

Agenda

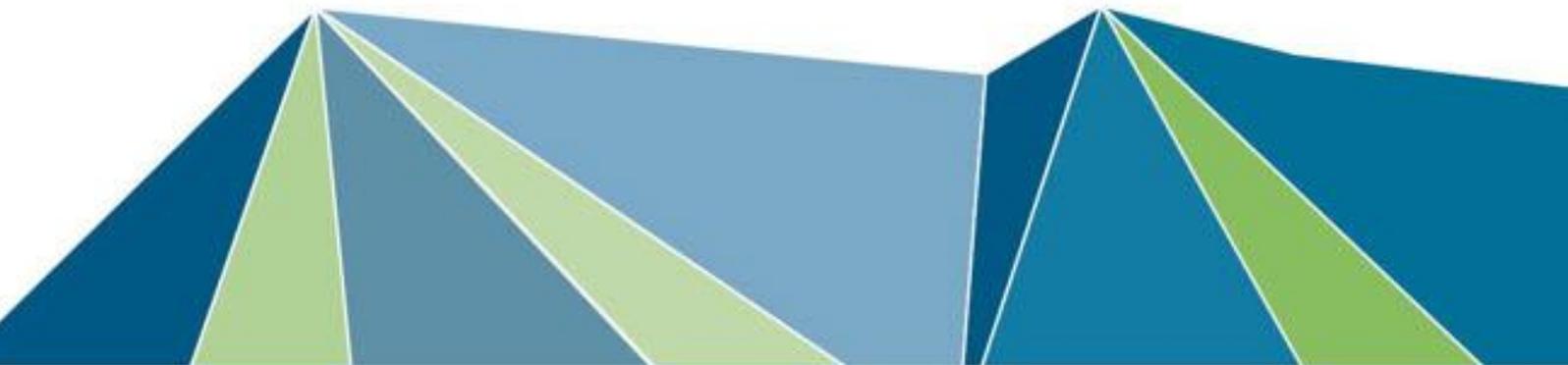
Environmental and Sustainability Committee Meeting

11 March 2026

A Environmental and Sustainability Committee Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **11 March 2026 commencing at 4:15 PM.**

1. Acknowledgement of Country
2. Apologies
3. Declarations of Interest
4. Committee Reports

Paul Hickey
General Manager



Ethical Decision Making and Conflicts of Interest

A guide for Councillors, Council employees and community representatives

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of Interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to yourself or another person or entity defined in part 4 of the Council's Code of Conduct, with whom you are associated.
- **Non-pecuniary** – a private or personal interest that you have that does not amount to a pecuniary interest as defined in the Council's Code of Conduct.

These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

The test for a conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- It is important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- Do I have private interests affected by a matter I am officially involved in?
- Is my official role one of influence or perceived influence over the matter?
- Do my private interests' conflict with my official role?

Disclosure and participation in meetings

Pecuniary Interests

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests

Must be disclosed in meetings. There are a broad range of options available for managing non-pecuniary interests and the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary interests must be dealt with in one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as per the provisions in the Code of Conduct (particularly if you have a significant non pecuniary interest)

Recording and Livestreaming of Council Meetings

- The meeting (with the exception of the confidential session) is being livestreamed and recorded for on-demand viewing via Council's website (ballina.nsw.gov.au/agendas-and-minutes) and a person's image and/or voice may be broadcast.
- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

Table of Contents

1.	Acknowledgement of Country	5
2.	Apologies.....	5
3.	Declarations of Interest.....	5
4.	Committee Reports.....	6
4.1	Local Strategic Planning Statement - Adoption	6
4.2	CURA B - E1 Zone Relocation and Height Increase - Planning Proposal	30
4.3	Detached Dual Occupancies - 7(c) Environmental Protection (Water Catchment) Zone	40

DISCLAIMER ©NSW Spatial Services 2024. Although all care is taken in the preparation of plans within Council's business paper (both agendas and attachments), Ballina Shire Council accepts no responsibility for any misprints, error, omissions or inaccuracies. The information contained within each plan is for pictorial representation only and not to scale. Accurate measurements should be undertaken by survey.

1. Acknowledgement of Country
 2. Apologies
 3. Declarations of Interest
-

1. Acknowledgement of Country

In opening the meeting, the Mayor will provide an Acknowledgement of Country.

We acknowledge the Nyangbul peoples of the Bundjalung nation, the traditional custodians of the land on which we meet today and pay our respects to their Elders, past and present.

2. Apologies

An apology has been received from Cr Phil Meehan.

3. Declarations of Interest

4.1 Local Strategic Planning Statement - Adoption

4. Committee Reports

4.1 Local Strategic Planning Statement - Adoption

Section	Strategic Planning
Objective	To outline the public exhibition of the draft Local Strategic Planning Statement and submissions received, and seek direction on the finalisation and adoption of the LSPS.

Background

The *Environmental Planning and Assessment Act (1979)* (EP&A Act) requires all NSW councils to prepare a Local Strategic Planning Statement (LSPS) and to review and update it every seven years. Ballina Council's first LSPS was adopted on 28 May 2020 and there is an action in the Delivery Program and Operational Plan (DPOP) to be undertaken in 2025/26 to:

Review Local Strategic Planning Statement to incorporate updated local growth management strategy. (HE3.1g)

A Councillor briefing was held on 4 June 2025 to discuss the draft revised LSPS, with an additional briefing held on 2 July 2025 to discuss the role of Strategic Urban Growth Areas (SUGAs) and the SUGA review that occurred during 2022 and 2023.

A report summarising the content of the draft LSPS and key issues was provided to the 28 August 2025 Ordinary meeting of Council. Council resolved at that meeting to endorse the draft LSPS for public exhibition ([Agenda of Ordinary Meeting of Ballina Shire Council - Thursday, 28 August 2025](#)).

The exhibited draft LSPS is included as Attachment 1.

Public exhibition took place from 26 September to 5 November 2025.

This report provides an overview of the submissions that were received to the draft LSPS and makes recommendations for amendments prior to adoption of the LSPS and associated addendum.

In addition, this report incorporates a response to a resolution of Council adopted at the Ordinary meeting on 26 February 2026 regarding rural land use policy.

Key Issues

- Strategic planning direction for Ballina Shire.
- Ensuring sufficient policy settings and land availability to meet population and employment growth.
- Integration of the LSPS and Growth Management Strategy.

4.1 Local Strategic Planning Statement - Adoption

- Ensuring Council's strategic land use planning framework reflects Council and community priorities.

Discussion

What is the LSPS?

The LSPS is a 20-year overarching strategic land use planning document that sets a long-term vision and direction for a range of other related strategies and policies.

The LSPS guides delivery of strategic land use initiatives as well as statutory planning controls, such as the Ballina Local Environmental Plan 2012 (LEP) and Development Control Plan 2012 (DCP). It also guides infrastructure and developer contribution planning.

The revised LSPS provides a refreshed set of planning priorities and actions that are consistent with priorities that emerged from community engagement activities undertaken for the development of the Community Strategic Plan (CSP). It also reflects a range of other plans, studies and strategies that Council has adopted over many years.

The current Ballina Shire Growth Management Strategy (2012) has been integrated, where applicable, to create a single land use planning policy document. Once adopted, the revised LSPS will supersede the Growth Management Strategy.

Public Exhibition and Submissions

The draft LSPS was placed on public exhibition and referred to State agencies for comment from 26 September 2025 to 5 November 2025.

The exhibition of Council's draft LSPS generated submissions from landowners, the public and two State Government agencies. The submissions are included in Attachments 3 and 4. The issues raised are summarised and addressed below.

Site Specific Submissions – Employment Land

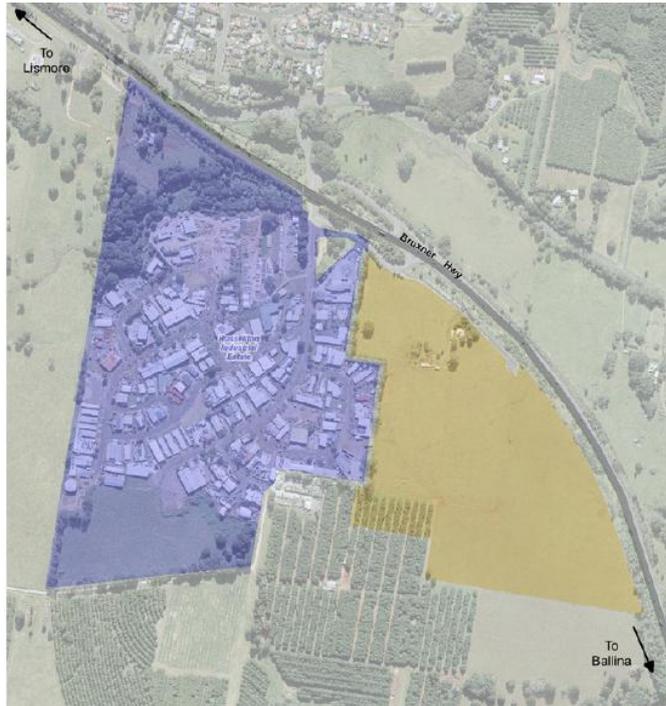
This section provides a summary of site-specific submissions received in relation to proposed employment lands or suggested new employment lands.

Alstonville/Wollongbar Employment Land Expansion

The publicly exhibited draft LSPS included additional land between Alstonville and Wollongbar adjacent to the Russellton Estate as shown shaded beige on the map extract below. This is consistent with the Wollongbar Strategic Plan and Council's Strategic Urban Growth Area review.

The Department of Planning, Housing and Infrastructure recommended that a separate addendum to the LSPS be prepared in relation to the Russellton industrial estate expansion area. The addendum is included as Attachment 2, and an associated agricultural capability assessment is in Attachment 5.

4.1 Local Strategic Planning Statement - Adoption



Two site-specific submissions seeking to have additional land included as part of the potential expansion area adjacent to the Russellton estate are summarised with a staff response in Table 1 below.

Table 1: Summary of submissions – Alstonville/Wollongbar Employment Land

Summary of Submission	Response
<ul style="list-style-type: none"> A 7800m² site with a street address 9 Robb Street, Alstonville (Lot 1 DP 1221732) adjoins the existing Russellton estate currently zoned part E4 General Industrial and part 7(i) Urban Buffer (1987 LEP). The landowner is seeking to have it identified for future industrial use. The site currently supports two approved businesses, Ajay Fibreglass and Duraplas that manufacture and sell rainwater tanks. The zoning change is proposed to enable expansion of industrial land uses into the subject area. The current zoning is shown below. 	<p>The proposal represents a logical, minor extension of the E4 zoning and will reflect existing Council approved light industrial uses.</p> <p>In addition, two parts of Council-owned land on the northern and eastern side of the property zoned RE1 Public Recreation and 7(i) Urban Buffer (intended to act as a buffer between industrial and agricultural uses) are currently used (informally) for storage by the adjoining uses. It is also proposed to include approximately 2000m² of the RE1 land (Lot 11 DP1059499) and approx. 560m² of the 7(i) zoned land (Lot 2 DP1221732) as future employment land within the LSPS.</p>
	<p>Recommendation:</p> <p>Include the identified site and parts of Council owned land as part of the Alstonville potential employment expansion area.</p>
<ul style="list-style-type: none"> A preliminary assessment of environmental constraints has been undertaken with no significant issues identified. 	

