



Planning Proposal

September 2014

Burns Point Ferry Road

Lot 4 DP 537419

Burns Point Ferry Road & River Street, West Ballina

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INTRODUCTION

Summary of Planning Proposal

This planning proposal relates to a large parcel of land with an area of approximately 56.6 hectares at the western edge of the Ballina urban area. The land is described as Lot 4 DP 537419 and is bounded in the east by Burns Point Ferry Road, in the north by River Street, in the west by Emigrant Creek and in the south by the Richmond River. The land is contiguous with the existing residential areas of West Ballina and has an extensive history of land use proposals. The location of the subject land is illustrated in Figure 1.

The land is subject to the provisions of both the *Ballina Local Environmental Plan 1987* (BLEP 1987) and the *Ballina Local Environmental Plan 2012* (BLEP 2012). The northern section of the site is subject to the provisions of the BLEP 2012 and is zoned RU2 Rural Landscape. The residue of the site has been deferred from the BLEP 2012 as a result of the exclusion of environmental protection zones from the plan by the State Government. As a result, this residue area is subject to the BLEP 1987 and is zoned 1(d) Rural (Urban Investigation) under the provisions of that plan. The current zoning configuration of the site and surrounds is illustrated in Figure 2

The planning proposal seeks to amend the BLEP 2012 to apply suitable zoning and associated land use control provisions to enable the development of part of the land for urban purposes generally in accordance with the concept plan in Figure 3. This plan seeks to enable development for the purposes of employment and residential land uses. The precise zoning configuration and associated planning provisions are to be determined as part of the detailed assessment of the planning proposal through an environmental study process. It is proposed that the residue of the site (currently subject to the BLEP 1987) will be added to the BLEP 2012 and zoned RU2. It is anticipated that this part of the site will be set aside for environmental protection and enhancement in conjunction with a voluntary planning agreement between Council and the proponent to achieve required ecological offsets.



