



Ballina Shire Council

Planning Proposal - April 2012

Stoville Pty. Ltd.

(Lot 1 DP 817406)

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Introduction

Summary of Planning Proposal

This Planning proposal applies to land referred adjacent to the Russellton Industrial Estate at Alstonville identified as Lot 1 DP 817406 and as shown on the locality plan provided at **Appendix 1**.

The subject site has an area of 15.46 hectares and is in the ownership of Stoville Pty Ltd.

Under the terms of the *Ballina Local Environmental Plan 1987* (Ballina LEP 1987) the site is wholly within the 7(i) – Environmental Protection (Urban Buffer) Zone.

This planning proposal seeks to rezone a 0.68 hectare portion of the site to allow its use for industrial purposes. This area is detailed on the locality plan (**Appendix 1**) and on the plan provided in **Appendix 2**. The remainder of the subject site will retain its existing environmental protection zoning.

The existing zone arrangement, pursuant to the Ballina LEP 1987, is shown in the map provided in **Appendix 3**.

The proposed zones, under the terms of the Ballina LEP 1987 are:

- 4 – Industrial Zone for land comprising an area of approximately 0.68 hectares directly adjoining land currently zoned as 4 – Industrial Zone; and
- 7(i) – Environmental Protection (Urban Buffer) Zone - for the remainder of the site.

Under the terms of the (exhibited) *Draft Ballina Local Environmental Plan 2011* (Draft Ballina LEP 2011, prepared in accordance with the standard instrument, the proposed zones are:

- IN1 – General Industrial for land comprising an area of approximately 0.68 hectares directly adjoining land currently zoned as 4 – Industrial Zone; and
- E3 – Environmental Management - for the remainder of the site.

The zone arrangement pursuant to the Council endorsed Draft Ballina LEP 2011 is shown in the map provided in **Appendix 4**.

It is anticipated that the planning proposal (if it proceeds to conclusion) will amend the Ballina LEP 1987. However, proposed zone arrangements under the Draft Ballina LEP 2011 have been identified in the event that the Draft Ballina LEP 2011 is implemented prior to the completion of this planning proposal.

Planning History to Date

The subject site (Lot 1 DP 817406) is a rural property containing a dwelling house. The majority of the land is used for agricultural purposes (macadamia cultivation). The rural dwelling is located at the northern end of the property in close proximity to adjoining industrial land. One of the land uses on the industrial land adjoining the site involves the manufacture of polyurethane tanks (Duraplas). This land use pattern is conducive to land use conflict between an intensive industry and the residential occupation of the rural dwelling. As an interim measure to resolve the current land use conflict issues, a section of the subject site where it adjoins the industrial zoned land has been occupied by Duraplas through a lease agreement with the land owner.

This area of the site is also currently being used by Duraplas for tank storage and contains the rural dwelling. The use of this part of the site for industrial related activity has been undertaken without development consent.

In seeking a permanent resolution to the land use conflict issue and to realise the rural residential use of the property, the owner of the subject land, Stoville Pty. Ltd. (Stoville) made a request in 2001 to rezone that part of the land currently utilised by Duraplas and containing the rural dwelling. This request was considered by Council in February 2002 and was declined based on the following reasons:

- *There are sufficient stocks of industrial land in the vicinity for the foreseeable future.*
- *No study or decision has been taken by Council on whether the existing industrial estate should be expanded or how it will be expanded.*
- *The proposal will alienate high quality agricultural land by consuming the said land for industrial use and by the provision of appropriate buffers.*
- *The proposal will compromise the 7(i) – Environmental Protection (Urban Buffer) Zone.*
- *The proposal is not part of an integrated plan for the industrial estate with the accompanying planning of services.*

At that time Council also resolved to:

Advise [Duraplas] that Council will require the tank storage within the [Stoville] lease area to be vacated at the end of the lease period (12 December 2004) unless arrangements have been made for [Stoville's] dwelling to be relocated to the Ellis Road end of the property prior to that date, in which case, Council will not require the area to be vacated until 12 December 2009 (N.B. a development application for the storage activity will need to be lodged with and assessed by Council).

Compliance with the above was not achieved and the issue remains unresolved. In a further attempt to seek support for the rezoning of the section of the land occupied by Duraplas, Stoville made a submission in response to the public exhibition of the Draft Ballina Local Environmental Plan 2010. In assessing this request, Council's Environmental and Sustainability Committee recommended that the proposal to rezone part of Lot 1 DP 817406 be subject to a site specific planning proposal. This recommendation was adopted by Council in May 2011.