4.1 Local Strategic Planning Statement - Adoption

Summary of Submission	Response
<ul style="list-style-type: none"> The site has existing vehicle access and would not require major infrastructure upgrades. The proposal aligns with existing character and function of the site and would not likely result in future land use conflict. Inclusion of the site is consistent with the NCRP Urban Growth Area variation Principles as a 'minor rounding off' of the adjoining industrial zone. 	<p>Amend Figure 17, p. 51 and Table 3, p.48 of the LSPS to reflect the additional area as shown in Figure 1 below.</p> <p>Note: This area is addressed in the addendum at Attachment 2. See discussion elsewhere in this report.</p>
<ul style="list-style-type: none"> Submission seeks to have 5.5ha of Lot 3 DP1221732 included as an investigation area for future employment lands. The site is directly south of the existing Russellton Industrial Estate and adjoins the site discussed above as shown in the map below.  <ul style="list-style-type: none"> The site provides a logical extension and can accommodate required infrastructure and buffers. Given the limited supply of developable employment land, inclusion within the LSPS is justified and necessary. Previous assessment (2018) deemed the site constrained by steep slope and unsuitable for industrial development. Requests Council reconsider the northern part of the site, given the analysis by Hill PDA about the shortfall of employment lands in the region and that many areas of future employment land in the LSPS are limited by constraints such as flood, ecology and infrastructure servicing. A site constraints assessment is provided. The submission provides information that the area is similar in slope to recently developed industrial land and that slope and drainage could be satisfactorily managed. Other constraints have been addressed, and no other major issues are identified. A site opportunities assessment is provided. This includes minimal visual impact, links to transport infrastructure and single ownership. 	<p>The shortfall of developable employment land is a significant issue addressed in the LSPS.</p> <p>The site identified in this submission links to the existing industrial estate and to the area proposed to be included for potential industrial land expansion to the north and west (see previous submission response).</p> <p>A small part of the site of approximately 4000m² would make a logical extension to link the site discussed in the previous submission and the proposed expansion area in the LSPS. Beyond that, continued expansion of employment land to the south into important farmland is not recommended. It is not supported by the Wollongbar Strategic Plan or community expectation through previous engagement activities.</p> <p>Recommendation:</p> <p>Support the inclusion of approximately 4000m² of Lot 3 DP1221732 as shown in red outline in Figure 1 to 'round off' the investigation area. Note that Figure 1 covers the portion of Council owned lots discussed in the response to the first submission.</p> <p>Amend Figure 17, p. 51 and Table 3, p.48 of the LSPS to reflect the additional area as shown in Figure 1 below.</p> <p>Note: This area is addressed in the addendum at Attachment 2. See discussion elsewhere in this report.</p>



Figure 1: Alstonville/Wollongbar Employment Lands Map - proposed additional areas (cross hatched).

Other Potential Employment Land – Uralba

The owners of the Westbridge Quarry site are seeking to have an area identified as an employment land investigation area. The site is located near the junction of the Bruxner and Pacific Highways (Figure 2).

4.1 Local Strategic Planning Statement - Adoption

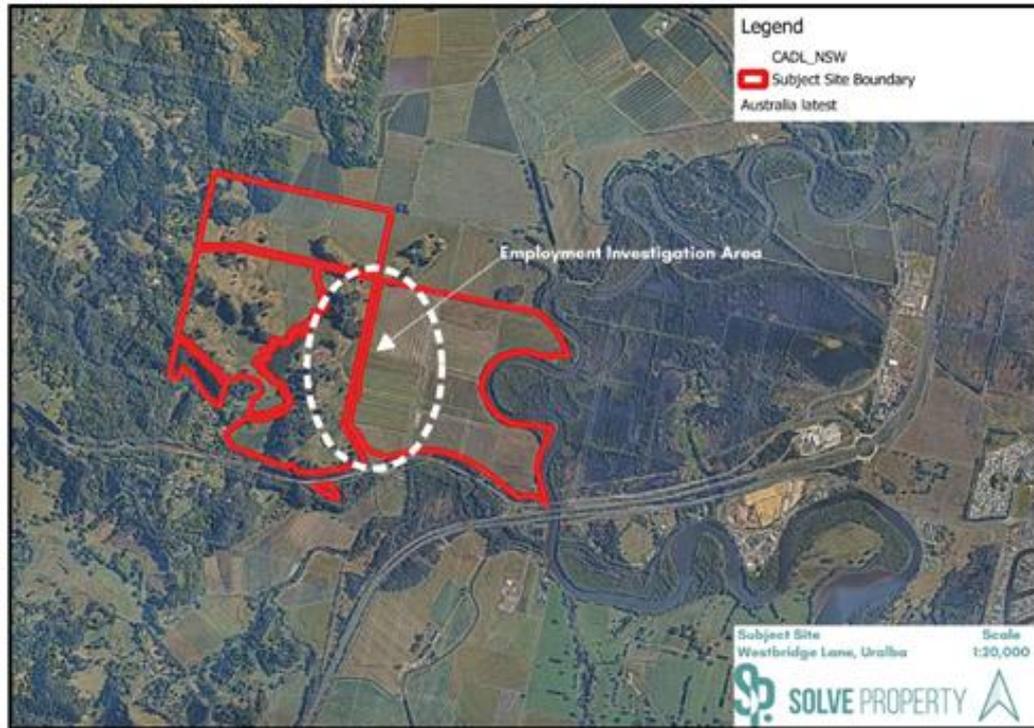


Figure 2: Location of proposed employment land investigation area at Uralba

The issues raised by the submission are summarised in Table 2.

Table 2: Westbridge Quarry area Uralba

Summary of Issues	Response
<ul style="list-style-type: none"> • Strategic opportunities are identified as: <ul style="list-style-type: none"> - highway access, exceptional freight and logistics efficiency - proximity to existing infrastructure and services - capacity to accommodate a range of industrial and service-based employment opportunities & - regional integration (capturing demand from SE Queensland) • The proposal aligns with LSPS Planning Priorities 4,5 & 6. • The site would potentially provide an additional 30+ ha of future employment land, helping to address the regional shortfall. • Submission reiterates constraints of other future employment sites identified within the LSPS. • The quarry licence expires in 2032, providing a natural transition point for redevelopment. • Preliminary flood modelling has been undertaken showing filling of the site can be undertaken without compromising flood behaviour. (A presentation of the flood modelling was provided to staff). 	<p>The site may have strategic merit as a long-term development opportunity for future employment land after cessation of quarry operations in 2032.</p> <p>It could potentially help to address the regional shortfall in employment land.</p> <p>The loss of further mapped important farmland may not be supported by DPIRD (Agriculture), noting that this site is 'Regional' not State Significant Farmland.</p> <p>As outlined in Table 10 later in this report, DPHI has recommended that Council provide a separate addendum to the LSPS to support the inclusion of the Russellton expansion area. DPHI also advised that additional sites not be included at this time.</p> <p>DPHI further advised there is likely to be legislative changes so that LSPS's have a minor review every 4 years and a major review every 8 years to better align with IP&R timeframes.</p> <p>An assessment of site constraints and opportunities has not been undertaken by staff at this time. Given the quarry has a licence to operate until 2032 and depending on the outcome of the Russellton expansion area, this site could be re-examined at the next</p>

4.1 Local Strategic Planning Statement - Adoption

Summary of Issues	Response
<ul style="list-style-type: none"> Over 200ha under single ownership allowing future employment uses with ongoing agriculture and suitable buffers. The area sought as an 'investigation area' is identified as Important Farmland in the NCRP. A research report is provided as a separate attachment identifying employment opportunities, planning and 'key vision' considerations. 	<p>review of the LSPS if demand for additional employment land continues.</p> <p>Recommendation: No change to the LSPS.</p>

Lennox Head SUGA expansion

A submission was received for inclusion of part of 425 Ross Lane, Lennox Head in the LSPS for future employment use.

Table 3: Summary of submission on Lennox Head employment land expansion

Summary of Submission	Response
<ul style="list-style-type: none"> Landowner seeking to have approximately 5000m² on Ross Lane, Lennox Head considered for future employment use, as shown below outlined in red (left hand side of plan). The figure also shows the existing 50ha Strategic Urban Growth Area (SUGA) shaded green. The site is adjacent to Barrett land (and existing SUGA), close to Lennox village and has existing infrastructure in place. 	<p>The property at 425 Ross Lane is split by Ross Lane and the submission relates to the small part of it on the southern side of Ross Lane. It does not adjoin or provide a logical extension to the 50ha SUGA already identified as a future investigation area for both employment and/or residential use. The inclusion of a separate 5000m² site to the west of the SUGA does not support contiguous or orderly future development in this area.</p> <p>Recommendation: No change to LSPS.</p>

Expansion of Commercial Activities at Newrybar

A submission was received on behalf of several landowners at Newrybar seeking a planning framework for growth and ongoing viability of local businesses, specifically to enhance Newrybar's rural tourism identity. The submission relates to the same properties that are the subject of scoping proposals to amend the Ballina LEP 1987 submitted to Council on 27 June 2025. The properties involved are shown in Figure 3.

4.1 Local Strategic Planning Statement - Adoption



Figure 3: Newrybar landowners - joint submission

Table 4: Summary of proposed additional uses at Newrybar

Summary of Submission / Issues	Staff Response
<ul style="list-style-type: none"> • Newrybar village current 7(c) Water Catchment zoning in LEP '87 limits expansion for future commercial uses. Submission seeks to have a long-term goal of a suitable zoning in LEP 2012, with a RU5 Village zoning suggested. A key sites clause and map and/or an Additional Permitted Use (APU) clause are also suggested. • A scoping proposal submitted to Council in 2025 sought to enable a range of APUs within Newrybar village. Council preference to limit use to current floor area is not necessary and will hinder flexibility and the economic use of the land. • On-site sewerage management requirement limiting expansion and intensification. • Byron Council's LEP clauses relating to mapped areas for 'design excellence' and 'active street frontages' provide a model for how Newrybar objectives could be met. • Seeks to have an additional action, or expand upon Action 3.1, to clarify the circumstances in which Council will allow expansion of commercial uses within Newrybar village. • The inclusion of 'artisan food and drink industry' which is a light industry use, would 	<p>Detailed advice was provided to the Newrybar landowners in response to the scoping proposals submitted to Council. This outlined Council's position for expansion within Newrybar village, consistent with the statements and actions in the draft LSPS. As well as existing floor areas, Council proposed additional areas of property where expansion of commercial activities could be undertaken and suggested a separate Planning Proposal for a new 'anchor' business.</p> <p>Council previously resolved in 2023 not to support an RU5 Village zoning at Newrybar.</p> <p>The wording of Action 3.1 in the Draft LSPS is to: <i>Implement the Streetscape Master Plan for Newrybar and consider amendments to planning provisions relating to commercial land uses within the village where such uses can be demonstrated to be in keeping with the community vision, village character and the environmental and infrastructure.</i></p> <p>It is noted that 'commercial land uses' would not include 'artisan food and drink industry', which is separately defined as a 'light industry' in the LEP. Similarly, <i>creative industry</i> is separately defined and may be an appropriate land use in Newrybar village.</p> <p>Tourism uses are not separately defined in the LEP other than <i>tourist and visitor</i></p>

