

ATTACHMENTS TO

Ordinary Meeting Business Paper

25 June 2026

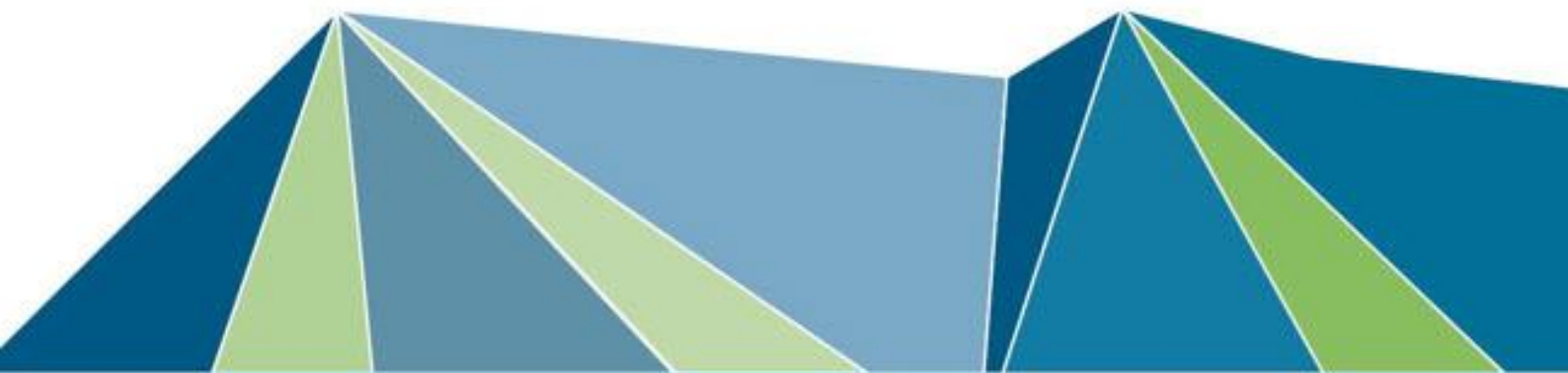


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*Planning Proposal – Ballina Local
Environmental Plan 2012*

» *Council Land Deferred Matter Transition
Planning Proposal*

BSCPP 26/002

May 2026 (V1 Initiation) 25/74964

ballina
shire council

Cover Photo - Waste Water Pump Station (**Site 6** - Lot 1 DP 604572 Shelly Beach Road, East Ballina)



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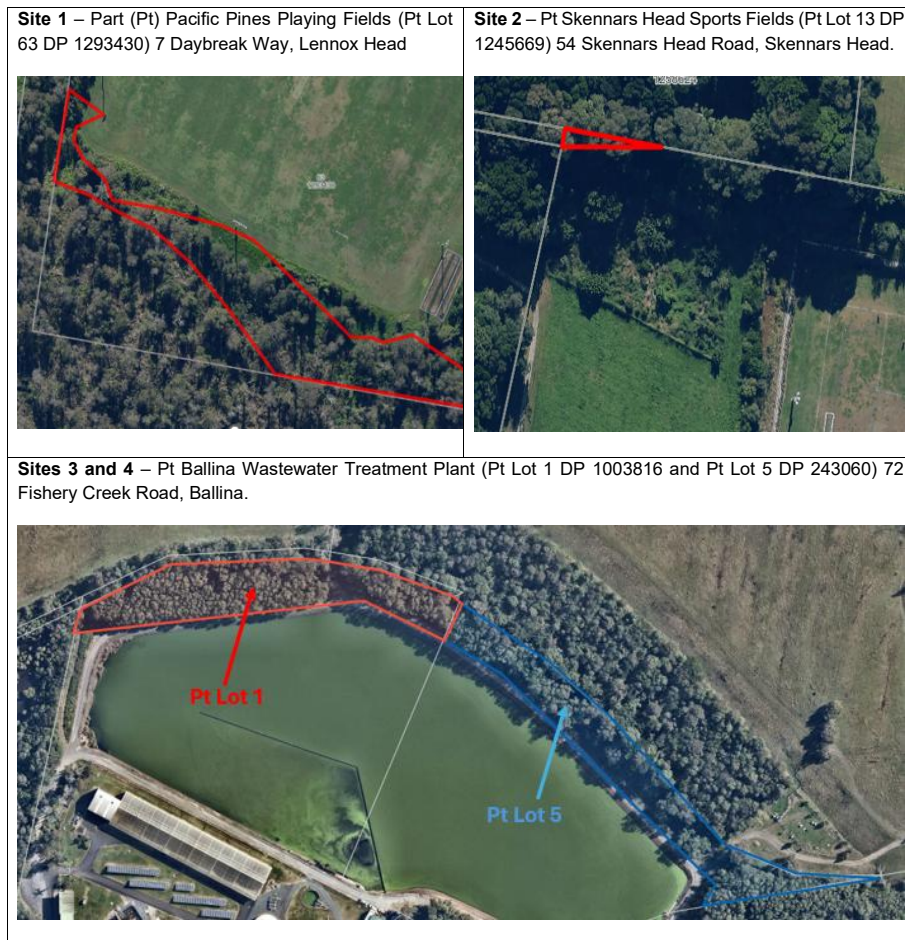
1. Introduction

1.1 Summary of planning proposal

The purpose of this planning proposal (PP) is to integrate certain public land into Ballina Local Environmental Plan 2012 (BLEP2012) from Ballina Local Environmental Plan 1987 (BLEP1987). This is land that was not included within BLEP 2012 Amendment No 55, published on 12 July 2012, as such land was identified by council as requiring further evaluation.

The location of the land subject to this PP is depicted in Figure 1a to 1f by coloured outline.

Figure 1a – Location Diagrams

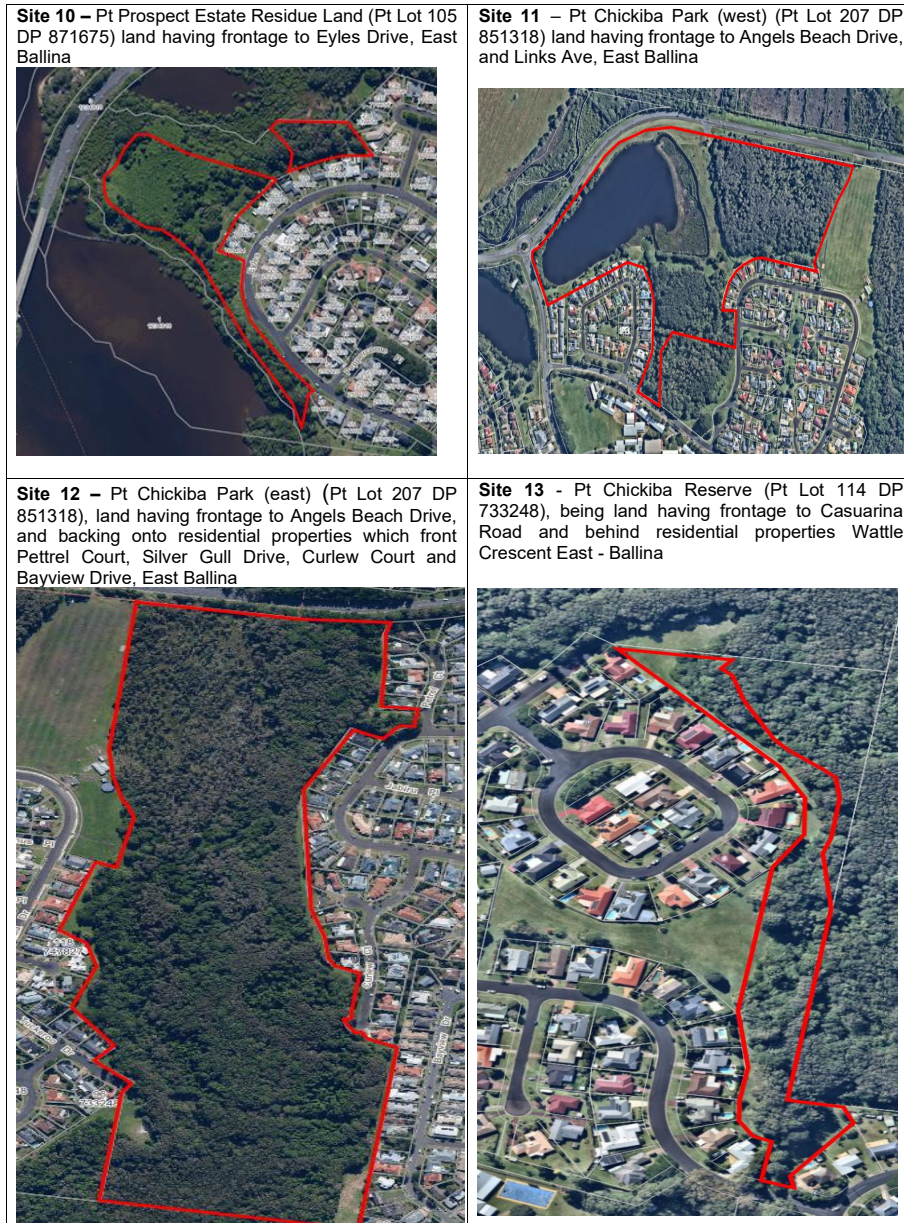


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Figure 1b- Location Diagrams



Figure 1c – Location Diagrams



Ballina Shire Council

Figure 1d – Location Diagrams

Site 14 - Pt Ballina Byron Gateway Airport (Pt Lot 297 DP 755684), Corks Lane, Ballina



Site 15 – Pt Booyul Estate Bushland Reserve (Pt Lot 17 DP 261887). Land having frontage to North Creek Road Lennox Head and including access ways to Page Court and Palisade Way



Site 16 – North Creek interface land north of Prospect Street East Ballina (Pt Lot 116 DP 261074) backing onto properties fronting Northumberland Drive



Site 17 – Duck Creek Mountain Bike Park, (Pt Lot 12 DP 814359) 240 Bruxner Highway, Alstonville



Figure 1e – Location Diagrams

Site 18 – Pt Lennox Head Wastewater Treatment Works (Pt Lot 2 DP612374) 352 North Creek Road, Skennars Head



Site 19 – Pt Headlands Reserve (Pt Lot 33 DP 846639) being land behind Carroll Avenue Skennars Head. Land on western side of shared pathway.



Ballina Shire Council

Figure 1f – Location Diagrams

Site 20 - Pt Angels Beach Bushland Reserve & Flat Rock Tent Park (Pt Lot 59 DP 827785) 38 Flat Rock Road, Skennars Head (Located near roundabout at intersection of Angels Beach Drive and the Coast Road East Ballina)



Site 21 - Pt Campbells Common, (Pt Lot 317 DP 1148856) Cumbalum



1.2 Background

When BLEP 2012 came into effect in January 2013, it included land designated as 'deferred matter'.

Deferred matter (DM) land is land that had been proposed for an environmental zone in the draft BLEP 2012 but had been 'deferred' from the LEP by the (then) Department of Planning and Infrastructure (DPI). It was deferred pending a review of the application of environmental zones in Northern Rivers LEPs to be undertaken by the DPI. The land affected instead retained its zoning under BLEP 1987, when BLEP 2012 came into effect in January 2013.

The DPI review of environmental zones was completed in 2016 with the publication of the *Northern Councils E Zone Review Final Recommendations Report* (NCEZR) and associated Ministerial Direction. The NCEZR stipulates the criteria council is required to apply when proposing land for certain environmental zones.

In April 2017 Council resolved to retain all areas zoned for environmental purposes (7 series zones) under BLEP 1987 as deferred areas. It also resolved to prepare a planning proposal to integrate the remaining deferred matter areas (non 7 series zones) into BLEP 2012 using NCEZR criteria.

In February and March 2023 council publicly exhibited its Conservation Zone Review (deferred matters integration) Planning Proposal (BSCPP21/004).

In September 2023 Council resolved to include environmental zones on private property only where a written request ("opt-in") from a landholder was submitted to and accepted by Council. Where written consent was not given, the land was instead proposed to be zoned the most appropriate equivalent zone to its current BLEP1987 zone.

The now Department of Planning Housing and Infrastructure (DPHI) did not support the "opt-in" approach. Instead, it completed the planning proposal for those lots not subject to objection generally in the manner it had been exhibited by council. This was then published on the NSW Legislation web site on 12 July 2024 as Amendment No. 55 to BLEP 2012.

Amendment No. 55 gave effect to council's exhibited 2023 PP (BSCPP21/004) and rezoned 475 lots. Rezoning these lots to zones, including C2 Environmental Conservation (C2), C3 Environmental Management (C3), RU1 Primary Production (RU1) and RU2 Rural Landscape (RU2), resulted in such lots being integrated into BLEP2012 and no longer being classified as a 'deferred matter'.

Excluded from Amendment No 55 were 257 lots where objections had been submitted. This included the council owned lots the subject of this PP. These lots were excluded as council advised the DPHI that additional investigation was required related to the most appropriate zone to be applied to this land.

1.3 Land to which the planning proposal applies

The land to which this PP applies are depicted in Figure 1a to 1f by coloured outline.

Table 1 details the land the subject of this PP, the existing and proposed zones, the primary use of the land as determined by Council and the basis of the proposed zone change decision.

Table 1 also indicates if a land classification and or category change is proposed under the provisions of the Local Government Act 1993 (LG Act). Where this is proposed the changes will be exhibited concurrently with this PP.

Ballina Shire Council

Table 1 – Property and Zone Information for Lots subject to Planning Proposal

| Site No | Property Details | Existing Zones that this PP proposes to Change | Primary Use of Land | Proposed Zones | LG Act Classification Change |
|---------|---|---|---|--|------------------------------|
| 1 | Part (Pt) Pacific Pines Playing Fields (Pt Lot 63 DP 1293430) 7 Daybreak Way Lennox Head | 2(b) (Residential / Village Area) BLEP1987 | Recreation | RE1 Public Recreation BLEP2012 | No |
| 2 | Pt Skennars Head Sports Fields (Pt Lot 13 DP1245669), 54 Skennars Head Road, Skennars Head | 2(a) (Residential / Living Area) BLEP1987 | Recreation | RE1 Public Recreation BLEP2012 | No |
| 3 & 4 | Pt Ballina Wastewater Treatment Plant (Pt Lot 1 DP 1003816 and Pt Lot 5 DP 243060 - 72 Fishery Creek Road, Ballina) | Rural (1(d) Urban Investigation) BLEP1987 | Urban Infrastructure | SP2 Infrastructure BLEP2012 | No |
| 5 | Meerscham Vale Bushfire Brigade site (Lot 1 DP 749702) 1004 Wardell Road | Rural 1(b) (Secondary Agriculture) BLEP1987 | Rural Infrastructure | RU2 Rural Landscape BLEP2012 | No |
| 6 | Wastewater pumping station site (Lot 1 DP 604572) Shelly Beach Road, East Ballina | 6(a) Open Space BLEP 1987 | Urban Infrastructure | SP2 Infrastructure BLEP2012 | No |
| 7 | Stormwater detention pond, (Lot 2 DP 1239938 Hutley Drive) land corner Hutley and Snapper Drives at Lennox Head | Pt E1 Local Centre, pt R3 Medium Density Residential BLEP2012 and pt 2(b) (Residential / Village Area) BLEP1987 | Urban Infrastructure in transition to recreation | RE1 Public Recreation BLEP2012 | No |
| 8 | Pt Bullinah Crescent Reserve, East Ballina (Pt Lot 22 DP1150518) | 2(a) (Residential / Living Area) BLEP1987 | Environmental Conservation and Residential / Infrastructure | Pt C2 Environmental Conservation and part R3 Medium Density Residential BLEP2012 | No |
| 9 | Pt Chickiba Creek Foreshore, (Pt lot 105 DP 871675) | 6(a) Open Space BLEP1987 | Environmental Conservation | C2 Environmental Conservation BLEP 2012 | No |

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

| Site No | Property Details | Existing Zones that this PP proposes to Change | Primary Use of Land | Proposed Zones | LG Act Classification Change |
|---------|---|---|--|--|--|
| 10 | Pt Prospect Estate Residue - southwestern section (Pt Lot 105 DP 871675) being land having frontage to Eyles Drive, East Ballina | 2(a) (Residential / Living Area) BLEP1987 | Environmental Management | C3 Environmental Management BLEP2012 | Yes (Operational to Community with a category of Natural Area – Wetlands) |
| 11 | Pt Chickiba Park – western section, (Pt lot 207 DP 851318) being land having frontage to Angels Beach Drive and Links Ave East Ballina | Pt 2(a) Living Area and Pt 6(a) Open Space BLEP1987 | Environmental Conservation and Recreation | Pt C2 Environmental Conservation and Pt RE1 Public Recreation BLEP2012 | Yes (Operational to Community with a category of Pt Natural Area – Wetlands, Pt Natural Area Bushland, Pt General Community Use |
| 12 | Pt Chickiba Park – eastern section, (pt lot 207 DP 851318) being land having frontage to Angels Beach Drive, and backing onto residential properties which front Petrel Court, Silver Gull Drive, Curlew Court and Bayview Drive East Ballina | Pt 2(a) Living Area, pt 6(a) Open Space, pt Rural 1(d) (Urban Investigation) BLEP1987 | Environmental Conservation and Infrastructure/ Recreation | Pt C2 Environmental Conservation and Pt RE1 Public Recreation BLEP2012 | Yes (Operational to Community with a category of Pt Natural Area – Bushland) for C2 zone and Pt General Community Use for RE1 zone |
| 13 | Pt Chickiba Reserve (Pt Lot 114 DP 733248) being land having frontage to Casuarina Road, backing onto residential properties which front Wattle Cres, Casuarina Road and Chickiba Drive, East Ballina. | Pt 2(a) Living Area, pt 6(a) Open Space BLEP1987 | Environmental Conservation and Infrastructure / recreation | Pt C2 Environmental Conservation and Pt RE1 Public Recreation BLEP2012 | No |
| 14 | Pt Ballina Byron Gateway Airport site - Lot 297 DP 755684, Corks Lane, Ballina | Rural 1(b) (Secondary Agriculture) BLEP1987 | Infrastructure and Environmental Conservation | Pt SP2 Infrastructure and Pt C2 Environmental Conservation BLEP2012 | No |
| 15 | Pt Booyul Estate Bushland Reserve – (Pt lot 17 DP 261887) land having frontage to North Creek Road, Lennox Head and including access ways to Page Court and Palisade Way. | 6(a) Open Space BLEP1987 | Environmental Conservation and Infrastructure / Recreation | Pt C2 Environmental Conservation and Pt RE1 Public Recreation BLEP2012 | Yes Category of proposed RE1 zone to be changed from Natural Area Bushland to General Community Use |

Ballina Shire Council

| Site No | Property Details | Existing Zones that this PP proposes to Change | Primary Use of Land | Proposed Zones | LG Act Classification Change |
|---------|---|---|---|--|--|
| 16 | North Creek interface land north of Prospect Street East Ballina (Pt Lot 116 DP 261074) backing onto properties fronting Northumberland Drive | 2(a) Living Area BLEP1987 | Infrastructure / Recreation | RE1 Public Recreation BLEP2012 | Yes Change category applicable to proposed C2 zone from <i>Natural Area Wetland</i> to <i>General Community Use</i> . |
| 17 | Duck Creek Mountain Bike Park, (Lot 12 DP 814359) 240 Bruxner Highway, Alstonville. | Pt Rural 1(e) Extractive and Mineral Resources) BLEP1987 & Pt RU1 Primary Production BLEP2012 | Recreation | RE1 Public Recreation BLEP2012 | Yes (Operational to Community with a category of <i>General Community Use</i>) |
| 18 | Pt Lennox Head Wastewater Treatment Plant – (Pt Lot 2 DP 612374) 352 North Creek Road, Skennars Head | Pt Rural 1(b) (Secondary Agriculture) and Pt Rural 1(d) (Urban Investigation) BLEP1987 | Environmental Conservation and Urban Infrastructure | C2 Environmental Conservation and SP2 Infrastructure, BLEP2012 | No |
| 19 | Pt Headlands Reserve – (Pt Lot 33 DP 846639), being land behind properties having frontage to Carroll Avenue Skennars Head | Residential 2(b) Village Area BLEP1987 | Recreation | RE1 Public Recreation BLEP 012 | No |
| 20 | Pt Angels Beach Bushland Reserve & Flat Rock Tent Park site (Pt Lot 59 DP 827785) 38 Flat Rock Road, Skennars Head | Unzoned land BLEP1987 | Environmental Conservation | C2 Environmental Conservation BLEP 2012 | No |
| 21 | Pt Campbells Common, (Pt Lot 317 DP 1148856) Cumbalum | Residential 2(b) Village Area BLEP1987 | Environmental Conservation | C2 Environmental Conservation BLEP2012 | No |

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

1.4 Council Resolutions

The preparation of this PP commenced following a Council resolution at its Ordinary Meeting on 28 August 2025 (Minute No 280825/5). At that time the Council resolved in part as follows:

7. The transition of Council owned deferred matter properties, excluded from Amendment No 55, are to be included in a planning proposal, within the next 12 months.

During the preparation of this PP land other than council owned DM land (Sites 7 and 17) was identified for inclusion within the proposal. This was due to its proximity to DM land forming a part of this PP and in respect to which the zoning applicable was inconsistent with the existing or intended use of the land.

1.5 Gateway Determination

Insert details of the Gateway Determination here when issued

Ballina Shire Council

1.6 Deferred Matter Integration Context and Interpretation

The application of conservation zones in Ballina Shire is required to be based on the NSW Department of Planning and Environment's *Northern Councils E Zone Review Final Recommendations Report* (NCEZR) dated October 2015. This report is supported by a section 9.1(2) Ministerial Local Planning Direction (3.4) to ensure the application of C zones and mapped planning controls are consistent with the final recommendations report. Central to the process for zone determination under the NCEZR is the determination of the Primary Use of Land prior to making rezoning decisions.

A number of matters relevant to this PP, as detailed in the NCEZR and associated material, require explanation as detailed below.

1.6.1 Primary Use of Land (PUL)

The NCEZR defines primary use of the land as the main use for which the land has been used for the last two years.

In respect to publicly owned land the NCEZR enables public land to be zoned C2 or C3 despite that land being inconsistent with the nominated criteria, if the primary use of the land is for environmental conservation or environmental management.

The NCEZR also states that *it is not considered necessary for councils to apply the primary use of land principle to land which already has an environmental protection (7) zone as the land is currently identified for environmental conservation or management.*

1.6.2 Verification of C zone criteria

Where this PP proposes to zone land for conservation purposes the lands ecological characteristics have not been specifically verified by ecologists. Council has instead relied on NSW State Vegetation Type Map (SVTM) mapping to determine vegetation types and for determination of consistency with NCEZR criteria.

In all cases where land is proposed to be zoned for conservation purposes by this PP such land adjoins existing 7 Environmental zoned land under the provisions of BLEP 1987. As indicated above the NCEZR does not require the application of the PUL principle to land that is already subject to an environmental protection (7) zone. In that context and also having regard to the public land status of the land reliance on SVTM mapping is considered to be reasonable and justified.

1.6.2 Not mandatory to apply a conservation zone

The NCEZR states that it is not mandatory to apply a conservation zone even if the land has been verified to meet the criteria. If council believes the intended primary use of the land does not warrant a conservation zone, then other mapped planning controls may be applied.

2. Objectives & Intended Outcomes

The objective of this planning proposal is to:

a) Transition land contained within the 21 sites identified within Figures 1a to 1f from BLEP 1987 into BLEP 2012 from BLEP 1987. This land is designated as a DM (*deferred matter*) within BLEP 2012.

It is intended to achieve this objective through the following means:

- Apply a C2 zone to land identified as meeting the criteria set out under the NCEZR and where the PUL has been determined to be conservation.
- Apply a RE1 Recreation zone where the current or future proposed PUL has been determined to be recreation.
- Apply a SP2 Infrastructure zone where the PUL has been determined to be infrastructure and the land is contained within an urban growth area as designated by the North Coast Regional Plan 2041.
- Apply a RU2 zone to rural land where the PUL has been determined to be infrastructure and where land contains rural infrastructure.
- Apply consequential development standard mapping where applicable. Consequential provisions consist of (where applicable) Height of Buildings (8.5m), Acid Sulfate Soil, Lot Size, Building Height Allowance and Strategic Urban Growth Area. *Note: Consequential provisions are only applied to part lots where such provisions already apply to the non-deferred matter part of the lot.*
- Amend the Land Application Map to incorporate the land within BLEP 2012.

b) Rezone part of Lot 12 DP 814359, 240 Bruxner Highway, Alstonville (Duck Creek Mountain Bike Park – Site 17) from RU1 Primary Production to RE1 Public Recreation under BLEP2012.

c) Rezone part of Lot 2 DP 1239938 Public Reserve Hutley Drive Lennox Head from Pt E1 Local Centre and pt R3 Medium Density under BLEP2012 to RE1 Public Recreation under BLEP2012.

Note:

This PP also details classification and land categorisation changes proposed under the provisions of the Local Government Act 1993 (LG Act) which do not trigger the PP process. These changes affect existing Operational land which is proposed to be reclassified as Community land, or which provide for a category change of existing Community land. Section 33(1) of the LG Act provides that reclassification of Operational land to Community land may be achieved through a council resolution. A PP is not required for such classification changes.

Changes to land category may only be made through the plan of management process (s41 LG Act). Council will follow this process at a future time when next reviewing the Plan of Management for Community Land 2025.

The following section provides more detailed information relating to each of the sites referenced in Table 1.

Ballina Shire Council

Site 1 - Part of Pacific Pines Playing Fields, Pt Lot 63 DP 1293430, 7 Daybreak Way Lennox Head.

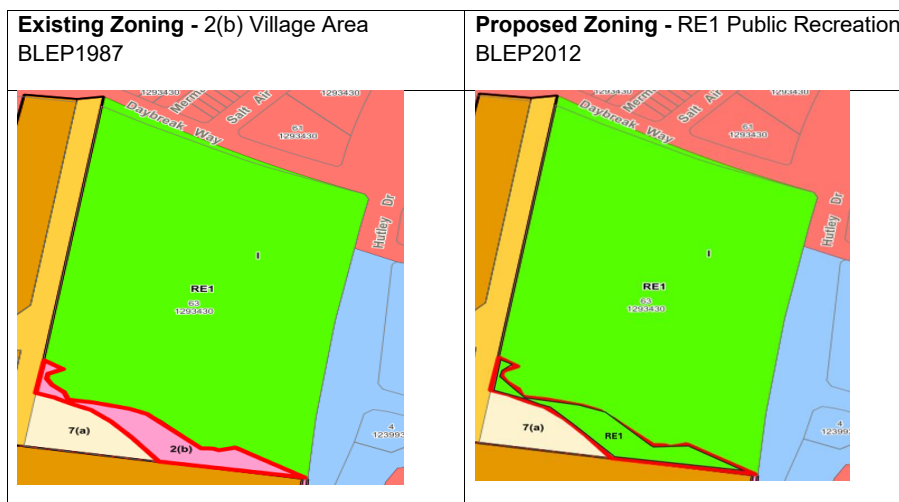
This PP relates to the area shown by the red outline on the map snip below. This land is in an interface area between a wetland and a playing field. The area includes some cleared land.

The rezoning area is zoned as 2(b) Village Area under BLEP1987. It is proposed to be rezoned to RE1 Public Recreation under BLEP2012.

The rezoning area is mapped on NSW State Vegetation Type Maps (SVTM) as containing Far North Bangalow Palm Forest and Far North Floodplain Paperbark Swamp Oak Forest. Given the partly cleared nature of the land and its location adjoining playing fields a RE1 zone is proposed to be applied to the land. The RE1 zone is consistent with the zoning of adjoining land to the north.

No changes to the lands LG Act land classification of *Community* or category *Sportsground* are proposed.

Aerial View of Proposed Rezoning Area (Outlined in red) Pt Lot 63 DP 1293430



BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Consequential Proposed Changes to BLEP 2012 Mapping

Acid Sulfate Soils – Class 2
Building Height Allowance – 1.9m
Height of Buildings – 8.5m;
Land Application Map
(Note: No Lot Size proposed)

Local Government Act 1993 – Land Classification and Category

No change to *Community* land classification or category *Sportsground* are proposed.

Ballina Shire Council

Site 2 – Part of Skennars Head Sports Fields – Pt Lot 13 DP1245669, 54 Skennars Head Road, Skennars Head.

This PP relates to the land shown by the red outline on the map snip below. This triangular shaped area occupies an area of approximately 40m². This land is located in the far north-western corner of a site which contains playing (soccer) fields.

The subject land is zoned 2(a) Living Area under LEP1987. It is proposed to be rezoned to RE1 Public recreation under BLEP2012.

No changes to the *Operational* classification of the land under the LG Act is proposed.

The subject land is located in a vegetated area which is mapped (SVTM) as containing Far North Bangalow Palm Swamp Forest. A RE1 zone has been applied to this land due to this zones consistency with the zoning of adjoining land to the west.

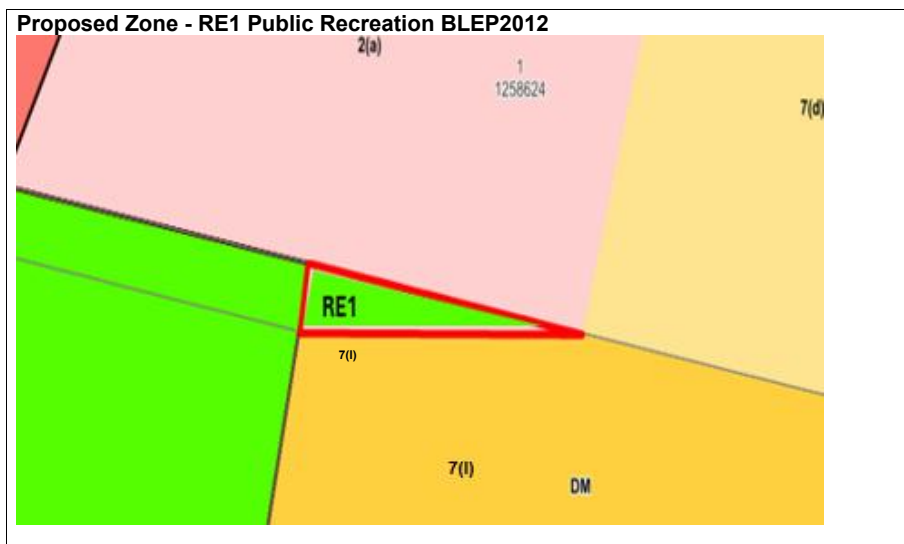
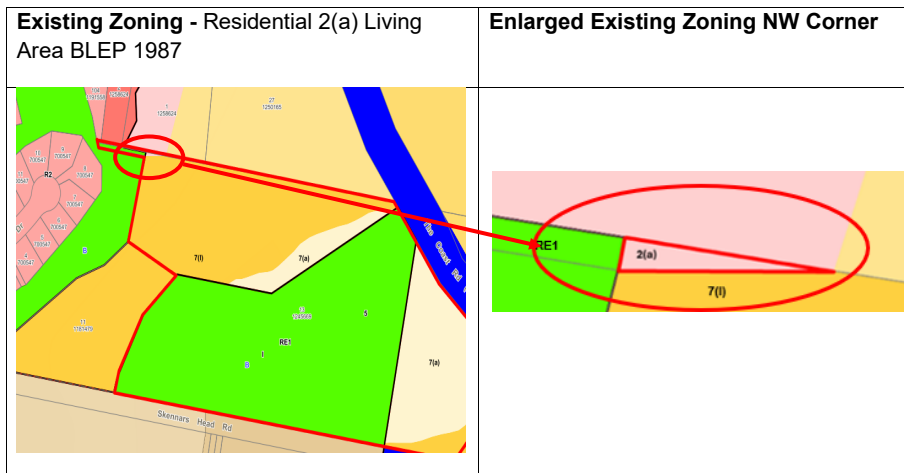
It is noted that land to the south of the rezoning site is zoned 7(l) Environmental Protection (Habitat) under the provisions of BLEP1987.

Aerial View of Proposed Rezoning Area (Outlined in red) Pt Lot 13 DP1245669



8.1 Planning Proposal - Council Owned Land - Deferred Matters Transition

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal



Consequential Proposed Changes to BLEP 2012 Mapping
 Height of Building – 8.5m
 Land Application

Local Government Act 1993 – Land Classification and Category
 No change to *Operational* land classification proposed.

Ballina Shire Council

Site 3 & 4 - Part of Ballina Wastewater Treatment Plant – Part Lot 1 DP 1003816 (red outline) and part Lot 5 DP 243060 (blue outline) - 72 Fishery Creek Road, Ballina

This PP relates to the area shown by the red and blue outline on the map snip below.

Aerial View of Proposed Rezoning Area shown outlined in Red and Blue



The land subject to this PP is zoned 1(d) Rural (Urban Investigation) under BLEP1987. This land is proposed to be rezoned to SP2 Infrastructure under BLEP2012. Refer to the map snips below which show the existing and proposed zone.

Vegetation within the rezoning area is mapped (SVTM) as consisting of Far North Mangrove Forest plant communities. This vegetation does not form part of a mapped coastal wetland area under the Resilience and Hazards SEPP.

The vegetation within the proposed rezoning area is considered to meet the criteria for application of a C2 or C3 zone.

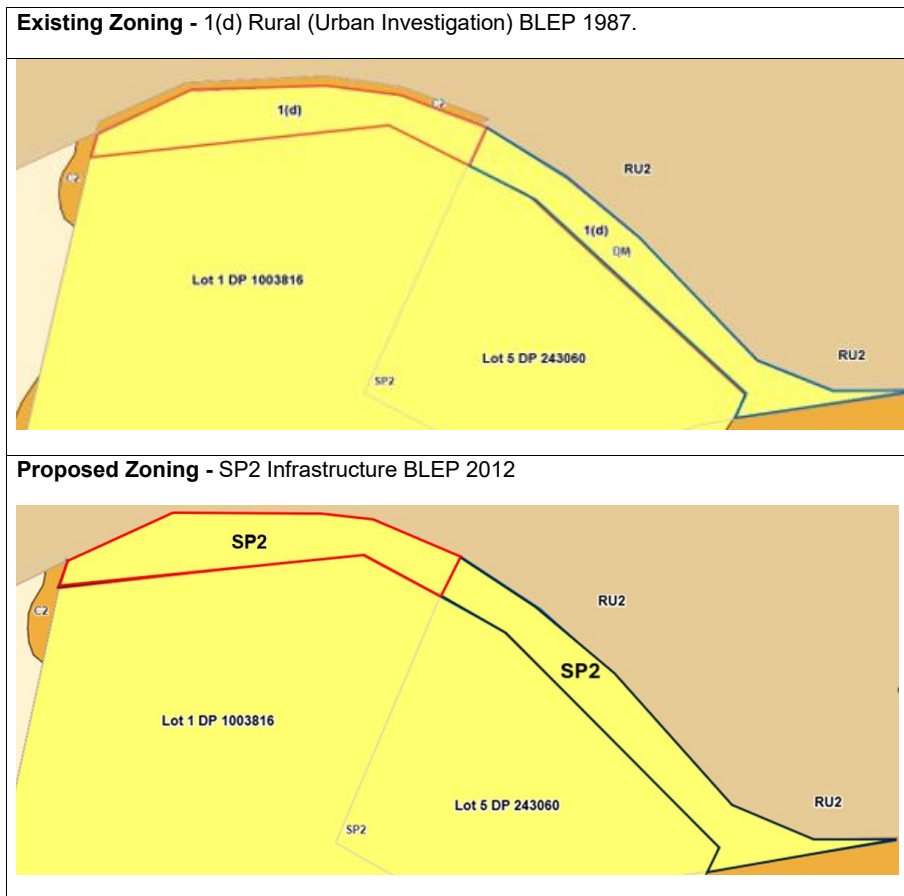
The primary function of the vegetation is to serve as a buffer to the wastewater pond. As such a PUL of infrastructure and not environmental has been assigned to the proposed rezoning area. It is for this reason that the PP proposes to apply a SP2 Infrastructure - zone to the land.

No change to the *Operational* classification of the land under the LG Act is proposed.

Photos showing access road and vegetated buffer area



BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal



Consequential Proposed Changes to BLEP 2012 Mapping
 Acid Sulfate Soils – Class 2
 Building Height Allowance Map – 1.8 to 2.1m
 Height of Building Map – 8.5m
 Land Application Map
 Lot Size (40ha)
 Strategic Urban Growth Area – Land Adjacent to Strategic Urban Growth Area

Local Government Act 1993 – Land Classification and Category
 No change to *Operational* land classification proposed.

8.1 Planning Proposal - Council Owned Land - Deferred Matters Transition

Ballina Shire Council

Site 5 - 1004 Wardell Road (Lot 1 DP 749702), Meerschaum Vale

This PP relates to the land outlined in red on the map snip below.

Aerial View of Proposed Rezoning Area shown outlined in red



Lot 1 has an area of 3,821m² and contains a bushfire brigade shed. The rear of the lot is heavily vegetated. Vegetation mapping (SVTM) indicates the vegetation is Far North Coast Brush Box – Walnut Wet Forest. This vegetation meets the criteria for a C2 zone under the NCEZR.

The PUL for the land is infrastructure in recognition of its bush fire brigade use and not environmental conservation. For this reason, a RU2 zone has been applied to the land instead of a C2 zone.

Lot 1 is classified as *Community* land with a category of *General Community use* under the provisions of the LG Act. No changes to land classification or category are proposed.

| Existing Zone | Proposed Zone |
|---|--------------------------------------|
| <p>Lot 1 zoned part RU2 Rural Landscape BLEP 2012 and part 1(b) Rural (Secondary Agriculture) LEP1987</p> | <p>RU2 Rural Landscape BLEP 2012</p> |

Consequential Proposed Changes to BLEP 2012 Mapping

Height of Building Map – 8.5m
 Land Application Map
 Lot Size (40ha)

Local Government Act 1993 – Land Classification and Category

No change to *Community* land classification and category of *General Community Use* proposed.

Site 6 - Lot 1 DP 604572 Shelly Beach Road, East Ballina

This PP relates to the land outlined in red on the map snip below.

Aerial View of Proposed Rezoning Area shown outlined in red

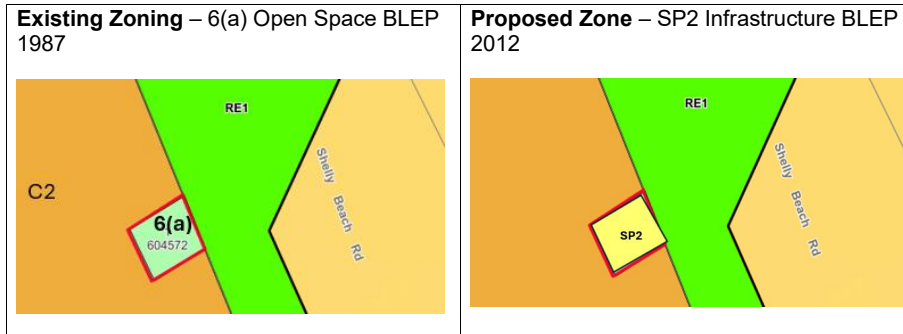


Lot 1 DP 604572 has an area of 39.3m² and contains a wastewater pumping station. Given the use of the land a SP2 Infrastructure zone is proposed.

Lot 1 is zoned 6(a) Open Space under BLEP1987 and it is proposed to be rezoned to SP2 Infrastructure under BLEP2012.

Lot 1 is classified as *Operational* land under the LG Act and no changes to this is proposed.

Vegetation on the land has not been mapped on SVTM maps.



Consequential Proposed Changes to BLEP 2012 Mapping
 Height of Building – 8.5m
 Land Application

Local Government Act 1993 – Land Classification and Category
 No change to *Operational* land classification proposed.

Ballina Shire Council

Site 7 - Lot 2 DP 1239938 Hutley Drive, Lennox Head

This PP relates to the land outlined in red on the map snip below.

