Aureus Estate.

Background

A planning proposal request has been submitted by Intrapac, which seeks to amend the Ballina Local Environmental Plan 2012 (BLEP 2012) to rezone the southern portion of Lot 346 DP 1271483, 21 Aureus Boulevard, Skennars Head from E1 Local Centre to R3 Medium Density Residential.

Attachment 1 contains a copy of the planning proposal request.

Lot 346 has an area of 1.305ha. The planning proposal request seeks to rezone approximately half (6,650m²) of this lot to R3 Medium Density Residential. The remaining 6,402m² would retain the E1 Local Centre zone.

Lot 346 is part of the Aureus Estate. This Estate was initially zoned for urban development in 2014. In 2018 the proponent proposed that the B1 zoned area would accommodate a supermarket and specialty retail shops, along with future uses such as a childcare centre, a gym, and a tavern / alfresco dining area.

In 2019 BLEP 2012 was amended to relocate the neighbourhood centre (B1) zoning to its current location and significantly increase its size from 870m^2 to 1.305ha.

Attachment 2 contains details of the way the proponent envisaged the site would be developed in 2018.

The proponent had initially sought to establish a significantly larger centre than facilitated through the 2019 rezoning process. Such larger centre, with ultimate proposed floor space of 10,800m^2, was not supported following a peer review of the proponents *Economic Need and Impact Assessment* report.

The 2019 rezoning, and associated floor space controls were designed to enable the creation of approximately 5,000m^2 of retail and commercial floor space within the proposed Skennars Head Neighbourhood Centre.

In 2021, the State Government implemented reforms to employment zones. This changed the zoning of the majority of the site from B1 Neighbourhood Centre to E1 Local Centre, which is the same zone that applies to the Epiq Centre, and the Lennox Head and East Ballina commercial centres.

8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

Skennars Head is now located within the broader retail catchment area of the Epiq Marketplace local centre. The retail needs assessment accompanying the planning proposal request indicates the Epiq Marketplace has impacted on the demand for retail space within the proposed Skennars Head centre. Further the assessment suggests that due to this factor, together with the rise of ecommerce and a shift to online ordering and grocery deliveries, demand for retail space within retail and commercial centres has been reduced.

Attachment 3 contains the *Retail Needs Assessment* submitted in support of the planning proposal.

This report recommends that the planning proposal be supported and submitted for a Gateway determination.

Key Issues

- Demand for retail and commercial floor space
- Housing supply
- Planning Agreement

Discussion

Overview

Lot 346 is zoned partly E1 Local Centre under the provisions of BLEP 2012 and partly 7(d) Environmental Protection (Scenic / Escarpment) zone under the provisions of Ballina LEP 1987. That part of lot 346 subject to the 7(d) zone is an anomaly which resulted from the misalignment of cadastral and zoning maps at the time that the subdivision creating this lot was registered in December 2021 (this occurs from time due to the different levels of detail at rezoning and survey and subdivision stages in the planning process).

Diagram 1 contains an extract from Council's GIS zoning layer, which shows the zones applicable to Lot 346. The white line represents the cadastral boundaries, and the area enclosed by the red line representing that part of Lot 346 zoned 7(d). The 7(d) zone within lot 346 has an approximate area of 370m^2.

Diagram 1 – Zoning layer extract from Council GIS system



8.1 Aureus Commercial Centre - Planning Proposal and Planning Agreement

Lot 346 was intended to contain the whole of the E1 zone located at Skennars Head, excluding a small section of public road.

The 7(d) zone was intended to be contained within Lots 347 and 348, located to the east of Lot 346 and designated as public reserve. Lots 347 and 348 are owned by Council, whereas Lot 346 is owned by Intrapac.

The proponent's planning proposal did not reference the 7(d) zone on Lot 346. This has been corrected within the Council prepared planning proposal contained within Attachment 6.

Lot 346 has an area of 1.305ha. Subject to the floor space ratio controls contained within clause 7.11 of BLEP 2012 this lot has the capacity to yield approximately 5,200m^2 of commercial floor space.

The proponent's planning proposal request seeks to rezone approximately half (6,650m^2) of Lot 346 from E1 Local Centre to R3 Medium Density as shown in Diagram 2.

It also seeks some consequential changes to remove the floor space ratio restrictions from the proposed R3 zoned portion of Lot 346.

As indicated above additional zone changes will be required to remove the sliver of 7(d) zone that affects Lot 346.

The floor space ratio applicable to Lot 346 is 0.8:1 overall with a maximum 0:4:1 ratio applicable to the commercial component of the development as specified in clause 7.11 of BLEP2012.

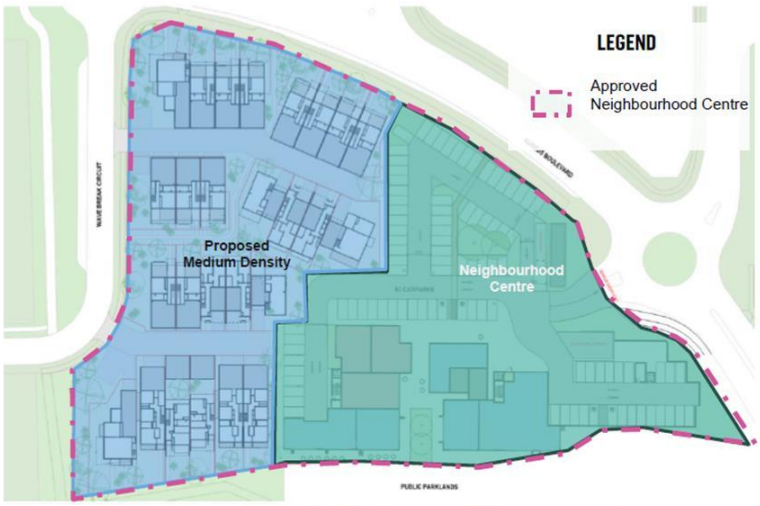
Diagram 2 Proponent prepared existing and proposed zoning plan



An indicative precinct plan, contained within the proponent's traffic assessment report, indicates a yield of approximately 20 to 30 townhouses on the proposed R3 zoned portion of the site.

The E1 portion of Lot 346 has been modelled to yield a neighbourhood centre with a floor space of 1,200m^2 for the purposes of the traffic assessment.

Diagram 3 – Indicative Precinct Plan



Source: Clarke Hopkins Overall - MEDIUM DENSITY + COMMERCIAL PRECINCT PLAN SK5000 dated 22 August 2024 (Draft)

To put the proposed neighbourhood centre in context, the local centre in the Epiq estate has an approved gross floor area of approximately 6,500m^2, whereas the Cumbalum Village centre, being constructed at the corner of Power Drive and Ballina Heights Drive, is required by a planning agreement to have a minimum initial size of 1000m^2.

It is estimated that the Cumbalum centre will ultimately have a size in the order of 2,000 - 3,000m^2.

The East Ballina neighbourhood centre in Links Avenue has a floor area of approx. 2,000m^2 located on a 4,200m^2 site.

As indicated in the Background section of this report, the Aureus neighbourhood centre was originally proposed on a much smaller (870m^2) site. It was through the actions of the property owners that this smaller site was abandoned and the current much larger site (1.305ha) established.

Amongst other matters Council's role when assessing the planning proposal in 2019, was to ensure that there was no likely significant negative impact on existing established centres, as a consequence of the proposed centre size increase.

The floor space ratio controls incorporated within BLEP 2012 in 2019 were designed to restrict the size of the proposed centre in line with the limits recommended by retail consultants commissioned by Council.

Retail Needs Assessment Report

The proponent's 2024 planning proposal request is supported by a *Retail Needs Assessment* report prepared by Think Economics (Attachment 3). The report states that the current proposal is for a centre containing 1,184m^2 of retail commercial floor space, 65 car parking spaces and shop top residential.

The report indicates that there have been three main factors which have resulted in a lessening of demand for retail floor space at the Aureus site.

These factors are:

- The completion of the Epiq Marketplace centre in 2020,
- A transition from traditional physical stores to online retailing post Covid-19, and
- Growth of online food and grocery sales with home delivery service.

The report found that the Aureus site will primarily cater for a limited trade area consisting of Skennars Head and a small section of Lennox Head with a population of 2,150 to 3,420 persons by 2036.

This is well below the minimum 8,000 people required to sustain a full line supermarket.

The consultants estimate that there is an opportunity to establish on the Aureus site a small retail centre with a total retail floor space ranging from 1,000m^2 to 1,500m^2.

Such a centre (slightly smaller than the East Ballina centre) would require a site area of between 3,000m^2 and 5,000m^2.

The conclusions reached by Think Economics in their *Retail Needs Assessment* report are not disputed.

Whilst it will likely be disappointing for many residents of Skennars Head not to have more direct access to a larger neighbourhood centre, as proposed in 2019, there are no effective means available to Council to ensure such larger centre is built.

Consideration of Land Contamination Issues

In accordance with the requirements of the applicable Local Planning Direction (*Direction 4.4 Remediation of Contaminated Land*) the planning proposal authority must consider land contamination issues when rezoning land for residential purposes.

The planning proposal request is supported by a *Remediation of Contaminated Soil Validation Report* prepared in 2019 by ENV Solutions. This report was prepared in relation to the original 34ha subdivision site, which also contained the area the subject of the current rezoning request.

Council's environmental health staff have advised that previous investigations undertaken are sufficient to demonstrate the proposed rezoning area to R3 Medium Density Residential is considered suitable for residential use.

Transport Statement

Traffic and transport engineering advice prepared by Urbis Transport Advisory forms a part of the planning proposal request submission. The report examines the impact of the previous development proposed for the E1 zoned land and compares this with the current proposal involving less commercial floor space and more residential accommodation.

The report concluded that the am peak traffic generation will be generally consistent with the previously proposed development concept. In the evening peak a significant reduction in traffic has been estimated. On this basis the consultants have concluded that no adverse traffic impacts are expected as a result of the proposed rezoning.

Council's Development Engineer has advised that trips generated by the multi residential development is less than the commercial centre gross floor area (GFA) rate modelled as part of the approved subdivision development application.

Therefore, the rezoning proposal will reduce traffic impact in the area in the ultimate developed state.

Potential Noise Impacts

A further consideration from an environmental health perspective are noise impacts. This concern relates to road traffic noise impacts and potential noise impacts due to the proximity of proposed residential uses (shop top housing and townhouses) and commercial uses within the E1 Local Centre

At this stage, these matters are considered to be resolvable.

They are matters that will require assessment at the DA stage and do not require further consideration as part of the planning proposal process.

Stormwater, Sewer and Water Servicing Issues

OSKA Consulting Group have undertaken a high-level review examining whether the proposed rezoning area can be serviced and connected to Council's existing stormwater drainage, sewerage and water reticulation networks.

The review has found that servicing of this site is achievable and existing council networks should have adequate capacity. Stormwater quantity and quality standards can be achieved by an onsite detention and treatment tank (or similar).

Sewer and water servicing can be achieved via connection to the existing reticulation networks located in the adjacent verge area.

Council's Development Engineer has advised that the lot has access to water and sewer infrastructure with adequate capacity to service the rezoning. Stormwater has a legal point of discharge and has met flow and treatment requirements.

The rezoning can be supported from an infrastructure perspective.

Environmental Considerations

The site is cleared and has a gentle slope, making it suitable for medium-density residential development without significant environmental impacts.

Future development will be subject to Council's Development Control Plan, which will ensure compliance with environmental and design standards.

Local and Strategic Planning Merit

The proposed rezoning of E1 zoned land to R3 medium density, and the correction of the 7(d) zoning anomaly, is not inconsistent with the applicable strategic planning framework.

The proposal is also considered to have sufficient local strategic planning merit to warrant the Council supporting the planning proposal request and to seek a Gateway determination.

Rezoning what amounts to surplus E1 Local Centre land to an R3 Medium Density zone is also in line with the principles contained within the 2024 *Ballina Shire Housing Strategy*.

The rezoning proposal is likely to result in the creation of a more diverse housing mix at Skennars Head, near a proposed neighbourhood centre. Townhouses, as well as potential shop top housing units, will add to the housing mix available at this location.

Due to these factors the planning proposal is considered to have local strategic planning merit.

Planning Agreement

To support the timely development of the commercial portion of the site, the proponent has offered to enter into a (Voluntary) Planning Agreement (PA).

Attachment 4 contains a copy of the proponent's letter of offer.

Through the letter of offer the proponent has agreed that no residential lots (strata or otherwise) will be registered within the area rezoned to R3 Medium Density Residential, until such time as an Occupation Certificate has been issued for at least 50% of the approved commercial floor space.

A draft planning agreement has not yet been prepared pending the Council's consideration of the letter of offer.

At this stage it is considered reasonable that Council support entering into a planning agreement (or other suitable mechanism to deliver the proposed outcome) with the proponent and landowner subject to the following matters being agreed with the proponents:

- The planning agreement specify 600m^2 as the minimum amount of commercial floor space required to be the subject of the Occupation Certificate
- Unless otherwise agreed by Council's legal advisor the planning agreement be required to be registered on the title of the lot, or that part of the lot containing the proposed R3 zone, and
- The proponent agreeing to pay for Council's reasonable costs associated with the preparation of the planning agreement as provided for in Council's 2024/25 Fees and Charges.

Subject to this being agreed it is proposed to authorise the preparation of the draft planning agreement (or other appropriate agreement mechanisms based on Council's legal advice).

A pre-lodgement development application (DA) meeting was held on 3 September 2024 with the proponent's consultant planner.

The development discussed at that time involved a three-building concept for that part of the site proposed to retain an E1 zone.

Each building consisted of three levels.

This proposal contained 1170m^2 of commercial floor space (804m^2 of food and drink premises in five tenancies and 366m^2 of commercial / retail floor space in 4 tenancies) plus 27 shop top housing units.

Car parking for 142 vehicles was also proposed.

It is anticipated that a DA will be lodged in the near future.

Attachment 5 contains a copy of the plans discussed at the pre-lodgement DA meeting on 3 September 2024.

Planning Proposal

Having regard to the above matters a draft planning proposal (BSCPP 24/004 Aureus Village Centre) has been prepared and is contained in Attachment 6 to this report.

The planning proposal provides for the following matters:

- Rezoning of part of Lot 346 from E1 Local Centre to R3 Medium Density Residential
- Rezoning of part of Lot 346 from 7(d) Environmental Protection (Scenic / Escarpment) zone under the provisions of Ballina LEP 1987 to part E1 Local Centre and part R3 Medium Density Residential under the Ballina LEP 2012
- Removal of the proposed R3 zoned portion of Lot 346 from the Floor Space Ratio Map
- Consequential changes to the Land Application Map and zoning relative to property boundaries as required.

Amending the Floor Space Ratio Map will result in the existing floor space ratio restrictions applicable to Lot 346 continuing to apply to the E1 Local Centre zoned portion of the lot.

This provides for an overall floor space ratio of 0.8:1 for this portion of the site. Commercial floor space is, however, limited to 0.4:1 by clause 7.11 of BLEP 2012.

This limitation would enable a maximum of 2560m^2 of commercial floor space to be erected on this part of the lot.

Delivery Program Strategy / Operational Plan Activity

The processing of planning proposal requests aligns with the 2024 – 2028 Delivery Program and Operational Plan Outcome HE3.1f – Maintain Local Environmental Plan.

Community Engagement Strategy

Should Council resolve to proceed with the recommendations outlined in this report, community engagement will be initiated through the public exhibition of the planning proposal and associated planning agreement following a Gateway determination.

Community engagement will be undertaken as required by the provisions of the *Environmental Planning and Assessment Act 1979* and Council's *Community Participation Plan*.

A minimum exhibition period of 28 days will be required.

Financial / Risk Considerations

Costs associated with the processing of the planning proposal and planning agreement will be required to be met by the proponent as specified in council's *Fees and Charges*.

Options

The options available include:

Option 1 – Provide initial support for the planning proposal request and associated proposed draft planning agreement and seek a Gateway determination to enable public exhibition of the planning proposal.

This is the recommended option.

Adoption of this option will result in broad community consultation and the Council having a further opportunity to consider the merits of what is proposed following community engagement (assuming a Gateway determination is issued by DPHI).

As part of this approach, a planning agreement or other suitable legal document would be drafted in line with the letter of offer contained in Attachment 4 and exhibited in conjunction with the planning proposal.

Option 2 – Decline to support the planning proposal request and the draft planning agreement.

This option is not recommended.

Council has no effective means available which could require the proponent to construct a neighbourhood centre of the size, and containing the facilities, originally proposed in 2018.

As indicated in the submitted *Retail Needs Assessment* report, the retailing environment has changed considerably since the Aureus Neighbourhood Centre was originally proposed.

That being the case reducing the size of the E1 zone and increasing the amount of R3 Medium Density land available is considered a reasonable outcome.

The proposed planning agreement will also ensure that a minimum of 50% (600m^2) of the commercial floor space currently proposed in the neighborhood centre will be constructed prior to the registration of residential lots within the proposed R3 zoned area.

If Council rejects the proposed planning proposal request, then the proponent may seek to appeal this decision with the Department of Planning, Housing and Infrastructure.

RECOMMENDATIONS

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 relating to the application of a R3 zone to part of Lot 346 DP127483, the correction of the zoning anomaly as it relates to the 7(d) zone, and consequential changes to the Floor Space Ratio Map, and Land Application Map if required, as detailed in planning proposal (BSCPP 24/004 Aureus Village Centre) contained in Attachment 6.

2. That Council submit planning proposal BSCPP 24/004 Aureus Village Centre to the NSW Department of Planning Housing and Infrastructure for Gateway determination.

3. That the Department of Planning Housing and Infrastructure be advised that Council is seeking to be authorised as the Local Plan Making Authority for this LEP amendment and to exercise its delegated plan making functions.

4. That upon an affirmative Gateway determination being received the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.

5. That Council endorse the preparation of a draft Planning Agreement as detailed in this report with amendments as proposed.

6. The draft planning agreement (or other suitable legal mechanism) once finalised be publicly exhibited concurrently with the planning proposal.

7. That the planning proposal and associated planning agreement be reported to Council for further consideration following the completion of the public exhibition period.

Attachment(s)

1. Planning Proposal Request - Aureus Village
2. 2018 Proponents Neighbourhood Centre Development Concept
3. Aureus Village Retail Needs Assessment Report
4. Planning Agreement - Intrapac Letter of Offer
5. Pre-lodgement Meeting Plan Set 3 September 2024
6. BSCPP 2024-004 - Planning Proposal - Aureus Village Centre (V1 Commencement)

Appendix 2 – Gateway Determination

Department of Planning, Housing and Infrastructure

Gateway Determination

***Planning proposal (Department Ref: PP-2024-2212)**: rezone land for residential and employment purposes, correct mapping anomalies and make consequential amendments to development controls at 21 Aureus Boulevard, Skennars Head.*

I, the Director, Hunter and Northern, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 rezone land for residential and employment purposes, correct mapping anomalies and make consequential amendments to development controls at 21 Aureus Boulevard, Skennars Head should proceed subject to the following.

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 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 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 within nine (9) months of this Determination.

Gateway Conditions

1. Prior to community and agency consultation, the planning proposal is to be amended to reference the additional consequential changes to floor space ratio, minimum lot size and height of building controls for that part of Lot 346 DP1271483 currently zoned under the provisions of Ballina Local Environmental Plan 1987 and include maps that show all the current and proposed LEP controls.

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 standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 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 Guideline* (Department of Planning and Environment, August 2023).

3. Consultation is required with the Ballina Byron Gateway Airport under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9.1 of the Act:

   The Ballina Byron Gateway Airport is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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 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 15 April 2025

Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces

PP-2024-2212 (IRF25/714)

Appendix 3 – Section 9.1 Direction Checklist

Section 9.1 Ministerial Direction Checklist Planning Proposal – BSCPP2024-004	
Direction No.	Compliance of Planning Proposal
Focus area 1: Planning Systems	
Implementation of Regional Plans	Consistent The Planning Proposal is consistent with the North Coast Regional Plan 2041. The site is located within the Urban Growth Area Map for Ballina LGA.
Development of Aboriginal Land Council land	Does not apply to this Planning Proposal
Approval and Referral Requirements	Consistent This Planning Proposal does not contain provisions requiring concurrence, consultation or referral of development applications.
Site Specific Provisions	Consistent The Planning Proposal proposes to rezone part of Lot 346 to an existing zone in BLEP 2012, which allows the proposed land use without imposing any development standards or requirements in addition to those already contained in that zone.
1.4A Exclusion of Development Standards from Variation	Does not apply to this Planning Proposal.
Focus area 1: Planning Systems – Place-based	
1.5 to 1.22	These Directions do not apply to Ballina Shire.
Focus area 2: Design and Place	
Focus area 3: Biodiversity and Conservation	
Conservation Zones	Consistent. The proposal does not relate to an environmentally sensitive area or land within a conservation zone.
Heritage Conservation	Consistent. The proposal does not relate to an environmentally sensitive area or land within a conservation zone.
Sydney Drinking Water Catchments	Does not apply to this Planning Proposal.
Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The proposal does not involve the introduction of an environmental zones.
Recreation Vehicle Areas	Consistent. The proposal does not enable land to be developed for the purposes of a recreational vehicle area.
Strategic Conservation Planning	Consistent. This planning proposal does not relate to land identified as avoided land or a strategic conservation area.
Public Bushland	Does not apply to Ballina Shire.
Willandra Lakes Region	Does not apply to Ballina Shire.
Sydney Harbour Foreshores and Waterways Area	Does not apply to Ballina Shire.
Water Catchment Protection	Consistent. This planning proposal does not affect land in a regulated catchment.
Focus area 4: Resilience and Hazards	
Flooding	Consistent. This planning proposal does not seek to create, remove or alter a zone or provision that affects flood prone land.

Section 9.1 Ministerial Direction Checklist Planning Proposal – BSCPP2024-004	
Direction No.	Compliance of Planning Proposal
Coastal Management	Consistent. See detailed assessment below.
Planning for Bushfire Protection	Not applicable. The site is not mapped as bushfire prone land
Remediation of Contaminated Land	Consistent. See detailed assessment below.
Acid Sulfate Soils	Consistent. The site is not mapped as containing Acid Sulfate Soils.
Mine Subsidence and Unstable Land	Does not apply to this Planning Proposal.
Focus area 5: Transport and Infrastructure	
Integrating Land Use and Transport	Consistent. See detailed assessment below.
Reserving Land for Public Purposes	Consistent. This planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
Development Near Regulated Airports and Defence Airfields	Justifiably Inconsistent at this stage. This planning proposal relates to land within the Obstacle Limitation Surface Control area for Ballina Byron Gateway Airport. This airport is a regulated airport which will require that consultation take place with the lessee/operator of the airport during the preparation of the planning proposal. At this stage consultation with the airport operator has not taken place. It is proposed that consultation take place post Gateway determination during the public exhibition phase of this planning proposal. It is noted that no changes to permitted building heights are proposed.
Shooting Ranges	Does not apply to this planning proposal.
Focus area 6: Housing	
Residential Zones	Consistent. The Planning Proposal will provide for increased housing diversity / choice and make efficient use of existing services and infrastructure.
Caravan Parks and Manufactured Home Estates	Does not apply to this Planning Proposal.
Focus area 7: Industry and Employment	
Employment Zones	Justifiably Inconsistent. See detailed assessment below.
Reduction in non-hosted short term rental accommodation period	Does not apply to planning proposal.
Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to this Planning Proposal.
Focus area 8: Resources and Energy	
Mining, Petroleum Production and Extractive Industries	Does not apply to this Planning Proposal.
Focus area 9: Primary Production	
Rural Zones	Does not apply to this Planning Proposal.
Rural Lands	Does not apply to this Planning Proposal.
Oyster Aquaculture	Does not apply to this Planning Proposal.

Section 9.1 Ministerial Direction Checklist Planning Proposal – BSCPP2024-004	
Direction No.	Compliance of Planning Proposal
Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply to this Planning Proposal.

Detailed Assessment Comments Relating to Identified Directions

Direction 4.2 – Coastal Management

Direction 4.2 applies when a Planning Proposal affects land within the coastal zone that is identified in the mapping associated with State Environmental Planning Policy (Resilience and Hazards) 2021.

The provisions of this direction are addressed below:

(1) A Planning Proposal must include provisions that give effect to and are consistent with:

(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas.

The objects of the Act are addressed below:

(a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and

The subject site is located to the west of the Coast Road, and west of the recently developed coastal parkland provided as part of the Aureus Estate. It is located well outside of the active coastal zone.

Development of medium density residential development within the rezoned portion of the site will not detract from the scenic or coastal amenity and will be consistent in character with the existing development within the Aureus Estate.

(b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and

Not directly applicable to this Planning Proposal.

(c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone,

A detailed Cultural Heritage Assessment was undertaken as part of the original subdivision application and concluded that development of the estate would not result in cultural heritage impacts.

(d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and

Not directly applicable to this Planning Proposal.

(e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and

The site does not contain any areas identified as having high biodiversity values.

(f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and

The location of the subject site, well west of the active coastal zone, will ensure that future development will not be subject to coastal hazards.

(g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and

Not directly applicable to this Planning Proposal request.

(h) to promote integrated and co-ordinated coastal planning, management and reporting, and

The Planning Proposal request and supporting studies demonstrate consistency with this objective.

(i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and

The location of the site provides an adequate buffer from coastal storms now and into the future.

(j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and

Not directly applicable to this Planning Proposal request.

(k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and

The Planning Proposal will be publicly exhibited to gain community feedback.

(l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and

Not directly applicable to this Planning Proposal request.

(m) to support the objects of the Marine Estate Management Act 2014.

Not directly applicable to this Planning Proposal request.

(b) the NSW Coastal Management Manual and associated Toolkit

The Manual provides guidance to local councils in the preparation and implementation of coastal management programs. The Toolkit provides additional technical information to assist in this process.

Council is undertaking a coastal management program, but it is not likely that it would contain policies or actions directly applicable to the subject site.

(c) Section 3.2 of the NSW Coastal Design Guidelines 2023

Appendix 6 to this Planning Proposal contains an assessment checklist against the provisions of Chapter 3 of the NSW Coastal Design Guidelines 2023.

(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land

Council has not yet finalised a Coastal Management Program.

(2) A Planning Proposal must not rezone land which would enable increased development or more intensive land-use on land:
(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021

The site is not identified as being within a coastal vulnerability area.

(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment

The site is not identified as being affected by a current or future coastal hazard.

(3) A Planning Proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

The site does not contain any areas identified within the SEPP as Coastal Wetland or Littoral Rainforest.

(4) A Planning Proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:

This Planning Proposal does not propose to amend any of the SEPP maps.

Direction 4.4 – Remediation of Contaminated Land

This direction applies when a Planning Proposal applies to land where specified land uses have been known to have been carried out.

(1) A Planning Proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction

applies if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the Planning Proposal authority has considered whether the land is contaminated, and

(b) if the land is contaminated, the Planning Proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the Planning Proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

In order to satisfy itself as to paragraph 1(c), the Planning Proposal authority may need to include certain provisions in the local environmental plan.

(2) Before including any land to which this direction applies in a particular zone, the Planning Proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines

A detailed contamination assessment of the site was undertaken as part of the Aureus Estate subdivision application.

A *Remediation of Contaminated Soil – Validation Report* (Appendix 5) was prepared in 2019 demonstrating how a minor area of contamination was remediated. That area of concern was located south of the Aureus Village site.
The Validation Report demonstrates that the whole of the estate is suitable for residential use.

Direction 5.1 – Integrating Land Use and Transport

This direction applies to a Planning Proposal that creates, alters or removes a zone relating to urban land, including for employment purposes.

(1) A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and

(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Improving Transport Choice – Guidelines for planning and development includes the following design guidelines that are relevant to this Planning Proposal:

Street networks should allow permeability for buses and pedestrians.

Permeability has been provided throughout the Aureus Estate, with main internal roads wide enough to allow a bus to circulate. Footpaths are provided on all internal roads, with connections out to the shared paths constructed along the Coast Road and near the wetland area to the west.

Future residential development of the site will provide appropriate connections to this existing network.

Pedestrian amenity, such as footpaths to bus stops and sandwich shops, should be given a higher priority in employment/industrial areas.

As indicated above, footpaths and bus circulation are provided internally within the Aureus Estate, with connections to the external public infrastructure.

Intensification and a greater mix of uses, including residential development, should be encouraged along the public transport routes and corridors that serve these areas to support more frequent bus services.

Medium density residential development in the site is consistent with this principle. Minimum setbacks from the street and between adjoining buildings should be employed. Room to expand, and staff and visitor parking, can be accommodated at the rear of properties.

Council DCP controls will govern development of the lots that would be created at this site.

Direction 7.1 – Employment Zones

This direction applies where a Planning Proposal affects land within an existing or proposed employment zone.

A Planning Proposal must:

(a) give effect to the objectives of this direction

The objectives are to protect employment land, encourage employment growth in suitable locations and support the viability of identified centres.

The *Retail Needs Assessment* (Appendix 5) contains a detailed assessment of the existing retail/ commercial demand and the associated extent of commercial floor space that is considered to be viable at the subject site, supporting the reduced area of the existing E1 Local Centre zoning.

The assessment also notes that the development of excess commercial floor at this site would result in detrimental impacts on existing local centres in the Lennox Head / Ballina area.

(b) retain the areas and locations of Employment zones

The Planning Proposal seeks to reduce the area current zoned E1 Local Centre. This is justified by a *Retail Needs Assessment* (Appendix 5) which gives consideration to the objectives of this direction and demonstrates that the proposed rezoning is an appropriate response to local economic circumstances.

(c) not reduce the total potential floor space area for employment uses and related public services in Employment Zones

See above.

(d) not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones

(e)

Not directly relevant to this Planning Proposal.

(f) ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary.

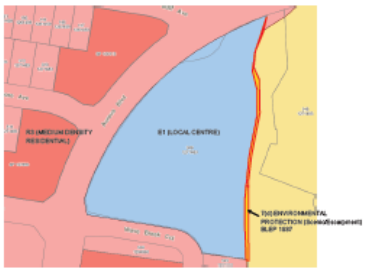
The proposal is consistent with the retail hierarchy as detailed in the *Ballina Shire Local Strategic Planning Statement 2020 - 2040* (LSPS). The LSPS nominated a planned centre at Skennars Head within the Shire's commercial centre hierarchy but did not nominate a size for such a centre.



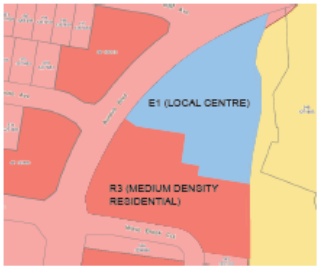
Source: Ballina Shire Economic Development Strategy 2019

Appendix 4 – Mapping

Existing Zoning Map



Proposed Zoning Map



Existing Minimum Lot Size (MLS) Map



Proposed Minimum Lot Size (MLS) Map



Existing Floor Space Ratio (FSR) Map



Proposed Floor Space Ratio (FSR) Map



Existing Height of Buildings (HOB) Map



Proposed Height of Buildings (HOB) Map



Appendix 5 – Coastal Design Guidelines Assessment

Appendix

Assessment checklist for planning proposals

Hierarchy of coastal management areas:

1. CWLRA = coastal wetlands and littoral rainforests area
2. CVA = coastal vulnerability area
3. CEA = coastal environment area
4. CUA = coastal use area

Outcome A. Protect and enhance coastal environmental values			
Requirement	**Relevant coastal management area(s)**	**Applicable to planning proposal (Y/N)**	**Planning proposal is consistent with guidelines (Y/N) If 'No', justify this**
Outcome A.1 Protect coastal ecosystems			
A.1a Avoid development on undeveloped headlands and significant coastal landforms.	CVA, CEA	N	The rezoning site is located well away from any headland or significant coastal landform.
A.1b Do not increase development or intensify land uses where there is existing development on headlands and significant coastal landforms.	CVA, CEA	N	The rezoning site is located well away from any headland or significant coastal landform.
A.1c Identify, protect and enhance sensitive coastal ecosystems including coastal wetlands, littoral rainforests and other coastal threatened ecological communities that may be affected by development.	CWLRA, CEA	N	The rezoning site does not contain any sensitive coastal ecosystems.
A.1d Maintain and protect the presence of beaches, rock platforms, coastal dunes, riparian vegetation and the natural features of foreshores, including along estuaries and coastal lakes.	CWLRA, CVA, CEA	N	The rezoning site is located well away from beaches, rock platforms or coastal dunes.
A.1e Use environmental buffers and limit the number of access points and pathways to protect coastal ecosystems. In some cases, it may not be appropriate to allow public access to areas with highly sensitive ecosystems or animal populations.	CWLRA, CEA, CUA	N	The proposed rezoning has no implications for coastal access.
A.1f Consider if the planning proposal is needed or if development zones could be better located to minimise effects on biodiversity.	CWLRA, CEA, CUA	N	The proposed rezoning will have no impact on biodiversity values.
A.1g Avoid development that may disturb, expose or drain areas of Class 1 and Class 2 acid sulfate soils.	CWLRA, CEA, CUA	M	The site is not mapped as containing Acid Sulfate Soils.
A.1h Consider direct and indirect effects of development, including any necessary infrastructure, on water quality, water quantity and hydrological flows of waterways and groundwater.	CEA, CUA	N	Indirect impacts of development can be addressed and adequately managed at a subsequent development application stage.

Outcome A. Protect and enhance coastal environmental values			
Requirement	**Relevant coastal management area(s)**	**Applicable to planning proposal (Y/N)**	**Planning proposal is consistent with guidelines (Y/N) If 'No', justify this**
Outcome A.2 Protect coastal wetlands and littoral rainforests			
A.2a Identify coastal wetlands and littoral rainforests, including areas that could be rehabilitated or restored in the future, and do not increase development or intensify land uses in these areas.	CWLRA	N	The rezoning site does not contain any areas of coastal wetland or littoral rainforest.
A.2b Allow for the adaptive management of stormwater run-off so that the quality of water leaving the site is better than pre-development quality to lessen effects on coastal wetlands or other sensitive receiving environments.	CWLRA, CEA, CUA	N	Adequate stormwater measures will be developed as part of a subsequent design of the residential development.
A.2c Provide environmental buffers and riparian corridors that enable the long-term management and protection of areas of biodiversity and ecosystem integrity.	CWLRA, CVA, CEA, CUA	N	Buffers are not required in this case as the site does not contain, nor is adjacent to, any areas of high biodiversity value.
A.2d Identify and protect areas that allow for landward migration pathways for coastal wetlands to respond to climate change.	CWLRA, CEA	N	The site does not contain nor is adjacent to areas of coastal wetland.
A.2e Exclude land uses that affect the natural state of coastal wetlands and littoral rainforests or that will make it harder to rehabilitate these ecosystems in the future.	CWLRA		
Outcome A.3 Protect marine parks and aquatic reserves			
A.3a Avoid development and land uses that affect the environmental, economic, social and cultural values of marine parks and aquatic reserves.	CEA, CUA	N	The site does not adjoin any marine parks or aquatic reserves.
A.3b Protect the ecological health of marine parks and aquatic reserves, including providing for riparian vegetation and buffers in their catchments.	CEA, CUA	N	The site does not adjoin any marine parks or aquatic reserves.

Outcome B. Ensure the built environment is appropriate for the coast and local context			
Requirement	**Relevant coastal management area(s)**	**Applicable to planning proposal (Y/N)**	**Planning proposal is consistent with guidelines (Y/N) If 'No', justify this**
Outcome B.1 Respond to and protect elements that make the place special			
B.1a Integrate development within the natural topography of the site and ensure land use, building scale and height respond sympathetically to coastal landforms.	CWLRA, CVA, CEA, CUA	Y	The site is generally flat and adjoins existing medium density development to the west, a future neighbourhood centre to the north and coastal parkland to the east.
B.1b Ensure the intended form and footprint of development does not dominate coastal elements, including foreshores, public spaces and other areas of natural beauty.	CWLRA, CVA, CEA, CUA	Y	Future residential development will not dominate the adjoining coastal parkland.
B.1c Incorporate adaptive, water-sensitive urban design into the development footprint to reduce run-off and manage water quality within receiving environments.	CWLRA, CEA, CUA	Y	A Stormwater Management Plan will be developed as part of the residential design for the site.
B.1d Ensure that lot sizes, building heights and density are appropriate for the coastal settlement, and complement the existing or desired local character, supported by place-based strategies.	CEA, CUA	N	The proposed rezoning does not alter existing controls in relation to building heights and residential densities.
B.1e Avoid development that would harm geological features and geoheritage.	CEA, CUA	N	The reasoning site does not contain any areas of significance in this regard.
Outcome B.2 Ensure urban development complements coastal scenic values			
B.2a Limit ribbon development and urban sprawl wherever possible. In certain locations, place-based strategies may support increased development density and building heights as a better response to urban growth.	CEA, CUA	Y	The rezoning site is within an existing urban estate. The medium density zone will support an increase in local density and housing choice.
B.2b Use greenbelts to create, maintain and mark out separation between settlements.	CEA, CUA	N	The rezoning site does not impact on any greenbelt separation areas.
B.2c Consider effects on scenic values and maintain publicly accessible views to significant landmarks.	CEA, CUA	Y	The site can be development in a manner that will not significantly impact on views to the adjoining coastal areas.
B.2d Ensure that building heights consider the effect on views from different vantage points.	CEA, CUA	N	The rezoning does not alter allowable building heights.
B.2e Retain or create views from public spaces. Prioritise this over creating views from private property.	CEA, CUA	Y	The site can be development in a manner that will not significantly impact on views to the adjoining coastal areas.
B.2f Provide for active transport links along foreshores, including along estuaries and coastal lakes, and between settlements to increase public access and amenity.	CWLRA, CVA, CEA, CUA	N	The proposed rezoning does not alter existing transport links or create additional demands for new links.

Outcome C. Protect and enhance the social and cultural values of the coastal zone			
Requirement	**Relevant coastal management area(s)**	**Applicable to planning proposal (Y/N)**	**Planning proposal is consistent with guidelines (Y/N) If 'No', justify this**
Outcome C.1 Protect and promote heritage values			
C.1a Ensure development does not harm heritage values or sites.	CWLRA, CVA, CEA, CUA	N	The site does not contain heritage values.
C.1b Work collaboratively with local Aboriginal people before and throughout the planning proposal process.	CWLRA, CVA, CEA, CUA	N	Previous cultural heritage assessment demonstrated that the site does not contain cultural heritage values.
C.1c With permission and guidance from local Traditional Custodians, identify and emphasise significant features of coastal land and sea Country.	CWLRA, CVA, CEA, CUA	N	As above.
C.1d With permission and guidance from local Traditional Custodians, identify and protect sacred and significant areas through the appropriate siting of development.	CWLRA, CVA, CEA, CUA	N	As above.
C.1e Ensure land use, building type, scale and height respond to heritage items and areas.	CEA, CUA	N	As above.
Outcome C.2 Provide public access to significant coastal assets			
C.2a Protect and, where practical, improve, public amenity, access to and use of beaches, foreshores, rock platforms, geoheritage sites and headlands, unless you must restrict access for public safety or for environmental or cultural protection. In doing so, consider both current and projected future coastal hazards.	CVA, CEA	N	The rezoning site does not create any implications for beach access.
C.2b Identify opportunities to maintain and improve existing public access to beaches, foreshores, coastal waters and coastal lakes that support active and passive recreation activities, where this does not interfere with existing coastal industries.	CWLRA, CVA, CEA, CUA	N	As above.
C.2c Consolidate access points and consider alternative access to protect sacred and significant Aboriginal cultural areas.	CWLRA, CVA, CEA, CUA	N	As above.
C.2d Maintain and improve foreshore access and connections to existing or proposed networks of public open spaces. This includes waterways, riparian areas, bushland and parks for active and passive recreation.	CWLRA, CVA, CEA, CUA	N	As above.
C.2e Consider opportunities to protect and improve habitat connectivity through settlements, such as those described in the *Greener Places Design Guide*.	CWLRA, CEA, CUA	N	The site does not contain or adjoin any habitat areas.

Outcome C. Protect and enhance the social and cultural values of the coastal zone			
Requirement	**Relevant coastal management area(s)**	**Applicable to planning proposal (Y/N)**	**Planning proposal is consistent with guidelines (Y/N) If 'No', justify this**
C.2f Avoid development on coastal dunes and foreshore reserves unless it is for essential public purposes, such as surf life-saving club buildings. Any building or structure located on dunes must be of lightweight construction and relocatable.	CVA, CEA	N	The rezoning site is not located on dunes or with a coastal reserve area.
C.2g Define the boundaries of development sites with a public edge–for example, a pedestrian pathway or public laneway.	CEA, CUA	Y	The rezoning site is bounded by public places in the form of roads and the adjoining coastal parkland.
C.2h Prevent the privatisation of coastal open space by ensuring development next to foreshores is set back, maintains public access and accessibility, and provides links and connections to other public accessways.	CEA, CUA	N	Development within the rezoning site will not impede public access to important coastal areas.
Outcome C.3 Protect public amenity			
C.3a Avoid development that will overshadow the beach, foreshore or public domain. Apply the standard that there must be no overshadowing before 4 pm (midwinter) and 7 pm (Eastern Daylight Saving Time).	CEA, CUA	N	Development within the rezoning area will not overshadow the beach, and will be designed to ensure that the adjacent coastal parkland is not overshadowed.
C.3b Protect the amenity of public spaces from buildings, structures or land uses that may be visually and/or acoustically intrusive or create wind funnels.	CEA, CUA	N	Development within the rezoning area will be designed to minimise any impacts on the adjacent coastal parkland.

Outcome D. Support sustainable coastal economies			
Requirement	**Relevant coastal management area(s)**	**Applicable to planning proposal (Y/N)**	**Planning proposal is consistent with guidelines (Y/N) If 'No', justify this**
Outcome D.1 Support sustainable industries and recreational activities that depend on the coast			
D.1a Ensure that development will not harm sustainable coastal industries needing waterfront access, or recreational use of the coastal environment.	CEA, CUA	N	The rezoning area does not adjoin areas required for waterfront access.
D.1b Protect and improve essential facilities such as access ramps and jetties for sustainable coastal industries needing waterfront access.	CEA, CUA	N	As above.
D.1c Ensure access ramps, jetties, pontoons, groynes and other structures do not impede navigation on the water or harm coastal landforms or impair processes such as surf breaks.	CWLRA, CVA, CEA, CUA	N	Development in the rezoning site will not result in any such impacts.
D.1d Ensure that the proposal considers how development in a waterway may affect the land.	CEA, CUA	N	There are no waterway components of the proposal.
Outcome D.2 Promote green infrastructure			
D.2a Do not allow development that is likely to significantly reduce connectivity of existing green infrastructure.	CEA, CUA	N	The rezoning site adjoins the coastal parkland, but does not impact an connectivity of or access to that open space.
D.2b Provide for diverse green infrastructure that can support the changing needs of current and future communities, and provide tourism and recreational opportunities.	CEA, CUA	N	The proposed rezoning will not generate demand for additional green infrastructure.

Outcome E. Respond to coastal hazards			
Requirement	**Relevant coastal management area(s)**	**Applicable to planning proposal (Y/N)**	**Planning proposal is consistent with guidelines (Y/N) If 'No', justify this**
Outcome E.1 Respond to coastal processes			
E.1a Planning proposals that affect land within a coastal hazard and risk area must not alter coastal processes in a way that harms the natural environment or other land.	CWLRA, CVA, CEA, CUA	N	The rezoning site is not mapped within a coastal hazard / risk location.
E.1b Exclude development in areas affected by a current or projected future coastal hazard that is likely to increase the risk of coastal hazards on that land or other land.	CWLRA, CVA, CEA, CUA	N	As above.
E.1c Locate or consolidate development in areas with little or no exposure to current and projected future coastal hazards, to ensure public safety and prevent risks to life.	CWLRA, CVA, CEA, CUA	N	As above.
E.1d Do not increase development potential or intensify land uses in a coastal hazard or risk area.	CWLRA, CVA, CEA, CUA	N	As above.
Outcome E.2 Account for natural hazard risks			
E.2a Identify areas on and near the proposal that are affected by current or projected future coastal hazards. Ensure that the proposal is compatible with any identified threat or risk.	CWLRA, CVA, CEA, CUA	N	As above.
E.2b Account for potential interaction between coastal hazards and other current and future natural hazards. This includes flooding, bushfires, landslip, heatwaves, severe storms, east coast lows and cyclones. Refer to the *Strategic Guide to Planning for Natural Hazards*.	CWLRA, CVA, CEA, CUA	N	As above.
E.2c Manage natural hazard risk within the development site. Avoid using public space or adjoining land to lessen risk.	CWLRA, CVA, CEA, CUA	N	As above.
Outcome E.3 Account for climate change			
E.3a Demonstrate that the proposal applies a 100-year planning horizon for the full range of climate change projections for coastal hazards. This approach recognises that sea level is projected to continue to rise for centuries because of climate change.	CWLRA, CVA, CEA, CUA	N	As above.
E.3b Consider how climate change could affect the risk profile of existing natural hazards and create new vulnerabilities and exposure for the proposal in the future.	CWLRA, CVA, CEA, CUA	N	As above.

Outcome E. Respond to coastal hazards			
Requirement	**Relevant coastal management area(s)**	**Applicable to planning proposal (Y/N)**	**Planning proposal is consistent with guidelines (Y/N) If 'No', justify this**
Outcome E.4 Provide sustainable defences to coastal hazards			
E.4a Reduce exposure to coastal hazards by protecting, restoring or improving natural defences. This includes coastal dunes, vegetation, coastal floodplains and coastal wetlands, where suitable.	CWLRA, CVA, CEA, CUA	N	As above.
E.4b If natural defences are not possible, reduce exposure to coastal hazards without significantly degrading: • biological diversity and ecosystem integrity • ecological, biophysical, geological and geomorphological coastal processes • beach and foreshore amenity, or the social and cultural value of these areas • public safety and access to, or use of, beaches or headlands.	CWLRA, CVA, CEA, CUA	N	As above.
Outcome E.5 Protect essential infrastructure			
E.5a Locate and design essential infrastructure to reduce vulnerability to current and projected future coastal hazards. Consider the effects of climate change over at least a 100-year planning horizon.	CWLRA, CVA, CEA, CUA	N	As above.
E.5b Where exposure to coastal hazards cannot be avoided, prepare adaptation plans for essential service infrastructure. These plans should be consistent with any applicable coastal management program.	CWLRA, CVA, CEA, CUA	N	As above.
E.5c Consult local Aboriginal land management experts and emergency management agencies on how to strategically locate access routes and other essential infrastructure.	CWLRA, CVA, CEA, CUA	N	As above.
Outcome E.6 Change land uses to manage legacy issues and avoid creating new ones			
E.6a Ensure the proposal will not require coastal management interventions to remain viable over its expected lifespan.	CWLRA, CVA, CEA, CUA	N	As above.
E.6b Consider the potential legacy effects of the proposal and if the proposed land uses or development will create a social, environmental, economic or cultural burden for future generations.	CWLRA, CVA, CEA, CUA	N	As above.
E.6c Consider if the proposed change of land use could remove redundant legacy infrastructure or reduce existing legacy effects.	CWLRA, CVA, CEA, CUA	N	As above.



Ballina Shire Development Control Plan 2012

Chapter 2 – General and Environmental Considerations

The following amendments are proposed:

1. Correction to reporting requirements for developments within mapped koala habitat areas in the 'Note' at 3.3A.3 (page 16)
2. References to best practice guidelines to be added to heritage reporting requirements at 3.12.3 (page 37)
3. Correction to typographical errors in relation to a table at 3.16.1 (page 44) about public art requirements.
4. Remove on-site car parking requirements for 'exhibition homes' Table 2.3 (page 56)
5. New controls for all development within the defined Racecourse Road precinct. (page 70)



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Part 1 Preliminary

1.1 Introduction

Name:

Ballina Shire Development Control Plan 2012, Chapter 2 – General and Environmental Considerations.

Purpose:

To identify Council's requirements relating to general and environmental planning elements that have broad application to land within Ballina Shire.

Relationship to other Chapters of this DCP:

The provisions in this chapter prevail over those in **Chapter 1** where there is an inconsistency.

Where there is an inconsistency between provisions in chapters 2, 2a and 2b, Council will determine which provision(s) will apply based on consideration of the strategic planning framework for the land the subject of the application, statutory considerations, relevant planning objectives and the nature of the proposed development.

The provisions of chapters 3, 4, 5, 6, 6a, 6b, 6c, 6d, 7 and 8 prevail over the provisions of this chapter unless otherwise specified.

Application:

The application of the planning provisions of this chapter are specified in relation to each element addressed in Part 2.



Notes:

In addition to the items addressed in this chapter, Chapter 2a - Vegetation Management and Chapter 2b - Flood Management should also be addressed as general/ environmental considerations. Applicants should consider the applicability of the provisions of these chapters in relation to proposed development.

Planning Objectives and Development Controls:

The provisions of this chapter are categorised in relation to a series of general and environmental planning considerations (referred to as elements). For each element, planning objectives and development controls are specified. Development proposals must be consistent with the planning objectives for the chapter and each of the applicable elements. Such consistency is typically demonstrated by compliance with the identified development controls, although there may be circumstances where an alternative to the application of a development control is consistent with the planning objectives.

Part 2 Chapter Planning Objectives

The overarching objectives of this Chapter are to:

a. Ensure that applicable considerations are taken into account in the siting and design of development;
b. Ensure that development is undertaken in a manner that is compatible with the physical and environmental characteristics of land;
c. Ensure that development is undertaken with regard for applicable public health standards; and
d. Minimise the potential for land use conflict.

Part 3 General Controls

3.1 Land Use Conflict

3.1.1 Application

Applies to:	
Location/s:	Zones RU1, RU2, C2 and C3 and land adjoining these zones.
Development Type/s:	All development.

3.1.2 Planning Objectives

a. Minimise conflicts between land uses (including from residential / urban expansion towards rural lands);
b. Provide for lawful agricultural and associated rural industry uses that take precedence over other land uses in rural zones; and
c. Protect significant environmental and natural resources.

3.1.3 Development Controls

A Minimum Buffers and Land Use Conflict Risk Assessment (LUCRA) – Specified Land Uses

i. Proposed development must meet the minimum buffer distances set out in Table 2.1 for specified land uses except:
   - where the requirements of subsection C - Variation to Buffers can be met to Council's satisfaction; or
   - where the proposed development meets one of the exclusion criteria contained in subsection E - Exclusions to LUCRA.

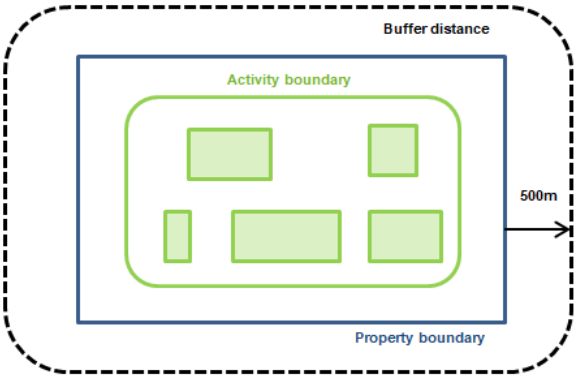
ii. New or encroaching development is required to provide the specified land use buffer/s as shown in Figure 1.

iii. Minimum buffer distances for hot mix asphalt / bitumen batch plant as specified in Table 2.1 are to be calculated from the property boundary (not from the location of the activity) as shown in Figure 1, unless it can be demonstrated that an area within the property is not capable of being

used as part of the activity. This approach may also be utilised for other development specified in Table 2.1 depending on site-specific circumstances.

Figure 1 – Calculation of Buffer Distances from hot mix asphalt / bitumen batch plant to Sensitive Development

NEW TECHNOLOGY



OLDER TECHNOLOGY

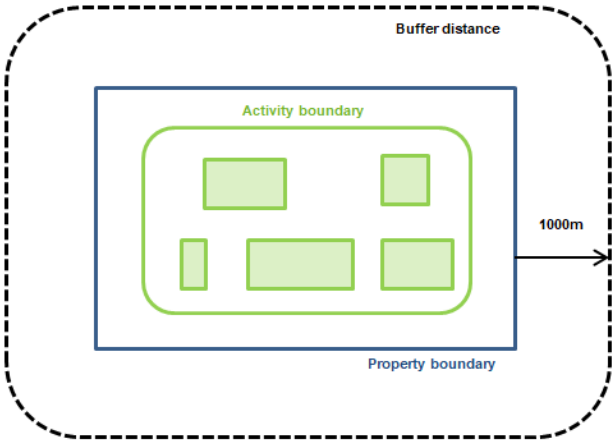


Table 2.1 Minimum buffer distances for specified land uses



Land Use	Urban residential areas	Dwelling-house, Dual occupancy or Rural workers dwelling	Rural tourist facilities
Agricultural produce industry (including macadamia de-husking)	300 m	150 m	300 m
Animal boarding or training establishment	500m	150m	500m
Dairying infrastructure (incl. buildings containing operational plant, machinery and associated yards)	500m	150m	250m
Dip sites	200m	150m	200m
Extractive industry or ***mining*** [1]	500m 1000m	500m 1000m	500m 1000m
Hazardous or ***offensive industry***	1000m	150m	1000m
Heliport	1000m	150m	1000m
High voltage power lines	20m	20m	20m
Hot mix asphalt / bitumen batch plant (New technology)[2]	500m	500m	500m
Hot mix asphalt / bitumen batch plant (Older technology)	1000m	1000m	1000m
Intensive livestock agriculture	1000m	150m	500m
Intensive livestock operations (other than ***intensive livestock agriculture***)	500m	150m	300m
Intensive plant agriculture	300m	150m	200m
Livestock processing industry	1000m	150m	1000m
Sawmill	1000m	150m	500m
Sewerage systems (excluding ***sewage reticulation systems***)	400m	150m	400m
Stock and sale yard	300m	150m	300m
Waste or resource management facility	300m	150m	300m

[1] Extractive Industry or Mining - The larger minimum distance is required when blasting is involved.

[2] New technology - refers to asphalt / bitumen batch plants that provide a method of direct truck delivery and have gas reclaim systems to ensure odour emission rates are significantly lower than older plants.



Notes:

Where the minimum buffer distances specified in Table 2.1 are met, a LUCRA is not required.

The buffers identified in Table 2.1 are based on the publication *Living and Working in Rural Areas - a handbook for managing land use conflict issues on the NSW North Coast* (Department of Primary Industries, Northern Rivers Catchment Management Authority and Southern Cross University).

Buffers and regulations relating to the location and height of buildings near airports are subject to the provisions contained within the *Ballina Local Environmental Plan* 2012.

Applicants may request a variation to the minimum buffer requirement specified in subclause 3.1.3A. Council has the discretion to either reduce or increase the required buffer, depending on the specific circumstances of the proposal.

Council may also consider relaxation of the buffer requirements where it can be demonstrated that the adjoining land is extremely unlikely to be used for ***agriculture***, forestry, rural industry or other such uses. In such cases, the adjoining land will need to comprise remnant vegetation either with high conservation value or located on land with limited development potential, such as extremely steep slopes, narrow gullies or wetlands.

Where a variation to the required buffer is proposed, applications must include a Land Use Conflict Risk Assessment (LUCRA) in accordance with the Department of Primary Industries Handbook 'Land Use Conflict Risk Assessment (LUCRA) Guide'. A LUCRA is an appraisal of the potential for conflict between new and adjoining land uses, given the activities or expected activities to be undertaken in association with the use and management of the lands.

B Minimum Buffers and Land Use Conflict Risk Assessment – Non-specific Land Uses

i. An application for a land use not specified in Table 2.1 is to be supported by a LUCRA where, in the opinion of Council, the location of the proposed use is of a scale and/or type that is likely to:

- impact on the amenity or agricultural activity of adjoining land, or
- affect the potential development of adjoining land where that land is currently zoned for urban purposes or is identified as a Strategic Urban Growth Area in the BLEP 2012 and in Council's adopted Growth Management Strategy.

ii. The exception to (i) is where the proposed development meets one of the exclusion criteria contained in subsection E - Exclusions to Land Use Conflict Risk Assessment





Notes:

Amenity considerations in relation to subsection B may include, but are not limited to, consideration of matters associated with noise, odours, views and public health.

C Variation to Minimum Buffers

i. A variation to the minimum buffer specified in subclause 3.1.3A may be granted where a LUCRA demonstrates that an alternate buffer arrangement is suitable to manage potential land use conflict.

D Minimum Standards For LUCRA

i. A LUCRA must address, at a minimum, the following matters:

- The extent, nature and intensity of the proposed and adjoining land uses;
- The operational characteristics of the proposed and adjoining land uses;
- The external effects likely to be generated by the proposed and adjoining land uses (e.g. dust, fumes, odour, spray drift, light and noise) and their potential to cause conflict;
- The potential of adjoining land to be used for various commercial activities including ***agriculture***, quarries, rural industries and other agricultural pursuits;
- Any topographical features or vegetation which may act to reduce the likely impacts of an adjoining land use;
- Prevailing wind conditions and any other climatic characteristics;
- The type of buffer proposed (e.g. biological/vegetated or property management buffers); and
- Any other mitigating circumstances.



Notes:

Applicants may request a variation to the minimum buffer requirement specified in subclause 3.1.3A. Council has the discretion to either reduce or increase the required buffer, depending on the specific circumstances of the proposal.

Council may also consider relaxation of the buffer requirements where it can be demonstrated that the adjoining land is extremely unlikely to be used for ***agriculture***, forestry, rural industry or other such uses. In such cases, the adjoining land will need to comprise remnant vegetation either with high conservation value or located on land with limited development potential, such as extremely steep slopes, narrow gullies or wetlands.

Where a variation to the required buffer is proposed, applications must include a Land Use Conflict Risk Assessment (LUCRA) in accordance with the Department of Primary Industries Handbook 'Land Use Conflict Risk Assessment



(LUCRA) Guide'. A LUCRA is an appraisal of the potential for conflict between new and adjoining land uses, given the activities or expected activities to be undertaken in association with the use and management of the lands.

E Exclusions to Land Use Conflict Risk Assessment

i. Notwithstanding the requirements of subsections 3.1.3 A, B and C, a LUCRA is not required in the following circumstances:

- Where the proposed land use involves the erection of ***residential accommodation*** on a lot which is the subject of an existing residential zone under the BLEP 2012; or
- Where an urban land use is proposed on a lot with an area of less than 5 hectares in a rural residential area as specified on the Rural Residential Areas Map; or
- Where the proposed land use involves alterations or additions to an existing lawfully erected building used for ***residential accommodation***; or
- Where an urban land use is proposed and the adjoining rural land is identified as a Strategic Urban Growth Area in Council's adopted Growth Management Strategy and is not the subject of an intensive agricultural land use or does not have significant environmental values; or
- Where the replacement of an existing ***dwelling house*** is proposed either on the same site or wholly within a 25m radius of the original ***dwelling house***; or
- Where conversion of an existing ***dwelling house*** to ***bed and breakfast accommodation*** is proposed; or
- Where a ***dwelling house*** is proposed in relation to agricultural land uses on the same allotment; or
- Where an agricultural land use is proposed in relation to an existing ***dwelling house*** on the same allotment; or
- Where subdivision for the purpose of a boundary adjustment is proposed and the changes to the area of the allotments do not exceed 10% of the original lot areas.

F Biological Buffers

i. Where a biological buffer is proposed to address potential land use conflict, the following requirements must be met:

- the buffer:
  - must have a minimum width of 30m;
  - must incorporate a variety of native tree and shrub species, including species that produce long, thin and rough foliage.
  - must not be located within the applicable **asset protection zone** specified under the NSW Rural Fire Service's publication Planning for Bushfire Protection;



- a landscaping plan indicating the extent of the buffer area, the location and spacing of vegetation and a list of plant species must be submitted to Council;
- buffer plantings must be substantially commenced prior to commencement of the alternate use of the land; and
- the buffer must be supported by a maintenance plan and a suitable restriction on the land title regarding the retention of the buffer.



Notes:

Biological buffers are a specific type of vegetated buffer that require detailed planning and long term maintenance.

3.2 Ridgelines and Scenic Areas

3.2.1 Application

Applies to:	
Location/s:	Land identified on the Ridgelines and Scenic Areas Map.
Development Type/s:	All development.

3.2.2 Planning Objectives

a. Protect and enhance those areas of particular scenic value to the Ballina Shire;
b. Encourage development that minimises intrusion into the skyline when viewed from public land;
c. Encourage retention of prominent vegetation along ridgelines and visually prominent areas; and
d. Encourage development that maintains the rural character of the locality and minimises any adverse scenic impacts.

3.2.3 Development Controls

i. Development must be designed to be compatible in appearance with the natural environment and scenic qualities of the land and the immediate locality;

ii. Buildings and works should not be sited on ridgelines unless it can be demonstrated that no suitable alternative location is available. Where it can be clearly demonstrated that there is no suitable alternative site for the building or works, the following measures are to be incorporated into the design of the development to minimise its potential visual impact:

- Site selection should focus on areas that avoid the need for vegetation removal;
- Buildings should be clustered in less visually prominent areas of the site when viewed from ***public land***;
- Buildings should not intrude into the skyline when viewed from ***public land***;
- Building materials and colours are to mitigate potential adverse visual impacts. Materials should be non-reflective and earthy colours and tones are to be used; and



- Landscaping comprised predominately of native species endemic to the subject locality should be used to screen the buildings or works from ***public land*** and surrounding properties. Where existing vegetation will not adequately screen the development, a landscaping plan shall be submitted detailing proposed planting to augment existing vegetation.

3.3 Natural Areas and Habitat

3.3.1 Application

Applies to:	
Location/s:	Land shown on the Natural Areas and Habitat Map and Wildlife Corridors Map.
Development Type/s:	All development

3.3.2 Planning Objectives

a. Protect and enhance ecologically significant areas;

b. Provide for development that is compatible with ecological values and that minimises risk to ecologically sensitive environments; and

c. Encourage development that contributes to the maintenance, enhancement or rehabilitation of environmental values and ecologically sensitive areas.

3.3.3 Development Controls

i. Development is to be sited, designed and managed to avoid or mitigate potential adverse impacts on natural areas and habitat;

ii. All development (except dwellings, basic agricultural buildings and routine agricultural management activities) must demonstrate a net environmental benefit;

iii. A development application for land containing a wildlife corridor (as identified on the Wildlife Corridors Map), must demonstrate a long-term net benefit to the operation and retention of the wildlife corridor. Compliance with this provision may also meet the requirements of (ii);

iv. Where development is unable to be sited, designed and managed to avoid potential adverse impacts on natural areas (as identified on the Natural Areas and Habitat Map), a proposal to remove habitat may be considered. If habitat is proposed to be removed or impacted as part of a development, an offset for the loss of biodiversity may be considered by Council provided it can be demonstrated that the proposed offset will maintain or improve biodiversity outcomes and values.



Notes:

Although Council applies a typical compensatory planting ratio of 3:1, there may be circumstances where a higher rate of compensatory planting is required. Such planting requirements will have specific regard for the particular flora species and ecological communities involved as well as their distribution, local significance and status under the *Biodiversity Conservation Act 2016* and the Commonwealth *Environment Protection and*

Biodiversity Conservation Act 1999.

An offset for the loss of biodiversity values may involve the use of the NSW Biobanking Scheme (administered by the NSW State Government) or compensatory planting undertaken on the basis of a minimum ratio of 3:1 (replanting:removed).

v. Development applications relating to land to which this section applies are to be accompanied by an ecological assessment report prepared by an appropriately qualified and experienced professional.

Notes:

Having regard for the BLEP 2012, assessment of the implications of development in relation to natural areas and habitat may be determined through the consideration of the following matters:

- Surface and ground water quality & quantity
  - Stormwater, pollutants, contaminants, flow variation, water movement, water distribution, groundwater and water table.
- Terrestrial & aquatic flora & fauna
  - Habitat value, availability and quality, key threatening processes, threatened species, condition and significance of vegetation, koala habitat and fish passage.
- Ecological, habitat and ***biodiversity*** values
  - Ecosystem functions, regional context, system representation, riparian values, corridors, migration opportunities, connectivity, barriers to connections, inter and intra regional connectivity, habitat quality and accessibility.
- Access to public land
  - Human access to natural areas, access to foreshore and public recreation areas.
- National Parks or reserves
  - Potential implications for access, habitat value, achievement of reserve purposes and risks to reserves.
- Soil erosion & sedimentation
  - Topsoil, bank stability, creek function and terrain modification.

With respect to demonstration of a net environmental benefit:

- The extent of works and documentation required will be dependent on the nature of the proposed development. For example, development involving the clearing of vegetation and the erection of multiple structures will likely require specific study of the potential impacts and extensive environmental repair/ improvements.
- Where on site improvements are not reasonable or possible, Council may consider alternate arrangements to facilitate off site environmental enhancement.
- It should be noted that dwellings and basic agricultural buildings (e.g. farm sheds) and activities (e.g. practices that

support lower intensity agricultural uses such as grazing) are not subject to the net environmental benefit requirement. However, such uses are subject to those elements of this section that relate to ecologically sensitive areas.

Environmental buffers may also relate closely to requirements associated with mosquito management and bushfire management.

3.3A Koala Habitat Management

3.3A.1 Application

Applies to:	
Location/s:	Land shown on the Preferred Koala Habitat and/or Core Koala Habitat maps as contained within the Ballina Shire Koala Management Strategy.
Development Type/s:	All development.

Note:

Land to which this clause applies may also be shown on the Natural Areas and Habitat Map and/or Wildlife Corridors Map. Where this is the case, the provisions of both clauses 3.3 and 3.3A apply. In the event of inconsistency, the provisions of clause 3.3A prevail.

3.3A.2 Planning Objectives

a. To support a self-sustaining long-term koala population in Ballina Shire.
b. To retain and consolidate areas of core koala habitat and create or enhance koala habitat linkages.
c. To minimise the potential for adverse impact on koalas within current and future areas of koala habitat.

3.3A.3 Development Controls

i. Development applications for development and/or subdivision proposals on land containing areas of preferred and/or core koala habitat must meet the requirements of the *Ballina Shire Core Koala Habitat Comprehensive Koala Plan of Management* (CKPoM) contained within Part 5 of the *Ballina Shire Koala Management Strategy (2017).*
ii. Where an application also triggers the requirement for a Biodiversity Assessment Report (BDAR) under the provisions of the *Biodiversity Conservation Act 2016*, the Koala Impact Assessment Report under Part 5.4 of the CKPoM must be an appendix to the BDAR.
iii. All development is to be sited, designed and managed to avoid or mitigate potential adverse impacts on areas containing preferred and/or core koala habitat.





Note:

1. The provisions of the CKPoM as they relate to core koala habitat are applied to both core and preferred koala habitat under the terms of this clause. Essentially, the provisions of the CKPoM relating to core koala habitat are extended to apply to preferred koala habitat under the DCP framework.
2. Notwithstanding the application of the DCP to core koala habitat, all development applications on land comprising core koala habitat must comply with the requirements of the CKPoM contained in Part 5 of the *Ballina Shire Koala Management Strategy (2017)* and the terms of *State Environmental Planning Policy (Biodiversity and Conservation (2021).*
3. ~~All development applications to which this clause applies must be accompanied by a koala habitat impact assessment report. This includes applications where the proposed development does not involve the clearing of vegetation.~~

   All development applications to which this clause applies are required to provide an assessment of any direct and indirect impacts to koalas, prepared by a suitably qualified person. This includes applications where the proposed development does not involve clearing of vegetation.
4. A koala habitat impact assessment report must be prepared by a suitably qualified person. The report must be prepared in accordance with the structure set out in Table 5 of the CKPoM and must address the matters for consideration set out in section 5.5 of the CKPoM.

3.4 Potentially Contaminated Land

3.4.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development.

3.4.2 Planning Objectives

a. Ensure development is consistent with *State Environmental Planning Policy (Resilience and Hazards) 2021*;

b. Ensure that contamination risks are identified and assessed early in the development process; and

c. Minimise potential risks associated with land contamination.

3.4.3 Development Controls

i. All development must comply with the Ballina Shire Council *Policy for the Management of Contaminated Land*.



Notes:

The Ballina Shire Council *Policy for the Management of Contaminated Land* specifies the circumstances where an assessment of contaminated land is required.

3.5 Land Slip/Geotechnical Hazard

3.5.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development.

3.5.2 Planning Objectives

a. Ensure that development in any area of potential landslip or highly reactive soils has proper regard to factors affecting land stability;

b. Ensure development on steep or unstable land is compatible with the nature of the hazard and with the environmental characteristics of the site and surrounding land; and

c. Ensure that development is designed to minimise risks associated with geotechnical hazards.

3.5.3 Development Controls

i. Where there is potential for a development to result in impacts on or be impacted by the stability of the subject site or surrounding locality, a geotechnical report prepared by an appropriately qualified and experienced professional may be required to accompany the development application. Such a report must certify that the stability of the site will be maintained during the course of, and following the development, and that the site is not subject to risk of land movement activity originating from other land;

ii. The siting of buildings shall have particular regard to the slope of the land. Applications must demonstrate that the siting of buildings avoids steeper parts of the land that are or may be susceptible to erosion and potentially unstable. Buildings are to be sited to minimise earthworks required for the erection of structures and the provision of associated infrastructure such as roads and utility services; and

iii. Construction methods should respond to the slope of the land and involve minimal cut and fill in accordance with the provisions of chapters 3 and 4.

Note:

Attached dual occupancy development within the Alstonville and Wollongbar R2 Low Density Residential Zone upon lots having a slope gradient of greater than 20% is deemed to be an inappropriate form of development having regard to land slip risk factors and the degree of site works (cut and fill / retaining walls) required.



3.6 Mosquito Management

3.6.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development



Notes:

There may be development types not specifically mentioned in the development controls that may increase exposure of the community to nuisance mosquitoes. These may include developments including sporting fields, parklands, playing fields, or nature walks where the risk of mosquito exposure to the community may be high.

Alternative strategies may be required to mitigate these risks (e.g. permanent or temporary signage). This also includes developments where a change of use requires consent given the potential increased risk of exposure to nuisance mosquitoes (e.g. outdoor dining or recreational activities are created within previously approved developments).

3.6.2 Planning Objectives

a. Minimise nuisance and health risk associated with mosquitoes through minimising contact between humans and mosquitoes.

3.6.3 Development Controls

Screening Requirements

i. All windows, external doors and other openings in buildings for high-risk development comprising **centre-based child care facility**, **residential accommodation**, **tourist and visitor accommodation**, **seniors housing, caravan parks** (including manufactured home estates) or a **respite day care centre,** throughout Ballina Shire, must have insect screening installed. These screens must be maintained in good working order to prevent entry of mosquitoes into buildings. Self-closing doors may be a suitable alternative to screening in high traffic areas in non-residential developments.

ii. Where a building in (i) includes large openings which are impractical to effectively screen (such as bi-fold doors), the following provisions apply:

- For the room/s containing the opening - when the opening is closed (as may be the case when mosquito activity is elevated) there is light and ventilation available to the room that meets the provisions of the BCA via other openings that are effectively screened as in 3.6.3i.

iii. **Tourist and visitor accommodation**, **centre-based child care facility**, **seniors housing, caravan parks** (including manufactured home estates) or **respite day care centres** (and residential developments where Council considers it necessary to minimise mosquito risk), on land identified as “Coastal Plains and Lowlands” or “High Risk Areas” on the Mosquito Management



Map, must provide an effectively screened permanent (or with the capacity for effective temporary screening) outdoor area. This is unless a report from a consultant suitably qualified and experienced with mosquitoes and their management (or similar entomological experience) deems otherwise. Compliance with this requirement will enable nuisance-free outdoor activity in areas of either high-risk mosquito activity or during periods of peak mosquito activity.



Notes:

Council strongly encourages the provision of screened indoor/outdoor areas for other development types so as to enable outdoor activity and ensure the quality of lifestyle can continue to be enjoyed during periods of elevated mosquito activity. An example of temporary screening are those that are retractable.

The screened indoor/outdoor areas must be of an adequate size for the type of anticipated activities to be undertaken and number of people using the area.

Rainwater tanks

iv. Where rainwater tanks are installed, both the inlet and outlet (overflow) must be effectively screened with stainless steel or other durable materials to prevent entry to the tank by mosquitoes. Inlet filters must be readily removable for cleaning.

v. Rainwater tanks installed with a charged stormwater system an in ground first flush system must be installed to allow the charged stormwater system to fully drain. Where it is not possible to provide a first flush system that fully drains all openings must also be adequately screened to prevent mosquito entry.

vi. All screening and structures including tanks and pipes must be adequately maintained to prevent mosquito entry.

Development on Coastal Plains and Lowlands

vii. Development on land identified as “Coastal Plains and Lowlands” on the Mosquito Management Map that comprises one or more of the following:

- Residential subdivision involving the creation of more than 10 lots.
- High risk development types as identified in 3.6.3i. on land not presently zoned for urban development.
- Stormwater management devices (for example, bioretention swales, raingardens, constructed wetlands, or drains) or other water features (for example ornamental ponds or dams) designed to, or capable of holding water for a period in excess of 48 hours after inflows have ceased.

Must provide either:

- A minimum 100m wide buffer in a form suitable for the management of mosquito risk between the source of mosquito hazard/breeding sites and proposed urban land uses.
- A “mosquito impact assessment” prepared by a consultant, suitably qualified and experienced

with mosquitoes and their management (or similar entomological experience), that addresses the risk to humans associated with mosquitoes and associated management measures. The assessment must specifically address the potential to include a buffer zone between the source of mosquitoes and proposed land use and assess the potential for any proposed stormwater management devices or other water bodies to produce mosquitoes of nuisance or public health concerns.

Development on Elevated Lands

viii. Any development on land identified as "Elevated Lands" outside the areas designated as "High Risk" on the Mosquito Management Map that comprises one or more of the following:

- Residential subdivision involving the creation of more than 10 lots.
- High risk development types as identified in 3.6.3i on land not presently zoned for urban development and assessed by Council to represent a risk of exposure to mosquitoes of nuisance or public health concern.
- Stormwater management devices (for example, bioretention swales, raingardens, constructed wetlands, or drains) or other water features (for example ornamental ponds or dams) designed to or capable of holding water for a period in excess of 48 hours after inflows have ceased.

Must provide either:

- A minimum 100m wide buffer in a form suitable for the management of mosquito risk between the source of mosquito hazard/breeding sites and proposed urban land uses.
- A "mosquito impact assessment" prepared by a suitably qualified and experienced professional that assesses the potential for any proposed stormwater management devices or other water bodies to produce mosquitoes of nuisance or public health concern and, if required, addresses the risk to humans associated with mosquitoes and associated management measures.

Notes:

The Mosquito Management Map illustrates areas of Ballina Shire identified as having high mosquito risk associated with known and suspected breeding sites. The map divides the shire into two categories:

"Coastal Plains and Lowlands" includes all land below the RL 10 metre contour on the main north south escarpment in the shire as well as land to the south and west of the Blackwall Range extending to the Tuckean Swamp. These areas (and those immediately adjacent) are much more likely to be affected by mosquitoes of nuisance and public health significance (especially, but not limited to, *Aedes vigilax* and *Verrallina funerea*).

The balance of the shire, described as "Elevated Lands", is less likely to be significantly influenced by mosquitoes. In this situation local knowledge can be a very useful guide as to what areas are more likely to be affected. Generally, these could be expected to be where breeding sites on the coastal plain are in close proximity to the escarpment (e.g. there are small sections of the shire that are located within the areas designated as "Elevated Lands" but also within the zone highlighted as "Area of High



Mosquito Risk" as indicated by Mosquito Management Map.) or where heavy vegetation provides shelter for resting adult mosquitoes. There may also be pockets where mosquitoes associated with localised water bodies have an influence.

Depending on environmental or climatic conditions, the areas affected may vary from year to year with the abundance and diversity of mosquito populations, and associated intensity of nuisance and public health risks, dependent on such factors as seasonal temperature fluctuations, rainfall, and drought.



Notes:

The requirements for development on land identified as "Coastal Plains and Lowlands" on the Mosquito Management Map may not be required if:

- The development does not have stormwater management devices or other water bodies that hold water in excess of 48 hours after inflows have ceased, and the proposal is an infill development, or
- The development is sufficiently removed from identified mosquito breeding or harbourage areas or Coastal Wetlands, where Council is of the opinion that the involvement of a consultant, suitably qualified and experienced with mosquitoes and their management (or similar entomological experience), is unlikely to result in benefit to the residents of the development or adjacent developments.

Similarly, the requirements for development on land identified as "Elevated Lands", outside the areas designated as "High Risk" on Mosquito Management Map, may not be required if the development does not have stormwater management devices or other water bodies that hold water in excess of 48 hours after inflows have ceased.

Playgrounds and Recreational Facilities

ix. Development comprising residential subdivision involving the creation of more than 10 lots on land identified as "Coastal Plains and Lowlands" or "High Risk Area" must consider the exposure to mosquitoes when designing and locating playgrounds and other recreational facilities such as exercise equipment and picnic areas. This is to include:

- Measures to be taken to ensure the facilities are not located close to mosquito habitat and suitability of surrounding areas for mosquitoes is minimised (such as ensuring areas are not immediately surrounded by dense vegetation).
- Minimising creation of opportunities for mosquitoes through shaded areas (artificial shade options may be preferable as an alternative to extensive tree cover depending on design).

Avoidance Program may be required

x. For high-risk development types as identified in 3.6.3i (except for residential subdivision) located on the "Coastal Plains and Lowlands" or "High Risk Area" a "Mosquito Awareness and Avoidance Program" is required to minimise mosquito risks. The mosquito awareness and avoidance program must inform existing and future users of the level of mosquito activity at the development.

The Program must include but not be limited to:

- Information distributed to interested purchasers/future and current residents/users, outlining known nuisance and health risks associated with local mosquitoes.
- Mosquito avoidance strategies.
- Recommended personal protective measures.
- Measures to reduce or eliminate onsite/backyard mosquito breeding.

The Program must be ongoing and be developed by a suitably qualified and experienced professional.

Mosquito Impact Assessment Requirements

xi. A "mosquito impact assessment" required under (vii) or (viii) must include:

- Documentation of the qualifications and experience of the person(s) undertaking the assessment.
- Details of the methodologies used.
- Evidence that fieldwork has been undertaken between November and April, or detailed explanation as to why fieldwork undertaken outside this period provides sufficient information to make an assessment on mosquito risk.
- Reference made to mosquito population data collected by Ballina Shire Council and available from the NSW Arbovirus Surveillance and Mosquito Monitoring Program.
- Reference to all relevant documents related to the proposed development (especially plans of management for the site, stormwater, and vegetation including revegetation).
- Information detailing measures to minimise the potential impact on future residents or site users from mosquitoes originating within and external to the development site.
- All considerations in Appendix C: Checklist of Considerations When Developing a "Mosquito Impact Assessment" and Appendix D: Checklist for Mosquito Impact Assessment Report for Proposed Developments.

xii. Where a "mosquito impact assessment" was carried out in relation to the development site at rezoning stage, the proposal must implement the recommendations and obligations of the assessment as endorsed by Council at the rezoning stage.

Stormwater Management Device Design Requirements

xiii. Stormwater management devices/infrastructure must be designed so they do not hold water for more than 48 hours after inflows have ceased to minimise the potential for the creation or enhancement of mosquito habitat while facilitating easy maintenance. Details of such devices/infrastructure must:

- Include designs accompanied by a hydrological report confirming infiltration rates/periods of water retention.
- Be developed in consultation with Council, to ensure the design facilitates easy maintenance.



- Include maintenance requirements that specifically relate to vegetation, sediment, and physical attribute management to prevent the provision of suitable mosquito habitat over time.

The design and maintenance plans must be assessed by a suitably qualified and experienced professional to confirm adequacy.

xiv. Other water features designed to retain water for more than 48 hours (e.g. dam/pond), these must:

- Be developed in consultation with a suitably qualified and experienced professional (mosquito consultant/entomologist).
- Provide specific design elements (e.g. depth, bank slope, macrophyte zone) in planning process for review.
- Provide a guide for any aquatic vegetation, including a species list of plants, and planting densities
- Be developed in consultation with Council, to ensure the design facilitates easy maintenance.
- Include details of maintenance requirements that specifically relate to preventing the provision of suitable mosquito habitats.





Notes:

The mosquito consultant must be involved from the earliest stages of a development proposal to enable input to stormwater management system design, revegetation and vegetation plans, "mosquito hazard reduction" buffer zone design and to ensure that an integrated approach is achieved.

It will be expected that recommendations will be based on a sound knowledge of all the nearby habitats, together with reference to existing data collected by Ballina Shire Council on local mosquito populations (as part of the NSW Arbovirus Surveillance and Mosquito Monitoring Program) and their nuisance and public health threats that could be expected to significantly affect the development. This may require work over an extended period of time to satisfactorily meet the expectations of Council.

Fieldwork must be completed between November and April to provide the optimal opportunity for analysis of potential mosquito impacts. The onus is on the applicant to demonstrate mosquito surveys have been conducted using a sufficient methodology to reliably measure mosquito activity during this period and/or following suitable climatic/environmental conditions. The winter period is not considered a suitable period for accurately quantifying potential impacts unless sound justification is provided in the consultant report.

The onus is on the applicant to demonstrate that mosquito nuisance and/or associated disease problems are not unacceptably serious and/or that strategies that address those risks have been satisfactorily met.