4.1 Local Strategic Planning Statement - Adoption

Summary of Submission / Issues	Staff Response
<p>facilitate farm to table enterprises that align with the Newrybar Streetscape masterplan vision.</p> <ul style="list-style-type: none"> Request the Significant Farmland mapping in the Newrybar area be refined to reflect lots with existing commercial operations and/or land that is too small to support agriculture. LSPS action provides for some expansion of commercial uses, but further non-retail uses including tourism uses would be beneficial and support Planning Priority 6 (i.e.. leveraging tourism opportunities). 	<p><i>accommodation</i>'. The LEP parent term <i>'commercial premises'</i> incorporates retail premises and permits <i>food and drink premises</i> which includes restaurants, cafes, takeaway food and drink, pubs and small bars. This adequately allows for additional tourism opportunities.</p> <p>Important Farmland mapping is determined by State Government agencies and is not something Council can amend.</p> <p>Recommendation:</p> <p>The wording of Action 3.1 in the LSPS be amended from 'commercial land use' to 'commercial activities' to clarify that a broader range of land uses could be considered at Newrybar beyond those that fall strictly within the LEP definition of <i>commercial premises</i>.</p> <p>This will clarify that artisan food and drink and creative industries could be considered in a planning proposal for expansion of uses within Newrybar's village area.</p> <p>The landowners may submit a Planning Proposal at any time, based on feedback to the scoping proposal.</p>

Ballina Precinct Planning

A submission was received on behalf of the owners of the Super Amart site in Kerr Street, who submitted a scoping proposal in 2025 seeking a change of zoning from R2 Low Density Residential to E3 Productivity Support to allow for a range of additional commercial uses.

The site is identified within the LSPS as part of a wider precinct plan that would look at potential changes to planning controls to stimulate economic activity and potentially increase housing density.

Table 5: Summary of submission - Super Amart site at Kerr Street

Summary of Submission	Staff Response
<ul style="list-style-type: none"> Support the intent of the LSPS to maintain a supply of employment land located close to population centres, specifically Ballina. Specifically support Action 4.1 to prepare a precinct plan for land that includes the Super Amart site in Ballina. Believes the action should be undertaken in the short to medium term, rather than long term (5+ years). The Amart site provides an opportunity for an employment hub to be unlocked. 	<p>Noted.</p> <p>Action 4.1 in the LSPS is to 'prepare and implement' a precinct plan, with the timing identified as short term to long term.</p> <p>On review, the recommended area for a precinct plan is shown below. The word implement in the current action is unnecessary as implementation will occur once a plan has been considered and endorsed by Council and DPHI.</p> <p>This action can be accommodated in the work program as short to medium term item.</p>

4.1 Local Strategic Planning Statement - Adoption

Summary of Submission	Staff Response
	 <p>Recommendation: Amend the wording of Action 4.1 to 'Prepare a precinct plan for land in proximity to Ballina Hospital, and incorporating St Andrews Village, Ballina Central Shopping Centre, Biala Special School, Super Amart and the Cherry Street Sports Club and change the timing to short to medium term'.</p>

Employment Land – Other Issues

A submission was received on several matters related to employment lands, including some site specific issues, as outlined in Table 6.

Table 6: Summary of other employment land issues

Summary of Issues	Staff Response
<ul style="list-style-type: none"> • Expert studies forecast demand for employment land up to 50ha. The LSPS identifies approximately 4ha is practically available for new employment development. • The inclusion of 23 ha of land adjacent to the existing Russellton estate at Alstonville is potentially fraught given its current urban buffer zoning. • There remains a 23-50ha deficiency that needs to be urgently addressed. The deficiency has likely adverse consequences for the Shire's economy and population. • The LSPS should be corrected by identifying 50ha of immediately available and strategically located land. • Commentary is made on constraints of future employment land sites in the LSPS including; <ul style="list-style-type: none"> - Council resolution not to pursue rezoning of Southern Cross expansion 	<p>The shortfall of future employment land is identified and reflected within the LSPS.</p> <p>The 23ha identified at Alstonville is south of the Bruxner Hwy and therefore any change of zone will have limited impact on the intent of the buffer between Alstonville and Wollongbar. It is also consistent with the Wollongbar Strategic Plan and Council's most recent SUGA review.</p> <p>The inclusion of 50ha of 'immediately available' land is not possible. The importance of identifying future suitable employment land is well understood and reflected in the LSPS and associated addendum.</p> <p>In relation to other site-specific issues:</p> <ul style="list-style-type: none"> - The LSPS map of the Southern Cross expansion area reflects Council's resolution to maintain it within the strategic planning framework. - The flood constraint is acknowledged for land south of Tamarind Drive. It is recommended that land identified for future development be adjusted as follows:

4.1 Local Strategic Planning Statement - Adoption

Summary of Issues	Staff Response
<p>area due to flooding and ecological issues.</p> <ul style="list-style-type: none"> - Land south of Tamarind Drive subject to flooding and unlikely to be developed. - Land adjacent to Pacific Highway at West Ballina is highly visible and not well suited to general industrial use. - Land adjacent to Russellton industrial estate at Alstonville is inconsistent with urban buffer objectives. - Land on Byron Bay Road at Lennox Head understood to be constrained by cultural heritage issues. - Land at North Creek Rd, Skennars Head is too valuable as residential land to be used as an industrial precinct. - Land at Blackwall Drive, Wardell is not well located for Ballina's needs. 	<ul style="list-style-type: none"> • Identify approximately 4ha for residential development potential in line with updated flood modelling, as shown in Figure 4. • Identify the remainder of the land already identified as having potential for urban expansion as potential employment land but with notation that the land is significantly constrained and may have no to very little yield, particularly having regard for flooding characteristics and proximity to residential development. <p>This proposed change is consistent with advice provided in response to a scoping proposal in 2025 seeking to zone the land for an over 55s residential use.</p> <ul style="list-style-type: none"> - Points made in relation to other sites are noted. Detailed site investigation is required prior to rezoning of these areas. - Land at North Creek Road, Skennars Head is identified for both residential and employment expansion to provide for flexibility (it may be the area is best suited to residential development but it could incorporate some employment uses for example). <p>Recommendation:</p> <p>The LSPS be amended in relation to the land south of Tamarind Drive as follows:</p> <ul style="list-style-type: none"> • Identify approximately 4ha for residential development potential in line with updated flood modelling, as shown in Figure 4. • Identify the remainder of the land already identified as having potential for urban expansion as potential employment land but with notation that the land is significantly constrained and may have no to very little yield, particularly having regard for flooding characteristics and proximity to residential development.



Figure 4: Area south of Tamarind Drive recommended as potential residential growth site

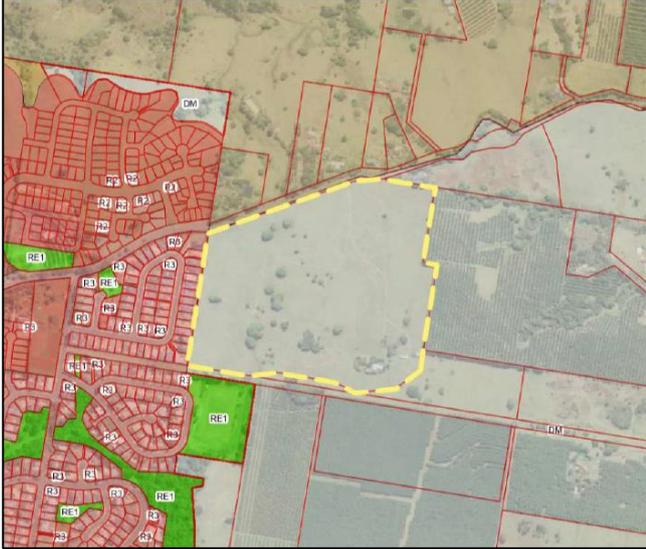
Site Specific Submissions – Residential Land

Wollongbar and Alstonville Residential Expansion

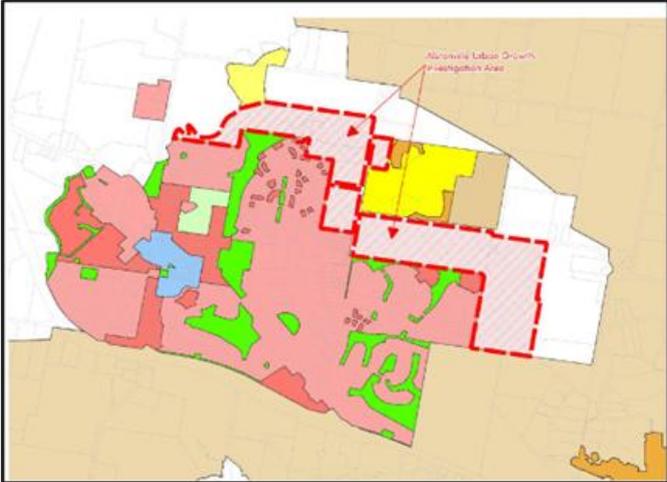
One submission was received seeking to have an area directly east of the existing Wollongbar residential zoned area identified for future residential expansion, and another was received addressing general planning controls to support residential development, with a focus on potential expansion at Alstonville.

4.1 Local Strategic Planning Statement - Adoption

Table 7: Summary of submissions on Wollongbar and Alstonville Residential Expansion

Summary of Submission	Staff Response
Wollongbar Residential Expansion	
<ul style="list-style-type: none"> Seeking inclusion of 27.4ha of land at 184 Rifle Range Road, Alstonville (directly NW of Wollongbar residential area) for future residential use as shown in the map below.  <ul style="list-style-type: none"> The site is not identified within the Wollongbar Strategic Plan despite it being identified as a potential growth area in the Wollongbar Planning and Environmental Study (2019). The site is within the 7(i) Urban Buffer Zone. The site is cleared of significant vegetation and adjoins macadamia farms. It can be serviced by reticulated water and sewer. The biggest threat to residential development at Wollongbar is the uncertainty associated with 32ha owned by the United Protestant Association (UPA), which could lead to a shortfall of some 370 lots. It is considered reasonable to consider alternative locations. The site is not visible from Lismore Road or Bruxner Highway, therefore incursion into the buffer area between Alstonville and Wollongbar will not impact on character. Developers of the site could deliver affordable housing (5% of site through a planning agreement). 	<p>The continuation of the inter-urban buffer between Alstonville and Wollongbar is something that continues to be identified as a community priority in engagement activities. Encroachment into this area is inconsistent with the adopted place based strategic plans for Alstonville and Wollongbar.</p> <p>There is approximately 50ha of undeveloped, residential zoned land at Wollongbar.</p> <p>The LSPS identifies that there is zoned greenfield land to supply 2800-5400 new dwellings and a further 650ha of land mapped as Strategic Urban Growth Areas (SUGAs). There is no immediate urgency to identify further residential land in Ballina Shire (although there will be a need to examine potential new sites in coming years).</p> <p>Recommendation: No change.</p> <p>The site at 184 Rifle Range Road not be included in the LSPS as a potential residential growth area.</p>
Alstonville Residential Expansion	
<ul style="list-style-type: none"> Infill housing remains an important objective, but is constrained by feasibility, ownership and infrastructure costs. A stronger emphasis on greenfield and 'edge-of-centre' growth will better sustain housing supply. The LSPS indicative yield assumptions (8-15 dwellings per hectare) may fall to a more typical 8-11 dwelling per ha yield. SUGAs should not be constrained by rigid cadastral boundaries. Intrapac outlines proposed changes to planning controls to improve flexibility, affordability and diversity of housing supply including; 	<p>Alstonville has no undeveloped, residential zoned land and future growth is anticipated to come from increased density within the existing R2 Low Density and R3 Medium Density zoned areas. Essentially this means more dual occupancies and secondary dwellings, or redevelopment of sites for medium density housing such</p>