Aerial View of Proposed Rezoning Area shown outlined in red



Lot 2 has an area of 5.532ha. This lot was created in 2018 as a public reserve. The lot contains stormwater infrastructure (detention pond) which services the nearby urban area to the north.

Lot 2 is zoned part E1 Local Centre and part R3 Medium Density under BLEP 2012, part 7(a) Wetland and part 2(b) Village zone under BLEP1987 as shown in the existing zones diagram below.

Vegetation in the southwestern part of Lot 2 has been mapped (SVTM) as North Bangalow Swamp Forest.

The 2(b) zoned portion of the land (SE corner) has an area of 469m² and in terms of landform is similar to the remainder of Lot 2 ie low and wet.

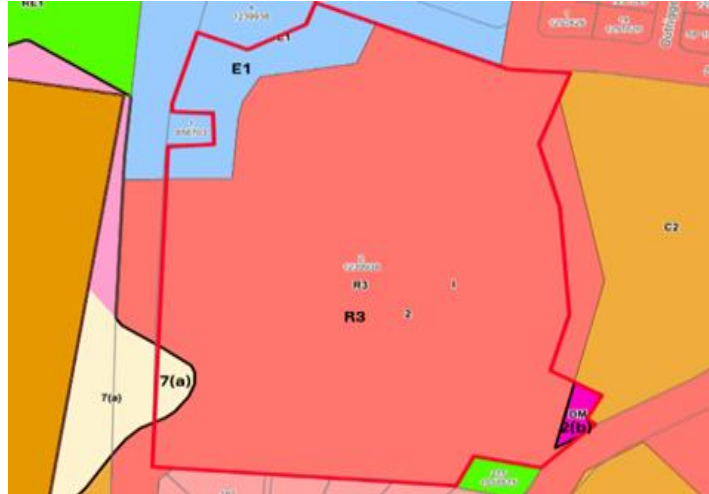
Lot 2 is classified as *Community* land with a category of *General Community Use* under the provisions of the LG Act. No changes to land classification or category are proposed.

Due to the public reserve and community status of the land this PP proposes to apply a RE1 Public Recreation zone to the land excluding that part zoned 7(a) Environmental Protection (wetland) as indicated in the proposed zone diagram below.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Existing Zoning

Part E1 Local Centre and part R3 Medium Density BLEP2012; Part 7(a) Wetland and part 2(b) Village zone BLEP1987.



Proposed Zone:

RE1 Public Recreation BLEP2012 for all but the 7(a) portion of Lot 2.



Ballina Shire Council

Consequential Proposed Changes to BLEP 2012 Mapping

Acid Sulfate Soils – Class 2
Height of Building – 8.5m
Land Application
Building Height Allowance – 1.8m
Lot Size – No lot size proposed – remove existing 600m² and 800m² provisions

Local Government Act 1993 – Land Classification and Category

No change proposed to *Community* land classification and category of *General Community Use* proposed.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Site 8 - Part of Bullinah Crescent Reserve, Lot 22 DP1150518 (Lot 22), East Ballina

Lot 22 was created as a public reserve in April 2010 with the registration of DP 1150518.

Lot 22 has an area of 7,516m² and is zoned 2(a) Living Area under BLEP1987.

Lot 22 adjoins, at its northern end, Lot 23 which was rezoned C2 as part of BLEP2012 Amendment No 55 in July 2024. Lot 23 is also a council owned public reserve.

Lot 22 did not have a C2 zone applied to it as part of BLEP2012 Amendment No 55 due to the inconsistency of this zone with a cleared section of the lot (622.5m² approx.) at its southern end as shown on the aerial photo below.

The PUL of Lot 22 is environmental conservation excluding the cleared southern section which has a PUL of residential / infrastructure. The cleared area functions as an Asset Protection Zone (APZ) for the adjoining residential lot (Lot 18) which is in private ownership.

It is proposed to rezone Lot 22 to C2 excluding the southern cleared section to which a R3 Medium Density Residential zone has been applied. The R3 zone is consistent with the adjoining residential zone.

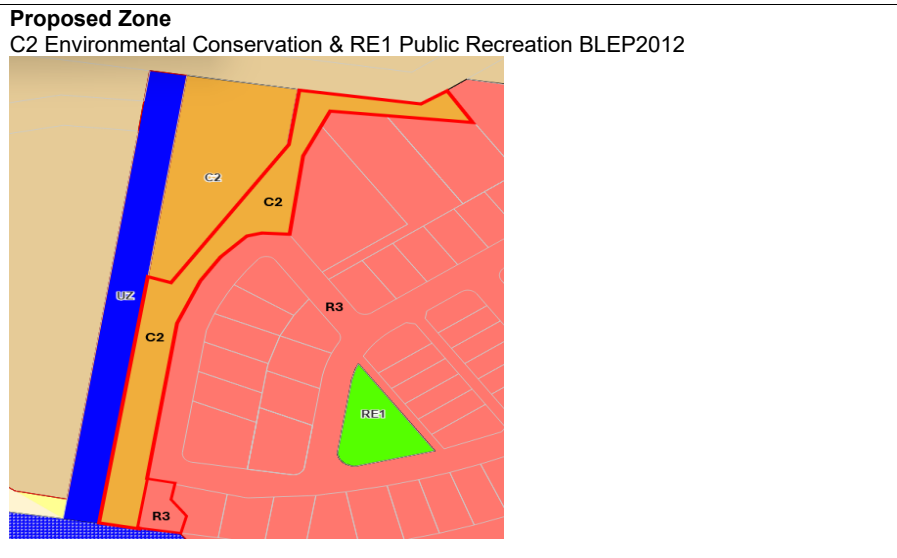
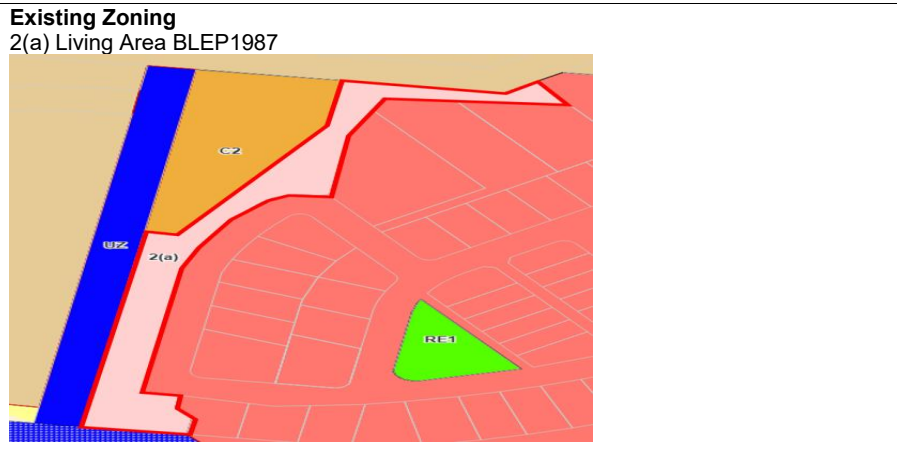
The vegetation on Lot 22 is mapped (SVTM) as containing Far North Sands Coastal Cypress Dry Shrub Forest. Coastal Cypress Pine Forest is listed as an Endangered Ecological Community (EEC) and would meet the criteria for a C2 zone under the provisions of the NCEZR.

The whole of Lot 22 is classified as *Community* land with a category of *Natural Area Bushland* under the provisions of the LG Act. At this stage no changes are proposed.

Aerial View of Proposed Rezoning Area shown outlined in red



Ballina Shire Council



Consequential Proposed Changes to BLEP 2012 Mapping

Height of Building – 8.5m
Land Application
Lot Size – 40ha

Local Government Act 1993 – Land Classification and Category

No change to *Community* land classification or *Natural Area Bushland* category proposed.

Site 9 - Part of Chickiba Creek Foreshore, Pt Lot 105 DP 871675 (Lot 105), East Ballina

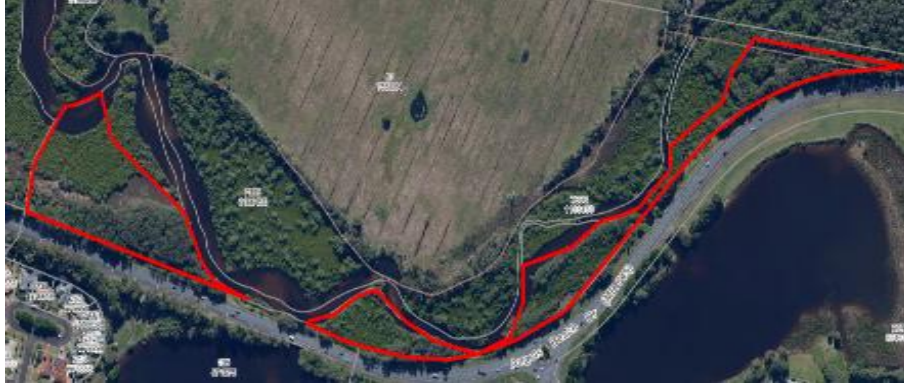
This PP relates to that part of Lot 105 land having frontage to Angels Beach Drive, Links Ave and Eyles Drive East Ballina.

A C2 zone has been proposed over the areas shown by red outline on the aerial photo below. This is based on consistency with existing C2 zoned land and the adjoining 7(a) Environmental Protection (wetlands) zone. The adjoining land to the north is owned by NSW Crown Lands – Department of Industry Land and Water. The site adjoins Angels Beach Drive and it is noted that *Roads* are a use permitted with consent in both the C2 and C3 zones.

The vegetation within the proposed rezoning area is mapped (SVTM) as Far North Floodplain Paperbark Swamp Oak Forest and Far North Mangrove Forest. This vegetation type meets the criteria for a C2 or C3 zone under the provisions of the NCEZR.

The land is classified as *Community* land with a category of *General Community Use*. No changes to land classification or category are proposed.

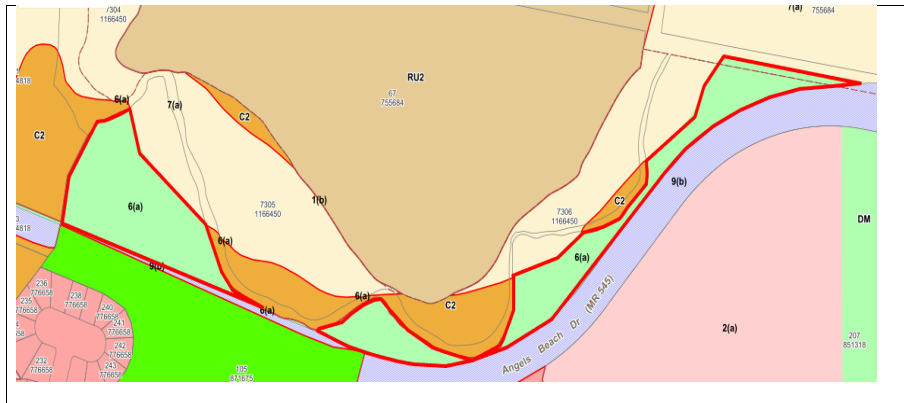
Aerial View of Proposed Rezoning Area shown outlined in red



Existing Zoning

6(a) Open Space BLEP1987 (red outlined area)

Ballina Shire Council



Proposed Zone

C2 Environmental Conservation BLEP2012



Consequential Proposed Changes to BLEP 2012 Mapping

- Acid Sulfate Soils – Class 2
- Lot Size 40ha
- Land Application
- Height of Buildings – 8.5m
- Building Height Allowance – 1.8m

Local Government Act 1993 – Land Classification and Category

No change proposed to existing *Community* land classification and category of *General Community Use*.

Site 10 - Part Lot 105 DP 871675 (Pt Lot 105) (south-western section) being land having frontage to Eyles Drive, East Ballina

The proposed rezoning area is residue land originally created at the time of subdivision of the adjoining Prospect Estate in 1984.

Pt Lot 105 is zoned 2(a) Living Area under the provisions of BLEP1987 and is classified as *Operational* land under the provisions of the LG Act.

The vegetation on the land is mapped (SVTM) as Far North Littoral Rainforest, Far North Floodplain Paperbark Swamp Oak Forest and Far North Bangalow Palm Swamp Forest with no vegetation listing over the western most central area. Vegetation communities on this site meet the criteria for a C2 or C3 zone under the provisions of the NCEZR.

The PUL of the land is Environmental Management as the land functions as an interface area between residential areas and coastal wetlands. Ongoing vegetation management works including weed removal are required in this area.

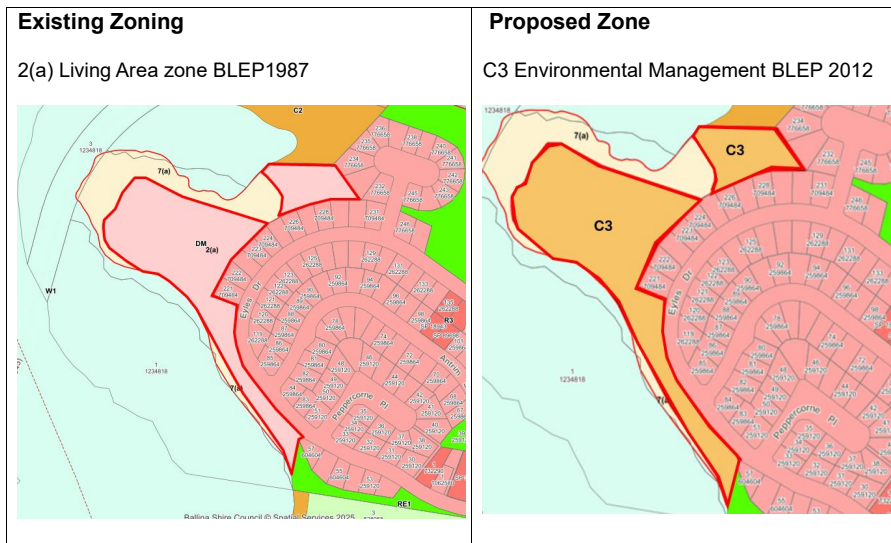
This PP applies a C3 Environmental Management zone to the subject land.

The classification of the land is proposed to be changed from *Operational* to *Community* with a category of *Natural Area Wetland* under the provisions of the LG Act.

Aerial View of Proposed Rezoning Area shown outlined in red



Ballina Shire Council



Consequential Proposed Changes to BLEP 2012 Mapping

Acid Sulfate Soils – Class 1, 2 and 5
Lot Size - 40ha
Land Application
Height of Buildings – 8.5m
Building Height Allowance – 2m

Local Government Act 1993 – Land Classification and Category

Change the existing *Operational* land classification to a *Community* land classification with a category of *Natural Area Wetland*.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

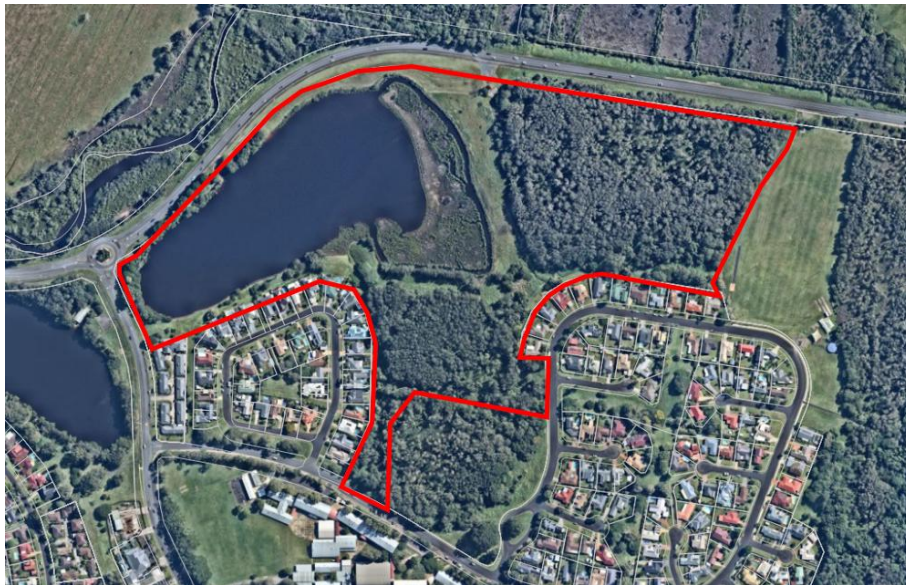
Site 11 - Part of Chickiba Park, Pt Lot 207 DP 851318 (Pt Lot 207 west) East Ballina

This site is the western section of Chickiba Park being land having frontage to Angels Beach Drive, Links Ave East Ballina.

Pt Lot 207 west is residue land originally created at the time of subdivision of the adjoining Angels Beach (south) residential estate in 1995.

Pt Lot 207 west is outlined in red on the diagram below. It is part of the area known as Chickiba Park. Also contained within this land is a water body – Lake Chickiba, which was created through the excavation of fill material. This material was used when constructing the adjoining residential subdivision. The water body is used for recreational activities such as model sailboat racing and fishing.

Aerial View of Proposed Rezoning Area shown outlined in red



Part lot 207 is zoned part 2(a) Living Area and part 6(a) Open Space under the provisions of BLEP1987.

The 2(a) zoned part of the land is classified as *Operational* land under the LG Act. Whereas the 6(a) zoned part of the land is classified as *Community* land within a category of part *General Community Use*, part *Natural Area Wetland* and part *Natural Area Bushland*.

The vegetation on the land is mapped (SVTM) as Far North Floodplain Paperbark Swamp Oak Forest and Far North Bangalow Swamp Forest. Mangroves are also located along the lake perimeter particularly the eastern most end.

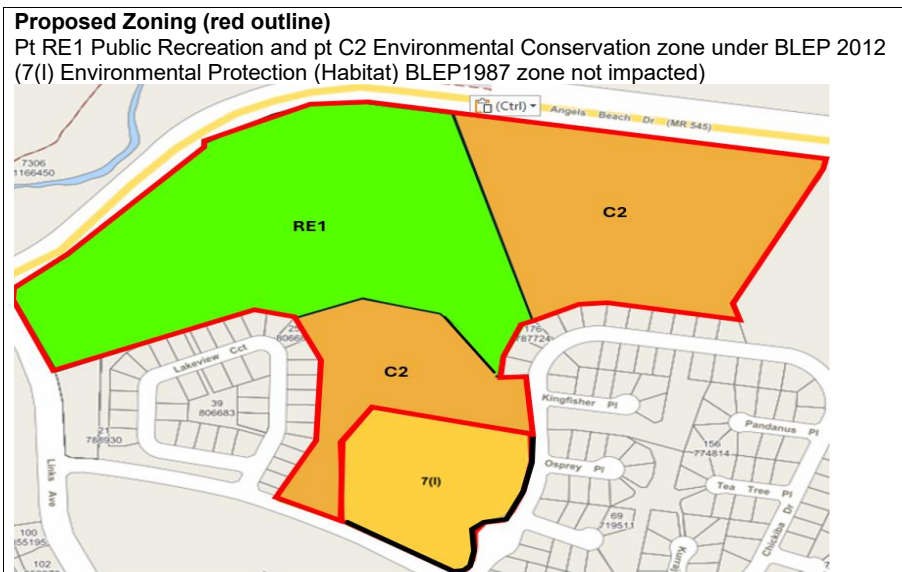
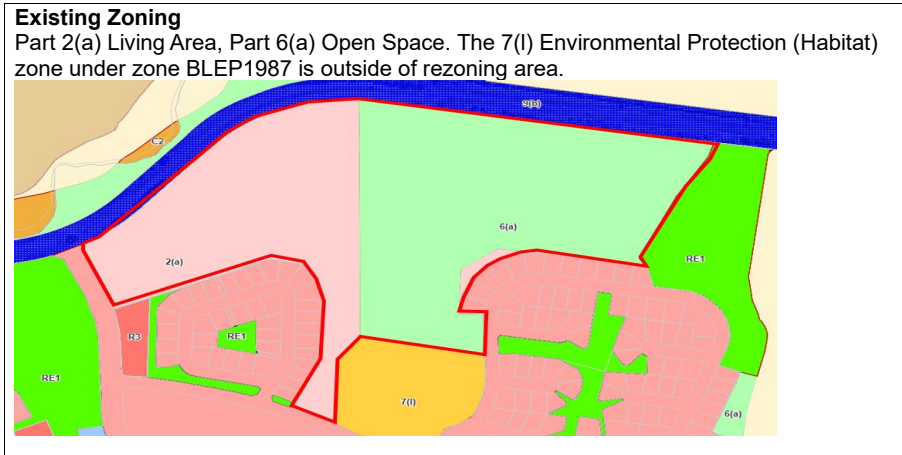
Vegetation communities on the land meet the criteria for a C2 or C3 zone under the provisions of the NCEZR.

Ballina Shire Council

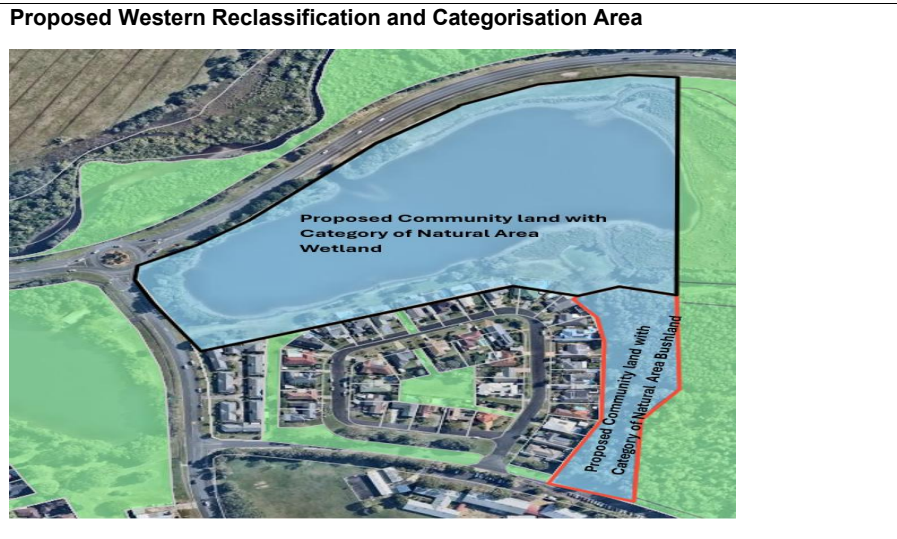
The land has a mixed PUL of part recreation and part environmental conservation. That part of the land with a recreation PUL is proposed to be zoned RE1 Public Recreation. A C2 Environmental Conservation zone is proposed to be applied to that part of the land with an environmental conservation PUL.

The western most part of the land, with an *Operational* classification, is proposed to be changed to a *Community* classification. This land is proposed to be categorised as part *Natural Area Wetland* and part *Natural Area Bushland*.

The smaller eastern area with an *Operational* classification (2(a) zone) is also proposed to be reclassified as *Community* land with a category of *General Community Use*.



BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal



BLEP 2012 Mapping Consequential Proposed Map Changes

Acid Sulfate Soils – Class 2
Lot Size - 40ha
Land Application
Height of Buildings – 8.5m

Local Government Act 1993 – Land Classification and Category

Change the *Operational land* classification to *Community land*. A category of part *Natural Area Wetland* and part *Natural Area Bushland* is proposed for the western area, and a category of *General Community Use* is proposed for the eastern area.

Ballina Shire Council

Site 12 - Part of Chickiba Park, Pt Lot 207 DP 851318 (Pt Lot 207 east), East Ballina

This site is the eastern section Chickiba Park. It is land having frontage to Angels Beach Drive, and backing onto residential properties which front Petrel Court, Silver Gull Drive, Curlew Court and Bayview Drive East Ballina.

Pt Lot 207 east is located within residue land originally created at the time of subdivision of the adjoining Angels Beach (south) Estate in 1995.

Pt Lot 207 east is outlined in red on the aerial photo extract is part of the area known as Chickiba Park and contains the areas proposed for rezoning as shown on the Proposed Rezoning diagram below.

Aerial View of Pt Lot 207 DP 851318 which contains the proposed rezoning area



Part lot 207 east is zoned part 1(d) Rural (Urban Investigation), part 2(a) Living Area, part 6(a) Open Space and part 7(l) Environmental Protection (Habitat) under the provisions of BLEP1987.

That part of Lot 207 east which is zoned 7(l) Environmental Protection (Habitat) is not affected by this PP and such zoning will be retained.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

The 2(a) zoned part of the land is classified as *Operational* land under the LG Act. Whereas the 6(a) zoned part of the land is classified as *Community* land within a category of part *General Community Use*, part *Natural Area Wetland* and part *Natural Area Bushland*.

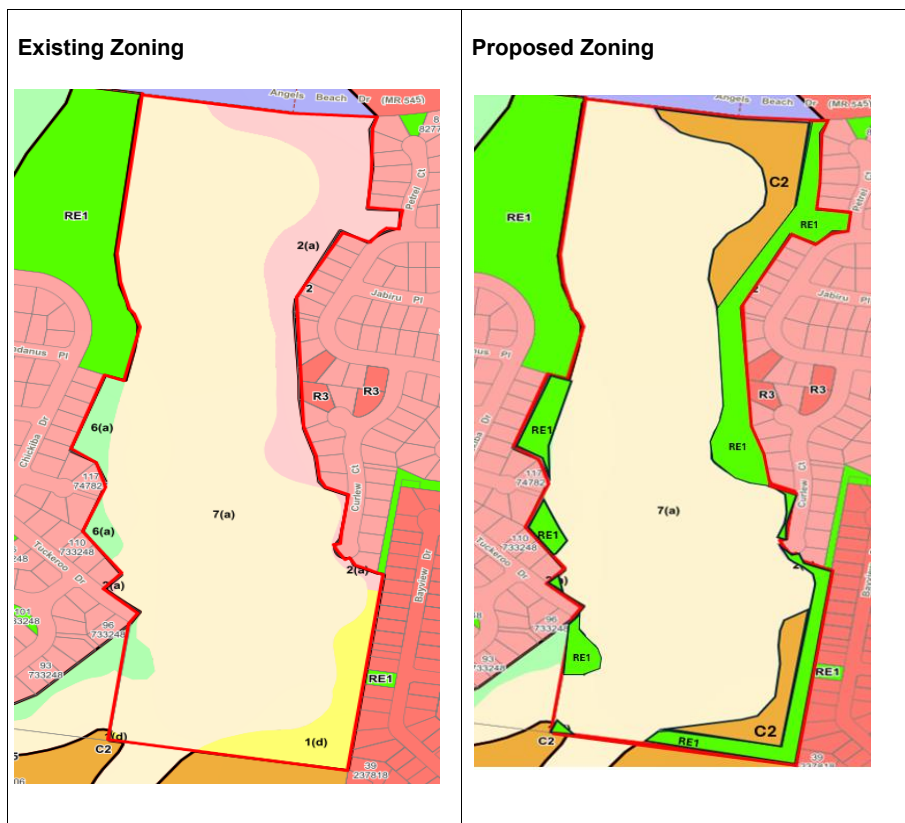
The vegetation on the land is mapped (SVTM) as part Far North Bangalow Palm Forest, part Far North Bangalow Swamp Forest and part Far North Paperbark Gahnia Swamp Forest

Vegetation communities on this land meet the criteria for a C2 or C3 zone under the provisions of the NCEZR.

The land has a mixed PUL of part infrastructure (APZ) / recreation and part environmental conservation. That part of the land with an infrastructure / recreation PUL is proposed to be zoned RE1 Public Recreation. A C2 Environmental Conservation zone is proposed to be applied to that part of the land with a conservation PUL.

That part of the land with an *operational* land classification (2(a) zone) is proposed to be changed to a *Community land* classification. This land is proposed to be categorised as part *Natural Area Bushland* for the proposed C2 zoned area, and part *General Community use* for the proposed RE1 zoned area. The *Natural Area Bushland* category is consistent with that applicable to adjoining land.

Existing and Proposed Zones



Ballina Shire Council

Note re Proposed Zones:

Where the DM zone, other than 7(a) zone, exceeds approx. 20m in width, then the first 20m is proposed to be zoned as RE1 with the remainder zoned C2. Subject to no RE1 zone slivers with a width of less than 10 metres being created. The RE1 zone would generally cover APZs to residential lots.

BLEP 2012 Mapping Consequential Proposed Changes

Acid Sulfate Soils – Class 2
Land Application
Height of Buildings – 8.5m

Local Government Act 1993 – Land Classification and Category

Change the *Operational* land classification to *Community* land with a category of part *Natural Area Bushland* (C2 zone) and part *General Community Use* (RE1 zone).

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Site 13 - Part Chickiba Reserve, Part Lot 114 DP 733248 (Pt Lot 114), East Ballina.

Part Lot 114 is land having frontage to Casuarina Road, and backing onto residential properties which front Wattle Cres, Casuarina Road and Chickiba Drive, East Ballina.

Pt Lot 114 is outlined in red on the aerial photo extract below. It forms a part of Chickiba Reserve.

Aerial View of Part Lot 114 DP 733248 - rezoning area outlined in red



Part Lot 114 is zoned pt 2(a) Living Area and pt 6(a) Open Space under BLEP1987 as shown on the existing zoning diagram below.

Part Lot 114 is classified as *Community Land* under the LG Act with a category of part *Natural Area Bushland* and part *Park*. No changes to classification or category are proposed.

It is proposed to rezone the 2(a) zoned land and the majority of the 6(a) zoned land to RE1 Public Recreation. This excludes the heavily treed area along the southern edge which is proposed to be zoned C2 Environmental Conservation as shown on the proposed zoning diagram below. The proposed C2 zone adjoins an existing C2 zoned area.

The PUL of the land is part infrastructure (APZ) / recreation for the proposed RE1 zoned area and part environmental conservation for the proposed C2 zoned area. The proposed RE1 zone includes the APZ area behind the residential zoned lots. The proposed R1 area has a variable width ranging from approximately 13.5m to 34m behind properties which front Wattle Ave.

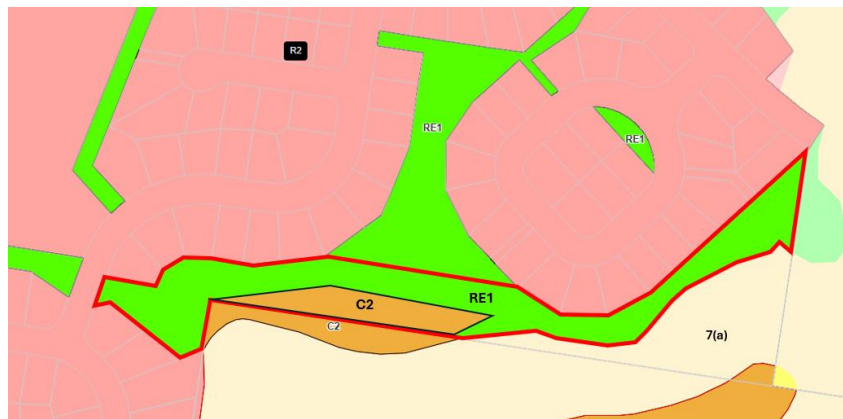
The vegetation within the proposed C2 zone is mapped (SVTM) as Far North Bangalow Palm Swamp Forest which meets the criteria for a C2 zone in the NCEZR.

Ballina Shire Council

Existing Zoning (Rezoning area outlined in red)



Proposed Zoning (Rezoning area outlined in red)



BLEP 2012 Mapping Consequential Proposed Changes

Acid Sulfate Soil – Class 5
Land Application
Height of Buildings – 8.5m

Local Government Act 1993 – Land Classification and Category

No change to existing *Community* land classification proposed. No change to existing categories of *Natural Area Bushland* and *Park* proposed.

**Site 14 – Part Ballina Byron Gateway Airport , Part Lot 297 DP 755684 (Pt Lot 297),
Corks Lane, Ballina**

Part Lot 297 Corks Lane, Ballina, being land that forms a part of Ballina Byron Gateway Airport, located in the far southeastern corner, as shown outlined in red on the aerial photo extract below. The land outlined in brown is the remainder of Pt Lot 297 which is not affected by this PP.

Aerial View of proposed - rezoning area outlined in red



Pt Lot 297 is zoned part SP2 Infrastructure under the provisions of BLEP2012. It is also zoned part Rural 1(b) (Secondary Agriculture) and part 7(a) Environmental Protection (Wetlands) under the provisions of BLEP1987.

It is proposed to rezone the Rural 1(b) (Secondary Agriculture) zoned portion of Pt Lot 297 to part SP2 Infrastructure and part C2 Environmental Conservation.

The PUL of the proposed SP2 zone is infrastructure. This land is partly cleared and forms a part of the airport's buffer area.

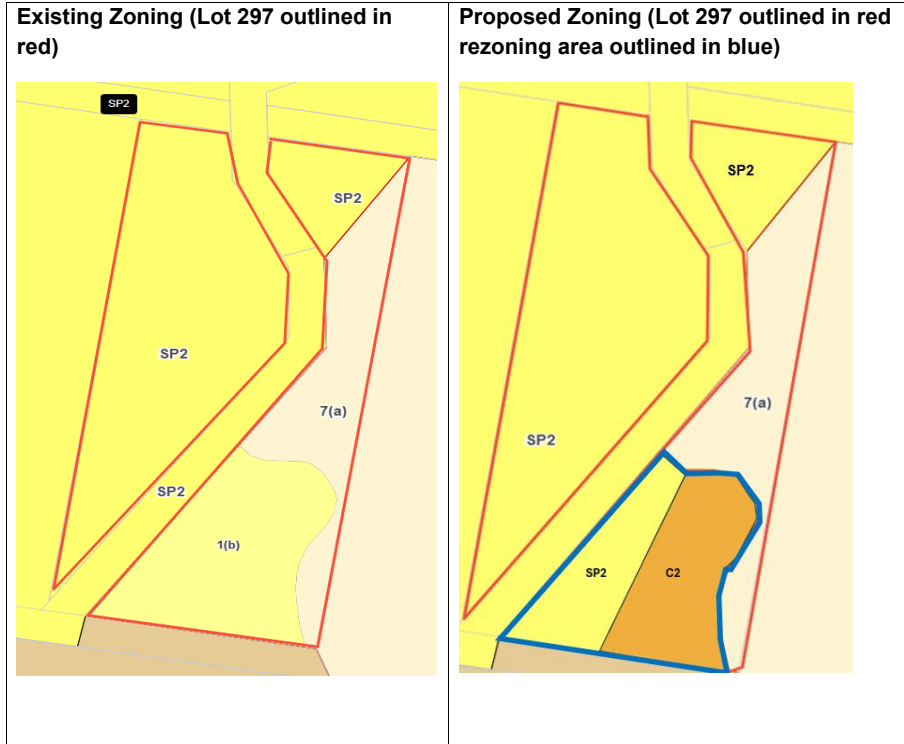
The PUL of the proposed C2 zoned area is environmental conservation. This part of the lot contains vegetation mapped (SVTM) as Far North Paperbark Swamp Oak Forest. This vegetation community is classified as a Threatened Ecological Community and meets the criteria for a C2 zone under the provisions of the NCEZR.

8.1 Planning Proposal - Council Owned Land - Deferred Matters Transition

Ballina Shire Council

Refer to the existing and proposed zoning diagram below.

Lot 297 is classified as *Operational* land under the LG Act. No change to land classification is proposed.



BLEP 2012 Mapping Consequential Proposed Changes

Acid Sulfate Soils – Class 2
Land Application
Building Height Allowance 1.9m
Height of Buildings – 10m
Strategic Urban Growth Area – Land Adjacent to SUGA

Local Government Act 1993 – Land Classification and Category

No change to the existing *Operational* land classification proposed.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Site 15 – Part Booyal Estate Bushland Reserve, Lot 17 DP 261887 (Lot17) North Creek Road, Lennox Head

Lot 17 North Creek Road, Lennox Head is part of the Booyal Estate Bushland Reserve. It is located at the rear of properties which front Page Court and Palisade Way and approximately opposite Montwood Drive. Lot 17 is outlined in red on the aerial photo extract below.

Lot 17 has an area of 1.073ha.

Aerial View of Lot 17 DP 261887 (outlined in red)



Lot 17 is zoned partly 6(a) Open Space under the provisions of BLEP1987 and part R2 Low Density Residential zone (accessways) under the provisions of BLEP2012.

It is proposed to rezone the 6(a) zoned land to part RE1 Public Recreation and part C2 Environmental Conservation.

The proposed RE1 zone has been applied to generally cleared areas located at the rear of residential zoned properties. These cleared areas function as APZs. The RE1 zone has also been applied to a *Camphor laurel* dominated forest area at the western end of the site near North Creek Road. A PUL of infrastructure / recreation has been applied to the proposed RE1 zone in recognition of its APZ function.

The proposed C2 zoned area has been applied to more densely, non-*camphor laurel* dominated, forest areas. Vegetation mapping (SVTM) indicates that the vegetation within the proposed C2 zoned area consists of Lower Richmond Hills Dry – Subtropical Rainforest. This vegetation type meets the NCEZR criteria for a C2 zone. The PUL of the proposed C2 is environmental conservation.

Ballina Shire Council

Lot 17 is classified as *Community* land under the LG Act with a category of *Natural Area Bushland*. For that part of the lot proposed to be zoned RE1 and the accessways the category is proposed to be changed to *General Community Use*.

Existing Zoning

DM area zoned 6(a) Open Space BLEP1987. Access ways zoned R2 Low Density Residential BLEP2012



Proposed Zoning

Rezoned cleared areas (minimum 10m wide and variable) and camphor laurel dominated area to RE1 with remainder to C2.



Consequential Proposed Changes to BLEP 2012 Mapping

Land Application
Height of Buildings – 8.5m
Lot Size 40ha

Local Government Act 1993 – Land Classification and Category

No change to the existing *Community* land classification. Category type applicable to the RE1 and R2 zone changed from *Natural Area Bushland* to *General Community Use*.

Site 16 - Lot 116 DP 261074 (Lot116) Prospect Street, East Ballina

Lot 116 is located to the west of properties fronting Northumberland Drive and Prospect Street at East Ballina as shown in the aerial photo extract below.

Aerial Photo Extract – Lot 116 DP 261074



The vegetation on Lot 116 has been mapped (SVTM) mainly as Far North Coast Mangrove Forest and Far North Coast Bangalow Palm Swamp Forest. This vegetation type meets the NCEZR criteria for a C2 or C3 zone.

The PUL of Lot 116 has been assessed as being infrastructure / recreation as the land contains extensive APZs at the rear of residential zoned properties.

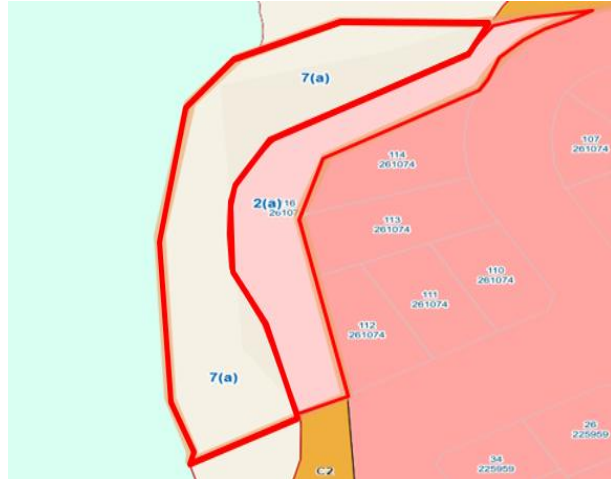
Where land has an APZ function and adjoins land with environmental attributes a RE1 Public Recreation zone has been applied consistent with other sites subject to this PP.

The land is classified as *Community* land under the LG Act with a category of *Natural Area Wetland*. No change to the community land classification is proposed. In respect to the *Wetland* category this is not appropriate for the proposed RE1 area as this land is generally higher in elevation and mostly does not contain mangrove vegetation. A category of *General Community Use* is proposed for this land having regard to its APZ function.

Ballina Shire Council

Existing Zoning

Lot 116 (outlined in red) is zoned Pt 2(a) Living Area, and Pt 7(a) Environmental Protection (Wetlands) zone under BLEP1987.



