

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 26/07/12 AT 9.00 AM**

9. Strategic & Community Services Group Reports

9.2 Draft Ballina Shire Development Control Plan 2012

260712/20 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council proceed to undertake the public exhibition of the Draft Ballina Shire Development Control Plan 2012, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Horder

9.3 LEP Amendment - Bulky Goods Retailing Precinct

260712/21 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

1. That Council proceed with the referral of the planning proposal for the Southern Cross Industrial Estate Bulky Goods Precinct, based on the application of a B5 Business Development zone to the subject land, to the Department of Planning & Infrastructure for gateway determination.

2. That in the event that the gateway determination enables the planning proposal to proceed, the planning proposal be placed on public exhibition in accordance with the requirements of the gateway determination.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Horder

9.4 LEP Amendment - Southern Cross Precinct Expansion

260712/22 RESOLVED

(Cr David Wright/Cr Keith Johnson)

1. That Council proceed to prepare a planning proposal to enable urban land uses focussed 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.

9.3 LEP Amendment - Bulky Goods Retailing Precinct

9.3 LEP Amendment - Bulky Goods Retailing Precinct

Delivery Program Strategic Planning

Objective To present Council with the findings of an options report and the content of a draft planning proposal in relation to the establishment of a bulky goods retailing precinct at the Southern Cross Industrial Estate and seek direction with respect to the referral of the planning proposal to the Department of Planning & Infrastructure for gateway determination.

Background

In response to representations made in relation to the permissibility of bulky goods retailing on certain land during the preparation of Council's Draft Ballina Local Environmental Plan 2010, Council identified bulky goods retailing as a matter requiring further and more detailed consideration as part of the LEP renewal program.

Council subsequently engaged consulting firm Hill PDA to carry out investigation and analysis with respect to bulky goods retailing and large format retailing (LFR) land uses in Ballina Shire. The primary purpose of the investigation and analysis was to inform the establishment of a land use planning framework for bulky goods retailing and LFR premises in Council's new Standard Instrument local environmental plan (Standard Instrument LEP) and Local Growth Management Strategy (LGMS). Hill PDA completed the preparation of the Ballina Shire Bulky Goods Retailing Investigation in January 2012. Hill PDA presented the outcomes of the report to a Councillor briefing held on 31 January 2011.

The findings of the study and recommendations made by Hill PDA in relation to the local planning framework and particularly the provisions of Council's local environmental plan were reported to Council's Ordinary Meeting held on 23 February 2012. At that meeting, Council resolved as follows [Minute No. 230212/21]:

1. *That Council notes the contents of the Ballina Shire Bulky Goods Retailing Investigation Report prepared by Hill PDA.*
2. *That Council proceed to implement a strategic planning framework for bulky goods retailing in Ballina Shire consistent with the recommendations in the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA.*
3. *That Council proceed to prepare a planning proposal for the application of a suitable zone over Lot 951 DP 1165266 and the proposed Lots 2 and 3 (as shown in attachment 2) at the Southern Cross Industrial Estate to facilitate a bulky goods retailing precinct.*
4. *That in the preparation of a planning proposal in accordance with point three, options be canvassed in relation to the co-location of large format retail uses with bulky goods premises.*

9.3 LEP Amendment - Bulky Goods Retailing Precinct

In May 2012, GeoLINK was engaged to prepare an options report (Attachment 1) and planning proposal to facilitate an LEP amendment (Attachment 2) in order to implement the strategic planning framework recommended in the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA and in particular, progress items 3 and 4 of Council's resolution. This report presents Council with the work undertaken by GeoLINK to date and outlines options associated with the further progress of the proposed LEP amendment.

Key Issues

- Approach to large format retailing (LFR) land uses.
- Progress of the Bulky Goods Retailing Precinct Planning Proposal.

Information

GeoLINK was engaged in May 2012 to prepare a planning proposal, on Council's behalf, for a bulky goods retailing precinct at Southern Cross Industrial Estate, Ballina. The key objectives of the project were to:

- Identify a preferred land use zoning option for the identification of a bulky goods precinct at Southern Cross Industrial Estate;
- Determine whether, having regard for the current Standard Instrument LEP, LFR land uses can be accommodated within the bulky goods precinct, and if so, the scope of such uses and associated mechanism(s) for permissibility; and
- Implement the strategic planning framework for bulky goods retailing consistent with the recommendations in Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA and Council's associated resolution.

Options Report

The first stage of the project involved the identification of options for the application of land use zones to facilitate the provision of a bulky goods retailing precinct within Southern Cross Industrial Estate (being on the land described in Council's resolution and shown in the planning proposal contained in Attachment 2), and consideration of large format retailing (LFR) land uses. Specifically, this stage included the following:

- Consideration of the land use zoning options available to facilitate the introduction of the bulky goods retailing precinct including, but not necessarily limited to, the B5 Business Development Zone.
- Consideration of the range of land uses within the zone(s) identified above.
- Consideration of LFR land uses and whether they are appropriate in the proposed bulky goods retailing precinct having regard for the current planning framework and Standard Instrument LEP definition set.
- In the event that LFR land uses were identified as an appropriate land use within the bulky goods retailing precinct, identify mechanisms for permissibility and any parameters or limitations that should apply to LFR land uses.

- Preparation of a brief report detailing the above considerations and options and identification of a preferred option.

The Proposed Bulky Goods Retailing Precinct Options Report (the Options Report) prepared by GeoLINK is provided at Attachment 1.

The report notes that LFR land uses are not specifically defined under the Standard Instrument LEP. However, such uses could be considered to fall within the definition of commercial premises, retail premises and / or shops. The Hill PDA report notes that LFR premises can be described in general terms as a "physically large retailer". For the purposes of the Options Report, LFR is considered to comprise general retail use with a floor space in excess of 1,000m², where the goods for sale or hire do not have the requirements described in the bulky goods premises definition (i.e. by their nature, the goods do not necessarily require a large space). Examples include Aldi, Dan Murphy's, Coles, Woolworths and JB Hi-Fi.

By way of comparison, the Standard Instrument LEP defines bulky goods premises as follows:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

The distinction between LFR and bulky goods premises is important to note. Whilst bulky goods premises are a form of LFR, bulky goods premises are defined based on specific criteria under the Standard Instrument LEP, whereas LFR is not so defined and incorporates a much wider range of commercial activities. This report and the associated recommendations consider the two concepts separately.

The Options Report recognises that the existing settlement patterns within the current retail centres in Ballina Shire prevent the economic development of such large shops given the general requirement to amalgamate a number of existing sites to facilitate uses. It also states that unlike bulky goods premises, LFR outlets are more likely to be larger versions of retail types located in the existing town centre. While it is important not to introduce controls which limit competition, the Options Report notes that it is "...a long accepted planning principle to strategically plan future zonings to protect and enhance town centres".

