

Proposed Bulky Goods Retailing Precinct, Southern Cross Industrial Estate, Ballina

Proposal Title : **Proposed Bulky Goods Retailing Precinct, Southern Cross Industrial Estate, Ballina**

Proposal Summary : **Certain land within the Southern Cross Industrial Estate in Ballina is proposed to be zoned B5 Business Development to facilitate the development of a bulky goods retailing precinct. The B5 Business Development zone will be incorporated into the draft Ballina LEP 2011.**

PP Number : **PP_2012_BALLI_004_00** Dop File No : **12/14845**

Proposal Details

Date Planning Proposal Received :	13-Sep-2012	LGA covered :	Ballina
Region :	Northern	RPA :	Ballina Shire Council
State Electorate :	BALLINA	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Stinson Street		
Suburb :	Ballina	City :	Ballina
		Postcode :	2478
Land Parcel :	Lot 951 DP 1165266; part Lot 952 DP 1165266; part Lots 2-5 DP 123781		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) : 9.50		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots : 3		No. of Dwellings (where relevant) :	0
Gross Floor Area : 1,000.00		No of Jobs Created :	1,000
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment : The Department of Planning 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 : **The gross floor area has not been determined at this time. The number of jobs to be created is also unknown at this time.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective and intended outcomes of the planning proposal are adequately expressed for the proposed amendment to draft Ballina LEP 2011.**

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

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

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

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 : **The mapping adequately shows the subject land and the proposed zoning. Mapping that complies with the Department's 'Standard Technical Requirements for LEP Maps' will be provided for the making of the LEP.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal proposes community consultation through public exhibition but has not indicated a specific public exhibition period. A period of 28 days is recommended. The Gateway will determine the timeframe required for exhibition. Community consultation will be in accordance with the Department's 'A Guide to Preparing an LEP'.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

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;
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. Outlining a proposed community consultation program.

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **The draft Ballina LEP has been submitted to the Department under the former s68 of the Act and is currently with Parliamentary Counsel for consideration.**

This proposal will be drafted to amend the new instrument.

Assessment Criteria

Need for planning proposal : **The planning proposal is needed to provide for bulky goods development in Ballina. Currently provision of land for such development is lacking in Ballina. Opportunity for the development of bulky goods premises within the CBD is limited as land large enough for bulky goods stores is not available, leading to the development of some bulky goods retailing within existing zoned industrial areas. Council studies have concluded that rezoning part of the current Southern Cross Industrial area to B5 Business Development (see attached Location Map A) is the best option to provide opportunity for such**

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development in a coordinated fashion. Bulky goods retailing can thus be clustered in this location, whilst retaining the current Ballina CBD as the primary location for smaller retail and business outlets (see attached Location Map B).

Consistency with strategic planning framework :

The proposal is generally consistent with all relevant local and regional planning strategies, including the Far North Coast (FNC) Regional Strategy and Council's Retail Strategy. A potential inconsistency with the FNC Regional Strategy is discussed below in relation to s117 5.1 Implementation of Regional Strategies.

Several SEPPs and S117 Directions are relevant to the proposal. The proposal is inconsistent with some relevant SEPPs and Directions, as outlined below:

SEPPs

The proposal is inconsistent with the North Coast Regional Environmental Plan (NCREP), which is a deemed SEPP. The inconsistency arises from the proposed development of business premises away from Ballina's main business area and the loss of zoned industrial land to allow for such business development, as detailed below:

Clause 39 states that significant retail, commercial or business development that is not located adjacent to or adjoining the existing commercial centre should not occur unless in accordance with a commercial/retail strategy. The proposal involves retail development outside of the existing commercial centre. The Ballina Retail Strategy aims to retain and protect the current commercial centres as the major retail centres within Ballina. It is argued that the proposal would not significantly impact on the existing major retail centres, as the proposed B5 zoning would cater to bulky goods retailing development and restrict other forms of retail development. This would limit competition between the existing commercial centres and the new bulky goods precinct, as different retail premises would be attracted to each centre. The inconsistency with this clause is therefore considered to be justified.

Clause 47(1)(a) also states that land should not be zoned for business development where that development is not adjoining or adjacent to the existing town centre. The inconsistency with this clause is considered to be justified for the reasons provided against clause 39 above.

Clause 48 states that a draft LEP should not substantially reduce existing zonings of land for industrial development. The proposal reduces the amount of existing industrial zoned land by 9.5 hectares. Council argues that the loss of industrial zoned land is "offset" by the planned significant future expansion of industrial zoned land in the LGA. The minor loss of industrially zoned land at the subject site is therefore not expected to affect the ability to meet medium to long term demand for industrial uses. The inconsistency with this clause is therefore considered to be justified.

The proposal is consistent with all other SEPPs that apply to the LGA.

S117 Directions

The planning proposal is inconsistent with S117 Directions 1.1 Business and Industrial Zones, 3.4 Integrated Land Use and Transport and 5.1 Implementation of Regional Strategies. The inconsistencies are considered to be of minor significance, as discussed below.

