

ATTACHMENTS TO

Ordinary Meeting Business Paper

26 March 2026

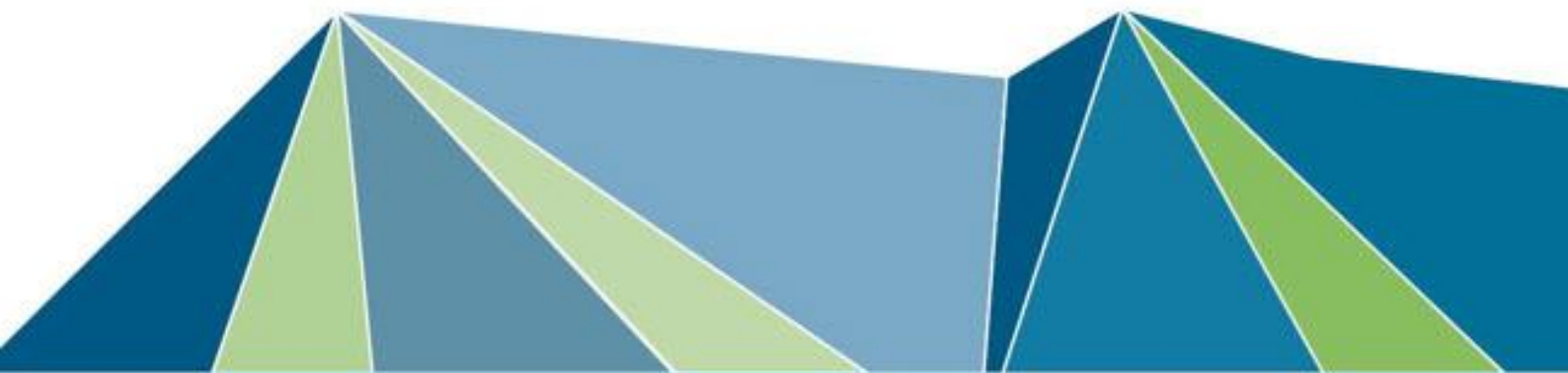


Table of Contents

7.1	Planning Proposal - Foresters Way and Old Tintenbar Road	
	Attachment 1: BSCPP 25/004 - Planning Proposal - Post Exhibition	3
	Attachment 2: Gateway Determination.....	34
	Attachment 3: Public Submission.....	36
	Attachment 4: Rural Fire Service - Referral Determination Letter.....	37
7.2	Development Control Plan - Biodiversity and Habitat Management	
	Attachment : Ballina Shire Development Control Plan 2012 Chapter 2C - Biodiversity and Habitat Management - Draft.....	38
7.3	DA 2023/343 - Gallans Road and Tamarind Drive Intersection	
	Attachment 1: DA 2023/343 - Notice of Determination (as modified July 2025)	62
	Attachment 2: DA 2023/343 - Traffic Engineering Assessment Temporary Arrangements	93
	Attachment 3: DA 2023/343 - Interim Intersection Improvements Plan	99
7.4	Policy (Review) - Urban Vegetation on Public Land - Submissions	
	Attachment 1: Policy (Review) - Urban Vegetation on Public Land - Submissions - February 2026	101
	Attachment 2: Policy (Review) - Urban Vegetation on Public Land - Submissions Summary - February 2026	117
	Attachment 3: Policy (Review) - Urban Vegetation on Public Land	118
8.3	Ward Committee - Membership	
	Attachment : Ward C Committee Application Form - Wollongbar Community Preschool.....	135
9.2	Single Use Plastic Packaging and Materials - Elimination	
	Attachment : Ordinary Meeting - 26 June 2025 - Notice of Motion - Single Use Plastics	136

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Planning Proposal (PP-2025-1092)

» Amend Minimum Lot Size

**86 Foresters Way and 38 Old
Tintenbar Road**

Ballina Local Environmental Plan 2012

March 2026 (V2 Commencement - 25/004)

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shire council



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Contents

Contents

Contents	1
1. Introduction	2
1.1 Summary	2
1.2 Background to Planning Proposal	2
1.3 Council Resolutions	5
1.4 Gateway Determination	5
2 Planning Proposal	7
Part 1 – Objectives and intended outcomes	7
Part 2 – Explanation of provisions	7
Part 3 – Justification	7
Section A – Need for the Planning Proposal	7
Section B – Relationship to strategic planning framework	9
Section C – Environmental, social and economic impact	11
Section D – Infrastructure (Local, State and Commonwealth)	11
Section E – State and Commonwealth Interests	11
Part 4 – Mapping	11
Part 5 – Community Consultation	12
Part 6 – Timeline	12
Appendices	14
Appendix 1 – Council Report	15
Appendix 2 – Gateway	23
Appendix 3 – Section 9.1 Direction Checklist	25
Appendix 4 – Mapping	27
Appendix 5 – Proponent’s Planning Proposal Request Submission	28

1. Introduction

1.1 Summary

This Planning Proposal (PP) relates to an amendment to the *Ballina Local Environmental Plan 2012* to vary the Minimum Lot Size (MLS) provision that applies to two properties in Tintenbar.

The Proposal concerns two adjoining parcels of land: 86 Foresters Way also known as Lot 2 DP 1037930, (109.91 ha) and 38 Old Tintenbar Road also known as Lot 15 DP 569492 (30.83 ha) and Lot 1 DP1116012 (.209 ha) with a combined land holding of approximately 140 ha.

Ballina LEP 2012 specifies a Minimum Lot Size (MLS) of 40ha for any subdivision in the RU1 Primary Production zone in this locality. Based on an MLS of 40ha, this equates to a subdivision potential with a maximum of 3 lots for the combined holding.

The land owner is proposing a boundary adjustment (subject to a future development application) to enable the sale of part of the land associated with 38 Old Tintenbar Road. The boundary adjustment proposal would seek creation of one new small lot of approximately 7.88Ha including the two existing dwellings (<40ha) under the terms of Clause 4.2B of Ballina LEP 2012, with the remaining land to be amalgamated into one lot, with an approximate size of 133.4ha.

Council has indicated they would not support the 133ha lot as that would have potential to be subdivided into 3 lots under the current 40ha MLS provision. This would result in the current combined holding having potential to yield a total of 4 lots (i.e. an additional lot/dwelling). This contravenes the prescribed objective for Section 4.2B where;

'the objective of the clause is to permit lot boundary adjustments in rural zones that will provide improved agricultural or environmental outcomes without creating additional opportunities for the erection of dwellings.'

Council could only support a DA for a new lot less than the 40ha requirement where there is no potential for an increase in the total number of potential lots.

This Planning Proposal is seeking to apply a higher minimum lot size (of 50ha) to the subject sites, so when the planned future boundary adjustment subdivision is to occur, it will not result in the potential for an additional lot or opportunity for the creation of additional dwelling entitlements and the intent of Section 4.2B of Ballina LEP 2012 can be met.

1.2 Background to Planning Proposal

The land associated with 86 Foresters Way also known as Lot 2 DP1037930 (109.91 ha) surrounds the Phoenix Park estate as shown in Figure 1 below, and contains a farmhouse dwelling and machinery sheds, land used to sustain cattle, as well as land with harvestable forestry plantation trees and diverse remnant ecosystems including rainforest, forested wetlands and riparian zones.

38 Old Tintenbar Road is located directly north of 86 Foresters Way as shown in Figure 2. The parcel is made up of Lot 15 DP 569492 (30.83 ha) and Lot 1 DP1116012 shown in inset below (.209 ha,). Two dwelling houses are located on Lot 15, whereas Lot 1 is a long narrow

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

lot, consistent with a previous paper road, with no dwelling entitlement. The remaining land consists of similar ecosystems described above.

The owners are currently focused on improving the ecosystems on site with the strategic removal of cattle from riparian and wetland zones, weed control and conservation planting to assist regeneration of the site. Both subject sites are zoned RU1 Primary Production under Ballina Local Environmental Plan 2012 (LEP 2012) and have a minimum subdivision lot size of 40ha.

Figure 1 86 Foresters Way

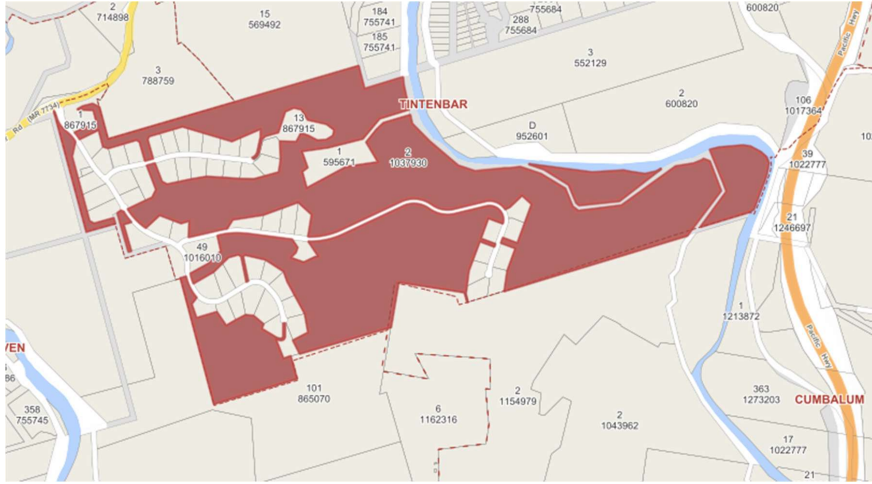
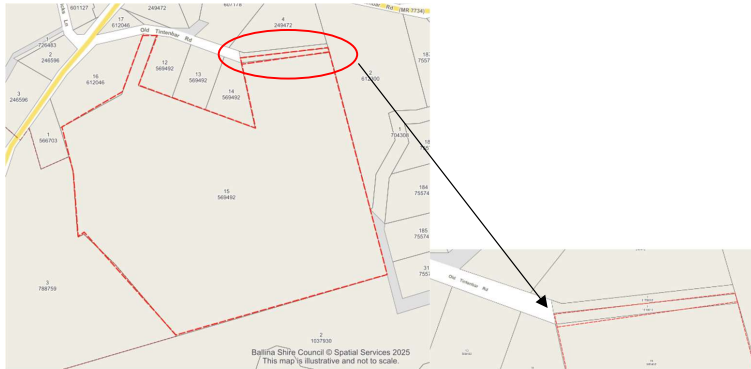


Figure 2 and inset 38 Old Tintenbar Road

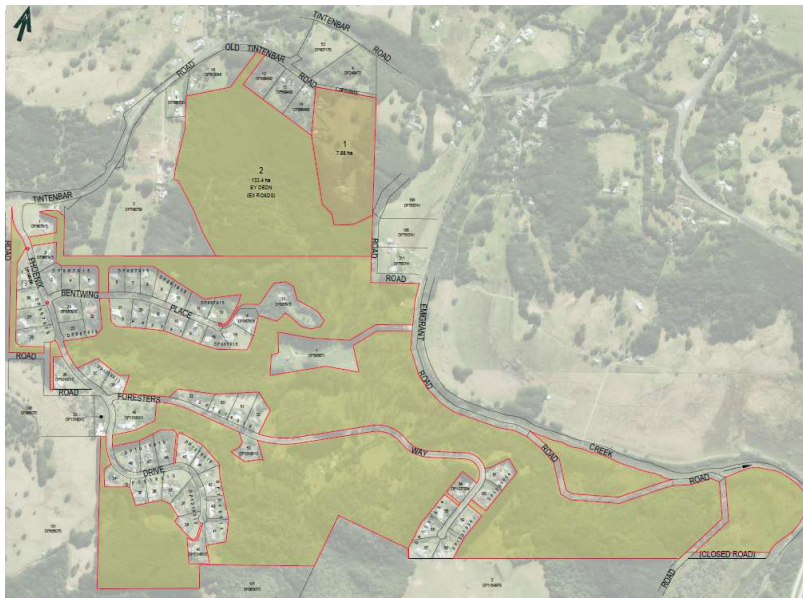


7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

This potential boundary adjustment would result in one lot smaller than the minimum 40ha lot size achievable under the provisions of Section 4.2B of the Ballina LEP 2012, and a lot of 133.4 ha which could be subdivided into 3 lots under current minimum lot size provisions of the Ballina LEP 2012. Whilst Ballina LEP 2012 does provide a pathway for exceptions to minimum subdivision lot size for boundary adjustment, for the smaller lot, under 4.2B (see below) the result of the potential boundary adjustment would not comply with the requirement to not result in the opportunity for additional dwelling entitlements.

Figure 3 Future potential boundary adjustment



4.2B Exceptions to minimum subdivision lot size for lot boundary adjustments

- (1) *The objective of this clause is to permit adjustments to the boundaries between 2 or more lots that will provide improved agricultural or environmental outcomes without creating additional opportunities for the erection of dwellings.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone C2 Environmental Conservation,*
 - (d) *Zone C3 Environmental Management.*
- (3) *Development consent may be granted for the subdivision of land for the purposes of a boundary adjustment between adjoining lots to create lots of a size that are less than the minimum size shown for the land on the [Lot Size Map](#) if the consent authority is satisfied that—*
 - (a) *the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on a lot, or both, and*
 - (b) *the subdivision will not have adverse impacts on the long-term agricultural production potential, biodiversity values or environmental characteristics of the lots and the surrounding locality.*

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

As outlined above, Council would not support the creation of the larger lot if there was potential for that lot to be subject to future subdivision that could result in an opportunity for creation of an additional lot or additional dwelling entitlements.

Hence, the intention of this Planning Proposal is to amend the minimum lot size for the sites to ensure there is no potential for future subdivisions to result in an increase in the total number of lots, or additional dwelling entitlements for the sites.

Currently, Ballina LEP 2012 specifies a minimum lot size of 40ha for any subdivision in this locality. The Planning Proposal will result in amendments to the Lot Size Map of the Ballina LEP 2012 to prescribe a higher minimum lot size, of 50 ha, to the subject sites to ensure any future subdivision will not result in opportunity for an additional lot or dwelling entitlement. See the proposed amendments to the Lot Size Map of the Ballina LEP 2012 in Appendix 4.

1.3 Council Resolutions

At the 25 September 2025 Ordinary meeting, Council resolved to endorse Planning Proposal BSCPP 25/004 to amend the minimum subdivision lot size of the subject sites, 86 Foresters Way (Lot 2 DP1037930) and 38 Old Tintenbar Road, Tintenbar (Lot 15 DP569492 and Lot 1 DP1116012), from 40 hectares to 60 hectares and seek a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI).

1.4 Gateway Determination

Planning Proposal (Department Ref: PP-2025-1092): Amend the minimum lot size at 38 Old Tintenbar Road Tintenbar (Lot 15 DP 569492 and Lot 1 DP1116012) and 86 Foresters Way Tintenbar (Lot 2 DP 1037930) should proceed subject to the following Gateway conditions.

The Council as Planning Proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the Planning Proposal authority has satisfied all the conditions of the Gateway Determination;
- (b) the Planning Proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 9 months of the date of this Gateway Determination.

Gateway Conditions

- 2 Prior to agency and community consultation, the explanation of provisions and associated mapping is to be amended to apply a 50-hectare minimum lot size to the subject land and include an existing minimum lot size map.
- 3 Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the Planning Proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

- (b) the Planning Proposal authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).
- 4 Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- NSW Rural Fire Service
- 5 Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
- 6 A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

The Gateway Determination is available at Appendix 2.

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

2 Planning Proposal

Part 1 – Objectives and intended outcomes

The primary objective of the proposal is to amend the minimum lot size of the subject sites; 38 Old Tintenbar Road and 86 Foresters Way, legally described as Lot 15 DP569492, Lot 1 DP1116012 and Lot 2 DP1037930, in the Ballina LEP 2012 mapping.

The proposal is seeking to increase the minimum lot size from the current 40ha provision to apply a larger minimum lot size of 50 Ha to the sites.

The intended outcomes of the Planning Proposal are:

- To enable a future boundary adjustment of 38 Old Tintenbar Road (Lot 15 DP569492) and creation of a lot of approximately 7.88Ha (<40ha MLS) under Section 4.2B of Ballina LEP 2012.
- To ensure the amalgamated lot made up of the remaining land from Lot 15 DP569492 combined with Lot 2 DP1037930 with an approximate size of 133.4Ha cannot be subdivided into more than 2 lots.
- To maintain the existing development potential for the subject sites so there is no ability for future boundary adjustment or subdivision to result in the creation of an additional lot or the opportunity for additional dwelling entitlements on the subject lots.

Part 2 – Explanation of provisions

The Proposal will result in amendments to the Lot Size Map of the Ballina LEP 2012 to prescribe a higher minimum lot size to the subject sites to ensure any future subdivision will not result in opportunity for an additional lot or dwelling entitlement.

Currently, Ballina LEP 2012 specifies a minimum lot size of 40ha for any subdivision in this locality. This proposal seeks to amend the Lot Size Map for the subject sites, as shown in Appendix 4.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

The Planning Proposal is not the result of a local strategic planning statement, strategic study or report. However, it is consistent with relevant overall strategy studies and reports, as discussed below.

The subject properties are identified as within an Area of Regional Koala Significance (ARKS) under the NSW Koala Strategy as well as being identified in the Northern Rivers Regional Koala Conservation Strategy as having high strategic importance to create and restore koala habitat with priority, as illustrated in Figure 3. The Regional Koala Conservation Strategy was developed for the conservation of koalas and their habitat in the Far North Coast of NSW. The strategy was developed through a collaborative partnership of 6 regional Councils (Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed).

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road



The aim of the Regional Strategy is to guide a regional approach for coordinating the conservation, recovery and management efforts to protect and recover koala populations in the Northern Rivers region of NSW over the next 25 years.

The proponents report that koala activity is regularly observed on the properties, with sightings reported to *Friends of the Koala* and recorded on the NSW Bionet database. As previously discussed, much of the owners' work is centred on habitat and ecological restoration of the lands.

Of note, the owners have registered the harvestable plantation onsite as the Forest Farm Carbon Project which means they are required to transition the plantation to permanent forest to retain and maintain for 100 years. It is their intention to take an ecological restoration approach to this transition with a focus on ensuring restoration of appropriate forest types, which includes those that are beneficial for koala habitat and align with the state, regional and local government koala strategies. The purpose of the subdivision/amalgamation is to ensure they can continue their work enhancing and protecting this vital wildlife corridor.

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

By applying a higher minimum Lot Size to the subject sites, it ensures the planned future boundary adjustment will not result in opportunities for subdivision resulting in more than two new lots being created, which is consistent with the current subdivision potential for the combined land holding of 140ha for a total of three lots.

The Planning Proposal is considered the best means to achieve the objectives and intended outcomes for the subject land as the proposed lot size change will allow for future boundary adjustments to occur whilst ensuring consistency with the objectives of the development

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

standards of the LEP in relation to subdivision in rural area. There is no change to the existing RU1 zoning that applies to the land.

Section B – Relationship to strategic planning framework

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

This proposal is consistent with the objectives and actions of the North Coast Regional Plan (NCRP) 2041. The outcomes of the proposal specifically align with:

- Goal One: Liveable, sustainable and resilient
Objective 3: Protect regional biodiversity and areas of high environmental value
- Goal Three: Growth Change and Opportunity
Objective 18: Plan for sustainable communities

The Planning Proposal is aiming to maintain the existing density of development in the subject area as well as providing an opportunity for conservation works to continue to be undertaken within the sites. These outcomes specifically align with objectives of the NCRP provided for Ballina Shire to support and deliver environmentally sustainable development, as well as retaining and protecting local biodiversity and habitats

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

This Planning Proposal is consistent with Ballina’s Local Strategic Planning Statement 2020-2040.

The Ballina LSPS is informed by other state and regional policies and reiterates the NCRP directives to deliver environmentally sustainable growth, enhance biodiversity and prevent fragmentation of rural lots, which the Planning Proposal is consistent with as described above.

Q5 Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

This Planning Proposal is relatively minor in terms of broader State and regional strategies. While no studies or strategies specifically relate to the Planning Proposal, it is consistent with broader State and regional strategies.

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

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

SEPP	Comments	Consistency
SEPP (Biodiversity and Conservation) 2021	Chapter 3 Koala habitat protection 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population	The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

	over their present range and reverse the current trend of koala population decline.	
SEPP (Housing) 2021	The proposal ensures the same opportunity for dwelling entitlements across the site as currently exists.	The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Planning Systems) 2021	Chapter 2 deals with State and regional development and is applicable at DA stage rather than rezoning.	The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Resilience and Hazards) 2021	Chapter 2 Coastal Management The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> .	The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
	Chapter 4 Remediation of land This Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment: <i>(a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements.</i>	The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Sustainable Buildings) 2022	The Policy aims to encourage the design and delivery of sustainable buildings.	The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Transport and Infrastructure) 2021	The proposal will not affect the future effective delivery of infrastructure.	The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.

Q7 Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

The Planning Proposal is consistent with applicable Ministerial Directions (s9.1 Directions), see Appendix 3 for detailed assessment.

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Section C – Environmental, social and economic impact

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

There will be no adverse impacts for critical habitat, ecological communities or threatened species as a result of this proposal. Amending the minimum lot size of the subject sites will limit the future capacity for additional dwellings and therefore limit impacts on critical habitat, ecological communities and threatened species.

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

The purpose of the Planning Proposal is to provide a pathway for subdividing and amalgamating the subject sites without providing opportunity for future over development of the subject land. Therefore, there are not likely to be any environmental effects needing to be managed as a result of the proposal.

Q10 Has the Planning Proposal adequately addressed any social and economic effects?

The intention of the Planning Proposal is to maintain the existing intensity and density of the development in the subject area, so social and economic effects are considered negligible.

Section D – Infrastructure (Local, State and Commonwealth)

Q11 Is there adequate public infrastructure for the Planning Proposal?

The sites are sufficiently supported by existing public infrastructure. The intent of the Planning Proposal is not to increase the intensity or density of development in the subject area, so there should be no additional demands on the existing public infrastructure.

By implementing this Planning Proposal, the envisaged subdivision of the land is possible without providing the opportunity for creation of an additional lot or dwelling. Therefore, this proposal reduces the risk of adding additional demands to the existing public infrastructure.

Section E – State and Commonwealth Interests

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

The Gateway Determination required referral to the NSW RFS. They have no objection to the Planning Proposal. Future development on mapped bushfire prone land shall be assessed against the provisions of the Environmental Protection & Assessment Act 1979.

The NSW RFS comments are at Appendix 6.

Part 4 – Mapping

The proposal relates to the subject sites:

- Lot 15 DP569492,
- Lot 1 DP1116012,

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

- Lot 2 DP1037930

The Planning Proposal is seeking to amend the following map:

- Lot Size Map – Sheet LSZ_005B

The Minimum Lot Size Map for the Ballina Local Environment Plan 2012 will require amendment in relation to these sites, see Appendix 4. Currently 40ha is the largest minimum lot size value under the Ballina LEP 2012. A new size of 50ha is recommended, so the new amalgamated lot, with an approximate size of 133.4Ha, would have potential to be subdivided into no more than 2 lots.

Part 5 – Community Consultation

Community consultation was undertaken in accordance with the relevant section on the Act and Regulations and Council's Community Participation Plan. The Gateway Determination confirmed the Planning Proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and was made publicly available for a minimum of 20 working days.

One submission was received during the public exhibition period.

Submission	Staff Response
I support council decision in not allowing any amendment to lot size.	<p>Staff interpret this submission to mean there is support for the Planning Proposal and for <u>not decreasing</u> the minimum lot size for the subject site.</p> <p>The proposal does change the minimum lot size however, it increases instead of decreases it.</p> <p>It is reasonable that a reduced minimum lot size may raise concerns among neighbouring landowners, as it enables the creation of additional lots with dwelling entitlements. This, in turn, can increase the number of dwellings in the locality and the potential impacts associated with higher residential density.</p> <p>This is not the case with this proposal.</p>

Part 6 – Timeline

The proposed timeline for completion of the Planning Proposal is as follows:

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Plan Making Step	Estimated Completion (Before)
Council Report	September 2025
Gateway Determination	October 2025
Government Agency Consultation	October 2025
Public Exhibition Period	January / February 2026
Public Hearing	NA
Submissions Assessment	March 2026
Local Plan Making Authority (LPMA) Assessment of Planning Proposal and Exhibition Outcomes	April 2026
Submission of Endorsed LEP to DPPI for Finalisation	April 2026
PPA Decision to Make the LEP Amendment (if delegated) #	April 2026
Forwarding of LEP Amendment to DPPI for Notification (if delegated)	April 2026

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Appendices

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Appendix 1 – Council Report

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

Section	Strategic Planning
Objective	To outline a proposal to amend the minimum lot size for subdivision standard for land at 38 Old Tintenbar Road and 86 Foresters Way and seek direction on progression of the proposed change.

Background

Council has received an LEP amendment request that seeks to amend the minimum lot size for subdivision standard under the Ballina Local Environmental Plan 2012 (BLEP 2012) in relation to 86 Foresters Way, Tintenbar (Lot 2 DP1037930, 109.91 ha) and 38 Old Tintenbar Road, Tintenbar (Lot 15 DP569492, 30.83 ha) and Lot 1 DP1116012 (0.209 ha).

The lots have a combined land holding of approximately 140 ha.

The BLEP 2012 specifies a minimum lot size of 40ha for subdivision of land in the RU1 Primary Production zone (RU1) in this locality.

This equates to a potential for three lots for the combined holding, with each lot having a dwelling entitlement.

The landowner is seeking to create one new small lot of approximately 7.88 ha (<40ha) containing two existing dwellings, with the remaining land to be amalgamated into one lot with an approximate size of 133.4 ha.

Alternative to an LEP amendment, application of Clause 4.2B under the BLEP 2012 was considered.

Clause 4.2B of the BLEP provides for exceptions to the minimum subdivision lot size (40ha) for boundary adjustments in specified zones, including the RU1 zone.

The clause provides that development consent may be granted for a boundary adjustment between adjoining lots to create lots that are less than the minimum size if the consent authority is satisfied that:

- (a) the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on a lot, or both, and
- (b) the subdivision will not have adverse impacts on the long-term agricultural production potential, biodiversity values or environmental characteristics of the lots and the surrounding locality.

Council staff advised the proponent that the creation of a smaller lot of 7.88 ha, and a new larger lot of 133.4 ha that could subsequently be subdivided into three lots of over 40ha each, would not meet the requirements of clause 4.2B. This is because the subdivision potential for the combined holding would increase to four lots and hence the terms of Clause 4.2A(a) would not be met.

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

The proponent is seeking to amend the BLEP 2012 to apply a higher minimum lot size of 60 ha to the subject land.

This is to ensure that when the planned future subdivision application is submitted, it will not result in the potential for an additional lot or opportunity for the creation of additional dwelling entitlements and the requirements of clause 4.2B of the BLEP 2012 can be met.

