



Planning Proposal- March 2014

Teven Road, West Ballina Transport & Logistics Precinct

Lots 2 and 3 DP749680, Lot 5 DP 1031875, Lot 5
DP1031875, Lots 227, 228 and 229 DP 1121079

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INTRODUCTION

Summary of Planning Proposal

This planning proposal applies to Lots 2 and 3 DP 749680, Lot 5 DP 1031875, Lots 227, 228 and 229 DP 1121079 and Lot 12 DP 1011575, being land located at Teven Road, West Ballina (referred to as the site). The site has an approximate area of 17 hectares.

The site is shown on the locality map provided at Appendix 1.

The purpose of this planning proposal is to enable *freight transport facility*, and *warehouse or distribution centre* to be permitted with development consent on the site. This will facilitate the establishment of a transport and logistics precinct at West Ballina near the junction of the Bruxner and Pacific Highways.

Planning Context

Proponent's Submission

Council received a proposal which seeks to permit with development consent additional transport oriented land uses within the RU2 Rural Landscape zone applicable to the site. The proposal has been submitted on behalf of the sites land owners.

The proponent has advised that the site has the following unique features which would support additional transport related land uses being permitted with consent:

- The site already contains a number of land uses associated with rural industry, timber processing, mechanical repairs, wholesale distribution, agriculture and storage premises.
- The site has access from Teven Road via a controlled intersection with the Pacific Highway.
- The recently completed Pacific Highway upgrade and alignment of Teven Road creates a clearly identified precinct which is already utilised by a number of commercial / industrial land uses.
- The site is located at the junction of the Pacific Highway and Bruxner Highway, thereby providing opportunities for goods distribution in both a north- south and east –west alignment.
- The land area and configuration is suitable for transport orientated businesses in respect to storage and holding bays.
- There are no sensitive land uses in close proximity and therefore opportunities for extended operating hours exist.
- Parts of the site have already obtained development consent for filling.

The proponent's submission is provided at Appendix 2.

Council Resolutions – Planning Proposal

Council considered the proponents submission at its meeting on 24 October 2013 and resolved to defer its decision pending independent advice being obtained in relation to the current and projected need for, and preferred location of, freight and logistics land uses in Ballina Shire.

The report considered by Council at its meeting on 24 October 2013 is provided at Appendix 6.

The independent advice was contained within a Site Selection Investigation (SSI) which reviewed the suitability of existing appropriately zoned sites within Ballina Shire, as well as the subject site, for transport related land uses. The SSI concluded that the site had a *Fair Suitability* for *freight transport facilities, warehouse or distribution centre* land uses subject to resolution of flooding constraints and further examination of traffic impacts. Had the site been appropriately zoned it would have received a *Good Suitability* ranking using the SSI's Site Evaluation Tool.

The SSI is provided at Appendix 5.

The Council considered the SSI at its Ordinary Meeting held on 27 February 2014 and resolved as follows [Minute No. 270214/10]:

1. *That Council endorses the preparation of a planning proposal which proposes the insertion of freight transport facilities, warehouse or distribution centre land uses as additional permitted uses within Schedule 1 of Ballina LEP 2012, in relation to Lots 2 and 3 DP 749680, Lot 5 and 12 DP 1031875, Lots 227, 228 and 229 DP 1121079 and Lot 12 DP 1011575, Teven Road, West Ballina.*
2. *That the proponent be requested to supply flood modelling information which details the impact of filling the subject lots to the 1:100 year flood level of RL 2.7 AHD, and a detailed traffic study which examines the issues specified by the RMS. Further, that additional technical studies be requested of the proponent in the event that Council staff form a view that additional environmental constraints may materially restrict the use of the land for the nominated purposes. This information is to be provided to advance the preparation of the planning proposal.*
3. *That the Council give further consideration to the planning proposal upon the submission of information referred to in point two above.*

The report considered by Council at its meeting on 27 February 2014 is provided at Appendix 7.

Site History

The table below provides details of current land uses and development consents granted in respect to the lots that comprise the site.

Lot Description	Date of Consent	Use / Consent Details
2, DP 749680	10/6/2003	Truck storage depot Consent 2003/1063 - Filling to minimum 2.3 metre AHD over 5200m ² and access driveway.
3, DP 749680	15/5/2006 12/12/2006 19/8/2010	Dwelling and shed Consent 2006/601 - Single storey dwelling and shed. Consent 2002/414 - Filling of approx.2500m ² to minimum 2.3 metres AHD. Consent 2010/713 -Filling to max. height of 2.7 metres AHD within nominated areas of the site.
Lot 5 DP 1031875		Timber yard
Lot 227, DP		Bulk landscape products

Lot Description	Date of Consent	Use / Consent Details
1011575	22/8/1997 12/10/1998 13/6/2007 15/4/2009 14/8/2009	Consent 1998/7015 (on Lot 3 DP 733286) - Run-off water containment of bulk storage areas. Consent 1999/207 - Internal offices and storage room Consent 2007/520 4 lot rural subdivision. Consent 2009/292 Filling of 3040m ² (of total site area of 2.792ha). Consent 2010/10 – Extension of workshop and machinery shop.
Lot 228, DP 1011575	8/4/2010 23/8/2010	Vacant land Consent 2010/528 – Site filling to RL 1.0m AHD. Consent 2010/782 – Filling to RL 2.7 AHD of nominated site area.
Lot 229, DP1011575	14/7/2010 25/5/2011	Vacant land Consent 2010/612 – Site filling to maximum height of 1.0m AHD. Consent 2011/173 – Filling to 2.7m AHD over a triangular area 70m x 90m in south-east corner of site.
Lot 12, DP 1011575	9/3/2004 24/6/2009	Nursery Consent 2004/804 - Storage Shed Consent 2009/703 – Storage Shed

The site contains a number of non traditional rural land uses. The nature of current land uses, and the filling already undertaken on some lots, distinguishes the site from surrounding rural – agricultural land uses and provides it with a semi industrial / commercial character.

Consistency with Strategic Planning Policy

The proposal to permit additional land uses with development consent is generally consistent with both Council and State Government urban planning policy. The following provides an overview of the proposed amendment with respect to key planning policy documents.

NSW, Department of Planning – Far North Coast Regional Strategy

Ballina is identified in the Strategy as a *Developing Major Regional Centre*, with the Ballina Airport acting as a 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 specifies as an outcome that:

Councils should plan for future industrial needs within existing urban areas and take into account economic markets, South East Queensland pressures for employment lands, lifestyle opportunities, and transport improvements within and from the Region. Certain industries will need to be located away from existing urban centres due to their type, scale and nature. Councils will address this need through their Local Growth Management Strategies.

The site is located adjacent to an existing urban centre and in locational terms is a suitable location given the nature of transport and logistic land uses and their incompatibility with local road networks.

The SSI has found a shortage of suitable sites for transport logistic land uses within Ballina Shire. To that extent the planning proposal is consistent with the specified economic

development and employment growth outcomes contained within the *Far North Coast Regional Strategy*.

The Ballina Shire Growth Management Strategy

The Ballina Shire Growth Management Strategy (BSGMS) provides the framework for managing the growth of Ballina Shire over the planning period 2012-2031. The BSGMS recognised that the Ballina bypass of the Pacific Highway will result in transition management issues for the West Ballina locality.

The planning proposal is considered to be consistent with the strategic action objective for West Ballina which relates to the reinforcement of this area as the 'edge' of and 'gateway' to Ballina.

The proposed transport logistics precinct is on land already used for a variety of industrial and commercial type uses, and is also in close proximity to the proposed highway service centre. Therefore the planning proposal is considered to be consistent with the BSGMS.

The Ballina LEP 2012

The subject land is currently zoned RU2 Rural landscape zone under the provisions of the Ballina LEP 2012. The zone objectives are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To enable small-scale tourist-orientated development that is compatible with the rural nature of the land.*
- *To encourage development that involves restoration or enhancement (or both) of the natural environment if consistent with the production and landscape character of the land.*
- *To enable development that does not adversely impact on the natural environment, including habitat and waterways.*
- *To ensure that there is not unreasonable or uneconomic demands (or both) for the provision of public infrastructure.*

Key Site Issues

Key planning issues identified in relation to the proposal to date include the following:

Key Issue	Summary
Flooding impacts	The impact of filling the site to the 1:100 year flood level in terms of water displacement and flood behaviour issues requires further investigation through flood modelling.
Bushfire impacts	Part of the site is Bushfire Prone Land (Category B – Buffer) classification. A bushfire threat assessment report and consultation with the Rural Fire Service will be required.
Ecological impacts	The impact of extensive site filling and flood water displacement will be required to be considered from an ecological impact perspective.
Contamination assessment	The degree to which the site has been contaminated by current or past land uses will require further assessment.

Key Issue	Summary
Aboriginal cultural issues	The proponent will be required to undertake a due diligence assessment and AHIMS search to determine whether there are relevant Aboriginal cultural issues that warrant further investigation.
Geotechnical issues	Soft and acid sulfate soils, as well as a high water table have been found within close proximity to the site. Such issues have the potential to impact on development and therefore require further examination and assessment.
Traffic impacts	The impact of the proposed land uses on the performance levels of the local road network as well the Teven Road interchange and intersection of the Teven Road and Bruxner Highway will be required to be examined in a detailed traffic study.

The proponent will be required to address the above issues together with any other matters identified following Gateway determination and prior to the planning proposal being subject to community consultation.

PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objective and intended outcome of this planning proposal is to permit with development consent *freight transport facility and warehouse or distribution centre* as additional permitted uses on the site. Permitting these additional uses on the site will facilitate the establishment of a transport and logistics precinct at West Ballina.

The proposed additional uses will be permitted using the mechanism of clause 2.5 *Additional permitted uses for particular land* and Schedule 1 of Ballina LEP 2012.

PART 2 – EXPLANATION OF THE PROPOSAL

The planning proposal seeks to create a transport and logistics precinct at the periphery of the existing Ballina urban area. The land area of the site is such that it has the potential to meet future demand for such uses.

