



Ballina Shire Council

Planning Proposal – April 2013

60 Crane Street, Ballina

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Introduction

Summary of Planning Proposal

This planning proposal relates to Lot 2 DP 506103, 60 Crane Street, Ballina, as shown on the locality map (Figure 1 below).



Figure 1. Site location

The subject land comprises a long (approximately 55.2 m) and narrow (approximately 2 m) lot of land that is currently under the ownership of Fire & Rescue NSW and forms part of the Ballina Fire Station as shown in Map 1. The land, the subject of this planning proposal, is occupied by a boundary fence and part of two (corrugated iron) sheds.

The site is currently zoned R3 Medium Density Residential under the terms of the Ballina Local Environmental Plan (LEP) 2012 as shown in Map 2.

The subject planning proposal proposes to rezone the land to B3 Commercial Core zone under the terms of the Ballina LEP 2012, to reflect its historic use and to correct a mapping anomaly associated with the digital representation of the Ballina LEP 1987.

Planning Context

The subject land is currently owned by Fire & Rescue New South Wales, being the current location of the Ballina Fire Station. The Council recently concluded investigations regarding the relocation of the fire station, to facilitate improved access and allow for expansion of the fire station. These investigations resulted in the Council resolving to offer Fire & Rescue NSW for Council to purchase the existing site and sell a site in Council's ownership to Fire & Rescue

NSW which will better accommodate the existing and future needs of the fire service. As part of these investigations, Council identified a zoning anomaly relating to part of the land on which the fire station is located, giving rise to the need for the subject planning proposal.

The report presented to the Council in relation to the sale and purchase of land to Fire & Rescue NSW was a confidential matter in accordance with Sections 10A(2)(c) and 10D(2)(c) of the Local Government Act 1993. The report cannot, therefore, be reproduced herein. Notwithstanding, the recommendation of the Commercial Services Committee Meeting of the Council held on 26 February 2013, and confirmed by resolution of the Council (Resolution 280213/30) at the Ordinary Council Meeting held on 28 February 2013, in relation to this matter, is as follows:

- 1. That Council resolves to accept the offer from Fire & Rescue New South Wales for the purchase and sale of the properties as detailed within this report, as this proposal is considered to provide the best outcome, both financially and from a social perspective to the community.*
- 2. That Council authorises the General Manager to finalise negotiations with FRNSW based on the contents of this report and approve the use of the Council Seal to be affixed to the sale contracts for the properties and any other associated documentation.*
- 3. That Council initiate a planning proposal to amend the Ballina Local Environmental Plan 2012. The outcome sought by the planning proposal is to rezone land described as lot 2 DP 506103, being part of the Fire & Rescue NSW site at No 60 Crane Street Ballina, from zone R3 Medium Density Residential to zone B3 Commercial Core, so as to be consistent with the zone of the remainder of that property.*

Further investigation into the above has identified that the current zoning of the subject land is a consequence of a mapping anomaly associated with the digitisation of the Ballina Local Environmental Plan 1987. The current and historic use of the subject land is associated with the use of an adjacent land parcel that is zoned for commercial purposes. This planning proposal seeks to apply the appropriate commercial zone to the land, consistent with the zoning of the adjacent land parcel with which its development history and use is associated.

Ballina LEP 1987

The subject land was zoned 3 Business Zone under the terms of the Ballina Local Environmental Plan 1987 as made by the Minister for Planning in 1987.

Figure 2 below shows an excerpt of the original Ballina LEP 1987 (as made) in relation to Lots 1, 2 and 3 of DP 506103. The area subject to the 3 Business Zone is shown with a heavy black line and cross-hatching. The lot boundary between Lots 2 and 3 is shown as a light dotted line. The lot boundary between Lots 1 and 2 is shown with a heavy solid line. As can be seen, the boundary between the 2(a) Residential (Living Area) Zone and the 3 Business Zone is shown as being coincident with the boundary between Lots 1 and 2. Consequently, Lot 2 is shown as being zoned 3 Business Zone under the terms of the Ballina LEP 1987, as made.