Proposed Zoning

Rezone 2(a) section of Lot 116 to RE1 Public Recreation in recognition of its APZ function.



BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Consequential Proposed Changes to BLEP 2012 Mapping

Acid Sulfate Soils – Class 5
Land Application
Height of Buildings – 8.5m
Lot Size 40ha

Local Government Act 1993 – Land Classification and Category

No change to the existing *Community* land classification. Change proposed for the category type applicable to the proposed C2 zone from *Natural Area Wetland* to *General Community Use*.

Ballina Shire Council

Site 17 - Duck Creek Mountain Bike Park, Lot 12 DP 814359 (Lot12), 240 Bruxner Highway, Alstonville

Lot 12 is the site which contains the Duck Creek Mountain Bike Park.

Lot 12 has an area of 18.53ha and is outlined in red on the aerial photo extract below.

Aerial Photo Extract – Lot 12 DP 814359



The vegetation on Lot 12 has been mapped (SVTM) mainly as Lower Richmond Hills Dry – Subtropical Rainforest with some pockets of Northern Lowland Subtropical Rainforest. This vegetation type meets the NCEZR criteria for a C2 or C3 zone.

The PUL of the land has been assessed as being recreation due to its use for mountain bike activities.

It is proposed to change the zoning of the land from pt RU1 Primary Production under BLEP 2012 and pt Part 1(e) Rural (Extractive and Mineral Resources) BLEP1987 to RE1 Public Recreation.

The land is classified as *Operational* land under the LG Act. It is proposed to change the classification to *Community* land and apply a category of *General Community Use*.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

| Existing Zoning | Proposed Zoning |
|--|--|
| Part RU1 BLEP 2012, and Part 1(e) Rural (Extractive and Mineral Resources) BLEP 1987 | RE1 Public Recreation |
|  |  |

| Consequential Proposed Changes to BLEP 2012 Mapping |
|---|
| Acid Sulfate Soils – Class 5 Land Application Height of Buildings – 8.5m Lot Size 40ha |

| Local Government Act 1993 – Land Classification and Category |
|--|
| Change the existing <i>Operational</i> land classification to <i>Community</i> land. Apply a category type of <i>General Community Use</i> . |

Ballina Shire Council

Site 18 - Part of the Lennox Head Wastewater Treatment Plant Site, Part Lot 2 DP 612374 (Pt Lot 2), 352 North Creek Road, Skennars Head

Pt Lot 2 forms part of the Lennox Head Wastewater Treatment Plant site the whole of which is outlined in red on the aerial photo extract below.

The whole of Lot 2 DP 612374 is classified as *Operational* land under the LG Act. No changes to this classification is proposed.

Aerial Photo Extract – Lot 2 DP 612374 - land outlined in red



This PP applies to 3 small sections (Areas 1, 2 and 3 as shown on existing zoning diagram) of Lot 2 which are zoned 1(b) Rural (Secondary Agriculture) and or 1(d) Rural (Urban Investigation) under the provisions of BLEP1987 as shown in the diagram below.

Area 1 is not vegetated and contains an access road.

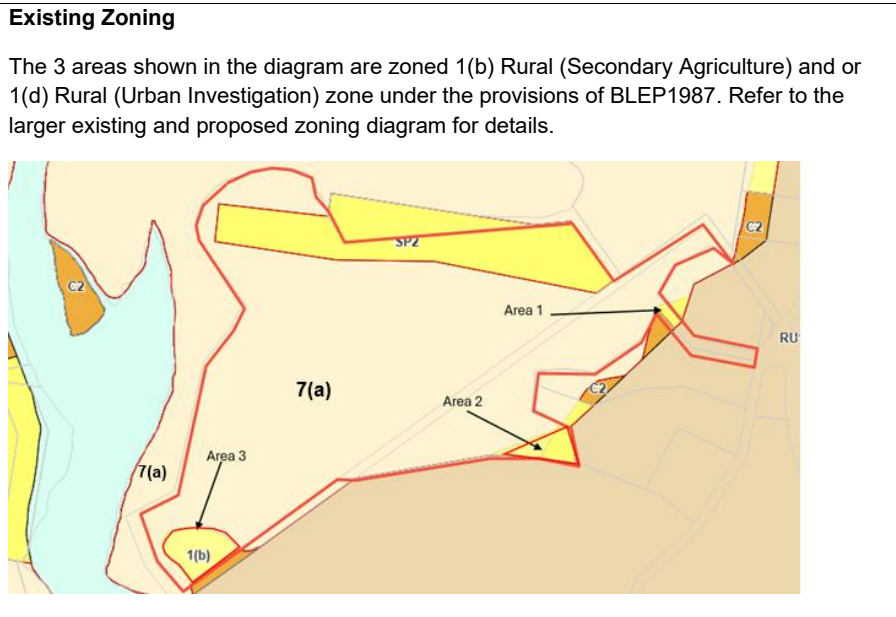
Area 2 is mapped (SVTM) as containing mostly Far North Bangalow Palm Swamp Forest which is a type of subtropical rainforest vegetation. There is also some Far North Paperbark Fern Swamp Forest within Area 2.

Area 3 is mapped (SVTM) as containing Far North Paperbark Fern Swamp Forest which is a type of forested wetlands vegetation.

The PUL of Area 1 is infrastructure and the zoning proposed is SP2 Infrastructure.

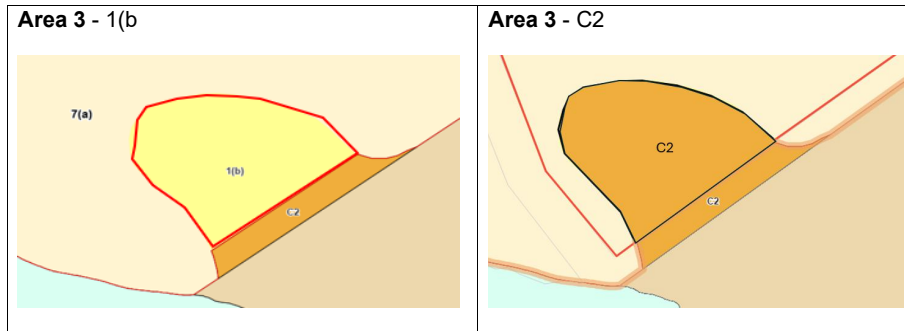
The PUL of Areas 2 and 3 is environmental conservation. The vegetation within Areas 2 and 3 meets the NCEZR criteria for a C2 zone. A C2 zone is proposed to be applied to Areas 2 and 3.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal



| Existing Zoning | Proposed Zoning |
|---|----------------------------|
| <p>Area1 – 1(d)</p> | <p>Area 1 - SP2</p> |
| <p>Area 2 - Part 1(b) and 1(d)</p> | <p>Area 2 - C2</p> |

Ballina Shire Council



Consequential Proposed Changes to BLEP 2012 Mapping

Acid Sulfate Soils – Class 2 and 5
Land Application
Height of Buildings – 8.5m
Lot Size - 40ha
Strategic Urban Growth Area – Land Adjacent to Strategic Urban Growth Area

Local Government Act 1993 – Land Classification

No change to *Operational* land classification.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Site 19 – Part Headlands Reserve, Part Lot 33 DP 846639 (Pt Lot 33) Skennars Head

Pt Lot 33 is land which forms a part of land known as Headlands Reserve. Pt Lot 33 is mostly cleared land and adjoins wetland vegetation further to the west. Pt Lot 33 is located behind residential properties which front Carroll Avenue at Skennars Head.

Pt Lot 33 is zoned Residential 2(b) Village Area under BLEP1987. A RE1 Public Recreation zone is proposed to be applied to this land.

Pt Lot 33 is classified as *Community* land within a category of *Natural Area Bushland*. No change to land classification or category are proposed.

Pt Lot 33 is outlined in red on the aerial photo extract below.

Aerial Photo Extract – Pt Lot 33 DP 846639 - land outlined in red



The northern section of the proposed rezoning area does not contain mapped (SVTM) vegetation.

The southern section is mapped (SVTM) as containing Far North Bangalow Palm Swamp Forest which is a type of subtropical rainforest vegetation. This vegetation meets the NCEZR criteria for a C2. However, most of the land is cleared land as indicated on the above aerial photo.

The whole of the rezoning area has a PUL of recreation. A RE1 Public Recreation zone is proposed to be applied to this land. The recreation PUL is consistent with the PUL of the adjoining shared pathway located on existing RE1 zoned land. Existing and proposed zoning diagrams are shown below.

Ballina Shire Council



Consequential Proposed Changes to BLEP 2012 Mapping

Acid Sulfate Soils – Class 2
 Land Application
 Height of Buildings – 8.5m
 Lot Size - 40ha

Local Government Act 1993 – Land Classification

No change to *Community* land classification and category of *Natural Area Bushland*.

Site 20 - Pt Angels Beach Bushland Reserve and Flat Rock Tent Park Site

Part of Lot 59 DP 827785, 38 Flat Rock Road, Skennars Head. This is land that forms a part of the Angels Beach Bushland and Flat Rock Tent Park site. The part of Lot 59 subject to this PP adjoins the roundabout at the intersection of The Coast Road and Angels Beach Drive at East Ballina.

Lot 59 has an area of 34.5ha and the subject land has an area of approximately 1029m².

Aerial Photo Extract – Part Lot 59 DP 827785 (land outlined in red)



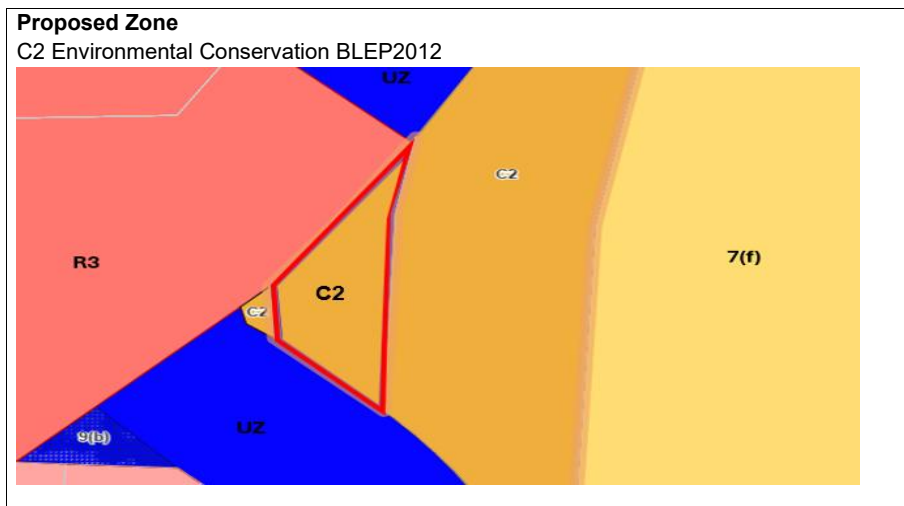
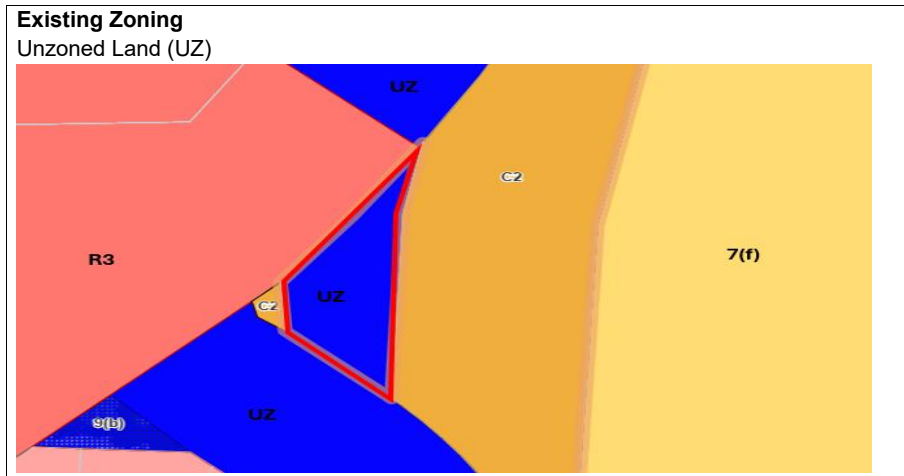
The land is heavily vegetated. The vegetation is not mapped (SVTM) but adjoins mapped vegetation consisting of Far North Sands Coastal Cypress Dry Shrub Forest. The vegetation on part Lot 59 is consistent with this vegetation type. In accordance with NCEZR criteria the vegetation meets the criteria for a C2 or C3 zone.

The PUL of the land is environmental conservation.

Part Lot 59 is unzoned land. This PP proposes to apply a C2 zone to this land. Refer to the existing and proposed zone diagrams below.

The whole of Lot 59 is classified as *Operational* land under the LG Act. No change to land classification is proposed.

Ballina Shire Council



Consequential Proposed Changes to BLEP 2012 Mapping

Land Application
Height of Buildings – 8.5m
Lot Size - 40ha

Local Government Act 1993 – Land Classification

No change to *Operational* land classification.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Site 21- Part Campbells Common, Part Lot 317 DP 1148856 (Pt Lot 317), Cumbalum

Pt Lot 317 is part of land known as Campbells Common at Cumbalum.

Campbells Common has an area of 3.182ha of which 3.98m² is subject to this PP.

Pt Lot 317 land is zoned 2(b) (Residential / Village Area) under BLEP1987. It is proposed to rezone this land to C2 Environmental Conservation under BLEP2012.

Pt Lot 317 is mapped (SVTM) as containing Lower Richmond Hills Dry – Subtropical Rainforest. A PUL of environmental conservation has been applied to this land. The vegetation meets the NCEZR criteria for the application of a C2 Environmental Conservation zone.

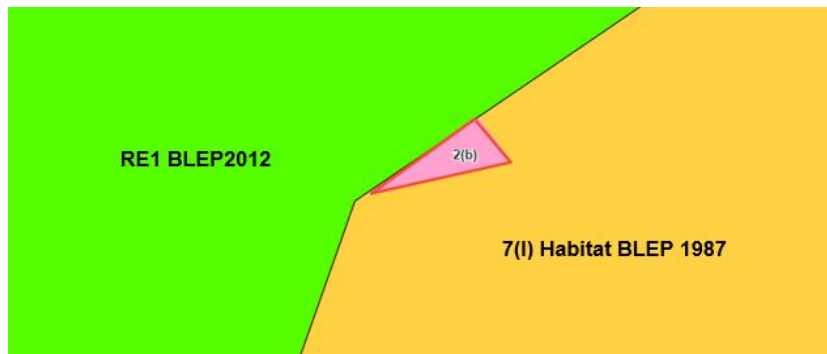
Campbells Common is classified as *Community land* with a category of *General Community Use*. No changes to the classification or category are proposed.

Aerial Photo Extract – Lot 317 DP 1148856 Campbells Common (outlined in brown)



Existing Zoning

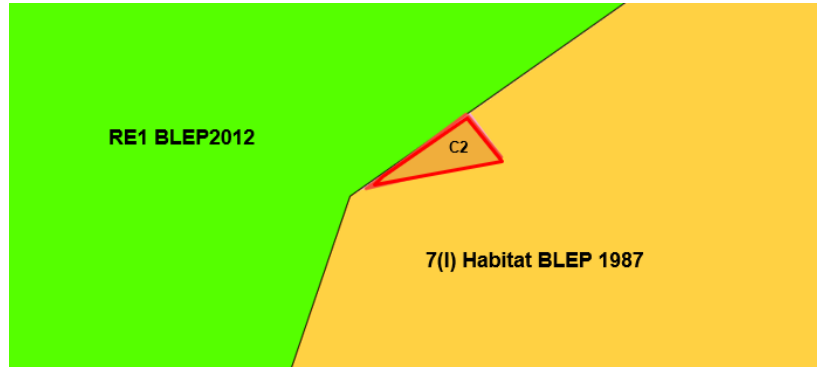
2(b) (Residential / Village Area)



Ballina Shire Council

Proposed Zoning

C2 Environmental Conservation



Consequential Proposed Changes to BLEP 2012 Mapping

Acid Sulfate Soil – Class 5
Land Application
Height of Buildings – 8.5m
(No Lot Size)

Local Government Act 1993 – Land Classification

No change to *Community* land classification and category of *General Community Use*.

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

3. Explanation of Provisions

Mapping only changes are proposed by this PP.

Ballina Shire Council

4. Justification

4.1 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?

Yes, the Northern Councils E Zone Review Final Recommendations Report (*NCEZR*) published by the Department of Planning and Environment in October 2015. This report outlines the criteria for the application of conservation zones (“C” zones) to DM areas.

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

Yes. A planning proposal is the appropriate and only mechanism available to council to integrate DM areas into BLEP 2012, and to achieve a zone change on land already zoned under the provisions of BLEP 2012.

4.2 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)?

The planning proposal demonstrates strategic merit through its consistency with the goals and objectives detailed in the North Coast Regional Plan 2041. Specifically, it is consistent with *Objective 2: Protect regional biodiversity and areas of high environmental value*.

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

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

The planning proposal is consistent with a key theme within the LSPS of Healthy Environment and is consistent with the following planning priority and action:

Planning Priority 13: Ensure that the biodiversity values of the Shire are identified and where required protection strategies are implemented.

Ballina Shire Community Strategic Plan (June 2025) (CSP)

The planning proposal is considered to be consistent with the key community priority – *protect the environment and live sustainably*. This priority incorporates strategies designed to:

preserve our highly valued environment, minimising our impacts and living sustainably whilst adapting to a changing climate. This includes retention of important habitat,

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

planting of trees whilst managing our impacts on the land, minimising our waste and sustainably sourcing our energy needs

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

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

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

The PP is generally consistent with applicable State Environmental Planning Policies (SEPPs) as demonstrated in the table below.

| SEPP | Comments | Consistency and Comments |
|--|--|---|
| SEPP (Primary Production) 2021 | Applies to RU1 and RU2 zoned land but does not specify requirements for planning proposals. | Not relevant |
| SEPP (Biodiversity and Conservation) 2021 | <p><i>Chapter 3 Koala habitat protection 2021</i></p> <p>This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> | <p>Part of Site 17 (Lot 12 DP 814359) Duck Creek Mountain Bike Park, and Site 5 (Lot 1 DP 749702) Meerschaum Vale Bushfire Brigade site are mapped as containing Core Koala Habitat.</p> <p>Various other sites including wetland areas are mapped as containing "other" Koala habitat areas.</p> <p>This PP is not considered to be inconsistent with the Koala habitat protection aims of the SEPP having regard to the nature of zones proposed which reflect the existing land uses on the affected land.</p> |
| SEPP (Resilience and Hazards) 2021 | <p><i>Chapter 2 Coastal Management</i></p> <p>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the <i>coastal zone</i> in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>.</p> | <p>Consistent</p> <p>This PP contains sites located within the coastal zone as defined in the Coastal Management Act 2016.</p> <p>Local Planning Direction 4.2 requires that PPs in the coastal zone be assessed in accordance with the NSW Coastal Design Guidelines.</p> <p>The assessment has been undertaken (Refer Appendix 4 &5) and has found no inconsistencies.</p> |

Ballina Shire Council

| SEPP | Comments | Consistency and Comments |
|------|----------|---|
| | | The assessment has been undertaken on the basis that the PP primarily provides for the transitioning of DM land from BLEP1987 to more appropriate zones under the provisions of BLEP2012 and having regard to the nature of existing land uses. |

Q7 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. A number of section 9.1 directions are relevant to the planning proposal. A section 9.1 Ministerial Direction checklist is provided at Appendix 2. Checklist demonstrates consistency or justifies minor inconsistencies.

4.3 Section C – Environmental, Social and Economic Impact

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

This PP primarily seeks to transition land from BLEP1987 to BLEP2012. No land use changes are proposed as a consequence of this PP. As such the amendments contained in this PP are not expected to impact adversely on critical habitats, threatened species, populations or ecological communities or their habitats.

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

No adverse environmental impacts are likely to arise as a result of this PP.

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

This PP will facilitate the provision of a more efficient and effective land use planning framework. The integration of DM land into the BLEP2012 will simplify the applicable planning controls. For these reasons the social and economic impacts associated with the proposal are considered to be positive.

4.4 Section D – State and Commonwealth Interests

Q11 Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create the need for any additional public infrastructure.

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

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of this PP.

5. Mapping

This planning proposal will necessitate updates to the following BLEP2012 maps:

- Building Height Allowance Map;
- Land Zoning Map;
- Lot Size Map;
- Height of Buildings Map; and
- Land Application Map.
- Acid Sulfate Soils Map
- Strategic Urban Growth Area

Ballina Shire Council

6. Community Consultation

The planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*.

Exhibition will incorporate land classification and categorisation changes proposed to certain land under the LG Act.

7. Project Timeline

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

| Plan Making Step | Estimated Completion (Before) |
|--|-------------------------------|
| Gateway Determination | June 2026 |
| Government Agency Consultation | July 2026 |
| Public Exhibition Period | July – August 2026 |
| Public Hearing | N/A |
| Submissions Assessment | September 2026 |
| Planning Proposal Authority Assessment of Planning Proposal and Exhibition Outcomes | September 2026 |
| Submission of Endorsed LEP to DPIH for Finalisation in its capacity as the Local Plan Making Authority | October 2026 |
| LPMA to arrange independent review of zoning decision if requested | N/A |
| LPMA decision to make LEP amendment | October 2026 |
| Notification of LEP amendment | October 2026 |

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Appendices

Ballina Shire Council

Appendix 1 – Mapping

(To be inserted post Gateway and prior to exhibition)

Appendix 2 – s.9.1 Ministerial Direction Checklist

| Section 9.1 Ministerial Direction Checklist | |
|--|---|
| Planning Proposal – BLEP 2012 Integration of certain deferred matter land (Stage 1) | |
| Direction No. | Compliance of Planning Proposal |
| Focus area 1: Planning Systems | |
| 1.1 Implementation of Regional Plans | Consistent. |
| 1.2 Development of Aboriginal Land Council land | Does not apply to planning proposal. |
| 1.3 Approval and Referral Requirements | Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types. |
| 1.4 Site Specific Provisions | Does not apply to planning proposal. |
| 1.4A Exclusion of Development Standards from Variation | Does not apply to planning proposal. |
| Focus area 1: Planning Systems – Place-based | |
| 1.5 to 1.22 | These Directions do not apply to Ballina Shire. |
| Focus area 2: Design and Place | |
| Focus area 3: Biodiversity and Conservation | |
| 3.1 Conservation Zones | Consistent. |
| 3.2 Heritage Conservation | Consistent BLEP 2012 contains heritage provisions which are not affected by this PP. |
| 3.3 Sydney Drinking Water Catchments | Does not apply to Ballina Shire. |
| 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | Consistent. The proposed conservation zones are consistent with the criteria as outlined in the NCEZR. |
| 3.5 Recreation Vehicle Areas | Consistent. The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area. |
| 3.6 Strategic Conservation Planning | Consistent The planning proposal does not apply to avoided land or to land within a strategic conservation area as defined in <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> |
| 3.7 – 3.10 | These Directions do not apply to this planning proposal |
| Focus area 4: Resilience and Hazards | |
| 4.1 Flooding | Justifiably Inconsistent. BLEP 2012 contains flood planning provisions – Refer clause 5.21 Part of this PP proposes to rezone rural zoned under BLEP1987 and land located within the flood planning area to a Special Purpose (SP2) zone. This is the case with respect to the following sites: Sites 3 and 4 - Ballina Wastewater Treatment Plant Site 14 – Ballina Byron Gateway Airport Site 18 – Lennox Head Wastewater In these cases, the proposed SP2 zone is consistent with the existing use of land and does not propose to facilitate a land use change. |

Ballina Shire Council

| Section 9.1 Ministerial Direction Checklist Planning Proposal – BLEP 2012 Integration of certain deferred matter land (Stage 1) | |
|--|--|
| Direction No. | Compliance of Planning Proposal |
| 4.2 Coastal Management | <p>Consistent</p> <p>Some of the land the subject of this PP is located within the coastal zone as detailed in Appendix 4.</p> <p>Appendix 5 contains an assessment of this PP in accordance with the NSW Coastal Design Guidelines.</p> <p>This PP primarily seeks to integrate DM land into BLEP2012. BLEP 2012 already contains provisions which are consistent with the objects of the Coastal Management Act 2016.</p> |
| 4.3 Planning for Bushfire Protection | <p>Justifiably Inconsistent</p> <p>Some of the land the subject of this PP is designated as bushfire prone land. At this pre-Gateway stage council has not yet consulted with the Commissioner of the NSW Rural Fire Service. This is proposed to occur post Gateway determination and prior to community consultation as required by this Direction.</p> |
| 4.4 Remediation of Contaminated Land | <p>Consistent.</p> <p>Airports are a land use specified in Table 1 of the contaminated land planning guidelines. Site 14 is part of the Ballina Byron Gateway Airport site. This PP proposes to change the zoning of part of the airport site from rural to part SP2 and part C2. The zoning changes will not facilitate any land use changes rather they reflect the current use of the land. Due to this the PP is consistent with this direction.</p> |
| 4.5 Acid Sulfate Soils | <p>Consistent.</p> <p>Amendment of the Acid Sulfate Soils map is proposed as part of this PP. No zone intensification is proposed for the affected land. Clause 7.1 of BLEP 2012 contains provisions for land affected by acid sulfate soils.</p> |
| 4.6 Mine Subsidence and Unstable Land | <p>Consistent.</p> <p>The land subject to this PP is not within a mine subsidence or landslip area.</p> |
| Focus area 5: Transport and Infrastructure | |
| 5.1 Integrating Land Use and Transport | <p>Not relevant</p> <p>This PP does not apply to urban land.</p> |

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

| Section 9.1 Ministerial Direction Checklist Planning Proposal – BLEP 2012 Integration of certain deferred matter land (Stage 1) | |
|--|---|
| Direction No. | Compliance of Planning Proposal |
| 5.2 Reserving Land for Public Purposes | <p>Justifiably Inconsistent</p> <p>This PP proposes to create, alter or reduce an existing zone for a public purpose as detailed below:</p> <p>Site 1 – Pt Pacific Pines Playing Fields. Rezoning from 2(b) to RE1.</p> <p>Site 2 – Pt Skennars Head Sports Fields. Rezoning from 2(a) to RE1.</p> <p>Sites 3 & 4 – Pt Ballina Wastewater Treatment Plant. Rezoning from 1(d) to SP2.</p> <p>Site 6 - Wastewater pumping station. Rezoning from 6(a) to SP2.</p> <p>Site 7 – Hutley Drive Lennox Head Public Reserve. Rezone to RE1.</p> <p>Site 8 – Bullinah Crescent Reserve. Reserve from 2(a) to pt RE1.</p> <p>Site 9 – Chickiba Creek Foreshore. Rezoning from 6(a) to C2.</p> <p>Site 11 - Pt Chickiba Park. Rezoning to Pt RE1.</p> <p>Site 12 – Pt Chickiba Park. Rezoning to Pt RE1.</p> <p>Site 13 – Pt Chickiba Reserve. Rezoning to Pt 6(a) to pt RE1.</p> <p>Site 14 – Pt Ballina Byron Gateway Airport. Rezoning from 1(b) to SP2.</p> <p>Site 15 – Pt Booyal Bushland Reserve. Rezoning from 6(a) to RE1.</p> <p>Site 17 – Duck Creek Mountain Bike Park. Rezoning from 1(e) and RU1 to RE1.</p> <p>Site 18 – Pt Lennox Head Wastewater Treatment Plant. Rezoning from rural to SP2.</p> <p>In all the above cases the land is owned by council and already used for a public purpose. The aim of the rezoning is to transition the land from BLEP1987 to BLEP2012 and / or to more accurately reflect the use of the land. In all cases no land use changes are proposed to be facilitated by the proposed rezonings. For these reasons this PP is justifiably inconsistent with the direction in so far as the prior approval of the Planning Secretary has not been obtained to the proposed zone changes.</p> |
| 5.3 Development Near Regulated Airports and Defence Airfields | <p>Justifiably inconsistent.</p> <p>Ballina council is the owner of Ballina Byron Gateway Airport (BBGA). The prior approval of BBGA has not been obtained to proposed zone changes near or on the airport site.</p> <p>If required by the Gateway determination then council proposes to consult with the airport as part of the agency consultation phase of this PP.</p> |
| 5.4 Shooting Ranges | Does not apply to planning proposal. |
| 5.5 High Pressure dangerous goods pipelines | Does not apply to planning proposal. |
| Focus area 6: Housing | |
| 6.1 Residential Zones | <p>Justifiably inconsistent</p> <p>The proposed removal of a residential zone (2(a) or 2(b) under BLEP1987) on some sites and their replacement with a BLEP2012 zone as detailed in this PP is of minor significance.</p> |
| 6.2 Caravan Parks and Manufactured Home Estates | <p>Consistent</p> <p>This PP does not seek to identify suitable zones or locations for caravan parks or manufactured home estates.</p> |
| Focus area 7: Industry and Employment | |
| 7.1 Employment Zones | Does not apply to planning proposal. |
| 7.2 Reduction in non-hosted short term rental accommodation period | Does not apply to planning proposal. |

8.1 Planning Proposal - Council Owned Land - Deferred Matters Transition

Ballina Shire Council

| Section 9.1 Ministerial Direction Checklist | |
|--|---|
| Planning Proposal – BLEP 2012 Integration of certain deferred matter land (Stage 1) | |
| Direction No. | Compliance of Planning Proposal |
| 7.3 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable to this PP. |
| Focus area 8: Resources and Energy | |
| 8.1 Mining, Petroleum Production and Extractive Industries | Not applicable to this PP. |
| Focus area 9: Primary Production | |
| 9.1 Rural Zones | Consistent. This PP does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone, nor contain provisions that will increase the permissible density of land within a rural zone. |
| 9.2 Rural Lands | Justifiably Inconsistent This PP seeks to rezone a number of council owned rural and part rural zoned sites which are not used for rural purposes. The zones proposed to be applied to such land C2, RE1 or SP2 reflect the nature of the land uses taking place on such land. Where a C2 zone is proposed this is in accordance with the principles and criteria contained in the NCEZR. Given the overall minor significance of what is proposed the inconsistency with the direction is justified. |
| 9.3 Oyster Aquaculture | Does not apply to planning proposal. |
| 9.4 Farmland of State and Regional Significance on the NSW Far North Coast | Consistent. This PP does not propose the rezoning of identified significant farmland for urban, residential or rural residential purposes. |

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BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Appendix 3 – Council Reports

Report to the Council's Ordinary Meeting on 28 August 2025 under separate cover

Ballina Shire Council

Appendix 4 – Land Within NSW Coastal Zone - SEPP (Resilience and Hazards) 2021 Mapping

Coastal Management Mapping Area Hierarchy

CWLRA = coastal wetlands and littoral rainforests area; CWLRA = coastal wetlands and littoral rainforest proximity area

CVA = coastal vulnerability area;

CEA = coastal environment area

CUA = coastal use area

| Site No | Property Details | Relevant Coastal Management Mapping Area |
|---------|---|--|
| 1 | Part (Pt) Pacific Pines Playing Fields (Pt Lot 63 DP 1293430) 7 Daybreak Way Lennox Head | Pt CWLRA & Pt CWLRA |
| 2 | Pt Skennars Head Sports Fields (Pt Lot 13 DP1245669), 54 Skennars Head Road, Skennars Head | CWLRA |
| 3 & 4 | Pt Ballina Wastewater Treatment Plant (Pt Lot 1 DP 1003816 and Pt Lot 5 DP 243060 - 72 Fishery Creek Road, Ballina) | CWLRA |
| 5 | Meerscham Vale Bushfire Brigade site (Lot 1 DP 749702) 1004 Wardell Road | Not Applicable (NA) |
| 6 | Wastewater pumping station site (Lot 1 DP 604572) Shelly Beach Road, East Ballina | CUA |
| 7 | Public Reserve (Lot 2 DP 1239938 Hutley Drive) land corner Hutley and Snapper Drives at Lennox Head | Pt CUA & Pt CWLRA |
| 8 | Pt Bullinah Crescent Reserve, East Ballina (Pt Lot 22 DP1150518) | CWLRA |
| 9 | Pt Chickiba Creek Foreshore, (Pt lot 105 DP 871675) | CWLRA |
| 10 | Pt Prospect Estate Residue - southwestern section (Pt Lot 105 DP 871675) being land having frontage to Eyles Drive, East Ballina | Pt CWLRA & Pt CWLRA |
| 11 | Pt Chickiba Park – western section, (Pt lot 207 DP 851318) being land having frontage to Angels Beach Drive and Links Ave East Ballina | Pt CEA & Pt CUA |
| 12 | Pt Chickiba Park – eastern section, (pt lot 207 DP 851318) being land having frontage to Angels Beach Drive, and backing onto residential properties which front Petrel Court, Silver Gull Drive, Curlew Court and Bayview Drive East Ballina | Pt CWLRA & Pt CWLRA & Pt CUA |
| 13 | Pt Chickiba Reserve (Pt Lot 114 DP 733248) being land having frontage to Casuarina Road and Tuckeroo Drive, backing onto residential properties which front Wattle Cres, Casuarina Road and Chickiba Drive, East Ballina | CWLRA |
| 14 | Pt Ballina Byron Gateway Airport site - Lot 297 DP 755684, Corks Lane, Ballina | Pt CWLRA & Pt CWLRA |
| 15 | Pt Booyul Estate Bushland Reserve – (Pt lot 17 DP 261887) land having frontage to North Creek Road, Lennox Head and including access ways to Page Court and Palisade Way | NA |
| 16 | North Creek interface land north of Prospect Street East Ballina (Pt Lot 116 DP 261074) backing onto properties fronting Northumberland Drive | CWLRA |
| 17 | Duck Creek Mountain Bike Park, (Lot 12 DP 814359) 240 Bruxner Highway, Alstonville. | NA |
| 18 | Pt Lennox Head Wastewater Treatment Plant – (Pt Lot 2 DP 612374) 352 North Creek Road, Skennars Head | CWLRA |

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8.1 Planning Proposal - Council Owned Land - Deferred Matters Transition

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

| Site No | Property Details | Relevant Coastal Management Mapping Area |
|---------|--|--|
| 19 | Pt Headlands Reserve – (Pt Lot 33 DP 846639), being land behind properties having frontage to Carroll Avenue Skennars Head | CWLRPA |
| 20 | Pt Flat Rock Tent Park & Angels Beach Bushland Reserve (Pt Lot 59 DP 827785) 38 Flat Rock Road, Skennars Head | NA |
| 21 | Pt Campbells Common, (Pt Lot 317 DP 1148856) Cumbalum | NA |

Ballina Shire Council

Appendix 5 – NSW Coastal Design Guidelines 2023
Assessment Checklist for Planning Proposals

(Provided under separate cover)

BSCPP 26/002 - Council Land Deferred Matter Transition Planning Proposal

Appendix 6 – Gateway Determination

Attachment 2 – Location Diagrams

Site 1 – Part (Pt) Pacific Pines Playing Fields (Pt Lot 63 DP 1293430) 7 Daybreak Way, Lennox Head



Site 2 – Pt Skennars Head Sports Fields (Pt Lot 13 DP 1245669) 54 Skennars Head Road, Skennars Head



8.1 Planning Proposal - Council Owned Land - Deferred Matters Transition

Sites 3 and 4 – Pt Ballina Wastewater Treatment Plant (Pt Lot 1 DP 1003816 and Pt Lot 5 DP 243060) 72 Fishery Creek Road, Ballina



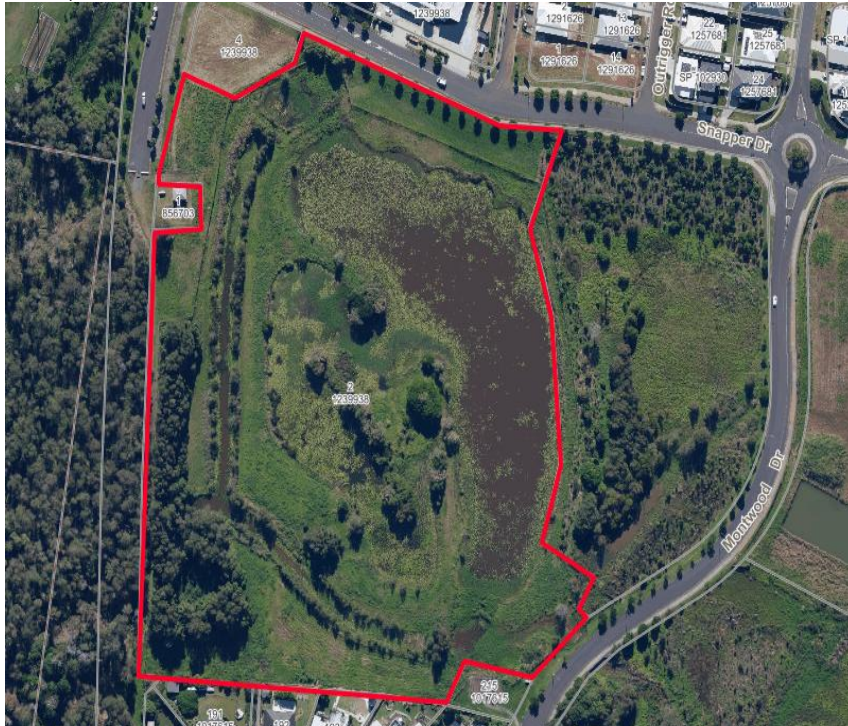
Site 5 - Meerschaum Vale Bushfire Brigade Site – (Pt Lot 1 DP 749702) 1004 Wardell Road, Meerschaum Vale



Site 6 - Lot 1 DP 604572 Shelly Beach Road, East Ballina



Site 7 - Lot 2 DP 1239938 Hutley Drive, Lennox Head (Land corner Hutley and Snapper Drives)



Site 8 – Pt Bullinah Crescent Reserve, East Ballina, (Lot 22 DP1150518)



Site 9 - Chickiba Creek Foreshore, (Pt Lot 105 DP 871675) land having frontage to Angels Beach Drive, opposite Links Ave, East Ballina.



Site 10 – Pt Prospect Estate Residue Land (Pt Lot 105 DP 871675) land having frontage to Eyles Drive, East Ballina



Site 11 – Pt Chickiba Park (west) (Pt Lot 207 DP 851318) land having frontage to Angels Beach Drive, and Links Ave, East Ballina



Site 12 – Pt Chickiba Park (east) (Pt Lot 207 DP 851318), contained within land having frontage to Angels Beach Drive, and backing onto residential properties which front Pettrel Court, Silver Gull Drive, Curlew Court and Bayview Drive, East Ballina



Site 13 - Pt Chickiba Reserve (Pt Lot 114 DP 733248), being land having frontage to Casuarina Road and behind residential properties Wattle Crescent East – Ballina



Site 14 - Pt Ballina Byron Gateway Airport (Pt Lot 297 DP 755684), Corks Lane, Ballina



Site 15 – Pt Booyul Estate Bushland Reserve (Pt Lot 17 DP 261887). Land having frontage to North Creek Road Lennox Head and including access ways to Page Court and Palisade Way



Site 16 – North Creek interface land north of Prospect Street East Ballina (Pt Lot 116 DP 261074) backing onto properties fronting Northumberland Drive



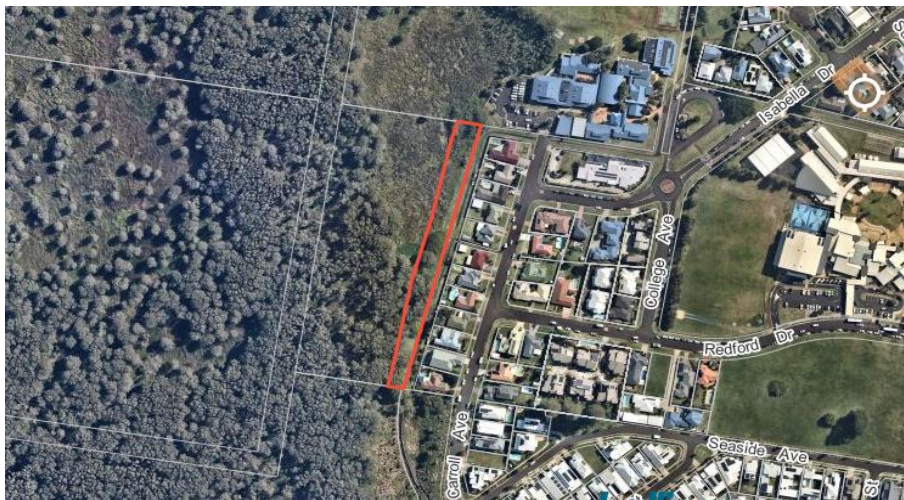
Site 17 – Duck Creek Mountain Bike Park, (Pt Lot 12 DP 814359) 240 Bruxner Highway, Alstonville



Site 18 – Pt Lennox Head Wastewater Treatment Works (Pt Lot 2 DP612374) 352 North Creek Road, Skennars Head



Site 19 – Pt Headlands Reserve (Pt Lot 33 DP 846639) being land behind Carroll Avenue Skennars Head. Land on western side of shared pathway.