The operation of adult mosquito traps as a means to mitigate nuisance and public health risks of mosquitoes is not an appropriate strategy. The operational constraints and burden associated with establishment, maintenance, and consumable expenses are considered unsustainable.

The use of mosquito control agents against adult mosquitoes to minimise mosquito risks is not considered an ecologically sustainable approach in Ballina Shire. While these products will kill flying or resting mosquitoes they can have an adverse impact on other insects, and subsequently wildlife, while also increasing the risk that resistance to these control agents may develop in mosquitoes. The financial and operational requirements in maintaining a development wide program of insecticide applications, is also considered an unsustainable approach to mitigate nuisance and public health risks of mosquitoes.

Design and Maintenance Plan Requirements

xv. To minimise the potential for water bodies, such as ponds, designed to retain water permanently, or in excess of 48 hours after inflows have ceased to create or enhance conditions for mosquitoes, the following features must be incorporated into the design and maintenance plans:

- The batter around the water body must be as steep as practical (within the design standards for public safety) to minimise areas of shallow water (<300mm). If fencing is not used for public safety, a batter must be no more than 1:6; batters greater than 1:6 must be fenced.
- Deep water areas should be incorporated (>600mm) where possible, except for the margins and/or specific macrophyte zones where required for water quality improvements.
- Water bodies should be sited to maximise wind action over open water areas during summer months; water surface disturbance will contribute to less suitable conditions for immature

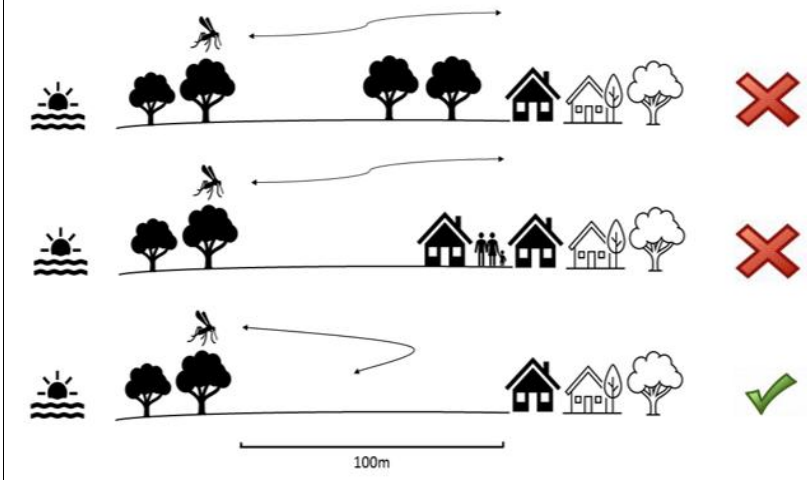
mosquitoes and adult mosquito egg-laying.

- Macrophytes should not be planted in more than 60% of shallow water around the margin. Where planted, macrophytes must be clumped with separations of open water allowing wind disturbance on the water surface and predator access to immature mosquitoes.
- The margins of water bodies must not be densely planted with shrubs or trees to create refuge for adult mosquitoes, restrict wind disturbance of water surface, or create operational restrictions on access by machinery required for maintenance.
- Water bodies should be designed in such a way to maximise biodiversity, including the introduction of endemic fish species if appropriate.
- Be designed in consultation with a suitably qualified and experienced mosquito consultant/entomologist.

Mosquito Buffer Zone Requirements

xvi. Where mosquito buffer zones are proposed between the development and mosquito habitat as a strategy to reduce mosquito impacts, the following design features must be incorporated:

- Provision of adequate width as supported by the “mosquito impact assessment”.
- Free of dense vegetation or other structures which facilitate mosquito dispersal and provides harbourage for resting adult mosquitoes.
- Free of structures or features (e.g. waterbodies) that have the potential to act as mosquito breeding sites.
- Do not contain any type of dwelling or any part such as verandas or garages.
- Vegetation that is easily maintained.
- Incorporate roadways, bike and footpaths or other suitable open areas.
- Width calculated to the edge of the allotment. In some circumstances, a portion of the buffer may include privately owned land in developments facing constraints regarding the effective implementation of a suitable buffer. In such situations it is important the property owner clearly understand the restrictions on the use of this area. Such information must therefore be made available on a planning certificate under Section 10.7 of the Environmental Planning and Assessment Act 1979 and restriction placed on affected lots under the Conveyancing Act 1919.



"Buffer zones" that are free of substantial vegetation can assist in reducing the movement of some mosquitoes (e.g. *Verrallina funerea*) from wetlands into residential areas. The placement of vegetation or built structures within the nominated buffer zones may facilitate the movement of mosquitoes into residential areas.

Figure 1 Unsuitable and Suitable Buffer Zone Locations

Notes:

Ideally mosquito buffers should be free of vegetation except for mowed grass but the maintenance burden of such areas can be challenging. If alternate vegetation is proposed, the vegetation types must be tall growing lightly foliaged native trees with a high canopy that cast minimal shade over the ground around it, while airflow around the lower limbs and base is maximised.

Dense low shrubs, closely planted, can provide refuge for mosquitoes. The extent of plantings should therefore be minimised or allowances made for open areas between plantings so they do not create connections between more substantial adult mosquito refuges and residential developments.

The denser the foliage and canopy of a tree or shrub, the greater likelihood is that it will provide suitable refuge for mosquitoes. High density plantings especially around recreational facilities (e.g. swimming pool, playgrounds, picnic areas) further contribute to the creation of suitable refuge areas.

If vegetation is proposed to be removed from the site in order to provide a mosquito buffer, the vegetation removal must form part of the development proposal and appropriate flora and fauna assessments are to be undertaken and submitted with the application. Council will generally not support the removal of vegetation, unless it comprises only minor tree removal, in order to provide a mosquito buffer.



3.7 Waste Management

3.7.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development.

3.7.2 Planning Objectives

a. Ensure that waste is disposed of in accordance with relevant legislation and Council's collection and disposal services; and

b. Ensure that waste management practices are based on minimising waste and maximising reuse and recycling of materials.

3.7.3 Development Controls

i. A site waste minimisation and management plan (SWMMP), addressing the items identified in Table 2.2 as a minimum, must be prepared in relation to development where waste will be generated and requires disposal;

ii. A SWMMP must demonstrate how the proposed development will achieve the objectives set out in 3.7.2.

iii. Where (i) applies,

- Waste management must be carried out in accordance with an approved SWMMP;
- Evidence to show where construction and/or demolition waste has been transported and disposed of is to be retained until an Occupation Certificate or Subdivision Certificate has been issued.



Notes:

All waste generated as part of any development must be disposed of in accordance with the *Protection of the Environment and Operations Act 1997* and regulations and in accordance with the *Local Government Act 1993*.

A template for completion of a SWMMP is provided at Appendix A.

Design of waste management facilities and their conformity with the requirements of this DCP will be considered having regard to Council's Policy *Waste Management for Multi-Unit Developments*.



Table 2.2 - Minimum content to address in a SWMMP

Consideration		Development category					
		Subdivision with engineering works	Demolition	Dwelling-houses and Dual Occupancy	Multi unit residential	Commercial, industrial, and change of use	Rural and other
Storage							
Stockpile	Environmental factors such as slope, drainage, proximity to watercourses and native vegetation to be taken in to account when deciding a stockpile location.	✓	✓	✓	✓	✓	✓
	Sufficient space to be provided for the storage of garden and other waste materials on site.	✓	✓	✓	✓	✓	✓
	Facilitate on site source separation.	✓	✓	✓	✓	✓	✓
	Facilitate and encourage reuse of materials on site.	✓	✓	✓	✓	✓	✓
Site waste receptacles	Provide sufficient space for recyclables and garbage on site.		✓	✓	✓	✓	✓
	Facilitate on site source separation.	✓	✓	✓	✓		✓
	Facilitate and adjust design to be able to reuse materials on site.	✓	✓	✓	✓	✓	✓
Waste cupboard	Provide space for temporary storage of recyclables, garbage and compostable materials in each development unit.			✓	✓	✓	✓
	Facilitate onsite source separation.			✓	✓	✓	✓
	Design and location to be accessible and useable.			✓	✓	✓	✓
	Design and locate to cater for change of use.					✓	✓
Garbage and recycling area/ room	Area or room to be large enough to store Council's standard bins efficiently.			✓	✓	✓	✓
	Accessible to all users and to Council's usual collection point.			✓	✓	✓	✓
	If communal areas are proposed – behind building line.				✓	✓	✓
	Provide area(s) for storage of bulky waste (e.g. clean up materials).				✓	✓	
	Volume reduction equipment where proposed.				✓	✓	
	Multiple areas are required if large development, or if site characteristics warrant it.				✓	✓	
Composting	Provision of external composting space.			✓	✓	✓	✓
	Must be separate to garbage and recycling room.			✓	✓	✓	



	Purpose built and incorporated into the landscape plan for the development.			✓	✓	✓	
	Potential impact on neighbouring properties assessed.			✓	✓	✓	✓
	Availability of on site composting facility to be well signposted.				✓	✓	
Garbage Shute	For developments larger than 3 storeys.				✓	✓	✓
Special Waste	Appropriate disposal as detailed by relevant authority.					✓	✓
Collection							
Collection point	On site.				✓	✓	✓
	At street frontage.			✓	✓	✓	✓
	Clear access is to be provided to facilitate pick up.			✓	✓	✓	✓
Management							
Waste management plans **See Templates provided in Appendix A**	Complete form 1	✓	✓	✓	✓	✓	✓
	Complete form 2		✓	✓	✓	✓	✓
	Complete form 3			✓	✓	✓	✓
	Complete form 4				✓	✓	✓
	Complete form 5				✓	✓	✓
Ongoing management	Implement administrative arrangements for ongoing management, including transportation of waste from garbage and recycling room to the collection point and to manage the composting procedure.				✓	✓	✓



Notes:

The SWMMP is required at Development Application (DA) stage, with the exception of construction waste detail. This detail can be submitted with the Construction Certificate (CC) once a builder has been appointed.

The waste management facilities proposed as part of the development should be clearly illustrated on plans accompanying the DA.

In the absence of project specific waste and recycling calculations, the rates specified in Appendix B, and Council's current rate of provision of services to residential properties can be used to inform the preparation of a SWMMP.

A SWMMP is not required for Exempt and Complying development. However, in carrying out the development, generated waste should always be minimised during

construction and operation of any activity.

There are penalties involved with the unauthorised use of recycled demolition materials for fill. Council's Regulatory Services Group can provide advice as to what approvals and other requirements apply.

3.8 On-site Sewage Management Systems

3.8.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development that is not connected to/capable of being connected to Council's reticulated sewerage system.

3.8.2 Planning Objectives

a. Ensure that on-site sewage management systems are designed and operated to ensure protection of ground and surface water, including drinking water supplies;

b. Encourage and provide for the use of water recycling systems where appropriate;

c. Prevent public health risk from the spreading of disease by micro-organisms;

d. Prevent degradation of soil and vegetation including soil structure, salinisation, water logging, chemical contamination and soil erosion; and

e. Ensure that neighbouring properties are not adversely affected by effluent or effluent management systems.

3.8.3 Development Controls

i. All development must comply with the *Ballina Shire Council On-Site Sewage and Wastewater Management Strategy*.

Notes:

On-site management of sewage may only be undertaken where no reticulated sewer network exists (see Section 3.11 Provision of Services).

The type of management strategy needed for different sites can vary. It is advised that applicants proposing an on-site sewage management system consult with Council's Regulatory Services Group for further information.

In addition to any development approval obtained, approval under Section 68 of the *Local Government Act* 1993 is also required with respect to On-site Sewage Management Systems. Application for a Section 68 approval should be made concurrently with a development application.



3.9 Stormwater Management

3.9.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development (excluding ***dwelling houses***, ***dual occupancies*** and ***secondary dwellings***)

3.9.2 Planning Objectives

a. Convey runoff from the site and upstream catchments, to a lawful point of discharge, in a manner that minimises flood damage and risk to people and property.
b. Manage stormwater as an integral part of the total water cycle, preserving natural waterways and riparian zones, optimising use/reuse of rainwater/stormwater and protection of downstream ecological values by removing pollutants generated from the development in runoff.
c. Manage post development stormwater runoff flows to not exceed pre development values.
d. Provide sustainable, low maintenance stormwater infrastructure.

3.9.3 Development Controls

A Stormwater Conveyance and Discharge

i. Stormwater runoff from upstream catchments must not be impeded at the site boundary and is to be safely conveyed through the site.
ii. Stormwater runoff from the site is to be conveyed to a lawful point of discharge.
iii. Stormwater conveyance will have a Major/Minor System configuration. Minor flows will be conveyed and contained in a system of kerb and gutter, pits and pipes/culverts. Major flows (flow in excess of Minor System capacity) will be conveyed in overland flow paths designed to cater for such flows.
iv. The stormwater conveyance system will conform to the design criteria and provide capacity, flood immunity, flow, depth and velocity characteristics designated by the primary standard in Section E.

B Water Sensitive Design

i. Development must minimise the quantity of directly connected impervious surface areas and maximise retention of stormwater runoff.
ii. The ecological health of natural drainage systems, waterways, waterbodies and their riparian zones is to be preserved.
iii. Development must achieve the following minimum reductions in pollutant loads (TP, TSS, TN and GP) in relation to untreated runoff from the proposed development (based on a comparison of the unmitigated development case versus the developed mitigated case).
   - 80% reduction in total suspended solids (TSS).

- 60% reduction in total phosphorus (TP).
- 45% reduction in total nitrogen (TN).
- 90% reduction in gross pollutants (GP).

iv. Opportunities for rainwater/stormwater use to reduce potable water consumption are to be identified and optimised.

v. Stormwater management systems are to be appropriate for the proposed land use, the site and the remainder of the upstream and downstream catchments.

C Manage Stormwater Runoff from Development

i. Changes to the natural or pre-development runoff volume, peak discharge rate, frequency, duration and velocity of stormwater by development and associated stormwater systems must be mitigated and managed to ensure no adverse flooding or ecological impacts on downstream land, landuse and receiving systems.

ii. Stormwater runoff is not to be generated, concentrated or diverted by development in a manner that causes any adverse flooding impacts, damages or nuisance to any downstream persons, public or private property.

D Lifecycle for Stormwater Infrastructure

i. The operation, maintenance and life cycle costs of stormwater infrastructure must be sustainable in the long term.

ii. Stormwater infrastructure is to be accessible for safe maintenance, and minimise the risk of injury, damages or nuisance to the public, users and operational staff.

iii. Stormwater infrastructure located in the public domain must not diminish the amenity of the surrounding landscape.

E Standards

i. The primary standard for provision and design of stormwater management systems and infrastructure is the "Ballina Shire Council Stormwater Management Standards for Development". The secondary standard is the "Northern Rivers Local Government Development and Design Manual". Where there is any inconsistency between these standards the primary standard shall prevail to the extent of the inconsistency.

ii. The primary and secondary standards are to be observed for:

- Compliance with the Development Controls A – D;
- Stormwater management systems and infrastructure, design, construction and operation; and
- Stormwater related documentation accompanying Development and Construction Certificate Applications.

iii. Compliance with Development Controls A - D is satisfied by compliance with appropriate "deemed to comply" solutions provided in the primary standard.



3.10 Sediment and Erosion Control

3.10.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development.

3.10.2 Planning Objectives

a. Encourage implementation of contemporary best practice in erosion and sediment control;
b. Prevent land degradation by soil erosion through inappropriate land use practices;
c. Protect waterways and sensitive environments from being degraded by increased sediment load;
d. Promote and protect ***biodiversity*** by minimising cumulative impacts of sedimentation on the environment; and
e. Protect amenity and prevent discharge of sediment on to both public and private land.

3.10.3 Development Controls

i. All soil erosion and sediment control measures must be designed, installed and maintained in accordance with *Managing Urban Stormwater – Soils and Construction* (the Blue Book);

ii. Sediment and erosion control measures proposed to achieve the objectives under **3.10.2** are to be provided and effectively maintained commencing from the construction phase of development until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:

- the prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land;
- the backfilling of service trenches as soon as practicably possible;
- downpipes are to be connected as soon as practicably possible or otherwise temporary downpipes are to be used;
- buffer vegetation zones are to be retained on sites that adjoin roadways, drainage systems and/or watercourses;
- sediment and erosion control measures are to be maintained throughout the construction phase of the development and beyond, where necessary;

iii. For construction sites, a single all-weather access way is to be provided on site that extends from the public road system to the building site. All construction vehicles are to enter and exit the site via this access way so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways; and

iv. A preliminary Sediment and Erosion Control Plan or Soil and Water Management Plan prepared in accordance with *Managing Urban Stormwater – Soils and Construction* (the Blue Book) must be submitted in support of any development application for subdivision involving civil works.





Notes:

Under the *Protection of the Environment Operations Act* 1997 substantial penalties apply where soil or other pollutants enter stormwater drains or waterways, or where materials are placed in a position where this is likely to occur.

Applicants should consult Council's Regulatory Services Group to determine the need for a Sediment and Erosion Control Plan or Soil and Water Management Plan.

3.11 Provision of Services

3.11.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development.

3.11.2 Planning Objectives

a. Ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to development;

b. Ensure development is compatible with the capacity of the reticulated sewerage network and environmental characteristics of land;

c. Provide flexibility for the provision of alternative water, electricity and telecommunications sources where appropriate; and

d. Protect public health.

3.11.3 Development Controls

A Water Supply

i. Development shall be provided with an adequate water supply connection or have suitable arrangements in place for the provision of an adequate water supply service.

ii. Development requiring a water supply is to be connected to a reticulated water system where such a connection is practically available to the site (alternate water sources may be provided in conjunction with reticulated services).

iii. Any business or facility (not household supplies) that supplies people with drinking water from an independent water supply shall comply with the *Private Water Supply Guidelines*, published by NSW Health. This includes water pumped from rivers, creeks, bores, dams and rainwater tanks.

iv. Business involved in the preparation or manufacture of food must use potable water for all activities associated with these activities. Non potable water may be used only where it can be demonstrated that it will not adversely affect the safety of the food handled by the food business.





Notes:

Rural developments in bushfire prone areas must maintain a static water supply reserve dedicated for fire fighting purposes. For specific requirements for water storage for fire fighting purposes refer to current version of the NSW Rural Fire Service publication *Planning for Bushfire Protection*.

The Private Water Supply Guidelines (NSW Health) provide details on managing private water supplies using the risk management approach and aim to assist operators in complying with the requirements of the Australian Drinking Water Guidelines (NSW Health).

B Electricity Supply

i. Development shall be provided with an adequate connection to grid supplied electricity services.

ii. Alternative electricity sources for development other than subdivision may be considered where the provision of reticulated services is uneconomic due to cost of connection or there is a clear environmental benefit in not connecting to mains infrastructure.

C Sewage Management

i. Development shall be provided with an adequate reticulated sewer connection or have suitable arrangements in place for such a connection to be made where the reticulated sewer network is available to the site. Access to the reticulated sewer network must have capacity to allow such connection.

ii. Where no reticulated sewer network exists, wastewater disposal must meet the requirements of Section 3.8 in relation to on-site sewage management.



Notes:

Where a lot is connected to the reticulated sewer network, an on-site sewage management system cannot be used to meet sewage management requirements. This also applies where the reticulated sewer network is at capacity.

Fig Tree Hill Estate, Lennox Head:

Historically, dual occupancy development within the Fig Tree Hill Estate has not been permitted due to inadequate sewerage capacity. Despite dual occupancy developments being permissible in rural zones under the provisions of the Ballina LEP 2012, the current capacity of the reticulated sewer network prevents dual occupancy development as the requirement for suitable arrangements for connection to the sewer network to be in place cannot be met unless capacity is increased.

In 1983, Council approved a subdivision for 50 dwellings within the Fig Tree Hill Estate. An on-site sewage disposal method for each household was trialled but found to be ineffective.

Consequently, reticulated sewer was installed as per the development consent conditions. In 1994, Council approved an



additional 12 allotments under the closer rural settlement housing of the LEP, as they then applied. Council approved this subdivision on the basis that reticulated services, including sewer services, were presently available and able to cater for the development.

Dual Occupancy development will not be supported on lots highlighted in the Fig Tree Hill Neighbourhood Map.

D Stormwater and Drainage

i. Development must comply with the requirements set out in Sections 3.9 and 3.10 relating to stormwater management and erosion and sedimentation control.

E Road Access

i. Development must comply with road access requirements contained in Chapters 3, 4, 5, 6, 6a, 6b, 6c, 6d, 7 and 8 and the *Northern Rivers Local Government Development & Design Manual.*

F Telecommunications Infrastructure

i. Development shall be provided with adequate access to the telecommunications network for both fixed line telephone services and high speed internet access.

ii. Alternative means of telecommunications access for development other than subdivision may be considered where the provision of fixed line services is uneconomic due to cost of connection or there is a clear environmental benefit in not connecting to fixed line infrastructure.

3.12 Heritage

3.12.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	Development within or adjoining sites identified as being of heritage significance under the BLEP 2012 and 1987 or State or National Heritage Registers.

3.12.2 Planning Objectives

a. Conserve the environmental heritage of Ballina Shire;

b. Conserve archaeological sites; and

c. Conserve places of Aboriginal heritage significance.

3.12.3 Development Controls

i. Development proposals involving items of local, State or national ***heritage significance*** must identify the extent to which the carrying out of any proposed development would affect the ***heritage significance*** of the identified item and proposed management and/or mitigation measures.



ii. A Statement of Heritage Impact (SOHI) utilising best practice guidelines from *The Burra Charter: the Australian ICOMOS Charter for Places of Cultural Significance (2013)* or the relevant technical guides from Heritge NSW must be prepared with respect to impacts on heritage values (either on or adjacent to the site of the proposed development) for any proposal that involves alterations, demolition or disturbance in relation to ***heritage items*** except as follows:

- Any proposal to make minor alterations to existing heritage items or places, where the work does not involve:
  - repainting of existing paint work;
  - replacement of a roof the same type as the original;
  - maintenance or reconstruction of existing elements the same as the original;
  - landscaping that does not involve removal of significant trees.
- Other work that does not have the potential to adversely impact on the character or identified heritage values of the heritage item or place that is deemed to be minor by Council;

iii. Applications are to be accompanied by an archaeological assessment prepared by an appropriately qualified person where land incorporates, or is adjacent to, known item(s) of Aboriginal cultural significance or where advice from the Jali Local Aboriginal Land Council indicates that such an assessment should be undertaken. The assessment is to include evidence of liaison with the Jali Local Aboriginal Land Council and appropriate State Government Agencies, and is to be based on the Office of Environment and Heritage's *Aboriginal Cultural Heritage Assessment Guidelines.*

iv. New development adjacent to land on which a ***heritage item(s)*** is located must be carried out in a manner sympathetic to the character and significance of the ***heritage item***.

v. When considering a proposal to erect a building on land on which there is a building which is an item of environmental heritage, the gross floor area of the item of environmental heritage may be excluded from the calculation of the gross floor area of the buildings erected on the land for the purpose of determining the number of parking spaces to be provided on the site, but only if the conservation of the building which is an item of environmental heritage depends upon the application of the exclusion.



Notes:

Work is only considered to be minor for the purpose of this provision where Council has agreed in writing that the scope of proposed work is minor and may proceed without the need for preparation of a Statement of Significance.

Items of Aboriginal cultural significance include Aboriginal objects and Aboriginal places of heritage significance.

With respect to Aboriginal heritage matters, applicant's should note that the *National Parks and Wildlife Act* and the associated Regulation may be applicable to development proposals.



3.13 Drinking Water Catchments

3.13.1 Application

Applies to:	
Location/s:	Land identified as being located within a drinking water catchment on the BLEP 2012 Drinking Water Catchment Map.
Development Type/s:	All development.

3.13.2 Planning Objectives

a. Ensure that development does not adversely impact on water quality within drinking water catchments or groundwater resource areas that are part of the public water supply network.

3.13.3 Development Controls

i. Development must not adversely impact on the water supply associated with the catchment. This may be determined through the consideration of at least the following matters:

- Type, extent and risk of any likely or potential pollutants or contaminants. (including consideration of chemicals such as fertilisers and pesticides, sediment, effluent and nutrients)
- Volume and quality of stormwater runoff;
- Variation to water flows in the catchment;
- Loss or embellishment of catchment vegetation;
- Access and infrastructure requirements;
- Distance between the proposed development and any waterway that feeds the drinking water supply;
- Cumulative and incremental effects having regard for existing and approved uses within the catchment;

ii. Details of proposed safeguards must demonstrate that the effective mitigation of the identified impacts can be achieved. The materials used, longevity of the measure, ongoing maintenance requirements and likelihood of success must be considered to determine the suitability of the proposed measure.

iii. The proposed development must not be of a type that could reasonably be carried out on an alternative site. Existing approvals, dwelling entitlements, compatibility with surrounding uses and zone objectives, scale and intensity and proximity to surface water or groundwater bores should be considered to determine whether the proposal is reasonable within the water supply area.

iv. Where development is located within the Emigrant Creek Dam or Marom Creek Dam catchments, the proposal is to be designed having regard for the Rous Water On-site Wastewater Management Guidelines as applicable at the time of application.





Notes:

Development applications may need to be referred to the relevant water supply authority. Referrals will be determined having regard for the type, scale and intensity of the proposed development. As a guide, the following types of development proposed within a catchment will be considered for referral:

- Development involving potential discharge of chemical pollutants or other contaminants that may pose a risk to health into the water resource in the catchment.
- Development involving large scale clearing or ***earthworks***.
- Development in close proximity to the water resource.
- Development requiring direct access to the water resource supplying the public water supply system (either to draw water or discharge water or other materials into a waterway).
- Certain on-site sewage management facilities.

3.14 Coastal Hazards

3.14.1 Application

Applies to:	
Location/s:	Land identified on the Coastal Hazard Protection Map.
Development Type/s:	All development.

3.14.2 Planning Objectives

a. Ensure that development does not significantly compromise longer-term ***coastal hazard*** management strategies;

b. Ensure that the type, scale and/or location of new developments reflect the level of risk posed by ***coastal hazards***;

c. Minimise the potential for damage to existing and proposed developments posed by ***coastal hazards***; and

d. Minimise amenity, social, economic and environmental impacts associated with ***coastal hazards*** and their management.

3.14.3 Development Controls

A Area A, Lennox Head – Land adjacent to Seven Mile Beach southward from Byron Street.

i. Building foundations on all beachfront allotments are to comprise piling supporting a suspended floor and be designed to support the building for the condition of removal of soil to RL 2.0 metres AHD including any lateral loadings imposed by a soil mass failure to this level. The design is to be prepared by an appropriately qualified engineer experienced in the design of buildings in coastal hazard areas and is also to be certified that the design will allow ocean inundation from

waves overtopping the seawall to dissipate across the lot without affecting adjoining properties by way of additional inundation or scouring;

ii. Piling referred to in (i) is to be sufficient to fully support the proposed building and is to be designed and certified by a suitably qualified structural engineer;

iii. Property owners must maintain and repair any damage to the revetment wall protecting their property in accordance with the Lennox Beach Protection Works Design/ Plan and under the supervision of a suitably qualified engineer;

iv. On all beachfront allotments, boundary fences eastward of the eastern ***building line*** shall be a maximum height of 1 metre above ***ground level (finished)*** and shall be of an open style construction (i.e. not a solid screen fence); and

v. Fully cantilevered balconies are permitted to extend up to 1.8m eastward of the eastern ***building line*** (subject to no unreasonable adverse impacts on adjoining properties by way of view loss, privacy or shadowing).

vi. The requirements of (i) and (ii) do not apply to minor improvements and renovations or in relation to maintenance works.

Notes:

Specific ***building lines*** are applicable to land within the area adjacent to Seven Mile Beach south of Byron Street. This information is contained on the Building Line Map.

B Area B, Lennox Head – Land Seaward of Immediate Hazard Line between Byron Street and the Lake Ainsworth Sport and Recreation Centre.

i. Development proposals on land seaward of the identified Immediate Hazard Line must be suitably designed by a suitably qualified structural engineer and have the ability to accommodate potential erosion and inundation hazards;

Note:

The above planning provision will have limited implications for private property as the immediate hazard zone affects a small area along the frontage of about 18 private allotments and the standard ***building line***, if applied, will ensure that new development is predominately sited landward of the immediate hazard zone.

ii. Building foundations must be designed to address the effect of the zone of reduced bearing capacity and minimum floor levels may apply where there is a threat of inundation. Design criteria for foundations are as follows:

- Building foundations are to comprise piling supporting a suspended floor and be designed to support the building for the condition of removal of soil to RL 2.0 metres AHD including any lateral loadings imposed by a soil mass failure to this level. The design is to be prepared by an appropriately qualified engineer experienced in the design of buildings in



coastal hazard areas and is also to be certified that the design will allow ocean inundation from waves overtopping the seawall to dissipate across the lot without affecting adjoining properties by way of additional inundation or scouring;

- Piling referred to above is to be sufficient to fully support the proposed building and is to be designed and certified by a suitably qualified structural engineer;
- Plans, sections and elevations submitted must identify:
  - Floor levels and ***ground level (existing)*** and ***ground level (finished)***;
  - Top and bottom levels of foundations, footings or piles; and

iii. The requirements of (i) and (ii) do not apply to minor improvements and renovations or in relation to maintenance works.

C Area C, Lennox Head – Land between the Immediate Hazard Line and the Maximum 50 Year Hazard Line, between Byron Street and Lake Ainsworth Sport and Recreation Centre.

i. Development is permitted on land that is landward of an adopted interim planning line (22 metres landward of the designated immediate hazard line based on a 10 year planning period – refer to illustration in the Coastal Hazard Protection Map).

ii. Development is permitted on land that is seaward of an adopted interim planning line, subject to design by an appropriately qualified engineer to accommodate erosion and inundation potential. Foundations must address the effect of the zone of reduced bearing capacity and minimum floor levels may apply where there is the threat of inundation. The following design criteria is applicable:

- Building foundations are to comprise piling supporting a suspended floor and be designed to support the building for the condition of removal of soil to RL 2.0 metres AHD including any lateral loadings imposed by a soil mass failure to this level. The design is to be prepared by an appropriately qualified engineer experienced in the design of buildings in coastal hazard areas and is also to be certified that the design will allow ocean inundation from waves overtopping the seawall to dissipate across the lot without affecting adjoining properties by way of additional inundation or scouring;
- Piling referred to above is to be sufficient to fully support the proposed building and is to be designed and certified by a suitably qualified structural engineer;
- Plans, sections and elevations submitted must identify:
- Floor levels and ground level (existing) and ground level (finished);
- Top and bottom levels of foundations, footings or piles; and

iii. The requirements above do not apply to minor improvements and renovations, or in relation to maintenance work which are permitted on all land.



Notes:

Where consent is granted to an application to carry out development on land to which this section applies, an advisory note similar to those below may be included within the Notice of Determination.

- *Land Seaward of the Immediate Hazard Line, between Byron Street and the Lake Ainsworth Sport and Recreation Centre*

  Advisory note: Council is aware that the subject land is within the Immediate Hazard Zone as identified in the Ballina Shire Coastline Hazard Definition Study. Council accepts no liability for any potential harm, loss or damage in respect of the approved development on the land as a result of coastal hazards.

- *Land between the Immediate Hazard Line and the Maximum 50 Year Hazard Line, between Byron Street and Lake Ainsworth Sport and Recreation Centre*

  Advisory Note: Council is aware that the subject land is within the Maximum 50 Year Hazard Zone as identified in the Ballina Shire Coastline Hazard Definition Study and is within the Interim Planning Zone as identified in the Ballina Coastline Interim Measures and Action Plan. Council accepts no liability for any potential harm, loss or damage in respect of the approved development on the land within the Interim Planning Zone as a result of coastal hazards.

Notes:

The following terms as used in section 3.14 are defined as:

- *Minor improvements and renovations* – comprises development defined as 'exempt development' in accordance with *State Environmental Planning Policy (Exempt and Complying Development)* 2008 and alterations and additions that do not result in the floor area of a building exceeding 1.2 times the floor area of that building (as measured on 11 August 2005, being the commencement date of the former DCP 17) nor cost more than 20% of the current value of the building. (The cost of the alterations and additions and the current value of the building shall be compared at equivalent current prices and identified in Development Applications, for approval by Council).
- *Maintenance* – is defined as replacing defective, worn-out, rotten and/or damaged materials within the building with similar new materials.
- *Zone of reduced bearing capacity* – refers to land that is located landward of a receding erosion scarp where slumping may occur. Definition of the extent of the zone of reduced bearing capacity requires professional assessment on a site by site basis.



3.15 Crime Prevention through Environmental Design

3.15.1 Application

Applies to:	
Location/s:	All land (except as specified below).
Development Type/s:	All development that includes: ***business premises***, ***commercial premises***, ***community facilities,*** industrial land uses**,** non-residential development in residential zones (except ***home businesses***). public use areas, ***residential accommodation*** (except ***dwelling houses***, ***rural workers' dwellings***, ***dual occupancies***, ***secondary dwellings*** and ***semi-detached dwellings***), ***retail premises***, and/or ***tourist and visitor accommodation.***

3.15.2 Planning Objectives

a. Provide opportunity for surveillance of premises to enhance public safety;

b. Provide clear delineation of property access points and the distinction between public and private space; and

c. Minimise the use of building elements that create concealed or low visibility spaces:

3.15.3 Development Controls

i. Development proposals to which this clause applies must include a Crime Risk Assessment carried out in accordance with the process and principles contained in *Crime Prevention and the Assessment Of Development Applications* (Department of Urban Affairs and Planning).



Notes:

Council may refer applications to the NSW Police for comment with respect to the principles of crime prevention through environmental design.



3.16 Public Art

3.16.1 Application

Applies to:	
Location/s:	Zone E2 Commercial Centre (Ballina). Zone E1 Local Centre (Alstonville, Lennox Head, Ballina Heights Estate, Cumbalum Precinct B, Wollongbar, Lennox Head, Skennars Head and Wardell). Zone E3 Productivity Support. Zone MU1 Mixed Use. Zone RE2 Private Recreation. Zone RU2 Rural Landscape. Zone SP4 Enterprise
Development Type/s:	***Commercial premises*** and ***tourist and visitor accommodation, recreation facilities (outdoor),*** *or* ***recreation facilities (major)*** with an estimated development cost in excess of $2,000,000 (calculated in accordance with the *Environmental Planning and Assessment Regulation* ~~*2000*~~ *2021*). For mixed use developments the development cost will be the total value of the development, for example, a development with ground floor~~d~~ retail premises and shop top housing.

3.16.2 Planning Objectives

a. Recognise the importance of artistic expression to community well-being;

b. Cultivate a climate in which innovative and creative design contributes to the cultural life, liveability and amenity of Ballina Shire;

c. Provide for public art which:

- is designed in a manner which respects and enhances the “sense of place”;
- reflects the cultural diversity of the community;
- respects the history of the place and community; and
- recognises cultural heritage.

3.16.3 Development Controls

i. Development must include public art as an integral part of the development to the minimum value of 1% of development costs (calculated in accordance with the *Environmental Planning & Assessment Regulation 2021*) up to $200,000 in value. Where development costs exceed $5,000,000 applicants must engage a public art coordinator or project manager responsible for the planning, management and reporting of the public art.

ii. Public art is to be provided in a location on the development site that is freely accessible to members of the public and is to be permanent and durable.





Notes:

1.Applicants may request that public art required pursuant to this Chapter be placed on public land in a suitable location rather than on the development site. In lieu of providing public art on the development site, the applicant could enter into a Planning Agreement with Council to provide an equivalent financial contribution for the installation of public art. In this case, a draft Planning Agreement will be required to be submitted as part of the Development Application. Council will provide a template Planning Agreement to assist applicants.

2. A Public Art Plan must be submitted as part of the Development Application. The Public Art Plan must include the following:

a) An illustration of the public art concept/s providing the expected form, dimensions, materials and location of the proposed public art.

b) A statement explaining the rationale behind the public art and how it relates to the development and site. Written evidence of support and consultation with the local Aboriginal community is to be provided if the applicant proposes to engage an Aboriginal artist or use artworks or designs including Aboriginal cultural content.

c) A description of how the public will interact with or access the public art.

d) A program for design, fabrication, installation of the public art and how it integrates with the construction of the development.

e) Expected life of public art, maintenance requirements and decommissioning arrangements.

f) Evidence of Public Liability Insurance to cover construction and installation of the public art.

g) Expected expenditure for the public art including artist fees and fabrication and a budget for ongoing maintenance.

h) Demonstration of how the proposed public art addresses the following design selection criteria:

- Demonstrates artistic excellence and innovation;
- Demonstrates local and cultural appropriateness to the site and to Ballina Shire;
- Is consistent with current planning, heritage and environmental policies and plans of management;
- Meets relevant building and safety standards;
- Considers public safety and the public's use of and access to the public artwork; and
- Considers maintenance and durability, including potential for vandalism.

3. Development consents issued involving public art will include a condition that requires the submission of a Public Art Report that addresses the following:

a) Location address of the artwork and its position within the development;

b) Name of the artist/s and the artist's statement relating to the public art;

c) Details regarding the fabrication and installation of the work;

d) Photos of the installed artwork;

e) Relevant documentation including material specifications, maintenance schedule and engineers' drawings or certificates;

f) The expected life of the artwork and ongoing maintenance requirements;

g) Evidence of public art expenditure; and

h) Any other relevant information regarding ownership, decommissioning arrangements, warranty or copyright of the work.

4. Any substantial changes to the Public Art Plan must be submitted to Council prior to the fabrication of the public artwork.



5. Public art documents submitted to Council may be reviewed by Council's Public Art Advisory Panel (PAAP) for comment. Any PAAP comments will be recorded and provided to the developer. The Northern Rivers Community Gallery (NRCG) can provide curatorial advice regarding local artists and creatives that may be suitable for public art projects. For works to be provided on private land, there is no requirement to refer proposals to the PAAP or seek advice from the NRCG. It is, however, open for applicants to use this service should they wish to do so.

6. Where artworks are intended to be transferred to Council upon completion of a development, a detailed Public Art Plan is also required prior to issue of a Construction Certificate. The detailed Public Art Plan is to include final design drawings, material specifications, engineering certificates and insurance documents.

7. Artworks transferred to the care of Council will be accompanied by a maintenance schedule and a document transferring full rights of ownership to Ballina Shire Council. Council will have exclusive copyright licence of the public art, however full copyright will remain with the artist/author of the work/object.

8. Prior to issue of an Occupation Certificate, a Public Art Report is to be submitted to Council. The purpose of the Public Art Report is to satisfy Council that the public art has been delivered and the public art commitments have been fulfilled.



3.17 Road Widening

3.17.1 Application

Applies to:	
Location/s:	Land shown on the Road Widening Policy Map.
Development Type/s:	All new development or the intensification of existing development (except a change of use where there is no change to the building footprint).

3.17.2 Planning Objectives

a. Ensure that suitable public road corridors are available to service the needs of the community.

b. Provide for safe long term vehicle access within the public road network.

3.17.3 Development Controls

A Ballina

i. Development on land identified on the Road Widening Policy Map in the Ballina Town Centre must include dedication of land at the street/lane frontage of the site as follows:

- Tamar Street (north side) between Kerr and Martin Streets - 6 metres
- Tamar Street (south side) between Kerr and Martin Streets - 6 metres
- Winton Lane (north side) between Kerr and Moon Streets - 1.9 metres
- Winton Lane (north side) between Cherry and Martin Streets - 1.9 metres
- Holden Lane (north side) between Kerr and Cherry Streets - 1.9 metres

ii. Development on land identified on the Road Widening Policy Map in the Ballina Town Centre on the eastern side of Kerr Street between River Street and Winton Land must include the dedication of land along the rear (eastern) boundary of the site to a width of 6 metres. This land dedication is to enable the future provision of a public laneway thoroughfare between River Street and Winton Lane.





Notes:

The dedication of land in Tamar Street is to support improved public car parking.

The dedication in Winton Lane and Holden Lane is to support improved traffic movement.

Land dedicated to Council for the purpose of providing on street car parking will be credited towards full or partial on-site parking requirements. One car parking credit will be given for each 2.6 metres of dedication on a Tamar Street frontage excluding any frontage retained for driveway crossings.

No compensation, either financially or in terms of car parking credits, shall be given in respect of the Winton Lane widening requirement on the basis that it is necessary to accommodate the increase in traffic generated by the progressive conversion of land in Tamar Street from residential to commercial usage.

Council will negotiate compensation for land required to implement its Holden Lane widening plans on the basis that lane widening is necessary to accommodate the increase in traffic generated by commercial developments on land between the lane and Tamar Street and not for the medium density development of the affected land.

B Alstonville

i. Development on land identified on the Road Widening Policy Map in the Alstonville Village Centre area must include dedication of land as follows:

- Main Street, (north side) between Green Street and Bugden Lane - 12 metre wide strip of land along northern boundary; and
- Daley Street, Alstonville – appropriate width to enable provision for future road widening.



Notes:

The Main Street dedication is required for the purpose of providing public access and parking. This 12 metre wide strip will consist of a 6 metre wide access aisle with a 6 metre wide row of car parking between it and the original rear property boundary. The planning intention is to provide a laneway link from the existing public car park off Commercial Road & Bugden Lane eastwards to Green Street, to facilitate commercial traffic, parking and loading operations.

Car parking spaces provided to Council will remain as permanent car parking credits for existing and future developments on the land from which they originated.

Properties that have frontage to Commercial Road will be required to provide their site access via Commercial Road unless other suitable arrangements can be made so that the number of car parking spaces required under the dedication is maintained, either within the laneway or elsewhere in the village centre.



C Lennox Head

i. Development on land identified on the Road Widening Policy Map in the Lennox Head Village Centre area must include dedication of land as follows:

- Rayner Lane (west side) - 3.6 metre wide strip of land along the Rayner Lane frontage; and

ii. Where new development occurs on the corner of a lane, a corner splay of 2.5 metres by 2.5 metres must be dedicated to Council.



Notes:

The dedication is required to improve the functionality, amenity and safety of Rayner Lane as both a pedestrian and vehicular thoroughfare.

The 3.6 metre wide strip of land at the rear of the allotments will comprise 2.3 metres of parking and 1.3 metres of pedestrian footpath.

3.18 Protection of Foreshore and Public Open Space Areas

3.18.1 Application

Applies to:	
Location/s:	Land adjoining **foreshore** and public open space areas. (Excluding Ballina Quays, Banyanda and Endeavour Lakes)
Development Type/s:	All development.

3.18.2 Planning Objectives

a. Enhance the visual quality of the coastal environment; and

b. Ensure development complements the landscape character and public use and enjoyment of adjoining **foreshore** areas, parks, bushland reserves and other public open spaces.

3.18.3 Development Controls

i. Public access to public open space and **foreshore** areas is to be maximised;

ii. Buildings are to be located to provide an outlook to public open space and **foreshore** areas, without appearing to privatise that space;

iii. Development is to be designed to minimise adverse impacts on views to and from public open space (having regard to public spaces not private property);

iv. Development is to be designed to ensure that beach areas are not subject to light spill that has the potential to adversely impact on native fauna;

v. Development is to provide management buffers on private land in relation to matters such as bushfire protection;

vi. Development should be designed to maximise opportunities for casual surveillance of public open space;

vii. Development is to be screened utilising landscaping or existing landscape elements;

viii. Development to which this section applies must demonstrate compliance with the following;

- On urban land, development must not result in beaches or adjacent open space being overshadowed before 3.00pm (Australian Eastern Standard Time) at winter solstice (June 21) or 6.30pm (Australian Eastern Daylight Saving Time) at summer solstice (December 21), or
- On other land, development must not result in beaches or waterfront open space being overshadowed before 3.00pm (Australian Eastern Standard Time) at winter solstice (June 21) or 6.30pm (Australian Eastern Daylight Saving Time) at summer solstice (December 21).

Note:

The provisions of (iii) are designed to address the maintenance of the amenity values associated with public land for the broader community. The provision is not designed to provide for the protection of views to public land from private property.

These provisions do not apply to **foreshores** associated with waterways which are classified as Operational land under the provisions of the *Local Government Act 1993*. This includes Ballina Quays, Banyanda and Endeavour Lakes.

3.19 Car Parking and Access

3.19.1 Application

Applies to:	
Location/s:	All land.
Development Type/s:	All development.

3.19.2 Planning Objectives

a. Provide sufficient on-site car parking to adequately service the needs of the occupants, users, visitors, employees and service and delivery vehicles of a development;

b. Ensure compliance with relevant standards and that provision is made for the safe and efficient circulation of vehicles entering, exiting and manoeuvring within the site;

c. Maintain vehicular and pedestrian safety through design standards for the access to car parking areas;

d. Integrate the location and design of car parking with the design of the site and building without compromising street character, landscape or pedestrian amenity and safety;

e. Ensure access to off-street car parking does not unreasonably impact on the provision of parking within the public street system; and

f. Provide adequate loading areas for commercial developments.

3.19.3 Development Controls

A. Parking and Loading Layout Standards



i. All parking spaces in commercial and industrial developments must be available for unrestricted public access and employee use.
ii. Parking for people with disabilities is to be provided in accordance with the requirements of the Building Code of Australia and designed in accordance with the requirements of Australian Standard 2890.
iii. Parking spaces for people with disabilities shall be covered by a waterproof roof or awning structure:
    a. in new development comprising commercial, industrial or ***tourist and visitor accommodation*** uses (or any combination thereof) and that has an aggregated floor area greater than 500m², or
    b. in public car parks containing 20 or more spaces.
iv. Stack parking is not permitted for commercial developments; however, consideration may be given where a dedicated parking attendant is on site at all times.
v. Car parking shall be designed in accordance with Australian Standard 2890 and the RTA Guide to Traffic Generating Developments;
vi. Car parking spaces required for customer parking in commercial, business and retail developments are to be freely accessible at all times and must not be gated or secured for exclusive use in any form;
vii. Site access and kerb crossover points shall have adequate sight distances and are to be designed to ensure that all vehicles are able to safely enter and exit the site while maintaining the safety and integrity of the road network;
viii. The visual impact of car parking areas is to be softened by the incorporation of appropriate landscaping;
ix. Vehicular access points are to be provided from rear lanes or secondary street frontages wherever possible;
x. Vehicular access points should be located to increase or maximise on-street parking opportunities;
xi. Driveways and car parking areas must not hinder the free flow of pedestrians on or adjacent to the site;
xii. Where possible, car parking areas should be designed to facilitate the long-term integration of car parking areas between allotments;
xiii. The number of loading bays to be provided shall be determined having regard to the scale and type of use proposed. In this regard, full details of the anticipated volume and frequency of deliveries shall be supplied with each development application;
xiv. Service areas and loading bays should be designed to cater for the vehicles and servicing operations anticipated to occur in a particular development. Designs shall comply with Australian Standard 2890.2 Part 2: Off-street commercial vehicle facilities; and
xv. The location and design of loading bays are to integrate into the overall design of the building, be separate from customer car parking areas and be appropriately screened when located adjacent to sensitive adjoining land uses.



A1. Parking and Loading Layout Standards - Additional Requirements for Lennox Head

i. New developments shall be required to provide loading bays located wholly within the subject site. Such loading bays are not to be accessed from Ballina Street.
ii. Loading bays and turning areas should have dimensions designed in accordance with the size of vehicles that will service the site.
iii. No loading / unloading / deliveries is permitted on or from Ballina Street during the hours of 9.00am to 5.00pm.

B. Car Access and Manoeuvring Areas

i. All car parking spaces are to be accessed via an access driveway. Direct access to car parking spaces from a road or lane is not permitted. However, where site constraints prevent this opportunity, Council may consider alternatives.
ii. The maximum driveway gradient shall be in accordance with the AS 2890 and the Northern Rivers Local Government Development & Design Manual.
iii. All parking and service areas shall be provided with sufficient manoeuvring areas to allow vehicles to enter the site in a forward direction, park and leave the site in a forward direction in no more than three separate movements (3 point turn). This requirement does not apply to **dwelling houses**. **Dual occupancy** developments may also be exempt on merit and where there are no potential internal driveway conflicts.
iv. Designs for manoeuvring areas are to be in accordance with Australian Standard 2890 and must include a swept path analysis for the relevant design vehicle.
v. The design of loading bays and service areas shall be in accordance with Australian Standard 2890.

B1. Car Access and Manoeuvring Areas – Additional Requirements for Lennox Head

i. Redevelopment of allotments located on the eastern side of Ballina Street shall obtain vehicular access from either Rayner Lane or Rutherford Street. Any redevelopment of allotments located on the western side of Ballina Street shall obtain vehicular access from Park Lane.
ii. A maximum of one vehicular access point is to be provided to each property so as to increase opportunities for parking within the street system. Driveway locations should be located so as to maximise on street parking opportunities.

C. Structures Adjacent to Driveways

i. Where a driveway is accessed from a lane, any gate must be fully automated so that vehicles are not required to temporarily stop in the lane way.
ii. Boundary fencing, garages, carports, landscaping, vegetation, signs or any other structures adjacent to a driveway that exceed 1 metre in height are to demonstrate compliance with Australian Standard 2890 in relation to the provision of sight lines for vehicles and pedestrians. No permanent sight obstruction exceeding 1 metre in height shall be located within the identified clearance area for sight distances.

D. Access Driveways and Circulation Roadways

i. Access driveways and circulation roadways are to be designed and constructed in accordance with the requirements of Australian Standard 2890.

E. Car Parking Requirements

i. Unless otherwise specified elsewhere in this DCP, car parking is to be provided in accordance with the schedule contained in Table 2.3. Where a proposed use is not represented in Table 2.3 or elsewhere in this DCP, the rates under the *RTA Guide to Traffic Generating Developments* will apply. If a rate is not provided by the *RTA Guide to Traffic Generating Developments,* a merit based assessment will apply.

ii. Car parking requirements for development to which the requirements of *SEPP 65 - Design Quality of Residential Apartment Development* and the *Apartment Design Guide* apply shall provide car parking in accordance with part 3J of the *Apartment Design Guide*.

iii. The car parking requirements specified in Table 2.3 are minimum requirements. All required spaces associated with commercial and industrial uses shall be made available for unrestricted public access and employee use. Where car parking spaces are proposed to be designated for private use, such spaces are required to be additional to the minimum specified requirements.

iv. **Precinct 1 West Ballina Enterprise Corridor.**

A reduction in the provision of car parking spaces for a development may be considered when the following provisions are satisfied:

a. The development application is supported by a traffic and car parking analysis report prepared by a suitably qualified professional. This report is to demonstrate that the proposed provision of car parking is adequate to cater for the peak parking needs of the development.

v. **Precinct 2 West Ballina Enterprise Corridor.**

A reduction in the provision of car parking spaces for a development, from that prescribed in Table 2.3, for live/work development may be considered when the following provisions are satisfied:

a. The development must provide shop top housing above each industrial/commercial tenancy;

b. Where courtyard car parking, including the provision of appropriate landscaping is provided;

c. There is sufficient off-street parking spaces provided within the live/work development and adequate justification is provided demonstrating that their use (by residential visitors) will primarily occur outside of the identified business hours then no requirement for visitor car parking will be required;

d. Off-street car parking shall be provided for the use of all industrial and commercial tenancies;

e. Parking for residential units shall be provided in a ground floor garage or undercover area;



f. Residential entries shall be located directly from the public street or common area and clearly demarcated from the entries to the commercial components; and

g. No vehicular access is to be provided from a street frontage other than the combined access point.

vi. **Precinct 4 West Ballina Enterprise Corridor fronting River Street.**

A reduction in the provision of car parking spaces for a development may be considered when the following provisions are satisfied:

a. The development must provide shop top housing above each industrial/commercial tenancy;

b. The building and associated structures demonstrate good architectural form, an active street frontage and logical access and parking;

c. It can be demonstrated that available on-street parking spaces will only be required to cater for peak demand and that the typical usage patterns can be accommodated on-site; and

d. It can be demonstrated that any peak time parking shortfall will not detrimentally impact adjoining land owners and the general public in terms of an unreasonable on-street parking usage.



Note:

In this DCP, except in so far as the context or subject matter otherwise indicates or requires:

- ***Gross floor area*** (GFA) and **gross leaseable floor area** (GLFA) are to be calculated as per the definitions contained in the *RTA Guide to Traffic Generating Developments*.
- Where reference is made to car parking space per room, unit, bed, etc the reference is taken to mean that number or a part thereof, e.g. "1 per 2 bedrooms'' means" 1 car parking space for every two bedrooms or part thereof'.
- Where the number of spaces required is expressed as a decimal, e.g. "1.25 per unit"' the total number of spaces so determined will be rounded up to the next whole number. For example, if 1.25 spaces are required per unit, then for 5 units the requirement will be 6.25 spaces, ie when rounded up, 7 spaces. Similarly, 7 units at 1.25 per unit will require 9 car parking spaces.



Table 2.3 – General Car Parking Requirements	
Land Use	**Car Parking**
Amusement centre	4 spaces per 100m² GFA plus 1 per 2 employees
Attached Dwellings	2 spaces per ***dwelling*** • At least 1 required car parking space per dwelling must be covered. • Stack parking is an acceptable solution.
Backpackers accommodation	1 space per 5 beds
Bed and breakfast accommodation	1 space per guest bedroom plus 2 spaces per ***dwelling***
Boarding house	See *SEPP (Housing) 2021*
Boating facility	See ***wharf***
Business premises	1 space per 40m² GFA **Ballina Town Centre** • 1 space per 25m² gross floor area at ground floor level. • 1 space per 40m² gross floor area at first floor level and above. **Lennox Head Precinct A** • 1 space per 25m² Gross Floor Area (GFA) to be provided on site. • A minimum of 25% of total required spaces to be available for customer accessible parking. **Lennox Head Precinct D** • 1 space per 25m² Gross Floor Area (GFA). • A minimum of 25% of total required spaces to be available for customer accessible parking.
Bulky goods premises	1 space per 40m² GFA
Caravan park	In accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation* 2000
Commercial premises	See ***business premises***, ***office premises*** or ***retail premises***
Community facilities	Merit based
Child care centre	1 space per 4 children plus drop off/pick up area
Dual Occupancies	2 spaces per ***dwelling***



Table 2.3 – General Car Parking Requirements	
Land Use	**Car Parking**
	• At least 1 required car parking space per dwelling must be covered. • Stack parking is an acceptable solution.
Dwelling house	2 spaces per ***dwelling*** • At least 1 required car parking space per dwelling must be covered. • Stack parking is an acceptable solution.
Educational establishment (Primary)	1 space per 12 students plus 1 space per 2 employees
Educational establishment (Secondary)	1 space per 10 students plus 1 space per 2 employees
Educational establishment (Tertiary)	1 space per 5 students plus 1 space per 2 employees
Educational establishment (Other – Located within the IN1 General Industrial zone)	Merit assessment. Parking rate to be determined based on a detailed Traffic Impact Assessment
Entertainment facility	1 space per 5 seats or 1 space per 5m² of public floor space, whichever is greater
~~***Exhibition home***~~	~~2 spaces per home external to garage/***dwelling*** parking space~~
Food and drink premises (not located in commercial centres)	1 space per 3 seats or 15 per 100m^2 GFA, whichever is the greater.
Food and drink premises	• 1 space per 25m^2 of gross floor area at ground floor level. • 1 space per 40m^2 gross floor area at the first floor level and above. • On site car parking is required to be accessible parking. **Lennox Head Precinct A** • 1 space per 25m^2 to be provided on site. • A minimum of 75% of total required spaces to be available for customer accessible parking. **Lennox Head Precinct D** • 1 space per 25m^2 GFA. • A minimum of 75% of total required spaces to be available for customer accessible parking.



Table 2.3 – General Car Parking Requirements	
Land Use	**Car Parking**
Function centre	1 space per 3 seats or 15 per 100m^2 GFA, whichever is the greater.
Funeral home	2 spaces plus either 1 space per 30m^2 GFA or 1 per 5 seats in chapel, whichever is greater.
Garden centre	1 space per 70m^2 display area (including accessories). Where landscape supplies are included an additional 1 space per employee plus 2 visitor spaces and adequate loading/unloading area is to be provided.
Group home	Refer *SEPP (Housing) 2021*
Hardware and building supplies	1 space for 40m^2 GFA.
Health consulting rooms	3 spaces per consulting room plus 1 space per 2 employees plus any dwelling requirement. **Ballina Town Centre** 3 spaces per surgery or consulting room.
Home business	***Dwelling*** requirement plus 1 space for visitors plus 1 space per 2 non resident employees
Home occupation (sex services)	As per parking provisions for ***sex services premises*** in section 3.2.3 of Chapter 8 – Other Uses. **Number of Consulting Rooms** / **Minimum Number of Car Parking Spaces Required** 4 / 6 3 / 5 2 / 4 1 / 3
Hospital	Merit assessment. Parking rate to be determined based on a detailed Traffic Impact Assessment
Hotel or motel accommodation	1.1 spaces per unit plus 1 space per 2 employees (on site at any one time) plus 1 space for on-site manager. If public ***restaurant*** included add 1 space per 30m^2 GFA occupied by ***restaurant*** use. If function room included, add 1 space per 3 seats or 15 per 100m^2 GFA whichever is the greater.
Industrial training facility	Merit assessment. Parking rate to be determined based on a detailed Traffic Impact Assessment.
Industrial retail outlets	4 spaces per 50m^2 of retail gross floor area.
Industry	1.3 spaces per 100m^2 GFA



Table 2.3 – General Car Parking Requirements	
Land Use	**Car Parking**
Kiosk	See ***food and drink premises***
Landscape material supplies	1 space per employee plus 2 visitor spaces and adequate loading/unloading area. Where applicable add 1 space per 70m² product display/showroom area
Live / work development	1 space per dwelling requirement; plus 1 space per 75m² for commercial / light industrial. No requirement for visitor car parking where clause 3.19.3 E v. c. matters are satisfied.
Market	2.5 spaces per stall
Medical centre ***(Located in Central Business Districts)***	1 space per 25m² gross floor area.
Medical centre ***(Non CBD locations)***	3 spaces per consulting room plus 1 space per 2 employees plus any ***dwelling*** requirement
Mortuary	See ***funeral chapel***
Multi Dwelling Housing and Residential Flat Buildings	1 space per dwelling where total GFA of dwelling is less than 60m². 1.5 spaces per dwelling where total GFA of dwelling is between 60m² and 85m². 2 spaces per dwelling where total GFA of dwelling is greater than 85m². Plus 1 additional space per 5 dwellings for visitor parking. (Refer also to clause 3.19.3E ii.)
Neighbourhood Shop	See ***Retail Premises***
Office Premises	1 space per 40m² GFA. **Ballina Town Centre** • 1 space per 25m² gross floor area at ground floor level. • 1 space per 40m² gross floor area at first floor level and above. **Lennox Head Precinct A** • 1 space per 25m² Gross Floor Area (GFA) to be provided on site. • A minimum of 25% of total required spaces to be available for customer accessible parking. **Lennox Head Precinct D**



Table 2.3 – General Car Parking Requirements	
Land Use	**Car Parking**
	• 1 space per 25m² Gross Floor Area (GFA). • A minimum of 25% of total required spaces to be available for customer accessible parking.
Place of Public Worship	1 space per 3 seats or 15 per 100m^2 GFA, whichever is the greater.
Plant nursery	See ***garden centre***
Pub	6 spaces per 100m^2 GFA, plus 6 spaces per 100m^2 of unenclosed food and drink areas (includes terrace, balcony, alfresco areas and the like)
Public administration building	See ***office premises***
Recreation facility (indoor)	Bowling Alley: 3 spaces per lane Squash Courts: 3 spaces per court Gymnasium:4.5 spaces per 100m² GFA Dance Studio: 1 space per 3 pupils Other activities: on merit
Recreation facility (outdoor)	Tennis Courts: 3 spaces per court Bowling Club: 21 spaces per green plus any restaurant and pub requirements where applicable Golf Course: 3 spaces per hole on course plus any restaurant and pub requirements where applicable Other activities: on merit
Registered club	See ***pub***
Residential Flat Buildings	See ***Multi Dwelling Housing***
Restaurant	See ***food and drink premises***
Retail premises	1 space per 40m² GFA **Ballina Town Centre** • 1 space per 25m^2 gross floor area at ground floor level. • 1 space per 40m^2 gross floor area at first floor level and above. **Lennox Head Precinct A** • 1 space per 25m^2 GFA to be provided on site. • A minimum of 75% of total required spaces to be available for customer accessible parking.

Table 2.3 – General Car Parking Requirements	
Land Use	**Car Parking**
	Lennox Head Precinct D • 1 space per 25m² GFA. • A minimum of 75% of total required spaces to be available for customer accessible parking.
Roadside stall	4 spaces per stall
Rural supplies	1 space per 40m² GFA
Secondary dwelling	Nil
Semi – detached Dwellings	2 spaces per ***dwelling*** • At least 1 required car parking space per dwelling must be covered. • Stack parking is an acceptable solution.
Self-storage premises	1 space per 10 storage sheds, plus 1 space per 40m² GFA office space.
Seniors housing	See *SEPP (Housing) 2021*
Serviced apartment	See ***hotel or motel accommodation***
Service station	5 spaces per 100m² GFA plus 6 spaces per mechanical service bay.
Shop	See ***retail premises***
Shopping centre	Per area of **gross leasable floor area** (GLFA): 1-10,000m² GLFA - 6.1 spaces per 100m² 10,000 - 20,000m² GLFA - 5.6 spaces per 100m² 20,000 - 30,000m² GLFA - 4.3 spaces per 100m² Over 30,000m² GLFA - 4.1 spaces per 100m²
Shop top housing	***Dwelling*** requirement plus ***shop*** requirement
Takeaway food or drink premises	See ***food and drink premises***
Temporary land uses	Car parking must comply with standards for comparable land uses where specified in the DCP or based on relevant guidelines published by the NSW Roads and Maritime Services. Car parking must be sufficient to meet demand generated by staff and visitors.
Timber yard	See ***landscape material supplies***



Table 2.3 – General Car Parking Requirements	
Land Use	**Car Parking**
Tourist and visitor accommodation	Car parking determined by the rate applicable to the most equivalent form of housing.
Vehicle repair station	6 spaces per service bay (service bays are counted as a car parking space).
Vehicle sales or hire premises	1 space per 100m² display area plus 1 space per 70m² spare parts sales area plus 1 space per employee plus adequate loading/unloading area for vehicle carriers.
Veterinary hospital	3 spaces per veterinarian plus 1 space per 2 employees (assistants/administration).
Warehouse or Distribution Centre	1 space per 300m² GLA
Wharf	0.6 spaces per wet berth 0.2 spaces per dry berth 0.2 spaces per swing mooring 0.5 spaces per marina employee
Wholesale supplies	See ***bulky goods premises***



Note:

Where a development comprises a 'mixed use development' and includes a residential component, all car parking for the residential component is to be provided on site. Section 7.11 Contributions for car parking shortfalls will not be accepted for the residential component of the development.

F. Car Parking Credits

i. Council may acknowledge car parking credits for a site based on current or most recent approved uses.

ii. Any car parking credit granted for an existing ***restaurant*** or ***commercial premises*** or use on a site shall be calculated at the following rate:
- 1 space per 25m² gross floor area at ground floor;
- 1 space per 40m² gross floor area at first floor level and above.

iii. Where a developer contribution for car parking has previously been paid for a current approved use on a development site, new development will be entitled to car parking credits equivalent to the number of spaces for which developer contributions were received by Council.



iv. Where a car parking credit has previously been granted for land dedications in conjunction with development, a new development on the same site will be entitled to an equivalent number of car parking credits.

v. Car parking credits are only available for new development upon the land parcel associated with the current approved use. Car parking credits are not transferable to other development sites.

F1. Car Parking Credits - Lennox Head

i. Car parking credit granted for existing shops, restaurants, commercial offices on a site shall be calculated at the rate of 1 space per 25m² GFA;

ii. Car parking credits are only available for new development upon the land parcel associated with an approved current use. Car parking credits are not transferable to other development sites;

iii. Where a development has previously paid for the construction of car parking in the public street system, new development of that same site will be entitled to car parking credits equivalent to the number of spaces which were previously paid for;

iv. For every 5.4m of street frontage or part thereof dedicated to Council along Rayner Lane (in accordance with the provisions of Chapter 2), Council will credit one car parking space for existing and future developments on the land from which they originated;

v. Where a developer contribution for car parking has previously been paid for a current approved use on a development site, new development will be entitled to car parking credits equivalent to the number of spaces for which developer contributions were received by Council;

vi. Where a car parking credit has previously been granted for land dedications in conjunction with development, a new development on the same site will be entitled to an equivalent number of car parking credits; and

vii. Car parking credits are only available for new development upon the land parcel associated with the current approved use. Car parking credits are not transferable to other development sites.

G. Alfresco Dining

i. The dining area used to determine on site car parking requirements for food and drink premises will include any area identified for alfresco dining.

H. Monetary Contributions

i. For development located within the Ballina Town Centre east of Kerr Street and south of Holden Lane, Council may accept a cash contribution in lieu of the provision of on-site car parking spaces for up to 20% of the required parking spaces. Such cases will be considered on merit with reference to:

- the size of the development;



- the sites proximity to, and the accessibility of, existing or proposed public car parking areas;
- the demand for car parking generally in the locality; and
- the general traffic flow in the area.

ii. In locations not included under a car parking contributions plan, on-site car parking is to be provided on the land subject of the development.



Note:
The required contribution under (i) is to be made at rate applicable in Council's annual Schedule of Fees and Charges.

3.20 Vibration

3.20.1 Application

Applies to:	
Location/s:	All land.
Development Type/s:	All development.

3.20.2 Planning Objectives

a. Ensure that construction methods proposed for new development adequately provide the structural protection of adjoining and surrounding properties; and

b. Ensure that appropriate consideration is given to the impacts of construction methods for development on structural integrity of the surrounding built environment.

3.20.3 Development Controls

i. Where driven piling is proposed as part of the construction methods for a proposed development, adequate provision is to be made to ensure the structural integrity of the surrounding built environment is protected and maintained.

3.21 Bushfire Management

3.21.1 Application

Applies to:	
Location/s:	All land that: • has been designated (mapped) as bush fire prone land under legislation; or • has been identified in the course of processing and determining a development application, as land that can support a bush fire or is likely to be subject to bush fire attack.

Development Type/s:	All development.

3.21.2 Planning Objectives

a. Ensure that development does not occur in a manner that creates unreasonable safety risks to site occupants, the community and/or emergency services; and

b. Ensure development is designed to manage and mitigate the risk to human life from bushfire.

3.21.3 Development Controls

i. Development must conform to the requirements of the NSW Rural Fire Service's *Planning for Bushfire Protection* publication and Australian Standard AS3959 – Construction of buildings in bushfire-prone areas.

3.22 Road Noise Mitigation

3.22.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	Roads and adjacent development.

3.22.2 Planning Objectives

a. Design new roads and urban areas to minimise exposure of people to road traffic noise.

b. Ensure development is consistent with the policy approach outlined in the NSW Road Noise Policy (RNP) as applicable to Ballina Shire conditions.

c. Balance urban design, amenity and cost considerations in relation to road traffic noise impacts and associated noise management outcomes.

d. Provide for the consideration of a variety of management responses to the mitigation of known or projected road traffic noise impacts.

3.22.3 Development Controls

A Assessment of Road Noise

i. Road noise shall be assessed in accordance with the criteria in the NSW Road Noise Policy (RNP).

Note:
Assessment of road noise should consider the criteria in Appendix C of the NSW Road Noise Policy, which requires internal noise levels (L_{Aeq}) of 35 dB(A) for bedrooms during night periods (10pm to 7am) and 40 dB(A) for other habitable rooms.

B Application of Noise Assessment Criteria and Mitigation/Management

i. Development applications must assess options for feasible and reasonable road traffic noise mitigation measures where known or projected road traffic noise levels exceed the criteria specified in the RNP.





Note:
Assessment of mitigation options under (i) should consider the principles of the NSW Road Noise Policy in the following priority order:

i. Land use and development planning:
   - Consider the location and siting of urban subdivisions to minimise impacts from road traffic noise on sensitive receivers.

ii. Road and transport planning:
   - Consider the separation between busy roads/transport corridors and sensitive receivers.

iii. Noise source control:
   - Examine source control options including low noise road surfaces and lower speed limits.

iv. Transmission path control:
   - Review options including acoustic barrier walls/mounds and acoustic treatment of buildings.

ii. Road traffic noise mitigation measures assessed under (i) must be evaluated having regard for the following:

- Effectiveness of proposed measures in reducing road traffic noise exposure to residential and other sensitive receivers.
- Whole of life costs for construction, installation, ongoing maintenance and end of life replacement.
- Subdivision layout and road design impacts.
- Urban design, visual, aesthetic and scenic view impacts.
- Connectivity of residential communities and permeability of residential urban areas.
- Sustainability, shading, orientation and localised dwelling design impacts.
- Safety and security impacts.
- The ability of the market to adjust (discount) the price of land (to be purchased for future residences) by accounting for the costs of future road noise management at the individual lot/residence level.
- Equitable allocation of costs and benefits to stakeholders (developers, road authorities, existing residents and future residents) arising from road noise and road noise mitigation measures.





Note:

1. Allotments identified as requiring specific design or building construction standards due to road traffic noise shall have relevant restrictions on title applied. Restriction to title shall require certification by a suitably qualified acoustic consultant of compliance with internal noise levels in accordance with Appendix C of the Road Noise Policy (or contemporary guideline). Refer to AS 3671-1989 Acoustics – Road traffic noise intrusion – Building siting and construction for further guidance.
2. Specific provisions apply to the erection of acoustic barriers on individual properties in certain parts of Lennox Head within Chapter 4 (see Element K Fences and Walls).
3. Some individual subdivision consents contain conditions regarding specific road noise mitigation requirements/ measures that are to be implemented. Refer to the conditions of consent for the particular subdivision.

3.23 Waterway Structures

3.23.1 Application

Applies to:	
Location/s:	Land on and adjoining waterways in all zones
Development Type/s:	Construction of new (or alteration to existing) ramps, pontoons, jetties and associated retaining walls.

3.23.2 Planning Objectives

a. Provide controls to ensure the management and use of waterfront land and land adjoining waterfront land is appropriately regulated;
b. Balance amenity and equitable access to waterways for all properties fronting waterways;
c. Ensure development enables waterway maintenance and/or dredging to be undertaken with minimal obstructions;
d. Protect the waterfront environment and sea grass areas;
e. Maintain suitable waterway widths for watercraft to safely manoeuvre; and
f. Ensure structures on public land are designed to be safe and can withstand flood forces.

3.23.3 Development Controls

A Assessment of Structures

i. Development applications for waterway structures (boat ramps, pontoons, jetties and retaining walls) shall be assessed by the waterway owner (Council or Crown) to ensure consistency with the relevant standards and drawings.



Note:

Council has typical design drawings for suitable waterway structures which can be found on Council's website.

ii. Structures which potentially affect or disturb any sea grass beds may require referral to the NSW Department of Primary Industries (DPI) for their comment/concurrence. In these instances, the proposal is regarded as Integrated Development under the *Environmental Planning and Assessment Act 1979* as amended. An integrated referral attracts additional NSW Government referral and Council administration fees.

iii. All structures within waterways require development consent and a Construction Certificate to be issued prior to the commencement of works.

iv. Any Development Application for proposed structures within Crown waterways will require the Crown to sign the Development Application as the owner of the land and any Development Application for proposed structures within Council owned waterways will require the General Manager or other Council officer with appropriate delegations to sign the Development Application as the owner of the land.

Notes:

Information about licensing waterway structures with the Crown can be accessed on the NSW Department of Primary Industries website.

NSW Department of Trade & Investment – Crown Lands have issued the 'Domestic waterfront facility' policy to assist with these activities.

B Licensing for the Occupation of the Waterway

i. All pontoons, jetties and boat ramps within waterways are to be licensed. The licensing agreement is between the owner of the structure and the owner of the land as indicated below:

   a. Council owned waterways are Ballina Quays Canals, Banyanda Lake and Endeavour Lake.

   b. Crown owned waterways are most other waterways on Crown land including the Pacific Ocean, Richmond River, North Creek and Emigrant Creek.

ii. The licensing agreement for private structures within Council owned waterways is required to be entered into with Council prior to the issue of a Construction Certificate for the structure.

Notes:

The following documents can be accessed on Council's website:

- Private Structures within Council Owned (Public) Waterways Policy



- Fact Sheet – Private Structures within Council Owned (Public) Waterways
- Private Structures within Council Owned (Public) Waterways Application Form

Information about licensing waterway structures with the Crown can be accessed on the NSW Department of Primary Industries website.

C Boat Ramps

i. Boat ramps are to be constructed in accordance with Council's standard boat ramp design. Where an alternative design is proposed, the design is to be prepared and certified by a practicing structural engineer as meeting the relevant engineering standards.

D Pontoons and Jetties

i. Pontoon and jetty structures located within the Ballina Quays and Banyanda Estate areas can have a maximum length of 18 metres as measured from the revetment wall/kerb line to the furthest edge of the pontoon.

ii. The first three metres of the pontoon structure is permitted to be a fixed structure with piles, whilst the remaining 15 metres must be floating from a demountable pivot point attached to the three metre fixed section of the pontoon.

iii. Bracing piles are permitted within the three metre zone as measured from the revetment wall/kerb line waterway side edge. No additional piling is permitted beyond this three metre zone.

iv. Structural engineer designed bracing/piling details for the pontoon, addressing any forces from waves, tides and flood waters are required to be submitted with the development application.

v. Consideration must be given to the location of pontoons and neighbouring properties to ensure equitable access is maintained to the waterway within the prolongation of the side boundary of the property.

E Retaining Walls

i. Retaining walls are to be constructed in accordance with Council's standard layout drawing. The design of the structure is to be prepared and certified by a practicing structural engineer as meeting the relevant engineering standards.

3.24 Acid Sulfate Soils

3.24.1 Application

Applies to:	
Location/s:	Land shown as being Class 1, 2, 3, 4, or 5 on the Acid Sulfate Soils Planning Maps



Development Type/s:	All development

3.24.2 Planning Objectives

a. To ensure that disturbance of Acid Sulfate Soils is minimised, to prevent adverse environmental impact on soil conditions;
b. To ensure that water quality and associated receiving waters are not detrimentally affected by the effects of Acid Sulfate Soils;
c. To ensure that habitat is not detrimentally affected by the effects of Acid Sulfate Soils;
d. To ensure that bult structures and infrastructure are not detrimentally affected by Acid Sulfate Soils.

3.23.3 Development Controls

i. Development should be sited or designed to avoid the disturbance of Acid Sulfate Soils.
ii. Where the disturbance of Acid Sulfate Soils in unavoidable, a Preliminary Soil Assessment prepared in accordance with the Acid Sulfate Soils Manual and Assessment Guidelines must be submitted with the development application.
iii. Where the Preliminary Soil Assessment identifies potential adverse impacts, an Acid Sulfate Soil Management Plan prepared in accordance with the Acid Sulfate Soils Manual and Assessment Guidelines must be submitted with the development application.
iv. A development application for Minor Works, see definition in Notes, may be accompanied by an Acid Sulfate Soil Management Plan for Minor Work, prepared in accordance with Councils Minor Works Template . This is instead of the requirements specified in subclauses ii and iii above.



Notes:

Minor Works consist of the following development:

- Dwelling house
- Dwelling additions and alterations
- On Site Sewerage Management Systems and associated works
- Dividing Fence and other Residential Fences
- Domestic Swimming Pool (proposed excavation less than 10 tonnes of Acid Sulfate Soil)
- Works involving the disturbance of less than 10 tonnes of soil
- Other development considered by Council's Planning and Environmental Health Division to be **Minor Works**

3.25 Racecourse Road, Ballina Precinct

3.25.1 Application

Applies to:	
Location/s:	Land identified in the Racecourse Road Precinct Map
Development Type/s:	All development

3.25.2 Planning Objectives

a. To support the ongoing use of the area for horse stables, training and associated equine uses.

b. To minimise the potential for land use conflict

c. To allow for other permissible development at a scale that is compatible with the existing horse stables, training and associated equine uses.

3.25.3 Planning Controls

Before determining a development application on the land to which this clause applies, the consent authority must consider the following matters:

i) Traffic generation and the potential impact on horses and their handlers crossing Racecourse Road.

ii) Noise generation and the potential impact on horses.

iii) A land use conflict risk assessment (LUCRA).

iv) The cumulative impact of development in the area and compatibility with the planning objectives for the mapped area.

Note:

Refer to Section 3.1D of this Chapter for matters that should be addressed by a LUCRA.



Appendix A: Site Waste Minimisation and Management Plan Templates

Form 1 - Waste Management Plan (All Developments)

Applicant Details	
Application No.	
Name	
Address	
Phone number(s)	
Email	
Project Details	
Address of development	
Existing buildings and other structures currently on the site	
Description of proposed development	
This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as Council, DECC or WorkCover NSW.	
Name	
Signature	
Date	
Name and telephone contact for principal person nominated for implementation of SWMMP (if different to above)	Name: Telephone Contact:



Form 2 - Demolition Phase (all types of development)

Address of development: _____

_____

The outcome of reusing is most desirable, recycling is a little less, and disposal is the least desirable outcome.

	Reuse	Recycling	Disposal	
Type of waste generated	**Estimate Volume (m^3) or weight (t)**	**Estimate Volume (m^3) or weight (t)**	**Estimate Volume (m^3) or weight (t)**	**Specify method of onsite reuse, contractor and recycling outlet and/ or waste depot to be used**
Excavation Material	$180m^3$		$20m^3$	Topsoil for landscaping of site. Remainder to …..landfill site by …..waste contractor.
Timber (specify)	$2m^3$	$2m^3$		Chip for landscaping, sell for firewood. Remainder to …..landscaping supplies.
Concrete		$20m^3$	$30m^3$	Existing driveway to remain during construction. On completion to landfill site by …..waste contractor. Council to crush and reuse as a road aggregate.
Bricks/ pavers	$90m^3$		$10m^3$	Clean and reuse for footings and broken bricks for internal walls, or behind retaining wall. Concrete mortar bricks to Ballina Waste Management Facility to be crushed and used as road aggregate,
Tiles			$40m^3$	Taken to tip where it will be crushed and reused.
Metal (specify)		$0.5m^3$	$0.5m^3$	Some to metal recyclers. Remainder to …..landfill.
Glass	$0.5m^3$	$0.5m^3$		Reused as glazing or aggregate for concrete production.
Furniture		$1m^3$	$1m^3$	Donate furniture that is still intact to….. Remainder to be taken to ….landfill site by…..waste contractor.
Fixtures and fittings		$2m^3$	$0.5m^3$	Some to ….second hand building material supplier. Remainder to …..landfill.
Floor coverings				



Type of waste generated	Reuse Estimate Volume (m^3) or weight (t)	Recycling Estimate Volume (m^3) or weight (t)	Disposal Estimate Volume (m^3) or weight (t)	Specify method of onsite reuse, contractor and recycling outlet and/ or waste depot to be used
Packaging (used pallets, pallet wrap)				
Garden organics	$30m^3$	$20m^3$	$10m^3$	Separated some chipped and stored on site for landscaping. Remainder to ….landscape supplies. Stumps and large trees to ….landfill by….waste contractor.
Containers (cans, plastic, glass)				Recycle what possible, remainder to ….landfill site.
Paper/ cardboard				Recycle what possible, remainder to ….landfill site.
Residual waste			$0.5m^3$	Taken to ….landfill site by …….waste contractor.
Hazardous/ special waste e.g. asbestos (specify)				
Other (specify)				



Form 3 - Construction Phase (all types of development)

***Address of development*:** _____

The outcome of reusing is most desirable, recycling is a little less, and disposal is the least desirable outcome.

Type of waste generated	Reuse Estimate Volume (m^3) or weight (t)	Recycling Estimate Volume (m^3) or weight (t)	Disposal Estimate Volume (m^3) or weight (t)	Specify method of onsite reuse, contractor and recycling outlet and/ or waste depot to be used
Excavation Material	150m^3		50m^3	Topsoil for landscaping. Remainder to ….. landfill site by ….. waste contractor.
Timber (specify)	2m^3	1m^3		Chip for landscaping, sell for firewood, sell to second hand building material business or landscaping supplies.
Concrete	30m^3	20m^3		Existing driveway to remain during construction. On completion to ……landfill site for crushing and reuse.
Bricks/ pavers	70m^3	30m^3		Clean and reuse for footings and broken bricks for internal walls. Concrete mortar bricks to ….landfill site for crushing and reuse.
Tiles		3t		Crush and recycle at ….landfill site.
Metal (specify)		0.5m^3	0.5m^3	Some to scrap metal recyclers. Remainder to ….landfill site.
Glass				Reused as glazing or aggregate for concrete production.
Plasterboards (offcuts)		10m^3		Removal for recycling, return to supplier.
Fixtures and fittings		5m^3		Sell to second hand building material suppliers.
Floor coverings		15m^3		Underlay reprocessed for use in safety devices. Carpet used in landscaping.
Packaging (used pallets, pallet wrap)			2m^3	Taken to ….landfill site.
Garden organics	2m^3			Mulched and composted.
Containers (cans, plastic, glass)				Recycle what possible, remainder to ….landfill site.