In June 2011 a formal request for the rezoning of 0.68 hectares of Lot 1 DP 817406 to industrial land was received by Council. This request was reported to Council's Ordinary Meeting on 28 July 2011 where it was resolved:

1. That Council proceed to prepare a planning proposal for part of Lot 1 DP 817406 to enable the application of an industrial land use zone to the north western portion of the land subject to the requirements set out in item (2).
2. That prior to the preparation of a planning proposal:
 - a) The proponent is to provide Council with suitable documentation outlining the proponent's proposed approach to the following matters in the event that an industrial zone is applied to part of Lot 1 DP 817406:
 - the removal, relocation or permanent decommissioning of the dwelling house on Lot 1 DP 817406;
 - the mechanism for subdivision of the land; and
 - the provision of a formal buffer between industrial and agricultural land uses on Lot 1 DP 817406.
 - b) Council is to receive a further report regarding the proposed LEP amendment where there is uncertainty in relation to the removal, relocation or

decommissioning of the dwelling on Lot 1 DP 817406, a suitable mechanism for the subdivision of the land and/or provision of a suitable buffer area between industrial and agricultural land uses.

The proponent has addressed the requirements of item (2) above in a draft planning agreement submitted in support of the rezoning application a copy of which is attached in **Appendix 5**. The draft planning agreement provides as follows:

- **Mechanism for Subdivision of the Land:** following the rezoning of the land, subdivision will only proceed by way of a boundary adjustment that adds the rezoned portion of Lot 1 DP 817406 to Lot 2 DP 707837.
- **Future Use of Dwelling:** prior to the issue of a Subdivision Certificate for the boundary adjustment subdivision, the existing dwelling on the land will be removed from the site or rendered uninhabitable.
- **Landscape Buffer:** prior to the issue of a Subdivision Certificate for the boundary adjustment subdivision of the land, a 10 metre wide landscape buffer will be planted within the dedicated buffer along the southern and eastern boundaries of the land.

Part 1 - Objectives or Intended Outcomes

The objectives or intended outcomes of this planning proposal are:

- to rezone part of Lot 1 DP 817406 to enable its excision from the remainder of the lot and allow for the use of the excised portion for industrial purposes; and
- to allow for the integration of part of Lot 1 DP 817406 into the existing adjoining industrial zone.

Part 2 - Explanation of Provisions

This planning proposal applies to Lot 1 DP 817406 having an area of 15.46 hectares and is currently zoned 7(i) – Environmental Protection (Urban Buffer) Zone under the provisions of the *Ballina Local Environmental Plan 1987*. The proposal seeks to rezone a 0.68 hectare section of Lot 1 DP 817406 to 4 – Industrial Zone as illustrated on the map contained in **Appendix 2**.

Under the provisions of the (exhibited) Draft Ballina LEP 2011, prepared in accordance with the standard instrument, Lot 1 DP 817406 is to be zoned E3 – Environmental Management. This planning proposal would result in the change of 0.68 hectares of the subject site to IN1 – General Industrial.

The rezoning of the 0.68 hectare section of Lot 1 DP 817406 is proposed as part of a permanent solution to resolve an ongoing land use conflict issue resulting from the existence of a rural residential dwelling in close proximity to intensive industrial activity. The rezoning is being sought to rationalise the existing occupation of a portion of the 7(i) – Environmental Protection (Urban Buffer) Zone adjacent to the 4 – Industrial Zone and to integrate the 0.68 hectare part of Lot 1 DP 817406 with an adjoining existing industrial land use.

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 is not the result of any strategic study or report. The subject land has not been investigated to future urban or industrial use by any strategic studies undertaken by Council to date.

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

The planning proposal seeks to achieve a permanent resolution to an ongoing land use conflict issue arising from the close proximity of a rural dwelling house and intensive industrial activities. The subject land is currently being occupied and used for industrial purposes associated with the adjoining land use, albeit without development approval. Thus, the planning proposal seeks to formalise this use. Ballina Shire Council, in its resolution of 26 April 2012, believes this proposal is the best means of achieving the intended outcomes and will result in a "common sense" solution in resolving the land use conflict issues present on the site.

3. Is there a net community benefit?

The planning proposal will result in minimal net community benefit, although it will support the current operations of a substantial local industry. In essence, the planning proposal will result in the formalisation of the current unauthorised use of the land and resolve the present land use conflict issue.

Section B - Relationship to the Strategic Planning Framework

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

The Far North Coast Regional Strategy (FNCRS) provides the regional framework for the consideration of rezoning land for urban purposes in Ballina Shire. The FNCRS does not identify the subject land as a 'Proposed Future Urban Release Area' within the 'Town & Village Growth Boundary' for Ballina Shire (refer Town and Village Growth Boundary Map - Sheet 3, excerpt below).



The subject site is also identified as State Significant Farmland on the Natural Resources Map contained in the FNCRS. This is inconsistent with the action requirements in Chapter 4 of the FNCRS which requires that:

Local environmental plans will not zone land within the Environmental Assets and Rural Land area to permit urban purposes, other than rural residential development.

Notwithstanding, Council believes the proposal to be a “common sense” solution to the present land use conflict issue and consequently has resolved to give its strong support for the approval of the planning proposal.