The site is located near the junction of the Pacific and Bruxner Highways adjacent to the western most end of the Ballina urban area. Sites at this location are ideally suited to accommodate *freight transport facilities and warehouse or distribution centre* uses having regard to their proximity to the junction of two major highways. The separation provided by the realigned Pacific Highway also provides a buffer between uses compatible with urban development located to the east of the highway, and those uses which support urban development but are incompatible due to factors such as traffic impacts located to the west of the highway.

The Bruxner Highway provides an east – west link between the coast and north - western NSW whereas the Pacific Highway is the major north – south road freight transport route. The scheduled completion of the Pacific Highway upgrade work between Tintenbar and Ewingsdale in 2015 will bring the Brisbane market place to within approximately 2 hours drive time from Ballina.

Existing sites within Ballina Shire, which are appropriately zoned to accommodate *freight transport facilities*, and *warehouse or distribution centre* land uses, have been examined in the SSI. Such sites were generally found to be unsuitable or of low level suitability due to factors such as distance to a highway access point, potential traffic conflicts concerns and land availability issues.

The Draft NSW Freight and Port Strategy estimates that the amount of freight shipped throughout NSW is expected to double in volume by 2031.

Given the anticipated increase in freight, and the reduction in travel time between Ballina and the South – East Queensland market place and port facilities, it is anticipated that there will be a demand for sites suitable for use by the road transport logistics industry within Ballina Shire.

The subject site is located in a suitable location, has a land area which can accommodate future demand, is currently used for predominately non agricultural purposes and is unlikely to give rise to adverse traffic impacts on the local road network.

PART 3 - JUSTIFICATION

Section A - Need for the Planning Proposal

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

The Ballina Council's Site Suitability Investigation (SSI) examined site suitability and anticipated demand for land suitable for use by road transport logistic industries. The subject site was identified as one that would have a *good* level of suitability subject to being appropriately zoned.

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

The planning proposal is the best means of achieving the intended objectives. The subject site whilst being appropriately located is subject to a number of natural hazards and constraints. The land is affected by the 1:100 ARI flood (2.3m AHD), is mapped as containing Class 2 acid sulfate soils and is partly affected by a Bushfire Prone Land (Category B – Buffer) classification. Land in close proximity to the site has also been found to be affected by geotechnical constraints related to soft soils and a high water table.

The planning proposal process will enable the above constraints to be further investigated to determine the degree to which they will impact on land suitability.

The proposed additional uses will be permitted using the mechanism of clause 2.5 *Additional permitted uses for particular land* and Schedule 1 of Ballina LEP 2012. Utilising this mechanism, as opposed to incorporating the proposed additional land uses generally within the RU2 zone, has the advantage of limiting the permissibility of the proposed uses to a defined geographical area with superior State road accessibility. In addition it limits the proposed uses to a site which already contains a number of non rural land uses as previously indicated.

Section B - Relationship to the Strategic Planning Framework

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

The proposal is consistent with the specified economic development and employment growth outcomes contained within the *Far North Coast Regional Strategy*.

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

Although the land the subject of the planning proposal is not identified as a potential urban growth area, proposed additional uses are consistent with the prosperous economy objectives of the Community Strategic Plan (CSP). The CSP recognises that new businesses will seek to locate in Ballina Shire due to available land supply and due to the connectivity with South East Queensland. The fostering of new businesses and the creation of employment opportunities are encouraged.

The planning proposal is consistent with Objective PE 2.1 of the CSP which states:

“Develop plans that encourage business growth and diversification”.

It is also considered that the proposed additional permitted land uses are compatible with key objectives of the RU2 zone. The site is currently not used for agricultural purposes and contains several non agricultural land uses which are more industrial or commercial in nature. The additional permitted uses proposed are not considered to impact adversely on the natural environment having regard to the developed nature of the site. The rural landscape character of surrounding land is considered to be unaffected by the proposed land uses. There is also little likelihood of land use conflicts arising given the vacant nature of land which adjoins the site and the associated ownership patterns.

It is noted that the RU2 zone permits with development consent a variety of intensive non agricultural or rural based land uses which may have significant traffic impacts. These land uses include *Correction centre, Function centre, Crematoria, Depots, Liquid fuel depot, Passenger transport facilities and Recreation facilities (Major)*.

In the context of the range of land uses currently permitted within the RU2 zone the additional land uses proposed for the site are considered to be compatible with the strategic intent of this zone. That intent is to provide a zone in close proximity to existing urban areas which has the capacity to contain land uses required for the urban centres expansion.

The proposal is also considered to be somewhat unique in that major transport logistic uses appear best suited to out of centre locations (see SSI at Appendix 5).

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

Yes, the proposal is generally consistent with applicable State Environmental Planning Policies (SEPP). The relevant SEPP's are as follows:

SEPP Title	Compliance of Planning Proposal
SEPP (Rural Lands) 2008	The subject land is currently zoned RU2 Rural landscape. The Rural Planning Principles contained within this SEPP are addressed below: <i>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;</i> Comment: The planning proposal is consistent with this objective. The site is not used for agricultural activities. The proposed additional land uses will facilitate sustainable economic activity. <i>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;</i> Comment: The planning proposal is not considered to be inconsistent with this principle. <i>(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;</i> Comment: The planning proposal is not considered to be inconsistent with this principle. The subject site is not designated as State or regional significant farmland within the Far North Coast Regional Strategy. The <i>Northern Rovers Farmland Protection Project – Final Recommendations, February 2005</i> report designates the site as <i>other rural land</i>. <i>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community;</i> Comment: The planning proposal is not considered to be inconsistent with this principle. <i>Freight transport facilities warehouse or distribution centre</i> land uses are also required to support rural uses. <i>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;</i> Comment: The site is considered to have low biodiversity value due to past development and partial land filling. The planning proposal is not considered to be inconsistent with this principle. <i>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities;</i> Comment: The site is currently used for predominantly non rural housing purposes. To that extent therefore the planning proposal is not considered to be inconsistent with this principle. <i>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing;</i> Comment: This principle is not relevant to the planning proposal. <i>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i> Comment: The planning proposal is not considered to be inconsistent with the Far North Coast Regional Strategy. The land will retain its rural zoning. The proposed additional land uses will support Ballina's designation as a Developing

SEPP Title	Compliance of Planning Proposal
	Major Regional Centre. The SSI has found that sites within the existing urban footprint of Ballina Shire are generally unsuitable for transport logistic and warehouse type uses.
SEPP No. 55 - Remediation of Land	The planning proposal is considered to be consistent with this SEPP. A zoning change is not proposed. Council has no specific information available regarding the contamination status of the land. It is noted however that some of the existing land uses on the site may have resulted in land contamination however this issue has not been assessed at this stage. It will be examined further as part of more detailed site assessment undertaken for the planning proposal. This further assessment will have regard to the situation that no zoning change is proposed and the additional proposed land uses are non sensitive in nature.
SEPP No. 71 - Coastal Protection	The subject site is located within the coastal zone but is not a sensitive coastal location. The matters for consideration listed in clause 8 of the SEPP have been considered. Of relevance is the requirement to give consideration to the <i>means to encourage compact towns and cities</i>. In this respect the emergence of Ballina as a Developing Major Regional Centre will require provision to be made for a variety of additional new land uses such as <i>freight transport facilities</i>, and <i>warehouse or distribution centres</i>. Such land uses are most appropriately located at the fringes of urban centres and close to highway access points due to traffic impacts associated with frequent large vehicle movements. The site already contains several non agricultural land uses and is in close proximity to the highway service centre site (Additional permitted land use C Ballina LEP 2012). The consolidation of facilities such as the highway service centre and freight transport facilities and warehousing within the one general location meets the objective of encouraging compact towns and cities.

6. 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 3.

Section C - Environmental, Social and Economic Impact

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

The area of the site available for development is currently developed or is vacant partly filled land devoid of significant vegetation. Potential ecological impacts will be considered in further detail as part of more detailed technical assessment of the site.

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

Other potential environmental effects of the proposal are as follows:

- Filling within the flood plain and displacement of flood storage capacity;
- Acid sulfate soil and geotechnical impacts
- Bushfire hazard

These and other potential impacts such as traffic have not been addressed in the information prepared by the proponent that accompanied the LEP amendment request. These issues will require additional information to be prepared and submitted by the proponent following a positive Gateway determination, prior to agency consultation requirements and public exhibition.

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

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

Section D - State and Commonwealth interests.

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

Water, electricity and telephone services are currently available to service the site. Sewerage is not available.

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

Consultation has not yet been undertaken with all relevant public authorities. Preliminary consultation has been undertaken with Roads and Maritime Services. The response received is contained within Appendix 4. It is anticipated that a positive Gateway determination will require the traffic impact concerns expressed by the RMS to be further investigated and additional consultation with the RMS to be undertaken.

PART 4 - MAPPING

The following maps (Appendix 1) have been prepared to support the planning proposal:

- Map 1 – illustrates the location of the subject land – Site Identification Map;
- Map 2 – is the Additional Permitted Use Map under the terms of the Ballina LEP 2012 (APU Map).

PART 5 – COMMUNITY CONSULTATION

Community consultation has not yet been undertaken. Council has undertaken consultation with the Australian Logistics Council (ALC) and Roads and Maritime Services (RMS) during the process of preparing the SSI. Copies of correspondence received are contained within the SSI at Appendix 5.