Documentation outlining the proposed amendment submitted by the proponent is contained in Attachment 1.

Key Issues

- Minimum lot size
- Potential dwelling entitlements
- Land management for environmental purposes

Discussion

The subject sites

The land associated with 86 Foresters Way, Tintenbar also known as Lot 2 DP1037930 (109.91 ha), surrounds the Phoenix Park estate as shown in Figure 1.

The land contains a farmhouse and machinery sheds, along with cattle, harvestable forestry plantation trees and diverse remnant ecosystems including rainforest, forested wetlands and riparian zones.

Lot 2 is the residual lot from the Phoenix Park estate which was created in 2002 comprising 61 rural residential lots and one residual lot.

38 Old Tintenbar Road, Tintenbar (Figure 2) is located directly north of 86 Foresters Way.

The parcel is made up of Lot 15 DP 569492 (30.83 ha) and Lot 1 DP1116012, shown in inset below (0.209 ha).

Two dwelling houses are located on Lot 15, whereas Lot 1 is a long narrow lot, consistent with a previous paper road, with no dwelling entitlement.

The remaining land contains similar ecosystems as described above.

The owners are currently focused on improving the ecosystems on site with the strategic removal of cattle from riparian and wetland zones, weed control and conservation planting to assist regeneration of the site.

Both properties are zoned RU1 Primary Production under the BLEP 2012 and have a minimum subdivision lot size standard of 40ha.

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

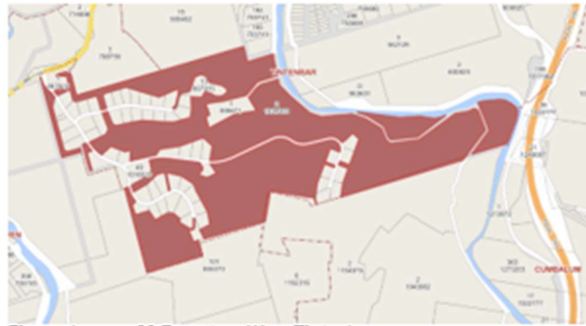


Figure 1: 86 Foresters Way, Tintenbar



Figure 2: 38 Old Tintenbar Road, Tintenbar

Proposed boundary adjustment

A future boundary adjustment application is intended to be submitted for 38 Old Tintenbar Road.

The intended boundary adjustment is shown indicatively in Figure 3.

The proponent has indicated that the change in configuration of the lots is proposed to enable the sale of part of the land associated with 38 Old Tintenbar Road (to include the two existing residential dwellings) to help finance ongoing conservation works to continue with the restoration of the natural environment and support the native flora and fauna species and associated vegetation ecosystems within the site.

The boundary adjustment would reconfigure the three lots to create one lot of approximately 7.88ha, in the north-east of the site, which would contain both existing dwellings, and one lot of approximately 133.4ha containing the remainder of the land.

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road



Figure 3: Indicative Boundary Adjustment Subdivision Alignment

This intended boundary adjustment would result in one lot smaller than the minimum 40ha lot size under the provisions of clause 4.2B of the Ballina LEP 2012, and a lot of 133.4ha which could then be subdivided into three lots in line with the current minimum lot size provisions of the Ballina LEP 2012.

Current LEP Requirements

Whilst Clause 4.2B in the Ballina LEP 2012 provides a pathway for exceptions to minimum subdivision lot size for boundary adjustment (see as follows).

Without a change in the minimum lot size, this proposal would not comply with the requirement to not result in the opportunity for additional dwelling entitlements.

4.2B Exceptions to minimum subdivision lot size for lot boundary adjustments

- (1) *The objective of this clause is to permit adjustments to the boundaries between 2 or more lots that will provide improved agricultural or environmental outcomes without creating additional opportunities for the erection of dwellings.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone C2 Environmental Conservation,*
 - (d) *Zone C3 Environmental Management.*
- (3) *Development consent may be granted for the subdivision of land for the purposes of a boundary adjustment between adjoining lots to create lots of a size that are less than the minimum size shown for the land on the Lot Size Map if the consent authority is satisfied that—*
 - (a) *the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on a lot, or both, and*
 - (b) *the subdivision will not have adverse impacts on the long-term agricultural production potential, biodiversity values or environmental characteristics of the lots and the surrounding locality.*

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

As outlined, the creation of the larger lot cannot be supported if there is potential for that lot to be subject to future subdivision that could result in an opportunity for creation of an additional lot or additional dwelling entitlements (above what currently exists).

Lot Size Amendment

The intention of this Planning Proposal is to amend the minimum lot size for the sites to ensure there is no potential for future subdivisions to result in an increase in the total number of lots, or additional dwelling entitlements for the lots.

The proposal involves amendment to the Lot Size Map under the BLEP 2012 to prescribe a higher minimum lot size, of 60 ha, to the subject sites to ensure any future subdivision will not result in an opportunity for an additional lot or dwelling entitlement.

A planning proposal prepared by Council staff based on the proponent's proposal is contained in Attachment 2.

The proposed amended minimum lot size map is shown in Attachment 3.

Environmental considerations and outcomes

The purpose of the proposed LEP amendment is to facilitate a future boundary adjustment to create a large allotment that will consolidate significant vegetation on the holding, whilst also creating a smaller lot containing existing dwellings.

Conservation outcomes on these properties are part of a larger strategic approach to conservation management.

The subject properties are within an Area of Regional Koala Significance (ARKS) under the NSW Koala Strategy as well as being identified in the Northern Rivers Regional Koala Conservation Strategy as having high strategic importance to create and restore koala habitat with priority, as illustrated in Figure 4.

The Regional Koala Conservation Strategy was developed for the conservation of koalas and their habitat in the Far North Coast of NSW as a collaborative partnership of six regional councils (Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed).

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road



Figure 4: Northern Rivers Koala Conservation Strategy Mapping

The aim of the Regional Strategy is to guide a regional approach for coordinating the conservation, recovery and management efforts to protect and recover koala populations in the Northern Rivers region of NSW over the next 25 years.

Koala activity is regularly observed on the properties, with sightings reported to *Friends of the Koala* and recorded on the NSW Bijnet database.

As previously discussed, much of the owners' work is centred on habitat and ecological restoration of the lands. It is noted that the landowners are currently restoring and expanding koala habitat on the land with the support of Council's Koala Habitat Grant (part funded by DCCEEV).

There is also potential conservation benefits associated with a range of other species associated with environmental management and restoration of the subject land.

The LEP amendment and the intended boundary adjustment support these conservation efforts.

Further information on the proponent's rationale is contained in Attachment 1.

Local and Strategic Planning Merit

The planning proposal demonstrates both local and strategic planning merit. In aiming to achieve an outcome that supports biodiversity conservation, the proposal it is consistent with the North Coast Regional Plan 2041 and Council's Community Strategic Plan and Biodiversity Strategy.

As the proposed amendment addresses the issue of creation of additional lots or dwellings (beyond what is currently possible), the proposal is consistent with the Local Strategic Planning Statement and will not impact on infrastructure and services.

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

Delivery Program Strategy / Operational Plan Activity

The proposal amendments align with the 2024-2028 Delivery Plan and Operational Plan Outcome HE 3.1f – Maintain Local Environment Plan.

Community Engagement Strategy

Community engagement will take place following a Gateway determination and in accordance with the conditions specified by the Department of Planning Housing and Infrastructure (DPHI) and Council's Community Participation Plan.

Financial / Risk Considerations

As a landowner-initiated proposal, the applicants have paid the initial planning proposal fee. In accordance with Council's Fees and Charges, further processing fees will be payable at subsequent stages.

Options

Option 1 – Council supports the planning proposal.

Under this option, Council would progress the proposed LEP amendment in the form of a planning proposal (Attachment 2).

The planning proposal would be submitted to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination and subsequent public exhibition and agency consultation.

Post an affirmative Gateway determination and exhibition, the planning proposal will be reported back to Council with respect to the outcomes of the exhibition process and finalisation of the amendment.

Under this option Council would also seek authority from DPHI to exercise its delegated plan making function.

This is the recommended option for the reasons outlined in this report, including that the proposed amendment provides for enhanced environmental outcomes.

Option 2 – Council does not support the planning proposal and takes no further action.

Option 2 is not recommended as the proposed amendment seeks to facilitate reconfiguration of property boundaries to enable positive environmental outcomes in a manner consistent with Council's planning framework in relation to lot creation and dwelling entitlements.

RECOMMENDATIONS

1. That Council endorses the proposed amendment to the Ballina Local Environmental Plan 2012 to amend the minimum lot size for subdivision for 86 Foresters Way (Lot 2 DP 1037930) and 38 Old Tintenbar Road (Lot 15 DP 569492 and Lot 1 DP1118012) to 60ha as detailed in the Planning Proposal contained in Attachment 2 to this report.

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

2. That Council submits Planning Proposal BSCPP 25/004 (Attachment 2) to the Department Planning Housing and Infrastructure for Gateway Determination.
3. That the Department of Planning Housing and Infrastructure be advised that Council is seeking to be authorised as the Local Plan Making Authority for this LEP amendment and to exercise its delegated plan making functions.
4. That upon an affirmative Gateway determination being received, Council proceeds to public exhibition and agency consultation in accordance with Gateway determination requirements.

Attachment(s)

1. BSCPP 25/004 - Proponent Planning Proposal - Tintenbar Boundary Adjustment
2. BSCPP 25/004 - Council Prepared Planning Proposal - Amendment to LEP Minimum Lot Size - 86 Foresters Way and 38 Old Tintenbar Road, Tintenbar
3. BSCPP 25/004 - Draft Minimum Lot Size Map

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Appendix 2 – Gateway Determination



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2025-1092): Amend the minimum lot size at 38 Old Tintenbar Road Tintenbar (Lot 15 DP 569492 and Lot 1 DP1116012) and 86 Foresters Way Tintenbar (Lot 2 DP 1037930)

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan 2012 to alter the minimum lot size at 38 Old Tintenbar Road Tintenbar (Lot 15 DP 569492 and Lot 1 DP1116012) and 86 Foresters Way Tintenbar (Lot 2 DP 1037930) should proceed subject to the following Gateway conditions.

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

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

The LEP should be completed on or before 9 months of the date of this Gateway Determination.

Gateway Conditions

1. Prior to agency and community consultation, the explanation of provisions and associated mapping is to be amended to apply a 50-hectare minimum lot size to the subject land and include an existing minimum lot size map.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 18 November 2025



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

**Delegate of the Minister for Planning and
Public Spaces**

PP-2025-1092 (IRF25/2323)

24

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Appendix 3 – Section 9.1 Direction Checklist

Section 9.1 Ministerial Direction Checklist Planning Proposal – BSCPP2024-004	
Direction No.	Compliance of Planning Proposal
Focus area 1: Planning Systems	
Implementation of Regional Plans	Not inconsistent
Development of Aboriginal Land Council land	Not applicable
Approval and Referral Requirements	Not applicable
Site Specific Provisions	Not applicable
1.4A Exclusion of Development Standards from Variation	Not applicable
Focus area 1: Planning Systems – Place-based	
1.5 to 1.22	These Directions do not apply to Ballina Shire.
Focus area 2: Design and Place	
Not applicable	
Focus area 3: Biodiversity and Conservation	
Conservation Zones	Not directly relevant. The Planning Proposal does not apply to land within a conservation zone or land identified for conservation in the Ballina LEP.
Heritage Conservation	Not applicable
Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The proposal does not involve the introduction of an environmental zones.
Recreation Vehicle Areas	Not applicable
Strategic Conservation Planning	Not applicable
Public Bushland	Does not apply to Ballina Shire.
Willandra Lakes Region	Does not apply to Ballina Shire.
Sydney Harbour Foreshores and Waterways Area	Does not apply to Ballina Shire.
Water Catchment Protection	Not applicable
Focus area 4: Resilience and Hazards	
Flooding	Not applicable
Coastal Management	Not applicable
Planning for Bushfire Protection	The Planning Proposal was referred to the RFS as per Gateway conditions. The RFS reported no objection to the Planning Proposal. Future development on mapped bushfire prone land shall be assessed against the provisions of the Environmental Protection & Assessment Act 1979.
Remediation of Contaminated Land	Not directly relevant.
Acid Sulfate Soils	Not directly relevant. Part of the site is mapped as Acid Sulfate Soils. The Planning Proposal will remain consistent with the objectives of this direction
Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
Integrating Land Use and Transport	Not applicable
Reserving Land for Public Purposes	Not applicable

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Section 9.1 Ministerial Direction Checklist Planning Proposal – BSCPP2024-004	
Direction No.	Compliance of Planning Proposal
Development Near Regulated Airports and Defence Airfields	Not applicable
Shooting Ranges	Not applicable
High Pressure Dangerous Goods Pipelines	Not applicable
Focus area 6: Housing	
Residential Zones	Not applicable
Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
Employment Zones	Not applicable
Reduction in non-hosted short term rental accommodation period	Does not apply to Planning Proposal.
Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to this Planning Proposal.
Focus area 8: Resources and Energy	
Mining, Petroleum Production and Extractive Industries	Does not apply to this Planning Proposal.
Focus area 9: Primary Production	
Rural Zones	Not applicable The Planning Proposal does not propose a variation in zones.
Rural Lands	The Planning Proposal is consistent with the objectives of this directive. As described, the Planning Proposal is consistent with the Ballina Shire LSPS and the NCRP. The intended outcome of the proposal is to protect environmental values by enabling conservation works that would help maintain the local biodiversity values on the sites.
Oyster Aquaculture	Does not apply to this Planning Proposal.
Farmland of State and Regional Significance on the NSW Far North Coast	Not directly relevant. Portions of the sites are mapped as Regionally Significant Farmland as shown below. The Planning Proposal is not rezoning any land and will remain consistent with the objectives of this direction.

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Appendix 4 – Mapping



Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Appendix 5 – Proponent’s Planning Proposal Request Submission

(Under Separate Cover)

Planning Proposal 25/1092 – Amend Minimum Lot Size 86 Foresters Way and 38 Old Tintenbar Road

Appendix 6 – Agency Referral – Planning for Bushfire Protection



Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Your reference: (REF-4298) PP-2025-1092
Our reference: SPI20251203000297

ATTENTION: Brigid Pearse

Date: Monday 2 February 2026

Dear Sir/Madam,

Strategic Planning Instrument
LEP Amendment - Planning Proposal
Ballina Local Environmental Plan 2012 - Minimum Lot Size - 38 Old Tintenbar Rd & 86 Foresters Way Tintenbar

I refer to your correspondence dated 03/12/2025 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

This Planning Proposal (PP) relates to an amendment to the Ballina Local Environmental Plan 2012 to vary the Minimum Lot Size (MLS) provision that applies to two properties in Tintenbar. The Planning Proposal is seeking to apply a higher minimum lot size (of 60ha) to the subject sites, so when the planned future boundary adjustment subdivision is to occur, it will not result in the potential for an additional lot or opportunity for the creation of additional dwelling entitlements and remains compliant with Section 4.2B of Ballina LEP 2012.

The objective of the section 4.2B is to "permit lot boundary adjustments in rural zones that will provide improved agricultural or environmental outcomes without creating additional opportunities for the erection of dwellings". This amendment to the minimum lot size map will not result in the potential for an additional lot or opportunity for the creation of additional dwelling entitlements.

Ballina Shire Bushfire Prone Land Map was re-certified on 11 November 2025. The lots are mapped bushfire prone land.

The NSW RFS has no objection to the planning proposal. Future development on mapped bushfire prone land shall be assessed against the provisions of the EP&A Act 1979.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment

1

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Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2025-1092): Amend the minimum lot size at 38 Old Tintenbar Road Tintenbar (Lot 15 DP 569492 and Lot 1 DP1116012) and 86 Foresters Way Tintenbar (Lot 2 DP 1037930)

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan 2012 to alter the minimum lot size at 38 Old Tintenbar Road Tintenbar (Lot 15 DP 569492 and Lot 1 DP1116012) and 86 Foresters Way Tintenbar (Lot 2 DP 1037930) should proceed subject to the following Gateway conditions.

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

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

The LEP should be completed on or before 9 months of the date of this Gateway Determination.

Gateway Conditions

1. Prior to agency and community consultation, the explanation of provisions and associated mapping is to be amended to apply a 50-hectare minimum lot size to the subject land and include an existing minimum lot size map.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
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7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 18 November 2025



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

Delegate of the Minister for Planning and
Public Spaces

PP-2025-1092 (IRF25/2323)

7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

[REDACTED]

From: [REDACTED]
Sent: Sunday, 15 February 2026 9:12 AM
To: Ballina Shire Council
Subject: Brigid Pearse BSCPP 2025-004

Dear Brigid,

In reference to your letter regarding Amendment to LEP minimum lot size 86 Foresters Way and 38 Old Tintenbar Rd Tintenbar.
I support council decision in not allowing any amendment to lot size .

Regards
[REDACTED]



Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Your reference: (REF-4298) PP-2025-1092
Our reference: SPI20251203000297

ATTENTION: Brigid Pearse

Date: Monday 2 February 2026

Dear Sir/Madam,

**Strategic Planning Instrument
LEP Amendment - Planning Proposal
Ballina Local Environmental Plan 2012 - Minimum Lot Size - 38 Old Tintenbar Rd & 86 Foresters Way Tintenbar**

I refer to your correspondence dated 03/12/2025 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

This Planning Proposal (PP) relates to an amendment to the Ballina Local Environmental Plan 2012 to vary the Minimum Lot Size (MLS) provision that applies to two properties in Tintenbar. The Planning Proposal is seeking to apply a higher minimum lot size (of 60ha) to the subject sites, so when the planned future boundary adjustment subdivision is to occur, it will not result in the potential for an additional lot or opportunity for the creation of additional dwelling entitlements and remains compliant with Section 4.2B of Ballina LEP 2012.

The objective of the section 4.2B is to "permit lot boundary adjustments in rural zones that will provide improved agricultural or environmental outcomes without creating additional opportunities for the erection of dwellings". This amendment to the minimum lot size map will not result in the potential for an additional lot or opportunity for the creation of additional dwelling entitlements.

Ballina Shire Bushfire Prone Land Map was re-certified on 11 November 2025. The lots are mapped bushfire prone land.

The NSW RFS has no objection to the planning proposal. Future development on mapped bushfire prone land shall be assessed against the provisions of the EP&A Act 1979.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
**Manager Planning & Environment Services
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Ballina Shire Development Control Plan 2012

CHAPTER 2C – BIODIVERSITY AND HABITAT MANAGEMENT





Table of Contents

Part 1	Preliminary	1
1.1	Introduction	1
1.2	Application:.....	1
1.2.1	Biodiversity Assessment Pathways.....	2
1.2.2	How to Use this Chapter	2
1.2.3	Glossary	3
Part 2	Chapter Objectives	5
2.1	Chapter Objectives.....	5
2.2	Biodiversity Values and Objectives.....	6
Part 3	Development Controls	7
3.1	Application.....	7
3.1.1	Identifying Red and Amber Flag Areas and Ecological Setbacks.....	7
3.2	Development Controls.....	9
3.2.1	Defining the Development Envelope.....	9
3.2.2	Managing Impacts to Biodiversity.....	11
3.2.3	Ecological Setbacks and Environmental Management Buffers	15
3.2.4	Biodiversity Offsets.....	15
Part 4	Development Applications	17
4.1	Variations to development controls.....	17
4.2	Pre-lodgement consultation	17
4.3	DA submission requirements	17
Appendix 1	Supporting information	18





Part 1 Preliminary

1.1 Introduction

Name:

Ballina Shire Development Control Plan 2012 (BDCP 2012), Chapter 2C – Biodiversity and Habitat Management.

Purpose:

The purpose of this Chapter is to ensure the planning and design of new development maintains or enhances biodiversity values and demonstrates a nature positive outcome.

Relationship to other Chapters of this DCP:

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

The planning controls contained within this Chapter are in addition to those contained in Chapter 2.

1.2 Application:

This Chapter (2C) applies to proposed development within all land use zones under the Ballina Local Environmental Plan 2012 (BLEP 2012) and Ballina Local Environmental Plan 1987 (BLEP 1987), *when either:*

1. The proposal requires a Development Application (DA) and Ballina Shire Council, a Local Planning Panel or Regional Planning Panel is the consent authority; and
 - the development will be undertaken on private landholding/s; and
 - the site on which the development will occur is $\geq 2500\text{m}^2$ in area; *and*
 - native vegetation is proposed to be removed (including isolated trees); or
 - any part of the proposed development (including ancillary works, services, access, clearing allowances or ancillary structures) is within 100 metres of a Red Flag -as listed in 3.1.1; or
 - significant biodiversity impacts are likely (regardless of the size of the site) *or*
2. The Biodiversity Offset Scheme (BOS) applies to the development under Part 7 of the *Biodiversity Conservation Act 2016* (BC Act).

Exclusions: This Chapter 2C does not apply to:

- Public infrastructure development or exempt works carried out by, or on behalf of, Council; or
- Development that does not fulfil the criteria listed in (1) or (2) above.





1.2.1 Biodiversity Assessment Pathways

There are two assessment pathways that affect the level of biodiversity assessment required for a development proposal where this chapter might apply:

- a. For proposals that trigger the Biodiversity Offsets Scheme (BOS) under the BC Act, the following apply:
 - Biodiversity Offset Scheme; and
 - DCP Chapter 2 - General and Environmental Considerations; and
 - DCP Chapter 2C - Biodiversity and Habitat Management.
- b. For proposals that affect vegetation or other biodiversity values and *do not* trigger the BOS, the following apply:
 - DCP Chapter 2 - General and Environmental Considerations; and
 - DCP Chapter 2C - Biodiversity and Habitat Management; *or*
 - DCP Chapter 2A - Vegetation Management.

Both pathways require the proposal to address other relevant legislative controls, including the Ballina Comprehensive Koala Plan of Management, State Environmental Planning Policies, *Fisheries Management Act 1994*, *Water Management Act 2000*, *Biosecurity Act 2015* and *Environment Protection and Biodiversity Conservation Act 1999*.

For proposals that trigger the BOS, a Biodiversity Development Assessment Report (BDAR) is required to be submitted with the DA. In addition to information required under the BOS, the BDAR should also address the objectives and controls of this Chapter 2C.

1.2.2 How to Use this Chapter

Step 1: Determine if this Chapter applies to the proposal (Part 1, Section 1.2)

Step 2: Determine the relevant biodiversity values and objectives to be addressed in the proposal (Part 2)

Step 3: Determine relevant planning controls (Part 3)

Step 4: Define the development envelope considering Part 2 and Part 3, as well as information detailed in Appendix 1.

Step 5: Prepare DA documentation (Part 4).





1.2.3 Glossary

Term	Meaning
Accredited assessor	A person formally accredited to assess a site using the Biodiversity Assessment Method (BAM) and prepare reports required under the BOS.
APZ	Asset Protection Zone – area between a bushfire hazard and an asset, required under the <i>Rural Fires Act 1997</i>
BAM	Biodiversity Assessment Method – the method used to assess sites that have entered the BOS and require either a BDAR, BCAR or BSSAR
BAR	Biodiversity Assessment Report
BC Act	<i>NSW Biodiversity Conservation Act 2016</i>
BCAR	Biodiversity Certification Assessment Report - the required report for a biodiversity certification assessment. It must be prepared by an accredited assessor and use the Biodiversity Assessment Method to assess the biodiversity values within the biodiversity certification assessment area.
BDAR	Biodiversity Development Assessment Report – a report prepared by an accredited assessor when developments trigger the Biodiversity Offsets Scheme under the BC Act
Biodiversity Values Map (BV Map)	The Biodiversity Values Map (Biodiversity Values Map and Threshold tool) identifies land with high biodiversity value, particularly sensitive to impacts from development and clearing. Removal of native vegetation or the triggering of a prescribed impact in areas mapped on the BV Map will trigger the BOS, and a BDAR will be required.
BioNet	The repository for biodiversity data products managed by the DCCEEW
BOS	Biodiversity Offsets Scheme –a NSW scheme legislated under the BC Act, designed to offset the impacts of certain development
BSA	Biodiversity Stewardship Agreement – a legal agreement between the owner of land and the Minister responsible for the BC Act. A BSA establishes a biodiversity stewardship site and creates biodiversity credits.





Ballina Development Control Plan 2012
**CHAPTER 2C – BIODIVERSITY AND HABITAT
 MANAGEMENT**

BSSAR	Biodiversity Stewardship Site Assessment Report – a report prepared by an accredited assessor, to underpin a BSA
CKPoM	Comprehensive Koala Plan of Management
DCCEEW	Department of Climate Change Environment Energy and Water
Development Envelope	The area that includes all components of a development, including access, services and infrastructure, parks, buildings and management buffers (APZs etc)
Ecological Setback	The distance specified in this document that the development envelope is required to be setback from an identified biodiversity value
Environmental Management Buffer	A buffer to development often required by legislation for management of, for example, bushfire, mosquitos, stormwater etc
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
FM Act	<i>NSW Fisheries Management Act 1994</i>
OEH	Office of Environment and Heritage – an office of the NSW DCCEEW
PCT	Plant Community Type – the master community-level typology used in NSW planning and assessment tools and vegetation mapping and management programs and maintained in the BioNet Vegetation Classification system
RCMP	Riparian Corridor Management Plan – a management plan specific to riparian corridors
TEC	Threatened Ecological Community – an ecological community listed as vulnerable, endangered or critically endangered under the BC Act or the EPBC Act
VMP	Vegetation Management Plan – a site-specific plan that provides guidance on the restoration or management of vegetation at a site, usually required as a condition of consent
GDE	Groundwater Dependent Ecosystem- ecosystems that rely on groundwater for some, or all, of their water requirements
SEPP	State Environmental Planning Policy
KMS	Ballina Koala Management Strategy (2016)





Part 2 Chapter Objectives

2.1 Chapter Objectives

The overall aim of this Chapter is to ensure that, in accordance with the intentions of, and subject to, relevant State and Commonwealth legislation, the planning and design of development applies the hierarchical principle of avoid, minimise and offset, and demonstrates a nature positive outcome.

The objectives to achieve this overall aim are to:

- a. Retain, restore and improve native vegetation and habitats for native species in patches of a size and configuration that will enable existing plant and animal communities to survive in the long term.
- b. Provide development controls to prevent the degradation of ecological values and provide a nature positive outcome.
- c. Ensure that all proposals apply the hierarchical principle of avoid, minimise and offset, with respect to construction and operation of the development.
- d. Provide guidance on acceptable measures to avoid or minimise the impact of proposed development on biodiversity, including for proposals affected by Part 7 of the *Biodiversity Conservation Act 2016*.
- e. Compensate for unavoidable habitat losses in accordance with applicable legislation, or in accordance with Council's Biodiversity - Compensatory Habitat and Offsets Policy.
- f. Ensure retained vegetation and offset areas are securely protected and managed in perpetuity.