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

Ballina Local Environmental Plan 1987

The subject land is currently zoned 7(i) – Environmental Protection (Urban Buffer) Zone under the provisions of the *Ballina Local Environmental Plan 1987*. The objectives of this zone are:

- A. *The primary objective is to create a rural buffer in the locality of Alstonville and Wollongbar and to prevent development of an urban character within any part of the zone which is likely to be seen by existing or likely future residents of the villages of Alstonville and Wollongbar or from a major road in the locality.*
- B. *The secondary objective is to enable development as permitted by the primary and secondary objectives of Zone No 1 (a1), except for development which would conflict with the primary objective of this zone.*
- C. *The exception of these objectives is development of land within the zone for public works and services, outside the parameters specified in the primary and secondary objectives.*

The area of land proposed to be zoned 4 – Industrial is not likely to be seen by existing or likely future residents of the villages of Alstonville or Wollongbar or from a major road

in the locality. The 0.68 hectares proposed to be rezoned adjoins existing industrial land on its northern and western sides and can be expected to integrate well with the existing adjoining industrial development. As a consequence, it is not expected that the rezoning of this section of the 7(i) – Environmental Protection (Urban Buffer) Zone will compromise the overall effect of the buffer and of Objective A.

Ballina Urban Land Release Strategy 2000 (ULRS-2000)

Ballina Urban Land Release Strategy 2000 (ULRS-2000) provides the Departmental-endorsed urban land release strategy for the Ballina local government area. It has been prepared in accordance with the provisions of clause 38 of the North Coast Regional Environmental Plan 1988 (the REP). The land release program contained within the Strategy has been agreed with the former Department of Infrastructure Planning and Natural Resources as required by subclause 38(3) of the REP.

The subject site adjoins an established industrial precinct known as the 'Russellton Industrial Estate' which currently contains approximately 23.6 hectares of occupied industrial land. This precinct also includes an additional 7.5 hectares of vacant land which is zoned for industrial purposes and yet to be developed. The ULRS-2000 does not provide for the rezoning of additional industrial land in the Alstonville-Wollongbar area and it is considered that the existing supply of industrial zoned land in this precinct is sufficient to satisfy the demand for the short to medium term.

Having regard for the above, this planning proposal seeks to rezone land that has not been considered as part of the ULRS-2000. However, Council has resolved to proceed with the rezoning proposal and give its strong support for its approval.

6. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policy Checklist Planning Proposal – Stoville Pty Ltd	
SEPP Title	Compliance of Planning Proposal
SEPP No. 1 - Development Standards	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 6 - Number of Storeys in a Building	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 14 - Coastal Wetlands	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 15 - Rural Land-Sharing Communities	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 21 - Caravan Parks	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 22 - Shops and Commercial Premises	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 26 - Littoral Rainforests	The planning proposal is consistent with the provisions of this SEPP.

SEPP Title	Compliance of Planning Proposal
SEPP No. 30 - Intensive Agriculture	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 33 - Hazardous and Offensive Development	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 36 - Manufactured Home Estates	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 44 - Koala Habitat Protection	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 50 - Canal Estates	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 55 - Remediation of Land	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 60 - Exempt and Complying Development	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 62 - Sustainable Aquaculture	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 64 - Advertising and Signage	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 65 - Design Quality of Residential Flat Development	The planning proposal is consistent with the provisions of this SEPP.
SEPP No. 71 - Coastal Protection	The planning proposal is consistent with the provisions of this SEPP.
SEPP (Affordable Rental Housing) 2009	The planning proposal is consistent with the provisions of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal is consistent with the provisions of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal is consistent with the provisions of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal is consistent with the provisions of this SEPP.
SEPP (Infrastructure) 2007	The planning proposal is consistent with the provisions of this SEPP.
SEPP (Major Development) 2005	The planning proposal is consistent with the provisions of this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal is consistent with the provisions of this SEPP.
SEPP (Rural Lands) 2008	The planning proposal is consistent with the provisions of this SEPP.
SEPP (State and Regional Development) 2011	The planning proposal is consistent with the provisions of this SEPP.
SEPP (Temporary Structures) 2007	The planning proposal is consistent with the provisions of this SEPP.
North Coast Regional Environmental Plan (deemed SEPP)	The North Coast Regional Environmental Plan (REP) has been classified by the Department of Planning and Infrastructure as a deemed SEPP since 1 July 2009. As such, its provisions must be considered in the assessment of this planning proposal. The planning proposal is generally consistent with the provisions of the

SEPP Title	Compliance of Planning Proposal
	North Coast Environmental Plan. Division 1 of Part 2 of the REP applies to the protection of agricultural resources. The subject site is identified by the Department of Planning and Infrastructure as State Significant Farmland. One of the objectives of Division 1 of the REP in relation to agricultural resources is to conserve the productive potential of agricultural land. The REP provides direction that in regard to planning for the use of "prime crop or pasture land" as follows: <i>A draft local environmental plan applying to prime crop or pasture land should:</i> <i>(a) identify and include land in an agricultural protection zone and contain provisions that:</i> <i>(i) prevent the subdivision of land within the zone for purposes other than commercial farming,</i> <i>(ii) set minimum allotment sizes which maintain the concept of a minimum area capable of efficient, sustainable agricultural production in the long term,</i> <i>(iii) separate land zoned for residential use from land zoned or used for agricultural use or for intensive animal industries, and</i> <i>(iv) prohibit development which is incompatible with the objectives of this Division, and</i> <i>(v) rezone prime crop or pasture land for purposes other than agricultural only after a detailed analysis of the agricultural capability of the land and adjoining land has been carried out, and</i> <i>(b) in relation to any prime crop or pasture land not identified and included in an agricultural protection zone in paragraph (a):</i> <i>(i) include provisions that retain the land for commercial farming purposes, and</i> <i>(ii) set minimum lot sizes which are sufficient to maintain commercial farming in the long term.</i> While the area proposed to be rezoned is not currently actively used for agricultural purposes, it is identified as State Significant Farmland. It is currently zoned 7(i) – Environmental Protection (Urban Buffer) under the Ballina LEP 1987 which offers a level of protection that accord with the provisions of Division 1 of Part 2 of the REP. It is considered that the rezoning of part of the subject site for industrial purposes may not be consistent with the provisions of the REP in this regard. Notwithstanding, Council has determined that the circumstances warrant rezoning and as such has resolved to proceed with and strongly support the planning proposal.



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

**Section 117 Direction Checklist
Planning Proposal – Stoville Pty Ltd**

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
1. Employment and Resources		
1.1 Business and Industrial Zones	Applies when a planning proposal affects land within an existing or proposed industrial zone (including the alteration of an industrial zone boundary). Requires that a planning proposal must: a) <i>give effect to the objectives of this direction,</i> b) <i>retain the areas and locations of existing business and industrial zones,</i> c) <i>not reduce the total potential floor space area for employment uses and related public services in business zones,</i> d) <i>not reduce the total potential floor space area for industrial uses in industrial zones, and</i> e) <i>ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</i>	The planning proposal is generally consistent with the objectives of this direction. The proposal, however, seeks to expand the existing Russellton Industrial Estate precinct into an area designated as urban buffer. The expansion of the Russellton Industrial Estate is not currently foreshadowed as part of any growth or expansion strategy for urban land. Notwithstanding, Council believes the proposal to be a "common sense" solution to resolving a land use conflict issue and has resolved to give its strong support to the progress of the proposal.
1.2 – Rural Zones	Applies to Ballina Shire. Does not apply to this planning proposal.	
1.3 – Mining, Petroleum Production and Extractive Industries	Applies to Ballina Shire. Does not apply to this planning proposal.	
1.4 – Oyster Aquaculture	Applies to Ballina Shire. Does not apply to this planning proposal.	
1.5 – Rural Land	In summary, this Direction provides that a Planning Proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. This Direction applies to both rural and environmental protection zones.	The planning proposal seeks to rezone an area currently zoned for environmental protection and as such the provisions of this Direction apply to the proposal. The Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008 are as follows: a) <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</i> b) <i>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> c) <i>recognition of the significance of rural</i>

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
		land uses to the State and rural communities, including the social and economic benefits of rural land use and development, d) in planning for rural lands, to balance the social, economic and environmental interests of the community, 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, f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General. The planning proposal is not consistent with the above Rural Planning Principles, particularly due to its inconsistency with the Far North Coast Regional Strategy. However, Council considers that the proposal satisfies the Sustainability Criteria as contained within the Far North Coast Regional Strategy. As such, Council has resolved to proceed with the submission of the planning proposal for determination and strongly supports its progress.
2. Environment and Heritage		
2.1 – Environmental Protection Zones	A Planning Proposal shall include provisions that facilitate the protection and conservation of environmentally sensitive areas and shall not reduce the environmental protection standards that apply to the land.	The planning proposal seeks to rezone a portion of land zoned 7(i) – Environmental Protection (Urban Buffer) Zone under the provisions of the <i>Ballina Local Environmental Plan 1987</i>. The primary objective of the 7(i) – Environmental Protection (Urban Buffer) Zone is: <i>to create a rural buffer in the locality of Alstonville and Wollongbar and to prevent development of an urban character within any part of the zone which is likely to be seen by existing or likely future residents of the villages of Alstonville and Wollongbar or from a major road in the locality.</i>