	Reuse	Recycling	Disposal	
Type of waste generated	**Estimate Volume (m^3) or weight (t)**	**Estimate Volume (m^3) or weight (t)**	**Estimate Volume (m^3) or weight (t)**	**Specify method of onsite reuse, contractor and recycling outlet and/ or waste depot to be used**
Paper/ cardboard		$0.5m^3$		Recycle what possible, remainder to ….landfill site..
Residual waste			0.5t	Taken to ….landfill site by …….waste contractor.
Hazardous/ special waste e.g. asbestos (specify)				



Form 4 - Ongoing Operation Phase (Multi Unit, Commercial, Mixed Use and Industrial)

Address of development: _____

Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.

	Recyclables		Compostables	Residual Waste	Other
	Paper/ Cardboard	Metals/ plastics/ glass			
Amount Generated (L per unit per day)					
Amount generated (L per development per week)					
Any reduction due to compacting equipment					
Frequency of collections (per week)					
Number and size of storage bins required					
Floor area required for storage bins (m)					
Floor area required for manoeuvrability (m^2)					
Height required for manoeuvrability (m)					



Form 5 - Ongoing Operation Phase (Multi Unit, Commercial, Mixed Use and Industrial) Ongoing Management of Waste

Describe how you intend to ensure ongoing management of waste on site (eg, infrastructure, lease conditions, caretaker/ on site manager). ***Note: Approaches for the management of waste on site should address the relevant matters specified in Appendix B.***
1. The Company will prepare an environmental management system addressing office and retail waste and recycling. This will include expectations and achievable objectives for sorting and separating. Also, a regular waste audit. …..
2. An information package will be available to employees, which will be followed up every 12 months
3. The waste storage and recycling area will be suitably located and bins clearly labelled
4. A staff member (or cleaner) will be responsible for transferring materials to the area and keeping the area clean and tidy.

Based on the Blacktown Development Control Plan chapter on Site Waste Management and Minimisation 2006



Appendix B: Waste/Recycling Generation Rates

The figures in the following table of waste and recycling waste generation rates can be used in preparing the SWMMP, unless exact figures or more appropriate figures are known.

Premises type	***Waste Generation***	***Recyclable Material Generation***
Backpackers Hostel	40L/ occupant space/ week	20L/ occupant space/ week
Boarding House, Guest House	60L/ occupant space/ week	20L/ occupant space/ week
Butcher	80L/100m2 floor area/ day	Variable
Delicatessen	80L/100m2 floor area/ day	Variable
Fish Shop	80L/100m2 floor area/ day	Variable
Greengrocer	240L/ 100m2 floor area/ day	120L/ 100m2 floor area/ day
Restaurant, Café	10L/ 1.5m2 floor area/ day	2L/1.5m2 floor area/ day
Supermarket	240L/ 100m2 floor area/ day	240L/ 100m2 floor area/ day
Takeaway food shop	80L/ 100m2 floor area/ day	Variable
Hairdresser, Beauty Salon	60L/ 100m2 floor area/ week	Variable
Hotel, Licensed Club, Motel	5L/ bed space/ day 50L/ 100m2 bar area/ day 10L/ 1.5m2 dining area/ week	1L/ bed space/ day 50L/ 100m2 bar area/ day 50L/ 100m2 Dining area/ day
Offices	10L/ 100m2 floor area/ day	10L/ 100m2 floor area/ day
Shop less than 100m2 floor area	50L/ 100m2 floor area/ day	25L/ 100m2 floor area/ day
Shop greater than 100m2 floor area	50L/ 100m2 floor area/ day	50L/ 100m2 floor area/ day
Showroom	40L/ 100m2 floor area/ day	10L/100m2 floor area/ day
Multi unit dwellings	80L/ unit/ week	40L/ unit/ week

Source: Adapted from Waverley Council Code for the Storage and Handling of Waste.

Appendix C: Checklist of Considerations when Developing a Mosquito Impact Assessment for Proposed Developments

Consideration	Notes
1. Type of development	• Does the development hold potential for bringing the community (including. residents, visitors, workers) into greater contact with mosquitoes? • Does the development's intended purpose expose relatively vulnerable individuals to mosquitoes? For example, seniors housing (aged care facilities), child care centres, and respite day care centres. • Is the development likely to expose individuals to high mosquito risk where previous awareness of the health risks associated with mosquitoes, and adequate personal protection measures, may not exist? For example, tourist and visitor accommodation. • Does the proposed development include any stormwater treatment devices or other water features? For example, elements of water sensitive urban design or green infrastructure.
2. Location of proposed development	• Is the proposed development within the "Coastal Plains and Lowlands" or "High Mosquito Risk Area" as identified in the Ballina Shire Council Mosquito Management Map? • Is the proposed development within the "Elevated Lands" as identified in the Ballina Shire Council Mosquito Management Map confirmed not to be in close proximity to any known or potentially productive mosquito habitats? If in close proximity, mosquito impact assessment is required.
3. Local mosquito habitats and mosquito populations	• Are there known or suspected estuarine mosquito habitats (e.g. saltmarsh, mangroves) located in close proximity (approximately 1km) of the proposed development? • Are there known or suspected brackish-water mosquito habitats (e.g. coastal swamp forest, she-oak woodland) located in close proximity (approximately 100m) of the proposed development? • Are there known or suspected nuisance mosquito habitats (e.g. waterbodies) within the footprint of the proposed development? • Is there any available information on the abundance and diversity of mosquitoes found within the proposed development or habitats within close proximity (approximately 1km)? • Are there known abundant nuisance mosquito populations reported from within the proposed development as identified through Council records (i.e. resident complaints of nuisance mosquitoes or mosquito population data collected through trapping programs or projects)?



4. Local mosquito population investigations	• Has there been specific mosquito habitats and mosquito population sampling undertaken in the preparation of a mosquito risk assessment? Has trapping been carried out between April and November? • Has appropriate reference been made to existing mosquito and mosquito-borne disease data provided by Ballina Shire Council and/or the NSW Health Arbovirus Surveillance and Mosquito Monitoring Program?
5. Nuisance and public health risks	• Are there records of complaints to Ballina Shire Council prompted by nuisance-biting associated with mosquitoes within the proposed development area or those in moderate proximity (approximately 3km? • Is a mosquito awareness and avoidance program needed to minimise mosquito risks?
6. Changes to local mosquito habitats during and/or following development	• Are there known or suspected mosquito habitats within the footprint of the proposed development that will be removed, retained, or rehabilitated? • Does the proposed development include any stormwater treatment devices or other water features? • Are any stormwater treatment devices or other water features designed to retain water for more than 48 hours (e.g. gross pollutant traps, constructed wetlands, rainwater tanks) and have they been designed and assessed by a suitably qualified and experienced professional? • Is there expected to be substantial areas of terrestrial vegetation retained or revegetated within the footprint of the proposed development? • Has local mosquito risk been clearly identified in relevant plans of management for the proposed development? For example, terrestrial and aquatic vegetation, stormwater treatment devices and other water features • Has the impact of the proposed development on the suitability and productivity of surrounding habitats for mosquitoes been satisfactorily assessed? For example, do stormwater discharge points, surface flows, or other changes to local hydrology enhance conditions for the production of nuisance mosquitoes in surrounding habitats?
7. Proposed development layout and building design	• Does the layout of the proposed development allow for a “mosquito hazard reduction” buffer zone of at least 100m and containing sparse and low growing vegetation between residential allotments and known or suspected productive brackish-water mosquito habitats (e.g. coastal swamp forest, she-oak woodland)? • Is the “mosquito hazard reduction” buffer zone clearly indicated on the final plan of management for the proposed development, clearly differentiating this zone from other environmental protection and asset protection zones? • Does the building/dwelling design incorporate the appropriate requirements regarding provision of insect screens fitted to windows, doors and outdoor areas such as balconies, covered areas and other structures suitable for screening? Have other options, such as self-closing doors in high traffic areas of non-residential developments been investigated? • Are suitably screened outdoor areas provided for high risk development types?

	• Has the exposure to mosquitoes been considered in the design and location of playgrounds and other recreational facilities such as exercise equipment and picnic areas?
8. Reporting requirements	• Has a formal "mosquito impact assessment" report been produced for the proposed development by a suitably qualified entomologist? • Have all aspects of the proposed development and surrounding habitats been assessed with reference to current and future risks associated with nuisance and public health concerns of local mosquitoes? • Have all relevant plans (e.g. stormwater management plan, vegetation management plan) been cross checked and referenced in the final "mosquito impact assessment" report submitted with development application to Council? • Have any relevant documents supporting assessments and/or recommendations (e.g. justification of mosquito surveillance strategies, proposed mosquito impact mitigation strategies) within the "mosquito impact assessment", especially those not readily available, been included as appendices?

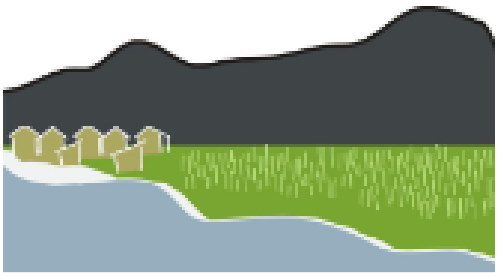


Appendix D: Checklist for Mosquito Impact Assessment Report for Proposed Developments

Mosquito Impact Assessment Report Component	Page no.
Property details, address, and description	
Description and location of proposed development relative to Mosquito Management Map and designated "Coastal Plains and Lowlands", "Elevated Lands", and/or "High Risk" mosquito zones.	
Existing mosquito populations and impacts	
Reference to known and suspected sources of nuisance mosquitoes (e.g. estuarine wetlands, coastal swamp forest, sedgelands, freshwater wetlands).	
Reference to mosquito population data available from Ballina Shire Council (e.g. NSW Arbovirus Surveillance and Mosquito Monitoring Program).	
Reference to documented nuisance-biting reports from within or adjacent to development.	
Assessment of actual and potential public health risks (e.g. human disease notification data; detections of mosquito-borne pathogens; abundance of known vector mosquitoes.	
Mosquito population investigation	
Provide details of mosquito survey methodology (e.g. number, type, and location of mosquito traps operated, dates of trapping, inclusion of reference locations).	
Presentation of mosquito data according to trap location and date..	
Reference to climatic/environmental factors influencing mosquito populations during survey period/s	
If not site-specific mosquito sampling undertake, justification provided as to why.	
Stormwater management	
Reference to latest stormwater management plan and identification of proposed water bodies or other infrastructure relevant to mosquito risk.	
Reference to plans of specific water bodies (e.g. wetlands, bioretention swales, drains) including depth, bank slope, and anticipated retention times of water following rainfall.	
Reference to planting guides (aquatic and terrestrial) associated with proposed wetlands and waterbodies (e.g. plant species, planting densities).	
Reference to proposed maintenance schedules and inspections including mosquito surveys.	
Vegetation management	
Reference to latest vegetation plan of management including layout of new and retained vegetation zones (e.g. location, plant species, planting densities).	
Reference to specific asset protection zones (including proposed "mosquito buffers") and proposed vegetation contained within. Any "mosquito buffer" should be specifically marked on site plan for proposed development with clear differentiation between areas	



Mosquito Impact Assessment Report Component	Page no.
designated as a mosquito buffer and those allocated to other asset or environmental protection zones.	
Reference to proposed maintenance schedules.	
Building design	
Reference to latest building and residential allotment design with reference to vegetation plantings, screening of openings, covered areas and rainwater tank.	
Mosquito awareness and avoidance program	
Proposed mosquito awareness and avoidance program with site specific information on nuisance mosquito risk and strategies to reduce mosquito contact.	
Proposed communication of mosquito awareness and avoidance information (e.g. 88b instrument, strata plan, body corporate by-laws, email, social media, letterbox drop, posters).	
Mosquito consultant qualifications	
Details of professional experience with mosquito management (e.g. preparation of previous mosquito impact assessment reports, membership of the Mosquito Control Association of Australia, evidence of formal mosquito management training).	



Ballina Shire Development Control Plan 2012

Chapter 4 – Residential and Tourist Development

~~DECEMBER 2024~~

Proposed amendments:

1. Additional clause about the location of dwellings on large lots. Clause 3.1.3.1 (page 7)
2. Clarification about landscaping requirements within strata lots. Table 4.2 (page 9-10)
3. Clarification about solar access for secondary dwellings. Clause 3.2.3 (page 13)
4. Correction of an editing error that occurred when the chapter was last updated in relation to building line setback variations. Clause 3.3.3.1 (page 15)
5. Add setback provisions for medium density residential development on corner allotments Table 4.3 (page 15-16)
6. Changes to building envelope controls for side and rear boundaries for medium density development. Clause 3.3.3.1. (pages 16-17)
7. Clarification about requirements for solar access. Clause 3.3.3.2 (page 18)
8. Delete Clause 3.3.3.5 (Dwelling Density) including reference to the associated maps. (pages 20-21)
9. Clarification regarding carport location for development fronting laneways Clause 3.4.3.1 (page 22)
10. Clarification over maximum dimension of garages for attached dual occupancies. Clause 3.4.3.3 (page 26)
11. Clarification regarding consideration for carports to be built forward of the building line. Clause 3.4.3.3 (page 26)
12. Additional controls to allow greater flexibility when considering how to address overlooking and privacy between residential buildings. Clause 3.4.3.4 (page 29)
13. Correction of an administrative / editing error and addition of a graphic in relation to fences. Clause 3.4.3.5 (page 30)
14. Addition of a new clause to ensure no net loss, and increased density over time in R3 zoned areas of Lennox Head (page 50.

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Part 1 Preliminary

1.1 Introduction

Name:

Ballina Shire Development Control Plan 2012, Chapter 4 – Residential and Tourist Development.

Purpose:

This chapter identifies Council's requirements for residential development and tourist accommodation. The chapter provides for flexible, modern and innovative housing and tourist accommodation design. Council's aim is to promote high-quality built form, housing diversity and residential densities appropriate for the Ballina LGA.

Background:

Federal and NSW housing policy commitments include measures that hold local and state government accountable for the approval of more housing. The purpose of this is to support the delivery of 377,000 homes across NSW by mid-2029 to meet the requirements of the National Housing Accord.

Achievement of this goal is a shared responsibility between all levels of government. Councils have a particularly important role as the level of government that assesses the majority of residential development applications.

The NSW Government has introduced a number of initiatives to support the delivery of housing, including the Faster Assessments Program. Local planning policy and industry responsiveness to established planning provisions are a part of the framework that underpins the achievement of housing targets and assessment timeframes. Council's residential planning provisions in this Chapter of the DCP have been set within this context.

Relationship to other Chapters of this DCP:

The provisions in this chapter prevail over those in chapters 1, 2, 2a and 2b where there is an inconsistency.

Where there is an inconsistency between provisions in chapters 3, 4, 5, 6, 6a, 6b, 6c, 6d and 7 Council will determine which provision(s) will apply based on consideration of the strategic planning framework for the land the subject of the application, statutory considerations, relevant planning objectives and the nature of the proposed development.

The provisions of chapter 8 apply in conjunction with those in this chapter but prevail in the event of an inconsistency unless otherwise specified.

Special Area Controls in this chapter prevail over General Controls in the event of an inconsistency.

Application:

The planning provisions of this chapter apply to development for ***residential accommodation*** and/ or ***tourist and visitor accommodation*** as defined in the Ballina Local Environmental Plan 2012.

Planning Objectives and Development Controls:

The provisions of this chapter include planning objectives and development controls. Development proposals must be consistent with the relevant planning objectives and each of the applicable controls. Such consistency is typically demonstrated by compliance with the identified development controls, although there may be circumstances where an alternative to the application of a development control is consistent with the planning objectives.

The chapter is structured to address specific types of housing as well as its associated elements such as garages. When applying the provisions, assessment is to be made in relation to the relevant section for the housing type proposed.

Part 2 Chapter Planning Objectives

The overarching objectives of this chapter are as follows:

a. Provide for high quality residential neighbourhoods and tourist accommodation;

b. Ensure that development is compatible with local landscape, residential amenity and character;

c. Foster a high standard of design, both functional and aesthetic, which takes due regard of the needs of occupants and neighbours including liveability and amenity; and

d. Promote a wider choice in housing to satisfy the demand for a variety of household types and lifestyles.

Part 3 Development Controls

3.1 Dwelling Houses and Dual Occupancies

3.1.1 Application

Applies to:	
Location/s:	Zones R2 & R3
Development Type/s:	***Dwelling Houses, Dual Occupancy (Attached and/or Detached)***



Notes:

Refer also to the controls contained within *Chapter 7 – Rural Living and Activity* which contains controls applicable to *residential accommodation*, and *tourist and visitor accommodation* within the RU1, RU2, C2, C3, W1 and W2 zones where permissible.

3.1.2 Planning Objectives

a. Achieve well designed developments which relate to the landscape and character of the locality;

b. Manage the bulk and scale of residential development to avoid adverse impacts on adjoining land uses;

c. Ensure new development recognises and responds to the privacy and amenity of adjoining premises whilst providing for passive surveillance of public areas;

d. Encourage dwellings which respond to the sub-tropical climate; and

e. Ensure housing achieves a high standard of liveability and makes a positive contribution to the streetscape.

3.1.3 Development Controls

3.1.3.1 Minimum Lot Area – Dual Occupancy

Objectives

a. Ensure that the lot area for dual occupancies is compatible with existing urban character.

Controls

i. The minimum lot area required is outlined in Table 4.1.

Table 4.1 – Minimum Lot Areas

Type of Residential Accommodation	Zone	Minimum Lot Area
Dual Occupancy	R2, R3	450m^2 – attached 600m^2 – detached

ii. For residential lots with an area greater than 800m^2 and within 200m of public open space, community facilities or an area zoned E1 Local Centre, a primary dwelling is to be located on the lot in such a way as to allow a second dwelling to be constructed on the lot at some future stage.



Notes:

The purpose of creating 'flexible housing' is to encourage greater density on larger lots within urban centres and to allow for flexibility over time. A young family may want a large yard for a secure recreation/play area and then when children have grown, a second house that facilitates ageing in place / intergenerational housing can be constructed.

3.1.3.2 Setbacks

Objectives

a. Protect the amenity of the locality in which the dwelling is situated;

b. Provide for consistency in the siting of dwellings relative to property boundaries;

c. Ensure buildings, including garages / carports, are setback from front, rear and side boundaries to provide sufficient space for landscaping, visual and acoustic privacy, solar access and vehicle parking for the site itself and adjacent dwellings and private open space;

d. To have open space along the street frontages of dwellings; and

e. To ensure that carparking is available on driveways contained wholly within property boundaries.

Controls

Front Setbacks

i. Dwellings and dual occupancies are to be setback from the front property boundary as specified on the **Building Line Map**.

ii. Where a site is not mapped on the Building Line Map, the front building line shall be the greater of:

- 4.5m; or
- a distance equal to the average of the setbacks of dwellings on immediately adjoining lots.

iii. Garages and carports must be setback a minimum of 5.5m from the front boundary.

iv. For corner lots, the dwelling must be setback a minimum of 3m from the boundary on the secondary road. Garages and carports accessed from the secondary road must be setback a minimum of 5.5m from that boundary.

Note:

Where an encroachment forward of the building line specified in (i) or (ii) is sought, variation to the control may be granted where an alternate building line can be established on the basis of the average distance of the building lines of the nearest 2 dwellings having a boundary with the same primary road and located within 40m of the lot on which the dwelling is to be erected.

Setbacks to garages and/ or carports cannot be used for this purpose.

Side and Rear Boundaries

v. A single-storey dwelling, or ground floor of a two-storey dwelling, is to be setback a minimum of 900mm from the side and rear boundary line to the wall of the building. Guttering, eaves, hoods and other similar structures may be constructed within the side setback but not closer than 450mm from the boundary.

vi. Walls more than 4.5 metres above existing ground level must be setback from side and rear boundaries as follows:

- 2.5m for western and southern elevations.
- 1.5m for northern and eastern elevations.

Guttering, eaves, hoods and other similar structures may be constructed within the side setback to a maximum width of 600mm.

vii. Unenclosed ancillary development, other than visually impermeable fences, may be located within the foreshore building line specified for Ballina Quays and Banyanda Lake, between the rear of the dwelling and the edge of the gutter defining location of the revetment wall.

Additional Rear Setback Requirement

viii. Dwellings and dual occupancies are to be setback a minimum of ~~4~~.0m from the rear boundary (including verandahs, patios, decks, etc) for at least 30% of the lot width.



Note:

Where a better solar access outcome will be achieved, Council will consider the 4m setback area being located along a side boundary.

In that case, the side boundary setbacks will be applied to the rear boundary.

3.1.3.3 Landscaping and Open Space

Objectives

a. Ensure ***dwellings*** are provided with ***private open space*** which is usable and meets the needs of occupants;

b. Maximise the liveability and amenity of ***dwellings***;

c. Ensure that ***landscaped areas*** are an integral component of residential development proposals;

d. Preserve and retain existing mature native vegetation wherever practicable; and

e. Support landscape design that incorporates the planning of landscape species indigenous to the part of the shire in which they are being planted.

Controls

i. The minimum landscaped area that must be provided on a lot is shown in Table 4.2.

Table 4.2 – Landscaping Controls

Lot Size ***(including Strata lots)***	***Minimum Landscaped Area***
Less than 600m^2	20% of lot area
~~600m^2 – 900m^2~~ Greater than 600m^2	30% of lot area
~~900m^2 or more~~	~~30% of lot area~~

Note:

Landscaped area means that part of a site used for growing grass, plants, and trees, but does not include any building, structure, or hard paved area.

ii. Each ***dwelling*** is to be provided with an area of ***private open space*** that is:

- Predominately flat, i.e. a maximum gradient of 1:10; and
- At least 24m^2 in contiguous area; and
- A minimum dimension of 4m in at least one direction.

iii. Each dwelling is to be provided with a covered outdoor living area (i.e. patio, courtyard, deck or the like).

3.1.3.4 Solar Access / Designing for Climate

Objectives

a. Ensure dwellings are designed and sited to encourage a balance of solar access (during winter months) and shading (during summer months) to primary windows and doors of living spaces and external living areas;

b. Ensure new dwellings have adequate sunlight to living areas (living rooms, lounge rooms, kitchens, dining rooms and the like) and ***private open space***;

c. Ensure that at least 2 hours of sunlight is available to living areas and ***private open space*** for neighbouring properties; and

d. Ensure that development does not adversely impact on public foreshore open space by way of overshadowing.

Controls

i. Each new ***dwelling*** must have one indoor living area with a major window that is oriented to the north, north-west, north-east or east and which receives at least two hours of direct sunlight between 9.00am and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice);

ii. At least 50% of the area of private open space provided for each dwelling is to receive at least two hours of direct sunlight between 9.00 and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice);

iii. New buildings must not result in overshadowing of beaches or adjoining public foreshore open space before 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice) or 6.30pm (Australian Eastern Daylight Saving Time) on 21 December (Summer Solstice).

Note:

Roof designs should allow for the installation of solar panels.

3.1.3.5 Attached Dual Occupancy Involving Retention of Existing Dwelling

Objectives

a. Minimise the potential amenity impacts associated with developing a new ***dwelling*** attached to an existing ***dwelling*** on the same lot of land;

b. Require improvement or rectification of the existing dwelling to ensure its compatibility with and integration into the new development; and

c. Encourage the renewal of old housing stock as part of any attached dual occupancy development seeking to retain an existing dwelling.

Controls

i. Separate individual Council installed water meters having separate connections from the meter to each ***dwelling*** are to be provided. Meters are to be individually tagged for residential unit identification and located near the front boundary for ease of meter reading purposes;

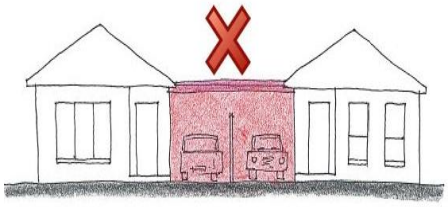
ii. ***Attached dual occupancy*** development that retains all or part of an existing ***dwelling*** must be designed to be complementary to one another with respect to building form, materials and landscaping;

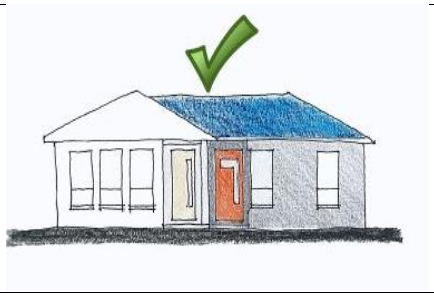
iii. Carports and breezeways are deemed inappropriate as a means of attaching the existing ***dwelling*** to the new ***dwelling***;

iv. Where development of the new ***dwelling*** affects the existing dwelling's ability to comply with the relevant controls in this DCP, Council may require the existing ***dwelling*** to be:

- upgraded to the meet the relevant development controls identified in this DCP; or
- the applicant to consider rebuilding in accordance with the controls identified in this DCP.

Figure 4.1 – Attached Dual Occupancy – Acceptable and Unacceptable Addition Solutions

	
Linking dwellings with carports or breezeways is an **unacceptable** solution.	Linking dwellings by incorporating a consistent roof design style is an **acceptable** solution.

	
Dual occupancy extensions which result in visually inconsistent design elements such as a gable and skillion roof combinations, and inconsistency in the use of building materials such as brick and cladding are **unacceptable** if visible from the street.	Extensions which unify the design through consistency of design elements such as roof, windows, height and materials are **acceptable**.

3.2 Secondary Dwellings

3.2.1 Application

Applies to:	
Location/s:	Zones E1, R2 & R3
Development Type/s:	***Secondary Dwellings***

Notes:

Secondary dwellings are permitted in urban zones under Ballina LEP 2012 and *State Environmental Planning Policy (Housing) 2021*.

SEPP (Housing) 2021 specifies that a lot containing a ***principle dwelling*** and a ***secondary dwelling*** is not able to be subdivided.

3.2.2 Planning Objectives

a. To enable housing diversity in a matter that is compatible with neighbourhood character.

b. To ensure that secondary dwellings do not result in adverse stormwater, solar access and/or privacy impacts on adjoining properties.

3.2.3 Development Controls

Secondary dwellings are to comply with the controls applicable to ***dwellings*** and ***dual occupancies*** in 3.1 above (for example, where above ground floor), except as follows:

i. A ***secondary dwelling*** must be set back behind the front building alignment of the principal dwelling.

ii. A secondary dwelling can be located within the 4.0m rear setback, with a minimum setback of 900mm, in which case the property must still meet the landscaped area controls in Table 4.2.

iii. Secondary dwellings must be provided with private open space, additional to and separate from the private open space required for the primary dwelling, at the following rates:

- One-bedroom dwelling – no additional private open space;
- Two-bedroom dwelling – 12m^2;
- Three-bedroom dwelling – 24m^2.

iv) Secondary dwellings shall be orientated to optimise solar access to indoor living areas and not impact upon solar access requirements for the principal dwelling.

3.3 Medium Density Development

3.3.1 Application

Applies to:	
Location/s:	Zones E1, E2, E3, MU1, R2 & R3
Development Type/s:	***Residential Accommodation*** (other than ***dwelling houses***, ***dual occupancies*** and ***secondary dwellings***) and ***Tourist and Visitor Accommodation***

3.3.2 Planning Objectives

a. Achieve well designed developments which relate to the landscape and character of the locality;

b. Manage the bulk, scale and traffic generation of residential development to avoid adverse impacts on adjoining land uses;

c. Ensure new development recognises and responds to the privacy and amenity of adjoining premises whilst providing for passive surveillance of public areas;

d. Encourage dwellings which respond to the sub-tropical climate; and

e. Provide for flexibility in the use of buildings with respect to ***residential accommodation*** and ***tourist and visitor accommodation***.

Note:

Residential flat buildings, shop top housing or mixed use development with a residential accommodation component which consists of the following:

1 the erection of a new building; or

2 the substantial redevelopment or the substantial refurbishment of an existing building; or

3 the conversion of an existing building;

and where

- the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2m above ground level (existing) that provide for car parking); and
- the building concerned contains at least 4 or more dwellings

are to be designed in accordance with the provisions of Chapter 4 of *State Environmental Planning Policy (Housing) 2021*.

It should be noted that this does not include a Class 1a or Class 1b building under the Building Code of Australia (e.g. town houses or villas).

3.3.3 Development Controls

3.3.3.1 Building Envelopes

Objectives

a. Ensure buildings are set back progressively from the side and rear boundaries as building height increases so that buildings do not unduly affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy, or unreasonably obstructing views;

b. Ensure that the occupants of residential accommodation have the opportunity to enjoy the optimum use of winter sunlight;

c. Enhance opportunities for solar access to both the development site and adjoining properties;

d. Achieve varied and interesting streetscapes, good orientation of residential developments with regard to sun, shade, wind and neighbouring development, and effective use of allotments to create usable private open space and courtyards;

e. Ensure that buildings are compatible with the bulk, scale and character of the locality;

f. Ensure new development makes a positive contribution to the local streetscape

g. Minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape quality of the locality; and

h. Provide flexibility for steeply sloping sites to best address streetscape, solar orientation and location for outdoor amenity areas.

Controls

Building Lines:

i. ***Residential accommodation*** and ***tourist and visitor accommodation*** and all **ancillary development** on a lot must be setback behind the ***building line*** specified on the Building Line Map (except as specified in items (iii) ~~or (iv)~~ below).

ii. Where a ***building line*** is not specified in (i) and the land is within Zone R2 Low Density Residential or Zone R3 Medium Density Residential, the ***building line*** specified in **Table 4.3** applies.

Table 4.3 – Minimum Building Line – R2 & R3 Zone

Boundary	***Building Line*** (distance from lot boundary)
Primary Road	4.5m
Public Reserve or Foreshore*	6.0m
Lane	3.5m
Corner allotments	3m from secondary road

* includes foreshore of any waterway (river, creek, etc)

iii) Where an encroachment is sought, a variation may be granted on the basis of the average distance of the building lines of the nearest two buildings having a boundary to the same primary road and within 40m of the development.

Notes:

1. In cases where exceptional circumstances exist or site constraints dictate, a merit based assessment of the building line will be made. In such cases it must be demonstrated that it would not be practical to maintain the nominated building line and that no adverse impacts on surrounding properties and or the streetscape will result.
2. Concessions for open form construction such as pergolas and car ports are generally viewed more favourably than for enclosed structures.
3. A reference to 'boundary' in the Building Line Map is taken to mean the lot boundary fronting the feature or asset specified in the map.

Side & Rear Boundaries

~~i. *Residential accommodation* and *tourist and visitor accommodation* in Zone R2 Low Density Residential and Zone R3 Medium Density Residential must be contained within a **building envelope** measured as follows:~~

- ~~below a plane measured over the land at 45º from a point 1.8 metres above the side and rear boundaries~~
- ~~where the subject site has a frontage to a secondary street, below a plane measured over the land at 45º from a point 1.8m above a parallel line measured 2.0m inside the secondary street boundary,~~
- ~~where the subject site has a frontage to a public reserve, below a plane measured over the land at 45º from a point 1.8m above the boundary to the public reserve, and~~
- ~~below a plane measured 8.5 metres above ground level.~~

~~ii. The external walls of *residential accommodation* or *tourist and visitor accommodation* must be setback a minimum of 900mm from the side and rear boundaries of the site (excluding internal strata title boundaries), subject to consideration of impact on privacy, *private open space* and solar access to adjoining properties;~~

i) Ground floors are to be setback a minimum of 900mm from side and rear boundaries. Guttering, eaves, hoods and other similar structures may be constructed within the side setback but not closer than 450mm from the boundary.

ii) Upper storeys are to be progressively setback as the building height increases so as to minimise adverse impacts on adjoining properties by way of overshadowing, reducing privacy or unreasonably obstructing views.

iii) Walls more than 4.5 metres above existing ground level must be setback from side and rear boundaries as follows:

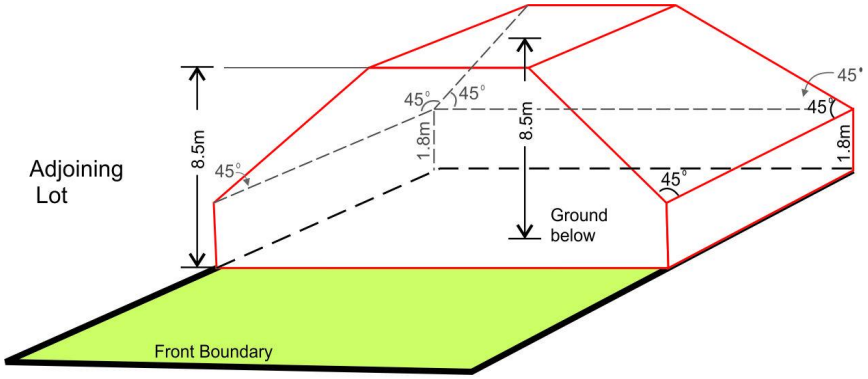
• 2.5m for western and southern elevations.
• 1.5m for northern and eastern elevations.

iv) The external walls of garages, sheds and similar detached outbuildings with a floor area greater than 50m² must be setback a minimum of 2 metres from the side and rear boundaries of the site (excluding internal strata title boundaries);

Note:

The location of garages, sheds and similar detached outbuildings are subject to consideration of impacts on privacy, ***private open space***, solar access and bulk and scale impacts to adjoining properties.

~~**Figure 4.2 – Typical Building Envelope Controls**~~ **(GRAPHIC TO BE DELETED)**



~~***Variations***~~

~~i. The following variations to the setbacks nominated by the **building envelope** are permitted:~~

- ~~**Eaves and gutters** – up to a maximum of 700mm (note: minimum setback requirements provided by the Building Code of Australia must be complied with i.e. 450mm to the outside of fascia),~~
- ~~**Climate control elements** – which are of a minor scale and an open character, and that do not affect compliance with the above design objectives, and~~

~~**Encroachments** are permitted along the northern and eastern elevations of the wall length subject to no adverse solar impacts on neighbouring properties, and on any elevation provided that the applicant can demonstrate that the building will be consistent with the adjoining streetscape, particularly in regard to separation between buildings.~~

3.3.3.2 Solar Access / Designing for Climate

Objectives

a. Ensure dwellings are designed and sited to encourage a balance of solar access (during winter months) and shading (during summer months) to primary windows and doors of living spaces and external living areas;

b. Ensure new dwellings have adequate sunlight to living areas (living rooms, lounge rooms, kitchens, dining rooms and the like) and ***private open space***, including ***private open space*** for neighbouring properties;

c. Ensure that development does not adversely impact on adjoining residential development or public foreshore open space by way of overshadowing.

d. New buildings must not impact upon the minimum direct sunlight light required to the living area of an adjacent building.

Controls

i. Each new ***dwelling*** must have one indoor living area with a major window that is oriented to the north, north-west, north-east or east and which receives at least two hours of direct sunlight between 9.00am and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice);

ii. At least 50% of the area of private open space provided for each dwelling is to receive at least two hours of direct sunlight between 9.00 and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice);

iii. New buildings must not result in overshadowing of beaches or adjoining public foreshore open space before 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice) or 6.30pm (Australian Eastern Daylight Saving Time) on 21 December (Summer Solstice).

Note:
Roof designs should allow for the installation of solar panels.

3.3.3.3 Landscaping and Open Space

Objectives

a. Ensure ***residential accommodation*** and ***tourist and visitor accommodation*** are provided with ***private open space*** which is usable and meets the needs of occupants;

b. Maximise the liveability and amenity of ***residential accommodation***;

c. Ensure that landscaped areas are an integral component of residential development proposals;

d. Preserve and retain existing mature native vegetation wherever practicable; and

e. Support landscape design that incorporates the planning of landscape species indigenous to the part of the shire in which they are being planted.

Controls – Private Open Space

i. Each ***dwelling*** will have access at ground level to a court yard with a minimum area of 40m², a minimum dimension of 4m and a maximum gradient of 1:10.

ii. Where ***dwellings*** and entries are located entirely above ground floor, Council may consent to the provision of private open space by way of a balcony. To be considered as ***private open space***, balconies must contain a minimum area of 25m² and a minimum width of 2.5m.

iii. ***Private open space*** must be directly accessible from a living area.

iv. Where practicable, ***private open space*** is to be located to the north or east of the dwelling and is required to have appropriate orientation and provisions to allow for winter sun and summer shade.

v. ***Private open space*** is not required for development comprising only ***backpackers accommodation***, ***bed and breakfast accommodation***, ***farm stay accommodation***, or ***hotel or motel accommodation***.

Note:

Private open space may be provided in more than one contiguous area subject to at least one portion having a minimum dimension of 4m x 4m.

Controls –Landscaping

i. Landscaped open space comprising ***landscaped areas*** and ***private open space*** is to be provided for each ***dwelling*** in accordance with **Table 4.4**.

ii. The landscaping requirements in (i) are not required for development comprising only ***backpackers accommodation***, ***bed and breakfast accommodation***, ***farm stay accommodation***, or ***hotel or motel accommodation***.

iii. At least 75% of the landscaped open space area must be covered by pervious surfaces that are defined as landscaped areas, such as lawn or landscaping.

iv. Development applications for ***multi dwelling housing, residential flat buildings*** or ***tourist and visitor accommodation*** are to be supported by landscaping plans detailing all proposed ***private open space*** areas and ***landscaped areas*** and shall detail the main structures on the site (including buildings, car parks, fences, retaining walls, surfacing materials and the like), any existing trees to be retained and all proposed plantings (including common names, botanical names, numbers and mature heights).

Table 4.4 – Landscaped Open Space Requirements for *Multi Dwelling Housing, Residential Flat Buildings and Tourist* and *Visitor Accommodation*

Dwelling size	**Minimum landscaped open space area per dwelling** *(note control (iii) in calculating open space requirements)*

<60m² total ***dwelling*** GFA*	50m²
60m² - 85m² total ***dwelling*** GFA*	70m²
>85m² total ***dwelling*** GFA*	90m²

* Balconies, courtyards, driveways and required car parking spaces are not included in the total *dwelling* GFA calculations

3.3.3.4 Minimum Lot Area

Objectives

a. Ensure that lot area for different forms of ***residential accommodation*** are suitable to provide for the desired residential land use in a manner that is compatible with the provision of required services and amenity outcomes and neighbourhood character; and

b. Provide a clear indication of the potential forms of ***residential accommodation*** that a land parcel may accommodate.

Controls

i. Development must comply with the lot area for each form of residential accommodation specified in **Table 4.5**.

Table 4.5 - Minimum Lot Areas for Residential Accommodation

Type of Residential Accommodation	Zone	Minimum Lot Area
Semi-Detached Dwelling (per ***dwelling***)	R3	300m²
Attached Dwelling (per ***dwelling***)	R3	300m²
Multi Dwelling Housing	R3	1000m²
Residential Flat Building	R3	1000m²

~~3.3.3.5 Dwelling Density~~

~~***Objectives***~~

~~a. Ensure that medium density development is compatible with available services and neighbourhood amenity and character; and~~

~~b. Provide a clear indication of the potential extent of medium density development on certain land.~~

~~***Controls***~~

~~i. Development for the purpose of ***residential accommodation*** must not exceed the number of ***dwellings*** provided for on a site as identified on the Dwelling Density Maps.~~

~~ii. Where the Dwelling Density Map does not nominate a maximum dwelling density, the density is to be determined through design analysis. Relevant development controls such as floor space ratio, building height, setbacks, car parking and landscaping requirements will determine dwelling density.~~

~~**Notes**:~~

~~The number of ***dwellings*** enabled under this provision is a theoretical maximum based on land area only. The actual number of ***dwellings*** possible on a site may be less than the maximum once other planning provisions are taken into account.~~

3.4 Controls Applicable to all Residential and Tourist Development

3.4.1 Application

Applies to:	
Location/s:	E1, E2, E3, MU1, R2 & R3
Development Type/s:	***Residential accommodation, Tourist and Visitor Accommodation***

3.4.2 Planning Objectives

a. Achieve well designed developments which relate to the landscape and character of the locality;

b. Manage the bulk, scale and traffic generation of residential development to avoid adverse impacts on adjoining land uses;

c. Ensure new development recognises and responds to the privacy and amenity of adjoining premises whilst providing for passive surveillance of public areas; and

d. Encourage dwellings which respond to the sub-tropical climate.

3.4.3 Development Controls

3.4.3.1 Development Fronting Laneways

Objectives

a. Ensure that development is compatible with the characteristics of laneways.

b. Provide for safe vehicular access to and from laneways.

c. Ensure that development fronting lanes has practical access and infrastructure servicing.

Controls

i. ***Residential accommodation*** and ***tourist and visitor accommodation*** buildings and all **ancillary development** on a lot must be setback from the boundary with a lane behind the ***building line*** as specified on the Building Line Map.

ii. Where a lot has a lane frontage and a ***building line*** to the lane is not specified on the Building Line Map, the ***building line*** is 3.5m from the lane frontage.

iii. Garages and carports that are directly accessed from the lane shall have a minimum setback of 5.5m for direct access or 3.5 metres for indirect access from the lane boundary in accordance with Figure 4.3, except as specified in (v).

iv. ***Residential accommodation*** and ***tourist and visitor accommodation*** with direct frontages to laneways are permitted except where specified on the Restricted Lane Frontage Map.

v. Where direct frontage to a lane is restricted under (iv), garages must be provided in accordance with the design parameters shown in Figure 4.4.

vi. Where development occurs on the corner of a lane, a corner splay of 2.5m x 2.5m must be dedicated to Council.

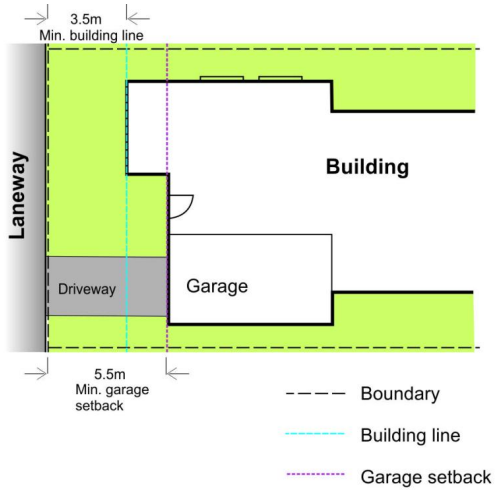
vii. Adequate infrastructure servicing, including formalised vehicular and pedestrian access, waste collection and postal delivery, must be available to any lane where direct frontages are proposed, except where the requirements of (viii) are met.

viii. Where waste collection or postal delivery services are not provided to a lane, direct frontages may be permitted where a paved pedestrian access way with a minimum width of 1.2m is provided on site to enable each dwelling or occupancy direct access to the street frontage.

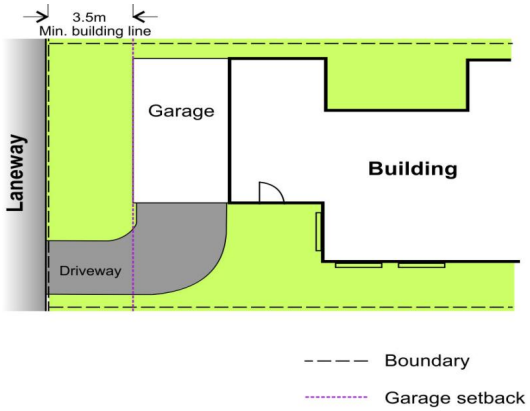
Note:

Garages and onsite parking are encouraged from laneways (where available). However, the above controls do not directly prohibit access from the secondary street frontage.

Figure 4.3 – Garage Setback Requirements for Non-restricted Lane Frontages



DIRECT LANE ACCESS

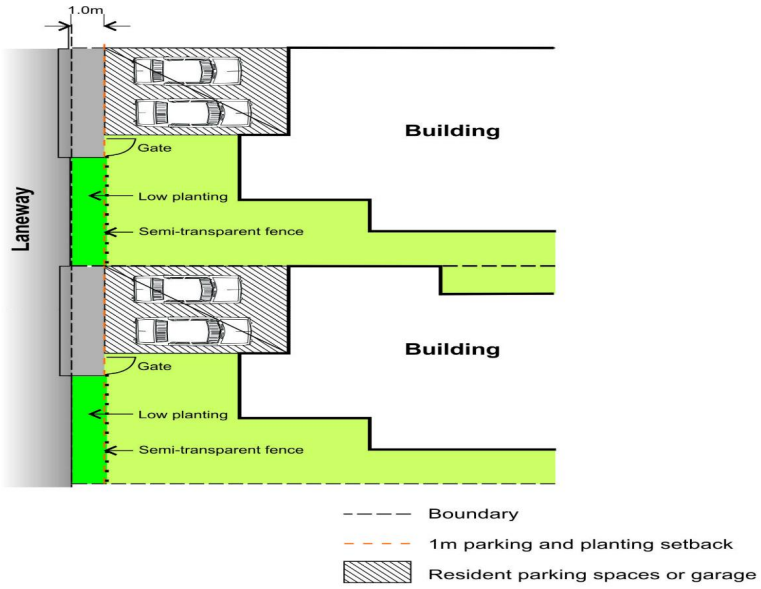


INDIRECT LANE ACCESS

Note:

Provision for 2 car parking spaces within the property boundary is required where a minimum 3.5m building line is applied in association with indirect lane access.

Figure 4.4 – Garage Access - Restricted Residential Frontages in Laneways



3.4.3.2 Articulation Zone

Objectives

a. Promote building facades which contribute to the character of the streetscape.

b. Provide variation in the form of housing when viewed from the street.

c. To provide a level of consistency with the development standards for complying development within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Controls

i. The following building elements associated with ***residential accommodation*** or ***tourist and visitor accommodation*** in Zone R2 Low Density Residential and Zone R3 Medium Density Residential may project forward of the ***building line or setback*** to the primary street frontage by up to 1.5m in front:

- an entry feature or portico,
- a balcony, deck, pergola, terrace or verandah,
- a window box treatment,
- a bay window or similar feature,
- an eave.

ii. Up to 25% of the **articulation zone**, when viewed from above, may include building elements. An awning or other feature over a window and a sunshade feature and eaves are not included in the maximum area calculation of building elements.

iii. New dwellings are to be designed to address the street, provide an easily identifiable entrance for pedestrians and contribute to the streetscape.

Figure 4.5 – Articulation Zones

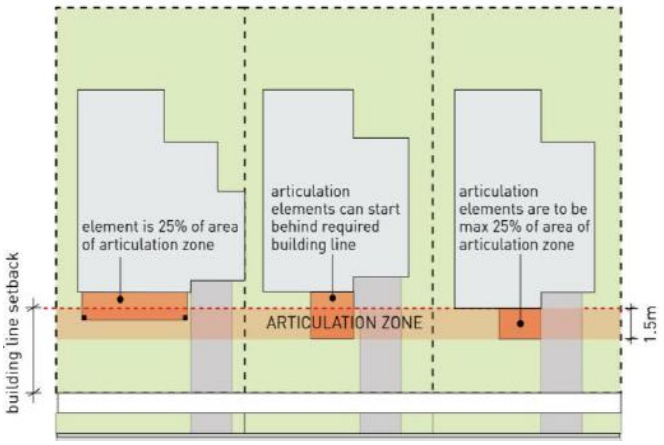
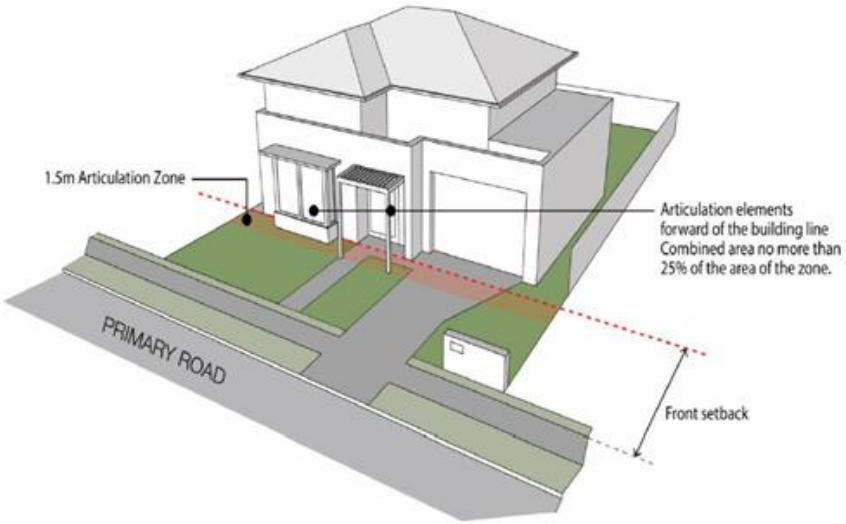


Figure 4.6 – Articulation Zone Elevation View



3.4.3.3 Vehicular Access and Parking

Objectives

a. Provide adequate onsite car parking for development;

b. Provide car parking that is convenient and safe to access;

c. Ensure garages, carports and sheds do not dominate the streetscape; and

d. Ensure streetscape amenity, character and utility is maintained.

Controls – Car parking

i. Onsite car parking for development is to be provided in accordance with **Table 4.6** below:

Table 4.6 – Car Parking for Residential and Tourist Uses

	Car Parking
Dwellings, Semi-detached Dwellings and Attached Dwellings	2 spaces per ***dwelling****
Secondary Dwellings	Nil
Dual occupancy	2 spaces per ***dwelling****
Multi Dwelling Housing and ***Residential Flat Buildings***	1 space per ***dwelling*** where total GFA of ***dwelling*** is less than 60m² 1.5 spaces per ***dwelling*** where total GFA of ***dwelling*** is between 60m² and 85m²

	Car Parking
	2 spaces per ***dwelling*** where total GFA of ***dwelling*** is greater than 85m² Plus 1 additional space per 5 ***dwellings*** for visitor parking
Shop top housing	Dwelling requirement plus shop requirement

* At least 1 required car parking space per dwelling must be covered.
* Stack parking is an acceptable solution.



Note:

Car parking rates for ***tourist and visitor accommodation*** are determined by the rate applicable to the most equivalent form of housing.

Car parking rates for ***hotel or motel accommodation*** are specified in Chapter 2.

Controls – Garages and Sheds

i. Garages and sheds are to be located behind the building line or, where the building line is less than 5.5 metres, a minimum of 5.5 metres from the street boundary; and

ii. The combined maximum width of garage and shed doors must not be more than 50% of the lot frontage, or alternatively, where dual occupancies require two garages, these are to be articulated so as to not dominate the streetscape.



Note:

The design of garages and sheds that are required for additional vehicular storage, eg. caravans, motorhomes and the like, must not detract from the existing, or planned, future streetscape and character of the locality.

Controls – Carports and Car Parking Spaces

i. Car parking must not be located forward of the ***building line or setback*** unless as permitted below.

ii. Carports and car parking spaces located forward of the ***building line or setback*** will be considered subject to the following criteria:

- At least one covered parking space (garage or carport) for each dwelling is located behind the building line or, where the building line is less than 5.5 metres, a minimum of 5.5 metres from the street boundary;
- The frontage facing the street remains open and is not fitted with a door or enclosing device of any kind;
- The carport roof does not significantly impact on the streetscape (flat or low pitched roofs are preferred);
- The carport is not to exceed 33% of the width of the allotment frontage and located wholly or partially in front of the garage to reduce visual impact; and

- No side or rear enclosure or screening is to be provided.

Notes:

1. Please refer to Council's **'Building Over Assets Policy'** in relation to any development proposed forward of the building line.
2. Refer to relevant controls for building envelope controls for sheds and additional boundary setbacks for lager sheds.

Controls – Basement Parking

i. ***Basement*** car parking must not extend more than 1m above ground level (finished) where it faces a public street or public space or 1.5m above ***ground level (finished)*** to the side and the rear of the lot where it does not face a public street or public space;

ii. Ramps entering off a street or lane must start behind the boundary. Ramps cannot be located on public land; and

iii. The walls of ***basement*** car parking that protrude above ground level (existing) are to be located within the building's footprint. ***Basement car*** parking is not to extend outside the external line of terraces, balconies and porches.

Notes:

Groundwater interception may require a separate approval in accordance with the *Water Act* 1912 and the *Water Management Act* 2000.

The design of basement car parking should have regard for mitigation measures suitable to manage impacts associated with inundation or flooding of basement car parking areas.

3.4.3.4 Overlooking and Privacy

Objectives

a. Ensure buildings do not unduly affect existing or future development on adjoining properties by impinging on privacy or obstructing views; and
b. Provide visual privacy for internal and external spaces;

Controls

i. A window must have a privacy screen if:

- it is a window in a habitable room, other than a bedroom, and
- the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
- the window has a sill height of less than 1.5 metres and a floor level greater than 1.0m above ***ground level (existing).***

ii. A balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:

- has a setback of less than 3 metres from a side or rear boundary, and

- has a floor area of more than 3 square metres and a floor level greater than 1.0m above ground level (existing).
- Balconies, decks, pergolas, terraces or verandahs that are within 3 metres of side or rear boundaries and require privacy screens are not permitted within the articulation zone.

iii. For ***residential accommodation*** and ***tourist and visitor accommodation*** involving multiple dwellings on the same site, direct views between habitable rooms, other than bedrooms, shall be screened where:

- Ground and first floor windows are within a 9 metre radius from any part of the window of an adjacent dwelling on the same site, and
- Other floor windows are within a 12 metre radius of an adjacent dwelling on the same site, and
- Direct views from habitable rooms, excluding bedrooms, of dwellings into the principal area of private open space of other dwellings on the same site shall be screened or obscured where they are within a 12 metre radius.



Notes:

1. A habitable room is defined in the *Building Code of Australia* and includes rooms used for normal domestic activities such as living rooms, lounge rooms, dining rooms, studies, playrooms, family rooms, rumpus rooms, kitchens and the like but does not include bathrooms, laundries, water closets (toilets), walk-in wardrobes, corridors, hallways, lobbies and the like.
2. This element applies to ***secondary dwellings*** on R3 zoned land as they have the potential to be converted to other forms of ***residential accommodation,*** each dwelling within which may be owned under separate ownership.

iv. Details of privacy screening required in (i)-(iii) must be submitted with the development application and may consist of:

- Screening that has 25% openings (maximum), is permanently fixed and is constructed of durable materials, or
- A 1.8 metre high visually impervious fence or wall between a ground-level balcony, deck, patio, pergola, terrace, verandah or window where the floor level is not more than 1 metre above ground level (existing), or
- Landscape screening by using existing dense vegetation or new planting that can achieve a 75% screening effectiveness within three years (without affecting solar access or views), or
- Fixed opaque glazing in any part of a window below 1.5 m above floor level.



Note:

Where the privacy screen consists of a 1.8 metre high boundary fence then such fencing is required to be erected prior to the occupation of the adjoining dwelling house.

Variations

i) Variations to controls i – iii will be considered where it can be demonstrated that the objectives have been met and privacy between residential buildings is maintained by:

- offsetting windows along boundaries
- installing windows at different heights to adjoining buildings and/or
- providing landscape plantings along boundaries to screen bedrooms and living areas.

Controls – additional privacy requirements for roof terraces

i. Roof top terraces and associated structures shall be designed so their size and location does not impose upon or have unreasonable impacts on the privacy adjoining dwellings; and

ii. Awnings and coverings on roof terraces must be located within the applicable height limits for structures and must not unduly obstruct views from surrounding properties; and

iii. Roof terraces are to be appropriately located and screened to prevent direct views into habitable rooms or ***private open space*** of any adjoining dwellings.

3.4.3.5 Fences and Walls

Objectives

a. To ensure that fences and courtyard walls:
   - Do not become a dominant built element in the streetscape;
   - Provide a sense of territory, privacy, noise reduction and safety for residents;
   - Do not remove the sense of safety in the street that pedestrians gain from the casual observation by residents;
   - Do not impact on the safe movement of vehicles and pedestrians; and
   - Retain opportunities for casual social interaction in the community.

Controls

i. The height of fences must not exceed the heights shown in **Table 4.7**:

Table 4.7 - Height of Fences

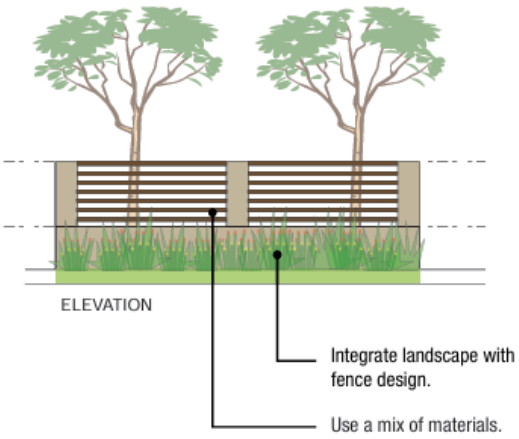
Fence Location	Height
Front Fence*	1.2 metres unless fence complies with point ii.below.
Side Fence	1.2 metres forward of the building line and 1.8 metres for the remainder.
Rear Fence	1.8 metres. Where the rear fence is the primary frontage, 1.2 metres.

Fence Location	Height
*Front fence refers to a fence on the front boundary or forward of the building line on the primary street frontage of a site.	

ii. Where fences or walls are proposed exceed 1.2 metres in height ~~(as required under Table 4.5),~~ the fence or wall is to be designed in accordance with the following:

- The fence or wall is to be articulated so as to provide visual relief and opportunities for landscape plantings between the wall and public areas;
- The maximum height of the fence or wall is 1.8 m; and
- The design of the fence or wall incorporates openings with at least 50% visual permeability.

Figure 4.7 Example of front fence design (Image Credit: Tweed Shire Council)



iii. Where a fence abuts a driveway edge, a minimum 2.5m x 2.0m splayed area in accordance with Australian Standard 2890 is to be provided either side of the driveway for solid fence designs for traffic viewing purposes. Alternatively, a fully open or part open style fence may be adopted either side of the driveway which may incorporate solid construction to a maximum height of 1.0m.

Note:

Some residential streets in the Lennox Head area have been identified as having traffic levels where acoustic mitigation is appropriate. Implementation of acoustic mitigation measures on these sites will be an individual owner's choice. Development controls for acoustic fencing are detailed in (iv) below.

Council applies AS2890 Parking Facilities with respect to the requirements for splays.

iv. Acoustic fencing may be erected on boundaries to the following streets and roads in Lennox Head:

- Ballina Street

- Byron Street
- North Creek Road (The Coast Road to Skennars Head Road)
- Hutley Drive
- Montwood Drive

Acoustic fencing is to be designed in accordance with the following:

- The wall or fence is to be articulated so as to provide visual relief and opportunities for landscape plantings between the wall and public areas; and
- Maximum height 1.8 m.

3.4.3.6 Roof Pitch

Objectives

a. Ensure that roofs are designed to manage stormwater associated with sub-tropical rainfall events; and

b. Discourage the use of flat roofs on new dwellings to encourage building up to but not exceeding two storeys.

Controls

i. Roofs of dwellings are to have a minimum pitch of 5°; and

ii. Council may consider a variation to control (i) to maintain views or to correspond with adjoining building design that is consistent with the character of the locality.



Note:

Shading devices and pergolas are exempt from the nominated pitch requirements specified in this control element.

3.4.3.7 Adaptable Housing

Objectives

a. Ensure that residential development is designed such that increased opportunities exist for people with limited mobility to reside in the broader community.

Controls

i. At least 10% of all ***dwellings*** in an ***attached dwelling***, ***residential flat building*** or ***multi dwelling housing*** development containing 10 or more dwellings must be designed in accordance with Australian Adaptable Housing Standard (AS 4299-1995). Where this results in a fraction then it shall be rounded to the nearest whole number with 0.5 being rounded down; and

ii. Car parking and garages allocated to ***dwellings*** built to the Australian Adaptable Housing Standard (AS 4299-1995) must comply with the dimensions specified in the Standard.



Note:

Residents contemplating building new housing are encouraged to consider the design elements contained within the SLLHA_GuidelinesJuly2017FINAL4.pdf and the design suggestions contained within The_Tradies_Guide_to_Good_Access.pdf

3.4.3.8 Earthworks and Slope Sensitive Design Controls

Objectives

a. To limit the extent of ***excavation*** and ***filling***.

b. To reference controls contained within the Housing Code and the Rural Housing Code under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

c. To provide for development that is responsive to existing landform.

d. To ensure that building design is compatible with the topographical conditions of the site.

Controls

i. ***Earthworks*** are to comply with the following provisions, except as provided for under (ii):

- The controls contained within this part are additional to those contained within clause 3.30 of the Housing Code and clause 3A.29 of the Rural Housing Code; and
- ***Earthworks*** involving ***excavation*** and/or ***filling*** on or within 1 metre of a property boundary are permitted to be a maximum height of **1200mm** per single cut, single ***fill*** or combination cut/fill. These works are to be retained by a masonry structure which is to be designed and certified by a suitably qualified structural engineer if in excess of 1 metre in height.

ii. For lots with slopes greater than or equal to 15%, the following provisions must be complied with:

- Building siting is to relate to the original form of the land;
- Alternatives to slab on ground construction are encouraged, where, due to the gradient and characteristics of the site, major ***excavation*** or ***filling*** as a result of raft slab construction would be inappropriate. Examples of alternative construction includes: Bearer and joist construction; Deepened edge beam; Split level design; Suspended slab design; and
- ***Earthworks*** to be kept to the minimum required for an appropriately designed site responsive development.

3.4.3.9 Screening Underfloor Space of Buildings

Objective

a. Improve the appearance of elevated buildings and provide for enhanced neighbourhood amenity.

Controls

i. Where the understorey of a building is visible from adjoining properties or public land, landscaping or screening panels must be provided around the base perimeter of the building and maintained. Screening is to be provided in accordance with the following:

- Screening panels must not create the appearance of a solid wall and are to be constructed of lattice, slats or other like materials.
- Proposals for the use of landscaping for the screening of underfloor areas must be accompanied by a landscape plan which includes information identifying the location and species of plantings.
- Landscaping screening is to be provided utilising mature plants.

ii. Screening required under (i) is to be provided prior to the occupation of the building.

3.4.3.10 Tourist Accommodation Length of Stay

Objective

a. Ensure that ***tourist and visitor accommodation*** is utilised for short term occupation only.

Controls

i. ***Tourist and visitor accommodation*** must only be occupied on a short-term basis and shall not be utilised or let for long term or permanent accommodation.

ii. Guests must not be accommodated for more than 42 consecutive days with an interval of at least 14 days between occupancies, or for more than a total of 90 days in any 12 month period.

3.4.3.11 Tourist Accommodation Building Design

Objective

a. Ensure that ***tourist and visitor accommodation*** is constructed in a manner consistent with residential accommodation buildings.

Controls

i. ***Tourist and visitor accommodation*** comprising or within a building of 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2m above ground level) and comprising 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops) is to be designed in accordance with the provisions within Chapter 4 of *State Environmental Planning Policy No. (Housing) 2021.*

3.5 Small Lot Integrated Housing

3.5.1 Application

Applies to:

Location/s:	Zone R3 Medium Density Residential
Development Type/s:	Applications for ***dwelling houses***, ***semi-detached dwellings*** or ***attached dwellings***

3.5.2 Background

Integrated housing consists of the concurrent subdivision of land into 4 or more allotments (each with an area between 300m² and 400m²) and the erection of a ***dwelling house***, ***semi-detached dwelling*** or ***attached dwelling*** on each of the lots created by the subdivision.

As integrated housing applications involve relatively small allotments, issues of privacy and overlooking are particularly relevant in the development assessment process. Furthermore, as these ***dwellings*** often have a common party wall which share structural support, it is important that detailed consideration is given to the design and construction of this element of the building. Accordingly, the BLEP 2012 requires that the dwelling design be assessed and approved concurrently with the subdivision. For applications involving ***attached dwellings*** or ***semi-detached dwellings***, Council also requires that all ***dwellings*** sharing common party walls are constructed concurrently.

3.5.3 Planning Objectives

a. To ensure that integrated housing developments are located in areas which are accessible to local infrastructure and public transport.

b. To ensure that integrated housing developments are designed:

- to provide visual and acoustic privacy for future residents;
- with adequate private open space to meet the needs of residents; and
- to provide for solar access.

3.5.4 Development Controls

3.5.4.1 General

i. Designs for integrated housing developments must demonstrate that:

- there will be adequate privacy within the development for the occupants of each ***dwelling*** and for existing ***dwellings*** on adjoining allotments;
- there are adequate water, sewerage and drainage services for each ***dwelling***;
- there will be adequate access to natural light for each ***dwelling***; and
- new ***dwellings*** will be provided with landscaped areas and ***private open space*** in accordance with the requirements of Element G in section 3.1.3 of this chapter.

ii. The **building height plane** specified in section 3.1.3 of this chapter applies to applications for integrated housing for those parts of the development which interface with adjoining properties and public land.

iii. ***Building lines or setbacks*** and **building envelopes** for individual ***dwellings*** within the integrated housing scheme that comply with the *Building Code of Australia* will be assessed on the merits of the case having particular regard for:

- privacy;
- overshadowing; and
- the bulk and scale of the development as a whole.

3.5.4.2 Additional controls for *attached dwellings* and *semi-detached dwellings*

i. Where ***attached dwellings*** are proposed, all vehicular access is to be provided from a rear service lane wherever possible;

ii. ***Attached dwellings*** and ***semi-detached dwellings*** must be designed to be complementary to one another with respect to building form, materials and landscaping. However, each ***dwelling*** is to be provided with articulation and detailing to provide an individual identity;

iii. Each ***dwelling*** is to front the public street system and have a front door which is readily identifiable and accessible from the street;

iv. ***Semi-detached dwellings*** or ***Attached dwellings*** proposed on a corner allotment shall address both frontages by the use of verandas, balconies, windows or similar modulating elements;

v. Where vehicular access is from a **primary road** (rather than a service lane) garages and carports must not occupy more than 50% of the width of the façade;

vi. Construction of ***dwellings*** with common party walls is to occur concurrently. Occupation certificates will only be issued once all ***dwellings*** sharing the common wall are completed; and

vii. The location of mail and garbage services are to be nominated and adequate provision made for each ***dwelling*** to access such services.

Part 4 Special Area Controls

4.1 Coastal Grove Estate, Lennox Head

4.1.1 Application

Applies to:	
Location/s:	Coastal Grove Estate (as shown on the Special Area Controls Maps - Residential).
Development Type/s:	***Residential accommodation***.

4.1.2 Planning Objectives

a. To provide a high quality residential development to meet the demand for housing within the Lennox Head area;

b. To protect the inherent environmental qualities of the site and its surrounds including visual character, landscape setting and riparian vegetation values; and

c. To provide services and facilities to meet the needs of the future residents of the site.

4.1.3 Development Controls

A. Element - Building Height

i. ***Dwelling houses*** must not be comprised of more than 2 storeys except as set out in (ii); and

ii. ***Dwelling houses*** located on Lots 26-32 DP 1168665 (Blue Seas Parade) must not exceed 1 storey above ***ground level (existing)*** when viewed directly from the front street boundary of the lot.

Note:

The building height plane provisions contained in Part 3 of this chapter apply to residential development in the Coastal Grove Estate.

B. Element - Slope Sensitive Design

i. ***Dwellings*** and associated development on residential lots with a slope greater than 15% are required to conform to the following requirements:

Driveways

- Driveways are to not to exceed a maximum gradient of 1:6 unless it can be demonstrated to the satisfaction of the consent authority that no reasonable alternative to this solution is possible. In such cases driveways are not to exceed a maximum gradient of 1:4.
- Applications are to include a long section drawing of proposed driveway access that has been prepared by an appropriately qualified person based on site survey information.

Earthworks

- ***Earthworks*** are subject to the following requirements:

Table 4.7 - Coastal Grove Earthworks Requirements		
Geotechnical zone[1]	**Maximum cut or fill - property boundary**	**Maximum cut or fill - elsewhere on site**
1	1.2m	No limitation if works contained fully within **building envelope**
2	1.2m	2.5m if works contained fully within **building envelope**
3	1.2m	1.5m

[1]Geotechnical zones are shown in the *Coastal Grove Assessed Slope Suitability Zoning Plan* attached in Appendix A.

Notes:

Cut and fill parameters mean that ***excavation*** and/or ***filling*** on sites with a slope exceeding 15% may, in some circumstances, exceed 1m (on property boundary) and 1.5m (elsewhere on the site). This is subject to the conditions identified above and relevant engineering and geotechnical assessment demonstrating the suitability of the site for the proposed ***excavation/ filling*** and associated works.

The geotechnical zones are based on analysis undertaken by Coffey Geosciences in relation to the application for the subdivision of the land.

C. Element - Geotechnical and Engineering Assessment

i. Applications for development on land within geotechnical zone 3 (see Appendix A - Coastal Grove Assessed Slope Suitability Zoning Plan) must be accompanied by a geotechnical assessment. The assessment is to be prepared by a qualified geotechnical engineer.

ii. Where a geotechnical assessment is required, applications for development must demonstrate that the findings of the assessment have been considered in relation to the structural design of the proposed development.

Note:

Applicants may be required to have regard for the geotechnical assessment undertaken by Coffey Geosciences in relation to the application for the subdivision of the land.

4.2 Aspects Estate & Elevation Estate, Lennox Head

4.2.1 Application

Applies to:	
Location/s:	Aspects Estate and Elevation Estate (as shown on the Special Area Controls Maps - Residential).
Development Type/s:	***Residential accommodation*** and ***tourist and visitor accommodation***.

4.2.2 Planning Objectives

a. Provide a high quality residential development to meet the demand for housing within the Lennox Head area; and

b. Protect the inherent environmental qualities of the site and its surrounds including visual character, landscape setting and ***biodiversity*** values; and

c. Provide for energy efficient housing that is responsive to the environmental characteristics of the site and its surrounds.

4.2.3 Development Controls

A. Element - Cut and Fill (**Refer to controls contained in Clause 3.1.3 P – Element – Earthworks and Slope Sensitive Design Controls**)

i. (Deleted Amendment 3 – 16.7.2014)

ii. (Deleted Amendment 3 – 16.7.2014)

B. Element - Mosquito Controls

i. Where an outdoor entertaining area is provided in conjunction with a dwelling fronting Hutley Drive (as extended), a proportion of this area (of a size commensurate with the number of people who would want to use it) will be insect screened.

C. Element - Development of Mews Allotments

i. Housing development on mews allotments must comply with the following:

- vehicular access is to be from a rear laneway;
- a minimum 3.0m front ***building setback***;
- a minimum 1.0m setback from laneway;
- a minimum of 90m2 landscaped area;
- a minimum 2.0m side setback on at least one side;
- where a zero setback on one side is proposed, satisfactory legal arrangements are made for maintenance, there are no openings in the wall, and the wall is fire rated masonry construction;
- adequate solar access is provided to each ***dwelling***; and

- adequate ***private open space*** is provided for each dwelling (minimum area of 32m^2, minimum dimension of 3m) with direct connection to indoor living areas.

4.3 Wollongbar Urban Expansion Area

4.3.1 Application

Applies to:	
Location/s:	Wollongbar Urban Expansion Area (as shown on the Special Area Controls Maps - Residential).
Development Type/s:	***Residential accommodation*** and ***tourist and visitor accommodation***.

4.3.2 Planning Objectives

a. Provide a high quality residential development to meet the demand for housing within the Wollongbar area;

b. Protect the inherent environmental qualities of the site and its surrounds including visual character, landscape setting and ***biodiversity*** values; and

c. Provide for energy efficient housing that is responsive to the environmental characteristics of the site and its surrounds.

4.3.3 Development Controls

A. Element - Light-weight construction

i. Light-weight construction is required for lots where the **building envelope** is identified as having a 'medium' likelihood of slip.

Notes:

Provision (i) is in place to ensure that the risk of landslip does not increase due to the potential for natural drainage to be altered or slopes steepened by excavation or filling, as can be the case with 'slab on ground' construction.

Where construction other than light-weight construction is proposed, a geotechnical assessment and engineering design/report will be required.

B. Element - High likelihood of slip

i. No ***dwellings*** or other ancillary residential structures are permitted to be constructed on land that is identified as having a 'high' likelihood of slope instability.

Notes:

Provision (ii) responds to the potential for landslip to be significantly exacerbated if the natural drainage is altered or slopes are modified by ***earthworks***.

Slope instability zones are based on survey and analysis undertaken by the Department of Mineral Resources and Coffey Partners Pty Ltd. The areas identified as having a medium or high likelihood of slip are shown in the map titled 'Land affected by slip – Wollongbar Urban Expansion Area' and attached in **Appendix D**.

C. Element - Cut and fill (Refer to controls contained in Clause 3.1.3 P – Element – Earthworks and Slope Sensitive Design Controls)

i. (Deleted Amendment 3 – 16.7.2014)

ii. (Deleted Amendment 3 – 16.7.2014)

4.4 Camden Lane Area, Ballina

4.4.1 Application

Applies to:	
Location/s:	Camden Lane Area (as shown on the Special Areas Controls Maps - Residential).
Development Type/s:	***Residential accommodation*** and ***tourist and visitor accommodation***.

4.4.2 Planning Objectives

a. Preserve the amenity of dwelling houses on the allotments subject to this section; and

b. Minimise adverse impacts on the amenity and environmental attributes of North Creek.

4.4.3 Development Controls

i. Development must not be located east of the building lines specified in Table 4.8.

Table 4.8 – Camden Lane Area Foreshore Building Lines

Address	Lot DP	Foreshore Building Line (east of western lot boundary)	
		at northern boundary	at southern boundary
1 Camden Lane	Lot 33 DP 872966	43.0m	
3 Camden Lane	Lot 3 DP 1079380	29.8m	38.7m
5 Camden Lane	Lot 1 DP 1119099	29.8m	
2 Skinner Street	Lot 10 DP 1126929	33.5m	

Note:

The Camden Lane foreshore building line is measured as the distance specified in Table 4.8 shoreward from the western boundary of each site. For Nos. 1 and 5 Camden Lane and No. 2 Skinner Street the foreshore building line is parallel to the western boundary of each site. For No. 3 Camden Lane, the foreshore building line is measured diagonally across the lot between the specified points on the northern and southern boundaries.

4.5 Lennox Head Coastal Hazard Protection Area

4.5.1 Application

Applies to:	
Location/s:	Lennox Head Coastal Hazard Protection Area (as shown on the Special Area Controls Maps - Residential).
Development Type/s:	***Residential accommodation*** and ***tourist and visitor accommodation***.

4.5.2 Planning Objectives

a. Minimise adverse impacts and hazard risks associated with coastal processes on dwellings and ancillary uses.

4.5.3 Development Controls

i. Development must comply with the floor levels and building lines specified in the following tables.

Table 4.9 – Ballina Street Foreshore Building Provisions

Address	Lot DP/SP	Habitable Floor Level	Foreshore Building Line (east of Ballina St boundary)	
			at northern boundary	at southern boundary
77-83 Ballina Street	SP 45001	6.00m AHD	35.91m	40.5m
85 Ballina Street	Lot 6 Section 1 DP 11687	6.00m AHD	34.7m	35.91m
87 Ballina Street	Lot 5 Section 1 DP 11687	6.00m AHD	33.5m	34.7m

Table 4.10 – Rayner Lane Foreshore Building Provisions

Address	Lot DP/SP	Habitable Floor Level	Foreshore Building Line (east of Rayner Lane boundary)	
			at northern boundary	at southern boundary
2 Rayner Lane	SP 84004	500mm above centreline	41.95m	43.47m
3 Rayner Lane	Lot 43 Section 1 DP 11687		40.43m	41.95m

Table 4.10 – Rayner Lane Foreshore Building Provisions				
Address	**Lot DP/SP**	**Habitable Floor Level**	**Foreshore Building Line** (east of Rayner Lane boundary)	
			at northern boundary	at southern boundary
4 Rayner Lane	Lot 42 Section 1 DP 11687	of Rayner Lane	38.90m	40.43m
5 Rayner Lane	Lot 41 Section 1 DP 11687		37.38m	38.90m
6 Rayner Lane	Lot 40 Section 1 DP 11687		35.85m	37.38m
7 Rayner Lane	Lot 39 Section 1 DP 11687		34.33m	35.85m
8 Rayner Lane	Lot 38 Section 1 DP 11687	500mm above centreline of Rayner Lane	32.18m	34.33m
9 Rayner Lane	SP 74190		31.28m	32.18m
10 Rayner Lane	SP 60473		29.76m	31.28m
11 Rayner Lane	SP 67477		28.13m	29.76m
12 Rayner Lane	SP 66590	6.0m AHD	26.50m	28.13m
13 Rayner Lane	Lot 33 Section 1 DP 11687		24.89m	26.50m
14 Rayner Lane	Lot 32 Section 1 DP 11687		23.25m	24.89m
15 Rayner Lane	Lot 31 Section 1 DP 11687		21.63m	23.25m
16 Rayner Lane	Lot 30 Section 1 DP 11687		20.00m	21.63m
10A Rutherford Street	Lot 45 Section 1 DP 11687	500mm above centreline of Rayner Lane	43.47m	45.00m

Table 4.11 – Rutherford Street Building Provisions		
Address	**Lot DP/SP**	**Habitable Floor Level (AHD)**
10 Rutherford Street	Lot 10 DP 20330	3.40m
10A Rutherford Street	Lot 45 Section 1 DP 11687	(see Table 4.10)
11 Rutherford Street	Lot 11 DP 20330	3.40m

Table 4.12 – Allens Parade Area (Reserve Frontage) Building Provisions			
Address	**Lot DP/SP**	**Habitable Floor Level (AHD)**	**Foreshore Building Line** (from eastern lot boundary)

5-7 Tresise Place	SP 33397, SP 36179	3.40m	5.0m
4 Tresise Place	Lot 7 DP 255308	3.40m	5.0m
3 Tresise Place	Lot 8 DP 255308	3.40m	5.0m
10 Allens Parade	Lot 88 DP 29654	3.40m	5.0m
12 Allens Parade	Lot 86 DP 29654	3.40m	5.0m
18 Allens Parade	SP 33295, SP 66541	3.40m	5.0m
26 Allens Parade	Lot 80 DP 29654	3.40m	5.0m
28 Allens Parade	Lot 78 DP 29654	3.40m	5.0m
34 Allens Parade	Lot 76 DP 29654	3.40m	5.0m
36 Allens Parade	SP 75998	3.40m	5.0m
42 Allens Parade	Lot 72 DP 29654	3.40m	5.0m
48 Allens Parade	SP 70447	3.40m	5.0m

Table 4.13 – Allens Parade Area (Seawall Frontage) Building Provisions

Address	**Lot DP/SP**	**Habitable Floor Level (AHD)**	**Foreshore Building Line** (from eastern lot extremity)	
			at northern boundary	at southern boundary
52 Allens Parade	Lot 2 DP 1004752	5.25m	5.7m	10.3m
56 Allens Parade	Lot 65 DP 29654	5.25m	10.3m	10.3m
58 Allens Parade	Lot 63 DP 29654	5.25m	10.3m	10.3m
64 Allens Parade	Lot 61 DP 29654	5.25m	10.3m	10.3m
44 Dress Circle Drive	Lot 58 DP 29654	5.25m	10.3m	7.0m
46 Dress Circle Drive	Lot 57 DP 29654	5.25m	7.0m	N/A



Note:

Where compliance with the minimum floor level requirement for buildings in Rayner Lane results in encroachment beyond the maximum building height specified in the LEP, Council may consider a variation to the building height standard under clause 4.6 of the LEP where the building would have otherwise met the building height standard in the absence of the minimum floor level requirement.

4.6 16 Tara Downs, Lennox Head

4.6.1 Application

Applies to:	
Location/s:	16 Tara Downs Lennox Head (as shown on the Special Area Controls Map – Residential - Sheet _SR_003_020).
Development Type/s:	***Residential accommodation*** and Subdivision.

4.6.2 Planning Objectives

a. Provide for vegetation buffers to significant vegetation located on this site;

b. Provide for bushfire asset protection zones;

c. Provide for the location of indicative building envelopes for dwellings impacted by vegetation buffers and bushfire asset protection zones.

4.6.3 Development Controls

A. Element - Retention of Native Vegetation

i. Buffers must be established to protect certain native trees located on this site. Such buffers must extend a minimum distance of 12 metres from the trunk of native trees contained within nominated tree clusters as shown in **Appendix B.** All lots containing or adjacent to such trees must be designed to incorporate indicative building envelops as required by Element C.

ii. All building work, including the installation of swimming pools, must be undertaken outside the vegetation buffer areas.

iii. Vegetation buffer areas are required to be located generally as indicated in **Appendix B**.

Note:

Vegetation buffer areas may be incorporated into site landscape areas.

B. Element - Bushfire Asset Protection Zones and Site Access Arrangements

i. Bushfire asset protection zones are required to be provided in locations generally as indicated in **Appendix B**. Final design of bushfire asset protection zones is to achieve separation distances consistent with BAL 29 under AS 3959.

Notes:

1 Site access arrangements are to address the requirements of *Planning for Bushfire Protection*.

2 Subdivision of this site is subject to further assessment in accordance with Section 100B of the *Rural Fires Act 1997*. Final location of bushfire asset protection zones and site

access arrangements will be determined by the Rural Fire Service following such assessment.

C. Element - Building Envelopes

i. Development must be consistent with the indicative building envelopes, shown in **Appendix B**, relating to the vegetation buffers and bushfire asset protection zones referred to in Elements A and B.

Note:

Final location of buffers and building envelopes to be determined by survey.