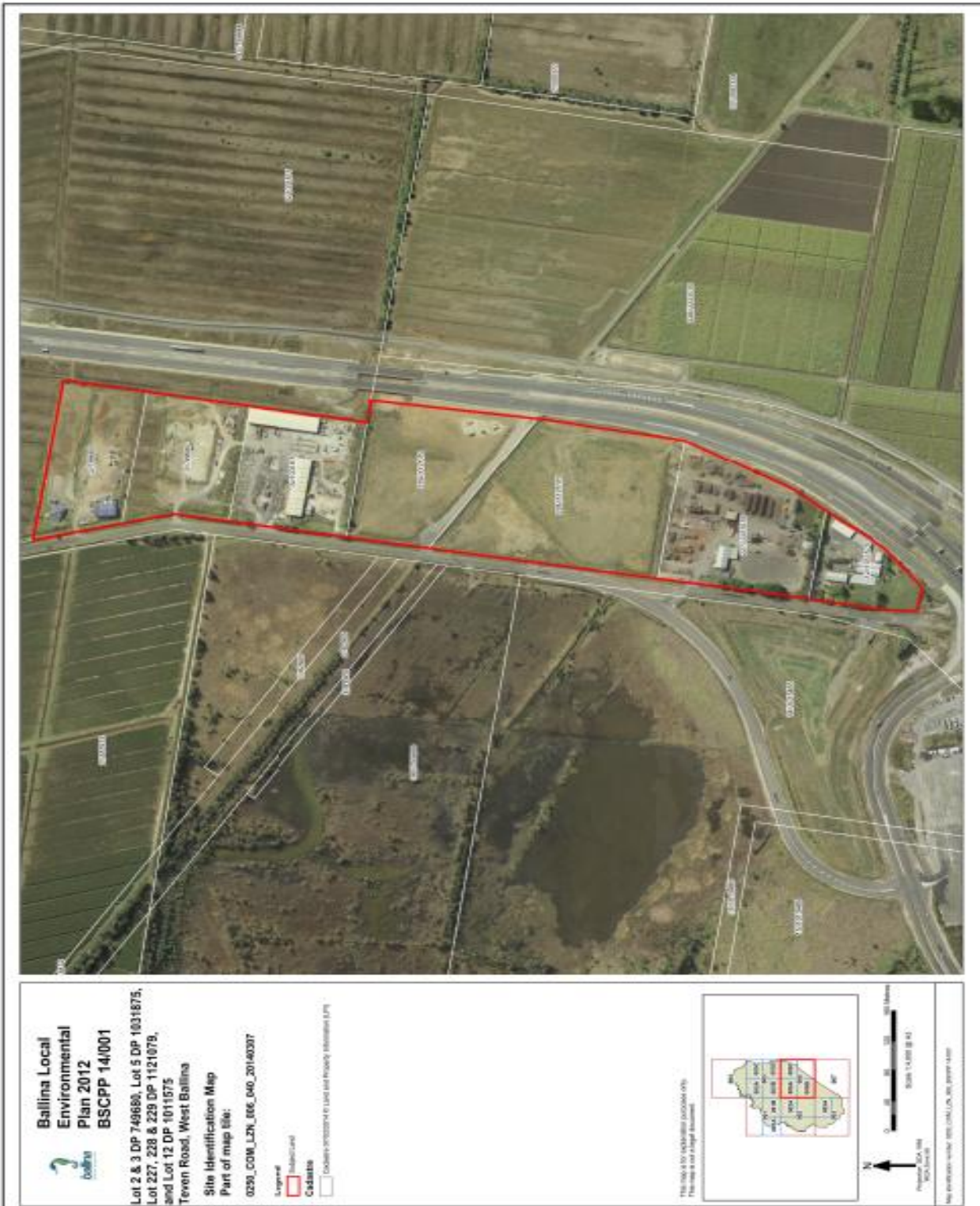
PART 6 – PROJECT TIMELINE

Plan Making Step	Estimated Completion (Before)
Gateway Determination	April 2014
Completion of Technical Assessment	June 2014
Government Agency Consultation	July 2014
Public Exhibition Period	July 2014
Public Hearing	Not Required
Submissions Assessment	August 2014
RPA Assessment of Planning Proposal and Exhibition Outcomes	September 2014
Submission of Endorsed LEP to P&I for Finalisation	October 2014
RPA Decision to Make the LEP Amendment (if delegated)	October 2014
Forwarding of LEP Amendment to P&I for Notification (if delegated)	November 2014

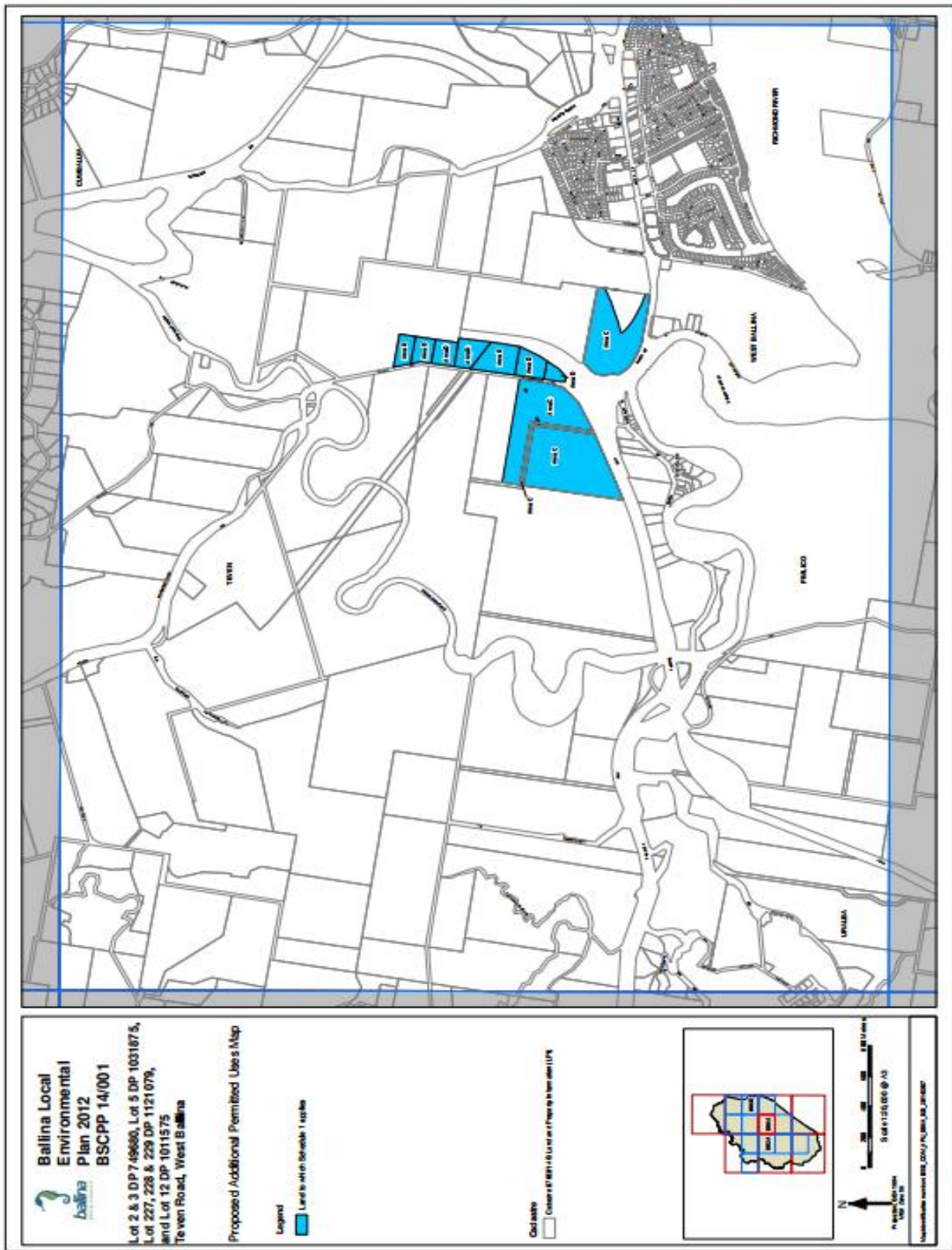
Appendices

Appendix 1 – Maps

Site Identification Map



Ballina Local Environmental Plan 2012 Proposed Additional Permitted Use Map



Appendix 2 – Proponents' Submissions



Date: 12 August 2013
Our Ref: 13/151

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Mathew Wood



Dear Sir,

Re: Teven Road Transport Precinct

Newton Denny Chapelle has been engaged by landowners on Teven Road, Ballina to consult with Ballina Shire Council in relation to their intention to lodge a Planning Proposal to permit additional permitted land uses orientated towards the transport and logistics industry upon the land.

Our clients are seeking to draw on the unique characteristics of the study area to promote the opportunity for the growth of the transport industry in this area. Our clients are committed to the submission of a Planning Proposal to Council, which would not seek to change the underlying zoning of the land, however draw on the characteristics of the study area to amend Schedule 1 of the Ballina LEP to permit additional transport orientated land uses.

The study area in question is located north of the Teven Road/Pacific Highway intersection. The Pacific Highway extends in a northerly fashion and thus wraps to the east of the area. Accordingly, the study area is bordered by Teven Road to the west and the Pacific Highway to the east. A plan detailing the study area is attached for Council's information.

The study area comprises a variety of land uses associated with rural industry, timber processing mechanical repairs, wholesale distribution, agriculture (low intensity) and storage premises (yard area).

With the development of the Pacific Highway upgrade and associated Ballina by-pass, we believe the study area presents the following unique features:

- Direct highway access from Teven Road which is developed with a controlled intersection with the Pacific Highway;
- The highway upgrade and alignment of Teven Road creates a clearly identifiable precinct which is already utilised for a number of commercial/industrial land uses;
- The site is located at the junction of the Pacific Highway and Bruxner Highway, thereby providing opportunities for distribution of goods in both a north-south and east-west alignment;
- The study area contains land being of a suitable area and configuration suitable for transport orientated businesses in respect to storage and holding bays;

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Office: Suite 1, 31 Carrington Street, Lismore, Postal Address: PO Box 1138 Lismore NSW 2480
Phone (02) 6622 1011 Fax (02) 6622 4066 Email office@newtondennychapelle.com.au
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- The study area is not located in an area in close proximity to sensitive receivers and as such presents the opportunity for extended operating hours which is a critical element for transport logistic businesses;
- The existence of Highway exposure provides the opportunity of implementing design standards and associated visual treatment on the approaches to Ballina; and
- Portions of the study area have obtained development consent for the filling of the land.