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
2.1 – Environmental Protection Zones (continued)		The planning proposal seeks to rezone land within the rural buffer for industrial purposes. The site will not be seen by existing or likely future residents of the villages of Alstonville and Wollongbar or from a major road in the locality. Although the proposal may not satisfy consistency provisions contained in section 6 of this Direction, Council considers that it adequately satisfies the Sustainability Criteria as contained within the Far North Coast Regional Strategy. As such, Council has resolved to strongly support the progress of the planning proposal.
2.2 – Coastal Protection	Applies to Ballina Shire. Does not apply to this planning proposal.	
2.3 – Heritage Conservation	Applies to Ballina Shire. Does not apply to this planning proposal.	
2.4 – Recreation Vehicle Areas	Applies to Ballina Shire. Does not apply to this planning proposal.	
3. Housing, Infrastructure and Urban Development		
3.1 – Residential Zones	Applies to Ballina Shire. Does not apply to this planning proposal.	
3.2 – Caravan Parks and Manufactured Home Estates	Applies to Ballina Shire. Does not apply to this planning proposal.	
3.3 – Home Occupations	Applies to Ballina Shire. Does not apply to this planning proposal.	
3.4 – Integrated Land Use and Transport	In summary, this Direction provides that a Planning Proposal must locate zones for urban purposes and include provisions that give effect to or are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001).	The planning proposal seeks to rezone a relatively small area of land within an urban buffer zone for industrial uses. The rezoned area will be integrated with the adjacent established industrial precinct which has with adequate road access and infrastructure services. In this regard, it is considered that the proposed rezoning is consistent with this Direction.
3.5 – Development Near Licensed Aerodromes	Applies to Ballina Shire. Does not apply to this planning proposal.	
4. Hazard and Risk		
4.1 – Acid Sulphate Soils	Applies to Ballina Shire. Does not apply to this planning proposal.	
4.2 – Mine Subsidence and Unstable Land	Applies to Ballina Shire. Does not apply to this planning proposal.	
4.3 – Flood Prone Land	Applies to Ballina Shire. Does not apply to this planning proposal.	
4.4 – Planning for Bushfire Protection	Applies to Ballina Shire. Does not apply to this planning proposal.	



TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
5. Regional Planning		
5.1 – Implementation of Regional Strategies	This Direction provides that when a Council prepares a Draft LEP the Plan shall be consistent with a Regional Strategy released by the Minister for Planning.	The subject site is not identified in the Far North Coast Regional Strategy as a future urban release area and is not located within the identified Town and Village Growth Boundaries specified in the Strategy. The site is also identified in the Far North Coast Regional Strategy as State Significant Farmland and requires that <i>Local environmental plans will not zone land within the Environmental Assets and Rural Land area to permit urban purposes, other than rural residential development.</i> Although The planning proposal does not satisfy the requirements of section 5 of this Direction, the proposal is considered by Council to adequately satisfy the Sustainability Criteria as contained within the Far North Coast Regional Strategy. As such, Council has resolved to proceed with the submission of the planning proposal for determination and strongly supports its progress.
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	In summary, this Direction provides that a Draft LEP shall not rezone land identified as State Significant Farmland or Regionally Significant Farmland for urban or rural residential purposes, unless the Draft LEP is consistent with Section 4 of the Report titled "Northern Rivers Farmland Protection Project – Final Recommendations, February 2005".	The subject land is identified as being State Significant Farmland. This Direction requires that a planning proposal must not rezone land identified as State Significant Farmland for urban or residential purposes. A planning proposal may be inconsistent with the terms of this Direction only if it can be satisfied that The planning proposal is consistent with: a) the Far North Coast Regional Strategy, and b) Section 4 of the report titled Northern Rivers Farmland Protection Project – Final Recommendations, February 2005, held by the Department of Planning.

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
5.3 – Farmland of State and Regional Significance on the NSW Far North Coast (continued)		Section 4 of <i>Northern Rivers Farmland Protection Project – Final Recommendations</i>, February 2005 provides as follows: <i>State significant farmland cannot be considered for urban (including housing, retailing and other uses normally located within towns) or rural residential rezoning. The only exception is where the land is identified in a council settlement strategy which has been agreed to between December 1994 and December 2004 under clauses 20 or 38 of the North Coast Regional Environmental Plan (or placed on public exhibition by the end of 2004 and subsequently approved). Councils when preparing new settlement strategies cannot consider state significant farmland for inclusion.</i> Notwithstanding the above, the area proposed for rezoning is not currently used for purposeful agriculture and is currently being occupied in conjunction with an adjoining industrial activity. Council considers that in this regard, the subject site is appropriate for rezoning and has resolved to submit this planning proposal for determination and strongly supports its progress.
5.4 – Commercial and Retail Development	Applies to Ballina Shire. Does not apply to this planning proposal.	
5.5 – Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Does not apply to Ballina Shire.	
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.	