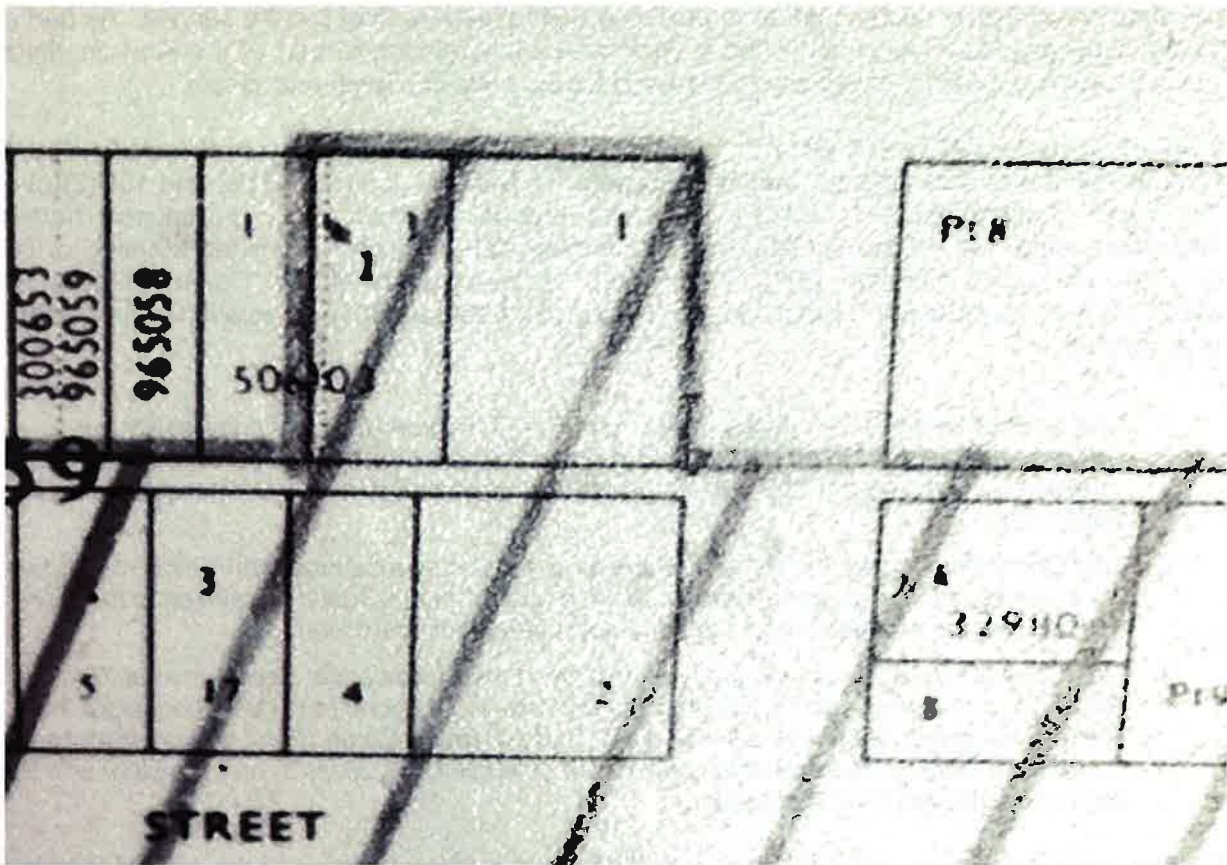


Figure 2. Excerpt of the Ballina LEP 1987 as made

Notwithstanding the above, it appears that when the Ballina LEP 1987 was 'digitised' into Council's computer-based Geographic Information System (GIS), in the mid 1990s, the zoning of the subject land was incorrectly applied as 2(a) Residential (Living Area) Zone.

Ballina LEP 2012

The subject land is zoned R3 Medium Density Residential zone under the terms of the Ballina LEP 2012. It is noted, however, that the urban zoning of the Ballina LEP 1987 was utilised as the basis for the Ballina LEP 2012, with the consequence that the Ballina LEP 2012 inherited the mapping anomaly outlined above.

The subject land is identified as the location (together with Lot 3 DP 506103) of a item of local heritage significance (Item 135), being the Ballina Fire Station.

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to rezone the subject land from an R3 Medium Density Zone to a B3 Commercial Core Zone, to reflect its current and historic use and to rectify a mapping anomaly associated with the digitisation of the Ballina LEP 1987.

Part 2 - Explanation of the Proposal

This planning proposal relates to land located at lot 60 Crane Street, Ballina. The site is currently zoned R3 Medium Density Residential zone under the terms of the Ballina Local Environmental Plan 2012. The proposal involves rezoning the subject land to B3 Commercial Core to reflect the historic and ongoing use of the site. The planning proposal will have the effect of rectifying a mapping anomaly associated with the digitisation of the Ballina LEP 1987. There are no consequential implications for other statutory maps within the Ballina LEP 2012 map set.

Fundamentally, the planning proposal will have the effect of normalising the historic and ongoing use of the site and reflect the historic intended zoning of the land (as per the original Ballina LEP 1987).

Part 3 - Justification

Section A - Need for the Planning Proposal

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

The planning proposal seeks to rectify a mapping anomaly which resulted in an incorrect zone being applied when the Ballina LEP was 'digitised' into Council's Geographic Information System (GIS), with this anomaly being inherited by subsequent iterations of the Ballina LEP 1987 (as amended) and the Ballina LEP 2012. The planning proposal is consistent with the historic and ongoing use of the site.

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

The proposal is the only means available for rectifying the zoning anomaly outlined herein.

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 FNCRS, which identifies Ballina as a Developing Major Regional Centre.