Figure 1 – Locality Map

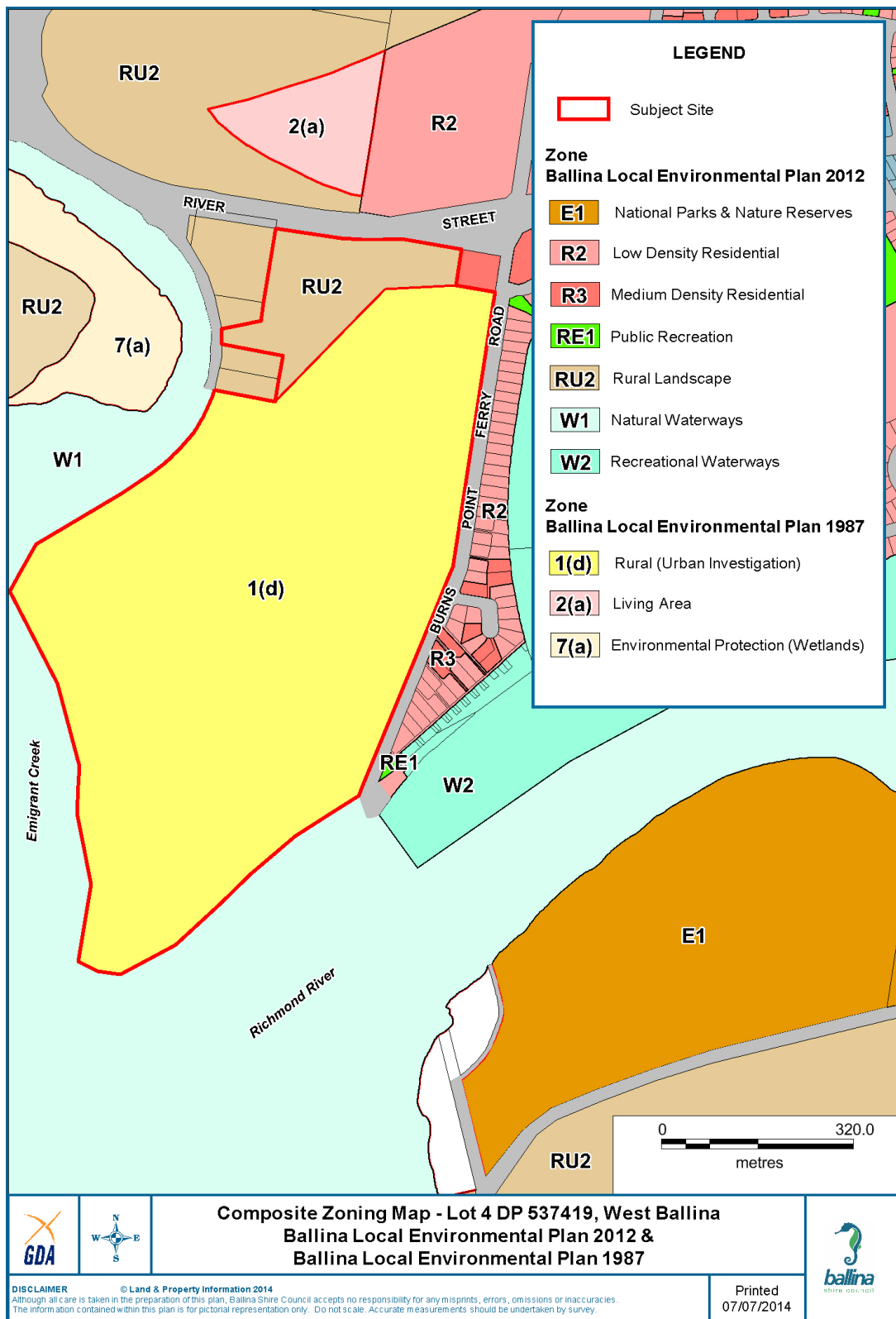


Figure 2 – Current Zoning Map

Planning Context

Planning History

The subject site has an extensive history of land use proposals. The most recent consideration for development of parts of the site for urban land uses is the result of the submission to Council of a request to amend the *Ballina Local Environmental Plan 2012* (BLEP 2012) based on the concept plan in Figure 3. This request was submitted to Council in July 2012 and has been considered by the Council several times to date. Copies of the originally submitted documentation to support the LEP amendment request are available under separate cover.

Council's initial consideration of the current proposal was in June 2013 where further consideration of the matter was deferred for six months to enable the following:

- confirmation of the nature and suitability of the proposed biobanking scheme on the site,
- the undertaking of an independent ecological assessment of the site, and
- the receipt of further advice from the Department of Planning in relation to the potential use of environmental protection zones.

The Council further considered the matter in January 2014. Sufficient information had been provided by this time to satisfy the Council's request in relation to the proposed biobanking scheme. The matters relating to the ecological assessment and possible application of environmental protection zones had not been satisfied at this time. It was resolved to continue with the processing of the proposal subject to the completion of the ecological assessment by 30 May.

With the agreement of the proponent, Council engaged Blackwood Ecological Services (Blackwood) to undertake the ecological assessment of the site. Blackwood's final report was provided to Council in May 2013 clarifying the qualities and values of the ecology of the northern part of the site subject to the majority of the urban land uses in the LEP amendment proposal. This planning proposal has been drafted in consideration of the findings and recommendations of the Blackwood report (a copy of the report is available under separate cover).

At the time of preparation of this planning proposal, it is apparent that the current situation relating to the application of environmental protection zones in the BLEP 2012 will remain unresolved for the immediate future. With this in mind, alternative proposals are being considered to achieve the desired environmental protection outcomes for the site.

The Council's most recent consideration of the proposal for the site was in July 2014 where it was resolved to submit the proposal to the Department of Planning and Environment for Gateway determination. A copy of the report submitted to the Council in July 2014 and details of the Council's subsequent resolution is in Appendix A.