Note: Demonstration of avoid, minimise, offset must follow these steps:

- (a) the proponent of the action **first** takes measures to avoid the impacts of the action on biodiversity values,
- (b) after taking all measures under paragraph (a), the proponent **then** takes all reasonable steps to minimise the impacts that have not been avoided,
- (c) having taken the measures under paragraph (b), the proponent **then** takes biodiversity conservation measures to offset or compensate for any residual impact on biodiversity values.



2.2 Biodiversity Values and Objectives

The biodiversity values and their objectives are listed in Table 1 below. Where a biodiversity value is present, the objectives of the value must be addressed in the ecological assessment report submitted with the DA. The biodiversity values listed are translated into Red Flag and Amber Flags and relative ecological setbacks in **Part 3** of this chapter.

Table 1 Biodiversity Values and Specific Objectives

Biodiversity Values	Objectives
Bushlands and Wetlands	i. Retain bushland and wetlands in patches of a size and configuration for species to maintain long term viability, and with consideration for future climate change effects. ii. Provide for improved management and/or restoration of retained bushland and wetland habitats. iii. Avoid direct impacts and mitigate indirect and ongoing impacts of development to bushland and wetland values.
Wildlife Corridors	i. Retain habitat within existing wildlife corridors. ii. Maintain corridor function for all species predicted to occur. iii. Restore and revegetate sites to increase habitat connectivity, and with consideration of future climate change effects. iv. Mitigate impacts of development to habitat connectivity.
Threatened Species	i. Retain, enhance and manage habitat features necessary to maintain and increase populations of threatened species and communities. ii. Mitigate indirect and ongoing impacts of development to threatened species, including mitigating the adverse effects of relevant key threatening processes. iii. Retain habitats for threatened species with consideration for future climate change effects.
Koala Habitat	i. Retain and increase Koala populations and their habitat. ii. Provide for the improved management of retained Koala habitat. iii. Mitigate indirect and ongoing impacts of development to Koala populations and their habitat. iv. Recognise and integrate the development control provisions of the Ballina Comprehensive Koala Plan of Management.
Waterways and Riparian Areas	i. Retain and restore native vegetation within riparian areas. ii. Improve water quality, bank and bed stability and ecosystem function of waterways and riparian habitats. iii. Provide for the improved management of riparian and aquatic habitats. iv. Mitigate indirect and ongoing impacts of development to riparian and aquatic habitats.
Flying-fox Camps	i. Retain flying-fox camps and their habitats. ii. Provide for the improved management of flying-fox camps and adjacent areas. iii. Mitigate indirect and ongoing impacts of development to flying-foxes and their habitats. iv. Mitigate potential conflicts between flying-fox camps and residents.
Other Key Habitats	i. Retain other key habitat features including: <ul style="list-style-type: none"> • Hollow-bearing trees • Rocky outcrops and overhangs • Scattered paddock trees • Known nesting sites for threatened and/or migratory bird species • Stepping stone habitats • Non-native vegetation serving a valuable ecological purpose • Groundwater-dependent ecosystems. ii. Provide for the improved management of key habitats. iii. Mitigate indirect and ongoing impacts of development to key habitats.





Part 3 Development Controls

3.1 Application

Applies to:	
Location/s:	All zones
Development Type/s:	1. Development that fulfils the criteria listed in Section 1.2 of Part 1 2. Development that triggers the Biodiversity Offset Scheme

3.1.1 Identifying Red and Amber Flag Areas and Ecological Setbacks

An appropriate development envelope is to be identified in the ecological assessment report that accompanies proposals to which this chapter applies. The report must describe how the envelope was identified by demonstrating the avoid, minimise, offset hierarchy and showing Red Flag, Amber Flag and ecological setback areas on the proposal site plans.



Note: The development envelope is the area directly impacted by the development. This includes all areas potentially affected by, construction, operation of the development, installation of services, bushfire protection requirements, boundary allowances and access to the development.

Red Flags have high conservation value, having features that contribute to ecological diversity, connectivity or resilience to climate change and/or that are highly threatened.

Red Flags include:

- threatened ecological communities in moderate to good condition (as identified by field survey), over-cleared vegetation types or old growth forests
- natural waterways and wetlands
- habitat containing threatened species, koala habitat or flying-fox camps
- wildlife corridors or connectivity features relied on by threatened or migratory species
- habitat that constitutes a component critical to the life cycle of a threatened species (e.g. for threatened flora pollinator habitat, hollow-bearing trees, restricted foraging habitats).

These areas require protection and management to ensure their long-term ecological viability and improvement.

Amber Flags have lower conservation value than Red Flags, however they contribute to local ecological diversity, connectivity and resilience. Amber Flags include:

- native vegetation communities in degraded / low condition (as identified by field survey)
- scattered native trees (that are not recorded as providing habitat for threatened species)
- drainage channels
- farm dams.





Ballina Development Control Plan 2012 CHAPTER 2C – BIODIVERSITY AND HABITAT MANAGEMENT

Ecological setback is the minimum width of land required to separate the development envelope from an ecological asset, Red Flag or Amber Flag, and is to be retained in perpetuity.

Red Flags, Amber Flags and the required ecological setback for each are listed in Table 2. Notes on flags and detailed requirements for the ecological assessment report are specified in **Table A1, Appendix 1.**

Table 2 Red and Amber Flags and Required Setbacks

Red Flags	Minimum Ecological Setback (m)
Biodiversity Values (BV) Mapping	
Any land on the Biodiversity Values Map	20
Bushland & Wetland	
Threatened Ecological Communities (TECs) listed under the BC Act, the <i>Fisheries Management Act 1994</i> (FM Act) or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	20
Areas containing Old Growth Vegetation	30
Coastal Wetlands and Littoral Rainforest areas (State Environmental Planning Policy (SEPP) Resilience and Hazards 2021 (including proximity area)	50
Other wetlands	20
Bushland on slopes greater than 18 degrees	20
Pre-existing protected habitat	20
Wildlife Corridors	
Bushland with connectivity value OR Bushland within a defined wildlife corridor	20
Threatened Species	
Key habitat for threatened or migratory fauna species known or predicted to occur at the site. Specific setback distances additional to the minimum ecological setback may be required for some threatened species.	20
Key habitat (i.e. intact lowland rainforest) for threatened flora species or other significant flora (eg rare locally) known or predicted to occur at the site.	10
Koala Habitat	
Core, primary or secondary Koala habitat (Ballina KMS 2016)	20
Isolated / paddock preferred Koala food trees (Ballina KMS 2016) with a DBH of 250mm or greater	20
Any Koala use tree species (SEPP Biodiversity and Conservation) 2021 – Chapter 4 Koala Habitat Protection) within 300m of core, primary or secondary koala habitat	20
Flying Fox Camp	
Flying-fox camps within or proximate to the development envelope	100
Waterways and Riparian Areas	
First order stream	10
Second order stream	20
Third order stream	30





Red Flags	Minimum Ecological Setback (m)
Fourth order stream or greater	40
Estuarine area or land proximate to the Richmond River	100
Habitat for aquatic species (listed in the BC Act, FM Act or EPBC Act)	Per Stream order
Other Habitat Features	
Medium – Very High Ecological Value Groundwater Dependent Ecosystems (GDEs)	20
Very large native trees (based on PCT benchmarks)	10
Stags and hollow-bearing trees	10
Raptor nests	50
Amber Flags	Ecological setback (m)
Native vegetation remnants not in high or moderate condition	10
Scattered native trees	-
Drainage channels (artificial) or swales classified as 0 under Strahler classification	10
Farm dams	-
Native vegetation windbreaks	-

3.2 Development Controls

3.2.1 Defining the Development Envelope

- i. When defining the development envelope, Red and Amber Flags and ecological setbacks described in Table 2 must be retained on site and all options to avoid impacts to Red and Amber Flags must be demonstrated.



Note: Red Flags and Ecological Setbacks:

- Where more than one Red Flag applies or an ecological setback is specified in another adopted plan or policy, the larger ecological setback shall be used.
- Identification and mapping of the Red or Amber Flag relates to the biodiversity value itself and does not include the ecological setback.
- Any mapping for the proposal must clearly distinguish between any flag areas and their respective ecological setback.

Figure 1, Appendix 1 shows an example workflow to define an acceptable development envelope.

- ii. In the case of pre-existing offsetting arrangements or other biodiversity management measures secured under a Council-endorsed strategic planning process (e.g. master plan, planning proposal) or a State or Federal government approval, such arrangements shall:
 - continue to be / be implemented to the extent to which they are relevant to the development application under consideration; and
 - only be varied because of changed circumstances, or new information not previously considered.





Ballina Development Control Plan 2012
CHAPTER 2C – BIODIVERSITY AND HABITAT
MANAGEMENT



Note: Offset sites

Pre-existing native vegetation or an existing offset cannot be used as demonstration of 'avoidance'.

- iii. For development involving the subdivision of land containing Red or Amber Flags, the proposal must formally define development envelopes on each proposed lot (regardless of lot size), to ensure future development of the lots avoids flagged areas and ecological setbacks and the ecological assessment report considers all ancillary impacts likely to occur as a result of the intended land use.



Note: Subdivision

A common mechanism to define a development envelope is through a restrictive covenant under the *Conveyancing Act 1919*.

A development envelope does not need to be defined (for the purposes of this Chapter) if there are no relevant red /Amber Flags or ecological setbacks.

- iv. If the development application is required to enter the BOS under the *Biodiversity Conservation Act 2016*, the accompanying BDAR or Biodiversity Certification Assessment Report (BCAR) is to include assessment of all entities for Serious and Irreversible Impacts (SAIL) on biodiversity values as defined under the Biodiversity Assessment Method (BAM). Additional values for assessment may be required by Council as per BAM 2020 Section 9.1 (5).
- v. For the purposes of a development application affected by s7.13 of the *Biodiversity Conservation Act 2016*:
 - the measures that Council requires to avoid and minimise the impacts of proposed development on biodiversity values (see s7.13(6) of the BC Act) include (but are not limited to) all controls relevant to the development application and contained in this Chapter of the DCP.
 - Council may determine its own standards to avoid or minimise biodiversity impacts, in accordance with s7.13(6) of the BC Act.
 - any avoid and minimise measures proposed in a BDAR or BCAR that accompanies such an application shall be considered in the context of all matters relevant to the determination of the development application.
- vi. For lands where the NSW Rural Fire Service (RFS) 10/50 Vegetation Clearing Code of Practice for NSW applies:
 - The clearing entitlement under the NSW Rural Fire Service (RFS) 10/50 Vegetation Clearing Code of Practice for NSW (or similar subsequent provision) shall be regarded as part of the development envelope (whether or not the landowner proposes to undertake clearing under the code).
 - The 10/50 code must be considered with respect to any impact to flagged areas or ecological setbacks.
 - In accordance with the RFS 10/50 Vegetation Clearing Code of Practice for NSW (s7.8), legal obligations to protect native vegetation from the provisions of the Code can be enforced via a





Ballina Development Control Plan 2012
CHAPTER 2C – BIODIVERSITY AND HABITAT
MANAGEMENT

condition of development consent under the *Environmental Planning and Assessment Act 1979* or Section 88B of the *Conveyancing Act 1919*. This will be assessed on a case-by-case basis by Council, where legal obligations to protect native vegetation are proposed.

- vii. For lands where a clearing entitlement under the NSW Rural Boundary Clearing Code (or similar provision) exists, or will be created by the proposal, the entitlement shall be regarded as part of the development envelope (whether or not the landowner proposes to undertake clearing under the code) and must be considered with respect to any ecological setbacks:
 - In accordance with the NSW Rural Boundary Clearing Code (s6.9), legal obligations to protect native vegetation from the provisions of the Rural Boundary Clearing Code can be enforced via a condition of development consent under the *Environmental Planning and Assessment Act 1979* or Section 88B of the *Conveyancing Act 1919*. This will be assessed on a case-by-case basis by Council, where legal obligations to protect native vegetation are proposed.

3.2.2 Managing Impacts to Biodiversity

A Bushland, Waterways and Groundwater Dependent Ecosystems (GDEs)

- i. A Vegetation Management Plan (VMP) (or similar) is required for any proposal that:
 - impacts Red or Amber Flag areas (or respective ecological setbacks); or
 - requires management of an environmental management buffer (e.g. mosquito management, asset protection zone etc); or
 - affects terrestrial GDEs; or
 - is undertaken within a riparian zone.



Note: Vegetation Management Plan

The VMP (or similar) must be approved by Council. Implementation of the VMP must include an adequate funding stream to ensure works are carried out as specified in the plan.

The VMP (or similar) must be written to address management of the site for the first five years. The VMP should be reviewed and updated every five years and actions implemented until a time specified by Council in the development consent, or until the proponent provides evidence that all required VMP works are complete.

- ii. Where a proposed development adjoins waterways or riparian areas bank stability works, adequate arrangements for public access to public areas, measures to minimise pollution and sedimentation and measures to reduce impacts of biting insects must be demonstrated.
- iii. Development proposals are to incorporate environmental monitoring measures, to enable staged pre- and post- development monitoring of stormwater impacts at key stages in the development process. This is to include pre-development groundwater and surface water monitoring to allow benchmarking of the pre-development hydrological regimes and associated downstream GDEs / species. The monitoring program will be used to inform subdivision design to ensure post-development mimics pre-development characteristics and to establish whether subsurface





Ballina Development Control Plan 2012 CHAPTER 2C – BIODIVERSITY AND HABITAT MANAGEMENT

infiltration devices will be required to ensure GDEs / species are not impacted by the development. The location of pre- and post-development water quality, surface water and groundwater monitoring points are to be determined in consultation with Council, prior to the placement of monitoring equipment.

- iv. It must be demonstrated that changes to the natural or pre-development runoff volume, peak discharge rate, frequency, duration, and velocity of stormwater by development and associated stormwater systems will be managed to ensure no significant adverse flooding or ecological impacts (both surface water and groundwater) on land use and receiving systems. Stormwater runoff is not to be concentrated or diverted in a manner that causes any significant adverse flooding impacts, damages or becomes a nuisance to any downstream, upstream or adjacent persons, public property or private property. The assessment is to include consideration of potential changes in stormwater flows due to sea level rise and/or climate change on the receiving environment.

B Koala

- v. Any proposal that could directly or indirectly impact Koala habitat or Koala habitat ecological setbacks as specified in Table 2 must consider Part 5 of the Ballina KMS.

C Flying-fox

- vi. Any proposal that could impact a flying-fox camp (whether seasonal or permanent):
 - must not impact habitat within the core camp area
 - must manage habitat proximate to the development (including the ecological setback) and restore these areas to a natural state (where required) via a VMP (or similar)
 - must ensure any proposed works within 200m of the camp occur outside of flying-fox breeding season
 - must ensure bushfire risks are managed within the ecological setback to maintain camp integrity and viability
 - must ensure that ongoing threats from the development are effectively avoided and minimised, e.g. through locating and designing power lines and fencelines to minimise potential harm and providing interpretive signage (where possible) to inform the public of the sensitive nature of the area
 - must propose suitable arrangements to secure the camp and ecological setback in perpetuity.





Ballina Development Control Plan 2012 CHAPTER 2C – BIODIVERSITY AND HABITAT MANAGEMENT

D Threatened species

- vii. Where threatened species occur on a site, a Threatened Species Management Plan (TSMP) is required that proposes species-specific measures that demonstrate protection for the the long-term viability of the local population and monitoring and ongoing management requirements. The TSMP is to apply to the first five years of the project (or until performance criteria are achieved).

E Roads and Fencing

- viii. Where on-going impacts to wildlife are likely to arise from new or upgraded roads, or where traffic movements will increase as a result of a proposal, the proponent must:
- carry out fauna surveys to determine potential traffic-related impacts to local biodiversity
 - identify fauna-friendly road design such as speed limits, traffic calming, signage, exclusion fencing and fauna crossing structures (under passes, overpasses etc.)
 - monitor design features (pre, during and post development) to assess impacts to species and communities in relation to traffic.
- ix. Fauna exclusion fencing (or other structures) is to be provided where there is a significant fauna mortality risk, for example where areas of habitat will be adjacent main roads or newly created urban development with dogs. Fencing (or other structures) must not restrict movement across the landscape or inadvertently direct native animals into dangerous situations. Fencing design shall be fauna-sensitive and include suitable clearances to maintain functionality and allow for access for replacement and routine maintenance. Use of barbed wire fencing is not supported by Council.
- x. Any fauna exclusion fencing or other measures (including temporary structures to perform the same task) must be constructed and operational before physical commencement of the development.
- xi. All fencing or other structures designed to protect fauna shall be monitored and maintained to minimise impacts to wildlife.
- xii. Where fencing or barriers are erected within a mapped or known wildlife movement corridor, the proposal must include a monitoring routine (pre, during and post development) to demonstrate no impediment to corridor functionality.

F Noise and Lighting

- xiii. Where wildlife impacts are likely to arise from noise, the proponent is required to:
- carry out additional fauna surveys to determine the likely impacts on biodiversity, paying particular attention to sensitive fauna species
 - identify mitigation measures including, but not limited to, suitable buffers to environmentally sensitive areas, traffic speed restrictions, timing of noisy activities and/or installing appropriate noise barriers.
- xiv. Where the development adjoins the habitat of light sensitive species (e.g. microbats, shorebirds, turtles, arboreal mammals, owls):
- Lighting must be designed to avoid and mitigate light spill into adjoining natural areas





Ballina Development Control Plan 2012 CHAPTER 2C – BIODIVERSITY AND HABITAT MANAGEMENT

- Where significant impacts to sensitive species are likely, the proposal must include a monitoring routine (pre, during and post development) to assess impacts to species in relation to light and noise. The requirement for monitoring will be made on a case-by-case basis.

G Pest Animals

- xv. Where development adjoins or contains sensitive species or sensitive habitats (e.g. nature reserves, Red Flag areas on adjoining properties or species at risk of predation), a Pest Animal Management Plan (PAMP) is required. The PAMP should include a monitoring routine (pre, during and post development) to assess impacts to species and communities in relation to pest animals.
- xvi. Standing water bodies and constructed wetlands must be designed to avoid attracting pest species such as Cane Toad (*Bufo marinus*) and other aquatic pest species. Such areas shall be regularly monitored through a PAMP and managed to contain and adequately control pest animal populations.
- xvii. Pest animals must be appropriately managed during the construction and operation of the development.

H Domestic Animals

- i. In larger scale developments involving subdivision, where domestic dogs are permitted, adequate provision within the development is to be made for dog exercising off-leash.



Note: Keeping of domestic animals

Council may prohibit the keeping of domestic animals where there is an unacceptable residual risk (i.e. a risk that cannot be adequately mitigated by other measures such as exclusion fencing) arising from the development to threatened or other significant species. In such cases Council will require a restrictive covenant under the *Conveyancing Act 1919* to ensure that the domestic animal(s) in question (e.g. dogs, cats, rabbits) are not kept or brought onto the allotment.

The application of the above measure does not apply to "assistance animals" as defined under *the Disability Discrimination Act 1992* or a "working dog" as defined under the *Companion Animals Act 1998*, in the case of non-urban zoned land.

I Exotic Flora and Landscaping

- ii. Developments must be designed to minimise the establishment/proliferation of pest plant species (weeds) declared under the *Biosecurity Act 2015*, and where already present, include measures to remove and control them. Where appropriate, a Weed Management Plan may be required.
- iii. Landscape treatments for proposed public land must be consistent with the following:
 - A minimum of 80% locally occurring native species and a maximum of 20% non-locally occurring Australian native species shall be used.





- No environmental weeds or weeds listed as priority weed species under the *Biosecurity Act 2015* are to be used.
- iv. The proposal must include a monitoring routine (pre, during and post development) to assess impacts to species and communities in relation to environmental weed species.

3.2.3 Ecological Setbacks and Environmental Management Buffers

- i. Table 2 specifies the required ecological setback in relation to biodiversity values. To adequately protect retained habitat, the ecological setbacks must be retained and managed (and, where conditioned, to rehabilitate with appropriate locally endemic vegetation via a VMP (or similar)).
- ii. Variation requests to an ecological setback or environmental management buffer must demonstrate that there is no net loss of biodiversity, an equivalent or superior long-term outcome can be assured, and the variation is consistent with all relevant planning principles, objectives and controls of this DCP chapter.
- iii. In the case of bushland or wetland vegetation on the coastal floodplain (as per Council's 1 in 100-year flood mapping) ecological setbacks are to allow for future landward migration of native coastal vegetation communities. These vegetation types are affected by climate-induced increases in tidal inundation and rises in the water table, requiring future proofing to ensure their long-term viability. This must be addressed in the ecological assessment report or associated management plan outlining suitable control or mitigation measures for the site, as relevant.

3.2.4 Biodiversity Offsets

- i. If the development application is not required to enter the Biodiversity Offset Scheme (BOS) under the BC Act, any native vegetation, threatened or other significant fauna habitat cleared, damaged, or degraded as a result of development shall be offset in accordance with adopted Council policy *B08 Biodiversity - Compensatory Habitat and Offsets*. Such areas are to be secured in perpetuity as protected habitat and managed under a management plan for a time period specified by Council.
- ii. Biodiversity offset land must be:
 - legally secured prior to the issue of a development consent; *and*
 - managed in-perpetuity by the land manager or landowner; *and*
 - managed in accordance with the objectives and controls of this DCP, a project-specific VMP/RCMP etc. or Council policy as relevant, *or*
 - dedicated to Council, at the discretion of Council in accordance with Land Dedication Guidelines for Development Activities (Land Dedication Guidelines) (BSC 2024), *or*
 - dedicated as a Biodiversity Stewardship Agreement (BSA) site (under the *Biodiversity Conservation Act 2016*).





Ballina Development Control Plan 2012
**CHAPTER 2C – BIODIVERSITY AND HABITAT
MANAGEMENT**



Note: Arrangements to secure biodiversity offset sites:

The preferred arrangements to secure biodiversity offset sites and/ or protected habitats in perpetuity are:

1. Dedication to Council - where dedication is proposed, development applications must be accompanied by an offer to enter into a draft Planning Agreement (PA) and the proposed terms in accordance with Council's PA Policy, 2024. The offer should include:
 - Details of implementation of the relevant management plan(s), including any staging, timeframes and a commitment to maintenance for a period sufficient to ensure positive results are achieved.
 - A commitment to the payment of an appropriate contribution for the Council's ongoing maintenance following dedication.
2. Conservation Agreement (or similar) - a formal agreement, notified on the title of the land, committing to agreed biodiversity outcomes. This could be in the form of a Biodiversity Stewardship Agreement or a covenant on the land.
3. Community land within a Community Title Subdivision, with the implementation and maintenance of the relevant approved Management Plan included within the Neighbourhood or Community Association Statement (rules and By-laws).
4. Details of arrangements to secure offsets are to be proposed within the lodgement of the Development application.



Part 4 Development Applications

4.1 Variations to development controls

Where variations are sought as outlined in this DCP Chapter, all variation proposals should be discussed with Council staff prior to lodgement and properly documented within the development application.

4.2 Pre-lodgement consultation

Consultation with Council staff regarding the application of this DCP Chapter is strongly encouraged.

Where written advice is requested, or where more complex issues arise, applicants are encouraged to arrange for a pre-DA lodgement meeting ([Pre-DA Lodgement Meeting Request Form](#)). Before the meeting, applicants should consider the controls outlined in this Chapter and compile sufficient information to enable a preliminary ecological overview and assessment.

4.3 DA submission requirements

Sites containing any Red or Amber Flag: the development application is to include an ecological assessment report prepared by a suitably qualified person. The credentials of the person preparing the report is to be provided.

Sites adjacent to Red or Amber Flags: an ecological assessment report may be required. The level of detail for a report will vary depending on the nature of the proposal. Council can assist with determining when an ecological assessment report might be needed in this instance.





Appendix 1 Supporting information

Table A1 Red Flags, Amber Flags and Ecological Setbacks applicable under Chapter 2C

Red Flag	Ecological setback (m)	Notes and ecological assessment report requirements
Biodiversity Values (BV) Mapping		
Any land on the Biodiversity Values Map	20	<ul style="list-style-type: none"> At a property scale, identify the parts of the site on the Biodiversity Values map and map as a Red Flag area. Direct or indirect impacts to BV land could trigger entry to the BOS.
Bushland & Wetland		
Threatened Ecological Communities (TECs) listed under the BC Act, the <i>Fisheries Management Act 1995</i> or the EPBC Act	20	<ul style="list-style-type: none"> Identify PCTs on site through field work. Stratification and survey should be in accordance with accepted field methodologies (see OEH field survey methods guidelines). Ground-truthing of existing mapping as a form of identification will only be considered for small areas of vegetation (less than 1ha). Assign condition status using benchmark data (BioNet Plant Community Types Benchmarks), formal listing advice or other accepted baseline and provide evidence for assignation of PCT and condition type. Low condition types can be assigned to Amber Flag status (see below).
Areas containing Old Growth Vegetation	30	<ul style="list-style-type: none"> Data on large trees present on site including DBH (Diameter at Breast Height) should be collected as part of the vegetation identification methodology. The large tree threshold size (BioNet Plant Community Types Benchmarks) of the relevant PCT should be addressed. Where only scattered trees exist, these should be measured for DBH and mapped individually using GPS and shown on the site map. As identified via field work, old-growth forests are ecologically mature forests, often diverse in structure and species with relatively large old trees, some of which may contain tree hollows.
Coastal Wetlands and Littoral Rainforest areas as per SEPP (Resilience and Hazards) 2021 and including proximity area	50	<ul style="list-style-type: none"> Address relevant parts of the Resilience and Hazards SEPP Map any parts of the site shown as Coastal Wetlands and/or Littoral Rainforest as a Red Flag area.
Other wetlands	20	<ul style="list-style-type: none"> Any other wetland other than an 'important wetland'-wetland has the same meaning as defined within NSW Wetland Policy.