4.1 Local Strategic Planning Statement - Adoption

Summary of Submission	Staff Response
<ul style="list-style-type: none"> - increased Floor Space Ratio (FSR) and Height of Building (HOB), - removal of minimum lot sizes and - expansion of greenfield areas. • An example of a potential greenfield development area at Alstonville is provided below.  <p>The map shows a geographical area with various colored zones: red, green, blue, yellow, and brown. A red dashed line outlines a specific area within the red zone. A label 'Alstonville Labour Orchard Investigation Area' points to this red dashed area. The map also shows some street names like 'St. Johns St' and 'St. Pauls St'.</p>	<p>as residential flat buildings (RFBs).</p> <p>The suggested changes to planning provisions in relation to housing are noted. Adjustments to controls are regularly considered in periodic reviews of the LEP and in line with Council's adopted strategic plans (including the Ballina Shire Housing Strategy).</p> <p>Dual occupancies can be strata subdivided to create lots that are effectively below minimum lot size and provide for higher density.</p> <p>The LSPS and the Housing Strategy 2024 identify a preference for the creation of smaller and more diverse housing options close to existing shops, services and other infrastructure.</p> <p>There is planning merit in examining the areas identified in this submission further now that Council has determined the zoning outcome for the Tuckombil Quarry. However, this is best done through a place based plan to enable comprehensive community engagement. This will need to have regard for the values and character elements associated with the urban buffer/limitation on lateral expansion and opportunities for housing.</p> <p>The Alstonville Strategic Plan was adopted in 2017, with many of the actions identified complete. A ten year review of the plan could be undertaken in the 2027/28 year and this could incorporate consideration of the land the subject of the Intrapac submission.</p> <p>Recommendation: No change to the LSPS.</p> <p>Council undertake a ten year review of the Alstonville Strategic Plan during 2027/28</p>

4.1 Local Strategic Planning Statement - Adoption

Summary of Submission	Staff Response
	and include consideration of the land identified in the Intrapac submission with respect to its potential for future residential development.

Other Issues

Table 8 summarises submissions received on other matters.

Table 8: Summary of other written submissions

Summary of Issue	Staff Response
<p><i>Rural Dwellings</i></p> <ul style="list-style-type: none"> Disappointed the LSPS does not address LEP Clause 4.2A that limits dwellings in rural and conservation zones. Utilising land for agriculture requires a full-time presence on site, yet the clause prohibits this where the land does not have a historic dwelling entitlement. An amendment is sought where the landowner can demonstrate genuine agricultural or conservation use. This would empower landowners and allow them to secure investment / loans. This would help stop conversion of agricultural land to lifestyle / trophy blocks. Tweed Council recently resolved to provide dwelling opportunities to every rural lot and Lismore Council has an exemption to consider relocating dwellings to lots without an entitlement. This is common sense in an acute housing crisis and relaxing Cl 4.2A will not affect rural character or present land use conflict, rather it will improve environmental and agriculture outcomes and provide other social benefits. Do not discount the opportunity for some housing growth in rural areas. Rural matters are given short shrift in the LSPS and a fit for purpose rural strategy is warranted. 	<p>There is no mechanism available to Council to ensure 'genuine agricultural or conservation use' of land once a dwelling has been approved. Land with the potential for a dwelling to be erected on it typically has a much higher value than land without this potential. Allowing dwellings on all rural lots could in fact accelerate the creation of 'trophy / lifestyle blocks' that the submission appears to be rallying against.</p> <p>Land parcels that are unable to have a dwelling erected upon typically have lower land values. This in turn can present opportunities for innovative rural industries and businesses to appear as start ups do not need to purchase land based on its value in association with a house. Council's planning framework encourages a variety of rural activities aside from housing so these land parcels are a part of the land mix available to these activities in the shire.</p> <p>Another key consideration is that enabling dwellings on lots where this has not been planned has impacts on infrastructure, land use and the environment.</p> <p>Tweed Council's resolution was to "review" dwelling entitlement provisions. A scoping paper endorses the concept of allowing dwellings on all vacant rural lots (other than 'small slithers'). Lismore's exemption from DPHI relates exclusively to the relocation of flood affected dwellings purchased by the NSW Reconstruction Authority, of which there are 500+ in the Lismore urban area.</p> <p>The LSPS is consistent with Council's Housing Strategy that seeks to prioritise more housing in walkable urban centres.</p> <p>The existing planning framework comprehensively addresses rural planning, including enabling dwellings in a wide variety of circumstances. Articulation of this is addressed further below in relation to Council's February 2026 resolution regarding consolidation of rural land use policy.</p>

4.1 Local Strategic Planning Statement - Adoption

Summary of Issue	Staff Response
	<p>Recommendation: No change to the LSPS.</p>
<p><i>Building Height Increase</i></p> <p>Support greater housing supply but oppose any increase in height limit. Shadowing, blocking light and higher density will take away from village ambience. Above commercial residential will attract short term accommodation and not fulfill the need for lower cost permanent dwellings.</p>	<p>The comments regarding height increases are presumed to be in relation to an LEP amendment for Lennox Head that was on exhibition at the same time as the draft LSPS. There is nothing in the LSPS specifically about increasing height, other than to implement place-based plans.</p> <p>Recommendation: No change to the LSPS.</p>
<p><i>Other</i></p> <ul style="list-style-type: none"> • Revegetation of all Council lands. • Urgent action must be taken re: the health of the Richmond River. 	<ul style="list-style-type: none"> • Council has various revegetation projects planned and underway. These will continue to be implemented in accordance with the Biodiversity Strategy, Healthy Waterways Program and other management plans for public lands. • The health of the Richmond River is not specifically referred to within the LSPS, but as a regional issue is generally covered by action 12.2 that Council will: <i>Collaborate and advocate with the NRJO on regional priorities and projects.</i> • Council's approach to the Richmond River is addressed directly through the Healthy Waterways Program which is incorporated into Council's Delivery Program and operational Plan and Long Term Financial Plan. <p>Recommendation: No change to the LSPS.</p>

Survey Responses

A survey was included as part of the engagement via Council's Your Say page, seeking to gauge support for each of the 13 Planning Priorities (PP) identified within the LSPS. Eight people completed the survey.

Table 9 provides an overview of the responses received.

Table 9: Summary of LSPS survey responses

Question	Yes	No	Neutral	Comments provided
Do you support PP #1 - Encourage good urban design to support healthy, safe and vibrant lifestyles and ensure open space and public facilities meet community needs and expectations.	5	1	1	1

4.1 Local Strategic Planning Statement - Adoption

Question	Yes	No	Neutral	Comments provided
Do you support PP #2 - Increase housing supply, diversity and affordability in existing population centres and key strategic growth areas.	7	1	-	3
Do you support PP #3 - Maintain the character and settlement pattern of existing village hamlets and protect rural vistas.	6	2	-	2
Do you support PP #4 - Stimulate economic activity and encourage local services around major Shire infrastructure such as Ballina Hospital, Ballina Byron Gateway Airport and education facilities.	5	1	2	-
Do you support PP #5 - Maintain a supply of suitably located employment land, close to population centres at Alstonville – Wollongbar, and Ballina – Lennox Head, to foster local employment opportunities and reduce journey to work travel distances.	5	1	1	1
Do you support PP #6 - Maximise proximity to growth in South East Queensland for future housing and tourism opportunities and leverage the Pacific Motorway, Ballina Byron Gateway Airport and digital technologies for employment opportunities.	3	1	4	-
Do you support PP #7 - Provide leadership in mitigating and adapting to climate change.	3	2	3	-
Do you support PP #8 - Identify and manage risks from natural hazards and ensure adaptation strategies are in place.	6	2	-	1
Do you support PP #9 - Ensure biodiversity values, waterways, drinking water catchments and riparian areas are protected and enhanced.	7	-	1	1
Do you support PP #10 - Protect productive agricultural land and encourage on-farm diversification.	5	-	2	1
Do you support PP #11 - Ensure high quality transport networks including roads and walking and cycling paths are planned for and provided.	5	-	2	-
Do you support PP #12 - Support a regional approach to the sustainable release of land for housing and industry as well as the location of key industries, infrastructure and other inter-Council issues.	6	1	-	1
Do you support PP #13 - Protect and celebrate Ballina Shire's culture and heritage.	5	-	2	1
Do you support the overall objectives and content of the LSPS?	5	-	3	-

4.1 Local Strategic Planning Statement - Adoption

Overall, there was not a high level of engagement from the community regarding the content of the LSPS, with submissions predominantly from private landowners seeking to have land identified for potential future developments. Staff recommendations in response to submissions as outlined in Tables 1 - 8 are incorporated into the recommendations below.

Submissions from State Government Agencies

Submissions were received from the Department of Primary Industries and Regional Development (Agriculture and Biosecurity) and the Department of Planning, Housing and Infrastructure (DPHI). The submissions are provided as Attachment 4 and summarised Table 10.

Table 10: State Agency Submissions

Summary of Submission	Response
Department Primary Industries & Regional Development	
<ul style="list-style-type: none"> • Supports Planning Priority 10 to 'Protect productive agricultural land and encourage on-farm diversification.' • Notes the economic value of macadamias to Ballina (\$41.5 M) and their high suitability to adapting to changing climate • Does NOT support the inclusion of 23ha of rural land identified as the Russellton Industrial Expansion Area. • The site is State Significant farmland and there is limited land suitable for high levels of agriculture in NSW. Ferrosol soils known for high fertility and water retention capabilities are amongst the most productive. • Notes the Northern Rivers Farmland Protection Project allows limited urban expansion in 'regionally' significant farmland, but NOT State Significant. • The Urban Growth Variation Principles in the NCRP should only be applied to small, isolated pockets of important farmland, not land that is part of a larger contiguous agricultural landscape. • Council should investigate other areas including Skennars Head and Wardell before considering the inclusion of the Russellton Industrial Expansion Area. 	<p>The inclusion of the Russellton expansion area is consistent with the Urban Growth Variation Principals in the NCRP. The site represents 0.09% of the Important Farmland within Ballina Shire.</p> <p>An addendum to the LSPS has been prepared and included at Attachment 2 for adoption by Council, in accordance with advice from DPHI to address in more detail the Urban Growth Variation Principles.</p> <p>Land identified at Skennars Head is likely to be more suitable for residential use and is a long-term option, requiring the construction of the North Creek Road bridge (\$80m) and/or other road links. Land in the vicinity of Wardell is subject to various constraints and not have the same proximity to a major population centres. From a regional planning perspective the proximity of the Russellton industrial area to Ballina and Lismore is advantageous.</p> <p>Recommendation:</p> <p>Incorporate an addendum to the LSPS to address in more detail the requirements of the NCRP in relation to the Urban Growth Variation Principles and Important Farmland in order to address requirements for the retention of the Russellton Expansion Area for potential future employment land. This addendum is included as Attachment 2.</p>
Department Planning, Housing and Infrastructure	
<ul style="list-style-type: none"> • Advise that the Housing Strategy should be endorsed by DPHI. • In regards to Russellton Industrial expansion area, Council has not prepared a Department approved local strategy demonstrating that no other suitable land is available. The LSPS should be updated to 	<p>The DPHI's comments are noted.</p> <p>The Housing Strategy has now been endorsed by DPHI, noting that it was sent to DPHI for their information after it was adopted by Council in May 2024.</p> <p>DPHI also advised in a meeting with staff that it does not endorse Local Strategic Planning Statements. Instead, it was recommended</p>