4.7 Blue Seas Parade Estate, Lennox Head

4.7.1 Application

Applies to:	
Location/s:	Blue Seas Parade Estate (as shown on the Special Area Controls Map – Residential - Sheet _SR_003_020).
Development Type/s:	***Residential accommodation.***

4.7.2 Planning Objectives

a. To provide high quality residential development to meet the demand for housing within the Lennox Head area;

b. To protect the inherent environmental qualities of the site and its surrounds including visual character, landscape setting and riparian vegetation values; and

c. To provide services and facilities to meet the needs of the future residents of the site.

4.7.3 Development Controls

A. Element - Rear Building Setbacks for lots subject to 1200m2 minimum lot size requirement (Ballina LEP 2012)

The following rear (eastern) boundary building setbacks are applicable:

Table 4.7a – Blue Seas Parade Estate Rear Building Setbacks

Development Type	Setback
Dwellings and attached carports, garages, balconies, decks, patios, pergolas, terraces and verandahs that are also attached to the dwelling house and which have a height up to 4.5 metres.	5 metre minimum rear building setback and clear of any Right of Carriageway (ROW).
Dwellings and attached carports, garages, balconies, decks, patios, pergolas, terraces and verandahs that are also attached to the dwelling house and which have a height greater than 4.5metres.	12 metre minimum rear building setback and clear of any ROW.
Outbuildings not attached to dwellings with a height up to 3.8 metres.	1.5 metre minimum rear building setback and clear of any ROW.

Outbuildings not attached to dwellings with a height greater than 3.8 metres.	1.5 metre minimum rear building setback plus one quarter of the height of the building above 3.8 metres and clear of any ROW.



Notes:

1 No part of any building may encroach on a ROW.

2 The width of any ROW may be included in the minimum setback distance.

3 The building height plane provisions contained in Part 3 of this chapter also apply to residential development in the Blue Seas Parade Estate.

B. Element - Slope Sensitive Design

Dwellings and associated development on residential lots with a slope greater than 15% are required to conform to the following requirements:

i. Driveways

- Driveways are not to exceed a maximum gradient of 1:6 unless it can be demonstrated to the satisfaction of the consent authority that no reasonable alternative to this solution is possible. In such cases driveways are not to exceed a maximum gradient of 1:4.
- Applications are to include a long section drawing of proposed driveway access that has been prepared by an appropriately qualified person based on site survey information.
- The preferred access point to proposed lots is from a ROW located parallel to the rear eastern boundary.

ii. Earthworks

- ***Earthworks*** are subject to the following requirements:

Table 4.7b – Blue Seas Parade Estate Earthworks Requirements

Slope Instability Hazard Zones[1]	Maximum cut or fill - property boundary	Maximum cut or fill - elsewhere on site
1	1.2m	No limitation if works contained fully within **building envelope**
2	1.2m	2.5m if works contained fully within **building envelope**
3	1.2m	1.5m

[1] Slope Instability Hazard Zones are shown in the *Blue Seas Parade Assessed Slope Suitability Zoning Plan* attached in Appendix C



Notes:

Cut and fill parameters mean that ***excavation*** and/or ***filling*** on sites with a slope exceeding 15% may, in some circumstances, exceed 1m (on the property boundary) and 1.5m (elsewhere on the site). This is subject to the conditions identified above and relevant engineering and

geotechnical assessment demonstrating the suitability of the site for the proposed ***excavation/ filling*** and associated works.

The slope instability hazard zones are based on analysis undertaken by Coffey Geotechnics in the report*: Preliminary Geotechnical Investigation: Lot 2 DP 587685*, dated 6 June 2008.

i. Element - Geotechnical and Engineering Assessment

i. Applications for development on land within Slope Instability Hazard Zone 3 (see Appendix C – Blue Seas Parade Estate Assessed Slope Suitability Zoning Plan) must be accompanied by a geotechnical assessment. The assessment is to be prepared by a qualified geotechnical engineer.

ii. Where a geotechnical assessment is required applications for development must demonstrate that the findings of the assessment have been considered in relation to the structural design of the proposed development.

D. Element - Aesthetic Considerations

i. Residential Accommodation must be designed such that buildings address the Blue Seas Parade frontage even if vehicle access is from a Right of Carriageway (ROW) on the eastern edge of the land.

ii. All underfloor areas between external walls and ground level shall be screened.

4.8 23 Compton Drive, East Ballina

4.8.1 Application

Applies to:	
Location/s:	23 Compton Drive, East Ballina (as shown on the Special Area Controls Map – Residential - Sheet _SR_006_020).
Development Type/s:	***Residential accommodation.***

4.8.2 Planning Objectives

a. To ensure that site hazards are considered as part of the development application process;

b. To ensure compliance with Planning for Bushfire Protection (2019);

c. To delineate the extent of the site subject to a requirement for a Vegetation Management Plan (VMP);

d. To delineate the location of the building envelope for a dwelling house;

e. To ensure that residential development on the site does not significantly impact the environmental qualities associated with the site and does not adversely compromise the visual character of this escarpment location.

4.8.3 Development Controls

A. Element - Geotechnical and Engineering Assessment

i. Applications for development on the site must be accompanied by a geotechnical assessment. The assessment is to be prepared by a qualified geotechnical engineer.

ii. Applications for development must demonstrate that the findings of the assessment have been considered in relation to the structural design of the proposed development.



Note:

Previously prepared geotechnical assessments for the site and submitted as part of the site rezoning process are available for viewing from council. Reference CM19/77074 should be quoted when seeking access to these documents.

B. Element - Bushfire Asset Protection Zone

i. A 4 metre wide bushfire Asset Protection Zone (APZ) is required in the location indicated in Appendix E. The APZ shall be capable of being managed as an inner protection area, as per the requirements detailed in Planning for Bushfire Protection (2019).

ii. Future residential accommodation on the site shall be constructed to a minimum Bushfire Attack Level (BAL) 29 as per the requirements detailed in Planning for Bushfire Protection (2019).



Note:

Future development assessment is subject to assumed consultation under S4.14 of the Environmental Planning and Assessment Act 1979. It shall be supported with certification from a suitable qualified consultant that the development proposed complies with the requirement listed in Element B and Planning for Bushfire Protection 2019.

C. Element – Building Envelope

i. The area within Lot 3 DP 525783 (Lot 3) able to be built upon is restricted to that area indicated as the building envelope area in Appendix E.

ii. No part of Lot 1 DP 781542 is incorporated within the building envelope area.

D. Element – Ecological Considerations

i. The compensatory planting ratio required for the site is a minimum of 10:1. This ratio has been set having regard to the EEC vegetation required to be removed to enable the APZ, referenced in Element B, to be provided.

ii. Development applications for residential accommodation on the site shall be accompanied by an ecological assessment report prepared by an appropriately qualified and experienced professional. The report shall contain details of the type and quantity of vegetation impacted by the development as well the area occupied by such vegetation. The calculation of area is also to incorporate tree canopy impacts as a consequence of the APZ requirements contained in Element B.

iii. Tests of Significance under s7.3 of the Biodiversity Conservation Act 2016 are to be prepared, and incorporated within the ecological assessment report, for all impacted EECs and threatened species.

iv. A Vegetation Management Plan (VMP) is required to be submitted with the development application. The VMP is to be prepared in respect to those areas required as offsets for EEC vegetation impacted by the development.

v. The required compensatory planting area to offset the impact on EEC vegetation shall include that part of the site indicated within Appendix E as the area subject to the Vegetation Management Plan. If this area is insufficient then additional areas in close proximity to the site shall be incorporated as determined by council.

E. Element – Additional Development Controls

i. Building Height is limited to 6 metres as shown on the Ballina LEP 2012 Building Height Map. One residential storey above excavated car parking and storage is permitted within the building envelope area.

ii. The building line setback to Compton Drive is 0 metres.

iii. Waste management and demolition requirements are specified in Ballina Development Control Plan 2012 – Chapter 2 – Section 3.7 Waste Management. The following additional requirements also apply:

- The footpath adjacent to Lot 3 is to be restored to council's satisfaction following demolition of building works.
- Restoration to include a 2.5% cross fall, topsoil and turfing for pedestrian accessible sections of the footpath.

iv. Remediation of contaminated land on Lot 3 is to be carried out to a standard for the land to be used for residential development. Remediation is to be carried out in accordance with applicable environmental standards as well as Council's Policy for the Management of Contaminated Land and Asbestos Management Policy.

Notes:

1. Lot 3 is contaminated land listed in council's Contaminated Land Register. Asbestos (chrysotile) is present on Lot 3 and is understood to be associated with the existing building on this lot.
2. Restrictions as to user under the provisions of s88B of the Conveyancing Act 1919 have been registered on the title of Lot 3 DP 525783 (see DP 1271115). The restrictions relate to the following matters:
   - Area subject to Vegetation Management Plan;
   - Area designated as an Asset Protection Zone;
   - Area designated as a Building Envelope; and
   - Single residential storey building requirement above car parking.

4.9 Lennox Head Medium Density Redevelopment Area

4.9.1 Application

Applies to:	
Location/s:	Areas within Lennox Head zoned R3 Medium Density, on the eastern side of Byron Bay Road, as shown on the Special Areas Controls Map.
Development Type/s:	***Residential accommodation.***

4.9.2 Planning Objectives

a. To ensure there is no net loss of dwellings when redevelopment is proposed.

b. To facilitate increased density over time and ageing in place in an area that is well serviced by commercial services and public amenities.

4.9.3 Development Controls

a. Development proposals must demonstrate no net loss in the total amount of housing where redevelopment of a site is proposed.

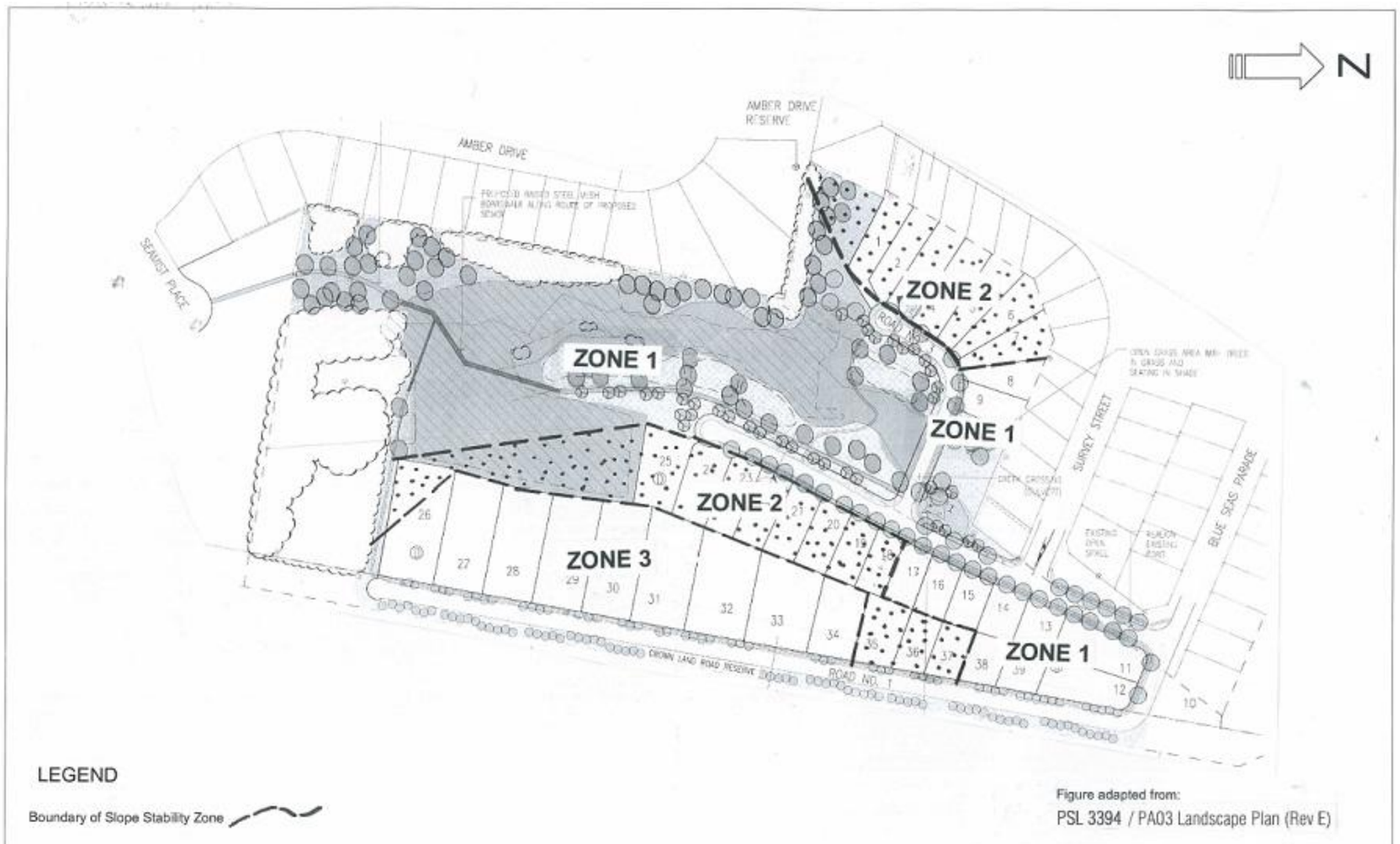
b. Development proposals for new residential development where a consolidation of lots has been undertaken (or is proposed) must demonstrate a net increase in the total amount of housing.

Notes:

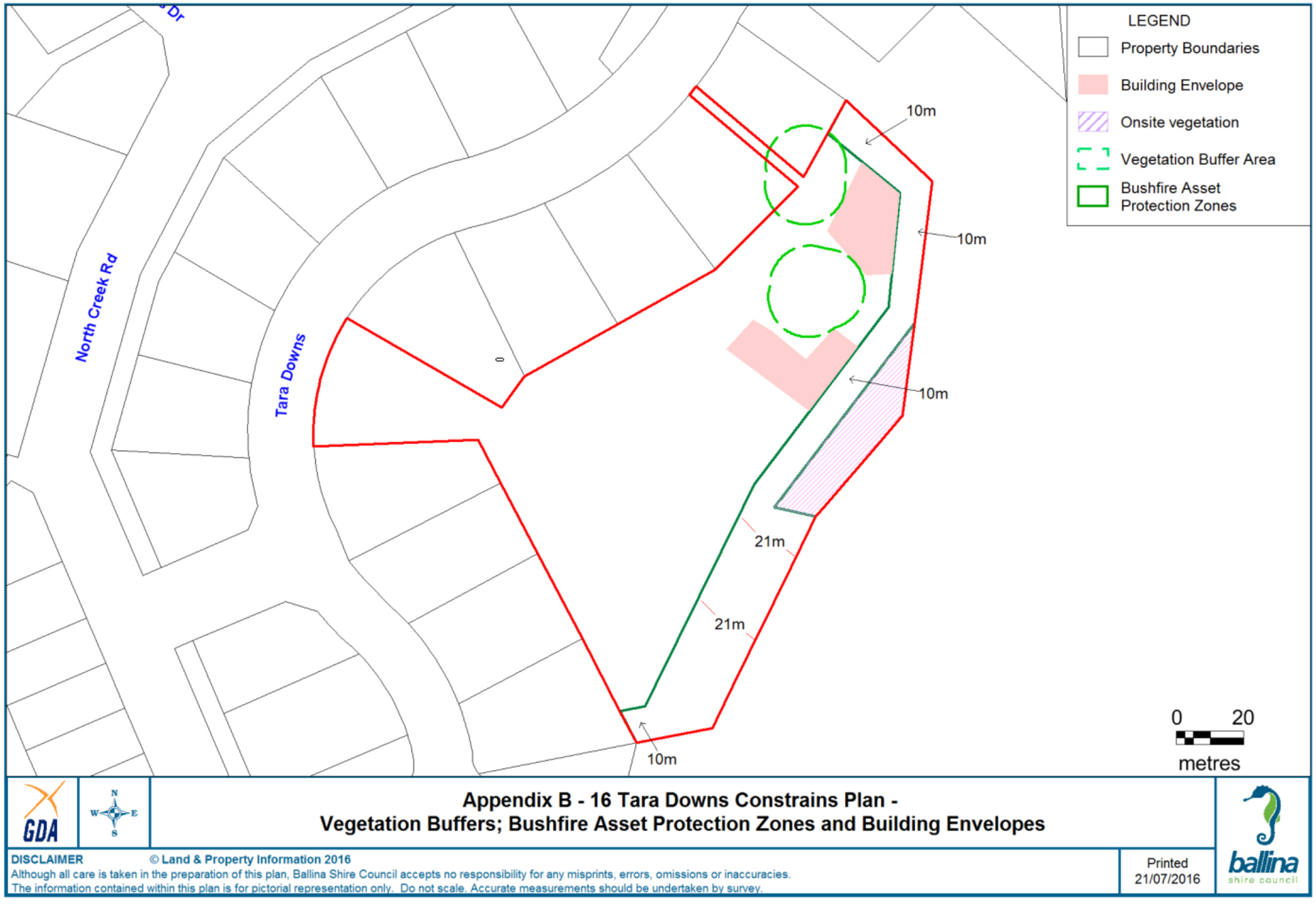
Demolition of existing residential development will not be supported unless it is part of a development application for new residential development or there are significant public health, safety or environmental benefits associated with the demolition.

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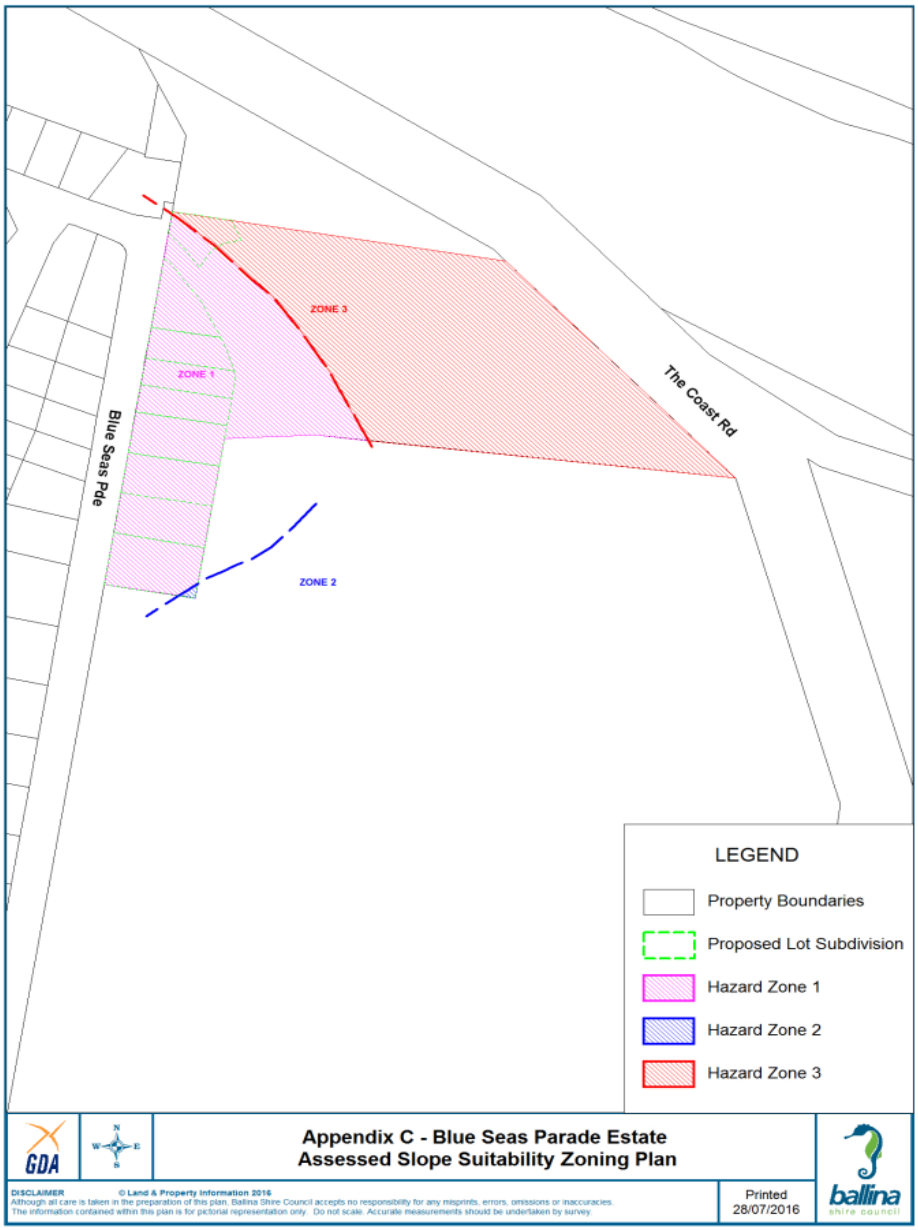
Appendix A – Coastal Grove Assessed Slope Suitability Zoning Plan



Appendix B – 16 Tara Downs Constraints Plan

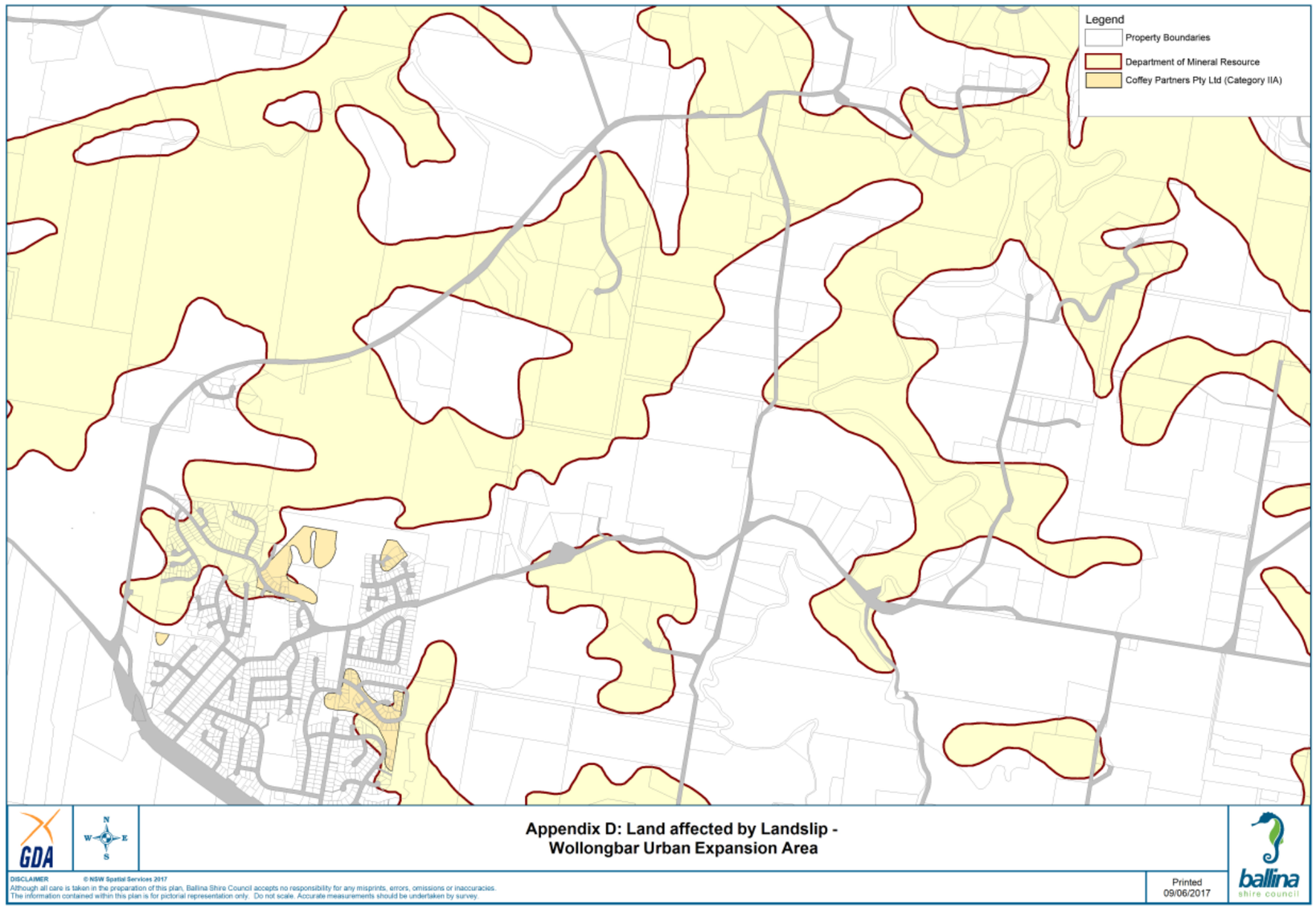


Appendix C – Blue Seas Parade Estate Slope Hazard Plan



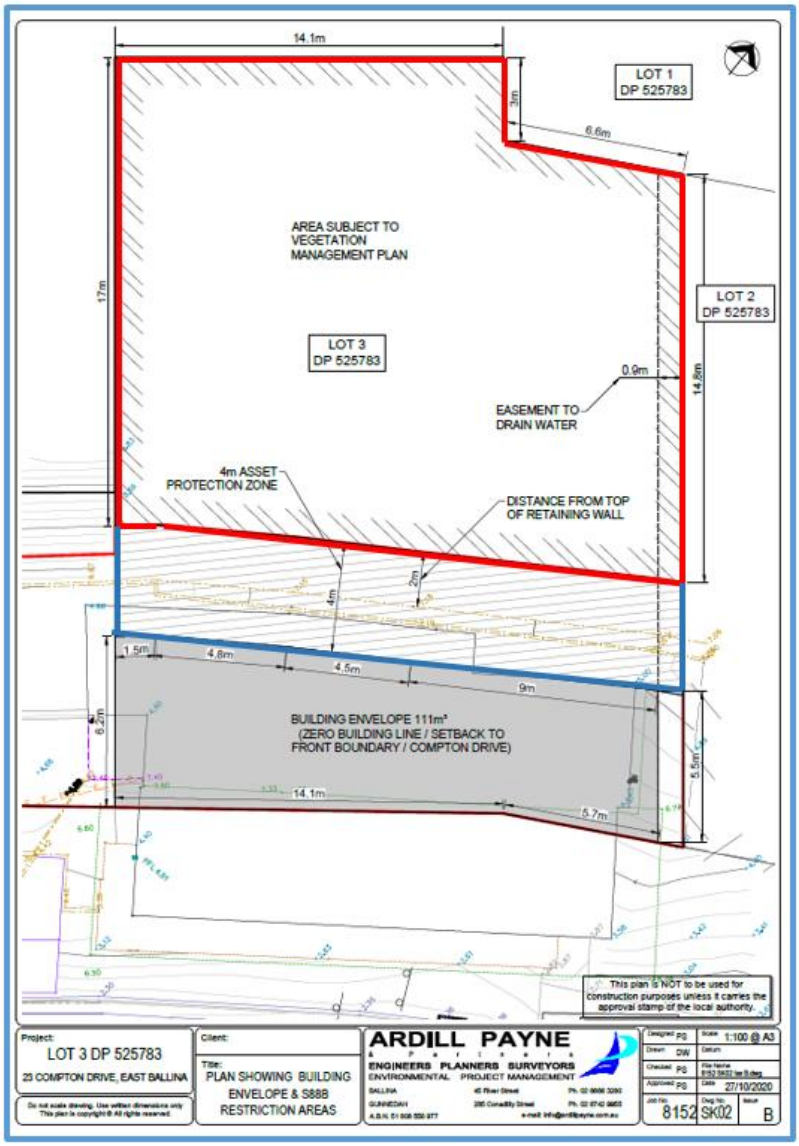
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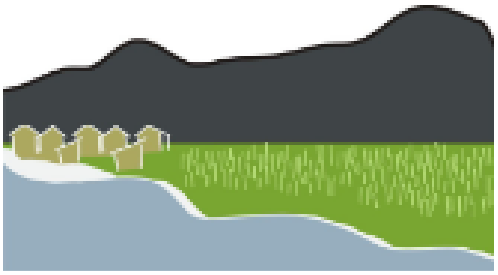
Appendix D – Land affected by Landslip – Wollongbar Urban Expansion Area



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Appendix E – 23 Compton Drive, East Ballina – Plan showing building envelope and S88B restriction areas





Ballina Shire Development Control Plan 2012

Chapter 7 – Rural Living and Activity

Proposed amendment:

2. New controls for the construction of farm dams ('water storage facilities'). pp31-32

7

people • place • prosperity



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Part 1 Preliminary

1.1 Introduction

Name:

Ballina Shire Development Control Plan 2012, Chapter 7 – Rural Living and Activity.

Purpose:

To identify Council's requirements relating to land uses in rural areas.

Relationship to other Chapters of this DCP:

The provisions in this chapter prevail over those in chapters 1, 2, 2a and 2b where there is an inconsistency.

Where there is an inconsistency between provisions in chapters 3, 4, 5, 6 and 7 Council will determine which provision(s) will apply based on consideration of the strategic planning framework for the land the subject of the application, statutory considerations, relevant planning objectives and the nature of the proposed development.

The provisions of chapter 8 apply in conjunction with those in this chapter, but prevail in the event of an inconsistency unless otherwise specified.

Special Area Controls in this chapter prevail over General Controls in the event of an inconsistency

Application:

The planning provisions of this chapter apply to land uses in rural areas as specified.

Planning Objectives and Development Controls:

The general provisions of this chapter are categorised in relation to a series of land uses and topics. For each land use planning objectives and development controls are specified. There are also special provisions relating to particular areas. Development proposals must be consistent with the planning objectives for the chapter and in relation to each identified land use. Such consistency is typically demonstrated by compliance with the identified development controls, although there may be circumstances where an alternative to the application of a development control is consistent with the planning objectives.



Part 2 Chapter Planning Objectives

The overarching objectives of this chapter are to:

a. Protect agricultural land, particularly land that is identified as 'State significant' or 'regionally significant' farmland as referenced in the Northern Rivers Farmland Protection Project, from inappropriate development;

b. Preserve rural resources by ensuring that land is not effectively sterilised by being developed or encroached upon by urban or other incompatible uses;

c. Minimise rural land use conflict through a number of strategies including provision of land use buffers, land use regulation and encouragement of best practice in rural land practices;

d. Encourage and provide for quality rural development within the shire;

e. Encourage development of a scale and nature which will not adversely impact on the existing amenity of the area;

f. Maintain or improve cultural and environmental values of rural land; and

g. Provide information, guidance and controls for specific land uses that occur on rural land.

Part 3 General Controls

3.1 Residential Development in Rural Areas

3.1.1 Application

Applies to:	
Location/s:	Zones RU1, RU2, C2, C3, W1 and W2.
Development Type/s:	***Residential accommodation***



Notes:

The BLEP 2012 identifies the circumstances in which Council is able to grant development consent for the erection of dwellings on vacant non-urban zoned land. In certain circumstances, verification of the potential for a dwelling to be approved on a parcel of land may require a detailed investigation of Council's records relating to the subdivision history of that particular allotment.

There are many vacant allotments within the shire where a dwelling may not be erected under the terms of the LEP. That is, dwellings are not permitted on all rural land parcels. It is recommended that, if considering purchasing a lot within a rural or environmental protection zone, Council is consulted to determine if a dwelling is permissible on the subject land.



3.1.2 Planning Objectives

a. Encourage building design and locations that have regard for the existing characteristics of the site and locality;

b. Ensure ***dwellings*** are sited to reduce conflict between adjoining agricultural land uses; and

c. Ensure that new ***dwellings*** are located to minimise intrusion on the privacy and amenity of existing ***dwellings***.

d. Ensure all new ***dwellings*** not connected to a reticulated water supply have an adequate supply of water to service the property.

3.1.3 Development Controls

A. Design Principles for Dwellings

i. The design of ***dwellings*** and associated buildings should be in keeping with the rural character of the locality. Traditional construction materials (i.e. timber, corrugated roofing or similar) and natural colours (grey, greens and browns) are encouraged;

ii. Rural ***dwellings*** must be designed in a manner which minimises energy and water consumption; and

iii. Buildings associated with the ***dwelling*** such as a large sheds, greenhouses and other ancillary structures must be designed, located and landscaped to reduce visual impacts on adjoining properties and public places.



Notes:

There are a number of publications that are available to assist home owners and designers in achieving good residential development in rural areas including:

- The North Coast Design Guidelines published by the Department of Planning is a good reference point and Council encourages use of these guidelines in the design of all dwellings.
- BASIX (Building Sustainability Index) is a NSW State Government Initiative that ensures new homes are designed and built to use less potable water and produce fewer greenhouse gas emissions. BASIX operates via a web-based planning tool, which assesses the water and energy usage of the building. The BASIX system means that all new residential buildings need to incorporate design features that reduce water and electricity used by the dwelling.

B. Resited Dwellings

A resited ***dwelling*** is a ***dwelling*** that has been moved to a site from another location.

i. In addition to the requirements documented in item A above, a development application for a resited ***dwelling*** must be accompanied by the following information:

- A report prepared by a practising structural engineer certifying that the building is in a structurally adequate condition and that the structure is capable of meeting the design wind loading for the area in which it is proposed to be resited. Full details of all work necessary to upgrade the building, including footings, to meet the design wind speed and other loading requirements must also be submitted;
- A pest inspection report, on the subject building, prepared by a licensed pest controller;
- A detailed external room by room report from an approved competent person, such as a building surveyor, licensed builder, structural engineer or architect. The report is to provide information on the construction and condition of walls, ceiling and flooring of each room and with particular attention to all wet areas, and externally on the walls, roof and guttering etc. The report must detail any repairs/works considered necessary to comply with the Building Code of Australia and to place the building in an as new and well-maintained condition. Photographs showing all elevations and other relevant features must accompany the report;
- Full building plans of the proposed finished state of the resited dwelling, including a site plan, floor plan of each floor level, sections, all elevations, and a complete specification must be submitted. The plan should clearly identify the original part of the building and the proposed alterations and additions; and

ii. Applications must demonstrate that resited ***dwellings*** are safe, structurally sound and compatible with the characteristics of the surrounding land.

Notes:

Any approval granted by Council will attract, as a minimum, the following requirements:

- The replacement of all defective materials to the satisfaction of Council;
- A memorandum of agreement to complete the building shall be taken out by the owner/builder with the Ballina Shire Council;
- A monetary bond, the amount nominated by Council, is to be paid to Council and held in trust until after the building work has been completed to Council's satisfaction.

C. Temporary Residential Occupation of Land

Refers to circumstances where an owner or builder temporarily lives on a property within a shed, caravan or other ***temporary structure*** while a permanent ***dwelling*** is being constructed.

i. Temporary residential occupation of the land must comply with the following requirements:

- The period of occupancy of the temporary dwelling must be no longer than 12 months from the commencement date of construction of the permanent dwelling;
- The property or land must have access to a potable water supply with a 10,000 litre minimum capacity (i.e. tanks, bore etc) during the period of temporary occupation;
- A shower, basin and toilet connection to an approved on-site sewage management system is provided;
- There is an ongoing commitment to construction of the permanent dwelling;
- Prior to temporary occupation of the property, the habitable building, access road and on-site water supply must meet the requirements of the most current NSW Rural Fire Service publication 'Planning for Bushfire Protection'; and
- Temporary occupation may only be granted to the owner, the immediate family of the owner or the licensed builder.

Notes:

To enable holistic consideration of a proposal for temporary occupation of land, a development application for a permanent dwelling should be submitted at the same time as an application under Section 68 of the *Local Government Act* 1993 for temporary occupation of a temporary dwelling.

D. Rural Worker's Dwellings

A ***rural worker's dwelling*** is a ***dwelling*** on land upon which there is already erected a ***dwelling*** and which is occupied by persons engaged in rural occupation on that land.

i. To obtain approval for a ***rural worker's dwelling***, it must be demonstrated that:

- The ***dwelling*** is on the same legal title as the principal farm ***dwelling;***
- The property meets the minimum lot size and other requirements specified in the BLEP.
- The erection of each additional ***dwelling*** will not impair the suitability of the land for ***agriculture***;
- The needs of existing agriculture genuinely require that rural workers reside on the land;
- The farm generates enough income to support the owner and employee/s;
- The farm cannot practically operate without the employee's labour;
- On-site accommodation for the employee is essential to the enterprise;
- The ***dwelling*** shares the same road access, power and communication infrastructure as the principal farm ***dwelling*** (except where solar technology is used as a power source);
- The ***dwelling*** is located so that it minimises the likelihood of conflict with adjoining

land uses;

- The ***dwelling*** is located within 300m of other farm buildings; and
- There is no alternative local labour and/or housing available.

Notes:

It is recommended that applicants prepare their development applications for a ***rural worker's dwelling*** having regard for relevant material prepared by the NSW Department of Primary Industries.

It is Council's experience that there are very few circumstances within Ballina Shire where approval of a rural worker's dwelling will be able to be justified based on the above-mentioned criteria.

E. Expanded Dwellings

An expanded ***dwelling*** is a single ***dwelling house*** that consists of a central building surrounded by habitable outbuildings (e.g. kitchen, dining, lounge and laundry areas within a primary building surrounded by bedrooms that are physically separate structures).

i. Expanded ***dwellings*** must comply with the following criteria:

- All minor buildings must be within 10 metres of the main building and be connected to the main building by a constructed pathway;
- All minor buildings must be limited to a maximum of 40 square metres and contain not more than 1 bedroom each;
- All kitchen, dining and laundry facilities must be located within the main building;
- The expanded ***dwelling*** must not contain more than 1 laundry and 1 kitchen;
- The expanded ***dwelling*** must act as 1 dwelling and must not be used for separate occupation;
- No outbuildings are to contain cooking facilities;
- The expanded ***dwelling*** is to be designed as an integrated unit, with all minor buildings compatible with the design and materials of the main building;
- Not more than one expanded ***dwelling*** per property; and
- No separate driveway is to be provided to service any outbuilding.

F. Dual Occupancies

Dual occupancies involve two ***dwellings*** on a single allotment of land.

i. ***Dual occupancies (attached)*** must comply with the following criteria:

- The second ***dwelling*** must be within 10 metres of the first ***dwelling*** and is to be attached to the first/ original ***dwelling***. Attachment may be achieved by way of a covered walkway, deck or the like;
- The second ***dwelling*** must be on the same legal title as the first ***dwelling***;
- The second ***dwelling*** must have the same road access as the first ***dwelling***; and
- The second ***dwelling*** must be located so that it minimises conflict with adjoining land uses.

ii. ***Dual occupancies (detached)*** must comply with the following criteria:

- The second ***dwelling*** must be on the same legal title as the first ***dwelling***;
- The second ***dwelling*** must be able to be accommodated on the land having regard to on-site disposal and management of sewerage waste;
- The second ***dwelling*** must be able to be accommodated on the land having regard to the land's physical characteristics and constraints;
- The second ***dwelling*** must have the same road access as the first ***dwelling***; and
- The second ***dwelling*** must be located so that it minimises conflict with adjoining land uses.

Notes:

1. ***Dual occupancy (detached) dwellings*** are only permitted on land zoned RU1 Primary Production or RU2 Rural Landscape under the Ballina Local Environmental Plan 2012 (BLEP 2012). The provisions relating to ***dual occupancy (detached) dwellings*** do not apply to land zoned as 'deferred matter' under the BLEP 2012.
2. Separation between ***dual occupancy (attached) dwellings*** will be measured from the external walls of the dwellings or minor ancillary structures attached to the dwellings (such as carports and decks). Where measurements are made from structures such as carports or decks, measurements will be from the wall, column, post etc (not the eaves).
3. If the first dwelling on the land is an expanded ***dwelling*** (as per Section E above) the second ***dwelling*** is to be of a regular, compact or non-expanded form.
4. Council is not able to grant consent to strata-title subdivision of rural dual-occupancies unless each lot created, excluding common property, is not less than the minimum shown on the *Lot Size Map.*
5. Consent for a ***dual occupancy*** will require payment of developer contributions.

G. Water Supply

i. ***Dwellings*** not serviced by reticulated town water are to have a minimum 45,000 litres of potable water supply per ***dwelling***.

ii. For ***dwellings*** located on bushfire prone land and where reticulated water is unavailable, an additional water source (or sources) for firefighting purposes may be required.

Note:
Refer to *Planning for Bushfire Protection* for tank and water supply requirements.

3.2 Rural Subdivision

3.2.1 Application

Applies to:	
Location/s:	Zones RU1, RU2, C2, C3, W1 and W2.
Development Type/s:	Subdivision

3.2.2 Planning Objectives

a. Preserve existing and potentially productive agricultural land for agricultural production;

b. Ensure that subdivision design has regard for slope, conservation values, land use conflict, and amenity;

c. Ensure subdivision of land does not adversely impact on the environment;

d. Ensure availability and provision of adequate infrastructure and services in an efficient and effective manner; and

e. Ensure subdivision does not result in rural residential ***dwellings*** not related to agricultural production.

3.2.3 Development Controls

i. All subdivision applications must demonstrate that the relevant zone objectives set out in the BLEP will be achieved;

ii. Subdivision of land must not result in a significant diminution of the agricultural production potential of the land the subject of the application or land nearby or must result in a significant environmental benefit;

iii. Subdivision which achieves or promotes farm build-up must not provide an ability for additional allotments, or dwellings to be created in the future;

iv. Subdivision design must not create a situation where the relative position of existing or proposed improvements and rural activities on the new lots is likely to result in land use conflict.

v. The size and shape of the proposed new allotments and their setting must be suited to their intended use;

vi. Vehicular access to and within the proposed allotments must be adequate having regard for the intended use of the land. The creation of allotments solely dependent on rights of carriageway for access provision is discouraged;

vii. Applications for subdivision must provide an assessment of the need for harvesting and storage of surface or groundwater for use on the allotments; and

viii. Applications for subdivision are to be supported with sufficient information detailing that all relevant infrastructure, including on-site sewage management systems, are able to be wholly contained within each proposed allotment.

3.3 Rural Tourist and Visitor Accommodation

3.3.1 Application

Applies to:	
Location/s:	Zones RU1, RU2, C3, W1 and W2.
Development Type/s:	***Tourist and visitor accommodation*** (except ***caravan parks*** and ***camping grounds***).

3.3.2 Planning Objectives

a. Provide for the establishment and operation of diverse small scale ***tourist and visitor accommodation*** within rural and environmental protection zones within Ballina Shire;

b. Ensure that facilities are designed and constructed so as to maintain rural character and amenity, productive agricultural use of land and environmental values;

c. Encourage visitor interaction with the rural and natural environment;

d. Ensure the provision of a satisfactory level of service to guests and that such premises meet acceptable access, community health and fire safety standards; and

e. Encourage environmental repair, restoration and management activities in conjunction with rural tourist development.

3.3.3 Development Controls

i. ***Tourist and visitor accommodation*** uses, where permissible with consent in the applicable zone, may only occur on land that is subject to a ***dwelling*** entitlement in accordance with the provisions of the Ballina LEP.

ii. ***Tourist and visitor accommodation*** must be small scale and compatible with the characteristics of the site and its surrounds (particularly with respect to agricultural land use and environmental values).

Notes:

Small scale ***tourist and visitor accommodation*** is development that is predominantly residential in character and scale and that does not consist of larger commercial activities such as ***boarding houses***, ***backpackers accommodation*** or ***hotel or motel***

accommodation.

Applicants must demonstrate that the proposed facility is compatible with the site and locality. In this regard, potential issues and impacts relating to at least the following are to be addressed: agricultural value, scenic amenity, ecological values, bushfire hazard, site access, waste management and land use conflict (including, but not limited to, lighting and noise). These matters should be considered with respect to accommodation form, density and configuration.

Council's controls in relation to ***tourist and visitor accommodation*** seek to enable such development on properties where the capacity of productive agricultural land is not compromised and the environmental characteristics of the land and its surrounds are not adversely impacted. Accommodation is intended as short term tourist accommodation (that is, it is not to be used for permanent occupation) that complements and provides access to the shire's agricultural and natural features.

iii. ***Tourist and visitor accommodation*** must comply with the disability access provisions under the Building Code of Australia.

Note:

Council strongly encourages the provision of access for the disabled to all forms of rural tourist development.

iv. ***Tourist and visitor accommodation*** must be temporary and shall not be utilised or let for long term or permanent accommodation. Guests must not be accommodated for more than 42 consecutive days with an interval of at least 14 days between occupancies, or for more than a total of 90 days in any 12 month period.

v. ***Tourist and visitor accommodation*** must include a manager's residence on the site, comprised of either the primary residential dwelling or one dwelling in a dual occupancy arrangement. The manager's residence must be in a location suitable to facilitate on site management of the accommodation units.

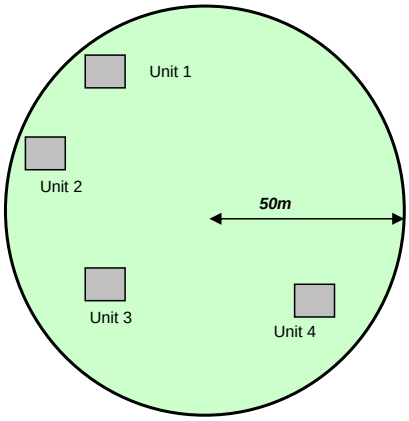
vi. ***Tourist and visitor accommodation*** facilities are subject to the following configuration and design requirements:

- Clustering of buildings within the area established by the radius specified in Table 7.1 (unless it can be demonstrated that a dispersed arrangement provides for a more efficient use of the site and does not adversely impact on the use of productive agricultural land or the environmental characteristics of the land, both on site and off site);
- Utilisation of a single access point from the public road network to service both the accommodation and residential use of the site;
- Total internal floor area not exceeding 75m² per accommodation unit;
- Maximum of 2 bedrooms and 1 kitchenette per accommodation unit; and

- Provision of at least one defined car parking space per accommodation unit.

Table 7.1 - Clustering radii for *tourist and visitor accommodation* units	
Number of Units	**Clustering Radius**
2	20m
3	35m
4	50m
5	65m
6	80m
7 or more	90m plus 10m for each additional unit above 7 units

Figure 7.1 Clustering of accommodation units - example use of radius



Note:

Accommodation unit means a single room (or suite of rooms), cabin, cottage or similar building of residential character for use as temporary accommodation. It does not include larger commercial uses such as ***boarding houses***, ***backpackers' accommodation***, ***hostels*** or ***hotel or motel accommodation***.

As a guide, accommodation facilities consisting of generally not less than 3 and not more than 8 accommodation units are considered best suited to meeting Council's planning objectives for ***tourist and visitor accommodation***.

Clustering is assessed via the establishment of a circle with the applicable radius from any given point on the site. It must be demonstrated that each of the building can be located wholly within the applicable circle radius when measured from a single point.



Bed and breakfast accommodation must comply with the provisions contained in chapter 8 except in the event of any inconsistency that exists between this section and chapter 8, in which case this section shall prevail to the extent of that inconsistency.



Note:

Farm and nature-based tourism involves business or activity centred on visitors utilising or experiencing rural land, farm produce and/or the natural environment. Farm and nature-based tourism activities vary significantly in their nature and scale.

Accordingly, these activities will be assessed with respect to the requirements set out under this DCP. In determining the applicable elements of the DCP and the suitability of the proposed development or activity, the following matters will be considered:

- Surrounding land uses and potential land use conflict;
- Internal and external vehicular access;
- Landscape values and amenity;
- Ecological and natural values of the land and surrounds;
- Servicing and waste management (including sewage, solid waste and water supply);
- Bushfire and Public health;
- Directional and advertising signage; and
- Operational attributes (including operating hours etc).



Note:

Certain development, including eco-tourism facilities, may be afforded concessions by the NSW Rural Fire Service (RFS) when being considered for a *bush fire safety authority* in accordance with section 100B of the *Rural Fires Act 1997*.

The RFS has advised that councils shall determine if a development qualifies as an eco-tourism development.

Development in Ballina Shire will not be categorised differently in relation to the applicable LEP land use definition and bushfire planning provisions. To enable bushfire management concessions to apply, a development proposal must relate to a defined and permitted land use under the LEP. Please refer to the NSW Rural Fire Service *Community Resilience Fast Facts 10/07 Eco-tourism* document for more information.

3.4 Agritourism

3.4.1 Application

Applies to:	
Location/s:	Zones RU1 and RU2.
Development Type/s:	***Farm Gate Premises, Farm Experience Premises, Roadside Stalls***

3.4.2 General

Planning Objectives

a. To allow for tourism development on farms that complements the agricultural use of the land.
b. To ensure farm gate premises, farm experience premises and roadside stalls are secondary to a commercial farm and do not constrain the agricultural activities on the property or on adjacent lands.
c. To ensure farm gate premises, farm experience premises and roadside stalls are compatible with the rural character of the property and do not unnecessarily intrude on the landscape.

Development Controls

i. Development for farm experience premises, farm gate premises or roadside stalls is to be compatible with the commercial operations of the farm and not restrict the day-to-day functions of the farm.
ii. The design of buildings and structures should enhance the sense of place and reinforce the rural character through the selection of materials and design quality.
iii. The building design and materials should complement and integrate with the existing landscape including scenic values.
iv. The design and placement of buildings, structures and moveable dwellings for farm experience premises, farm gate premises or roadside stalls should be clustered on the property, to minimise the amount of land occupied by the development.

3.4.3 Location

Planning Objectives

a. To reduce land use conflicts by separating farm experience premises or farm gate premises development from existing land uses on the property or on nearby land.
b. To respond to environmental values, risks and constraints including environmentally sensitive lands that involve native vegetation and habitats, waterways, water sources and drinking water catchments.

Development Controls

i. The development is not to restrict the day-to-day functions of adjacent farms.

ii. A building, structure, moveable dwelling or activity for farm experience premises or farm gate premises must be located:
- a minimum of 250 metres from residential accommodation on adjacent land or on land that is separated from the landholding by a road
- a minimum of 50 metres from a property boundary or road
- a minimum of 50 metres from a waterway
- a minimum of 250 metres from a boundary for land used for the purpose of forestry, intensive livestock agriculture, intensive plant agriculture, mines, extractive industries, railway lines or rural industries.

iii. Amplified noise for farm gate premises and farm experience premises must be no more than 5dB above background noise at the property boundary of the closest residential dwelling.

iv. The design and placement of buildings, structures and moveable dwellings should consider the existing features of the land and climate, including minimising risk from hazards and weather events.

v. Buildings and structures should not be placed on the ridgeline or peak of a hill or other visually prominent areas.

3.4.4 Vegetation and Landscaping

Planning Objectives

a. To avoid the clearing and removal of native flora and fauna, in particular threatened species and threatened ecological communities.

b. To ensure buildings, structures and moveable dwellings are sited and designed to complement, enhance and protect existing native vegetation, features and landscapes.

c. To minimise the impacts of a development on the environment, including existing vegetation, features, natural resources and biodiversity.

d. To ensure landscaping is visually complimentary to the development

Development Controls

i. Existing mature trees and vegetation are to be retained where possible.

ii. A vegetation management plan is to demonstrate how existing native flora (including tree canopies and underground roots systems) and fauna will be protected and maintained during the construction or erection of any new buildings, structures, moveable dwellings or facilities for farm gate premises, farm experience premises or roadside stalls and during the ongoing operation of the premises or accommodation.

iii. Landscaping should be used to minimise the physical and visual dominance of development for farm gate premises or farm experience premises, including any car parking and vehicle circulation areas, and should include plants native to the local area.

3.4.5 Water Supply and Management

Planning Objectives

a. To ensure adequate arrangements for water supply for visitors and guests to farm gate premises and farm experience premises.
b. To preserve water supply from contaminants generated by visitors and guests to farm gate premises, farm experience premises, and roadside stalls

Development Controls

i. A water supply and management plan is to demonstrate adequate potable water supply, both quality and quantity, is available for the proposed use of a site for farm experience premises or farm gate premises. This water supply is to be in addition to water required for fire fighting purposes.
ii. Development is not to adversely impact existing water supplies for residential and primary production uses on the landholding.

3.4.6 Hazards

Planning Objectives

a. To ensure development is located to minimise exposure to natural and environmental hazards, including bush fire, flooding and site contamination.
b. To protect any part of a development that could be affected by natural and environmental hazards, including bush fire, flooding and site contamination
c. To ensure the safety of visitors who could be adversely affected by natural and environmental hazards, including bush fire, flooding and site contamination, for the duration of their stay or visit.
d. To provide for safe evacuation assembly points and egress pathways.

Development Controls

i. Development is not to be located in proximity to areas of high bush fire or flooding hazards.
ii. For development for farm experience premises and farm gate premises on bush fire prone land:
    - a water tank dedicated for firefighting purposes with a minimum volume as required by *Planning for Bush Fire Protection*, published by the NSW Rural Fire Service, must be provided on the property
    - a bush fire emergency evacuation plan is to identify when the premises will be on alert and will close, evacuation procedures and assembly points, proposed signage, measures to protect human life and property in the event of bush fire, any vegetation hazard clearing needed, contact details for emergency services and any bush fire maintenance measures required.
iii. For development for farm experience premises and farm gate premises on flood affected land, a flood evacuation plan is to identify when the facility will be on alert and will close, evacuation procedures and assembly points, proposed signage, measures to protect human life and

property in the event of flooding, contact details for emergency services and any maintenance measures required.

iv. Evacuation routes from the location of a development to a main road or alternate point of refuge are to avoid flood liable land and bush fire prone land where practicable.

3.4.7 Waste Management

Planning Objectives

a. To manage waste in an environmentally sensitive manner.

b. To ensure management of effluent waste is not detrimental to the local environment

Development Controls

i. Development must minimise any impacts on the natural environment and visitor safety caused by waste, effluent disposal and potential contaminants.

ii. A waste management plan for the ongoing use of farm gate premises or farm experience premises is to provide:

- details of the business
- waste types to be managed including through containment, recycling, re-use and landfill
- waste collection and disposal details
- waste minimisation measures
- monitoring protocols to ensure compliance with the waste management plan.

iii. All effluent waste generated by the development and its ongoing use is to be disposed:

- to a reticulated sewerage system connected to the landholding; or
- using a system of sewerage management for which the approval of Council is obtained under the Local Government Act 1993.

iv. All other waste is to be disposed at an approved waste or resource recovery facility.

v. Organic waste may be disposed of onsite if disposed in a managed composting system where odours and other pollutants are controlled and/or managed.

vi. All recyclables should be separated before disposal.

vii. Onsite waste storage facilities are to have sufficient capacity for the waste generated and be emptied regularly.

3.4.8 Biosecurity

Planning Objectives

a. To manage biosecurity risks from pests, disease, weeds and contaminants by effectively minimising impacts, through robust management arrangements, if they cannot be eliminated.

b. To ensure the general biosecurity duty is met.

Development Controls

i. The planning and assessment of development proposals is to consider the NSW Department of Primary Industries' *Managing biosecurity risks in land use planning and development guide* (2020) to ensure biosecurity is appropriately addressed, including in relation to:
   - buffer zones
   - wash down facilities
   - designated parking areas
   - location to major potable water supply storages and watercourses – poultry production
   - dumping and burying rubbish on site.

ii. A biosecurity plan for ongoing use of farm experience premises or farm gate premises should be prepared in accordance with the NSW Department of Primary Industries' requirements, including the *Farm Biosecurity Action Planner* at https://www.farmbiosecurity.com.au/toolkit/planner/

Notes:

Under the *Biosecurity Act 2015*, there is a general obligation on people to be aware of their surroundings and take action to prevent the introduction and spread of pests, diseases, weeds and contaminants.

In addition, where a biosecurity plan has been developed at places of commercial or educational activities for intensive or extensive agriculture or horticulture, subject to certain conditions, a person including any visitors must comply with the biosecurity plan.

Council will consider relevant biosecurity guidelines to assess a development proposal and determine relevant conditions of consent for the operation of the development.

3.4.9 Traffic, Access, and Parking

Planning Objectives

a. To ensure the safety of vehicle movements associated with farm gate premises, farm experience premises or roadside stalls, including entry, egress and movement within a property.
b. To minimise the impact of traffic on local roads associated with farm gate premises, farm experience premises or roadside stalls
c. To ensure adequate parking is available on the property for visitors and employees to farm gate premises, farm experience premises or roadside stalls and to deter overflow parking on local roads.
d. To ensure safety of pedestrians on a property visiting farm gate premises, farm experience premises or roadside stalls.

Development Controls

For development for farm experience premises, farm gate premises or roadside stalls:

i. An access point to the property is to demonstrate compliance with the sight distance requirements of AS 2890.1 *Off-street car parking* and should be adequate to service the development.
ii. All vehicles (including trucks) should be able to enter and exit the property in a forward direction.
iii. All parking and loading or unloading of vehicles must occur within the property boundary.
iv. The minimum number of car parking spaces to be provided is:
    - 1 space per 2 employees, and
    - 1 space per 25m^2 gross floor area of a building or structure for farm gate premises or farm experience premises, and
    - 1 space per 3 visitors for any outdoor farm gate premises or farm experience premises activity, and
    - 1 space for persons with disability or limited mobility.
v. Only one driveway is permitted on a property unless the property has a frontage of greater 100m and can accommodate an additional access and egress to improve:
    - traffic management on the property or on and off the road
    - separation between the farming operations and the development, or
    - resident, employee and visitor safety.
vi. Car parking areas should not form a visually prominent element of the rural landscape or be highly visible from the road frontage and should be located behind the front building line.
vii. Car parking areas should be finished in a surface that will allow for vehicle movements in all weather conditions.

3.4.10 Signage

Planning Objectives

a. To ensure signage for farm gate premises, farm experience premises, or roadside stalls does not detrimentally affect the landscape or road corridor.
b. To require appropriate signage within the property boundary to assist visitors and guests relating to:
    - the location of activities, facilities and interest points associated with farm gate premises, farm experience premises, or roadside stalls,
    - essential safety information including evacuation procedures in a natural disaster or other emergency.

Development Controls

i. Signage for farm gate premises, farm experience premises, or roadside stalls should be in keeping with the rural character and the nature of the operations on the landholding.
ii. All signage for farm gate premises, farm experience premises or roadside stalls should only be located within the boundary of the landholding.

iii. Business identification signs for farm gate premises, farm experience premises, or roadside stalls are limited to a maximum of two (2) signs facing a road frontage on the landholding.

iv. Business identification signage should only promote the business activity and the goods and services offered on the landholding.

v. Any sign must:

- have a maximum height of 3 metres, and
- have a maximum area of 3 square metres, and
- if it is illuminated, have lighting that complies with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting*.

vi. Evacuation signage must be located near the farm gate premises or farm experience premises, the property entrance and emergency assembly points.

vii. Waypoint markers should be provided to assist visitors and guests traverse a property where farm gate premises or farm experience premises.

3.4.11 Ongoing Operations

Planning Objectives

a. To ensure farm gate premises, farm experience premises and roadside stalls minimise impacts on the natural environment and visitor safety.

b. To ensure visitors and guests have access to important safety and operational information while on a property where farm gate premise or farm experience premises operate.

Development Controls

i. A management plan for the ongoing operation of farm experience premises or farm gate premises is to provide:

- a description of the development to be carried out on the property
- a map of where the development will be on the property, relevant dimensions and key features on the land
- the proposed months, days and hours of operation of the farm gate premises or farm experience premises
- the maximum number of guests at one time for the farm gate premises or farm experience premises, and how this will be monitored
- how visitors and guests will be advised to:
  a) limit impacts to the operational farm,
  b) preserve and protect existing native flora, fauna and waterways, heritage items and Aboriginal heritage located on the property,
  c) minimise any biosecurity risk through dispersal of weeds, seeds, insects and contaminants,
  d) manage their waste, and

e) be alerted as to risks that may be present on the property such as natural hazards or changing weather

- measures to mitigate adverse environmental and amenity impacts
- the way vehicles will access the landholdings and the premises
- any safety hazards on the property and how they will be managed to ensure the safety of visitors and guests.

3.5 Rural Industry

3.5.1 Application

Applies to:	
Location/s:	Zones RU1, RU2, C2, C3, W1 and W2.
Development Type/s:	***Rural Industry***.

3.5.2 Planning Objectives

a. Ensure siting and physical form of rural industries is compatible with the character and environmental values of the locality;

b. Ensure that ***rural industries*** are designed so to ensure acceptable levels of amenity for occupants of adjacent premises; and

c. Ensure that safe and adequate infrastructure is available to the premises.

3.5.3 Development Controls

i. Buildings and other structures associated with the operation of the ***rural industry*** are to be designed so as to be:
   - sympathetic to the visual amenity of the area;
   - appropriately screened by vegetation where visible from adjoining properties or public areas such as parks, reserves, roads or other public viewing locations; and

ii. Where there is potential for the proposed ***rural industry*** to generate noise and/or odour impacts, a noise and/or odour impact assessment must be carried out by a suitably experienced and qualified person(s) and provided with the development application.

iii. Where a rural industry includes an industrial retail outlet:
   a. The retail activity is to be contained within, or attached to, or within the curtilage of, a building utilised for the rural industry;
   b. Visitor parking and pedestrian access is to be physically separated from loading/unloading facilities in a manner that maintains public safety; and
   c. Where food items are sold in an industrial retail outlet this must not comprise a food and drink premises.

Notes:

Industrial retail outlets in rural zones are subject to ***maximum gross floor area*** controls set out in Schedule 1 of the BLEP 2012.

Applicants are to include details regarding tastings and tours where such activities are proposed in association with ***industrial retail outlets.***

3.6 Roadside Stalls

3.6.1 Application

Applies to:	
Location/s:	Zones RU1, RU2, C2, C3, W1 and W2.
Development Type/s:	***Roadside stalls***

3.6.2 Planning Objectives

a. Ensure ***roadside stalls*** are constructed and operated in a manner that is in keeping with the rural amenity of the area; and

b. Ensure that vehicular access to and from ***roadside stalls*** occurs in a safe manner.

3.6.3 Development Controls

i. ***Roadside stalls*** must be erected within the property boundary with no part of the ***roadside stall***, other than access, to be located in the road or road reserve;

ii. Access and parking areas should have sufficient areas so as not to disrupt traffic flow; and

iii. Food products must be able to be stored and displayed in a hygienic manner that is consistent with relevant NSW Food Authority guidelines.

Notes:

Roadside stalls located on State controlled roads would generally not be able to meet the requirements of safe vehicular access.

The definition of ***roadside stall*** under the BLEP 2012 allows sale of items from the subject property as well as adjoining properties. For the purposes of this section, an adjacent property means immediately neighbouring land either on the same side of a public road or directly across a public road.

BLEP also contains a provision regarding the maximum ***gross floor area*** for ***roadside stalls***.

3.7 Mining and Extractive Industry

3.7.1 Application

Applies to:



Location/s:	Zones RU1, RU2, C2, C3, W1 and W2.
Development Type/s:	***Mining*** and ***extractive industry***

3.7.2 Planning Objectives

a. Ensure that development in any area of potential landslip or highly reactive soils has proper regard to factors affecting land stability;

b. Ensure development on steep or unstable land is compatible with the nature of the hazard and with the environmental characteristics of the site and surrounding land;

c. Ensure that development does not adversely impact on areas of high conservation value; and

d. Ensure that development is designed to minimise risks associated with geotechnical hazards.

3.7.3 Development Controls

i. Applications for ***mining*** or ***extractive industry*** activities must address at least the following and identify proposed mitigation measures where adverse impacts are identified:

- Efficient and safe movement of the extractive material from the source of supply to the end user;
- Noise, dust and vibration abatement measures;
- Visual impact assessment with particular reference to major roads, tourist routes / interest points and surrounding properties / structures;
- Drainage implications including surface and groundwater impacts;
- Proposed end-use of the site;
- Rehabilitation of the site including materials, staging, source materials, re-contouring, replacement of topsoil, screen planting and vegetation;
- Management techniques to address potential conflict with surrounding land uses and protection of environmental attributes;
- Any other assessment Council may require including Aboriginal and European heritage assessments, contaminated land assessments, ecological assessments and acid sulfate soil assessments; and

ii. Council must be satisfied that the mitigation measures proposed are adequate to address potential impacts on amenity, environmental attributes and values, infrastructure and agricultural activity.



Note:

In most circumstances there are significant potential impacts associated with ***mining*** and ***extractive industries*** that require detailed analysis and as such, there is a complex approvals process associated with this type of development, including the requirement for approvals from other government agencies. Council's Regulatory Services Group should be consulted where

such development is being considered.

3.8 Building Lines and Setbacks

3.8.1 Application

Applies to:	
Location/s:	Zones RU1, RU2, C2, C3, W1 and W2.
Development Type/s:	All development.

3.8.2 Planning Objectives

a. Minimise potential for land use conflict; and

b. Protect the amenity of existing and proposed development.

3.8.3 Development Controls

i. All buildings and structures in rural areas must comply with the minimum building line or setback requirements set out in Table 7.2 except as otherwise specified on the Building Line Map.

Table 7.2 - Minimum Setbacks - Rural Land General

Location	Setback
Front Boundary	20m from a sealed road. 50m from an unsealed road (applies only to uses which are likely to be adversely impacted by dust nuisance such as dwellings and visitor accommodation). 28m from Pacific Highway and Bruxner Highway.
Side Boundary	10m
Secondary Frontage Setback	10m
Water and Sewer Mains	Refer to Policy for Building over Council Assets

Notes:

Building lines or setbacks from roads are measured from the property boundary.

Council will consider variations to ***building lines or setbacks*** where the specified setback cannot be met due to the existing size and/or configuration of the lot.

Major roads such as the Pacific Highway can result in significant noise nuisance. An acoustic engineer's report may be required to accompany applications for ***dwellings*** and ***tourist and visitor accommodation*** developments in close proximity to such roads.

Conformity with the ***building line or setback*** provisions set out in this section does not offset the need for a LUCRA where

required under Chapter 2.

3.9 Roads, Vehicular Access and Parking

3.9.1 Application

Applies to:	
Location/s:	Zones RU1, RU2, C1, C2, C3, W1 and W2.
Development Type/s:	All development within the above zones except subdivision.

Notes:

Road, vehicle access and parking requirements for land uses in urban zones and in relation to urban subdivision are contained within chapters 3, 4, 5 & 6.

3.9.2 Planning Objectives

a. Provide adequate on site car parking for all types of rural development;

b. Ensure car parking is designed in accordance with relevant standards and has adequate space and provision for vehicular turning areas to ensure all vehicles can enter and leave the site in a forward direction;

c. Ensure access to the site has the capacity to cope with likely traffic loads including heavy vehicles;

d. Ensure site accesses have adequate sight distances and are designed to ensure that all vehicles are able to safely enter and exit the site to maintain the safety and integrity of the road network; and

e. Minimise disturbance to landform.

3.9.3 Development Controls

i. Where a proposed development has the potential to generate significant additional traffic and require substantial car parking, a traffic study will be required.

ii. External vehicular access must:

   a. not compromise the safety and efficiency of the road network;

   b. be suitable for use by emergency service vehicles; and

   c. be suitable for traversing in all weather conditions.

iii. External road access is generally to be sealed for the following land uses:

- ***Tourist and visitor accommodation***;
- ***Recreation facilities (major and outdoor)***;
- ***Agritourism***;
- ***Restaurants or cafes***;
- ***Intensive livestock agriculture***;

- ***Aquaculture***;
- ***Rural industries and industrial retail outlets***;
- ***Mining*** and ***extractive industries***;
- ***Passenger transport facilities***;
- ***Vehicle repair stations***; and
- ***Function Centres.***

Council may consider an alternate solutions subject to consideration and mitigation of potential impacts (such as those relating to safety and dust) and where consistency with Council's adopted maintenance strategies is achieved.

iv. Internal vehicular access must:
- be suitable for the access of emergency service vehicles;
- be of all weather dust free construction and be suitable for traversing by standard 2 wheel drive vehicles;
- be sealed in sections where grade exceeds 12%; and
- not exceed a grade of 25%

v. A suitable and safe connection must be provided between the existing road network and any proposed internal vehicular access infrastructure.

vi. A development application must address any potential environmental impacts caused by vehicular accesses (both internal and external) including erosion and sedimentation, dust, noise, traffic generation, amenity and visual impacts and vegetation removal with appropriate mitigation measures identified.

Notes:

Council does not generally require external access roads to be sealed for primary industries or for low key traffic generators such as ***home industries***, ***home occupations***, rural ***dwellings***, ***dual occupancies*** etc. However, as each application is assessed on its merits, there may be circumstances where these generally exempted land uses will require road upgrading (i.e. all-weather, sealed access) to ensure local road safety and efficiency or to minimise dust disturbance and nuisance to other land uses along the route.

The requirement for sealing of external road access involves application of a bitumen seal as a minimum.

Where Council assesses an alternate approach to sealing below the minimum bitumen seal, matters including safety, dust impacts, noise impacts, traffic type and volume and Council's maintenance programs and requirements will be considered.

Note:

Council does not generally require internal access roads to be sealed in rural areas. However, there may be instances and circumstances where sealing will be required, particularly for larger developments, development involving heavy vehicles,

development on sloping sites or where proposed road access in close proximity to an adjoining dwelling.

Other government agencies, including the Rural Fire Service, may apply additional internal access requirements over and above those required by Council.

vii. Development must comply with the following on site vehicle parking requirements:

- Adequate on site car parking must be available to accommodate all users of the site including residents, visitors or employees.
- On site car parking for a proposed land use must comply with the applicable car parking requirements specified in any other chapter of this DCP.

Notes:

Requirements will also be considered with reference to the following documents in relation to external and internal roads and parking requirements:

- RTA - Guide to Traffic Generating Developments;
- Austroads – Guide to Traffic Engineering Practice ;
- Australian Standard for parking facilities;
- Australian Standard for disabled parking facilities;
- BSC Policy C11 - Contributions for Dust Sealing of Roads; and
- Northern Rivers Local Government Design and Construction Manuals.

3.10 Rural Function Centres

3.10.1 Application

Applies to:	
Location/s:	Zone RU2
Development Type/s:	Function Centres

Notes:

Function Centres are permissible in the RU2 zone under the terms of Clause 7.14 of the *Ballina Local Environmental Plan* 2012.

3.10.2 Planning Objectives

a. To ensure that rural functions and/or events are held on sites that are suitable to such activities,

b. To ensure that rural functions and/or events avoid or reasonably manage disturbance to the amenity of the neighbourhood or impact on other legitimate rural activities in the locality.

3.10.3 Development Controls

i. Site Suitability

a. A site-specific acoustic assessment must be prepared by a suitably qualified person, quantifying existing background noise levels and noise levels predicted for functions and/ or events in relation to all nearby dwellings, and demonstrating that the use of the property for functions and/ or events will not result in the generation of offensive noise, as defined in the *Protection of the Environment Operations Act* 1997;

b. A Traffic Impact Assessment must be prepared, addressing traffic numbers, impact on local roads, access and on-site parking, demonstrating that the use of the site for a function centre will not result in unacceptable adverse impacts on the safety or efficiency of local traffic or the amenity of the neighbourhood;

c. A Land Use Conflict Risk Assessment must be prepared demonstrating that the use of the site for a function centre will not result in any land use conflict in relation to adjoining or nearby farming activities or preclude future farming activities;

d. No clearing of native vegetation is to be undertaken in relation to the development;

e. The function centre must not be located in or immediately adjacent to areas of high Aboriginal cultural heritage significance.

ii. Management of Functions and Events

Applications for development consent for a temporary use of land for a function centre must include an Events Management Plan, which contains (as a minimum) provisions that:

a. provide for all function/ event guests (other than the bridal party) to be transported to and from the site by bus, suitable to the road network to be utilised for transportation to the site; and

b. ensure that all amplified music will cease no later than 10:00pm; and ensure that all attendees will be off-site no later than 11:00pm, other than those staying overnight on the premises; and

c. outline measures that will be in place to ensure predicted noise levels are not exceeded at nearby dwellings; and

d. provide for the monitoring of noise generated at functions and/ or events and annual compliance reporting to Council; and

e. provide for the notification of nearby residents, including contact details for an appropriate management person who must be on-site and contactable during each function and/ or event and provision of a sign, located so that it can be viewed from a public space outside of the property notifying the name and contact phone number of the management person; and

f. ensure that adequate arrangements are in place to manage wastewater and general waste for each function and/ or event; and
g. manage the potential noise/ amenity impacts associated with any persons staying overnight at the site at the conclusion of the function/ event; and
h. prohibit the use of fireworks, helicopters and/or other comparable activities known to cause disturbance to livestock and/or farming activities.

iii. Other Considerations

In deciding whether to grant consent for a temporary function centre, the consent authority must consider:

a. the maximum number of functions and/ or events permitted in any calendar year; and
b. the potential loss of farming on the property, particularly where part or all of the site is mapped as State and / or Regionally Significant Farmland; and
c. the potential impact on areas of environmental value, whether on the property the subject of the function centre or on adjacent and nearby land, including koala habitat; and
d. whether a trial period is appropriate; and
e. the need for a biosecurity management plan.

3.11 Water Storage Facilities (Farm dams)

3.11.1 Application

Applies to:	
Location/s:	Zone RU1 and RU2
Development Type/s:	Water Storage Facilities

3.11.2 Planning Objectives

To ensure the construction of water storage facilities comply with relevant State Government requirements and do not have an adverse impact on the surrounding environment.

3.11.3 Development Controls

i) Relevant State Government licences and / or approvals have been obtained.

ii) applications must include a detailed site plan showing the location of the proposed facility in relation to all water courses, gradient and overland run-off catchments.

iii) applications must also include:

- any proposed vegetation clearing,
- expected storage volume of the facility,
- any potential contaminants,
- the location of any sediment and erosion control measures and
- any associated equipment or infrastructure.

Part 4 Special Area Controls

4.1 South Ballina

4.1.1 Application

Applies to:	
Location/s:	Land identified on the South Ballina Foreshore Land Map.
Development Type/s:	All development.

4.1.2 Planning Objectives

a. Minimise impacts of development on threatened species including the Pied Oystercatcher;
b. Enhance the effectiveness of the South Ballina Regional Wildlife Corridor; and
c. Minimise risk to humans and domestic animals associated with the use of toxic substances utilised to manage Red Foxes and Bitou Bush.

4.1.3 Development Controls

i. All areas of habitation shall be setback a minimum of 160m from the dune front as shown on the South Ballina Foreshore Map (see definition of habitation below).

ii. For the purpose of establishing a dwelling envelope (as opposed to the construction of a dwelling), the edge of the dwelling envelope shall be setback a minimum of 160m from the dune front as shown on the South Ballina Foreshore Land Map.

Notes:

The 160m setback has been applied based on the location of the dune front and known application of 1080 fox baits along the beach as at the time of the adoption of this DCP.

The 160m setback for habitable buildings will be measured from the wall, deck, staircase, post, column or patio (not eaves) of the building.

The setback has been applied from the dune front to provide for flexibility in the application of the fox baiting program (i.e. to enable bait stations to be moved north/ south over time). A 160m setback (as opposed to the minimum of 150m under the relevant Pesticide Control Order) has been selected to reflect the potential for the dune system to move landward over time.

The 160m setback is not applied to the area 1km north and south of the beach access point at Patchs Beach given that it is identified as an off lead dog exercise area and fox baits are not laid within this area.

iii. Applications must outline arrangements with respect to pedestrian beach access. New access points must be located away from known Pied Oystercatcher nesting grounds.

iv. Applications are to include details with respect to boundary and other fencing. All fencing on land within Zone C2 – Environmental Conservation must be constructed as follows:

- Four (4) strands;
- All strands must be of plain wire;
- The top strand of wire must be coated with white plastic;
- The fence must have a 40cm gap at the bottom and a 40cm gap between the top two (2) strands of wire;
- Within the dunal wetlands the fence height is to be sufficient to ensure top wire is above water level at all times; and
- Reflectors are to be placed at 5 metre intervals.

v. Applications are to include details of any weed management or environmental protection works proposed as part of the development. All works are to be undertaken in accordance with the practices and methodologies documented in the Department of Land and Water Conservation document "Coastal Dune Management: A Manual of Coastal Management and Rehabilitation Techniques" (2001) and the Bitou Bush TAP.

vi. All dwellings must comply with the provisions of the Coastal Design Guidelines for NSW relating to Isolated Coastal Dwellings.

vii. Where an applicant proposes to keep domestic dogs, applications are to include details with respect an appropriate fenced dog enclosure. The enclosure must be designed in accordance with the following:

- In reasonable proximity to the dwelling there shall be constructed and maintained a fenced enclosure which is designed and constructed so as to provide a secure enclosure for keeping dogs;
- Any gate forming part of the fenced enclosure shall be a self-closing gate; and
- No gate to the fenced enclosure shall be propped open or otherwise kept open other than for the purpose of passing through.

viii. Where an applicant does not propose to keep domestic dogs, the applicant must demonstrate that an appropriate location exists on the site for the provision of an enclosure that meets the above requirements.

Notes:

Council discourages the keeping on dogs on lands adjoining the Coastal Reserve due to their recognised potential impact on the Pied Oystercatcher and requirements associated with the fox baiting program undertaken in the locality. Council recommends that restrictions be placed on the title of the land under Section 88E of the *Conveyancing Act* 1919 prohibiting the keeping of dogs. In the event that a proponent wishes to keep a dog, the requirements documented under items vii and viii apply.

With respect to pedestrian beach access or access within the Crown Reserve at South Ballina, it should be noted that access arrangements require the authorisation of the Land and Property Management Authority. In this regard, the preferred approach is for provision for shared beach access between adjoining landholders that seeks to minimise adverse impacts on environmental values.

With respect to the Crown Reserve at South Ballina, it should be noted that the Land and Property Management Authority is the manager of the land, not Ballina Shire Council.

Habitation - The *Pesticides Control (1080 Liquid Concentrate and Bait Products) Order* 2008 defines "habitation" as meaning a "***dwelling house*** or some other accommodation that is occupied by people and is located on private, crown or public land. It includes but is not limited to domestic dwelling houses, hospitals, shops, schools, pre-schools, kindergartens, childcare and community health centres, factories, nursing homes, public halls, caravan parks and designated camping areas on private, crown or public land. It does not include any caravan, mobile home, vehicle, tent or other structure that is used for the purpose of camping outside a designated camping area. A designated camping area means any Council regulated or privately operated camping and/or caravan area that is sign posted as a camping area on land reserved under part 4 of the *National Parks and Wildlife Act* 1974"

The Office of Environment and Heritage (OEH) has prepared *Threat Abatement Plans (TAP)* for the Red Fox and Bitou Bush. These plans may be accessed from the OEH web site: Approved threat abatement plans - DCCEEW .

Further information concerning consultation requirements associated with a TAP may be obtained by contacting the OEH Pest Management Officer.

4.2 Fig Tree Hill, Lennox Head

4.2.1 Application

Applies to:	
Location/s:	Land identified on the Fig Tree Hill Neighbourhood Map
Development Type/s:	All development.

4.2.2 Planning Objectives

a. Ensure that development is compatible with local landscape amenity and character.

4.2.3 Development Controls

i. Development for the purposes of ***residential accommodation***, ***tourist and visitor accommodation*** and associated land uses must comply with the requirements of Chapter 4.

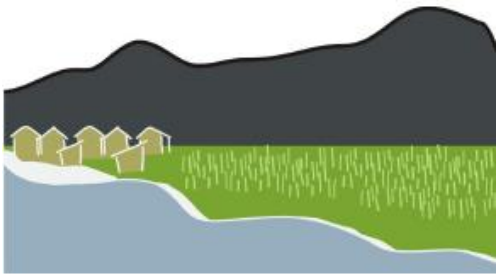
Note:

Historically, dual occupancy development within the Fig Tree Hill Estate has not been permitted due to inadequate sewerage capacity. Despite dual occupancy developments being permissible in rural zones under the provisions of the Ballina LEP 2012, the current capacity of the reticulated sewer network prevents dual occupancy development as the requirement for suitable arrangements for connection to the sewer network to be in place cannot be met unless capacity is increased.

In 1983, Council approved a subdivision for 50 dwellings within the Fig Tree Hill Estate. An on-site sewage disposal method for each household was trialled but found to be ineffective.

Consequently, reticulated sewer was installed as per the development consent conditions. In 1994, Council approved an additional 12 allotments under the closer rural settlement housing of the LEP, as they then applied. Council approved this subdivision on the basis that reticulated services, including sewer services, were presently available and able to cater for the development.

Dual Occupancy development will not be supported on lots highlighted in the Fig Tree Hill Neighbourhood Map.



Ballina Shire Development Control Plan 2012

Chapter 8 – Other Uses

Proposed Amendments:

1. Update reference to the character for local signage. Section 3.4 (page 12)
2. Update table to reflect all applicable zones. Table 4.1.1 (page 23)

8

people • place • prosperity

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Part 1 Preliminary

1.1 Introduction

Name:

Ballina Shire Development Control Plan 2012, Chapter 8 – Other Uses.

Purpose:

To identify Council's requirements relating to various land uses that are not, or are only partly, addressed elsewhere in the DCP.

Relationship to other Chapters of this DCP:

The provisions of chapter 8 apply in conjunction with those in the other chapters of this DCP, but prevail in the event of an inconsistency unless otherwise specified.

Application:

The planning provisions of this chapter apply to specific forms of development as specified.

Planning Objectives and Development Controls:

The general provisions of this chapter are categorised in relation to a series of land uses. For each land use planning objectives and development controls are specified. Development proposals must be consistent with the planning objectives for the chapter and in relation to each identified land use. Such consistency is typically demonstrated by compliance with the identified development controls, although there may be circumstances where an alternative to the application of a development control is consistent with the planning objectives.