9.3 LEP Amendment - Bulky Goods Retailing Precinct

Permitting LFR land uses on the site may draw retail operators away from existing centres, as the lower capital / land / operating costs available outside existing retail centres results in the opportunity for cheaper leasing arrangements. This also has the potential to reduce the availability of land for bulky goods retailing uses which may then impact adversely on the adopted strategy of establishing a bulky goods retailing precinct at the site the subject of Council's resolution.

The Options Report identifies the following options in relation to LFR land uses:

1. Adopt a zoning that provides for LFR uses in addition to bulky goods premises; or
2. Adopt a more restrictive zoning that permits bulky goods premises, but prohibits LFR.

With respect to option 1, in the event that the B5 Business Development zone is applied to the land, LFR land uses can be accommodated by permitting 'shops'. The inclusion of an additional local provision in Part 7 of Council's Standard Instrument LEP to require a minimum floor space of 1,000m² for shops in the B5 zone would also be necessary to ensure only LFR uses are permitted as opposed to smaller scale retail outlets. Alternatively, it may be possible for LFR to be included in Schedule 1 of the draft LEP as an additional permitted use on the subject land.

In the event that the B5 Business Development zone is not applied to the land, there are other business zones that could be applied to the land that permit both bulky goods retail premises and shops, including the B2 Local Centre, B3 Commercial Core and B4 Mixed Use. It is noted, however, that these other business zones do not specifically target bulky goods premises and the intent to create a bulky goods precinct may not be realised as a result. A local provision to limit shops to those with a floor space greater than 1,000m² will be required if this approach is adopted.

The second option identified in the report is to adopt a more restrictive zoning that permits bulky goods premises but prohibits more general LFR. The application of the B5 Business Development zone including shops as a prohibited land use will achieve this.

The Options Report concludes that the key concern with LFR land uses is that "...they generally duplicate the type and range of existing retail within the town centre, albeit at a larger size" and that, as a result, enabling these uses to establish outside existing centres will have a direct and potentially detrimental impact on those centres. It is noted that retailing in Ballina is already fragmented and an increase in fragmentation is not a desirable planning outcome.

On the basis of the above, the Options Report recommends that LFR land uses not be included in the planning proposal for a bulky goods retailing precinct at the Southern Cross Industrial Estate.

Separate to the matter of LFR, the report identifies the following land use zoning options to facilitate the introduction of a bulky goods retailing precinct within the Southern Cross Industrial Estate:

9.3 LEP Amendment - Bulky Goods Retailing Precinct

1. Adopt one of the existing business zones that allow for bulky goods premises as a permissible use amongst a range of other retail and commercial uses (B2 Local Centre, B3 Commercial Core or B4 Mixed Use zones); or
2. Adopt a zone that is more specifically aimed at bulky goods, i.e. B5 Business Development.

The business zones presently identified in Council's Standard Instrument LEP that allow for bulky goods premises as a permissible land use include B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones. The objectives of these zones do not specifically identify bulky goods premises and the broader nature of these zones may not result in achieving a bulky goods precinct on the land.

The B5 Business Development Zone contains a mandated zone objective as follows:

To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

Bulky goods premises are mandated as permissible with development consent in the B5 Business Development Zone. The other uses mandated as permissible with development consent in the B5 Business Development zone are less extensive than those mandated in the other business zones and the potential for uses other than bulky goods land uses on the site is therefore considered to be less likely.

The Options Report recommends that the land the subject of Council's February 2012 resolution be zoned B5 Business Development and that the land use table for this zone, as set out in the Standard Instrument LEP, be incorporated into Council's Standard Instrument LEP. The report also recommends the addition of a number of complementary permissible land uses including advertising structures, kiosks, restaurants and cafes, take away food and drink premises and signage. It is recommended that any development not identified as permitted with or without development consent in the zone be prohibited. The recommendation will have the effect of prohibiting general commercial / retail / shop land uses within the zone other than those specifically identified as permissible with development consent.

In addition to the above, it is also recommended that a minimum lot size for subdivision of 1ha be applied to the land to ensure relatively large lot sizes in support of large footprint bulky goods premises are maintained.

The Options Report addresses the relevant considerations in relation to the issue of LFR uses and the land use zoning options available to facilitate the introduction of a bulky goods precinct within the Southern Cross Industrial Estate. The recommendations made in the options report are considered to be the most appropriate way of delivering the intended planning outcome.

Planning Proposal

The planning proposal prepared by GeoLINK is based on the recommendations of the Options Report and is provided at Attachment 2.

9.3 LEP Amendment - Bulky Goods Retailing Precinct

The planning proposal seeks to introduce the B5 Business Development zone into Council's Standard Instrument LEP (currently known as the Draft Ballina LEP 2011), primarily as contained in the Standard Instrument – Principal Local Environmental Plan but with a small number of additional items being identified as permitted with development consent in the zone. The planning proposal seeks to apply the B5 Business Development zone to the subject land in order to establish a bulky goods retaining precinct at the Southern Cross Industrial Estate.

The planning proposal is consistent with Council's resolution made at its Ordinary Meeting of 23 February 2012 [Minute No. 230212/21] to proceed to implement a strategic planning framework for bulky goods retailing in Ballina Shire consistent with the recommendations in the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Bulky goods retailing is a significant, and apparently growing, part of the retail sector in the shire. Council has an opportunity to recognise this aspect of retailing and the potential benefits to the community through its local planning framework.
- **Economic**
The planning proposal is consistent with Council's resolution to plan for the projected demand for bulky goods retailing having regard for economic activity and outcomes in the shire.

Legal / Resource / Financial Implications

In the event that Council resolves to proceed with the referral of the planning proposal to the Department of Planning & Infrastructure for gateway determination there will be associated staff resource implications. However, further processing of the planning proposal can be accommodated within existing available resources.

Consultation

Should the gateway determination indicate that the planning proposal is suitable to proceed, the planning proposal will be publicly exhibited in accordance with the requirements of the gateway determination and the terms of the *Environmental Planning & Assessment Act* and associated Regulation.

The concept of a bulky goods retailing precinct has been the subject of consideration by Council since 2004. Most recently, the concept has been the subject of stakeholder engagement as part of the preparation of the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA (January 2012).

9.3 LEP Amendment - Bulky Goods Retailing Precinct

Should the planning proposal proceed to exhibition, there will be a further opportunity for stakeholders including bulky goods and LFR operators and the landholders (including Council's Commercial Services Unit) to make submissions to Council in relation to the proposed LEP amendment.

Options

1. Proceed with the planning proposal incorporating the recommended application of the B5 Business Development zone to Lot 951 DP 1165266 and the proposed Lots 2 and 3 at the Southern Cross Industrial Estate to facilitate a bulky goods retailing precinct.

This option is the recommended course of action as it is consistent with Council's adopted policy approach and is considered most likely to result in the intended planning outcome in relation to bulky goods premises within Ballina Shire.