Ballina Local Environmental Plan 2012

The provisions of the *Ballina Local Environmental Plan 2012* (BLEP 2012) apply to part of the subject site as detailed in Figure 2. Under the BLEP 2012, the affected part of the site is zoned RU2 Rural Landscape and is subject to a minimum lot size of 40 hectares. This proposal seeks to rezone this part of the site to facilitate employment related and residential land uses as detailed in the concept plan (Figure 3). In conjunction, it is also sought to apply an appropriate minimum lot size to the part of the site rezoned for urban purposes. The final

zoning configuration and associated planning provisions are to be determined as part of the detailed assessment of the proposal.

The deferral of environmental protection zones from the finalised BLEP 2012 has resulted in part of the site remaining subject to the provisions of the BLEP 1987.

Ballina Local Environmental Plan 1987

The provisions of the *Ballina Local Environmental Plan 1987* (BLEP 1987) apply to part of the site as detailed in Figure 2. It is proposed to apply a mixture of urban and environmental uses land zoned 1(d) Rural (Urban Investigation) under the BLEP 1987.

It is proposed as part of this planning proposal to integrate the entire site under the provisions of the BLEP 2012. Areas currently subject to the BLEP 1987 1(d) zone not proposed for urban land uses will be transferred to the RU2 Rural Landscape zone (or other suitable non-urban zone) in accordance with the provisions of the BLEP 2012.

Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 (GMS) provides the strategic planning context for urban development in Ballina Shire. The GMS identifies part of the site (the area zoned RU2 under the BLEP 2012) as a strategic growth area. Part of the area proposed for urban development is outside the identified strategic growth area identified in the GMS. This part of the site is identified as containing vegetation having high conservation value.

Should the proposal to rezone the land to enable urban land uses on the site proceed to fruition, it will result in inconsistencies with the GMS. The expanded urban footprint beyond the identified strategic urban growth area is generally consistent with the State Government's Far North Coast Regional Strategy as they apply to this locality.

The proposed expanded urban footprint will affect the area broadly identified in the GMS as having vegetation of high conservation value. This aspect will be considered further as part of the detailed assessment of this proposal and in light of an independent ecological assessment completed by Blackwood Ecological Services in May 2014.

The proponent has also committed in principle to entering a voluntary planning agreement in relation to the proposal for the purposes of addressing the ecological restoration and offsets required as part of the future urban development of the site. In this regard, it is considered that the ecological enhancements to the residue of the site may result in positive outcomes despite the inconsistencies with the GMS.

PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objective of this planning proposal is to provide for the development of part of the site for urban land uses and to recognise the environmental attributes of the land. Specifically, the proponent intends to apply zoning and planning provisions to enable the use of parts of the site for employment and residential land uses and to apply a suitable zoning to areas of the site identified for management of the natural environment.

PART 2 – EXPLANATION OF THE PROPOSAL

The proposal seeks to apply a regime of land use zoning and planning provisions to enable employment related, residential and environmental land uses as well as associated open space and infrastructure. At the southeastern corner of the site, near the end of Burns Point Ferry Road, it is proposed to create a special lot zoned to enable a restaurant.

The residue of the site is to be retained within a suitable non-urban zone and may be subject to the provisions of a voluntary planning agreement in relation to ecological restoration and protection.

In conjunction with the amendments to the current land use zoning of the site, appropriate minimum lot size provisions will be applied through amendments to the Lot Size Map. It is generally expected that minimum lot size provisions will be applied across the site to reflect the intended land use outcomes.

It is also proposed that land rezoned for urban purposes identified as being not suitable for urban land uses would be removed from the Strategic Growth Areas Map under the BLEP 2012.

The proposal will also result in the amendment to the Land Application Map due to expected adjustments to the area currently deferred from the BLEP 2012.

Importantly, the outcomes sought by this proposal may be achieved other than zoning, dependent on the outcomes of the planned environmental study process and the refinement of a suitable land use suite for the land.