Ballina Development Control Plan 2012 CHAPTER 2C – BIODIVERSITY AND HABITAT MANAGEMENT

Red Flag	Ecological setback (m)	Notes and ecological assessment report requirements
Bushland on slopes greater than 18 degrees.	20	<ul style="list-style-type: none"> ■ As identified via field work or existing mapping as relevant.
Pre-existing protected habitat	20m	<ul style="list-style-type: none"> ■ Identify areas on site with pre-existing and formal protections designed to limit further development.
Wildlife Corridors		
Bushland with connectivity value OR Bushland within a defined wildlife corridor	20	<ul style="list-style-type: none"> ■ Identify land within the site located within a defined wildlife corridor- see Ballina Shire Online mapping. ■ Assess connectivity of the bushland locally and regionally using Aerial Photo Interpretation (API) or other existing corridor / connectivity assessments. ■ It is acknowledged that wildlife corridor mapping can be broad scale- minor variations to the Red Flag corridors could be considered to achieve practical outcomes. Justification is required in the ecological assessment report.
Threatened Species		
Key habitat for threatened or migratory fauna species known or predicted to occur at the site.	20	<ul style="list-style-type: none"> ■ Database records for species / habitats should be from within 10 km of the site for both state and federally listed species. ■ Field assessment methodology used to detect predicted species and their habitats should be described and in line with accepted field methodologies. ■ Flying-fox camps within 500m of the site should be addressed. ■ Undertake an assessment of likelihood of occurrence and tests of significance for threatened species with potential to occur or be impacted. ■ Habitat maps (including connectivity and areas important to the life cycle of the species) for threatened species recorded or confidently predicted to occur.
Key habitat (i.e. intact lowland rainforest) for threatened flora species or other significant flora (e.g. rare locally) known or predicted to occur at the site	10	
Koala Habitat		
Core, primary or secondary koala habitat as described in the Ballina Shire KMS	20	<ul style="list-style-type: none"> ■ In addition to desktop assessments a field survey for Koala and Koala habitat is expected in areas considered to provide potential Koala habitat. ■ Address the <i>Ballina Shire Koala Management Strategy 2017</i> and classify habitat (core, primary or secondary koala habitat). ■ Describe the broader context of other vegetation in the study area and the broader landscape, including existing and
Isolated / paddock preferred koala food trees (as described in the Ballina Shire KMS) with a DBH of 250mm or greater	20	



Ballina Development Control Plan 2012
CHAPTER 2C – BIODIVERSITY AND HABITAT
MANAGEMENT

Red Flag	Ecological setback (m)	Notes and ecological assessment report requirements
Any 'Koala use tree species' within 300m of core, primary or secondary koala habitat	20	<p style="margin: 0;">potential corridor linkages, and addressing potential importance of isolated and scattered trees for use as egress and shelter.</p> <p style="margin: 0;">Koala use tree species for the North Coast koala management area are as described in SEPP (Biodiversity and Conservation) 2021 – Chapter 4 Koala habitat protection 2021, Schedule 3</p>
Flying-fox Camp		
Flying-fox camps within or proximate to the development envelope	100	<ul style="list-style-type: none"> ■ Camps can be either occupied year-round or intermittent camps. ■ Known flying fox camps can be viewed via the Interactive Flying-fox Web Viewer (DCCEEW). ● The setback should comprise vegetation not suitable for roosting (e.g. low trees <3 m, cleared land, rivers, open space) and be at least 100 m wide (300m setback would ensure minimal conflict with residents).
Waterways and Riparian Areas		
First order stream ¹	10	<ul style="list-style-type: none"> ■ Defined in accordance with the Stream Order Classification System (Strahler). ■ Stream order can be defined via field work and desktop analysis and this portal. ■ Setbacks are measured from top of bank for all watercourses. ● Setbacks are the minimum required. Where relevant, a wider riparian setback could be required. ■ Note: works proposed within waterfront land will require a controlled activity permit under the <i>Water Management Act 2000</i> (consult with DCCEEW-Water for water related issues and with assistance complying).
Second order stream ¹	20	
Third order stream ¹	30	
Fourth order stream ¹	40	
Estuarine area or land proximate to a major waterway	100	<ul style="list-style-type: none"> ■ Estuarine area is any part of a river, lake, lagoon or coastal creek whose level is periodically or intermittently affected by coastal tides
Habitat for aquatic species as listed in the BC Act, FM Act or EPBC Act.	As per stream order	<ul style="list-style-type: none"> ■ The NSW Department of Primary Industries and Regional Development- Fisheries Spatial Data Portal maps habitat for aquatic species. ■ Map these areas on site as a Red Flag area. ■ Consult with fisheries for potential requirements.
Other Habitat Features		





Ballina Development Control Plan 2012
**CHAPTER 2C – BIODIVERSITY AND HABITAT
 MANAGEMENT**

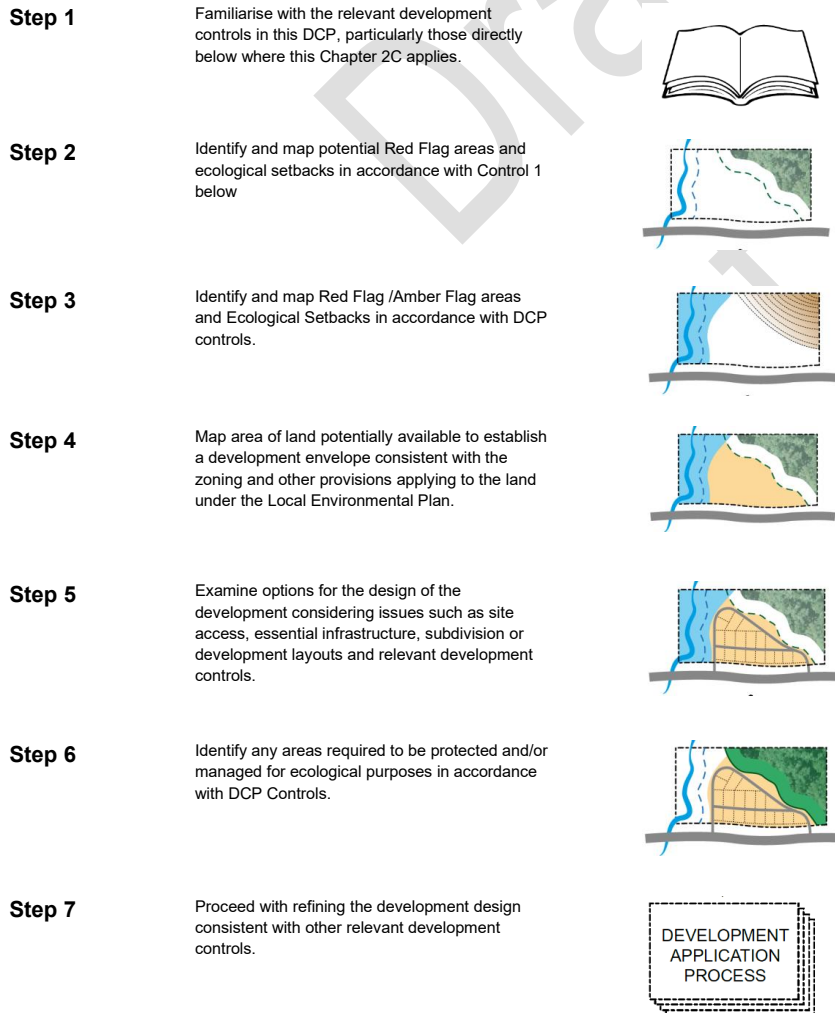
Red Flag	Ecological setback (m)	Notes and ecological assessment report requirements
Medium – Very High Ecological Value Groundwater Dependent Ecosystems (GDE)	20	<ul style="list-style-type: none"> • Identify Medium – Very High Ecological Value GDEs on site (see High Ecological Value Aquatic Ecosystems spatial layer available via NSW SEED Portal). ■ Define the <u>extent</u> and <u>magnitude</u> of potential impacts to GDEs, evaluate risk and develop mitigation measures (as required). <p>Identify on site through field work and map as Red Flag area.</p>
Very large native trees (per PCT benchmark).	10	
Stags/ hollow-bearing trees	10	
Raptor nests	50	
Amber Flags	Ecological Setback (m)	Notes and ecological assessment report requirements
Native vegetation remnants not in high or moderate condition	10	<ul style="list-style-type: none"> ■ Identify vegetation on site through field work and assign a PCT (or vegetation formation where PCT cannot be assigned). ■ Consult relevant benchmark data (BioNet Plant Community Types Benchmarks) and provide evidence for assignation of condition type.
Scattered native trees	-	Map scattered native trees at the site. Consider whether these trees could form a connection for species through the site. Provide thorough justification for removal and propose offset as required.
Drainage channels (artificial) or swales (0 under Strahler classification)	10	Assess areas for threatened species occurrence and consider GDEs. Provide thorough justification for removal/ infilling. Consider rehabilitation if appropriate.
Farm dams	-	Consider potential for rehabilitation as wetland or whether threatened species could be utilising the habitat. Consider potential occurrence of migratory species. Provide thorough justification for removal/ infilling.
Native vegetation windbreaks	-	Provide thorough assessment of potential for threatened species or their habitats. Provide thorough justification for removal and propose offset as required.





Ballina Development Control Plan 2012
**CHAPTER 2C – BIODIVERSITY AND HABITAT
MANAGEMENT**

Figure 1. Workflow to define the development envelope. Image credit: edited from Tweed Shire Council. DCP - A19 Biodiversity and Habitat Management



enquiries refer
Kathleen Taminiau
 In reply please quote
DA: 2023/343.3
PAN-526287



**NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT
 CONSENT**

Application No:	DA 2023/343.3 Amendment No 2. PAN-526287
Applicant:	Newton Denny Chapelle PO Box 1138 LISMORE NSW 2480
Description of development	Change of use from a Rural Industry to a Public Administration Building and Depot with associated demolition, building & civil works, earthworks and retaining walls, fencing, car parking and vegetation management works
Property	Lot: 41 DP: 1045745,57 Gallans Road BALLINA 2478
Determination:	Approved Consent Authority Council
Date of determination	8 July 2025
Date from which the consent operates	22 August 2024
Date on which the consent lapses	22 August 2029
Approval bodies that have given general terms of approval	None Applicable

Under section 4.55(1A) of the EP&A Act, notice is given that the above application to modify DA 2023/343 has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for Approval

1. The subject development, as amended, is permissible with consent in the RU1 Primary Production zone of the Ballina Local Environmental Plan 2012.
2. The subject development, as amended, is of minimal environmental impact, and remains substantially the same development for which consent was originally granted.
3. The subject development, as amended, has been assessed against the relevant considerations under the Environmental Planning and Assessment Act 1979, including the provisions of all relevant Environmental Planning Instruments, the objectives of the Ballina Local Environmental Plan 2012 and the objectives of the RU1 zone. It has been determined that the site is suitable for the subject development and that the subject development, as amended, is unlikely to have a significant adverse impact on the natural and built environments and is unlikely to have a significant adverse economic or social impact on the locality.
4. The application was not required to be placed on public exhibition in accordance with Environmental Planning and Assessment Act 1979 or Environmental Planning and Assessment Regulation 2021, an Environmental Planning Instrument or Local Exhibition Policy.
5. The application has been determined by staff under delegated authority.
6. The subject development, as amended, has been considered in relation to the reasons given by Council for the determination of the original development and any subsequent amendment to that consent.
7. The approval of the subject development, as amended, is in the public interest.
8. The reasons for the conditions listed in this modified determination notice are:
 - To ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
 - To ensure compliance with the objectives of the Ballina Local Environmental Plan 2012;
 - To ensure an appropriate level of amenities and services is available;
 - To protect the existing and likely future amenity of the locality;
 - To maintain, as far as practicable, the public interest;
 - To ensure compliance with the Building Code of Australia and relevant Australian Standards;
 - To ensure satisfactory compliance with relevant Council plans, codes and policies.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be lodged with and determined by the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.9 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Peter Drew

**Coordinator Development Assessment
Planning and Environmental Health Division**

Person on behalf of the consent authority

For further information, please contact **Kathleen Taminiau** on **(02) 6686 1254**.

Modification Summary

Application Number (PAN#)	Determination Date	Modification Description
PAN-496759	15 January 2025	Modification No. 1 – Deletion of Condition 26, addition of Condition 75A, amendment of Condition 76, addition of Condition 76A.
PAN-526287	8 July 2025	Modification No. 2 - Amendment of Condition 3 (Bushfire Protection) and Condition 25 (Bushfire Protection Measures)

Terms and Reasons for Conditions

Under section 118(3)(a) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

		Conditions			
1.	Approved Plans and Documents				
	Development is to be carried out generally in accordance with the plans and associated documentation lodged by or on behalf of the applicant, including:				
	Approved Plans				
	Plan number	Revision number	Plan title	Drawn by	Date of plan
	DA-100	A	Detailed Proposal Site Plan	C2 Architecture	21/02/24
	DA-101	A	Detailed Proposal Site Analysis Plan	C2 Architecture	21/02/2024
	DA-102	A	Detailed Proposal Demolition Plan – Site	C2 Architecture	21/02/2024
	DA-103	A	Detailed Proposal Demolition Plan – Building A	C2 Architecture	21/02/2024
	DA-104a	A	Detailed Proposal Demolition Plan – Building B LG	C2 Architecture	21/02/2024
	DA-104	B	Detailed Proposal Demolition Plan – Building B	C2 Architecture	14/03/2024
	DA-105	A	Detailed Proposal Parking Plan	C2 Architecture	21/02/2024
	DA-106	A	Detailed Proposal Fencing Plan	C2 Architecture	21/02/2024
	DA-110A	A	Detailed Proposal Building A Entry Level Floor Plan	C2 Architecture	21/02/2024
	DA-110	A	Detailed Proposal Building A Ground Level Floor Plan	C2 Architecture	21/02/2024
	DA-111	A	Detailed Proposal Building A Roof Level Floor Plan	C2 Architecture	21/02/2024
	DA-120	A	Detailed Proposal Building B Lower Ground	C2 Architecture	21/02/2024
	DA-121	B	Detailed Proposal Building B Ground Floor Plan	C2 Architecture	14/03/2024
DA-122	B	Detailed Proposal Building B Roof Plan	C2 Architecture	14/03/2024	
DA-130	A	Detailed Proposal Area C Ground Level Floor Plan	C2 Architecture	21/02/2024	

	DA-131	A	Detailed Proposal Area C Roof Level Floor Plan	C2 Architecture	21/02/2024
	DA-150	B	Detailed Proposal GFA – Site	C2 Architecture	14/03/2024
	DA-200	A	Detailed Proposal Site Elevations	C2 Architecture	21/02/2024
	DA-210	A	Detailed Proposal Building A Elevations	C2 Architecture	21/02/2024
	DA-220	B	Detailed Proposal Building B Elevations	C2 Architecture	14/03/2024
	DA-230	A	Detailed Proposal Area C Elevations	C2 Architecture	21/02/2024
	DA-300	A	Detailed Proposal Site Sections	C2 Architecture	21/02/2024
	DA-310	A	Detailed Proposal Building A Sections	C2 Architecture	21/02/2024
	DA-320	B	Detailed Proposal Building B Sections	C2 Architecture	14/03/2024
	DA-330	A	Detailed Proposal Area C Sections	C2 Architecture	21/02/2024
	DA-700	A	Detailed Proposal Shadow Diagram	C2 Architecture	21/02/2024
	DA-800	A	Detailed Proposal Materials and Finishes	C2 Architecture	21/02/2024
	DA-900	A	Detailed Proposal Site 3D	C2 Architecture	21/02/2024
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
2.	Commencement of occupation or use				
	Occupation or use of the (premises/site) for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and an Occupation Certificate has been issued by the Principal Certifier, unless alternative arrangements have been made with Council.				
	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
3.	Bushfire Protection				
	The proposed development is to comply with the recommendations under Section 5.1 of the Bushfire Hazard Assessment prepared by GeoLINK dated 02/04/2025.				
	(PAN-526287, 8 July 2025 – Condition Amended)				
	Condition Reason: To ensure the development complies with relevant Bushfire Protection measures.				
4.	External Lighting				
	Any external lighting to be installed and operated on site shall comply with the AS 4282:2019 “Control of the obtrusive effects of outdoor lighting”. Details demonstrating compliance are to be provided to the Principal Certifier.				

	Condition Reason: To protect the amenity of other properties.
5.	<p>Driveway Construction</p> <p>The driveways and parking bays adjacent to Buildings A and B, and Area C1 (as shown on the plan by C2 Architecture Dwg: DA-100 Rev: A) must be constructed of reinforced concrete or similar paved material. The uncovered bulk storage area, shown as Area C2 on the plan, may have a compacted road base finished surface.</p> <p>All driveway and parking areas must be adequately graded and drained to stormwater treatment areas. These areas must discharge to the stormwater system to ensure that stormwater is not directed onto adjoining properties.</p> <p>Condition reason: To ensure safe and compliant construction of civil works</p>
6.	<p>No Signs without Approval</p> <p>No sign(s) is to be erected or displayed without prior submission of a development application to, and approval from, Council, unless the proposed signage is consistent with the terms and conditions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Condition Reason: To ensure only approved or exempt signage is erected.</p>
7.	<p>No Inappropriate Signs</p> <p>The approved signs shall not incorporate any moving parts or flashing lights. If illuminated, the signs are not to be objectionably glaring or luminous or incorporate a variation in the intensity of the illumination or a change in colour.</p> <p>Condition Reason: To protect the amenity of the locality.</p>
8.	<p>Signage Content</p> <p>The content of all signage is to comply with the definitions of business identification sign and building identification sign.</p> <ul style="list-style-type: none"> • business identification sign means a sign— <ul style="list-style-type: none"> (a) that indicates— <ul style="list-style-type: none"> (i) the name of the person or business, and (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place. • building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. <p>Condition Reason: To ensure the signage erected is for business identification purposes only.</p>
9.	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as

	<p>an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</p> <p>4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</p> <p>5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>6. This section does not apply—</p> <p>a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</p> <p>to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</p> <p>Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
10.	<p>Erection of signs</p> <p>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <p>a. showing the name, address and telephone number of the principal certifier for the work, and</p> <p>b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</p> <p>c. stating that unauthorised entry to the work site is prohibited.</p> <p>3. The sign must be—</p> <p>a. maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p>b. removed when the work has been completed.</p> <p>4. This section does not apply in relation to—</p> <p>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p>Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p>Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
11.	<p>Notification of Home Building Act 1989 requirements</p> <p>1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</p> <p>2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—</p> <p>a. for work that requires a principal contractor to be appointed—</p> <p>i. the name and licence number of the principal contractor, and</p> <p>ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,</p> <p>b. for work to be carried out by an owner-builder—</p> <p>i. the name of the owner-builder, and</p>

	<p>ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.</p> <p>3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p>Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
12.	<p>Shoring and adequacy of adjoining property</p> <p>1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—</p> <ol style="list-style-type: none"> protect and support the building, structure or work on adjoining land from possible damage from the excavation, and if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. <p>3. This section does not apply if—</p> <ol style="list-style-type: none"> the person having the benefit of the development consent owns the adjoining land, or <p>the owner of the adjoining land gives written consent to the condition not applying.</p> <p>Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>

**DEMOLITION WORK
BEFORE DEMOLITION WORK COMMENCES**

Conditions	
13.	<p>Asbestos management before demolition</p> <p>Where building or demolition work involves disturbance, removal or repair of friable or non friable (bonded) asbestos the following applies:</p> <ol style="list-style-type: none"> The person having the benefit of this consent must provide the Principal Certifier and/or consent authority with a copy of a signed contract with such a person before commencement of works; Any such contract must indicate whether any friable or non- friable asbestos will be removed, and if so, must specify the approximate amount (m2) and the landfill site (that may lawfully receive asbestos) to which the friable or non-friable asbestos material is to be delivered. Note: Ballina Shire Council's Waste Facility does NOT currently accept any material containing asbestos; Notification of asbestos removal work shall be provided to Council, NSW Safe Work and neighbours in the vicinity of the asbestos removal site; The asbestos removal site shall be adequately fenced and signed prior to any

	asbestos repair, disturbance or removal. Condition reason: To protect public health.
14.	Site Waste Minimisation and Management Plan A demolition Site Waste Minimisation and Management Plan (SWMMP) shall be provided to and approved by the Principal Certifier before demolition works commence in accordance with the requirements of Council's DCP 2012 Chapter 2 Section 3.7.3. See Form 2 of Appendix A of Chapter 2. Condition Reason: To protect public health and the environment.
15.	Disconnection of services Prior to commencement of demolition works an Application for Approval under Section 68 of the Local Government Act 1993 is to be lodged with Council for the disconnection of drainage services. The application is to include the Licensed Plumber's details and payment is to be made of the appropriate inspection fees. Condition reason: To protect Council infrastructure and public health.
16.	Safety Fencing The building site is to be provided with adequate safety fencing preventing public access onto the site. Such protection measures are required to protect the public demolition and removal works including dangerous excavations. Signage restricting unauthorised site entry, and containing the builder's name, license number and contact telephone number is to be provided in a visually prominent location of the site. Condition reason: To protect public health and the environment.

DURING DEMOLITION WORK

Conditions	
17.	Asbestos management during demolition Where building or demolition work involves disturbance, removal or repair of friable or non friable (bonded) asbestos the following applies: <ul style="list-style-type: none"> a) Work involving asbestos removal work (inclusive of repair or disturbance) that involves any amount of friable asbestos or non-friable asbestos (formerly known as bonded asbestos) that exceeds 10 square metres, must be undertaken only by a person who carries on a business of such removal work in accordance with the appropriate licence under Part 8.10 Division 1 of the Work Health and Safety Regulation 2017; b) In accordance with clause 79 of the Protection of the Environment Operations (Waste) Regulation 2014 information relating to the movement of any load in NSW of more than 10m² of asbestos sheeting, or 100 kilograms of asbestos waste must be provided to the EPA. To fulfil these requirements waste transporters must use Waste Locate. Receipts for disposal shall be retained as evidence of proper disposal. Condition reason: To protect public health.
18.	Hours for demolition work For the purposes of residential amenity, any demolition work involving the use of noisy mechanical plant and noisy equipment must only be carried out within the following hours: <ul style="list-style-type: none"> • Monday to Friday: 7.00am to 6.00pm

	<ul style="list-style-type: none"> • Saturdays: 8.00am to 1.00pm • Sundays & Public Holidays: No noisy work at all
	Condition reason: To protect public amenity.
19.	<p>SafeWork Guidelines</p> <p>All demolition works are to be carried out in accordance with the SafeWork NSW Guidelines, Australian Standard 2601:2001 "The demolition of structures", the NSW Work Health and Safety Act 2011 and Regulations 2017 and guidelines for the removal of asbestos and lead based products. The sewer, water and electrical services from the buildings are to be disconnected by licensed tradespersons.</p>
	Condition reason: To protect public health.
20.	<p>Disconnection of Services</p> <p>Disconnection of sewer, water and electrical services from the building is to be undertaken by licensed tradespersons. Disconnect sewer, stormwater and water services are to be capped off and inspected by Council prior to backfilling.</p>
	Condition reason: To protect Council infrastructure and public health.
21.	<p>Waste Management</p> <p>For the control of litter, a suitable waste container for holding lightweight building materials must be made available on the building site during the course of the demolition/removal works. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the local environment.</p>
	Condition reason: To protect public health and the environment.
22.	<p>Sediment and Erosion Control</p> <p>Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.</p>
	Condition reason: To protect public health and the environment.

ON COMPLETION OF DEMOLITION WORK

Conditions	
23.	<p>Asbestos management on completion of demolition</p> <p>Where building or demolition work involves disturbance, removal or repair of friable or non friable (bonded) asbestos the following applies:</p> <p style="margin-left: 40px;">a) If more than 10 square metres of non-friable asbestos (formerly known as bonded asbestos) or any amount of friable asbestos is removed then a suitably qualified person is to undertake a clearance inspection following the asbestos removal work and have a clearance certificate issued in accordance with the requirements of section 473 and 474 of the Work Health & Safety Regulation 2017. A copy of the clearance certificate is to be provided to the Public and Environmental Health Section of Council.</p>
	Condition reason: To protect public health.

**BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

Conditions	
24.	<p>Building Code of Australia</p> <p>The Building Code of Australia works and fire upgrading measures to upgrade the building as detailed and recommended in the Building Code of Australia Design Assessment Report prepared by 'Design Confidence', dated 12 July 2023 referenced P223_107-2 (BCA) RD are to be carried out/implemented to the building. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Condition Reason: To ensure the approved development complies with the BCA.</p>
25.	<p>Bushfire Protection Measures</p> <p>Before the issue of a Construction Certificate, amended plans are to be provided to and approved by the Principal Certifier including the construction recommendations outlined in section 5.1 Recommendations of the Bushfire Hazard Assessment prepared by GeoLINK dated 02/04/2025.</p> <p>(PAN-526287, 8 July 2025 – Condition Amended)</p> <p>Condition Reason: To ensure the development complies with the relevant bushfire protection measures.</p>
26.	(PAN-496759, 15 January 2025 – Condition Deleted)
27.	<p>Car Parking and Vehicular Access</p> <p>The development must provide a minimum of 76 parking spaces on-site generally in accordance with the plan by C2 Architecture Dwg: DA-100 Rev: A. The design of all car parking, vehicular accesses and turning paths for all vehicle types proposed to use or service the site are to be in accordance with the Australian Standard AS/NZS 2890.1:2004.</p> <p>Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifier before the issue of the Construction Certificate.</p> <p>Condition reason: To ensure adequate parking is provided to service the development and parking facilities are designed in accordance with the Australian Standard and Council's DCP.</p>
28.	<p>Car Parking for Disabled</p> <p>The design of all disabled car parking spaces is to be in accordance with Australian Standard AS/NZS 2890.6: 2009. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifier before the issue of the Construction Certificate</p> <p>Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard.</p>
29.	<p>Bicycle Parking</p> <p>A bicycle parking area, compliant with AS2890.3, capable of supporting a minimum of five staff bicycle spaces and one visitor bicycle space must be provided within the approved development.</p> <p>Details are to be submitted to and approved by the Principal Certifier before the issue of the Construction Certificate.</p> <p>Condition reason: To ensure provision is made for the safe and convenient storage</p>

	of bicycles within the development.
30.	<p>Stormwater</p> <p>Stormwater controls must be provided on site in accordance with the Water Sensitive Design requirements of Section 3.9 - Stormwater Management in Chapter 2 of the Ballina Shire DCP 2012. This is to include the shaping of driveways and paved areas to drain to landscaped/vegetated areas. Overland flow paths must be incorporated into the design directing overflows to the on-site drain which traverse the site. Overland flow paths must not be impeded by structures or landscaping.</p> <p>A Stormwater Management Plan and detailed design, generally in accordance with the "Conceptual Stormwater Management Plan" prepared by OSKA Consulting Group, dated 30 June 2023, must be submitted to and approved by the Principal Certifier before the issue of the Construction Certificate.</p> <p>Condition reason: To ensure stormwater is managed in accordance with Council's DCP.</p>
31.	<p>Sewer Connection</p> <p>The development must be connected to Council's sewer system. This development is unable to be serviced by Council's gravity sewer system and the site is currently serviced using an on-site sewer pump and rising main system. A design prepared suitably qualified hydraulic consultant or registered engineer is required to determine if the capacity of the current system is sufficient or if an upgraded system is required. Should the existing system be deemed insufficient, an upgraded system is to be proposed and an associated Section 68 application made to Council. Reference should be made to Council's Pressure Sewer Policy in accordance with Council's "Pressure Sewer Policy" noting the applicant is responsible for the installation and ongoing maintenance of the sewer infrastructure up to where it connects into Council's network.</p> <p>The design plans are to be submitted to and approved by Council before the issue of the Construction Certificate.</p> <p>Condition reason: To ensure development is serviced by sewer infrastructure.</p>
32.	<p>Civil Inspection Fee, Section 138 Approval Fee and Construction Bond</p> <p>Before the issue of a Construction Certificate, a Section 138 application is to be made and the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent till time of payment see Council's schedule of Fees and Charges for the current rates:</p> <ul style="list-style-type: none"> • Section 138 Fee • Civil Inspection Fee • Civil Construction Bond: Equal to 5% of the estimated cost of civil works (min \$1,000) <p>The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (e.g. sewer systems, footpaths, kerb and guttering etc) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur.</p> <p>Condition Reason: To ensure required documentation is provided and relevant fees are paid.</p>
33.	<p>Developer Charges</p> <p>Before issue of a Construction Certificate where building work is proposed, payment</p>

	<p>to Council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2000. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.</p> <p>Certificates of Compliance pursuant to Section 306 of the Water Management Act 2000 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.</p> <p>The charges are currently guided by the following development servicing plans:</p> <table border="1" data-bbox="435 667 1257 929"> <thead> <tr> <th>Water Supply Authority</th> <th>Contribution Plan/Development Servicing Plan</th> <th>Adopted</th> </tr> </thead> <tbody> <tr> <td>Ballina Shire Council</td> <td>Ballina Shire Council Water Supply Infrastructure Development Servicing Plans</td> <td>27 February 2015</td> </tr> <tr> <td>Ballina Shire Council</td> <td>Ballina Shire Council Sewerage Infrastructure Development Servicing Plans</td> <td>27 February 2015</td> </tr> <tr> <td>Rous Water</td> <td>Development Servicing Plan for Bulk Water Supply</td> <td>15 June 2016</td> </tr> </tbody> </table> <p>The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the charges set by the water supply authorities at the time payment is made. Copies of the Development Servicing Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.</p> <p>It should be noted that Ballina Shire Council acts as Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.</p> <p>The charges applicable at the time this consent is issued as per the attached Ballina Shire Council Contributions Advice.</p> <p>Condition Reason: To ensure developer contributions are paid in accordance with Council's contribution plan.</p>	Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted	Ballina Shire Council	Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 February 2015	Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 February 2015	Rous Water	Development Servicing Plan for Bulk Water Supply	15 June 2016
Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted											
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Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 February 2015											
Rous Water	Development Servicing Plan for Bulk Water Supply	15 June 2016											
34.	<p>Developer Contributions</p> <p>Before issue of a Construction Certificate where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 7.11 of the Environmental Planning & Assessment Act, 1979:</p> <p>The charges are currently guided by the following development servicing plans:</p>												

	Contribution Plan/Development Servicing Plan	Adopted
	Cumalalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
	Ballina Shire Roads Contribution Plan Version 4.2	22 July 2021
	Ballina Shire Open Spaces and Community Facilities Contributions Plan 2022	1 August 2022
	Ballina Shire Carparking Contributions Plan 2014	14 May 2014
	Ballina Shire Heavy Haulage Contribution Plan	24 October 2019
	<p>The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.</p> <p>The Contribution amounts applicable at the time this consent is issued as per the attached Ballina Shire Council Contributions Advice.</p>	
	<p>Condition Reason: To ensure developer contributions are paid in accordance with Council's contribution plan.</p>	
35.	<p>Vehicle Management Plan</p> <p>Before the issue of the Construction Certificate, the developer shall submit a Vehicle Management Plan for all vehicle types servicing the site to the Principal Certifier. The plan must be in accordance with AS2890.2 and include the following minimum requirements:</p> <ul style="list-style-type: none"> • The maximum size of vehicles servicing the site. • The service vehicle travel path through the site and associated swept path analysis. • Restrictions (if any) on the hours vehicles can service the development considering the nearby school and rural residential properties. • Consideration of other services such as waste management and gas servicing. 	
	<p>Condition Reason: To ensure compliance with the Australian Standard.</p>	
36.	<p>Asset Listing</p> <p>Before the submission of the Construction Certificate application, an electronic listing of all public road, stormwater and sewer assets generated by the development shall be submitted to Council via the Asset Spreadsheet (available on Council's website). The asset spreadsheet is used to generate a Construction Certificate Fees and Charges quote which is payable on submission of the Construction Certificate application.</p>	
	<p>Condition Reason: To ensure required asset management documentation is provided.</p>	
37.	<p>Construction Environmental Management Plan</p> <p>A Construction Environmental Management Plan (CEMP) must be submitted to the Principal Certifier before issue of a Construction Certificate. A copy of the CEMP must also be submitted to Council before the issue of a Construction Certificate. The CEMP must address, but not be limited to the following matters:</p> <ul style="list-style-type: none"> • Hours of work • Contact details of site manager • Complaints register • Location of existing services 	

	<ul style="list-style-type: none"> • Traffic Management (Vehicles, pedestrians and cyclists) and parking (trades, deliveries) • Construction staging plan (where the works will be completed in stages) • Restoration of damage to public assets • Noise, dust and vibration • Waste management including classification and identified disposal/reuse locations of any soil or like material to leave the development site. • Soil & water management (including erosion and sediment control) • An unexpected finds protocol to appropriately manage potential contamination issues encountered during works. <p>The CEMP shall be prepared in accordance with the Guidelines for the Preparation of Environmental Management Plans (DIPNR, 2004).</p> <p>Condition Reason: To manage impacts of the construction works.</p>
38.	<p>Services (electricity)</p> <p>Before the issue of a Construction Certificate, confirmation is to be obtained from Essential Energy showing there is no safety risk associated with the existing 11kV overhead powerlines in Gallans Road.</p> <p>All works must comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The developer will need to submit a Request for Safety Advice to Essential Energy if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.</p> <p>This advice must be submitted to the Principal Certifier before the issue of the Construction Certificate.</p> <p>Condition Reason: To ensure the development complies with Essential Energy requirements.</p>
39.	<p>Survey Peg-out</p> <p>A survey peg-out is to be carried out by a Registered Surveyor to establish the correct position of the boundaries of the allotment before any building work commences. The building is to be located clear of Council easements and sewer mains.</p> <p>Condition Reason: To ensure the development is sited in the approved location.</p>
40.	<p>Restoration Management Plan</p> <p>In accordance with Council's Biodiversity – Compensatory Habitat and Offsets Policy, all native vegetation (trees/shrubs) to be cleared by the development are to be offset on a like for like basis in the ratio of 5:1 and 10:1 as outlined in the Biodiversity Assessment Report.</p> <p>To address this offsetting requirement, the applicant is to prepare a Vegetation Management Plan (VMP). The VMP must be submitted to and approved by Council's Planning and Environmental Health Division before the issue of a Construction Certificate.</p> <p>The VMP is to confirm and/or provide details on the following:</p> <ol style="list-style-type: none"> a) Provision for the planting of 260 trees b) Methods to be implemented to protect any remaining vegetation during all construction works c) A list of all species and methods to be used for the rehabilitation of the area.

	<p>d) Measures to be implemented to monitor the success of the rehabilitation plan including the provision of monitoring reports to be provided to Council's Planning and Environmental Health Division.</p> <p>e) Commitment that all planting stock will be sourced from plants growing in the immediate locality.</p> <p>f) Confirmation that the developer will implement the VMP for a minimum period of five years.</p> <p>g) A range of performance goals that are measurable and include commitment that unless the goals are achieved the rehabilitation program will be extended until they are achieved. In this regard, all forested areas are to achieve an 90% native vegetation canopy coverage within a minimum five year period. All vegetation stratas are to be free of all environmental and noxious weeds.</p> <p>h) A timetable for the implementation of all revegetation, rehabilitation and weed control works linked to the staging of the development.</p> <p>i) Identify contingency plans should the proposed revegetation works not respond to proposed treatment works.</p> <p>j) Management actions to eradicate other invasive species from the rehabilitation areas.</p> <p>k) Measures to be implemented to ensure that all areas of native vegetation is protected in perpetuity.</p> <p>l) Measures to be implemented to ensure the planting area is protected in perpetuity.</p> <p>m) Confirmation that all restoration work shall be undertaken by or overseen by a qualified bush regenerator. The bush regenerator must hold the Bushland Regeneration Certificate II or equivalent and have a minimum of five years experience regenerating littoral rainforest communities.</p> <p>Condition Reason: To ensure offset requirements are met.</p>
41.	<p>Trade Waste Application</p> <p>The Applicant is to submit a Classification B Trade Waste Application and pay the associated fee.</p> <p>Please note that this application will be subject to a State Agency concurrence process.</p> <p>A trade waste report should be undertaken by suitably competent and qualified trade waste consultant addressing all trade waste measures in accordance with the DCCEEW (DPIE) Trade Waste Regulation Guidelines.</p> <p>Information to be included within the Trade Waste Report:</p> <ul style="list-style-type: none"> • The proposed rate of discharge, including: <ul style="list-style-type: none"> ○ average per day, and maximum per day and per hour ○ hours of the day during which discharge takes place. • Site plan, including: <ul style="list-style-type: none"> ○ location and details of proposed liquid trade waste pre-treatment facilities ○ details on pre-treatment equipment maintenance ○ proposed connection point to the sewerage system ○ exclusion of stormwater to sewerage system • Physical and chemical characteristics of the discharge, including: <ul style="list-style-type: none"> ○ nature of source ○ expected maximum and average concentrations of pollutants, and ○ temperature and pH

	<ul style="list-style-type: none"> ○ Material Safety Data Sheets (MSDS) shall also be supplied for assessment of products that can be found in the trade waste proposed for discharge.
	Condition Reason: To ensure the appropriate approvals are sought associated with the approved development.
42.	Long Service Levy
	In accordance with Section 4.28 and 6.8 of the EP & A Act 1979, a Construction Certificate is not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$250,000 or more. Works less than \$250,000 are not subject to the levy.
	Condition Reason: To ensure the long service levy is paid.
43.	Disabled Access
	Disabled access is to be provided in accordance with AS 1428.1 to the building including: <ul style="list-style-type: none"> • through the principal pedestrian entrance; and • a continuous accessible path of travel, in accordance with, AS 1428.1, from the principal pedestrian entrance to any new or altered parts of the building. <p>Full details of compliance with AS 1428 and the Access to Premises Standards including accessible toilet facilities are to be included in the documents and/or plans issued with the Construction Certificate with matters included as detailed within the 'Design Confidence' Access Report dated 12 July 2023 referenced P223_107-2 (Access) RT.</p>
	Condition Reason: To ensure disabled access is provided in accordance with the relevant Australian Standards.
44.	Mosquito Risk Assessment
	Identified mosquito risk management measures, as specified in recommendations of Mosquito Risk Assessment dated July 2023 prepared by NSW Health Pathology, shall be incorporated into the final development.
	Condition Reason: To protect public health.
45.	Storage and disposal of waste
	Adequate provision must be made on site for the storage and disposal of solid and liquid wastes from the development. Details of the location and method of storing and disposing of solid wastes must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate.
	Condition Reason: To protect the environment and public health.
46.	Soil and Water Management Plan
	A Soil and Water Management Plan (SWMP) shall be submitted to and approved by the Principal Certifier prior to the issue of the Construction or Civil Subdivision Works Certificate. The SWMP shall be prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
	Condition Reason: To protect the environment.

BEFORE BUILDING WORK COMMENCES

Conditions	
47.	<p>Registration and Inspection Fees</p> <p>Where Council is not chosen as the Principal Certifier, the relevant certificate registration fee and required sewer inspection fees are to be paid to Council in accordance with Council's Fee Schedule, prior to work commencing.</p> <p>Condition reason: To ensure fees are paid in accordance with Council's fee schedule.</p>
48.	<p>Notice of commencement of civil works</p> <p>Before the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$20M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.</p> <p>Condition reason: To inform Council of works commencing and confirm Public Liability Insurance.</p>
49.	<p>Notice of Commencement and Appointment of Principal Certifier</p> <p>Where Council is not nominated as the Principal Certifier, the person having the benefit of this development consent is to submit to Council the following information:</p> <ul style="list-style-type: none"> • Written notification of the name and details of the Principal Certifier; and • The date of commencement and details of the Development Consent and associated Construction Certificate. <p>The above information is to be submitted at least two days before commencement of any works, in accordance with the requirements of Section 6.6(2) of the Environmental Planning & Assessment Act 1979 (as amended).</p> <p>Condition Reason: To ensure compliance with the requirements of the EP&A Act 1979.</p>
50.	<p>Tree Protection Measures</p> <p>Trees retained on site are to be protected in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites. The Tree Protection Zone (TPZ) is to be calculated as per AS 4970-2009, and temporary fencing erected around the TPZ prior to construction commencing. Once erected, protective fencing must not be removed or altered without approval from the project arborist.</p> <p>No incursions or storage of materials or waste is permitted within the protected area during construction except for the installation of approved services within TPZs. Activities prohibited within the TPZ include:</p> <ul style="list-style-type: none"> (a) Machine excavation including trenching; (b) Excavation for silt fencing; (c) Cultivation; (d) Storage; (e) Preparation of chemicals, including preparation of cement products; (f) Parking of vehicles and plant; (g) Refuelling; (h) Dumping of waste; (i) Wash down and cleaning of equipment; (j) Placement of fill; (k) Lighting of fires;

	<p>(l) Soil level changes (m) Temporary or permanent installation of utilities and signs, and (n) Physical damage to the tree.</p> <p>Condition Reason: To ensure vegetation proposed to be retained is protected.</p>
51.	<p>Issue of a Construction Certificate</p> <p>The erection of a building and construction works under the terms and conditions of this Development Consent must not be commenced until:</p> <p>(a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:</p> <p>(i) A council Registered Certifier, or (ii) A Privately Registered Certifier</p> <p>(b) A Principal Certifier has been appointed; and, (c) If Council is not the Principal Certifier, the person having the benefit of the development consent has notified the Council of the appointment of the Principal Certifier and, (d) The person having the benefit of the development consent has given at least two (2) days' notice to the Council of the person's intention to commence the erection of the building or construction of the swimming pool.</p> <p>Condition Reason: To ensure the building works is authorised by the issue a Construction Certificate and a Principal Certifier is appointed.</p>

DURING BUILDING WORK

Conditions	
52.	<p>Construction Hours</p> <p>The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:</p> <p>Monday to Friday 7.00am to 6.00pm Saturday 8.00am to 1.00pm</p> <p>No noise generating construction activities are to take place on Sundays or public holidays.</p> <p>Condition reason: To protect public amenity.</p>
53.	<p>Discovery of information</p> <p>Any new information that becomes known during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifier.</p> <p>Condition Reason: To protect public health and ensure any new information about site contamination is reported.</p>
54.	<p>Heritage Items</p> <p>If Aboriginal cultural objects are uncovered due to the construction activities, all works shall halt in the immediate area to prevent any further impacts to the find or finds. A qualified archaeologist and Aboriginal community representatives shall be contacted to determine the significance of the find(s). The site is to be registered in the NSW State Government's Aboriginal Heritage Information Management System and the management outcome for the site included in the information provided to AHIMS. Aboriginal Community representatives shall be consulted in developing and implementing management strategies for all sites, with all necessary information</p>

	required for informed consent being given to the representatives. Condition Reason: To ensure the preservation of items of cultural heritage.
55.	Land Use Conflict Risk Reduction The risk reduction controls related to 'construction works' outlined in Table 6 of the Land Use Conflict Risk Assessment prepared by Raw Earth Environmental dated June 2023 are to be implemented during building works. Condition Reason: To protect public amenity.
56.	Civil Works All civil construction works approved with the Construction Certificate and under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993 shall be undertaken and completed in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals (as current at the time of construction works commencing) and/or in accordance with other design requirements from Austroads, Australian Standards or TfNSW where specified. Inspections and approval of the road, drainage and sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual. Condition reason: To ensure completion of compliant construction of civil works.
57.	Traffic Control All traffic control must be in accordance with the Transport for NSW "Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council before the commencement of construction. Condition reason: To ensure safe traffic control while construction work is being carried out.
58.	Inspection (road and drainage) Inspection and approval of the road and drainage works approved within the road reserve is required by Council's Engineer (Ph 1300 864 444) at the time of excavation and before sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700 mm and replace with approved sand fill. Condition reason: To ensure safe and compliant construction of civil works.
59.	Inspection (sewer) Council's Engineer must inspect and approve construction works in relation to the connection of the development to Council's sewer mains. Council's Engineer must be contacted on telephone 1300 86 4444 at the time of the excavation and connection. Condition reason: To ensure safe and compliant construction of civil works for public safety.
60.	Damage to Council Infrastructure Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 1300 86 4444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken. Condition reason: To ensure safe and compliant construction of civil infrastructure for public safety.

61.	<p>No Storage on Public Land</p> <p>There shall be no storage of building materials, plant or equipment on the road, footway or public reserve areas without prior written consent of Council.</p> <p>Condition reason: To ensure public safety and protection of Council land.</p>
62.	<p>Soil Erosion and Sediment Control</p> <p>Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.</p> <p>Condition Reason: To protect the environment.</p>
63.	<p>Acid Sulfate Soils Management</p> <p>Any potential acid sulphate material excavated shall be stored in a bunded location prior to liming. After liming, excavated soil shall be tested to ensure the potential acid generation has been adequately neutralised.</p> <p>Condition Reason: To protect the environment.</p>
64.	<p>Export/ Import of Waste</p> <p>The export/import of waste (including fill or soil) to and from the site must be in accordance with:</p> <ol style="list-style-type: none"> a) the provisions of the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or b) current Resource Recovery Orders and Exemptions. <p>It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.</p> <p>Condition Reason: To protect the environment.</p>
65.	<p>Building Waste</p> <p>For the control of litter, a suitable waste container for holding lightweight building materials must be made available on the building site during the course of the building work. Building waste such as paper, plastic, cardboard sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the local environment.</p> <p>Condition Reason: To protect the environment and public amenity.</p>
66.	<p>Builders Toilet</p> <p>For the purposes of health and amenity, a temporary builder's toilet is to be provided on site before building work commences. Such facility is to be either connected to Council's sewer or a suitable approved portable chemical closet is to be provided.</p> <p>Condition Reason: To protect the environment and public amenity.</p>
67.	<p>Erosion and Sediment Control</p> <p>To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works. These are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:</p> <ul style="list-style-type: none"> • The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining

	<p>land</p> <ul style="list-style-type: none"> • Service trenches being backfilled as soon as practical • Downpipes being connected as soon as practical or the use of temporary downpipes • Buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses • Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary. <p>Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.</p> <p>Condition Reason: To protect the environment.</p>
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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Conditions
68.	<p>Fire Safety Certificate</p> <p>Before the issue of an Occupation Certificate, the owner or owner's agent, is to provide the Principal Certifier with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the Building Code of Australia.</p> <p>Condition Reason: To ensure compliance with the BCA.</p>
69.	<p>Removal of Temporary Structures</p> <p>All temporary builder's sheds, amenities, waste storage bins and builder's power pole are to be removed from the site on completion of the building.</p> <p>Condition Reason: To ensure that an adequate level of amenity is maintained for other properties.</p>
70.	<p>Mosquito Management</p> <p>In accordance with Ballina Shire Development Control Plan Chapter 2 Section 3.6 'Mosquito Management' all windows, external doors and other openings in buildings comprising accommodation must be provided with effective insect screening. The inlet and outlet of all rainwater tanks must also be screened with durable materials to prevent entry to the tank by mosquitoes.</p> <p>Condition Reason: To protect public health.</p>
71.	<p>Waste Disposal</p> <p>The waste disposal area is to be screened from public view and located behind the building line. Details shall be submitted to and approved by the Principal Certifier prior to the release of the Occupation Certificate.</p> <p>Condition Reason: To protect the environment.</p>
72.	<p>Damage to Public Infrastructure</p> <p>Public infrastructure, such as kerb and guttering, footpath utility services or road works, damaged as a result of construction works related to the development shall be rectified and reinstated to the satisfaction of Council.</p> <p>Condition Reason: To protect Council's infrastructure.</p>
73.	<p>Acoustic Fence</p> <p>The existing fence between the subject site and 71 Gallans Road shall be repaired and maintained as an acoustic lapped and capped fence in good serviceable condition</p>

	and shall not be altered, removed or damaged for perpetuity. Condition Reason: To protect the amenity of adjoining neighbours.
74.	Trade Waste Approval Before the issue of an Occupation Certificate, the developer must ensure that all pre-treatment equipment as outlined in the Trade Waste Approval is installed, inspected and commissioned. A pre-operation inspection is required by Council that demonstrates compliance with the requirements of the Trade Waste approval, before the issue of an Occupation Certificate. Condition Reason: To ensure the trade waste approval is complied with.
75.	Car Parking Certification The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant before the issue of the Occupation Certificate. Condition reason: To ensure car parking and vehicular access is completed to the approved standard.
75A.	Civil Works Before the issue of an Occupation Certificate, engineering design drawings must be submitted to and approved by Council for civil works required by this consent. These drawings must also include associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act for the following civil works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards and/or Transport for NSW where specified. <ul style="list-style-type: none"> Gallans Road & Tamarind Drive intersection - At the developer's expense, a 'seagull' type intersection as generally shown on the plan MOD221143NSW-DG-100, Issue A, "Rous County Council – Gallans Rd, Tamarind Dr – Intersection redesign" by Modus, dated May 2024, is to be designed and constructed. <p>The intersection shall be designed in accordance with 'Austroads Guide to Road Design Part 4A – Unsignalised and Signalised Intersections'.</p> <p>The intersection final design must be supported by a Road Safety Audit in accordance with 'Austroads – Guide to Road Safety Part 6 – Road Safety Audit' that demonstrates compliance with the Austroads RSA risk matrix and risk mitigation actions.</p> <p>The pavement profile shall consist of at least 300 mm compacted thickness of road base quality material plus a minimum 25mm asphalt wearing surface. Inspection of the road widening is required by Council's Engineer (Ph 1300 864 444) at the time of excavation and before sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700mm and replace with approved sand fill.</p> <p>Details are to be submitted to and approved by Council before the issue of an Occupation Certificate.</p>

	<ul style="list-style-type: none"> Gallans Road – At the developer's expense, the existing Gallans Road from the intersection with Tamarind Drive to the proposed northernmost site driveway must have a minimum bitumen sealed carriageway width of 6.0m. <p>Details are to be submitted to and approved by Council before the issue of an Occupation Certificate.</p> <p>(PAN-496759, 15 January 2025 – Condition Added)</p>
	<p>Condition reason: To ensure required civil works are undertaken in compliance with the Northern Rivers Local Government Development Design and Construction Manuals.</p>
76.	<p>Civil Works</p> <p>All civil works approved with the Construction Certificate, approved before the issue of the Occupation Certificate, and under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council before issue of an Occupation Certificate. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards or TfNSW where specified.</p> <p>(PAN-496759, 15 January 2025 – Condition Amended)</p>
	<p>Condition reason: To ensure civil works are completed safely in accordance with the approved Construction Certificate, Occupation Certificate, Section 138 and Section 68.</p>
76A.	<p>Civil Inspection Fee, Section 138 Approval Fee and Construction Bond</p> <p>Before the issue of an Occupation Certificate, a Section 138 application is to be made and the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent till time of payment see Council's schedule of Fees and Charges for the current rates:</p> <ul style="list-style-type: none"> Section 138 Fee Civil Inspection Fee Civil Construction Bond: Equal to 5% of the estimated cost of civil works (min \$1,000) <p>The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (e.g. sewer systems, footpaths, kerb and guttering etc) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur."</p> <p>(PAN-496759, 15 January 2025 – Condition Added)</p>
	<p>Condition Reason: To ensure required documentation is provided and relevant fees are paid.</p>
77.	<p>Car Parking Certification</p> <p>The construction of all car parking and vehicular accesses is to be in accordance with the approved plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant before the issue of the Occupation Certificate.</p>
	<p>Condition reason: To ensure car parking and vehicular access is completed to the</p>

	approved standard
78.	<p>Car parking for people with a disability</p> <p>The construction of all car parking spaces for people with a disability is to be in accordance with the approved plans and Australian Standard AS /NZS 2890.6: 2009. All works are to be certified by a suitably qualified consultant before the issue of the Occupation Certificate.</p> <p>Condition reason: To ensure car parking and vehicular access is completed to the approved standard.</p>
79.	<p>Completion of Stormwater Works</p> <p>Before the issue of an Occupation Certificate, certification must be provided to the Principal Certifier that all stormwater works have been provided in accordance with the approved Stormwater Management Plan. Overland flow paths must not be impeded through structures or landscaping and must direct stormwater flows to the public drainage system and not onto adjoining properties. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.</p> <p>Condition reason: To ensure all stormwater works are completed to the approved standard.</p>
80.	<p>Completion of Sewer Works</p> <p>The developer is responsible for completing all sewer works in accordance with the approved Section 68 Plans and the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction commencing). All works are to be completed and approved by Council before the issue of the Occupation Certificate.</p> <p>Condition reason: To ensure all sewer works are completed in accordance with the approved standards.</p>
81.	<p>Works as executed (drawings)</p> <p>After works are completed, and before the issue of an Occupation Certificate, the developer must submit to Council an electronic copy of the WAE information in AutoCAD and PDF format for all public assets. All AutoCAD data is to be on MGA 2020 zone 56 coordinates and AHD for levels with separate layouts within the drawing for roads, sewer and stormwater drainage. Separate PDF drawings shall be provided for roads, sewer and stormwater drainage. The developer shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.</p> <p>Condition reason: To ensure all public assets are documented and recorded.</p>
82.	<p>Works as executed (asset listing)</p> <p>Before the issue of the Occupation Certificate and in connection with the 'Works-as Executed' drawings the proponent shall submit an electronic listing of all public road, stormwater and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.</p> <p>Condition reason: To ensure all public assets are documented and recorded.</p>
83.	<p>Pressure Sewer Service Agreement</p> <p>Before the issue of an Occupation Certificate, the lot owner is required to enter into an "Agreement for Provision of Pressure Sewer Service" with Council in accordance with Council's "Pressure Sewer Policy".</p> <p>Condition reason: To advise future property owners of their obligations in relation to pressure sewer connection.</p>
84.	Civil Maintenance Bond

	<p>Before the issue of an Occupation Certificate, the following maintenance bond must be paid to Council which includes the amount of Goods and Services Tax payable. The bond is subject to review and may vary at the actual time of payment:</p> <ul style="list-style-type: none"> • Civil Maintenance Bond: Equal to 5% of the estimated cost of the civil works (Refer to Council's Schedule of Fees & Charges for minimum fees) <p>A maintenance period of 12 months will apply from the date of issue of the Occupation Certificate. The bond may be used by Council to maintain, repair or rectify works that are failing. The bond will be refunded upon completion of the 12 month period should no such failure occur.</p> <p>Condition reason: To provide an adequate surety to cover defective works.</p>
--	---