Under the Ballina Local Environmental Plan the study area is mapped as being zoned RU2 – Rural Landscape. Pursuant to Clause 2.3 of the Ballina LEP, *Depots, Liquid Fuel Depots and Passenger Transport Facilities* are currently identified as being permissible land uses subject to the receipt of development consent. In light of the ability to entertain the aforementioned transport orientated land uses, our Clients seek to introduce the following additional permitted land uses for the study area.

- **freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.
- **warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

The two land uses provide a logical extension of the transport orientated businesses currently permissible within the study area.

At this stage, our clients have not prepared a Master Plan for development of the site. Such plans will be developed as part of the Planning Proposal documentation, following receipt of "conceptual" support for the idea from the both Council Staff and the elected body. We are aware that any planning proposal over the site will need to be supported by a range of technical reports, including (as a minimum) flooding and geotechnical assessments.

We recognise previous submissions made to the Ballina LEP 2012 during the exhibition period identified Council's preference to limit the western expansion of urban development for Ballina. We believe the development of the highway upgrade and by-pass has changed the way in which the Teven Road study area should be managed. Whilst the Highway has provided a form of delineation between urban and rural land, the road network has in fact opened opportunities for the study area to recognise the existing commercial/industrial uses through direct access to the Pacific Highway from Teven Road in a significantly improved fashion. As such we submit Teven Road now forms the logical western barrier to further expansion of urban development.

Given the above, we respectfully request that this matter be reported to the elected Council for consideration prior to the formal Planning Proposal being prepared. We would like to emphasise that our clients are not seeking to rezone the land. Rather, they are committed to seeking a modest expansion to the range of land uses permitted on the site to enable the unique locational features to be optimised.

Yours sincerely,

NEWTON DENNY CHAPELLE

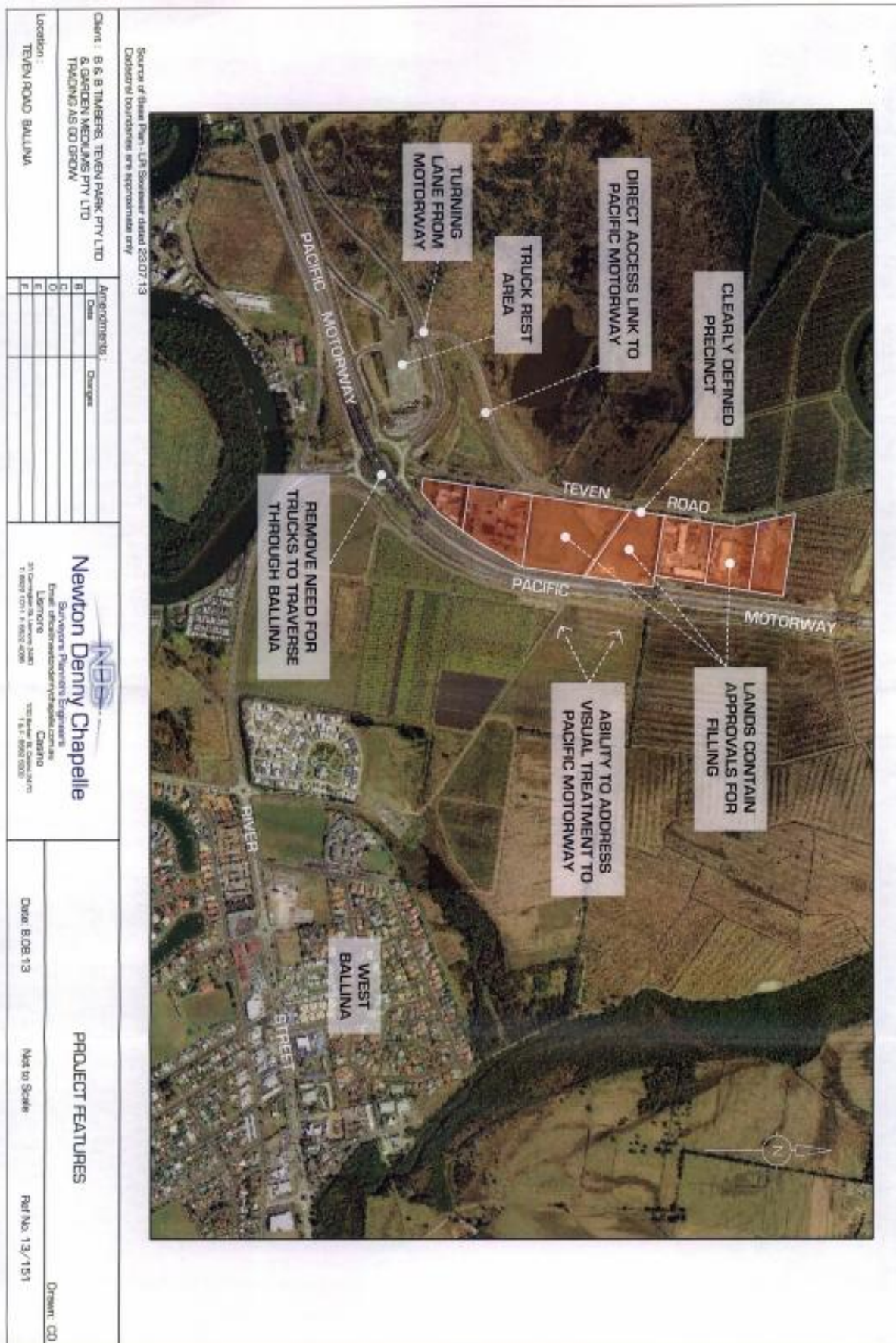


DAMIAN CHAPELLE

Town Planner. BTP CPP.



Source of Base Plan - LPI Surveyor dated 23/07/13 Detailed boundaries are approximate only	
Client: B & B TIMBERS, TEVEN PARK PTY LTD 6, DARREN MEDLANDS PTY LTD TRACING AS GO GROW	
Location: TEVEN ROAD BALLINA	
Amendments:	Changes
B	
C	
D	
E	
F	
Newton Denny Chapelle Suncoast Planning Engineers Enslin offices: www.newtondenny.com.au Lismore 100 Lawrence St, Lismore NSW 2480 1800 123 1234 • 02 9555 4222 1800 123 1234 • 02 9555 4222	
STUDY AREA Date: 23/07/13 Not to Scale Ref No: 13/151 Drawn: CD	

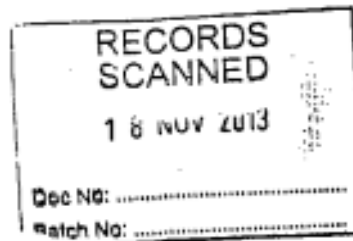


Newton Denny Chapelle
 SURVEYORS PLANNERS ENGINEERS

Date: 14 November 2013
Our Ref: 13/151

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Klaus Kerzinger



Dear Sir,

Re: LEP Amendment Request – Teven Road Transport Precinct.

Thank you for your letter dated 5 November 2013 in regard to the LEP Amendment to facilitate additional permitted land uses orientated towards the transport and logistics industry at Teven Road, Ballina.

As outlined in our discussion last week, we have received information from the proponents and parties interested in establishing a transport freight business on Teven Road. Our Clients have agreed to pass onto to Council the primary elements of the information and in doing so trust the following information will assist Council in the preparation of the assessment so a report can be prepared back to the elected Council.

Project Components	Commentary
Potential Users	This is a specific area where all the activities relating to transport, logistics and goods distribution are carried out on a commercial basis. The facility would include ability for larger transport vehicles to access the site and offload goods under cover, for the goods to be consigned into a warehouse and then distributed on smaller vehicles.
Location	- The facility to be successful should be ideally located enough distance from major transport hubs to warrant the breakdown of the load for distribution by smaller vehicles. The proposed area is approximately 2.5 hours drive from Brisbane and 2.5 hours drive from Coffs Harbour – it is not economical to send smaller trucks that distance. A distribution centre located within the proposed precinct gives the best economical outcome for freight traffic to the Ballina, Lismore, Byron Bay and surrounding areas. - The distribution hub should be central to the distribution area. The proposed site has ideal access from the Pacific Motorway and Bruxner highway and is very central to the distribution area. - There needs to be easy access from major roads that does not impact on local traffic. The proposed area has access designed by the RTA/BBA to accommodate truck access. - Of significant importance is the interstate transport need a location that minimises deviation from the major highways.

JOHN NEWTON B.Sc. M.S. Aust. TONY DENNY B. Sc. (Hons) M.S. Aust. DAMIAN CHAPPELLE BTH GRP
Office: Suite 1, 31 Carrington Street, Lismore. Postal Address: PO Box 1138 Lismore NSW 2480
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Ease of access for large transport vehicles	The road network and associated design of Teven Road provides capacity for semi-trailer vehicles to have easy access to a facility located within the precinct. The access from the Pacific Highway is a controlled turning movement and as such sufficient exit and access arrangements exist for vehicles entering both Teven Road and the Pacific Highway.
Economic Benefits	• Optimisation of larger truck transport utilisation; • Optimisation of warehouse utilisation; • Keeps transport and distribution costs to a minimum; • Business will generate other business; • Once one transport operator starts business other non-competitive, synergistic businesses will follow e.g. heavy vehicle maintenance facility is a synergistic business and there is already one located in the precinct.
Transport Industry Comments relating to a specific site of interest for transport within the nominated precinct	• Adequate filled land exists to locate a desired shed construction for freight deliveries. A shed size required for the development would be approximately 30m x 18m with a 12m awning running along the 30m side. With 4 roller doors at 5m high. • It is located in close proximity to both the Pacific Highway and the Bruxner highway making it very suitable for larger transport trucks (interstate transports) to access the site in all directions. • The site is central to the Northern Rivers distribution area being mid-way between Grafton and Tweed Heads, giving good access to local distribution areas. • It has good visibility from the Pacific Highway. • RMS & Ballina By Pass Alliance have already built a heavy vehicle access to service Go Grow and B & B Timbers which is one reason the Teven Road access was moved 200 metres from the interchange roundabout. • Flood Modelling by BMT WBM through Ballina Shire Council has already been completed and the subject land has already been filled to the one in two hundred year level as indicated by Council.
Review of Alternative Site Comments	Bungalow • No suitable land available and not as central to the distribution area. Lismore • Whilst existing transport facilities are located within Lismore, the access time to the Pacific Highway and the standard of road transport vehicles presents difficulties to deviate from the highway. Smith's Drive Ballina • No suitable land and development costs too high as well as transport access too limited without major road works and changes to the interchange. Southern Cross Industrial Estate Ballina • Access to the area south bound from the Pacific Highway is acceptable, however to continue south bound large vehicles would be forced to travel through Ballina and mix with local traffic. This causes recognised time delays are not suitable for interstate transport. The reverse situation applies north bound – for travel to the site transport is forced to travel through Ballina however the access to the Pacific Highway north bound is ok. This area has been discounted as being too far from the major highways and not suitable for large truck movements.