2. Amend the planning proposal to apply an alternative business zone to Lot 951 DP 1165266 and the proposed Lots 2 and 3 at the Southern Cross Industrial Estate to facilitate a bulky goods retailing precinct.

This option is not considered to be the preferred the option given the potential for land uses other than bulky goods premises to locate within the precinct given the broad nature of other land uses permitted within the zones.

3. Not proceed with the planning proposal to facilitate a bulky goods retailing precinct at Southern Cross Industrial Estate at this time.

This option is not recommended given the adopted policy position of Council in relation to a preferred land use planning framework for bulky goods premises and the resources expended to date on its implementation.

RECOMMENDATIONS

1. That Council proceed with the referral of the planning proposal for the Southern Cross Industrial Estate Bulky Goods Precinct, based on the application of a B5 Business Development zone to the subject land, to the Department of Planning & Infrastructure for gateway determination.
2. That in the event that the gateway determination enables the planning proposal to proceed, the planning proposal be placed on public exhibition in accordance with the requirements of the gateway determination.

Attachment(s)

1. Options Report - Proposed Bulky Goods Retailing Precinct Southern Cross Industrial Estate Ballina (GeoLINK May 2012)
2. Draft Planning Proposal (June 2012) - Southern Cross Industrial Estate Bulky Goods Precinct

Options Report

Proposed Bulky Goods Retailing Precinct Southern Cross Industrial Estate, Ballina

Prepared for: Ballina Shire Council
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UPR	Description	Date Issued	Issued By	Reviewed By
2023276	Initial draft	30/05/2010	Rob van Iersel	Sean Cochran

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1 Introduction

GeoLINK has been engaged by Ballina Shire Council to prepare a Planning Proposal for a bulky goods retail precinct at Southern Cross Industrial Estate, Ballina. The key objectives of this project are to:

- identify a preferred land use zone for the proposed bulky goods precinct at Southern Cross Industrial Estate;
- determine whether, having regard for the current Standard Instrument LEP, large format retail (LFR) land uses can be accommodated within the bulky goods precinct, and if so, the scope of such uses and associated mechanism(s) for permissibility; and
- implement the strategic planning framework for bulky goods retailing consistent with the recommendations in Ballina Shire Bulky Goods Retailing Investigations report prepared by Hill PDA and Council's associated resolution.

The Hill PDA report was finalised in January 2012 and documented the results of an investigation into demand for bulky goods and LFR premises in Ballina over the period 2011 to 2026. It concluded that Ballina is undersupplied by bulky goods and LFR floor space and supported a clustering of bulky goods uses at the nominated site at Southern Cross Industrial Estate. The report also provided an opinion that the B5 Business Development zoning would be appropriate in targeting and encouraging bulky goods uses.

The subject land

In adopting the recommendations of the Hill PDA report, Council resolved to prepare a planning proposal for the application of a suitable zone over Lot 951 DP1185268 and the proposed Lots 2 and 3 at the Southern Cross Industrial Estate.

2 Objectives of this report

In addition to resolving to prepare a planning proposal for the subject land, Council also resolved to investigate options 'in relation to the co-location of large format retail uses with bulky goods premises'.

As such, this report has two key objectives:

1. To investigate whether LFR uses are appropriate for the subject land, in addition to bulky goods premises; and
2. To recommend the most appropriate future zoning of the land.

3 Definitions

The Standard Instrument LEP contains the following definition:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- a) a large area for handling, display or storage, and
 - b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,
- and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the*

sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

This definition has been adopted by the draft Ballina LEP 2011.

The situation is less clear regarding LFR uses. The Hill PDA report notes that *'there is no universal definition of large format retail (LFR) premises and the term is somewhat ambiguous, but it refers to a physically large retailer'*.

LFR is not specifically defined under either the Standard Instrument or the draft Ballina LEP 2011. Such a use, however, could be accommodated under the following definitions:

- Commercial premises;
- Retail premises; and / or
- Shop.

For the purposes of this report, LFR is considered to be a general retail use (i.e. a shop), with a floor space in excess of 1,000 m², where the goods for sale or hire do not have the requirements described in the bulky goods premises definition (i.e. by their nature, the goods do not necessarily require a large space).

4 Large Format Retail

The Hill PDA report demonstrates that demand exists for bulky goods and LFR floor space. It does not, however, clearly differentiate the demand between the two uses.

The report notes a general retail trend to larger premises and it is clear that demand exists for a range of retail types that do not fit the definition of bulky goods premises but that require relatively large areas for their establishment. Examples cited in the Hill PDA report include Aldi, Dan Murphy's, Coles, Woolworths, Spotlight, and JB Hi-Fi.

The Hill report notes the *'longstanding strategy to concentrate the predominant share of retail and business floor space within town centres'*. It further notes that both the State Government's Draft Centres Policy and Council's Retail Strategy adopt this strategy.

In relation to both bulky goods premises and LFR, however, the existing settlement patterns within the current retail centre, particularly in relation to the Ballina CBD, prevent the economic development of such large shops; a proponent would effectively need to purchase and amalgamate a number of existing sites. Even in the strongest of economies, this is a significant constraint to achieving bulky goods / LFR in a main street scenario.

While bulky goods premises are generally somewhat different to 'main street retail', LFR are more likely to be larger versions of retail types existing in the existing town centre. While Council needs to be careful not to implement planning controls that limit competition, it is a long accepted planning principal to strategically plan future zonings to protect and enhance town centres.

Lower land /capital / operating costs outside of the existing retail centres is likely to draw retail operators away from existing centres to set up within the 'cheaper' leasing arrangements offered by the site. As well as having a potentially detrimental impact on Ballina's existing retail centres, this also presents the potential that non-bulky goods retail uses are established on the subject land in preference to bulky goods, which would prevent Council's strategy of establishing a bulky goods precinct at the site.

Options

There are two available options in regard to LFR at the subject site:

1. Adopt a zoning that provides for such uses in addition to bulky goods premises; or
2. Adopt a more restrictive zoning that permits bulky goods premises, but prohibits LFR.



Options Report – Bulky Goods Retail Precinct
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Option 1 – LFR permissible:

Assuming that a B5 zone is implemented, LFR could be accommodated by adding the definition of *shop* as a permissible use. Given that there is not a more definitive LFR definition, it would also be necessary to include an additional local provision in Part 7 of the LEP to limit the nature of shops in the B5 zone to those with a minimum floor space of 1,000 m².

Alternatively, rather than adding *shop* as a permissible use, it is possible to include LFR as a specific addition permitted land use for the subject land by inclusion of the appropriate clause in Schedule 1 of the LEP.

If a B5 zone is not adopted, a number of other business zones could be applied that permit both bulky goods retail premises and shops (i.e. B2 Local Centre, B3 Commercial Core, B4 Mixed Use). None of these zones, however, specifically target bulky goods premises as the desired future use, and could therefore impeded Council's intention for the subject land to become a bulky goods precinct. If one of these zones were to be used, a local provision would need to be added to limit the nature of shops to those with a minimum floor space of 1,000 m².