4.1 Local Strategic Planning Statement - Adoption

Summary of Submission	Response
<p>note this requirement and confirm it will be submitted to DPHI for review and endorsement.</p> <ul style="list-style-type: none"> Any future rezoning for the Teven Rd Transport Logistics Hub would need to address flooding and traffic issues. Include a note that any precinct plans will be submitted for DPHI review and endorsement prior to any LEP amendments. 	<p>that Council provide a separate addendum for the Department's endorsement that specifically addresses the Russellton expansion area and the NCRP requirement that Council demonstrate that no other suitable alternate land is available when seeking to have mapped Important Farmland included in a growth area. The addendum is included as Attachment 2.</p> <p>Something to note here is that both Council's strategic planning as well as regional analysis commissioned by the DPHI identify a shortfall of employment land in the Northern Rivers. The fundamental problem is that there is very little unconstrained land so decisions need to be made about the relative importance of different issues.</p> <p>Submitting precinct plans to DPHI for review is supported.</p> <p>Recommendations:</p> <p>That Council endorse the attached addendum in relation to inclusion of the Russellton expansion area and amend the LSPS to add additional text on page 72 to the effect:</p> <p>Precinct plans will be submitted to DPHI to invite review and feedback.</p>

Rural Land Use Policy – Response to Council resolution

Council considered a notice of motion at its Ordinary meeting on 26 February 2026. Council resolved to include an additional action in the LSPS regarding rural land use policy, being:

10.3 Consolidate Rural Land Use Policy into a single reference document inclusive of a statement of key rural planning principles for Ballina Shire.

In response an additional action (10.3) is to be incorporated into the LSPS, as per the Council resolution with a short term timeframe identified. In addition to the development of a separate reference document with a statement of key rural planning principles that will be available on Council's website, it is recommended that the rural land use principles also be included in the LSPS, as this is the primary document for Council in setting its land use planning priorities and policies.

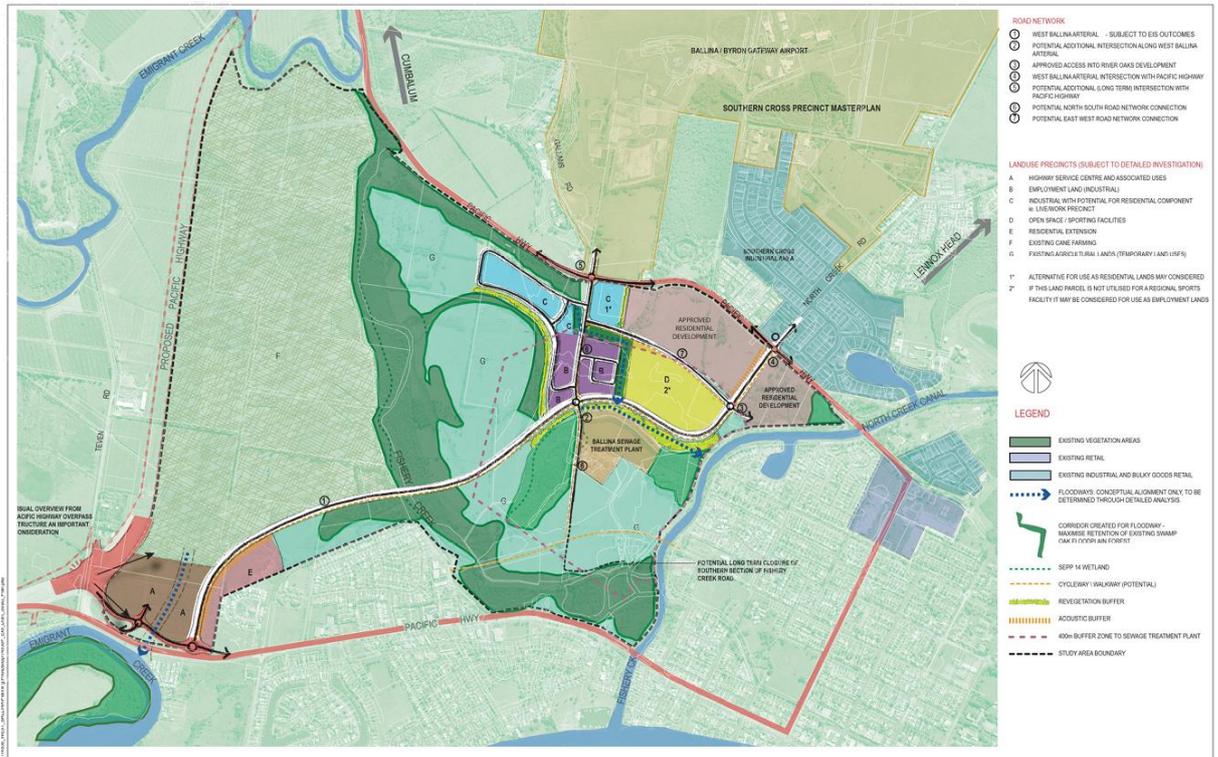
Proposed principles that respond to the issues raised in the notice of motion are set out below. Note that items 4 and 5 are also expressed as a Planning Priority (PP3) in the LSPS:

- 1. Encourage agricultural production and protect key productive agricultural land for food production.*
- 2. Encourage on-farm diversification, sustainability and appropriate rural tourism.*

4.1 Local Strategic Planning Statement - Adoption

In reviewing existing strategic planning documents as part of the LSPS update, it was found that the West Ballina Planning Study and Structure Plan 2010 (WBPS&SP) is no longer consistent with current road network planning and updated flood modelling.

A copy of the plan can be found at [West Ballina Planning Study and Structure Plan 2010](#) and an extract of the structure plan is reproduced below.



The recommendation is to repeal the structure plan. The study document can still be used as historic background material to inform decision making, but the LSPS and Ballina Major Regional Centre Strategy will take primacy when considering strategic planning outcomes for the area, especially when considering residential and employment growth potential.

This approach would remove identification of sporting fields south of Ferngrove and Riverbend (item D) and temporary land uses (item G) from the planning framework. Temporary land uses can be considered in line with current planning provisions under the Local Environmental Plan and construction of sporting facilities as foreshadowed in the structure plan is unlikely in the life of the LSPS (but could always be revisited in future).

Delivery Program Strategy / Operational Plan Activity

There is an action in the Delivery Program and Operational Plan (DPOP) to be undertaken in 2025/26 to:

Review Local Strategic Planning Statement to incorporate updated local growth management strategy. (HE3.1g)

Community Engagement Strategy

Council's Your Say page for the Local Strategic Planning Statement was promoted via social media and a general media release, as well as an email sent to local planning consultants. The Your Say page contained a range of material including:

- the draft LSPS,
- a 5-page summary document,
- separate maps for both residential and employment growth areas,
- Frequently Asked Questions (FAQ's),
- a survey, and
- Q&A facility to ask questions of strategic planning staff.

228 people visited the page, with 113 downloading the draft LSPS and 25 viewing the FAQs.

The survey and submissions were open for 28 days in accordance with Council's Community Engagement Strategy.

Financial / Risk Considerations

No final risk has been identified in adopting the Local Strategic Planning Statement.

Options

Option 1. That Council adopts the Local Strategic Planning Statement and associated addendum, with amendments as recommended within this report.

This is the recommended option as it will satisfy Council's statutory requirements and the DPOP action to update its LSPS. The attached LSPS and suggested amendments are reflective of Council's planning priorities and community expectations.

The proposed amendments are outlined one-by-one within the recommendations so Council may delete or modify any item(s) or add new ones in determining its approach to finalisation of the LSPS.

The inclusion of a separate addendum for the Russellton employment land expansion area is a recommendation of the Department of Planning, Housing and Infrastructure (DPHI). It has been prepared to comply with requirements in the North Coast Regional Plan when seeking to have Important Farmland included within a growth area. Once endorsed by the DPHI, the addendum will ensure any future rezoning for employment land is consistent with applicable Ministerial Directions.

It is also recommended that Council identifies a review of the Alstonville Strategic Plan in its Delivery Program and Operational Plan, to be undertaken in the 2027/28 year. This provides a pathway for more detailed examination of potential urban expansion to the north east of Alstonville and associated community engagement to inform the localised strategic planning for Alstonville.

4.1 Local Strategic Planning Statement - Adoption

Given the incorporation of the Ballina Shire Local Growth Management Strategy into the LSPS the recommendations include repeal of the GMS as well as the West Ballina Structure Plan based on the rationale set out in this report.

Option 2. That Council adopts the attached LSPS without any amendments.

This option is not recommended for the reasons outlined in this report in response to the submissions received.

Option 3. That Council does not adopt the attached LSPS.

This option is not recommended as a revised LSPS will enable integration of Council's two primary strategic land use planning documents (the GMS and LSPS). The revised LSPS also provides for a contemporary expression of Council's strategic land use planning policy for the shire and responds to a range of issues and submissions identified during the review process.

RECOMMENDATIONS

1. That Council adopts the Ballina Shire Local Strategic Planning Statement 2025-2046 (Attachment 1) and addendum relating to the inclusion of the Russellton Estate Expansion Area (Attachment 2), subject to the following amendments being made:
 - (a) Adjust the Alstonville Potential Employment Expansion Area Map (Figure 17, p. 51) and Table 3, p.48 to include the additional area shown in Figure 1 of this report being part Lot 1 DP1221732, part of Lot 11 DP1059499, part Lot 2 DP 1221732 and part Lot 3 DP1221732.
 - (b) Adjust the wording of Action 3.1 in relation to Newrybar from '*commercial land use*' to '*commercial activities*' to clarify that a broader range of land uses could be considered beyond those that fall strictly within the LEP definition of '*commercial premises*'.
 - (c) Adjust the wording of Action 4.1 to state *Prepare a precinct plan for land in proximity to Ballina Hospital, and incorporating St Andrews Village, Ballina Central Shopping Centre, Biala Special School, Super Amart and the Cherry Street Sports Club* and apply a timing of short to medium term.
 - (d) Adjust the potential urban growth area south of Tamarind Drive to:
 - Identify approximately 4ha for residential development potential in line with updated flood modelling, as shown in Figure 4.
 - Identify the remainder of the land already identified as having potential for urban expansion as potential employment land but with notation that the land is significantly constrained and may have no to very little yield, particularly having regard for flooding characteristics and proximity to residential development.
 - (e) Incorporate text on page 72 in relation to precinct plans as follows: '*Note: Precinct plans will be submitted to DPHI to invite review and feedback*'.