We trust the information included within this letter is of assistance to Council. However, should you have any questions regarding the contents of this letter please do not hesitate contacting the undersigned.

Yours sincerely,

NEWTON DENNY CHAPELLE

A handwritten signature in black ink that reads "Damian Chapelle". The signature is written in a cursive, flowing style.

DAMIAN CHAPELLE
Town Planner, BTP CPP.



LOCATION



Appendix 3 – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – Teven Road, West Ballina	
DIRECTION NO.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to this planning proposal. The planning proposal is however consistent with the objective of this direction in so far as the proposed additional uses may encourage employment growth in suitable locations.
1.2 Rural Zones	It is considered that the planning proposal is consistent with this Direction because it is not proposed to rezone the site. The proposed additional uses will complement a broad range of land uses already permitted within the RU2 zone. In the context of the range of land uses already permitted and the availability of RU2 zoned land within Ballina Shire the planning proposal is also considered to be of overall minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Land	This planning proposal is consistent with this Direction. The table in Section B5 of this report addresses the Planning Principles contained in State Environmental Planning Policy (Rural Lands).
2. Environment and Heritage	
2.1 Environmental Protection Zones	Does not apply to planning proposal.
2.2 Coastal Protection	This planning proposal is consistent with this Direction. The subject site will retain its RU2 zoning. The expansion of permissible uses is considered to have a minor impact having regard to the nature of uses already permitted within this zone.
2.3 Heritage Conservation	There are no items of environmental or cultural heritage identified by Council within the site that are considered to warrant specific LEP based protection based on the information currently available.
2.4 Recreation Vehicle Areas	Does not apply to planning proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Does not apply to planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to planning proposal.
3.3 Home Occupations	This planning proposal is consistent with this Direction as home occupations are permitted in the RU2 zone without consent under the Ballina LEP 2012.

DIRECTION NO.	Compliance of Planning Proposal
3.4 Integrated Land Use and Transport	The planning proposal is consistent with this Direction as the land has been specifically identified to facilitate the efficient movement of freight.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The subject site has a probability that it contains Class 2 acid sulfate soils. The proponent has not prepared an acid sulfate soils study in support of the planning proposal. However the planning proposal is considered to be consistent with this direction as Ballina LEP 2012 contains the Model LEP acid sulfate soil provisions at clause 7.1. The planning proposal does not provide for an intensification of land uses when compared with the nature of uses already permitted with development consent in the RU2 zone. Therefore it is considered that that there is no automatic trigger to require an acid sulfate soils study to be prepared. Such a study could however be required by P&I as part of the Gateway determination if considered warranted at this stage.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal. The site is not within a mine subsidence area nor has it been designated as unstable land. Council is however aware that development on land within close proximity to the site has required extensive geotechnical engineering input to resolve foundation challenges due to soft soils and a high water table. Further examination of these issues may be warranted as a requirement of Gateway determination.
4.3 Flood Prone Land	The planning proposal is considered to be consistent with this direction. The site is located within a flood planning area and is subject to the provisions of clause 7.3 <i>Flood planning</i> of Ballina LEP 2012. Clause 7.3 is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). The proponent will be required to demonstrate that filling of the land to the 1:100 year ARI flood level will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties. Flood modelling of proposed filling will be required after Gateway determination and prior to community consultation being undertaken.
4.4 Planning for Bushfire Protection	The planning proposal is consistent with this Direction. The Rural Fire Service is proposed to be consulted as a requirement of post Gateway determination.
5. Regional Planning	
5.1 Implementation of Regional Strategies	The site's location is consistent with the outcomes specified within Economic Development and Employment Growth component of the Far North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not apply as the site is identified as <i>other rural land</i> within Map 4 which forms a part of the " <i>Northern Rivers Farmland Protection Project - Final Recommendations, February 2005</i> " report.
5.4 Commercial and Retail Development along the Pacific Highway North Coast	This direction does not apply as the planning proposal does not provide for commercial or retail development. Whilst the direction does not apply it is also relevant that the site does not have direct access to the Pacific Highway nor is it able to obtain such access due to the elevated nature of the highway at this location. The proposed additional permitted uses are unlikely to impact on the safety or efficiency of the Pacific Highway.

DIRECTION NO.	Compliance of Planning Proposal
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Revoked
5.6 Sydney to Canberra Corridor	Revoked
5.7 Central Coast 1)	Revoked
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire
5.9 North West Rail Corridor Strategy	Does not apply to Ballina Shire
6. Local Plan Making	
6.1 Approval and Referral Requirements	The planning proposal is consistent with this Direction in that it does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	The planning proposal is consistent with this provision as it does not include creation, altering or reduction of land for public purposes.
6.3 Site Specific Provisions	The planning proposal is consistent with this direction as it is proposed to allow additional permitted uses without imposing any development standards or requirements in addition to those already contained in the Ballina LEP 2012.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.

Appendix 4 – Letter from RMS dated 4 December 2012



Transport
Roads & Maritime
Services

File no. NTH13/00109 CR2013/008228

Your Reference: LEP Amendment Request – Teven Road Transport Precinct

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

Attention Mr Klaus Kerzinger

Dear Sir

Proposed Teven Road Transport Precinct West Ballina.

I refer to your letter of 7 November 2013. A significant amount of community funds have been committed to the recently completed Ballina Bypass. With about 17 Ha under consideration for freight and logistics activities, there is a potentially significant traffic issue for the Teven Road Interchange with the Pacific Highway.

Any consideration for permitting logistic activities along Teven Road will have to examine potential traffic impacts. This would include the operation of the Teven Road Interchange and the traffic interaction between the Teven Road intersection with the Bruxner Highway and the interchange.

The design of the interchange has been prepared to manage future peak traffic flows. Any traffic assessment of the change in land use to logistics based activities will need to assess the likely impacts on the interchange in twenty years time with 100th highest hour traffic volumes. Freight and logistic centres have, depending on the type of activities carried out, a significant range of traffic generating potential. Without details of the type of activities intended, scenario testing of low, medium and high traffic generation potential should be considered.

To assess likely future traffic performance of the adjoining road network, a detailed traffic study should be undertaken that takes into account the key issues relevant to the scale of this proposal as set out in Table 2.1 of the Roads and Traffic Authority's current 'Guide to Traffic Generating Developments' (copy attached) for each proposal.

Roads & Maritime Services

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www.rms.nsw.gov.au | 13 17 82

The traffic studies should include information relating to:

- Total impact of existing and proposed development on the state road network. Including the Pacific and Bruxner Highways
- Intersection sight distances
- Existing and proposed access conditions
- Improvements for road junctions / intersections
- Detail of servicing and parking arrangements
- Connectivity to existing developments
- Impact on Transport (Public and School Bus Routes)
- Provisions for pedestrians, alternative transport modes such as bicycles
- Road Traffic Noise

Current AUSTROADS standards should be adopted for any necessary upgrading of the surrounding road infrastructure. The properties under consideration have direct frontage to the Ballina Bypass. Controlled access conditions exist across the road boundaries at this location. Direct access to the Pacific Highway will not be considered by Roads and Maritime at this time.

If you have any further enquiries regarding the above comments please do not hesitate to contact Michael Baldwin on 6640 1362 or email development.northern@rms.nsw.gov.au.

Yours faithfully



4 December 2013

John Alexander
Regional Manager Northern Region

Provided under separate Cover

Appendix 6 – Report to Council dated 24 October 2013

9.2 LEP Amendment Request - Teven Road Transport Facility

Key Issues

- Processing of LEP amendment request and preparation of a planning proposal
- Appropriateness of specifying particular land uses as permitted on certain parcels of land
- Need for additional areas for freight and logistics land uses
- Expansion of urban land uses west of the Ballina Bypass

Information

The LEP amendment request is currently in initiation or concept stage. As such, staff have undertaken a preliminary assessment of the proposal to inform a decision on whether Council should progress to prepare a planning proposal suitable for submission to the Department of Planning and Infrastructure for Gateway determination.

In summary, the proposal seeks to enable transport and logistics land uses on seven parcels of rural zoned land through identification of freight transport facilities and warehouse or distribution centres land uses that would be permitted with consent on the subject land under Schedule 1 (Additional Permitted Uses) of the Ballina LEP 2012. These uses are currently prohibited on land within the prevailing zone.

As outlined above, the Council resolved to apply an RU2 Rural Landscape zone to the subject land under the Ballina LEP 2012. This zoning is consistent with Council's Ballina Shire Growth Management Strategy (GMS) and the Far North Coast Regional Strategy (FNCRS) in that the subject land is not identified as having potential for urban land uses (beyond the activities already being lawfully undertaken on the land).

