

Proposed expansion of the Southern Cross Industrial Estate, Ballina

Proposal Title : **Proposed expansion of the Southern Cross Industrial Estate, Ballina**

Proposal Summary : **The Planning Proposal seeks to rezone certain land at Corks Lane, Ballina (adjoining the Southern Cross Industrial Estate and the Ballina-Byron Gateway Airport) from RU2 Rural Landscape to part B6 Enterprise Corridor and part B7 Business Park. The B7 Business Park Zone would be a new additional zone for Ballina LEP 2012.**

The Planning Proposal also seeks to apply a minimum lot size for the land of 1000sqm on the Lot Size Map and remove the subject land from the Strategic Urban Growth Areas Map.

PP Number : **PP_2013_BALLI_005_00**

Dop File No : **13/11378**

Proposal Details

Date Planning Proposal Received : **05-Jul-2013**

LGA covered : **Ballina**

Region : **Northern**

RPA : **Ballina Shire Council**

State Electorate : **BALLINA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Corks Lane**

Suburb : City : **Ballina** Postcode : **2478**

Land Parcel : **Part of Lots 3-6 DP 123781; Lot 3 DP872303; Lot 4 DP 872303; Lot 2 DP 833513; Lot 8 DP 793980; Part of Lot 7 DP 1043261; and adjoining Council road reserve (Corks Lane)**

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	39.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	100	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	500
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning and Infrastructure's Code of Practice in relation to communication and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes :	It should be noted that the number of lots and jobs to be potentially created was not provided by Ballina Council. Council did not wish to provide these figures until the final division of the site, and the full range of land uses that may be permissible in the B7 Business Park zone, are determined.
	The lot and job numbers provided above are a best estimate based on the information provided by the Planning Proposal and supporting information. A conservative approach to the potential numbers associated with the release of an additional 39 hectares of employment land has been adopted.
External Supporting Notes :	

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the purpose of a Gateway Determination. It is considered however that greater detail should be included prior to public exhibition to provide more certainty and to clarify the intent of the Planning Proposal for the general public.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions addresses the land involved and the zones that are being**

considered, although it is noted that Council has indicated that changes could occur as a result of further investigation of the subject land.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided amendments to Ballina LEP 2012 maps showing the B6 and B7 land zoning, an amendment to the minimum lot size map and the proposed strategic growth area map. These maps are considered to be satisfactory.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

As the Planning Proposal is consistent with the Far North Coast Regional Strategy and Council's local strategy endorsed by the Director General, a 14 day notification period is considered to be appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes (although these could be expanded upon);

2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.

3. Providing an adequate justification for the proposal; and

4. Providing a project timeline.

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The evaluation criteria form for the issue of plan making delegations has not been completed as Council does not wish to use its delegations as it is the major landowner and proponent for this Planning Proposal. The request to not issue an authorisation to exercise plan making delegations in this instance is supported.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Ballina LEP 2012 was published on 25 January 2013.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal involves approximately 39 hectares of vacant land adjoining the Southern Cross Industrial Estate and the Ballina Byron Gateway Airport. It is located on the north western edge of the township of Ballina. The land is currently zoned RU2 Rural Landscape under the Ballina LEP 2012. It is generally cleared and has been used historically for grazing.

The Planning Proposal has been prepared and is needed in response to a request from Ballina Council's Commercial Services Section to rezone land to accommodate demand for employment land. The subject land comprises several lots and part lots with Ballina Council being the major landowner. Ballina Council prepared the Southern Cross Precinct Master Plan (endorsed by Council 2008) that includes the subject land. The Master Plan identified the land for industrial uses. The Planning Proposal is seeking to provide for a range of commercial land uses compatible with the adjacent Ballina Byron Gateway Airport.

The Planning Proposal seeks to apply the B6 Enterprise Corridor (approximately 13.7ha) and B7 Business Park (approximately 23.08ha) to the land.

Council has advised that the employment zoning proposed is not limited to conventional industrial land uses. Notwithstanding this, the provision for employment based outcomes is considered by Council to be generally consistent with the local planning framework.

The proposed B6 and B7 zone areas are shown on the amended Land Zoning Map. The Minimum Lot Size Map is to be amended to apply a minimum lot size of 1000sqm to the entire site. It is also proposed to remove the subject land from the Strategic Urban Growth Areas Map.

The Height of Buildings Map currently does not need to be amended, however, Council has advised it may wish to reconsider this matter following further investigations.

It is noted from the initial environmental assessment that the land is generally cleared grazing land, and has been subject to considerable disturbance associated with previous land use activities. Council however intends to require additional environmental assessments if a Gateway Determination is received to confirm that this is satisfactory.

As Ballina Council is the major landowner it proposes to engage the services of an independent planning consultant to review the additional information and provide recommendations regarding the appropriate range of permissible uses on the land and final location of land use zones.

Consistency with strategic planning framework :

Far North Coast Regional Strategy (FNCRS)

The majority of the subject land is identified in the Town and Village Growth Boundary (TVGB) for Ballina as future employment lands. Approximately 5.4ha of land to the west, (adjacent to land notated DM (Deferred Area)) and 4ha to the north (adjacent to the Ballina Airport) are located outside of the TVGB. The area is consistent with the lands identified in Council's 'Ballina Shire Growth Management Strategy 2012' that was endorsed by the Director General in May 2013. Although some of the land is located outside of the Far North Coast Regional Strategy growth boundaries, the 'minor rounding' of the TGVB as permitted by the FNCRS, is considered acceptable as it is in accordance with the Ballina Shire Council's endorsed Growth Management Strategy 2012. The proposal is considered to be consistent with the aim and intent of the FNCRS.

Ballina Council's Southern Cross Precinct Master Plan (March 2008)

The Master Plan was prepared to provide a framework for the detailed planning and release of land adjacent to the Ballina Byron Gateway Airport and the Southern Cross Industrial Estate. It identifies an industrial land use for the subject land rather than commercial or retail. While the proposed rezoning provides for employment-based land use outcomes, the use of the B6 Enterprise Corridor and B7 Business Park Zones has been justified as the most appropriate and pertinent to the anticipated future use/development of the land. Should Council proceed to apply the proposed B6 and B7 Zones, a land use table will need to be prepared for the B7 Zone. It is recommended that this be reviewed by the Department prior to exhibition.

Ballina Shire Growth Management Strategy 2012 (GMS)

This Strategy was approved by the Director General in May 2013. It provides the strategic planning context for urban development in Ballina Shire. The proposal is considered to be consistent with the endorsed Ballina Shire Growth Management Strategy.

SEPPs

The proposal is considered to be consistent with all applicable SEPPs.

S117 Directions

The proposal is considered to be consistent with all applicable section 117 Directions, except in relation to the following (despite Council identifying them as consistent in the Planning Proposal):

1.2 Rural Zones

The proposal is inconsistent with this Direction as it rezones rural land to a business zone. This inconsistency is considered to be satisfactory in accordance with the provisions of the Direction as the rezoning is consistent with both the Far North Coast Regional Strategy and with a Director General endorsed local strategy.

1.5 Rural Land

The proposal is inconsistent with this Direction as it affects land in an existing rural zone and is not consistent with the principles contained in SEPP (Rural Lands) 2008. This inconsistency is considered to be satisfactory in accordance with the provisions of the Direction as the rezoning and change in lot size is consistent with a Director General endorsed local strategy.

3.5 Development Near Licensed Aerodromes

The proposal is potentially inconsistent with this Direction as it rezones land in the vicinity of a licensed aerodrome and may permit sensitive development on land where the ANEF exceeds 20 (depending on the final land uses that will be permitted in the proposed B7 Business Park Zone). The potential inconsistency with this Direction will need to be reassessed once the B7 Business Park land use table has been completed.

4.3 Flood Prone Land

The proposal is inconsistent with this Direction as it rezones flood affected land from a rural to business zone. This inconsistency is considered to be satisfactory in accordance with the provisions of the Direction as the rezoning is supported by a floodplain management study prepared in accordance with the NSW Floodplain Management Manual.

It is noted that Council has also advised that further consideration of flooding will be undertaken after the Gateway Determination to ensure the Planning Proposal remains consistent with the Direction.

4.4 Planning for Bushfire Protection

The land is identified as being partly bush fire prone. The Direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after the Gateway Determination is issued and until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social
economic impacts :

Environmental

Council has identified that the following environmental assessments will be undertaken to support the Planning Proposal after receiving a Gateway Determination:

- * detailed ecological/flora and fauna assessment;
- * acid sulfate soils assessment;
- * land contamination assessment;
- * geotechnical assessment;
- * stormwater impact assessment;
- * entomological assessment (mosquitoes);
- * bushfire hazard assessment; and
- * archaeological/cultural heritage assessment.

These assessments should ensure adequate consideration and protection, where appropriate, for the issues outlined above.

Social and Economic

Council has indicated that there are a number of social and economic impact assessments that will be required to support the planning proposal. These relate to:

- the introduction of commercial zones (and some retail uses) into this area may have implications for Ballina CBD; and
- consideration of aircraft noise and obstacle limitation surfaces to ensure that the Ballina Byron Airport is not adversely affected.

These assessments are considered to be appropriate.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
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Timeframe to make LEP :	12 months	Delegation :	DDG
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Public Authority Consultation - s56(2) (d) :	NSW Aboriginal Land Council Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Rural Fire Service Transport for NSW - Roads and Maritime Services
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :	Public Authority consultation should also include: - the Department of the Commonwealth responsible for aerodromes and the Lessee of the aerodrome; and - NSW Roads and Maritime Services due to potential traffic issues in the locality.
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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

While the Council has resolved to allow the Planning Proposal to proceed, it had identified that further studies and information will be needed prior to rezoning. In addition to the further studies and reports identified above, the following investigations are proposed by Council to support the proposal after receiving a Gateway Determination:

Economic Impact

This is relevant as the introduction of commercial zones (and some retail depending on land use inclusions within the proposed B7 land use table) into this area may have implications for Ballina CBD. Council

Environmental Protection

This is relevant as key wildlife habitat is identified in surrounding areas. An acid sulphate soil study will also be undertaken as the site contains Class 2 soils.

Heritage Conservation

The Ballina Growth Management Strategy - North Ballina indicates that "known and potential Aboriginal cultural heritage values and/or sites are contained in the area".

Development Near Licensed Aerodromes

This is relevant due to the effect of aircraft noise on future uses on the land, and the potential impact on operations of the Ballina Byron Gateway Airport.

Planning for Bushfire Protection

This is relevant as the western section of the subject land is mapped as being bushfire prone.

Land contamination

The subject land may have had the potential for contamination from past activities.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2013-07-05 - Planning Proposal.pdf	Proposal	Yes
Ballina Shire Council_05-07-2013_LEP 2012 Amendment Southern Cross Precinct Expansion - s56_.pdf	Proposal Covering Letter	Yes
2013-07-10 Southern Cross Precinct Expansion - Locality Map.pdf	Map	Yes
2013-07-10 Southern Cross Precinct Expansion - FNCRS Ballina Extract showing site.pdf	Map	No
2013-07-10 Ballina Byron Gateway Airport - 2028 ANEF Contours Map and restrictions.pdf	Map	Yes
2013-07-10 GIS map showing the extent of Lot 7 and environmental constraints.pdf	Map	No
2012-07-26 Council Report to Committee - Southern Cross Precinct Expansion.pdf	Proposal	Yes
2013-06-27 Council Report to Committee - Southern Cross Precinct Expansion.pdf	Proposal	Yes
Ardill Payne Consultants amended planning proposal March 2013 - For information only - not Council's submitted planning proposal.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 1.2 Rural Zones
 1.5 Rural Lands
 2.1 Environment Protection Zones
 2.2 Coastal Protection
 2.3 Heritage Conservation
 3.5 Development Near Licensed Aerodromes
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that:**
1) The Planning Proposal be supported subject to conditions;
2) The Planning Proposal be exhibited for a period of 14 days;
3) The Planning Proposal should be completed within 12 months;
4) The Director General's delegate agree that the inconsistencies with s117 Directions 1.2, 1.5, and 4.3 are justified;
5) That the potential unresolved inconsistencies with s117 Directions 3.5 and 4.4 be noted;
6) That an authorisation to exercise plan making delegations not be issued to Council;
7) Consultation with the following agencies and organisations should be required prior to public exhibition:
 - NSW Rural Fire Service;
 - NSW Department of Primary Industries - Agriculture;
 - Transport for NSW - Roads and Maritime Services;
 - Office of Environment and Heritage;
 - Department of the Commonwealth responsible for aerodromes and the Lessee of the aerodrome; and
 - the local Aboriginal Lands Council;
8) The following studies/assessments and plans be undertaken:
 *** detailed ecological/flora and fauna assessment;**
 *** acid sulfate soils assessment;**
 *** land contamination assessment;**
 *** geotechnical assessment;**
 *** stormwater impact assessment;**
 *** flood assessment;**
 *** entomological assessment (mosquitoes);**
 *** bushfire hazard assessment;**
 *** archaeological/cultural heritage assessment; and**
 *** aerodrome impact assessment, consideration of airport noise and obstacle limitation surfaces - Ballina Byron Gateway Airport and that the Airport operations will not be adversely affected by the development.**
9) Part 1 - Objectives or intended outcomes of the Planning Proposal be expanded prior to public exhibition by providing greater detail on the intended future uses, zones and development standards for the subject land.
10) The proposed B7 Business Park Zone land use table be submitted to the Department for review prior to public exhibition.

Supporting Reasons : **The land has been identified for employment based land use for several years and is consistent with the strategic planning for the locality.**

The recommended conditions to the Gateway determination are required to provide adequate protection, where appropriate, for the issues outlined above.

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Signature:



Printed Name:

Craig Diss

Date:

12/7/13