OCCUPATION AND ONGOING USE

	Conditions
85.	<p>Vehicle Management</p> <p>The operation of the business shall be in accordance with the vehicle management plan approved as part of the Construction Certificate.</p> <p>Condition reason: To ensure public road access is maintained.</p>
86.	<p>Waste Management</p> <p>Construction waste management activities at the site shall be in accordance with the Waste Management Plan (WMP) provided by Raw Earth Environmental dated June 2023 which has been approved by Council.</p> <p>Condition Reason: To protect the environment and public amenity.</p>
87.	<p>Hazardous or Industrial Waste</p> <p>Hazardous and/or industrial waste arising from the operational activities must be stored, transported and disposed of in accordance with the requirements of NSW EPA and SafeWork NSW pursuant to the provisions of the following:</p> <ol style="list-style-type: none"> Protection of the Environment Operations Act 1997; Protection of the Environment Operations (Waste) Regulation 2014; Waste Avoidance and Resource Recovery Act 2001; New South Wales Work Health & Safety Act 2011; and The Work Health & Safety Regulation 2017. <p>Condition Reason: To protect the environment.</p>
88.	<p>Waste Disposal and Storage</p> <p>All waste generated on site is to be disposed to and stored in the nominated waste area/s. Bins shall remain in the bin enclosure at all times, except during waste collection.</p> <p>Condition Reason: To protect public health and the environment.</p>
89.	<p>Waste Collection</p> <p>Waste collection must occur as required to prevent the creation of an odour or pest nuisance.</p> <p>Condition Reason: To protect the amenity of the locality.</p>
90.	<p>Noise – Mechanical Plant</p> <p>Noise associated with the operation of any plant, machinery or other equipment on the premises, shall not exceed 5dB(A) above the background noise level when measured at the boundary of any sensitive receiver.</p> <p>Condition Reason: To maintain amenity of adjoining properties.</p>

91.	<p>Boundary Fencing</p> <p>The existing fence between the subject site and 71 Gallans Road shall be repaired and maintained as an acoustic lapped and capped fence in good serviceable condition and shall not be altered, removed or damaged for perpetuity.</p> <p>Condition Reason: To maintain amenity of adjoining properties.</p>
92.	<p>Noise</p> <p>The use of the premises shall comply with all applicable noise legislation and not give rise to the transmission of unacceptable or offensive vibration or noise to any place of different occupancy in accordance with the NSW EPA's <i>Noise Policy for Industry 2017</i> as well as <i>The Protection of the Environment Operations Act 1997 (NSW)</i>.</p> <p>Condition Reason: To ensure the development complies with the relevant noise legislation.</p>
93.	<p>Liquid Contaminants</p> <p>If liquid contaminants and other possible pollutants are stored on site they shall be stored within an impermeable bunded and roofed on site storage area. Where applicable the bunded area must comply with AS 1940-2017 <i>'The Storage and Handling of Flammable and Combustible Liquids'</i> and AS 4452-1997 <i>'The Storage and Handling of Toxic Substances'</i>. If on site liquid storage is provided clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminates such as oils and chemical spills.</p> <p>Condition Reason: To protect the environment.</p>
94.	<p>External Lighting</p> <p>All external lighting to be installed and operated on site shall comply with the AS 4282:2019 "Control of the obtrusive effects of outdoor lighting".</p> <p>Condition Reason: To protect public amenity.</p>
95.	<p>Land Use Conflict Risk Reduction</p> <p>The risk reduction controls related to 'post construction and general operations' outlined in Table 6 of the Land Use Conflict Risk Assessment prepared by Raw Earth Environmental dated June 2023 are to be implemented during occupation and ongoing use of the premises.</p> <p>Condition Reason: To protect public amenity.</p>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means **BALLINA SHIRE COUNCIL**

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Northern Regional Planning Panel



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 WWW.PTT.COM.AU

3 March 2026

Rous County Council
 c/- Terania Consulting Pty Ltd
 Office 1, 124 Woodlark Street
 Lismore NSW 2480

Attention: Chris Pickford

Dear Chris,

RE: TAMARIND DRIVE / GALLANS ROAD INTERSECTION, BALLINA
 TRAFFIC ENGINEERING ASSESSMENT – TEMPORARY ARRANGEMENTS

INTRODUCTION

This letter has been prepared by PTT, as requested by Rous County Council, to assess potential interim traffic arrangements and operations at the Tamarind Drive / Gallans Road priority-controlled intersection. A new development for a depot and office for Rous County Council, located at 57 Gallans Road, was approved by Ballina Council on the 22 August 2024 (Application No.: DA 2023/343, PAN-356449). This approved development involved the change of use from a rural industry to public administration office and depot.

Condition 26 Civil Works of the Notice of Determination for DA2023-343 states:

Gallans Road & Tamarind Drive intersection - At the developer's expense, a 'seagull' type intersection as generally shown on the plan MOD221143NSWDG-100, Issue A, "Rous County Council – Gallans Rd, Tamarind Dr – Intersection redesign" by Modus, dated May 2024, is to be designed and constructed. The intersection shall be designed in accordance with 'Austroads Guide to Road Design Part 4A – Unsignalised and Signalised Intersections'. The intersection final design must be supported by a Road Safety Audit in accordance with 'Austroads – Guide to Road Safety Part 6 – Road Safety Audit' that demonstrates compliance with the Austroads RSA risk matrix and risk mitigation actions.

It is understood that there are issues with the potential provision of the proposed 'seagull' treatment at the intersection, including suitability, land constraints, deliverability, future potential road network and intersection arrangements. There is ongoing consultation with Ballina Council and key stakeholders to achieve a suitable outcome. The ultimate arrangement is expected to involve a roundabout. A temporary / interim traffic arrangement



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 PREPARED BY: JPG

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is to be considered for the approved development to commence operations prior to an ultimate solution being realised / achieved.

In response to Condition 26 of the Notice of Determination, a Detailed Design Road Safety Audit (RSA) was undertaken of the proposed 'seagull' treatment at the Tamarind Drive / Gallans Road priority-controlled intersection.

In addition, an Existing Road Stage RSA was undertaken of the existing Tamarind Drive / Gallans Road intersection. Audit Finding Item 11 of the Existing Road Stage RSA outlines that, during peak periods, particularly the school afternoon peak, the intersection becomes congested as vehicles enter and exit Gallans Road to access Richmond College. Queuing traffic exiting Gallans Road onto Tamarind Drive was observed, particularly associated with right turning vehicles, including school buses. This congestion may lead to driver impatience, resulting some motorists to accept smaller gaps in traffic, increasing the risk of crashes.

EXISTING CONDITIONS

The subject site is formally identified as Lot 41 DP:1045745, with the approved Rous County Council Depot currently under construction. The existing Tamarind Drive / Gallans Road priority-controlled intersection arrangement is shown in Figure 1. There is a channelised right (CHR) turning lane and Auxiliary Left (AUL) turning lane on Tamarind Drive at the intersection.

Figure 1: EXISTING INTERSECTION LAYOUT



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Gallans Road is a local two-way undivided road with a default speed limit of 50km/h, with a 40km/h limit during school days between 8:00-9:30am and 2:30-4:00pm, associated with the adjacent Richmond College. Tamarind Drive is a main two-way undivided road. We have been advised that there is approved planning to reduce the speed limit on Tamarind Drive through the intersection from 80 km/h to 60 km/h, as specified in Speed Zone Authorisation (SZA Number 1024637).

APPROVED DEVELOPMENT

The approved Rous County Council Depot is expected to increase traffic volumes, which is likely to be primarily outside school peak periods. Regardless, traffic intersection analysis undertaken and outlined in the traffic reports prepared by Modus and submitted during the development application process, demonstrates that this intersection is expected to operate above capacity limits during the morning and afternoon peak hours from the 2025 opening year. This is primarily due to the unacceptable delays to right turning traffic from Gallans Road onto Tamarind Drive. Retaining the intersection in its current arrangement (noting the increase in traffic volumes generated by the approved development) could lead to right turning drivers becoming impatient, causing some motorists to take smaller gaps in traffic, increasing the risk of side impact crashes.

It has been advised that morning shift arrivals to the proposed development are expected to occur outside of school peak periods. Phase 1 (trade team staff in light utility vehicles) will arrive before 6:30 am, with one light rigid truck and one medium rigid truck operated by Rous County Council. Phase 2 involves the administration staff, in light vehicles, who will arrive before 8:00am. Staff departures are estimated to occur around 4:30pm, which is after the school peak period. Nevertheless, there is potential that traffic associated with the approved depot could worsen delays and increase the risk of crashes at the intersection. An articulated vehicle (semi-trailer) will be required to access the site; however, such vehicles are expected to visit rarely and infrequently.

Although a seagull treatment has been conditioned, the Austroads Guide to Traffic Management (AGTM) Part 6: Intersections, Interchanges and Crossings Management outlines that roundabouts are generally preferred to seagulls.

Therefore, it is recommended that an interim arrangement be implemented to restrict right turning movements from Gallans Road onto Tamarind Drive during the school peak periods between 8:00-9:30am and 2:30-4:00pm. Buses would be excepted from this right turning restriction to maintain the school bus routes. The proposed signage is shown in Figure 2, incorporating TfNSW Regulatory Sign R2-6n(R), R9-1-2, with adjusted time and R9-2. Also, the findings and recommendations of the Existing Stage RSA (attached) should be addressed appropriately by Rous County Council.

It is recommended necessary signage be installed and road users at the College and Depot be made aware of the proposed turning restrictions and to consider suitable travel routes to avoid right turn movements from Gallans Road at the Tamarind Drive / Gallans Road intersection. There are opportunities for U-turns at the Tamarind Drive / North Creek Road



roundabout approximately 1km to the south for traffic wishing to exit to the west, as required. Also, drivers will be familiar with the road network and quickly get accustomed to the restrictions and chose their route appropriately to account for the restricted right turn exit movements from Gallans Road onto Tamarind Drive during peak periods.

This is considered an appropriate interim arrangement until such time that a suitable and safe intersection arrangement at the Tamarind Drive / Gallans Road intersection be implemented to improve the traffic operations and road safety.

Figure 2: PROPOSED RIGHT TURN RESTRICTION SIGN



CONCLUSIONS AND RECOMMENDATIONS

This letter report has considered potential interim traffic arrangements and operations at the Tamarind Drive / Gallans Road priority-controlled intersection to facilitate the safe and efficient operations of an approved Rous County Council depot.

It is recommended that an interim arrangement be implemented to restrict right turning movements of traffic from Gallans Road onto Tamarind Drive during the school peak periods between 8:00-9:30am and 2:30-4:00pm.

This is considered appropriate for the Depot to commence operations based on an interim basis until such time that a permanent and safe intersection arrangement at the Tamarind Drive / Gallans Road intersection be implemented to improve the traffic operations and road safety.

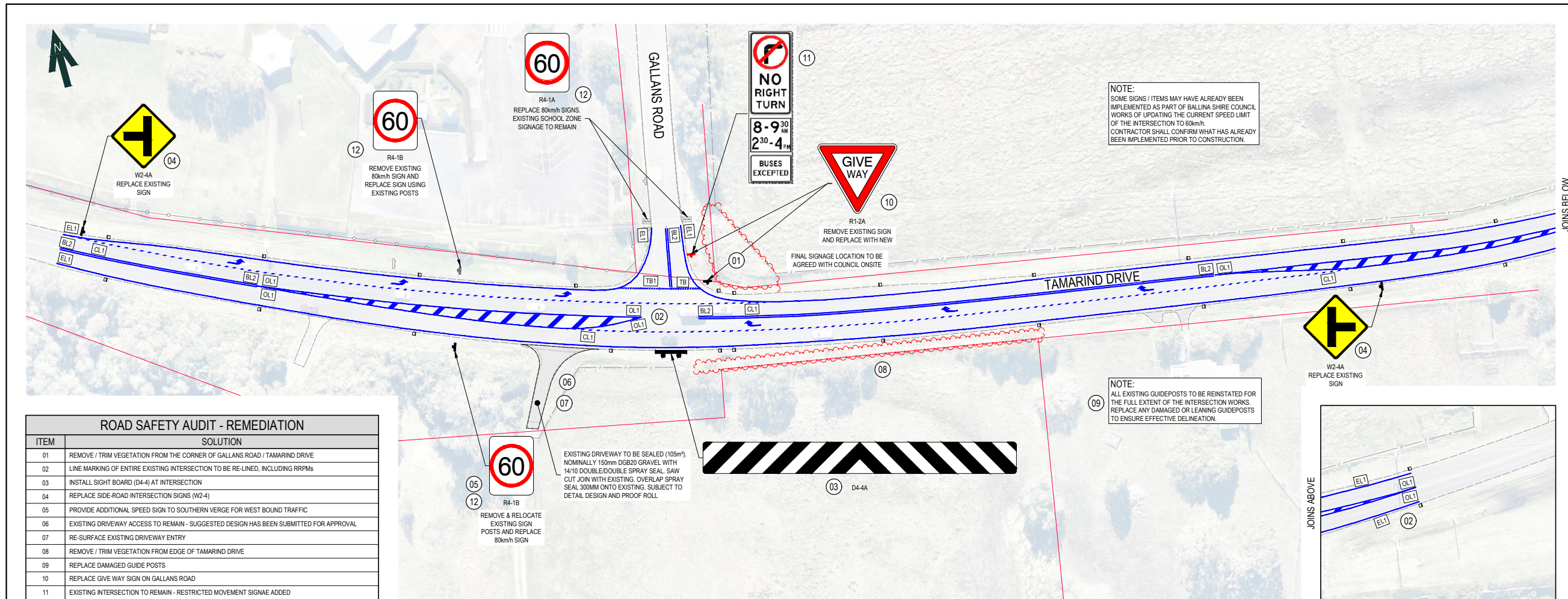
If you have any questions regarding the issues discussed above, please do not hesitate to contact us.



Yours sincerely,

A handwritten signature in black ink, appearing to be 'James Gannon', written over a light blue horizontal line.

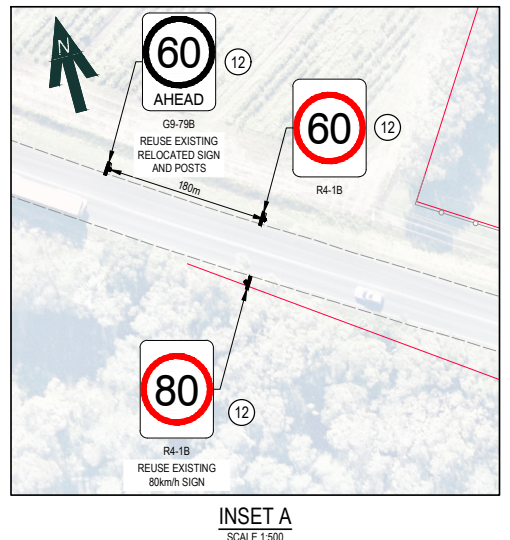
James Gannon
Director (RPEQ 22233)



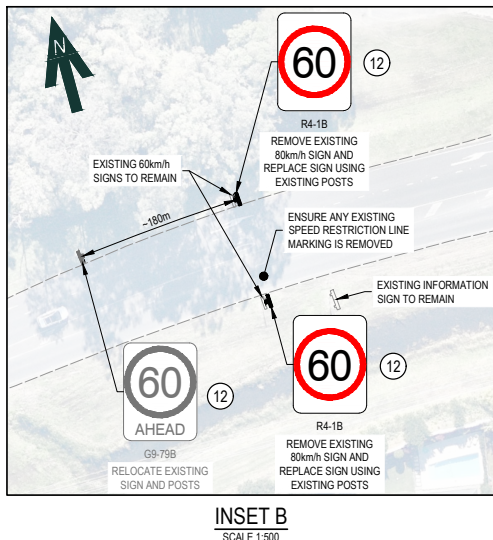
ROAD SAFETY AUDIT - REMEDIATION	
ITEM	SOLUTION
01	REMOVE / TRIM VEGETATION FROM THE CORNER OF GALLANS ROAD / TAMARIND DRIVE
02	LINE MARKING OF ENTIRE EXISTING INTERSECTION TO BE RE-LINED, INCLUDING RRPMS
03	INSTALL SIGHT BOARD (D4-4) AT INTERSECTION
04	REPLACE SIDE-ROAD INTERSECTION SIGNS (W2-4)
05	PROVIDE ADDITIONAL SPEED SIGN TO SOUTHERN VERGE FOR WEST BOUND TRAFFIC
06	EXISTING DRIVEWAY ACCESS TO REMAIN - SUGGESTED DESIGN HAS BEEN SUBMITTED FOR APPROVAL
07	RE-SURFACE EXISTING DRIVEWAY ENTRY
08	REMOVE / TRIM VEGETATION FROM EDGE OF TAMARIND DRIVE
09	REPLACE DAMAGED GUIDE POSTS
10	REPLACE GIVE WAY SIGN ON GALLANS ROAD
11	EXISTING INTERSECTION TO REMAIN - RESTRICTED MOVEMENT SIGNAGE ADDED
12	ALL SPEED SIGNS TO BE REPLACED WITH 60km/h FOR THE INTERSECTION
13	REPLACE SIGN (W6-3) AND TRIM / REMOVE VEGETATION TO GALLANS ROAD NEAR SHARED PATH
14	PROVIDE GIVE WAY SIGN TO EXIT OF SCHOOL ONTO GALLANS ROAD

* TABLE SHALL BE READ IN CONJUNCTION WITH ROAD SAFETY AUDIT, DOCUMENT 25-582 BY PTT TRAFFIC & TRANSPORT ENGINEERING, DATED 22/08/2025 FOR ROUS COUNTY COUNCIL

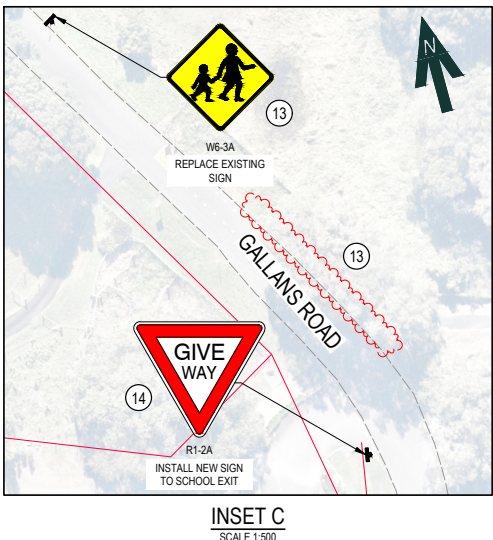
LAYOUT PLAN
SCALE 1:500



INSET A
SCALE 1:500



INSET B
SCALE 1:500



INSET C
SCALE 1:500

LEGEND

(13)	PROPERTY BOUNDARY
(13)	ITEM NUMBER
PROPOSED	ROAD SURFACE - NEW ASPHALT
(Dashed line)	VEGETATION PRUNING / REMOVAL
(Square)	GUIDE POST
(Triangle)	PROPOSED SIGN - SINGLE
(Square with cross)	REMOVE SIGN - SINGLE
(Circle with cross)	EXISTING SIGN - SINGLE
(Line with label)	LINE MARKING (AND LABEL) - TNSW
(Double line)	DOUBLE BARRIER LINE (BL2)
(Dashed line)	CONTINUITY LINE (CL1)
(Single line)	EDGE LINE (EL1)
(Dashed line)	OUTLINE MARKINGS (OL5)
(Dashed line)	HOLD LINE (TB1) & GIVE WAY LINE (TB)

* NOTE RRPMS TO BE INSTALLED IN ACCORDANCE WITH TNSW SPECIFICATIONS

- NOTES
- FOR LOCALITY PLAN AND DRAWING LIST, REFER DRG 24120-01-CC-AA-01.
 - FOR CIVIL WORKS SITE PLAN, REFER DRG 24120-01-CC-CV-00.

- SIGNS AND PAVEMENT MARKING NOTES
- THE WORK SHALL INCLUDE ALL LINE MARKING TO ROADS AND CAR PARKS.
 - THE LINE MARKING, SIGNAGE, PAVEMENT MARKERS AND TRAFFIC CONTROL DEVICES SHALL BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS: AS1744, AS2890, AS1906, AS1742, LOCAL AUTHORITIES AND TNSW GUIDELINES.
 - LINE MARKING SHALL BE SPOTTED OUT AND APPROVED PRIOR TO SPRAYING. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT NEWLY APPLIED ROAD MARKINGS UNTIL SUCH TIME AS THE ROAD MARKINGS ARE ABLE TO RESIST DAMAGE FROM TRAFFIC. ANY ROAD MARKING DAMAGED BY TRAFFIC PRIOR TO DRYING OR SETTING, SHALL BE RECTIFIED BY THE CONTRACTOR AT NO COST TO THE PRINCIPAL.
 - WHERE EXISTING PAVEMENT MARKING CONFLICTS WITH PROPOSED, IT IS TO BE REMOVED TO THE SATISFACTION OF THE SUPERINTENDENT AND THE RELEVANT AUTHORITIES.
 - THE CONTRACTOR SHALL ESTABLISH THE LOCATION OF EXISTING SERVICES AND LOCATE NEW SIGNS CLEAR OF THESE INSTALLATIONS.
 - THERMOPLASTIC SHALL BE APPLIED IN ACCORDANCE WITH AS4049.2 AND THE MANUFACTURER'S SPECIFICATIONS.
 - GUIDE POSTS SHALL BE INSTALLED TO NEW WORKS IN ACCORDANCE WITH TNSW SPECIFICATIONS
 - SIGN FOOTINGS SHALL HAVE LOC-SOCKET OR SIMILAR BASE CONNECTION.

Plot Date: 03 Mar, 2026
CAD File Name: 24120-01-SK-RS-01.dwg

REVISIONS		SCALES		APPROVALS		CLIENT	
REV	DESCRIPTION	BY	APP.	DATE	DATE	DATE	DATE
B	FOR INFORMATION ONLY	DY	CP	02.02.2026			
A	FOR INFORMATION ONLY	DY	CP	30.01.2026			

SCALES		APPROVALS		CLIENT	
SCALE (m) A1	DATE	DATE	DATE	DATE	DATE
0 5 10 20 30	1:500	D. YOUNG	C. PICKFORD	ROUS COUNTY COUNCIL	
		C. PICKFORD	D. YOUNG		
		C. PICKFORD			

ROUS COUNTY COUNCIL

LOT 41 DP1045745
57 GALLANS ROAD
BALLINA NSW 2478

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LIABILITY LIMITED BY A SCHEME APPROVED
UNDER PROFESSIONAL STANDARDS LEGISLATION

ROUS COUNTY COUNCIL BALLINA WORKPLACE		DRAWING NUMBER	REV
SKETCH ROAD SAFETY AUDIT REMEDIATION EXISTING INTERSECTION		24120-01-SK-RS-01	B
		FOR INFORMATION ONLY	A1

TERANIA-V1

7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Thursday, 8 January 2026 12:16 PM
To: Ballina Shire Council
Subject: Anonymous User completed Feedback - Urban Vegetation on Public Land Policy - Task to James Brideson

Categories: Awaiting more Info

Anonymous User just submitted the survey Feedback - Urban Vegetation on Public Land Policy with the responses below.

Your Name

Lyn Wheat

Phone Number

[Redacted]

Your email address

[Redacted]

Was the document easy to read and understand?

Yes

Do you support the overall objectives and content of the document?

Neutral

Please provide further information about your response below.

Regarding Council Maintenance? We have a garden in one of our parks in the Nth Angels Beach Estate on the corner of Minley & Minley Crs. In the 13 years we've lived here council has not done any up keep of this garden. The Park is mowed regular which is great. Several of our community weed & try to keep the garden looking reasonable & are happy to do so. However we would like a load or 2 of mulch or bark (which we are quite happy to spread) which will help keep the foreign matter at bay. Also the hard wood bollards surrounding both the parks in this estate are in great need of being restored

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7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

before they become un restorable and will have to be replaced. They are good hardwood bollards erected by the developer. But in need of maintenance. With councils putting conditions on various developments they should budget to maintain them

I have read and agree with Council's [Privacy Policy](#)

Yes

Do you wish your submission to be treated as confidential?

No



From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Tuesday, 13 January 2026 9:57 AM
To: Ballina Shire Council
Subject: Anonymous User completed Feedback - Urban Vegetation on Public Land Policy - Task to James Brideson

Anonymous User just submitted the survey Feedback - Urban Vegetation on Public Land Policy with the responses below.

Your Name

Dean Shay

Phone Number



Your email address



Was the document easy to read and understand?

Yes

Do you support the overall objectives and content of the document?

Yes

Please provide further information about your response below.

Whist I agree with the overall objectives of the Policy we have problems with the current Poinciana street trees in River Street. Our office, LJ Hooker Ballina manages quite a few shops along River Street and the cost and damage caused by the trees to the buildings (specifically awnings) is considerable. Seed pods, branches and leaves deposit on the awnings and gutters and in some cases get caught in downpipes which generally are internal in the actual building. This costs thousands of dollars. Not to mention seed pods landing on cars and people. Ideally we would like these trees removed and more appropriate trees planted. If this is not the case can the Council please extensively prune the trees so they don't overhang the awnings or entangle with the overhead power lines. Pruning like that has

7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

been undertaken overtime on the Poinciana out the front of Council's Wigmore Arcade so it doesn't overhang the arcade awning is what we would like please. Thank you for considering this submission.
Yours faithfully Dean Shay

I have read and agree with Council's [Privacy Policy](#)

Yes

Do you wish your submission to be treated as confidential?

No

7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Thursday, 15 January 2026 10:41 PM
To: Ballina Shire Council
Subject: Anonymous User completed Feedback - Urban Vegetation on Public Land Policy - Task to James Brideson

Anonymous User just submitted the survey Feedback - Urban Vegetation on Public Land Policy with the responses below.

Your Name

Ian Wunsch representing owners of 31-43 River Street Ballina

Phone Number

[REDACTED]

Your email address

[REDACTED]

Was the document easy to read and understand?

Yes

Do you support the overall objectives and content of the document?

No

Please provide further information about your response below.