The expansion of urban land uses to the west of the Ballina Bypass is of concern and is not advocated by any current local or State Government planning strategy applicable to Ballina Shire. However, given the type of use proposed and the specific characteristics of the subject land, the Council may determine that there is some justification to support the proposed transport and logistics outcome.

Further, the FNCRS identifies planning for industrial needs having regard for factors such as the growth of South East Queensland and improvements in transport infrastructure as an outcome of the strategy. The strategy also suggests that some types of industry could be located away from existing urban centres due to their type, nature and scale.

In considering the above, key issues that arise include:

- the extent to which additional area that permits establishment of freight transport and logistics land uses is needed in Ballina Shire;
- if additional areas are necessary, determining the optimal location and characteristics for the siting of such land uses; and
- the extent to which the specific characteristics of the subject land support its suitability for the location of freight transport and logistics land uses.

As the proposal is in the concept phase, the information submitted by the proponent provides a general overview of the reasoning for the proposed LEP amendment. Whilst this information is noted, Council would be urged to seek independent advice addressing the issues identified above to provide a broader consideration of freight transport and logistics activities before determining whether to advance the current LEP amendment request. It is envisaged that Council may seek advice in a form similar to that previously provided to it in relation to the need for, and preferred location of, bulky goods retailing facilities in Ballina Shire.

If the Council receives further independent advice and then decides to initiate the planning proposal, it is likely that further technical information from the proponents will be required addressing matters such as flooding in the locality, geotechnical conditions within the respective land parcels, road network capacity and servicing and infrastructure availability.

Sustainability Considerations

- **Environment**
Should the LEP amendment request proceed, environmental considerations will be assessed in further detail
- **Social**
Should the LEP amendment request proceed, social considerations will be assessed in further detail
- **Economic**
The proposed LEP amendment has the potential to provide a significant economic stimulus in the shire. These potential positive impacts will be further examined should the LEP amendment proceed

Legal / Resource / Financial Implications

There are no specific legal implications associated with this proposed LEP amendment at this time.

Independent advice in relation to the need for, and location of, freight transport and logistics land uses in Ballina Shire is expected to cost in the order of \$10,000. This cost can be met from within the existing Strategic and Community Facilities program budget.

Progress of this matter can be accommodated within the Strategic and Community Facilities Group work program.

Consultation

There has been no consultation undertaken with either the community or government agencies in relation to this LEP amendment request to date as this matter is in the initial concept phase.

However, should the proposal proceed, community consultation, public exhibition and agency engagement will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act*.

Options

1. Initiate a planning proposal.

Council may proceed to prepare a planning proposal suitable for Gateway determination. Having regard for the matters raised in this report, the preparation of a planning proposal that enables freight transport and logistics land uses on the land parcels that are the subject of this LEP amendment request is not immediately recommended.

It is considered that further information regarding freight transport and logistics land uses and the specific attributes of the subject land is warranted. Such information would be sought from an independent third party and through further engagement with the proponent of the current request.

In the absence of additional information to address the key issues identified in this report, it is difficult to fully assess the potential benefits and disadvantages of the proposed LEP amendment.

Notwithstanding the above, it is open to the Council to proceed to the preparation of a planning proposal and incorporate consideration of the key issues into a later phase of the amendment process.

2. Defer consideration of the LEP amendment request.

The Council may defer consideration of the LEP amendment request in order to seek additional independent information in relation to the proposed rezoning. This is the recommended approach.

Under this approach, it is suggested that independent advice would be sought to provide Council with guidance in relation to the proposed land use on a shire-wide basis. The outcomes of this work would then inform further consideration of the proposed LEP amendment for the land on Teven Road at West Ballina.

This approach would provide for an improved basis and rationale for assessing the concept of enabling freight transport and logistics land uses in areas outside those presently zoned for these purposes.

Additional information in relation to freight and logistics land uses in Ballina Shire will likely be beneficial on a broader basis as this type of land use may be the subject of ongoing enquiry in the short to medium term.

Continued interest in this land use in Ballina Shire is likely due to population growth, proximity to South East Queensland and the enhancements to the Pacific Highway and access and transport corridors to the west.

Under this option, upon receipt of the additional information sought by Council, the LEP amendment request would be reported to the Council to determine whether the matter should proceed.

In the event that the independent advice clearly supports the subject proposal, the further reporting could include a planning proposal to enable the Council to progress the matter to Gateway determination at the time the matter is reconsidered.

3. Decline to initiate the LEP amendment request.

It is open to Council to decline the requested LEP amendment. Endorsement of this option would mean that no further action would be taken by Council with respect to the processing of the request.

This course of action is not recommended given that it is difficult to fully evaluate the potential disadvantages of the proposal in the absence of additional information about freight and logistics land uses in relation to Ballina Shire.

RECOMMENDATIONS

1. That the Council defer its decision concerning the request from Newton Denny Chapelle to amend the Ballina Local Environmental Plan 2012 to enable freight and logistics land uses on land located between Teven Road and the Ballina Bypass at West Ballina, pending the outcomes of item two below.
2. That Council obtain independent advice in relation to the current and projected need for, and preferred location of, freight and logistics land uses in Ballina Shire.

Attachment(s)

1. LEP Amendment Request - Teven Road Freight and Logistics - Newton Denny Chapelle (August 2013)

Appendix 7 – Report to Council dated 27 February 2014

9.2 LEP Amendment Request - Teven Road Transport Facility

Delivery Program Strategic Planning

Objective To provide an overview of a proposal for an LEP amendment that would enable transport and logistic landuses on certain land at West Ballina and seek direction on the further processing of the request.

Background

The Council, at its Ordinary Meeting held on 24 October 2013, considered a request to amend the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) from Newton Denny Chapelle on behalf of several landowners with holdings between Teven Road and the Ballina Bypass in West Ballina.

The request sought an amendment to the Ballina LEP 2012 to enable transport and logistics land uses to be undertaken on the respective properties, subject to development consent being obtained.

A copy of the submission from Newton Denny Chapelle is contained in Attachment One.

In relation to this matter, Council resolved as follows [Minute No. 241013/4]:

1. *That the Council defer its decision concerning the request from Newton Denny Chapelle to amend the Ballina Local Environmental Plan 2012 to enable freight and logistics land uses on land located between Teven Road and the Ballina Bypass at West Ballina, pending the outcomes of item two below.*
2. *That Council obtain independent advice in relation to the current and projected need for, and preferred location of, freight and logistics land uses in Ballina Shire.*

The land parcels the subject of the Ballina LEP 2012 amendment request are:

- Lot 3 DP 749680 (Date)
- Lot 2 DP 749680 (Boyes)
- Lot 5 DP 1031875 (Lynks Pty Ltd)
- Lot 229 DP 1121079 (Lynks Pty Ltd)
- Lot 228 DP 1121079 (Teven Park Pty Ltd)
- Lot 227 DP 1121079 (Zeallake Pty Ltd)
- Lot 12 DP 1011575 (Montina Pty Ltd)

A map showing the location of the listed land parcels is contained in the information submitted by Newton Denny Chapelle at Attachment One.

The information submitted by Newton Denny Chapelle also includes an overview of the current uses of the subject land parcels.

The future use of the land located between Teven Road and the Ballina Bypass was considered by the Council during the preparation of the Ballina LEP 2012.

9.2 LEP Amendment Request - Teven Road Transport Facility

Council resolved to apply an RU2 Rural Landscape zone in that locality and this is the zone that presently applies to the subject land. The RU2 zone enables a variety of rural land uses, some of which require prior development consent.

The LEP amendment request does not seek to change the prevailing land use zone, but rather proposes the inclusion of "freight transport facility" and "warehouse or distribution centre" as permitted land uses on the specified land parcels (through use of the Additional Permitted Uses Schedule in the LEP).

This would have the effect of creating a defined precinct of RU2 zoned land where freight and logistics type land uses would be permitted with development consent.

The purpose of this report is to provide further information in accordance with the Council's October 2013 decision. Further, to seek Council's direction on whether it now considers it appropriate for a planning proposal to be prepared.

Key Issues

- Processing of LEP amendment request and preparation of a planning proposal
- Appropriateness of specifying particular land uses as permitted on certain parcels of land
- Need for additional areas for freight and logistics land uses
- Expansion of urban land uses west of the Ballina Bypass

Information

Attachment Two contains a report which examines the current and projected need for, and preferred location of, freight and logistics land uses in Ballina Shire. The report was able to be prepared in-house and contains independent advice from The Australian Logistics Council and Roads and Maritime Services. The report was also peer reviewed by local planning consultant Mike Svikis. Mr Svikis is also the current chairperson of the Northern NSW Branch of the Planning Institute of Australia (PIA).

Staff investigated engagement of a consultant or "expert" to prepare an analysis report. However, third party involvement of this type by a suitably qualified organization could not be obtained within the available financial resources. As a result staff prepared an analysis of key issues and potential sites and engaged a peer reviewer to provide additional expertise and independent assessment. As outlined above, the analysis also included consultation with relevant parties.

Following an analysis of relevant Government policy documents dealing with transport and road freight logistics matters it became evident that there was no definitive way to determine the quantum of demand for road freight logistic facilities on a local government area basis. Demand for such land is primarily driven by broader state and national locational considerations and industry growth factors.

The availability of suitable land in adjoining local government areas may also influence what demand for land is likely to exist in Ballina Shire.

The above situation is very different to the demand for retail and bulky goods land which can be estimated through modelling by examining variables such as population, income and spending patterns.

Significant information is, however, available in relation to freight movement. This information suggests that by 2031 freight moved in NSW is estimated to double. In information contained within the 2012 *Draft NSW Freight and Port Strategy*, prepared by Transport for NSW, it was estimated that in 2011 the freight and logistics industry contributed \$58 billion (13.8%) to the NSW Gross State Product with approximately 14% of the NSW workforce being employed in logistics.