Part 2 Chapter Planning Objectives

The overarching objectives of this chapter are as follows:

a. Ensure that development is compatible with the established or planned amenity and character of the area in which it occurs;
b. Minimise the potential for land use conflict;
c. Ensure that development is suitably serviced;
d. Provide opportunities for different types of development to occur in neighbourhoods in an integrated manner;
e. Support diversity and innovation in development; and
f. Provide for the integration of services, facilities and economic activity within neighbourhoods.

Part 3 General Controls

3.1 Temporary Use of Land

3.1.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development.

3.1.2 Planning Objectives

a. Minimise environmental and social impacts of any temporary use of land;
b. Ensure that temporary uses of land are conducted in a manner that is safe and minimises public risk;
c. Ensure that temporary uses of land are compatible with local amenity and character; and
d. Ensure that temporary uses do not create adverse cumulative impacts on adjoining properties

3.1.3 Development Controls

i. Development must be consistent with the character of surrounding development, particularly in relation to the height, bulk and scale or be an infrequent use for a short duration such that any inconsistency with character has minimal environmental, social and/or cumulative impacts;
ii. Development must not create ongoing cumulative impacts on adjoining properties having particular regard for noise, amenity, odour, lighting, hydrology and traffic considerations in relation to the size and frequency of a temporary use of land;
iii. Site coverage of buildings must not exceed 60% of the total site area;
iv. Car parking must comply with standards for comparable land uses where specified in the DCP or based on relevant guidelines published by the NSW Roads and Maritime Services. Car parking must be sufficient to meet demand generated by staff and visitors;
v. Development must actively address the primary street frontage.

Notes:

Temporary use of land is subject to provisions set out within the BLEP 2012.

Temporary use is interpreted by Council as an infrequent use of land or a time limited use of land. For example, a concert, circus or festival on an annual basis would be considered to be infrequent. A time limited arrangement may arise where a trial period is proposed for a land use or an activity is undertaken for several months but on a one off basis.

It is recommended that proposals for temporary use of land be discussed with Council's Regulatory Services Group prior to preparation of a development application.

3.2 Sex Services Premises

3.2.1 Application

Applies to:	
Location/s:	All zones
Development Type/s:	***Sex services premises***

Note:

Sex services premises is the planning definition for 'brothels'.

3.2.2 Planning Objectives

a. Ensure that ***sex services premises*** operate in accordance with applicable health and building standards;

b. Regulate ***sex services premises*** to minimise adverse social and amenity impacts;

c. Ensure that ***sex services premises*** are separated from ***residential accommodation*** and other sensitive land uses; and

d. Discourage concentration of ***sex services premises*** in close proximity to one another.

3.2.3 Development Controls

A. Minimum information to be submitted with Development Applications

i. Development Applications for ***sex services premises*** must include the following information:

- An operational management plan that identifies the owner and manager of the premises, client contact arrangements, security arrangements, hours of operation, entrance and exit points for the premises, total number of employees and maximum number of staff working at the premises at any one time;

Note:

Various aspects of the operation of the premises will be subject to conditions of development consent. Council may draw on the content of the operational management plan in this regard.

- A plan showing proximity of the proposed premises to ***places of public worship***, ***schools***, ***community facilities***, ***hospitals***, playing fields, ***residential***

accommodation or any other place regularly frequented by children for the purposes of recreation or cultural activities within a 200m radius of the site;

- A plan showing the location of any other ***sex services premises*** in the locality and the types of land uses carried out on adjacent and nearby properties;
- A plan showing the location and type of existing and proposed external lighting; and
- A plan showing the location of public transport pick up and set down points within 100m of the site.

B. Location

i. ***Sex services premises*** must not be sited:

- Within 100m or within view (line of sight) of a ***place of public worship***, ***school***, community ***facility***, ***hospital***, playing field, ***residential accommodation*** or any other place regularly frequented by children for recreational or cultural activities;
- Within 100m of an existing authorised ***sex services premises***; and
- In a prominent position or at a focal road intersection.

C. Layout and Size

i. ***Sex services premises*** must not contain more than four (4) separate consulting rooms. The provision of ancillary rooms such as an office, lounge, laundry, staff room and bathroom are permitted provided they are not used for the act of prostitution.

D. Parking and Access

i. Off-street car parking for a ***sex services premises*** is to be provided as follows:

Table 8.1 - Off Street Car Parking Requirements for Sex Services Premises

Number of Consulting Rooms	Minimum Number of Car Parking Spaces Required
4	6
3	5
2	4
1	3

ii. Sex services premises must comply with vehicle access standards applicable to industrial development.

E. Signage

i. Signage for a ***sex services premises*** may only be provided in accordance with the following:

- One (1) sign per premises;
- The sign must not exceed 1.2m x 2.4 in size;
- The sign must be designed so that its shape, size and content does not interfere with the amenity of the neighbourhood;

- The sign must not be of a kind that is neon or internally illuminated. Discrete non-pulsating, non-coloured external lighting of the sign or street number may be provided subject to compliance with the other criteria in this section;
- The sign must be compatible with the building to which it is attached;
- The sign must only identify the name of the person who conducts the business or the registered name of the business and the street address of the premises; and
- The sign must not be within view of land used or reserved for a place of public worship, school, community facility, hospital, playing field, residential property, dwelling or any other place regularly frequented by children for recreational or cultural activities.

F. Health and Building

i. ***Sex services premises*** must operate in accordance with the current NSW WorkCover document "Health and Safety Guidelines for Brothels".

G. Amenity

i. ***Sex services premises*** must be designed and operated to be sympathetic with the character of adjoining premises and surrounding neighbourhood.

Notes:

All development applications for ***sex services premises*** will be publicly advertised for a period of at least 14 days. Adjoining land owners and occupiers will also be notified.

Development applications may be referred to the NSW Police Force and/or NSW Health for comment.

Council may limit development consent for a ***sex services premises*** to an initial period of 12 months to enable evaluation of the use with respect to community feedback and compliance with conditions of consent and health standards.

3.3 Bed and Breakfast Accommodation

3.3.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	***Bed and Breakfast Accommodation***.

3.3.2 Planning Objectives

a. Enable visitor accommodation within a variety of locations in a manner compatible with neighbourhood character and amenity; and

b. Ensure that ***bed and breakfast accommodation*** is provided in a manner that meets relevant health and safety standards.

3.3.3 Development Controls

A. Design and Operation

i. ***Bed and breakfast accommodation*** must not to be utilised or let for long-term residency;

ii. ***Bed and breakfast accommodation*** must be operated by the permanent residents of the ***dwelling house*** within which the establishment operates. Where the property owner is not resident, the consent of the property owner must be provided as part of the development application for the premises;

iii. No more than eight (8) guests are to be accommodated in the ***bed and breakfast accommodation*** at any one time;

iv. No more than twelve (12) persons (including both permanent residents and guests) are to be accommodated within the ***dwelling house*** at any one time; and

v. ***Bed and breakfast accommodation*** must not contain facilities within the bedrooms for the preparation of meals by guests.

B. Car Parking and Access

i. At least one (1) on-site car parking space is to be provided for each bedroom used for temporary accommodation, as well as at least two (2) on-site car parking spaces for the dwelling house;

ii. The siting, design and construction of any car parking spaces associated with the ***bed and breakfast accommodation*** shall maintain the existing character and amenity of the locality. Such parking must not interfere with the free and easy access of the residence parking (stack parking for ***bed and breakfast accommodation*** in the driveway in front of garages is not acceptable);

iii. Each car parking space provided for the ***bed and breakfast accommodation*** is to be designed in accordance with Australian Standard 2890 Parking Facilities;

iv. Driveways and car parking areas for ***bed and breakfast accommodation*** in urban zones shall be constructed of reinforced concrete or similar;

v. Car parking for ***bed and breakfast accommodation*** in rural and environmental protection zones shall be of dust free, all-weather construction;

vi. Car parking areas must be designed to accommodate a minimum six (6) metre turning radius to enable forward egress in all non-residential situations;

vii. Vehicular entry to ***bed and breakfast accommodation*** premises must be available in a forward direction;

viii. Vehicular access to and from the road servicing ***bed and breakfast accommodation*** must be via the same access point as the associated ***dwelling house***; and

ix. Access to ***bed and breakfast accommodation*** on land that fronts a main road, other than on land within a residential or business zone, must not be provided directly from the main road.

Notes:

Bed and breakfast accommodation in rural areas must comply with the requirements of Chapter 7 in relation to roads, vehicular access and parking.

C. Signage

i. Signage for a ***bed and breakfast accommodation*** premises may only be provided in accordance with the following:

- One (1) identification sign per property indicating that the premises is ***bed and breakfast accommodation***;
- The sign may include the name of the establishment and the name and telephone number of the proprietor;
- The face area of the sign shall not exceed 0.6m² in an urban area or 0.75m² in a rural locality;
- The sign shall be designed and located such that it is sympathetic with the architectural features of the house and the setting of the land; and
- The sign must not be of a kind that is neon or internally illuminated. Discrete non-pulsating, non-coloured external lighting of the sign or street number may be provided subject to compliance with the other criteria in this section.

Notes:

Signage for ***bed and breakfast accommodation*** may be subject to limitations and/or requirements specified by the Roads and Maritime Authority.

3.4 Signage

3.4.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	***Signage***

Notes:

The provisions of this Section relate to signage which requires consent. This Section should be read in conjunction with Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021* and BLEP 2012 Schedule 2 which contains provisions regarding exempt development including signage.

Certain signage is exempt from the requirements to obtain development consent. Details of signage that is exempt development is contained within the following legislation:

- Industry & Employment SEPP 2021 – clause 3.30;
- State Environmental Planning Policy (Exempt and Complying Development Codes)2008 (Codes SEPP) – Advertising and

Signage Exempt Development Codes;

- BLEP – Schedule 2

Projecting wall signs and freestanding pylon and directory board signs may also be complying development under the provisions of the Codes SEPP's Commercial and Industrial Alterations Code subject to compliance with nominated development standards.

Where signage provisions are identified elsewhere in this DCP, those provisions prevail over those contained in this section where there is an inconsistency.

3.4.2 Planning Objectives

a. Enable ***signage*** that provides for effective advertising and communication to the public in a manner that is compatible with the desired amenity and character of localities;
b. Ensure that signage does not dominate the streetscape;
c. Enable signage that does not adversely impact on environmental values; and
d. Ensure that signage is provided so as not to create hazards for the public.

3.4.3 Development Controls

A. Location-based Requirements

Residential Zones

i. ***Signage*** located in residential zones must comply with the following:

- Must not adversely impact on the amenity of residential neighbourhoods having particular regard for noise, visual amenity and lighting impacts;
- Must be located wholly within the boundary of the property to which it applies;
- Must be located unobtrusively so as to appear an integrated part of the building or landscape.

Commercial Zones

ii. ***Signage*** located in commercial zones must comply with the following:

- ***Business identification signs*** and ***building identification signs*** must relate to the premises or site on which the sign is erected or the activities lawfully carried on or within the premises or site;
- Where located on or otherwise attached to a building, must be aligned, and relate to, the architectural features of the building façade, or in the absence of architectural detail or decoration, relate to the design of adjacent buildings;
- Window ***signage*** must permit a view into the ground floor of commercial premises from the primary street frontage; and
- Design and colours used in ***signage*** should not dominate the streetscape;

Notes:

Council discourages advertising signs on or above the first floor level.

Council discourages the use of fluorescent or garish colours.

A-frame / sandwich boards and flags are not permitted on public land.

Industrial Zones

iii. ***Signage*** located in industrial zones must comply with the following:

- ***Business identification signs*** and ***building identification signs*** must relate to the premises on which the sign is erected or the activities lawfully carried on or within the premises;
- Buildings or sites having multiple occupants must be identified at the entrance by no more than two signs or directional boards within the front setback, identifying the names and activities of occupants. Signs for each occupant must be of a uniform size, shape and general presentation;
- Small shops, business premises and other similar uses located within this zone must also comply with the provisions of (ii) relating to signage in commercial zones;

Rural and Environmental Protection Zones

iv. ***Signage*** located in rural and environmental protection zones must comply with the following:

- Must maintain rural amenity having regard for landform, vegetation and rural land uses;
- Must be compatible with the rural landscape with respect to colour, scale and materials;
- Must not adversely impact on areas of high conservation value or result in the significant loss of native vegetation; and
- Must not block public views or vistas to public land.

B. Context, Siting and Number of Advertising Signs

i. ***Signage*** must be of a scale compatible with the streetscape, setting or landscape, in which it is located and must not dominate the streetscape, setting or landscape in terms of style, proportion or form.

ii. ***Signage*** must be compatible with the "desired future character" of the locality in which it is located (as defined in any applicable place-based strategy ~~the Ballina Shire Growth Management Strategy~~).

iii. ***Signage*** must not obscure or compromise important views, dominate the skyline, or reduce the quality of public views or vistas.

iv. ***Signage*** must not protrude above buildings, structures or tree lines in the area or locality in which it is located.

v. ***Signage*** must be compatible with the building on which it is located and the character of the locality in which it is located with regard for size, height, shape or colour.

Notes:

Council encourages groups of vendors to collaborate in order to achieve thematic consistency along a row of neighbouring buildings and premises.

In assessing the compatibility of ***signage*** with locality character, consideration will be given to whether the proposed ***signage***:

- Will contribute to the visual interest of the streetscape, setting or landscape;
- Will reduce visual clutter by rationalising and simplifying existing ***signage***;
- Will screen unsightliness;
- Shows innovation or imagination in its design.

vi. A premises must not provide ***signage*** in excess of the following except as identified under (vii):

- 1 x under awning sign; and
- 1 x awning fascia sign; and
- 1 x window sign; and
- 2 x removable teardrop signs; and
- 2 of the following (where each listed sign type may only be used once):
  - a top hamper sign;
  - a wall sign;
  - a projecting wall sign;
  - an above awning sign.

Notes:

Sign types that are not identified above may be permitted additional to the basic signage entitlement.

vii. Commercial premises occupying more than 25m^2 of commercial street frontage must not provide ***signage*** in excess of two times the standards identified under (vi).

C. Illumination

i. Lighting intensity and hours of illumination of illuminated ***signage*** must not adversely impact on the amenity of any residential property, adjoining or within the locality.

ii. Illuminated ***signage*** must minimise light spill effects or escape of light beyond the subject property and must not operate so as to distract or affect in any way pedestrians, vehicles or aircraft.

Notes:

Council may impose a curfew on sign illumination between 11pm to 6am, or restrict illumination to hours of operation for late night trading premises, where it is considered that the amenity of any residential land would be adversely impacted by the illuminated sign.

iii. The light intensity of an illuminated ***signage*** must be capable of modification or control after installation.

iv. Electrical wiring to, or supporting, illuminated ***signage*** is to be safely concealed.

D. Wording and Content

i. In the case of a sign with clearly defined edges, the height of text or other content of the sign must not exceed 75% of the total height of the sign;

ii. The name or logo of the person or company which owns or leases an ***advertisement*** or ***advertising structure*** must not be greater than 0.25m^2, and may only appear in the **advertising display area**;

iii. Where a business or organisation offers a product or service, the name of the business or organisation must have greater dominance over the product or service advertising; and

iv. The wording or content of the ***advertisement*** must not contain undesirable discriminatory advertising messages as regulated by the *Anti-Discrimination Act 1977*.

E. Safety Considerations

i. ***Signage*** must not impact adversely on the safety of pedestrians, cyclists and vehicles on any public road, or on users of watercraft on any navigable waters;

ii. ***Signage*** must not obscure sightlines to public areas;

iii. ***Signage*** must be securely fastened to the structure or building to which it is attached; and

iv. ***Signage*** must not be liable to interpretation as an official traffic sign or to be confused with instructions given by traffic signals or other devices, or block the view of traffic signals or signs.

Notes:

The erection of some types of signage requires the approval of the NSW Roads and Maritime Services.

Council may also refer applications for signage that involve roads with high traffic volumes, traffic lights or major intersections for comment.

F. Sensitivity in Special Areas

i. ***Signage*** must not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas; and

ii. ***Signage*** on properties that adjoin ***heritage items*** should be designed and located in a manner which enhances and complements the item and streetscape; and does not dominate or detract from the ***heritage item***.

G. Large Developments & Multiple Tenancies

i. ***Signage*** for large commercial type developments and those that contain multiple tenancies must be designed and sited in a co-ordinated manner; and

ii. A maximum of one directional board per street frontage is permitted for multiple occupancy buildings.

H. New Developments

i. For new buildings, information regarding the location, type and total number of advertising signs is to be provided in conjunction with the development application for the building to enable integration of ***signage*** into building design.

I. Sign Specific Controls

i. ***Signage*** must comply with the requirements relating to different sign types specified in Table 8.2.

Notes:

The requirements contained in Table 8.2 are in addition to requirements contained in Chapter 3 of the Industry & Employment SEPP 2021.

Table 8.2 - Specific Requirements for Particular Sign Types

Sign Type	Development Standards
Above Awning Sign	a) Must have maximum height of 2.5 metres; and b) No part of the sign shall project beyond the awning edge.
Awning Fascia sign	a) Must be within and not extend more than 0.2 metres out from the fascia; and b) Must not extend beyond 0.2 metres above or below the fascia; and c) Must integrate with design of building.
Blimps and Balloons	a) Must be accompanied with engineering report indicating that the proposed structure is structurally sound and will withstand anticipated wind loading factors; and b) The owner of the sign must give evidence that they have current public indemnity insurance, indemnifying Council, to the value of $10m, and must maintain it's currency for the life of the signage.

Table 8.2 - Specific Requirements for Particular Sign Types	
Sign Type	**Development Standards**
Chalkboard Sign	a) One sign per premises; and b) Must have a maximum area of 1.5m^2; and c) Must be located wholly on private land.
Free Standing Signboard (Sandwich/A-frame sign)	a) One sign per premises; and b) Must have a maximum area of 1m^2; and c) Must be located wholly on private land.
Multiple Identification Sign	a) Must be based on a coordinated approach to design and siting.
Pole or Pylon Sign	a) Must be located wholly on private land; and b) Maximum advertising area of 8m^2; and c) Maximum height 7.5m to the top of the sign, above the natural ground level; and d) Keep within the established heights of similar types of signs in the locality; and e) Must be accompanied by an engineering report indicating that the proposed structure is structurally sound.
Projecting Wall Sign	a) Minimum of 2.6m above the footpath; and b) Maximum height of 3.1m above ground level, or below the first floor window sill level where there is no awning, whichever is lower; and c) Maximum area of 2m^2; and d) Erected at right angles to the building; and e) No part of the sign is within 0.6m of the vertical projection of the kerb.
Removable Teardrop Sign	a) If freestanding, must be located wholly within the property boundary, or may be affixed to the exterior of the property, subject to: i. having a minimum unobstructed clearance of 2m above the footpath or roadway at any point beyond 0.5m from the edge of the property boundary; ii. a minimum footpath width of 3m; and b) Maximum area of 1.5m^2.
Top Hamper Sign	b) Must not extend beyond any building alignment; and c) Must not extend below the head of the doorway or window to which it is attached.
Tourist Directional Advertisement	a) Must relate to the land on which it is located, or to land within 400m of the advertisement's location; and b) Maximum advertising area of 4m^2.
Under Awning Sign	a) Must not be animated or flashing; and b) Must not be closer than 0.3m from the edge of the awning; and c) Must have a minimum unobstructed clearance of 2.6m above the footpath; and d) Must have an area not greater than 1.5m^2; and e) Must have a height not greater than 0.5m.
Wall Sign	a) One sign per building elevation.

Table 8.2 - Specific Requirements for Particular Sign Types	
Sign Type	**Development Standards**
	b) Must not project more than 300mm from the building façade.

Notes:

For the purpose of this section, sign types are defined as set out in Chapter 3 of the Industry & Employment SEPP or Table 8.3.

The provisions relating to signage should be read in conjunction with the Industry & Employment SEPP 2021, as this policy contains detailed provisions relating to signage, including prohibitions on some forms of signage.

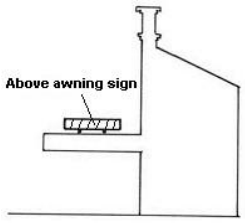
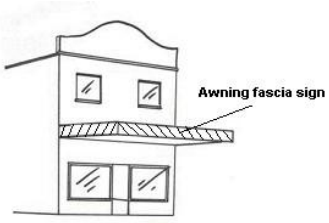
Table 8.3 - Definitions for Various Types of Signage	
Sign Type	**Definition**
Above Awning Sign 	Means ***signage*** located on top of an awning or verandah.
Animated Sign	Means any ***signage*** with movement or colour changes requiring electrical or manufactured sources of power. The term also includes glitter or tinsel type signs, but does not include flashing signs.
Awning Fascia sign 	Means any ***signage*** located on the fascia or return of an awning.
Billboard Sign	Means any ***signage*** (such as a framework, a signboard, a notice board, a wall, or a fence) with an advertising area greater than 20m^2, erected or used primarily for the display of advertising matter.

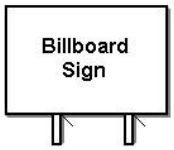
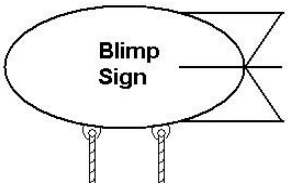
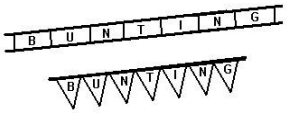
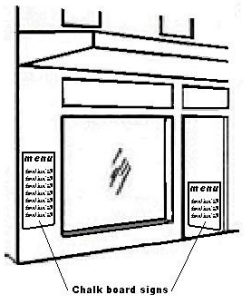
Table 8.3 - Definitions for Various Types of Signage	
Sign Type	**Definition**
	
Blimps and Balloons 	Means any ***signage*** which is inflated and suspended above the premises, site or event which it is intended to promote or identify and which is tethered and displayed at the same premises for a period of no more than one calendar month in any one year.
Building Wrap Advertisement 	See Industry & Employment SEPP 2021.
Bunting 	Means any ***signage*** consisting of a continuous 'string' of lightweight coloured material, secured so as to allow movement.
Chalkboard Sign 	Means ***signage*** consisting of a moveable or fixed board used to describe goods or; services for sale which vary on a regular basis (e.g. restaurant menu, real estate sales) and which is located wholly on private property or affixed to the frontage of the property.
Election Sign	Means any ***signage*** which is temporarily erected to display information for political purposes.

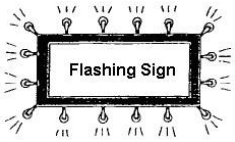
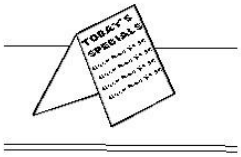
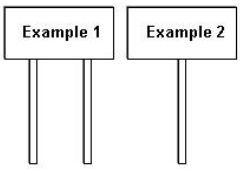
Table 8.3 - Definitions for Various Types of Signage	
Sign Type	**Definition**
Flashing Sign 	Means ***signage*** that is illuminated (as to any part of the advertising area) at frequent intervals by an internal or external (floor light) source of artificial light, and whether or not included in any other class of advertising structure.
Free Standing Advertisement (Sandwich/A-frame sign) 	See Industry & Employment SEPP 2021.
Illuminated Sign	Means ***signage*** which is illuminated (as to any part of the advertising area) by an internal or external source of light, whether or not it is included in any other class or type of advertising structure.
Moving Sign	Means any ***signage*** attached to a building and capable of movement by any source of power, whether or not it is included in any other class or type of advertising structure.
Multiple Identification Sign 	Means ***business identification signage*** containing a list of businesses occupying a shared tenancy or the same premises.
Pole or Pylon Sign 	Means any ***signage*** which is supported by one or more columns, uprights or braces in or on the ground and which is not directly attached to any building or other structure. It may include a revolving advertising structure.

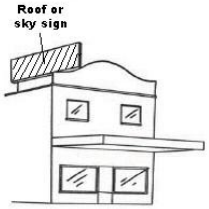
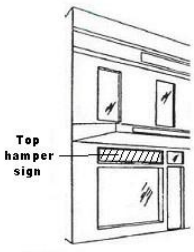
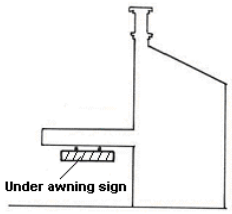
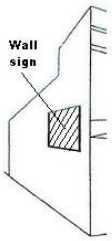
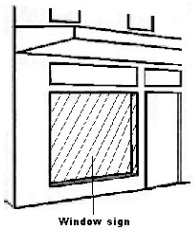
Table 8.3 - Definitions for Various Types of Signage	
Sign Type	**Definition**
Projecting Wall Sign	Means any ***signage*** attached to a building (other than the transom of a doorway or display window) and projecting horizontally more than 300mm from the façade.
Real Estate Sign	Means ***signage*** in respect of a place or premises to which it is affixed which contains only a notice that the place or premises is or are for sale or letting together with particulars of the sale and letting.
Removable Teardrop Sign 	Means ***signage*** in the form of a removable fibreglass and fabric composite signage on a swivel base (freestanding or affixed to building).
Retractable Awning Sign	Means ***signage*** in the form of a retractable awning that incorporates advertising and which is attached to walls or fixed awnings to provide shade and other weather protection for shop fronts or seating areas.
Roof or Sky Advertisement 	See Industry & Employment SEPP 2021.
Top Hamper Sign 	Means any ***signage*** attached to the transom of a doorway or window.
Tourist Directional Advertisement	Means any ***signage*** which indicates the location of tourist facilities, services and places of scientific interest and is located on other land than where the

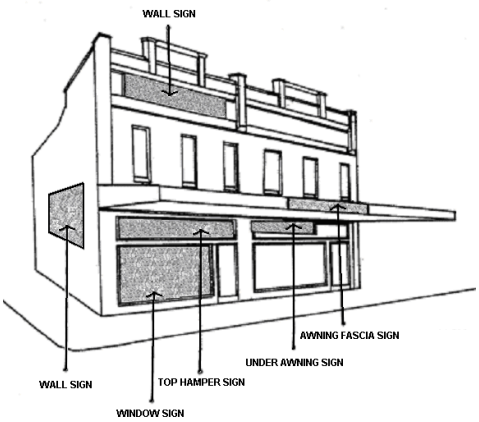
Table 8.3 - Definitions for Various Types of Signage	
Sign Type	**Definition**
	tourist facility or services or place of scientific interest is located.

Table 8.3 - Definitions for Various Types of Signage	
Sign Type	**Definition**
Under Awning Sign 	Means ***signage*** fixed below an awning.
Wall Advertisement 	As defined in the Industry & Employment SEPP 2021 and projecting no more than 300mm from the façade.
Window Sign 	Means any ***signage*** device painted or displayed on a shop window or any glazed area of a building.

Notes:

Variable message signs similar to those used in relation to road works are unlikely to achieve the safety and siting requirements for signage.

Figure 8.1 - Example Application of Sign Types



Part 4 Provisions for Other Development in Residential, Business and Industrial Zones

4.1.1 Application

Applies to:	
Location/s:	Land zoned E1, E2, E3, E4, ~~and~~ MU1, R2 and R3.
Development Type/s:	Development other than ***residential accommodation*** or ***tourist and visitor accommodation*** in zones R2 and R3. Development other than ***commercial premises***, ***tourist and visitor accommodation*** and ***residential accommodation*** in zones E1, E2 and E3. Development other than ***industry*** in zone E4. This provision only applies where a land use is not otherwise addressed by provisions of the DCP.

4.1.2 Planning Objectives

a. Provide for a range of land uses within zones that are compatible with local amenity and character;

b. Minimise conflict between land uses;

c. Maintain consistency in development standards between land uses and ensure that buildings are similar in height, bulk and scale to surrounding buildings; and

d. Avoid concentrations of uses that do not comprise the core purpose of a zone to minimise cumulative adverse impacts on adjoining properties.

4.1.3 Development Controls

i. Development must comply with the building envelope and design provisions applicable to the zone in which the development is proposed.

Note:

Item (i) means that the planning controls relating to site layout, building design and form are applicable to all types of development that are subject to this provision. For example, a neighbourhood shop must meet the requirements of a residential building in the residential zones, but may ultimately operate as a shop rather than a dwelling house.

ii. ***Site coverage*** of buildings must not exceed 60% of the total site area.

iii. A minimum ***landscaped area*** of 20% of the total site area of an allotment must be provided.

iv. Car parking will be assessed in relation to standards for comparable land uses where specified in the DCP or based on relevant guidelines published by NSW Roads and Maritime Services. Car parking must be sufficient to meet demand generated by staff and visitors.

v. Development must demonstrate the following:

- That the proposed development is consistent with the character of surrounding development, particularly in relation to the height, bulk and scale;
- That the proposed development will not adversely impact on the amenity of adjoining properties and the surrounding area, particularly in relation to noise, traffic movement and lighting and having regard for cumulative impacts; and
- That the proposed development actively addresses the primary street frontages.

Notes:

Private recreational facilities ancillary to a dwelling house are to be used for the recreational enjoyment of the occupants of the dwelling house only.

Examples of private recreational facilities include (but is not limited to) items and areas used for the following activities:

- Basketball
- Cricket
- Handball
- Netball
- Skate board ramps
- Tennis courts



These activities (facilities) are likely to generate noise and other issues and may adversely impact on the amenity of adjoining properties and the surrounding area. A development application that seeks approval for a private recreational facility will be assessed individually on its merit.

From: Ballina Shire Council
To: Ballina Shire Council
Subject: James H[redacted] completed Feedback - DCP General Amendments - [redacted]
Date: Friday, 17 October 2025 1:31:35 PM

James Hemsley just submitted the survey Feedback - DCP General Amendments with the responses below.

Your Name

James Hemsley

Your email address

[redacted]

Were the documents easy to read and understand?

Yes

Do you support the DCP General Amendments?

No

Please provide further information about your response below.

Poor decision making

I have read and agree with Council's Privacy Policy

Yes

Do you wish to disclose a political donation/or gift to a Councillor or Council employee? Significant penalties apply for non-disclosure.

No


ballina
shire council
Place and Public Realm Framework
2025

ballina shire council

ACKNOWLEDGEMENT OF COUNTRY

Ballina Shire Council acknowledges that we are here on the land of the Bundjalung people. The Bundjalung people are the traditional owners of this land and are part of the oldest surviving continuous culture in the world.

Prepared June 2025.

First published June 2025 by Ballina Shire Council
40 Cherry Street, Ballina NSW 2478.

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introduction

The Place and Public Realm Framework provides direction for the development of high quality, comfortable, environmentally sustainable streetscapes and public open spaces that balance the needs of the community and contribute to a quintessential, local, **sense of place**.

This Framework outlines a vision for the public realm in the Ballina Shire.

OBJECTIVES

Key objectives of the Place and Public Realm Framework are to:

- Describe the key geographical characteristics that contribute to sense of place in the Ballina Shire.
- Identify principles and objectives to guide the design and management of the public realm.
- Outline the next steps to support implementation.
- Establish commitments by which Council will advance towards the vision.

The Place and Public Realm Framework applies to all work in the public realm regardless of the authority or the provider implementing the work.



vision

To manage the amenity and function of the public realm to achieve connected, healthy and prosperous communities and environments.

This means:



better connected pedestrian and cyclist routes through and between our towns and villages and easy ways to find and follow them

greener streets that are cooler and more comfortable



a strong **sense of place** for each locality supported by design and local storytelling



community vibrancy to activate and celebrate our places

WHAT IS THE PUBLIC REALM?

The public realm belongs to everyone.

The public realm is the collective communal part of cities and towns, with shared access for all. It is the space of movement, recreation, gathering, events, contemplation and relaxation. The public realm includes streets, pathways, rights of way, parks, accessible open spaces, plazas and waterways that are physically and visually accessible regardless of ownership[1].

The Place and Public Realm Framework focuses on three different types of public realm that Council has the most control over: roads and streets, open spaces, linear corridors or greenways. These three public realm types make up most of the public land managed by Council.

THE ROLE OF LAND WITHIN THE PUBLIC REALM

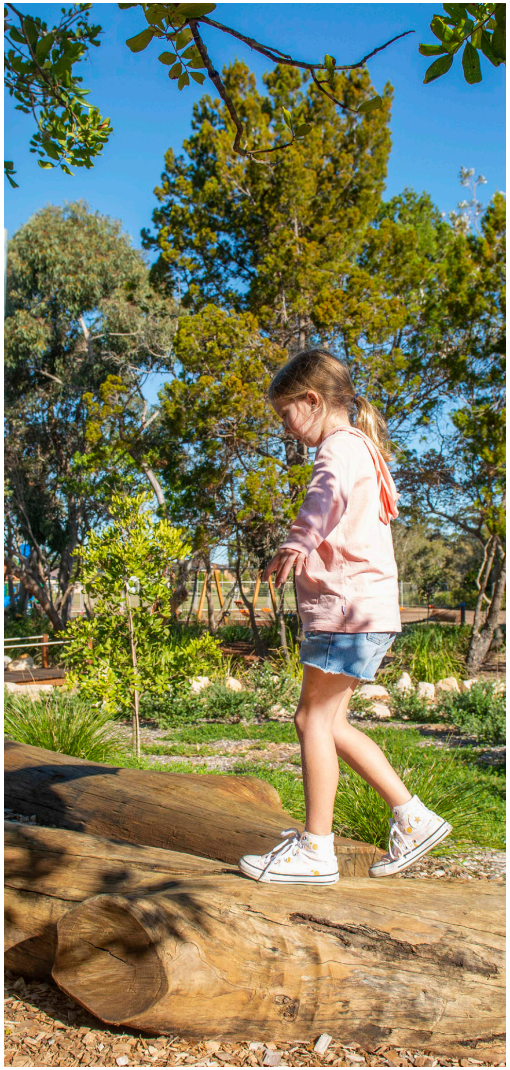
As population growth and urban development occurs, it is important that the public realm provides quality environments for residents and visitors of all ages and abilities.

Safe and efficient access to destinations and services within the network is a key function of transport corridors in the public realm.

A well designed public realm can promote social interactions, physical activity and recreation opportunities, support vibrant community spaces, encourage community pride, provide a sense of belonging and deliver mental health benefits [2].

Through an interconnected system of landscape, water and ecological links, design of the public realm can improve biodiversity and water quality, manage urban heat and protect environmental and cultural heritage.

Public realm improvements support economic development, particularly local businesses that activate places, such as café's, restaurants and retail shops, boosting the visitor economy, benefiting locals and creating jobs.



1 *Better Placed, NSW Government Architect*

2 *Healthy Active by Design, The Heart Foundation*

OUR LOCATION

The Ballina Shire is located in the Northern Rivers region of NSW, the traditional country of the Bundjalung people.

Our main town and commercial centre is Ballina, which is supported by smaller towns and villages including Alstonville, Lennox Head, Wardell and Wollongbar. There are also a number of smaller villages and localities in the rural hinterland.

49,943
population in 2025 forecast to increase to 62,308 in 2046

700
hectares of open space

492 km²
land area

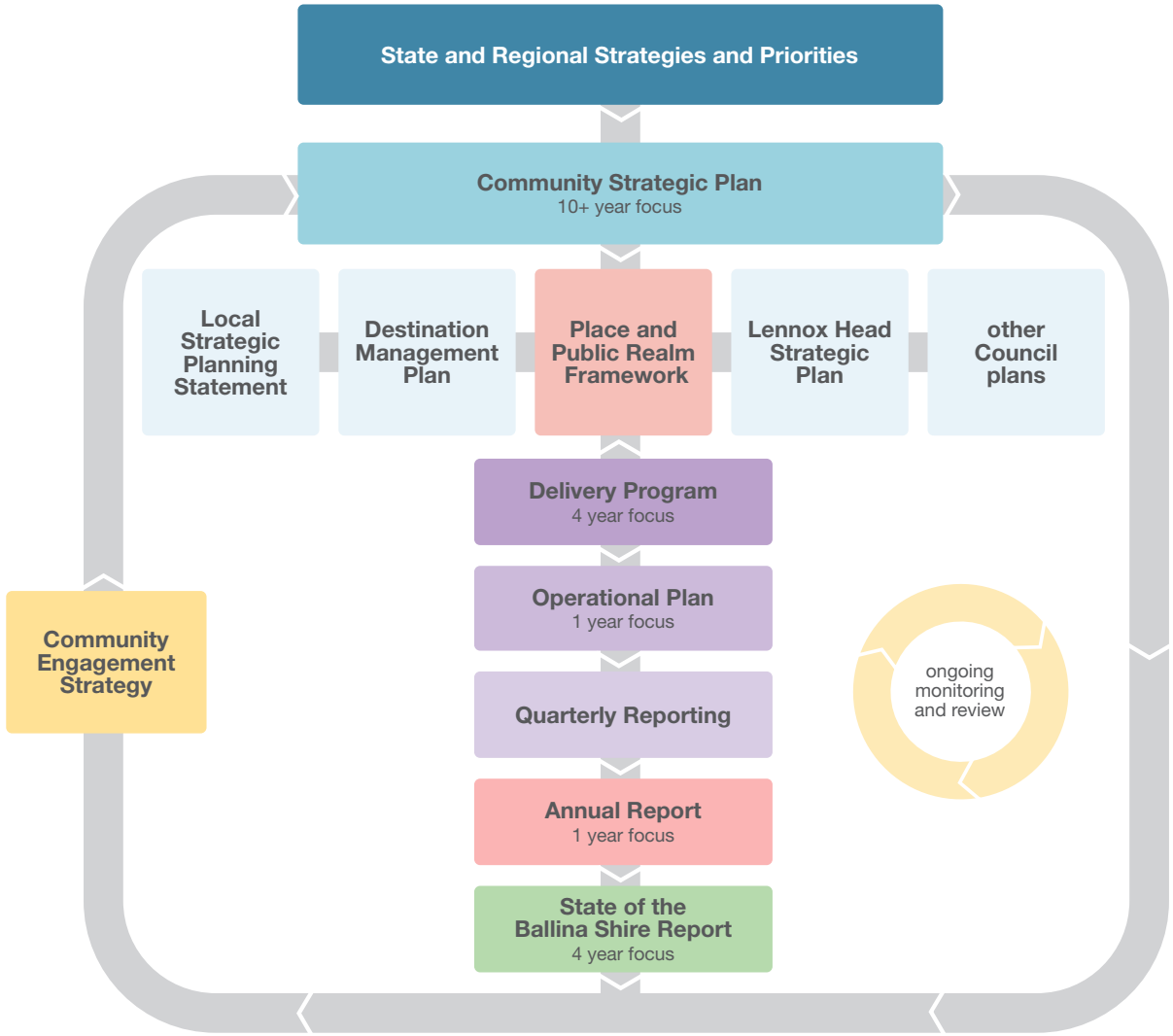
179 km
of footpaths

818 km
of streets



POLICY CONTEXT

The Place and Public Realm Framework is not a standalone document. It works with other strategic and statutory documents that guide planning, design and works within the Ballina Shire.



PHASES OF WORK

PHASE 1

The Place and Public Realm Framework supports the coordination of projects and processes that deliver more comfortable, vibrant and sustainable public spaces in the Ballina Shire.

This Framework provides a clear vision of what Council wants to achieve in the public realm.

The next phases reinforce delivery and outcomes are summarised below.

This diagram shows the strategic work necessary to deliver the vision of the Place and Public Realm Framework.

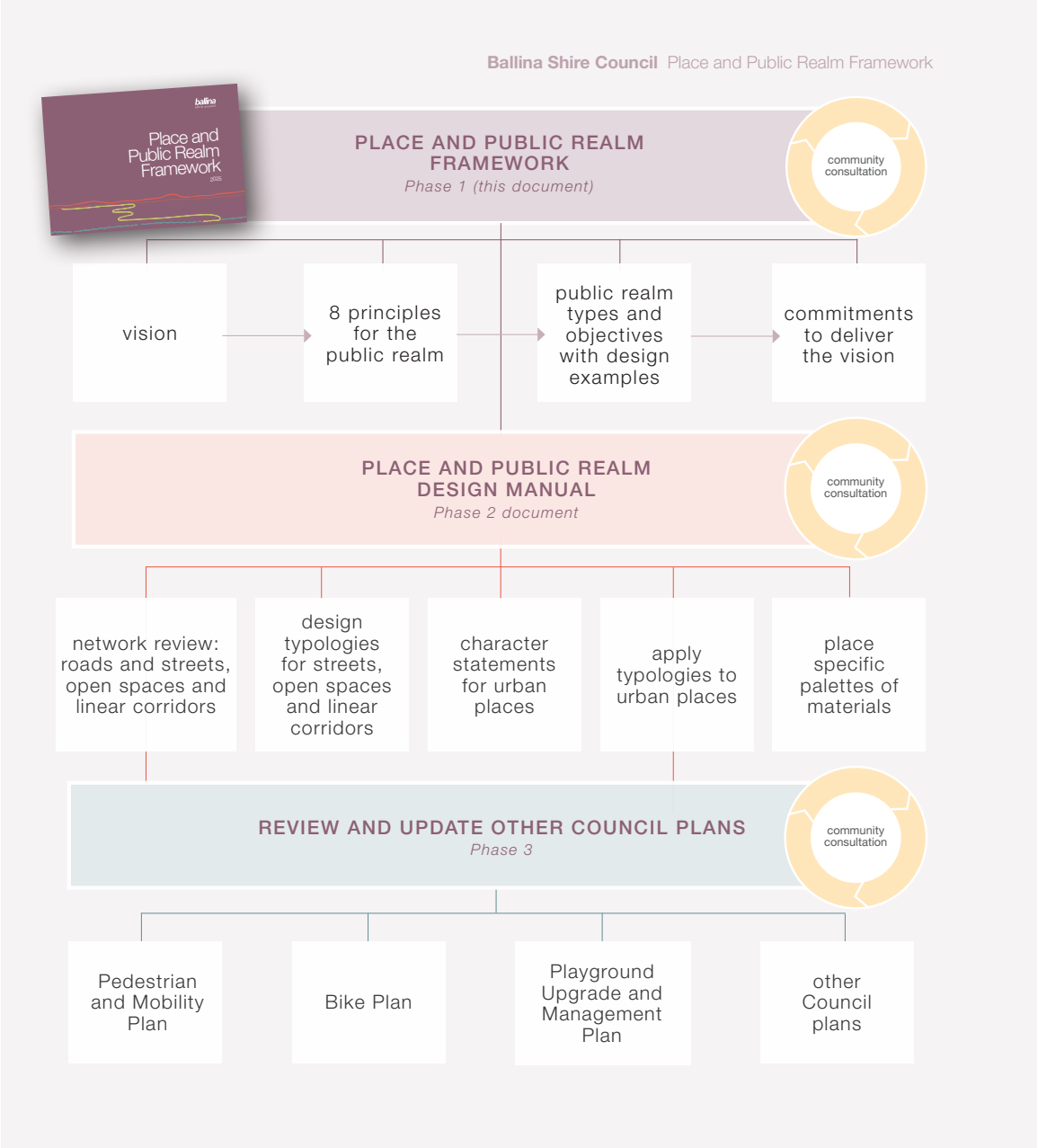
PHASE 2

Prepare a Place and Public Realm Design Manual that will include:

- Network review to confirm sub-types for streets, open spaces and linear corridors
- Design typologies for each sub-type, for example local park
- Apply typologies to urban places
- Establish place specific palettes of planting, finishes and furniture for public realm elements.

PHASE 3

Update Council's strategic documents relating to pedestrian and cycling access and design in open spaces such as the Pedestrian and Mobility Plan (PAMP), the Bike Plan, and the Playground Upgrade and Management Plan (PUMP) to reflect the priorities, typologies and design palettes determined in Phases 1 and 2.

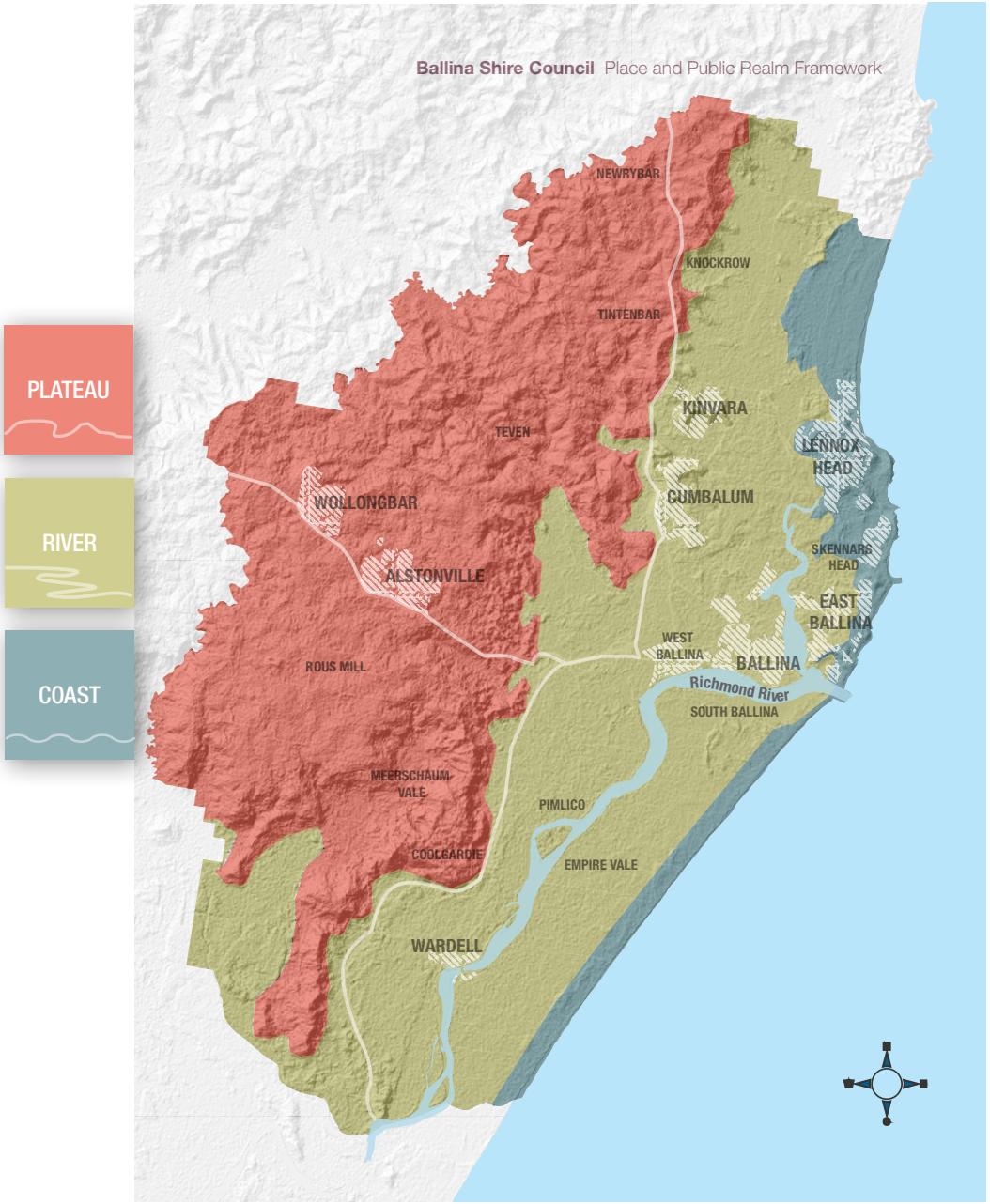


geographic character of Ballina Shire

The geographical structure of river floodplains, the plateau hinterland and wild coastline shape the character of the Ballina Shire today.

The Place and Public Realm Framework and associated Design Manual will enhance the local character of each of these areas, and differentiate them from each other.

Since European settlement from the 1840s, lands and waters in the Ballina Shire have endured broad scale changes. There are however, enduring geographical features and characteristics that have guided development of the area and will continue to influence future development.



PLATEAU

Earliest European settlement in the Shire was driven by cedar cutter camps from the 1840s. These were established on the Alstonville plateau red basalt soils which sustained the Big Scrub.

The land of the red soils, now mostly cleared of its original vegetation, supported dairying on the plateau. Large areas of the plateau remain as State Significant Farmland although dairying has mostly given way to beef cattle and horticultural enterprises.

Remnants of the Big Scrub exist today giving a sense of the land before settlement.

The red soils of the plateau support a leafy local character in Alstonville, Wollongbar and rural villages and hamlets.

Elevated, the plateau features as an escarpment in the landscape, visible from the river and coastal plains.

RIVER

The alluvial soils of the Richmond River and North Creek provided places for landing, areas for settlement and cropping. From the 1840s Ballina emerged as a central settlement supported by maritime activity.

From a place of spiritual connection and belonging for Bundjalung people; to primary transport routes for colonists; to treasured natural recreational playgrounds and fragile aquatic ecosystems; the Richmond River and North Creek characterise Ballina, West Ballina and Wardell.

Kinvara and Cumbalum, while elevated, have important connections to their wetland surroundings.

The river and floodplain are characterised by adaptability to sporadic inundation.

COAST

Coastal areas such as Lennox Head began to develop as holiday destinations in the early 20th century. After World War II more housing was established in the Lennox village. To this day the coastal strip attracts recreation visitors.

Strong demand for coastal housing has brought planned estates to fruition supported by new infrastructure.

Sandy soils and coastal breezes of the coastal strip characterise parts of East Ballina, Skennars Head and Lennox Head.

Sensitive coastal ecological communities are under pressure from high visitation. The coastal strip is vulnerable to coastal erosion, shaped by the ocean currents off the east coast.

key considerations

BUDGETS FOR PROJECTS, UPGRADES AND MAINTENANCE

Ballina Shire Council, as a regional Council, manages much larger areas of public land with a smaller rate base than metropolitan councils. Budgets for public realm projects, upgrades and maintenance are tight.

While budget constraints may be a reason not to embellish public lands, constrained budgets are a compelling reason to ensure public realm precincts are designed holistically and to include the important principles of this framework at design phase. Including good design upfront can reduce costs in the long term.

CLIMATE CHANGE

As a result of our changing climate, low-lying areas located on the Richmond River floodplain may experience more frequent inundation, associated with sea level rise, storm and flood events.

Bushfire risks on the plateau are expected to increase as the North Coast region is projected to continue to warm by 0.7°C in the near future (2020-2039) and about 2°C in the far future (2060-2079) compared to recent years (1990-2009). The number of high temperature days is projected to increase.[1]

Designing our towns and villages to be comfortable for people far into the future means strategically cooling and greening streets and selecting species resilient to the environmental risks in each locality.

LOW DENSITY URBAN STRUCTURE/CAR DOMINANT CULTURE

The Ballina Shire development pattern is generally one of low density. Low density urban structure is one of car dominance, as housing and destinations are spread over large areas.

Car dominance sets up priorities that become self-fulfilling. To provide better pedestrian and active travel environments, the balance between priority of vehicles and pedestrians requires adjusting.

VIBRANCY

Vibrancy in the public realm means the number of people out and about.

Low density housing and car dominance presents some challenges for vibrancy. Getting people out of their homes into urban places requires design for comfort, sense of place and community gatherings. This supports local economic development, safety, social cohesion and wellbeing.

Access to natural waterbodies for recreation is a major attractor of vibrancy in the public realm in the Ballina Shire. From our forested waterfalls, spectacular tidal rivers and world class surf beaches, design is to facilitate access and maintain a natural aesthetic to allow people of all ages to enjoy the Shire's natural beauty.

PLACE PLANS

Ballina Shire Council has a long running program of Place Plans. Community aspirations from place plans have informed this Place and Public Realm Framework.

Local character, community values and aspirations are documented in Council's Place Plans. They continue to guide strategic actions within each village or town.

For smaller localities, strategic directions are outlined in the Local Strategic Planning Statement.

1 *North Coast Climate Change Snapshot 2014*

principles for the public realm

Each place, with it's own distinct character, is to be fostered as part of a connected, prosperous, and healthy Shire.

As a regional area, Ballina Shire balances urban aspirations with a distinctly biodiverse and rural context with intact evidence of continued Aboriginal culture within the Bundjalung nation. The balance of these values in the design of the public realm will strengthen sense of place and reinforce the attractiveness of the Shire.

The Place and Public Realm principles apply to all design, construction and management processes and procedures undertaken within the public realm by Ballina Shire Council and where private developments intersects with public land.

1 The public realm is **comfortable, safe** and **attractive**.

2 The public realm articulates a **cohesive identity** and **sense of place**.

3 The public realm is **legible, inclusive** and **family friendly**.

4 The public realm encourages **community participation**.

5 The public realm is **appropriate, durable** and **adaptable**.

6 The public realm is **connected** and **integrated**.

7 The public realm achieves **environmental sustainability** and **resilience**.

8 The public realm supports community **vibrancy** and **wellbeing**.







1 the public realm is **comfortable, safe** and **attractive**

Design enhances the human experience of the place. The public realm is inviting, comfortable, feels safe, and is visually attractive. Greener, cooler streets and greenways, and diverse open spaces contribute to places enjoyed by people of all ages, cultures, and abilities, and are used during different times of the day and year.







2 the public realm articulates a **cohesive identity** and **sense of place**

Land in the public realm in the Ballina Shire encompasses the river floodplains, the hinterland plateau and the coastline. Highlighting endemic nature, surrounding local features and landmarks, culture and stories provides a cohesive identity to articulate a strong sense of place for each of our towns and villages.







3 the public realm is **legible, inclusive** and **family friendly**

The public realm is for everyone, catering for different ages and capabilities. Generally, what is good for the very young is also good for the very old and everyone else in between. Places in the public realm are easy to find, access, use and navigate through and a sense of fun is present in design.







4 the public realm encourages **community participation**

People are the magic ingredient that make the public realm come to life. Investment in the public realm is realised when the community uses it. The community are co-creators in the public realm; design should make the most of this.







5 the public realm is **appropriate, durable** and **adaptable**

Design in the public realm is appropriate for the place in which it sits and suits the local natural environment. Public realm elements look good and perform well over time. Design considers multiple uses of the space allowing for adaptability to changing community and environmental dynamics. Temporary solutions can be tested before designs are finalised.







6 the public realm is **connected** and **integrated**

The public realm is part of a well planned network of spaces, services, and facilities. Our towns and villages are well connected and accommodate mixed modes of transport with an increasing priority on pedestrians, cycling and micromobility.







7 the public realm achieves **environmental sustainability** and **resilience**

Design and management of the public realm values and improves the natural environment. Decision making puts environmental sustainability first. Design addresses the future needs of the public realm to achieve longevity and improved water quality, biodiversity, waste management and low carbon footprint outcomes.







8 the public realm supports community **vibrancy** and **wellbeing**

The public realm supports dynamic community life, allowing for collaboration and involvement of local communities and businesses to activate and celebrate places within our towns and villages, sustaining vibrancy and boosting community wellbeing.

public realm ***types***

ROADS AND STREETS

Roads and streets make up the greatest area of public land within the public realm in the Ballina Shire. The design of roads and streets has a significant impact on the quality of the places around them and determines whether places are more easily accessed by car, bikes, e-bikes, on foot or micromobility devices such as a mobility scooter or skateboard.

Everyone uses roads and streets; they are public places. They connect people to destinations and attractors and therefore determine how a place is experienced.

Roads and streets can do more than simply accommodate vehicles at the highest possible speed. Especially in more densely populated, urban places where people walking, cycling and staying is good for local businesses, crime prevention and a sense of social cohesion and vibrancy.

Roads and streets are an integral part of our 'blue and green grid' connecting landscape, and the movement of water and species. Road and street design has a role in enhancing biodiversity, storing carbon and water management.

Roads and streets are not the same. Streets facilitate local access as well as being comfortable places for the community to spend time, typically with speeds under 60km/h. Roads are avenues that enable people to save time and to move goods. Typically roads have higher speeds, over 60km/h.

The name of a street does not always reflect its function; its place in the network and speed are a better indication of whether it is a road or street. This Place and Public Realm Framework is primarily concerned with streets with a speed of 60km/h or less.

Local jurisdictions across the world are exploring ways to deliver more value to the community through better design of roads and streets. Transport for NSW is embracing this change, recently releasing the Design of Roads and Streets Manual (DoRaS). The DoRaS includes a methodology to identify different types of streets in the network. Each street (sub) type is then designed according to it's role for all road users in balance with it's place values.

This methodology will be used to review the network and develop design typologies within the Place and Public Realm Design Manual.



OBJECTIVES
ROADS AND STREETS

A Improve pedestrian and cyclist amenity, comfort and safety within and between towns and villages.

B Prioritise pedestrian and cycling connections on selected routes accessing destinations.

C Design streets in key civic or open space precincts so they can be easily adapted and closed for events and activities.

D Reinforce local character and the endemic environment in the design and management of streets.

E Retrofit and design to constrain physical speeds on selected streets.

F Protect natural areas and waterbodies from the impacts of roads and streets.

G Utilise road reserves to support connectivity of flora and fauna in the Shire.

H Incorporate deep planting zones into streets and corridors.

The following design examples show specific design solutions that could be applied to achieve these objectives. Each design solution is linked to the objectives it achieves by the letters below it.



Planted median strip reinforces arrival avenue and softens and cools the area
A E G

Shade trees cool the street and path and there are places to rest in the shade
A D G

Street trees offset from overhead powerlines provide shade, visual amenity and ecological value
A D E G H

Raised threshold pedestrian crossings make it easy for everyone to cross the road
A B E

Feature tree to cool the area and create a landmark
D G

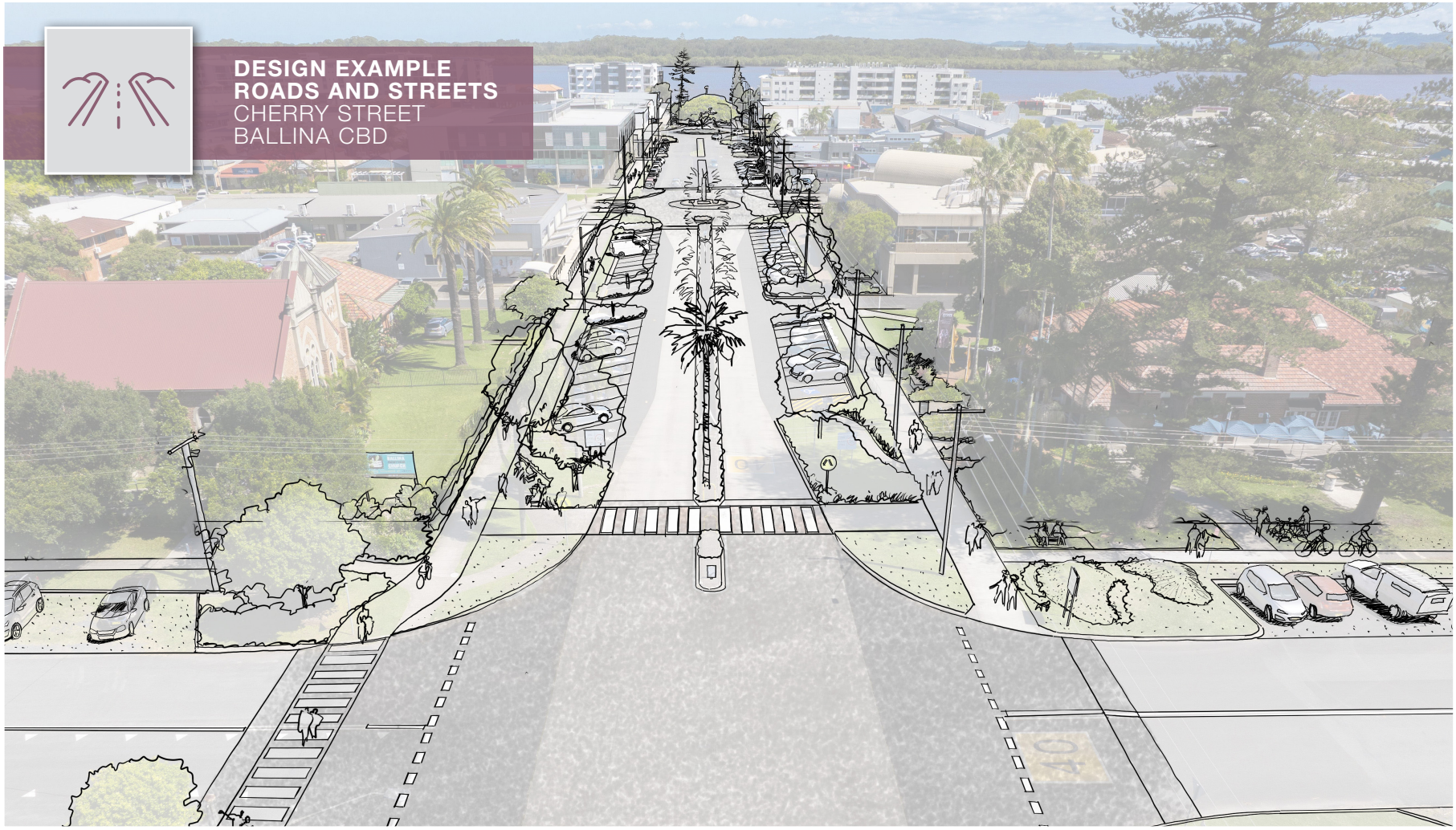
Pedestrian refuges and patterned paving slow vehicle speeds and provide a safe, visible crossing point
A D E

Understory planting improves biodiversity and softens the ground plane
D G

Extra wide continuous shared path accommodates bikes and pedestrians comfortably
A B

objectives delivered

18



Extra wide continuous shared path accommodates bikes and pedestrians comfortably	Raised threshold pedestrian crossings make it easy for everyone to cross the road	Places to rest in the shade	Public art by local artists	Street trees offset from overhead powerlines provide shade, visual amenity and ecological value	Visual connection to water is maintained	Planted central median strip reinforces sense of arrival and softens and cools the area	Mounds in the verge add interest and provide informal places to sit or meet	Frequent and convenient places to park your bike, close to destinations	Raised intersection treatment signals a slow speed environment and entry to CBD
A B	A B E	A D G	D	A D E G H	D	D E G	D	A B	C E

objectives delivered

OPEN SPACES

The Ballina Shire has an extensive network of highly valued open spaces providing opportunities for formal and informal, active and passive recreation. There is more than 700 hectares of public open space across the Ballina Shire, including 389 hectares of parks.

Ballina Shire's open space network includes recreation parks, sports parks and natural areas including bushland conservation areas, beaches and waterways. All open spaces deliver multiple functions and benefits for the community including providing access-ways for people and other species. They are green 'lungs' cooling the urban environment, areas for filtering water within the catchment and places for social interaction and recreation.

The demographics of Ballina Shire influence the nature of demand for open space. The Shire has an ageing population with a preference towards passive recreation options within open space such as walking, cycling and social use. Additionally, families require sport and active recreation options suitable for both younger and older children to meet the demand of the growing population into the future.

In addition to the provision of sport and recreation facilities, the Shire's open spaces support a range of natural areas, including some of high environmental conservation significance. The Shire's coastal locations, entrance to the Richmond River and its estuarine tributaries are highly valued open space areas for their scenic beauty and provision of lifestyle recreation opportunities. 'Big Scrub' rainforest remnants in the hinterland provide destinations drawing in locals and visitors alike.

Open spaces within each town or village are important places for community events and interaction. Design supports their function as gathering spaces. Improving cycling and pedestrian access to these spaces and infrastructure to support their use is a priority.

The intention is to achieve spaces that 'support increased dwell time', within a well-connected variety of existing and future open spaces, fulfilling multiple objectives including active recreation, social interaction and environmental biodiversity.



OBJECTIVES
OPEN SPACES

A Fulfill multiple functions within the open space network including active and passive recreation, social interaction, water management and biodiversity.

B Function as refuges of cool natural shade during summer and provide places to access warm sun in winter through planting and seating arrangements.

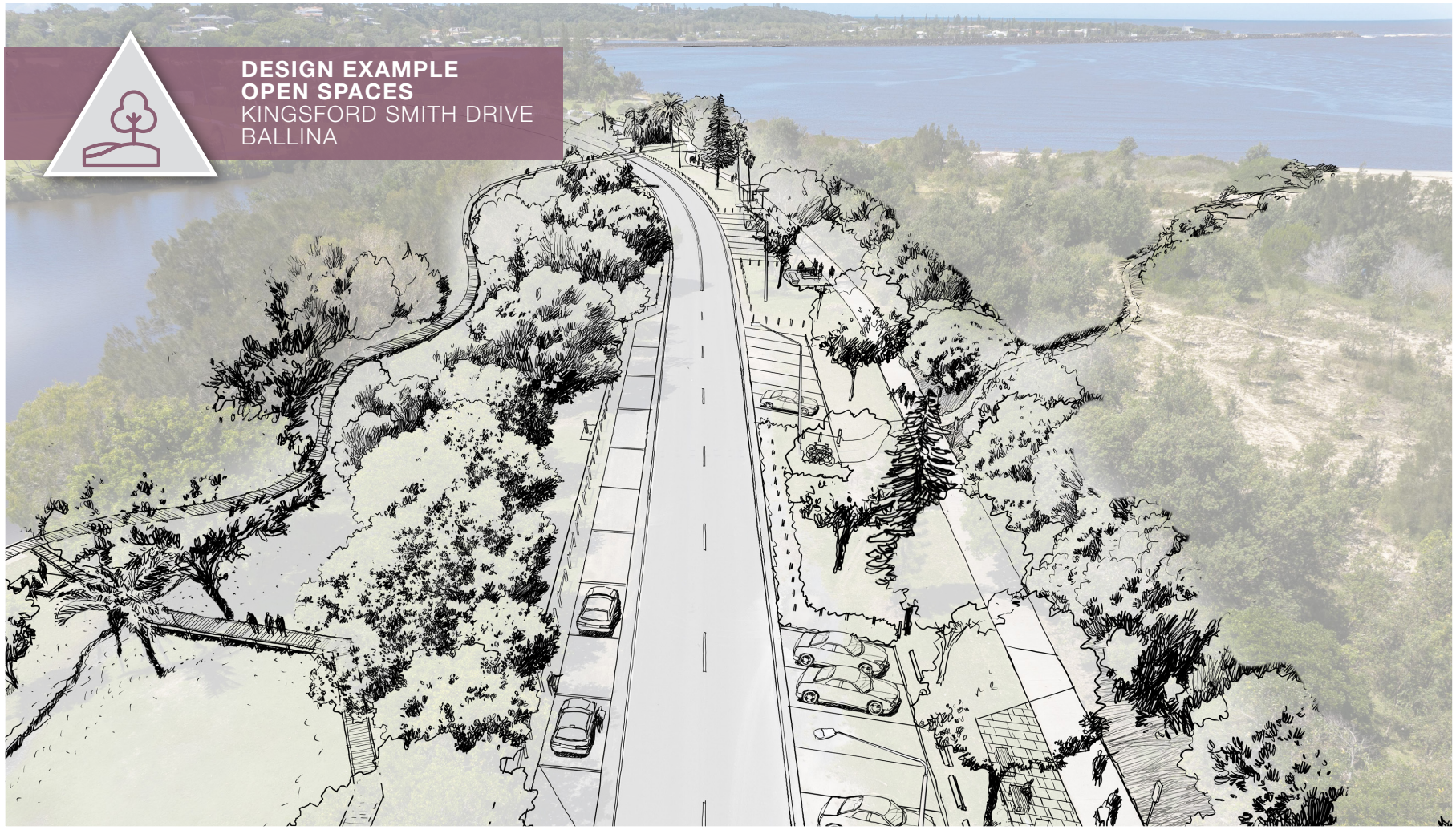
C Feature adaptable, flexible infrastructure that can accommodate a variety of community gatherings and events, where appropriate.

D Improve legibility and access to open spaces for all visitors regardless of how people arrive.

E Feature local stories, cultural elements, geography and plants, contributing to a cohesive local identity and sense of place.

F Well serviced with facilities to support people to stay and use public space.

The following design examples show specific design solutions that could be applied to achieve these objectives. Each design solution is linked to the objectives it achieves by the letters below it.



Natural areas are restored and access is managed — A B D F

Raised threshold pedestrian crossing makes it easy to cross the road and links to park tracks that welcome people into the open space — A B D

Wayfinding and signage tell local stories and help people find local treasures — A D E

Event services infrastructure (power and water) are built into open spaces and streets adjoining or intersecting open spaces to support activation and events — C C

Formalised beach access is welcoming and protects natural areas — C A D F

Formalised carparking protects trees and creates shaded grassed areas for public use — D A B F

Bike parking provided at key nodes and access locations — A D F D

Places to rest along the shared path — A D F D

objectives delivered

21

LINEAR CORRIDORS / GREENWAYS

Linear corridors provide exceptional opportunities for off road pedestrian and cycling connections, multi-functional open spaces and opportunities for continuous habitat. There are linear corridors in most of the towns and villages in the Ballina Shire, and some of them already function as off-road movement connections.

Linear corridors can be made up of linear parks, crown land, access ways, paper roads, utility land, natural areas and edges, and drainage corridors. Connecting these different types of public land can deliver improved local access and amenity and improve the pedestrian and cycling network overall.

Like other public realm types, linear corridors deliver multiple outcomes. Pedestrian and cycling connections provide active and passive recreation opportunities. These can integrate with utility functions such as drainage, and can deliver ecosystem opportunities such as native vegetation regeneration. Not every section of a linear corridor will do everything, the context of the place will determine which sections of linear corridors do what.

Where linear corridors do intersect with the road network, priority for pedestrians and cyclists is indicated through design.

Corridors offer unique opportunities for local storytelling to link with wayfinding, providing people with environmental and place context as well as orientation.



OBJECTIVES
LINEAR CORRIDORS/ GREENWAYS

- **A** Provide off road movement corridors connecting with open spaces, the broader road and street network and destinations.
- **B** Continuous and highly valued, with services and embellishments complementary with active travel and recreation.
- **C** Support biodiversity, habitat and catchment management within linear corridors.
- **D** Linear corridors are designed as important destinations for recreation and active travel.
- **E** Reinforce local character and sense of place.
- **F** Space is available to the wider community for public purposes, providing green areas that break up the urban built environment.

The following design examples show specific design solutions that could be applied to achieve these objectives. Each design solution is linked to the objectives it achieves by the letters below it.



Formalised off road, pedestrian and cycle paths connect to destinations make it easy to get around

A B D F

Open spaces are connected by raised threshold pedestrian crossings making it easy to cross the road

A B A B

Interpretive signage shows pedestrian and cycling connections and features local place stories

E

Linear planting in corridors contribute to habitat connectivity

C

Off street pathways provide safe movement corridors and short cuts through residential areas

A B F

Textured road treatment signals slower speeds approaching the pedestrian crossing and the village centre

E

Boardwalk over drainage corridor widens shared path, making it easy and pleasant to walk into the village

A B D A B

objectives delivered



There are ways to short cut through the street network on off-road pathways or corridors

A B D A

Shared path is continuous and unbroken by driveways

A B

Shaded pathway makes walking and cycling much more pleasant

A B D

Extra wide shared path accommodates bikes and pedestrians comfortably

A B

Pedestrian refuges and patterned paving slow vehicle speeds and provide a safe, easily visible crossing point

A B E

Naturalised drainage corridor supports biodiversity and water management

C

Reducing road carriageway with planting slows traffic coming into the area and improves amenity

D E G H

objectives delivered

implementing the vision

Achieving Council's vision for the public realm will take many years. The following commitments will advance us towards the vision.



	better connected	greener streets	strong sense of place	community vibrancy
Increase number of raised threshold pedestrian crossings or shared zones on key streets	●			
No net loss of Council owned land within a linear corridor	●			
Increase dedicated cycle lanes within and between towns and villages	●			
Increase proportion of 3m wide paths	●			
Increase bike and e-bike parking in towns and villages	●			
No net loss of trees in the public realm due to Council capital works		●		
Increase endemic plants and canopy cover in key streets		●		
Increase in areas dedicated to planting and pedestrian priority			●	
Increase in place specific design that reflects and reinforces local character and identity			●	
Increase in Council approved public events				●
Increase the dwell time of people in the public realm				●



pathway to implementation

COMMITMENT	NEXT STEPS
Increase number of raised threshold pedestrian crossings or shared zones on key streets	Identify key pedestrian and cycle routes within and between urban places. Review forward capital works program to identify opportunities for installations.
No net loss of Council owned land within a linear corridor	Map linear corridors. Include trigger for review of Place and Public Realm vision and principles in property disposal process.
Increase dedicated cycle lanes within towns and villages	Identify key pedestrian and cycle routes within and between urban places. Develop street typologies for cycle routes. Review Bike Plan to incorporate priority cycle routes and typologies based on Place and Public Realm principles.
Increase proportion of 3m wide paths	Identify key pedestrian and cycle routes within and between urban places. Develop street typologies for pedestrian routes. Review Pedestrian and Mobility Plan (PAMP) to incorporate priority pedestrian routes and typologies based on Place and Public Realm principles.
Increase bike and e-bike parking in towns and villages	Identify bike and e-bike parking hubs relative to key destinations. Review forward capital works program to identify opportunities for installations.

pathway to implementation

COMMITMENT	NEXT STEPS
No net loss of trees in the public realm due to Council capital works	Incorporate vegetation management plans into Project Management Framework. Establish a register of urban tree plantings.
Increase endemic plants and canopy cover in key streets	Identify locations for street trees and microforest plantings. Establish criteria for balancing urban tree planting with infrastructure in public realm.



pathway to implementation

COMMITMENT	NEXT STEPS
Increase in areas dedicated to planting or pedestrian priority	Review forward capital works program to identify opportunities for implementation. Document basic design standards to pedestrian and greens space infrastructure.
Increase in place specific design that reflects and reinforces local character and identity	Establish furniture, lighting, surface and planting lists, pallets and design standards.



pathway to implementation

COMMITMENT	NEXT STEPS
Increase in Council approved public events and outdoor dining	Identify key event precincts. Streamline operational approval processes for preferred event precincts, including traffic control and waste management.
Increase the dwell time of people in the public realm	Audit key open spaces for accessibility and infrastructure to support dwell time. Establish levels of infrastructure for key streets to encourage adaptable uses of the road reserve. Review levels of infrastructure and embellishment for open spaces.

glossary

Endemic vegetation refers to vegetation that is native to the Northern Rivers region.

Deep planting is an 'in-ground' area of a specific width and breadth that is dedicated to landscaping and can sustain large subtropical shade trees.

Dwell time is the amount of time people spend in a specific place.

Linear Corridor is a long, sometimes narrow area of public land that can be used for drainage, asset protection or recreation, or in some cases multiple uses. They are often adjacent to natural areas such as waterways, coastlines or bushland reserves.

Micro-forest plantings are densely planted, small scale ecosystems that mimic the natural processes of a larger forest. They are designed to have high biodiversity, and offer may benefits including carbon sequestration, wildlife habitat and urban cooling.

Micro-mobility refers to small, lightweight, usually single-person vehicles for short-distance travel in urban environments.

Raised threshold pedestrian crossing is where the level of the pedestrian crossing is raised to be the same as the footpath, so there is no requirement for pedestrians to step down onto the road to cross.

Typologies categorise urban spaces according to the similarity of their essential characteristics and provide design objectives and example designs to achieve them.

Vibrancy In the context of urban design refers to the dynamic and engaging atmosphere of a place, characterised by the levels of human activity, diversity and accessibility.

Wayfinding encompasses all the ways in which people orient themselves in spaces and navigate from place to place.


BALLINA SHIRE
PLACE AND PUBLIC REALM FRAMEWORK
2025-2035
ballina shire council
40 Cherry Street Ballina NSW 2478
p: 1300 864 444 | e: council@ballina.nsw.gov.au
ballina.nsw.gov.au

Project Report

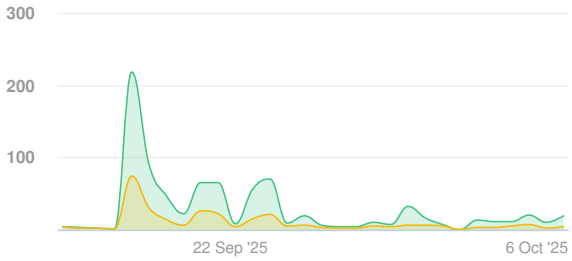
11 September 2025 - 10 October 2025

Your Say Ballina

Draft Place and Public Realm Framework

GRANICUS

Visitors Summary



Highlights

TOTAL VISITS	MAX VISITORS PER DAY
319	74

NEW REGISTRATIONS
1

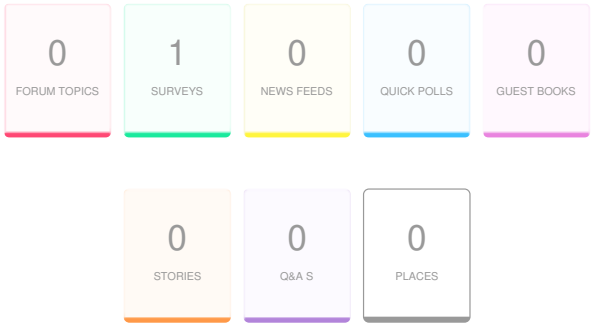
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
20	161	252

Aware Participants	252
Aware Actions Performed	Participants
Visited a Project or Tool Page	252

Informed Participants	161
Informed Actions Performed	Participants
Viewed a video	0
Viewed a photo	33
Downloaded a document	74
Visited the Key Dates page	0
Visited an FAQ list Page	0
Visited Instagram Page	0
Visited Multiple Project Pages	132
Contributed to a tool (engaged)	20

Engaged Participants	20		
Engaged Actions Performed	Registered	Unverified	Anonymous
Contributed on Forums	0	0	0
Participated in Surveys	3	4	0
Contributed to Newsfeeds	0	0	0
Participated in Quick Polls	0	0	0
Posted on Guestbooks	0	0	0
Contributed to Stories	0	0	0
Asked Questions	0	0	0
Placed Pins on Places	0	0	0
Contributed to Ideas	8	7	0

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Feedback Form - Draft Place and Public Realm Framework	Archived	27	3	4	0
Ideas	Share your travel photos! And vote on others...	Archived	69	7	7	0

INFORMATION WIDGET SUMMARY

1	5	0	0	0
DOCUMENTS	PHOTOS	VIDEOS	FAQS	KEY DATES

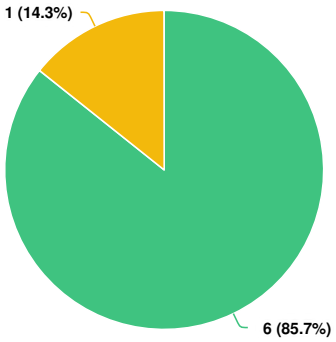
Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	FINAL DRAFT Place and Public Realm Framework 2025.PDF	74	86
Photo	Alstonville Geoff Watt Oval.png	19	19
Photo	Kingsford Smith Drive.png	5	5
Photo	Cherry St Hospital block.png	5	5
Photo	Cherry street towards CBD.png	4	4
Photo	Tanamera Dr.png	1	1
Key Dates	Key Date	0	0

ENGAGEMENT TOOL: SURVEY TOOL

Feedback Form - Draft Place and Public Realm Framework

Visitors 27	Contributors 7	CONTRIBUTIONS 7

Was The Draft Place and Public Realm Framework easy to read and understand?



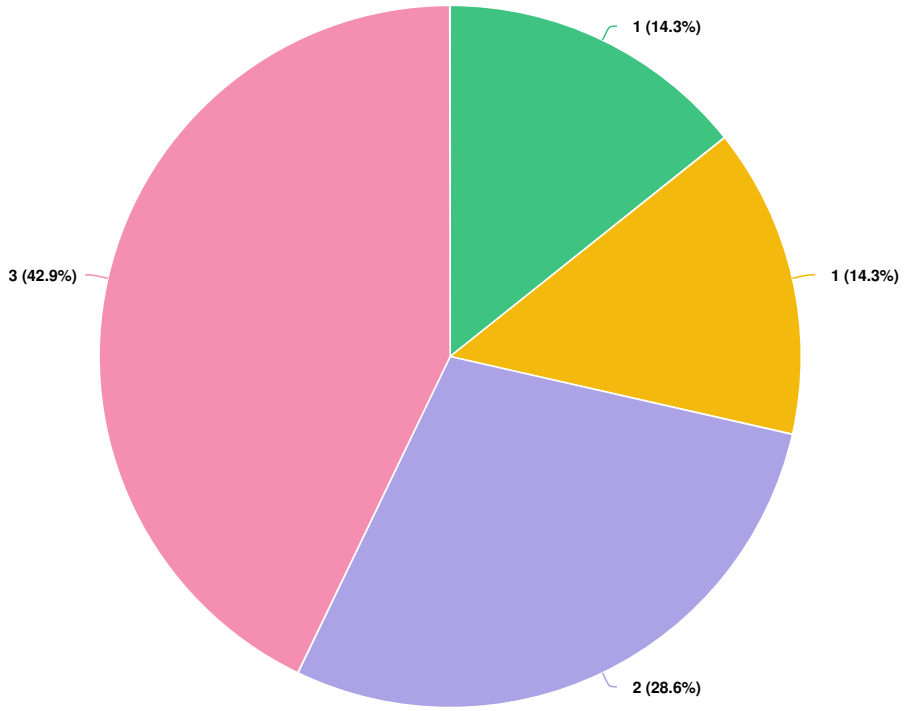
Question options

Yes No

Mandatory Question (7 response(s))

Question type: Radio Button Question

Do you support the overall objectives and content of the Draft Place and Public Realm Framework?