8.1 Planning Proposal - Council Owned Land - Deferred Matters Transition

Site 20 - Pt Angels Beach Bushland Reserve & Flat Rock Tent Park (Pt Lot 59 DP 827785)
38 Flat Rock Road, Skennars Head (Located near roundabout at intersection of Angels
Beach Drive and the Coast Road East Ballina)



Site 21 - Pt Campbells Common, (Pt Lot 317 DP 1148856) Cumbalum





Planning Proposal 25/002 (PP-2025-359)

» **Rezoning 305 The Coast
Rd, Skennars Head**

Ballina Local Environmental Plan 2012

June 2026 (V3 Final)

ballina
shire council



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1. Introduction

1.1 Summary

This planning proposal (PP) seeks to rezone part of Lot 7 DP 1225206 (305 The Coast Rd, Skennars Head). Areas that are currently identified as 'Deferred Matter' within the site are to be given an appropriate zoning within the Ballina Local Environmental Plan 2012 (BLEP 2012).

Consequential changes to the relevant minimum lot size (MLS) and height of building (HOB) LEP maps are also proposed.

1.1.1 The Site and surrounding land

Lot 7 DP 1225206 ("the site") has a total area of 16.66 hectares and is split by The Coast Road. An area of approximately 5.52 hectares located on the eastern side of the road, is largely cleared but contains a mix of endemic and introduced vegetation. There are no structures located on the land on the eastern side of The Coast Road. This land is currently zoned 7(f) Environmental Protection (Coastal Lands).

The balance of the property is located on the western side of the road, with an area of approximately 7.18 hectares zoned R2 Low Density Residential that will form part of the Skennars Head urban expansion. An area of approximately 1.9 hectares is Deferred Matter zoned 7(d) Environmental Protection (Scenic / Escarpment) under the 1987 LEP.

An area of approximately 2.24 hectares is zoned RU1 Primary Production and is proposed to be consolidated with adjoining rural land in the same ownership as the site.

Two farmhouses and ancillary buildings are accessed from a shared driveway on the western side of The Coast Road. One of the dwellings is located within the Deferred Matter area and the other within the R2 zoned area.

Land to the north (on the western side of The Coast Road) is a mix of residential land where dwellings are at various stages of construction as part of the Aureus estate, as well as areas of public open space (Deferred Matter) in the ownership of Ballina Shire Council that provides a visual buffer between the road and residential development. Land to the south is predominantly vacant grazing land with patches of vegetation that provides an important inter-urban buffer to residential development further to the south.

Land to the north (on the eastern side of The Coast Road) is utilised as carparking and access to Sharpes Beach. Land to the south is heavily vegetated land that forms part of the Flat Rock Camping Ground.

The site, existing zoning and surrounding land uses are shown below in Figures 1 and 2.

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head



Figure 1: The site and current zonings under LEP 2012



Figure 2: The site and current zonings under LEP 1987

1.1.2 Proposed Zoning Rationale and Justification

The rationale for the LEP amendment is to limit the development potential of strategically important coastal areas and to facilitate a future subdivision that will support urban development in a planned urban growth area, at Skennars Head.

The current zoning includes areas of Deferred Matter (DM) that would preclude subdivision under Clause 4.2C under the Ballina LEP (2012). The provisions of Clause 4.2C are discussed in Section 1.2 of this report.

The planning proposal seeks to zone the Deferred Matter (DM) land on the eastern side of The Coast Road as C2 (Environmental Conservation). This area is largely cleared but contains a mix of endemic and introduced vegetation. There are no current land uses other than as an occasional recreational area for the landowners. The proposed C2 (Environmental Conservation) zoning is consistent with the objectives to:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The owners' intent is to have this land managed by a not-for-profit trust for its ongoing conservation and have provided a letter of offer to enter into a VPA to provide vegetation management plantings to enhance the ecological values of the site. Council is also seeking to limit any future development potential in this area, given it is a rare piece of privately owned land along a strategically important coastal area.

The planning proposal is also seeking to rezone the DM land on the western side of the road to a combination of C3 (Environmental Management) and RU1 (Primary Production).

The land proposed as C3 (Environmental Management) is largely cleared land with some planted native and introduced vegetation. The land is periodically mowed. There are no land uses currently undertaken and it is best described as a rural / coastal landscape. The intent is that this land will ultimately be transferred to Council ownership and maintained as a buffer area between the road and future residential development in the R2 zoned land. This use is also consistent with the C3 zone objectives:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

The land proposed as RU1 contains an existing dwelling and associated farm buildings. It includes the existing driveway that is used to access both dwellings on the site. The RU1 zoning is proposed so the dwelling can be maintained and consolidated with the adjoining RU1 land in the same ownership.

The proposed zoning is shown below in Figure 3.

Consequential LEP map amendments to the Minimum Lot Size, Height of Buildings, and LEP Land Application Area are also proposed as shown at Appendix 4.

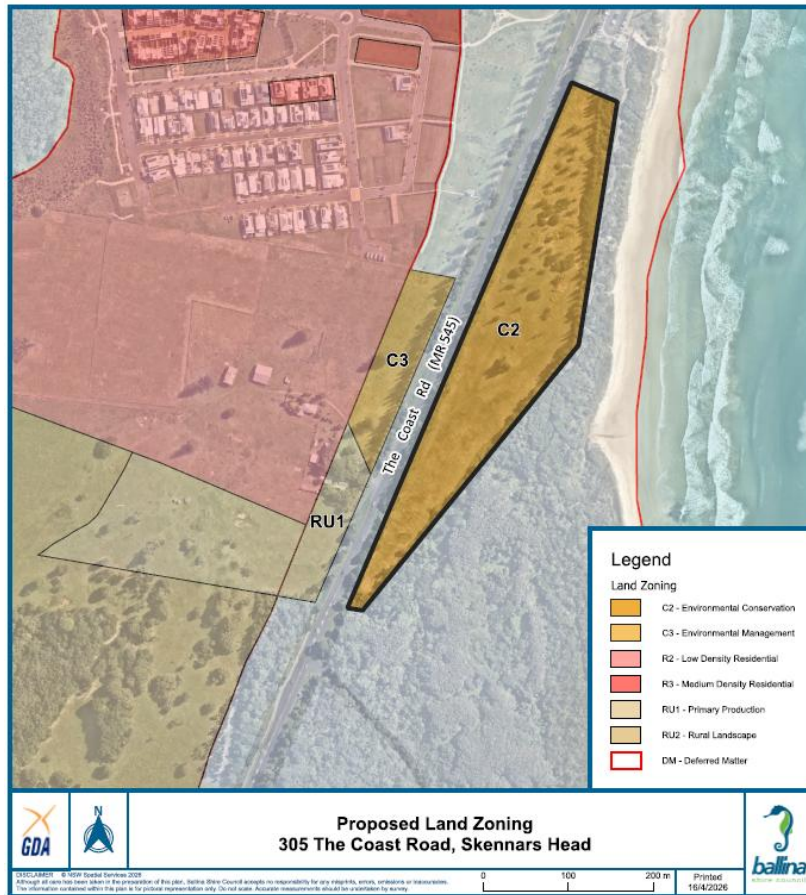


Figure 3: Proposed zoning

| Current Zone | Area of land | Proposed Zone | Area of Land |
|--|---------------|--|-----------------------------|
| 7(f) - Environmental Protection (Coastal Lands). | 5.52 hectares | C2 – Environmental Conservation | 5.52 hectares |
| 7(d) - Environmental Protection (Scenic / Escarpment | 1.9 hectares | C3 – Environmental Management & RU1 – Primary Production | 1.1 hectares & 0.8 hectares |

1.1.3 Primary Land Use and Consistency with the Northern Councils E Zone Review

The land on the eastern side of The Coast Road is largely cleared but contains a mix of endemic and introduced vegetation. There are no current land uses other than as an occasional recreational area for the landowners.

The proposed C2 (Environmental Conservation) zoning is consistent with the zone objectives as addressed above at 1.1.2 and vegetation enhancement works are to be undertaken as part of a VPA.

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The land on the western side of The Coast Road proposed as C3 (Environmental Management) is largely cleared land with some planted native and introduced vegetation. The land is periodically mowed. There are no land uses currently undertaken and it is best described as a rural / coastal landscape. The intent is that this land will ultimately be transferred to Council ownership and maintained as a buffer area between the road and future residential development in the R2 zoned land. This use is also consistent with the C3 zone objectives as addressed at 1.1.2.

The land on the western side of The Coast Road proposed as RU1 contains an existing dwelling and associated farm buildings. The proposed RU1 zoned area includes the existing driveway that is used to access both dwellings on the site. The RU1 zoning is proposed so the dwelling can be maintained and consolidated with the adjoining RU1 land in the same ownership.

The primary uses (current and future) of the land proposed for rezoning are described above. The vegetation on the site has not been verified against the criteria in *The Northern Councils E Zone Review – Final Recommendations Report (2015)*. However, the report states on page 15 that:

- *Private land may be zoned E2 or E3 despite being inconsistent with the criteria, only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner.*

In this case, the proposed C2 and C3 zonings are part of a negotiated outcome as part of the rezoning process and has been requested by the landowner. In addition, the proposed C2 and C3 zoning is consistent with the zone objectives for the intended use as described above.

1.2 Background to Planning Proposal

The planning proposal is a result of a scoping proposal prepared on behalf of the landowners and submitted to Council on February 26, 2025.

The owners are seeking to apply an appropriate zoning that will conserve the areas currently identified as Deferred Matter for conservation and open space purposes, whilst facilitating a future subdivision.

Clause 4.2C of the Ballina LEP 2012 provides for the subdivision of split zoned land to permit the creation of lots that support urban development in planned urban growth areas. The objectives of the clause are:

- (a) to permit the creation of lots that support urban development in planned urban growth areas,*
- (b) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- (c) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.*

However, Clause 4.2C (Exemptions to minimum subdivision lot sizes for split zones) cannot be applied to areas that are 'Deferred' from LEP 2012, as it specifically applies to:

- (2) This clause applies to each lot (an **original lot**) that contains—*
 - (a) land in a residential, employment or mixed use zone, and*
 - (b) land in a **relevant zone**.*

(6) *In this clause—*

relevant zone means Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone C2 Environmental Conservation or Zone C3 Environmental Management.

As the “relevant zones” identified in Clause 4.2C(6) do not include areas identified as Deferred Matter, the clause cannot be used to facilitate a future subdivision. Therefore a planning proposal to rezone the DM areas and to bring them into the 2012 LEP is required before a development application for subdivision can be lodged.

The landowners have requested the application of a conservation zoning. In accordance with the Northern Councils E Zone Review Final Recommendations Report, this may be done without consideration of the criteria outlined on pages 13-14 or the primary land use.

- *Private land may be zoned C2 or C3 despite being inconsistent with the criteria, only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner.* (Extract from page 15).

A signed, written request from the landowner has been provided.

The planning proposal is supported by a draft Voluntary Planning Agreement (Appendix 7) that will provide a mechanism to ensure that no dwelling can be constructed on the proposed C2 area, and that vegetation restoration works are to be undertaken on part of this site.

1.3 Council Resolutions

Council at its meeting on 28/08/2025 resolved as follows:

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 to rezone part of 305 The Coast Road, Skennars Head as detailed in the Planning Proposal in Attachment 2 to this report (BSCPP 25/002), including consequential changes to minimum lot size, height of building and land application maps.
2. That Council submits Planning Proposal BSCPP 25/002 to the Department Planning Housing and Infrastructure (DPHI) for a Gateway Determination.
3. That upon an affirmative Gateway determination being received, Council proceeds to public exhibition and agency consultation in accordance with Gateway determination requirements.
4. That Council endorse the preparation of a draft planning agreement as detailed in this report. That the draft planning agreement (or other suitable legal mechanism) once finalised be publicly exhibited concurrently with the planning proposal.

1.4 Gateway Determination

A gateway determination was issued on September 22, 2025 and is provided under a separate cover as Appendix 2. This planning proposal has been updated to reflect the gateway requirements.

2. Planning Proposal

Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* (the Act) outlines requirements that must be addressed when preparing Planning Proposals. The following sections provide details of the Planning Proposal (PP) as it relates to Section 3.33(2) of the Act.

Part 1 – Objectives and intended outcomes

The objective of this planning proposal is to amend the Ballina LEP 2012 to rezone the parts of Lot 7 DP 1225206 that are currently 'Deferred Matter' to an appropriate zone to facilitate a future subdivision under Clause 4.2C and long-term conservation outcomes.

The area east of The Coast Road that is currently zoned 7(f) Environmental Protection (Coastal Lands) under BLEP 1987 will be rezoned C2 (Environmental Conservation). The area west of The Coast Road that is currently zoned 7(d) Environmental Protection (Scenic Escarpment) under BLEP 1987 will be rezoned to C3 (Environmental Management) and RU1 Primary Production. Consequential changes to the relevant minimum lot size (MLS) and height of building (HOB) maps will also be required.

The objective will be achieved by:

- Amending BLEP 2012 zone map LZN_006C
- Amending BLEP 2012 lot size map LSZ_006C
- Amending BLEP 2012 height of buildings map HOB_006C
- Amending BLEP 2012 land application area map LAP_001

The proposed map changes are shown at Appendix 4.

Part 2 – Explanation of provisions

The planning proposal is for a mapping amendment only.

It is understood that Council is unlikely to be given delegation to make the plan and as such will be facilitated by the Department of Planning, Housing and Infrastructure.

Part 3 – Justification

Section A – Need for the planning proposal

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

No. The planning proposal has been initiated by the landowners who are seeking to facilitate a future subdivision under Clause 4.2C that will support future urban expansion at Skennars Head, whilst also providing environmental protection for coastal lands, providing an extension of a coastal buffer area and allow an existing farmhouse to be incorporated into adjoining rural land.

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

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head

Yes, the requirements of Clause 4.2C require a rezoning planning proposal to be undertaken before a subdivision can occur.

Section B – Relationship to strategic planning framework

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

Yes. *The North Coast Regional Plan 2041* is the current top level strategic planning document applicable to the Ballina Shire

The planning proposal aims to facilitate a future subdivision that will release residential zoned land to support new housing in a strategic urban growth area. This is consistent with the North Coast Regional Plan Objective 1:

- *to 'provide well located homes to meet demand'.*

It will also give effect to the following action within Ballina Local Government narrative:

- *Support the delivery of housing supply and greater diversity in strategic and local centres, including higher density housing within and close to Ballina CBD.*

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?

The planning proposal is considered to be consistent with a range of applicable strategies and planning priorities adopted by Ballina Shire Council:

The Ballina LSPS (2020-2040) includes as part of the vision, that we:

- *Value and preserve our beautiful natural assets including our beaches, waterfalls and rural hinterland, through application, maintenance and enforcement of regulatory controls.*

The application of a C2 zone and entering into a PA (voluntary) will ensure that 5.5 hectares of important coastal land will be protected from future development and contribute to the preservation of natural assets.

The application of the C3 zone will also ensure an additional 1 hectare of coastal hinterland is protected and to be transferred to public ownership as part of the future residential subdivision to provide an important visual buffer to be utilised as public open space.

A draft update of the LSPS includes as a Priority, to:

- *Increase housing supply, diversity and affordability in existing population centres and key strategic growth areas.*

The Lennox Head Strategic Plan (2023-2043) which incorporates the Skennars Head area, has an area wide objective to:

- *Protect iconic landscapes and the views and vistas to these places from the public realm.*

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head

In addition, the Skennars Head character statement includes the following local objectives:

- *Maintain and sensitively increase residential densities close to the local centre, and*
- *Retain wild coast values of Skennars headland.*

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

There are no other applicable state or regional strategies or studies.

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

There are no SEPPs directly applicable to the proposed rezoning.

The site is within the Coastal Use and Coastal Environment mapped areas in the Resilience and Hazards SEPP, which is addressed in relation to the applicable Ministerial Direction.

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

Yes. A number of Section 9.1 Ministerial Directions are relevant to the planning proposal. A response is provided in the checklist at Appendix 3.

Section C – Environmental, social and economic impact

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

No. The proposal seeks to provide additional environmental protections and to prohibit future development of a strategically important coastal area.

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

No adverse environmental effects associated with the planning proposal have been identified.

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

The planning proposal is considered to have a positive social and economic effect in that the intent is to facilitate future subdivision of the residential zoned land and to provide protections for strategically important coastal areas.

Section D – Infrastructure (Local, State and Commonwealth)

Q11 Is there adequate public infrastructure for the planning proposal?

No additional public infrastructure is required as a result of the planning proposal.

Section E – State and Commonwealth Interests

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

Consultation will be undertaken with relevant agencies as required by the Gateway determination.

Part 4 – Mapping

The following map sheets of the BLEP 2012 are proposed to be amended as part of this planning proposal:

- Zone map LZN_006C
- Lot size map LSZ_006C
- Height of buildings map HOB_006C
- Land application map LAP_001

The proposed maps are provided at Appendix 4.

Part 5 – Community Consultation

This proposal was exhibited from 12 February to 27 March, 2026 in accordance with Gateway requirements, the terms of the *Environmental Planning and Assessment Act 1979* and Council’s Community Participation Plan 2019.

Part 6 – Timeline

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

| Plan Making Step | Estimated Completion (Before) |
|--|--------------------------------------|
| Gateway Determination | September 2025 |
| Government Agency Consultation | November 2025 |
| Public Exhibition Period | February / March 2026 |
| Submissions Assessment | March 2026 |
| Local Plan Making Authority (LPMA) Assessment of Planning Proposal and Exhibition Outcomes | June 2026 |
| Submission of Endorsed LEP to DPHI for Finalisation | July 2026 |
| PPA Decision to Make the LEP Amendment (if delegated) | |
| Forwarding of LEP Amendment to DPHI for Notification (if delegated) | |

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head

Appendix 1 – Council Reports

(Under Separate Cover)

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head

Appendix 2 – Gateway Determination

(Under Separate Cover)

Appendix 3 – Section 9.1 Direction Checklist

| Section 9.1 Ministerial Direction Checklist - Planning Proposal – PP-2025-359 | |
|--|---|
| Direction No. | Compliance of Planning Proposal |
| Focus area 1: Planning Systems | |
| Implementation of Regional Plans | The planning proposal is consistent with the <i>North Coast Regional (2041)</i> as addressed at Section B Q.3 of this report. |
| Development of Aboriginal Land Council land | Not applicable to this planning proposal. |
| Approval and Referral Requirements | Consistent. No specific consultation or referral provisions will apply for future development applications. |
| Site Specific Provisions | Not applicable to this planning proposal. |
| 1.4A Exclusion of Development Standards from Variation | Not applicable to this planning proposal. |
| Focus area 1: Planning Systems – Place-based | |
| 1.5 to 1.22 | These Directions do not apply to Ballina Shire. |
| Focus area 2: Design and Place | |
| Focus area 3: Biodiversity and Conservation | |
| Conservation Zones | Consistent. The planning proposal seeks to provide applicable zones that will facilitate the protection and conservation of strategic coastal lands. |
| Heritage Conservation | An AHIMS search was conducted and is included within the applicants request submission (Appendix 5). Three sites and one Aboriginal place are identified within the vicinity. The planning proposal will not alter or intensify the current land use (vacant land) and is considered to be consistent with the Direction. It is anticipated consultation with Jali Land Council will be a requirement of the Gateway Determination. |
| Sydney Drinking Water Catchments | Not applicable to this planning proposal. |
| Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPS | Consistent. The proposal seeks to introduce C2 and C3 zoned areas in accordance with the Northern Councils E Zone Review Final Recommendations, as addressed at Section 1.2 of this report. |
| Recreation Vehicle Areas | Not applicable to this planning proposal. |
| Strategic Conservation Planning | Not applicable to this planning proposal. |
| 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 | Does not apply to Ballina Shire. |
| Focus area 4: Resilience and Hazards | |
| Flooding | Not applicable. The site is not flood prone land. |

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head

| Section 9.1 Ministerial Direction Checklist - Planning Proposal – PP-2025-359 | |
|--|---|
| Direction No. | Compliance of Planning Proposal |
| Coastal Management | Consistent. The site is identified as within the Coastal Use and Coastal Environment mapped areas under Chapter 2 of the <i>Resilience and Hazards SEPP</i> . The proposal is consistent with the management objectives for the applicable areas identified in the <i>Coastal Management Act 2016</i> . The planning proposal and associated PA will ensure coastal environmental values and scenic values are protected and additional public open space is provided. The proposal will not enable increased or more intensive development that is permitted under the current 7(f) and 7(d) zones that are applicable under Ballina LEP (1987). Further detailed responses are provided in separate tables below. |
| Planning for Bushfire Protection | Consistent. The site is mapped as containing areas predominantly within a bushfire vegetation buffer area. Consultation with the RFS as a condition of gateway determination is anticipated. |
| Remediation of Contaminated Land | Consistent. The site has had a history of agricultural use, and a former (demolished) dip site is identified on the land on the eastern side of the Coast Road. The planning proposal and associated PA seek to prohibit a future dwelling on this area to be zoned C2. This area is currently vacant land and the planning proposal will not change the current use or facilitate any future uses that warrant further investigation in relation to contamination and remediation requirements. |
| Acid Sulfate Soils | Not applicable to this planning proposal. |
| Mine Subsidence and Unstable Land | Not applicable to this planning proposal. |
| Focus area 5: Transport and Infrastructure | |
| Integrating Land Use and Transport | Not applicable to this planning proposal. |
| Reserving Land for Public Purposes | Consistent. This planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. |
| Development Near Regulated Airports and Defence Airfields | Not applicable to this planning proposal. |
| Shooting Ranges | Not applicable to this planning proposal. |
| High pressure dangerous goods pipelines | Not applicable to this planning proposal. |
| Focus area 6: Housing | |
| Residential Zones | Not applicable to this planning proposal. |
| Caravan Parks and Manufactured Home Estates | Not applicable to this planning proposal. |
| Focus area 7: Industry and Employment | |
| Employment Zones | Not applicable to this planning proposal. |
| Reduction in non-hosted short term rental accommodation period | Not applicable to this planning proposal. |
| Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable to this planning proposal. |
| Focus area 8: Resources and Energy | |
| Mining, Petroleum Production and Extractive Industries | Not applicable to this planning proposal. |
| Focus area 9: Primary Production | |
| Rural Zones | Not applicable to this planning proposal. |

| Section 9.1 Ministerial Direction Checklist - Planning Proposal – PP-2025-359 | |
|---|---|
| Direction No. | Compliance of Planning Proposal |
| Rural Lands | Consistent. The planning proposal seeks to apply appropriate conservation and rural zones to an area currently Deferred from the Ballina LEP 2012. The proposed zoning and associated map amendments are consistent with the objectives and directions of this Ministerial Direction. |
| Oyster Aquaculture | Not applicable to this planning proposal. |
| Farmland of State and Regional Significance on the NSW Far North Coast | Consistent. Part of the site is identified as regionally significant farmland. However, the planning proposal does not seek to rezone the land for an urban or rural residential purpose. |

Detailed Assessment Comments Relating to Identified Directions

| |
|---|
| <p>Direction 4.2 – Coastal Management Direction 4.2 applies when a Planning Proposal affects land within the coastal zone that is identified in the mapping associated with State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>Specific responses have been provided in red where applicable.</p> <p>The provisions of this direction are addressed below:</p> <p>(1) <i>A Planning Proposal must include provisions that give effect to and are consistent with:</i></p> <p>(a) <i>The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas.</i></p> <p><i>The objects of the Act are addressed as follows:</i></p> <p>(a) <i>to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and</i></p> <p><i>The planning proposal seeks to protect and enhance natural coastal processes and coastal environmental values by prohibiting future development in a strategically important coastal area. It will do this through zoning controls, a restriction on title and a VPA.</i></p> <p>(b) <i>to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and</i></p> <p><i>The site is currently in private ownership. The planning proposal seeks to ensure that public enjoyment of the view across the land on the eastern side of The Coast Road is not lost to future development. An area on the western side of The Coast Road is to be dedicated to Council to expand upon an area of public open space to the north and to ensure a visual buffer is maintained to future residential development.</i></p> <p>(c) <i>to acknowledge Aboriginal peoples’ spiritual, social, customary and economic use of the coastal zone,</i></p> <p>(d) <i>to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and</i></p> <p>(e) <i>to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and</i></p> |
|---|

- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and
- (m) to support the objects of the Marine Estate Management Act 2014.

1 (b) the NSW Coastal Management Manual and associated Toolkit

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

Responses provided in the checklist at Appendix 6 of the Planning Proposal.

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

The Coastal Zone Management Plan for the Ballina Shire Coastline (2016) is the applicable plan. Section 3.7 contains objectives and management actions that apply to Sharpes Beach which is directly to the east of the subject site and accessed from the north. The planning proposal does not impact upon existing management strategies for this area.

(2) A Planning Proposal must not rezone land which would enable increased development or more intensive land-use on land:

(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or

The site is not within a coastal vulnerability area.

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

- i. by or on behalf of the relevant planning authority and the planning proposal authority, or*
- ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.*

The site is not identified as affected by future coastal hazard and the proposal will not facilitate increased or more intensive land uses.

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

The site is not within a littoral rainforest or coastal wetlands area.

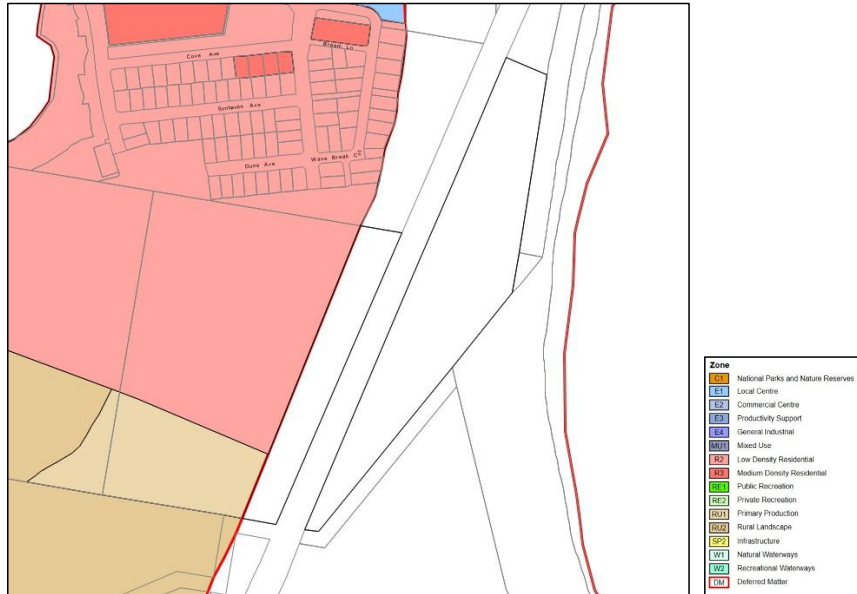
(4) A Planning Proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:

- (a) Coastal wetlands and littoral rainforests area map;*
- (b) Coastal vulnerability area map;*
- (c) Coastal environment area map; and*
- (d) Coastal use area map.*

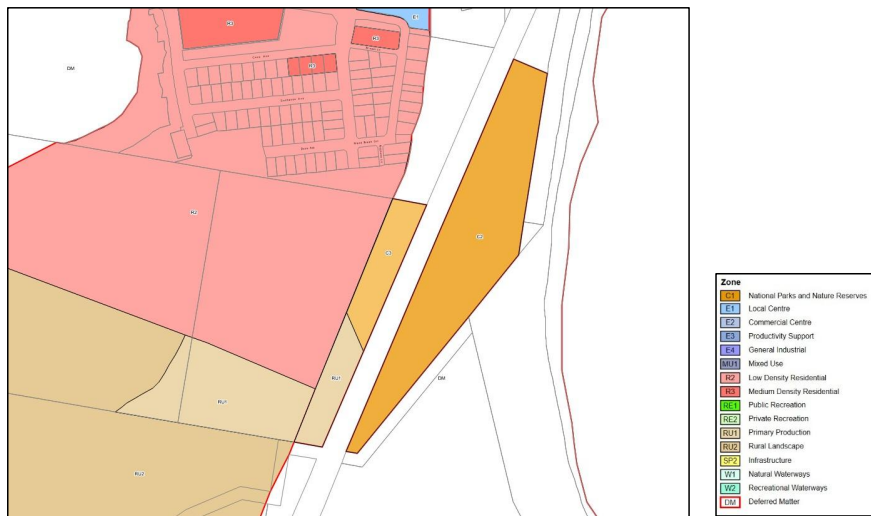
Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.

The planning proposal does not seek to amend the applicable maps.

Appendix 4 – Mapping

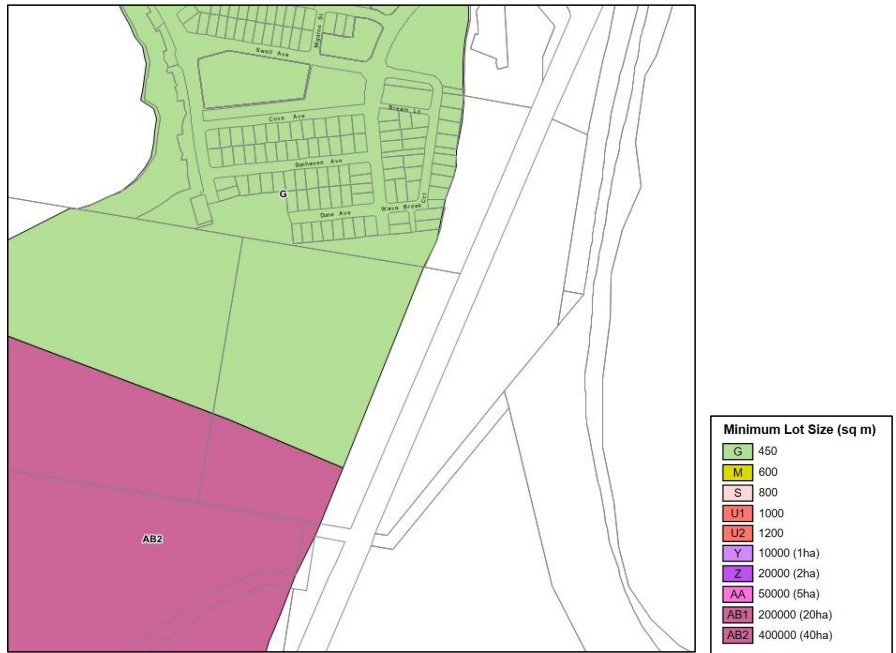


Current zoning



Proposed zoning

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head



Current Minimum Lot Size



Proposed Minimum Lot Size

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head



Current Height of Building



Proposed Height of Building

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head



Current Land Application



Proposed Land Application

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head

Appendix 5 – Proponent’s Planning Proposal Request Submission

(Under Separate Cover)

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head

Appendix 6 – Coastal Zone Assessment

(Under Separate Cover)

Planning Proposal 2025_359 – 305 The Coast Rd Skennars Head

Appendix 7 – Draft Planning Agreement

(Under Separate Cover)



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2025-359): *Rezone part of Lot 7 DP 1225206, 305 The Coast Rd, Skennars Head for rural and environmental purposes and apply associated development controls.*

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 rezone part of Lot 7 DP 1225206, 305 The Coast Road, Skennars Head and apply associated development controls should proceed subject to the following Gateway conditions.

The LEP should be completed within 9 months from the date of the Gateway determination.

Gateway Conditions

1. Prior to community and agency consultation the proposal is to be amended to:
 - (a) update Part 1 of the planning proposal to include the rationale for the proposal outlined in the Council report from the Ordinary Meeting on 28 August 2025;
 - (b) refer to the zone of the land under the Ballina LEP 1987 on page 2;
 - (c) include a table that nominates the area of land to which the planning proposal applies and the size of the current and proposed land zones;
 - (d) assess and justify the proposed zones, including how the proposed zones comply with the Northern Councils E Zone Review – Final Recommendations Report; and
 - (e) include an existing land zoning map for the Ballina LEP 1987.
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;
 - (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);
 - (c) Consistent with the recommendations of the E Zone Review, Council must ensure that any landowner whose land is proposed to have a conservation zone applied, is notified in writing of the planning proposal and consultation arrangements; and

- (d) When Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, the landowners whose land will be subject to a conservation zone must be notified in writing of Council's decision and advised that they have 28 days to notify the Department to undertake an independent review of the proposed zoning of their property.
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Department of Primary Industries and Regional Development – Agriculture
 - Department of Climate Change, Energy, the Environment and Water – Biodiversity
 - NSW Rural Fire Service
 - Jali Local Aboriginal Land Council
- 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 22 September 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-2025-359 (IRF No 25/1966)

Department of Primary Industries
and Regional Development



OUT25/13313

Mr Paul Hickey
General Manager
Ballina Shire Council
c/-NSW Planning Portal

Attention: Mr Andy Parks

Planning Proposal PP-2025-359 – 305 The Coast Road, Skennars Head

Dear Mr Hickey

Thank you for your referral of 29 September 2025 relating to the proposed rezoning of DM (Deferred Matter) land at 305 The Coast Road, Skennars Head, via the NSW Planning Portal.

The NSW Department of Primary Industries and Regional Development, Agriculture and Biosecurity (the Department) collaborates with and partners with our stakeholders to protect and enhance the productive, sustainable use, and resilience of agricultural resources and the environment.

The Department's advice is guided by section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which requires a consent authority to evaluate a project's potential environmental, social, and economic impacts, as well as the public interest. Sections 1.3(a) and (b) of the EP&A Act emphasise facilitating ecologically sustainable development in land use decision-making. This promotes responsible resource management that benefits present and future generations.

It is understood that the Planning Proposal seeks to rezone Deferred Matter land on part of Lot 7 DP 1225206 (305 The Coast Rd, Skennars Head) to C2 Environmental Conservation, C3 Environmental Management and RU1 Primary Production under the *Ballina Local Environmental Plan 2013* (LEP). It is also proposed to amend the relevant Minimum Lot Size and Maximum Building Heights for the rezoned land.

The Department acknowledges the objectives of the proposed LEP amendments, to protect the environmental values of the coastal landscape and to facilitate a future subdivision that will support urban development in a planned urban growth area, at Skennars Head already zoned R2 Low Density Residential.

105 Prince Street | Locked Bag 21
Orange NSW 2800

E: landuse.ag@dpird.nsw.gov.au
dpird.nsw.gov.au

The Department does not object to the Planning Proposal given the strategic alignment of the proposal with the North Coast Regional Plan 2041 and relevant local plans. It is acknowledged that part of the land currently zoned as Deferred Matter is mapped as Important Farmland of regional significance under the North Coast Regional Plan 2041 however the Department notes the historical zoning of the land for environmental protection and consistency of the proposal with C2 and C3 zoning objectives.

It is understood that the rezoning of the Deferred Matter lands will enable the future subdivision of the existing R2 Low Density Residential zoned land. While the Department will not have a referral role for any subsequent development application (DA) for the R2 zoned land, it is recommended that a Land Use Conflict Risk Assessment (LUCRA)¹ be undertaken as part of the DA process. A LUCRA will help to inform the future subdivision layout and design. The LUCRA will assist in identifying risk mitigation measures and importantly consider measures to manage the interface with the future residential area and adjacent agricultural land. Any broader risks to agriculture in the locality will also need to be addressed.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me on 0412 424397 or by email at landuse.ag@dpird.nsw.gov.au.

Sincerely



Selina Stillman
Agricultural Land Use Planning Officer
Climate and Natural Resources | Agriculture and Biosecurity | Agricultural Land Use Planning

10 October 2025

¹ <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment/development-assessment2/lucra>



Department of Climate Change, Energy, the Environment and Water

Your ref: PP-2025-359
Our ref: DOC25/833303-10

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Andy Parks

Dear Mr Hickey

RE: Planning Proposal – 305 The Coast Road, Skennars Head – Lot 7 DP1225206

Thank you for your referral through the NSW Planning Portal dated 29 September 2025 about the planning proposal at 305 The Coast Road, Skennars Head (Lot 7 DP1225206), seeking comments from the Conservation Programs, Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water. I appreciate the opportunity to provide input.

CPHR has reviewed the Planning Proposal and associated documentation. We understand the planning proposal seeks to amend the Ballina Local Environmental Plan 2012 (BLEP) to:

- rezone parts of Lot 7 DP1225206 currently identified as deferred matter land to a combination of the C2 Environmental Conservation, C3 Environmental Management, and RU1 Primary Production zones.
- make consequential changes to the Minimum Lot Size, Height of Buildings, and Land Application Area maps in the BLEP.

We understand Lot 7 DP1225206 is split by The Coast Road, and an area of approximately 5.52ha located on the eastern side of the road currently identified as deferred matter land is proposed to be zoned C2.

An area of approximately 1.9ha west of The Coast Road identified as deferred matter land is proposed to be rezoned to a combination of C3 and RU1.

We understand the strip of land proposed to be rezoned as C3 is intended to ultimately be transferred to Council ownership and maintained as a buffer area between the road and future residential development.

Biodiversity

We note the planning proposal does not include an assessment of high environmental value (HEV) land. The planning proposal states the land proposed to be zoned C2 and C3 contains native and exotic vegetation. We also note a portion of land along the south-eastern boundary of the proposed C2 area is mapped on the Biodiversity Values Map due to containing identified rainforest.

Despite the absence of an assessment of HEV land, we understand the landowner has requested conservation zones be applied to the parts of the planning area with the potential to meet the HEV criteria as set out in the Northern Councils E Zones Review Final Recommendations Report (E Zones Review). As per the E Zones Review, private land may be zoned C2 or C3 at the request of the landowner.

We also understand ecological restoration works are proposed to be undertaken within the C2 area, and the landowner has offered to enter into a Voluntary Planning Agreement that will include the preparation and implementation of a Vegetation Management Plan to facilitate such works. CPHR supports this approach to improving and sustaining the values of the proposed C2 land.

Flood Risk Management

Ballina Shire Council's approach to managing flood risk is largely in line with the NSW Government's Flood Prone Land Policy and Flood Risk Management Manual (2023) and associated Toolkit materials which aim to limit the risk to life and the social, economic, and environmental impacts of flooding on the community.

The Ballina Flood Study Update, completed by Council in 2023, indicates that the site is not flood affected by riverine flooding up to the PMF.

However, we note the planning proposal does not consider overland flooding, and that Council has applied for funding under the 2025-26 Floodplain Management Program to undertake an overland flood study for Skennars Head. The outcome of this funding application will not be known until late 2025.

In summary, CPHR recommends the planning proposal considers the potential impact and associated risks of overland flooding on the proposed re-zoning residential area.

If you have any further questions about this issue, please contact Mr Gene Mason, Senior Conservation Planning Officer North East, CPHR, on 8289 6315 or at gene.mason@environment.nsw.gov.au.