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
6. Local Plan Making		
6.1 – Approval and Referral Requirements	In summary, this Direction provides that a planning proposal shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met.	The planning proposal is consistent with this Direction in that it will not require the introduction of any new concurrence or consultation provisions which do not already exist in the Ballina LEP 1987. The Draft LEP does not propose to introduce any additional designated development types.
6.2 – Reserving Land for Public Purposes	This Direction provides that a planning proposal shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant Authority among other things.	The planning proposal is consistent with this provision as it simply adopts the existing provisions of Ballina Local Environmental Plan 1987.
6.3 – Site Specific Provisions	This Direction provides that a planning proposal that amends another Environmental Planning Instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or rezone the site to an existing zone already applying in the Environmental Planning Instrument that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal Planning Instrument being amended.	The planning proposal is consistent with this Direction. The proposal seeks to rezone a portion of environmental protection zone to industrial zone to allow the land to be used for industrial purposes.
7. Metropolitan Planning		
7.1 – Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire	

Section C - Environmental, Social and Economic Impact

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

The 0.68 hectare area proposed for rezoning is currently clear of significant vegetation and does not contain any critical habitat or threatened species, populations or ecological communities or their habitats.

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

Should the rezoning of the 0.68 hectare area occur an increased incursion of industrial land use into land used for rural purposes will result. The proponent has addressed this by making a commitment to the provision of a 10 metre wide landscaped buffer zone between the proposed industrial zoned land and the adjoining environmental protection (urban buffer) zone upon which rural land uses will continue.

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

Minimal social and economic effects are expected from the proposed rezoning. The rezoning will allow the transfer of part of the site for its incorporation into the existing adjoining industrial land use. Consequently, positive economic effects can be expected to result from the sale of that part of the land and the resultant economic growth expected from industrial activity. In particular, it is expected that the availability of the land for industrial purposes will support the existing operations of a significant local business (being Duraplas).

Section D - State and Commonwealth interests.

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

The proposed rezoning of 0.68 hectares is not expected to place unreasonable demands on the provision of public infrastructure. The subject site adjoins existing industrial land which is readily serviced by standard public urban infrastructure.

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

No engagement with State or Commonwealth public authorities has been undertaken as part of this Planning Proposal to date. It is anticipated that further consultation will be undertaken with relevant agencies during the exhibition of the planning proposal and associated supporting documentation.



Part 4 – Community Consultation

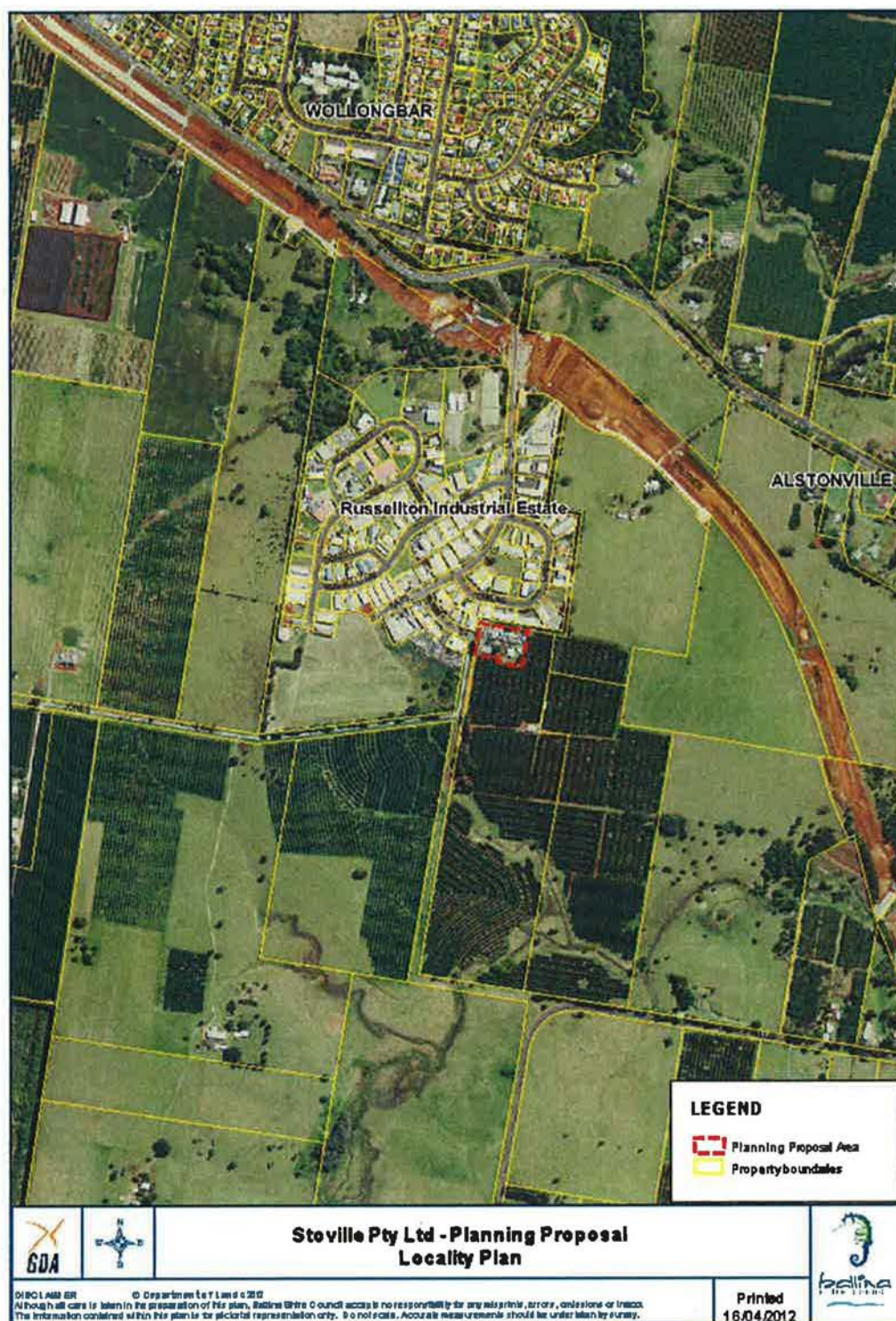
No community consultation has been undertaken to date with regard to this Planning Proposal. It is intended that this proposal be exhibited for a period of twenty-eight (28) days following the gateway determination of the proposal. To engage the local community the following will be undertaken:

- Notice in the local newspaper
- Exhibition material and relevant consultation documents to be made available at Council's Customer Service Centre
- Consultation documents to be made available on Council's website; and
- Written notification advising of the proposed rezoning and how to submit comments will be forwarded to all adjoining landowners and other stakeholders (including public authorities) that Council deem relevant to this planning proposal.

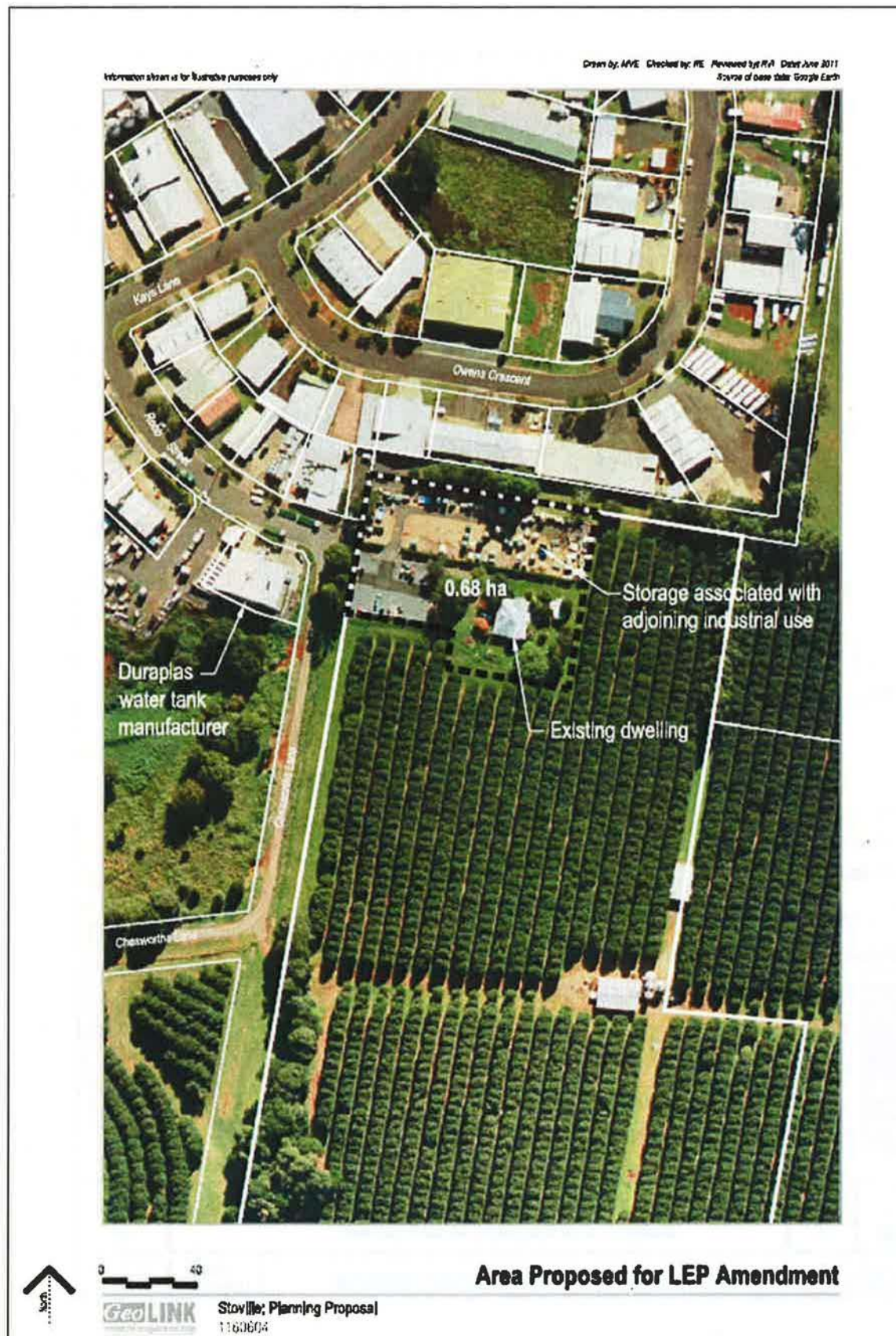
At the close of the consultation process, Council officers will consider all submissions and present a report to Council for its endorsement before proceeding to finalisation of the planning proposal.