James Brideson, Natural Resource Officer Ballina Shire council We make this submission in relation to the Draft Urban Vegetation on Public Land Policy (U04 – Exhibition Copy, November 2025), with specific reference to the Poinciana trees planted by Council in River Street, Ballina, in front of the commercial premises at 31–43 River Street. This submission supports the intent of the Policy but raises concerns that current management of legacy street trees in commercial areas exposes Council to avoidable risk, insurance and liability consequences, and that the draft Policy should more clearly address these issues. 1. Legacy street trees and foreseeable risk Clause 1(b) adopts the principle of “the right tree in the right place”, and Clause 1(a) commits Council to ensuring tree

1

planting and management does not increase exposure to infrastructure damage, safety risk or third-party claims. The Poincianas in River Street are a clear example of legacy plantings that no longer meet this standard. In this location the trees: • overhang permanent commercial awnings and a pedestrian thoroughfare; • drop large volumes of leaves, branches and heavy seed pods; • require frequent cleaning and pose foreseeable risks to structures and pedestrians; and • are located close to overhead power infrastructure. These impacts are ongoing, predictable, and well-known characteristics of the species, particularly as the trees mature and with little or no maintenance. Where risks are foreseeable and persistent, failure to actively manage those risks materially increases Council's exposure under negligence and public liability principles, particularly in high-use commercial and pedestrian environments. 2. Risk management, insurance exposure and exclusive control Clauses 2(c) and 2(d) commit Council to suitable maintenance regimes and risk-based tree management by qualified arborists. Clause 2(e) confirms that adjoining owners are not permitted to prune or maintain Council trees without consent. In River Street: • Council retains exclusive control over the trees; • Council restricts or delays owner-funded mitigation through a complex and resource-intensive approval process; and • routine pruning and maintenance of the trees are infrequent and if at all. This creates a risk asymmetry, where Council controls the hazard but adjoining commercial owners bear: • ongoing cleaning obligations; • increased maintenance and insurance exposure; and • potential injury or damage risk without the ability to mitigate the source. From a governance and insurance perspective, this is problematic. Where Council: • has exclusive control of the asset, and • has been placed on notice of foreseeable impacts, any injury, damage or claim arising from falling branches, seed pods or storm-related limb failure is likely to be directed toward Council, regardless of awning encroachments or cleaning responsibilities. 3. Tree management near utilities Clauses 2(l) and 5(c) clearly state that Council does not support planting trees under or near power lines unless approved and resourced for high-level maintenance. The ongoing conflict between the River Street poincianas and overhead infrastructure: • necessitates repeated intervention; • degrades canopy structure; and • increases the likelihood of limb failure. From a risk and insurance standpoint, perpetual conflict management is less defensible than planned remediation or replacement, particularly where safer alternatives exist. 4. Commercial streets as higher-risk environments Commercial streets differ materially from residential streets in terms of: • pedestrian density; • fixed awnings and signage; • liability exposure; and • business interruption risk. Large, high-debris species in these environments carry disproportionately higher public liability risk. The draft Policy would benefit from explicitly recognising CBD and commercial streets as higher-risk contexts requiring different species selection and maintenance thresholds. 4A. Awnings as public amenity and risk mitigation infrastructure Council has indicated that commercial awnings projecting over the footpath constitute an encroachment on public land and that, on this basis, adjoining owners are responsible for cleaning debris that falls onto those structures. While ownership and maintenance responsibility for the awnings themselves is not disputed, this position does not adequately recognise the public amenity and risk-mitigation function that awnings provide in commercial streets. In River Street, the awnings: • provide weather protection for pedestrians; • offer shelter from falling debris, including branches and heavy seed pods from Council-controlled trees; • contribute to pedestrian safety, accessibility and comfort; and • form an established and expected element of the streetscape. If awnings were removed in response to ongoing debris impacts, the foreseeable outcome would be that fallen material would instead land directly on the public footpath and roadway, increasing slip, impact and obstruction hazards and materially elevating Council's public liability exposure. In this context, awnings function not merely as private structures, but as de facto safety and amenity infrastructure that benefits the wider community. Treating them solely as an encroachment, while declining to actively manage the source of falling debris, effectively transfers risk back into the public domain. From an insurer and governance perspective — including frameworks applied by local government insurers such as Statewide Mutual — the delayed management of known and foreseeable hazards in high pedestrian-use areas is inconsistent with accepted risk minimisation principles. 5. Procedural fairness, administrative

burden and risk transfer A further concern is the procedural and risk imbalance created by the current approval framework. Along River Street, Council owns a commercial building where Poinciana trees on public land in front of that property appear to be regularly pruned and maintained. In contrast, other commercial owners are required to undertake a lengthy, costly and uncertain application process to seek approval for owner-funded pruning, involving reports, fees and extended timeframes. During these delays: • risks remain unmanaged; • impacts continue; and • Council's liability exposure increases. This creates both a perception of inconsistency and a practical risk transfer, where hazards persist not due to lack of resources, but due to procedural barriers. From a risk management and insurance standpoint, delayed mitigation of known hazards is significantly more problematic than proactive, facilitated maintenance, particularly in commercial streets.

Recommendations To better align policy intent with risk management and liability reduction, it is recommended that the Policy: 1. Explicitly recognise legacy street trees in commercial areas as a risk category requiring proactive review; 2. Commit to consistent maintenance standards regardless of adjacent land ownership; 3. Establish a clear, streamlined pathway for owner-funded pruning in commercial streets where risks are foreseeable; 4. Provide for Council-assisted funding or cost-sharing mechanisms for pruning and maintenance of high-impact street trees; and 5. Prioritise planned replacement or remediation of large species that generate ongoing conflict with infrastructure and pedestrian use. These measures would materially reduce Council's exposure to public liability claims, insurance disputes, reputational risk and avoidable litigation.

Conclusion The Draft Policy is a strong strategic document, but the River Street poincianas demonstrate how legacy plantings and rigid administrative processes can unintentionally increase Council's risk and liability exposure. This exhibition process provides an opportunity to strengthen the Policy so that it supports proactive risk management, improves procedural fairness and protects both the community and Council from foreseeable harm. We have drafted a stand-alone policy document that is directly derived from our submission and aligned with Ballina Shire Council's existing Draft Urban Vegetation on Public Land Policy (UO4). This document is prepared on the basis that Council potentially can: • adopt it as a supplementary policy, or • use it as the basis for amending UO4, or • reference it internally as a commercial streets guideline.

Draft Policy: Urban Vegetation Management in Commercial Streets

1. Policy Purpose This Policy is to operate alongside Ballina Shire Council's Urban Vegetation on Public Land Policy (UO4) and provides specific guidance for the planning, planting, maintenance and review of trees in commercial streets, with particular regard to legacy street tree plantings such as the Poincianas in River Street, Ballina. The purpose of this Policy is to: • ensure consistent, fair and transparent management of public trees in commercial areas; • reduce foreseeable safety, infrastructure and liability risks; • balance canopy outcomes with the operational realities of commercial streets; and • address historic tree planting decisions that no longer align with contemporary best practice.

2. Application This Policy applies to: • all Council-managed trees located in commercial zones, CBDs and mixed-use streets; • Council-owned and privately owned commercial premises equally; • existing and future street tree plantings; and • Council staff, contractors and stakeholders involved in urban tree management.

3. Guiding Principles

3.1 Right Tree in the Right Place Council will ensure that tree species selected for commercial streets: • are appropriate for constrained urban environments; • have manageable mature height and canopy spread; • do not generate excessive debris (including heavy fruit or seed pods); • minimise conflict with awnings, signage, footpaths, utilities and buildings; and • do not impose unreasonable ongoing maintenance burdens on adjoining businesses. Large spreading species may be appropriate in parks and reserves but are generally unsuitable for commercial streetscapes.

3.2 Consistency and Equity Council will apply tree maintenance, inspection and pruning standards consistently, regardless of whether adjoining land or buildings are Council-owned or privately owned. Council must avoid any perception or outcome of preferential treatment arising from its dual role as: • owner or occupier of commercial buildings, and • manager of public trees.

3.3 Risk-Based Management Trees in commercial streets will be managed as higher-risk assets due to: • high pedestrian and vehicle traffic; • permanent structures such as awnings and signage; • exposure to storms and coastal

7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

weather conditions; and • potential commercial and public liability impacts. 4. Tree Planting in Commercial Streets 4.1 Species Selection Council will not plant tree species in commercial streets that: • grow into or conflict with overhead power lines, unless approved by the electricity authority and resourced for high accredited maintenance costs; • are known to cause ongoing infrastructure damage or excessive debris; • require frequent heavy pruning to remain safe or compliant. Preference should be given to: • small to medium canopy trees; • species with predictable growth habits; • species suitable for coastal and urban conditions; • species listed as appropriate for streetscape use in the Ballina Shire Urban Garden Guide. 4.2 Legacy Tree Review Council will identify and review legacy street tree plantings in commercial streets that: • are no longer consistent with current policy principles; or • generate disproportionate maintenance, safety or liability impacts. Outcomes of this review may include: • intensified maintenance regimes; • staged replacement with more suitable species; or • removal where risks cannot be reasonably mitigated. 5. Tree Maintenance and Inspection 5.1 Minimum Maintenance Standards Council will implement defined inspection and pruning cycles for commercial street trees, having regard to: • tree species and age; • pedestrian usage; • proximity to structures and utilities; and • local weather exposure. Reactive, complaint-driven maintenance alone is not sufficient in commercial streets. 5.2 Owner-Funded Pruning Pathway Where Council resources or priorities prevent timely works, Council will provide a streamlined and proportionate approval pathway for owner-funded pruning in commercial streets. This pathway should: • minimise application complexity and cost; • provide clear assessment criteria; • offer predictable timeframes; • allow routine maintenance pruning where impacts are ongoing and foreseeable; and • ensure compliance with Australian Standards and Council safety requirements. 6. Tree Management and Awnings Where commercial awnings lawfully exist over footpaths: • Council acknowledges the permanence of such structures in commercial streets; • tree management must take into account foreseeable debris accumulation and damage risk; • responsibility for cleaning does not negate Council's duty to manage the source of risk created by Council-controlled trees. 7. Governance and Transparency Council will: • document and publish prioritisation criteria for commercial street tree maintenance; • ensure decisions are based on arboricultural risk and policy principles; • provide clear written reasons where maintenance or pruning requests are delayed or declined; • regularly review commercial streets as part of the Tree Asset Management System. 8. Review and Continuous Improvement This Policy will be reviewed: • alongside the Urban Vegetation on Public Land Policy (U04); • following significant storm events affecting commercial streets; or • where repeated issues arise indicating systemic management gaps. Community and business stakeholder feedback will inform ongoing improvements. 9. River Street Case Study (Informative) The Poinciana trees in River Street highlight the risks of historic planting decisions in constrained commercial environments. This Policy is intended to ensure similar outcomes are not repeated and that existing situations are managed transparently, consistently and proactively in the public interest. Thank you for the opportunity to make this submission. Photos to support our submission are available if evidence is required. Yours faithfully, Ian Wunsch Owner / Representative – 31–43 River Street, Ballina

I have read and agree with Council's [Privacy Policy](#)

Yes

Do you wish your submission to be treated as confidential?

No



From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Thursday, 15 January 2026 5:14 PM
To: Ballina Shire Council
Subject: Anonymous User completed Feedback - Urban Vegetation on Public Land Policy - Task to James Brideson

Anonymous User just submitted the survey Feedback - Urban Vegetation on Public Land Policy with the responses below.

Your Name



Phone Number



Your email address



Was the document easy to read and understand?

No

Do you support the overall objectives and content of the document?

Neutral

Please provide further information about your response below.

The trees in River St & Main St look nice but as a commercial property owner and property manager they have created an extra cost to the owners RE: cleaning out the gutters at twice a year (approx. \$400-\$500pa), have caused accelerated gutter deterioration and have hindered/block roof gutter water flow in a downpour resulting in water backing up and flowing through street eave/awning (prolonged water exposure has rotted the timber awning structures). As a suggestion, if Council could clean the roof gutters out twice a year or install gutter guard or carefully select trees that would be suited best suited to the street situation and to keep them to a minimum height ie. the majority of the tree height under the gutter height.

7.4 **Policy (Review) - Urban Vegetation on Public Land - Submissions**

I have read and agree with Council's [Privacy Policy](#)

Yes

Do you wish your submission to be treated as confidential?

Yes

[Redacted]

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Friday, 16 January 2026 10:11 AM
To: Ballina Shire Council
Subject: Anonymous User completed Feedback - Urban Vegetation on Public Land Policy - Task to James Brideson

Anonymous User just submitted the survey Feedback - Urban Vegetation on Public Land Policy with the responses below.

Your Name

John Mills

Phone Number

[Redacted]

Your email address

[Redacted]

Was the document easy to read and understand?

Yes

Do you support the overall objectives and content of the document?

No

Please provide further information about your response below.

Poinciana Tree, *Delonix regia*, is not usually considered a suitable tree for commercial street landscaping due to its very large horizontal growth habits, both above and below ground, with its large wide vigorous canopy and equally large wide vigorous root system. They are a semi-deciduous tree that drop large quantities of leaves, seed pods, flowers, and fronds regularly. The Poinciana tree's invasive and vigorous root system often damages concrete and interferes with underground drainage systems and utility services. River Street Ballina has several Poinciana trees. These trees require maintenance. Ballina Shire Council (BSC) have advised, that several years ago they put root guard systems around the roots of these Poinciana trees. These root guard systems appear to have

7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

now failed as evidenced by the vigorous canopy growth. The Poinciana tree in front of Wigmore Arcade Ballina, which is a council owned asset, has recently been well trimmed with no branches hanging within half a meter of the building awning. We note BSC has not relied on gutter guard to protect its awning from Poinciana leaf drop and has pruned the tree instead. We wonder if they have been advised that a gutter guard system is not suitable for Poinciana drop due to its very fine foliage, which sheds regularly. We ask BSC create a policy to maintain trees and not cause damage to both its own infrastructure and others. We ask BSC create a policy to allow private property owners to be allowed to reasonably maintain their own property. We also ask BSC monitor the footpath, drainage system and utility systems near Poinciana trees for the health and safety of the Ballina Central Business District.

I have read and agree with Council's [Privacy Policy](#)

Yes

Do you wish your submission to be treated as confidential?

No

James Brideson

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Friday, 16 January 2026 10:13 AM
To: Ballina Shire Council
Subject: Anonymous User completed Feedback - Urban Vegetation on Public Land Policy - Task to James Brideson

Anonymous User just submitted the survey Feedback - Urban Vegetation on Public Land Policy with the responses below.

Your Name

██████████

Phone Number

██████████

Your email address

██████████

Was the document easy to read and understand?

Yes

Do you support the overall objectives and content of the document?

No

Please provide further information about your response below.

Poinciana Tree, *Delonix regia*, is not usually considered a suitable tree for commercial street landscaping due to its very large horizontal growth habits, both above and below ground, with its large wide vigorous canopy and equally large wide vigorous root system. They are a semi-deciduous tree that drop large quantities of leaves, seed pods, flowers, and fronds regularly. The Poinciana tree's invasive and vigorous root system often damages concrete and interferes with underground drainage systems and utility services. River Street Ballina has several Poinciana trees. These trees require maintenance. Ballina Shire Council (BSC) have advised, that several years ago they put root guard systems around the roots of these Poinciana trees. These root guard systems appear to have

7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

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I have read and agree with Council's [Privacy Policy](#)

Yes

Do you wish your submission to be treated as confidential?

Yes

From: Claudia Caliarì >
Sent: Friday, 16 January 2026 12:33 PM
To: Ballina Shire Council
Cc: Environment Society Ballina
Subject: BES Feedback to Urban Vegetation on Public land policy

Dear James Brideson and Ballina Council staff

BES would like to send some comments to that policy draft. In your website says feedback closes on the 16/01, today. However we couldn't do it through the website (see website print screen image taken today below the feedback).

Thank you for your time and opportunity.

BES congratulates council for the tree inventory initiative. However, it is important to note that this project has been somehow in the policy for at least three years, and it seems no progress was made. This is a very relevant planning tool that should be guiding councils actions. BES also emphasises the necessity of measuring the outcomes of this policy to ensure its effectiveness.

The feedback on the Urban Vegetation on Public Land Policy for Ballina Shire includes important suggestions:

1. Measurement of Outcomes: The inclusion of a report to monitor and measure the outcomes is essential. As urban trees age or are removed for development, it is important to quantify their loss and understand the impact on the environment. BES also strongly suggests council to think about planting trees in clumps or buffering them with ground cover to support soil health and consequently the health of the tree and its resistance to extreme weather (as vegetation is able to exchange nutrients through mycorrhizal connections).

2. Recognition of Green Infrastructure: The policy should emphasize the importance of trees beyond aesthetic value. Highlighting their role in water retention and stabilizing banks and steep hills is vital for community awareness and support.

3. Connecting Walkable Areas: It is crucial to plan for shaded routes that connect different areas in the town. This can promote walking and enhance the usability of public spaces.

4. Management and Action Plans:
Developing management or action plans for various parcels of land, like road corridors, would provide a structured approach to vegetation maintenance.

5. Aerial Overlay and Vegetation Report: The idea of using an aerial overlay combined with a detailed vegetation report in tabular format is a practical approach to identify and prioritize areas in need of attention.

6. Guide for Community Involvement: Providing initial guidance through action plans would also encourage community groups to participate in volunteering efforts on these sites, fostering a sense of community stewardship.

Consideration of these aspects will ultimately lead to more sustainable urban vegetation management.

Please send us a confirmation that this email was received.

Thank you!!

12:11   21%
 This survey no longer accepts submissions

Feedback - Urban Vegetation on Public Land Policy

Please provide your feedback on this document here. The comments you provide will be a formal submission and will be considered by Council in finalising the document.

If you would like more information before making a submission, please visit ballina.nsw.gov.au/making-a-submission

Documents

 U04 - Urban Vegetation on Public Land Policy (November 2025) Exhibition Copy.pdf (251 KB) (p...
yoursayballina.com.au

Sent from my iPhone

7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

Urban Vegetation on Public Land Policy Review - Submissions Summary 2026

Issue	Response
Was the document easy to read and understand?	5 submissions responded Yes 1 submission responded Neutral 1 submission responded No
Do you support the overall objectives and content of the document?	2 submissions responded Yes 2 submissions responded Neutral 3 submissions responded No
Mulch and bollard request	Noted and addressed operationally - No change to policy recommended.
Poinciana tree leaf and seed drop	Noted and unacceptable pruning or removal reason in policy setting to caselaw. Further discussed in report – No change to policy recommended.
Poinciana tree overhang and branch pruning	Noted and pruning undertaken cyclically and reactively to arboricultural standards. Further discussed in report – No change to policy recommended.
Poinciana tree overhang	Noted and unacceptable pruning or removal reason in policy setting. Further discussed in report – No change to policy recommended.
Private structure roof and gutter maintenance	Noted and policy setting to caselaw. Further discussed in report – No change to policy recommended.
Risk management and liability	Noted and policy setting to caselaw and industry standards – No change to policy recommended.
Resident funded tree pruning and removals	Noted and addressed in policy setting. Further discussed in report – No change to policy recommended.
Tree inventory, mapping and monitoring	Noted and programmed operationally to implement policy. Further discussed in report – No change to policy recommended.
Tree importance	Noted and exhibited on website. Further discussed in report – No change to policy recommended.
Connecting walkable areas	Noted and covered under existing Place and Public Framework 2025 - Further discussed in report – No change to policy recommended.
Community involvement	Noted covered under policy settings - Further discussed in report – No change to policy recommended.

POLICY NAME: REVIEW
URBAN VEGETATION ON PUBLIC LAND

POLICY REF: U04

MEETING ADOPTED: 23 March 2023
Resolution No. 230323/4

POLICY HISTORY: 221118/30; 290916/17; 260215/26, 260810/32



TABLE OF CONTENTS

OBJECTIVE 1

POLICY 1

 1. Tree Planting and Species Selection 1

 2. Tree Asset Management..... 4

 3. Bushland Reserves.....10

 4. Urban Subdivisions and Development10

 5. Tree Protection11

BACKGROUND.....12

DEFINITIONS14

SCOPE OF POLICY.....15

RELATED DOCUMENTATION16

REVIEW.....16

OBJECTIVE

The objective of this Policy is to:

- Prioritise the maintenance and protection of existing vegetation on public land.
- Broaden the emphasis on urban tree management to include urban forestry principles, with trees managed as a collective asset, to maximise the benefits that urban vegetation provides.
- Improve the quality and quantity of urban vegetation in Ballina Shire.
- Increase species diversity and improve the age range of urban trees.
- Recognise and protect trees considered significant due to their heritage, cultural, social and/or ecological values
- Balance the protection of trees and bushland with management of public risk
- Enhance Ballina Shire's reputation within the community as a good steward and manager of trees and significant vegetation.
- Clarify the delegated authority to the General Manager in respect of decisions regarding the removal of trees from public land.
- Recognise the impact of climate change on the management and sustainability of urban vegetation.
- Increase awareness and educate stakeholders including the community, developers and Council staff of the value of trees in the urban landscape.
- Encourage community engagement and participation in management of public trees.

POLICY

1. Tree Planting and Species Selection

Ballina Shire Council will proactively identify opportunities to plant suitable trees in the urban environment to increase canopy cover across the local government area.

Street trees play a critical role in establishing local landscape character because they are highly visible and help to offset the bulk and scale of buildings. Street trees also provide shading to roads and hard surfaces and make a valuable contribution to controlling heat radiated from urban surfaces. They provide a significant cooling effect and also create more aesthetically pleasing living spaces. Trees provide valuable habitat links throughout urban environments for a wide variety of wildlife.

The following Policy principles apply to tree planting and species selection for trees on public land.

a. *Tree Planting Program*

Council will implement an annual street tree and reserve planting program across streets and reserves. This will include seeking opportunities in appropriate locations to maximise canopy cover, age and species diversity and to deliver ongoing environmental, economic and social benefit.

Council will ensure that new tree planting does not risk potential damage to infrastructure, community safety or increase exposure to third party claims.

To increase street tree species diversity and reduce the effects of broad scale tree decline or death due to pests and diseases, Council will encourage planting a diversity of tree species within the urban environment excluding Council endorsed streetscape projects whereby particular species may be selected.

To improve the general health and longevity of street trees in built up areas the use of contiguous tree pits, structural soils and or vaulted tree pits will be considered to maximise the soil volume available to the trees.

All suitable available spaces for new street tree plantings are to be mapped and scheduled for new plantings as resources allow.

The tree planting program is to be guided by the Risk Management Control Strategies listed in the Statewide Mutual: Trees and Tree Roots Best Practice Manual – Statewide Publication (current version).

b. Tree Selection Criteria

Council will plant the most appropriate tree species based on site suitability, functional and biological attributes of the species, known performance and the potential to contribute to the landscape character. Tree species are preferably to be selected from the Ballina Shire Urban Garden Guide. The guiding principle of “the right tree in the right place” is to be used when selecting new tree plantings.

c. Nursery Tree Stock Specification

Council and other stakeholders such as developers must only use quality nursery stock according to the latest best practice and Standards. Developers must ensure the installation of tree stock conforms to AS2303:2018⁵. Certification of compliance with this Standard will be required for all developments including subdivisions.

d. Nature Strip Landscaping

Nature strip landscaping within public road reserves requires consent from Council. Council supports the landscaping of nature strips to improve the streetscape; however the services and access within the nature strip need to be protected.

It is accepted practice that residents maintain and mow nature strips. A Nature Strip Landscaping Plan must be submitted for approval by Council prior to landscaping works being undertaken. The resident must maintain the landscaped nature strip including groundcovers and shrubs in good order following completion of the Council approved works. Council will maintain and oversee the tree maintenance.

Water sensitive urban design (WSUD) principles are to be incorporated into all new and refurbished nature strips. This should include the capacity of trees and vegetation to mitigate stormwater impacts and improve water quality flows to waterways.

A Nature Strip Landscaping Plan Fact Sheet is provided on Council's website.

e. *Community Involvement*

Council will encourage community involvement in tree planting activities and regularly promote the benefits of trees to the community. Council will continue to support and supply trees and vegetation to the community through the following community programs:

- Landcare/Coastcare on Council managed lands
- Street Tree Planting Program
- National Tree Day and Schools National Tree Day
- World Environment Day
- Council's restoration projects
- "Benefits of trees" community education program

f. *Tree Provision to Residents*

Council can provide free trees to residents of Ballina Shire under the following programs:

- New Home Native Garden Gift
- New Baby Tree of Life Gift
- Memorial Tree Gift
- **Citizenship Native Plant**

The trees will be propagated or sourced by Council and should be listed in the Ballina Shire Urban Garden Guide.

Program and proof of residency will be required. No plaques or other items/attachments can be placed with these trees on public land. Residents will need to maintain the juvenile trees for 24 months.

Council will not accept any liability for planting, maintenance, loss, damage or removal of the tree.

- *New Home Native Garden Gift*

Council can provide up to fifteen trees, shrubs or groundcovers to Ballina Shire Residents for landscaping private land. This is limited to new house constructions or significant renovations. Evidence must be provided within 24 months of a construction certificate or 12 months of an occupation certificate.

Council can provide advice at the time of plant selection as to species suitability and planting requirements if suitable plans and site information is provided.

- *New Baby Tree of Life Gift*

Council can provide one commemorative tree to Ballina Shire residents who have a new baby. The tree may be planted on private property or in an appropriate Council approved location on a public reserve. Evidence of the Baby's birth certificate must be provided.

- *Memorial Tree*

Council can provide one memorial tree to Ballina Shire residents who wish to plant a tree in memory of a deceased loved one. The tree may be planted on private property or in an appropriate Council approved location on a public reserve. Evidence of the resident's death certificate must be provided.

- *Citizenship Native Plant*

Council can provide one citizenship tree to each new Australian citizen that participates in a Ballina Shire Citizenship Ceremony as a welcome gift to the shire. The tree may be planted on private property or in an appropriate Council approved location on a public reserve.

g. *Sponsor a Tree Program*

Notable trees on public land can be "sponsored" by individuals, families, community groups or businesses and sponsors provide annual donations to support their maintenance.

Tree "sponsorship" will be acknowledged by a Certificate and on Council's website.

2. **Tree Asset Management**

Trees require specialised care and management and a comprehensive inventory of trees is essential for timely and cost effective management.

Council is committed to a maintenance regime that provides adequate resources for the long term health and sustainability of its urban vegetation. The following Policy principles will apply to tree asset management:

a. *Tree Database ~~Inventory~~*

Council will establish and maintain a Tree **Database ~~Inventory~~** of all street trees, park trees and trees with crowns overhanging private property to quantify the tree assets of Ballina Shire. This will **help** prioritise the tree pruning, removal and replacement works, allow effective resource allocation and **assist managing ~~manage~~** the risks associated with urban vegetation.

b. *Significant Tree Register*

Council will maintain a Significant Tree Register for trees on public and private land. Significant trees are assessed using rigorous criteria addressing historic, social/cultural, natural/biodiversity and visual/aesthetic values. This Policy applies to Significant Trees on public land only with separate legislation applying to private trees.

The entry to the Significant Tree register is set at 75% or above for "significance" value. Below average, average or above average trees (0 - 74% value) will not be added or maintained on the register as significant.