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

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

As detailed above, part of the subject site is identified in the Ballina Shire Growth Management Strategy as a strategic urban growth area. The urban footprint proposed extends beyond this growth area. In the circumstances this inconsistency

is considered acceptable for the purposes of progressing to a more detailed site assessment and having regard for the potential delivery of environmental outcomes for the residue of the site. The entire site is identified in the Far North Coast Regional Strategy as a future urban area.

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 considered to be an appropriate means of securing the intended development outcomes for the land. An LEP amendment is required to enable urban uses of part of the land.

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 Far North Coast Regional Strategy (FNCRS), which provides the regional framework for the consideration of policy development and the overall vision of the future. The proposal is not in conflict with the outcomes or actions of the strategy.

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

As identified above, the proposal will result in an inconsistency with the provisions of the Ballina Shire Growth Management Strategy. Given the potential for the overall outcomes for the site to be positive, the further assessment to be undertaken and the consistency of the proposal with the Far North Coast Regional Strategy, it is considered appropriate for the proposal to proceed at this stage.

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

The proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs). Further consideration of SEPPs will be undertaken in conjunction with the detailed site investigations required prior to public exhibition.

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

The proposal is consistent with the relevant Section 117 Directions. A Section 117 Direction checklist for the planning proposal is contained in Appendix A.

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?

Ecological assessments have been undertaken for the northern part of the site which identifies the presence of several endangered ecological communities on the site. These assessments have provided the indication that parts of the site may be

suitable for urban development without significant environmental impacts or with appropriate compensation and ecological restoration outcomes. While some of the identified endangered ecological communities are present within the proposed urban development footprint, it is proposed to address the offsetting of the loss of these communities through a biobanking scheme and voluntary planning agreement. Further details as to the likely specific environmental impacts of the proposal will be considered in detail prior to the public exhibition of the planning proposal.

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

A number of environmental assessments will be required to support the planning proposal, should the planning proposal receive affirmative Gateway determination. These environmental assessments include the following:

- Ecological / flora & fauna assessment;
- Acid sulfate soils assessment;
- Land contamination assessment;
- Geotechnical assessment;
- Stormwater impact assessment;
- Entomological assessment (mosquitoes);
- Bushfire hazard assessment; and
- Archaeological / cultural heritage assessment.

The potential impacts associated with filling the site for the purpose of flooding mitigation has been assessed as part of Council's floodplain management planning process, undertaken in accordance with the floodplain management manual. This broader assessment will support the planning proposal should the rezoning receive affirmative Gateway determination. Further flood assessment may be required depending on the outcomes of more detailed consideration of the land.

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

The social and economic impacts of the proposal will be considered in greater detail as part of the detailed assessment prior to public exhibition. In general, it is considered that positive social and economic benefits will result from the proposal as a result of additional and diversified urban land use options for Ballina.

Section D - State and Commonwealth interests.

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

The planning proposal does not create the need for any additional public infrastructure and is expected to be serviceable by existing infrastructure in the vicinity of the site.

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 during the public exhibition stage of the LEP amendment in accordance with the requirements of the Gateway determination.

PART 4 – MAPPING

Subject to the detailed assessment of the site through an environmental study process, it is expected that the following maps will be finalised prior to public exhibition:

- Land Application Map,
- Lot Size Map,
- Land Zoning Map, and
- Strategic Urban Growth Area Map.

PART 5 – COMMUNITY CONSULTATION

It is proposed that community consultation will be undertaken for this planning proposal in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*.