Option 2 – LFR prohibited:

To prevent future LFR uses, the B5 zone could be adopted with additions to ensure that a *shop* is a prohibited land use. This could be achieved by specifically listing *shop* under the *prohibited* heading, or by ensuring that all desired land uses are listed under *permitted with consent* and adding the words *any development not specified in items 2 or 3 under the prohibited heading*.

Recommendation

The key concern with LFR uses is that they generally duplicate the type and range of existing retail within the town centre, albeit at a larger size. As such, establishing such uses outside of existing centres will have a direct and potentially detrimental impact on those centres.

In Ballina's case, retail is already fragmented across a number of geographically separate areas; the CBD, the Kerr Street precinct and West Ballina. It does not make planning sense to increase this fragmentation.

It is recommended therefore, that LFR uses are not included in the planning proposal for a bulky goods precinct at Southern Cross Industrial Estate.

5 Bulky Goods Premises

Bulky goods retailing is somewhat different to LFR in that, as a broad generality, it is less likely that these uses will replicate existing retail in the town centre.

Bulky Goods Retailing Zoning Options under the Current Draft Ballina LEP 2011

Under the current Draft Ballina LEP 2011, bulky goods premises would be permissible in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones. Each of these zones, however, has objectives that are aimed towards various levels of retail centre where a wide range of retail and commercial uses are permitted.

Options

In order to facilitate a bulky goods precinct at the subject site, the basic options are:

1. Adopt one of the existing zones listed above that allow for bulky goods premises as a permissible use amongst a range of other retail and commercial uses; or
2. Adopt a zone that is more specifically aimed at bulky goods, i.e. B5 Business Development

Option 1 – Existing Ballina LEP 2011 zones:

As indicated above, there are a number of zones included in the draft Ballina LEP 2011 within which bulky goods retail is a permissible use. None of these zones, however, have objectives that specifically target bulky goods retail.

Council's adopted strategic intent is to facilitate a bulky goods precinct at the subject site. The more general zones could possibly achieve this, but the danger is that, with a much wider range of permissible land uses, general retail demand could see pressure for non-bulky goods uses in preference to the desired uses.

Option 2 – B5 zone:

The B5 - Business Development Zone, under the Standard Instrument Template, is considered a suitable zoning option for the bulky goods retailing precinct. The mandated zone objective specifically provides for 'bulky goods premises that require a large floor area', and bulky goods premises are specifically identified as permissible with consent.

The zone also has mandated provisions for uses such as *Child care centres, Passengers transport facilities and Respite day care centres*. Whilst these uses are not of a retail nature, the uses (other than retail uses) mandated within the B5 zone are less extensive than those mandated under the other business zones, reducing the incidence of competition for uses other than bulky goods retailing on the site.

Recommendation:

It is recommended that the subject land be zoned B5 Business development and that the development table for this zone, as set out in the Standard Template LEP, be incorporated into the Ballina LEP 2011, with the addition of a number of complementary permissible uses (see below) and the note *any development not specified in items 2 or 3 inserted under the prohibited heading*.

6 Complementary Land Uses Supporting Bulky Goods Premises

As detailed in the Hill PDA Report, recent trends in bulky goods retail, indicates that these centres are complimented by smaller convenience uses, such as cafes, to increase consumer amenity. While it remains important to restrict complementary uses that may have a detrimental impact on existing retail centres, there are a number of uses that could be complementary to future bulky goods uses.

To enable complementary uses to those already mandated under the standard instrument, it is recommended that the B5 zone land use table be amended to add the following additional uses under the heading *permissible with consent*:

- Advertising structures;
- Kiosks;
- Restaurants and cafes;
- Take away food and drink premises; and
- Signage.



Ballina Shire Council

Planning Proposal – June 2012 draft

Southern Cross Industrial Estate Bulky Goods Precinct

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9.3 LEP Amendment - Bulky Goods Retailing Precinct.DOC

Introduction

Summary of Planning Proposal

This planning proposal applies to Lot 951 DP 1165266 and proposed Lots 2 and 3 (referred to as the site) at the Southern Cross Industrial Estate, Ballina. The site is shown on the locality map provided at **Appendix 1**.

Lot 951 is owned by Calardu Ballina No. 1 Pty Ltd, and the remainder of the site is owned by Ballina Shire Council. The proposed lots 2 and 3 are subject to an approval for the subdivision of the land (DA 2009/258).

The purpose of this planning proposal is to zone the site B5 Business Development Zone under Council's Standard Instrument LEP (currently the Draft Ballina Local Environmental Plan 2011 (DBLEP 2011)) to maximise potential for bulky goods retailing land uses, and therefore establish the site as a bulky goods precinct.

Planning Context

Council's Strategic Direction

In response to regular enquiries regarding the establishment of bulky goods premises within the Ballina Shire, Council progressed various studies and reports that ultimately identified the site as being suitable to establish a bulky goods precinct.

Council investigations' regarding strategic planning options for bulky goods premises began around 2004, and include:

- Ballina Shire Retail Showrooms and Bulky Goods Report (Core Economics, 2004);
- West Ballina Arterial Road/Industrial Estate Expansion Precinct Planning Discussion Paper (Ballina Shire Council, 2005);
- Southern Cross Precinct Master Plan (GeoLINK, 2007);
- Ballina Shire Bulky Goods Retailing Investigation (Hill PDA, 2012); and
- Options Report – Proposed Bulky Goods Retailing Precinct, Southern Cross Industrial Estate, Ballina (GeoLINK, 2012)

Based on these studies / investigations, Council resolved to support a clustering of bulky goods premises on the site and to implement this strategic approach via suitable zoning under the DBLEP.

Ballina Local Environmental Plan 1987 (BLEP)

Under the Ballina Local Environmental Plan 1987 (BLEP) the site is currently zoned 4 Industrial (see **Appendix 2**).

Draft Ballina Local Environmental Plan 2011

Under the DBLEP the site is proposed to be zoned IN1 – General Industrial (see **Appendix 3**).

The DBLEP 2011 is currently in draft form awaiting finalisation by the DP&I. The intent of this planning proposal is to introduce the B5 Business Development zone as an amendment to Council's Standard Instrument LEP once the new plan is implemented.

Part 1 - Objectives or Intended Outcomes

The objective and intended outcome of this planning proposal is to rezone the site to facilitate the establishment of a bulky goods retailing precinct.

Part 2 - Explanation of the Proposal

The planning proposal applies to Lot 951 DP 1165266 and the adjoining proposed Lots 2 and 3 (referred to as the site) at the Southern Cross Industrial Estate, Ballina (see Appendix 1). Pursuant to Ballina LEP 1987, the site is currently zoned 4 Industrial. Within the DBLEP 2011, the site is proposed to be zoned IN1 General Industrial.