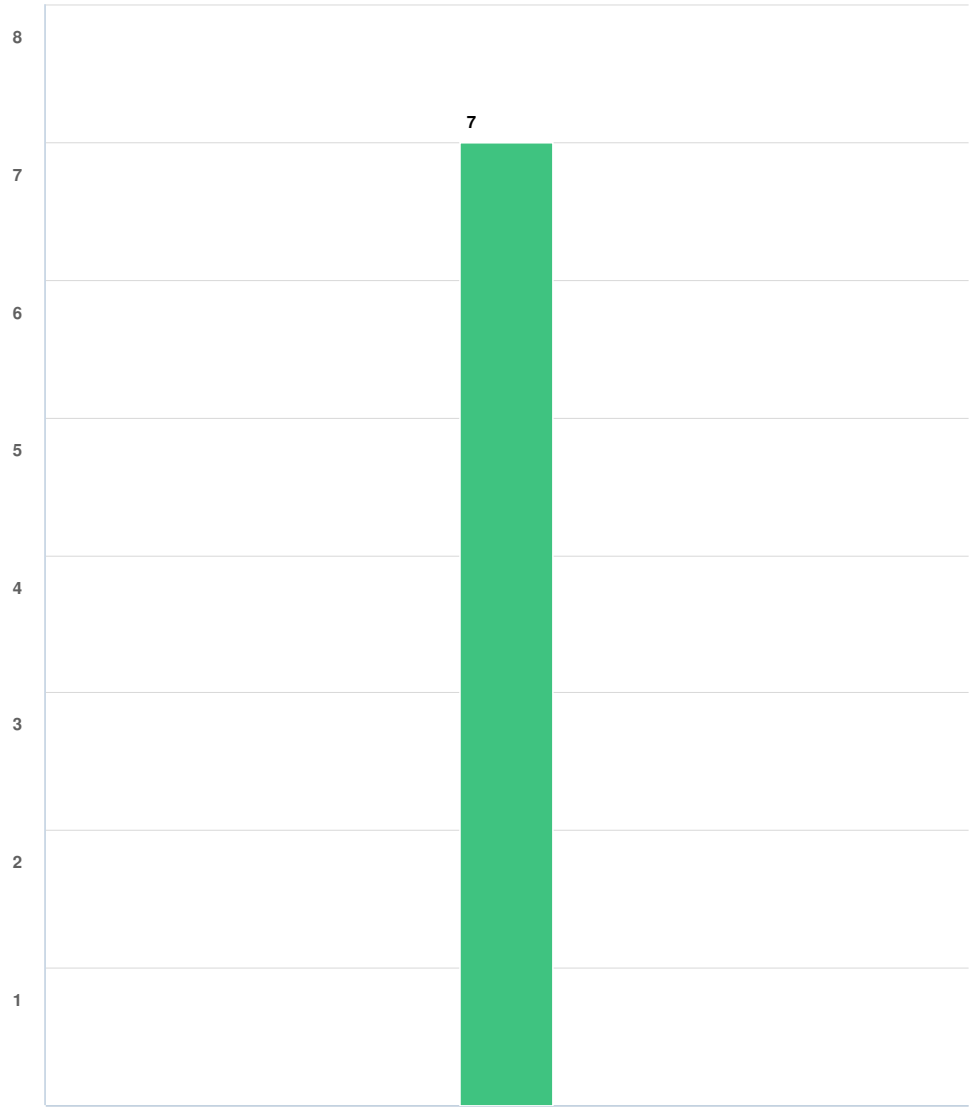
Question options

Oppose Neutral Support Strongly support

Mandatory Question (7 response(s))

Question type: Emoji Question

I have read and agree with Council's Privacy Policy



Question options

Yes

Mandatory Question (7 response(s))

Question type: Checkbox Question

IDEAS

Share your travel photos! And vote on others...

Visitors 69	Contributors 15	CONTRIBUTIONS 73

23 September 25
Jack D
VOTES 1

Raised threshold crossings

Raised threshold crossings with place-specific surface treatments like this one in Wave rley.

23 September 25
Jack D
VOTES 1

Raised safety platforms

Raised safety platforms at local intersections for slow, safe mixing of pedestrians and v ehicular traffic like this one in Zetland

23 September 25
Jack D
VOTES 3

Incorporate cycleways

Separated cycleways can be defined with simple narrow planter beds, and incorporate d into raised crossings at intersections like this one on Wilson St by City of Sydney

23 September 25
Jack D
VOTES 1

Define village centres / primary intersections

Main intersections at village and town centres can be treated as whole raised shared s paces to give a sense of place to the heart of a town/village while prioritising pedestrian activity. As seen here in Urunga in Clarence Valley Council.

23 September 25
Jack D
VOTES 2

Widen blisters around raised crossings

Raised crossings can incorporate widened blisters with large planter beds and seating / breakout areas to give more public space to people and landscape, as seen here in Bl ackheath

IDEAS

Share your travel photos! And vote on others...

02 October 25
River st
VOTES 3

Planting of advanced significant shade trees (eg Mai n st Bangalow- Leopard trees) - shade for cars - sho ps and pedestrians = ambience.

In Fletcher st Byron Bay - (for eg) council organised single car spaces to be sacrificed t o allow for planting of paperbarks including understory plantings. Creating shade and c ooling the street.

02 October 25
River st
VOTES 2

Installation of fairy lights - soft lighting up significant trees creates a soft ambience to help night patronag e. (Eg Hastings st Noosa)

Installation of fairy lights up trees creates a friendly and safe ambience at night to help t ourism / restaurants etc

02 October 25
River st
VOTES 3

Incorporate local mural artists to help beautify some of the laneways / electrical boxes / brick walls etc to create an art walk .

Artists are often looking for a way to promote their skills and name- and here on the No rthern Rivers there is some exceptional local talent of artists in all fields - painting/ mur al / sculptures etc . Help support local artists and help beautify Ballinas hard urban lan dscape .

05 October 25
Katherine
VOTES 1

Public Toilets & Street furniture

Public toilets in accessible locations are essential. I love it when they have public art ref lecting their location and community. Also bike racks, bins, seats, drinking water. All es sential for enjoying our beautiful public spaces.

08 October 25
Leah M
VOTES 2

More shade trees on verges to provide shade for foo tpaths and bike paths. Make Ballina leafy and COOL .

09 October 25
Dillypickle
VOTES 0

Southern entrance to Alstonville need some love an d beautifying as a thankyou for the 175 years of traff ic endurance . Time to green up!

Survey Responses

11 September 2025 - 10 October 2025

Feedback Form - Draft Place and Public Realm Framework

Your Say Ballina

Project: Draft Place and Public Realm Framework

GRANICUS

VISITORS	
27	

CONTRIBUTORS			RESPONSES		
7			7		
3	4	0	3	4	0
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous

Respondent No: 1
Login: BaseFace
Email: [redacted]

Responded At: Sep 15, 2025 20:53:07 pm
Last Seen: Sep 15, 2025 20:53:07 pm
IP Address: n/a

Q1.	**Was The Draft Place and Public Realm Framework easy to read and understand?**	Yes
Q2.	**Do you support the overall objectives and content of the Draft Place and Public Realm Framework?**	Strongly support

Q3. **Please provide further information about your response.**

Fund a massive tree renewal program to provide extensive greening of public areas. They are relatively cheap for the socio-environmental impact. Reduce traffic through CBD by new western road and north creek bridge. Invest in water adjacent attractions and connective pathways .

Q4.	**Please upload any documents relating to your feedback.**	not answered
Q5.	**I have read and agree with Council's Privacy Policy**	Yes
Q6.	**If you would like your submission to be confidential, please provide a reason for confidentiality**	not answered

Respondent No: 2
Login: Taisa Baars
Email: [redacted]

Responded At: Sep 16, 2025 16:01:23 pm
Last Seen: Sep 16, 2025 16:01:23 pm
IP Address: n/a

Q1.	**Was The Draft Place and Public Realm Framework easy to read and understand?**	Yes
Q2.	**Do you support the overall objectives and content of the Draft Place and Public Realm Framework?**	Strongly support

Q3. **Please provide further information about your response.**

Thank you for this great plan. Ballina is in strong need for more green and cooler places. Improving river quality and upgrading the surrounding spaces—particularly the area in Ballina from Bunnings to the bridge (serpentine) —is a fantastic and forward-thinking idea that would significantly enhance the town. This stretch has enormous potential to become a vibrant, green, and accessible corridor that not only improves environmental health but also provides social, recreational, and economic benefits. Restoring the river's health through better stormwater management, native planting, and pollution control would support biodiversity and create a cleaner, more inviting waterway. . At the same time, developing walking paths, seating areas, and green landscaping would activate underused spaces, encourage community interaction, and boost local business. Such an upgrade would help make Ballina a more connected, attractive, and resilient coastal town.

Q4.	**Please upload any documents relating to your feedback.**	not answered
Q5.	**I have read and agree with Council's Privacy Policy**	Yes
Q6.	**If you would like your submission to be confidential, please provide a reason for confidentiality**	not answered

Respondent No: 3
Login: Alanna
Email: [redacted]

Responded At: Sep 19, 2025 17:03:37 pm
Last Seen: Sep 19, 2025 17:03:37 pm
IP Address: n/a

Q1. **Was The Draft Place and Public Realm Framework easy to read and understand?** — No

Q2. **Do you support the overall objectives and content of the Draft Place and Public Realm Framework?** — Oppose

Q3. **Please provide further information about your response.**

i believe that instead of wasting money on areas that are already practical and fit for purpose and money should be put into areas that have a genuine need. ie Areas in Alstonville need curb and guttering and foot paths

Q4. **Please upload any documents relating to your feedback.** — not answered

Q5. **I have read and agree with Council's Privacy Policy** — Yes

Q6. **If you would like your submission to be confidential, please provide a reason for confidentiality** — not answered

Respondent No: 4
Login: Chris Hennessy
Email: [redacted]

Responded At: Sep 20, 2025 09:35:53 am
Last Seen: Oct 16, 2025 22:58:35 pm
IP Address: 104.28.125.2

Q1. **Was The Draft Place and Public Realm Framework easy to read and understand?** Yes

Q2. **Do you support the overall objectives and content of the Draft Place and Public Realm Framework?** Support

Q3. **Please provide further information about your response.**

More trees on the footpath like Tamar St, Norton St, the upgraded River St. Make Poinciana trees a theme for Ballina like Grafton has its jackarandas

Q4. **Please upload any documents relating to your feedback.** not answered

Q5. **I have read and agree with Council's Privacy Policy** Yes

Q6. **If you would like your submission to be confidential, please provide a reason for confidentiality** not answered

Respondent No: 5
Login: F
Email: [redacted]

Responded At: Sep 22, 2025 07:27:24 am
Last Seen: Sep 21, 2025 21:15:58 pm
IP Address: 163.116.215.46

Q1.	**Was The Draft Place and Public Realm Framework easy to read and understand?**	Yes
Q2.	**Do you support the overall objectives and content of the Draft Place and Public Realm Framework?**	Neutral

Q3. **Please provide further information about your response.**

Doesn't factor in council VS private development in implementing the vision, councils other plans such as Roads Contributions plan where known future traffic required movement not place needs to be acknowledged, this isn't a functional document to enable the DPOP and needs a page dedicated to its relevance to the 10 year plan above it in the hierarchy. The road and street example of Cherry Street needs to be treated like an extension to the CBD masterplan not a standalone exercise. This document cannot override Council's expectation to follow Australian Standards and Austroads where there should be other elements in corridors and not force place where movement belongs (and vica versa) and this document section on 'better connected' is governed by these other sources; none the less i do support dedicated cycle lanes and 3m wide paths which are areas council may seem deficient. I support replacing existing public trees from other regions with endemic species including poinciana removal.

Q4.	**Please upload any documents relating to your feedback.**	not answered
Q5.	**I have read and agree with Council's Privacy Policy**	Yes
Q6.	**If you would like your submission to be confidential, please provide a reason for confidentiality**	not answered

Respondent No: 6
Login: Jack D
Email: [redacted]

Responded At: Sep 23, 2025 12:30:18 pm
Last Seen: Sep 23, 2025 12:30:18 pm
IP Address: n/a

Q1. **Was The Draft Place and Public Realm Framework easy to read and understand?** — Yes

Q2. **Do you support the overall objectives and content of the Draft Place and Public Realm Framework?** — Strongly support

Q3. **Please provide further information about your response.**

These are exactly the kind of pedestrian friendly, place-based solutions we need in our towns and villages across the Northern Rivers. Prioritising pedestrians, with beautiful designs for our public spaces, minimal visual clutter, incorporating new philosophies around shared space design with slow speeds for traffic, and pedestrian priority are all excellent ideas. Keep up the excellent work - Ballina is leading the way for the rest of the Northern Rivers, bravo!

Q4. **Please upload any documents relating to your feedback.** — not answered

Q5. **I have read and agree with Council's Privacy Policy** — Yes

Q6. **If you would like your submission to be confidential, please provide a reason for confidentiality** — not answered

Respondent No: 7
Login: amberin
Email: [redacted]

Responded At: Oct 10, 2025 15:51:02 pm
Last Seen: Oct 10, 2025 04:24:45 am
IP Address: 125.168.152.170

Q1. **Was The Draft Place and Public Realm Framework easy to read and understand?** — Yes

Q2. **Do you support the overall objectives and content of the Draft Place and Public Realm Framework?** — Support

Q3. **Please provide further information about your response.**

I like the idea that has been presented by council, however I do believe that just adding more trees to side walks/ roads and calling it a day won't solve the overall issue. As when trees grow taller, they are cut back to make way for the powerlines, so that doesn't really solve the issue of making public spaces greener/ cooler in hotter months. Pre-existing areas that have added green ways such as the area in Alstonville (Tanamera Reserve- according to google maps) looks unkept and dirty as people throw rubbish/ dump things into it. How does council plan to upkeep these areas in high pedestrian areas, as the area in Alstonville shows that nothing really gets managed once the area becomes established. It is a greenway in highly dense area- council HAS to think ahead and plan for the general public and what the worst-case interaction they could have with those areas.

Q4. **Please upload any documents relating to your feedback.** — not answered

Q5. **I have read and agree with Council's Privacy Policy** — Yes

Q6. **If you would like your submission to be confidential, please provide a reason for confidentiality** — not answered

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D **Dillypickle**
a month ago

Southern entrance to Alstonville need some love and beautifying as a thankyou for the 175 years of traffic endurance . Time to green up!

0 0 Share

LM **Leah M**
a month ago



More shade trees on verges to provide shade for footpaths and bike paths. Make Ballina leafy and COOL.

2 0 Share

K **Katherine**
a month ago



Public Toilets & Street furniture
Public toilets in accessible locations are essential. I love it when they have public art reflecting their ...

1 0 Share

R **River st**
a month ago



Incorporate local mural artists to help beautify some of the laneways / electrical boxes / brick walls etc to create an art walk ....

3 0 Share

R **River st**
a month ago



Installation of fairy lights - soft lighting up significant trees creates a soft ambience to help night patronage. (Eg Hastings st Noosa)...

2 0 Share

R **River st**
a month ago



Planting of advanced significant shade trees (eg Main st Bangalow- Leopard trees) - shade for cars - shops and pedestrians = ambience....

3 0 Share

JD **Jack D**
2 months ago



Widen blisters around raised crossings
Raised crossings can incorporate widened blisters with large planter beds and seating / breakout area...

2 0 Share

JD **Jack D**
2 months ago



Define village centres / primary intersections
Main intersections at village and town centres can be treated as whole raised shared spaces to give a ...

1 0 Share

JD **Jack D**
2 months ago



Incorporate cycleways
Separated cycleways can be defined with simple narrow planter beds, and incorporated into raised ...

3 1 Share

JD **Jack D**
2 months ago



Raised safety platforms
Raised safety platforms at local intersections for slow, safe mixing of pedestrians and vehicular traffic like ...

1 0 Share

JD **Jack D**
2 months ago



Raised threshold crossings
Raised threshold crossings with place-specific surface treatments like this one in Waverley.

1 0 Share

BP **Brigid Pearse**
2 months ago



More natural pathways
What do you think?

6 2 Share

TREELANDS RESERVE

Submissions received prior to 7 November 2025

Reference	Name	Organisation	Key Message
25/2383	Suzanne Mason	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/75295	Jean Hill	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/75286	Richard Buxon	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/74614	Mary Hughes	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/71540	Ballina Croquet	Ballina Croquet	Support for croquet facility at Treelands Reserve (including concept plan)
25/73478	Frances Lord	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/70144	Richard Hughes/Carolyn Reay-Young	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/50704	Jawad Mazhar	Northern Rivers Squash Club	Support for Squash at treelands Reserve
25/76260	Catherine Davey	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/76135	Neville King	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/2509	Judith Hodgson	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/78276	Julie O'Brien	Ballina Croquet	Support for croquet facility at Treelands Reserve
25/78217	Richard Hughes	Ballina Croquet	Support for croquet facility at Treelands Reserve

From: Suzanne Mason
To: Ballina Shire Council
Cc: Cr. Sharon Cadwallader; Cr. Kiri Dicker (she/her); Cr. Damian Loone; Cr. Michelle Bailey; Cr. Erin Karsten; Cr. Phil Meehan; Cr. Simon Chate; Cr. Eva Ramsey; Cr. Simon Kinny; Cr. Therese Crollick
Subject: Ballina Croquet Treelands Reserve
Date: Tuesday, 21 October 2025 3:55:31 PM

Attention Paul Hickey General Manager and all Councillors

Dear Mr Hickey

Requesting your support

Ballina Croquet (the original croquet club in Ballina) serving the community since 1936 needs your help to secure Treelands Reserve as our new home.

We've been part of Ballina since 1936 run entirely by volunteers who have kept this sport alive for almost 90 years. We are a self funded, not for profit club ready to build and maintain our own lawns and clubhouse with no cost to ratepayers.

Two clubs, Ballina and Cherry Street, using the existing 2 croquet lawns limit each club's playing days down to 3 days each. We want all our members to be able to play as often as they want to, like other clubs in the Northern Rivers. Can you name another sport that uses its facilities all day 6 out of 7 days only closed on the 7th day for lawn maintenance.

Tree lands Reserve is the only practical fair site left for our club after Cawarra Park was ruled unavailable and Hampton Park was given the go ahead for more tennis courts.

Treelands Reserve aligns with Council's Sport and Recreation Facilities Plan (2020) and Cost-Benefit Analysis (2021), which both identified Ballina Island as the preferred location for croquet.

Our proposal is factual and fully costed. We can self-fund two lawns and a small clubhouse using our cash reserve and existing assets. No ratepayer funding is required.

Alstonville is unsuitable, too far away and already houses another club. It lacks adequate infrastructure, no easy accessibility to toilets and facilities. It also only has 1 lawn. With the proposal for a second lawn being years away. It is not feasible for our membership base.

Croquet promotes healthy ageing and exercise to members who might otherwise be isolated and house bound. Fitting within Council's active ageing and community wellbeing goals. Also aligns with Council's goals for Healthy Ageing, Inclusion and Women in Sport.

Treelands Reserve is low-impact, flood resilient and available immediately. Close to aged care, NDIS, U3A, public transport and other community services.

We've followed every formal process, lodged EOI and responded to all site assessments over many years.

We've seen Ballina Croquet included on council papers supporting the Club only to have their mention disappear or be withdrawn and unsupported by Councillors when it came time to be voted on. Years of promises and still nothing.

Please support immediate discussions to allocate Treelands Reserve to Ballina Croquet Club.

Please confirm receipt of this email.

Kind Regards

Suzanne Mason

Member, Ballina Croquet Inc

Jean Hill - Rate Payer and Member Ballina Croquet (25 years)
[redacted]
West Ballina NSW 2478
Mobile: [redacted]

RECEIVED
20 OCT 2025
COUNTER

To Ballina Shire Councillors and Council Staff,

I'm writing this because I am angry and deeply disappointed. I've lost trust in our Council. I used to believe our Councillors and staff cared about community sports, not just the big business, clubs built on poker machines, alcohol and who you know.

Ballina Croquet has, in the past been promised, by Ballina Council, new croquet courts after Ballina Bowling Club took over our part of our site in the 80's. (We kept our lease, but it too disappeared later.) Since that time Ballina Croquet has been bullied by the Bowling Club numerous times, and the lies keep coming from the council still making false promises.

Councillor Phil Meehan tried to tell the truth. He said Cawarra Park was the right choice for Ballina Croquet. He was right. But something changed — Who got to him? Baseball who hit balls at us at Cawarra Park or yelled abuse known to be sponsored by the Bowling Club. Or the Bowling Club who stole our lease, clubhouses and lawns or the Bowling Club who poured our social alcohol down the drain after 84 years of enjoyment (like every other sporting club in NSW). .

We've already lost too much time and too many members waiting for fairness.

Alstonville is not the site for us — it has a club, it's too far for the elderly to travel to, too hard to get to, and has no proper facilities. (Forcing Ballina members, me, this is cruel and unfair.) I'm in my 80s and have health issues. If you push this, I'll have to give up the sport I love and the club that's been my family after losing my husband for 25 years. The Bowling Club is the abuser. No, I won't join that group.

I'm not asking for luxury. My club is the original club in Ballina and has been self-funded and volunteer-run since 1936. We built and maintained our own lawns before. We can do it again. We have $60,000 saved (I helped by recycling cans and bottles, raising over $3,500 so far), all our equipment ready, and the people willing to build and care for two lawns at no cost to Council. We have a plan that you suggested back in 2019. We were asked by Council to raise a certain amount of money to contribute to the new courts, which we have done, but still council keep disappointing us.

Ballina Island - Treelands Reserve is the right place — flat, flood-safe, easy access for older people, near schools, aged care, and community services. It's perfect for social and competitive play, and for sharing space with other community groups. It ticks every box in your own plans — the Sport's Plan (2020) and the Cost-Benefit Analysis (2021) both said Ballina Croquet should stay on Ballina Island. You paid for those studies. Why ignore them? Yes, Cawarra Park was the right choice. Kingsford Smith and Boomerang Park are the right choice.
We were promised fairness after giving up our old site in the 1980s to let the Bowling Club expand. Many of our members have died waiting. It's now forty years later, and still nothing. How can that be right?

We are an independent, not-for-profit club of older women who have given decades to Ballina. We save Council money every year by volunteering in our community and running Ballina Croquet ourselves. Nothing is ever free from the Bowling Club. Don't believe their lies.
Despite lack of support from council we have players that compete at State and International level. Players travel to Ballina Croquet from interstate to play and compete.

We offer a safe, healthy, and welcoming sport for all — seniors, women, people with disabilities, and visitors. Men/women who have lost husbands/partners, find a welcoming environment/friendship at Ballina Croquet at a very difficult time in their life.

We don't want charity. We just want a small piece of land to rebuild what was taken from us. We've done every-thing asked of us. We've been patient, respectful, and responsible. Now we ask you to stand up for what's right and support the community — not a poker-machine business. I cannot believe you continually subsidise the Bowling Club in Ballina and Lennox but still won't help us. We should have mowed the land behind us at Hampton Park then \would you have helped us?
Please help fix this long wrong. Please give Ballina Croquet the go-ahead for Treelands Reserve. Let us build, play, and belong again.

Sincerely,

Jean Hill 

2

Sheryn Da-Re

From:	Ballina Croquet <ballinacroquet@gmail.com>
Sent:	Tuesday, 14 October 2025 12:45 PM
To:	Sheryn Da-Re; Ballina Shire Council
Cc:	Carolyn Reay-Young; Mary Hughes; Richard Hughes; Julie O'Brien; Mike Russo; Sharon Daley
Subject:	TREELANDS RESERVE
Attachments:	2025 Croquet Treelands concept plan.pdf

Dear General Manager

Attached is a schematic diagram of croquet facilities at Treelands Reserve for consideration.
Draftsperson: Sharon Daley - [redacted]

Ballina Croquet submits that Treelands Reserve meets Ballina Shire Council's planning recommendations. The Sport & Recreation Facilities Plan (2020) recommends relocation of Ballina Croquet within Ballina Island. The Cost-Benefit Analysis (2021) found the best access, value, and equity outcomes for croquet are delivered by a Ballina Island site. Both plans identified Cawarra Park as ideal but with Cawarra Park no longer available, Treelands Reserve is a suitable replacement. Both studies confirm that Ballina Croquet warrants a dedicated, independent facility. The Club's 89-year history evidences the need and viability of its continuation. Locating the Club at Treelands Reserve allows the club to continue serving the Ballina community where members live, socialise, and volunteer, and move from the current oversubscribed site.

Ballina Croquet will pay for construction and maintenance of the facilities at Treelands Reserve which means there will be no cost to ratepayers.

We request that this submission be considered in relation to the current review of Treelands Reserve.

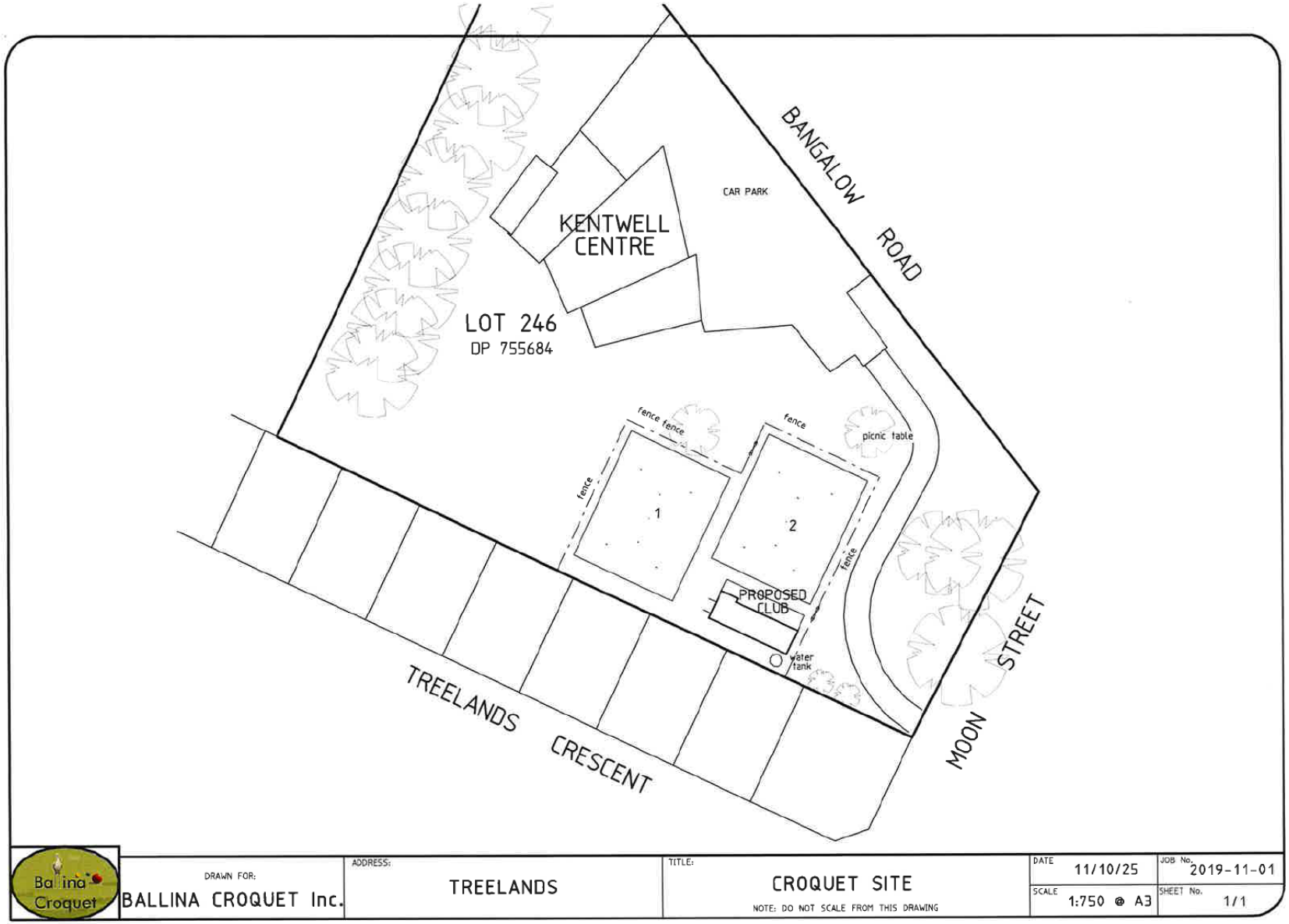
Yours sincerely

Richard Hughes

Richard Hughes

Secretary
Ballina Croquet

1


BANGALOW ROAD
CAR PARK
KENTWELL CENTRE
LOT 246
DP 755684
fence
fence
fence
fence
fence
picnic table
1
2
PROPOSED CLUB
water tank
TREELANDS CRESCENT
MOON STREET
Ballina Croquet
DRAWN FOR:
BALLINA CROQUET Inc.
ADDRESS:
TREELANDS
TITLE:
CROQUET SITE
NOTE: DO NOT SCALE FROM THIS DRAWING
DATE
11/10/25
JOB No.
2019-11-01
SCALE
1:750 @ A3
SHEET No.
1/1

7 October 2025

Mr. Paul Hickey
General Manager
Ballina Shire Council

Subject: Formal Response – Site Options for Ballina Croquet est. 1936 (The original croquet club in Ballina.)
Support for Treelands Reserve – Alstonville is Unsuitable

Dear Mr. Hickey,

Responding to Council's Position

We appreciate the General Manager's letter, 11 September 2025, acknowledging the frustration our members feel, and the long timeframes often faced by community groups, particularly our Club. However, the proposed focus on Gap Road, Alstonville, cannot meet Ballina's Croquet's needs or the future of the sport in the Ballina Shire.

A Modest Request – A Major Return

Ballina Croquet has always upheld the principles of equity, inclusion, and volunteer contribution. Our members continue to deliver social connection, mental health benefits, and intergenerational sport for Ballina's ageing population — outcomes that align perfectly with Council's community wellbeing goals. We do not ask for funding or favour. We simply ask for land security and a fair go.

Why Treelands Reserve Matters

Treelands Reserve offers the only realistic, accessible and low-impact option within Ballina's urban area. It is flat, flood-resilient land located near where our members live, volunteer and contribute daily to community life.

We have never received funding for sporting infrastructure and we are prepared to **self-fund and maintain** the development of two lawns and a modest clubhouse — **at no cost to ratepayers** — provided Council allocates land security. Our members have the funds, equipment, expertise and volunteers ready to proceed immediately.

Treelands aligns with Council's strategic objectives for healthy ageing, inclusion, and equitable access to open space, while preserving Ballina's sporting heritage on the Island. It represents a small decision with an outsized community return. Our willingness to share with neighbours is part of who we are.

Why Alstonville Is Not a Solution

Council's proposal to locate Ballina Croquet at Gap Road, Alstonville, does not satisfy the needs of our members or the Ballina community we serve:

- **Distance and accessibility** – Alstonville is a hinterland village, classified as a local facility in the 2020 Sport and Recreation Facilities Plan. It lies 20–25 km from Ballina Island, with poor public transport. Many of our older women members rely on walking aids, scooters or taxis increasing costs— making regular affordable participation impossible.
- **Inadequate infrastructure** – The site lacks accessible clean toilets, change-rooms, irrigation and lighting, with expansion beyond two lawns even after development, difficult. A split site – distance of 180-200metres between lawns and toilets is both impractical and unfeasible. This isolation would make supervision, safety, and competition management impractical.
- **Safety concerns** – Its isolation and past vandalism incidents pose unacceptable risk to older and female participants particularly when daylight saving is operational

- **Current maintenance concerns** – The single lawn at Alstonville currently managed and maintained by Council has significant issues – tree roots intruding onto the playing area, trees overshadowing and impeding lawn growth, unacceptable playing surface quality.
- **Conflict of use** – Alstonville Croquet Club already operates there, serving its own local community; the site cannot sustain two or three clubs or a shire-wide program presently let alone with growing participation numbers, and contradicts Council's own planning. The 2021 Cost-Benefit Analysis (Muller Enterprises) and 2020 Sport and Recreation Plan both identified Ballina Island (Cawarra Park or equivalent) as the preferred location for Ballina Croquet. Alstonville was never recommended for this purpose. Why spend money on planning consultants and reports if planning recommendations are not followed?

Treelands Reserve – A Feasible, Low-Cost and Community-Positive Option

Treelands Reserve provides:

- Central access for Ballina's ageing population, NDIS, U3A, High School and church groups.
- Self-funded delivery, relieving Council of capital cost obligations.
- Self-funded ongoing operation including maintenance (land and clubhouse) reducing future costs for Council.
- Reduced playing costs for community and club members – competitive and social players
- Increased access to facilities.
- Increased opportunities for visitors to the Ballina area
- Shared benefits and increase in U3A tutor programs, mahjong, yoga, tai chi, and social sports.
- Volunteering continuity with established community connections built through our outreach support programs — Lifeline, Scope, hospital, SES, library, art gallery, flood-relief initiatives etc.

4. Our Request to Council

Ballina Croquet Inc. respectfully asks that Council:

1. Recognise Treelands Reserve as the practical and equitable site for a Ballina-based croquet facility.
2. Authorise preliminary layout and tenure discussions between Council officers and Ballina Croquet.
3. Support the club's self-funded development as a low-cost, high-impact investment in healthy ageing, gender equity and volunteerism.
4. Note that continued emphasis on Alstonville fails to address Ballina's long-standing lack of access to suitable sport facilities for older residents.

5. Conclusion – A Fair Go for Ballina's Volunteers

After nearly ninety years of continuous service to this community, our members deserve an accessible, safe, self-managed home. Treelands Reserve delivers that fairness — within Council's financial constraints and in harmony with community wellbeing goals.

We ask Council to act with compassion and foresight:

- End decades of uncertainty.
- Provide a Ballina based community croquet facility.
- Allocate Treelands Reserve to Ballina Croquet.
- Let us celebrate our 90th year with a future we can call our own.
- With respect and appreciation.

Carolyn Reay-Young

Carolyn Reay-Young
President, Ballina Croquet Inc.

Squash as a Sport

Squash is a fast paced, high-energy sport which requires speed, agility, fitness and good coordination. It is a complete whole-body workout and great for cardio-respiratory fitness. Squash is a great sport for young people as they can burn a lot of energy which is good for their physical and mental health.

Australia has a rich history of dominance in the game of squash with legendary players like Geoff Hunt, Heather McKay, Sarah Fitzgerald and David Palmer, to name a few. Recently, the Australian Squash Open was hosted in Brisbane in March 2025. Squash is now an Olympic sport and Brisbane will be hosting the Olympics in 2032.

Squash in the Northern Rivers

Northern Rivers used to have squash centres in Lismore, Alstonville, Byron Bay, Brunswick heads and Ballina. Over time, the community has lost all these squash centres as they have been turned into Gyms or housing units. All of these centres were run privately. They have been turned into Gyms or housing units as there is more profit in Gyms and the real-estate market.

Ballina Squash Centre was the last squash centre in the Northern Rivers. It was closed in November 2024 as the building was bought by a real-estate developer and is now being turning into townhouses. Ballina Squash Centre was a central hub for players from all over the Northern Rivers area. Players were coming from as far as Mullumbimby in the North, Evans head in the south and up to Casino and Mallanganee in the west. It was also a social venue that brought a lot of players together and built a community of squash players. We are a group of around 100 squash players.

Since November 2024, there are no squash courts in the Northern Rivers over the length of > 200km between Gold Coast in Queensland and Mclean in New South Wales. Players have to do a 3 hour round trip if they want to play a game of squash. This means that there is no opportunity for squash in the Norther Rivers now. It also means the next generation of youth in the Northern Rivers will not be able to play squash.

Request to Ballina Council

We have lost all the squash centres in the Northern Rivers as they were all run privately and were not sustainable long term. Eventually they were sold out due to higher profits in the real-estate market. The only way squash courts can survive long term is if they are on council land. For this

reason, we are now a not-for-profit organisation which aims to establish and promote Squash in the Northern Rivers area. This cannot be achieved without help and support from Ballina Council. We propose the following solution which aims to provide a permanent home to squash for the Northern Rivers community and lowers the cost to the council as much as possible.

We prefer to have 6 squash courts as this is the number required to run regional and international tournaments. The space required for this is around 750m^2. We can achieve this through Grants in a way that the expense to the council is minimal.

The construction cost of traditional courts with blocks/cement is $2200 per m^2 which would be 1.65 million for a 750m2 area. This cost is high; hence we are avoiding this strategy and propose the following solution.

The construction cost of a 750m^2 warehouse is around $300,000 which is within the limits of the NSW Sports Grant. We have an approximate quote for this but it will need to be updated based on the final plans for the site. A 750m^2 warehouse can accommodate 6 glass squash courts.

We have already bought two glass squash courts. We can place these courts in the warehouse to help us get started. We intend to gradually buy more glass courts over the years using court fees and NSW sports Grants. This way we spread out the cost, grow gradually and not be a burden on the council.

The cost of a single glass court is around $60,000 which can be covered through court fees or Grants. Every year there is a NSW community partnership Grant up to $100,000. We are eligible to apply for this grant and buy glass courts as we are a not-for-profit organisation.

We are open to be allocated a site anywhere in the Ballina Shire. We are happy to be combined with other sports clubs like Pickle Ball. If both clubs have shared amenities than it lowers the cost for both clubs and makes it more cost-effective.

Advantages of this strategy

1. A warehouse with glass squash courts is a cost-effective strategy
2. It incurs minimal expense to the council.
3. It provides a permanent home to squash.
4. It spreads out the cost and allows us to grow gradually without being a burden on the council.

5. It provides a squash centre for the whole of Northern Rivers which is an unmet need in the community. We only need one squash centre for the whole of Norther Rivers.
6. If we rent a private warehouse, the rents are very high and they are not sustainable long term.
7. In a private rental warehouse, there is always the risk of termination of lease if the owner decided to use the building for other reasons. This can put us back into the same situation that we are in now.
8. Most warehouses in Norther Rivers are not high enough to accommodate squash courts and they are very hard to find.
9. Ballina will become the only town in Australia which will have all glass squash courts. The glass squash courts are ideal for international tournaments. This will attract people for tournaments, regionally, nationally and internationally. Each tournament can attract up to 100 players from outside Ballina, who will use local businesses like hotels and restaurants.
10. The glass courts are long lasting and low maintenance. They do not need to be repainted every few years like the traditional courts.
11. The glass squash courts can also be used by professional players to train for international tournaments as most international tournaments are played on glass courts.

If the Ballina Council requires any further information, please let me know.

Kind Regards,
Jawad Mazhar
Secretary
Northern Rivers Squash Club
Dated: 24th June 2025

23rd October 2025

Attention: Paul Hickey, General Manager; Staff (Open Spaces); All Councillors

Re: Request for Support – Ballina Croquet Inc.

My name is **Mary Hughes**, and I am one of the lucky ones.
I live in a unit at Stella Maris, overlooking our beautiful coastline. I have four sons and nine grandchildren — all happy, healthy, and building lives of their own. I am deeply grateful.

But I write today not for myself, but for **Ballina Croquet** — a small, community-run club that has been part of Ballina's heart since **1936**. For 17 years, I have worked tirelessly alongside other volunteers and community members to keep this club alive. Many of you know me personally. We've spoken over the years about fairness, community, and the place of sport in Ballina.

I want the **best for Ballina** — the best for our community, our people, our businesses, and all our sports, large and small. And I assume that each of you — as councillors, staff, and representatives — want the same.

So, I ask gently but firmly: **is this the best we can do?**

What Has Happened

Ballina Croquet has been ***moved, merged, misrepresented, and marginalised*** for years — not through lack of will or contribution, but through decisions that favour profit-driven business models over community sport.

The creation of **Cherry Street Sports Group (Ballina Bowling & Recreation Club Ltd.)** has produced a near-monopoly over key community sporting spaces. We've seen the takeover of Hampton Park, Club Lennox, nearby houses and motels — even the absorption of croquet and tennis clubs in public reporting, though those "mergers" were never genuine or voluntary.

This pattern has left **Ballina Croquet** — one of the oldest and most inclusive and respected clubs in the Shire — **without a home**. We have the people, the equipment, the plans, and **money saved** to build and maintain two lawns and a modest clubhouse, **at no cost to ratepayers**. All we need is land — a small area on Ballina Island, in **Ward A**, where our members can play, volunteer, and belong. Members have offered to pay for a clubhouse and lawns just as they did in 1936.

What Others Receive

If our Council can find space for:

- new tennis courts (and there are already many throughout the Ballina Shire),
- athletics sites (where others were meant to be)
- new netball courts (and there are plenty),
- a pump track (one of the many sites suggested for croquet), BMX/mountain bike and pickleball upgrades (large tracts of recreational, public space),
- baseball diamonds (despite limited play for almost a decade),
  then surely, **Ballina Croquet deserves a small, level, green space to survive. (7 days a week, all year round, not just seasonal or on a whim)**

The Human Cost

Our story — spanning **1936 to 2025** — is one of resilience and disappointment.
It is a history of **abuse of process** and **increasing disadvantage to older people and women in sport**.
The loss is not only physical — of lawns and clubhouses **—** but emotional and social: **the loss of health, connection, and belonging**.

We often see purple shirts across our community and sporting fields, declaring "Say No to Domestic Violence, Say Yes to Respectful Relationships." Respect must go beyond slogans. True respectful relationships mean valuing fairness, listening to all voices, and recognising the quiet contributions of

women and volunteers. When **institutional or community neglect** isolates, silences, or erases those efforts, it undermines the very respect we claim to promote.

When fairness is withheld, when smaller voices are ignored, that too is a form of harm.

Ballina Croquet contributes far beyond the game itself.
Our two-year partnership with an NDIS group has helped young men grow in confidence, teamwork, and independence — now competing as members in local croquet events. Our volunteers also support the broader community for example volunteering at U3A, Ballina Art Gallery, Meals on Wheels and fundraising for Cancer Research and the Westpac Rescue Helicopter.

Relocating our club from Ballina would weaken these established networks of inclusion, support, and service that have quietly benefited our community for decades.

Our Record Speaks

Our club has documented this journey in the following series of public history articles (all published online, 2025):

- *Celebrating the Legacy of Ballina Croquet Club – Est. 1936*
- *From the Desk of 1936 – History, Council & Croquet*
- *Friendship on the Lawn – A Farewell to Mrs. Lyttle*
- *Welcome to the Game of Croquet – Strategy Meets Sunshine*
- *NSW Croquet Association Official Edition 1948*
- *Flashback Through the Mallets (1950–1974)*
- *Independent Sport, United Community: Why Choice Matters*
- *It's a Great Game: Family Legacy (Olga Farrell, Julie O'Brien)*
- *Holding Fast: How Ballina Croquet Stayed Strong Through Decades of Change*
- *BC – A Club That Cares for Community*
- *The Price of "Neighbourly Help" – A Story of Endurance on Ballina Island*
- *Recycling – Jean Hill: "Saving for Our Own Home"*
- *A Croquet Club's Story – Tin Shed Living (1985 -2007, 1st and 2nd Tin Clubhouses)*
- *A Fair Go for Women in Sport – Let's Talk Croquet! Parts 1, 2 and 3: Speak Out. Step Up. Swing On.*
- *The Gap Years – Phase 1, 2007 – 2009*
- *The Gap Years – Phase 2, 2009 – 2010*
- ..... *(TO BE UPLOADED)* .....

Each piece is factual, respectful, and written to **preserve the voices of women and elders who built this club**, many have passed away, others now in their 80s and 90s.

You can find them on:
Ballina Croquet Website; Ballina Croquet Facebook; Ballina Social Sport -Noticeboard
Croquet NSW Community Facebook; Ballina Community Noticeboard

What I Ask on behalf of my friends and my community

That **Ballina Croquet** be finally supported to secure a permanent, independent home **on Ballina Island.**
Not tomorrow — but today.

This is a small, just, and achievable request — one that honours 90 years of community contribution, women's sport, and social connection.

Please, help right this long-standing wrong. Help us keep croquet — and community — alive in Ballina.

With sincerity and hope,
Mary Hughes
Member, Ballina Croquet Inc.
Ballina Shire Resident

[redacted]
maryph4@bigpond.com

RECEIVED

23 OCT 2025

COUNTER

[redacted]

21/10/25

Dear Sir/Madam,

I write on behalf of Ballina Croquet Club Inc. & address Council's attention to the following:

We are looking to establish B.C.C. as an independant sporting club on a site where it can maintain its autonomony.

We already own all croquet equipment for two lawns & have raised over $60,000 & can begin development immediately, once land is allocated. Treelands Reserve is a site which accords with the recomendations of Council's Planning Documents (2020/21) & would provide an amenity to which it was agreed, in those documents, that B.C.C. is entitled.

We could independantly fund the construction of two (2) lawns; both demanstrating our commitment & reducing the cost to rate payers.

That the Club should remain on Ballina Island is important because, for nearly 90 years, it has provided recreation to the Ballina community, which contributes directly to the mental & physical health of those who participate in this, a sport, which both young & old can enjoy — old bodies incuring minimal stress.

It is a club which belongs to the community & , as such, belongs on Ballina Island.

Yours Faithfully,

Richard W. Baxter

SHARRON CADWALLADER, 0438443549

RECEIVED
27 OCT 2025
BALLINA SHIRE COUNCIL
RECORDS

MY NAME IS FRANCES LORD, IN 1986 I RECIEVE AUSTRALIA DAY AWARD FOR COMMUNITY ACHIEVEMENT. I HAVE PARTICIPATED IN SOCCER, HOCKEY SQUASH AND SWIMMING AS PLAYER COACH & REFEREE & SWIMMING TEACHER FROM 1973 to 1992.

So WHEN I WAS told THAT BALLINA CROQUET HAD BEEN ASKED TO RELOCATE to ALSTONVILLE I WAS AMAZED.

THE club HAS BEEN IN BALLINA SINCE 1936 AND AS I AM NOW 87 YRS. old I HAVE BEEN welcomed INTO the club. YOUR COUCILORS CANNOT do this to such AN ICONIC club.

THEY ARE ONLY ASKING for LAND in BALLINA to RELOCATE. TREELANDS RESERVE SEEMS to BE A VIABLE option. THERE would be NO cost to council OR RATE PAYERS. This club has $60,000 AND EQUIPMENT AND will MAINTAIN THE LAWNS themselves. ALL they ASK is A PIECE of LAND to PLAY ON!

ALSTONVILLE is UNSUITABLE, too FAR for ELDERLY PLAYERS to USE, NO toilets close to fields AND IS ALREADY home to ALSTONVILLE CROQUET.

BALLINA CROQUET GIVES MEN & WOMEN of ALL AGES A PLACE to MEET, COMBATS LONLINESS AND PROMOTES tourism.

PLEASE HELP US KEEP OUR SPORT IN BALLINA,

YOURS SINCERELY, FRANCES LORD.

Dear Councillor,

I have been a member of Ballina Croquet Club for a number of years & it has been a wonderful outlet for me. I am over 80 years old & my husband is very frail & needs a lot of care. Like many others I have found croquet is a way of meeting people & is a healthy outdoor activity which, at our age, is important. We would like you to consider Treelands Reserve as a site to set up our own independant club. It is a central position so it would make access easily available as many of us are unable to travel too far.

Yours sincerely

Catherine Davey.

RECEIVED

30 OCT 2025

COUNTER

RECEIVED
30 OCT 2025
COUNTER

29th October, '25.

Cr. Sharon Cadwallader, –
Mayor - Ballina Council.

Hi Sharon,

As a member of Ballina Croquet club in it's Request to Council for land to develop lawns and club facilities of 2 croquet lawns, I personally am putting forth this letter for Council to consider.

New South Wales Croquet require a minimum of 4 Lawns to hold competitions Interstate.

Currently between Newcastle and Gold Coast there are no facilities of 4 Lawns to meet the requirements.

Ballina is an ideal Town to correct that situation if we had 4 Lawns – The direct benefit to Ballina could be as follows :–

AS PER OVERLEAF :–

Page 2.

(1). Potentially these could be a flow on effect for Local Businesses and for Tourist opportunities

(2) Ballina has a temperate climate.

(3) Ballina Airport hosts flights from Sydney and Melbourne.

(4) There's excellent local accommodation, good Restaurants and nice Hotels and Clubs.

(5) Croquet competitions usually extend over one or two weeks.

N.B. 43 Croquet competitions were held during last 12 months.

Regards - Neville King - 66242047

"Please Consider" — Neville King

Judith Hodgson

4 George Pearse Place

East Ballina

0266869848

20th October 2025

Dear Mayor and Councillors,

Since Ballina Council suggested Ballina Croquet move to Cawarra Park in 2017 we have over many years submitted many plans and details as requested by Council. Believing these would lead us to occupying these grounds only to find out, just recently that wasn't the case.

We are now applying for a site at Treelands Reserve. After waiting for a suitable site, I think we really deserve this position.

Over the years both men and women have enjoyed playing this safe and affordable sport. As a 92-year-old whose family lives interstate I have enjoyed the friendship and activity at this club.

I would be unable to travel to Alstonville as suggested.

So, I hope you will give us your support so that we will have a new home when we celebrate our 90th birthday in May 2026.

Yours sincerely

Judith Hodgson

6th November 2025

To: All Councillors and Staff, Ballina Shire Council
From: Julie O'Brien, Ballina Croquet Inc.

A Personal Plea for Fairness

I hope you have been reading our history.
Some of it is very hard to relive.

Yes, I have been a member of Ballina Croquet since 2001.

We are still hopeful that someone will really take a look at the wrong that has been done to Ballina Croquet.

Why? I used to ask — surely, they can see that we have been disadvantaged since the lease was given to the Bowling Club.

I thought it was a cruel joke that, as women get older, they become invisible.
But it's true.

What do we have to do to be seen and heard?

We have proven that we are willing to work.

We have been with Council through every stage of the sports plans — submission after submissions, plans, studies, consultations.

Council, councillors,

when will you stand up for us?

It's time to stop turning a blind eye to what happened in the past.

TO WHAT IS STILL HAPPENING!

We are not going away!!

Please find us a site in Ballina is Treelands an option?

We are committed to providing lawns and a clubhouse for our members — no matter how long it takes.

We are 90 years old next year.
That's a clue as to how determined we are to achieve this goal.

With respect and resolve,

Julie O'Brien

Dear General Manager

RE: Treelands Reserve – Inclusion of Croquet Facilities in the Master Plan

I respectfully request that the Master Plan for Treelands Reserve include two croquet lawns, together with a small clubhouse and secure storage facility for lawn mowers, fuel, and lawn-care equipment, with the lease allocated to Ballina Croquet Inc.

I understand that a Youth Centre is also being considered for this reserve. I believe Treelands Reserve can and should accommodate both facilities. Providing space for a Youth Centre and Croquet Club represents a genuinely equitable, inclusive, and balanced decision—supporting two community groups that are often overlooked, yet both vital to Ballina's social fabric.

Croquet offers a lifelong sport for people aged 9 to 99, bridging generations and fostering connection between youth, adults, and older residents. It promotes physical activity, mental wellbeing, respect, concentration, and community spirit. A Youth Centre beside a community croquet facility would create a positive intergenerational environment—one that celebrates skill, patience, teamwork, and learning for all ages and abilities.

Ballina Croquet has proven its commitment and capacity to plan, develop, and manage facilities responsibly. Since 2018, the Club has tirelessly advocated for new croquet lawns on Ballina Island—demonstrating exceptional dedication, practical skill, and community leadership. The Club's long-term goal is to continue serving the Ballina community from a suitable site, maintaining its independent, volunteer-run, non-commercial identity as a true community sporting organisation.

Since 1936, Ballina Croquet has provided accessible sport and social connection, especially for older people, retirees, and those managing health challenges—a demographic that forms a major part of Ballina Island's population. Strengthening croquet facilities benefits not only the Club but the entire local sporting ecosystem, complementing Cherry Street Croquet Club and supporting the future growth of the sport in the Northern Rivers.

By contrast, improving croquet facilities at Gap Road, Alstonville does not meet Ballina's local needs. Many of our members are unable to travel due to health, mobility, and caring responsibilities. A local, Ballina Island-based facility remains essential for ongoing participation, wellbeing, and community engagement.

I ask that Ballina Croquet's inclusion in the Treelands Reserve Master Plan be seriously and fairly considered as part of Council's commitment to equitable access, inclusion, and community wellbeing.

Yours sincerely



Richard Hughes
PO Box 7055
East Ballina 2478

6 November 2025

POLICY NAME: **BIODIVERSITY - COMPENSATORY HABITAT AND OFFSETS**

POLICY REF: **B08**

MEETING ADOPTED: **23 September 2021**
Resolution No. 230921/5

POLICY HISTORY:

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1. OBJECTIVE

The objectives of this policy are:

a) To promote the protection, retention, and restoration of biodiversity assets in Ballina Shire.

b) To support the identification and assessment of biodiversity impacts associated with development in Ballina Shire and the mitigation of identified impacts;

c) To identify compensatory habitat offsetting ratios for proposals that impact biodiversity values and are subject to approval under either Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979*;

d) To encourage development that contributes to the maintenance, enhancement and/or rehabilitation of environmental values and ecologically sensitive areas;

2. POLICY

2.1 Application

The Ballina Shire Biodiversity - Compensatory Habitat and Offsets Policy applies to proposals subject to Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979,* ~~More specifically, the policy applies~~ in the following circumstances:

a) The proposal directly or indirectly impacts biodiversity values associated with native vegetation in Ballina Shire ~~(see conservation categories in Table 1)~~, and

b) The proposal does not trigger the Biodiversity Offsets Scheme (BOS), and;

c) Ballina Shire Council or a local or regional planning panel is the consent or approval authority

This policy is to be applied in association with the provisions of the Ballina Local Environmental Plan 1987, Ballina Local Environmental Plan 2012 and the Ballina Shire Development Control Plan 2012 (where provisions of these plans are applicable).

Offsets relating to Koala habitat must be undertaken in accordance with the Ballina Shire Koala Management Strategy ~~(~~including the Koala Habitat Compensation Policy contained within the strategy~~)~~.

Where an offset is determined to be appropriate, after applying the avoid, mitigate, offset hierarchy[1] ~~principles of avoid[2], minimise and mitigate~~, the offset ratios set out in this policy are to be applied.

This policy will also apply in instances where Council identifies that a tree/ area of vegetation has been illegally damaged, vandalised, or removed. Where vandalism is proven and vegetation restoration is determined to be the appropriate remedial action through Council's compliance process, offenders will be required to provide compensatory offsets for any unauthorised vegetation removal or damage, in accordance with this policy.

2.2 Requirements for Offset Proposals

Applications for development that propose a compensatory habitat offset must ~~include the following information:~~ address the minimum requirements outlined below.

2.2.1 Impacts must be avoided first by using avoidance and mitigation measures

~~Analysis of the proposed development with respect to the principles of avoid, minimise and mitigate. This must include reasoning as to why an offset is sought over avoidance of the identified impacts.~~

The proposal must clearly demonstrate how impacts to biodiversity values were first avoided, then mitigated.

[1] As defined in the *Biodiversity Conservation Act 2016*

[2] ~~*Avoid*~~

~~i. Avoid means not directly or indirectly modifying or significantly impacting biodiversity attributes.~~

As part of the consideration of avoidance, the analysis of the proposed development must demonstrate that alternative layouts or design options have been considered and that the impacts cannot reasonably be avoided.

2.2.2 Identify and quantify all residual impacts

~~Identification and quantification of direct and indirect impacts (including area and/or number of trees impacted).~~

All residual direct and indirect impacts[3] of the proposal are to be identified and quantified. The assessment of impacts in relation to compensatory habitat offsets must:

a) identify the ~~conservation category~~ conservation significance of the biodiversity value likely to be affected and the type of indirect impact that is likely to occur.
b) describe the nature, extent and duration of short-term and long-term impacts

2.2.3 Map impacted biodiversity values

The locations of values to be impacted by the proposal, including vegetation communities, threatened species (flora and fauna) and important habitat features should be shown on a detailed map. All native trees/vegetation must be identified to species level and, if applicable, all native vegetation should be assigned a Vegetation Class or Plant Community Type.

2.2.4 Offsets must be appropriately located

a) Compensatory habitat offsets must be provided for within Ballina Shire.
b) Offsets should be located on the same property where the impact occurs. If an offset is to be provided on an alternate site, the proponent must demonstrate why:
   - it is not practical to achieve this; or
   - a suitable biodiversity outcome cannot be achieved on the site; or
   - a better outcome can be achieved on a different site.
c) Proposals for off-site offsets must demonstrate security of tenure or other appropriate mechanism suitable to enable the required offset works, and associated monitoring and management works, to be undertaken as well as long term retention of the offset works. This is best achieved through legal mechanisms that are permanent and secure.

2.2.5 Offsets should aim to result in a net improvement in biodiversity

a) A compensatory habitat offset is a replacement of habitat removed as a result of development or works. Habitat is defined as:
   - an area periodically or occasionally occupied by a species or ecological community, and;
   - the biotic and abiotic components of an area; and/or
   - as defined in the Biodiversity Conservation Act 2016
b) Offsets proposals must demonstrate a net gain in the area of native vegetation and/or fauna habitat.

[3] Indirect impacts may include but are not limited to; reduced suitability of adjacent habitat or disturbance due to noise, dust or light spill, transport of weeds and pathogens, sediment runoff, loss of breeding habitat, trampling of threatened flora species, disturbance or predation by domestic animals, and impacts to local hydrology.

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c) Offsets must demonstrate an overall conservation outcome that improves or maintains the viability of the biodiversity values affected by the proposal.

2.2.6 Offset Management Plan

Where a proposed offset is accepted by Council, the proponent must prepare an Offset Management Plan for Council's approval prior to the commencement of any on-site works. Offset Management Plans shall provide for a criteria-based establishment and maintenance period and must include the following information:

~~As a minimum, plans should be based on operation for a minimum establishment and maintenance period of five years and achievement of key performance criteria.~~

- Calculation of proposed offsets in accordance with the offset ratios set out in Table 1 of this policy.
- Details of proposed offsets including planting composition, species and spacing, proposed location/s within Ballina Shire, site suitability and tenure arrangements, timing, ongoing management and maintenance, monitoring, reporting and cost of works.
- Identification of timing of offset works relative to the commencement, progression and completion of the proposed development, including key performance criteria to be met and acknowledgement that the establishment and maintenance periods are to be extended until such time as the performance criteria have been met.

2.3 Compensatory Habitat Offset Ratios

~~Ballina Shire biodiversity values categories and associate offset ratios for the purposes of this policy are set out in Table 1. The compensatory habitat offset ratios in Table 1 apply to all proposals that are subject to this policy.~~ Table 1 sets out the offset ratios applicable to different biodiversity values in Ballina Shire. The compensatory habitat offset ratios are to be applied having regard for the following:

a) Calculation of offsets is based on the number of trees or area of habitat lost, or both. The extent to which area and/or individual trees is to be used as the basis for calculating an offset is to be determined as part of the assessment of a proposed activity. As an example for calculation purposes, if the offset ratio is 5:1, five trees must be replanted for every one lost. Or in the case of habitat, habitat restoration must be undertaken on an area five times the area of habitat lost – that is 5ha of habitat should be reinstated for every hectare cleared.

b) Area based calculations are to be rounded to the nearest square metre.

c) As a first principle, offsets are to be provided for on a like for like basis (i.e. loss of one vegetation type should be compensated for by the same vegetation type). Where it is demonstrated to Council's satisfaction that this cannot be reasonably achieved, an offset based on a different vegetation type, but of the same ~~biodiversity values~~ conservation significance ~~category~~, may be applied. Where such a variation is proposed, Council must be satisfied that the proposed offset is suitable (in terms of location, extent, vegetation type, etc.) to provide compensatory habitat for those entities impacted by the activity.

d) Where an area of habitat to be offset is comprised of a mixture of conservation significance ~~categories~~, the higher offset ratio will be applied. For example, an

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area of mixed non EEC native vegetation and koala habitat will have a 15:1 offset ratio applied).

e) Where there is uncertainty as to which conservation value applies, then the higher offset ratio shall be applied.

f) Indirect impacts must be considered as part of any proposal. Where a proposal is expected to, or will, create a long-term adverse indirect impact on habitat, any indirect impacts shall be offset at 50% of rates set out in Table 1 (or Table 2 for public works) in addition to any offsets required for direct impacts.

g) Public works undertaken by or on behalf of Council and development primarily for the purpose of affordable housing are subject to a reduced offset rate as outlined below.

h) The offset ratio for vegetation of low conservation significance (non-native trees or vegetation) does not apply in relation to vegetation removal authorised by Council under a tree permit in residential, employment or mixed use zoned areas.

Table 1: Compensatory Habitat Offset Ratios

Conservation Significance ~~Value Category~~	Biodiversity Value	Offset Ratio	Application Notes
~~Very~~ High ~~Biodiversiy Value~~	Koala Habitat[4]	15:1	To be applied in accordance with the Ballina Shire Koala Management Strategy.
	Threatened ecological communities (TECs) including EECs	10:1	TECs and EECs are identified in accordance with the state or federal listing determination. State Vegetation Type Mapping can provide guidance.
	Wetlands, waterways and riparian areas		Any vegetation located within, or forming part of, a wetland, waterway, or riparian vegetation community, excluding marine vegetation as regulated by the FM Act
	Wildlife corridors and Significant Urban Bushland		Areas included on Council's Wildlife Corridors or Significant Urban Bushland
	Old growth ~~forest~~ vegetation		Mature vegetation representative of the pre-clearing native vegetation community of the locality
	Very large native trees (>80cm DBH)		Individuals of any locally endemic native species measuring >80cm diameter at breast height (140 cm above ground)
	Koala use trees		Any Koala use tree (Species of tree listed under Schedule 3 for the North Coast KMA) within 300m of mapped Koala habitat
	Threatened flora		To be applied on a per plant basis with the threatened species to be offset on a like for like basis in addition to any other offset requirements.

[4] *Koala Habitat as identified under the Ballina Shire Koala Management Strategy as Primary, Secondary (Class A – C)*

	Important Habitat Features[5]	3:1	Including but not limited to: Tree hollows (counted individually) and Raptor Nests To be applied on a per habitat feature basis e.g. For each individual hollow removed, 3 nesting boxes of appropriate size and target species specifications shall be installed
~~High Biodiversity Value~~ Medium	Native vegetation other than ~~that listed under the very high biodiversity value vegetation category~~ high conservation significance	5:1	This applies to all native vegetation, including individual native trees (e.g. paddock trees), that is not otherwise classed as high conservation significance
	Vegetation on over-cleared Mitchell landscapes		All vegetation excluding listed weed species and exempt works.
Low	Non-native tree or vegetation	1:1	Any tree or vegetation requiring a permit or approval that is not considered high or medium conservation significance. Excluding listed weed species and exempt works.

~~**Indirect Impacts**[6]~~

~~Indirect impacts are to be considered as part of any proposal. The assessment of indirect impacts in relation to compensatory habitat offsets must:~~

- ~~describe the nature, extent and duration of short term and long term indirect impacts.~~
- ~~identify the conservation category likely to be affected and the type of indirect impact that is likely to occur.~~

~~Where a proposal is expected to, or will create a long-term adverse indirect impact on habitat, compensatory habitat offset ratios are to be applied at 50% of rates set out in Table 1 (or 50% of the rates set out in Table 2 for public works).~~

2.4 Public Works

Reductions to compensatory habitat offset ratios under this policy set out in Table 1 apply to public works carried out by or on behalf of Council and for development that is primarily for the purpose of affordable housing (delivered by Government or a community housing provider).

Public works and development for the purpose of affordable housing are typically associated with substantial public benefits. These can include social benefits (such as alleviating traffic congestion, meeting basic needs, providing for meeting places or providing infrastructure for exercise and outdoor activity) and environmental benefits (such as better energy or water use by replacing inefficient or old infrastructure).

Public works do not include development undertaken by or on behalf of Council primarily for commercial purposes.

6

It is also recognised that public works are typically funded by the public and this involves balancing a range of considerations to achieve outcomes in the public interest within the available funding.

Table 2 sets out the rates at which the offset ratios are to be applied to public works and development primarily for the purpose of affordable housing:

Table 2: Compensatory Habitat Offset Ratio Rates for Public Works and Affordable Housing

Conservation Significance / Biodiversity Value ~~Category~~	Offset Ratio Rate Public works undertaken by or on behalf of Council	Offset Ratio Rate Development primarily for affordable housing by Government or community housing provider	Offset Ratio Rate Maintenance works associated with public assets undertaken by or on behalf of Council
~~Very~~ High ~~Biodiversity Value~~	*8:1*	*8:1*	*5:1*
~~High~~ Medium ~~Biodiversity Value~~	*4:1*	*4:1*	*2.5:1*
Low	*nil*	*nil*	*nil*
Koala Habitat	15:1	15:1	15:1
Threatened Flora	*8:1*	*8:1*	*5:1*
Important Habitat Features	3:1	3:1	*2:1*

Note: Italics denotes reduced ratio rate.

~~Reduced compensatory habitat offset rates do not apply to:~~

- ~~koala habitat; or~~
- ~~important habitat features (aside from in relation to maintenance works)~~

3. BACKGROUND

This policy intends to capture proposals that pose adverse impacts to local biodiversity which do not otherwise trigger ~~other offset policies developed by~~ State and Commonwealth offset requirements.

In Ballina Shire, the offset ratios are based on a recognition that relative to total land area, a large percentage of the native vegetation cover in the shire has been cleared and that Ballina Shire contains a variety of significant biodiversity assets including endangered ecological communities and various threatened flora and fauna species that are listed under State and Federal conservation instruments.

This policy also recognises that Council has an established Koala Management Strategy that reflects the presence of a nationally significant koala population in the shire and has regard for the suite of public interest outcomes that are associated with public works.

Furthermore, this policy will allow Ballina Shire Council to apply standard compensatory offset ratios to all proposals which trigger the policy, therefore creating an effective, efficient, and transparent framework.

~~Many councils (Byron, Coffs Harbour City, Clarence Valley, Hornsby, Mid-Coast) have introduced offset polices and/or provisions which aim to avert the loss of biodiversity on a local level. These polices and provisions often capture projects and activities which may not otherwise trigger State and Commonwealth offsetting schemes (i.e. NSW Biodiversity Offset Scheme (BOS). Table 3 identifies the ratios applied by other NSW local government's as a guide to the approach taken elsewhere.~~

~~Table 3. Compensatory Habitat Ratios Applied by Other Councils in New South Wales~~

~~LGA~~	~~Compensatory Habitat Offset Ratio Applied (replaced: removed)~~	
~~Byron Shire Council~~	~~10:1~~	~~Trees of high ecological value~~
	~~5:1~~	~~Trees of medium ecological value~~
	~~1:1~~	~~Trees of low ecological value~~
~~Coffs Harbour City Council~~	~~20:1~~	~~Old growth, hollow-bearing or ecologically significant tree~~
	~~10:1~~	~~EEC, Riparian Zones, High Value Habitat~~
	~~5:1~~	~~Koala Habitat~~
~~Clarence Valley Council~~	~~10:1~~	~~EEC~~
	~~5:1~~	~~Non - EEC~~
~~Mid-Coast Council~~	~~4:1~~	~~EEC~~
	~~2:1~~	~~Non - EEC~~
~~Hornsby Shire Council~~	~~8:1~~	~~Regional significant habitat~~
	~~6:1~~	~~Locally significant habitat~~
	~~4:1~~	~~Remnant EEC trees~~
	~~5:1~~	~~Supporting habitat~~
	~~2:1~~	~~Remnant Trees and other native vegetation.~~

4. DEFINITIONS

Council	Ballina Shire Council
BOS	Biodiversity Offsets Scheme as applied by NSW Department of Planning, Industry and Environment (DPIE) under the Biodiversity Conservation Act 2016 (BC Act) commenced on 25 August 2017.
BC Act	Biodiversity Conservation Act 2016
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EP&A Act	Environmental Planning and Assessment Act 1979

FM Act	Fisheries Management Act 1997
Part 4	Part 4 (Development Assessment) refers to the development assessment pathway for proposals which require approval under Part 4 of the EP&A Act (1979).
Part 5	Part 5 (Environmental Assessment) refers to the development assessment pathway for activities which require approval under Part 5 of the EP&A Act (1979).
TEC	Threatened Ecological Community is a collective term which recognises ecological communities' under threat, but refrains from ranking the communities by the status at which they are threatened.
EEC	Endangered Ecological Community refers to one of the categories which exist for listing threatened ecological communities (TECs) under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the Biodiversity Conservation Act 2016 (BC Act).

5. SCOPE OF POLICY

This policy applies to:

- Council employees
- Councillors
- Community members
- Consultants/Contractors

6. RELATED DOCUMENTATION

Related documents, policies and legislation:

- Biodiversity Conservation Act 2016
- Environmental Protection and Biodiversity Conservation Act 1999
- Environmental Planning and Assessment Act 1979
- Fisheries Management Act 1994
- Ballina Local Environmental Plan 1987
- Ballina Local Environmental Plan 2012
- Ballina Shire Development Control Plan 2012
- Ballina Shire Koala Management Strategy 2017

7. REVIEW

The Ballina Shire Biodiversity Offset Policy is to be reviewed every four years.

DRAFT

POLICY NAME:	(REVIEW) **BUILT ENVIRONMENT FIRE SAFETY PROGRAM**
POLICY REF:	**F11**
MEETING ADOPTED:	**27 May 2021** **Resolution No. 270521/19**
POLICY HISTORY:	**280618/30**

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OBJECTIVE

The aim of this policy is to establish clear principles and guidelines to assist Council officers to act fairly, consistently and effectively in relation to building fire safety matters that are governed under the provisions of the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, ~~2000~~ 2021.

The objectives of this policy and the associated procedures are to:

1. assist ~~building~~ owners of *applicable buildings* meet their legal obligations regarding the implementation and maintenance of fire safety measures.
2. give the community confidence that Council fulfils its obligations under the relevant legislation.
3. identify Council's approach to meeting its legal obligations under the *Environmental Planning and Assessment Act* and associated regulations in relation to building fire safety (Essential Services).
4. promote fire safety compliance in buildings within Ballina Shire.

POLICY

Council will assist owners of *applicable buildings*, to be aware of and meet their fire safety obligations, as governed under legislation.

Building owners are required under legislation to record and report on the 'Essential Services' associated with ~~the~~ their building. In this context, 'Essential Services' refer to the fire safety measures installed within a building.

The Essential Services details required of building owners are as follows:

- **Fire Safety Certificate**.
  - A Fire Safety Certificate is a document issued by or on behalf of the building owner(s) upon the completion of new building work. The certificate confirms that each of the fire safety measures as listed in the Fire Safety Schedule issued with the Construction Certificate or Development Consent have been installed in the building, or part of the building, and checked by a properly qualified person.
  - A Fire Safety Certificate must be issued using a standard template form published by the NSW State Government.
  - This certificate is issued once the fire safety measures are installed and is a requirement prior to the issuing of an Occupation Certificate (OC).
  - The issue of Fire Safety Certificates falls outside of the scope of this policy other than for setting the date by which the Annual Fire Safety Statement (AFSS) is required to be provided.
- **Annual Fire Safety Statement** (AFSS).
  - Building owners are required under legislation to ensure an Annual Fire Safety Statement (AFSS) is provided to both Council and FRNSW annually.
  - Annual Fire Safety Statements must be issued using a standard template form published by the NSW State Government and be accompanied by a Fire Safety Schedule.
  - The AFSS confirms that an accredited practitioner (fire safety), selected from a register of accredited practitioners, has assessed, inspected and verified the performance of each fire safety measure that applies to the building.
  - Under the legislation, an AFSS must be issued within 12 months of a Fire Safety Certificate being issued or, in subsequent years, within 12 months after the date on which an AFSS was previously provided.

~~Council will maintain an Essential Services Register and receive Annual Fire Safety Statements.~~

Essential Services Register

Council maintains an Essential Services Register that references all known essential fire safety measures in applicable buildings currently in the Register. Council ~~will~~ adds to the Register ~~as opportunity and resourcing allow~~. when a Fire Safety Certificate is received for a new or altered applicable building.

Management of Annual Fire Safety Statements

Council has a legal obligation to receive submitted AFFSs.

Council's Register categorises buildings based on the risk to life and property into two categories *Low Risk* and *High Risk*. *Low Risk* buildings are received and not checked unless obvious errors or omissions are sighted in the submitted AFSS document.

~~In addition to this obligation,~~ Council will conduct a brief review of a submitted AFSS of *High Risk* buildings to ensure that it:

i. has been signed and dated by the landowner or their representative,

ii. contains all of the fire safety measures as listed in Council's Essential Services Register or in the Fire Safety Schedule if it is attached to the AFSS,

iii. each of the listed fire safety measures has been tested by a registered practitioner (fire safety) and signed by that practitioner, or practitioners,

iv. the fire safety measures have been tested within three months of the date of expiry date of the previous AFSS as listed on Council's Essential Services Register.

The categorisation of buildings as above allows administration staff to apply a higher level of scrutiny to *High Risk* buildings in the checking of the AFSS documents and also for technical staff to follow up with investigation of non-compliances and regulatory actions as deemed necessary.

In the event that a Fire Safety Schedule is not attached to the AFSS, Council will rely on the Essential Services Register to determine the fire safety measures that are required for the purposes of the AFSS.

Where a property owner, or their agent, advises Council that the fire safety measures in the building differ from those contained in the Essential Services Register, the property owner ~~will~~ may be required to have the building inspected by an appropriately qualified person and provide details of the fire safety measures that are installed so that the register can be updated accordingly. Alternatively, for smaller buildings, Council may review the building files and/or inspect the building and update the register based on advice from a Council Registered Certifier.

Council may, as resources permit, carry out random audits or targeted audits of properties based on the fire risks of particular types of buildings.

Council will also provide a fee for service to remind landowners of the due date of their Annual Fire Safety Statement.

Penalty provisions

Council will work with building owners as far as is reasonable to ensure fire safety is adequate and appropriate for a building's use and to facilitate them meeting their obligations to maintain the building in relation to fire safety matters.

However, Council may also draw on legislative provisions to achieve required fire safety outcomes and/or issue penalties for breaches of regulatory provisions.

The *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation* ~~*2000*~~ 2021 provides for fixed penalties and Council may issue a penalty infringement notice for breaches, including if the owner fails to:

- display the final Fire Safety Certificate.
- provide the Annual Fire Safety Statement by the due date.
- display the Annual Fire Safety Statement.
- maintain essential fire safety measures.

Penalties may also be issued for failure to comply with conditions of development consent and failure to comply with a Fire Safety Order.

Fire Safety Orders

~~The~~ Council will, as necessary, issue Fire Safety Orders to owners of buildings in order to ensure the existence and/or maintenance of essential services within a building. Council's legal authority to serve a Fire Safety Order is contained in the Act.

The operation of this policy is defined in Council's *Built Environment Fire Safety Procedures.*

DEFINITIONS

Accredited practitioner (fire safety)	The holder of a certificate of accreditation as an accredited certifier under the ~~*Building Professionals Act 2005*~~ *Building and Development Certifiers Act 2018* acting in relation to matters to which the accreditation applies.
AFSS	Annual Fire Safety Statement.
Annual Fire Safety Statement	As defined in the *Environmental Planning and Assessment Regulation 2000.*
Agent	Person appointed by a landowner to act on behalf of that landowner.
Applicable Buildings	For the purposes of Annual Fire Safety Statements, all buildings approved as Class 1b or Class 2 to 9 buildings as classified under the Building Code of Australia that have been constructed after 1 July 1988, or have had alterations or additions carried out after that date, are the subject of a Fire Safety Schedule.
Essential fire safety measures	As defined in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* ~~*2000*~~.
Fire Safety Certificate	As defined in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* ~~*2000*~~.
Fire Safety Schedule	As defined in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* ~~*2000*~~.
FRNSW	Fire and Rescue New South Wales.
High Risk	Buildings typically of the following classes and characteristics

BCA Class	Characteristics
2 and 3	3 or more stories
5 and 6	Shopping Centres, Large Retail Buildings, Clubs and Hotels
7 and 8	Large Warehouses and Factories
9	Aged Care Buildings, Hospitals, Childcare Centres, Schools and the like

Low Risk	*Applicable Buildings* other than *High Risk* Buildings
The Act	*Environmental Planning and Assessment Act* 1979 (NSW).
The Regulations	*Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. *Environmental Planning and Assessment Regulation ~~2000~~* 2021 (NSW)~~ and *Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation* 2017.~~

SCOPE OF POLICY

This policy is primarily directed at the regulation and promotion of fire safety awareness and provisions within *applicable buildings*. These classes of building are defined under the National Construction Codes Series – Building Code of Australia (see Attachment 1).

The policy applies to Council employees.

BACKGROUND

The essential services provisions of the *Environmental Planning and Assessment Act* and *Regulations* came into force on 1 July 1988 and include a requirement that, under certain circumstances, a building owner (or building owners' representative) must submit an annual Fire Safety Statement for the property to a Local Council and FRNSW.

In 2017, the NSW Government introduced reforms through the *Environmental Planning and Assessment Regulation ~~2000~~ 2021 (the Regulation)* to strengthen fire safety certification for new and existing buildings. These reforms improve the regular maintenance testing and reporting of fire safety measures during the building life cycle.

Further legislative changes in July 2020 affected building owners, developers and certifiers, with the commencement of the *Building and Development Certifiers Act 2018*.

Historically, the building owner was responsible for the provision of an Annual Fire Safety Statement. Since 2017, the NSW Government has brought in a series of legislative amendments which support qualified technicians to inspect, test and certify essential fire safety measures within any building. These changes to the management of fire safety measures are ongoing, with the most recent changes commencing in March 2021, after the introduction of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. These changes have provided improved clarity regarding the responsibility for technical elements of building fire safety resting with qualified technicians.

The NSW Government continues to introduce new reforms to improve fire safety in buildings and it is the policy of Council to allow the State Government to lead this improvement and assist in implementing legislated changes.

RELATED DOCUMENTATION

This policy should be read in conjunction with:

- *Environmental Planning and Assessment Act* 1979 (NSW)
- *Environmental Planning and Assessment Regulation* 2000 (NSW)
- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW)*
- *Ballina Shire Council Enforcement Policy*
- *Local Government Act* 1993 (NSW)
- *Local Government (General) Regulation* 2005 (NSW)
- *Building Code of Australia*
- *Relevant Australian Standards*.

REVIEW

This policy is to be reviewed every four years.

Attachment 1: Fire Safety Statement Template

Fire Safety Statement template is produced by the NSW Government.

The template is available for download at Fire safety certification | Planning

Attachment 2: Classification summary of buildings and structures

This list provides the definitions of Building Classes as set out in the Building Code of Australia.

Classes of Building		
Class 1	Class 1a	A single dwelling being a detached house, or one or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.
	Class 1b	A boarding house, guest house, hostel or the like with a total area of all floors not exceeding 300m^2, and where not more than 12 reside, and is not located above or below another dwelling or another Class of building other than a private garage.
Class 2	A building containing 2 or more sole-occupancy units each being a separate dwelling.	
Class 3	A residential building, other than a Class 1 or 2 building, which is a common place of long term or transient living for a number of unrelated persons. Example: boarding-house, hostel, backpackers' accommodation or residential part of a hotel, motel, school, or detention centre.	
Class 4	A dwelling in a building that is Class 5, 6, 7, 8 or 9 if it is the only dwelling in the building.	
Class 5	An office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.	
Class 6	A shop or other building for the sale of goods by retail or the supply of services direct to the public. Example: café, restaurant, kiosk, hairdressers, showroom or service station.	
Class 7	Class 7a	A building which is a car park
	Class 7b	A building which is for storage or display of goods or produce for sale by wholesale.
Class 8	A laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing or cleaning of goods or produce is carried on for trade, sale or gain.	
Class 9	A building of a public nature.	
	Class 9a	A health care building, including those parts of the building set aside as a laboratory.
	Class 9b	An assembly building, including a trade workshop, laboratory or the like, in a primary or secondary school, but excluding any other parts of the building that are of another class
	Class 9c	An aged care building.
Class 10	A non-habitable building or structure (a. a private garage, carport, shed or the like; b. a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool or the like; c. a private bushfire shelter.)	

POLICY NAME:	REVIEW **URBAN VEGETATION ON PUBLIC LAND**
POLICY REF:	**U04**
MEETING ADOPTED:	**23 March 2023** **Resolution No. 230323/4**
POLICY HISTORY:	**221118/30; 290916/17; 260215/26, 260810/32**

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OBJECTIVE

The objective of this Policy is to:

- Prioritise the maintenance and protection of existing vegetation on public land.
- Broaden the emphasis on urban tree management to include urban forestry principles, with trees managed as a collective asset, to maximise the benefits that urban vegetation provides.
- Improve the quality and quantity of urban vegetation in Ballina Shire.
- Increase species diversity and improve the age range of urban trees.
- Recognise and protect trees considered significant due to their heritage, cultural, social and/or ecological values
- Balance the protection of trees and bushland with management of public risk
- Enhance Ballina Shire's reputation within the community as a good steward and manager of trees and significant vegetation.
- Clarify the delegated authority to the General Manager in respect of decisions regarding the removal of trees from public land.
- Recognise the impact of climate change on the management and sustainability of urban vegetation.
- Increase awareness and educate stakeholders including the community, developers and Council staff of the value of trees in the urban landscape.
- Encourage community engagement and participation in management of public trees.

POLICY

1. Tree Planting and Species Selection

Ballina Shire Council will proactively identify opportunities to plant suitable trees in the urban environment to increase canopy cover across the local government area.

Street trees play a critical role in establishing local landscape character because they are highly visible and help to offset the bulk and scale of buildings. Street trees also provide shading to roads and hard surfaces and make a valuable contribution to controlling heat radiated from urban surfaces. They provide a significant cooling effect and also create more aesthetically pleasing living spaces. Trees provide valuable habitat links throughout urban environments for a wide variety of wildlife.

The following Policy principles apply to tree planting and species selection for trees on public land.

a. Tree Planting Program

Council will implement an annual street tree and reserve planting program across streets and reserves. This will include seeking opportunities in appropriate locations to maximise canopy cover, age and species diversity and to deliver ongoing environmental, economic and social benefit.

Council will ensure that new tree planting does not risk potential damage to infrastructure, community safety or increase exposure to third party claims.

To increase street tree species diversity and reduce the effects of broad scale tree decline or death due to pests and diseases, Council will encourage planting a diversity of tree species within the urban environment excluding Council endorsed streetscape projects whereby particular species may be selected.

To improve the general health and longevity of street trees in built up areas the use of contiguous tree pits, structural soils and or vaulted tree pits will be considered to maximise the soil volume available to the trees.

All suitable available spaces for new street tree plantings are to be mapped and scheduled for new plantings as resources allow.

The tree planting program is to be guided by the Risk Management Control Strategies listed in the Statewide Mutual: Trees and Tree Roots Best Practice Manual – Statewide Publication (current version).

b. Tree Selection Criteria

Council will plant the most appropriate tree species based on site suitability, functional and biological attributes of the species, known performance and the potential to contribute to the landscape character. Tree species are preferably to be selected from the Ballina Shire Urban Garden Guide. The guiding principle of "the right tree in the right place" is to be used when selecting new tree plantings.

c. Nursery Tree Stock Specification

Council and other stakeholders such as developers must only use quality nursery stock according to the latest best practice and Standards. Developers must ensure the installation of tree stock conforms to AS2303:2018~~5~~. Certification of compliance with this Standard will be required for all developments including subdivisions.

d. Nature Strip Landscaping

Nature strip landscaping within public road reserves requires consent from Council. Council supports the landscaping of nature strips to improve the streetscape; however the services and access within the nature strip need to be protected.

It is accepted practice that residents maintain and mow nature strips. A Nature Strip Landscaping Plan must be submitted for approval by Council prior to landscaping works being undertaken. The resident must maintain the landscaped nature strip including groundcovers and shrubs in good order following completion of the Council approved works. Council will maintain and oversee the tree maintenance.

Water sensitive urban design (WSUD) principles are to be incorporated into all new and refurbished nature strips. This should include the capacity of trees and vegetation to mitigate stormwater impacts and improve water quality flows to waterways.

A Nature Strip Landscaping Plan Fact Sheet is provided on Council's website.

e. Community Involvement

Council will encourage community involvement in tree planting activities and regularly promote the benefits of trees to the community. Council will continue to support and supply trees and vegetation to the community through the following community programs:

- Landcare/Coastcare on Council managed lands
- Street Tree Planting Program
- National Tree Day and Schools National Tree Day
- World Environment Day
- Council's restoration projects
- "Benefits of trees" community education program

f. Tree Provision to Residents

Council can provide free trees to residents of Ballina Shire under the following programs:

- New Home Native Garden Gift
- New Baby Tree of Life Gift
- Memorial Tree ~~Gift~~
- Citizenship Native Plant

The trees will be propagated or sourced by Council and should be listed in the Ballina Shire Urban Garden Guide.

Program and proof of residency will be required. No plaques or other items/attachments can be placed with these trees on public land. Residents will need to maintain the juvenile trees for 24 months.

Council will not accept any liability for planting, maintenance, loss, damage or removal of the tree.

- *New Home Native Garden Gift*

  Council can provide up to fifteen trees, shrubs or groundcovers to Ballina Shire Residents for landscaping private land. This is limited to new house constructions or significant renovations. Evidence must be provided within 24 months of a construction certificate or 12 months of an occupation certificate.

  Council can provide advice at the time of plant selection as to species suitability and planting requirements if suitable plans and site information is provided.

- *New Baby Tree of Life Gift*

  Council can provide one commemorative tree to Ballina Shire residents who have a new baby. The tree may be planted on private property or in an appropriate Council approved location on a public reserve. Evidence of the Baby's birth certificate must be provided.

- *Memorial Tree*

  Council can provide one memorial tree to Ballina Shire residents who wish to plant a tree in memory of a deceased loved one. The tree may be planted on private property or in an appropriate Council approved location on a public reserve. Evidence of the resident's death certificate must be provided.

- *Citizenship Native Plant*

  Council can provide one citizenship tree to each new Australian citizen that participates in a Ballina Shire Citizenship Ceremony as a welcome gift to the shire. The tree may be planted on private property or in an appropriate Council approved location on a public reserve.

g. Sponsor a Tree Program

Notable trees on public land can be "sponsored" by individuals, families, community groups or businesses and sponsors provide annual donations to support their maintenance.

Tree "sponsorship" will be acknowledged by a Certificate and on Council's website.

2. Tree Asset Management

Trees require specialised care and management and a comprehensive inventory of trees is essential for timely and cost effective management.

Council is committed to a maintenance regime that provides adequate resources for the long term health and sustainability of its urban vegetation. The following Policy principles will apply to tree asset management:

a. Tree Database ~~Inventory~~

Council will establish and maintain a Tree Database ~~Inventory~~ of all street trees, park trees and trees with crowns overhanging private property to quantify the tree assets of Ballina Shire. This will help prioritise the tree pruning, removal and replacement works, allow effective resource allocation and assist managing ~~manage~~ the risks associated with urban vegetation.

b. Significant Tree Register

Council will maintain a Significant Tree Register for trees on public and private land. Significant trees are assessed using rigorous criteria addressing historic, social/cultural, natural/biodiversity and visual/aesthetic values. This Policy applies to Significant Trees on public land only with separate legislation applying to private trees.

The entry to the Significant Tree register is set at 75% or above for "significance" value. Below average, average or above average trees (0 - 74% value) will not be added or maintained on the register as significant.

The Significant Tree Register will be displayed on Council's website and is reviewed regularly ~~annually~~ enabling trees to be added or removed from the Register. Residents may apply to Council to have trees included or removed from this Register.

c. Tree Maintenance

Council will ensure that suitable tree management is applied across all street and reserve trees. Council will undertake tree audits and inspections as resources allow. Council will ensure concise and timely coordination between the various divisions within Council for efficient tree management. All tree works will be prioritised to ensure delivery standards are maintained.

d. Risk Management

Council will manage tree risks on a prioritised basis whilst acknowledging that no tree is absolutely safe but that acceptable levels of risk are to be sought.

Tree risk assessment will be undertaken by suitably qualified and experienced Council Arborists. When required, suitably qualified and experienced independent Consulting Arborists will be engaged to undertake the tree risk assessment.

Tree risk assessment should incorporate systematic, best practice method(s) (e.g. Tree Risk Assessment Qualification (TRAQ), Tree Risk - Benefit Management and Assessment (VALID) or Quantified Tree Risk Assessment (QTRA). All tree management information will be stored as per Council's record management system ~~Plan May 2013~~ and the ~~(recommended)~~ Tree Database ~~Inventory~~.

Council's risk abatement methods will be guided by the methods listed at Table 3: "Risk Management for Existing Trees" of Statewide Mutual Trees and Tree Roots Best Practice Manual (current version).

Improvements to buildings or structures are to be undertaken before root pruning interventions are to be undertaken. It should be acknowledged that tree roots are opportunistic and are concentrated wherever soil conditions are favourable.

Stormwater drainage, water and sewer pipes must be designed, installed and maintained to exclude tree roots with Council specified pipes with water-tight joints. All drainage and pipe repair works must comply with AS4970:2025~~09~~.

e. Tree Pruning and Removal

Council will undertake tree and vegetation pruning to improve tree health, habit and to provide nominal clearances for pathways, roads, buildings and other essential infrastructure. All tree pruning works are to comply with AS4373:2007. Tree pruning, removal and replacement works will be limited by resources as shown in Council's annual budget.

The public are not permitted to prune or remove trees or vegetation on Council managed lands including footpaths and reserves without Council consent.

Council's Table 1 "Acceptable and Unacceptable Reasons for Removal or Pruning of Trees on Public Land" in this Policy apply for tree pruning and removal works.

In requesting the pruning or removal of trees on public land or claiming that public trees are causing damage to private property or infrastructure, a Tree Works on Public Land Application must be provided to Council. Written evidence supporting the application may be required and is likely to include some or all of the following:

- Arborist Report as per AS4373:2007 or AS4970:202509
- Site Survey indicating location of subject tree
- Engineer's Report
- Stormwater Plan
- DNA Tree Root Identification Report

Council will use its tree assessment procedures to ensure consistency in the approach to determining tree pruning, root pruning and tree removal. Tree removal will be guided by general cost-benefit analysis principles where most costs occur at planting and at removal, with most benefits occurring as the tree approaches a mature age and size.

Some of the Council decisions can result in complaints to Council and to individual Councillors. These complaints can involve concerns about a decision not to remove a tree as well as complaints about tree removal. While the number of complaints are small relative to the number of operational decisions that are made, the potential change to the amenity of an area can be significant and therefore be sensitive to some community members. Councillors should not be expected to advocate on behalf of the community.

As most situations are best managed by following tree assessment procedures, each case will be decided under delegated authority by the General Manager.

These arrangements do not limit staff electing to refer a matter for independent arboricultural review or to Council for determination, or a Councillor requesting a report, or a Notice of Motion as ways to review a decision.

Representations by the media will not be taken into consideration.

Table 1 Acceptable and Unacceptable Reasons for Removal or Pruning of Trees on Public Land

Acceptable Reasons		Unacceptable Reasons
Part A		Improve or allow a private view.
Dead trees or dead branches excluding habitat values at low risk		Reduce leaf, bark or fruit fall (except Coconuts), and release of pollen and sap droppings.
Diseased or infected trees requiring isolation		
Storm or wind damaged trees.		For construction hoardings and scaffolding.
Trees with unacceptable Public Risk ratings using the VALID, TRAQ or QTRA risk assessment methods of assessment.		Allow solar access or for solar panel installation clearance.
Branches in contact with adjoining buildings/structures.		Reduce wildlife waste and noise and to deter native wildlife (e.g. termites, flying foxes).
Maintain pedestrian, bicycle, vehicle, aircraft and street, sport and electrical infrastructure clearances and sight lines.		Aesthetic, amenity, ecological or cultural heritage values.
Maintenance prune existing tree root barriers		Canopy pruning cannot be undertaken in compliance with AS4373:2007.
Part B		Root pruning in the Structural Root Zone cannot be undertaken in compliance with AS4970:20250~~09~~.
Listed weed/biosecurity risk species		Root presence and pruning adjacent to under-engineered structures.
For installation or maintenance of a dividing fence – maximum 0.5 metre branch clearance.		To undertake clearing under a NSW Rural Fire Service 10/50 Vegetation Clearing Entitlement
Managing views for public benefit and safety at Council approved locations.		Insufficient supporting evidence is lodged with the Tree Works on Public Land Application.
Root prune to prevent further damage to built structures (excluding segmental paving) that have been appropriately engineered in the first place, where practicable.		To allow secondary access to properties across public land except for approved dwellings and approved accesses to that dwelling.
Structural damage to private or public structure is significant and ongoing and cannot be feasibly mitigated by root pruning.		For Bushfire Prone Land construction standards as identified by the NSW Rural Fire Service.
Formative pruning of young and developing trees up to 4m in height.		Pre-emptive land purchases.
To comply with Planning Legislation, Australian Standards, Council Vegetation Management Plans and Resolutions.		
Issued a Bushfire Hazard Reduction Notice by the NSW Rural Fire Service.		
Tree to be removed is over-mature and in poor condition.		
The tree to be removed has no overriding botanical, ecological, heritage or cultural value.		

f. Notification of Tree Removal and Pruning Works

Council's Table 2 "Notification for Tree Works" in this policy applies for tree removal and pruning works. Where immediate tree hazard situations cannot be safely mitigated, notifications for tree works, may not be able to be provided in time.

Table 2 Notification for Tree Works

Tree Works Type	Notification
• Tree pruning	No notification.
• Tree removal	• A written notice placed on the subject tree trunk. • Notification on Council's website.
• Significant Tree pruning complying with Part A of Table 1 "Acceptable Reasons"	• No notification.
• Significant Tree pruning complying with Part B of Table 1 "Acceptable Reasons" (excluding Council arborist) • Significant Tree removal	• Provide a written Arboricultural Assessment. • Provide letters to street property owners adjoining the Significant Tree. • A written notice placed on the subject tree trunk. • Notification on Council's website. • A minimum exhibition and comment period of 14 days.

g. Resident Funded Tree Pruning and Removal

Council may provide consent for a resident to have tree works undertaken on public land trees at the resident's expense. Multi tenure trees may have costs split commensurably between owners. The resident will be required to lodge the Tree Works on Public Land Application and comply with Table 1 of this Policy. The following circumstances will be:

- Low risk trees encroaching onto properties.
- Weed tree species removal.
- Council priorities and resources prevent works occurring in the immediate future.

Resident funded tree work will require all the following:

- With the exception of listed weed species, the resident providing a (brief) written Arboricultural Report by a Consulting Arborist with the application on the subject tree outlining the tree condition, vigour, location and reasons for tree works.
- The resident must engage an Arborist who has been pre-approved under Council's Contractor Management System verifying their qualifications, experience, safety management systems and insurances.
- The Arborist must hold and maintain $20 million Public Liability insurance and provide Council upon request with a Certificate of Currency and Policy for the same.
- Pruning works must comply with AS4373:2007.

- Adhere to Council approval addressing; site safety, industry practices, reserve access and debris management.

h. Tree Root Management

As part of Council's risk management strategy where root encroachment hazards and damage are identified, a number of practices in accordance with Table 1 may be employed.

- Flexible, permeable and non-standard footpaths and tree pit surrounds provided near trees so as to reduce the likelihood of uplifting and trip hazard formation.
- Installation of root barriers where practicable.
- Root pruning where practicable and not likely to have an adverse impact on tree health.
- Tree removal (where no remediation of root encroachment issues is possible).

DNA tree root identification may be needed to assist when tree root ownership is disputed.

i. Fungal Disease Management

Fungal disease can kill trees or cause trees to fail unexpectedly. Armillaria luteobubalina, Phytophthora cinnamomi, Phellinus sp and numerous other fungi are common causes of tree death and tree failure.

Expert advice is to be obtained to assist in fungi management.

j. Pest Management

Trees can be impacted by various pests. Expert advice is to be obtained to guide tree pest management.

Use of synthetic chemicals should be minimised or avoided.

k. Weed Management

Council will undertake the prioritised and staged removal and replacement of trees and vegetation classified as a Biosecurity risk or environmental weed species as resources allow. The impacts to canopy cover will be a key consideration in this process.

l. Tree Management around Utilities

Council does not support the planting of trees under powerlines in accordance with electricity legislation. All tree and vegetation clearance works around non-Council utility services will be referred to and conducted by the service provider unless undertaken by accredited Council staff or contractors.

m. Tree Clearance around Roadways, Bike Paths and Footpaths

Trees in the urban environment often grow in close proximity to bike paths and footpaths, as well as overhang roadways. Trees will be managed to meet the clearance requirements of current standards and guidance.

n. Tree Information Systems

Council will keep abreast of new technology in the field of Arboriculture and urban forestry and incorporate best practice management. This will include the mapping of Council's public trees for the Tree Database ~~Inventory~~. This will also include consideration of climate change impacts on trees.

o. Emergency Situations

Risk to public safety and property will take priority in tree pruning and removal decisions in emergency situations.

3. Bushland Reserves

Many bushlands exist within the urban environment and have forest edges adjacent to other land uses. All urban bushlands on Council land are protected and most are of significant ecological value. The provisions in this Policy also apply to urban bushlands. All tree and vegetation work within urban bushlands must comply with Council approved Vegetation Management Plans and all legislative requirements.

4. Urban Subdivisions and Development

Future land development and urban subdivision designs must consider the proximity of structures to adjacent vegetation and in particular listed Endangered Ecological Communities and Critically Endangered Ecological Communities as defined by the Biodiversity Conservation Act 2016. These considerations are to be made in relation to Council owned land/public reserves and land that is to be dedicated to Council as part of land development or urban subdivision.

To reduce hazards, tree health impacts and maintenance costs being transferred to future generations, Table 4 identifies minimum vegetation buffer requirements between structures (excluding fences) and existing/proposed vegetation.

Table 4 Urban Subdivision/Development Minimum Vegetation Buffer Requirements

Vegetation Type	Minimum Vegetation Buffer Requirements
Urban bushland	The larger of either: 6m buffer from centre of tree trunk or 6m buffer from the Notional Root Zone (NRZ) ~~Tree Protection Zone~~ as per AS4970:20025~~09~~. Other environmental buffers may also apply as part of the development application process.
Fig tree	Major subdivision: 40m buffer from centre of tree trunk and root barrier protections are required ~~applies excluding infill development~~. Minor subdivision and all other development: 6m buffer from the NRZ as per AS4970:2025 and/or root barrier protections may apply within 40m centre of tree trunk.

Norfolk Island Pine tree	Major subdivision: 20m buffer from centre of the trunk is required. ~~excluding infill development~~. Minor subdivision and all other development: must adhere to AS4970:2025.

5. Tree Protection

Council recognises the social, economic and environmental benefits that the urban forest provides. The protection of trees and vegetation will therefore be given high priority in all aspects of the Shire's activities. Council technical staff will use best practice tree management procedures to ensure a consistent approach to tree and vegetation protection.
The following policy principles apply to tree and vegetation protection:

a. Management of Trees during Development Activities

Trees (new and established) must be protected from construction works and other activities/events that threaten tree health and stability. Tree sensitive design, management, construction including construction hoardings and scaffolding around trees must adhere to AS4970:2025~~09~~.

The Council Arborist or qualified staff will be consulted to review all Development Applications where works are within the Notional Root Zone (NRZ) ~~Tree Protection Zone (TPZ)~~ of trees on public land.

Development works within the NRZ~~TPZ~~ of public trees are to include an Arboricultural Report including Arboricultural Impact Assessment and Tree Protection Plan as per AS4970:2025~~09~~. This report is to be prepared by a Consulting Arborist with no affiliation to firms undertaking the tree pruning or removal works.

Council may consider a tree's value according to industry standard tree valuation methods in assessing proposals to encourage redesign and retention of urban trees on public land.

b. Bonds on Public Trees

Council will impose bonds where public trees are at risk during development to ensure protection of existing trees. The bond will be used to rectify any damages to public trees and refunded upon completion of the construction and/or maintenance and/or tree health period should no damage occur. ~~This is to include all foreseeable costs including rehabilitation, removal, clean up, similar replacement, establishment and traffic control.~~ Bonds will be calculated based on Minimum Industry Standard 506 Tree Valuation (MIS506).

c. Overhead Power Lines and Utilities

Council may pursue measures to relocate infrastructure away from trees in certain circumstances, to reduce the need for excessive canopy pruning, reduce root damage and to increase new opportunities for tree planting.

Tree plantings are not to occur near power lines in accordance with the electricity legislation unless approved by the electricity authority and resourced for high accredited maintenance costs. Consideration will be given to the "bundling" or "undergrounding" of electrical wires to minimize harsh crown clearance pruning.

All new subdivisions should have underground rather than pole to pole electrical services.

d. Unauthorised Tree Works/Vandalised Trees

Council will not tolerate unauthorised tree works or vandalism upon trees and will take site specific responses following notification of illegal works and tree vandalism.

Council will investigate unauthorised tree works, poisoning and removal and pursue enforcement action where appropriate.
Measures Council may use include:

- community notification and education
- installation of public sign highlighting vandalised vegetation area
- installation of large view screen at the vandalised area until vegetation replacement occurs
- compliance actions
- removal actions
- compensatory actions

e. Development Replacement Measures

Council will require compensatory plantings to replace any damaged, removed and/or newly planted trees or vegetation.

The compensatory plantings will comply with Councils Biodiversity – Compensatory Habitat Offset Policy.

BACKGROUND

Ballina Shire has urban zones covering an area of 2,975 hectares. Land use is diverse and ranges from the central business districts to the ocean and river foreshore edges. It includes coastal and plateau topographies, varying residential densities, industrial and commercial developments.

Council's urban forest is made up of a diverse range of species and age groups planted over a number of historic periods, creating a mosaic of plantings interwoven with remnant locally indigenous trees.

The value of this range of species and age class cannot be understated from species protection, carbon sequestration or community wellbeing. Council's public trees provide many social, economic and environmental benefits. They beautify and soften streetscapes, provide wildlife habitat and play a significant role in determining the urban character of towns within the LGA. Trees are also essential in the maintenance of a healthy urban environment as they release oxygen, trap airborne pollutants and absorb carbon dioxide.

While trees play an important role in the urban landscape, it is also recognised that trees of the wrong type, or growing in the wrong place, can create problems and risks that are not reasonable in the urban environment.

All Stakeholders including public authorities and property owners have obligations and responsibilities with respect to the protection and management of trees on public land.

Tree management in the urban environment is about balancing the various risks against the benefits that trees provide, to ensure the best community outcome. A realistic Budget needs to be included in Council's Strategic Plan specifically for the effective management of this important public tree resource.

DEFINITIONS

AQF:	Acronym: Australian Qualifications Framework-a policy framework that defines all qualifications recognised nationally in post-compulsory education and training within Australia.
AS4970:2025~~09~~:	Australian Standard: AS4970:2025~~09~~ Protection of trees on development sites (or current version).
AS4373:2007:	Australian Standard: AS4373:2007 Pruning of amenity trees (or current version).
AS2303:2018~~5~~:	Australian Standard: AS2303:2018~~5~~ Tree stock for landscape use (or current version).
Arboriculture:	Practice and study of the care of trees and other woody plants in the landscape.
Arborist:	An industry professional with a minimum qualification of AQF Level 3 or above in Arboriculture or equivalent recognised and relevant experience.
Arboricultural Impact Assessment:	The review of the impact of construction (including cut or fill) on trees in accordance with AS4970:2025~~09~~.
Consulting Arborist:	An industry professional with a minimum qualification of AQF Level 5 or higher or equivalent in Arboriculture, also referred to as the Project Arborist in AS4970:2025~~09~~.
Emergency:	A serious, unexpected, and often dangerous situation requiring immediate action.
Hazard:	Anything with the potential to harm health, life or property.
Hazardous Branch or Tree:	As determined by Council's Arborist or independent Consulting Arborist.
Minor Subdivision:	Comprising 10 lots or less as per the Ballina Development Control Plan 2012 (Ballina DCP 2012)
Major Subdivision:	Comprising ability to accommodate more than 10 lots as per the Ballina DCP 2012
Pest:	A destructive insect or other animal that has a harmful effect on trees/vegetation (excluding native wildlife).
Pruning:	The removal of tree branches to predetermined points in accordance with AS4373:2007.
Remediate:	For the purpose of this Policy, this is to fully return a tree or ground to a state that is as close as reasonably possible to its original and previous condition.

Risk:	The likelihood of harm occurring as a result of exposure to a hazard
Risk Assessment:	Tree risk assessment incorporating systematic best practice method(s) (e.g. Tree Risk Assessment Qualification (TRAQ), Tree Risk – Benefit Management and Assessment (VALID) or Quantified Tree Risk Assessment (QTRA)) and be undertaken by suitably qualified Consulting Arborists.
Significant Tree Register:	A database of trees which are defined as having cultural or arboricultural significance in the landscape.
Structure:	Any building or structure approved by Council or other relevant approval authority and includes carparks, detached garages, outbuildings, swimming pools and essential infrastructure.
Tree:	A perennial plant having a height of more than 3m and which has a woody, self-supporting main stem/s or trunk/s.
Tree Asset Management System:	A database which numbers and provides details of trees on public land. Information would include but not be limited to: location, species, common name, DBH, height, age class, vigour, condition, pruning history, pest and disease management.
Tree Damage:	Injury to a tree including removal, lopping, topping, mechanical wounding, poisoning by way of herbicide or other construction material leachate and or residues, and includes compaction and or disturbance to the roots.
Vegetation:	All the plants or plant life of a place taken as a whole. This includes trees, shrubs, groundcovers and vines.
Urban:	Town areas with either urban zones as per the Ballina DCP 2012 or urban bushlands. ~~residential, commercial or industrial uses.~~ These areas generally have speed limits of 60km/h or less.
Urban Bushland:	Land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

SCOPE OF POLICY

This Policy only applies to trees on public land.

This Policy applies to the following Stakeholders:

- Council employees, contracted staff and volunteers;

- Residents and residential property owners;
- Developers;
- Commercial businesses and properties;
- Council owned businesses and or enterprises;
- Consultants, Contractors; builders, engineers;
- Contracting and Consulting Arborists.

RELATED DOCUMENTATION

Related documents, policies and legislation:

- AS2302:2018~~5~~: Tree stock for landscape use
- AS4373:2007: Pruning of amenity trees
- AS4970:2025~~09~~: Protection of trees on development sites
- Ballina Development Control Plan 2012
- Ballina Local Environment Plan 2012
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015 NSW
- Biodiversity – Compensatory Habitat and Offsets Policy
- Civil Liabilities Act 2002
- Code of Practice: Amenity Tree Industry 1998 (WorkCover NSW)
- Crown Land Management Act 2016
- Dividing Fences Act 1991
- Electricity Supply Act 1995
- Greener Places Design Guide (Draft) – Government Architect NSW
- Guide to managing the risks of tree work ~~trimming and removal work~~ (March 2023 ~~July 2016~~) – Safe Work Australia
- Local Government Act 1993
- Minimum Industry Standard 506 Tree Valuation (Arboriculture Australia)
- National Parks and Wildlife Act 1974
- Relevant State controls such as State Environment Planning Policies (SEPP's)
- Rural Fires Act 1997
- Rural Fires Amendment Regulation 2020
- Statewide Mutual: Trees & Tree Roots Best Practice Manual (current version)
- Trees (Disputes between neighbours) Act 2006
- Work Near Overhead Powerlines – Code of Practice 2006

REVIEW

The Urban Vegetation on Public Land Policy is to be reviewed every four years.

NSW GOVERNMENT | Office of Local Government

Council Annual Report Checklist

Description	Reference	Included?	
Within 5 months after the end of (financial) year, prepare a report as to council's achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.	*Local Government Act 1993* (Act) s 428(1) available here	Yes ☐	No ☐
The annual report of the year in which an ordinary election of councillors is held, must contain council's achievements in implementing the community strategic plan over the previous four years.	Act s 428(2) here	Yes ☐	No ☐
The annual report must be prepared and endorsed in accordance with Integrated Planning and Reporting Guidelines (IP&R) including councils progress in achieving the quadruple bottom line in the Delivery Program (DP) and Operational Plan (OP) and include information on the delivery of the service reviews council has committed to undertake, the results of those reviews and any changes made to levels of service.	Act ss 428(3), 428 (4)(b) & Essential Element 5.2, 5.3 – IP&R Guidelines here	Yes ☐	No ☐
Must contain a copy of the council's audited financial reports prepared in accordance with the *Local Government Code of Accounting Practice and Financial Reporting* (may be an attachment).	Act s 428(4)(a) here	Yes ☐	No ☐
Must contain a statement detailing the action taken by the council in relation to any issue raised by the Anti-slavery Commissioner during the year concerning the operations of the council and identified by the Commissioner as being a significant issue.	Act s 428(4)(c) here	Yes ☐	No ☐
Must contain a statement of steps taken to ensure that goods and services procured by and for the council during the year were not the product of modern slavery withing the meaning of the *Modern Slavery Act 2018*	Act s 428(4)(d) here	Yes ☐	No ☐
Copy of the council's annual report must be posted on the council's website and be provided to the Minister for Local Government (via OLG). This can be done by emailing link of the Annual Report to olg@olg.nsw.gov.au.	Act s 428(5) here	Yes ☐	No ☐
Include particulars of any environmental upgrade agreement entered into by the council.	Act s 54P(1) available here	Yes ☐	No ☐

Description	Reference	Included?	
Report on activities funded via a special rate variation of general income including: - reporting requirements set out in the Instrument of Approval - projects or activities funded from the variation - outcomes achieved as a result of the project or activities.	Special Rate Variation Guidelines* 7.1 here	Yes ☐	No ☐
Amount of rates and charges written off during the year.	*Local Government (General) Regulation 2021* (Reg), s 132 here	Yes ☐	No ☐
Information about induction training and ongoing professional development: - the names of any mayor or councillors who completed any induction training course, induction refresher course or supplementary induction course during the year, - the names of any mayor or councillors who participated in any ongoing professional development program during the year, - the number of seminars, circulars and other activities delivered as part of the ongoing professional development program during the year.	Reg s 186 here	Yes ☐	No ☐
Must publish an attestation statement indicating whether, during the preceding financial year, the council's audit, risk and improvement committee, risk management framework and internal audit function complied with the requirements prescribed in the Regulation.	Reg s 216T here (Act s 428(4)(b)) here	Yes ☐	No ☐
Details, (including purpose) of overseas visits by councillors, council staff or other persons representing council (including visits sponsored by other organisations).	Reg s 217(1)(a) here	Yes ☐	No ☐
Total cost during the year of the payment of expenses of, and the provision of facilities to councillors in relation to their civic functions (this amount must equal the reported amount in the financial statements). Identify separate details on the total cost of: - provision of dedicated office equipment allocated to councillors - telephone calls made by councillors - attendance of councillors at conferences and seminars - the provision of induction training and professional development for mayor and other councillors	Reg s 217(1)(a1) (i), (ii), (iii), (iiia), (iv), (v), (vi), (vii), (viii) here	Yes ☐	No ☐

Description	Reference	Included?	
□ other training of councillors and provision of skill development □ interstate visits by councillors, including transport, accommodation and other out-of-pocket travelling expenses □ overseas visits by councillors, including transport, accommodation and other out-of-pocket travelling expenses □ expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for the mayor and councillors □ expenses involved in the provision of care for a child of, or an immediate family member of a councillor.			
Details of each contract awarded (other than employment contracts & contracts less than $150,000) including: □ name of contractor □ nature of goods or services supplied □ total amount payable.	Reg s 217(1)(a2) (i), (ii) here	Yes ☐	No ☐
Summary of the amounts incurred by the council in relation to legal proceedings including: □ amounts incurred by council in relation to proceedings taken by or against council including out of court settlements (other than those which are not be disclosed) □ summary of the state of the progress of each legal proceeding and (if finalised) the result	Reg s 217(1)(a3) here	Yes ☐	No ☐
Include resolutions made concerning work carried out on private land, including: □ details or a summary of any resolutions made under section; and □ details or summary of any work carried out, where the charge is less than the approved fee, the proposed fee to be charged and the total amount subsidised by council	Reg s 217(1)(a4) here & Act s 67, 67(2)(b),67(3) here	Yes ☐	No ☐
Total amount contributed or otherwise granted to financially assist others.	Reg s 217(1)(a5) here & Act s 356 here	Yes ☐	No ☐

Description	Reference	Included?	
Statement of all external bodies that exercised functions delegated by council.	Reg s 217(1)(a6) here	Yes ☐	No ☐
Statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies in which council held a controlling interest.	Reg s 217(1)(a7) here	Yes ☐	No ☐
Statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies (whether or no incorporated) in which the council participated during the year.	Reg s 217(1)(a8) here	Yes ☐	No ☐
Statement of activities undertaken to implement its Equal Employment Opportunities (EEO) management plan.	Reg s 217(1)(a9) here	Yes ☐	No ☐
Statement of the total remuneration package of the general manager including: ☐ total value of the salary component of the package ☐ total amount of any bonus, performance or other payments that do not form part of the salary component ☐ total amount payable by way of the employer's contribution or salary sacrifice to any superannuation scheme to which the general manager may be a contributor ☐ total value of any non-cash benefits for which the general manager may elect under the package ☐ total amount payable by way of fringe benefits tax for any such non-cash benefits.	Reg s 217(1)(b)(i), (ii), (iii), (iv), (v) here	Yes ☐	No ☐
Statement of the total remuneration packages of all senior staff members (other than general manager), expressed as the total (not of the individual members) including: ☐ total value of salary components of their packages ☐ total amount of any bonus, performance or other payments that do not form part of salary components of their packages ☐ total amount payable by the council by way of the employer's contribution or salary sacrifice to any superannuation scheme to which any of them may be a contributor ☐ total value of any non-cash benefits for which any of them may elect under the package ☐ total amount payable by way of fringe benefits tax for any such non-cash benefits.	Reg s 217(1)(c) (i), (ii), (iii), (iv), (v) here	Yes ☐	No ☐

Description	Reference	Included?	
Statement of total number of persons who performed paid work on ***Wednesday, 4 December 2024***, including, in separate statements, total number of: - persons employed by the council on a permanent full-time, permanent part-time or casual basis or under a fixed-term contract - persons employed by the council as senior staff members, - persons engaged by the council, under a contract or other arrangement with the person's employer, wholly or principally for the labour of the person - persons supplied to the council, under a contract or other arrangement with the person's employer, as an apprentice or trainee	Reg s 217 (1)(d) (i),(ii),(iii),(iv) here	Yes ☐	No ☐
A statement detailing the stormwater management services provided (*if an annual charge is levied*).	Reg s 217(1)(e) here	Yes ☐	No ☐
A statement detailing the coastal protection services provided (*if an annual charge is levied*).	Reg s 217(1)(e1) here	Yes ☐	No ☐
Detailed statement, prepared in accordance with such guidelines as may be issued by the Secretary from time to time, of the council's activities during the year in relation to enforcing, and ensuring compliance with, the provisions of the *Companion Animals Act 1988* (CA Act) and the *Companion Animal Regulation 2018,* including: - lodgement of pound data collection returns with OLG - lodgement of data about dog attacks with OLG, if no known attacks in the year a nil return is required in annual statement - amount of funding spent on companion animal management and activities - community education programs carried out and strategies the council has in place to promote and assist the desexing of dogs and cats - strategies in place for complying with the requirement under s 64 of the CA Act to seek alternatives to euthanasia for unclaimed animals - off leash areas provided in the council area - detailed information on how fund money was used for managing and controlling companion animals in their area.	Reg s 217(1)(f) here Guideline on the exercise of functions under the Companion Animals Act here	Yes ☐	No ☐
Report on all capital works projects is considered best practice	OLG Capital Expenditure Guidelines here	Yes ☐	No ☐

Description	Reference	Included?	
Councils considered to be 'human service agencies' under the *Carers Recognition Act 2010* (CR Act) (provide services directed at carers and/or people being cared for by carers) must report on compliance with the CR Act for the reporting period.	*Carers Recognition Act 2010*, s 8(2) here	Yes ☐	No ☐
Information on the implementation of council's Disability Inclusion Action Plan and give a copy to the Minister for Disability Services	*Disability Inclusion Act 2014*, s 13(1) here	Yes ☐	No ☐
Particulars of compliance with and effect of planning agreements in force during the year.	*Environmental Planning & Assessment Act 1979*, s 7.5(5) here	Yes ☐	No ☐
Disclosure of how development contributions and development levies have been used or expended under each contributions plan	*Environment Planning and Assessment Regulation 2021(EPA Reg) cl 218A(1)* here	Yes ☐	No ☐
Details for projects for which contributions or levies have been used must contain: ☐ project identification number and description ☐ the kind of public amenity or public service the project relates ☐ amount of monetary contributions or levies used or expended on project ☐ percentage of project cost funded by contributions or levies ☐ amounts expended that have been temporarily borrowed from money to be expended for another purpose under the same or another contributions plan ☐ value of the land and material public benefit other than money or land ☐ whether the project is complete	EPA Reg *cl 218A (2)(a),(c),(d),(e),(f),(g)* here	Yes ☐	No ☐
(a) Total value of all contributions and levies received during the year (b) Total value of all contributions and levies expended during the year	EPA Reg 218A(3)(a), (b) here	Yes ☐	No ☐
Recovery and threat abatement plans - Councils identified in a plan as responsible for implementation of measures included in the plan, must report on actions taken to implement those measures as to the state of the environment in its area.	*Fisheries Management Act 1994*, s220ZT (2) here	Yes ☐	No ☐
Details of inspections of private swimming pools. Include the number of inspections that:	*Swimming Pools Act 1992* (SP Act), s 22F(2) here	Yes ☐	No ☐

Description	Reference	Included?	
□ were of tourist and visitor accommodation. □ were of premises with more than 2 dwellings. □ resulted in issuance a certificate of compliance under s22D of the SP Act □ resulted in issuance a certificate of non-compliance under cl 21 SP Reg.	*Swimming Pools Regulation 2018* (SP Reg) cl 23 here		
Information included on government information public access activity.	*Government Information (Public Access) Act 2009*, s 125(1) here *Government Information (Public Access) Regulation 2018*, cl 8, here Schedule 2 here	Yes ☐	No ☐

Other annual reporting

Councils must comply with other compliance and reporting requirements during the year. These are captured in OLG's Calendar of Compliance and Reporting Requirements publication. The calendar is published annually on OLG's website here

Councils should address all statutory requirements. Should a requirement not be applicable, a nil response should be identified.

HOW TO READ YOUR QUARTERLY FINANCIAL OVERVIEW

QBRS FINANCIAL OVERVIEW

(Name) Council

Budget review for the quarter ended - XX XXXXXXX 20XX

DESCRIPTION		Previous Year Actual 20xx/xx $000's	Current Year Original Budget 20xx/xx $000's	Approved Changes Review Q1 $000's	Approved Changes Review Q2 $000's	Approved Changes Review Q3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 20xx/xx $000's	VARIANCE ORIGINAL budget v PYE 20xx/xx $000's	ACTUAL YTD 20xx/xx $000's
Net Operating Result before grants and contributions provided for capital purposes	General Fund	0	0	0	0	0	0	0	0	0	0
	Water Fund	0	0	0	0	0	0	0	0	0	0
	Sewer Fund	0	0	1	0	0	2	0	3	4	0	5	0	6	0
	Consolidated	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Operating Result from continuing operations (with capital grants and contributions) excluding depreciation, amortisation and impairment of non financial assets	**Consolidated**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0	**0**
Borrowings	Total borrowings									0	
Liquidity	External restrictions	0	0	0	0	0	0	0	7 0	0	0
	Internal Allocations	0	0	0	0	0	0	0	0	0	0
	Unallocated	0	0	0	0	0	0	0	0	0	0
	Total Cash and Cash Equivalents	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Capital	Capital Funding	0	0	0	0	0	0	0	8 0	**0**	0
	Capital Expenditure	0	0	0	0	0	0	0	0	**0**	0
	Net Capital	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

1. Approved changes – Review – Q1
These are the changes for Q1 that were approved by a previous council resolution. The original budget amount plus the approved changes determine the revised budget in this QBRS.

2. Revised budget
This figure is the original budget plus prior quarter approved changes.

3. Recommended changes for council resolution
Any change to the budget must be approved by council. By resolving to accept this QBRS, Councillors are approving the recommended changes.

4. Projected year end result
This figure is the revised forecast position of the fund at financial year end. The projected year end result is the original budget plus the approved and recommended budget changes.

The Consolidated Fund is the combination of the General, Water and Sewer funds. Some councils do not provide water or sewer to their communities.

5. Variance
This column shows the variance between the original adopted budget and the revised projected year result. Councillors should be aware of the reasons behind the variance.

6. Actual YTD
Actual year to date is the result from 1st July up until the end of the quarter being reported.

7. Internal allocations and unallocated reserves
Internal allocations and unallocated reserves demonstrate the level of liquidity of Council. Specifically, the Council's ability to cover short term liabilities such as employee entitlements.

8. Capital
The capital overview should inform council as to whether the capital works program is on track to deliver programs outlined in the IP&R documentation.

The funds are reported separately to ensure council, and the community have a clear picture of how the respective infrastructure and service delivery streams are performing – independent of councils broader (consolidated) account.

Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

NSW GOVERNMENT

Quarterly Budget Review Statement Guidelines

for Local Government

August 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work and seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Quarterly Budget Review Statement Guidelines for Local Government

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Why is transparency of performance important?

Effective oversight

Financial reports must include clear, relevant and meaningful information. They provide councillors and the community with a clear picture of how council is performing, facilitating good decisions that enable council to operate efficiently by measuring progress against goals and objectives.

Transparency

Financial reporting is an important part of a transparent and accountable local government. It enables expectations to be set, monitored and communicated. It acknowledges that each council has its own unique environment and circumstances, and specific transactions and events.

Timely

Regular reporting enables councillors and the community to regularly assess progress and measure the council's financial health. It enables variances to be understood and addressed throughout the year and facilitates timely corrective actions as required. It also enables spending commitments to be managed now and into the future.

Builds trust

Accurate, reliable and openly available financial information builds trust and engagement. It enables councillors and the community to regularly assess councils progress against its intended goals and objectives.

What is the purpose of transparent performance reporting?

Councils manage significant finances on behalf of their communities and play a pivotal role in making sure public money is directed to the assets and services most at need.

Transparent and timely performance reporting enables councillors and council staff to work together to drive and deliver the council's strategic direction, adjust to change and implement risk mitigation measures.

It is critically important that councillors have sufficient information to agree on expenditure and asset management decisions that are in the interest of their communities.

It is equally important that communities have confidence that councillors and council staff are managing council's budget appropriately and prioritising infrastructure and services that meet local needs.

That is why NSW councils are required to prepare and adopt a range of strategic plans, active reporting and performance reports and consider the financial implications of the decisions they make.

Integrated Planning and Reporting (IP&R)



Community strategic planning is the process by which councillors, with their community, establish a vision for the future of the local government area, and develop goals, objectives, strategies and actions to achieve that planned outcome, which is articulated in the council's IP&R documentation.

Annual Reporting



The annual report is a key point of accountability and communication between a council and its community and focuses on the council's implementation of what it committed to deliver in its IP&R documents for the financial year. Council end of year financial statements form part of the annual report. Financial statements provide information about the reported financial position and performance of the council during the financial year.

Quarterly Budget Review Statement (QBRS)



The QBRS is the statutory mechanism by which councillors, council staff and the community are informed of the council's financial performance against the council's original budget, at quarterly intervals.



Monthly Reporting

Monthly reports provide up-to-date reporting of council's financial positions and performance, to enable active tracking and determine future plans and decision making.

The Quarterly Budget Review Statement Guidelines for Local Government (the Guidelines) have been developed to ensure council staff report clearly and consistently to their councillors and communities, and in a manner that provides relevant and easy to read financial information.

The Guidelines outline the purpose and value of effective financial reporting, clarify the roles of council staff, councillors and the community, and establish standardised QBRS reporting templates. The Guidelines also clarify that councillors need to have visibility and be in control of the financial performance of their council.

These Guidelines have been issued under section 203 (3) of the Local Government (General) Regulation 2021 (the Regulation). This means that it is mandatory that all NSW councils, joint organisations and county council comply with the Guidelines including the standardised QBRS reporting to be presented to councillors, the community and to the Office of Local Government (OLG).

Financial reporting supports effective decision making, long-term financial sustainability and highlights budget performance, transparency and accountability to the community

Transparent, accurate and timely council financial reporting:

- provides councillors with effective oversight supporting informed and evidence-based decision making,
- provides clear, simple and meaningful financial information,
- addresses a range of questions to identify ways to improve budgetary performance and accountability, and
- minimises risk by ensuring spending is reasonable and sustainable.

It is essential that councillors understand and ask questions about the council's financial position and financial performance and make necessary budget adjustments.

The following table outlines some of the questions councillors, council staff and the community should ask when reviewing council financial reports.





Do we have effective oversight?

Is our income and expenditure tracking as we expected? If not, why not?

Is our spending reasonable and sustainable and are we operating cost effectively and efficiently?

Are we aware of key risks that could impact financial sustainability?

Are there any events or conditions which mean we need to change our spending or asset management plans?



Is the reporting transparent?

Is the information in our financial reports simple, relevant and current?

Do we have a clear picture of how council is performing?

Are we clearly communicating our financial expectations and progress?

Is there appropropriate commentary or narrative to accompany the numbers?



Is the information timely?

Do we have current information to assess, progress and measure council's financial health?

Do we have the right information to understand how council is tracking against its intended plan and to make decisions, including any necessary budget adjustments?

How soon, or frequently, are we getting the information?



Are we building trust and confidence?

Are we transparent and accountable to our community?

Are we measuring progress against goals and objectives?

Are we doing what we said we would do and are we meeting our service level expectations?



Do we have appropriate risk avoidance measures?

Do we have the capacity to meet our financial obligations?

Do we need to adjust our budget?

Can we explain our budget variances?

Are we in a position to effectively manage likely developments and unexpected financial shocks?

What is the Quarterly Budget Review process?

The quarterly budget review process enables councillors to make timely and informed decisions to ensure the council remains on track to meet its strategic objectives within budget

Section 203 of the Regulation requires the QBRS to include a summary of the council's financial performance at the end of each quarter to ensure councillors, council staff and the community are informed about council's financial progress.

The primary purpose of the QBRS is to:

- clearly communicate the council's overall financial performance
- track the council's progress determined in its original budget against council's last revised budget
- ensure that the council remains on track to meet its planned objectives, targets and outcomes, and
- ensure that the council delivers the infrastructure and services it committed to provide in its strategic plans.

Importantly, it provides a mechanism on a quarterly basis for councillors and council staff to assess and make decisions about any necessary budgetary adjustments to council's financial direction.

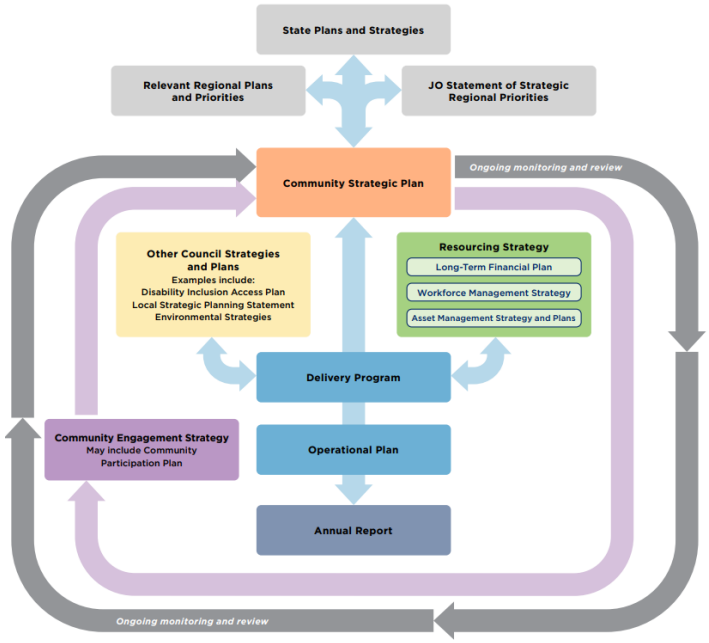
While the QBRS process is an important mechanism for councillors to track, adjust and publish reports about council's financial direction, councillors should not wait for the statutory quarterly financial reporting process. Councillors should request and receive financial reports on a monthly basis to monitor and compare council's income and expenditure

How does the QBRS fit into council strategic planning and annual reporting?

The QBRS enables the council to analyse and monitor how well they are performing against the strategic goals and objectives they set in their Integrated Planning and Reporting (IP&R) documents.

The QBRS refers to the estimate of income and expenditure outlined in the annual budget within the Operational Plan. It details actual results and revises the budget forecast for the remainder of the year. Importantly, it allows councillors to consider, and if required make, budgetary adjustments. QBRS insights and results will inform the next Resourcing Strategy (Long Term Financial Plan) or Delivery Program or lead to an amendment of the Operational Plan.

The graphic below shows how the IP&R framework operates. The QBRS, and council monthly financial reporting, fall into the dark grey 'ongoing monitoring and review' cycle.



Council end of year financial statements form part of a council annual report.

End of year financial statements are backwards looking and are not adequate for internal council reporting or decision-making purposes.

Section 416 of the *Local Government Act 1993* (the Act) requires councils to present their audited financial statements in a prescribed format by no later than 31 October each year. The Code of Accounting Practice and Financial Reporting (Code) prescribes the format for NSW councils.

The Code ensures council financial statements are prepared in a reliable, comparable format as the basis for audit and in compliance with Australian Accounting Standards. The prescribed

format also ensures that the financial statements clearly and consistently communicate each council's end of year financial position to their local community.

Council financial statements are required to be finalised and audited each year by the NSW Audit Office within 4 months after the end of a financial year. They provide a summary of past transactions and are an external report to the public. Given they are backwards looking reports, council end of year financial statements, published in annual reports, should not be used for internal decision-making purposes.

On the other hand, the QBRS is a financial management report, tailored to provide actionable financial information to councillors, as the key decision makers of council. The QBRS uses the latest financial data to ensure councillors are examining and considering the potential impact of their decisions, the likelihood and consequences of risks and the council's ability to respond to unforeseen developments on future financial sustainability.

What are the roles and responsibilities of councillors, councils and the community?

Councillors, council staff and the community all have an active role to play in the financial performance of a council.



The role of councillors

The councillors determine the strategic and spending priorities for the council and are ultimately responsible for their councils' financial performance

Mayors and councillors must make open, transparent decisions and ensure strong accountability to their community. They are responsible for looking closely at what the council is spending, how assets are managed and ensuring the council is delivering value for money by containing expenditure within income.

The QBRS is a key process to ensure councillors achieve the objectives and targets they agreed to in their suite of IP&R documents.

Councillors have a crucial role in overseeing the sound financial management of their council and under section 8B of the Act they are responsible for ensuring:

- spending is responsible, sustainable and that council revenue and expenses are aligned,
- council is investing in responsible and sustainable infrastructure for the benefit of its community,
- council financial and asset management policies are sound and effective, including its performance management and reporting, asset management and enhancement, funding decisions and risk management practices, and
- intergenerational equity is achieved by ensuring that the current generation funds council costs and that all decisions consider the long-term financial effects on future generations.

Councillors should ask questions and seek sufficient information from council staff to enable them to understand the financial situation of the council. A range of suggested questions is provided in the *'What is the purpose of transparent performance reporting?'* section of these Guidelines.

If councillors feel they have insufficient information on which to base a decision or monitor or assess a project or proposal it is important that the general manager is asked to provide further information. The general manager has a responsibility to provide councillors with the financial information, advice and support it needs to oversee council's financial management.

Under the Act, councillors have an obligation to make all reasonable efforts to acquire and maintain the skills necessary to perform their role including with respect to understanding council finances.

OLG provides a range of support and resources to assist councillors. OLG's "Hit the Ground Running" webinars and OLG's "Accounting and Financial Reporting" webinars provide councillors with advice about the financial information they should be given. These resources also encourage councillors to question if the information is sufficient and appropriate, could it be streamlined, and if there is additional financial information that would be useful. Copies of the presentations and recordings of the webinars are available for councillors and council staff to access at any time on the OLG website via the Council Portal.

The role of the general manager

The general manager is required to ensure the mayor and councillors are given timely information, advice and support and to ensure the council meets its financial obligations

Section 209 of Regulation outlines the particular responsibilities of the general manager in relation to council accounting practices to ensure:

- compliance with the provisions of the Act, regulations and any other written law relating to a council's financial obligations,
- measures are taken to secure the effective, efficient and economical management of financial operations,
- authorising and recording procedures are established to provide effective control over a council's assets, liabilities, revenue and expenditure and secure the accuracy of the accounting records, and
- that the lines of authority and the responsibilities of council financial and accounting staff are clearly defined.

In relation to the QBRS and council financial performance, section 335(f) of the Act requires the general manager to ensure that the mayor and other councillors are given timely information, advice and support to effectively discharge their duties.

The role of the responsible accounting officer

The responsible accounting officer needs to establish and maintain a system of budgetary control and enable monthly monitoring of council's income and expenditure

The general manager designates someone to be the council's responsible accounting officer (RAO) or can designate themself as the RAO (Regulation s.196).

Section 203 of the Regulation requires the council's responsible accounting officer to prepare and submit a QBRS to a council meeting within 2 months of the end of each quarter.

The purpose of the RAO considering and reporting on council's financial performance in the QBRS is to assess if the council's projected year end result as at the end of each quarter has any likely impact on the council's financial position based on the original estimate of income and expenditure determined in the council's Resourcing Strategy. If the position is unsatisfactory the RAO is required to make recommendations for remedial action.

To do this, the responsible accounting officer needs to:

- Establish and maintain a system of budgetary control (Regulation s.202(a))
- Enable council's actual income and expenditure to be monitored and compared monthly (Regulation s.202(a))
- Report to the next meeting of council if actual income or expenditure is materially different to the original estimate (Regulation s.202(b))
- Submit the QBRS to a council meeting no later than 2 months after the end of each quarter (except June quarter) (Regulation s.203(1))
- Ensure a report is included stating whether the RAO believes the council's financial performance is satisfactory, and if not, what recommendations should be implemented (Regulations s.203 (2 a and b))

These Guidelines also require additional actions from the RAO as outlined in the '*What needs to be reported in the QBRS and when*' section.

The role of the community

Councils manage significant resources and provide a broad range of assets and services for their communities.

Financial reporting is an important part of a transparent, accountable and effectively run council. It is also a critical element to ensure that council is making decisions that are in the best interest of the community, now and into the future, and that the council remains financially sustainable.

Community members should have access to the information outlined in these Guidelines so they can understand, monitor and hold their council to account for its financial wellbeing.

They should review the council's financial reports and ask the questions highlighted in the '*What is the purpose of transparent performance reporting?*' section of these Guidelines.

They should also ensure that the council is reporting it's QBRS on time and in a manner that is openly available to the community.

What needs to be reported in the QBRS and when?

What needs to be presented to a council meeting?

The QBRS needs to provide sufficient information to alert councillors, council staff and the community to any potential issues that may impact the council's ability to achieve the strategies and financial targets set in council's IP&R documentation and to maintain council's targeted financial position

The QBRS should adequately disclose the council's overall financial performance and provide sufficient information to enable informed and transparent decision making.

The QBRS needs to show the revised estimated income and expenditure for the year against the original estimate of annual income and expenditure determined in council's Operational Plan, along with explanations for variances and, if required, recommended changes.

These Guidelines establish the mandated and standardised requirements to be included in a QBRS presented to the councillors at a council meeting, including:

- a QBRS Financial Overview – providing a one-page snapshot of how council is performing at the end of the quarter
- Income and Expenses Budget Review Statement in each of the following formats (where applicable to a council):
    - Consolidated fund
    - General fund
    - Water fund
    - Sewer fund
- Capital Budget Review Statement,
- Cash and Investments Budget Review Statement,
- Summary of Developer Contributions, and
- A report from the RAO stating whether the RAO believes council's financial position is satisfactory, and if not, what recommendations should be implemented.

Councils may add additional narrative, commentary and supplementary information, however each council in NSW must use, and not adjust, the standardised templates in these Guidelines.

These Guidelines also introduce a new requirement for each council to report their QBRS with a covering financial overview and then report at consolidated, general, water, and sewer fund level (where applicable to councils). These Guidelines also introduce a requirement to provide a summary of developer contributions. This shift to report the various council funds will ensure that councillors, council staff and communities have a clear picture of not only how their council is operating at a holistic level, but also how each fund is operating on its own merit.

To build transparency, accountability and community trust, council staff need to ensure the QBRS is easily located on council's website.

Councillors are required to consider the QBRS presented to it, resolve to note the QBRS and adopt appropriate action to correct an unsatisfactory position identified in the QBRS. Council cannot make changes to the budget unless the budget adjustments have been considered and adopted by councillors, as the governing body of the council.

What needs to be reported to the Office of Local Government?

These Guidelines establish a new process requiring all NSW councils to provide OLG with a full copy of each of the QBRS documents mandated in these Guidelines and a copy of the relevant resolution.

These Guidelines also establish a new process for all NSW councils to provide OLG with an electronic QBRS data return on a quarterly basis. OLG will issue an electronic data template, aligned to the templates in these Guidelines, for this purpose.

Separate to the QBRS process and as explained earlier in the 'End of year financial statements' section of these Guidelines, council financial statements are required to be finalised and audited by 31 October each year. These Guidelines, issued under section 203 (3) of the Regulation, mandate the requirement that each council's end of year financial data must be provided in the form of an annual financial data return (FDR) to OLG by 31 October each year.

OLG will use the QBRS and FDR financial reporting data to monitor compliance, undertake performance reviews and risk assessments and, if required, undertake any necessary regulatory enforcement.

Currently the FDR is published on the YourCouncil website. In time, and to ensure the community has readily available and comparable data, OLG intends to also publish council QBRS information on the YourCouncil website.

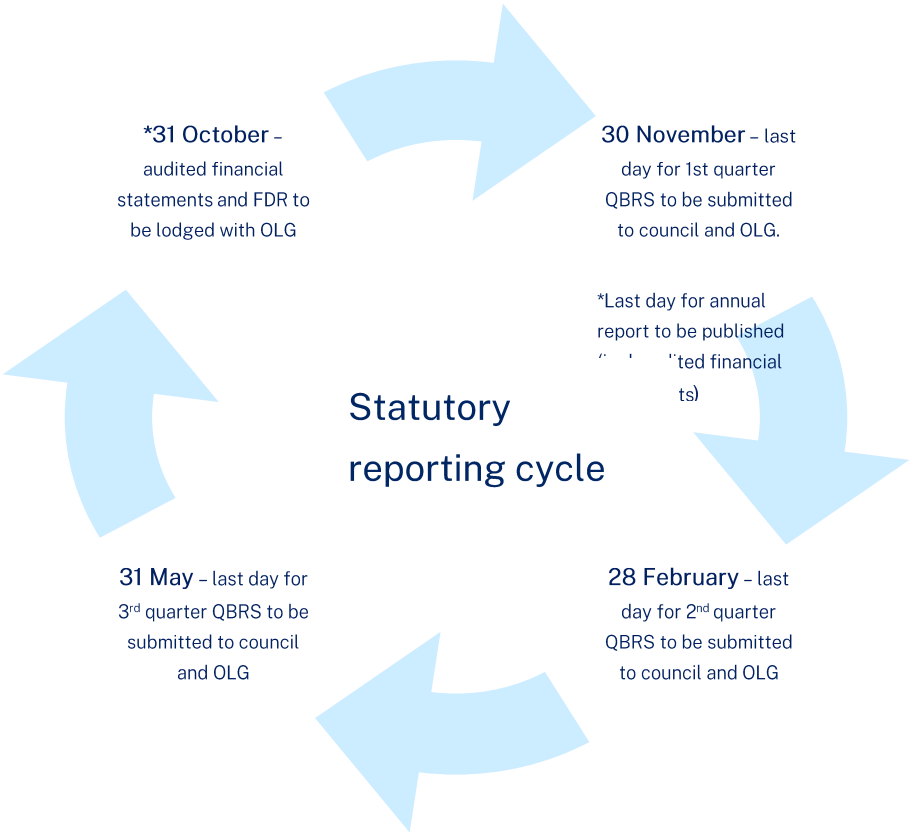
When does the QBRS need to be presented?

Section 203 of the Regulation requires that the QBRS must be reported to councillors at a council meeting within 2 months after the end of each quarter, except the 4th (June) quarter.

The community is entitled to have access to accurate, reliable and openly available financial information. Council staff need to ensure their QBRS documentation is easy to find on council's webpage.

To appropriately manage resources and to understand current council financial positions and performance, monthly financial information should also be prepared, discussed and presented to councillors.

Monthly financial reports should include, as a minimum, an income statement for the month and year to date, a balance sheet, council's cash position, highlight material budget variances and an include an investment report.



While the table above outlines statutory financial reporting timeframes, councillors should not wait for the QBRS to receive an update on their council's financial performance. The items marked with an asterix (*) are not part of the QBRS cycle.

While the QBRS is a mandated report, financial reporting information should be provided to councillors at least monthly – council staff should not wait for the QBRS to present and discuss financial information with councillors.

QBRS minimum reporting templates

Template report by RAO

The following template is the minimum requirement for the RAO's statement and should be submitted with the QBRS minimum reporting templates.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for [Name] Council for the quarter ended xx/xx/xx indicates that Council's projected financial position at 30/6/XX will be *satisfactory / unsatisfactory* at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

In the case of an unsatisfactory financial position:

The responsible accounting officer is to state recommendations for remedial action here.

Signed: _____ Date: _____/_____/_____

Name

Responsible Accounting Officer, [Name] Council

QBRS Overview

QBRS FINANCIAL OVERVIEW

(Name) Council

Budget review for the quarter ended - XX XXXXXXX 20XX

DESCRIPTION		Previous Year Actual 20xx/xx $000's	Current Year Original Budget 20xx/xx $000's	Approved Changes Review Q1 $000's	Approved Changes Review Q2 $000's	Approved Changes Review Q3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 20xx/xx $000's	VARIANCE ORIGINAL budget v PYE 20xx/xx $000's	ACTUAL YTD 20xx/xx $000's
Net Operating Result before grants and contributions provided for capital purposes	General Fund	0	0	0	0	0	0	0	0	0	0
	Water Fund	0	0	0	0	0	0	0	0	0	0
	Sewer Fund	0	0	0	0	0	0	0	0	0	0
	Consolidated	0	0	0	0	0	0	0	0	0	0
Operating Result from continuing operations (with capital grants and contributions) excluding depreciation, amortisation and impairment of non financial assets	Consolidated	0	0	0	0	0	0	0	0	0	0
Borrowings	Total borrowings									0	
Liquidity	External restrictions	0	0	0	0	0	0	0	0	0	0
	Internal Allocations	0	0	0	0	0	0	0	0	0	0
	Unallocated	0	0	0	0	0	0	0	0	0	0
	Total Cash and Cash Equivalents	0	0	0	0	0	0	0	0	0	0
Capital	Capital Funding	0	0	0	0	0	0	0	0	0	0
	Capital Expenditure	0	0	0	0	0	0	0	0	0	0
	Net Capital	0	0	0	0	0	0	0	0	0	0

		Opening Balance As at 1 July 20xx $000's	Total Cash Contributions Received As at this Q $000's	Total Interest Earned As at this Q $000's	Total Expended As at this Q $000's	Total Internal Borrowings (to)/from As at this Q $000's	Held as Restricted Asset As at this Q $000's	Cumulative balance of internal borrowings (to)/from As at this Q $000's
Developer Contribution	Total Developer Contributions	0	0	0	0	0	0	0

Income and Expenses Budget Review Statement – Consolidated Fund

Income and Expenses Budget Review Statement

[Name] Council

Budget review for the quarter ended - XX XXXXXXX 20XX

Consolidated Fund

Description	Previous Year Actual 20xx/xx $000's	Current Year Original Budget 20xx/xx $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 20xx/xx $000's	VARIANCE ORIGINAL budget v PYE 20xx/xx $000's	ACTUAL YTD 20xx/xx $000's
INCOME										
Rates and Annual Charges									0	
User Charges and Fees									0	
Other Revenue									0	
Grants and Contributions - Operating									0	
Grants and Contributions - Capital									0	
Interest and Investment Income									0	
Other Income									0	
Net gain from disposal of assets									0	
Total Income from continuing operations	0	0	0	0	0	0	0	0	0	0
EXPENSES										
Employee benefits and on-costs									0	
Materials & Services									0	
Borrowing Costs									0	
Other Expenses									0	
Net Loss from Disposal of Assets									0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	0	0	0	0	0	0	0	0	0	0
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	0	0	0	0	0	0	0	0	0	0
Depreciation, amortisation and impairment of non financial assets									0	
Operating result from continuing Operations	0	0	0	0	0	0	0	0	0	0
Net Operating Result before grants and contributions provided for capital purposes	0	0	0	0	0	0	0	0	0	0

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan

2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

Income and Expenses Budget Review Statement – General Fund

Income and Expenses Budget Review Statement

[Name] Council

Budget review for the quarter ended - XX XXXXXXX 20XX

General Fund

Description	Previous Year Actual 20xx/xx $000's	Current Year Original Budget 20xx/xx $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 20xx/xx $000's	VARIANCE ORIGINAL budget v PYE 20xx/xx $000's	ACTUAL YTD 20xx/xx $000's
INCOME										
Rates and Annual Charges									0	
User Charges and Fees									0	
Other Revenue									0	
Grants and Contributions - Operating									0	
Grants and Contributions - Capital									0	
Interest and Investment Income									0	
Other Income									0	
Net gain from disposal of assets									0	
Total Income from continuing operations	0	0	0	0	0	0	0	0	0	0
EXPENSES										
Employee benefits and on-costs									0	
Materials & Services									0	
Borrowing Costs									0	
Other Expenses									0	
Net Loss from Disposal of Assets									0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	0	0	0	0	0	0	0	0	0	0
Operating Result from continuing operations exluding deprecitation, amortisation and impairment of non financial assets	0	0	0	0	0	0	0	0	0	0
Depreciation, amortisation and impairment of non financial assets									0	
Operating result from continuing Operations	0	0	0	0	0	0	0	0	0	0
Net Operating Result before grants and contributions provided for capital purposes	0	0	0	0	0	0	0	0	0	0

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan

2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

Income and Expenses Budget Review Statement – Water Fund

Income and Expenses Budget Review Statement

[Name] Council

Budget review for the quarter ended - XX XXXXXXX 20XX

Water Fund

Description	Previous Year Actual 20xx/xx $000's	Current Year Original Budget 20xx/xx $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 20xx/xx $000's	VARIANCE ORIGINAL budget v PYE 20xx/xx $000's	ACTUAL YTD 20xx/xx $000's
INCOME										
Access Charges									0	
User Charges									0	
Fees									0	
Grants & Contributions - Operating									0	
Interest and Investment Income									0	
Other Income									0	
Net gain from disposal of assets									0	
Total Income from continuing operations	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
EXPENSES										
Employee benefits and on-costs									0	
Materials & Services									0	
Borrowing Costs									0	
Water purchase charges									0	
Calculated taxation equivalents									0	
Debt guarantee fee									0	
Other Expenses									0	
Net Loss from Disposal of Assets									0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Depreciation, amortisation and impairment of non financial assets									0	
Surplus / Deficit from continuing operations before capital amounts	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Grants and Contributions - Capital									0	
Surplus / Deficit from continuing operations after capital amounts	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan

2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

Income and Expenses Budget Review Statement – Sewer Fund

Income and Expenses Budget Review Statement

[Name] Council

Budget review for the quarter ended - XX XXXXXXX 20XX

Sewer Fund

Description	Previous Year Actual 20xx/xx $000's	Current Year Original Budget 20xx/xx $000's	Approved Changes Review Q1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 20xx/xx $000's	VARIANCE ORIGINAL budget v PYE 20xx/xx $000's	ACTUAL YTD 20xx/xx $000's
INCOME										
Access charges									0	
User charges									0	
Liquid trade-waste charges									0	
Fees									0	
Grants and contributions - Operating									0	
Interest and Investment Income									0	
Other Income									0	
Net gain from disposal of assets									0	
Total Income from continuing operations	0	0	0	0	0	0	0	0	0	0
EXPENSES										
Employee benefits and on-costs									0	
Materials & Services									0	
Borrowing Costs									0	
Calculated taxation equivalents									0	
Debt Guarantee fee									0	
Other Expenses									0	
Net Loss from Disposal of Assets									0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	0	0	0	0	0	0	0	0	0	0
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	0	0	0	0	0	0	0	0	0	0
Depreciation, amortisation and impairment of non financial assets									0	
Surplus / Deficit from continuing operations before capital amounts	0	0	0	0	0	0	0	0	0	0
Grants and Contributions - Capital									0	
Surplus / Deficit from continuing operations after capital amounts	0	0	0	0	0	0	0	0	0	0

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan

2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

Capital Budget Review Statement

Capital Budget Review Statement

[Name] Council

Budget review for the quarter ended - XX XXXXXXX 20XX

Description	Previous Year Actual 20xx/xx $000's	Current Year Original Budget 20xx/xx $000's	Approved Changes Review Q1 $000's	Approved Changes Review Q2 $000's	Approved Changes Review Q3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 20xx/xx $000's	VARIANCE ORIGINAL budget v PYE 20xx/xx $000's	ACTUAL YTD 20xx/xx $000's
CAPITAL FUNDING										
Rates & other untied funding									0	
Capital Grants & Contributions									0	
Reserves - External Restrictions									0	
Reserves - Internally Allocated									0	
New Loans									0	
Proceeds from sale of assets									0	
Other - specify									0	
Total Capital Funding	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
CAPITAL EXPENDITURE										
WIP									0	
New Assets									0	
Asset Renewal									0	
Other - specify									0	
Total Capital Expenditure	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Net Capital Funding - Surplus / Deficit	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

Where the **Total Capital Funding** and the **Total Capital Expenditure** values do not match an explanation is to be provided.

Carry over funding from previous year should be identified and any proposed carry forwards into next financial year are to be explained.

The quarterly recommended changes to the revised budget are to include:

1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan

3) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

Cash and Investments Budget Review Statement

Cash and Investments Budget Review Statement

[Name] Council

Budget review for the quarter ended - XX XXXXXXX 20XX

Desciption	Previous Year Actual 20xx/xx $000's	Current Year Original Budget 20xx/xx $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 20xx/xx $000's	VARIANCE ORIGINAL budget v PYE 20xx/xx $000's	ACTUAL YTD 20xx/xx $000's
Total Cash, Cash Equivalents & Investments										
EXTERNALLY RESTRICTED										
Water Fund									0	
Sewer Fund									0	
Developer contributions - *General*									0	
Developer contributions - *Water*									0	
Developer contributions - *Sewer*									0	
Transport for NSW Contributions									0	
Domestic waste management									0	
Stormwater management									0	
Other (please specify)									0	
Total Externally Restricted	0	0	0	0	0	0	0	0	0	0
Cash, cash equivalents & investments not subject to external restrictions	0	0	0	0	0	0	0	0	0	0
INTERNAL ALLOCATIONS										
Employee leave entitlements									0	
Insert nature of allocation									0	
Insert nature of allocation									0	
Insert nature of allocation									0	
Total Internally Allocated	0	0	0	0	0	0	0	0	0	0
Unallocated	0	0	0	0	0	0	0	0	0	0

External Restrictions - must be used for a specific purpose and are not to be used for general operations. The funds are bound by legislation or third party agreement that restricts their use.

Internal Allocations - Council have allocated by resolution or policy to iidentified programs of work and any forward plans identified by Council. These allocations are at the discretion of council.

Developer Contribution Summary

Summary Developer Contributions

[Name] Council

Budget review for the quarter ended - XX XXXXXXX 20XX

Purpose	Opening Balance As at 1 July 20xx $000's	Contributions Received: Total Actual Cash As at this Q $000's	Contributions Received: Total Non-Cash Land As at this Q $000's	Contributions Received: Total Non-Non-Cash Other As at this Q $000's	Total Actual Interest Earned As at this Q $000's	Total Amounts Expended As at this Q $000's	Total Internal Borrowings (to)/from As at this Q $000's	Held as Restricted Asset As at this Q $000's	Cumulative balance of internal borrowings (to)/from As at this Q $000's
Drainage								0	
Roads								0	
Traffic facilites								0	
Parking								0	
Open space								0	
Community facilities								0	
Other								0	
Total S7.11 Under plans	0	0	0	0	0	0	0	0	0
S7.11 Not under plans								0	
S7.12 Levies								0	
S7.4 Planning agreements								0	
S64 Contributions								0	
Other								0	
Total Developer Contributions	0	0	0	0	0	0	0	0	0

Notes

All developer contributions received are to be disclosed, and distinguished as cash or non cash. Recognition occures when Council gains control over the asset (cash or non cash).

Councils have obligations to provide facilities from contribution revenue levied on developers under the provisions of s7.4,7.11 and 7.12 of the EPA Act 1979.

Developer contributions may only be expended for the purpose for which the contribution s were required, however council mayt applyt contributions according to the priorities established in work schedules for the contribution plan.

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QBRS FINANCIAL OVERVIEW

Ballina Shire Council

Budget review for the quarter ended 30/09/25

DESCRIPTION		Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
Net Operating Result before grants and contributions provided for capital purposes	General Fund	3,713	-4,533	0	0	0	-4,533	-1,319	-5,852	-1,319	25,545
	Water Fund	-263	818	0	0	0	818	-107	711	-107	239
	Sewer Fund	5,274	4,807	0	0	0	4,807	1,962	6,769	1,962	15,509
	Consolidated	9,245	1,092	0	0	0	1,092	536	1,628	536	41,275
Operating Result from continuing operations (with capital grants and contributions) excluding depreciation, amortisation and impairment of non financial assets	**Consolidated**	**62,110**	**99,331**	**0**	**0**	**0**	**99,331**	**-3,312**	**96,019**	**-3,312**	**63,282**
Borrowings	Total borrowings	4,000	1,250						1,250	0	0
Liquidity	External restrictions	78,220	51,157	0	0	0	51,157	9,261	60,418	9,261	73,667
	Internal Allocations	33,796	40,289	0	0	0	40,289	-295	39,994	-295	32,038
	Unallocated	4,577	7,251	0	0	0	7,251	-3,040	4,211	-3,040	23,513
	Total Cash, Cash Equivalents and Investments	**116,593**	**98,697**	**0**	**0**	**0**	**98,697**	**5,926**	**104,623**	**5,926**	**129,218**
Capital	Capital Funding	53,104	115,015	0	0	0	115,015	-12,154	102,861	-12,154	8,343
	Capital Expenditure	53,104	115,015	0	0	0	115,015	-12,154	102,861	-12,154	8,343
	Net Capital	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

		Opening Balance As at 1 July 2025 $000's	Total Cash Contributions Received As at this Q $000's	Total Interest Earned As at this Q $000's	Total Expended As at this Q $000's	Total Internal Borrowings (to)/from As at this Q $000's	Held as Restricted Asset As at this Q $000's	Cumulative balance of internal borrowings (to)/from As at this Q $000's
Developer Contribution	Total Developer Contributions	46,168	1,096	0	1,628	0	45,636	0

Income and Expenses Budget Review Statement

Ballina Shire Council

Budget review for the quarter ended 30/09/2025

Consolidated Fund

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
INCOME										
Rates and Annual Charges	65,020	67,750				67,750	92	67,842	92	65,586
User Charges and Fees	34,210	48,170				48,170	253	48,423	253	8,195
Other Revenue	3,431	3,346				3,346	1,978	5,324	1,978	1,681
Grants and Contributions - Operating	11,690	12,102				12,102	432	12,534	432	1,892
Grants and Contributions - Capital	22,255	67,819				67,819	-3,848	63,971	-3,848	14,402
Interest and Investment Income	5,410	4,422				4,422		4,422	0	19
Other Income	5,784	5,294				5,294	-202	5,092	-202	2,103
Net gain from disposal of assets	9,849	2,330				2,330		2,330	0	
Total Income from continuing operations	**157,649**	**211,233**	**0**	**0**	**0**	**211,233**	**-1,295**	**209,938**	**-1,295**	**93,878**
EXPENSES										
Employee benefits and on-costs	38,505	40,239				40,239	0	40,239	0	11,522
Materials & Services	49,690	61,183				61,183	1,990	63,173	1,990	18,223
Borrowing Costs	4,067	3,475				3,475		3,475	0	119
Other Expenses	3,277	3,955				3,955	27	3,982	27	732
Net Loss from Disposal of Assets		3,050				3,050		3,050	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**95,539**	**111,902**	**0**	**0**	**0**	**111,902**	**2,017**	**113,919**	**2,017**	**30,596**
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**62,110**	**99,331**	**0**	**0**	**0**	**99,331**	**-3,312**	**96,019**	**-3,312**	**63,282**
Depreciation, amortisation and impairment of non financial assets	30,610	30,420				30,420		30,420	0	7,605
Operating result from continuing Operations	**31,500**	**68,911**	**0**	**0**	**0**	**68,911**	**-3,312**	**65,599**	**-3,312**	**55,677**
Net Operating Result before grants and contributions provided for capital purposes	**9,245**	**1,092**	**0**	**0**	**0**	**1,092**	**536**	**1,628**	**536**	**41,275**

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget
Revised Budget +/- recommended changes this quarter = PROJECTED year results

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1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
2) any impacts of year to date expenditure on recommended changes to budget

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The narrative is important in understanding why budget changes are necessary.

Income and Expenses Budget Review Statement

Ballina Shire Council

Budget review for the quarter ended 30/09/2025

General Fund

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
INCOME										
Rates and Annual Charges	39,191	41,126				41,126	92	41,218	92	41,533
User Charges and Fees	22,791	35,553				35,553	253	35,806	253	7,422
Other Revenue	2,127	2,103				2,103	-22	2,081	-22	1,681
Grants and Contributions - Operating	11,379	11,685				11,685	432	12,117	432	1,402
Grants and Contributions - Capital	17,713	62,319				62,319	-3,848	58,471	-3,848	14,089
Interest and Investment Income	3,061	3,003				3,003		3,003	0	
Other Income	5,784	4,952				4,952	-202	4,750	-202	1,914
Net gain from disposal of assets	10,838	2,330				2,330		2,330	0	
Total Income from continuing operations	**112,884**	**163,071**	**0**	**0**	**0**	**163,071**	**-3,295**	**159,776**	**-3,295**	**68,041**
EXPENSES										
Employee benefits and on-costs	30,581	32,037				32,037	0	32,037	0	10,199
Materials & Services	31,922	42,536				42,536	1,883	44,419	1,883	11,403
Borrowing Costs	2,160	1,777				1,777		1,777	0	94
Other Expenses	2,700	3,015				3,015	-11	3,004	-11	731
Net Loss from Disposal of Assets	0	2,000				2,000		2,000	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**67,363**	**81,365**	**0**	**0**	**0**	**81,365**	**1,872**	**83,237**	**1,872**	**22,427**
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**45,521**	**81,706**	**0**	**0**	**0**	**81,706**	**-5,167**	**76,539**	**-5,167**	**45,614**
Depreciation, amortisation and impairment of non financial assets	24,095	23,920				23,920		23,920	0	5,980
Operating result from continuing Operations	**21,426**	**57,786**	**0**	**0**	**0**	**57,786**	**-5,167**	**52,619**	**-5,167**	**39,634**
Net Operating Result before grants and contributions provided for capital purposes	**3,713**	**-4,533**	**0**	**0**	**0**	**-4,533**	**-1,319**	**-5,852**	**-1,319**	**25,545**

Notes

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Income and Expenses Budget Review Statement

Ballina Shire Council

Budget review for the quarter ended 30/09/2025

Water Fund

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
INCOME										
Access Charges	5,121	5,507				5,507		5,507	0	4,672
User Charges	9,113	10,520				10,520		10,520	0	432
Fees	819	678				678		678	0	193
Grants & Contributions - Operating	156	156				156		156	0	174
Interest and Investment Income	1,065	901				901		901	0	3
Other Income						0		0	0	
Net gain from disposal of assets						0		0	0	
Total Income from continuing operations	**16,274**	**17,762**	**0**	**0**	**0**	**17,762**	**0**	**17,762**	**0**	**5,474**
EXPENSES										
Employee benefits and on-costs	2,879	2,980				2,980		2,980	0	433
Materials & Services	2,036	2,072				2,072	29	2,101	29	1,079
Borrowing Costs	0					0		0	0	1
Water purchase charges	8,799	9,415				9,415	78	9,493	78	3,272
Calculated taxaxtion equivalents	78					0		0	0	
Debt guarantee fee						0		0	0	
Other Expenses	212	227				227		227	0	
Net Loss from Disposal of Assets	759	450				450		450	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**14,763**	**15,144**	**0**	**0**	**0**	**15,144**	**107**	**15,251**	**107**	**4,785**
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**1,511**	**2,618**	**0**	**0**	**0**	**2,618**	**-107**	**2,511**	**-107**	**689**
Depreciation, amortisation and impairment of non financial assets	1,774	1,800				1,800		1,800	0	450
Surplus / (Deficit) from continuing operations before capital amounts	**-263**	**818**	**0**	**0**	**0**	**818**	**-107**	**711**	**-107**	**239**
Grants and Contributions - Capital	490	1,500				1,500		1,500	0	33
Surplus / (Deficit) from continuing operations after capital amounts	**227**	**2,318**	**0**	**0**	**0**	**2,318**	**-107**	**2,211**	**-107**	**272**

Notes

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Income and Expenses Budget Review Statement
Ballina Shire Council
Budget review for the quarter ended 30/09/2025
Sewer Fund

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
INCOME										
Access charges	20,708	21,117				21,117		21,117	0	19,381
User charges	1,487	1,755				1,755		1,755	0	281
Liquid trade-waste charges						0		0	0	
Fees						0		0	0	24
Grants and contributions - Operating	155	261				261		261	0	334
Interest and Investment Income	1,284	518				518		518	0	16
Other Income	1,304	1,249				1,249	2,000	3,249	2,000	32
Net gain from disposal of assets						0		0	0	
Total Income from continuing operations	**24,938**	**24,900**	**0**	**0**	**0**	**24,900**	**2,000**	**26,900**	**2,000**	**20,068**
EXPENSES										
Employee benefits and on-costs	5,045	5,222				5,222		5,222	0	890
Materials & Services	6,933	7,160				7,160		7,160	0	2,469
Borrowing Costs	1,907	1,698				1,698		1,698	0	24
Calculated taxation equivalents	74					0		0	0	
Debt Guarantee fee	369					0		0	0	
Other Expenses	365	713				713	38	751	38	1
Net Loss from Disposal of Assets	230	600				600		600	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**14,923**	**15,393**	**0**	**0**	**0**	**15,393**	**38**	**15,431**	**38**	**3,384**
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**10,015**	**9,507**	**0**	**0**	**0**	**9,507**	**1,962**	**11,469**	**1,962**	**16,684**
Depreciation, amortisation and impairment of non financial assets	4,741	4,700				4,700		4,700	0	1,175
Surplus / (Deficit) from continuing operations before capital amounts	**5,274**	**4,807**	**0**	**0**	**0**	**4,807**	**1,962**	**6,769**	**1,962**	**15,509**
Grants and Contributions - Capital	4,052	4,000				4,000		4,000	0	280
Surplus /(Deficit) from continuing operations after capital amounts	**9,326**	**8,807**	**0**	**0**	**0**	**8,807**	**1,962**	**10,769**	**1,962**	**15,789**

Notes

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Capital Budget Review Statement

Ballina Shire Council

Budget review for the quarter ended 30/09/2025

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
CAPITAL FUNDING										
Rates & other untied funding	7,524	10,519				10,519		10,519	0	1,131
Capital Grants & Contributions	12,489	49,927				49,927	-3,848	46,079	-3,848	1,686
Reserves - External Restrictions	19,196	34,209				34,209	-7,344	26,865	-7,344	2,916
Reserves - Internally Allocated	9,895	19,110				19,110	-962	18,148	-962	2,610
New Loans	4,000	1,250				1,250		1,250	0	
Proceeds from sale of assets						0		0	0	
Other						0		0	0	
Total Capital Funding	**53,104**	**115,015**	**0**	**0**	**0**	**115,015**	**-12,154**	**102,861**	**-12,154**	**8,343**
CAPITAL EXPENDITURE										
WIP	53,104	115,015				115,015	-12,154	102,861	-12,154	8,343
New Assets						0		0	0	
Asset Renewal						0		0	0	
Other						0		0	0	
Total Capital Expenditure	**53,104**	**115,015**	**0**	**0**	**0**	**115,015**	**-12,154**	**102,861**	**-12,154**	**8,343**
Net Capital Funding - Surplus /(Deficit)	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

Where the **Total Capital Funding** and the **Total Capital Expenditure** values do not match an explanation is to be provided.

Carry over funding from previous year should be identified and any proposed carry forwards into next financial year are to be explained.

The quarterly recommended changes to the revised budget are to include:
1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan

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Cash and Investments Budget Review Statement

Ballina Shire Council

Budget review for the quarter ended 30/09/2025

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution Q1 $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
Total Cash, Cash Equivalents & Investments	116,593	98,697				98,697	5,926	104,623	5,926	129,218
EXTERNALLY RESTRICTED										
Water Fund	7,370	7,465				7,465	-299	7,166	-299	4,599
Sewer Fund	12,676	10,024				10,024	-407	9,617	-407	14,885
Developer contributions - *General*	25,500	11,435				11,435	10,396	21,831	10,396	24,957
Developer contributions - *Water*	11,205	12,302				12,302		12,302	0	11,236
Developer contributions - *Sewer*	9,499	8,977				8,977	-491	8,486	-491	9,479
Transport for NSW Contributions						0		0	0	
Domestic waste management	1,604	954				954	62	1,016	62	8,511
Stormwater management						0		0	0	
Other	10,366					0		0	0	
Total Externally Restricted	**78,220**	**51,157**	**0**	**0**	**0**	**51,157**	**9,261**	**60,418**	**9,261**	**73,667**
Cash, cash equivalents & investments not subject to external restrictions	**38,373**	**47,540**	**0**	**0**	**0**	**47,540**	**-3,335**	**44,205**	**-3,335**	**55,551**
INTERNAL ALLOCATIONS										
Employee entitlements	2,994	2,994				2,994		2,994	0	2,994
Insert nature of allocation						0		0	0	
Insert nature of allocation						0		0	0	
Insert nature of allocation						0		0	0	
Insert nature of allocation						0		0	0	
Insert nature of allocation						0		0	0	
Other	30,802	37,295				37,295	-295	37,000	-295	29,044
Total Internally Allocated	**33,796**	**40,289**	**0**	**0**	**0**	**40,289**	**-295**	**39,994**	**-295**	**32,038**
Unallocated	**4,577**	**7,251**	**0**	**0**	**0**	**7,251**	**-3,040**	**4,211**	**-3,040**	**23,513**

External Restrictions - must be used for a specific purpose and are not to be used for general operations. The funds are bound by legislation or third party agreement that restricts their use.
Internal Allocations - Council have allocated by resolution or policy to identified programs of work and any forward plans identified by Council. These allocations are at the discretion of council.

Developer Contributions Summary

Ballina Shire Council

Budget review for the quarter ended 30/09/2025

Purpose	Opening Balance	Developer Contributions Received									Interest Earned	Interest Earned	Interest Earned	Amounts Expended	Amounts Expended	Amounts Expended	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Held as Restricted Asset	Cumulative balance of internal borrowings (to)/from
		Cash	Cash	Cash	Non-Cash Land	Non-Cash Land	Non-Cash Land	Non-Cash Other	Non-Cash Other	Non-Cash Other											
	As at 1 July 2025	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	As at this Q	As at this Q
	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's
Drainage																				**0**	
Roads	16,043	250												288						**16,005**	
Traffic facilities	1,187	66																		**1,253**	
Parking	1,176	366																		**1,542**	
Open space	5,225	101												1,038						**4,288**	
Community facilities																				**0**	
Other	1,833	0																		**1,833**	
Total S7.11 Under plans	**25,464**	**783**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1,326**	**0**	**0**	**0**	**0**	**0**	**24,921**	**0**
S7.11 Not under plans																				**0**	
S7.12 Levies																				**0**	
S7.4 Planning agreements																				**0**	
S64 Contributions	20,704	313												302						**20,715**	
Other																				**0**	
Total Developer Contributions	**46,168**	**1,096**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1,628**	**0**	**0**	**0**	**0**	**0**	**45,636**	**0**

Notes

All developer contributions received are to be disclosed, and distinguished as cash or non cash. Recognition occures when council gains control over the asset (cash or non cash).

Councils have obligations to provide facilities from contribution revenue levied on developers under the provisions of s7.4,s7.11 and s7.12 of the *Environmental Planning and Assessment Act 1979*.

Developer contributions may only be expended for the purpose for which the contributions were required, however council may apply contributions according to the priorities established in work schedules for the contribution plan.

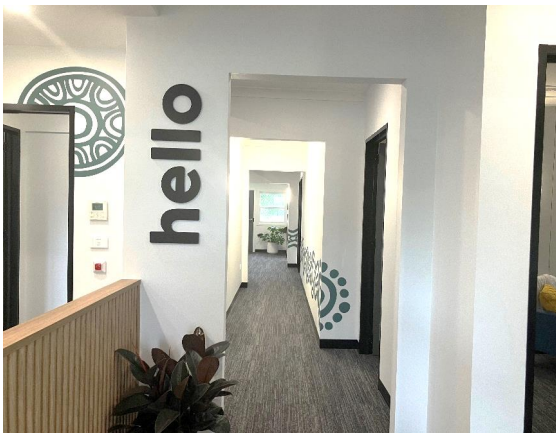
'*Amounts Expended*' only includes monetary expenditure. The result should be a positive and not negative result.

Activity Overview: 32 Swift Street, Ballina NSW

Delivering headspace Ballina

Introduction

In 2024, following consultation from Young People and local service providers, Social Futures made the decision to operate a new service, headspace Ballina from 32 Swift Street. This program would become the largest Youth Program in the Ballina region, and significant upgrades and renovations to the site aimed to improve space to better reflect the needs of Young People and increase the service capacity.



These renovations maintained the purpose of 32 Swift Street as a multipurpose Youth Activity space to include spaces for counselling and 1:1 supports, group activities and larger community events in the backyard space.

Since these renovations, Social Futures has seen the space revitalised, with many Young People providing positive feedback on how safe and comfortable they are. The headspace service has with social groups, delivered a school holiday program and has hosted two large community events which celebrated Young People and provided an opportunity for social connection.

Activities delivered from 32 Swift Street

32 Swift Street Ballina is the service location for headspace Ballina, a social and emotional wellbeing program which provides mental health, social and community engagement activities directed to Young People in the Ballina region. The evolution of the space, through significant renovations has increased the capacity for the location to provide support for Young People and the local community.

In reflecting the local community, activities delivered by Social Futures have a focus on both social and therapeutic supports, which aim to increase access for Young People from Aboriginal and Torres Strait Islander Backgrounds and the LGBTIQSB+ Community.

These programs are largely delivered under the headspace Program banner, also include services delivered by other Social Futures programs such as Reconnect, Resilient Kids and Youth Housing Supports. All programs from 32 Swift Street, are delivered to Young People aged between 12-25 years and their families through a no-wrong door approach to seeking supports.



Image: Young Person performing at a Community Event held at 32 Swift Street

Individual Supports

Over 270 Young People are expected to receive individual supports through the headspace Program each year. These supports are delivered by a multidisciplinary team of mental health professionals through a social and emotional wellbeing and psychological intervention framework.

Through the headspace and Reconnect program from Social Futures, and an in-kind arrangement with the Buttery Young People can access supports the following supports:

- Mental Health
- Alcohol and other Drugs
- Family Supports
- Work and Study

The headspace Program also delivers Social and Emotional Wellbeing supports to Aboriginal and Torres Strait Islander Young People through from Aboriginal and Torres Strait Islander staff, if they choose. These supports can be delivered alongside other supports in the headspace Program, if preferred by the Young Person.

A snapshot of the key data from the first six months of the program in FY24-25[1] is included below. Young People can access these supports Monday to Thursday between the hours of 10-6pm in person, and remotely via phone between 9-5pm on Friday.

[1] the headspace Ballina service was opened in December 2024. Data reflects a six-month service delivery timeframe.

Headspace Ballina Key Metrics Dec-June:

- 158 Young People were supported between Dec-July through headspace services
- 3,118 Occasions of Services were delivered
- Young People accessed supports on average 4.7 times
- 75% of Young People reported significant improvement in their mental health and wellbeing using evidence-based measurement tools

Youth Groups and School Holiday Programs

Social Futures has a long history of delivering Social and Youth Groups from 32 Swift Street. The headspace Program aims to expand on these groups to meet the diverse needs of Ballina Young People and to also provide an opportunity for social connection which is safe and inclusive. Throughout FY25-26 it is hoped that group activities will be delivered at least 2 days per week. These groups will be co-designed with Young People through ongoing survey and input into group activities. An example of this is the 'Hype Girls Group,' delivered by the Yarn Safe Worker. This group brings together Young Women through art activities, weaving and discussion to promote social connections. Other groups which are planned from the space are Arts and Crafts groups, LGBTIQSB+ Groups and special interest groups such as filmmaking, yoga and gentle movement.

School holiday programs will also be delivered from the space. These may include one-day activities such as a movie afternoon through to multi-day workshops where Young People can build their skills and knowledge of a particular topic.



Image: Refurbished Counselling Room at 32 Swift Street

Family information nights and activities such as Tuning into Teens will also be delivered from 32 Swift Street throughout the year. These activities aim to build confidence and capacity for parents and carers to respond to their Young People's needs as well as provide an opportunity for connection amongst this community.

Larger Community Events for Young People and Community

The backyard at 32 swift street and renovated group room provides an ideal location for the delivery of larger events for Young People and the community. The first 'Eatz and Beatz' event was held from the space in February. This event was attended by over 100 community members and Young People who were able to engage in activities such as badge making, enjoy a free burger from local suppliers and watch local young people perform in the backyard. This event will be delivered annually.

Throughout the year, the following events are also planned to be delivered from the backyard area:

- Twilight Movie Night
- Service information afternoons
- Pizza and BBQ afternoons

Further activities may be delivered at the request of Young People.

These events are expected to reach at least 500 Young People in the community annually.



Images: Pictures from events held in the backyard of 32 Swift Street in 2025.

PO Box 243
Banora Point NSW 2486
[redacted]
ABN: 42 090 491 982

OCCUPATION CERTIFICATE - NB2410309 – WHOLE - (COMMERCIAL)
Issued under Part 6 and 8 Division 3 of the Environmental Planning and Assessment Act 1979 Sections 6.3 and 6.5 (Occupation/Use of a New Building)

APPLICANT DETAILS

Applicant:	Social Futures Ltd
Address:	Suite 6, Level 1, No. 29 Molesworth Street, Lismore NSW 2480
Phone:	[redacted]

OWNER DETAILS

Name of the person having benefit of the development consent:	Ballina Shire Council
Address:	40 Cherry Street, Ballina NSW 2478
Phone:	02 6686 4444

RELEVANT CONSENTS

Consent Authority / Local Government Area:	Ballina Shire Council
Complying Development Certificate Number:	NB2410309
Decision Made Under:	Part 5 - Industrial & Business Alterations Code

PROPOSAL

Address of Development:	No. 26-32 Swift Street, Ballina NSW 2478
Lot:	Lots 13 & 14
DP:	DP1714
Type of Occupation Certificate:	Whole
Building Classification:	9b
Scope of Building Works Covered by this Notice:	Community Services Office Internal Fitout
Type of Construction:	N/A
Attachments:	Schedule 1
Fire Safety Schedule:	Attached
Exclusions:	

PRINCIPAL CERTIFIER

Certifying Authority:	Coastline Building Certification Group Pty Ltd (NSW)
Accreditation Body:	RBC00016

DETERMINATION

Approval Date:	25/11/2024

Coastline Building Certification Group Pty Ltd, as the certifying authority, certifies that:

- *We have been appointed as the Principal Certifier under s6.5;*
- *A current Development Consent or Complying Development Certificate is in force with respect to the building;*
- *A Complying Development Certificate has been issued with respect to the plans and specifications for the building;*
- *The building is suitable for occupation or use in accordance with its Classification under the Building Code of Australia;*
- *Where required, a final Fire Safety Certificate has been issued for the building;*
- *Where required, a report from the Commissioner of Fire Brigades has been considered.*

[redacted]

N.B. Right of Appeal: Under s s6.5, where the Certifying Authority is Council, an applicant may appeal to the Land & Environment Court against the refusal to issue an Occupation Certificate within 12 months from the date of the decision.

PO Box 243
Banora Point NSW 2486
[redacted]
ABN: 42 090 491 982

SCHEDULE 1: DOCUMENTATION REQUIRED TO ISSUE OCCUPATION CERTIFICATE NB2410309

There is no other documentation required to issue Occupation Certificate NB2410309.

Social Futures Ltd

ABN 77 398 196 862

Financial Statements

For the Year Ended 30 June 2025

Social Futures Ltd

ABN 77 398 196 862

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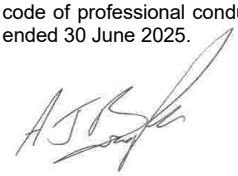
For the Year Ended 30 June 2025

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HLB MANN JUDD
ADVISORY AND ACCOUNTING

AUDITOR'S INDEPENDENCE DECLARATION

We declare that, to the best of our knowledge and belief, there have been no contraventions of any applicable code of professional conduct in relation to the audit of the financial report of Social Futures Ltd for the year ended 30 June 2025.



A J Bradfield
Partner

Lismore, New South Wales
25 September 2025

hlb.com.au

HLB Mann Judd Assurance GCNC Pty Ltd ABN 92 677 525 138
Robina: Suite 704, 203 Robina Town Centre Drive, Robina QLD 4226
Lismore: 31 Keen Street, Lismore NSW 2480
T: 1300 000 452 E: info@hlbgcnc.com.au
Liability limited by a scheme approved under Professional Standards Legislation.

HLB Mann Judd Assurance GCNC Pty Ltd is a member of HLB International, the global advisory and accounting network

Social Futures Ltd

ABN 77 398 196 862

Statement of Profit or Loss and Other Comprehensive Income

For the Year Ended 30 June 2025

	Note	2025 $	2024 $
Revenue and other income	4	**48,222,497**	53,030,876
Expenses from ordinary activities	5	**(52,349,963)**	(47,205,241)
Finance costs		**(477,051)**	(180,094)
Profit/(loss) before income tax		**(4,604,517)**	5,645,541
Income tax expense		**-**	-
Profit/(loss) for the year		**(4,604,517)**	5,645,541
Other comprehensive income			
Items that will not be reclassified subsequently to profit or loss			
Revaluation changes for property, plant and equipment	15	**-**	22,000
Items that will be reclassified to profit or loss when specific conditions are met		**-**	-
Other comprehensive income for the year		**-**	22,000
Total comprehensive income for the year		**(4,604,517)**	5,667,541

The accompanying notes form part of these financial statements.

Social Futures Ltd

ABN 77 398 196 862

Statement of Financial Position

As At 30 June 2025

	Note	2025 $	2024 $
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	6	**6,509,857**	17,849,466
Trade and other receivables	8	**1,071,451**	1,356,259
Other financial assets	7	**9,355,100**	6,771,413
Other assets	9	**937,597**	787,175
TOTAL CURRENT ASSETS		**17,874,005**	26,764,313
NON-CURRENT ASSETS			
Other financial assets	7	**816,133**	109,958
Right-of-use assets	10	**15,345,728**	4,541,925
Property, plant and equipment	11	**11,993,772**	5,633,604
TOTAL NON-CURRENT ASSETS		**28,155,633**	10,285,487
TOTAL ASSETS		**46,029,638**	37,049,800
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	12	**4,649,320**	4,403,604
Employee benefits	13	**2,484,376**	2,315,590
Contract liabilities	14	**5,710,434**	4,516,688
Lease liabilities	10(b)	**2,533,770**	1,439,588
TOTAL CURRENT LIABILITIES		**15,377,900**	12,675,470
NON-CURRENT LIABILITIES			
Employee benefits	13	**1,114,427**	787,298
Lease liabilities	10(b)	**13,857,460**	3,302,664
TOTAL NON-CURRENT LIABILITIES		**14,971,887**	4,089,962
TOTAL LIABILITIES		**30,349,787**	16,765,432
NET ASSETS		**15,679,851**	20,284,368
EQUITY			
Reserves	15	**122,323**	122,323
Retained earnings	16	**15,557,528**	20,162,045
TOTAL EQUITY		**15,679,851**	20,284,368

The accompanying notes form part of these financial statements.

Social Futures Ltd

ABN 77 398 196 862

Statement of Changes in Equity

For the Year Ended 30 June 2025

2025

	Note	Retained Earnings $	Asset Revaluation Reserve $	Total $
Balance at 1 July 2024	15,16	**20,162,045**	**122,323**	**20,284,368**
Net profit/(loss) for the year	16	**(4,604,517)**	**-**	**(4,604,517)**
Balance at 30 June 2025	15,16	**15,557,528**	**122,323**	**15,679,851**

2024

	Note	Retained Earnings $	Asset Revaluation Reserve $	Total $
Balance at 1 July 2023	15,16	14,516,504	100,323	14,616,827
Net profit/(loss) for the year	16	5,645,541	-	5,645,541
Revaluation increment - buildings	15	-	22,000	22,000
Balance at 30 June 2024	15,16	20,162,045	122,323	20,284,368

The accompanying notes form part of these financial statements.

Social Futures Ltd

ABN 77 398 196 862

Statement of Cash Flows

For the Year Ended 30 June 2025

	Note	2025 $	2024 $
CASH FLOWS FROM OPERATING ACTIVITIES:			
Receipts from government grants		**47,094,493**	54,021,283
Payments to suppliers and employees		**(48,498,055)**	(44,299,358)
Interest received		**932,185**	713,510
Interest paid		**(477,051)**	(180,094)
Other operating receipts		**1,668,373**	1,065,617
Net cash provided by/(used in) operating activities		**719,945**	11,320,958
CASH FLOWS FROM INVESTING ACTIVITIES:			
Proceeds from sale of plant and equipment		**6,000**	42,130
Purchase of property, plant and equipment		**(7,183,867)**	(1,150,463)
Net redemption / (purchase) of financial assets		**(3,295,772)**	(1,747)
Net cash provided by/(used in) investing activities		**(10,473,639)**	(1,110,080)
CASH FLOWS FROM FINANCING ACTIVITIES:			
Repayment of lease liabilities		**(1,585,916)**	(1,564,265)
Net cash provided by/(used in) financing activities		**(1,585,916)**	(1,564,265)
Net increase/(decrease) in cash and cash equivalents held		**(11,339,610)**	8,646,613
Cash and cash equivalents at beginning of year		**17,849,467**	9,202,853
Cash and cash equivalents at end of financial year	6(a)	**6,509,857**	17,849,466

The accompanying notes form part of these financial statements.

Social Futures Ltd

ABN 77 398 196 862

Notes to the Financial Statements

For the Year Ended 30 June 2025

The financial report covers Social Futures Ltd ("the Company") as an individual entity. The Company is a not-for-profit Company, registered and domiciled in Australia.

The principal activities of the Company for the year ended 30 June 2025 were to provide services that promote inclusion, fairness and social justice in the community. The Company provides homelessness and housing supports, youth and family services, programs that promote genuine participation for people with disability, community sector support, professional development, and systemic advocacy.

The functional and presentation currency of the Company is Australian dollars.

The financial report was authorised for issue by those charged with governance on 25 September 2025.

Comparatives are consistent with prior years, unless otherwise stated.

1. Basis of Preparation

The financial statements are general purpose financial statements that have been prepared in accordance with the Australian Accounting Standards - Simplified Disclosures and the *Australian Charities and Not-for-profits Commission Act 2012*.

The financial statements, except for the cash flow information, have been prepared on an accruals basis and are based on historical costs modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and financial liabilities.

Material accounting policy information adopted in the preparation of these financial statements are presented below and are consistent with prior reporting periods unless otherwise stated.

2. Material Accounting Policy Information

(a) Income Tax

The Company is exempt from income tax under Division 50 of the *Income Tax Assessment Act 1997*.

(b) Revenue and other income

Revenue from contracts with customers

The core principle of AASB 15 is that revenue is recognised on a basis that reflects the transfer of promised goods or services to customers at an amount that reflects the consideration the Company expects to receive in exchange for those goods or services. Revenue is recognised by applying a five-step model as follows:

1. Identify the contract with the customer

2. Identify the performance obligations

3. Determine the transaction price

4. Allocate the transaction price to the performance obligations

5. Recognise revenue as and when control of the performance obligations is transferred

2. Material Accounting Policy Information (continued)

(b) Revenue and other income (continued)

Revenue from contracts with customers (continued)

Generally the timing of the payment for sale of goods and rendering of services corresponds closely to the timing of satisfaction of the performance obligations, however where there is a difference, it will result in the recognition of a receivable, contract asset or contract liability.

None of the revenue streams of the Company have any significant financing terms as there is less than 12 months between receipt of funds and satisfaction of performance obligations.

Specific revenue streams

The revenue recognition policies for the principal revenue streams of the Company are:

Rendering of services

Revenue from rendering of services is recognised in the accounting period in which the services are rendered. For fixed price contracts, revenue is recognised based on the actual services provided to the end of the reporting period as a proportion of the total services to be provided as the customer receives and uses the benefit simultaneously.

Grant revenue

Where grant income arises from an agreement which is enforceable and contains sufficiently specific performance obligations then the revenue is recognised when control of each performance obligations is satisfied.

Amounts arising from grants in the scope of AASB 1058 are recognised at the assets fair value when the asset is received. The Company considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard. Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received.

Other income

Other income is recognised on an accruals basis when the Company is entitled to it.

(c) Leases

At inception of a contract, the Company assesses whether a lease exists - i.e. does the contract convey the right to control the use of an identified asset for a period of time in exchange for consideration.

This involves an assessment of whether:

- The contract involves the use of an identified asset - this may be explicitly or implicitly identified within the agreement. If the supplier has a substantive substitution right then there is no identified asset.

- The Company has the right to obtain substantially all of the economic benefits from the use of the asset throughout the period of use.

2. Material Accounting Policy Information (continued)

(c) Leases (continued)

- The Company has the right to direct the use of the asset i.e. decision making rights in relation to changing how and for what purpose the asset is used.

Lessee accounting

The non-lease components included in the lease agreement have been separated and are recognised as an expense as incurred.

Right-of-use asset

At the lease commencement, the Company recognises a right-of-use asset and associated lease liability for the lease term. The lease term includes extension periods where the Company believes it is reasonably certain that the option will be exercised.

The right-of-use asset is measured using the cost model where cost on initial recognition comprises of the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration less any lease incentives received.

The right-of-use asset is depreciated over the lease term on a straight line basis and assessed for impairment in accordance with the impairment of assets accounting policy.

Lease liability

The lease liability is initially measured at the present value of the remaining lease payments at the commencement of the lease. The discount rate is the rate implicit in the lease, however where this cannot be readily determined then the Company's incremental borrowing rate is used.

Subsequent to initial recognition, the lease liability is measured at amortised cost using the effective interest rate method. The lease liability is remeasured whether there is a lease modification, change in estimate of the lease term or index upon which the lease payments are based (e.g. CPI) or a change in the Company's assessment of lease term.

Where the lease liability is remeasured, the right-of-use asset is adjusted to reflect the remeasurement or is recorded in profit or loss if the carrying amount of the right-of-use asset has been reduced to zero.

Exceptions to lease accounting

The Company has elected to apply the exceptions to lease accounting for both short-term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets. The Company recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

(d) Borrowing costs

Borrowing costs that are directly attributable to the acquisition, construction or production of a qualifying asset are capitalised as part of the cost of that asset.

All other borrowing costs are recognised as an expense in the period in which they are incurred.

2. Material Accounting Policy Information (continued)

(e) Cash and cash equivalents

Cash and cash equivalents comprises cash on hand, demand deposits and short-term investments which are readily convertible to known amounts of cash and which are subject to an insignificant risk of change in value.

Bank overdrafts also form part of cash equivalents for the purpose of the statement of cash flows and are presented within current liabilities on the statement of financial position.

(f) Financial instruments

Financial instruments are recognised initially on the date that the Company becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

Financial assets

All recognised financial assets are subsequently measured in their entirety at either amortised cost or fair value, depending on the classification of the financial assets.

Classification

On initial recognition, the Company classifies its financial assets into the following categories, those measured at:

- amortised cost;
- fair value through profit or loss - FVTPL; and
- fair value through other comprehensive income - equity instrument (FVOCI - equity).

Financial assets are not reclassified subsequent to their initial recognition unless the Company changes its business model for managing financial assets.

Amortised cost

Assets measured at amortised cost are financial assets where:

- the business model is to hold assets to collect contractual cash flows; and
- the contractual terms give rise on specified dates to cash flows are solely payments of principal and interest on the principal amount outstanding.

The Company's financial assets measured at amortised cost comprise trade and other receivables, cash and cash equivalents, and term deposits.

Subsequent to initial recognition, these assets are carried at amortised cost using the effective interest rate method less provision for impairment.

2. Material Accounting Policy Information (continued)

(f) Financial instruments (continued)

Financial assets (continued)

Interest income, foreign exchange gains or losses and impairment are recognised in profit or loss. Gain or loss on derecognition is recognised in profit or loss.

Financial assets through profit or loss

All financial assets not classified as measured at amortised cost or fair value through other comprehensive income as described above are measured at FVTPL.

Net gains or losses, including any interest or dividend income are recognised in profit or loss.

Impairment of financial assets

Impairment of financial assets is recognised on an expected credit loss (ECL) basis for the following assets:

- financial assets measured at amortised cost.

When determining whether the credit risk of a financial asset has increased significantly since initial recognition and when estimating ECL, the Company considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on the Company's historical experience and informed credit assessment and including forward looking information.

The Company uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

The Company uses the presumption that a financial asset is in default when:

- the other party is unlikely to pay its credit obligations to the Company in full, without recourse to the Company to actions such as realising security (if any is held); or

- the financial asset is more than 90 days past due.

Credit losses are measured as the present value of the difference between the cash flows due to the Company in accordance with the contract and the cash flows expected to be received. This is applied using a probability weighted approach.

Trade receivables and contract assets

Impairment of trade receivables has been determined using the simplified approach in AASB 9 which uses an estimation of lifetime expected credit losses. The Company has determined the probability of non-payment of the receivable and multiplied this by the amount of the expected loss arising from default.

The amount of the impairment is recorded in a separate allowance account with the loss being recognised in finance expense. Once the receivable is determined to be uncollectable then the gross carrying amount is written off against the associated allowance.

2. Material Accounting Policy Information (continued)

(f) Financial instruments (continued)

Financial assets (continued)

Where the Company renegotiates the terms of trade receivables due from certain customers, the new expected cash flows are discounted at the original effective interest rate and any resulting difference to the carrying value is recognised in profit or loss.

Other financial assets measured at amortised cost

Impairment of other financial assets measured at amortised cost are determined using the expected credit loss model in AASB 9. On initial recognition of the asset, an estimate of the expected credit losses for the next 12 months is recognised. Where the asset has experienced significant increase in credit risk then the lifetime losses are estimated and recognised.

Financial liabilities

The Company measures all financial liabilities initially at fair value less transaction costs. Subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

The financial liabilities of the Company comprise trade payables, bank and other loans and lease liabilities.

(g) Property, plant and equipment

Each class of property, plant and equipment is carried at cost or fair value less, where applicable, any accumulated depreciation and impairment.

Items of property, plant and equipment acquired for nil or nominal consideration have been recorded at the acquisition date fair value. Items of property, plant and equipment are capitalised if they have a fair value of $10,000 or above.

Land and buildings

Land and buildings are measured using the revaluation model.

Fair value of land and buildings are to be assessed annually and comprehensively re-valued at least every 5 years by an independent qualified valuer. The valuations are undertaken more frequently if there is a material change in the fair value relative to the carrying amount. Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset. Increases in the carrying amounts arising on revaluation of land and buildings are credited in other comprehensive income through to the revaluation surplus reserve in equity. Any revaluation decrements are initially taken in other comprehensive income through to the revaluation surplus reserve to the extent of any previous revaluation surplus of the same asset. Thereafter the decrements are taken to profit or loss.

Plant and equipment

Plant and equipment are measured using the cost model.

Notes to the Financial Statements

For the Year Ended 30 June 2025

2. Material Accounting Policy Information (continued)

(g) Property, plant and equipment (continued)

Depreciation

Property, plant and equipment, excluding freehold land, is depreciated on a straight-line basis over the assets useful life to the Company, commencing when the asset is ready for use.

Leased assets and leasehold improvements are amortised over the shorter of either the unexpired period of the lease or their estimated useful life.

The depreciation rates used for each class of depreciable asset are shown below:

Fixed asset class	Depreciation rate
Buildings	2.5%
Plant and Equipment	5% - 20%
Furniture, Fixtures and Fittings	6% - 20%
Motor Vehicles	20%
Leasehold improvements	5% - 7%

At the end of each annual reporting period, the depreciation method, useful life and residual value of each asset is reviewed. Any revisions are accounted for prospectively as a change in estimate.

(h) Impairment of non-financial assets

At the end of each reporting period the Company determines whether there is any evidence of impairment for its non-financial assets.

Where an indicator exists and regardless for indefinite life intangible assets and intangible assets not yet available for use, the recoverable amount of the asset is estimated.

Where assets do not operate independently of other assets, the recoverable amount of the relevant cash-generating unit (CGU) is estimated.

The recoverable amount of an asset or CGU is the higher of the fair value less costs of disposal and the value in use. Value in use is the present value of the future cash flows expected to be derived from an asset or cash-generating unit.

Where the recoverable amount is less than the carrying amount, an impairment loss is recognised in profit or loss.

Reversal indicators are considered in subsequent periods for all assets which have suffered an impairment loss.

(i) Trade and other payables

These amounts represent liabilities for goods and services provided to the Company prior to the end of the financial year and which are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

2. Material Accounting Policy Information (continued)

(j) Employee benefits

Short-term employee benefits

Provision is made for the Company's obligation for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages and salaries. Short-term employee benefits are measured at the undiscounted amounts expected to be paid when the obligation is settled.

The Company's obligations for short-term employee benefits such as wages and salaries are recognised as part of current trade and other payables in the statement of financial position.

Other long-term employee benefits

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Upon the remeasurement of obligations for other long-term employee benefits, the net change in the obligation is recognised in profit or loss as part of employee benefits expense.

The Company's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Company does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Defined contribution schemes

Obligations for contributions to defined contribution superannuation plans are recognised as an employee benefit expense in profit or loss in the periods in which services are provided by employees.

(k) Goods and services tax (GST)

Revenue, expenses and assets are recognised net of the amount of goods and services tax (GST), except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST.

Cash flows in the statement of cash flows are included on a gross basis and the GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the taxation authority is classified as operating cash flows.

(l) Going concern / economic dependence

The Company is reliant upon the continuity of grant funding to continue as a going concern. There are signed funding agreements for the majority of its grants in place until at least June 2026. The Company has no reason to believe continued funding support from various government agencies will not continue to occur.

2. Material Accounting Policy Information (continued)

(m) Adoption of new and revised accounting standards

The Company has adopted all standards which became effective for the first time at 1 July 2024. The adoption of these standards has not caused any material adjustments to the reported financial position, performance or cash flow of the Company.

(n) New accounting standards for application in future periods

The AASB has issued new and amended Accounting Standards and Interpretations that have mandatory application dates for future reporting periods. The directors have decided against early adoption of these Standards, but does not expect the adoption of these standards to have any impact on the reported position or performance of the Company.

3. Critical Accounting Estimates and Judgements

The directors make estimates and judgements during the preparation of these financial statements regarding assumptions about current and future events affecting transactions and balances.

These estimates and judgements are based on the best information available at the time of preparing the financial statements, however as additional information is known then the actual results may differ from the estimates.

The significant estimates and judgements made have been described below.

Key estimates - Impairment

The Company assesses impairment at the end of each reporting period by evaluating conditions specific to the Company that may be indicative of impairment triggers. Recoverable amounts of relevant assets are reassessed using value-in-use calculations which incorporate various key assumptions.

Lease term

The lease term is a significant component in the measurement of both the right-of-use asset and lease liability. Judgement is exercised in determining whether there is reasonable certainty that an option to extend the lease or purchase the underlying asset will be exercised, or an option to terminate the lease will not be exercised, when ascertaining the periods to be included in the lease term. In determining the lease term, all facts and circumstances that create an economical incentive to exercise an extension option, or not to exercise a termination option, are considered at the lease commencement date. Factors considered may include the importance of the asset to the Company's operations; comparison of terms and conditions to prevailing market rates; incurrence of significant penalties; existence of significant leasehold improvements; and the costs and disruption to replace the asset. The Company reassesses whether it is reasonably certain to exercise an extension option, or not exercise a termination option, if there is a significant event or significant change in circumstances.

Incremental borrowing rate

Where the interest rate implicit in a lease cannot be readily determined, an incremental borrowing rate is estimated to discount future lease payments to measure the present value of the lease liability at the lease commencement date. Such a rate is based on what the company estimates it would have to pay a third party to borrow the funds necessary to obtain an asset of a similar value to the right-of-use asset, with similar terms, security and economic environment.

3. Critical Accounting Estimates and Judgements (continued)

Employee benefits provision

As discussed in Note 2(j), the liability for employee benefits expected to be settled more than 12 months from the reporting date are recognised and measured at the present value of the estimated future cash flows to be made in respect of all employees at the reporting date. In determining the present value of the liability, estimates of attrition rates and pay increases through promotion and inflation have been taken into account.

Social Futures Ltd

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Notes to the Financial Statements

For the Year Ended 30 June 2025

4. Revenue and Other Income

	2025 $	2024 $
Revenue from contracts with customers		
- Sale of goods	**50,261**	59,437
- Other revenue	**446,460**	238,237
Total revenue from contracts with customers	**496,721**	297,674
Other income		
- Grant Income	**45,682,705**	51,120,845
- Interest received	**865,418**	797,993
- Gain on sale of assets	**6,000**	42,130
- Other income	**1,171,653**	772,234
Total other income	**47,725,776**	52,733,202
Total revenue and other income	**48,222,497**	53,030,876

(a) Disaggregation of revenue from contracts with customers

Revenue from contracts with customers has been disaggregated as follows:

Timing of revenue recognition		
- goods/services transferred at a point in time	**50,261**	59,437
- goods/services transferred over time	**446,460**	238,237
Revenue from contracts with customers	**496,721**	297,674
Geographical regions		
- Australia	**496,721**	297,674
Revenue from contracts with customers	**496,721**	297,674

5. Expenses from Ordinary Activities

	2025 $	2024 $
Administration	**2,264,448**	1,736,633
Advertising & promotion	**205,592**	233,412
Brokerage	**1,392,564**	1,574,044
Consultants	**689,929**	495,717
Cost of sales - training/conferences	**-**	70
Depreciation expense:		
- property, plant and equipment	**823,699**	638,749
- right-of-use assets	**2,214,326**	1,468,366
Employee benefits expense	**37,592,134**	34,130,376
Equipment	**236,931**	245,011
IT support & maintenance	**1,269,906**	1,358,438
Motor vehicle expenses	**430,146**	486,366
Premises	**769,606**	446,501
Funding partners	**3,489,642**	3,385,914

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Notes to the Financial Statements

For the Year Ended 30 June 2025

5. Expenses from Ordinary Activities (continued)

	2025	2024
	$	$
Training & development	**422,171**	469,551
Telephone and fax	**548,869**	536,093
Total expenses	**52,349,963**	47,205,241

6. Cash and Cash Equivalents

	Note	2025	2024
		$	$
Cash on hand		**320**	985
Cash at bank		**6,509,537**	17,848,481
Total cash and cash equivalents	6(a)	**6,509,857**	17,849,466

(a) Reconciliation of cash

Cash and cash equivalents reported in the statement of cash flows are reconciled to the equivalent items in the statement of financial position as follows:

Cash and cash equivalents	6	**6,509,857**	17,849,466
Balance as per statement of cash flows		**6,509,857**	17,849,466

(b) Restricted Cash and Financial Assets

	2025	2024
	$	$
Community, Families & Youth	**-**	299,208
Housing, Homelessness and Employment	**365,110**	5,623,093
Mental Health and Wellbeing	**3,355,051**	3,438,683
Disability Inclusion	**190,708**	-
Non-service Delivery Branch	**347,204**	296,614
Total restricted cash and financial assets	**4,258,073**	9,657,598

The Company has recognised the above amounts as income in accordance with AASB 1058, however, service delivery in relation to this funding will be delivered in future financial years.

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Notes to the Financial Statements

For the Year Ended 30 June 2025

7. Financial Assets

	2025 $	2024 $
CURRENT		
Term deposits	**9,355,100**	6,771,413
Total current financial assets	**9,355,100**	6,771,413
NON-CURRENT		
Shares in listed entity	**24,869**	18,957
Term deposits	**791,264**	91,001
Total non-current financial assets	**816,133**	109,958

8. Trade and Other Receivables

	2025 $	2024 $
CURRENT		
Trade receivables	**143,339**	410,041
Accrued income	**928,112**	946,218
Total current trade and other receivables	**1,071,451**	1,356,259

The carrying value of trade receivables is considered a reasonable approximation of fair value due to the short-term nature of the balances.

The maximum exposure to credit risk at the reporting date is the fair value of each class of receivable in the financial statements.

9. Other Assets

	2025 $	2024 $
CURRENT		
Prepayments	**604,094**	542,630
Other	**333,503**	244,545
Total current other assets	**937,597**	787,175

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Notes to the Financial Statements

For the Year Ended 30 June 2025

10. Leases

(a) Right-of-use assets

	2025	2024
	$	$
Buildings		
At cost	**17,821,476**	6,981,804
Accumulated depreciation	**(2,681,084)**	(2,558,468)
Total buildings	**15,140,392**	4,423,336
Motor vehicles		
At cost	**326,896**	285,391
Accumulated depreciation	**(121,560)**	(166,802)
Total motor vehicles	**205,336**	118,589
Total right-of-use assets	**15,345,728**	4,541,925

	Buildings	Motor Vehicles	Total
	$	$	$
Year ended 30 June 2025			
Balance at beginning of year	**4,423,336**	**118,589**	**4,541,925**
Additions to right-of-use assets	**12,102,933**	**128,532**	**12,231,465**
Disposals	**(34,502)**	**-**	**(34,502)**
Remeasurement of right-of-use assets due to changes in lease liability	**721,284**	**99,883**	**821,167**
Amortisation expense	**(2,072,658)**	**(141,669)**	**(2,214,327)**
Balance at end of year	**15,140,393**	**205,335**	**15,345,728**

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Notes to the Financial Statements

For the Year Ended 30 June 2025

10. Leases (continued)

(b) Lease liabilities

	2025	2024
	$	$
Current lease liabilities	**2,533,770**	1,439,588
Non-current lease liabilities	**13,857,460**	3,302,664
Total lease liabilities	**16,391,230**	4,742,252

The maturity analysis of lease liabilities based on contractual undiscounted cash flows is shown in the table below:

	< 1 year	1 - 5 years	> 5 years	Total undiscounted lease liabilities	Lease liabilities included in this Statement Of Financial Position
	$	$	$	$	$
2025					
Lease liabilities	**3,428,871**	**12,047,475**	**5,329,220**	**20,805,566**	**16,391,230**
2024					
Lease liabilities	1,579,420	2,087,533	1,586,329	5,253,282	4,742,252

(c) Statement of Profit or Loss and Other Comprehensive Income

The amounts recognised in the statement of profit or loss and other comprehensive income relating to interest expense on lease liabilities and short-term leases or leases of low value assets are shown below:

	2025	2024
	$	$
Interest Expense on lease liabilities	**477,051**	165,746
Expenses relating to short-term leases	**138,107**	52,398
	615,158	218,144

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Notes to the Financial Statements
For the Year Ended 30 June 2025

11. Property, plant and equipment

	2025 $	2024 $
Land		
At fair value	**2,200,892**	1,104,513
Total land	**2,200,892**	1,104,513
Buildings		
At fair value	**902,000**	902,000
Accumulated depreciation	**(44,550)**	(22,000)
Total buildings	**857,450**	880,000
Capital works in progress		
At cost	**5,136,633**	275,248
Total capital works in progress	**5,136,633**	275,248
Plant and equipment		
At cost	**493,328**	493,328
Accumulated depreciation	**(171,583)**	(113,360)
Total plant and equipment	**321,745**	379,968
Furniture, fixtures and fittings		
At cost	**57,228**	58,047
Accumulated depreciation	**(14,071)**	(9,158)
Total furniture, fixtures and fittings	**43,157**	48,889
Motor vehicles		
At cost	**1,588,861**	1,531,112
Accumulated depreciation	**(981,659)**	(744,158)
Total motor vehicles	**607,202**	786,954
Leasehold Improvements		
At cost	**3,728,915**	2,580,608
Accumulated depreciation	**(902,222)**	(422,576)
Total leasehold improvements	**2,826,693**	2,158,032
Total property, plant and equipment	**11,993,772**	5,633,604

(a) Revaluation of Land and Buildings

Land

The Company's land was valued at Market Value (highest and best use) by Herron Todd White in 2023 after identifying all elements that would be taken into account by buyers and sellers in setting the price, including but not limited to location of site, size and market evidence of sales activity in the area.

11. Property, plant and equipment (continued)

(a) Revaluation of Land and Buildings (continued)

Management concluded the carrying amounts of land at 30 June 2025 are considered to approximate fair value and no revaluation adjustments have been recognised.

Buildings

The Company's buildings were valued at Market Value (highest and best use) by Herron Todd White in 2023 after identifying all elements that would be taken into account by buyers and sellers in setting the price, including but not limited to location of site, condition of asset and market evidence of leasing activity in the area.

A desktop valuation was completed by the Company at 30 June 2024 to ensure that the carrying amount does not differ materially from fair value at the reporting date.

Management monitored property market data and indices relevant to the Company's assets and concluded that there were no significant changes in market values since the last independent valuation at 30 June 2024. Accordingly, the carrying amounts of buildings at 30 June 2025 are considered to approximate fair value and no revaluation adjustments have been recognised

(b) Movements in Carrying Amounts

Movement in the carrying amounts for each class of property, plant and equipment between the beginning and the end of the current financial year:

	Capital Works in Progress	Land	Buildings	Plant and Equipment	Furniture, Fixtures and Fittings	Motor Vehicles	Leasehold Improvements	Total
	$	$	$	$	$	$	$	$
Year ended 30 June 2025								
Balance at the beginning of the year	**275,248**	**1,104,513**	**880,000**	**379,968**	**48,889**	**786,954**	**2,158,032**	**5,633,604**
Additions	**4,861,385**	**1,096,379**	**-**	**-**	**-**	**78,615**	**1,148,307**	**7,184,686**
Disposals	**-**	**-**	**-**	**-**	**(819)**	**-**	**-**	**(819)**
Depreciation expense	**-**	**-**	**(22,550)**	**(58,223)**	**(4,913)**	**(258,367)**	**(479,646)**	**(823,699)**
Balance at the end of the year	**5,136,633**	**2,200,892**	**857,450**	**321,745**	**43,157**	**607,202**	**2,826,693**	**11,993,772**

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Notes to the Financial Statements

For the Year Ended 30 June 2025

12. Trade and Other Payables

	2025	2024
	$	$
CURRENT		
Trade payables	**890,471**	1,354,657
GST payable	**39,240**	735,711
Sundry payables and accrued expenses	**3,719,609**	2,313,236
Total current trade and other payables	**4,649,320**	4,403,604

Trade and other payables are unsecured, non-interest bearing and are normally settled within 30 days. The carrying value of trade and other payables is considered a reasonable approximation of fair value due to the short-term nature of the balances.

13. Employee Benefits

	2025	2024
	$	$
CURRENT		
Annual leave	**2,048,086**	1,881,098
Long service leave	**436,290**	434,492
Total current employee benefits	**2,484,376**	2,315,590
NON-CURRENT		
Long service leave	**1,114,427**	787,298
Total non-current employee benefits	**1,114,427**	787,298

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Notes to the Financial Statements

For the Year Ended 30 June 2025

14. Contract Liabilities

	2025	2024
	$	$
CURRENT		
Grants received in advance	**5,710,434**	4,516,688
Total current contract liabilities	**5,710,434**	4,516,688

15. Reserves

	2025	2024
	$	$
Asset revaluation reserve		
Opening balance	**122,323**	100,323
Revaluation increment - buildings	**-**	22,000
Closing balance	**122,323**	122,323
Total reserves	**122,323**	122,323

(a) Asset revaluation reserve

The asset revaluation reserve records fair value movements on property, plant and equipment held under the revaluation model.

16. Retained Earnings

	2025	2024
	$	$
Retained earnings at the beginning of the financial year	**20,162,045**	14,516,504
Net profit/(loss) for the year	**(4,604,517)**	5,645,541
Retained earnings at end of the financial year	**15,557,528**	20,162,045

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Notes to the Financial Statements

For the Year Ended 30 June 2025

17. Financial Risk Management

The Company's financial instruments consist mainly of deposits with banks, investment in listed securities, and accounts receivable and payable.

The totals for each category of financial instruments, measured in accordance with AASB 9 as detailed in the accounting policies to these financial statements, are as follows:

		2025	2024
		$	$
Financial Assets			
Financial assets at amortised cost:			
- Cash and cash equivalents	6	**6,509,857**	17,849,466
- Term deposits	7	**10,146,364**	6,862,414
- Trade and other receivables	8	**1,071,451**	1,356,259
Financial assets at fair value through profit or loss:			
- Other financial assets	7	**24,869**	18,957
Total financial assets		**17,752,541**	26,087,096
Financial Liabilities			
Financial liabilities at amortised cost:			
- Trade and other payables	12	**4,649,320**	4,403,604
- Lease liabilities	10	**16,391,230**	4,742,252
Total financial liabilities		**21,040,550**	9,145,856

18. Key Management Personnel Remuneration

The following Directors held office during the year:

Chris Leach (Chair - from November 2024); (Nominations & Remuneration Committee Chair from November 2024)
Patrick Grier (Chair - until November 2024)
Kirstie McClean (Deputy Chair); (Quality, Risk & Compliance Committee Chair from July 2024)
Jane Britt - joined the Board 3 July 2024
Margarita Escartin (Quality Risk & Compliance Chair) - ceased 26 July 2024
Joe Hedger - ceased 26 July 2024
Keith Sloan - ceased 21 November 2024
Penny Cox (Chair, Finance Committee until November 2024)
Leanne Coventry (Chair, Finance Committee from November 2024)
Dinesh Palipana - joined the Board 21 November 2024
Geoff Dwyer - joined the Board 21 November 2024
Trish Oxford (Chair Aboriginal Advisory Committee)

The Company Secretaries are:

Michael Carter
Jana Hall (ceased 6th February 2025)

Total remuneration paid:

The total remuneration paid to key management personnel of the Company is $1,595,378 (2024: $1,426,002).

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Notes to the Financial Statements

For the Year Ended 30 June 2025

19. Auditor's Remuneration

	2025	2024
	$	$
Remuneration of the auditor, HLB Mann Judd, for:		
- auditing or reviewing the financial statements	**34,000**	32,500
- other assurance services	**29,906**	21,010
- other services	**2,600**	2,520
Total auditor's remuneration	**66,506**	56,030

20. Capital Commitments

The Company had $4,106,386 in capital commitments as at 30 June 2025 (30 June 2024: None).

21. Contingencies

In the opinion of the Directors, the Company did not have any contingencies at 30 June 2025 (30 June 2024: None).

22. Related Parties

(a) The Company's main related parties are as follows:

Key management personnel - refer to Note 18.

Other related parties include close family members of key management personnel and entities that are controlled or significantly influenced by those key management personnel or their close family members.

(b) Transactions with related parties

Transactions between related parties are on normal commercial terms and conditions no more favourable than those available to other parties unless otherwise stated.

Other related party transactions:

From time to time, board members of the Company, or board member-related entities, may purchase/supply goods or services from/to the Company. These purchases/supplies are on the same terms and conditions as those entered into by other Company employees, customers or suppliers.

23. Events after the end of the Reporting Period

The financial report was authorised for issue on the 25th of September 2025 by those charged with governance.

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the Company, the results of those operations or the state of affairs of the Company in future financial years.

24. Statutory Information

The registered office and principal place of business of the Company is:
Social Futures Ltd

24. Statutory Information (continued)

Unit 5/274 River Street
Ballina NSW 2478

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Directors' Declaration

The Directors declare that in their opinion:

- the financial statements and notes for the financial year ended 30 June 2025 comply with Australian Accounting Standards - Simplified Disclosures; and
- the financial statements and notes for the year ended 30 June 2025 give a true and fair view of the financial position and performance of the Company; and
- there are reasonable grounds to believe that the Company is able to pay all of its debts, as and when they become due and payable; and
- the financial statements and notes satisfy the requirements of the *Australian Charities and Not-for-profits Commission Act 2012*.

Signed in accordance with subsection 60.15(2) of the *Australian Charities and Not-for-profit Commission Regulation 2022*.

Director .....
Kirstie McClean

Director .....
Chris Leach

Dated this 25th day of September 2025

Independent Auditor's Report to the Members of Social Futures Ltd

Report on the audit of the financial report

Opinion

We have audited the financial report of Social Futures Ltd ("the Entity") which comprises the statement of financial position as at 30 June 2025, the statement of profit or loss and other comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including material accounting policy information, and the Directors' declaration.

In our opinion, the accompanying financial report of the Entity has been prepared in accordance with Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012*, including:

a) giving a true and fair view of the Entity's financial position as at 30 June 2025 and of its financial performance for the year then ended; and

b) complying with Australian Accounting Standards – Simplified Disclosures and Division 60 of the *Australian Charities and Not-for-profits Commission Regulation 2022.*

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Entity in accordance with the auditor independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* ("the Code") that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Report

Management is responsible for the preparation of the financial report that gives a true and fair view in accordance with the Australian Accounting Standards – Simplified Disclosures and the *Australian Charities and Not-for-profits Commission Act 2012* and for such internal control as management determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intend to liquidate the Entity or to cease operations, or have no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the management.
- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

We also provide those charged with governance with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.

HLB Mann Judd

HLB Mann Judd
Chartered Accountants

A J Bradfield
Partner

Lismore, New South Wales
25 September 2025

Lease/Licence Renewal Application

ballina shire council

Lodge Applications at Ballina Shire Council • 40 Cherry Street Ballina (Mon-Fri 8.15am to 4.30pm)
mail PO Box 450 Ballina 2478 • **e** council@ballina.nsw.gov.au
t 1300 864 444 • **w** ballina.nsw.gov.au

This form is to be completed when an organisation wishes to apply for a renewal of their lease or licence with Council under the Community Property Leasing and Licensing Policy.

Applicant Details

Lessee/Licensee Name: Social Futures Ltd

ABN *if applicable*: 77 398 196 862

Postal Address: PO Box 5419, East Lismore, NSW, 2480

Contact Phone Number: 1800 719 625

Email: [redacted]

Tenure Information

Location of Tenure: 32 Swift Street Ballina NSW 2478

Does your organisation hold a liquor licence? ☐ Yes *Please provide a copy of your liquor licence when lodging this form.* ☑ No

Committee Members

Office Bearer 1

Name: [redacted]

Position: CFO/Company Secretary

Phone Number *business hours*: [redacted]

Phone Number *after hours*: [redacted]

Email: [redacted]

Office Bearer 2

Name: [redacted]

Position: Board Member

Phone Number *business hours*: [redacted]

Phone Number *after hours*:

Email: [redacted]

Office Bearer 3

Name:

Position:

Phone Number *business hours*:

Phone Number *after hours*:

Email:

Income and Expenses Summary

Please provide a full profit and loss statement to Council for the last financial year. As a minimum, the profit and loss statement should include the following information:

Financial Year:	See Fin Stat 2024 attache	
All Income		
Membership fees received		$
Grant funding received		$
Sponsorship money received		$
Fundraising activities income received		$
Income from sale of goods (food and beverage items, Club uniforms etc)		$
Any income received from hirers or other users of the premises (hire fees, sub-licensing fee etc)		$
Other income (provide details of major items)		$
Subtotal of all Income		**$**
All Expenditure		
Insurance costs		$
General property repairs/maintenance		$
Upgrade works to property		$
Utilities (electricity, gas, telephone etc)		$
Rent/Licence fees paid		$
Rates/water/sewerage paid		$
Wages		$
Expenses for fundraising activities (advertising, hiring equipment etc)		$
Cost of purchasing goods sold (food and beverage items, Club uniforms etc)		$
Other Expenses (provide details of major items)		$
Subtotal of all Expenses		**$**
Profit/Loss		**$**
Estimated funds in the bank account of the Lessee/Licensee as at date of the application		**$**

Activities

The Lessee/Licensee uses the property for the following activities:

Mental Health, Social Supports and Youth Engagement activities for Young People.

If the Lessee/Licensee is a club that requires membership (such as a sporting club), the club has the following number of current members:

Provide usage days and times:

Monday	9am-6pm
Tuesday	9am-6pm
Wednesday	9am-6pm
Thursday	9am-6pm
Friday	9am-6pm
Saturday	
Sunday	

Activities (continued)

If the Lessee/Licensee only uses the property during certain months of the year (such as only during a sporting season), the months of use are:

The site is used 12 months a year

Other than the Lessee/Licensee, the following organisations also use the property for the following purposes:

Organisation Name	What do they use the property for and how frequently?
The Buttery	Alcohol and other Drugs Support for Young People
Ballina Community Groups	Meetings, Consultation and Activity Space

Please describe the benefits to the local community of the Lessee's/Licensee's activities (which may include social, cultural, physical and/or intellectual benefits):

See attachment 1: Acitivites and Outcomes headspace Ballina

Proposed Developments / Improvements

Provide details of improvements your organisation intends to perform during the term of the proposed lease, including timeframes and an approximate value of these improvements during the proposed renewal term.

item *include location in the property*	approximate cost *if known, attach quotes if available*	suggested timeframe
Outdoor Counselling Space for Young People (Gazebo)	20,000	FY25-26

Property Maintenance

Provide details of any **minor maintenance or repairs undertaken** on the property such as fixing leaking toilets, repairing broken glass, painting, tree removal.

item *include location in the property*	cost *if known*	paid by *lessee/council/donation*
Complete refurb of Building to establish Ballina headspa	$717'905	Lessee
See "Leasehold Improvements" Document attached		

Provide details of any **non-urgent maintenance** to be undertaken on the property in the future.

item *include location in the property*	approximate cost *if known, attach quotes if available*	suggested timeframe
None. Premise in good order and maintained.		

Supporting Documentation

Please provide the following supporting documentation when submitting this form:

- ✔ copy of Public Liability Insurance for $20million, listing Ballina Shire Council as an interested party
- ☐ copy of current liquor licence *if applicable*
- ✔ full profit/loss statement required every year for the term of the lease

Declaration

By signing this application form, the Lessee/Licensee acknowledges and agrees that:

- the Lessee/Licensee has read the Community Property Leasing and Licensing Policy;
- the Lessee/Licensee is a Not for Profit Community Group (as defined in the Policy);
- any lease/licence document provided should be signed and returned to Council within 1 month of when it is provided;
- the Lessee/Licensee must keep its public liability insurance current during the full period of occupation of the Premises;
- the Lessee/Licensee must notify Council within 30 days of a change of the Committee/Directors of the Lessee/Licensee (including the name and contact details);
- the Lessee/Licensee must seek the Council's written consent before:
  - entering into any arrangement to sublet/sublicense any part of the Premises;
  - lodging any applications for grant funding, where the funding would be used for works to the Premises; or
  - carrying out any work to the Premises (such as alterations, additions, renovations etc).

Signed for and on behalf of the Lessee/Licensee by two Authorised Officers:

Authorised officer 1 name	[redacted]
Authorised officer 1 position (president, Secretary etc)	CEO and Company Secretary
Authorised Officer 1 signature	[redacted]
Date	15/08/2025

Authorised officer 2 name	[redacted]
Authorised officer 2 position (president, Secretary etc)	Board Director
Authorised Officer 2 signature	[redacted]
Date	15/08/2025

Privacy Protection Notice

The completed Lease/Licence Renewal Application Form contains personal information which is being collected for the purpose of renewing a Council lease or licence and to enable Council to perform any other duty or task under any relevant legislation. The information will be processed by the Planning and Environmental Health Division and may be made available to public enquiries under the Government Information (Public Access) Act. The information will be stored in Council's electronic document management system.

Response to Queries Regarding Use of 30-32 Swift Street Ballina as provided by Social Futures Limited Chief Financial Officer:

1. **Is there a psychologist on site available for young people to see at Headspace Ballina? Please provide details of their availability (is there set days/times per week?), how they are accessed by young people (whether by drop in/appointment) and whether young people have had to travel to other Headspace sites to see a psychologist when they are not available at Headspace Ballina? – section 1 and 2**

   Please see answers to questions 2 and 3.

2. **If a psychologist is not available on site when young people drop in and need to see someone at that time, what qualifications do other staff have on site at Headspace Ballina and what options do young people have at that time if they need to speak to someone? Section 2**

   All headspace programs are staffed by mental health professionals. At all times headspace centres are required to have a Mental Health Clinician on-site, which aligns with the accreditation standards set by headspace National. Mental Health Clinicians can either be a registered psychologist, a mental health accredited social worker, masters-qualified mental health nurse or an occupational therapist. At headspace, mental health clinicians are required to maintain their professional registration and qualifications.

   The headspace Ballina multidisciplinary team is currently staffed with the following positions: Clinical Manager (registered clinical psychologist), Clinical Lead (mental health accredited social worker), Youth Access Clinicians (social workers and counsellors), and Social and Emotional Wellbeing Worker (Aboriginal Identified role).

   The multidisciplinary team provides support to young people with mild to moderate mental ill health. They also assist young people with referrals to mental health specialists including clinical psychologists and psychiatrists, for severe mental health issues or when required. Additionally, they can provide young people with access to telepsychiatry provided by headspace National. headspace Ballina team has established referral pathways to specialist support and holds regular multi-services case review meetings with key mental health services to ensure young people receive the level of care that matches their needs.

3. **What are the opening/operating hours of the Headspace Ballina site including days open per week and opening times that young people are able to drop in and access the site and staff here? Section 1**

   headspace Ballina is open from Monday-Thursday between 10am and 6pm. Young people typically attend scheduled appointments but can also drop in for support. headspace Ballina upholds a 'no wrong door' approach and will assist any young person dropping in with appropriate referral pathways and information.

4. **Please provide details of the regular programs/services run at Headspace Ballina for people to access including your current regular weekly/fortnightly etc program? – section 2**

   Besides mental health support services, headspace Ballina also delivers a suite of activities both in its centre and in the wider community to increase help-seeking behaviour and mental health literacy. These activities include school holiday programs, group programs and community events. Since its opening, headspace Ballina has delivered a school holiday program focused on film-making, a social drop-in group for Young People aged 12-15, the Hype Girls group and a work and study group. Several events are planned including art days, Eatz and Beatz community events, and movie nights.

5. **Please provide the school holiday services/programs offered at Headspace Ballina including the recent September/October school holidays program? – section 2**

   Please see answer to Question 4.

6. **Is there any costs for young people to access the services and programs offered at Headspace Ballina? – section 1**

   All headspace Ballina services are free of charge without the need for a Mental Health Treatment Plan from their GP.

7. **Please provide the number of young people who have accessed the services, programs and site at Headspace Ballina since it commenced at this site. – section 3**

   Since opening on the 9th December 2024, headspace Ballina has provided free mental health and wellbeing supports to **232** Young People, delivering **1,069** direct occasions of service (i.e. appointments, unscheduled supports and drop in supports). On average Young People have engaged with the service 5.6 times – which is above the national average for engagement with Mental Health Services for Young People.

   Many of these Young People are first time help-seekers, with approximately 45% holding a health care card and may otherwise be unable to access mental health supports within the private system. Approximately 20% of these Young People have identified to be homeless or at a risk of homelessness

   Young People accessing supports at headspace Ballina have identified feeling sad or depressed, symptoms of anxiety and having thoughts that bother them as primary reasons for seeking support. Around 70% of Young People who access the service sit below the threshold for a mental health diagnosis – meaning general counselling and support from a mental health professional, with 24% meeting a threshold for diagnosis. These Young People would receive support from one of our on-site mental health clinicians or be supported to access other community or tertiary supports if their needs exceeded our scope of practice.

8. **We understand you are not subletting any part of the premises to a third party organisation, please confirm? – section 4**

   We do not sublease the site to any organisation. Any use of the space by other service providers is offered as in-kind through an MOU arrangement to ensure the safety of Young People and staff.

9. **Could you please explain how Social Futures has been engaged to deliver the Headspace program from this premises. That is, what is the nature of the arrangement between Social Futures and the Headspace organisation. – section 4**

   headspace Ballina is funded by Healthy North Coast. Through a competitive tendering process, Social Futures became the lead agency for this site and headspace Lismore and Tweed. All headspace funding is quarantined by the Department of Health and guarantees the continuation of the headspace program regardless of the lead agency. Social Futures' current contract with Healthy North Coast does not change the continuation of headspace Ballina.

10. **Please provide the expiry dates for any programs and services run at 32 Swift Street Ballina. – section 4**

    As explained above the headspace program will continue to be delivered in Ballina under quarantined recurrent funding.

Northern NSW
Local Health District

NSW GOVERNMENT

Ref: Support Headspace Ballina
14 August 2025

Ballina Shire Council
40 Cherry Street
Ballina NSW 2478

Dear Ballina Shire Council

Re: Letter of Support – Social Futures lease 32 Swift Street, Ballina

We are writing to support the continuation of the lease held by Social Futures at 32 Swift Street Ballina. NNSWLHD Child and Adolescent Mental Health Service (CAMHS) works collaboratively with the headspace Program offered on this site.

We support the service activity plan written by Social Futures for activities delivered at 32 Swift Street during FY25-26.

The location of 32 Swift Street provides an accessible and safe location for Young People to receive individual supports as well as attend group and other social activities from this location. We will continue to work with the headspace Program and other Social Futures programs in Ballina.

If you have any questions about this letter of support, please contact me using the details below.

Yours Sincerely

[redacted]

Child and Adolescent Service Manager
CAMHS NNSW MHAOD
Northern NSW Local Health District
T [redacted] M [redacted] E [redacted]

Child and Adolescent Mental Health Services
60 Hunter Street
Lismore NSW 2480
ABN 67 284 856 520
02 6620 7900
Child and Adolescent Mental Health Service | Northern NSW Local Health District

Dear Ballina Shire Council

Re: Letter of Support – Social Futures Lease, 32 Swift Street Ballina

I am writing to express our support for the continuation of the lease held by Social Futures at 32 Swift Street, Ballina.Connect Northern Rivers works very closely with the Headspace program delivered at this site and fully supports the service activity plan developed by Social Futures for activities scheduled during the 2025–2026 financial year. The premises at 32 Swift Street provide a safe and accessible space for young people to receive individual support, participate in group programs, and engage in social activities. We value this location as a hub for positive community engagement and will continue to collaborate with headspace and other Social Futures programs in Ballina. If you require further information about this letter of support, please contact me at [redacted] or [redacted]

Kind regards,

[redacted]

Program Manager
Connect Northern Rivers

Contact us:
1300 183 352
info@connectnr.com
connectnr.com

Lismore
Tweed Heads
Grafton
Coffs Harbour

NSW Incorporated Association
INC9879468
ABN: 78 548 380 830

To: Ballina Shire Council - Nathalia Shelton

Leah [redacted]

8 July 2025

Subject: CM 25/34327

Proposed Licence for Part of Lumley Park (Community Land)

Part of Lots 333 DP755745 and 7004 DP92641, 2 Pearces Creek Road, Alstonville

Dear Nathalia,

I am writing in response to the public notice regarding the proposed licence over part of **Lumley Park**, which is designated as Community Land under the *Crown Land Management Act 2016* and the *Local Government Act 1993 (LGA)*.

I wish to formally **oppose the granting of the licence** at this time, based on the following concerns:

1. Insufficient Supporting Infrastructure

The surrounding infrastructure is inadequate to support increased use or activity. In particular:

- **The road network surrounding the site is insufficient and poses safety risks** for both drivers and pedestrians, especially with increased traffic volumes.
- **There is a lack of proper footpath access and sufficient car parking**, making the area unsafe for pedestrians, particularly children, elderly residents, and those with limited mobility. In addition, **the shortage of parking spaces regularly hinders local homeowners**, who are already impacted by spillover parking from existing tennis and pickleball use. This overflow contributes to **further damage to failing road surfaces and house verges**. Any increased activity under the proposed licence would only worsen these issues.

2. Lack of Time Limits or Use Restrictions

There is no clear indication of operational hours, use restrictions, or enforcement mechanisms under the proposed licence. This creates a risk of extended or inappropriate use, which could:

- Disrupt residential amenity
- Increase traffic at inappropriate hours
- Limit safe and equitable public access to community land
- **Causes excessive noise in the evenings**, further affecting the quality of life for nearby residents

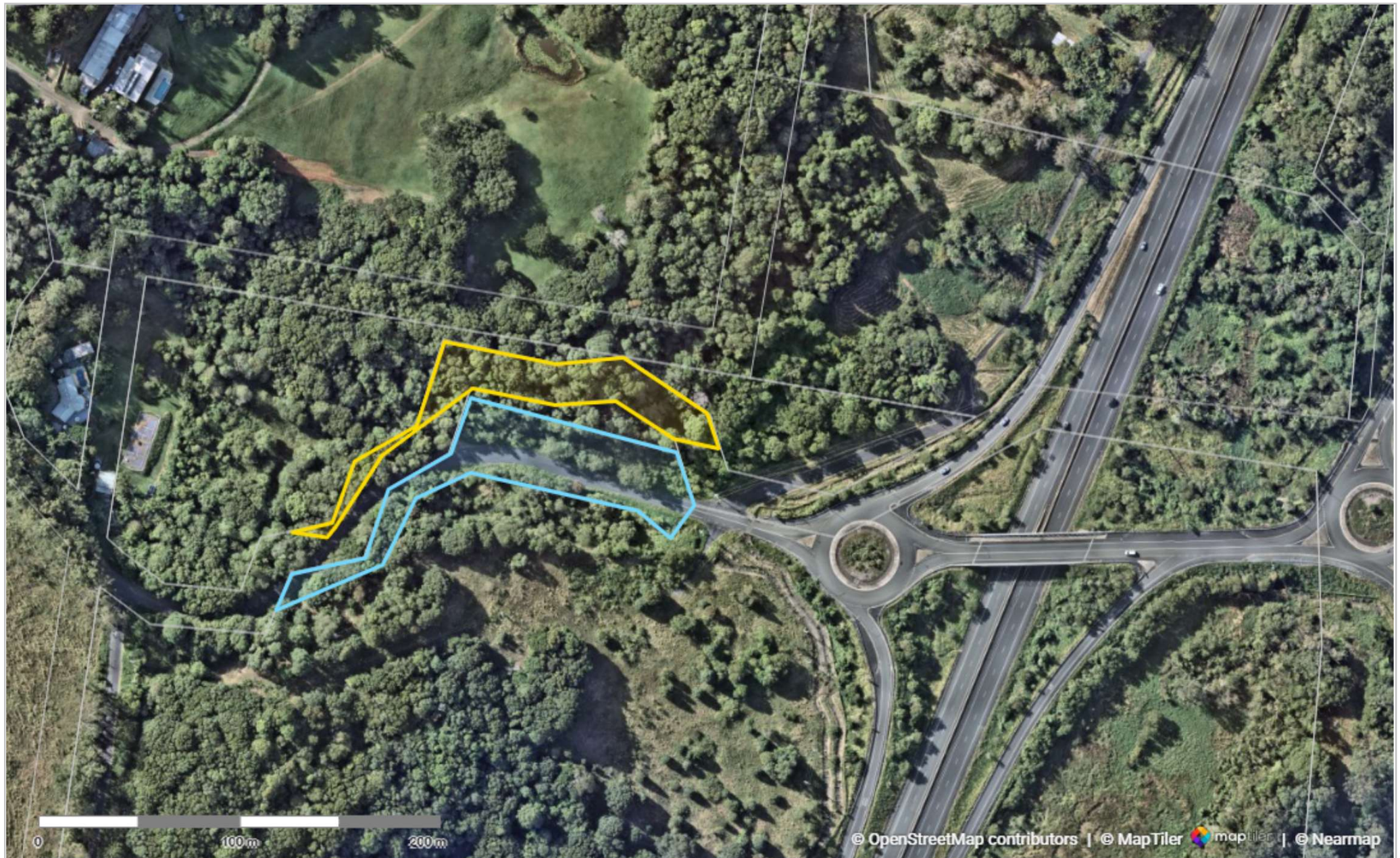
Request

Until these issues are addressed, specifically, **upgrades to the surrounding road and pedestrian infrastructure**, **adequate car parking**, and the **inclusion and enforcement of clear operational limits** - **I do not support this proposal.**

I respectfully request that Council defer consideration of the licence until these matters are properly resolved with input from affected residents.

Thank you for the opportunity to provide this submission. Please keep me informed of any further developments regarding this proposal.

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ballina shire council Coolgardie Road

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1 : 2,500 at A4
30-Oct-2025
View map online

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Ballina Shire Council
40 Cherry Street
BALLINA NSW 2478

PO Box 450
BALLINA NSW 2478

1300 864 444
council@ballina.nsw.gov.au
www.ballina.nsw.gov.au

N

Proposed Road Closing - Walker Lane, Cumbalum

ballina shire council
geographical information system

Projection: GDA94 / MGA zone 56
Date: 13/07/2018

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BUSINESS
LENNOX HEAD

Lennox Head Chamber of Commerce Incorporated

T/A Business Lennox Head

PO BOX 11 Lennox Head NSW 2478

From: Alexander Sharkey, Vice President

To: Ballina Shire Council

Re: NBN Connection in Lenox Park

6/11/2025

Aligning Lennox Park's Future with Council's Own Strategic Vision

Building a Digital, Connected, and Visitor-Ready Public Space

Introduction

The Lennox Park Bus Shelter is more than a transport stop, it is an iconic hub of Lennox Head, a gathering point where community, tourism, and open space converge. Our proposal to Council to install an NBN uplink to Lennox Park is not about supporting a single event such as the Oz Grom Open. It represents an investment with far-reaching benefits that align directly with Ballina Shire's own strategic planning and documentation. Lennox Head is a world-class coastal destination, and as the world becomes increasingly digital-first, visibility and accessibility in online spaces are critical. The more digital experiences we create for visitors, the more opportunities we have to turn virtual engagement into real-world visitation, participation, and economic activity. By strengthening Lennox Park's digital infrastructure, we enable our community, local businesses, and Council itself to stay relevant, connected, and future-ready.

Summary and Core Statement

A permanent NBN connection at Lennox Park is not a new project. It is the direct application of Council's existing policies on digital connectivity, tourism infrastructure, and community activation. It supports multiple events, enhances emergency communication, and enables new forms of engagement, education, and economic participation year-round.

Council's own strategic documents confirm:
1. NBN is defined as core infrastructure.
2. Digital-first community engagement is already policy.
3. Parks and open spaces are recognised event and visitor hubs.
4. Digital tourism experiences are part of the economic strategy.
5. Investment in tourism-related infrastructure is an ongoing commitment.

BUSINESS
LENNOX HEAD

Practical Applications of NBN Connectivity at Lennox Park

A. Immediate Use Cases (Year 1–2)

- **Event Operations and Commerce:**
  - Stable, high-speed internet for market stall EFTPOS terminals and mobile payment systems.
  - Reliable connectivity for event organisers, volunteers, and media crews during festivals and competitions.
  - Real-time access to online ticketing and vendor registration platforms.
  - Secure Wi-Fi network for staff and emergency communications during large gatherings.
  - Outdoor Pop Up Movie Nights - similar to Tweed Shire Council “Places to Love Initiative"
- **Community and Visitor Access:**
  - Free public Wi-Fi with a capture portal linking to the Ballina Coast & Hinterland tourism site, local business directory, and event calendar.
  - Digital visitor information available 24/7 through an interactive portal (transport, maps, weather, tides, accommodation).
  - Ability to collect anonymised visitation data for tourism reporting and grant evaluation.
- **Inclusion and Accessibility:**
  - Live streaming of public events for elderly, remote, or mobility-impaired residents unable to attend in person.
  - Real-time captioning and accessible broadcasts through Council or event organisers’ social media platforms.
  - Integration with hearing loop systems or augmented listening devices during public talks or performances.

B. Short to Medium Term Opportunities (Years 3–5)

- **Smart Public Space Development:**
  - Installation of digital signage or e-ink information boards showing event schedules, surf conditions, and community notices.
  - Sensor-based crowd monitoring for safety, environmental, and traffic management during peak events.
  - Wi-Fi-enabled waste and lighting systems for energy efficiency and sustainability reporting.
- **Tourism and Education:**
  - Interactive digital tours showcasing local Indigenous history, coastal ecosystems, and community art.
  - Wi-Fi access points supporting augmented reality experiences (for example, an 'Explore Lennox' app).

- Educational livestreams of environmental and sporting events for schools and universities.

· **Business and Innovation Activation:**
- Pop-up remote work zones or co-working pods during off-peak months.
- Support for digital expos and conferences, expanding the Lennox Head business events offering.
- Ability to host technology demonstrations or sustainability showcases as part of regional innovation programs.

C. Long-Term Strategic Outcomes (Years 5+)

· **Regional Resilience and Connectivity:**
- Enables emergency broadcast capacity for community alerts, surf warnings, and disaster response.
- Provides a model for digital infrastructure replication at other foreshore and tourism nodes in Ballina Shire.
- Strengthens Ballina's identity as a 'Connected Coastal Community', supporting future smart city and sustainability initiatives.

Policy References Supporting the Proposal

Ballina Shire Council's adopted strategies clearly describe a future driven by digital connectivity, tourism, and community engagement. Across the Local Strategic Planning Statement (LSPS 2020–2040), the Community Strategic Plan (CSP 2025–2035), and the Destination Management Plan (DMP 2021–2030), there is consistent language prioritising "digital-first," "connected communities," and "tourism-enabling infrastructure."

Installing an NBN connection at Lennox Park aligns directly with these goals. It supports Council's own stated vision for innovation, connectivity, and local economic development. The evidence comes from Council's own policy wording.

---

1. Local Strategic Planning Statement 2020–2040

Document: Living in Paradise, Our Vision Our Future – Local Strategic Planning Statement

1.1 NBN as Core Infrastructure
"Ballina Shire is serviced by infrastructure including the Pacific Motorway, Ballina Byron Gateway Airport and leading edge urban services such as the NBN."
(Page 18)
The Council already defines the NBN as core public infrastructure, equivalent to highways and airports. Extending NBN to Lennox Park is therefore a continuation of existing infrastructure strategy, not a new initiative.

BUSINESS
LENNOX HEAD

1.2 Connectivity and Digital Growth
"Ballina Shire is well placed to harness this potential through… the increased connectivity provided by the upgraded Pacific Motorway and digital technology."
(Page 84)
Digital technology is recognised as a key growth driver. The Lennox Park connection represents practical implementation of this goal, strengthening connectivity for events, tourism, and business use.

1.3 Digital Communication and Community Engagement
"By 2040, local printed newspapers may no longer exist… Council may increasingly communicate with its residents through electronic means."
"Electronic community notice boards located in commercial areas and population hubs may also be used to provide information and obtain feedback."
(Page 74)
Lennox Park is a population hub. A connected park would allow for digital signage, online voting, and emergency communication, perfectly matching Council's own vision for future engagement methods.

1.4 Community Infrastructure Includes Technology
"Libraries… may become meeting places in which we have access to technology, study, do business, as well as borrow resource material."
(Page 75)
This expands community infrastructure to include access to technology and doing business. Public parks that host major events and visitors logically require the same digital capacity.

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2. Community Strategic Plan 2025–2035

Document: Ballina Shire Council Community Strategic Plan 2025–2035

2.1 Vision for a Connected and Thriving Community
"Ballina Shire is a connected, sustainable, and thriving community… supporting a strong local economy."
"Ballina Shire is a place of connection, opportunity, and sustainability."
(Page 17)
NBN at Lennox Park enhances connection and supports the local economy through year-round activation, events, and visitor engagement.

2.2 Innovation and Advocacy
"We will embrace innovation, advocate for our needs, and work together to create a shire that is prosperous, liveable, and inclusive."
(Page 15)
Adding NBN to Lennox Park is Council's opportunity to embrace innovation and advocate for community benefit through digital inclusion.

BUSINESS
LENNOX HEAD

2.3 Festivals and Events as Economic Drivers
"Festivals, markets, and events contribute to the cultural and economic vibrancy of the region."
"Open spaces, pathways, and local gathering places provide settings for community activities and events."
(Page 19)
Lennox Park already fulfils this role. Permanent connectivity strengthens Council's ability to support events, live streaming, online ticketing, and digital accessibility.

2.4 Connected Community Outcomes
"Encourage volunteering, events, and activities that promote social connections and wellbeing."
"Support improved health and wellbeing outcomes through provision of sporting, recreational and community facilities."
(Page 22)
Modern events and community facilities require reliable internet access for safety, coordination, and participation. This is a public benefit, not a luxury.

2.5 Digital Engagement and Precedent
"Media and Digital Engagement played a significant role in encouraging participation… including social media, newsletters, and the YourSayBallina engagement platform."
"Connected Community Expo, held in February 2025 in Lennox Head… included online participation via YourSayBallina."
(Page 7)
This proves Council already uses Lennox spaces for digital-first engagement. A permanent NBN link in Lennox Park would enable more Connected Community-style events and interactive initiatives.

---

3. Destination Management Plan 2021–2030

Document: Ballina Coast and Hinterland Destination Management Plan

3.1 Infrastructure That Enables Visitation
"The destination's key tourism-related infrastructure includes… the Ballina Visitor Information Centre, highways, and upgrades to the coastal pathway. These products and services support access to and enable visitation."
(Page 50)
NBN infrastructure at Lennox Park supports access and visitation by providing the digital tools events and visitors rely on, including live scoring, live streaming, and online engagement.

3.2 Digital Visitor Infrastructure Precedent
"The Northern Rivers Digital Visitor Hub… offers an interactive information service with touchscreens and immersive displays."
(Page 54)

Council already invests in digital visitor infrastructure. A smaller-scale coastal digital hub at Lennox Park follows this same proven model.

3.3 Identified Infrastructure Gaps
"Asset gaps include a signature festival or event… alternative family attractions… and a night-time dining scene."
(Page 56)
Digital connectivity supports these goals by enabling live events, interactive installations, and evening activities that require strong network access.

3.4 Digital Experiences and Technology Adoption
"Advocate for upskilling of industry to offer digital experiences and be highly visible online."
"Keep abreast of technology developments… using assets to support the visitor economy."
"Continue to invest in tourism related infrastructure."
(Page 65)
Lennox Park NBN connection fulfils all three: it helps operators deliver digital experiences, supports Council's use of assets for tourism, and qualifies as tourism-related infrastructure.

3.5 Event Venues as Strategic Assets
"Lennox Cultural Centre and Missingham Park amphitheatre offer spaces for community events and performances."
(Page 70)
Lennox Park functions as an open-air coastal counterpart to these facilities. Equal access to connectivity would standardise the digital readiness of all key venues.