PART 6 – TIMELINE

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	September 2014
Government Agency Consultation	October 2014
Public Exhibition Period	February 2015
Public Hearing	N/A
Submissions Assessment	March 2015
RPA Assessment of Planning Proposal and Exhibition Outcomes	April 2015
Submission of Endorsed LEP to P&I for Finalisation	July 2015
RPA Decision to Make the LEP Amendment (if delegated)	July 2015
Forwarding of LEP Amendment to P&I for Notification (if delegated)	July 2015

Appendix A – Council Report & Resolution

9.2 LEP Amendment Request - Burns Point Ferry Road, West Ballina

9.2 LEP Amendment Request - Burns Point Ferry Road, West Ballina

Delivery Program Strategic Planning

Objective To update the Council and to seek the Council's direction with regard to the progress of a proposal to rezone part of Lot 4 DP 537149 in West Ballina for urban purposes.

Background

Council received a request from SJ Connelly (now Planners North) on behalf of the landholder to amend the zoning of the land identified as Lot 4 DP 537149, Burns Point Ferry Road, West Ballina on 18 July 2012. A locality map identifying the site is included in Attachment One.

After seeking additional information, the matter was subsequently reported to the Council's Ordinary Meeting held on 27 June 2013 where it was resolved to defer the consideration of the matter pending receipt of further information and clarification of a number of related issues. The matter was then reported to the Council's Ordinary Meeting held on 23 January 2014 where it was resolved (Minute No. 230114/6):

1. That Council continue the processing of the LEP amendment request relating to Lot 4 DP 537149 Burns Point Ferry Road, West Ballina.
2. That prior to the preparation of a planning proposal, the following steps be undertaken:
 - (a) That, based on the agreement of the proponent in correspondence dated 7 June 2013, Council engage an independent ecologist to undertake a review of the ecology of the land within the proposed urban footprint on Lot 4 DP 537149, Burns Point Ferry Road, West Ballina, with the cost of such engagement to be borne by the proponent.
 - (b) That, given the e-zone review has not yet been completed, Council obtains advice from the Department of Planning and Infrastructure in relation the availability and potential for use of environmental protection zones under the BLEP 2012 in relation to the proposed rezoning.
3. Where the independent ecological study is not completed before 30 May 2014, or the outcomes of the study indicate that there are significant constraints to the proposed land uses, that the LEP amendment request be reported to the Council for further consideration.

The purpose of this report is to advise the Council of actions taken in response to the above resolution and to seek the Council's direction as to the progression of the LEP amendment request. Following the receipt of the additional information in accordance with the resolution of 23 January 2014, the Council is now in a position to determine whether or not to proceed with the proposal and further assess and consider the rezoning of parts of the subject site to enable development for urban purposes.

9.2 LEP Amendment Request - Burns Point Ferry Road, West Ballina

It should be noted that the subject site has an extensive history of rezoning proposals and has been considered by respective Councils on numerous occasions over the last 20 years. This history has been addressed in previous reports to the Council. For the information of Councillors, and to assist in the consideration of this report, an updated chronology of events relating to the land use planning of the site is provided in Attachment Two.

Key Issues

- Suitability of parts of the site for urban land uses.
- Progression of the rezoning proposal for the site.

Information

The LEP amendment request before the Council in this instance is a proposal to amend the zoning of parts of the land to enable urban development. The proponent seeks appropriate zoning of the site to enable a mix of employment and residential land uses in the northern section of the site. The majority of the site (residue areas) is to be retained for its ecological values. The proposal also includes an area of the site at its southeastern corner for development as a restaurant. A copy of the current concept plan for the site submitted in support of the LEP amendment request is included in Attachment Three.

The Council's resolution at its Ordinary Meeting held on 23 January 2014 essentially required two primary matters to be addressed to enable the proposal to proceed, which are:

- The completion of an independent ecological assessment of the site to clarify its ecological attributes and to assist in the determination of the suitability of part of the site for future urban development, and
- Clarification from the Department of Planning and Environment in relation to the availability and potential for use of environmental protection zones under the BLEP 2012 in relation to the proposed rezoning.