4.1 Local Strategic Planning Statement - Adoption

- (f) Incorporate five rural land use principles within the section on rural land use and character on page 58 as follows:
- Encourage agricultural production and protect key productive agricultural land for food production.
 - Encourage on-farm diversification, sustainability and appropriate rural tourism.
 - Minimise the potential for land use conflict.
 - Maintain the character and settlement pattern of existing rural villages and hamlets.
 - Protect rural vistas.
- (g) Including a new Action 10.3 being to *Consolidate Rural Land Use Policy into a single reference document inclusive of a statement of key rural planning principles for Ballina Shire.*
2. That Council seeks the endorsement of Department of Planning, Housing and Infrastructure for the LSPS Addendum at Attachment 2.
 3. That Council submits the endorsed Local Strategic Planning Statement and associated addendum to the Department of Planning, Housing and Infrastructure.
 4. That Council includes a review of the Alstonville Strategic Plan in the 2026/27 to 2029/30 Delivery Program and Operational Plan, with the review to be identified for the 2027/28 year.
 5. That the Ballina Shire Growth Management Strategy 2012 and West Ballina Planning Study and Structure Plan 2010 are repealed following publication of the revised Local Strategic Planning Statement on the NSW Planning Portal.

Attachment(s)

1. Draft LSPS (as exhibited) [⇒](#)
2. LSPS Addendum - Russellton Industrial Estate Expansion [⇒](#)
3. Local Strategic Planning Submissions Public Submissions [⇒](#)
4. Local Strategic Planning Statement Agency Submissions [⇒](#)
5. Agricultural Assessment Report - Russellton Industrial Estate Expansion Area [⇒](#)

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

Section	Strategic Planning
Objective	To outline a proposal to relocate the E1 Local Centre zone in Cumbalum Urban Release Area Precinct B and to increase the maximum building height in the E1 zone from 8.5m to 11m.

Background

A Planning Proposal request was submitted to Council on 6 November 2024 by Barker Ryan Stewart on behalf of Lennox Head Development Corporation to amend the *Ballina Local Environmental Plan 2012 (BLEP) 2012*. Refer to Attachment 1.

The Planning Proposal is to rezone part of 47 Dufficy's Lane, Kinvara (part Lot 60 DP 1136918 and Lot 11 DP 1127111) from R3 Medium Density Residential to E1 Local Centre, and similar portion from E1 Local Centre to R3 Medium Density Residential.

The Planning Proposal also seeks to increase the building height limit within the relocated E1 zone from 8.5m to 11m and to amend the lot size maps to reflect the changed lot size for the 'swapped' E1 and R3 zoned land.

The subject land is located within the Cumbalum Urban Release Area Precinct B (CURA B). Figure 1 below shows the current zoned CURA B Precinct at Kinvara, and surrounding land.

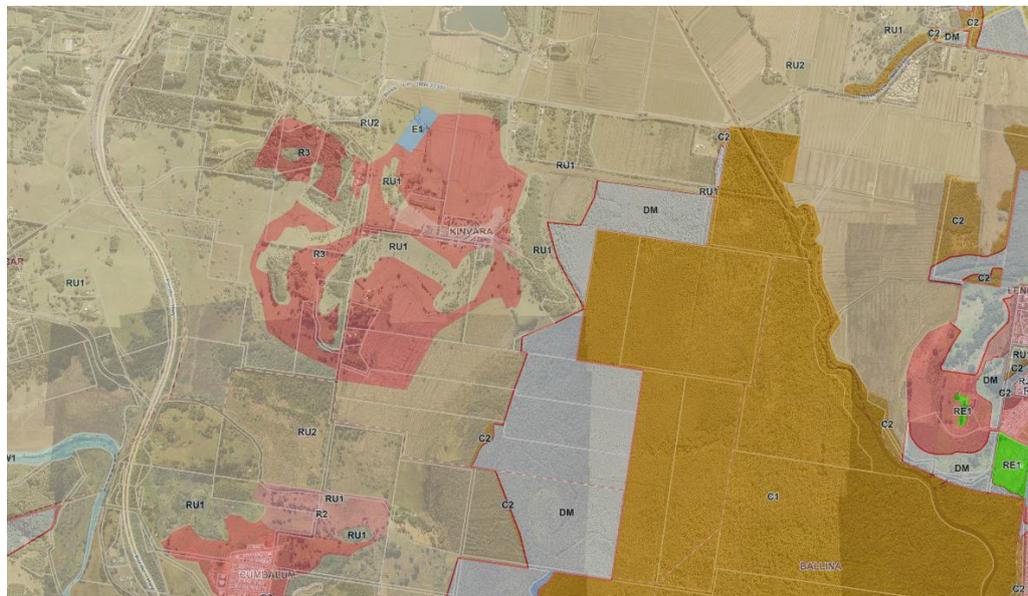


Figure 1 Locality Current Zone and Aerial Map

At its Ordinary meeting on 22 August 2024, Council adopted amendments to chapter 3, section 5.5 the *Ballina Development Control Plan 2012* which included a new Structure Plan for CURA B that reflects, among other issues, the preferred central location of the village centre.

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

This report may be found here [Agenda of Ordinary Meeting of Ballina Shire Council - Thursday, 22 August 2024](#).

Earlier technical investigations and consultation had identified that the location of the E1 zoned land was topographically constrained, with a slope of approximately 11%, and located on the edge of future housing development. This made the site less accessible and visually prominent, potentially impacting landscape character, and not central to future housing.

The current Planning Proposal therefore proposes to amend the BLEP for consistency with the adopted Development Control Plan (DCP), ensuring statutory planning instruments align with the CURA B masterplan. In addition to amendments to the zoning and height of building maps, consequential changes would occur to the lot size maps.

A Planning Agreement is also proposed to ensure a minimum amount of commercial floor space is delivered alongside residential development to ensure early establishment of a centre that is economically viable and meets the local shopping needs of residents.

The proposed terms of the agreement are set out in Attachments 4 and 5.

This report outlines the key issues associated with the proposed LEP amendment and recommends that Council endorse the Planning Proposal in Attachment 2 for purposes of seeking a Gateway determination from the Department of Planning, Housing and Infrastructure (DPHI) and proceeding to public exhibition.

The report also recommends that Council endorses preparation and exhibition of a draft Planning Agreement with the proponent in relation to the timing of commercial development for public exhibition.

Key Issues

- Urban design and accessibility of the village centre.
- Suitability of increasing the building height to 11m for the E1 Local Centre zone.
- Draft Planning Agreement to manage delivery, timing and coordination of commercial and residential staging.

Discussion

E1 Local Centre Zone Relocation

The Planning Proposal applies to part of Lot 60 DP 1136918 and Lot 11 DP 1127111 shown on Figures 2 and 3 below. The portion of Lot 60 affected by the proposed rezoning is land in the E1 zone. The remainder of Lot 60 (eastern part), including deferred matter land is outside the scope of this Planning Proposal.

The E1 Local Centre zone (E1 zone) is currently located on the edge of the future development area, which is not ideal for servicing future residents of this part of the CURA B precinct (Figure 2).

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

Relocating the E1 zone will facilitate a more central neighbourhood centre supported by a mix of housing forms and local services. Relocating it to a flatter, more central location is expected to improve walkability, accessibility, and integration with surrounding neighbourhoods.

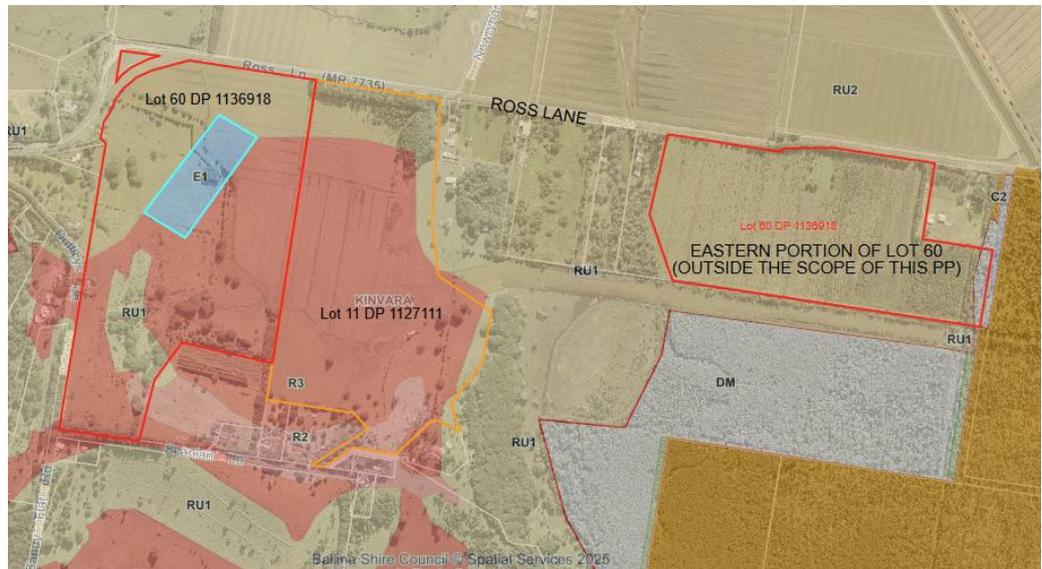


Figure 2 Existing Zone Map

It is proposed to relocate the current zone to the location shown in Figure 3 and replace the current E1 zone with R3 Medium Density Residential (R3 zone). In terms of land area, 2.38 hectares will be rezoned from R3 to E1 in the location on Figure 3 and 2.97 hectares will be rezoned from E1 (Figure 2) to R3. This results in a decrease in E1 zoned land of around 5,861m².

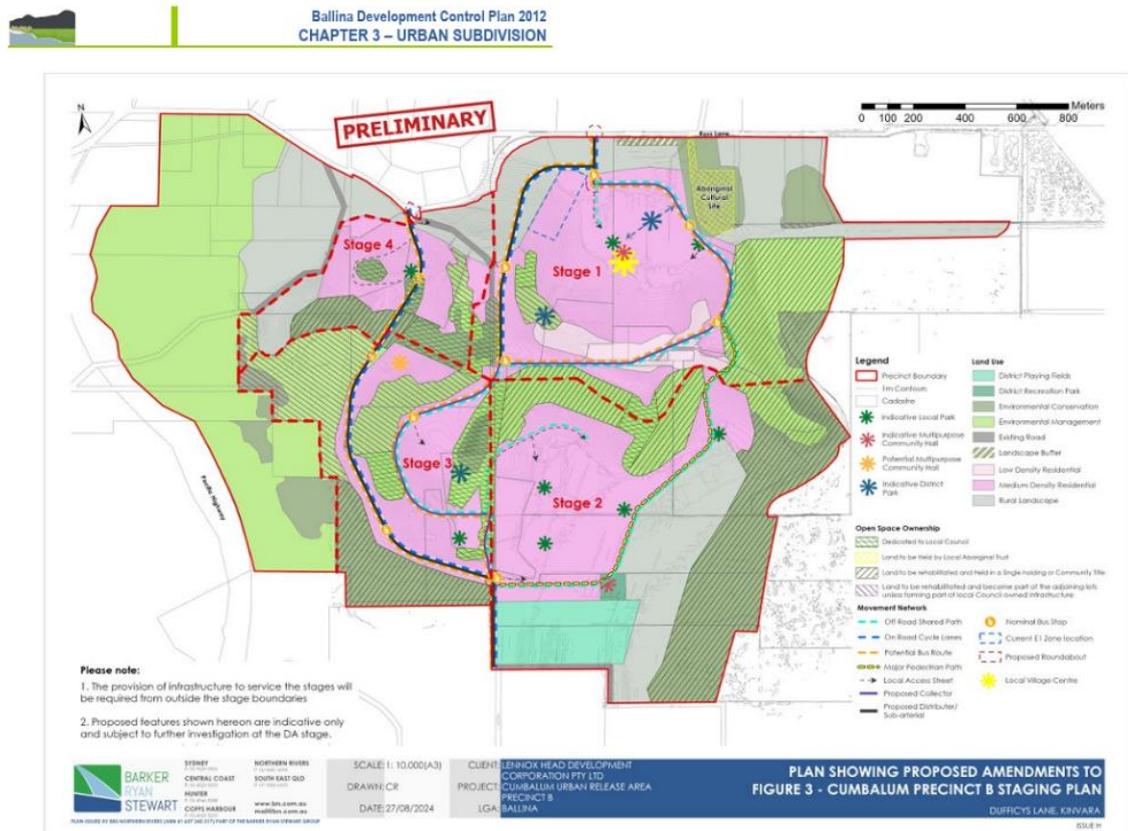


Figure 3 Proposed E1 Zone Relocation

The Planning Proposal aligns with the DCP amendment adopted by Council in August 2024. The DCP was amended following site-specific technical investigations and discussions with council staff, and the rezoning is intended to align with these changes.