Existing IN1 General Industrial sites within Ballina Shire were examined for suitability for road freight logistics purposes using a site evaluation tool. The IN1 General industrial zone is the only existing zone in the Ballina LEP 2012 that permits, with consent, *freight transport facilities, warehouse or distribution centres*. The tool was then used to also evaluate the suitability of the Teven Road properties.

Evaluation of the suitability of existing appropriately zoned industrial sites is required by the Far North Coast Regional Strategy prior to rezoning sites that do not currently permit such land uses.

The table below provides a summary of the results obtained from the use of the site evaluation tool. The table includes evaluation of the Teven Road properties which are the subject of the LEP amendment proposal (See site One).

Table 1: Summary of site evaluation results

Site	Score	Suitability	Comments
One - Teven Road, West Ballina	42 (70%)	Fair	Requires rezoning, significant filling up to 3 metres may be required on some lots. Some lots already filled. Teven Road at RL 1.4m AHD - below RL2.7m AHD 1:100 year flood level. (If site were already appropriately zoned then suitability ranking would have been Good.)
Two - Russellton, Alstonville	44 (73%)	Good	Topography and limited land supply issues would hamper development of this site for large scale road freight logistic uses.
Three - Smith Drive, West Ballina	48 (80%)	Good	Access to Pacific Highway via Smith Drive may require upgrade. Extensive filling required up to RL 2.3 AHD - previously approved to be filled to RL 1.9 AHD. Limited land supply will hamper future expansion.
Four - Southern Cross Drive near Airport, Ballina	32 (53%)	Low	Size of sites, regional accessibility and fragmented land ownership issues are primary constraints.
Five - Southern Cross Drive Industrial and Business Park, Ballina	38 (63%)	Fair	Regional accessibility constraints due to distant highway access.
Six - Clark Street Industrial Estate Ballina	31 (52%)	Low	Lack of vacant land, fragmented ownership and regional accessibility are main constraints.

The evaluation found that there are numerous sites available within Ballina Shire where transport and logistic land uses are permitted. However, when evaluated, the majority of these sites, such as those located within the Southern Cross Industrial Estate, received "low" suitability rankings. This was primarily related to distance to highway access, fragmented ownership and small vacant land parcels.

The Russellton Industrial Estate, at Alstonville, was found to have "good" level of suitability using the evaluation tool criteria due primarily to its Bruxner Highway proximity. Restricted land supply and the topography of vacant land are limiting factors. In addition, heavy vehicles accessing sites within this estate, which contains primarily small scale industrial development, is considered to be a key disadvantage of this site.

The Smith Drive Industrial Estate at West Ballina also received a "good" evaluation ranking. Suitable vacant appropriately zoned land is available, however such land is constrained by flooding and would require extensive filling. Filling of land on what has been known as the "Homeworld" site at Smith Drive has been considered and approved previously by the Council (DA2007/71 approved 13/12/2007).

The proposed Teven Road site received a "fair" evaluation ranking. The fact that it is currently not appropriately zoned reduced its suitability score. Had it been appropriately zoned it would have received a "good" evaluation ranking. Flooding and site filling requirements are the major constraints impacting on the land.

It is suggested that Ballina Shire may be well placed to take advantage of the projected growth in the logistics industry over the next 20 year period if suitable sites were available. The most highly valued sites, based on the analysis undertaken, are those in close proximity to direct highway access. The Smith Drive and Teven Road sites are considered to be the most suitable sites given that they are in relatively close proximity to two major highways.

The designation of Casino and Kyogle for industrial and residential growth in the Far North Coast Regional Strategy also reinforces the value of sites near to the Pacific / Bruxner Highway interchange at Ballina to service these areas.

A case to support the proposed LEP amendment in relation to the Teven Road site could therefore be made subject to the proponents demonstrating to the Council's satisfaction (and State agencies) that they have the capacity to adequately assess and address key issues, particularly flooding and traffic management.

In respect to the flooding issue, additional investigative modelling work is required to establish the consequences of raising the approximate 17 hectare Teven Road site to the 1:100 year flood level of RL 2.7AHD. If it can be shown that the land can be filled to this level without creating unsatisfactory flood related impacts on other properties in the floodplain then this concern may be alleviated. The alternative to achieving the nominated fill level may be for the proponents to demonstrate why, in the particular circumstances of a future development proposal, the Council's adopted policies should be set aside.

Council will recall that it previously did not support a proposal for a Masters bulky goods retail use at a site in close proximity to the Teven Road site at

9.2 LEP Amendment Request - Teven Road Transport Facility

West Ballina. The Masters site may however be differentiated from the Teven road site in so far as that site was vacant land whereas the Teven Road site already contains a variety of 'industrial' type uses. In addition, following retail modelling, more suitable sites were found for bulky goods retail uses within the established Ballina industrial estate.

Consolidation of bulky goods uses within the established Ballina urban area provides certain locational advantages; whereas in the case of logistics uses it is preferable that such uses be located outside established urban areas. This is because of the associated frequent heavy traffic impacts.

The NSW Roads and Maritime Services (RMS) has highlighted a need for an examination of traffic issues associated with the proposed logistics centre land uses. This is to ensure that there is adequate capacity for traffic at the Teven Road interchange and intersection performance is not unduly compromised.

If the Council elects to progress to the preparation of a planning proposal, it is recommended that further work be undertaken by the proponent to demonstrate that flooding and traffic impacts are acceptable or can be suitably managed and mitigated.

Sustainability Considerations

- **Environment**
To enable the LEP amendment request to proceed, environmental considerations such as flood impact should be assessed in further detail.
- **Social**
Subject to the qualifications within this report, the allocation of land suited to future logistics centre-type land uses activates the potential to deliver significant employment opportunities to the shire and region
- **Economic**
The proposed LEP amendment has the potential to provide a significant economic stimulus in the shire.

Legal / Resource / Financial Implications

There are no specific legal implications associated with this proposed LEP amendment at this time.

The matters arising from this report can be attended to within existing resources.

In the event that the Council wishes to advance this proposal the proponent will be required to meet various processing costs in accordance with Council's adopted schedule of fees and charges, as well as providing the necessary additional technical information, as indicated above. It is conceivable that other issues may arise which will require detailed examination, however the two key matters identified at this time are flooding and traffic management.

Progress of this matter can be accommodated within the Strategic and Community Facilities Group work program.

Consultation

During the preparation of the site evaluation report consultation was undertaken with the Australian Logistic Council and RMS. This was done in an endeavour to secure independent advice and improve Council's understanding of what this industry entails and its relevance to our region.

The Australian Logistic Council (ALC) is the peak body for the freight logistics industry in Australia. It has advised that it supports the proposal to permit the establishment of a freight and logistics hub at West Ballina due to its strategic location at the junction of the Pacific and Bruxner Highways. This is a broad-based response, and does not have particular regard for the particular properties in question.

The RMS has advised that any consideration of logistics activities along Teven Road would have to examine potential traffic impacts. These impacts include traffic interaction between the Teven Road intersection with the Bruxner Highway and the interchange with the Pacific Highway. In this respect the RMS has indicated that a detailed traffic study should be undertaken. Various issues of relevance to the traffic study have been detailed.

The advice provided by the ALC and RMS is contained within Attachment Two (Annexures 4 and 7).

Additional agency and community engagement may be required to be undertaken if this proposal is advanced by way of a planning proposal.

Options

1. Initiate a planning proposal.

Council may proceed to prepare a planning proposal suitable for Gateway determination. By initiating the planning proposal, Council would be signalling its in-principle support for the broad concept proposed, subject to the outcomes of detailed site assessment and community/agency engagement.

Having regard for the information obtained since the Council's initial consideration of this enquiry in October last year, and for the matters raised in this report, the preparation of a planning proposal that specifically enables freight transport and logistics land uses on the subject lots through use of the additional permitted uses schedule in the LEP may have a degree of merit. It is suggested that a higher level of confidence might be obtained through flood modelling of the impacts associated with filling the sites as well as an examination of traffic related impacts.

Due to the costs associated with flood modelling, and the determination of traffic impacts, it is considered reasonable that Council endorse the preparation of a planning proposal prior to the proponent being requested to undertake such work. Subject to the submission of information which establishes that flooding and traffic impacts are satisfactory or can be adequately mitigated, a planning proposal would then be prepared.

In the absence of additional information to address the key issues identified in this report, it is difficult to fully assess the potential impacts of the proposed LEP amendment.

The above approach is recommended. Although additional information is required to competently assess the suitability of the site for the proposed uses, option one is the recommended approach on the basis that the required information would be provided by the proponent to inform the planning proposal.

Notwithstanding the above, it is also open to the Council to proceed to the preparation of a planning proposal and incorporate consideration of the key issues (i.e. flooding and traffic) into a later phase of the amendment process.

2. Defer consideration of the LEP amendment request.

The Council may defer consideration of the LEP amendment request pending the proponent establishing the impacts of flooding and traffic associated with the proposal.

This approach is not recommended as it will result in the proponent incurring significant costs without formal indication of the Council's position regarding the concept underpinning the proposal.

3. Decline to initiate the LEP amendment request.

It is open to Council to decline the requested LEP amendment. Endorsement of this option would mean that no further action would be taken by Council with respect to the processing of the request.

This course of action is not recommended as the work already undertaken has established that there may well be increasing demand for sites suitable for use by the freight and logistics industry. In addition, the proposed site is suitably located near the junction of two major highways and therefore has certain strategic locational advantages over other sites that are more appropriately zoned at present.

The main site-related issues concern flooding and traffic impacts and whether these can be satisfactorily resolved. It is considered reasonable that the proponent be given an opportunity to examine these issues (as well as any other matters that might arise as more information about the land becomes known – eg geotechnical constraints). If these key issues are able to be suitably resolved then a planning proposal could reasonably be prepared.