Yours sincerely



NICKY OWNER
A/Senior Team Leader Planning North East
Conservation Programs, Heritage and Regulation

10 November 2025



Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Your reference: (REF-3998) PP-2025-359
Our reference: SPI20251001000229

ATTENTION: Andy Parks

Date: Monday 3 November 2025

Dear Sir/Madam,

**Strategic Planning Instrument
Rezoning - Planning Proposal
Ballina Local Environmental Plan 2012 - Rezoning - 305 The Coast Rd, Skennars Head**

I refer to your correspondence dated 29/09/2025 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.

The planning proposal seeks to zone land on the eastern side of The Coast Road as C2 - Environmental Conservation. This area is largely cleared but contains a mix of endemic and introduced vegetation. The planning proposal is also seeking to rezone land on the western side of the road to a combination of C3 - Environmental Management and RU1 - Primary Production.

The land proposed as RU1 contains an existing dwelling and associated farm buildings. It includes the existing driveway that is used to access both dwellings on the site. The RU1 zoning is proposed so the dwelling can be maintained and consolidated with the adjoining RU1 land in the same ownership. No dwelling entitlements are proposed C2 area and that vegetation restoration works are to be undertaken on part of this site. The land proposed as C3 zone is largely cleared land with some planted native and introduced vegetation. The land is periodically mowed. There are no land uses currently undertaken and it is best described as a rural / coastal landscape. The intent is that this land will ultimately be transferred to Council ownership and maintained as a buffer area between the road and future residential development in the R2 zoned land.

The NSW RFS has no objection to the Planning Proposal. Future development, where on mapped bushfire prone land, will need to satisfy the requirements of Planning for Bushfire Protection guidelines.

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

Yours sincerely,

Ivan Perkins
**Manager Planning & Environment Services
Built & Natural Environment**

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

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NSW Rural Fire Service
4 Murray Rose Ave
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PLANNING AGREEMENT

305 The Coast Road, Skennars Head

Ballina Shire Council (ABN 53 929 887 369) (Council)

Ruth Mary Stewart (Landowner)

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PLANNING AGREEMENT for CHANGE TO AN ENVIRONMENTAL PLANNING INSTRUMENT

Parties to this Deed

| | | |
|------------------|----------------------|---|
| Landowner | Name | RUTH MARY STEWART |
| | Address | 212/35 Fawcett Street BALLINA NSW 2478 |
| | | |
| | ABN | 28 824 731 880 |
| | Contact Name | Ian McKay |
| | Contact email | ian@byronlegal.com |
| | | |
| Council | Name | Ballina Shire Council |
| | Address | 40 Cherry Street, Ballina NSW 2480 |
| | ABN | 53 929 887 369 |
| | Contact Name | Andy Parks |
| | Contact email | Andy.Parks@ballina.nsw.gov.au |

Background

- A In March 2025, the Landowner requested the Council to initiate a Planning Proposal seeking to rezone part of Lot 7 DP 1225206 that is currently Deferred from the Ballina LEP 2012 to an applicable zone in order to facilitate a future subdivision of the land.
- B The Landowner intends for the C2 portion of the land to be managed by a not-for-profit trust for its ongoing conservation and to protect the iconic landscape and the views and vistas for the material benefit of the public.
- C The Planning Proposal was accompanied by an offer by the Landowner to enter into this Deed to make Development Contributions if the Instrument Change is made, and Development Consent is granted to development facilitated by the Instrument Change.

Operative provisions

Part 1 – Preliminary

1 Definitions and Interpretation

1.1 In this Deed the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Approval includes approval, consent, licence, permission or the like.

Approved Work Drawings means the detailed plans and drawings for the Works approved by the Council referred to in Schedule 5.

Authority means any:

- (a) federal, state or local government;
- (b) a Minister of the Crown;
- (c) department of any federal, state or local government;
- (d) any court or administrative tribunal; or
- (e) public authority established under any legislation;
- (f) statutory corporation or regulatory body.

C2 Land means that part of the Land identified on the Plan as having proposed C2 zoning.

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Complete or **Completed** means delivered or concluded in accordance with the requirements of the Works Provisions.

Confidential information means any information and all other knowledge at any time disclosed (whether in writing and orally) by the Parties to each other, or acquired by the Parties in relation to the other's activities or services which is not already in the public domain and which:

- (a) is by its nature confidential;
- (b) is designated, or marked, or stipulated by either party as confidential (whether in writing or otherwise);
- (c) any party knows or ought to know is confidential; or
- (d) is information which may be reasonably considered to be of a confidential nature.

Construction Contract means a contract or arrangement entered into between the Landowner as principal and another person under which

the other person undertakes to provide Work required by this Deed, or to supply related goods and services, for the Landowner.

Contractor means the contractor under a Construction Contract.

Contributions Table means the table in Schedule 1.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

Deed means this agreement and includes any schedules, annexures and appendices to this Deed.

Development means subdivision of the Land.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of works, or the provision of any other material public benefit which is required to be made under this Deed.

Defect means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of a Work or any part of a Work.

Dispute means a dispute or difference between the Parties under or in relation to this Deed.

ELNO has the meaning given to that term in the Participation Rules.

Equipment means any equipment, apparatus, vehicle or other equipment or thing to be used by or on behalf of the Landowner in connection with the performance of its obligations under this Deed.

Event of Default means a breach of this Deed.

Instrument Change means the amendment of the Ballina Local Environmental Plan 2012 as a consequence of the Planning Proposal which is given effect by the publication of the amending instrument on the NSW legislation website.

Land means Lot 7 in Deposited Plan 1225206.

Land Dedication Provisions means the provisions in Schedule 3, if any.

Maintain, in relation to a Work, means keep in a good state of repair and working order, and includes repair of any damage to the Work.

Occupation Certificate has the same meaning as in the Act.

Part 6 Certificate means a certificate under Part 6 of the Act.

Participation Rules means the participation rules as determined by the Electronic Conveyancing National Law as set out in the *Electronic Conveyancing (Adoption of National Law) Act 2012 (NSW)*.

Party means a party to this Deed, including their successors and assigns.

PEXA means Property Exchange Australia Ltd.

Plan means the plan at Annexure A identifying the Land and the proposed zoning pursuant to the Planning Proposal.

Planning Proposal means PP-2025-359.

Planning Application means a Development Application, an application to modify a Development Consent, an application for a complying development certificate (within the meaning of the Act) or an application for a Part 6 Certificate.

Rectification Notice means a notice in writing:

- (a) identifying the nature and extent of a Defect,
- (b) specifying the works or actions that are required to Rectify the Defect,
- (c) specifying the date by which or the period within which the Defect is to be rectified.

Rectify means rectify, remedy or correct.

Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Subdivision Certificate has the same meaning as in the Act.

Value means the \$ amount agreed between the Parties as the value of a Development Contribution made under this Deed, as shown in the Contributions Table or as otherwise agreed between the Parties.

VMP Area means that part of the C2 Land designated on the VMP Plan.

VMP Conditions means the following:

- (a) an overarching objective to regenerate the VMP Area with species consistent with the Endangered Ecological Community *Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions*;
- (b) mapping showing existing biodiversity assets and vegetation communities;
- (c) proposed management zones;
- (d) aims, quantifiable objectives, activities proposed to meet the objectives and performance criteria, and an adaptive management framework;
- (e) a project work plan, schedule and budget;
- (f) monitoring and reporting for all proposed management zones;
- (g) all tubestock be sourced from licensed and reputable local nurseries and grown from seed of local provenance;

- (h) a minimum of 90% survival rate for all plantings 12 months after establishment;
- (i) a maximum of 5% weed cover for regenerated and revegetated areas 12 months after primary weeding; and
- (j) species diversity and density of a revegetation zone that emulates that of littoral rainforest five years after establishment

VMP Plan means the plan at Annexure B.

Work means the physical result of any building, engineering or construction work in, on, over or under land required to be carried out under this Deed.

Works Provisions means the provisions in Schedule 4, if any.

1.2 **Interpretation** - In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:

- 1.2.1 **Headings** are inserted for convenience only and do not affect the interpretation of this Deed.
- 1.2.2 A reference in this Deed to a **business day** means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- 1.2.3 If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.
- 1.2.4 A reference in this Deed to **dollars or \$** means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.
- 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
- 1.2.6 A reference in this Deed to any **law, legislation or legislative provision** includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.2.7 A reference in this Deed to any **agreement, deed or document** is to that agreement, deed or document as amended, novated, supplemented or replaced.
- 1.2.8 A reference to a **clause, part, schedule or attachment** is a reference to a clause, part, schedule or attachment of or to this Deed.
- 1.2.9 An expression importing a **natural person** includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.10 Where a **word or phrase is given a defined meaning**, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

- 1.2.11 A word which denotes **the singular denotes the plural**, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word '**include**' or '**including**' are to be construed without limitation.
- 1.2.13 A reference to **this Deed** includes the agreement recorded in this Deed.
- 1.2.14 A reference to **a Party to this Deed** includes a reference to the employees, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.15 A reference to '**dedicate**' or '**dedication**' in relation to land is a reference to dedicate or dedication free of cost.
- 1.2.16 Any schedules, appendices and attachments form part of this Deed.
- 1.2.17 Notes appearing in this Deed are operative provisions of this Deed.

2 Planning agreement under the Act

- 2.1 This Deed is a planning agreement governed by Subdivision 2 of Part 7 of the Act.

3 Application of this Deed

- 3.1 This Deed applies to the Land, the Development and the Instrument Change.

4 Date upon which this Deed takes effect

- 4.1 This Deed takes effect when signed by both Parties. The date on which it takes effect is specified at the end of this Deed.

5 Warranties

- 5.1 The Parties warrant to each other that they:
 - 5.1.1 have full capacity to enter into this Deed, and
 - 5.1.2 are able to fully comply with their obligations under this Deed.

6 Further agreements

- 6.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

7 Surrender of right of appeal, etc.

- 7.1 The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to this Deed.

Part 2 – Development Contributions - General

8 Development Contributions to be made under this Deed

- 8.1 The Landowner is required to make the Development Contributions described in the Contributions Table in Schedule 1 in accordance with the Contributions Table and the provisions of this Deed.
- 8.2 In summary the Development Contributions are:
- 8.2.1 Coastal vegetation restoration and enhancement activities to be undertaken; and
 - 8.2.2 Restriction on use registered against private land (being the C2 Land) to protect and enhance natural coastal processes and coastal environmental values by prohibiting residential and other development.
 - 8.2.3 Without limitation, the Landowner (and without limitation, any successor in title to the C2 Land) must not in relation to the C2 Land:
 - (a) lodge, permit, procure or authorise to be lodged a Development Application or other statutory approval concerning a dwelling, moveable dwelling or any other improvement or structure (permanent or temporary) which includes or facilitates residential accommodation (**Dwelling**); or
 - (b) construct or install or procure the construction or installation of a Dwelling; or

- (c) do or permit anything to be done that would or could breach this Deed or be reasonably seen to be inconsistent with clause 8.2.2 and this Deed.

9 Application of Development Contributions

- 9.1 The Council will apply each Development Contribution towards the public purpose for which it is made and otherwise in accordance with this Deed. However, Council may apply the Development Contributions to another public purpose to achieve an outcome it considers to be in the public interest.
- 9.2 Council will under no circumstances refund any monetary Development Contributions made under this Deed, including where the amount of the monetary Development Contribution exceeds the amount necessary to meet the public purpose for which the monetary Development Contribution was made.

10 Application of s7.11, s7.12 and s7.24 of the Act to the Development

- 10.1 This Deed does not exclude the application of s7.11 to the Development.
- 10.2 This Deed does not exclude the application of s7.12 to the Development.
- 10.3 This Deed does not exclude the application of s7.24 to the Development.
- 10.4 Benefits under this Deed are not to be taken into consideration when determining a development contribution under s7.11 of the Act in relation to the Development.

Part 3 – Monetary Contribution

11 Intentionally Deleted

Part 4 – Dedication of Land

12 Intentionally Deleted

Part 5 – Carrying out of Work

13 Works Provisions

- 13.1 If the Contributions Table shown in Schedule 1 of this Deed indicates that any Works are required to be carried out by the Landowner under this Deed, the Works Provisions in Schedule 4 apply to the carrying out of those Works.

Part 6 – Review, Monitoring and Dispute Resolution

14 Review of Deed

- 14.1 If either Party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed the Party may request a review of the whole or any part of this Deed.
- 14.2 For the purposes of clause 14.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other Authority to restrict or prohibit any aspect of the Development.
- 14.3 If a review is requested in accordance with clause 14.1, the Parties are to use all reasonable endeavours, in good faith, to agree on and implement appropriate amendments to this Deed.
- 14.4 If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.
- 14.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 14.1 (but not

14.4) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

- 14.6 If the Parties agree to amend this Deed under this clause 14, any such amendment must be in writing and signed by the Parties, and exhibited in accordance with the Act and Regulation.

15 Monitoring and Reporting

- 15.1 The Landowner acknowledges that the Council will continuously monitor compliance with the Landowner's obligations under this Deed.
- 15.2 The Landowner must, for a period of 5 years from the date of the Instrument Change, provide an annual report to Council on or before 31 July each year in respect of its compliance with the provisions of this Deed in the previous financial year, and the progress of the Development in the previous financial year, including all Planning Applications made.
- 15.3 The annual report is to be in such a form and to address such matters as reasonably required by the Council from time to time and notified to the Landowner and be prepared in a clear manner.
- 15.4 When lodging any Planning Application, the Landowner must provide to Council or a certifier to whom the Planning Application is made, a report identifying what Development Contributions are required to be made in connection with the part of the Development the subject of the Planning Application, and the trigger for the making of those Development Contributions.

16 Notation on Planning Certificate

- 16.1 The Landowner acknowledges that the Council may, pursuant to s10.7(5) of the Act make a notation on a planning certificate within the meaning of the Act in respect of the Land stating that the Land is subject to this Deed.

17 Dispute resolution – expert determination

- 17.1 This clause applies to a Dispute between any of the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if the Parties to the Dispute agree that it can be so determined.
- 17.2 A Dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 17.3 If a notice is given under clause 16.1, the Parties are to meet within 10 business days of the notice in an attempt to resolve the Dispute.

- 17.4 If the Dispute is not resolved within a further 20 business days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 17.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 17.6 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 17.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

18 Dispute Resolution - mediation

- 18.1 This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 17 applies.
- 18.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 18.3 If a notice is given under clause 18.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 18.4 If the Dispute is not resolved within a further 20 business days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 18.5 If the Dispute is not resolved by mediation within a further 20 business days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- 18.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 18.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

Part 7 – Enforcement and Consequences of Non-Compliance

19 Default in Performance and Step-in Rights

- 19.1 If the Council reasonably considers that the Landowner has committed an Event of Default the Council may give a written notice to the Landowner:

- 19.1.1 specifying the nature and extent of the breach,
- 19.1.2 requiring the Landowner to:
 - (a) rectify the breach if it reasonably considers it is capable of rectification, or
 - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,
- 19.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- 19.2 If the Landowner fails to comply with a notice given under clause 19.1 relating to the carrying out of Work under this Deed, the Council may step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Landowner and any Equipment on such land for that purpose.
- 19.3 Any costs incurred by the Council in remedying a breach in accordance with clause 18.2 may be recovered by the Council as a debt due in a Court of competent jurisdiction. :
- 19.4 For the purpose of clause 18.3, the Council's costs of remedying a breach the subject of a notice given under clause include, but are not limited to:
 - 19.4.1 the costs of the Council's employees, agents and contractors reasonably incurred for that purpose,
 - 19.4.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
 - 19.4.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- 19.5 Nothing in this clause 18 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Landowner, including but not limited to seeking relief in an appropriate court.

20 Enforcement in a court of competent jurisdiction

- 20.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.
- 20.2 For the avoidance of doubt, nothing in this Deed prevents:
 - 20.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or

20.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

21 Conditions of Consent

21.1 The Landowner acknowledges that Council may impose a condition on any Development Consent granted to the Development requiring this Deed to be complied with.

Part 8 – Registration & Restriction on Dealings

22 Registration of this Deed

- 22.1 This Deed must be registered on the title of the Land pursuant to s7.6(1) of the Act within 3 months of the date of the Instrument Change.
- 22.2 Within 1 month of the date of the Instrument Change, the Landowner is to deliver to the Council:
- 22.2.1 an instrument in registrable form requesting registration of this Deed on the title to the Land duly executed by the registered proprietor of the Land, and
- 22.2.2 the written irrevocable consent of each person referred to in s7.6(1) of the Act to that registration.
- 22.3 The Landowner is to do such other things as are reasonably necessary to enable registration of this Deed to occur electronically through PEXA or another ELNO.
- 22.4 The Council agrees that the registration of this Deed can be removed by the Landowner from the title to any part of the Land (other than the C2 zoned part of the Land) once a subdivision certificate has issued for the Land or this Deed is terminated or otherwise comes to an end for any other reason.
- 22.5 For abundant clarity, this Deed must remain registered on the title to the C2 Land.
- 22.6 If the registration of this Deed is to be removed under clause 22.4, Council must execute any necessary dealing or document within 30 days of request from the Landowner.

23 Restriction on dealings

23.1 The Landowner is not to:

- 23.1.1 sell or transfer the Land, other than a lot to be sold to end-purchasers or otherwise created for separate occupation and disposition and which is not intended to be further subdivided, or
- 23.1.2 assign the Landowner's rights or obligations under this Deed, or novate this Deed,
to any person unless:
- 23.1.3 the Landowner has, at no cost to the Council, first procured the incoming purchaser or assignee to enter into a novation deed on terms reasonably satisfactory to the Council under which the incoming purchaser or assignee agrees to perform the Landowner's obligations under this Deed, and
- 23.1.4 the Council has given written notice to the Landowner stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and
- 23.1.5 the Landowner is not in breach of this Deed, and
- 23.1.6 the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.
- 23.2 Subject to clause 22.3, the Landowner acknowledges and agrees that it remains liable to fully perform its obligations under this Deed unless and until it has complied with its obligations under clause 23.1.
- 23.3 Clause 22.1 does not apply in relation to any sale or transfer of the Land if this Deed is registered on the title to the Land at the time of the sale.

Part 9 – Indemnities & Insurance

24 Risk

- 24.1 The Landowner performs this Deed at its own risk and its own cost.

25 Release

- 25.1 The Landowner releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

26 Indemnity

26.1 The Landowner indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Landowner's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

27 Insurance

- 27.1 The Landowner is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Landowner under this Deed up until the Work is taken to have been completed in accordance with this Deed:
- 27.1.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Landowner's liability in respect of damage to or destruction of the Works,
 - 27.1.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Landowner and any subcontractor of the Landowner , for liability to any third party,
 - 27.1.3 workers compensation insurance as required by law, and
 - 27.1.4 any other insurance required by law.
- 27.2 If the Landowner fails to comply with clause 27.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Landowner to the Council and may be recovered by the Council as it deems appropriate including recovery as a debt due in a court of competent jurisdiction.
- 27.3 The Landowner is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 26.1.

Part 10 – Other Provisions

28 Confidentiality

- 28.1 This agreement is a public document and its terms are not confidential.
- 28.2 The parties acknowledge that:
- 28.2.1 Confidential Information may have been supplied to some or all of the Parties in negotiations leading up to the making of this agreement; and

- 28.2.2 the Parties may disclose to each other further Confidential Information in connection with the subject matter of this agreement.
- 28.3 Subject to clauses 27.4 and 27.5, each Party agrees:
- 28.3.1 not to disclose any Confidential Information received before or after the making of this agreement to any person without the prior written consent of the Party who supplied the Confidential Information; or
- 28.3.2 to take all reasonable steps to ensure all Confidential Information received before or after the making of this agreement is kept confidential and protected against unauthorised use and access.
- 28.4 A Party may disclose Confidential Information in the following circumstances:
- 28.4.1 in order to comply with the law, or the requirements of any Authority; or
- 28.4.2 to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the Confidential Information confidential.
- 28.5 The obligations of confidentiality under this clause do not extend to information which is public knowledge other than as a result of a breach of this clause.

29 Notices

- 29.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
- 29.1.1 delivered or posted to that Party at its address, or
- 29.1.2 emailed to that Party at its email address.
- 29.2 For the purposes of this clause a Party's address and email address are as noted under '**Parties to this Deed**'.
- 29.3 If a Party gives the other Party 3 business days' notice of a change of its address or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address.
- 29.4 Any notice, consent, information, application or request is to be treated as given or made if it is:
- 29.4.1 delivered, when it is left at the relevant address,
- 29.4.2 sent by post, 2 business days after it is posted, or

29.4.3 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.

29.5 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

30 Approvals and Consent

30.1 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.

30.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

31 Costs

31.1 The Landowner is to pay to the Council the Council's costs of preparing, negotiating, executing and stamping and registering this Deed, and any document related to this Deed within 10 business days of a written demand by the Council for such payment.

31.2 The Landowner is also to pay to the Council the Council's reasonable costs of enforcing this Deed within 10 business days of a written demand by the Council for such payment.

32 Entire Deed

32.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.

32.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

33 Further Acts

33.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

34 Governing Law and Jurisdiction

- 34.1 This Deed is governed by the law of New South Wales.
- 34.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 34.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

35 Joint and Individual Liability and Benefits

- 35.1 Except as otherwise set out in this Deed:
 - 35.1.1 any agreement, covenant, representation or warranty under this Deed by 2 or more persons binds them jointly and each of them individually, and
 - 35.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

36 No Fetter

- 36.1 The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the Act.
- 36.2 This deed is not intended to operate, and shall not be construed as operating to fetter, in any unlawful manner:
 - 36.2.1 the power of Council to make any law; or
 - 36.2.2 the exercise by Council of any statutory power, discretion or duty.
- 36.3 Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law.

37 Illegality

- 37.1 If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

38 Severability

- 38.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.

38.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

39 Amendment

39.1 No amendment of this Deed will be of any force or effect unless it is in writing and signed by the Parties to this Deed in accordance with section 203 of the Regulation.

40 Waiver

40.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.

40.2 A waiver by a Party is only effective if it:

40.2.1 is in writing,

40.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,

40.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,

40.2.4 is signed and dated by the Party giving the waiver.

40.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.

40.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

40.5 For the purposes of this Deed, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

41 GST

41.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

- 41.2 Subject to clause 40.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 41.3 Clause 40.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.
- 41.4 No additional amount shall be payable by the Council under clause 40.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 41.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 41.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 41.5.2 that any amounts payable by the Parties in accordance with clause 40.2 (as limited by clause 40.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 41.6 No payment of any amount pursuant to this clause 40, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 41.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 41.8 This clause continues to apply after expiration or termination of this Deed.

42 Explanatory Note

- 42.1 The Appendix contains the Explanatory Note relating to this Deed required by s205 of the Regulation.
- 42.2 Pursuant to s205(5) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Deed.

43 Electronic Execution

- 43.1 Each Party:
 - 43.1.1 consents to this Deed being signed by electronic signature by the methods set out in clause 42.1;
 - 43.1.2 agrees that those methods validly identify the person signing and indicates that person's intention to sign this Deed;
 - 43.1.3 agrees that those methods are reliable as appropriate for the purpose of signing this Deed, and
 - 43.1.4 agrees that electronic signing of this Deed by or on behalf of a Party by those methods indicates that Party's intention to be bound.
- 43.2 If this Deed is signed on behalf of a legal entity, the persons signing warrant that they have the authority to sign.
- 43.3 For the purposes of clause 42.1, the methods are:
 - 43.3.1 insertion of an image (including a scanned image) of the person's own unique signature onto the Deed; or
 - 43.3.2 insertion of the person's name onto the Deed; or
 - 43.3.3 use of a stylus or touch finger or a touch screen to sign the Deed,

provided that in each of the above cases, words to the effect of 'Electronic signature of me, [insert full name], affixed by me, or at my direction, on [insert date]' are also included on the Deed; or
 - 43.3.4 use of a reliable electronic signing platform (such as DocuSign or AdobeSign) to sign the Deed; or
 - 43.3.5 as otherwise agreed in writing between the Parties.

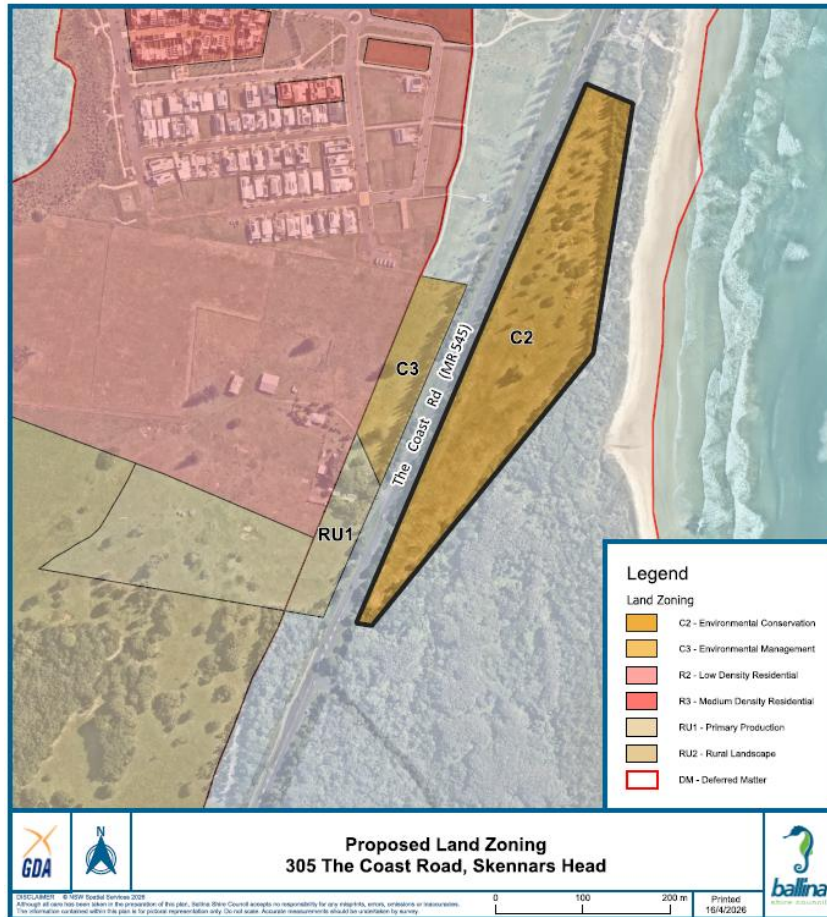
Schedule 1: Contributions Table

| Development Contribution <small>Note: for example, 'Monetary Contribution for Roads' or Dedication of open space' or construction of road'</small> | Public Purpose <small>Note: for example, 'open space' or 'roads' or 'community facilities' or Affordable Housing</small> | Manner and Extent <small>Note: Include detailed description of the item in terms of amount, design, land size etc., including by reference to plan contained in annexures</small> | Timing/ Trigger <small>Note: for example, prior to the issue of a specified Construction Certificate or Subdivision Certificate'</small> | Value | Party Responsible <small>Note: for example, Developer or Landowner</small> | Property Affected, if relevant | Development Stage Affected, if relevant | Third Party, if relevant |
|--|--|---|--|--------------|--|---|--|---------------------------------|
| A. Monetary Contributions – See Part 3 | | | | | | | | |
| Nil | | | | | | | | |
| B. Dedication of Land – See Part 4 and Schedule 3 | | | | | | | | |
| Nil | | | | | | | | |
| C. Carrying out of Works – See Part 5 and Schedule 4 | | | | | | | | |
| Vegetation Management Works | Conservation and enhancement of the natural environment | Vegetation Management Works to be carried out pursuant to an approved VMP, which must satisfy the VMP Conditions and any other conditions Council imposes at the time of | VMP to be approved by Council and commenced by the Landowner prior to issue of a Subdivision Certificate for the Land. | Nil | Landowner | Part of Lot 7 DP1225206 (being the C2 Land) | N/A | N/A |

8.2 Planning Proposal - 305 The Coast Road, Skennars Head - Finalisation

| | | | | | | | | |
|--|---|--|---|------|-----------|---|-----|-----|
| | | approval. VMP works to be undertaken on the VMP Area, works to be maintained for no less than 5 years. | | | | | | |
| D. Other material public benefits | | | | | | | | |
| Registration of Restriction on Use | Conservation of the natural environment | A restriction on use is to be registered on the C2 Land to the effect that no dwelling, dwelling houses or any other residential accommodation (permanent or temporary) may be built on that part of the Land, on terms approved by Council. | Prior to the issue of a Subdivision Certificate for the Land. | Nil. | Landowner | Part of Lot 7 DP1225206 (being the C2 Land) | N/A | N/A |

Annexure A – Plan



Annexure B – VMP Plan



Schedule 2: Table of other Obligations

| Item | Details |
|--|--|
| 1. Security: | Nil |
| 2. Maintenance Period | N/A |
| 3. Defects Liability Period | N/A |
| 4. Defects Liability Security | N/A |
| 5. Maintenance Security | N/A |
| 6. Registration (section 7.6(1) of the Act) | Registration required – see clause 7 |
| 7. Insurances: | N/A |
| 8. Costs of Deed | At the Landowner's 's cost – see clause 31 |

Schedule 3: Intentionally Deleted

Schedule 4: Works Provisions

Cost Of Works

- 1 The Landowner is responsible for meeting all Costs of and incidental to carrying out the Works, regardless of the Value of the Development Contribution comprising a Work.

Deed not Construction Contract

- 2 The Parties acknowledge and agree that this Deed is not a Construction Contract between the Council and the Landowner.

General obligations relating to Works

- 3 The Landowner is to provide and complete the Works in a good and workmanlike manner having regard to the intended purpose of the Works and in accordance with:
 - 3.1 all applicable laws,
 - 3.2 any Approval required by any law relating to the provision of the Works, and
 - 3.3 the lawful requirements of any Authority.
- 4 The Landowner is to ensure that anything necessary for the proper performance of its obligations under this Deed relating to the provision of the Works is supplied or made available for that purpose.

Warranties relating to Works

- 5 The Landowner warrants to the Council that:
 - 5.1 it has obtained all Approvals and has complied with all laws and applicable industry standards in relation to the Works,
 - 5.2 it accepts that, if any aspect of the Works do not comply this Deed, the Council is entitled to require the Landowner to cease the Works and to pursue its rights and remedies relating to the non-compliance under this Deed and, subject to this Deed, at law or in equity,
 - 5.3 the Works, when completed, are to be fit for purpose.
- 6 When a work is Completed, the Landowner is to procure in favour of the Council any warranty reasonably required by the Council relating to the design, construction, supervision, inspection, testing or certification of the Works.

Design of Works

- 7 If the design of a Work is agreed prior to the date of this Deed, Approved Work Drawings will be included in Schedule 5.
- 8 Clauses 9 – 14 of these Works Provisions apply if the design of a Work has not been agreed by Council prior to the date of this Deed, and no Approved Work Drawings are included in Schedule 5.
- 9 The Landowner may not commence construction of the Works unless the Works are designed and approved in accordance with this Deed.
- 10 Before commencing the design of the Works, the Landowner is to request the Council to provide the Landowner with the Council's design requirements for the works.
- 11 Upon receipt of the Landowner's request, the Council may:

- 11.1 initially request the Landowner to provide a written proposal concerning the design of the Works, including preliminary concept designs, to assist Council in determining and notifying the Landowner of its requirements, and subsequently request the Landowner to submit the plans and drawings of the Works to the Council for approval, or
- 11.2 request the Landowner to submit the plans and drawings of the works to the Council for approval.
- 12 The Council may reasonably require the Landowner to make any change to the plans and drawings of the Works that it reasonably considers necessary or desirable as a precondition to approving the plans and drawings, and the Developer is to make any such change.
- 13 The Council is to inform the Landowner in writing when it approves the plans and drawings of the Works.
- 14 The Landowner is not to make any application for any Approval relating to the Works unless the Council approved the plans and drawings of the Works under this clause.

Ownership & care of Works and land

- 15 The Landowner owns, and is responsible for care of a Work and bears all risk and liability in connection with the Work, until:
 - 15.1 20 business days after the Work is complete; or
 - 15.2 any land on which the Work is located which is to be dedicated to Council under this Deed has been dedicated to Council, provided the Work is Complete,whichever is the earlier.

Work health & safety

- 16 The Landowner acknowledges that it is the Principal Contractor under WHS Law for the Works unless and until such time that:
 - 16.1 the Landowner engages the Contractor to construct the Works, or
 - 16.2 engages another person to be the Principal Contractor for the Works,and authorises the person to have management or control of the workplace relating to the Works and to discharge the duties of a Principal Contractor under WHS Law.
- 17 For the purpose of the Landowner's compliance with WHS Law the Council:
 - 17.1 acknowledges that the Landowner (or the Contractor, where appropriate) is the person with management and control of the relevant works area for the purpose of Part 2 of the *Work Health and Safety Act 2011* (NSW); and
 - 17.2 authorises the Landowner (or the Contractor, where appropriate) to exercise authority of the Council necessary to enable the Landowner to discharge its obligations and responsibilities under WHS Law.
- 18 If the Landowner at any time terminates the engagement of the Contractor, or terminates its authority for the Contractor or other person referred to in clause 20 of these Works Provisions to be the Principal Contractor for the Works, the Landowner becomes the Principal Contractor until such time as a new person is appointed as Contractor or to otherwise be the Principal Contractor for the Works.

Variations to approved Works & Costs

- 19 The detail or specifications of Works may be varied by agreement in writing between the Parties, acting reasonably, without the necessity for an amendment to this Deed.
- 20 The Party seeking the variation is to make a written request to the other Party accompanied by such information and supporting documents as is reasonably necessary to enable the other Party to properly consider the request.
- 21 The Party to whom the request is made must respond to the request within 20 business days or such other period considered by the Party to be reasonable in the circumstances.
- 22 A Party is not to unreasonably withhold its Approval to the request.
- 23 The Party who seeks the variation of the Works must meet the costs of the variation, unless the other Party otherwise agrees.
- 24 Despite anything else in clauses 23 to 27, if Council considers, in its absolute discretion, that a variation requested under clause 23 and 24 is not in the public interest, or does not lead to a better planning outcome than the originally designed Works, then it is entitled in its absolute discretion to refuse to agree to the variation.
- 25 In determining whether a variation is in the public interest or leads to a better planning outcome, Council will consider, without limitation:
- 25.1 the needs of the community;
 - 25.2 Council's applicable planning controls and policies;
 - 25.3 the benefit to the public of the Works as originally proposed and as proposed to be varied;
 - 25.4 any impact of the variation on the public or a section of the public;
 - 25.5 any costs implications for Council of the variation;
 - 25.6 integration of the Works with existing Council infrastructure;
 - 25.7 whether the variation will result in any delay in the provision of the Works;
 - 25.8 the guiding principles for councils under the *Local Government Act 1993*;
 - 25.9 whether the variation significantly improves, increases or enlarges the physical, financial, and environmental benefit of the Works to the wider community (other than occupants of the Development);
 - 25.10 whether the variation significantly improves access to enjoyment of the Works by the wider community;
 - 25.11 whether the variation better achieves implementation of Council' adopted strategies relevant to the Works and public benefits more generally.

Construction commencement notice

- 26 The Landowner is to notify the Council of its intention to commence construction of the Works not less than 10 business days before that construction commences.

Protection of people, property & utilities

- 27 The Landowner is to use all reasonable endeavours to ensure that, in providing the Works:
- 27.1 all necessary measures are taken to protect people and property,
 - 27.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 27.3 nuisances and unreasonable noise and disturbances are prevented.

- 28 The Landowner is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land in connection with the Works unless authorised in writing by the Council or any relevant Authority.

Damage to assets & property

- 29 The Landowner must immediately notify the Council in writing of any loss or damage that occurs in respect of a Council asset of which it becomes aware while performing the Works.
- 30 The Landowner must replace or fix any Council asset the Landowner loses or damages while performing the Works in accordance with any reasonable requirements of the Council.
- 31 If an audit, inspection or test of the Works shows that:
- 31.1 the Works do not conform to the location, design, specifications, materials or finishes approved by the Council under this Deed, or
- 31.2 damage has occurred to a Council asset or the property of another person in connection with the Works,
- the Council may give the Landowner a notice in writing requiring it to take corrective action to bring the Works into conformity or repair the damage, as the case requires.
- 32 Without limiting any other remedies available to the Council under this Deed, if the Landowner does not comply with the Council's requirements under clause 35, the Council may take the action required of the Landowner and recover the Council's costs of so doing from the Landowner.

Entry onto Land

- 33 The Landowner is responsible for obtaining all necessary rights to permit the Landowner to lawfully enter, occupy, and provide the Works on any land not owned by Council or the Landowner, and to enable the Council to enter that land to inspect the Works in accordance with this Deed.
- 34 Upon receiving reasonable prior written notice from the Landowner, the Council is to allow the Landowner to enter, occupy, and use Council owned or controlled land specified in the notice at any reasonable time if the occupation or use of the land by the Landowner is reasonably necessary for the Works.
- 35 The Council is not required to allow the Landowner to enter, occupy and use any Council owned land that is used for public purposes unless and until the Landowner has paid any applicable fee or rent, as approved by the Council, for that purpose,
- 36 Upon receiving reasonable prior notice from the Council, the Landowner is to provide the Council with safe and unhindered access at any reasonable time to any land on which the Works are being, or have been, provided.
- 37 The Council must comply with the Landowner's reasonable safety requirements while on any land on which the Works are being provided.

Audit, inspection, testing of Works

- 38 The Council may undertake an audit, inspection or test of the Works at any reasonable time for any purpose related to this Deed upon giving reasonable prior notice to the Landowner.

- 39 The Landowner is to provide the Council with any assistance that is reasonably required by the Council to enable the Council to undertake any audit, inspection or test of the Works.
- 40 If an audit, inspection or test reasonably shows that particular action must be taken in relation to the Works, the Landowner is to:
- 40.1 take the action in the manner, and within the time, the Council reasonably requires, and
- 40.2 provide evidence to the Council that the action has been taken.
- 41 If an audit, inspection or test shows that the Works have not been provided in accordance with this Deed, the Landowner is to pay any Costs incurred by the Council in connection with the audit, inspection or test.
- 42 If the Council reasonably decides that a further and more detailed audit, inspection or test of the Works is required, the Council may determine an approved fee in that regard and the Landowner is to pay to the Council the fee so approved.

Access to information & records

- 43 The Council may make a written request to the Landowner:
- 43.1 to provide information to the Council concerning the Works,
- 43.2 to allow the Council to inspect the Landowner's records concerning the Works, including by giving the Council access to premises owned, occupied or controlled by the Landowner for that purpose.
- 44 The Landowner is to comply with any such request made by the Council not later than 15 business days after the Council makes the request.

Easements, covenants etc. relating to Works

- 45 The Landowner must create, or procure the creation of, any easement or covenant or any other instrument benefitting the Council that is reasonably required by the Council in relation to the Works.
- 46 The Costs required to be incurred by the Landowner in doing so include, unless otherwise agreed in writing between the Parties, the payment of compensation to any person.

Completion of Works

- 47 The Landowner must provide the Council with at least 20 business days' notice of the date on which it considers it will Complete a Work it is required to carry out under this Deed and the notice must be accompanied by the following documents (where relevant):
- 47.1 construction plans;
- 47.2 data and modelling assumptions;
- 47.3 certification and inspection sign offs by Council or any certifier;
- 47.4 maintenance manuals and other operating information; and
- 47.5 maintenance schedules,
- (Completion Request Notice)**
- 48 Council will inspect the Works the subject of the Completion Request Notice within 20 business days of receipt of the Completion Request Notice, and the Landowner must agree on a time for the inspection within that period.

- 49 After the inspection, the Council will give the Landowner written notice of whether the Work the subject of the Completion Request Notice:
- 49.1 has been satisfactorily Completed; or
- 49.2 has not been satisfactorily Completed and directing the Landowner to complete, rectify or repair any specified part of the Work the subject of the Completion Request Notice within a period specified in the direction in order to bring the Works into conformity with this Deed or any Approval.
- 50 The Landowner is to promptly comply with any such direction given by the Council.
- 51 The Council may undertake more than one inspection and issue more than one direction to the Landowner in order to be satisfied that a Work the subject of a Completion Request Notice is Complete.
- 52 The Work is Complete for the purposes of this Deed when the Council issues the Landowner a notice to that effect under clause 53.1 of these Works Provisions or after compliance by the Landowner with any direction under clause 53.2 or 55 of these Works Provisions.

Works-As-Executed Plan

- 53 No later than 15 business days after Completion of all of the Works, the Landowner is to submit to the Council a full Works-As-Executed-Plan for the Works in a format agreed to by the Council.
- 54 If the Landowner owns the copyright in the Works-As-Executed Plan, the Landowner must assign the copyright in the Works-As-Executed Plan to the Council free of Cost to the Council.
- 55 If the Landowner is not the copyright owner of the Work-As-Executed Plan, the Landowner is to promptly procure the assignment of the copyright of the Works-As-Executed Plan to the Council free of cost to the Council.

Execution

Executed as a Deed

Dated:

Executed on behalf of the Council

General Manager

Witness

Mayor

Witness

Executed by the Landowner

in the presence of:

Witness Signature

Ruth Mary Stewart

Witness Name

APPENDIX: EXPLANATORY NOTE

For the purposes of *Environmental Planning and Assessment Regulation 2021* (section 205) in respect of a draft Planning Agreement under s7.4 of the *Environmental Planning and Assessment Act 1979*.

1. Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the planning agreement).

This explanatory note explains what the planning agreement is proposing, how it delivers public benefit and whether it is an acceptable means of achieving the proposed planning outcomes.

2. The parties to this planning agreement are:

Ballina Shire Council; and

Ruth Mary Stewart as the Landowner.

3. The land subject to the planning agreement is:

Lot 7 in Deposited Plan 1225206, known as 305 The Coast Road, Skennars Head.

A map of the subject land is attached to this explanatory note.

Will the planning agreement be registered on the subject land titles? Yes

4. Description of the proposed Change to the Environmental Planning Instrument

The Landowner is seeking an amendment to the planning controls for the subject land in accordance with Planning Proposal (PP) PP-2025-359 and has made an offer to enter into a planning agreement in connection with the planning proposal. The amendments outlined in the related planning proposal are:

| Planning Instrument provision | Current | Proposed |
|---------------------------------------|-------------|------------------|
| BLEP 2012 Zoning Map Sheet LZN_006C | R2, RU1, DM | R2, RU1, C2 & C3 |
| BLEP 2012 Lot Size Map Sheet LSZ_006C | N/A | 5ha, 1ha & 40ha |
| BLEP 2012 Height of | N/A | 8.5m |

| | | |
|---------------------------------------|----------|----------|
| Building Map Sheet HOB_006C | | |
| BLEP 2012 Land Application Map_001 | Excluded | Included |

5. Description of the planning agreement

The planning agreement will provide land for vegetation improvement and conservation works and restrict privately owned land from residential development.

Will the contributions be in the form of land, works or a monetary contribution?

The contributions required by the planning agreement will be provided in the form of works, being:

- Vegetation management and improvement works on C2 zoned land to the east
- Restriction on dwelling houses being constructed on the C2 zoned land to the east

Will the contributions be provided in addition to or in lieu of other contributions?

The contributions required by the planning agreement will be provided in addition to contributions under any applicable contributions plan.

When will the contributions be provided?

The contributions required by the planning agreement will be provided in accordance with Schedule 1 of the planning agreement.

6. Assessment of the merits of the planning agreement

How is the planning agreement in the public interest?

| Contribution Element | Public Interest |
|--|--|
| Vegetation Management works/improvements and restriction against residential development | These works and the restriction on the use of land will ensure that 5.5 hectares of important coastal land will be protected from future development and contribute to the preservation of natural assets. |

What is the impact, positive or negative, of the planning agreement on the public or any section of the public?

The planning agreement has a significantly positive impact on the public:

- Environmental / vegetation improvements and conservation

How does the planning agreement conform with the planning authority's capital works program, if any?

Not applicable

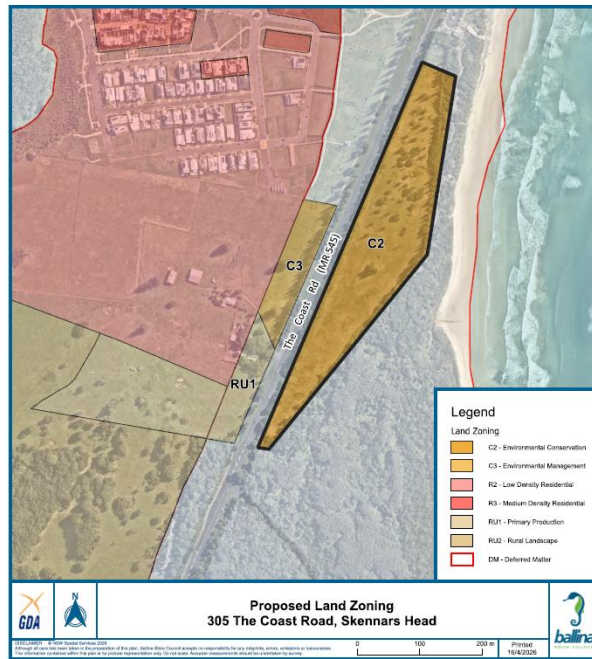
Does the planning agreement specify that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued?

Yes.

Are there any other matters which a reasonable member of the public would wish to know in understanding this planning agreement?

No.

Map of Developer Contributions





Date: 16 February 2026
 Our Ref: 250436

General Manager
 Ballina Shire Council
 PO Box 40
 BALLINA NSW 2478

Dear Sir,

**RE: Scoping Proposal for a Planning Proposal at
 450 North Creek Road, Skennars Head
 For an Educational Establishment**

A. Introduction

Newton Denny Chapelle (NDC) has been engaged to prepare a Planning Proposal for land identified in **Table 1** below to enable the use of the land for the purposes of an education facility via Schedule 1 of the Ballina Local Environmental Plan 2012.

This scoping proposal has been prepared for lodgement with Ballina Council prior to the attendance of a scoping meeting and proceeding further with the preparation of the Planning Proposal.

The aim of the scoping proposal is to enable relevant parties to understand and provide appropriate technical feedback prior to the completion of further detailed work for the project. The proposal provides an overview of the project, justification of how it aligns with the strategic context, relevant planning or site-specific issues, and identifies the required studies to be lodged with the Planning Proposal.

The information contained within the scoping proposal will be used by relevant authorities and government agencies, council and the Department (as required) to identify key issues, or matters that need to be addressed during the preparation of the Planning Proposal, as well as the need for supporting technical studies.

B. Description of Site

The land described below in **Table 1** is of relevance to the Planning Proposal.

Table 1: Land Subject to the Planning Proposal

| Property Address | Property Description |
|--|----------------------|
| 450 North Creek Road, Skennars Head (primary address) | Lot A DP 415993 |
| 305 The Coast Road, Skennars Head (secondary address) | |

Note: property address as per the Ballina Shire Council interactive mapping tool.

PO Box 1138, Lismore NSW 2480 • Phone 02 6622 1011 • Email office@ndc.com.au
 Lismore Suite 1, 31 Carrington Street, Lismore NSW 2480 • Casuarina 480 Casuarina Way, Casuarina NSW 2487 (The Commons)

Plate 1 identifies the location of the subject land in a local context at 450 North Creek Road, Skennars Head and provides the current zoning of the subject land and the surrounding locality.



Plate 1: Subject Site Land Zone
(Source: NSW Spatial Viewer 2026)

The subject site has a historical use for cattle grazing and continues to be used for this purpose. The subject site has an approximate area of 43.9 hectares and adjoins North Creek to the west and grazing land to the south and east. The surrounding area is largely farmland with a few smaller rural residential allotments along North Creek Road.

After the 2022 flood event that affected the Lismore Living School campus and resulted in the temporary closure and relocation of the school and the students, the proponent has used the subject land as a site for excursions associated with the ‘Thrivers Onland’ program as part of the Living School curriculum.

C. Simple Description and Scope of the Proposed LEP Amendments

The subject land currently contains a land use zoning of RU1 – Primary Production under the Ballina LEP 2012.

To enable the consent authority to consider an educational establishment on the land, it is proposed to include the subject lot (Lot A DP 415993) within *Schedule 1 - Additional Permitted Uses* with the Ballina LEP 2012, which would otherwise be prohibited under the current zoning.

The nature of the Planning Proposal is outlined below within Section E of this Scoping Proposal.

D. Consultation

To date, Newton Denny Chapelle has had discussions with Paula Newman (Coordinator Strategic Planning) and Georgia Buncle (Strategic Planner). No meeting notes were provided at the conclusion of the meeting. The matters discussed during the meeting are as follows:

- Land constraints (bushfire, Acid Sulfate Soils, proximity to coastal wetlands and coastal hazards)
- Infrastructure servicing
- Bushfire Prone Land
- Land contamination
- Traffic volume and impact on local network
- Local Strategic Planning Strategy (current and 2025 draft)

E. The Proposal

The subject land currently contains a land use zoning of RU1 – Primary Production under the Ballina LEP 2012. The subject zone via the Ballina LEP 2012 does not include an educational establishment as a form of development that is permitted with development consent.

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural, cultural and landscape character of the locality.*
- *To enable development that is compatible with the rural and environmental nature of the land.*
- *To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.*

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture

3 Permitted with consent

Agritourism; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Car parks; Cellar door premises; Cemeteries; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Jetties; Markets; Mooring pens; Moorings; Open cut mining; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Turf farming; Water recreation structures; Water supply systems

4 Prohibited

*Advertising structures; Backpackers' accommodation; Hotel or motel accommodation; Local distribution premises; Serviced apartments; **Any other development not specified in item 2 or 3***

In order for a Development Application to be considered for an educational establishment, it is necessary to first amend the planning framework applying to the land, being those elements of the Ballina Local Environmental Plan 2012 to enable the land use via Schedule 1 of the Ballina LEP 2012.

Land Use Definition

The proposed use is defined as an *educational establishment* under the BLEP 2012.

educational establishment means a building or place used for education (including teaching), being—
(a) a school, or
(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

school means a government school or non-government school within the meaning of the Education Act 1990.

School Operations

The Living School is a unique, independent co-learning school community based on a new, modern, progressive paradigm of education.



Plate 2: Subject Site with existing learning structures

The intent for the site is to be the 'Onland' site and a specialised educational hub, associated with the existing Living School campuses in Lismore and surrounds.

The site is intended to serve as a globally recognised learning space, specifically:

- *Curriculum-Linked Learning (Fridays): Use as an outdoor classroom for up to 200 students. Activities are mapped to NESA outcomes, focusing on agriculture, bush-craft, sport, local excursions and environmental science.*
- *Horizon Distance Education Hub: A physical support base for students enrolled in the NESA-accredited NSW HSC and RoSA distance education pathways.*
- *Sustainability & Community Events: Hosting school-based exposition days (e.g., the Halvelt sustainability festival) and community activities held under the school's authorisation.*

- *Recreation & Leadership: Use of the site for student camps and rural-based sporting opportunities.*
- *Teacher Training and Professional Development: Use of the site for teacher training camps to educate global educators in the Living School pedagogy and standards.*

It is intended that the site will support a hybrid of agritourism, outdoor education, and distance education support, while maintaining the site's primary production integrity.

Services

Sewer

The subject site does not have a connection to Council's reticulated sewer supply. It is understood that an existing sewer main is located approximately 385m to the north of the site, which connects directly to the sewer treatment plant.

Water

Reticulated water services are not available in the locality. Under the circumstances, water storage tanks will be provided to harvest roof water as the primary means of providing a domestic potable water supply and also water for fire-fighting purposes (where necessary).

Electricity Supply

Consultation will be required to be undertaken with the relevant authority to ensure power supply is adequate to meet the needs of the development at cost to the proponent.

Telecommunications

Consultation will be required to be undertaken with the relevant authority to ensure telecommunication capacity is adequate to meet the needs of the development at cost to the proponent.

F. Strategic Merit

This proposed rezoning has strategic merit and is consistent with the following strategic documents applicable to projects within the Ballina LGA as demonstrated below in **Table 3**.

Table 3 - Strategic Merit Assessment for Lot A DP 415993

| Matters for Consideration | Response |
|---|---|
| Strategic Urban Growth Areas (Clause 7.8 Ballina LEP 2012) | The subject land is identified on the Strategic Urban Growth Area map as category (a) <i>Strategic Urban Growth Area</i> as shown below in Plate 3 . |



Plate 3: Subject Site Land Zone

The inclusion of the subject land to permit the use of the land as a school is not inconsistent with the SUGA objectives. An educational establishment is fundamental to urban development. Whilst residential growth continues, services such as schools, commercial and health services are also needed.

It is estimated that in the period between 2016 and 2041, approximately 5,000 new jobs will be created, with 1,855 of these jobs predicted to be associated with schools, hospitals and other special purposes. The SUGA principles specifically seek to support development that provides urban and employment land uses. The proposal falls into this category by providing additional employment opportunities and provides a much need services for the local community.

The matters for consideration under the SUGA provisions are:

- (a) the orderly and coordinated provision of infrastructure, and*
- (b) the maintenance of amenity and scenic values, and*
- (c) land use conflict impacts associated with stormwater or wastewater discharge and emissions, including noise, dust and odour, and*
- (d) site access, generation of traffic and the efficient functioning of transport infrastructure.*

The subject land is well placed with regard to access to infrastructure, in that the sewer treatment plant is approximately 745m in distance via the road network, and water supply is available in the locality. The subject land is approximately 3.3km via the road network to the Skennars Head residential estate and approximately 3.75 from EPIQ Lennox Estate, which includes a shopping centre precinct. The subject

site is also 10 minutes drive to the Ballina CBD, which will be significantly reduced when Ballina Council completes its works to upgrade the North Creek bridge connection. The site is well positioned to support the immediate and wider Ballina community.

Plate 2 provides a visual representation of the site proximity to key sites, being schools (blue), town centres or large shopping centres (red) and the regional airport (green).

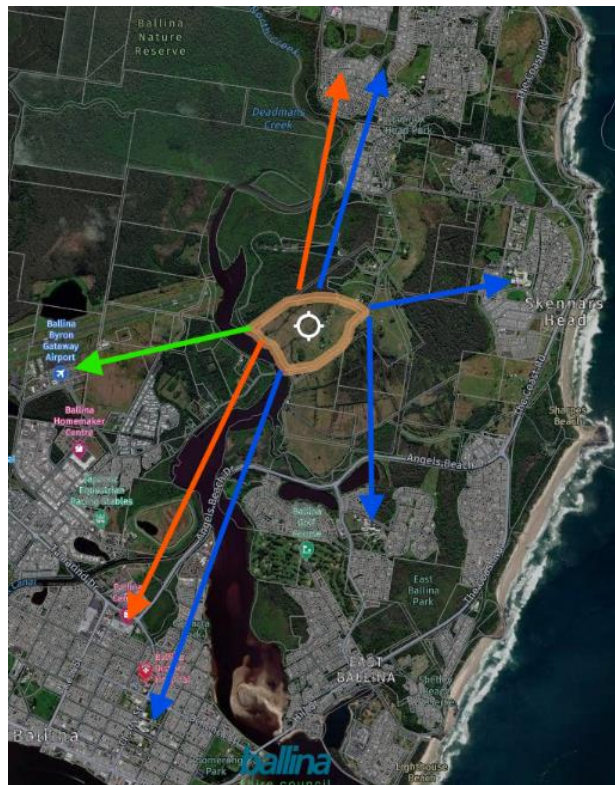


Plate 4: Proximity to key sites

The site is low lying and predominantly used for farmland and has limited amenity or scenic values. Additionally, the site is well positioned with regard to environmentally sensitive lands, including wetlands and therefore does not present significant issues in this regard. The use of the land for a school will not preclude future urban growth, given that schools are generally set within the urban environment, which can be shown in EPIQ Lennox with the establishment of a new school site within the residential estate.

| | |
|--|---|
| <p>North Coast Regional Plan 2041</p> | <p>The North Coast Regional Plan (NCRP) 2041 has been prepared by the Department of Planning and Environment to manage expected growth in a sustainable manner. The Regional Plan applies to the Far North Coast and Mid North Coast of NSW (being an area which stretches from</p> |
|--|---|

| | |
|--|--|
| | <p>Port Macquarie in the south to Tweed Heads in the north). The Plan includes Ballina Shire Council.</p> <p>In accordance with the NCRP 2041, the plan recognises that Ballina has a strong and diverse economy with a focus on health, education, cultural and recreation opportunities.</p> <ul style="list-style-type: none"> • <i>Support employment lands and jobs at Ballina, Lennox Head and Wollongbar.</i> • <i>Promote social cohesion and connection through design and placemaking.</i> • <i>Support a regional framework for implementing land delivery by fostering stronger connections and collaboration at the Northern Rivers subregional level.</i> <p>The plan acknowledges that the region attracts remote workers, which will see rising demand for local housing, health, education, shops, cafes and services.</p> <p>The land is appropriately located in close proximity to existing urban zoned lands, and strategically located in close proximity to a future road connection between Skennars Head, Lennox Head and Ballina.</p> <p>Accordingly, rezoning the land will be consistent with the following NCRP Planning Principles and objectives and Settlement Planning Guidelines:</p> <p>Objective 11: Support cities and centres and coordinate the supply of well-located employment land</p> <p>Objective 18: Plan for sustainable communities</p> <p>The use of the land for a school site provides a much-needed educational service to the local community, which in turn enables economic growth and activity by reinforcing the objective by providing educational opportunities that may attract families in neighbouring greenfield residential areas</p> <p>Settlement Planning Guidelines</p> <p>Identify growth needs and opportunities:</p> <p><i>d. Identify urban growth planning priorities based on an assessment of supply and demand and the relative suitability and serviceability of areas for urban growth</i></p> <p>The subject site is suitable to provide an alternate and much needed land use to support urban areas.</p> <p><i>f. New greenfield areas must be able to be serviced by community services and key infrastructure, including water, sewer, road and waste services.</i></p> <p>The proposal will provide a much needed community service for the planned urban growth in the surrounding greenfield areas.</p> |
|--|--|

I. Planning should provide for local services that meet the day-to-day needs of residents, including areas for open space and recreation.

An educational facility provides a service for the local residents to meet their needs.

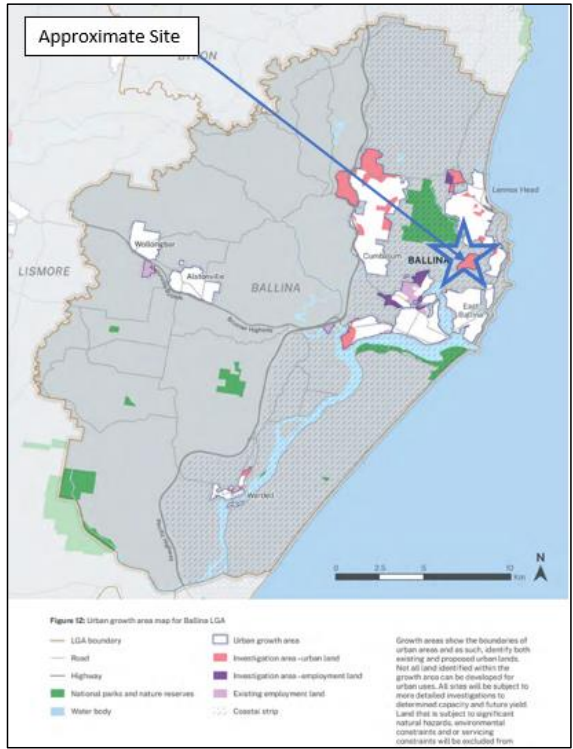


Plate 5: North Coast Growth Boundary - North Coast Regional Plan 2041

**Ballina Council
Local Strategic
Planning
Statement (LSPS)
2020 - 2040**

Under the LSPS 2020, the population is expected to increase by an additional 8,700 people, who will require an estimated 4,400 additional homes. To provide that, additional potential urban areas have been identified as Strategic Urban Growth Areas (SUGA).

Under the plan, approximately 118 hectares of undeveloped SUGA land have been identified for residential purposes. It is acknowledged that not all SUGA land is suitable for residential purposes, and therefore may be better suited for other high value urban uses, such as commercial and, in this instance, educational establishments.

The subject land is within the mapped Future Urban Growth Areas under the SUGA map within the Ballina LEP 2012 (**Plate 6**).

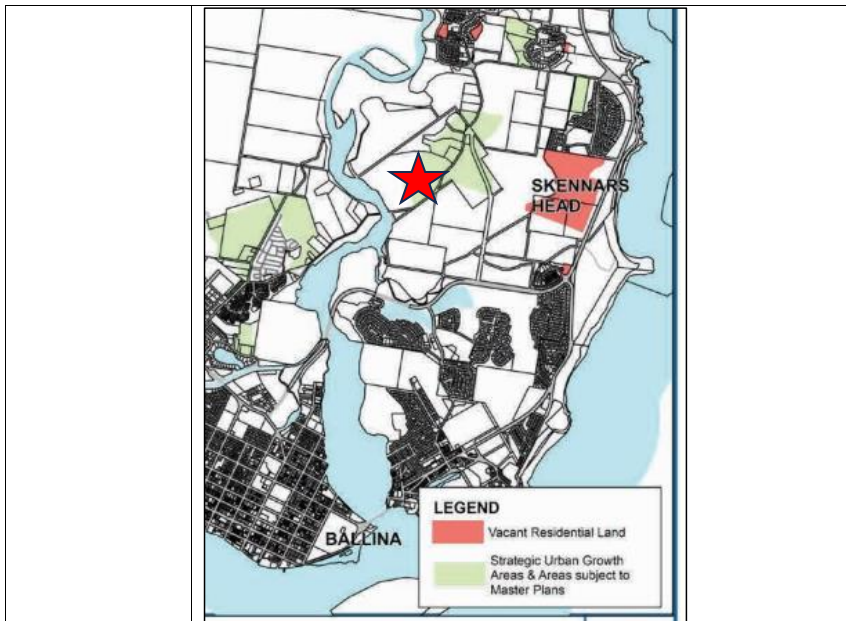


Plate 6: Strategic Urban Growth Area map

The site adjoins North Creek to the west, and the adjoining land to the north comprises heavily forested wetlands and is not capable of supporting urban growth. The land is appropriately located with regard to the fringe of potential urban land, as the site will not have potential residential land surrounding it on all boundaries.

Inclusion of the nominated land within the rezoning application will be consistent with the Ballina Shire LSPS. In this regard, the LSPS reinforces the NCRP with regard to sustainable communities and well located employment land.

G. Site Specific Considerations

The following **Table 4** identifies the key site-specific issues that are considered likely to be relevant to the assessment and evaluation of the proposal. It is understood that this scoping proposal is not required to undertake any detailed assessment, but to identify the characteristics of the site and its surrounds. Depending on the outcome of the scoping process, these matters may require additional detailed assessment of impacts through supporting studies and investigation for the Planning Proposal. This assessment should be read in conjunction with the accompanying **NDC Plan 1 – Preliminary Site Analysis**.

Table 4 – Site Specific Issues for Lot A DP 415993

| Matters for Consideration | Response |
|---------------------------|--|
| Natural | <ul style="list-style-type: none"> The land is relatively unconstrained in terms of vegetation cover. Further biodiversity and koala habitat investigations will need to be |

| | |
|---|--|
| Environment | <p>completed for the Planning Proposal.</p> <ul style="list-style-type: none"> • The subject school site is not identified as containing biodiversity values on the NSW Government Biodiversity Values Map. The land contains small sections of biodiversity values on the northern and western boundaries only. • The entire site is mapped as bushfire prone land. Further investigations and assessment regarding bushfire hazard will need to be completed for the Planning Proposal. • The land contains sporadic Koala Habitat. Further investigations regarding potential koala habitat will need to be completed for the Planning Proposal. • The land generally ranges in topographical levels between RL 5 metres and RL 10 metres AHD. Further consultation with Council is needed to identify if there is any localised flooding that needs to be considered. The location of the school site and entrance from the main road are above the minimum habitable floor level requirements. • The land is mapped as containing Class 2 and Class 5 Acid Sulfate Soils (ASS). Further investigations and assessment regarding ASS hazard will need to be completed for the Planning Proposal. • The school site is not mapped with proximity to wetlands or key fish habitat. |
| Contamination | <ul style="list-style-type: none"> • The subject land is not known to be impacted by any dipsites or dipsite buffers pursuant to NSW DPI mapping. • Further contaminated land investigations and assessment will need to be completed for the Planning Proposal. |
| Heritage | <ul style="list-style-type: none"> • The subject land is not identified as being an item of heritage significance nor as being located within a heritage conservation area pursuant to the Ballina LEP 2012. • An AHIMS search was undertaken, which identifies two (2) sites or places on or within 50m of the subject land. Further investigations will be completed for the Planning Proposal. |
| Farmland | <ul style="list-style-type: none"> • The subject land contains a portion of regionally significant farmland. The land is included within the SUGA investigation area. |
| Land Use Buffers | <ul style="list-style-type: none"> • The subject site provides sufficient scope to enable any buffers to surrounding grazing and farm lands. • The subject land is not located within any buffers associated with dip sites. |
| Access | <ul style="list-style-type: none"> • The site has frontage to North Creek Road. The subject road is a sealed road. • Investigations in to the level of public road upgrades will need to be completed for the Planning Proposal. |
| Infrastructure – Water, Sewer, Stormwater | <ul style="list-style-type: none"> • The land is not connected to Council’s reticulated infrastructure for sewer or water. The site is approximately 380m from existing sewer and water mains. Investigations with regard to the ability to connect will need to be completed as part of the Planning Proposal. • The subject site is not located within a drinking water catchment area pursuant to BLEP 2012 mapping. • Services to the lots with regard to power supply and telephone will be investigated at a later time, with utility costs to be borne by the proponent. |

| | |
|-----------------------------|--|
| | <ul style="list-style-type: none"> Stormwater management for the land will need to be addressed within the Planning Proposal. A DBYD search identifies infrastructure in relation to the subject land. The DBYD identifies powerlines traversing the northern portion of the property, which will be taken into consideration in the future detailed design phase of a subdivision development. |
| Open Space/ Recreation | <ul style="list-style-type: none"> The school site provides adequate open space to support the needs of the pupils. |
| Commercial/ Health Services | <ul style="list-style-type: none"> The land is located approximately 5 km (via road) to the EPIQ centre which contains a range of commercial and health service land uses. The land is approximately 6 km (via road) to Lennox Head CBD and approximately 11 km (via road) to Ballina CBD. The land is well positioned in relation to Health Services within EPIQ, Lennox Head and Ballina. |
| Community/ Social Services | <ul style="list-style-type: none"> The land is well positioned in relation to Community and Social Services within Ballina and Lennox |

H. Preliminary Environmental Considerations

This section of the scoping proposal identifies key impact assessment considerations that will need to be addressed as part of the Planning Proposal documentation which has been derived from the site specific considerations assessed above in Section 4. The key matters are identified below in **Table 5**.

Table 5 – Key Impact Assessment Consideration

| Matters for Consideration | Response |
|------------------------------|--|
| Biodiversity & Koala Habitat | <ul style="list-style-type: none"> Biodiversity and koala habitat investigations will need to be completed to inform the Planning Proposal. This assessment is proposed to be completed by a qualified Ecologist. Further consultation may be required with the Environment, Energy and Science Division of NSW Department of Planning & Environment. |
| Bushfire Hazard | <ul style="list-style-type: none"> A bushfire assessment report will need to be completed to inform the Planning Proposal and guide the proposed subdivision lot layout. This assessment is proposed to be completed by a qualified bushfire consultant. Further consultation may be required with the NSW Rural Fire Service. |
| Contamination | <ul style="list-style-type: none"> Contaminated land investigations and assessment will need to be completed for the Planning Proposal. This assessment is proposed to be completed by a qualified environmental consultant. Further consultation may be required with Ballina Council. |
| Heritage | <ul style="list-style-type: none"> An AHIMS search has identified 2 Aboriginal sites in or near the site. A cultural heritage assessment will need to be completed for the Planning Proposal. This assessment is proposed to be completed by a qualified cultural heritage consultant. Further consultation may be required with Heritage NSW. Further consultation may also be undertaken with the Local Aboriginal Land Council (LALC). |

| | |
|---|---|
| Land Use Conflict | <ul style="list-style-type: none"> • A Land Use Conflict Risk Assessment (LUCRA) will need to be completed to inform the Planning Proposal. • This assessment is proposed to be completed by a qualified consultant. • Further consultation may be required with Ballina Council. |
| Access | <ul style="list-style-type: none"> • A vehicular access assessment will be required to be completed for the Planning Proposal. • This assessment is proposed to be completed by a qualified engineer. • Further consultation may be required with Ballina Council. |
| Infrastructure – Water, Sewer, Stormwater | <ul style="list-style-type: none"> • Further consultation may be required with Ballina Council with respect to connection to reticulated sewer and water infrastructure. • Consultation will be required to be undertaken with the relevant authority to ensure power supply is adequate to meet the needs of the development at cost to the proponent. • Consultation will be required to be undertaken with the relevant authority to ensure telecommunication capacity is adequate to meet the needs of the development at cost to the proponent. |
| Public Consultation | <ul style="list-style-type: none"> • Public consultation will occur in accordance with the Planning Proposal requirements post lodgement of the application. |

I. Discussion Points

This section of the scoping proposal identifies particular scoping issues to be discussed with Council within the scoping meeting, and where required appropriate advice sought from the Department, state agencies or authorities.

- **Infrastructure Servicing**
Will Council require the connection of the site to the neighbouring sewer infrastructure, given its proximity to the sewer treatment plant.
- **Level of information required**
Confirmation of the finalisation of the required documents that will be required for the Planning Proposal and any required information that can be included with the Planning Proposal Pre-Gateway.
- **Public Road upgrade**
What level of public road upgrade will be required to facilitate the development.

We trust this is sufficient information to assist Council for the Scoping Meeting, however, please contact Saxon Irvine of our office if any additional items are required to be submitted before the meeting.

Yours sincerely,
NEWTON DENNY CHAPELLE



SAXON IRVINE
Town Planner. BUEP.

POLICY NAME: CONFLICTS OF INTEREST FOR COUNCIL-RELATED DEVELOPMENT APPLICATIONS (REVIEW)

POLICY REF: C14

MEETING ADOPTED: 23 February 2023
Resolution No. 230223/17

POLICY HISTORY:



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PART 1 PRELIMINARY

1.1 Objective

This policy aims to manage potential conflicts of interest for Council-related development and increase transparency at all stages of the development process.

1.2 Scope

This policy applies to all Council-related development.

1.3 Definitions

In this policy:

application means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent and an application for a complying development certificate.

council means Ballina Shire Council.

council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

development process means application, assessment, determination, and enforcement.

the Act means the *Environmental Planning and Assessment Act 1979*.

A word or expression used in this policy has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*, and any instruments made under that Act, unless it is otherwise defined in this policy.

Notes included in this policy do not form part of the policy.

1.4 Savings

This Policy will not apply to development applications lodged prior to the date of adoption of the Policy.

PART 2 PROCESS FOR IDENTIFYING AND MANAGING POTENTIAL CONFLICTS OF INTEREST

2.1 Council-related Development Applications

The Act defines a **council-related development application** as:

a development application for which council is the consent authority, that is:

- (a) *made by or on behalf of the council, or*
- (b) *for development on land other than a public road within the meaning of the Local Government Act 1993:*
 - (i) *of which council is the owner, a lessee, or a licensee, or*
 - (ii) *otherwise vested in or under the control of the council.*

NOTE: This specifically **excludes** applications made by a private developer where the only aspects of the proposal that relate to council-owned land involve connection

of driveway to a public road and/ or connection of stormwater to council infrastructure or drainage reserve.

Other than applications for the kind of development referred to in Section 2.3.2 (below), a council-related development application must be accompanied by a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority.

That statement must reflect the terms and requirements of this policy.

An application for development of the kind of development referred to in Section 2.3.2 (below) must include a statement that no management controls are required, in accordance with this policy.

2.2 Conflict of Interest Risk Assessment

2.2.1 Prior to the finalisation of submission of a council-related development application, the proposal is to be referred to the Director, Planning and Environmental Health, or their delegate, to undertake a conflict of interest risk assessment.

2.2.2 In reviewing the development application, the Director or their delegate will:

- assess whether the application is one in which a potential exists for conflict of interest.
- identify which phases of the development process at which the identified conflict of interest arises.
- assess the level of risk involved at each phase of the development process.
- determine what (if any) management controls should be implemented to address the identified conflict of interest having regard to the controls and strategies outlined below and the level of risk identified.
- document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal with the lodgement of the DA (see Sample Statement in Appendix 1).

2.3 Management Controls and Strategies

2.3.1 The management control options below may be applied to:

- the assessment and determination of an application for council-related development – Refer to Table 1 (below)
- post development applications and processes such as subdivision works certificates and construction certificates.
- the regulation and enforcement of approved council-related development.

Management control options include:

- use of independent consultants and/or private certifiers,
- shared services arrangements with a neighbouring council,
- public reporting on key milestones, such as construction and occupation certificates.

2.3.2 No management controls need to be applied to the following kinds of development:

- commercial fit outs and minor changes to building façade
- **change of use of a building**
- internal alterations and additions to buildings that do not affect the heritage value of a listed heritage item.
- advertising signage
- minor building structures projecting from a building façade over public land (such as awnings, verandahs, bay windows, flagpoles, pipes, and services)
- development where the council might receive a small fee for the use of land.
- minor modifications to an existing development approval
- **demolition of buildings/structures**

Table 1: Assessment & Determination Criteria

| Category of DA | Assessment Options | Determination |
|---|--|--|
| <p>Minor DA Refers to development that is small-scale, routine operational, and/or non-controversial¹</p> | <p>Assessment by staff not involved in the preparation of the application and peer review by Development Services Section manager or coordinator.</p> | <p>Determination under delegated authority, other than for development on community land under section 47E of the <i>Local Government Act 1993</i>.</p> |
| <p>Standard DA Refers to development proposed on council-owned or managed land that substantially complies with zoning, landuse provisions and council policies, with no substantial or numerous submissions²</p> | <p>Assessment by staff not involved in the preparation of the application and peer reviewed by PEHD Division Director or Development Services Section Manager. Assessment by external independent town planning consultant.</p> | <p>Determination under delegated authority by Director, Planning and Environmental Health or Manager Development Services, other than for development on community land under section 47E of the <i>Local Government Act 1993</i>.</p> |
| <p>Major DA Refers to large-scale, significant and/ or controversial DAs³ Includes Regionally Significant Development as defined in <i>State Environmental Planning Policy (Planning Systems) 2021</i></p> | <p>Assessment by staff not involved in the preparation of the application and peer reviewed by PEHD Division Director or Development Services Section Manager, or Assessment by external independent town planning consultant, or Assessment by neighbouring council planning staff.</p> | <p>Determination by elected council, or Referral to Northern Regional Planning Panel for determination (regionally significant development).</p> |

Notes:

1. *Designation as **Minor DA** is to be made based on project-specific assessment of criteria, including, but not limited to:*
 - *the estimated value of the works to be undertaken,*
 - *the potential impact on surrounding residential amenity and/or environmental values of the site and locality,*
 - *whether the proposal will lead to any financial benefit for council.*
2. *Examples of a **Standard DA** include alterations and additions to an existing building, new community infrastructure, subdivision of land.*

The Director Planning and Environmental Health, or delegate, shall determine which assessment option is to be pursued and whether the application is to be referred to Council's Audit, Risk and Improvement Committee.
3. *For each **Major DA**, the Director Planning and Environmental Health, in consultation with the General Manager, shall determine which assessment and determination options are to be pursued and whether application is to be referred to Council's Audit, Risk, and Improvement Committee.*

PART 3 INFORMATION AND REVIEW

3.1 Background

Council is the development regulator within Ballina Shire. In some circumstances, Council can also be a developer, landowner, or hold a commercial interest in the land we regulate.

Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

Recent changes to the *Environmental Planning and Assessment regulation 2021* have introduced a requirement for councils to assess, identify, and manage potential conflicts of interest where they are both a proponent and a regulator for a development proposal.

This policy has been developed to ensure that Council meets its statutory requirements in relation to the potential for conflicts of interest.

3.2 Related Documentation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

Local Government Act 1993

3.3 Review

The Conflicts of Interest Policy is to be reviewed within one year of the election of a new Council.

8.5 Policy (Review) - Conflicts of Interest for Council Related Applications

Ballina Shire Council (REVIEW) Conflicts of Interest for Council-Related Development Applications

APPENDIX 1 – EXAMPLE MANAGEMENT STATEMENT

| <i>Ballina Shire Council Conflict of Interest Management Statement</i> | |
|---|---|
| Project name: | |
| DA number: | |
| Potential Conflict: | |
| Management Strategy: | Ballina Shire Council is managing potential conflicts of interest in this project as follows: <ul style="list-style-type: none">• |
| Contact: | Anyone with concerns about Council fulfilling its obligations should report their concerns to |

POLICY NAME: (REVIEW)
SOCIAL MEDIA

POLICY REF: S02

MEETING ADOPTED: Resolution No.

POLICY HISTORY: 250822/19, 270220/29, 240316/21;
220312/16



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INTRODUCTION

At the heart of the Model Social Media Policy are the four 'Principles' of social media engagement. These are:

1. Openness
2. Relevance
3. Accuracy
4. Respect

These principles, which are expanded upon in Part 1, should underpin every aspect of a council's social media activity and all councils and council officials should commit to upholding them.

Except for Part 8, this policy applies to council social media pages and councillor social media pages.

The Model Social Media Policy is structured as follows:

- Part 1. Sets out the principles of social media engagement for councils
- Part 2. Contains two administrative models that councils can adopt in relation to the management of their social media platforms
- Part 3. Details the administrative framework for councillors' social media platforms
- Part 4. Prescribes the standards of conduct expected of council officials when engaging on social media in an official capacity or in connection with their role as a council official
- Part 5. Provides a framework by which councils can remove or 'hide' content from their social media platforms, and block or ban third parties
- Part 6. Prescribes how councils' social media platforms should be used during emergencies
- Part 7. Contains information about records management and privacy requirements relating to social media
- Part 8. Relates to personal use of social media by council officials
- Part 9. Provides information about where concerns or complaints about a councils' or council officials' social media platform(s), or the conduct of council officials on social media, can be directed.
- Part 10. Definitions

SOCIAL MEDIA POLICY**1. Principles**

- 1.1 We, the councillors, staff and other officials of Ballina Shire Council, are committed to upholding and promoting the following principles of social media engagement:

| | |
|------------------|--|
| Openness | Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve. |
| Relevance | We will ensure our social media platforms are kept up to date with informative content about our Council and community. |
| Accuracy | The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur. |
| Respect | Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform. |

2. Administrative framework for council's social media platforms**Platforms**

~~2.1 The following social profiles will be maintained for Council and its business units:~~

- ~~● Byron Bay Gateway Airport (BBGA)

 - ~~○ Facebook~~
 - ~~○ Instagram~~
 - ~~○ LinkedIn~~
 - ~~○ Twitter~~
 - ~~○ TripAdvisor~~~~
- ~~● Northern Rivers Community Gallery (NRCCG)

 - ~~○ Facebook~~
 - ~~○ Instagram~~
 - ~~○ TripAdvisor~~~~
- ~~● Ballina Visitor Information Centre (VIC)

 - ~~○ Facebook~~
 - ~~○ Instagram~~
 - ~~○ LinkedIn~~
 - ~~○ Twitter~~
 - ~~○ TripAdvisor~~~~
- ~~● Ballina Shire Council (BSC):

 - ~~○ Facebook~~
 - ~~○ Instagram~~
 - ~~○ LinkedIn~~
 - ~~○ Twitter~~~~

Council and its business units may maintain official social media accounts across platforms approved by the General Manager or

delegate to support Council operations, customer service, community engagement, tourism and economic development. These platforms may change over time in response to community needs and technological developments.