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

The planning proposal is consistent with the following key local plans:

Ballina Local Environmental Plan 1987 as made

The subject land was zoned 3 Business Zone in the Ballina LEP 1987 as made. It is due to the zoning of the land being incorrectly identified when the Ballina LEP 1987 was digitised into



Council's Geographic Information System in the mid 1990s that the zoning anomaly outlined herein has arisen.

Ballina Growth Management Strategy 2012

The subject planning proposal is consistent with the following 'locality objectives' for the Ballina Island locality contained in the Ballina Growth Management Strategy (2012):

- Reinforce Ballina Island as a key commercial and community centre, including health services and civil facilities;
- The Ballina CBD to remain as the core of the shire's retail hierarchy; and
- The residential function of Ballina Island is complemented by the broad range of land uses including commercial, industrial and community services and facilities.

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

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

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

Yes, the proposal is consistent with the relevant Section 117 Directions. A Section 117 Direction checklist for the planning proposal is contained in **Appendix 1**.

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?

This planning proposal and subsequent development of the subject land is not expected to result in any adverse impacts on any critical habitat, threatened species, populations or ecologically communities.

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

Given the existing use of the land and that use of the site is strongly associated with that of an adjoining commercial-zoned land parcel, the use of the site for commercial purposes is unlikely to result in any additional adverse environmental impacts in the locality.

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

The rezoning of the land for commercial purposes is consistent with the historic and ongoing use of the land, as provided for by the Ballina LEP 1987 when originally made in 1987. Consequently, the planning proposal will not have any social and economic effects beyond any that might reasonably be associated with the expected use of the land as a commercial land parcel.

Section D - State & Commonwealth Interests

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

A future development on the subject land can be economically serviced with the full range of infrastructure.

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

Consultation will be undertaken with relevant agencies following the gateway determination stage of the LEP amendment.

Part 4 - Mapping

As outlined above, the subject planning proposal involves amendment of the Zoning Map, under the terms of the Ballina LEP 2012, from R3 Medium Density Residential to B3 Commercial Core Zone. None of the supporting maps in the LEP map set are affected by the subject planning proposal.

The following maps have been prepared to support this planning proposal, as follows:

- Map 1 – illustrates the location of the subject land;
- Map 2 – illustrates the existing zoning of the land under the terms of the Ballina LEP 2012; and
- Map 3 – presents the proposed zoning of the land under the terms of the Ballina LEP 2012.



Map 1 - The subject land



Map 3 - Proposed Zoning

Part 5 – Community Consultation

Extensive community consultation was undertaken during the preparation and exhibition of the *Ballina LEP 1987* in the mid 1980s.

Council has not undertaken any community consultation concerning this specific planning proposal. It is anticipated that this will occur as part of the formal exhibition of the planning proposal or as directed through the gateway determination process.

Part 6 – Project Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination (Anticipated)	July 2013
Government Agency Consultation	August 2013
Public Exhibition Period	September 2013
Public Hearing (if required)	October 2013
Submissions Assessment	October 2013
RPA Assessment of Planning Proposal and Exhibition Outcomes	November 2013
Submission of Endorsed LEP to DP&I for Finalisation	December 2013
RPA Decision to Make the LEP Amendment (if delegated)	N/A – proposal not subject to delegation
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	N/A – proposal not subject to delegation

Appendices

Appendix 1 - Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – 60 Crane Street, Ballina	
DIRECTION NO.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. The proposal does not reduce the total potential floor space area for employment uses and related public services in business and industrial zones.
1.2 Rural Zones	Does not apply to planning proposal.
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	Does not apply to planning proposal.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Does not apply to planning proposal.
2.2 Coastal Protection	Consistent. The subject land can accommodate stormwater management, effluent disposal and will not impact on public foreshore access. Further, the subject rezoning is of minor significance.
2.3 Heritage Conservation	Consistent. The site, together with the adjacent lot (Lot 3 of DP 506103), relate to an item of local environmental heritage, being the Ballina Fire Station. The item is identified as such in the Ballina LEP 2012. The lot that is the subject of this application contains half a recently constructed shed and a boundary fence that do not have heritage significance. Notwithstanding, this planning proposal does not seek to alter the listing of the land as the location of an item of heritage significance.
2.4 Recreation Vehicle Areas	Does not apply to planning proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Does not apply to planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to planning proposal.
3.3 Home Occupations	Does not apply to planning proposal.
3.4 Integrated Land Use and Transport	Consistent The subject land is located adjacent to the Ballina Central Business District and enjoys a high level of pedestrian and vehicle accessibility and is located within 100m of public transport.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent. The site contains potential acid sulfate soils (at a depth beyond 2m). The Ballina LEP 2012 addresses development on land that has the potential for acid sulfate soils.



4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Does not apply to planning proposal.
4.4 Planning for Bushfire Protection	Does not apply to planning proposal.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The proposal is consistent with the FNCRS. In particular the policy supports Ballina as a Developing Major Regional Centre.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.4 Commercial and Retail Development	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Repealed
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Repealed
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Repealed
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent.
6.3 Site Specific Provisions	Does not apply to planning proposal.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.