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

The adopted revised structure plan in the DCP is provided in Figure 4. The yellow asterisk symbol indicates the anticipated Local Centre.



people • place • prosperity

Page 84

Figure 4 Ballina Development Control Plan Chapter 3 - Urban Subdivision

Retail and Employment Function

A series of economic studies have confirmed the need for a neighbourhood centre within CURA B. The original Economic Needs Assessment (RPS, 2013) identified demand for a local centre of approximately 3,000m² to service the entire CURA B Precinct area.

A more refined Retail Needs Assessment was undertaken by Urbis in January 2024 during the DCP amendment process and subsequently updated in October 2024. The latest assessment recommends a centre of approximately 600-1,000m² GFA for Stage 1.

The applicant notes that the recommended ~600m² provision is intentionally modest, to provide essential convenience services in Stage 1 without undermining the economic viability of a future full-line supermarket anchored centre in later stages of CURA B as the resident population grows.

Figure 4 identifies the indicative four stages that comprise the overall CURA B precinct. The October 2024 Retail Needs Assessment outlines the intended retail hierarchy as follows:

“Following the completion of CURA B Stage 1, it is anticipated that road infrastructure will be added to connect CURA B to Banyan Hill and Ballina Heights. We recommend the development of a CURA B Local (District) Centre

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

anchored by a full line supermarket by the time the Primary Trade Area population exceeds 10,000. While a location has not yet been identified, it is anticipated that this would be situated at the southern end of CURA B adjacent to community sports facilities, maximising accessibility and convenience for the whole Primary Trade Area.”

Accordingly, the Stage 1 E1 zone is primarily intended to accommodate convenience and specialty retail, food and beverage, and related services. Over time, the relocated E1 zone is expected to provide a broader mix of uses including:

- Convenience retail and food services
- Personal services and childcare
- Medical and gym facilities
- Shop-top housing above active ground floor uses

The balance of the E1 zoned land could support a broader range of non-retail services (e.g. medical, childcare, fitness) depending on operator demand.

Delivery of a minimum amount of commercial floor space alongside housing development, is proposed to be secured through a Planning Agreement to ensure early establishment of the centre, support its economic viability and meet the local shopping needs of residents. This is discussed in more detail later in this report.

Building Height Increase

The Planning Proposal is also seeking to amend the LEP Height of Building control from 8.5 metres to 11 metres for the relocated E1 zoned area. The existing and proposed Height of Building LEP map is shown in Figure 5. The area in yellow and labelled “L” indicates 11m HOB whereas the area in green and labelled ‘I’ indicates 8.5m HOB.

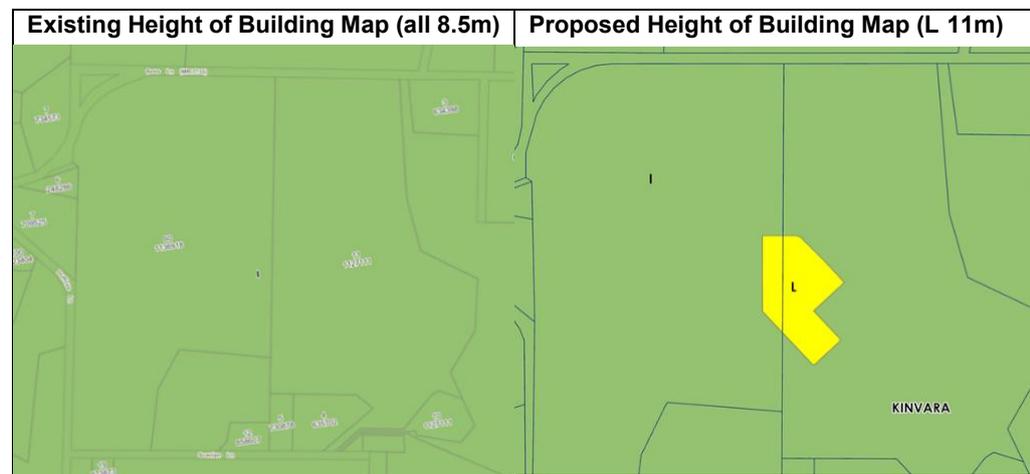


Figure 5 Existing and Proposed Height of Building LEP Maps

The primary rationale for the increase in maximum building height from 8.5 metres to 11 metres is to allow for more flexibility in achieving well designed contemporary-built form outcomes, including mixed-use developments that can accommodate ground-floor parking and active ground floor uses while still providing two full levels of shop top housing above.

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

The proponents propose that this change can improve housing diversity by enabling additional development types on constrained sites and will support shop-top housing and mixed-use outcomes consistent with Council's Housing Strategy, along with broader objectives for diverse, walkable neighbourhoods.

Attachment 3 contains the proponents' justification for the increase in height standard.

Figure 6 gives an indication of the proponents' intention for the location of the future neighbourhood centre in the context of the neighbourhood. Attachment 2 to this report provides more information including the types of uses that may occur consistent with the zoning for the site and the DCP.



Figure 6 Preliminary neighbourhood master plan (northern precinct)
Note the above layout is preliminary only

It is anticipated that relocating the E1 Local Centre zone to a lower elevation will reduce the visual prominence of development, resulting in a less impactful built form when viewed from surrounding areas. Within this context, the proposed increase in building height from 8.5 metres to 11 metres is considered reasonable and justifiable.

The potential impact of buildings with an 11 metre height limit can be mitigated through appropriate design responses including setbacks, building articulation, landscaping, and solar access for adjoining development.

The proposal aligns with the increase in maximum building height to 11 metres in part of the E1 Local Centre zoned land at Lennox Head (western side of Ballina Street), which was endorsed by Council at its 11 December 2025

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

Ordinary meeting (LEP general amendments Planning Proposal BSCPP25/001). The increase in building height at Lennox Head was supported based on improvement in design functionality, accommodating appropriate ground floor ceiling heights for commercial uses, and enabling viable mixed-use developments.

The 11 metre control proposed for the E1 zone at CURA B similarly seeks to balance local character considerations with the need to deliver well-designed, walkable centres that support housing diversity and commercial vitality.

Local and Strategic Planning Merit

The Planning Proposal demonstrates both local and strategic planning merit. It is consistent with the North Coast Regional Plan 2041 and Council's Local Strategic Planning Statement in supporting a diversity of housing in urban growth areas, encouraging walkable, mixed-use neighbourhoods and maintaining employment lands near population centres.

The proposal is also consistent with the objectives of the Housing Strategy 2024 as it will support a mix of small lot housing, terraces, and shop-top apartments.

Infrastructure and Access

There will be little difference in demands on infrastructure from the proposed relocation of the E1 zone compared to the current zone configuration.

Relocating the E1 zone is anticipated to improve accessibility for vehicles and pedestrians.

Environmental and Hazards

The Planning Proposal applies to cleared land historically used for agriculture.

The following potential hazards have been considered:

Acid Sulfate Soils (ASS): the site is mapped as Class 3 and 5 ASS. An assessment was undertaken when CURA B was initially rezoned. Further assessment will be required at the development application stage.

Flooding, stormwater and drainage: the proposed changes to the LEP will not alter the known flooding, stormwater conveyance, and drainage constraints on the site and surrounding areas. These known challenges will be required to be addressed to the consent authority's satisfaction before any development proceeds.

Slope: replacing the existing E1 zoned land with R3 zoned land on the steeper slopes should allow more site responsive housing design and development, compared with the extensive earthworks that are typically associated with commercial development and associated car parking. The new E1 zone location within a relatively flat part of the site will reduce the need for substantial earthworks.

Land contamination: previous studies undertaken when CURA B was initially rezoned for urban purposes identify a low risk for contamination. Further validation is required at development application stage.

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

Heritage: A dry-stone wall exists on the south-east boundary of the CURA B precinct but is unaffected by this Planning Proposal.

Terms for a draft Planning Agreement

The proponents indicated in their Planning Proposal submission (Attachment 1) interest in entering into a Planning Agreement with terms that would support timely delivery of the village centre.

Correspondence ensued between Council staff and the proponents with a primary focus on practical and enforceable mechanisms that would ensure delivery of the retail component matches the release of housing, recognising the need to ensure the economic viability of the centre in relation to the timing of housing development. Council staff also sought consideration of provision for affordable housing.

The matters raised for consideration by Council staff were as follows:

- Commencement of construction of a minimum amount of retail floor space prior to issue of a subdivision certificate for an agreed number of residential lots,
- Completion of construction of the agreed retail floor space within an agreed timeframe to limit how far the subdivision can advance before the retail space is completed,
- Security provisions if the agreed timing and retail floor area outcomes are not met, including that Council may acquire a set area of residential or employment zoned land (one or more lots) in the new estate for \$1 and no additional subdivision certificates will be released,
- Provision of affordable housing.

Attachments 5 and 6 contain the proponent's response and agreement to the following terms for a draft Planning Agreement:

- Construction of a minimum of 600m² of retail floor space starts prior to the issue of the Subdivision Certificate (SC) for the subdivision containing the 300th residential lot; and
- Completion of the construction of the 600m² retail floor space within two years of the issue of that Subdivision Works Certificate or before the release of the Subdivision Certificate for the residential 400th residential lot, whichever is the sooner.

The proponent does not agree to the proposed security provisions for acquisition of residential or employment zoned land for \$1 as they consider the other terms provide clear and enforceable mechanisms and the additional security is not reasonable in this context.

With respect to the potential for provision of affordable housing, the proponents advised (Attachment 5) that the master planned development will provide a *'diverse housing mix to cater for different demographics which will contribute to housing affordability by providing housing product at differing price points. The inclusion of a commitment to provide affordable housing in a Planning Agreement is therefore not considered necessary'*.