- 2.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

Establishment and deletion of Council social media platforms

- 2.3 A new council social media platform, or a social media platform proposed by a council related entity can only be established or deleted with the written approval of the General Manager or their delegate.

~~2.4 Where a council social media platform is established or deleted in accordance with clause 2.3, the General Manager or their delegate may amend clause 2.1 of this policy without the need for endorsement by the Council's governing body.~~

The role of the General Manager or nominated delegate

- 2.5 The role of the General Manager is to:
- approve and revoke a staff member's status as an authorised user
 - develop and/or approve the training and/or induction to be provided to authorised users
 - maintain a register of authorised users
 - maintain effective oversight of authorised users
 - ensure the Council adheres to the rules of the social media platform(s) and relevant Council Information and Communication Technology (ICT) security requirements.
 - coordinate with the Council's Communications team to ensure the Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.
- 2.6 The General Manager is an authorised user for the purposes of this policy.

Authorised users

- 2.7 Authorised users are members of council staff who are authorised by the General Manager or nominated delegate to upload content and engage on social media on the Council's behalf.
- 2.8 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.
- 2.9 The General Manager will appoint authorised users when required.
- 2.10 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations including privacy, cybersecurity and records management obligations before uploading content on Council's behalf

- 2.11 The role of an authorised user is to:
- a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
 - b) correct inaccuracies in Council generated content
 - c) engage in discussions and answer questions on Council's behalf on social media platforms
 - d) keep the Council's social media platforms up to date
 - e) moderate the Council's social media platforms in accordance with Part 5 of this policy
 - f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)
- 2.12 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.
- 2.13 Authorised users must not use Council's social media platforms for personal reasons.

Administrative tone

- 2.14 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.
- 2.15 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.
- 2.16 Authorised users must use only Council-approved accounts and devices when administering Council social media platforms and comply with Council's ICT security requirements, including password management and multi-factor authentication where available.

Register of authorised users

- 2.17 The General Manager or nominated delegate will maintain a register of authorised users. This register is to be reviewed annually to ensure it is fit-for-purpose.

Ceasing to be an authorised user

- 2.18 The General Manager or nominated delegate may revoke a staff member's status as an authorised user, if:
- a) the staff member makes such a request
 - b) the staff member has failed to comply with this policy
 - c) the staff member has not uploaded content onto any of the Council's social media platforms in the past 12 months
 - d) the General Manager or nominated delegate is of the reasonable opinion that the staff member is no longer suitable to be an authorised user

3. Administrative framework for councillors' social media platforms

- 3.1 For the purposes of this policy, councillor social platforms are not council social media platforms. Part 2 of this policy does not apply to councillors' social media platforms.
- 3.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see clauses 7.1 to 7.4 of this policy) and the Council's approved records management policies and practices.
- 3.3 Clause 3.2 also applies to councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.
- 3.4 Councillors must comply with the rules of the platform when engaging on social media.

Induction and training

- 3.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the councillor's induction program or as part of their ongoing professional development program.

Identifying as a councillor

- 3.6 Councillors must identify themselves on their social media platforms in the following format:
Councillor "First Name and Last Name".
- 3.7 A councillor's social media platform must include a profile photo which is a clearly identifiable image of the councillor.
- 3.8 If a councillor becomes or ceases to be the Mayor, deputy Mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the councillor's social media platforms and updated within one month of a change in circumstances.

Other general requirements for councillors' social media platforms

- 3.9 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 3.10 A councillor's social media platform must include a disclaimer to the following effect:
"The views expressed and comments made on this social media platform are my own and not that of the Council".

- 3.11 Despite clause 3.10, Mayoral or councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a councillor's social media platform.
- 3.12 Councillors may upload publicly available Council information onto their social media platforms.
- 3.13 Councillors may use more personal, informal language when engaging on their social media platforms.

Councillor queries relating to social media platforms

- 3.14 Questions from councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the General Manager in the first instance, in accordance with Council's councillor requests protocols.

Other social media platforms administered by councillors

- 3.15 A councillor must advise the General Manager of any social media platforms they administer on which content relating to the Council or council officials is, or is expected to be, uploaded. The councillor must do so within one month of becoming a councillor.

4. Standards of conduct on social media

- 4.1 This policy only applies to council officials' use of social media in an official capacity or in connection with their role as a council official. The policy does not apply to personal use of social media that is not connected with a person's role as a council official.
- 4.2 Council officials must comply with the code of conduct when using social media in an official capacity or in connection with their role as a council official.
- 4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
 - a) is defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory
 - d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - e) contains content about the Council, council officials or members of the public that is misleading or deceptive
 - f) contains materially false or misleading information, including AI-generated or digitally manipulated content presented as genuine Council information.
 - g) divulges confidential Council information

- h) breaches the privacy of other council officials or members of the public
 - i) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW
 - j) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
 - k) commits the Council to any action
 - l) violates an order made by a court
 - m) breaches copyright
 - n) advertises, endorses or solicits commercial products or business
 - o) constitutes spam
 - p) is in breach of the rules of the social media platform.
- 4.4 Council officials must:
- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
 - b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 4.5 Council officials must exercise caution when sharing, liking, ~~retweeting content as this can~~ reposting or otherwise amplifying content, as this may reasonably be regarded as an endorsement and/or publication of the content.
- 4.6 Council officials may use emerging technologies, including artificial intelligence tools, to assist in content creation. However, Council officials remain responsible for ensuring any content published is accurate, lawful, appropriate and consistent with this policy.
- 4.7 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.
- 4.8 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did (see section 232(1)(f) of the *Local Government Act 1993*).

5. Moderation of social media platforms

Note: Councils and council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- is uploaded by a third party; and/or
 - appears on their social media platform because they have 'liked', 'shared', or '~~retweeted~~' **reposted** the content, or similar.
- 5.1 Council officials who are responsible for the moderation of the Council's or councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.

- 5.2 For the purposes of this Part, 'social media platform' and 'platform' means both the Council's and councillors' social media platforms.

House rules

- 5.3 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.
- 5.4 At a minimum, the House Rules should specify:
- a) the principles of social media engagement referred to in clause 1.1 of this policy
 - b) the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
 - c) the process by which a person can be blocked or banned from the platform and rights of review
 - d) a statement relating to privacy and personal information (see clause 7.4 of this policy)
 - e) when the platform will be monitored ~~(weekdays 8.30am – 4.30pm, during the Council's business hours)~~ during Council's normal business hours unless otherwise advised.
 - f) that the social media platform is not to be used for making complaints about the Council or council officials
 - g) complaints are to be referred to the General Manager in accordance with Council's Complaints Management Policy located on Council's website [Complaints Management \(nsw.gov.au\)](http://www.ballina.nsw.gov.au/complaints-management)
- 5.5 For the purposes of clause 5.4(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:
- a) is defamatory, offensive, humiliating, threatening or intimidating to council officials or members of the public,
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory
 - d) contains content about the Council, council officials or members of the public that is misleading or deceptive
 - e) breaches the privacy of council officials or members of the public
 - f) contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW,
 - g) violates an order made by a court
 - h) breaches copyright
 - i) advertises, endorses or solicits commercial products or business,
 - j) constitutes spam
 - k) would be in breach of the rules of the social media platform.

Removal or 'hiding' of content

- 5.6 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 5.5, the moderator may remove or 'hide' that content.

- 5.7 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).
- 5.8 If the moderator removes or 'hides' the content under clause 5.6, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.
- 5.9 A person may request a review of a decision by a moderator to remove or 'hide' content under clause 5.6. The request must be made in writing to the General Manager or delegate and state the grounds on which the request is being made.
- 5.10 Where a review request is made under clause 5.9, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.

Blocking or banning

- 5.11 If a person uploads content that is removed or 'hidden' under clause 5.6 of this policy on any occasion, that person may be blocked or banned from all social media platforms.
- 5.12 A person may only be blocked or banned from a Council social media platform with the approval of the General Manager or nominated delegate. This clause does not apply to blocking or banning a person from a councillor's social media platform.
- 5.13 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 5.14 The duration of the block or ban is to be determined by the General Manager or nominated delegate, or in the case of a councillor's social media platform, the councillor.
- 5.15 Where a determination is made to block or ban a person from all social media platforms, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.
- 5.16 Despite clauses 5.11 to 5.15, where a person uploads content of a kind referred to under clause 5.5, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from all platforms may be imposed on the person immediately for a period no longer than one month.

- 5.17 A person who is blocked or banned from all platforms under clause 5.16 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 5.11 to 5.15.
- 5.18 A person may request a review of a decision to block or ban then from a social media platform. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 5.19 Where a review request is made under clause 5.18, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the General Manager, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 5.20 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 5.11 to 5.19 do not apply.

6. Use of social media during emergencies

- 6.1 During emergencies, such as natural disasters or public health incidents, the Communications team will be responsible for the management of content on the Council's social media platforms.
- 6.2 During emergencies, Council may temporarily suspend normal engagement practices and prioritise dissemination of official emergency information from the lead combat or coordinating agency.
- 6.3 To ensure consistent messaging both during and after an emergency, authorised users and council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 6.4 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and councillors

7. Records management and privacy requirements

- 7.1 Social media content created, sent and received by council officials (including councillors) acting in their official capacity is a council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

- 7.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this policy, and consult with the Council's records manager and comply with the requirements of the *State Records Act 1998*.
- 7.3 When/if a councillor's term of office concludes, the councillor must contact the Council's records manager and General Manager to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 7.4 In fulfilling their obligations under clauses 7.1 to 7.3, council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and councillors' social media content.

Privacy considerations and requirements

- 7.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.
- 7.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and councillors. To mitigate potential privacy risks, council officials will:
- advise people not to provide personal information on social media platforms
 - inform people if any personal information they may provide on social media platforms is to be used for official purposes
 - moderate comments to ensure they do not contain any personal information
 - advise people to contact the Council or councillors through alternative channels if they have personal information they do not want to disclose in a public forum.
- 7.7 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.
- 7.8 Where appropriate, Council will seek to prepare social media content using accessible formats, including captions, alternative text and plain language, to improve accessibility for the community and support the objectives of Council's Disability Inclusion Action Plan (DIAP).

8. Private use of social media

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted.

Even when acting in a private capacity, Council officials should recognise that online conduct may affect public confidence in Council where their employment or elected role is publicly identifiable.

What constitutes 'private' use?

- 8.1 For the purposes of this policy, a council official's social media engagement will be considered 'private use' when the content they upload:
- a) is not associated with, or does not refer to, the Council, any other council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities, and
 - b) is not related to or does not contain information acquired by virtue of their employment or role as a council official.
- 8.2 If a council official chooses to identify themselves as a council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

Use of social media during work hours

- 8.3 Council staff may only access and engage on social media in their private capacity while at work during breaks.

9. Concerns or complaints

- 9.1 Concerns or complaints about the administration of a council's social media platforms should be made to the council's General Manager in the first instance.
- 9.2 Complaints about the conduct of council officials (including councillors) on social media platforms may be directed to the General Manager.
- 9.3 Complaints about a General Manager's conduct on social media platforms may be directed to the Mayor.

DEFINITIONS

| | |
|-------------------------|--|
| Authorised user | Members of council staff who are authorised by the General Manager to upload content and engage on the Council's social media platforms on the Council's behalf. |
| Council official | In the case of a council - councillors, members of staff and delegates of the council (including members of committees that are delegates of the council). |
| Minor | For the purposes of clause 4.4(b) of this policy, is a person under the age of 18 years |

Personal information ~~For the purposes of clause 4.4(b) of this policy, is a person under the age of 18 years~~ has the same meaning as under the Privacy and Personal Information Protection Act 1998.

Social Media ~~Online platforms and applications such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia~~
Online platforms and applications that enable users to create, publish, share and discuss content and interact with others. This includes, but is not limited to, Council's approved social media channels and other digital communication platforms.

RELATED DOCUMENTATION

Legislation

- State Records Act 1998
- Work Health and Safety Act 2011
- Local Government Act 1993
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002

Council documents

- Code of Conduct
- Complaints Policy
- Privacy Management Plan
- Records Management Plan
- Community Engagement Strategy
- Disability Inclusion Acton Plan

REVIEW

The Social Media Policy is to be reviewed every four years.

9.6 Delivery Program and Operational Plan - Adoption

From: [REDACTED]
Sent: Wednesday, 22 April 2026 1:30 PM
To: Linda Coulter [REDACTED]
Subject: Regarding Ref: 2588 (23/48560)

Dear Linda,

The months are slipping by, and it will soon be the 26/27 financial year. I thought I'd refresh the request we had put forward regarding a footpath in the Angels Beach area? As the vehicles parked on the footpath and roadside are increasing. It would be a great safety asset to give wheely walkers, prams, & bikes a useable access to the Beach sidetrack on along our coastal strip and get people out of cars.

Regards Lyn Wheat

[REDACTED]

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Sunday, 17 May 2026 4:26 PM
To: Ballina Shire Council
Subject: 2026/27 DPOP Submission – Lennox - Task to Linda Coulter
Categories: Marley

Attn: Customer Service [REDACTED]

Lennox just made a submission - Feedback - Draft Delivery Program 2026 to 2030 and Operational Plan 2026/27 with the responses below.

Your Name

Lennox

Your email address

[REDACTED]

What is your feedback related to?

Delivery Program and Operational Plan

Please provide your feedback

We need a toilet block at the boat ramp end of the beach at Lennox Head. Thanks

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

Yes

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Tuesday, 19 May 2026 4:04 PM
To: Ballina Shire Council
Subject: 2026/27 DPOP Submission [REDACTED]

Attn: Customer Service [REDACTED]

Janet just made a submission - Feedback - Draft Delivery Program 2026 to 2030 and Operational Plan 2026/27 with the responses below.

Your Name

Janet Chester

Your email address

[REDACTED]

What is your feedback related to?

Delivery Program and Operational Plan

Please provide your feedback

This is a suggestion under Direction 4 LP3.2 Facilitate a range of Council business activities to support economic development I would like to suggest Council give serious consideration to creating a Memorial Garden to commemorate the First Australian Wars. This would provide a tourism opportunity. This would provide a business opportunity for the Aboriginal Community. Native plants could be cultivated and sold. Bush foods could be cooked and sold in a cafe at the Gardens. The opportunities are limitless. It also provides a great setting for increasing respect for the local Community and truth telling.

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

Yes

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Thursday, 21 May 2026 5:00 PM
To: Ballina Shire Council
Subject: 2026/27 DPOP Submission [REDACTED]

Attn: Customer Service [REDACTED]

Mj00 just made a submission - Feedback - Draft Delivery Program 2026 to 2030 and Operational Plan 2026/27 with the responses below.

Your Name

Maree Melville

Your email address

[REDACTED]

What is your feedback related to?

Delivery Program and Operational Plan
Long Term Financial Plan and Budget

Please provide your feedback

Ballina Shire Council's Sport and Recreation Plan 2020 identifies as a high priority the need to: "Undertake suitable field drainage (Football) at Cumbalum Fields, considering the development of a synthetic field as an alternative." Despite this clear priority, the project does not appear to be included within Council's Delivery Program / Operational Plan 2026-2030. As a project that was identified in 2020, this should be included.

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

Yes

[REDACTED]

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Friday, 22 May 2026 4:04 PM
To: Ballina Shire Council
Subject: 2026/27 DPOP Submission [REDACTED]

Categories: [REDACTED]

Attn: Customer Service [REDACTED]

BSCB just made a submission - Feedback - Draft Delivery Program 2026 to 2030 and Operational Plan 2026/27 with the responses below.

Your Name

Amanda Wilkinson

Your email address

[REDACTED]

What is your feedback related to?

Delivery Program and Operational Plan
Strategic Asset Management Plan

Please provide your feedback

The Ballina Shire Band respectfully requests that Ballina Shire Council consider the inclusion of a future project to support the extension and upgrade of the Ballina Band Hall within Council's forward planning and infrastructure program. The Band Hall is an important long-standing community facility that supports music education, cultural participation, community performances, and social connection across Ballina Shire. The band has experienced continued growth in membership, and the current hall no longer adequately accommodates rehearsals, storage requirements, or audience attendance for small performances and community events. The Band is seeking Council's support and endorsement to investigate a staged extension of the existing hall to: increase rehearsal space capacity for current and future band members; improve accessibility, functionality and safety within the facility; incorporate compliant amenities as part of any future extension works; create flexible community performance space capable of accommodating small audiences; strengthen the hall's role as a local cultural and community asset. Following preliminary discussions and a site inspection with Council staff, the Band understands that any extension proposal would require further planning assessment, concept design work, and consideration within Council's Delivery Program and

9.6 Delivery Program and Operational Plan - Adoption

Operational Plan processes. Council staff have also identified that future works may involve substantial construction costs, including the incorporation of new amenities and project management requirements. The Band therefore requests that Council: Support ongoing investigation into the feasibility of extending the Band Hall; Work collaboratively with the Band regarding planning and development requirements; Consider inclusion of the project within Council's future capital works and community infrastructure planning; Consider allocation of staff expertise and project management support should the project proceed; Explore opportunities for future funding partnerships, grants, or staged delivery options. The proposed extension would deliver broad community benefit by supporting arts and culture, live local performance opportunities, youth participation, lifelong learning, and social inclusion within Ballina Shire. The Band recognises that detailed planning, cost estimates, concept drawings, and funding pathways will need to be further developed over the next 12–18 months in consultation with Council staff. Thank you for considering this submission as part of the Draft Delivery Program and Operational Plan 2026/27–2029/30 consultation process.

Please upload any documents relevant to your submission here

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/8f8b5439a7a80103728b7f589534951a94d79cfb/original/1779429758/d693919a3c881a8dd29fefc0c2d6506b_Gmail%20-%20Ballina%20Concert%20Band%20-%20Extension%20and%20related%20building%20work%20at%20Ballina%20Band%20hall.pdf?1779429758

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

Yes

9.6 Delivery Program and Operational Plan - Adoption

22/05/2026, 16:01

Gmail - Ballina Concert Band - Extension and related building work at Ballina Band hall



Ballina Shire Concert Band BSCB <ballinaconcertband@gmail.com>

Ballina Concert Band - Extension and related building work at Ballina Band hall

1 message

Amanda Wilkinson [redacted] >
To: BSCB [redacted] >

22 May 2026 at 16:01

On , Thu May 21 2026 19:01:22 GMT+1000 (Australian Eastern Standard Time), Matthew Wood <[redacted]> wrote:

----- Original Message -----

Hi Therese,

My apology for the delay in responding to you.

Council Trades staff have now inspected the hall site and drafted the attached plan as a guide the layout of the buildings on the land.

I have made some notes below in relation to each of your questions.

Please let me know if you would like to discuss this further.

Regards

Matthew Wood
Director - Planning and Environmental Health

Ballina Shire Council acknowledges that we are here on the land of the Bundjalung people. The Bundjalung are the traditional owners of this land and are part of the oldest surviving continuous culture in the world.

ballina.nsw.gov.au | discoverballina.com.au
p: (02) 6686 1289 | m: 0409 090 431

 2026 DPOP Email Sig.jpg

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please pass it on to the intended recipient in its original form, or contact the Ballina Shire Council.

Opinions, conclusions and other information contained within this message that do not relate to official Council business are those of the individual sender, and shall be understood as being neither given nor endorsed by the Ballina Shire Council.

From: [redacted] m [redacted] >

Sent: Thursday, 5 February 2026 5:42 PM

To: Matthew Wood <[redacted]>

Subject: Extension and related building work at Ballina Band hall

Good afternoon Matthew, thank you for your time last week to come and have a site inspection at the Ballina Shire Band Hall and discuss the possibilities re the extension of the hall so that the band can accommodate more players.

At our Executive Committee meeting on Monday we discussed the information that you provided to me and the Committee decided to proceed as follows:

<https://mail.google.com/mail/u/1/?ik=ca410b08e1&view=pt&search=all&permthid=thread-f:1865867267318479798%7Cmsg-f:1865867267318479...> 1/2

9.6 Delivery Program and Operational Plan - Adoption

22/05/2026, 16:01

Gmail - Ballina Concert Band - Extension and related building work at Ballina Band hall

1. Formally request that Council demolish the disused brick toilet block at the back of the hall.

Council has recently endorsed refurbishment of this structure, including replacement of the roof.

2. When the toilet block is removed we will investigate moving the shed which houses our trailer back closer to the lane to provide easier access to the shed.

Given the above, any extension will likely need to be on the basis that the toilet block and shed remain in place as they are.

3. The Committee would like to be sent a checklist of items that need to be addressed/done should we be able to proceed with building an extension onto the existing hall eg. planning requirements/timelines for submission of documents etc.

The committee will need to make a submission to the DPOP because any extension works will require Council's endorsement as landowner and the allocation of Council resources (whether in terms of funds, staff expertise, management etc). This should be accompanied by a plan and an indication of cost, as well as any request for funds from Council.

This will allow Council to consider the proposal relative to other works on the forward program and available resources.

The feedback from Trades staff is that the works are likely to have substantial cost as there will be a need to build new amenities into the band hall area as part of a southward extension.

Council staff would need to be involved in project management.

Timing and planning requirements are dependent on the detail of the extension, whether or not there is funding etc.

4. We will continue to engage with Council Planning department to see the best way forward to enable us to extend the current hall in a step by step process over the coming 12 - 18 months.

The nature of this will ultimately depend on what type of planning application is required and if the project becomes part of Council's work program. As indicated above, the band should make a submission to the current DPOP outlining what it is seeking. DPOP submissions close on 1 June 2026.

Look forward to receiving further information re this project,

Regards

Therese Crollick
Executive Committee member Ballina Shire Concert Band

<https://mail.google.com/mail/u/1/?ik=ca410b08e1&view=pt&search=all&permthid=thread-f:1865867267318479798%7Cmsg-f:1865867267318479...> 2/2

[REDACTED] [REDACTED]

From: Ballina Shire Concert Band [REDACTED] >
Sent: Tuesday, 26 May 2026 4:25 PM
To: Matthew Wood; Caroline Klose
Cc: [REDACTED]; [REDACTED]; Ballina Shire Council
Subject: Request for Inclusion of Ballina Band Hall Upgrade in Delivery Program and Operational Plan 2026/27–2029/30
Attachments: Ballina Band Hall - Wigmore extension concept.jpg; Wigmore Hall Ex (1).pdf

Dear Matthew and the Planning Team,

On behalf of the Ballina Shire Band, I am writing to request that the Ballina Shire Council consider the inclusion of a future project to support the extension and upgrade of the Ballina Band Hall (Wigmore Hall) within Council's forward planning and infrastructure program.

The Band Hall is an important and long-standing community facility that supports music education, cultural participation, community performances, and social connection across Ballina Shire. The Band has experienced strong and sustained growth in membership, and the current hall no longer adequately accommodates rehearsals, storage requirements, or audience attendance for small performances and community events.

Importantly, the limitations of the current space are now creating operational and safety concerns. The rehearsal area is increasingly overcrowded, with restricted movement for musicians and limited space for instruments, particularly larger ones. This presents risks in terms of safe access, egress, and overall comfort during rehearsals and events. In addition, demand to join the Band continues to grow; however, due to these space constraints, we have reached a point where we are unable to accept new members. This is not aligned with our goal of being an inclusive, community-based organisation that is accessible to all musicians, and it is increasingly difficult to turn away interested community members due solely to facility limitations.

The Band is seeking Council's support and endorsement to investigate a staged extension of the existing facility. Based on preliminary discussions and initial concept planning, this would likely include:

- Extending the existing hall footprint to the east to approximately double the current rehearsal space (from ~10m to ~20m in length)
- Providing a larger, open-plan hall to support full band rehearsals and flexible audience seating within the same space
- Relocating and upgrading the existing amenities block (kitchen, toilets, and storage areas) to accommodate the extension
- Delivering compliant, accessible amenities and improved internal layout to meet current standards
- Improving circulation and functionality between the performance space and amenities
- Allowing for flexible use as a community performance venue for small concerts, events, and rehearsals

This approach would retain the existing building's function while significantly improving usability, capacity, and safety, and enabling the space to better serve both the Band and the broader community.

Following preliminary discussions and a site inspection with Council staff, we understand that any extension proposal would require further planning assessment, concept design development, and consideration through Council's Delivery Program and Operational Plan processes. We also acknowledge that future works may involve substantial construction costs, including new amenities, compliance upgrades, and project management requirements.

9.6 Delivery Program and Operational Plan - Adoption

In this context, the Band respectfully requests that Council:

- Consider inclusion of the project within future capital works and community infrastructure planning by including band hall upgrades to the Delivery Program and Operational Plan 2026/27–2029/30
- Support ongoing investigation into the feasibility of extending the Band Hall
- Work collaboratively with the Band on planning and development requirements
- Consider allocation of staff expertise and project management support should the project proceed
- Explore opportunities for future funding partnerships, grants, or staged delivery options

The proposed extension would deliver broad community benefit by supporting arts and culture, local performance opportunities, youth participation, lifelong learning, and social inclusion within Ballina Shire. It would also strengthen the role of the Band Hall as a flexible, community asset and ensure that the Band can continue to grow without compromising safety or accessibility.

The Band recognises that detailed planning, cost estimates, concept designs, and funding pathways will need to be developed over the next 12–18 months in consultation with Council staff.

I have attached a mock draft design concept as a starting point for discussion.

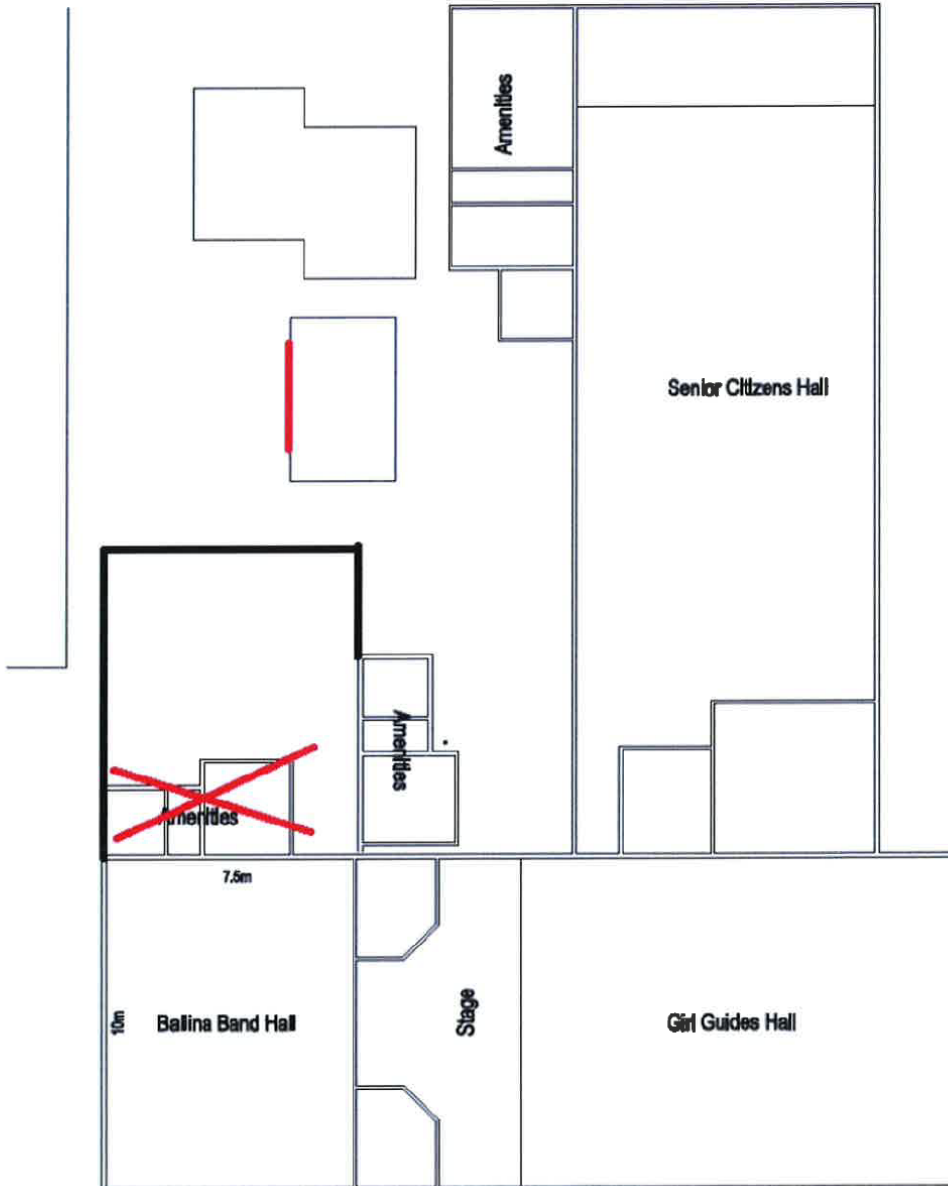
Thank you for considering this request as part of the Draft Delivery Program and Operational Plan 2026/27–2029/30 consultation process.

Please let me know if you require anything further.

We welcome the opportunity to discuss this proposal further at Council's convenience.

Kind regards,
Amanda Wilkinson
President
Ballina Shire Concert Band

██████████





[REDACTED]

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Thursday, 28 May 2026 2:20 PM
To: Ballina Shire Council
Subject: 2026/27 DPOP Submission [REDACTED]

Attn: Customer Service [REDACTED]

Robyn just made a submission - Feedback - Draft Delivery Program 2026 to 2030 and Operational Plan 2026/27 with the responses below.

Your Name

Robyn Hargrave

Your email address

[REDACTED]

What is your feedback related to?

Delivery Program and Operational Plan

Please provide your feedback

Rayner Lane, Lennox Head - please note: not Rayners. After much angst by Rayner Lane dwellers and general users of the very degraded lane, it is pleasing to see some funding allocated, albeit 2029-2030 for (assumed) roadworks. It is actually quite a dangerous 'shared zone', due to potholes causing vehicles to swerve and also the fact that drivers are not aware that the most eastern, tarred section, is part of the Shared Zone immediately off Ballina Street. I have been in a situation where it has been necessary to jump to one side, onto private property to avoid vehicles travelling well in excess of 10kph and trying to avoid potholes. So works making the shared zone plain cannot come soon enough.

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

Yes

[REDACTED]

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Wednesday, 27 May 2026 12:56 PM
To: Ballina Shire Council
Subject: 2026/27 DPOP Submission – Ballina Allstars Athletics Incorporated | [REDACTED]

Attn: Customer Service | [REDACTED]

Ballina Allstars Athletics Incorporated just made a submission - Feedback - Draft Delivery Program 2026 to 2030 and Operational Plan 2026/27 with the responses below.

Your Name

Ballina Allstars Athletics Incorporated

Your email address

[REDACTED]

What is your feedback related to?

Delivery Program and Operational Plan

Please provide your feedback

We would like to make a submission for works to be added to the Delivery Program 2026 - 2030 and Operational Plan 2026/ 2027 Ballina Allstars Athletics would like to submit that a new discus cage, shot put pad and club house renovation be included to the Delivery Program in 3 parts: Part 1 - club house renovation to create a more practical, secure and usable facility and create additional storage space for athletics equipment so the existing shipping container can be removed from the site, Part 2 - involves construction of a second discus cage for athlete training and competition preparation, noting members of the community and our members will use the facility; and Part 3 - involves construction of a second shot put pad for athlete training and competition available at all times to members of the community to use. This project directly supports the Ballina Shire by upgrading sporting and community infrastructure used by a volunteer run local athletics club and members of hte community. The discus cage and shot put pad will support wellbeing, participation and active lifestyles for junior athletes, with the clubhouse renovation will revitalise an ageing community hub used for training, competitions, storage and volunteer coordination. By improving safety, functionality, storage and presentation, the project will help Ballina Allstars Athletics remain strong, connected and sustainable, while creating a more welcome and usable space for athletes, families,

9.6 Delivery Program and Operational Plan - Adoption

coaches and members of the community. We have a quote however the submission form won't let me upload the file - I can email it separately if you provide an email.

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

Yes

Do you want your submission to be treated as confidential? If yes, please provide a reason for confidentiality

No

9.6 Delivery Program and Operational Plan - Adoption

[REDACTED]

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Thursday, 28 May 2026 3:29 PM
To: Ballina Shire Council
Subject: 2026/27 DPOP Submission – Lennox Head Heritage Committee [REDACTED]
[REDACTED]

Attn: Customer Service [REDACTED]

Lennox Head Heritage Committee just made a submission - Feedback - Draft Delivery Program 2026 to 2030 and Operational Plan 2026/27 with the responses below.

Your Name

Lennox Head Heritage Committee

Your email address

[REDACTED]

What is your feedback related to?

Delivery Program and Operational Plan

Please provide your feedback

Lennox Head Heritage Committee is very pleased to note that the long awaited Plan of Management, planning and funding in 2029-2030 has been allocated to Spoonbill Reserve. We are also pleased to see heritage aspects and recognition of the Sharpe Family included in the POM.

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

Yes

[REDACTED]

From: Ballina Shire Council <notifications@engagementhq.com>
Sent: Friday, 29 May 2026 10:19 PM
To: Ballina Shire Council
Subject: 2026/27 DPOP Submission – Joel Saye [REDACTED]

Attn: Customer Service [REDACTED]

Joel Saye just made a submission - Feedback - Draft Delivery Program 2026 to 2030 and Operational Plan 2026/27 with the responses below.

Your Name

Joel Saye

Your email address

[REDACTED]

What is your feedback related to?

Delivery Program and Operational Plan

Please provide your feedback

I have been advised to submit a submission to be added to the delivery program through this link. This submission relates to the development of the clubhouse at LHFC and the addition of a second story. We would like to open the conversation with council as to how we can make this a reality.

Please upload any documents relevant to your submission here

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/f4a5cb028164fc0c64c98a696eee9896cba6d101/original/1780056843/15ee51b96d04e996240b93510253ffc5_Clubhouse%20Redevelopment%20and%20Community%20Facility%20Project%20%281%29.pdf?1780056843

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

9.6 Delivery Program and Operational Plan - Adoption

Yes



Lennox Head Football Club Clubhouse Redevelopment and Community Facility Project

Applicant Eligibility

Lennox Head Football Club (LHFC) is a not-for-profit, community-based sporting organisation providing football participation opportunities for children, young people, adults, families and volunteers across Lennox Head, Skennars Head and the broader Ballina Shire community. Established in 1978, the club has grown to more than 880 registered players and over 80 teams, making it one of the largest football clubs in the Northern Rivers.

The club is seeking support for the redevelopment and expansion of its existing clubhouse facilities at the Lennox Head Football Fields, Skennars Head. The project will deliver a modern, accessible, multi-purpose sporting and community facility through the construction of a second-storey clubhouse and associated improvements to support current and future community needs.

The project aligns with the Lennox Head Strategic Plan 2023-2043 through its support of formalised sport, youth engagement, community participation and social connection. It also aligns with the Draft Ballina Shire Local Strategic Planning Statement 2025-2046 by improving access to high-quality community infrastructure that contributes to healthy, connected and liveable communities.

As participation continues to grow, the existing clubhouse no longer adequately supports the needs of players, families, volunteers, officials and community groups. Investment in upgraded facilities is essential to ensure the club can continue to provide inclusive, accessible and sustainable opportunities for sport and community engagement.

Community Need

Football is a central part of community life in Lennox Head and Skennars Head, and demand for participation continues to grow across all age groups.



LHFC currently supports more than 880 registered players and over 80 teams, with strong growth in female football, junior participation and community involvement. The existing clubhouse infrastructure was developed to support a significantly smaller club and is increasingly unable to accommodate current participation levels or the broader community functions now associated with modern sporting clubs.

Current limitations include:

- Insufficient community meeting and function space.
- Limited capacity to host presentations, educational programs and club events.
- Restricted spectator viewing opportunities.
- Inadequate facilities to support growing female participation.
- Limited accessible facilities for people with disabilities.
- Insufficient volunteer administration and meeting spaces.
- Lack of flexible spaces capable of supporting broader community use.

These challenges impact the club's ability to deliver programs, support volunteers, attract events and maximise community benefit from this important Council-owned sporting facility.

A redeveloped clubhouse will ensure the facility can continue to meet the needs of a growing population while supporting participation, community wellbeing and social connection.

Project Overview

This submission seeks funding support for the redevelopment and expansion of the Lennox Head Football Club clubhouse through construction of a second-storey community and sporting facility.

The proposed development will transform the existing clubhouse into a contemporary, accessible and multi-functional sporting hub capable of supporting football participation, community activities and regional events.

The concept design includes:

- A new upper-level clubhouse and function space.
- Community meeting and administration rooms.
- Commercial-grade kitchen facilities.
- Expanded food and beverage service areas.
- Accessible amenities.
- Internal and external spectator viewing areas.



- Outdoor balconies overlooking playing fields.
- Improved accessibility through compliant ramp and lift access provisions.
- Flexible spaces capable of supporting education, training, meetings and community events.

The project will significantly improve the capacity, functionality and accessibility of the facility while providing a long-term community asset for future generations.

Project Scope

The proposed works may include:

- Construction of a second-storey clubhouse facility.
- Development of a multi-purpose function and event space.
- New meeting and administration rooms.
- Accessible circulation improvements including ramps.
- Expanded kitchen, canteen and hospitality facilities.
- New amenities and accessible toilets.
- Spectator viewing areas and outdoor balconies.
- Building services upgrades.
- Structural improvements to support the expanded facility.
- Associated architectural, engineering and compliance works.

The concept design incorporates flexible spaces capable of supporting club operations, presentations, education programs, volunteer training, meetings and community events while maintaining the facility's primary role as a football clubhouse.

Community Benefit

The clubhouse redevelopment will deliver significant and lasting benefits for the local and regional community.

The project will support:

Increased Participation



A modern clubhouse will improve the overall sporting experience for players, families and volunteers while supporting continued growth in football participation.

Supporting Female Participation

The project will help ensure facilities are capable of meeting the expectations and requirements of modern sport, particularly as female football continues to experience strong growth.

Accessibility and Inclusion

Improved accessibility features will create a more welcoming and inclusive environment for people of all ages and abilities.

Volunteer Sustainability

Volunteers are critical to the success of community sport. Dedicated administration, meeting and operational spaces will improve volunteer efficiency and support long-term club sustainability.

Community Connection

The facility will provide a valuable venue for presentations, meetings, education programs, social events and community gatherings, strengthening social cohesion throughout the region.

Youth Development

The clubhouse will create opportunities for leadership programs, coaching education, referee development, mentoring initiatives and youth engagement activities.

Regional Event Capability

Improved facilities will enhance the club's ability to host regional tournaments, representative fixtures, coaching courses and football development programs.

Maximising a Council-Owned Community Asset

The redevelopment represents a long-term investment in an important public sporting facility, increasing community use and ensuring the site remains fit for purpose as the population of Lennox Head and Ballina Shire continues to grow.



Strategic Alignment

The project directly supports:

- Increased participation in organised sport and recreation.
- Youth engagement and healthy lifestyles.
- Community wellbeing and social connection.
- Inclusive and accessible community infrastructure.
- Volunteer development and capacity building.
- Growth management and provision of community infrastructure.
- Enhanced utilisation of public open space and sporting assets.

The redevelopment aligns with the Lennox Head Strategic Plan 2023–2043 and the Draft Ballina Shire Local Strategic Planning Statement 2025–2046 by delivering infrastructure that supports healthy, connected and resilient communities.

Conclusion

The Lennox Head Football Club clubhouse is a critical piece of sporting and community infrastructure serving players, families, volunteers, schools and the broader Ballina Shire community.

As participation continues to grow, the existing facility is no longer capable of meeting the needs of a modern sporting organisation or maximising the potential of this important Council-owned asset.

Funding support for the Clubhouse Redevelopment and Community Facility Project will deliver a modern, accessible and multi-purpose facility that supports sport, community connection and regional growth. The project will provide lasting social, recreational and economic benefits while ensuring Lennox Head Football Club remains capable of serving the community for decades to come.