Ecological Assessment

In agreement with the proponent, and at the proponent's cost, Council engaged Blackwood Ecological Services (Blackwood) to undertake the independent ecological assessment of the northern section of the site (the majority of the area proposed for urban uses). This assessment was undertaken in April 2014 with a final report detailing the findings of the assessment provided to Council on 29 May 2014. A copy of the completed ecological assessment is contained in Attachment Four.

The independent assessment by Blackwood identified several vegetation communities within the area proposed for urban land uses having varying levels of ecological value and quality. The report clarifies the extent of endangered ecological communities (within the meaning of the *Threatened Species Conservation Act 1995*) within the assessment area and identifies areas that are not considered to be of high ecological significance. Based on the Blackwood assessment it appears that there is potential for parts of the site to accommodate urban development without significant adverse impacts on the key ecological attributes of the land. There may also be opportunity to

mitigate potential ecological impacts associated with proposed urban development in more sensitive parts of the site.

If the proposal proceeds through Gateway determination, it is proposed that the entire matter be subject to an independent third party review in accordance with Council's processing practice for amendment requests of this type. This process would include more detailed consideration of potential ecological impacts and associated mitigation and management options.

With respect to the ecological attributes, the report specifically identifies the eastern section of the assessment area as containing freshwater wetland having high ecological values. Notably, the concept plans submitted in support of the amendment proposal include areas identified in the Blackwood report as containing vegetation of ecological significance. The proponent was requested to provide its position in relation to how the impacts of the proposed urban rezoning on the ecologically significant areas of the site would be addressed.

In response, the proponent has sought to proceed with the concept design as submitted and is prepared to address the ecological impacts by way of a biobanking scheme over the southern part of the site supported by a confirmation of commitment in a voluntary planning agreement (VPA). The content of a VPA would be negotiated post a Gateway determination if the matter proceeds.

The Blackwood assessment sufficiently identifies the levels of ecological significance of the vegetation on the northern part of the site. Based on this assessment, Council staff are of the view that the proposal to rezone this part of the site to enable urban development warrants further consideration and more detailed assessment. In this regard, it is the recommendation of this report that the proposal to amend the LEP to rezone parts of the subject site be formalised in a planning proposal and forwarded to the Department of Planning and Environment for Gateway determination.

Environmental Protection Zones

In the time since this matter was last reported to the Council (January 2014) the issue regarding environmental protection zones in the *Ballina Local Environmental Plan 2012* has been further considered by the NSW Government (see report to Council's 26 June 2014 Ordinary Meeting). Although Council has now had the opportunity to comment on E zone interim reporting released by the Department of Planning and Environment, there is no indication of timing to conclude the Government's review process, or indeed the outcomes.

In the absence of any clear or immediate resolution to the issue, the proponent has indicated a willingness to commit to a VPA to address the protection of the environmental attributes of the site. This approach, depending on the ultimate content of a VPA (that is, what the proponent is prepared to offer), could result in positive environmental outcomes.

Having regard for the above, it is considered that the rezoning of parts of the subject site as proposed warrants further investigation and that a planning proposal should be initiated to enable this. As such, it is the recommendation of this report that the Council authorise the submission of a planning proposal

to the Department of Planning and Environment for Gateway determination and subsequent detailed assessment.

Sustainability Considerations

- **Environment**

As clarified in the assessment by Blackwood Ecological Services, the subject site has significant ecological values. The Blackwood assessment also clarifies the lesser significance of parts of the site which may be suitable for urban development subject to further detailed assessment of environmental impacts and the implementation of appropriate mitigation measures. If the proposal proceeds further, a more detailed investigation will be undertaken to assess the potential environmental impacts of future urban development of the site and options for mitigating these impacts.

- **Social**

The further consideration of the site for rezoning and future urban development will enable greater assessment of the social impacts of the proposed change to the zoning of the land. In general, it is considered that use of parts of the site for urban land uses will result in positive social impacts. In addition, it is considered that long term overall social benefits can be expected as a result of the environmental restoration of the majority of the site that could be facilitated by the rezoning proposal.