Council staff support the terms agreed to by the proponent to be included in a draft Planning Agreement for the following reasons:

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

- It is agreed that the mechanisms will be sufficient to ensure that housing development does not advance without sufficient retail and associated uses that meet resident's needs, while ensuring the economic viability of the centre.
- Planning Agreements are voluntary, and Council has no legal means of requiring actions that are not agreed to by proponents. Council could however decline to proceed with the progression of the Planning Proposal (this is not recommended due to the benefits of relocating the commercial centre as outlined in this report).
- The Planning Proposal to relocate the zone has provided Council with an opportunity that does not currently exist to enter into a Planning Agreement that will ensure new residents have access to appropriate retail activity as the new housing estate develops.

The proponent will pay Council's legal and administrative costs for the preparation and finalisation of the Planning Agreement. If supported by Council, once executed (following finalisation of the Planning Proposal) the Planning Agreement would be registered on Title.

If Council resolves to proceed with the recommendations in this report, the draft Planning Agreement will be prepared in line with the offer made by the proponents (Attachments 4 and 5) and publicly exhibited concurrently with the Planning Proposal.

Delivery Program Strategy / Operational Plan Activity

The proposal aligns with Council's 2024-2028 Delivery Program and Operational Plan, specifically:

- Outcome HE3.1 Maintain Local Environmental Plan.
- Direction LP1.1 Support residential development close to services.

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 draft 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 (2019)*.

Financial / Risk Considerations

All costs of preparing, assessing and exhibiting the planning proposal and draft planning agreement will be met by the proponent in line with Council's Fees and Charges.

Options

Option 1: Support the Planning Proposal and draft Planning Agreement

4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal

Under this option Council would endorse the attached Planning Proposal and the terms of a draft voluntary Planning Agreement as outlined in this report and submit the Planning Proposal to the DPHI for Gateway determination.

This option is recommended as it will align the zoning with the adopted structure plan in the DCP and supports staged delivery of services. Additionally, the amended building height is anticipated to support better design outcomes of shop-top housing.

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

As part of this approach, a draft Planning Agreement would be prepared consistent with the terms outlined in the report and the proponent's letter of offer contained in Attachments 4 and 5 and exhibited in conjunction with the Planning Proposal.

Option 2: Decline to Support

Council could resolve not to support the Planning Proposal. This option is not recommended as it would result in zoning that is inconsistent with the adopted DCP and may delay delivery of a viable local centre.

RECOMMENDATIONS

1. That Council endorses Planning Proposal BSCPP 24/005 - CURA B E1 Zone Relocation and Height of Building Increase (Attachment 2) for public exhibition.
2. That Council submits the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination.
3. That Council seeks delegation from the DPHI to exercise its functions as the local plan-making authority (LPMA).
4. That upon a positive Gateway determination being received, the Planning Proposal be publicly exhibited for a minimum of 28 days.
5. That Council prepares a draft Planning Agreement based on the proponent's offer expressed in Attachments 4 and 5.
6. That the draft Planning Agreement be publicly exhibited concurrently with the Planning Proposal.
7. That that the outcomes of the public exhibition be reported back to Council for consideration with respect to the finalisation of the Planning Proposal and Planning Agreement.

Attachment(s)

1. Proponents Planning Proposal Submission [⇒](#)
2. BSCPP 24 005 CURA B Planning Proposal - E1 Zone Relocation and Height of Building Increase [⇒](#)
3. Retail and Height of Building Justification [⇒](#)
4. Proponent's Letter of Offer to enter a Planning Agreement [⇒](#)
5. PA Letter of Offer Response BRS [⇒](#)

4.3 Detached Dual Occupancies - 7(c) Environmental Protection (Water Catchment) Zone

- b. *Identify 7(c) zoned land subject to the Planning Proposal that contains HEV land and exclude application of the detached dual occupancy provisions to that HEV land.*

And CPHR also suggested consideration be given to preparing a Planning Proposal to rezone the areas of identified HEV land to C2 Environmental Conservation or C3 Environmental Management in accordance with the NCRP and the Northern Councils E Zone Review Final Recommendations Report.

CPHR advises it will reconsider its objection once the above recommendation has been addressed.

From a technical perspective, Council's existing planning framework incorporates a series of controls that address biodiversity considerations in the context of the 7(c) zone and dual occupancy permissibility. This is also supported by the terms of the Biodiversity Conservation Act.

With these existing provisions the value of an additional provision as per point (a) above is questionable.

In relation to point (b) and the suggestion relating to zoning, Council's experience with the application of conservation zones to limit land use in vegetated areas would suggest that pursuit of this kind of zoning within the 7(c) area will be complicated and require resources disproportionate to the objective of enabling detached dual occupancy development on the subject land. There is also no certainty of achieving a zoning outcome that aligns with HEV vegetation that may be present.

The Gateway Determination issued by the DPHI authorises Council 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.*

As there is now an outstanding written objection from CPHR, Council cannot exercise its function as the local plan-making authority.

This report outlines existing controls under Council's current planning framework for the protection of High Environmental Value (HEV) land and native flora and fauna, as well as water quality within the catchment.

It is recommended that Council proceeds to seek finalisation of the planning proposals in line with its December 2025 resolution.

Key Issues

- Adequacy of existing planning controls
- Procedural options for finalising the planning proposal

4.3 Detached Dual Occupancies - 7(c) Environmental Protection (Water Catchment) Zone

Discussion

Existing Controls to Protect Biodiversity and Water Quality

There are existing planning controls that provide for assessment of development impacts to sensitive areas / HEV land that are proportionate to the characteristics of 7(c) zoned land and the permissibility of detached dual occupancy. Further, the Local Environmental Plan is not the only regulatory tool that applies to assessment of impact on biodiversity values.

The NSW *Biodiversity Conservation Act 2016* (BC Act) requires consideration of impacts on any threatened species or threatened ecological communities.

Council's DCP Chapter 2 General and Environmental Considerations includes provisions relevant to areas mapped as 'natural areas and habitat' that require developments to be '*sited, designed and managed to avoid or mitigate adverse impacts on natural areas and habitats*'.

All the 7(c) zoned land affected by the proposed LEP amendment is included on this map. Applicants for development in these areas are required to provide an ecological assessment report with a development application.

There are also specific provisions addressing water quality including a primary objective of the 7(c) zone being to prevent development which would adversely affect the quantity or quality of the urban water supply. Clause 24A of the LEP includes the following requirements relating to water quality for any development within Zone 7(c):

In determining an application for consent to carry out development on land to which this clause applies, the council must take into consideration the following matters—

- (a) any potential adverse impact, including any incremental adverse impact, on the water quality within the catchment that may result from the development,*
- (b) whether adequate safeguards and other measures have been proposed to protect the water quality,*
- (c) whether the proposed development would be more suitably undertaken on an alternative site,*
- (d) any comments that have been provided in relation to the proposed development following consultation with the relevant water supply authority.*

There are further detailed considerations with respect to impacts on drinking water supply areas contained within DCP Chapter 2 General and Environmental Considerations.

Essentially, Council's planning framework already requires overt consideration of natural areas and habitat and implications regarding water quality as part of a development application for any form of dwelling permissible in the zone and the Biodiversity Conservation Act addresses requirements for development in relation to threatened species, endangered ecological communities and other biodiversity considerations.

Council will also soon be presented with a report recommending public exhibition of a new DCP chapter for Biodiversity and Habitat Management.

4.3 Detached Dual Occupancies - 7(c) Environmental Protection (Water Catchment) Zone

While this chapter is not yet in place, if adopted, it will provide further considerations and protections in relation to native flora and fauna and HEV land.

Regarding the wording suggested by CPHR for the inclusion of an additional provision requiring no adverse impact on *native flora and fauna*, the terminology used is very broad and open to interpretation. If biodiversity is to be addressed through additional wording in relation to the proposed dual occupancy provisions, alternate wording is suggested as outlined below.

Finalising the LEP Amendment

Based on the nature of Council's existing planning framework and the operation of the Biodiversity Conservation Act, it is recommended that no change is made to the Planning Proposal adopted in December 2025.

In bringing the Planning Proposal to completion, it is also recommended that Council does not seek to utilise its local plan making delegation. In this instance it is considered that the DPHI is best placed to address the objection relative to the interpretation of conservation zones, the application of the Ministerial Direction and the State's position in relation to housing provision.

If Council does not exercise its local plan making delegation, it means that DPHI will need to decide as to whether the planning proposal (as adopted by Council) is consistent with Ministerial Direction 3.1, or that any inconsistency is 'of minor significance'. DPHI can then undertake procedural steps with Parliamentary Counsel's Office (PCO) to amend the LEP.

The recommended approach is not to amend the Planning Proposal as endorsed by Council in December 2025 and to advise the Department Council wishes to proceed with the amendment as endorsed for the reasons outlined in this report.

It is also recommended that Council identifies alternate wording for the DCCEEW suggested provision referencing native flora or fauna by integrating wording with the existing proposed amendment to Clause 14A(2)(e) the effect:

(e) the development will not have an adverse impact on the scenic amenity or character of the rural environment or on biodiversity values.

While it is not considered this change is required, the DPHI may concur with DCCEEW and wording to this effect would be more functional for implementation in relation to biodiversity.

Community Engagement Strategy

Community consultation was undertaken in accordance with Gateway requirements and Council's Community Engagement Strategy when the planning proposal was exhibited. No further community engagement has been undertaken and is not required.

Financial / Risk Considerations

No financial or broader risks have been identified.

4.3 Detached Dual Occupancies - 7(c) Environmental Protection (Water Catchment) Zone

Options

Option 1: Council affirms its endorsement of the Planning Proposal BSCPP 25/009 in accordance with its December 2025 resolution.

Under this option Council would affirm its previous decision and also:

- Provide an explanation as to the basis of Council's decision based on the contents of this report.
- Advise DPHI that Council does not wish to exercise local plan-making authority functions under the Environmental Planning and Assessment Act 1979 and request DPHI to finalise the LEP amendment as adopted by Council.
- Provide a suggested alternate wording for Clause 14A(2)(e) as outlined in this report.

This is the recommended option for the reasons outlined in this report.

Option 2: Council could accept the suggestions from CPHR and amend the planning proposal.

If Council prefers this approach, the recommended response is to endorse alternate wording in relation to Clause 14A(2)(e) to the effect:

*(e) the development will not have an adverse impact on the scenic amenity or character of the rural environment **or on biodiversity values.***

Option 3: Council could invite further engagement with CPHR to seek a different outcome.

This option is not recommended as it is unlikely to result in a substantially different outcome to Option 1 or Option 2.

RECOMMENDATIONS

1. That Council affirms its endorsement of Planning Proposal BSC 25/009 in accordance with its December 2025 decision.
2. That the Department of Planning, Housing and Industry be advised that Council does not wish to exercise its local plan-making authority functions under the *Environmental Planning and Assessment Act 1979* in this instance.
3. That Council requests that the Department of Planning, Housing and Industry finalises BSCPP 25/009 to amend the Ballina Local Environmental Plan 1987 to permit detached dual occupancy with consent in the 7(c) Environmental Protection (Water Catchment) zone. .

Attachment(s)

1. BSCPP 25/009 - Gateway Determination ➡
2. BSCPP 25/009 - DCCEEW Submission