This planning proposal seeks to introduce the B5 Business Development zone, generally as contained in the Standard Instrument – Principal Local Environmental Plan, into Council's Standard Instrument LEP and have it apply to the site to establish a bulky goods precinct at this location. The proposed extent of the B5 zone at the site is shown at **Appendix 4**.

The planning proposal also seeks to include a number of land uses as permissible with consent, additional to those mandated under the B5 zone, to allow for complimentary uses within the zone. These include:

- Kiosks;
- Restaurants and cafes;
- Take away food and drink premises; and
- Signage (including advertising structures).

These additional complimentary uses will be accommodated through inclusion into the B5 Land Use Table as shown in **Appendix 5**.

In association with the application of the B5 Business Development Zone, the LEP would also be amended to apply a 1ha minimum lot size to the subject land in order to support the retention of relatively large lot sizes for large footprint bulky goods activities.

Part 3 - Justification

Section A - Need for the Planning Proposal

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

Since 2004, Council has undertaken considerable investigations into determining the suitability of the site for bulky goods retailing uses. Council's consideration of strategic planning options for bulky goods premises within the Ballina Shire have included:

- Ballina Shire Retail Showrooms and Bulky Goods Report (Core Economics, 2004);
- West Ballina Arterial Road/Industrial Estate Expansion Precinct Planning Discussion Paper (Ballina Shire Council, 2005);
- Southern Cross Precinct Master Plan (GeoLINK, 2007);
- Ballina Shire Bulky Goods Retailing Investigation (Hill PDA, 2012); and
- Options Report – Proposed Bulky Goods Retailing Precinct, Southern Cross Industrial Estate, Ballina (GeoLINK, 2012).

These investigations have been undertaken within the context of Council's Local Growth Management Strategy and its adopted retail strategy.

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At its Ordinary Meeting of 23 February 2012, Council considered the report prepared by Hill PDA regarding bulky goods retailing in Ballina Shire which identified that:

- Current bulky goods retailing floor space demand (at 2011) is approximately 52,000 m²;
- Projected bulky goods retailing floor space demand (to 2026) is approximately 70,000 m²;
- Current occupied and available bulky goods floor space in Ballina Shire is approximately 36,000 m², suggesting that Ballina Shire is presently undersupplied in terms of floor area for bulky goods retailing uses; and
- Council could encourage a cluster of bulky goods retailing and LFR uses in the Southern Cross industrial precinct through the application of a B5 Business Development zone under its Standard Instrument LEP.

Following consideration of that report, Council resolved (230212/ 21):

'That Council proceed to prepare a planning proposal for the application of a suitable zone over Lot 951 DP 1165266 and the proposed Lots 2 and 3 (as shown in attachment 2) at the Southern Cross Industrial Estate to facilitate a bulky goods retailing precinct.'

The area for the application of the B5 zone is based on the provision of land for bulky goods retailing purposes having regard for projected demand as identified by Hill PDA.

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

The existing settlement patterns within the current retail centres in Ballina, particularly in relation to the Ballina Town Centre and Kerr Street Retailing Precinct, prevent the economic development of large shops, such as bulky goods premises. A proponent would effectively need to purchase and amalgamate a number of existing sites. Even in the strongest of economies, this is a significant constraint to achieving bulky goods in a main street scenario.

The Kerr Street retail precinct currently contains a number of retail outlets of various sizes, located within the 'big-box' shopping centres of Ballina Fair and Ballina Central. Bulky goods outlets would realistically only be possible as a replacement for one of the existing larger tenants. The nature of these centres is such that it is extremely unlikely that a bulky goods outlet could be provided by amalgamation of a number of the smaller specialty shops that exist within the centres.

The site at Southern Cross Industrial Estate is large enough to accommodate the operational requirements of bulky goods premises, including delivery, parking and customer recovery of bulky goods items. It currently contains a Harvey Norman store, a bulky goods outlet, and a number of subsidiary bulky goods outlets, making it a logical location for further location of such uses.

The B5 - Business Development Zone, under the Standard Instrument Template, is considered the most appropriate zoning option for the bulky goods retailing precinct. The mandated zone objective specifically provides for 'bulky goods premises that require a large floor area', and bulky goods premises are specifically identified as permissible with consent.

The zone also has mandated provisions for uses such as child care centres, passengers transport facilities and respite day care centres. Whilst these uses are not of a retail nature, they can be considered to be somewhat complimentary. Further, the uses (other than retail uses) mandated within the B5 zone are less extensive than those mandated under the other business zones, reducing the potential for competition for space by uses other than bulky goods retailing on the site.

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3. Is there a net community benefit?

The following net community benefits will be achieved:

- Meeting community demand for suitable allocation of land for bulky goods retailing operations;
- Increased economic activity resulting from the development of land and associated business operations of the site; and
- Reduced private transport trips due to clustering of bulky goods retailing in one precinct.

Section B - Relationship to the Strategic Planning Framework

4. 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)?

NSW Department of Planning – Far North Coast Regional Strategy

Ballina is identified in the Strategy as an emerging regional centre, with the Ballina Byron Gateway Airport acting as major entry point for tourism destinations throughout the Region. The Strategy states that strong tourism and population-driven employment base (retail and services sectors) within coastal areas, will affect the availability of affordable employment lands.

The Economic Development and Employment Growth component of the Strategy identifies, as a key action of the Strategy:

'The development potential of commercial centres is to be explored by councils and identified in local strategies, local environmental plans and development control plans. Councils will identify opportunities for bulky goods style retailing in appropriate locations in commercial centres and restrict this form of retailing in employment and industrial zones'

The proposed zoning would provide for a specific bulky goods retailing precinct, rather than allowing it as a permissible use within land zoned industrial.

Council's decision to locate bulky goods retailing at the site was based on investigations into opportunities for bulky goods retailing within the LGA. These investigations concluded that, due to existing settlement patterns and current economic climate, locating bulky goods retailing at the site is the best option available.

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

The planning proposal is consistent with Council's current strategic direction for commercial activities within the LGA. The proposed rezoning would allow additional bulky goods retailing outside of the main commercial centres, however the impacts on these centres are minimised as the B5 zoning will primarily encourage a clustering of bulky goods premises. The prohibition of other retail land uses will protect existing retail within the core centres.

Ballina Retail Strategy

A focus of the Strategy is to ensure the Ballina Town Centre and the Kerr Street Retailing Precinct continue to be the major retail centres in Ballina Shire. The Strategy also states that any decisions relating to retail activity in the region would be based on protecting these major retail centres.

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The proposed rezoning would allow additional bulky goods retailing outside of the Ballina Town Centre and Kerr Street Retailing Precinct. Council has considered the impacts of the proposed rezoning and has concluded that the proposed rezoning would not significantly impact on Ballina's major retail centres.