1.1 Business and Industrial Zones

The proposal is inconsistent with this Direction because land currently zoned for industrial uses will be rezoned for bulky goods retail, thus resulting in a reduction in the total potential floor space area for industrial uses. The proposal is also inconsistent with this Direction because the proposed B5 Business Development zone is not in accordance with an approved strategy. As mentioned above in relation to the NCREP, Council has argued that the loss of industrial zoned land is "offset" by the planned significant future expansion of industrial zoned land in the LGA. Council also argues that the proposal would not significantly impact on the existing major retail centres, as the proposed B5 zoning would cater to bulky goods retailing development and restrict other forms of retail development. The inconsistencies are therefore considered to be justified as of minor significance.

3.4 Integrated Land Use and Transport

The proposal is inconsistent with this Direction because the proposal is not consistent with

the relevant aims, objectives and principles within the documents referred to in the Direction: "Improving Transport Choice - Guidelines for planning and development" and "The Right Place for Business and Services - Planning Policy".

The "Improving Transport Choice" document encourages planning decisions which reduce the need for private transport and promote options for walking and cycling. The proposal does not meet the principles contained within this document. However, it can be argued that the nature of bulky goods retailing does not easily allow for the achievement of these principles. Bulky goods premises require very large areas of space which are not available within the town centre. They also typically require the use of private vehicles for the pick-up of purchased goods. The proposal does facilitate the clustering of these stores in one area such that reduced vehicle trips would be required to visit multiple stores. The principles are not considered to be directly relevant to this proposal.

The "Right Place for Business" document calls for the restriction of bulky goods retailing within employment and industrial zones. As discussed above, this is not a realistic outcome in this case. The clustering of bulky goods in one area will help to curtail further bulky goods development within other industrial areas and maintain the existing commercial centre for standard retailing business. The inconsistency with the Direction is considered to be justified as of minor significance.

5.1 Implementation of Regional Strategies

The FNC Regional Strategy applies to the proposal. The Regional Strategy requires Councils to "identify opportunities for bulky goods style retailing in appropriate locations in commercial centres and restrict [such] retailing in employment and industrial zones". Council has undertaken studies which look at various options for the appropriate location of bulky goods retailing, including opportunities for their location within the existing commercial centre. As mentioned above, these studies have found that inclusion of such development within the commercial centre is not desirable due to space limitations. The planning proposal represents the best option to cater to demand for bulky goods development in a strategic and orderly manner. The rezoning to B5 Business Development will help to curtail further bulky goods development within other industrial areas and maintain the existing commercial centre for standard retailing business. The inconsistency with this Direction is therefore considered to be justified as of minor significance.

The proposal is consistent with all other s117 Directions that apply to the site.

Environmental social
economic impacts :

The land proposed for development is cleared and maintained as lawn. There are no known critical habitat or threatened species, populations or ecological communities or their habitats which would be adversely affected by this rezoning proposal.

The land is located on the floodplain. Council states that the previous subdivision application found that flooding and acid sulfate soils are not an issue for the site.

No known heritage items have been mentioned within the planning proposal.

Council states that all required public infrastructure is available to the site and the proposed bulky goods development can be adequately serviced.

The social and economic effects of the proposal are considered to be positive. The rezoning proposal potentially has economic benefits due to the job opportunities that will arise during construction and operation of the development. Increased economic activity and employment may be derived from the provision of a dedicated bulky goods precinct which caters to current and future demand. The clustering of bulky goods premises in one location has additional social and economic benefits in reducing private transport trips to access such stores.

Availability of land for bulky goods development at this location should assist in preventing applications for such development in inappropriate areas of the town.

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Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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
Investigation_report.pdf	Study	Yes
Cover_letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Location_Map_A.pdf	Map	Yes
Location_Map_B.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
3.4 Integrating Land Use and Transport
5.1 Implementation of Regional Strategies**

Additional Information : **It is recommended that:**
1. The planning proposal is supported;
2. The planning proposal is to be exhibited for a period of 28 days;
3. The planning proposal should be completed within 12 months;
4. The Director General (or an officer of the Department nominated by the Director General) agree that the inconsistencies with s117 Directions 1.1, 3.4 and 5.1 are justified; while all other S117 directions are consistent with the planning proposal; and

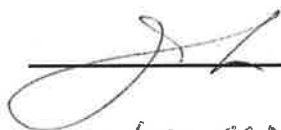
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5. Consultation be undertaken with Transport for NSW - Roads and Maritime Services in relation to the suitability of road access to the proposed development along the old Pacific Highway access.

Supporting Reasons :

The planning proposal provides a strategic solution to meet the demand for bulky goods retailing within Ballina, an emerging regional centre. The clustering of such development within a dedicated zoned precinct which limits other retailing uses will support the retention of the existing commercial centre as the major retail and business hub and curtail further take-up of industrial zoned land for bulky goods retailing.

Signature:



Printed Name:

JIM CLARK

Date:

19 September 2012