Appendices

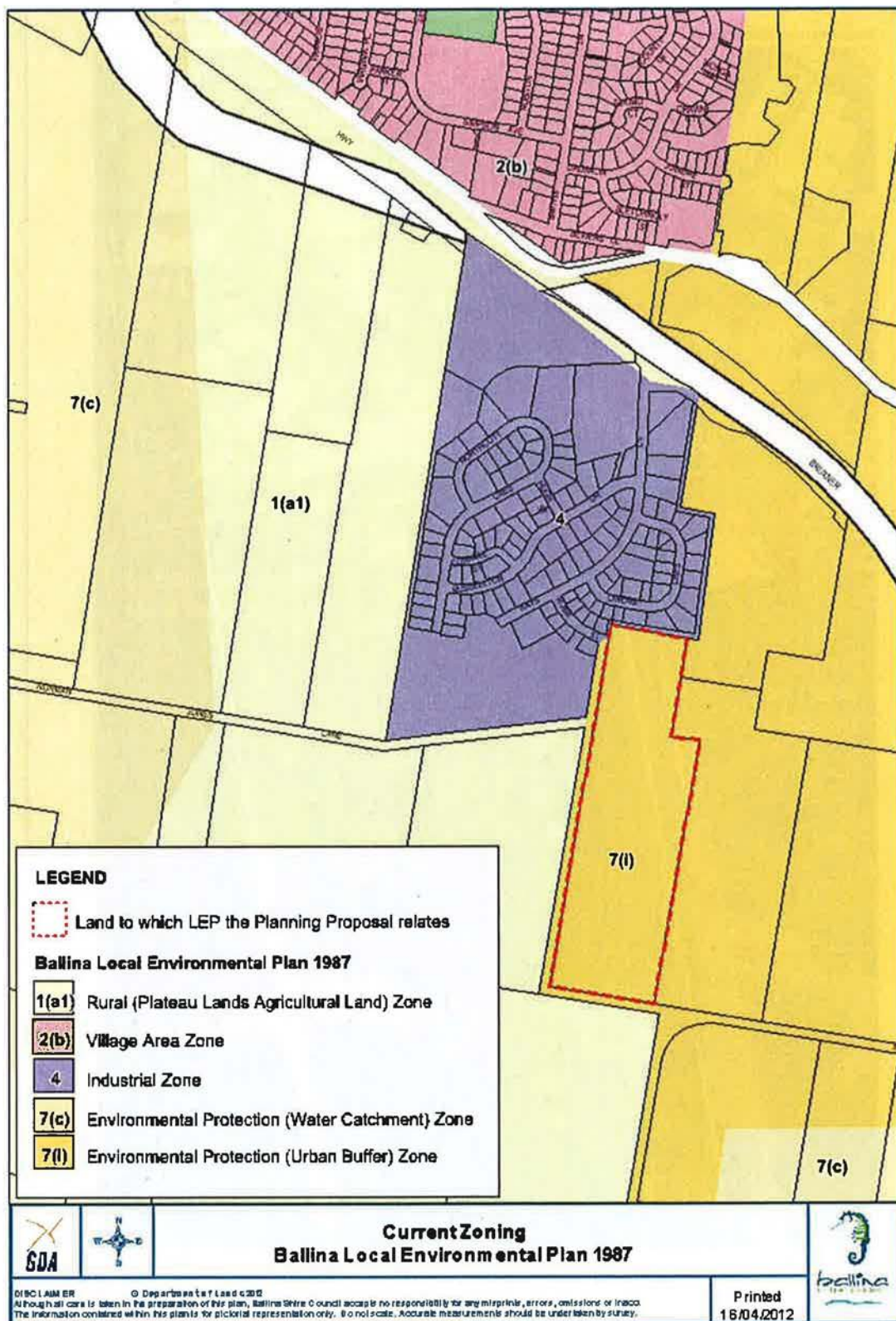
Appendix 1 - Locality Plan



Appendix 2 – Area of Proposed Rezoning



Appendix 3 - Current zoning - Ballina LEP 1987



Appendix 4 - Future zoning – Draft Ballina LEP 2011