- **Economic**

Subject to the matter proceeding to finalisation, the future development of parts of the site for urban land use purposes would result in direct economic benefits for the owners of the land and indirect economic benefits to the wider community through the provision of additional land for urban development.

Legal / Resource / Financial Implications

This matter is being reported to the Council for its consideration and endorsement to enable the further, more detailed assessment of the land use planning outcomes and potential environmental impacts arising from the rezoning proposal.

If the Council resolves to support the progress of this proposal, the costs of further assessment will be borne by the proponent in accordance with Council's standard practice for planning proposals of this nature. This would include involvement of an independent consultant to undertake a review and assessment of the proposal. Because of this, there are no significant public legal or resource implications presented by the proposal.

The progress of the proposal to Gateway determination is also subject to the proponent paying the applicable planning proposal preparation fee.

Council, as the relevant planning authority, has the legal responsibility to manage the administration of the proposal in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. The management and coordination of the proposal, should it proceed, will be

9.2 LEP Amendment Request - Burns Point Ferry Road, West Ballina

incorporated into the existing work program of the Strategic and Community Facilities Group.

Consultation

Other than engagement with the proponent and the independent ecological consultant, no consultation with the public, government agencies or Council's internal staff has been undertaken to date. Should the Council resolve to support the progress of the matter, further consultation will be undertaken in accordance with the Gateway determination and the requirements of the *Environmental Planning and Assessment Act 1979*.

Options

The primary consideration for the Council in relation to this matter is to determine whether or not to proceed with the amendment to the LEP as proposed. The Council has the option to give in-principle support to the LEP amendment request as submitted by the proponent on 18 July 2012 (and subsequently amended) and endorse the planning proposal in Attachment Five for submission to the Department of Planning and Environment for Gateway determination. Alternatively, the Council may decline the LEP amendment request and advise the proponent that it is not prepared to support the proposal in its current configuration.

Having regard for the information submitted in support of the LEP amendment request and the findings of the independent ecological assessment, staff are of the view that there are sufficient grounds to warrant further consideration of the proposal. These include:

- Provision of the opportunity to address the zoning of the site as a whole and integrate positive environmental outcomes,
- Potential economic benefits to the shire based on additional and diversified urban environments (comprising a mix of employment and residential land uses),
- Opportunities to resolve long standing land use planning considerations for the subject site,
- Provision of an enhanced entry treatment for West Ballina, and
- Enabling a planned and well-designed contiguous extension to the existing urban environment.

Based on the information contained in this report, the recommended option is to give in-principle support to the proposal and authorise the submission of the draft planning proposal (Attachment Five) to the Department of Planning and Environment for Gateway determination.

As part of the submission of the proposal to the Gateway, the Council will need to consider whether it will seek delegation from the Department of Planning and Environment in the finalisation of the LEP amendment. As it is likely that the Gateway will delegate the finalisation to the Council, it is recommended at this time that the Council resolve to proceed on this basis. It should be noted that Council can choose not to exercise delegation following the public exhibition of the proposal.

RECOMMENDATIONS

1. That in relation to the proposal to amend the *Ballina Local Environmental Plan 2012* as it applies to Lot 4 DP 537149, Burns Point Ferry Road, West Ballina, Council submit the planning proposal attached to this report (Attachment Five) to the Department of Planning and Environment for review and Gateway determination.
2. That the Department of Planning and Environment be advised that at this stage of the process it is Council's intention to exercise its delegated plan making functions.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, 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.
4. That upon the requested information being submitted by the proponent, Council initiate a third party review including preparation of an environmental assessment and planning report relating to this planning proposal. Costs for this engagement are to be borne by the proponent.
5. That a further report be presented to the Council in relation to this matter following the preparation of the independent environmental assessment and planning report and at the conclusion of the community and Government agency consultations, as specified by the Gateway.

Attachment(s)

1. Locality Map
2. Chronology of Planning History
3. Concept Plan
4. Ecological Assessment
5. Planning Proposal

240714/9 RESOLVED

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That in relation to the proposal to amend the *Ballina Local Environmental Plan 2012* as it applies to Lot 4 DP 537149, Burns Point Ferry Road, West Ballina, Council submit the planning proposal attached to this report (Attachment Five) to the Department of Planning and Environment for review and Gateway determination.
2. That the Department of Planning and Environment be advised that at this stage of the process it is Council's intention to exercise its delegated plan making functions.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, 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.
4. That upon the requested information being submitted by the proponent, Council initiate a third party review including preparation of an environmental assessment and planning report relating to this planning proposal. Costs for this engagement are to be borne by the proponent.
5. That a further report be presented to the Council in relation to this matter following the preparation of the independent environmental assessment and planning report and at the conclusion of the community and Government agency consultations, as specified by the Gateway.

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

AGAINST VOTE - Cr Jeff Johnson and Cr Keith Williams

Appendix B – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal Lot 4 DP 537419 Burns Point Ferry Road, West Ballina	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. The planning proposal seeks to expand the supply of industrial and commercial zoned land. The proposed new employment areas are generally consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013). The site is also identified as future employment land in the Far North Coast Regional Strategy.
1.2 Rural Zones	Consistent. The planning proposal proposes to rezone rural land for a mix of employment and residential purposes. The proposed new employment areas are generally consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013). The site is also identified as future employment land in the Far North Coast Regional Strategy.
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	Consistent. The planning proposal proposes to rezone rural land to enable a mix of employment and residential land uses. The proposed new employment areas are generally consistent with Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013). The site is also identified as future employment land in the Far North Coast Regional Strategy.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The planning proposal seeks to facilitate the protection of the environment with appropriate mechanisms to be determined through an environmental study process.
2.2 Coastal Protection	Consistent. The subject land is located within the NSW Coastal Zone. The proposed new employment areas are consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013). The site is also identified as future employment land in the Far North Coast Regional Strategy.
2.3 Heritage Conservation	Consistent. Further consideration of the cultural heritage and archaeological values of the site will be considered as part of the detailed assessment of the proposal. Appropriate provisions will be implemented should any items of heritage significance be identified on the site
2.4 Recreation Vehicle Areas	Consistent. Recreational vehicle areas are not proposed.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The subject site is contiguous with land zoned for residential purposes. The proposal seeks to facilitate residential development that comprises live-work options that will diversify the housing types and needs in the Ballina locality.

3.2 Caravan Parks and Manufactured Home Estates	Consistent. The subject land does not contain an existing caravan park or manufactured home estate. The planning proposal does not seek to make direct provision for caravan parks or manufactured home estates. The proposed rezoning is generally consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013). The site is also identified as future employment land in the Far North Coast Regional Strategy.
3.3 Home Occupations	Consistent.
3.4 Integrated Land Use and Transport	Consistent. In the further assessment of the proposal, it is anticipated that consideration will be given to the accessibility and transport options for any proposed residential, industrial and/or business areas considered for the site.
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 Sulphate Soils	Consistent. The subject site is identified as being affected by acid sulphate soils. The hazard and risk to the future development of the site from acid sulphate soils will be considered further in the detailed assessment of the proposal subject to Gateway determination and prior to public exhibition and finalisation.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Consistent. The subject site is identified as being flood prone. The hazard and risk to the future development of the site having regard to flood mitigation and impacts will be considered further in the detailed assessment of the proposal subject to Gateway determination and prior to public exhibition and finalisation.
4.4 Planning for Bushfire Protection	Does not apply to planning proposal.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The subject land is contained within the urban footprint identified in the 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	Does not apply to planning proposal.
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. The subject site does not currently comprise any land zoned or reserved for public purposes. It is anticipated that any public open space and other land to be dedicated for public purposes as part of the proposal will be considered as part of the further assessment of the proposal including suitable mechanisms to facilitate their dedication.
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.