Kind regards,

Joel Saye
President
Lennox Head Football Club



← THERE ARE DIFFERENT VARIATIONS OF ROOF
THIS CONCEPT IS LOW FITCH, YET STILL OFFERS HIGH CEILING INTERNALLY
PROVIDES SIDE HIGH WINDOWS, NORTH & SOUTH

← THIS CONCEPT HAS RAMP HIDDEN BEHIND SCREEN

← FEATURE SCREENS ARTICULATES BUILDING AND OFFERS PROTECTION FROM WESTERN SUN AND CONCEALS RAMP



From: [REDACTED]
Sent: Tuesday, 2 June 2026 7:53 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Saunders Oval Lighting - Soccer Field 3 and Touch Fields 5 and 6 - Submission to Council Delivery and Operational Plans

Hi Luke,

Thank you for your time this afternoon and the ongoing process of engagement with Touch, Soccer and the Sports Club. I think the regular meetings are a very good way to maintain communication and stay on top of any issues from all parties involved with the use of Saunders Oval.

As discussed at the meeting, recently Football Far North Coast engaged a consultant to undertake an assessment of the lighting at Saunders Oval to ensure adequate lighting levels in accordance with Australian Standards for their winter competitions. The good news is that S1 and S2 met the requirement of minimum 100 lux for competition matches. Unfortunately S3 did not meet this standard, falling well below at approx. 35 lux. I do not have a copy of the advice/report but we will send that through as soon as it is available.

Ballina Soccer Club do not use S3 for competition matches and as such will not be disadvantaged by this result. However, come the summer season, this will potentially mean that Ballina Touch are unable to use S3 (Touch Fields 5 and 6) for competition matches. This will of course create challenges for us in the management of our competition.

As such we request that Council include in its 2026-27 operational plan and budget some funding to address the lighting levels on S3 and ensure they meet the minimum standard for competition matches of 100 lux.

Given that the lighting on S1, S2 and S3 was all replaced at the same time in approximately 2010, we also request that the lighting on S1 and S2 be assessed as to when it is likely to need upgrade or replacement and ensure ongoing lighting levels are provided for competition matches i.e. 100 lux. Funding should be provided in Council's long term financial plan to upgrade or replace this lighting at the appropriate time such that there is no interruption to the running of the Ballina Touch or Ballina Soccer competitions.

Thanks again for the meeting today – we look forward to ongoing positive engagement with Council.

Regards

Scott Turner
President Ballina Bull Sharks

Dear Ballina Shire Council,

I am writing as a local resident of Patchs Beach and an active participant in the community's dune care efforts to raise an ongoing concern regarding the lack of public toilet facilities in the area.

Patchs Beach is a well loved local destination, regularly used by residents, visitors, and dog walkers. While this level of use reflects the value of the space to the community, the absence of toilet facilities is becoming increasingly problematic. During dune care activities and general visits, it is unfortunately common to encounter human waste and toilet paper in the dunes and surrounding vegetation.

This presents not only an unpleasant experience for volunteers and beach users, but also raises genuine environmental and public health concerns. The dunes are a sensitive ecosystem that we are actively working to protect, and contamination from human waste undermines these efforts. Additionally, the lack of facilities leaves visitors with little choice, which is understandably contributing to the issue.

I understand that this may have been raised previously by other residents, but I wanted to reinforce the need from both a community and environmental perspective. Installing appropriate toilet facilities, whether permanent or temporary/eco-friendly options would greatly improve hygiene, support ongoing conservation work, and enhance the experience for all users of the beach.

I would appreciate it if this matter could be considered in future planning, and I am more than happy to provide further input or discuss this issue if needed.

Thank you for your time and for the work you do in maintaining our local environment.

9.6 **Delivery Program and Operational Plan - Adoption**

| General Fund - Asset Description | Draft LTFP | | Recommended | | Report Comments |
|--|------------------|------------------|------------------|------------------|--|
| | 2026/27 | 2027/28 | 2026/27 | 2027/28 | |
| Corporate and Community Division | | | | | |
| Commercial Property | | | | | |
| Boeing Avenue - Industrial Estate | 460,000 | 2,500,000 | 460,000 | 2,500,000 | Consultant engaged to seek approval pathway to develop Includes final subdivision of Lots 1 to 4 and 14 and 15 Preliminary works for residential subdivision |
| Russellton Industrial Estate - Final Stage | 1,200,000 | | 1,200,000 | | |
| Lennox Head - Residential Land | 200,000 | 200,000 | 200,000 | 200,000 | |
| Community Infrastructure Dividends | 1,860,000 | 3,000,000 | 1,860,000 | 3,000,000 | |
| Dividend Distribution | | | | | |
| Geoff Watt Oval Master Plan - Implementation | | 2,500,000 | | 2,500,000 | |
| Community Facilities - Renewals | | 100,000 | | 100,000 | |
| Companion Animals Mgmt Plan - Dog Off Leash Areas | | 100,000 | | 100,000 | |
| Administration Centre - Window Renewal | | 300,000 | | 300,000 | |
| Quarries | | | | | |
| Stokers Quarry - Remediation | 360,000 | | 360,000 | | |
| Flat Rock Tent Park - Improvements | 70,000 | 20,000 | 200,000 | 20,000 | Based on deferred 2025/26 works |
| Ballina Byron Gateway Airport (BBGA) | | | | | |
| Car Park - Expansion and Equipment Upgrade | 500,000 | 7,000,000 | 500,000 | 7,000,000 | |
| Crown Land and Revetment Wall | 133,000 | | 133,000 | | |
| CCTV Upgrade | 55,000 | | 55,000 | | Upgrade the server and two cameras |
| Drainage Master Plan and Works | 250,000 | 250,000 | 250,000 | 250,000 | Review, design and first stages of implementation |
| Perimeter Fence Upgrade | 100,000 | | 100,000 | | Maintain the integrity of the fence |
| Terminal - PA Upgrade | 40,000 | | 40,000 | | Urgent upgrade required |
| Terminal - FIDS Software Upgrade | 40,000 | | 40,000 | | Urgent upgrade required |
| Terminal - Body Scanner Replacement | 80,000 | | 80,000 | | Urgent upgrade required |
| Terminal - ETD Replacement | | 60,000 | | 60,000 | |
| Terminal - Air-Conditioning | | 100,000 | | 100,000 | |
| Terminal - Checked Baggage Screening | 350,000 | | 350,000 | | Must be installed by December 2026 |
| Terminal - Expansion | 50,000 | 200,000 | 50,000 | 200,000 | |
| Sub Total - Airport | 1,598,000 | 7,610,000 | 1,598,000 | 7,610,000 | |
| Information Services - CCTV Installation | 800,000 | | 800,000 | | |
| Facilities Management | | | | | |
| Alstonville Cultural Centre | 16,190,000 | | 16,190,000 | | |
| Ballina Naval and Maritime Museum | 425,000 | | 425,000 | | |
| Buildings - Asset Renewal Program | | | | | |
| Pimlico Hall - External Paint | | 20,000 | | 20,000 | |
| Wollongbar Hall | | | | | |
| Internal / External Paint / Building Modifications | | 150,000 | | 150,000 | |
| Wardell Hall | | | | | |
| Internal / External Paint / Window Replacements | | 100,000 | | 100,000 | |
| LHCC - Ceiling Replacment Meeting Rooms | | 50,000 | | 50,000 | |
| Ballina Library/Richmond Room/VIC - Solar | 33,000 | | 33,000 | | |
| Ballina Surf Club | | | | | |
| Surf Club A + B Roof Repair and General Building | 180,000 | | 180,000 | | |
| Kentwell Centre | | | | | |
| Foyer and Refurbishments | 80,000 | | 80,000 | | |
| Boundary Security Fence and Gates | | 39,000 | | 39,000 | |
| Airconditioning | | 212,000 | | 212,000 | |
| Marine Rescue Tower | | | | | |
| Roof Hatch Replacement | 20,000 | | 20,000 | | |
| Window Repairs | | 150,000 | | 150,000 | |
| BISC - Refurbishments | 50,000 | | 50,000 | | Two fans over one court |
| Crawford House | | | | | |
| Roof, Paint and Miscellaneous Works | 100,000 | | 100,000 | | Roof works only |
| Naval Museum - Paint and Misc Works | 61,000 | | 61,000 | | |
| River St Preschool - Paint | | 32,000 | | 32,000 | |
| Wollongbar Preschool - Paint | 50,000 | | 50,000 | | |
| Alstonville Preschool - Paint | 30,000 | | 30,000 | | |
| Community Gallery - Deck and Awning | 115,000 | | 115,000 | | |
| Sub Total - Buildings - Asset Renewal Program | 719,000 | 753,000 | 719,000 | 753,000 | |
| Continued on next page | | | | | |

9.6 Delivery Program and Operational Plan - Adoption

| General Fund - Asset Description | Draft LTFP | | Recommended | | Report Comments |
|---|-------------------|-------------------|-------------------|-------------------|---|
| | 2026/27 | 2027/28 | 2026/27 | 2027/28 | |
| Public Amenities - Improvements | | | | | |
| Compton Drive | 160,000 | | 160,000 | | Location to be confirmed |
| Lumley Park | 160,000 | | 160,000 | | |
| Bi-Centennial | | 160,000 | | 160,000 | |
| Depot and Administration Centre | | | | | |
| Depot - Fuel System | 700,000 | | 700,000 | | |
| Depot - Compound (Store / Small Plant) | 187,000 | | 250,000 | | Undercover area to store sensitive equipment. |
| Depot - Engineering Works - Shed | 597,000 | | 50,000 | 500,000 | Defer \$550,000 to 2027/28 |
| Depot - Existing Amenity Building Upgrade | | 500,000 | 484,000 | | Brng forward to 2026/27 |
| Depot - Bitupave | 112,000 | 232,000 | 112,000 | 232,000 | Outdoor store area |
| Fleet and Plant | | | | | |
| Replacement Program | 2,600,000 | 2,400,000 | 2,600,000 | 2,400,000 | |
| Total - Corporate and Community | 26,538,000 | 17,375,000 | 26,668,000 | 17,375,000 | |
| Planning and Environmental Health Division | | | | | |
| Open Spaces - Playgrounds and Parks | | | | | |
| Cawarra Park Boating Infrastructure | 1,075,000 | 1,075,000 | 1,075,000 | 1,075,000 | |
| Alstonville Creek Restoration Grant | 1,180,000 | 86,000 | 1,180,000 | 86,000 | |
| Crown Reserve Works | 56,000 | 58,000 | 56,000 | 58,000 | |
| Open Spaces - Asset Renewal | | | | | |
| Park Shelter and P.U.M.P actions | 28,000 | | 28,000 | | |
| Campbell Park, Wollongbar | 155,000 | | 155,000 | | |
| Lilli Pilli Park, Lennox Head | 164,000 | | 164,000 | | |
| Missingham Park, Ballina | 420,000 | 955,000 | 420,000 | 955,000 | |
| Montwood Park / Caloola, Lennox Head | 180,000 | | 180,000 | | |
| Outdoor Fitness Equipment | 58,000 | | 58,000 | | |
| Elizabeth Ann Brown Park, Alstonville | 300,000 | | 300,000 | | |
| Westland Park, Ballina | 165,000 | | 165,000 | | |
| Faulks Reserve, Ballina | 280,000 | | 280,000 | | |
| Prospect Park, Ballina | 150,000 | | 150,000 | | |
| Lions Park, Lennox Head | 90,000 | | 90,000 | | |
| Ferngrove Park, Ballina | 110,000 | | 110,000 | | |
| Apex Park, Alstonville | 130,000 | | 130,000 | | |
| Sub Total - Open Spaces - Playgrounds etc | 4,541,000 | 2,174,000 | 4,541,000 | 2,174,000 | |
| Open Spaces - Sports Fields | | | | | |
| Fripp Oval Contamination Remediation | 950,000 | | 950,000 | | |
| Kingsford Smith Reserve Car Parking | 350,000 | | 350,000 | | |
| Sports Fields - Asset Renewal | | | | | |
| Kingsford Smith - Major Field Upgrade a | | 434,000 | | 434,000 | |
| Williams Reserve Surface and Fencing Works | 127,000 | | 127,000 | | |
| Skennars Head Surface and Vegetation Mgmt | 80,000 | | 80,000 | | |
| Minor Troddressing | 60,000 | | 60,000 | | |
| Hutley Drive Surface and Fencing | 50,000 | | 50,000 | | |
| Fripp Safety Repairs | 10,000 | | 10,000 | | |
| Saunders Oval Cricket Pitch | 30,000 | | 30,000 | | |
| Sub Total - Open Spaces - Sports Fields | 1,657,000 | 434,000 | 1,657,000 | 434,000 | |
| Total - Planning and Environmental Health | 6,198,000 | 2,608,000 | 6,198,000 | 2,608,000 | |
| Civil Services Division | | | | | |
| Asset Management | | | | | |
| Surveying Equipment | 43,000 | | 43,000 | | |
| Stormwater | | | | | |
| Urban Lanes | 50,000 | 50,000 | 50,000 | 50,000 | |
| Asset Data Collection | 25,000 | 25,000 | 25,000 | 25,000 | |
| Tide Gates to Urban Streets | 195,000 | 55,000 | 195,000 | 55,000 | |
| Kerr Street (Tamar Street to Richmond River) | 110,000 | | 110,000 | | |
| LG Recovery - Rossmore Park Diversion Works | 86,000 | | 86,000 | | |
| Greenfield Drive and Tallow Wood Place, Lennox | 220,000 | | 220,000 | | |
| Martin Street, Ballina | 110,000 | | 110,000 | | |
| Grant Street, Ballina | 150,000 | | 150,000 | | |
| Oakland Avenue, Ballina | 255,000 | | 255,000 | | |
| Norton Street, Ballina | 205,000 | | 205,000 | | |
| Daydream Avenue, Ballina | 0 | 153,000 | | 153,000 | |
| Wardell | 0 | 200,000 | | 200,000 | |
| Ballina Lanes | 0 | 240,000 | | 240,000 | |
| Relining Package | 145,000 | 342,000 | 145,000 | 342,000 | |
| Prospect Street, Ballina | 50,000 | | 50,000 | | |
| Open Channel Renewals | 80,000 | 80,000 | 80,000 | 80,000 | |
| Sub Total - Stormwater | 1,681,000 | 1,145,000 | 1,681,000 | 1,145,000 | |
| <i>Continued on next page</i> | | | | | |

9.6 Delivery Program and Operational Plan - Adoption

| General Fund - Asset Description | Draft LTFP | | Recommended | | Report Comments |
|--|------------------|------------------|------------------------|------------------|--|
| | 2026/27 | 2027/28 | 2026/27 | 2027/28 | |
| Roads and Bridges | | | | | |
| Urban Roads | | | | | |
| Preliminary Designs (2026-27 program) | 150,000 | 150,000 | 150,000 | 150,000 | |
| Moon Street Seg 20 | 650,000 | | 650,000 | | |
| Skennars Head Road Seg 80 | 467,000 | | 147,000 | 320,000 | Defer to offset The Coast Road below |
| Skennars Head Road Seg 70 | 272,000 | | 272,000 | | |
| Cawarra Street Seg 20 | 220,000 | | 220,000 | | |
| Owen Street Seg 20-100 (Top up EPAR) | 50,000 | | 50,000 | | |
| Bagot Street Seg 30-(Top up EPAR) | 50,000 | | 50,000 | | |
| Tamar Street Seg 30 (Top up EPAR) | 50,000 | | 50,000 | | |
| Cherry Street Seg 180 | 300,000 | | 300,000 | | |
| Cherry Street Seg 30 | 615,000 | | 615,000 | | |
| North Creek Road Seg 80 | 448,000 | 234,000 | 448,000 | 234,000 | |
| South Street Seg 30 | 236,000 | | 236,000 | | |
| Barlow's Road Seg 20 | 320,000 | | 320,000 | | |
| Byron st Lennox Head Seg 40 -50 | | 340,000 | | 340,000 | |
| Main Street Seg 5 , Alstonville | | 267,000 | | 267,000 | |
| Latta Avenue Seg 10 | | 163,000 | | 163,000 | |
| Temple Street Seg 30 | | 332,000 | | 332,000 | |
| Kalinga Street Seg 60 | | 348,000 | | 348,000 | |
| Grant Street Seg 40 | | 487,000 | | 487,000 | |
| Rifle Range Road Seg 260 (Kerb and Gutter) | | 100,000 | | 100,000 | |
| Temple Street Segment 40 | | 130,000 | | 130,000 | |
| Rural Roads | | | | | |
| Teven Road Seg 60 | 210,000 | | 210,000 | | |
| Bagotville Rd Seg 30 | 402,000 | | 402,000 | | |
| Dalwood Road Seg 80 | 420,000 | | 420,000 | | |
| Fernleigh Road part Seg 90 | 606,000 | | 606,000 | | |
| Houghlahans Rd Seg 140 | 402,000 | | 402,000 | | |
| Fernleigh Seg 50 | 630,000 | | 630,000 | | |
| The Coast Rd Seg 203 | | 320,000 | 320,000 | | Bring forward to include with segment 200 in one project |
| Teven Road Seg 50 -52-54 | 200,000 | 418,000 | 200,000 | 418,000 | |
| Riverbank Road Seg 10 | 275,000 | | 275,000 | | |
| Friday Hut Seg 60 | | 280,000 | | 280,000 | |
| River Drive Seg 180 | | 400,000 | | 400,000 | |
| Hermans Lane Seg 10 | | 485,000 | | 485,000 | |
| Fernleigh Road Seg 80 | | 210,000 | | 210,000 | |
| Pearces Creek Road Seg 50 | | 312,000 | | 312,000 | |
| Marom Creek Road Seg 120 | | 139,000 | | 139,000 | |
| Marom Creek Road Seg 130 | | 90,000 | | 90,000 | |
| Pimlico Road Seg 120 | | 575,000 | | 575,000 | |
| Dust Seal Program | | | | | |
| Buckambil Mountain Road | 120,000 | | 120,000 | | |
| Old Bagotville Road | | 120,000 | | 120,000 | |
| Other | | | | | |
| Cherry / Moon / Grant Streets - Pavers / Kerb etc | | 830,000 | | 830,000 | |
| Road Furniture Renewal | 150,000 | | 150,000 | | |
| Sub Total - Roads Reconstruction Program | 7,243,000 | 6,730,000 | 7,243,000 | 6,730,000 | |
| Reseals and Heavy Patching | | | | | |
| Urban Roads - Bitumen Reseals | 738,000 | 609,000 | 738,000 | 609,000 | |
| Urban Roads - Heavy Patching | 713,000 | 738,000 | 713,000 | 738,000 | |
| Rural Roads - Bitumen Reseals | 575,000 | 595,000 | 575,000 | 595,000 | |
| Rural Roads - Heavy Patching | 445,000 | 461,000 | 445,000 | 461,000 | |
| Bypass Reserves | | | | | |
| Bypass Funds - Alstonville | 100,000 | 50,000 | 100,000 | 50,000 | |
| Bypass Funds - Ballina | 180,000 | 180,000 | 180,000 | 180,000 | |
| Bypass Funds - Tintenbar to Ewingsdale | 100,000 | 100,000 | 100,000 | 100,000 | |
| Local Government Recovery Funding | | | | | |
| Ross Lane - Betterment | 3,200,000 | | 3,200,000 | | |
| Essential Public Assets Repair (EPAR) Funding | | | | | |
| EPAR - Landslip Teven Road | 7,300,000 | | 5,300,000 | 2,000,000 | Defer part funding associated with approval timing |
| EPAR - Landslip Uralba Cutting Road | 2,150,000 | | 2,150,000 | | |
| EPAR - Landslip Forest Road, Uralba | 140,000 | | 140,000 | | |
| EPAR - Landslip The Coast Road | 2,453,000 | | 2,453,000 | | Defer funding associated with approval timing |
| EPAR - Sneaths Road | 760,000 | | 760,000 | | Defer funding associated with approval timing |
| EPAR - Marom Creek Road | 700,000 | | 700,000 | | |
| EPAR - Tamarind Drive | 1,548,000 | | 1,548,000 | | |
| EPAR - Bagot Street | 280,000 | | 280,000 | | |
| EPAR - Owen Street, Ballina | 185,000 | | 185,000 | | |
| EPAR - Tamar Street, Ballina | 30,000 | | 30,000 | | |
| CBD Revitalisation | | | | | |
| Ballina CBD - River and Martin Street Roundabout | 1,240,000 | | 840,000 | 400,000 | Defer part funding associated with approval timing |
| Wardell CBD - Connecting to the River | 1,000,000 | | 1,000,000 | | |
| | | | Continued on next page | | |

9.6 **Delivery Program and Operational Plan - Adoption**

| General Fund - Asset Description | Draft LTFP | | Recommended | | Report Comments |
|--|--------------------|-------------------|--------------------|-------------------|------------------------------|
| | 2026/27 | 2027/28 | 2026/27 | 2027/28 | |
| Section 7.11 Roads Plan | | | | | |
| River Street - Fishery Creek Bridge | 24,050,000 | | 23,582,000 | 6,343,000 | Contractor May 2026 cashflow |
| Tamarind Drive - Canal Bridge | 33,050,000 | | 30,281,000 | 8,145,000 | Contractor May 2026 cashflow |
| North Creek Road - Tam Dve to Sth X Dve - 4 Lanes | | 2,000,000 | | 2,000,000 | |
| Section 7.11 - Heavy Haulage - Reseals | 200,000 | 200,000 | 200,000 | 200,000 | |
| Bridges | 103,000 | 106,000 | 103,000 | 106,000 | |
| Sub Total - Roads and Bridges | 88,483,000 | 11,769,000 | 79,633,000 | 31,870,000 | |
| Footpaths and Shared Paths | | | | | |
| Mellis Circuit, Alstonville | 163,000 | | 163,000 | | |
| Moon Street, Ballina | 15,000 | | 15,000 | | |
| Shelly Beach Road, Ballina | 10,000 | | 10,000 | | |
| Castle Drive, Lennox Head | 20,000 | | 20,000 | | |
| Bonview Street, Ballina | 130,000 | | 130,000 | | |
| Tanamera Drive, Alstonville | | 256,000 | | 256,000 | |
| Main Street, Alstonville (Bike Plan) | 90,000 | | 90,000 | | |
| Eyes Drive, Ballina | | 5,000 | | 5,000 | |
| Deegan Drive and Parklands Drive, Alstonville | | 90,000 | | 90,000 | |
| Whipps Ave, Alstonville | | 146,000 | | 146,000 | |
| Coral Street, Alstonville | | 20,000 | | 20,000 | |
| Greenfield Rd ,Lennox Head (LHNW86) | | 21,000 | | 21,000 | |
| Ballina RSL Boardwalk | 100,000 | 59,000 | 100,000 | 59,000 | |
| Existing Path Network - Renewal | 50,000 | 50,000 | 50,000 | 50,000 | |
| Sub Total - Footpaths and Shared Paths | 578,000 | 647,000 | 578,000 | 647,000 | |
| Ancillary Works - North Creek Road Roundabout | 25,000 | | 25,000 | | |
| Car Parks - Major Upgrade - Pat Morton | 880,000 | | 880,000 | | |
| Car Parks - Asset Renewal Program | | | | | |
| Shelly Beach Rd (nth of SLSC) - Lighting | 27,000 | | 27,000 | | |
| Pop Denison Park - Lighting | 27,000 | | 27,000 | | |
| Pacific Parade at Ross St - Lighting | 25,000 | | 25,000 | | |
| Rutherford Street - Line Marking | 4,000 | | 4,000 | | |
| Alston Avenue (Pool) - Line Marking | 4,000 | | 4,000 | | |
| Alstonville Cultural Centre - Line Marking | 3,000 | | 3,000 | | |
| Pop Denison Park - Line Marking | 5,000 | | 5,000 | | |
| Beach Road (Suwla St) Car Park - Line Marking | 4,000 | | 4,000 | | |
| Shelly Beach Rd (Suwla St) - Line Marking | 4,000 | | 4,000 | | |
| Shelly Beach Rd Car Park - Line Marking | 4,000 | | 4,000 | | |
| Quays Reserve - Lighting | | 26,000 | | 26,000 | |
| Emigrant Ck Boat Ramp - Lighting | | 15,000 | | 15,000 | |
| Ferngrove Estate - Lighting | | 22,000 | | 22,000 | |
| Faulks Reserve - Lighting | | 22,000 | | 22,000 | |
| Ross Street at Pacific Tce - Line Marking | | 5,000 | | 5,000 | |
| Megan Crescent - Line Marking | | 5,000 | | 5,000 | |
| Mackney Lane at LHCC - Line Marking | | 5,000 | | 5,000 | |
| Faulks Reserve - Line Marking | | 5,000 | | 5,000 | |
| Quays Reserve - Line Marking | | 5,000 | | 5,000 | |
| Sub Total - Car Parks Asset Renewal Program | 107,000 | 110,000 | 107,000 | 110,000 | |
| Street Lighting | | | | | |
| Amber Drive, Lennox Head (part) | 20,000 | | 20,000 | | |
| Cherry Street, Ballina | 15,000 | | 15,000 | | |
| Perry Street, Alstonville | 5,000 | | 5,000 | | |
| Burnet Street and Day Lane, Ballina | 10,000 | | 10,000 | | |
| Piper Drive, Ballina | | 11,000 | | 11,000 | |
| De-Havilland Cres, Ballina | | 25,000 | | 25,000 | |
| Sheather Street, Ballina | | 8,000 | | 8,000 | |
| Simmons Street, Ballina | | 8,000 | | 8,000 | |
| Sub Total - Street Lighting | 50,000 | 52,000 | 50,000 | 52,000 | |
| Water Transport and Wharves | | | | | |
| Brunswick Small Craft Facilities | 85,000 | | 85,000 | | |
| Ferry Shed Replacement | 160,000 | | 160,000 | | |
| Transport for NSW Renewals | 302,000 | 305,000 | 302,000 | 305,000 | |
| Emergency Services - Ballina - SES Building | 1,620,000 | | 1,620,000 | | |
| Resource Recovery | | | | | |
| Bulk Loadout Area | 50,000 | 1,750,000 | 50,000 | 1,750,000 | |
| Remediation Provision | | 500,000 | | 500,000 | |
| Front of House | 1,820,000 | | 1,820,000 | | |
| Total - Civil Services | 95,884,000 | 16,278,000 | 87,034,000 | 36,379,000 | |
| Total - All Divisions - General Fund | 128,620,000 | 36,261,000 | 119,900,000 | 56,362,000 | |

9.6 Delivery Program and Operational Plan - Adoption

| Water - Asset Description | Draft LTFFP | | Recommended | | Report Comments |
|--|------------------|------------------|------------------|------------------|-----------------|
| | 2026/27 | 2027/28 | 2026/27 | 2027/28 | |
| Main Renewals | | | | | |
| Recurrent | 375,000 | 650,000 | 375,000 | 650,000 | |
| Norton Street, Ballina | 600,000 | | 600,000 | | |
| Rayner Lane / Rutherford St, Lennox Head | | 585,000 | | 585,000 | |
| William Street, Alstonville | 150,000 | | 150,000 | | |
| Daintree Drive, Lennox Head | | 50,000 | | 50,000 | |
| Green St, Alstonville | 275,000 | | 275,000 | | |
| Richmond Street, Ballina | 350,000 | | 350,000 | | |
| Water Reservoirs | | | | | |
| Reservoir - Ross Lane | 100,000 | 1,500,000 | 100,000 | 1,500,000 | |
| Reservoir - Pine Avenue | 93,000 | | 93,000 | | |
| Reservoirs - Exterior Painting | | 50,000 | | 50,000 | |
| Reservoirs - Circular 18 Rectification/Sealing | 150,000 | 100,000 | 150,000 | 100,000 | |
| Miscellaneous | | | | | |
| Telemetry | 21,000 | 22,000 | 21,000 | 22,000 | |
| Reticulation Valve Replacement | 50,000 | 50,000 | 50,000 | 50,000 | |
| Water Loss Reduction | 50,000 | | 50,000 | | |
| Water Pump and Bore Stations | | | | | |
| Ballina Heights Booster Pump Upgrade | | 200,000 | | 200,000 | |
| Trunk Mains | | | | | |
| North Ballina Reticulation Mains | | 100,000 | | 100,000 | |
| Lennox Head Mains - The Crest | 10,000 | 630,000 | 10,000 | 630,000 | |
| CURA B Distribution Main | | 330,000 | | 330,000 | |
| Bentnck Street (Owen / Kingsford Smith) | 50,000 | | 50,000 | | |
| Basall Court Gravity Main Augmentation | | 1,040,000 | | 1,040,000 | |
| Manly St (Jameson / Cronulla) Trunk Main Replacement | 10,000 | 300,000 | 10,000 | 300,000 | |
| Plant and Equipment | | | | | |
| Vehicle and Plant Replacement | 150,000 | 150,000 | 150,000 | 150,000 | |
| Service Connections | | | | | |
| Water Meter - New | 240,000 | 250,000 | 240,000 | 250,000 | |
| Water Meter - Replacement | 210,000 | 220,000 | 210,000 | 220,000 | |
| Total Capital Expenditure | 2,884,000 | 6,227,000 | 2,884,000 | 6,227,000 | |

9.6 Delivery Program and Operational Plan - Adoption

| Wastewater - Asset Description | Draft LTFP | | Recommended | | Report Comments |
|--|-------------------|-------------------|-------------------|-------------------|--|
| | 2026/27 | 2027/28 | 2026/27 | 2027/28 | |
| Pumping Stations | | | | | |
| Wet Well Relining | 200,000 | 200,000 | 200,000 | 200,000 | |
| Lindsay Avenue- Upgrade | 1,500,000 | 120,000 | 1,500,000 | 120,000 | |
| Pumping Stations - Renewals | 548,000 | 530,000 | 548,000 | 530,000 | |
| Pumping Stations - Switchboard Renewals | 942,000 | 500,000 | 942,000 | 500,000 | |
| Pumping Station - SPS 2101 Rebuild | 150,000 | | 150,000 | | |
| Pumping Station - Odour Control | | 50,000 | | 50,000 | |
| Pumping Station - Interim CURA | 1,500,000 | 800,000 | 500,000 | 1,800,000 | Reflect timeframe for approvals and tender |
| Treatment Facilities - Minor Works | | | | | |
| Treatment Plant Ballina | 20,000 | 20,000 | 20,000 | 20,000 | |
| Treatment Plant Lennox | 20,000 | 20,000 | 20,000 | 20,000 | |
| Treatment Plant Alstonville | 10,000 | 10,000 | 10,000 | 10,000 | |
| Treatment Plant Wardell | 10,000 | 10,000 | 10,000 | 10,000 | |
| Ballina Treatment Plant Upgrade | | | | | |
| Ballina - Solar | 1,260,000 | | 1,260,000 | | |
| Ballina - Roof Replacement | | 250,000 | | 250,000 | |
| Ballina - Hypo Dosing | | 100,000 | | 100,000 | |
| Ballina - Back-up Generator | 500,000 | | 500,000 | | |
| Lennox Head Treatment Plant Upgrade | | | | | |
| Lennox - Catch Pond Floor lining | 450,000 | | 450,000 | | |
| Lennox - Balance Pond Pumps | | 150,000 | | 150,000 | |
| Lennox - WAS Pump Upgrade | 120,000 | | 120,000 | | |
| Lennox - Sludge Pontoon | 80,000 | | 80,000 | | |
| Lennox - Manganese treatment | 50,000 | 250,000 | 50,000 | 250,000 | |
| Alstonville Treatment Plant Upgrade | | | | | |
| Alstonville - WAS Pump Upgrade | 100,000 | | 100,000 | | |
| Alstonville - Staff Facilities | 1,150,000 | | 1,150,000 | | |
| Alstonville - Dosing Upgrade | 800,000 | | 800,000 | | |
| Wardell Treatment Plant Upgrade | | | | | |
| Wardell - UV Replacement | | 430,000 | | 430,000 | |
| Wardell - Section 60 Works | | 100,000 | | 100,000 | |
| Wardell - Low Lift Pump | 80,000 | | 80,000 | | |
| Trunk Mains | | | | | |
| Rising Main - Swift Street, Ballina | 200,000 | | 200,000 | | |
| Rising Main - CURA B | 2,000,000 | 1,950,000 | 400,000 | 3,550,000 | Reflect timeframe for approvals and tender |
| Rising Main - Skinners Street / Crowley | 867,000 | | 867,000 | | |
| Rising Main - Serpentine | 250,000 | | 250,000 | | |
| Rising Main - Alstonville High School Cawley Close | 240,000 | | 240,000 | | |
| Gravity Main - SP2311 Bayview Drive Duplication | | 30,000 | | 30,000 | |
| Gravity Main - SP2402 Liffey Avenue | 300,000 | | 300,000 | | |
| Gravity Main - SP2402 Downstream | 300,000 | | 300,000 | | |
| Gravity Main - SP3001 Byron Street | | 50,000 | | 50,000 | |
| Mains - Renewals | | | | | |
| Main Renewals | 100,000 | 100,000 | 100,000 | 100,000 | |
| Rising Main - Seamist Place | 150,000 | 1,000,000 | 150,000 | 1,000,000 | |
| Relining Works | 820,000 | 700,000 | 820,000 | 700,000 | |
| Plant and Equipment | | | | | |
| Plant Replacement Program | 200,000 | 200,000 | 200,000 | 200,000 | |
| Other Miscellaneous Works | | | | | |
| SCADA and Telemetry Improvements | 250,000 | 250,000 | 250,000 | 250,000 | |
| Reuse Program | | | | | |
| Ross Lane - Dual Reticulation Reservoir | 200,000 | 2,900,000 | 200,000 | 2,900,000 | |
| Recycled Water Meters New | 50,000 | 50,000 | 50,000 | 50,000 | |
| Distribution Main - CURA B | 200,000 | | 200,000 | | |
| RWP61 Lennox Head - Hutley Drive Connection | | 50,000 | | 50,000 | |
| RWP63 Lennox Head - Hutley Drive Connection | | 70,000 | | 70,000 | |
| Recycled - Canal Bridge to Ferngrove | 300,000 | | 300,000 | | |
| Recycled - Canal Road - Saunders Oval | 500,000 | | 500,000 | | |
| Total Capital Expenditure | 16,417,000 | 10,890,000 | 13,817,000 | 13,490,000 | |

Delivery Program 2026 to 2030 and Operational Plan 2026/27

Your Say Ballina – Q&A

Question 1: *After the recent Ballina Maritime tragedy, I have read through the proposed bridge plan and share concerns with a number of residents about the fact there seems to be no plans to dredge the river around the man made structures being proposed. I will post previous measures undertaken and dismissed by the Governemnt in the past and suggest that we need to revisit this or at this have a strategy in place if more development in the Northern Rivers is undertaken: The Ballina bar has not been dredged since the mid-1970s. Although a feasibility study was completed in 2012 and a report in 2013 recommended dredging to a depth of four meters, plans for a one-off dredge were abandoned by the State Government in December 2017. While the NSW Government has conducted periodic bed level surveys and spent \$3 million on dredging other parts of the Richmond River system, the bar itself remains undredged. Following on: The risks of not dredging Ballina Bar include: Navigation hazards and vessel accidents: The bar is described as one of the most challenging on the NSW coast, with shifting sandbanks, shallow depths, and dangerous breaking waves—especially during ebb tides or easterly swells. This has led to multiple rollovers and vessel groundings. Maritime tragedies: In May 2026, three people died—including two Marine Rescue NSW volunteers—during a rescue attempt when a vessel foundered on the bar, highlighting the extreme danger during emergencies. Economic impact: Commercial fishers, like trawler operator Mr. Puglisi, have relocated operations to safer ports such as Coffs Harbour, citing unsafe conditions. The lack of dredging is seen as a barrier to the viability of the \$170 million Ballina marina masterplan. "Graveyard" of wrecks: The bar is known to have at least six sunken wrecks, earning it the reputation of a maritime "graveyard." Short-term benefit, long-term challenge: While dredging is considered a possible solution, experts note it would only offer temporary relief due to rapid sand re-accumulation. The ecosystem is also under threat further up from the river into the creeks and estuaries, coinciding with proposals such as the Ross Lane flooding. Whilst we continue to develop and land size for housing is smaller, the threat of urban warming is real and there is no realmplan to support the Northern Rivers from this threat.*

Answer: Council has continued to lobby the State Government for many years, if not decades to dredge the Ballina Bar.

There was a feasibility report commissioned by the State Government, dated 2012, titled "Restoration of Navigable Entrance to Richmond River – Feasibility Study". The study was completed by BMT WBM Pty. Ltd.

A copy of this document is available on Council's website [here\(External link\)](#). Refer to the Council Documents page under Coastal Management Plans and Related Documents.

The last paragraph of the final recommendations in that study stated as follows:

Therefore, in summary, it is likely that maintenance of a safe entrance as indicated would require the entrance to be dredged 4-6 times per year at a cost of \$2-5M per year with the sand relocated to the nearshore zone to the north of the entrance.

This cost is well beyond Council's resources and requires an ongoing commitment from the State Government.

As also mentioned in the question, Council has also written to the State Government seeking a one-off dredge to allow an assessment to be made as to whether there would be a need to dredge four to six times per annum, as stated in the feasibility study. There has been no commitment to this work from the relevant State Government agencies.

In respect to dredging, one project Council is currently undertaking is referred to as Stage 2 of the Ballina Coast and Estuary Coastal Management Program, which includes a shoaling assessment of the lower Richmond River and lower North Creek estuaries.

This assessment will inform further discussions and decision making to inform if dredging is appropriate and required in the lower estuary. Dredging programs must be well informed by an understanding of sediment dynamics, a clear objective and purpose, and adequately funded to ensure that the objective and purpose can be sustained going forward.

There is generally two different reasons to establish a dredging program – the first being for navigational purposes and the second being for flood mitigation.

Transport for NSW – Maritime is responsible for dredging waterways for navigational purposes (i.e. boating safety) and councils are generally responsible for dredging for flood mitigation.

With regards to the impact of sediment pollution on the ecosystem health of the lower estuary, a recent study prepared as part of the Richmond River Coastal Management Program found that sediment in the Richmond River estuary primarily comes from the upstream channel networks beyond the estuary. The full Sediment Pollution Sources to the Richmond River report can be found [here\(External link\)](#). The report makes a suite of management recommendations to reduce erosion across the catchment.

Furthermore, Ballina Shire Council's Healthy Waterways program is delivering a range of riparian restoration projects to establish healthy native vegetation adjacent to the Shire's waterways and to provide bank stability.

For further information contact Council's Health and Environment Section.

Question 2: *Please be so kind as to clarify the situation with North Creek Road Bridge Reinstatement (Direction 4 LP1.3d). I note that the current plan (not the Draft new one) includes activities 2025-2029 and also allocation in the Capital Expenditure under Bridges. The Draft Plan still includes actions against 2026-2030 but there is no Capital Expenditure allocation. I am aware that at a recent Council meeting a determination was to examine other options after a new traffic study was complete and am curious why a Capital Expenditure allocation is not included for the future Plan.*

Answer: The North Creek Road Bridge Reinstatement remains in Council's Delivery Program, with current work focused on updated traffic modelling, option assessment, and progressing design and approvals.

Following a recent Council resolution to further investigate alternative options before committing to a final construction solution, construction funding has not been included in the draft 2026/27 Capital Expenditure Program at this stage.

Once a preferred option is confirmed, costs are refined, and funding opportunities explored, future construction funding will be considered through Council's budget review and annual planning processes.

Question 3. *Wardell town centre revitalisation project - will there be a central toilet constructed? A much needed inclusion in the plan. Sited near the town jetty would be ideal. Council land is available and the location is desirable as the nearest toilet is half a kilometre away and poorly signed.*

Answer: The adopted Wardell Village Centre Revitalisation Master Plan does not include provision of an additional public toilet in Wardell. There is an accessible toilet facility at Fitzroy Park which is about 380m from the village centre and the toilets at the Wardell District War Memorial Hall can be used when open. Unfortunately, the challenge in Wardell is finding Council owned or managed land which is suitable, as the riverfront area proposed above is not suitable for a number of environmental and planning reasons.