In relation to bulky goods premises the existing settlement patterns within the current retail centres, particularly in relation to the Ballina CBD, prevent the economic development of such large shops. Given this, a proponent would effectively need to purchase and amalgamate a number of existing sites. Even in the strongest of economies, this is a significant constraint to achieving bulky goods in a main street scenario.

The Kerr Street retail precinct currently contains a range of retail types and sizes, located within the 'big-box' shopping centres of Ballina Fair and Ballina Central. Given the size and space requirements, bulky goods outlets would realistically only be possible as a replacement for one of the existing large format retail (LFR) tenants, thereby significantly limiting growth options for this type of use. The nature of these centres is such that it is extremely unlikely that a bulky goods outlet could be provided by amalgamation of a number of the smaller specialty shops that exist within the centres.

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

Yes. A State Environmental Planning Policy checklist for the planning proposal is provided at **Appendix 6**. It shows that the proposal is not inconsistent with any SEPPs.

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

Yes. A number of Section 117 directions are relevant to the development of the planning proposal. A Section 117 checklist for the planning proposal is provided at **Appendix 7**.

Section C - Environmental, Social and Economic Impact

8. 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?

The area of the site available for new development is currently vacant and consists of maintained lawn. As such there are no likely impacts on critical habitat, threatened species or ecological communities or their habitat.

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

There are no other likely environmental impacts as a result of the proposed rezoning.

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

Current zoning of the site is for industrial purposes. Variation of the zoning to B5 – Business Development zone under the DBLEP will only reduce commercial activities on the site in favour of bulky goods premises.

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The planning proposal is considered to provide benefits to the community via increased economic activity and employment derived from a clustering of bulky goods premises. As such, any social and economic effects resulting from the proposed rezoning are considered to be positive.

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

All required public infrastructure is available to the locality and therefore future bulky goods developments can be adequately serviced.

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

Consultation will be undertaken with the relevant public authorities during the exhibition of the planning proposal and associated supporting documentation.

Section D - Community Consultation

Council has recently undertaken consultation with key local stakeholders with an interest in bulky goods retailing during the progression of the Ballina Shire Bulky Goods Retailing Investigation (Hill PDA, 2012). Provided below is a summary of the responses from the consultation:

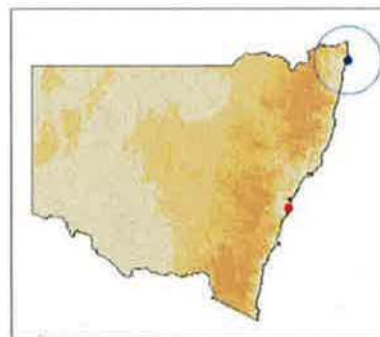
- The Ballina LGA should provide for additional bulky goods retailing to meet future needs;
- Locational requirements of bulky goods retailers comprise good access to markets, safe accessibility and large land plots; and
- Concentrating bulky goods in one or two locations is the best way of serving the trade area population.

Appendices

Appendix 1 – Locality Plan



LEGEND
[Red outline] The site



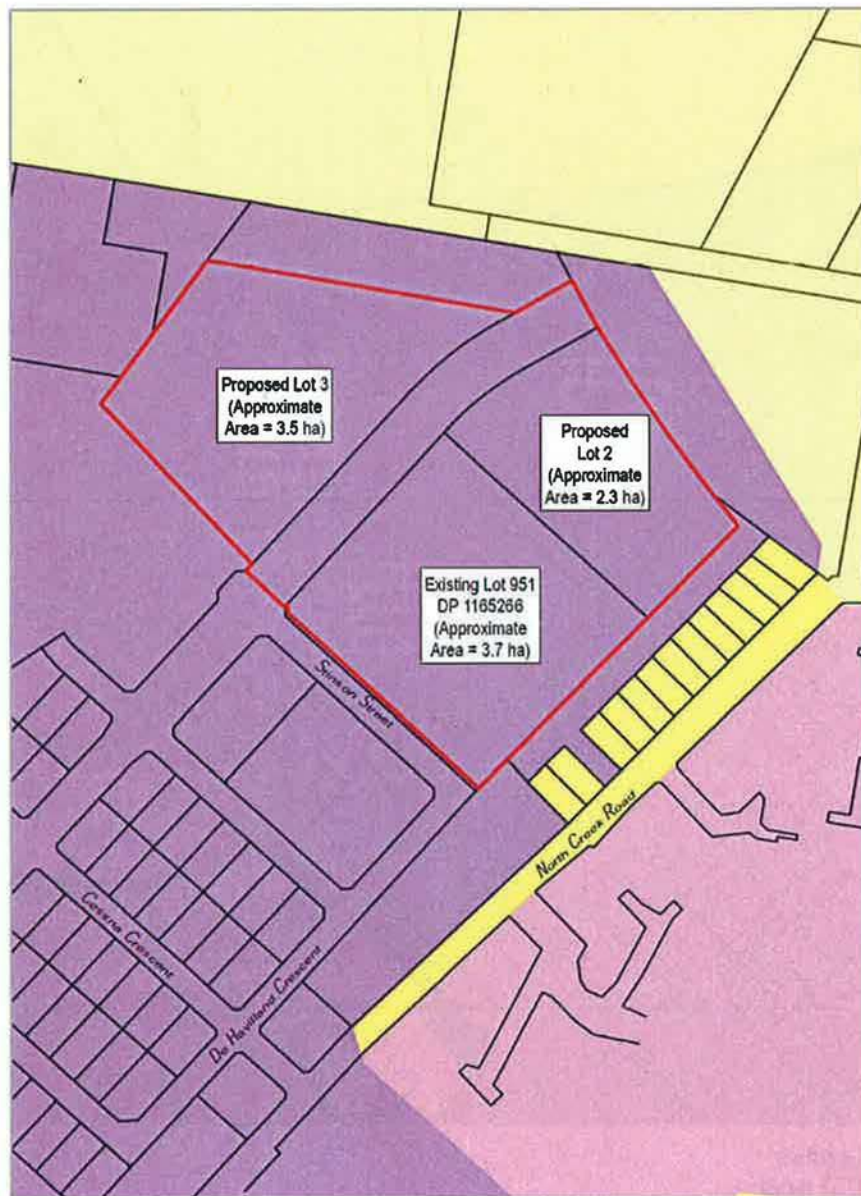
Locality Map (Source: Bureau of Meteorology, 2012)



The Site

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Appendix 2 – Zoning – Ballina Local Environmental Plan 1987