The Significant Tree Register will be displayed on Council's website and is reviewed ~~regularly~~ ~~annually~~ enabling trees to be added or removed from the Register. Residents may apply to Council to have trees included or removed from this Register.

c. *Tree Maintenance*

Council will ensure that suitable tree management is applied across all street and reserve trees. Council will undertake tree audits and inspections as resources allow. Council will ensure concise and timely coordination between the various divisions within Council for efficient tree management. All tree works will be prioritised to ensure delivery standards are maintained.

d. *Risk Management*

Council will manage tree risks on a prioritised basis whilst acknowledging that no tree is absolutely safe but that acceptable levels of risk are to be sought.

Tree risk assessment will be undertaken by suitably qualified and experienced Council Arborists. When required, suitably qualified and experienced independent Consulting Arborists will be engaged to undertake the tree risk assessment.

Tree risk assessment should incorporate systematic, best practice method(s) (e.g. Tree Risk Assessment Qualification (TRAQ), Tree Risk - Benefit Management and Assessment (VALID) or Quantified Tree Risk Assessment (QTRA). All tree management information will be stored as per Council's record management ~~system~~ ~~Plan - May 2013~~ and the ~~(recommended)~~ Tree ~~Database~~ ~~Inventory~~.

Council's risk abatement methods will be guided by the methods listed at Table 3: "Risk Management for Existing Trees" of Statewide Mutual Trees and Tree Roots Best Practice Manual (current version).

Improvements to buildings or structures are to be undertaken before root pruning interventions are to be undertaken. It should be acknowledged that tree roots are opportunistic and are concentrated wherever soil conditions are favourable.

Stormwater drainage, water and sewer pipes must be designed, installed and maintained to exclude tree roots with Council specified pipes with water-tight joints. All drainage and pipe repair works must comply with AS4970:20~~25~~~~09~~.

e. *Tree Pruning and Removal*

Council will undertake tree and vegetation pruning to improve tree health, habit and to provide nominal clearances for pathways, roads, buildings and other essential infrastructure. All tree pruning works are to comply with AS4373:2007. Tree pruning, removal and replacement works will be limited by resources as shown in Council's annual budget.

The public are not permitted to prune or remove trees or vegetation on Council managed lands including footpaths and reserves without Council consent.

Council's Table 1 "Acceptable and Unacceptable Reasons for Removal or Pruning of Trees on Public Land" in this Policy apply for tree pruning and removal works.

In requesting the pruning or removal of trees on public land or claiming that public trees are causing damage to private property or infrastructure, a Tree Works on Public Land Application must be provided to Council. Written evidence supporting the application may be required and is likely to include some or all of the following:

- Arborist Report as per AS4373:2007 or AS4970:202509
- Site Survey indicating location of subject tree
- Engineer's Report
- Stormwater Plan
- DNA Tree Root Identification Report

Council will use its tree assessment procedures to ensure consistency in the approach to determining tree pruning, root pruning and tree removal. Tree removal will be guided by general cost-benefit analysis principles where most costs occur at planting and at removal, with most benefits occurring as the tree approaches a mature age and size.

Some of the Council decisions can result in complaints to Council and to individual Councillors. These complaints can involve concerns about a decision not to remove a tree as well as complaints about tree removal. While the number of complaints are small relative to the number of operational decisions that are made, the potential change to the amenity of an area can be significant and therefore be sensitive to some community members. Councillors should not be expected to advocate on behalf of the community.

As most situations are best managed by following tree assessment procedures, each case will be decided under delegated authority by the General Manager.

These arrangements do not limit staff electing to refer a matter for independent arboricultural review or to Council for determination, or a Councillor requesting a report, or a Notice of Motion as ways to review a decision.

Representations by the media will not be taken into consideration.

Table 1 Acceptable and Unacceptable Reasons for Removal or Pruning of Trees on Public Land

Acceptable Reasons	Unacceptable Reasons
Part A	
Dead trees or dead branches excluding habitat values at low risk	Improve or allow a private view.
Diseased or infected trees requiring isolation	Reduce leaf, bark or fruit fall (except Coconuts), and release of pollen and sap droppings.
Storm or wind damaged trees.	For construction hoardings and scaffolding.
Trees with unacceptable Public Risk ratings using the VALID, TRAQ or QTRA risk assessment methods of assessment.	Allow solar access or for solar panel installation clearance.
Branches in contact with adjoining buildings/structures.	Reduce wildlife waste and noise and to deter native wildlife (e.g. termites, flying foxes).
Maintain pedestrian, bicycle, vehicle, aircraft and street, sport and electrical infrastructure clearances and sight lines.	Aesthetic, amenity, ecological or cultural heritage values.
Maintenance prune existing tree root barriers	Canopy pruning cannot be undertaken in compliance with AS4373:2007.
Part B	Root pruning in the Structural Root Zone cannot be undertaken in compliance with AS4970:20 2509 .
Listed weed/biosecurity risk species	Root presence and pruning adjacent to under-engineered structures.
For installation or maintenance of a dividing fence – maximum 0.5 metre branch clearance.	To undertake clearing under a NSW Rural Fire Service 10/50 Vegetation Clearing Entitlement
Managing views for public benefit and safety at Council approved locations.	Insufficient supporting evidence is lodged with the Tree Works on Public Land Application.
Root prune to prevent further damage to built structures (excluding segmental paving) that have been appropriately engineered in the first place, where practicable.	To allow secondary access to properties across public land except for approved dwellings and approved accesses to that dwelling.
Structural damage to private or public structure is significant and ongoing and cannot be feasibly mitigated by root pruning.	For Bushfire Prone Land construction standards as identified by the NSW Rural Fire Service.
Formative pruning of young and developing trees up to 4m in height .	Pre-emptive land purchases.
To comply with Planning Legislation, Australian Standards, Council Vegetation Management Plans and Resolutions.	
Issued a Bushfire Hazard Reduction Notice by the NSW Rural Fire Service.	
Tree to be removed is over-mature and in poor condition .	
The tree to be removed has no overriding botanical, ecological, heritage or cultural value.	

f. *Notification of Tree Removal and Pruning Works*

Council's Table 2 "Notification for Tree Works" in this policy applies for tree removal and pruning works. Where immediate tree hazard situations cannot be safely mitigated, notifications for tree works, may not be able to be provided in time.

Table 2 Notification for Tree Works

Tree Works Type	Notification
<ul style="list-style-type: none"> • Tree pruning 	No notification.
<ul style="list-style-type: none"> • Tree removal 	<ul style="list-style-type: none"> • A written notice placed on the subject tree trunk. • Notification on Council's website.
<ul style="list-style-type: none"> • Significant Tree pruning complying with Part A of Table 1 "Acceptable Reasons" 	<ul style="list-style-type: none"> • No notification.
<ul style="list-style-type: none"> • Significant Tree pruning complying with Part B of Table 1 "Acceptable Reasons" (excluding Council arborist) • Significant Tree removal 	<ul style="list-style-type: none"> • Provide a written Arboricultural Assessment. • Provide letters to street property owners adjoining the Significant Tree. • A written notice placed on the subject tree trunk. • Notification on Council's website. • A minimum exhibition and comment period of 14 days.

g. *Resident Funded Tree Pruning and Removal*

Council may provide consent for a resident to have tree works undertaken on public land trees at the resident's expense. Multi tenure trees may have costs split commensurably between owners. The resident will be required to lodge the Tree Works on Public Land Application and comply with Table 1 of this Policy. The following circumstances will be:

- Low risk trees encroaching onto properties.
- Weed tree species removal.
- Council priorities and resources prevent works occurring in the immediate future.

Resident funded tree work will require all the following:

- With the exception of listed weed species, the resident providing a (brief) written Arboricultural Report by a Consulting Arborist with the application on the subject tree outlining the tree condition, vigour, location and reasons for tree works.
- The resident must engage an Arborist who has been pre-approved under Council's Contractor Management System verifying their qualifications, experience, safety management systems and insurances.
- The Arborist must hold and maintain \$20 million Public Liability insurance and provide Council upon request with a Certificate of Currency and Policy for the same.
- Pruning works must comply with AS4373:2007.

- Adhere to Council approval addressing; site safety, industry practices, reserve access and debris management.

h. Tree Root Management

As part of Council's risk management strategy where root encroachment hazards and damage are identified, a number of practices in accordance with Table 1 may be employed.

- Flexible, permeable and non-standard footpaths and tree pit surrounds provided near trees so as to reduce the likelihood of uplifting and trip hazard formation.
- Installation of root barriers where practicable.
- Root pruning where practicable and not likely to have an adverse impact on tree health.
- Tree removal (where no remediation of root encroachment issues is possible).

DNA tree root identification may be needed to assist when tree root ownership is disputed.

i. Fungal Disease Management

Fungal disease can kill trees or cause trees to fail unexpectedly. *Armillaria luteobubalina*, *Phytophthora cinnamomi*, *Phellinus* sp and numerous other fungi are common causes of tree death and tree failure.

Expert advice is to be obtained to assist in fungi management.

j. Pest Management

Trees can be impacted by various pests. Expert advice is to be obtained to guide tree pest management.

Use of synthetic chemicals should be minimised or avoided.

k. Weed Management

Council will undertake the prioritised and staged removal and replacement of trees and vegetation classified as a Biosecurity risk or environmental weed species as resources allow. The impacts to canopy cover will be a key consideration in this process.

l. Tree Management around Utilities

Council does not support the planting of trees under powerlines in accordance with electricity legislation. All tree and vegetation clearance works around non-Council utility services will be referred to and conducted by the service provider unless undertaken by accredited Council staff or contractors.

m. Tree Clearance around Roadways, Bike Paths and Footpaths

Trees in the urban environment often grow in close proximity to bike paths and footpaths, as well as overhang roadways. Trees will be managed to meet the clearance requirements of current standards and guidance.

n. *Tree Information Systems*

Council will keep abreast of new technology in the field of Arboriculture and urban forestry and incorporate best practice management. This will include the mapping of Council's public trees for the Tree Database Inventory. This will also include consideration of climate change impacts on trees.

o. *Emergency Situations*

Risk to public safety and property will take priority in tree pruning and removal decisions in emergency situations.

3. Bushland Reserves

Many bushlands exist within the urban environment and have forest edges adjacent to other land uses. All urban bushlands on Council land are protected and most are of significant ecological value. The provisions in this Policy also apply to urban bushlands. All tree and vegetation work within urban bushlands must comply with Council approved Vegetation Management Plans and all legislative requirements.

4. Urban Subdivisions and Development

Future land development and urban subdivision designs must consider the proximity of structures to adjacent vegetation and in particular listed Endangered Ecological Communities and Critically Endangered Ecological Communities as defined by the Biodiversity Conservation Act 2016. These considerations are to be made in relation to Council owned land/public reserves and land that is to be dedicated to Council as part of land development or urban subdivision.

To reduce hazards, tree health impacts and maintenance costs being transferred to future generations, Table 4 identifies minimum vegetation buffer requirements between structures (excluding fences) and existing/proposed vegetation.

Table 4 Urban Subdivision/Development Minimum Vegetation Buffer Requirements

Vegetation Type	Minimum Vegetation Buffer Requirements
Urban bushland	The larger of either: 6m buffer from centre of tree trunk or 6m buffer from the Notional Root Zone (NRZ) Tree Protection Zone as per AS4970:2025 ⁰⁹ . Other environmental buffers may also apply as part of the development application process.
Fig tree	Major subdivision: 40m buffer from centre of tree trunk and root barrier protections are required applies excluding infill development. Minor subdivision and all other development: 6m buffer from the NRZ as per AS4970:2025 and/or root barrier protections may apply within 40m centre of tree trunk.

Norfolk Island Pine tree	Major subdivision: 20m buffer from centre of the trunk is required. excluding infill development. Minor subdivision and all other development: must adhere to AS4970:2025.
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5. Tree Protection

Council recognises the social, economic and environmental benefits that the urban forest provides. The protection of trees and vegetation will therefore be given high priority in all aspects of the Shire’s activities. Council technical staff will use best practice tree management procedures to ensure a consistent approach to tree and vegetation protection.

The following policy principles apply to tree and vegetation protection:

a. Management of Trees during Development Activities

Trees **(new and established)** must be protected from construction works and other activities/events that threaten tree health and stability. Tree sensitive design, management, construction including construction hoardings and scaffolding around trees must adhere to AS4970:20**2509**.

The Council Arborist or qualified staff will be consulted to review all Development Applications where works are within the **Notional Root Zone (NRZ)** ~~Tree Protection Zone (TPZ)~~ of trees on public land.

Development works within the **NRZ/TPZ** of public trees are to include an Arboricultural Report including Arboricultural Impact Assessment and **Tree Protection Plan** as per AS4970:20**2509**. This report is to be prepared by a Consulting Arborist with no affiliation to firms undertaking the tree pruning or removal works.

Council may consider a tree’s value according to industry standard tree valuation methods in assessing proposals to encourage redesign and retention of urban trees on public land.

b. Bonds on Public Trees

Council will impose bonds where public trees are at risk during development to ensure protection of existing trees. The bond will be used to rectify any damages to public trees and refunded upon completion of the construction and/or maintenance and/or tree health period should no damage occur. ~~This is to include all foreseeable costs including rehabilitation, removal, clean up, similar replacement, establishment and traffic control.~~ Bonds will be calculated based on Minimum Industry Standard 506 Tree Valuation (MIS506).

c. Overhead Power Lines and Utilities

Council may pursue measures to relocate infrastructure away from trees in certain circumstances, to reduce the need for excessive canopy pruning, reduce root damage and to increase new opportunities for tree planting.

Tree plantings are not to occur near power lines in accordance with the electricity legislation unless approved by the electricity authority and resourced for high accredited maintenance costs. Consideration will be given to the “bundling” or “undergrounding” of electrical wires to minimize harsh crown clearance pruning.

All new subdivisions should have underground rather than pole to pole electrical services.

d. *Unauthorised Tree Works/Vandalised Trees*

Council will not tolerate unauthorised tree works or vandalism upon trees and will take site specific responses following notification of illegal works and tree vandalism.

Council will investigate unauthorised tree works, poisoning and removal and pursue enforcement action where appropriate.
Measures Council may use include:

- community notification and education
- installation of public sign highlighting vandalised vegetation area
- installation of large view screen at the vandalised area until vegetation replacement occurs
- compliance actions
- removal actions
- compensatory actions

e. *Development Replacement Measures*

Council will require compensatory plantings to replace any damaged, removed and/or newly planted trees or vegetation.

The compensatory plantings will comply with Councils Biodiversity – Compensatory Habitat Offset Policy.

BACKGROUND

Ballina Shire has urban zones covering an area of 2,975 hectares. Land use is diverse and ranges from the central business districts to the ocean and river foreshore edges. It includes coastal and plateau topographies, varying residential densities, industrial and commercial developments.

Council’s urban forest is made up of a diverse range of species and age groups planted over a number of historic periods, creating a mosaic of plantings interwoven with remnant locally indigenous trees.

The value of this range of species and age class cannot be understated from species protection, carbon sequestration or community wellbeing. Council’s public trees provide many social, economic and environmental benefits. They beautify and soften streetscapes, provide wildlife habitat and play a significant role in determining the urban character of towns within the LGA. Trees are also essential in the maintenance of a healthy urban environment as they release oxygen, trap airborne pollutants and absorb carbon dioxide.

While trees play an important role in the urban landscape, it is also recognised that trees of the wrong type, or growing in the wrong place, can create problems and risks that are not reasonable in the urban environment.

All Stakeholders including public authorities and property owners have obligations and responsibilities with respect to the protection and management of trees on public land.

Tree management in the urban environment is about balancing the various risks against the benefits that trees provide, to ensure the best community outcome. A realistic Budget needs to be included in Council's Strategic Plan specifically for the effective management of this important public tree resource.

DEFINITIONS

AQF:	Acronym: Australian Qualifications Framework-a policy framework that defines all qualifications recognised nationally in post-compulsory education and training within Australia.
AS4970:202509:	Australian Standard: AS4970:202509 Protection of trees on development sites (or current version).
AS4373:2007:	Australian Standard: AS4373:2007 Pruning of amenity trees (or current version).
AS2303:20185:	Australian Standard: AS2303:20185 Tree stock for landscape use (or current version).
Arboriculture:	Practice and study of the care of trees and other woody plants in the landscape.
Arborist:	An industry professional with a minimum qualification of AQF Level 3 or above in Arboriculture or equivalent recognised and relevant experience.
Arboricultural Impact Assessment:	The review of the impact of construction (including cut or fill) on trees in accordance with AS4970:202509.
Consulting Arborist:	An industry professional with a minimum qualification of AQF Level 5 or higher or equivalent in Arboriculture, also referred to as the Project Arborist in AS4970:202509.
Emergency:	A serious, unexpected, and often dangerous situation requiring immediate action.
Hazard:	Anything with the potential to harm health, life or property.
Hazardous Branch or Tree:	As determined by Council's Arborist or independent Consulting Arborist.
Minor Subdivision:	Comprising 10 lots or less as per the Ballina Development Control Plan 2012 (Ballina DCP 2012)
Major Subdivision:	Comprising ability to accommodate more than 10 lots as per the Ballina DCP 2012
Pest:	A destructive insect or other animal that has a harmful effect on trees/vegetation (excluding native wildlife).
Pruning:	The removal of tree branches to predetermined points in accordance with AS4373:2007.
Remediate:	For the purpose of this Policy, this is to fully return a tree or ground to a state that is as close as reasonably possible to its original and previous condition.

7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

Ballina Shire Council

Urban Vegetation on Public Land

Risk:	The likelihood of harm occurring as a result of exposure to a hazard
Risk Assessment:	Tree risk assessment incorporating systematic best practice method(s) (e.g. Tree Risk Assessment Qualification (TRAQ), Tree Risk – Benefit Management and Assessment (VALID) or Quantified Tree Risk Assessment (QTRA)) and be undertaken by suitably qualified Consulting Arborists.
Significant Tree Register:	A database of trees which are defined as having cultural or arboricultural significance in the landscape.
Structure:	Any building or structure approved by Council or other relevant approval authority and includes carparks, detached garages, outbuildings, swimming pools and essential infrastructure.
Tree:	A perennial plant having a height of more than 3m and which has a woody, self-supporting main stem/s or trunk/s.
Tree Asset Management System:	A database which numbers and provides details of trees on public land. Information would include but not be limited to: location, species, common name, DBH, height, age class, vigour, condition, pruning history, pest and disease management.
Tree Damage:	Injury to a tree including removal, lopping, topping, mechanical wounding, poisoning by way of herbicide or other construction material leachate and or residues, and includes compaction and or disturbance to the roots.
Vegetation:	All the plants or plant life of a place taken as a whole. This includes trees, shrubs, groundcovers and vines.
Urban:	Town areas with either urban zones as per the Ballina DCP 2012 or urban bushlands. residential, commercial or industrial uses . These areas generally have speed limits of 60km/h or less.
Urban Bushland:	Land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

SCOPE OF POLICY

This Policy only applies to trees on public land.

This Policy applies to the following Stakeholders:

- Council employees, contracted staff and volunteers;

- Residents and residential property owners;
- Developers;
- Commercial businesses and properties;
- Council owned businesses and or enterprises;
- Consultants, Contractors; builders, engineers;
- Contracting and Consulting Arborists.

RELATED DOCUMENTATION

Related documents, policies and legislation:

- AS2302:2018⁵: Tree stock for landscape use
- AS4373:2007: Pruning of amenity trees
- AS4970:2025⁰⁹: Protection of trees on development sites
- Ballina Development Control Plan 2012
- Ballina Local Environment Plan 2012
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015 NSW
- **Biodiversity – Compensatory Habitat and Offsets Policy**
- Civil Liabilities Act 2002
- Code of Practice: Amenity Tree Industry 1998 (WorkCover NSW)
- Crown Land Management Act 2016
- Dividing Fences Act 1991
- Electricity Supply Act 1995
- Greener Places Design Guide (Draft) – Government Architect NSW
- Guide to managing the risks of tree work **trimming and removal work (March 2023 July 2016)** – Safe Work Australia
- Local Government Act 1993
- **Minimum Industry Standard 506 Tree Valuation (Arboriculture Australia)**
- National Parks and Wildlife Act 1974
- Relevant State controls such as State Environment Planning Policies (SEPP's)
- Rural Fires Act 1997
- Rural Fires Amendment Regulation 2020
- Statewide Mutual: Trees & Tree Roots Best Practice Manual (current version)
- Trees (Disputes between neighbours) Act 2006
- Work Near Overhead Powerlines – Code of Practice 2006

REVIEW

The Urban Vegetation on Public Land Policy is to be reviewed every four years.

Ward Committee Application



Lodge Applications at Ballina Shire Council • 40 Cherry Street Ballina (Mon-Fri 8.15am to 4.30pm)
mail PO Box 450 Ballina 2478 • **e** council@ballina.nsw.gov.au
t 1300 864 444 • **w** ballina.nsw.gov.au

All applications received will be acknowledged in writing by Council. Each application will be reported to Council.

Guidelines for committee nomination

Terms of reference: To provide Council with feedback and policy advice on matters referred by Council and/or raised by members on behalf of the community. Ward committees meet March, May, July, September and November. Refer to Council's [Community Consultation Policy](#)

Applicant Details

Name of organisation

Wollongbar Community Preschool

Address of organisation

5 Hall Court Wollongbar 2477

Primary purpose and activities of organisation

Provide Education and Care to Children.

President

Hettitia Allan

Treasurer

Ron Birch

Secretary

Kristy Catania

Contact person for application

Natalie Young

Phone

[Redacted]

Mobile phone

Email Address

[Redacted]

No. of members

Please select your ward committee nomination

- A Ballina Island, West Ballina, South Ballina B East Ballina, Lennox Head, Skennars Head, Newrybar C Wardell, Wollongbar, Alstonville

Is the Group/Organisation not-for-profit? Yes No

ABN number if applicable

Is the Group/Organisation incorporated? Yes No

How often does your group/organisation meet?

8 times per year

Are meeting details advertised?

Yes No

Signature of Applicant

[Handwritten Signature]

Name

Melissa Underwood

Date

17/02/2026

Privacy Protection Notice

The completed Ward committee application form contains personal information which is being collected for the purpose of reporting and to enable Council to perform any other duty or task under any relevant legislation. The information will be processed by the Corporate and Community Division and may be made available to public enquiries under the Government Information (Public Access) Act. The information supplied is required under the Government Information (Public Access) Act. The information will be stored in Council's electronic document management system.

11.5 Notice of Motion - Single Use Plastics

11.5 Notice of Motion - Single Use Plastics

Councillor Cr Crollick

I move:

1 That Council confirms in principle support for a short term phased approach to eliminating single use packaging and materials across all Council operations.

2. That Council include the following action in the 2025/26 Operational Plan

Prepare and adopt an implementation plan to eliminate single use packaging and materials across all Council operations.

Councillor Comments

This proposal is based on successful precedents set by Byron Shire and Bermagui councils, and it has the potential to create significant financial savings for Council and responds to increasing community concern about plastic pollution in our waterways.

The community in Ballina is already acting – Ballina RSL has launched a coffee cup swap; Ballina Environment Society, in conjunction with Council Waste Services, is initiating a coffee cup swap involving all Ballina cafes with a public education campaign to ensure sustainability.

The environmental and financial cost of single use packaging and products is well documented. Council has a good recycling policy already in place and this builds on that momentum to reduce waste that goes into landfill even further.

It is envisaged that this initiative would phase out single use coffee cups, cutlery, containers, plates and promotional items for all Council business and operations eg. Catering, workshops, events, merchandise including Council funded and sponsored activities and this would include all individuals, groups or organisations that use, hire or lease all Council owned or managed sites.

Staff Comments

The notice of motion aligns with Council's sustainability goals, however careful consideration will need to be given to implementation.

For Byron Shire Council, significant time and resources were required to implement the program.

Staff understand this was made possible by a grant from the NSW EPA in an amount of approximately \$200,000.

There are also risks from stakeholders, such as businesses and event organisers who may not support the policy.

11.5 Notice of Motion - Single Use Plastics

The amount of work involved may require a part time resource to be engaged for the policy development, operational budgets to manage stakeholder engagement and capital investment for items such as mobile wash stations.

The resourcing implications also impact other sections within Council including Open Spaces (event management), Commercial Services (licence and lease management), Health and Environment (hygiene assessments, compliance monitoring), Community Facilities (managing Council's sites).

Also, the upcoming period is very busy for the Resource Recovery Section, with the introduction of the proposed changes to the rural collection service and the new haulage and disposal contract.

These important tasks are to be followed by the new weighbridge project at the Resource Recovery Centre.

Our operational resources are also currently focused on improving the recovery from builders' waste, which is achieving significant positive results in terms of improved landfill diversion rates.

The wording of the notice of motion allows all these factors to be examined as part of the reporting back to Council.

It may ultimately still be preferable to monitor developments, in the sector for this type of policy approach, including grant opportunities, and seek to become more involved when there is more maturity in the systems and broader government and community support. This approach follows relatively recent resolutions of Council, which are reproduced as follows.

Resolution 270717/29

- 1. That Council make representations to the LGNSW, the Premier, the relevant Minister and our local members, asking that the NSW State Government introduce legislation to ban single use, plastic shopping bags, including reusable plastic bags and double strength plastic bags, to a level at least consistent with other Governments such as South Australia, Tasmania and ACT and NT.*
- 2. That Council actively promote and encourage the minimisation of the use of single use plastic bags through the Community Connect publication.*

Resolution 271022/32

- 1. That Council make all possible efforts, within available resources, to reduce the amount of visible plastic waste that gets shredded and turned into micro plastic waste as a result of Council mowing, slashing or similar works.*
- 2. That Council make every effort, again within available resources, to remove obvious pieces of plastic waste when undertaking works and services.*
- 3. That Council conduct an "anti-litter campaign" through its website/social media pages/community connect etc. drawing attention to the creation of*

11.5 Notice of Motion - Single Use Plastics

micro-plastics from mowing / slashing and the importance of removing obvious rubbish prior to mowing / slashing.

4. *That Council also include "Take 3 for the Sea" in the anti-litter campaign, asking the public to remove three pieces of litter from our beaches and waterways wherever they are visiting these places.*
5. *That Council also liaise with NE Waste to seek support for NE Waste undertaking a broader regional campaign drawing attention to the negative impacts that micro-plastics can have on our environment and waterways.*

These resolutions have been actioned and continue to be implemented through Council and NE Waste.

COUNCILLOR RECOMMENDATION

- 1 That Council confirms in principle support for a short term phased approach to eliminating single use packaging and materials across all Council operations.
- 2 That Council include the following action in the 2025/26 Operational Plan
Prepare and adopt an implementation plan to eliminate single use packaging and materials across all Council operations.

Attachment(s)

Nil