RECOMMENDATIONS

1. That Council endorses the preparation of a planning proposal which proposes the insertion of freight transport facilities, warehouse or distribution centre land uses as additional permitted uses within Schedule 1 of Ballina LEP 2012, in relation to Lots 2 and 3 DP 749680, Lot 5 and 12 DP 1031875, Lots 227, 228 and 229 DP1121079 and Lot 12 DP 1011575, Teven Road, West Ballina.
2. That the proponent be requested to supply flood modelling information

9.2 LEP Amendment Request - Teven Road Transport Facility

which details the impact of filling the subject lots to the 1:100 year flood level of RL 2.7 AHD, and a detailed traffic study which examines the issues specified by the RMS. Further, that additional technical studies be requested of the proponent in the event that Council staff form a view that additional environmental constraints may materially restrict the use of the land for the nominated purposes. This information is to be provided to advance the preparation of the planning proposal.

3. That the Council give further consideration to the planning proposal upon the submission of information referred to in point two above.

Attachment(s)

1. Attachment One - Submission from Newton Denny Chapelle
2. Attachment Two - Report Site Selection Investigation - Freight Transport Facilities, Warehousing and Distribution Centres

9.2 LEP Amendment Request - Teven Road Transport Facility

270214/1 RESOLVED

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council endorses the preparation of a planning proposal which proposes the insertion of freight transport facilities, warehouse or distribution centre land uses as additional permitted uses within Schedule 1 of Ballina LEP 2012, in relation to Lots 2 and 3 DP 749680, Lot 5 and 12 DP 1031875, Lots 227, 228 and 229 DP 1121079 and Lot 12 DP 1011575, Teven Road, West Ballina.
2. That the proponent be requested to supply flood modelling information which details the impact of filling the subject lots to the 1:100 year flood level of RL 2.7 AHD, and a detailed traffic study which examines the issues specified by the RMS. Further, that additional technical studies be requested of the proponent in the event that Council staff form a view that additional environmental constraints may materially restrict the use of the land for the nominated purposes. This information is to be provided to advance the preparation of the planning proposal.
3. That the Council give further consideration to the planning proposal upon the submission of information referred to in point two above.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson

Appendix 8 – Report to Council dated 27 March 2014

9.5 LEP Amendment Request - Teven Road Transport and Logistics Precinct

9.5 LEP Amendment Request - Teven Road Transport and Logistics Precinct

Delivery Program Strategic Planning

Objective To obtain the Council's endorsement for the submission of a planning proposal for the proposed Teven Road transport and logistics precinct at West Ballina for Gateway determination.

Background

The Council, at its Ordinary Meeting held on 27 February 2014, considered a request to amend the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) from Newton Denny Chapelle on behalf of several landowners with holdings located between Teven Road and the Ballina Bypass in West Ballina. The Council also considered a Site Selection Investigation (SSI) report which examined the current and projected need for, and preferred location of, freight and logistics land uses in Ballina Shire. The request sought an amendment to the Ballina LEP 2012 to enable transport and logistics land uses to be undertaken on the respective properties, subject to development consent being obtained.

In relation to this matter, Council resolved as follows [Minute No. 270214/10]:

1. *That Council endorses the preparation of a planning proposal which proposes the insertion of freight transport facilities, warehouse or distribution centre land uses as additional permitted uses within Schedule 1 of Ballina LEP 2012, in relation to Lots 2 and 3 DP 749680, Lot 5 and 12 DP 1031875, Lots 227, 228 and 229 DP 1121079 and Lot 12 DP 1011575, Teven Road, West Ballina.*
2. *That the proponent be requested to supply flood modelling information which details the impact of filling the subject lots to the 1:100 year flood level of RL 2.7 AHD, and a detailed traffic study which examines the issues specified by the RMS. Further, that additional technical studies be requested of the proponent in the event that Council staff form a view that additional environmental constraints may materially restrict the use of the land for the nominated purposes. This information is to be provided to advance the preparation of the planning proposal.*
3. *That the Council give further consideration to the planning proposal upon the submission of information referred to in point two above.*

The planning proposal has been prepared and forms Attachment One to this report. The purpose of this report is to obtain the Council's endorsement to submit the planning proposal to NSW Planning and Infrastructure to obtain a Gateway determination. Council's established practice in relation to this type of LEP amendment is for the Council to receive the planning proposal documentation for consideration (following initial commencement of an LEP amendment process) with a view to determining whether the matter should progress to Gateway determination. That is, the February decision commenced the amendment process, with the endorsement of the planning proposal being the next step in progressing the matter.

The additional information required will be sought from the proponent after Gateway determination. The planning proposal would be reported to the Council for consideration again, with the benefit of this further information, before public exhibition.

Key Issues

- Processing of LEP amendment request and submission of planning proposal for Gateway determination
- Appropriateness of specifying particular land uses as permitted on certain parcels of land
- Need for additional areas for freight and logistics land uses
- Expansion of urban land uses west of the Ballina Bypass

Information

The planning proposal has been prepared on the basis of information already available to Council. At this stage the degree to which known land constraints such as flooding impacts, acid sulfate soil issues, drainage and geotechnical factors as well as bushfire hazard will impact on the planning proposal is not known. Additionally the traffic concerns raised by Roads and Maritime Services (RMS) during preparation of the SSI report have also not been further examined.

The attached planning proposal documents the degree to which the proposal complies with the applicable strategic planning framework. Consideration has been given to the planning proposal's consistency with the Far North Coast Regional Strategy, the Ballina Shire Growth Management Strategy, the Ballina LEP 2012, applicable State Environmental Planning Policies and the Minister's Section 117 Directions.

It has been concluded that the planning proposal is generally consistent with the applicable strategic planning framework.

Gateway determination requirements will specify the range of investigations and studies that P&I will require to advance the planning proposal. Such information will then be required to be submitted to Council for incorporation within the planning proposal prior to consultation with public authorities or the community.

It is intended that the planning proposal will be reported to the Council for further consideration, having regard for the assessment of additional information provided by the proponent, prior to public exhibition. This will be another opportunity for the Council to consider whether the matter should continue to progress following more detailed technical assessment of the subject land.

Sustainability Considerations

- **Environment**
Environmental impacts such as flooding and bushfire hazard require further assessment following Gateway determination.

9.5 LEP Amendment Request - Teven Road Transport and Logistics Precinct

- **Social**

Positive social impacts are anticipated from the employment opportunities that have the potential to be created from the proposed transport and logistics precinct.

- **Economic**

The proposed LEP amendment has the potential to provide a significant economic stimulus in the shire.

Legal / Resource / Financial Implications

There are no specific legal implications associated with this proposed LEP amendment at this time.

The matters arising from this report can be attended to within existing resources.

In the event that the Council wishes to advance this proposal, the proponent will be required to meet various processing costs in accordance with Council's adopted schedule of fees and charges, as well as providing the necessary additional technical information, following Gateway determination.

Importantly, Council's applicable fee for the preparation of a planning proposal had not been paid by the proponent at the time of writing this report. However, given the short timeframe between Council's February decision and this report, this is not considered to be problematic at present. In this circumstance, if the Council resolves to proceed to submit the planning proposal for Gateway determination, staff will not submit the planning proposal until the required fee is paid.

Progress of this matter can be accommodated within the Strategic and Community Facilities Group work program.

Consultation

Consultation requirements will be specified within the Gateway determination.

Council has already undertaken preliminary consultation with the RMS and the Australian Logistics Council during the preparation of the SSI report.

Options

1. Endorse the planning proposal for submission to Planning and Infrastructure for Gateway determination.

This is the preferred and recommended option. Requiring the submission of technical information after a favorable Gateway determination has been obtained provides the proponent with additional certainty to justify the expenditure of funds to meet the cost of specified technical reports and studies.

2. Require the proponent to submit additional information for incorporation into the planning proposal prior to submission to Planning and Infrastructure for Gateway determination.

The preparation of the planning proposal has highlighted a number of land and locality constraints that will require detailed examination to determine associated impacts. The submission of additional information prior to Gateway determination would provide a clearer indication as to whether known land constraints are resolvable.

It is open to the Council to pursue this option but it would represent a change of approach from the intent expressed in discussion associated with the February resolution. That is, the understanding of staff arising from the meeting is that the Council does not require the detailed assessment of the site until after Gateway determination.

3. Cease or defer processing of the LEP amendment request.

The Council may decline or defer the consideration of the requested LEP amendment.

This course of action is not recommended as the work already undertaken has established that there may well be increasing demand for sites within the shire suitable for use by the freight and logistics industry. In addition, the proposed site is suitably located near the junction of two major highways and therefore has certain strategic locational advantages over other sites that are more appropriately zoned at present.

Proceeding with the proposal at this time will enable the completion of further technical assessment following Gateway determination. Importantly, Council will have other opportunities during the processing of the amendment request to cease progress of the matter should it determine this to be the appropriate course of action in the future.

RECOMMENDATIONS

1. That Council authorises the submission of a planning proposal which provides for the insertion of freight transport facilities and warehouse or distribution centre land uses as additional permitted uses within Schedule 1 of Ballina LEP 2012 to NSW Planning and Infrastructure for review and Gateway determination.
2. That upon an affirmative Gateway determination being received from NSW Planning & Infrastructure, the proponent be required to submit the technical documentation necessary to enable a comprehensive assessment of the proposal and potential environmental, social and economic implications.
3. That a further report be presented to the Council in relation to this matter prior to proceeding to public exhibition.

Attachment(s)

1. Attachment One - Planning Proposal
- 9.5 LEP Amendment Request - Teven Road Transport and Logistics Precinct**

270314/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council authorises the submission of a planning proposal which provides for the insertion of freight transport facilities and warehouse or distribution centre land uses as additional permitted uses within Schedule 1 of Ballina LEP 2012 to NSW Planning and Infrastructure for review and Gateway determination.
2. That upon an affirmative Gateway determination being received from NSW Planning & Infrastructure, the proponent be required to submit the technical documentation necessary to enable a comprehensive assessment of the proposal and potential environmental, social and economic implications.
3. That a further report be presented to the Council in relation to this matter prior to proceeding to public exhibition.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson