



Amended Planning Proposal

September 2015

Southern Cross Precinct Expansion

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TABLE OF CONTENTS

Contents

TABLE OF CONTENTS	3
INTRODUCTION.....	4
Background and Summary of Amended Planning Proposal.....	4
Planning Context.....	7
PART 1 – OBJECTIVES OR INTENDED OUTCOMES.....	9
PART 2 – EXPLANATION OF THE PROPOSAL	9
PART 3 – JUSTIFICATION	10
Section A - Need for the Planning Proposal	10
Section B - Relationship to the Strategic Planning Framework.....	12
Section C - Environmental, Social and Economic Impact	14
Section D - State and Commonwealth Interests.....	15
PART 4 – MAPPING.....	15
PART 5 – COMMUNITY CONSULTATION	16
PART 6 – TIMELINE.....	16
APPENDICES	17
Appendix One - Original Gateway Determination July 2013 and Alteration May 2015	17
Appendix Two - Proponent’s Submission Seeking Amendment of Planning Proposal.....	23
Appendix Three - Report to Ballina Shire Council’s Ordinary Meeting on 24 September 2015	29
Appendix Four - Proposed Zoning Table for Proposed IN2 Light Industrial Zone	38
Appendix Five - Section 117 Direction Checklist	39
Appendix Six - Maps.....	42
Map 1 - Site Identification Map	42
Map 2 – Existing Zoning (LZN Map Zoomed).....	43
Map 3 – Existing Strategic Urban Growth Area Map (SGA Map Zoomed)	44
Map 4 – Existing Lot Size Map (LSZ Map Zoomed).....	45
Map 5 – Existing Height of Buildings Map (HOB Map Zoomed)	46
Map 6a – Proposed Land Zoning Map (LZN Map Zoomed).....	47
Map 6b – Proposed Land Zoning Map (LZN Map)	48
Map 7a – Proposed Lot Size Map (LSZ Map Zoomed)	49
Map 7b – Proposed Lot Size Map (LSZ Map)	50
Map 8a – Proposed Height of Buildings Map (HOB Map Zoomed).....	51
Map 8b – Proposed Height of Buildings Map (HOB Map).....	52
Map 9a – Proposed Strategic Urban Growth Area (SGA Map Zoomed).....	53
Map 9b – Proposed Strategic Urban Growth Area (SGA Map).....	54
Appendix Seven - Ballina Growth Management Strategy (excerpt)	55
Appendix Eight - Southern Cross Precinct Master Plan Map Extracts	57

INTRODUCTION

Background and Summary of Amended Planning Proposal

Ballina Shire Council prepared a planning proposal in June 2013 seeking the rezoning of rural zoned land adjoining the Ballina Byron Gateway Airport to a mixed B6 Enterprise Corridor and B7 Business Park zoning regime and associated LEP amendments.

The Department of Planning and Infrastructure issued a conditional Gateway determination allowing the planning proposal to proceed in July 2013. The Gateway determination was subsequently altered in May 2015 to extend the time period for completing the LEP to 30 July 2016. Refer Appendix One.

In September 2015 Ardill Payne, acting for Ballina Shire Council's Commercial Services Section, majority landholder of the subject land, requested that the planning proposal be amended. Refer Appendix Two.

On 24 September 2015 Ballina Shire Council at its Ordinary Meeting considered the request from Ardill Payne and resolved as follows [Minute No 240915/9]:

- 1. That Council endorses the application of an IN1 General Industrial zone and an IN2 Light Industrial zone to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Part Lot 7 DP 793980; Lot 8 DP 793980; Part Lot 264, DP 1195313 and the adjoining Council road reserve (Corks Lane) in Ballina, as shown in the Map contained in Attachment 2.*
- 2. That Council endorses the application of a 1,000m² minimum lot size and a 10 metre building height limit for the site proposed to be rezoned, and changes to the Strategic Urban Growth Area Map boundaries as shown in the Map contained in Attachment Four.*
- 3. That Council endorses the preparation of an amended planning proposal and the submission of a request for an altered Gateway determination to the NSW Department of Planning & Environment to reflect the matters referenced in recommendations 1 and 2.*
- 4. That Council advise the Department of Planning and Environment that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.*
- 5. That Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information once submitted, and to provide Council with an associated report and recommendations.*

6. *That upon an affirmative altered Gateway determination being received from the Department of Planning & Environment, the procedural steps associated with progression of the planning proposal be undertaken.*
7. *That a further report be presented to Council in relation to this matter following the completion of the community engagement phase of the planning proposal.*

Refer Appendix Three for the report considered by the Council at its Ordinary Meeting on 24 September 2015.

This amended planning proposal seeks to achieve the following:

- Rezoning of the part RU2 Rural Landscape and part SP2 Infrastructure - Air Transport Facility zoned site with a part IN1 General Industrial and a part IN2 Light Industrial zoning regime (The IN1 and IN2 zones will replace the B6 Enterprise Corridor and B7 Business Park zones previously proposed by the July 2013 planning proposal);
- Application of a 1000m² minimum lot size and 10 metre maximum building height control to areas proposed to be zoned IN1 and IN2.
- Include a new zone, IN2 Light Industrial, within Ballina LEP 2012; and
- Make consequential amendments to the Strategic Urban Growth Area Map arising from the proposed rezoning.

The amendments sought to Ballina LEP 2012 will enable expansion of the (existing) Southern Cross Industrial Estate and facilitate economic development outcomes.

This planning proposal relates to a number of lots, part lots and road reserve (the site) as described below:

- Part of Lots 3-6 DP 123781 (owned by Ballina Shire Council)
- Lot 3 DP 872303 (owned by Mr B.R. Field)
- Lot 4 DP 872303 (owned by Mr D.M. King)
- Lot 2 DP 833513 (owned by Mr B.R. Field)
- Lot 8 DP 793980 (owned by Ballina Shire Council)
- Part Lot 7 DP 793980 (owned by Ballina Shire Council)
- Part Lot 264, DP 1195313 (owned by Ballina Shire Council) and
- Adjoining Council road reserve (Corks Lane).

The location of the site is shown by the red outline in Figure 1 below.

The site is predominantly zoned RU2 Rural Landscape zone, with part Lot 7 DP 793980 (Lot 7) being subject to an SP2 Infrastructure - Air Transport Facility zone under the provisions of Ballina LEP 2012. Only part of Lot 7 is proposed to be rezoned to IN2 Light Industrial with the remainder retaining its SP2 Infrastructure zoning. The whole of the Strategic Urban Growth Area affectation applying to Lot 7 is however, proposed to be removed for housekeeping reasons, notwithstanding that it extends beyond the boundary of that part of Lot 7 proposed to be rezoned.

The existing Land Zoning Map and Proposed Land Zoning Map contained in Appendix Six to this planning proposal show the manner in which the site is currently zoned and how it is proposed to be rezoned.

Ballina Shire Council is the majority landholder of the subject land, which is designated as “operational land” pursuant to the Local Government Act 1993. In order to manage any potential perceived conflicts of interest in relation to the Council’s dealing with the matter, it is proposed that the process as outlined below be followed should the planning proposal receive an altered Gateway determination allowing it to proceed:

- The applicant (Council's Commercial Services Section) will be requested to finalise and provide the information relating to the following range of matters to support the planning proposal:
 - Ecological and flora and fauna,
 - Acid sulfate soils,
 - Geotechnical.

- Stormwater impact and flooding (including specific impacts of filling adjoining land to Lot 4 DP 872303),
- Entomological (mosquitoes),
- Bushfire hazard,
- Archaeological / cultural heritage,
- Aerodrome impacts (airport noise and obstacle limitation surfaces),and
- Initial Site Contamination Investigation.
- Council (Council's Strategic & Community Facilities Group) will engage, at the proponent's cost, the services of an independent planning consultant to review the additional information and provide recommendations as to the adequacy of submitted information and most appropriate manner in which the planning proposal should be progressed.
- The independent consultant's report will be incorporated within the planning proposal and be publically exhibited.
- Council has specifically resolved not to seek or exercise delegation in respect to this matter thereby enabling the Department of Planning and Environment to exercise independent oversight and review of the process.

Planning Context

Ballina Local Environmental Plan 2012

The site is identified on the Site Identification Map (Map 1) in Appendix Six to this planning proposal.

The site is currently zoned partly RU2 Rural Landscape zone and partly SP2 Infrastructure - Air Transport Facility zone as shown on the existing Land Zoning Map (Map 2).

The site is identified as a Strategic Urban Growth Area on the Strategic Urban Growth Area Map (Map 3).

The site is impacted by a 40ha minimum lot size requirement as indicated on the Lot Size Map (Map 4).

That part of the site zoned RU2 Rural Landscape is subject to an 8.5 metre building height restriction whereas a 10 metre building height restriction applies to the SP2 Infrastructure zoned land as indicated on the Height of Buildings Map (Map 5).

The planning proposal seeks to apply the following land use zones and planning controls to the site under the provisions of the Ballina LEP 2012:

- IN1 – General Industrial Zone,
- IN2 – Light Industrial Zone (new zone),
- Minimum lot size of 1000m²,

- Maximum building height of 10 metres, and
- Amendment of the Strategic Urban Growth Area boundaries.

The Proposed Land Zoning Map (Map 6a and 6b) shows the allocation of the above zones to the site.

The Proposed Lot Size Map (Map 7a and 7b) shows the minimum lot size proposed to be applied to the site.

The Proposed Height of Buildings Map (Map 8a and 8b) shows the maximum building height proposed to be applied to the site.

The Proposed Strategic Urban Growth Area (SUGA) Map (Map 9a and 9b) shows the manner in which the SUGA and associated buffers (which extend beyond the site) are proposed to be amended.

The zoning table for the proposed new IN2 Light Industrial zone is contained within Appendix Four.

Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 (GMS) provides the strategic planning context for urban development in Ballina Shire. The GMS includes the following 'Strategic Actions' in relation to the North Ballina locality:

- *Investigate, through the rezoning process, land development opportunities and the provision of public infrastructure identified in the Southern Cross Precinct Master Plan and the West Ballina Structure Plan.*
- *Enhance entry treatment including associated with the Ballina/Byron Gateway Airport.*
- *Establish a clustered bulky goods retailing precinct.*

The rezoning of the land as proposed is generally consistent with Council's Ballina Shire Growth Management Strategy.

Appendix Seven contains excerpts from the GMS.

Southern Cross Precinct Master Plan 2008

The Southern Cross Precinct Master Plan (SCPMP) identifies the following possible land use components with respect to the subject land:

- Future industrial area with conventional 50m x 25m lots;
- New airport link road;
- Realigned road to facilitate the design of the North Creek Road intersection;
- Live/work precinct containing light industrial lots;

- Existing and expanded environmental protection areas and open space corridors;
- Existing and expanded bicycle track network; and
- Existing and expanded drainage network.

The planning proposal (which provides for employment based land use outcomes) is generally consistent with the strategic planning for the locality, as provided for by the Ballina Shire Growth Management Strategy and the SCPMP.

The SCPMP was prepared in respect to only Council owned land adjacent to the Ballina Byron Gateway Airport and the Southern Cross Industrial Estate. For this reason the three privately owned properties (Lot 3 and 4 DP 872303 and Lot 2 DP 833513) which form a part of this planning proposal were not incorporated within the SCPMP. These lots were however, incorporated within the original planning proposal, with the support of the respective property owners, and assigned a B6 Enterprise Corridor zone.

Appendix Eight contains the SCPMP Map.

In correspondence received by Ballina Shire Council in September 2015, and considered within the report contained within Appendix 3, the owner of Lot 4 DP 872303 has expressed a number of concerns relating to the proposed IN2 Light Industrial zone as it impacts his property. At this stage of the rezoning process and in the absence of more detailed technical information the concerns of this property owner have not been further addressed. It is proposed that these concerns be examined in more detail following the public exhibition phase of the planning proposal by the independent planning consultant appointed to assess submissions received.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to enable the site to be developed for a range of industrial land uses and to set appropriate development standards related to minimum lot size and building height.

PART 2 – EXPLANATION OF THE PROPOSAL

This planning proposal relates to an area of land located adjacent to the existing Southern Cross Industrial Estate and the Ballina-Byron Gateway Airport. Other land

uses within proximity of the land include the Ballina Waste Management Centre and several residential estates (including a developing senior's living estate).

The site includes a number of lots, and part lots, described below (as shown in Map 1 and outlined in red in Figure 1):

- Part of Lots 3 - 6 DP 123781 (owned by Ballina Shire Council)
- Lot 3 DP 872303 (owned by Mr B.R. Field)
- Lot 4 DP 872303 (owned by Mr D.M. King)
- Lot 2 DP 833513 (owned by Mr B.R. Field)
- Lot 8 DP 793980 (owned by Ballina Shire Council)
- Part Lot 7 DP 793980 (owned by Ballina Shire Council)
- Part Lot 264, DP 1195313 (owned by Ballina Shire Council) and
- Adjoining Council road reserve (Corks Lane).

The site is currently zoned part RU2 Rural Landscape Zone and part SP2 Infrastructure - Air Transport Facility zone under the provisions of Ballina LEP 2012 (refer to Map 2).

The planning proposal seeks to apply the following land use zones under the provisions of Ballina LEP 2012 (as shown on Maps 6a and 6b in Appendix Six):

- IN1 – General Industrial Zone, and
- IN2 – Light Industrial Zone (new zone).

The planning proposal also seeks to apply a minimum lot size of 1000m² on the Lot Size Map (LSZ) and a maximum building height of 10 metres on the Height of Buildings Map (HOB) under the provisions of Ballina LEP 2012, as shown on Maps 7a and 7b, and 8a and 8b. A further outcome of the planning proposal will be to amend the Strategic Urban Growth Areas Map (SGA) to remove the site from identification as a strategic urban growth area, as shown on Maps 9a and 9b.

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The subject land is identified in Council's Ballina Shire Growth Management Strategy (2012) and Southern Cross Precinct Master Plan (2008) as having potential to accommodate industrial development.

Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 (GMS) provides the strategic planning context for urban development in Ballina Shire. An excerpt of the Ballina Shire Growth Management Strategy, comprising the local strategy table for the North Ballina locality and the North Ballina strategy map, is provided in Appendix 7.

The GMS includes the following 'Strategic Actions' in relation to the North Ballina locality:

- *Investigate, through the rezoning process, land development opportunities and the provision of public infrastructure identified in the Southern Cross Precinct Master Plan and the West Ballina Structure Plan.*
- *Enhance entry treatment including associated with the Ballina/Byron Gateway Airport.*

The rezoning of the land as proposed is consistent with Council's Ballina Shire Growth Management Strategy.

The Ballina Shire Growth Management Strategy was approved by the Director General of the Department of Planning & Infrastructure in correspondence dated 7 May 2013.

Southern Cross Precinct Master Plan

The Southern Cross Precinct Master Plan (excerpt provided in Appendix 8) identifies the following possible land use components with respect to the subject land:

- 3 - Future industrial area with conventional 50m x 25m lots;
- 4 - New airport link road;
- 5 - Realigned road to facilitate the design of the North Creek Road intersection;
- 8 - Live/work precinct (described as containing light industrial lots in s4.3.5 of the Master Plan)
- 11 - Existing and expanded environmental protection areas and open space corridors;
- 14 - Existing and expanded bicycle track network; and
- 19 - Existing and expanded drainage network.

The planning proposal (which provides for employment based land use outcomes) is generally consistent with the strategic planning for the locality, as provided for by the Ballina Shire Growth Management Strategy and the Southern Cross Precinct Master Plan.

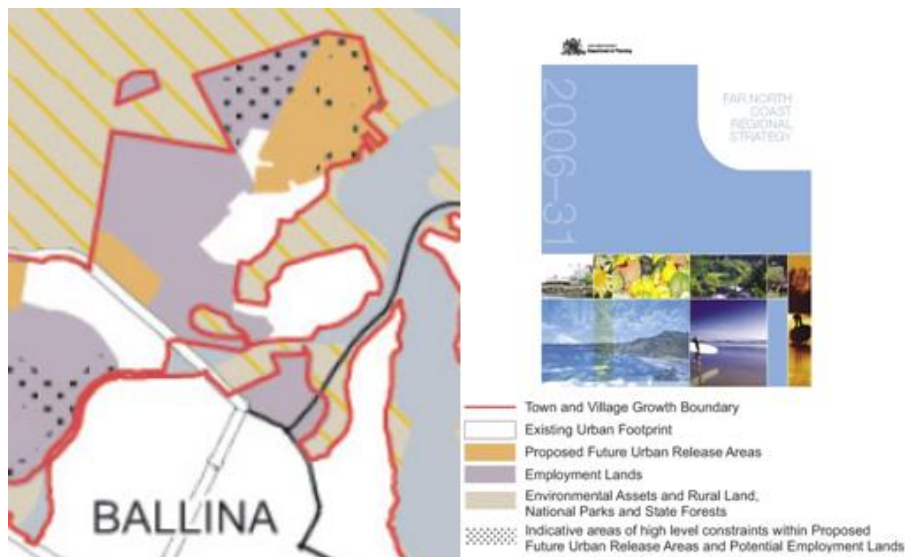
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the most appropriate means of enabling industrial development on the land.

Section B - Relationship to the Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The majority of the subject land is identified as 'Employment Lands' in the Far North Coast Regional Strategy (FNCRS), which provides the regional framework for the consideration of policy development and the overall vision of the future. The planning proposal includes additional adjoining land (as "minor rounding") identified in the Ballina Shire Growth Management Strategy, approved by the Director General of the Department of Planning & Infrastructure in correspondence dated 7 May 2013. The proposal is not in conflict with the outcomes or actions of the FNCRS.



4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

The planning proposal is consistent with the Prosperous Economy elements of Council's Community Strategic Plan 2013 - 2023 as detailed below:

REF:	OUR OUTCOMES AND WHAT COUNCIL WILL DO	WHAT THE BENEFITS WILL BE
PE1	WE ATTRACT NEW BUSINESS AND VISITORS	
PE1.1	Promote our area as an attractive place to invest and visit	Economy grows and is more resilient Improved range of services
PE1.2	Provide infrastructure that supports business and delivers economic benefits	Increased business in the Shire Minimal commercial vacancies
PE1.3	Minimise the costs and regulatory requirements for doing business	Businesses are more competitive and sustainable
PE2	MY BUSINESS CAN GROW AND DIVERSIFY	
PE2.1	Develop plans that encourage business growth and diversification	Increased business opportunities
PE2.2	Promote and facilitate a range of business activities	Improved perception that Council supports business
PE2.3	Establish planning regulations that encourage opportunities for diversification	Reduced barriers to business operation, expansion, diversification or relocation
PE3	WE CAN WORK CLOSE TO HOME	
PE3.1	Facilitate and provide economic land and infrastructure to support business growth	Increased availability of land and locations to support business activity
PE3.2	Facilitate and provide affordable infrastructure, both business and residential	More residents living close to where they work, with more affordable options available
PE3.3	Encourage technologies and transport options that support work at home or close to home business activities	Reduced commuting and increased percentage who live and work in the Shire

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, the proposal is generally consistent with applicable State Environmental Planning Policies (SEPP).

6. Is the planning proposal consistent with the applicable Ministerial Directions (S. 117 directions)?

Apart from justifiable inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land the proposal is considered to be consistent with all other relevant Section 117 Directions. A Section 117 Direction checklist for the planning proposal is contained in Appendix 3.

Section C - Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

A detailed ecological / flora & fauna assessment will be undertaken to support the planning proposal should the amended planning proposal receive an affirmative altered Gateway determination.

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

The environmental characteristics (opportunities and constraints) of the subject land were considered in the preparation of the Southern Cross Precinct Master Plan. The master plan identified that the subject land was generally cleared grazing land that has been subject to considerable disturbance associated with previous activities. As a consequence the land is not considered to have significant environmental values. Notwithstanding, a number of environmental assessments will be required to support the amended planning proposal, should the amended planning proposal receive an affirmative altered Gateway determination. These environmental assessments include assessments relating to the following matters:

- Ecological flora and fauna,
- Acid sulfate soils,
- Geotechnical,
- Storm water impact and flooding (including specific impacts of filling adjoining land to Lot 4 DP 872303),
- Entomological (mosquitoes),
- Bushfire hazard,
- Archaeological / cultural heritage, and
- Aerodrome impacts (airport noise and obstacle limitation surfaces).

The potential impacts associated with filling the site for the purpose of flooding mitigation has been assessed as part of Council's floodplain management planning process, undertaken in accordance with the NSW Government's Floodplain Management Manual. This broader assessment will support the planning proposal should the rezoning receive an affirmative altered Gateway determination. Further flood assessment may be required depending on the outcomes of more detailed consideration of the land.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is anticipated to have positive social and economic benefits through the provision of additional employment lands. No further specific detailed assessment of social and economic effects are proposed to be undertaken.

Section D - State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Adequate urban infrastructure is available to accommodate urban development of the land. Further, the planning proposal will facilitate the provision of infrastructure to support development and to improve the accessibility of the Ballina/Byron Gateway Airport and adjacent commercial and industrial areas.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth public authorities have not yet been consulted with respect to the amended planning proposal. It is intended that the following State, Commonwealth and local authorities be consulted prior to the public exhibition of the planning proposal:

- NSW Aboriginal Land Council,
- Office of Environment and Heritage,
- NSW Department of Primary Industry - Agriculture,
- Transport for NSW - Roads and Maritime Services,
- NSW Rural Fire Service,
- Air Services Australia,
- Civil Aviation Safety Authority, and
- Ballina Byron Gateway Airport.

PART 4 – MAPPING

The following maps (Appendix Six) have been prepared to support the planning proposal:

- Map 1 - illustrates the location of the subject land – Site Identification Map;
- Map 2 - is the existing Land Zoning Map (LZN Map).
- Map 3 - is the existing Strategic Urban Growth Area Map (SGA Map)
- Map 4 - is the existing Lot Size Map (LSZ Map)
- Map 5 - is the existing Height of Buildings Map (HOB Map)
- Map 6a - is the Proposed Land Zoning Map Zoomed
- Map 6b - is the Proposed Land Zoning Map
- Map 7a - is the Proposed Lot Size Map Zoomed
- Map 7b - is the Proposed Lot Size Map
- Map 8a - is the Proposed Height of Buildings Map Zoomed

- Map 8b - is the Proposed Height of Buildings Map
- Map 9a - is the Proposed Strategic Urban Growth Area Map Zoomed
- Map 9b - is the Proposed Strategic Urban Growth Area Map

PART 5 – COMMUNITY CONSULTATION

No community consultation has been undertaken with regard to this planning proposal.

It is intended that this planning proposal will be exhibited for a period of 28 days or otherwise in accordance with the Department of Planning and Environment's altered Gateway determination.

PART 6 – TIMELINE

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

Plan Making Step	Estimated Completion (before end of)
Gateway Determination (Anticipated)	October 2015
Public Exhibition Period	March 2016
Public Hearing (if required)	N/A
Submissions Assessment	April - June 2016
RPA Assessment of Planning Proposal and Exhibition Outcomes	July 2016
Submission of Endorsed LEP to DP&E for Finalisation	August 2016
RPA Decision to Make the LEP Amendment (if delegation accepted)	Delegation not sought

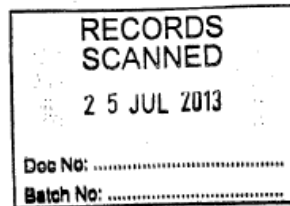
APPENDICES

Appendix One - Original Gateway Determination July 2013 and Alteration May 2015



Planning &
Infrastructure

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478



Contact: Jennifer Vallis
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Jenny.Vallis@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2013_BALLI_005_00 (13/11378)
Your ref: Planning Proposal – Southern Cross Precinct
Expansion (13/37339)

Dear Mr Hickey,

Planning proposal to amend Ballina Local Environmental Plan 2012

I am writing in response to Council's letter dated 3 July 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone certain land, adjoining the Southern Cross Industrial Estate, at Corks Lane, Ballina from RU2 Rural Landscape to B6 Enterprise Corridor and B7 Business Park, apply a minimum lot size of 1,000sqm and, if appropriate, amend other applicable development standards for the subject land, remove the land from the Strategic Urban Growth Area Map and include a new zone, B7 Business Park in the Ballina Local Environmental Plan (LEP) 2012.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are justified by the Far North Coast Regional Strategy, endorsed local strategy or in accordance with the Floodplain Development Manual. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

It is noted that the proposal introduces a new B7 Business Park zone into Ballina LEP 2012. Council is encouraged to discuss the proposed land use table for the new zone with the department's regional office, prior to undertaking public exhibition. The land use table for the new B7 zone and the Southern Cross Precinct Master Plan are to form part of the material placed on public exhibition with the planning proposal.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has asked not to be issued with delegation for this planning proposal because of its commercial interest in the land. I have considered the nature of Council's planning proposal and have decided to support Council's position and not issue an authorisation for Council to exercise delegation to make this plan to ensure a third party review of the planning proposal is undertaken.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000
Telephone: (02) 9228 6111

GPO Box 39 Sydney NSW 2001
Facsimile: (02) 9228 6455

DX 22 Sydney
Website: www.planning.nsw.gov.au

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Jennifer Vallis of the regional office of the department on (02) 6641 6600.

Yours sincerely,



Neil McGaffin 23.7.13
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_BALLI_005_00): to facilitate the expansion of the Southern Cross Industrial Estate at Ballina.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to rezone certain land, adjoining the Southern Cross Industrial Estate, at Corks Lane, Ballina from RU2 Rural Landscape to B6 Enterprise Corridor and B7 Business Park, apply a minimum lot size of 1,000sqm and, if appropriate, amend other applicable development standards for the subject land, remove the land from the Strategic Urban Growth Area Map and include a new zone, B7 Business Park should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to advise of the intended future uses, zones and development standards proposed for the subject land. The proposed land use table for the new B7 Business Park zone and the Southern Cross Precinct Master Plan is to be placed on public exhibition with the planning proposal.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - ecological, flora and fauna
 - acid sulphate soils
 - geotechnical
 - stormwater impact and flooding
 - entomological (mosquitoes)
 - bushfire hazard
 - archaeological/cultural heritage
 - aerodromes impact (airport noise and obstacle limitation surfaces)
3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Aboriginal Land Council
 - Office of Environment and Heritage

BALLINA PP_2013_BALLI_005_00 (13/11378)



Planning & Infrastructure

- NSW Department of Primary Industries – Agriculture
- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Department of the Commonwealth responsible for aerodromes and the lessee of the aerodromes (S117 Directions 3.5 Development Near Licensed Aerodromes)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 23rd day of July 2013.

Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure

BALLINA PP_2013_BALLI_005_00 (13/11378)



Planning &
Environment

Mr P Hickey
General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478



Our ref: 13/11378
Your ref: BSCPP 13/005

Dear Mr Hickey

Planning Proposal PP_2013_BALLI_005_00 – Alteration of Gateway Determination

I refer to your letter of 6 May 2015 seeking an extension of time to complete Planning Proposal PP_2013_BALLI_005_00 for the expansion of the Southern Cross Business Precinct, at Ballina.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 23 July 2013 for PP_2013_BALLI_005_00 (as altered). The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Paul Garnett to assist you. Mr Garnett can be contacted on 6641 6607.

Yours sincerely

 12 May 2015
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Alteration of Gateway Determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2013_BALLI_005_00)

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 July 2013 (as since altered) for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Delete condition 7:

"7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination."

and replace with a new condition 7:

"7. The planning proposal is to be completed by 30 July 2016."

Dated 12th day of May 2015


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Ballina PP_2013_BALLI_005_00 (13/11378)

Appendix Two - Proponent's Submission Seeking Amendment of Planning Proposal

ARDILL PAYNE

& P a r t n e r s
www.ardillpayne.com.au e:info@ardillpayne.com.au
ABN: 51 808 558 977



7260 amend planning proposal (sept 2015)

15 September 2015

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Klaus Kerzinger

Dear Klaus

**re: Southern Cross Precinct Expansion – BSCPP 13/005
(PP_2013_BALLI_005_00)**

I refer to prior communications in respect of the subject matter and in particular to the following:

- Council's letter dated 21st April 2015
- our meeting on the 30th April 2015 with Paul Tsikleas and Dwayne Roberts (including your file note from that meeting dated 30th April 2015)
- discussions and emails between you and myself during May – September 2015
- the Department of Planning's letter dated 12th May 2015
- our meeting on the 3rd August 2015 with Paul Tsikleas and Matthew Wood
- meetings and discussions with Messrs King and Field during June – September 2015

As a consequence of the above, it is proposed to amend the Planning Proposal such that:

- the B6 – Enterprise Corridor Zone and the B7 – Business Park Zone are to be replaced with an IN1 – General Industrial Zone and an IN2 – Light Industrial Zone
- part of Lot 7 DP 793980 is to be included into the Planning Proposal
- Lot 7 DP 793980 is currently zoned SP2 – Air Transport Facility Zone – part of Lot 7 DP 793980 is proposed to be zoned IN2 – Light Industrial Zone

Engineers | Planners | Surveyors | Environmental | Project Management

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GUNNEDAH
Germane House,
285 Conadilly Street,
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- that part of Lot 7 DP 793980 that is proposed to be zoned IN2 – Light Industrial Zone is to have its existing AB – 40ha minimum lot size is changed to U1 – 1000m²

The proposal will rely on the existing IN1 zone and zoning table (as per the BLEP 2012) and will look to introduce a new IN2 zone into the BLEP 2012. Attached herewith is a copy of the proposed new IN2 zoning table and a plan that shows the location of the respective zones (over which is a conceptual subdivision layout).

As a consequence of the registration of a plan of subdivision in 2014 and the inclusion of Lot 7 DP 793980, the land that is subject of the planning proposal is now described as follows:

- part of Lots 3-6 DP 123781
- Lots 3-4 DP 872303
- Lot 2 DP 833513
- Lot 8 DP 793980
- part of Lot 7 DP 793980
- part of Lot 264 DP 1195313

The amended Planning Proposal involves the following:

- a strip of land generally along the proposed new "Airport Boulevard" to be zoned IN2 – Light Industrial Zone (approx. 13.47ha in area) – NEW ZONE
- the remainder of the land to be zoned IN1 – General Industrial Zone (approx. 26.02ha in area) – EXISTING ZONE AS PER THE BLEP 2012
- rezoning of part of Lot 7 DP 793980 from SP2 – Air Transport Facility to IN2 – Light Industrial Zone – NEW CHANGE
- the proposed IN1 and IN2 zoned land to have a minimum lot size standard of 1000m², with no minimum lot size to be applied in respect of Strata or Community Title subdivision – SAME MINIMUM LOT SIZE AS PER EXISTING PLANNING PROPOSAL
- the proposed IN1 and IN2 zoned land to have a maximum building height of 10m, which is consistent with the building heights for the existing Southern Cross Industrial Estate and the Airport – SAME MAXIMUM BUILDING HEIGHT AS PER OUR MARCH 2013 PLANNING PROPOSAL SUBMISSION

Based on further investigations that have been undertaken since the lodgement of the original Planning Proposal, the B6 and B7 zoning regime is no longer considered appropriate due to the fact that the objectives and permissible uses contained within both the B6 and B7 zones would potentially conflict with the existing and continued economic viability and sustainability of the Ballina CBD.

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The proposed amended planning proposal is therefore considered more appropriate due to the fact that:

- there is an immediate need for additional industrially zoned land in the locality
- the proposed industrial zones will ensure that there are no uses that will directly compete with or compromise the integrity and economic well-being of the Ballina CBD and other business centres in the Shire
- the proposed industrial zones will meet the future industrial employment needs of the Shire
- the proposed industrial zones are consistent with the provisions of the Detailed Masterplan – Illustration 4.2 of the Southern Cross Precinct Master Plan 2008 and the provisions of the Ballina Growth Management Strategy
- the proposed industrial zones are consistent with Council's strategic planning framework with this expansion area being central to meeting the industrial land supply needs into the future
- the proposed industrial zones and permitted uses therein are not such that will result in any substantive land use conflict issues with the operations of the Airport
- the proposed industrial zones will allow a broad range of uses that will be ancillary and/or complementary to the Airport

The proposed change to the zoning regime is such that the Planning Proposal will:

- remain consistent with Council and the State Government's Strategic Planning framework and documents/studies
- remain consistent with all applicable Ministerial Directions (s117 of the EP & A Act 1979)
- comprise an effective and logical expansion of the existing Southern Cross Industrial Estate
- be able to be achieved having regard to the constraints and opportunities of the site

Please also be advised that:

- Mr Field (owner of Lot 2 DP 833513 & Lot 3 DP 872303) has confirmed that he is accepting of the amended planning proposal
- Mr King (owner of Lot 4 DP 872303) has advised that he has some issues with the amended planning proposal and has advised that he is going to prepare and lodge a submission to Council in the immediate future seeking clarification of a number of matters

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It is therefore respectfully requested that Council consider the proposed amendment to the zoning regime for Planning Proposal (BSCPP 13/005) as articulated in this letter.

Yours faithfully



Paul Snellgrove

ARDILL PAYNE & PARTNERS

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Zone IN2 Light Industrial

1. Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2. Permitted without consent

Environmental protection works

3. Permitted with consent

Agricultural produce industries; Animal boarding and training establishments; Depots; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Markets; Hotel or motel accommodation; Neighbourhood shops; Plant nurseries; Roads; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse of distribution centres; Any other development not specified in item 2 or 4.

4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boisolids treatment facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Correctional centres; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities.

Appendix Three - Report to Ballina Shire Council's Ordinary Meeting on 24 September 2015

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

Delivery Program Strategic Planning

Objective To invite the Council to consider a request to amend zones incorporated within the Southern Cross precinct expansion planning proposal that has been the subject of a previous Gateway determination.

Background

The Council, at its Ordinary Meeting held on 26 July 2012, received and considered a report regarding a request from Ardill Payne & Partners, acting on behalf of the Commercial Services Section of Council, seeking the commencement of a rezoning process to provide for the expansion of the Southern Cross Industrial Estate in Ballina. In relation to this matter, the Council resolved as follows [Minute No. 260712/22]:

1. *That Council proceed to prepare a planning proposal to enable urban land uses focused on employment based activities on land between the existing extent of the Southern Cross Industrial Estate, Corks Lane and the Ballina Byron Gateway Airport.*
2. *That the type and extent of land use zoning under the planning proposal be determined having regard for both employment and environmental outcomes and following the provision and consideration of further information from the applicant in relation to the land uses proposed and the characteristics of the site.*
3. *That the planning proposal be reported to Council for consideration prior to referral to the Department of Planning & Infrastructure for Gateway determination.*

The Council at its Ordinary Meeting held on 27 June 2013 again considered this matter following the submission of additional information by the proponent (Council's Commercial Services Section). In relation to this matter, the Council resolved as follows [Minute No. 270613/16]:

1. *That the Council endorses the application of a B6 Enterprise Corridor zone and B7 Business Park zone as the basis for a planning proposal for Gateway determination, applying to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Lot 8 DP 793980; Part of Lot 7 DP 1043261 and adjoining Council road reserve (Corks Lane) in Ballina, as shown in Map 3 of the planning proposal contained in Attachment 1.*
2. *That the Council submit the planning proposal contained in Attachment 1 to the NSW Department of Planning & Infrastructure for review and Gateway determination.*
3. *That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, the procedural steps associated with progression of the planning proposal be undertaken.*

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

4. *That the Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information submitted, and to provide Council with an associated report and recommendations.*
5. *That a further report be presented to the Council in relation to this matter prior to the commencement of community engagement for the planning proposal.*

The then Department of Planning and Infrastructure issued a Gateway determination on 23 July 2013 which allowed the planning proposal to proceed to community consultation subject to a number of conditions. The Gateway determination primarily related to the rezoning of the site from RU2 Rural Landscape zone to B6 Enterprise Corridor and B7 Business Park.

Conditions attached to the Gateway determination required a number of technical studies to be completed prior to public exhibition and the completion of the LEP within a 12 month period.

On 12 May 2015 the Department of Planning and Environment issued an alteration to the Gateway determination, at Council's request, which extended the timeframe for the completion of the LEP from 30 July 2015 to 30 July 2016.

On 14 September 2015 Ardill Payne lodged a submission on behalf of the proponents for amendments to the planning proposal. The request provided for the application of a mixed IN1 General Industrial and IN2 Light Industrial zoning regime to the site as well as changes to the lots proposed to be rezoned. It is this request which is the subject of this report to the Council.

Attachment One to this report contains a copy of the Ardill Payne submission.

Key Issues

- Strategic urban growth
- Employment land
- Progress of planning proposal

Information

This planning proposal relates to land located to the north of the existing Southern Cross Industrial Estate, comprising a number of lots and part lots as described below:

- Part of Lots 3-6 DP 123781 (owned by Ballina Shire Council)
- Lot 3 DP 872303 (owned by Mr B.R. Field)
- Lot 4 DP 872303 (owned by Mr D.M. King)
- Lot 2 DP 833513 (owned by Mr B.R. Field)
- Lot 8 DP 793980 (owned by Ballina Shire Council)
- Part Lot 7 DP 793980 (owned by Ballina Shire Council)
- Part Lot 264, DP 1195313 (owned by Ballina Shire Council) and

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

- adjoining Council road reserve (Corks Lane).

The map below the subject land outlined in red.

Site Identification Map



The planning proposal has arisen in response to a request from Council's Commercial Services Section to rezone land to accommodate demand for employment land in a manner consistent with the Ballina Shire Growth Management Strategy and the Southern Cross Precinct Master Plan 2008.

The proponent's planning consultant has advised that it is proposed to amend the planning proposal previously endorsed by Council and subject to a Gateway determination in the following respects:

- Replacement of the B6 Enterprise Corridor zone and B7 Business Park zone with an IN1 General Industrial and an IN2 Light Industrial zone, and
- Inclusion of Part Lot 7 DP 793980 so that its SP2 Infrastructure - Air Transport Facility zone is changed to part IN1 and IN2, and its existing 40 hectare minimum lot size is changed to a 1,000m² lot size requirement.

Attachment Two to this report contains the proposed Land Zoning Map.

Attachment Three to this report contains the Land Zoning Map previously endorsed by the Council and the subject of the existing Gateway determination.

The 1,000m² minimum lot size proposed for Part Lot 7 DP 793980 is consistent with the minimum lot size previously proposed zoning arrangement and is supported.

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

In respect to building height it is noted that the previous planning proposal did not incorporate a change to the 8.5 metre building height limit applicable to the site. The proponent's consultant has indicated that a 10 metre building height is appropriate for the site as this is consistent with the building height applicable elsewhere within the Southern Cross Industrial Estate (and also the airport site). A 10 metre building height limit is supported for the subject site and is proposed to be incorporated within the revised planning proposal.

The IN2 Light Industrial zone is a new zone which does not currently form a part of Ballina LEP 2012. The proponent has prepared a zoning table related to this zone which forms a part of the submission contained within Attachment One. The zoning table has been reviewed in consultation with the proponent and is considered to be satisfactory. It is noted that the zoning table incorporates the mandatory matters required to be incorporated by the Standard Instrument template.

To support the proposed changes to the planning proposal Ardill Payne advises that the B6 and B7 zoning regime is no longer considered appropriate as the objectives and permissible uses contained within both the B6 and B7 zones would potentially conflict with the existing and continued economic viability and sustainability of the Ballina CBD. The amended zoning regime is considered more appropriate by the proponent's consultants for the following reasons:

- *There is an immediate need for additional industrial zoned land in the locality,*
- *The proposed industrial zones will ensure that there are no uses that will directly compete with or compromise the integrity and economic well-being of the Ballina CBD and other business centres within the Shire,*
- *The proposed industrial zones will meet the future employment needs of the Shire,*
- *The proposed industrial zones are consistent with the provisions of the detailed Masterplan - Illustration 4.2 of the Southern Cross Precinct Masterplan 2008 and the provisions of the Ballina Shire Growth Management Strategy,*
- *The proposed industrial zones are consistent with the Council's strategic planning framework with this expansion area being central to meeting the industrial land supply needs into the future,*
- *The proposed industrial zones and permitted land uses therein are not such that will result in any substantive land use conflict issues with the operations of the airport, and*
- *The proposed industrial zones will allow a broad range of uses that will be ancillary and/or complementary to the airport.*

The planning proposal will also make provision for the Strategic Urban Growth Area (SUGA) Map to be amended. The SUGA affectation is proposed to be removed from the subject site and a small residue area outside of the proponents designated site area, which would otherwise remain on Lot 7 DP 793980.

Attachment Four contains a copy of the amended Strategic Urban Growth Area Map.

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

The subject site is identified in the Ballina Shire Growth Management Strategy (BSGMS endorsed by the Council in 2012) and the Southern Cross Precinct Master Plan (SCPMP endorsed by the Council in 2008). The SCPMP designates a large part of the subject land for industrial purposes with conventional lots (50 x 25m). In respect to the land with a frontage to Corks Lane the SCPMP designates this land as a live / work precinct containing light industrial lots.

The SCPMP does not incorporate the three privately owned properties (Lot 3 and 4 DP 872303 and Lot 2 DP 833513) which form a part of the planning proposal. These lots were however, incorporated within the original planning proposal, with the support of the respective property owners, and assigned a B6 Enterprise Corridor zone.

Council's strategic planning staff recently met on site with the owner of Lot 4 DP 872303, Mr D King, who indicated that he has concerns regarding the proposed IN2 Light Industrial zoning. These concerns, at that time, primarily related to perceived adverse economic and amenity impacts. Mr D King has subsequently made a submission to Council which addresses his various concerns.

Attachment Five to this report contains the submission made by Mr D King.

In terms of the rezoning process the matters raised by Mr King would be most appropriately further considered by the Council during the detailed technical assessment phase and following the public exhibition of the planning proposal. This approach provides Council with the benefit of detailed technical reports, as well as the report of the recommended independent planning expert, through which to evaluate the degree of impact the rezoning and future development of adjoining land will likely have on the King property.

Having regard to the fact that Council through its Commercial Services Section is the rezoning proponent there are also opportunities to give consideration to the issues raised by Mr D King outside of the formal rezoning process.

The existing Gateway determination required that the proponent submit additional information related to the following range of matters and that this information be placed on public exhibition with the planning proposal:

- Ecological and flora and fauna,
- Acid sulfate soils,
- Geotechnical,
- Stormwater impact and flooding,
- Entomological (mosquitoes),
- Bushfire hazard,
- Archaeological / cultural heritage, and
- Aerodrome impacts (airport noise and obstacle limitation surfaces).

At this stage of the process the required additional information has not been submitted. The proponent's consultant has advised that whilst much of the information has been significantly completed it has not yet been finalised. Finalisation is expected to occur once the Council has resolved to support the

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

amended planning proposal and an altered Gateway determination has been received.

Council has previously indicated to the Department of Planning that due to its commercial interests in the land it did not seek to be issued with the Minister's delegated plan making functions. It is proposed to again indicate to the Department that the Council it is not seeking delegation of the Minister's plan making functions due to its commercial interest in the land.

Sustainability Considerations

- **Environment**

A detailed flora and fauna ecological assessment will be required to be prepared to support the planning proposal. Once submitted the flora and fauna ecological assessment will be subject to expert review as part of the planning proposal process.

- **Social**

It is considered that the provision of additional industrial zoned land will result in positive social benefits as a consequence of potential employment growth opportunities.

- **Economic**

The provision of additional industrial land is viewed as positive from an economic development perspective. There appears to be demand for industrial zoned land within Ballina Shire which when developed is likely to stimulate economic growth and provide additional employment opportunities.

Legal / Resource / Financial Implications

The approach recommended in this report is consistent with Council's legal responsibilities as a local planning authority. The matters arising from this report can be attended to within existing resources.

The proponent will be required to meet various processing costs in accordance with Council's adopted schedule of fees and charges, as well as providing the necessary additional technical information, as outlined above.

Consultation

No community or agency engagement has occurred to date in relation to this planning proposal. The existing Gateway determination in relation to this matter required that the planning proposal be made publically available for a period of 28 days and that consultation with the following public authorities take place:

- NSW Aboriginal Land Council,
- Office of Environment and Heritage,
- NSW Department of Primary Industry - Agriculture,
- Transport for NSW - Roads and Maritime Services,
- NSW Rural Fire Service, and

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

- Departments of the Commonwealth Responsible for aerodromes and the lessee of the aerodrome.

Consultation with public authorities will take place once an altered Gateway determination has been received and the required technical reports have been submitted.

Options

The options available to the Council include the following:

One - That the Council advance the proposed rezoning and submit an amended planning proposal to the Department of Planning and Environment with a request for an altered Gateway determination; or

Two - That the Council not seek an altered Gateway determination and require that the rezoning proceed on the basis of the existing Gateway determination which provided for a mixed B6 and B7 zoning regime; or

Three - That the Council defer its decision on progressing the proposed rezoning.

Option One is the preferred option on the basis that the zoning regime proposed is generally consistent with the State and local strategic planning framework for this locality. There is also sufficient information to indicate that the proposal warrants further consideration through the LEP amendment process. This approach will result in the planning proposal being amended and an altered Gateway determination being sought from the Department of Planning and Environment.

In accordance with Council's previous resolutions concerning the proposed rezoning of the subject land, and assuming an altered Gateway determination is issued, the proposal will not proceed to public exhibition until such time that the submitted technical documentation has been reviewed by a suitably qualified independent third party and found to be satisfactory.

Option Two has significant disadvantages for Council. Based on the degree of technical assessment already undertaken there appears to be a sound case in support of the proposed IN1 and IN2 zones. Importantly the economic consequences of a significant release of business zoned land on the Ballina CBD have not yet been examined in any detail. To examine the economic impacts associated with the approved B6 and B7 zoning regime on Ballina CBD will create additional delays and cost impacts.

Option Three is open to the Council should it require additional information. A briefing for Councillors would then be organised. It is suggested however, that it may be more appropriate for a briefing to take place following the independent assessment of technical information assuming that issues arise which would warrant a briefing.

RECOMMENDATIONS

1. That Council endorses the application of an IN1 General Industrial zone and an IN2 Light Industrial zone to Part of Lots 3-6 DP 123781; Lots 3-4

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

DP 872303; Lot 2 DP 833513; Part Lot 7 DP 793980; Lot 8 DP 793980; Part Lot 264, DP 1195313 and the adjoining Council road reserve (Corks Lane) in Ballina, as shown in the Map contained in Attachment 2.

2. That Council endorses the application of a 1,000m² minimum lot size and a 10 metre building height limit for the site proposed to be rezoned, and changes to the Strategic Urban Growth Area Map boundaries as shown in the Map contained in Attachment Four.
3. That Council endorses the preparation of an amended planning proposal and the submission of a request for an altered Gateway determination to the NSW Department of Planning & Environment to reflect the matters referenced in recommendations 1 and 2.
4. That Council advise the Department of Planning and Environment that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.
5. That Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information once submitted, and to provide Council with an associated report and recommendations.
6. That upon an affirmative altered Gateway determination being received from the Department of Planning & Environment, the procedural steps associated with progression of the planning proposal be undertaken.
7. That a further report be presented to Council in relation to this matter following the completion of the community engagement phase of the planning proposal.

Attachment(s)

1. Attachment One - Proponents Consultant Submission
2. Attachment Two - Proposed Zoning Map
3. Attachment Three - Proposed Zoning Map Subject of Gateway
4. Attachment Four - Proposed Strategic Urban Growth Area Map
5. Attachment Five - Submission from Mr D King

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

240915/1 RESOLVED

(Cr Ben Smith/Cr Paul Worth)

1. That Council endorses the application of an IN1 General Industrial zone and an IN2 Light Industrial zone to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Part Lot 7 DP 793980; Lot 8 DP 793980; Part Lot 264, DP 1195313 and the adjoining Council road reserve (Corks Lane) in Ballina, as shown in the Map contained in Attachment 2.
2. That Council endorses the application of a 1,000m² minimum lot size and a 10 metre building height limit for the site proposed to be rezoned, and changes to the Strategic Urban Growth Area Map boundaries as shown in the Map contained in Attachment Four.
3. That Council endorses the preparation of an amended planning proposal and the submission of a request for an altered Gateway determination to the NSW Department of Planning & Environment to reflect the matters referenced in recommendations 1 and 2.
4. That Council advise the Department of Planning and Environment that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.
5. That Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information once submitted, and to provide Council with an associated report and recommendations.
6. That upon an affirmative altered Gateway determination being received from the Department of Planning & Environment, the procedural steps associated with progression of the planning proposal be undertaken.
7. That a further report be presented to Council in relation to this matter following the completion of the community engagement phase of the planning proposal.

FOR VOTE - All Councillors voted unanimously.

Appendix Four - Proposed Zoning Table for Proposed IN2 Light Industrial Zone

Zone IN2 Light Industrial

1. Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2. Permitted without consent

Environmental protection works

3. Permitted with consent

Agricultural produce industries; Animal boarding and training establishments; Depots; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Markets; Hotel or motel accommodation; Neighbourhood shops; Plant nurseries; Roads; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse of distribution centres; Any other development not specified in item 2 or 4.

4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boisolids treatment facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Correctional centres; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities.

Appendix Five - Section 117 Direction Checklist

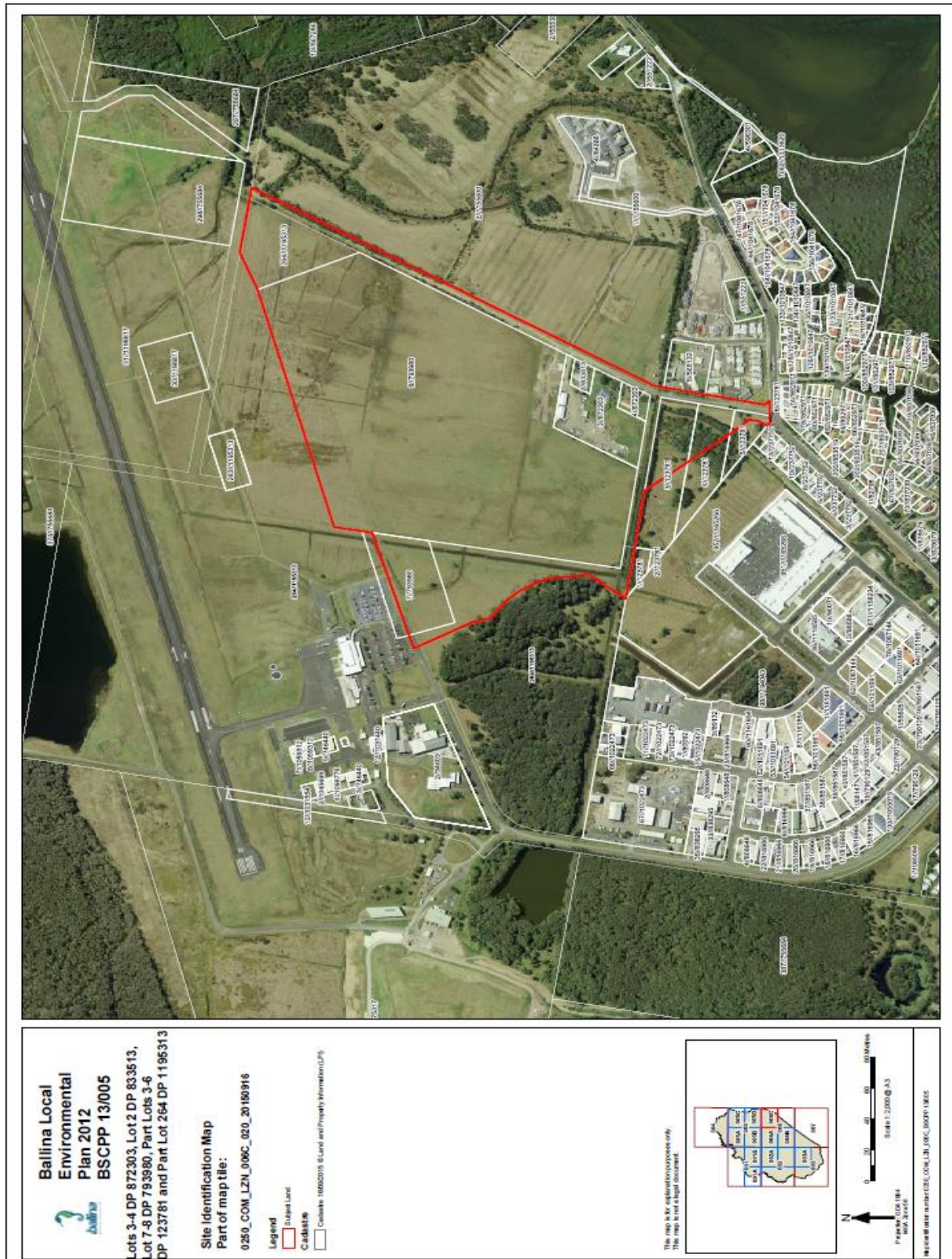
Section 117 Direction Checklist Planning Proposal – Southern Cross Precinct Expansion	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. The planning proposal seeks to expand the supply of industrial zoned land. The proposed new employment areas are consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013).
1.2 Rural Zones	Justifiably inconsistent. The planning proposal proposes to rezone rural land for industrial purposes. The proposed new employment areas are consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013).
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Land	Justifiably inconsistent. The planning proposal proposes to rezone rural land for industrial purposes. The proposed new employment areas are consistent with Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013).
2. Environment and Heritage	
2.1 Environmental Protection Zones	Environmental protection outcomes will be considered further as part of detailed site assessment.
2.2 Coastal Protection	Consistent. The subject land is located within the NSW Coastal Zone. The proposed new employment areas are consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013).
2.3 Heritage Conservation	Consistent. Council is not aware of any items or places of cultural heritage significance affecting the subject land. Notwithstanding, the Ballina LEP 2012 makes provision for the protection of items and areas of cultural heritage significance. Further, the subject planning proposal will facilitate the protection of such items, through the Ballina LEP 2012 or other suitable mechanisms, should such items be identified through further investigations to be undertaken to inform the rezoning.
2.4 Recreation Vehicle Areas	Does not apply to planning proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Does not apply to planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to planning proposal.
3.3 Home Occupations	Does not apply to planning proposal.
3.4 Integrated Land Use and Transport	Does not apply to planning proposal.
3.5 Development Near Licensed Aerodromes	Consistent. An aerodrome impact assessment will be undertaken to ensure the planning proposal is consistent with the Direction, should the proposal receive an affirmative altered Gateway determination. Consultation will then take place with relevant Departments of the Commonwealth as required by this direction.
3.6 Shooting Ranges	Does not apply to planning proposal.

4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent. An acid sulphate soils assessment will be undertaken to ensure the planning proposal is consistent with the Direction, should the proposal receive an affirmative altered Gateway determination.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Justifiably inconsistent. Development of the land is consistent with a floodplain management study prepared in accordance with the NSW Floodplain Management Manual. Further consideration of flood impact will also be undertaken to ensure the planning proposal is consistent with the Direction, should the proposal receive an affirmative altered Gateway determination. The rezoning of the land is in accordance with the provisions of the Far North Coast Regional Strategy and the Ballina Shire Growth Management Strategy.
4.4 Planning for Bushfire Protection	Consistent. A bushfire assessment will be undertaken to ensure the planning proposal is consistent with the Direction, should the proposal receive an affirmative altered Gateway determination.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The planning proposal is consistent with the Far North Coast Regional Strategy (FNCRS). It is noted that the planning proposal includes land located outside of the mapped 'employment lands' in the FNCRS. However, these areas are consistent with Ballina Shire Growth Management Strategy, as approved by the Director-General of the Department of Planning & Infrastructure (May 2013). Further, it is noted that this additional area is considered to constitute 'minor rounding' as defined in the FNCRS.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	Does not apply to planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Repealed.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Repealed.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Repealed.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire.
5.9 North West Rail Link Corridor	Does not apply to Ballina Shire.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent.
6.2 Reserving Land for Public Purposes	Consistent.
6.3 Site Specific Provisions	Does not apply to planning proposal.
7. Metropolitan Planning	

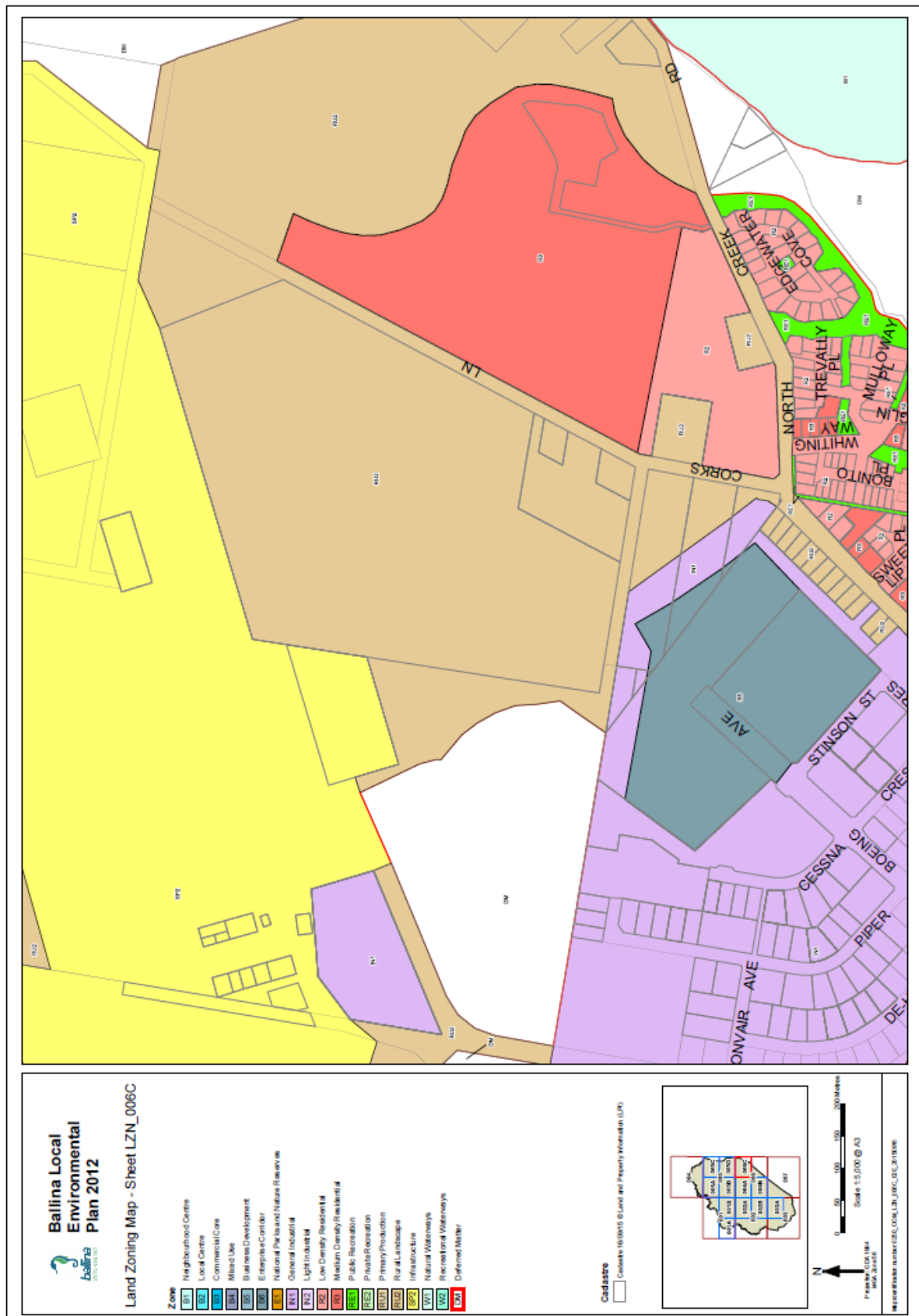
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.
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Appendix Six - Maps

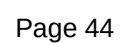
Map 1 - Site Identification Map



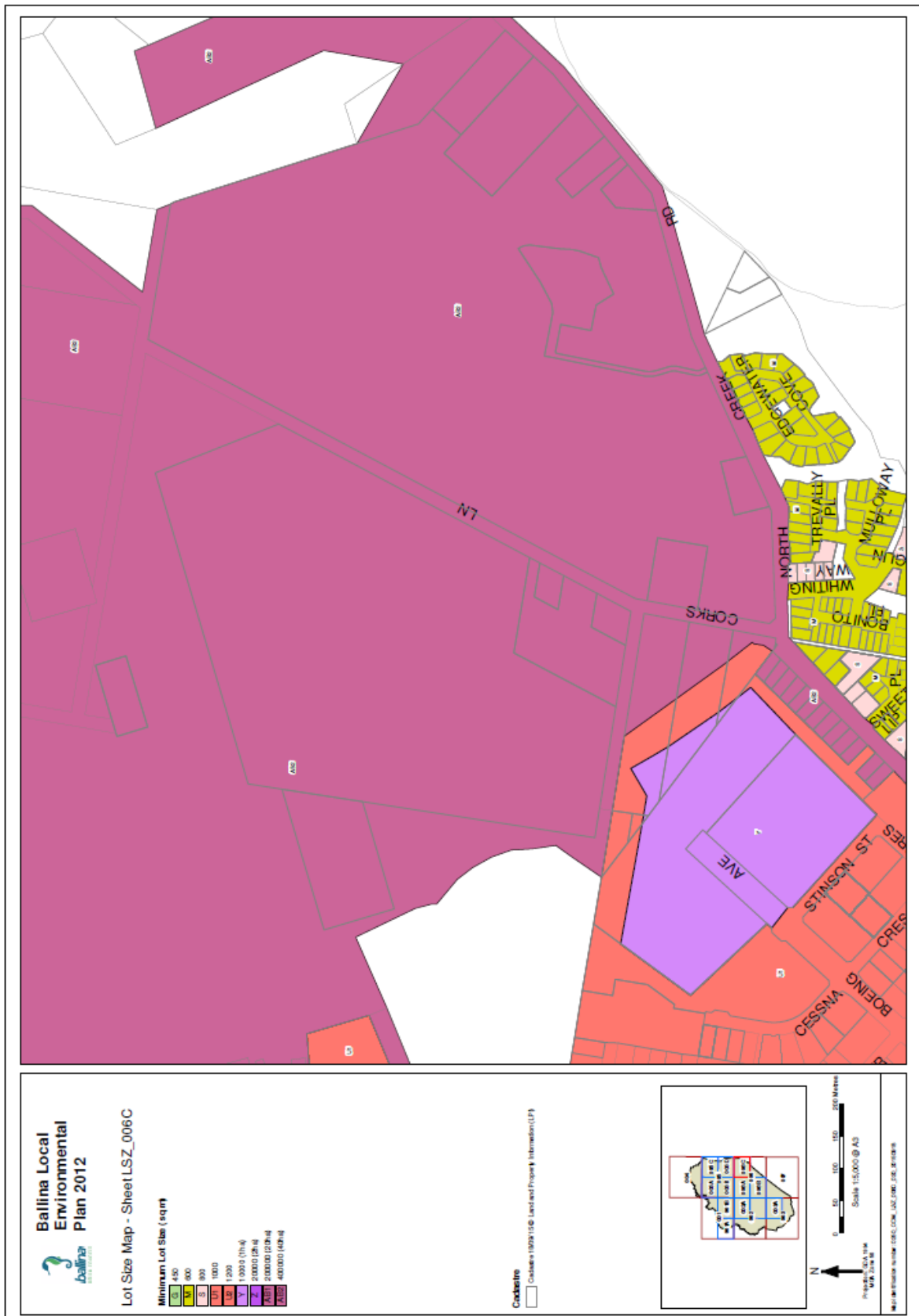
Map 2 – Existing Zoning (LZN Map Zoomed)



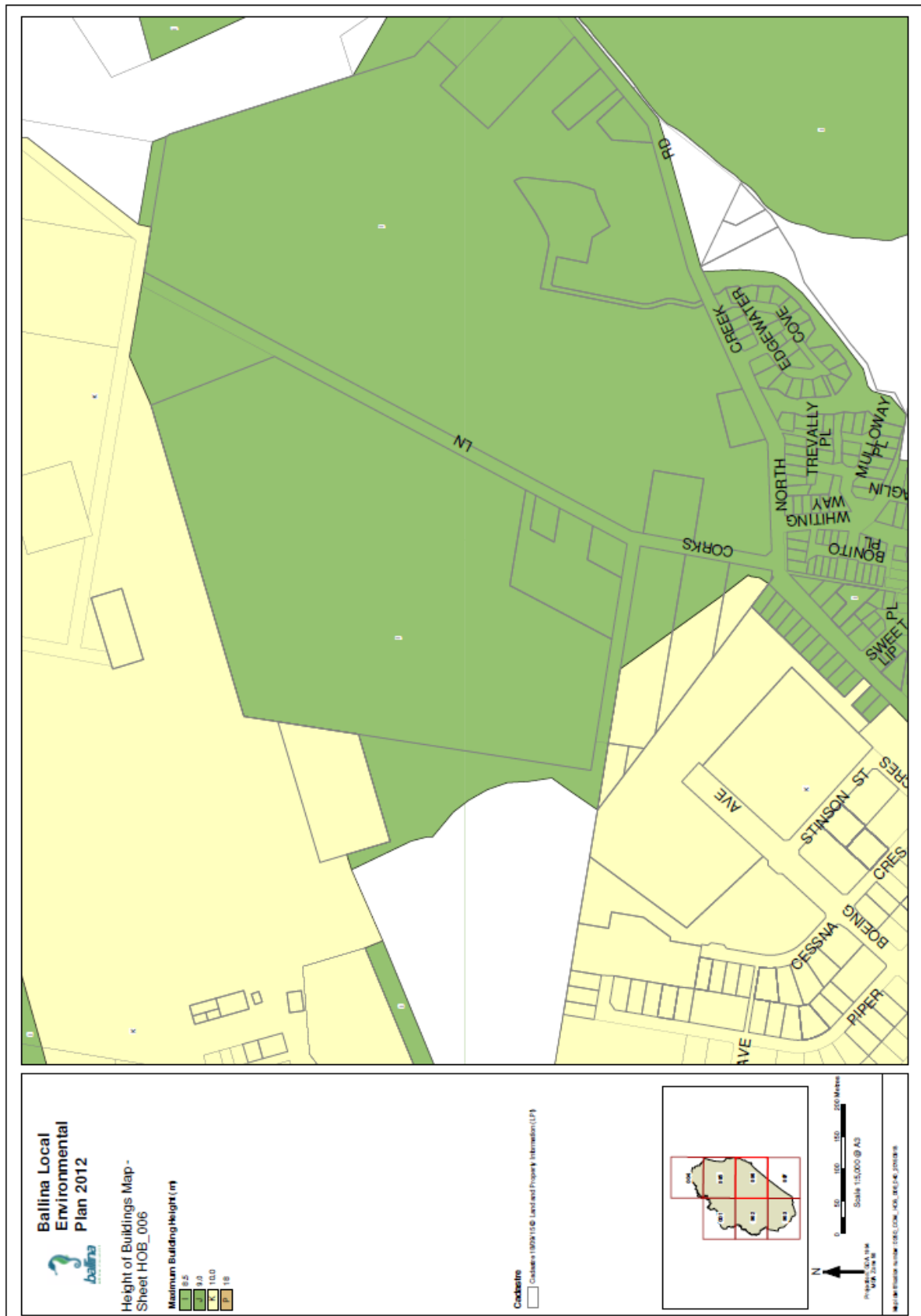
Amended Planning Proposal – September 2015
Southern Cross Precinct Expansion



Map 4 – Existing Lot Size Map (LSZ Map Zoomed)



Map 5 – Existing Height of Buildings Map (HOB Map Zoomed)



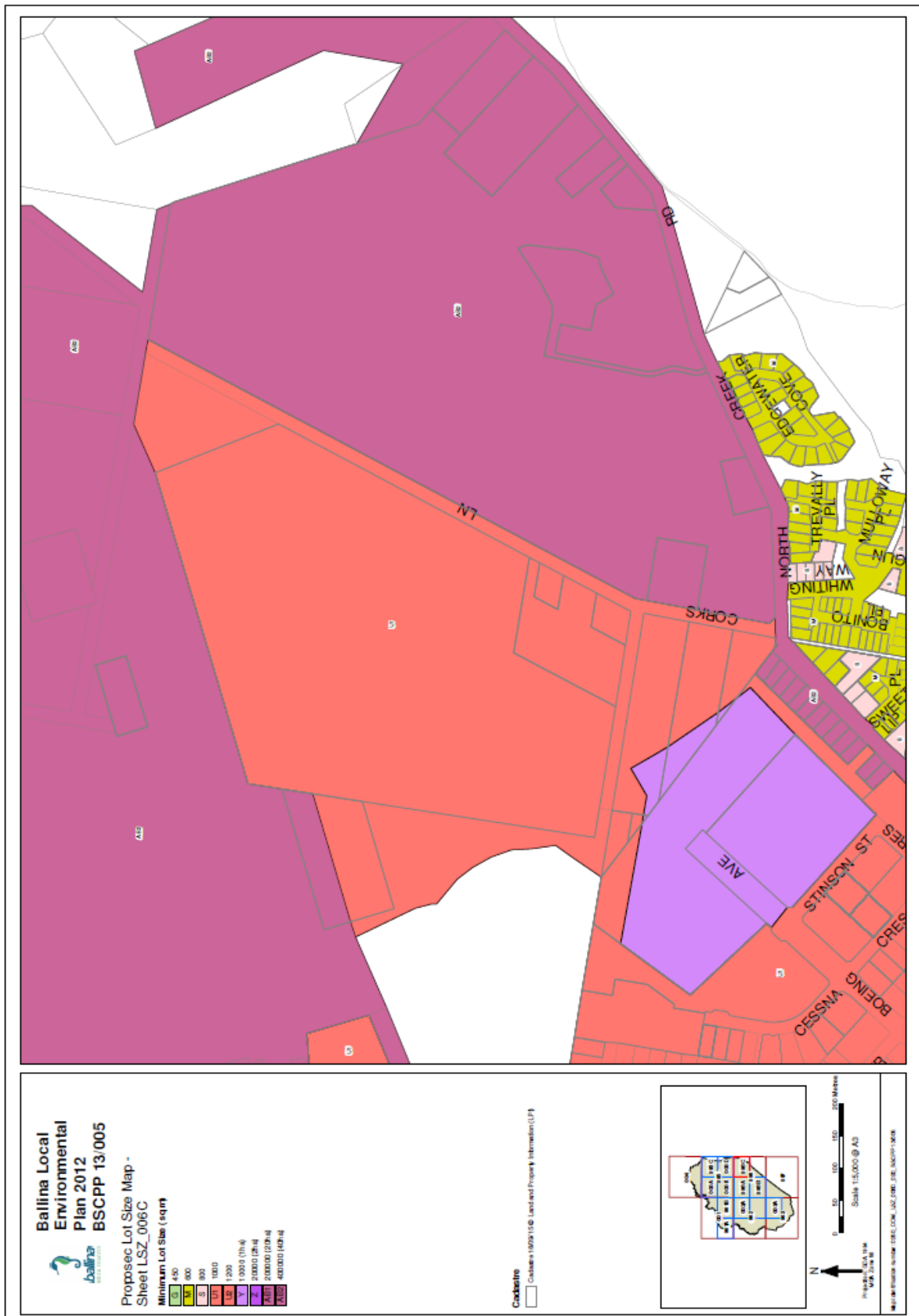
Amended Planning Proposal – September 2015
Southern Cross Precinct Expansion



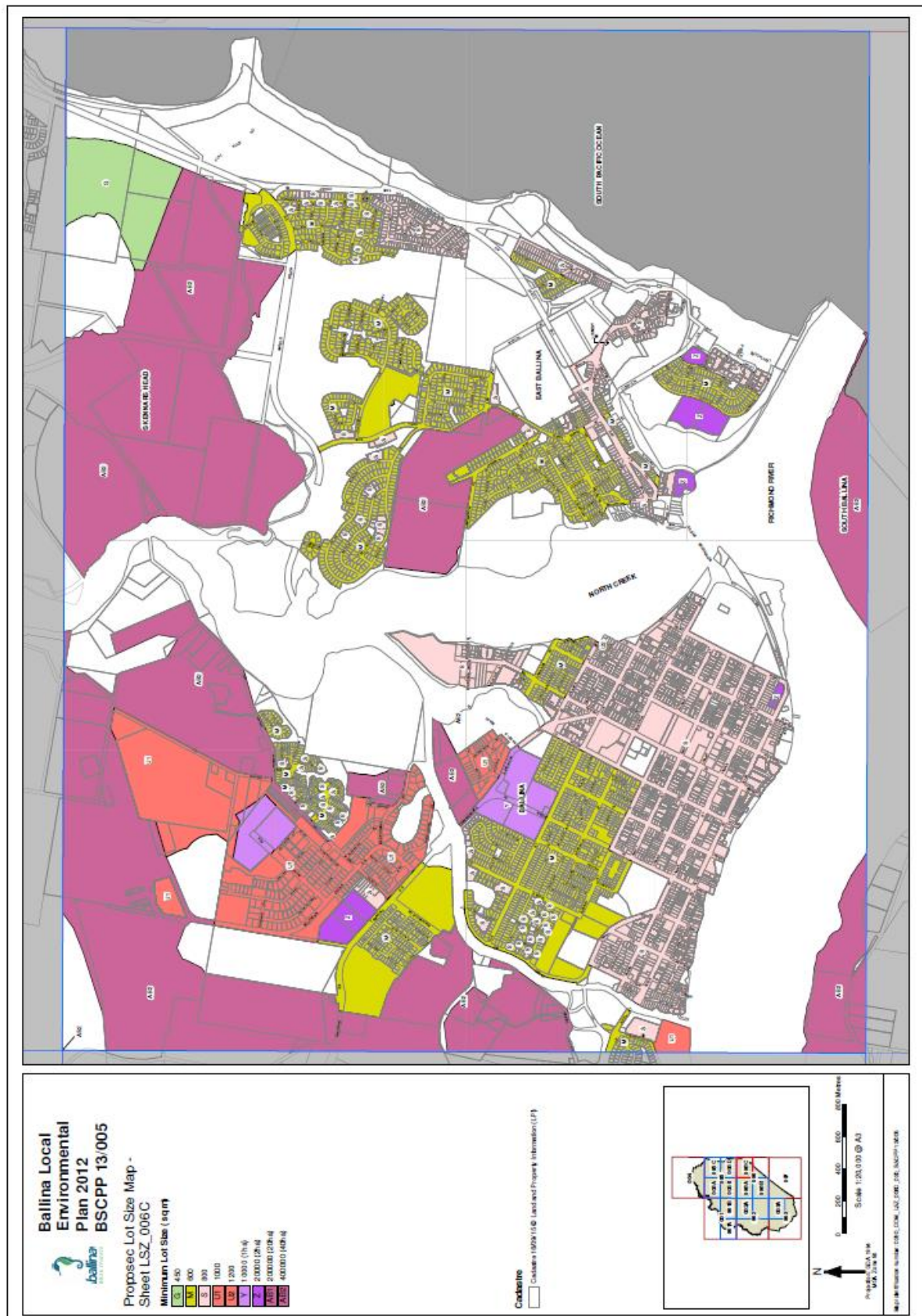
Amended Planning Proposal – September 2015
Southern Cross Precinct Expansion



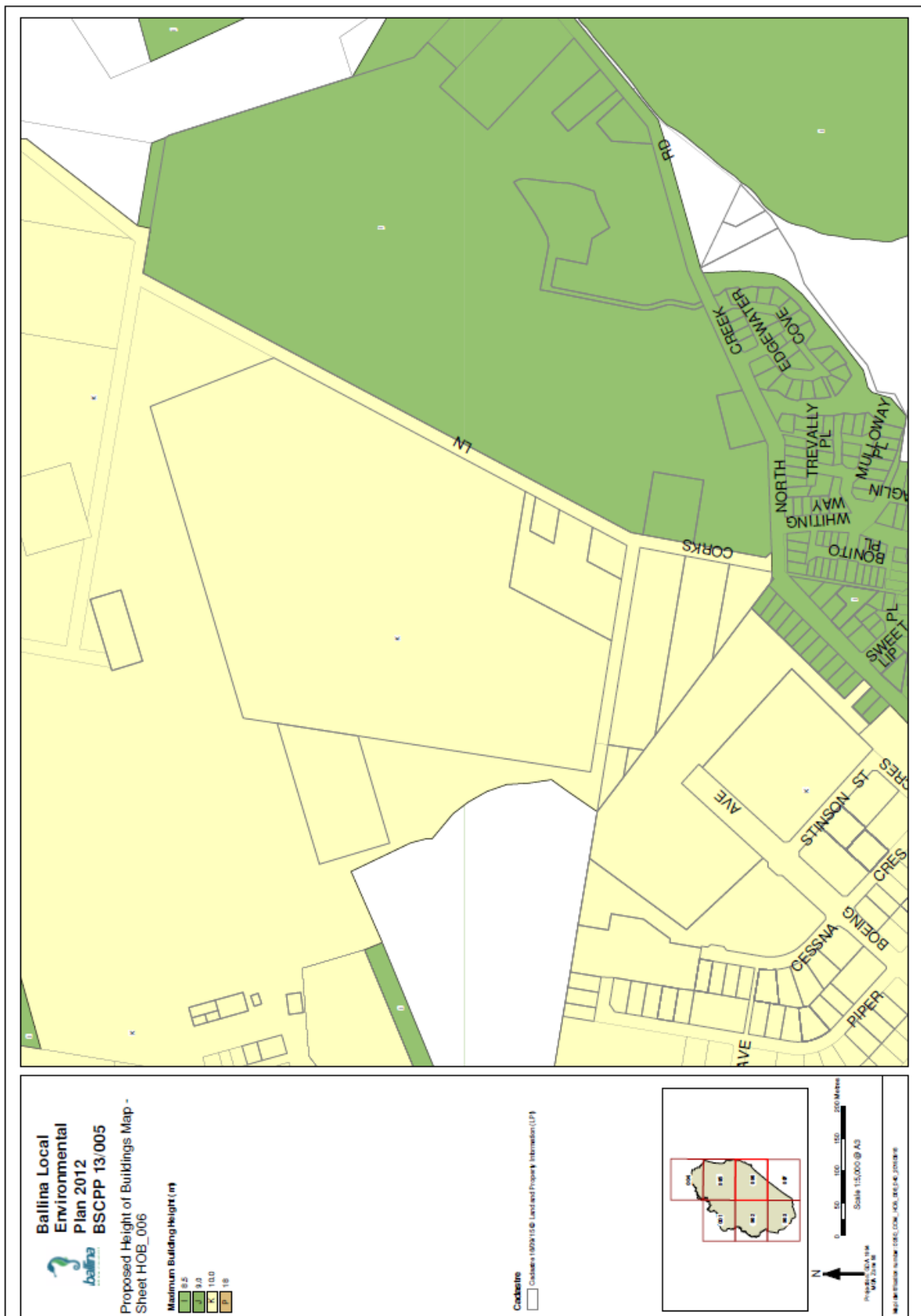
Map 7a – Proposed Lot Size Map (LSZ Map Zoomed)



Map 7b – Proposed Lot Size Map (LSZ Map)



Map 8a – Proposed Height of Buildings Map (HOB Map Zoomed)



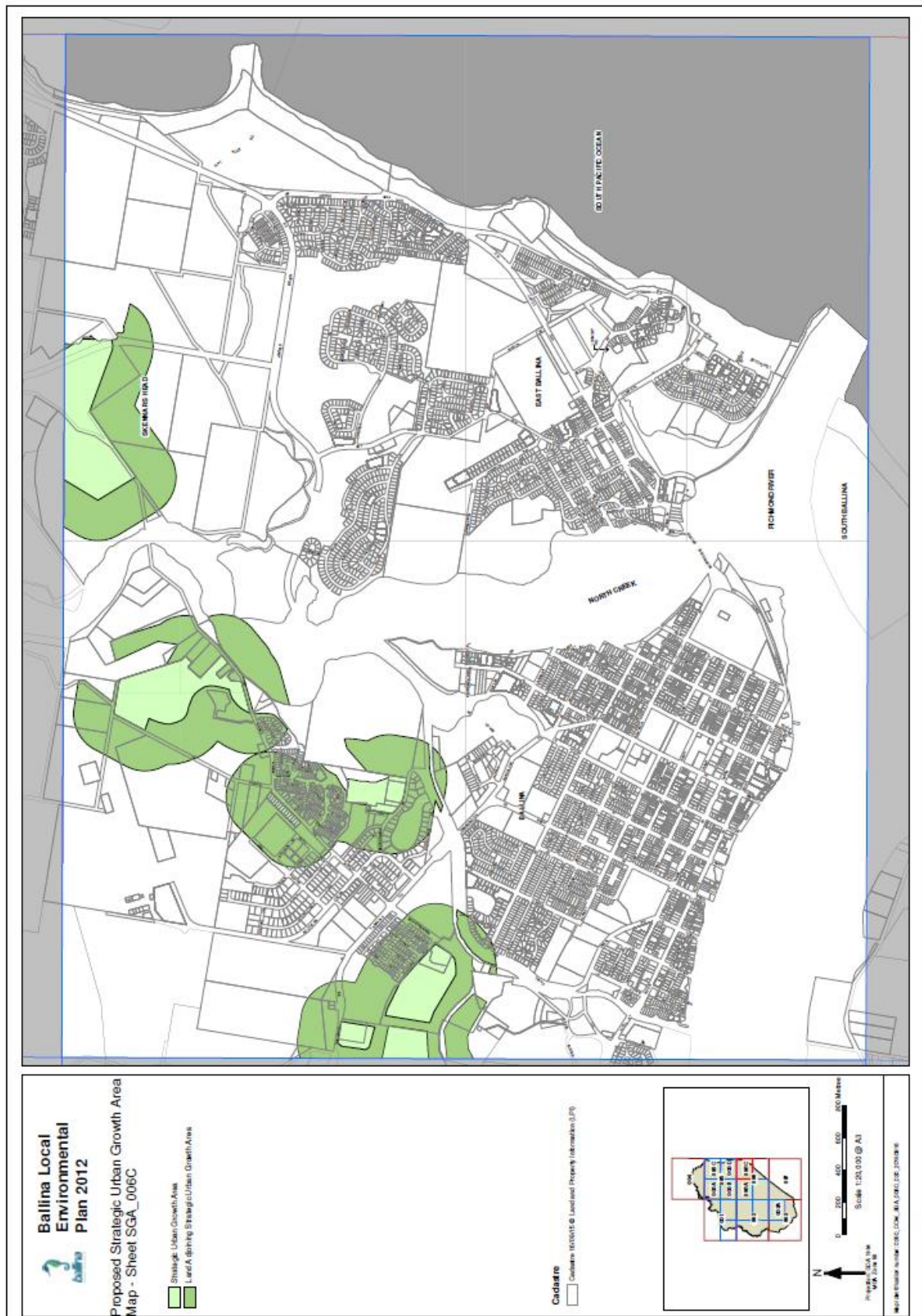
Amended Planning Proposal – September 2015
Southern Cross Precinct Expansion



Map 9a – Proposed Strategic Urban Growth Area (SGA Map Zoomed)



Map 9b – Proposed Strategic Urban Growth Area (SGA Map)



Appendix Seven - Ballina Growth Management Strategy (excerpt)

North Ballina

Locality Vision / Character Statement:

North Ballina is a key entry-point to Ballina. The locality is characterised by its mixed live-work environment, which provides a diversity of land uses associated with innovation in the building, construction and manufacturing industries.

The locality provides for a mixture of residential opportunities and accommodates sites of major public infrastructure including the Ballina-Byron Gateway Airport and Ballina Waste Management Facility.

Main Features:

- North Ballina comprises a mixture of commercial and industrial land uses and residential areas. A broad range of commercial and industrial activities occur within the Southern Cross Industrial Estate, including retailing outlets, light manufacturing, and a diversity of building and construction supplies and services. Residential areas include a number of manufactured home estates with permanent residents, traditional housing estates such as the 'North Lakes Residential Estate' and 'Ferngrove Residential Estate' (currently being constructed) and a 'Seniors Living Estate', 'Aspen' on North Creek Road.
- Other land uses include major public infrastructure (Ballina-Byron Gateway Airport and Ballina Waste Management Facility) and public recreation including the Ballina Racecourse and Centennial Gardens.
- The locality has good accessibility to Ballina Island for commercial, community and civic facilities.
- The northern part of the planned West Ballina Arterial, which is to connect West Ballina and North Ballina, intersects with North Creek Road on the existing Pacific Highway.

Key Issues:

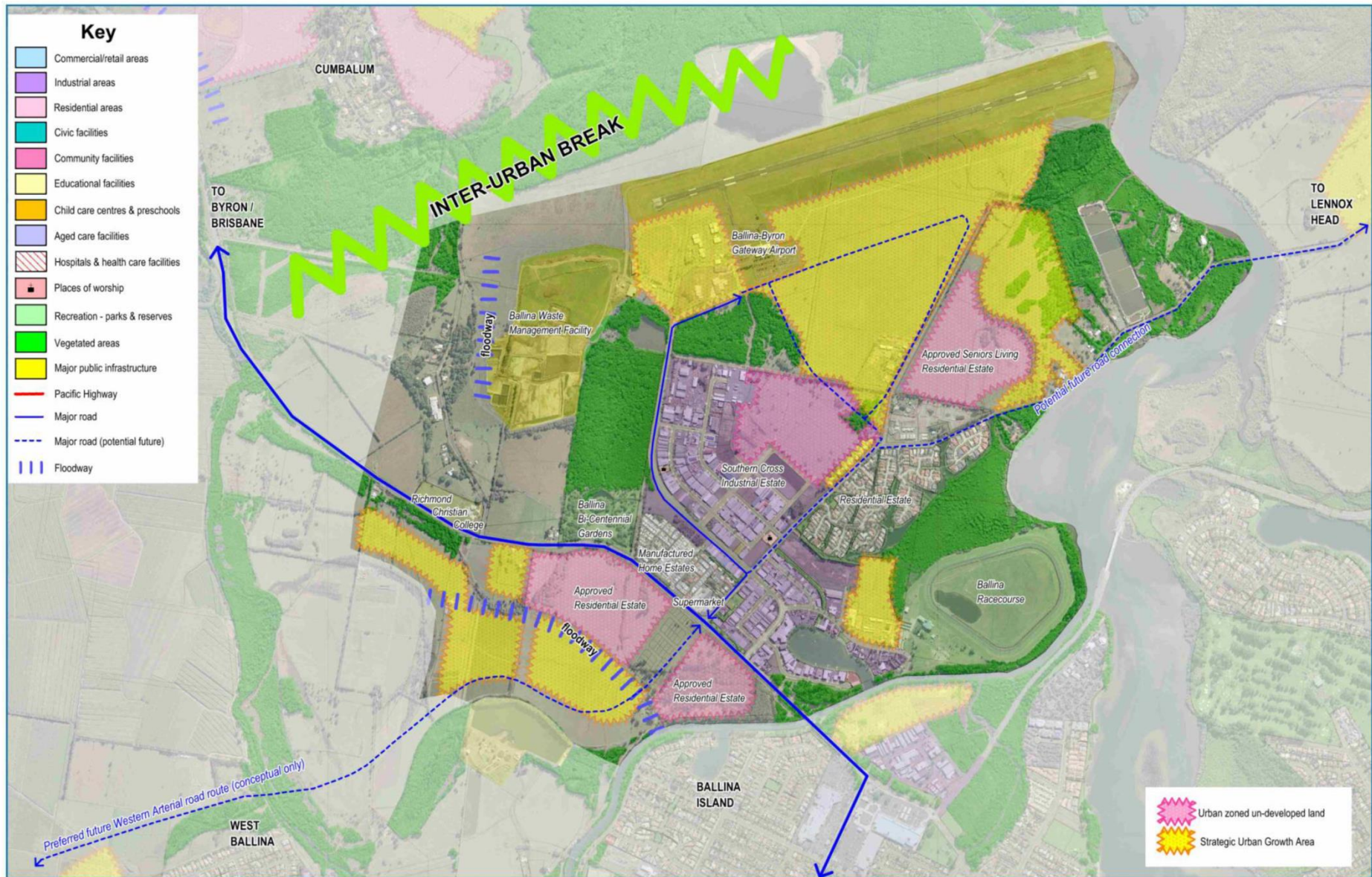
- The locality includes land that is subject to development interest for light industrial land uses including 'bulky goods retailing'.
- The locality provides affordable housing opportunities in a caravan park (with permanent residences), manufactured home estates and in traditional housing estates.
- Limited social infrastructure is provided within the locality, with residents reliant largely on infrastructure provided elsewhere in Ballina.
- Planned alteration to road network with respect to Ballina-Byron Gateway Airport access.
- Known and potential Aboriginal cultural heritage values and/or sites are contained in the area.

Locality Objectives:

- Provide for future development opportunities that exist for the locality as a major employment area.
- Provide for a balanced land use pattern, by avoiding, mitigating and managing potential land use conflicts associated with the mixture of commercial, industrial, infrastructure and residential land uses.
- Protect important public infrastructure from incompatible development.
- Conserve ecologically valuable vegetation communities.
- Manage Aboriginal cultural heritage values in accordance with best practice guidelines.

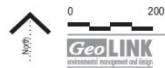
Strategic Actions:

- Investigate the potential impacts of climate change, particularly sea-level rise, on the locality.
- Investigate, through the rezoning process, land development opportunities and the provision of public infrastructure identified in the Southern Cross Precinct Masterplan and the West Ballina Structure Plan.
- Establish a more detailed planning framework for the long term use and development of industrial areas through Council's development control plan.
- Enhance entry treatment including associated with the Ballina/Byron Gateway Airport.
- Establish a clustered bulky goods retailing precinct.
- Investigate future road connection between Ballina and Lennox Head via North Creek Road.
- Manage and/or promote Aboriginal and European cultural heritage values in accordance with relevant stakeholders.



Appendix Eight - Southern Cross Precinct Master Plan Map Extracts

Source: GeoLINK Date: March 2008



Southern Cross Precinct Masterplan
 875138

Detailed Masterplan

Illustration 4.2

Southern Cross Precinct Master Plan Extracts - Continued

4.3.4 Future Industrial Area

The provision of a new and separate industrial area to the north of the precinct optimises the value of the broad flat land area adjacent to the airport. The new precinct will occupy approximately 19.5 ha and cater to the medium – long term industrial land needs of Ballina. The site would be made available for industrial purposes once the existing Southern Cross Estate is fully developed.

The precinct would consist of a conventional street layout similar to the existing estate and provide for lots with a minimum size of 1250m².

It is proposed that the precinct will be accessed by a minimum of three vehicular entry points that would enable a through connection between the new airport link road and Corks Lane.

A corridor of vegetation will form a buffer to an existing residential area and a proposed new live work precinct along the eastern boundary. Given the likely delay before the industrial area becomes developed, it would be desirable to establish this vegetation buffer as a priority for optimal benefit to the neighbouring areas.

Thick planting is recommended along the south-western edge of the site to screen views into the precinct from the adjoining new airport link road. Streets within the new industrial area will also include planting of large, robust street trees that will provide appropriate scale, amenity and longevity to the area.

Site runoff from the new industrial area will discharge into an open drain located within the buffer along the south-eastern boundary of the site.

4.3.5 Live / Work Precinct

A new precinct of smaller 'live / work' (light) industrial lots is proposed to be established between Corks Lane and the future industrial area. This new precinct is intended to provide opportunities for an alternative employment environment for smaller commercial enterprises that would benefit from on-site living. This type of industrial area has been popular in other coastal communities where enterprises such as those associated with creative industries in particular have been attracted to the flexible, less conventional industrial setting.

The new live / work precinct will endeavour to create a sense of community with clearly defined boundaries that separate the site from surrounding areas. The precinct will have a discrete vehicle entry point off Corks Lane to enhance its identity. The internal street system will surround a central open space area that will provide opportunity for community activities.

The precinct has been located strategically to provide a convenient transition between two potentially conflicting uses bordering the site: the existing Sovereign Gardens aged care community to the southeast and the future industrial area to the northwest. The precinct also continues the existing low level of development fronting Corks Lane to the south.

It is proposed that drainage from the site will be conveyed along an open drain that will run southwest along the future industrial area boundary and join into the drainage system further south prior to discharging into North Creek to the east. The drainage corridor will be mass planted to create a visual

buffer between adjoining uses and provide opportunity for a bike path to connect the live / work area with the local bike path network to the south.