LEGEND

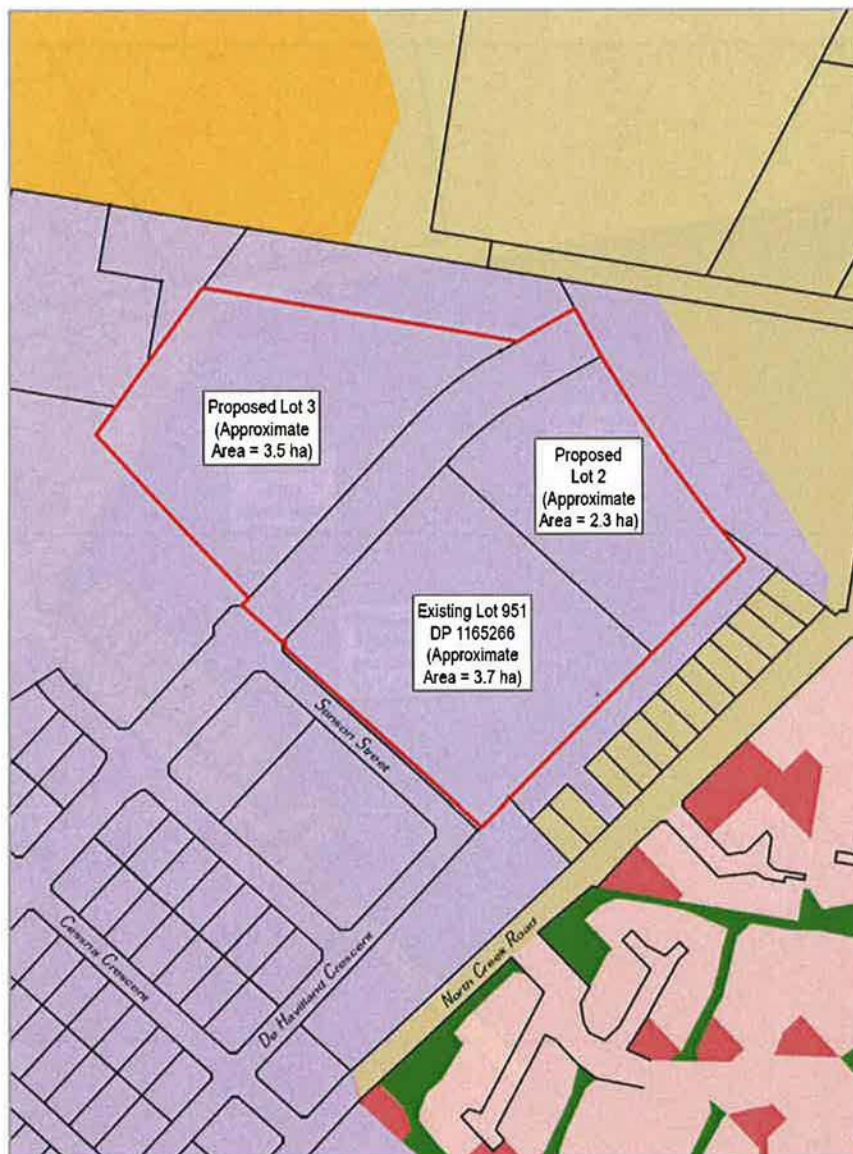
- The site
- 1(b) RURAL - SECONDARY AGRICULTURAL LAND
- 1(d) RURAL - URBAN INVESTIGATION
- 2(a) LIVING AREA
- 4 INDUSTRIAL



Ballina LEP 1987 Zoning

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Appendix 3 – Zoning – Draft Ballina Local Environmental Plan 2011



LEGEND

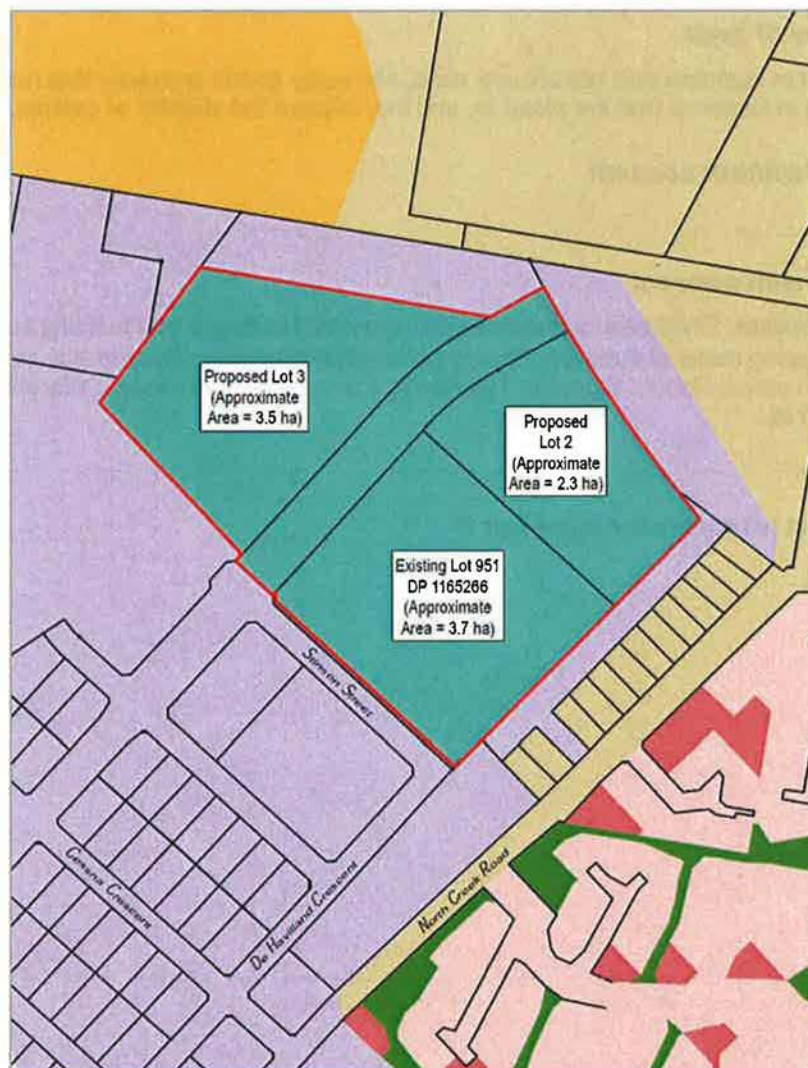
- The site
- E2 Environmental Conservation
- IN1 General Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RU 2 Rural Landscape



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Draft Ballina Local Environment Plan 2011

Appendix 4 – Proposed Extent of B5 Zone



- LEGEND**
- The site
 - B5 Business Development
 - E2 Environmental Conservation
 - IN1 General Industrial
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - RE1 Public Recreation
 - RU 2 Rural Landscape



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Proposed Extent of B5 Zone

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Appendix 5 – Proposed B5 Business Development Land Use Table

Zone B5 Business Development

1. Objectives of zone

To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of centres.

2. Permitted without consent

Nil

3. Permitted with consent

Bulky goods premises; Child care centres; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Passenger transport facilities; Respite day care centres; Restaurants and cafes; Roads; Signage; Take away food and drink premises; Warehouse or distribution centres.

4. Prohibited

Any development not specified in items 2 or 3

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Appendix 6 – State Environmental Planning Policy Checklist

State Environmental Planning Policy Checklist Planning proposal – Southern Cross Industrial Estate Bulky Goods Precinct	
SEPP Title	Compliance of Planning Proposal
SEPP (Affordable Rental Housing) 2009	The planning proposal is not inconsistent with the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal is not inconsistent with the SEPP.
SEPP (Infrastructure) 2007	The planning proposal is not inconsistent with the SEPP.
SEPP (Temporary Structures) 2007	The planning proposal is not inconsistent with the SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal is not inconsistent with the SEPP.
SEPP (Major Development) 2005	The planning proposal is not inconsistent with the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal is not inconsistent with the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal is not inconsistent with the SEPP.
SEPP (Rural Lands) 2008	The planning proposal is not inconsistent with the SEPP.
SEPP (State and Regional Development) 2011	The planning proposal is not inconsistent with the SEPP.
SEPP No. 1 - Development Standards	The planning proposal is not inconsistent with the SEPP.
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	The planning proposal is not inconsistent with the SEPP.
SEPP No. 6 - Number of Storeys in a Building	The planning proposal is not inconsistent with the SEPP.
SEPP No. 14 - Coastal Wetlands	The planning proposal is not inconsistent with the SEPP.
SEPP No. 15 - Rural Land-Sharing Communities	The planning proposal is not inconsistent with the SEPP.
SEPP No. 21 - Caravan Parks	The planning proposal is not inconsistent with the SEPP.
SEPP No. 22 - Shops and Commercial Premises	The planning proposal is not inconsistent with the SEPP.
SEPP No. 26 - Littoral Rainforests	The planning proposal is not inconsistent with the SEPP.
SEPP No. 30 - Intensive Agriculture	The planning proposal is not inconsistent with the SEPP.
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	The planning proposal is not inconsistent with the SEPP.

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SEPP Title	Compliance of Planning Proposal
SEPP No. 33 - Hazardous and Offensive Development	The planning proposal is not inconsistent with the SEPP.
SEPP No. 36 - Manufactured Home Estates	The planning proposal is not inconsistent with the SEPP.
SEPP No. 44 - Koala Habitat Protection	The planning proposal is not inconsistent with the SEPP.
SEPP No. 50 - Canal Estates	The planning proposal is not inconsistent with the SEPP.
SEPP No. 55 - Remediation of Land	The planning proposal is not inconsistent with the SEPP.
SEPP No. 60 - Exempt and Complying Development	The planning proposal is not inconsistent with the SEPP.
SEPP No. 62 - Sustainable Aquaculture	The planning proposal is not inconsistent with the SEPP.
SEPP No. 64 - Advertising and Signage	The planning proposal is not inconsistent with the SEPP.
SEPP No. 65 - Design Quality of Residential Flat Development	The planning proposal is not inconsistent with the SEPP.
SEPP No. 71 - Coastal Protection	The planning proposal is not inconsistent with the SEPP.
North Coast Regional Environmental Plan (NCREP) (deemed SEPP)	The planning proposal is not inconsistent with the SEPP.

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Appendix 7 – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – Southern Cross Industrial Estate Bulky Goods Precinct		
TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
1. Employment and Resources		
1.1 Business and Industrial Zones	An objective of this Direction requires that a planning proposal must not reduce the total potential floor space area for industrial uses in industrial zones. However, a planning proposal may be inconsistent if the inconsistency is in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or is of minor significance.	The planning proposal has the potential to reduce floor space for industrial uses via the B5 rezoning (where industrial uses would be prohibited). This loss of potential is 'offset' by the fact that Council's strategic planning for the locality includes a significant future expansion of the industrial zoning. In the medium to long term, therefore, the minor loss of industrially zoned land at this site will not affect the future ability to meet demand for industrial uses.
1.2 Rural Zones	Does not apply to this planning proposal.	
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to this planning proposal.	
1.4 Oyster Aquaculture	Does not apply to this planning proposal.	
1.5 Rural Land	Does not apply to this planning proposal.	
2. Environment and Heritage		
2.1 Environmental Protection Zones	Does not apply to this planning proposal.	
2.2 Coastal Protection	Does not apply to this planning proposal.	
2.3 Heritage Conservation	Does not apply to this planning proposal.	
2.4 Recreation Vehicle Areas	Does not apply to this planning proposal.	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Does not apply to this planning proposal.	
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to this planning proposal.	
3.3 Home Occupations	Does not apply to this planning proposal.	
3.4 Integrated Land Use and Transport	In summary, this Direction provides that a Draft LEP must be consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). A planning proposal may be inconsistent with the Direction if the land has been identified in the Strategy prepared by Council and approved by the Director General or,	The Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001) encourages planning decisions to consider reduced need for private transport and promote walking/cycling options. Given the nature of bulky goods, the purchase of such items require private vehicle uses and therefore the above policy guidelines, whilst sound in intent, are not considered relevant to the proposal.

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TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
	the rezoning is justified by an Environmental Study or the rezoning is in accordance with the relevant regional strategy, or is of minor significance.	
3.5 Development Near Licensed Aerodromes	Does not apply to this planning proposal.	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.	The issue of acid sulfate soils was investigated during the approvals process for the subdivision of this land. Approval of that subdivision confirms that this is not an issue.
4.2 Mine Subsidence and Unstable Land	Does not apply to this planning proposal.	
4.3 Flood Prone Land	This Direction provides that a draft LEP shall include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.	The issue of flooding was investigated during the approvals process for the subdivision of this land. Approval of that subdivision confirms that this is not an issue.
4.4 Planning for Bushfire Protection	Does not apply to this planning proposal.	
5. Regional Planning		
5.1 Implementation of Regional Strategies	The Direction requires the planning proposal to be consistent with the Far North Coast Regional Strategy	The planning proposal is considered to be consistent with this Strategy. The Economic Development and Employment Growth component of the Strategy identifies as a key action of the Strategy: 'The development potential of commercial centres is to be explored by councils and identified in local strategies, local environmental plans and development control plans. Councils will identify opportunities for bulky goods style retailing in appropriate locations in commercial centres and restrict this form of retailing in employment and industrial zones' The proposed rezoning would allow bulky goods retailing within land currently zoned industrial with the intention of encouraging bulky goods retailing on this particular site, therefore restricting the emergence of this particular use in other zonings, other than existing commercial core centres.

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TABLE 1 – SECTION 117 DIRECTIONS

DIRECTION NO.	REQUIREMENTS	COMMENTS
5.2 Sydney Drinking Water Catchments	Does not apply to this planning proposal.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply to this planning proposal.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to this planning proposal.	
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Does not apply to this planning proposal.	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Does not apply to this planning proposal.	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Does not apply to this planning proposal.	
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to this planning proposal.	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Does not apply to this planning proposal.	
6.2 Reserving Land for Public Purposes	Does not apply to this planning proposal.	
6.3 Site Specific Provisions	Does not apply to this planning proposal.	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Does not apply to this planning proposal.	