

Bangalow Industrial Estate Extension

Proposal Title : **Bangalow Industrial Estate Extension**

Proposal Summary : **The proposal seeks to amend the Byron Local Environmental Plan (LEP) 2014 by rezoning part of Lot 7 DP 626084 from RU1 Primary Production to IN1 General Industrial to permit industrial uses. This area of land will constitute an extension to the existing Bangalow Industrial Estate.**

The planning proposal proposes an amendment to Byron LEP 2014 Land Zoning map to illustrate the new industrial zone.

PP Number : **PP_2015_BYRON_002_00**

Dop File No :

15/04421

Proposal Details

Date Planning
Proposal Received : **14-Apr-2015**

LGA covered : **Byron**

Region : **Northern**

RPA : **Byron Shire Council**

State Electorate : **BALLINA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Lismore Road**

Suburb :

City : **Bangalow**

Postcode : **2479**

Land Parcel : **Part of Lot 7 DP 626084**

DoP Planning Officer Contact Details

Contact Name : **Jenny Johnson**

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RPA Contact Details

Contact Name : **Julie Francombe**

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	2.70	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning & Environment Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes :	The planning proposal was originally submitted on the 9 March 2015. Additional information (Sustainability Criteria assessment) was requested before the planning proposal could be assessed. The additional information was provided as a revised planning proposal on 10 April 2015.
External Supporting Notes :	

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :	The statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to rezone land at Lismore Road Bangalow from rural to industrial, to allow for an extension to the west of the existing Bangalow Industrial Estate.
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Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? No

Comment :	The explanation of the provisions adequately describes the provisions of the plan. The proposal proposes to rezone part of Lot 7 DP 626084 from RU1 Primary Production to IN1 General Industrial. This 2.7ha area will be matched to the already altered (under LEP 2014) 1000 square metre minimum lot size and the 0.75:1 Floor Space Ratio maps. The proposal requires an amendment to the LEP Land Zoning map from RU1 Primary Production to IN1 General Industrial.
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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.4 Oyster Aquaculture

1.5 Rural Lands

2.1 Environment Protection Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The objective of the planning proposal was initially raised as a possible rezoning during the preparation of the Byron LEP 2014. However the subject site had not been exhibited with the proposed industrial zoning and no consultation had taken place with Transport for NSW (Road and Maritime Services). It was included in the LEP post exhibition under a Council resolution. The Department considered that the lack of community consultation for the rezoning and inconsistency with the Far North Coast Regional Strategy warranted its removal prior to finalisation of the LEP. Council was advised that the rezoning could be dealt with at a later stage through a planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The inconsistencies with the s117 Directions have been addressed and are of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The proposal includes mapping which adequately shows the land affected by the proposed amendment. These maps are suitable for exhibition purposes.

Amendment to the Land Zoning map will be required to illustrate the new Industrial zone proposed. The map will need to be prepared in accordance with the Standard Technical Requirements for LEP Maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Council has proposed a 28 day exhibition period. This is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal satisfies the adequacy criteria by:

- 1) Providing appropriate objectives and intended outcomes;**
- 2) Providing suitable explanation of the provisions of the LEP to achieve the outcomes;**
- 3) Providing an adequate justification for the proposal;**
- 4) Allowing a suitable proposed community consultation program;**
- 5) Providing a time line for the completion of the proposal. Council has suggested a time line of six (6) months. However as delegation to Council is not supported in this instance and will require Council to submit the proposal to the Department to be finalised, a nine (9) month time frame is considered more appropriate**
- 6) Completing an evaluation criteria for the delegation of plan making functions to exercise delegation.**

Delegation is not recommended in this instance as the rezoning is on a site outside of the Town & Village Growth Boundary of the Far North Coast Regional Strategy. The proposal is required to satisfy the Sustainability Criteria for rezoning outside of this boundary.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Byron LEP commenced in July 2014. The planning proposal seeks to amend the Byron LEP 2014.

Assessment Criteria

Need for planning
proposal :

The planning proposal is not a result of any specific strategy and Byron Council is yet to complete the Local Growth Management Strategy which helps to identify sites for residential and/or employment land.

Council has considered a number of other broader studies to guide the need for further industrial land within the Byron Shire, which all support the proposed extension to industrial land at Bangalow.

The proposal was initially raised as a possible rezoning during the preparation of the Byron LEP 2014. It was included in the LEP post exhibition under a Council resolution. As no community consultation had taken place the site was removed prior to finalisation of the LEP. The Minimum Lot Size (MLS) and Floor Space Ratio (FSR) changes were not removed from the Byron LEP 2014 and therefore the rezoning will align with the 1000 MLS and 0.75:1 FSR at the subject site.

Any extension to the industrial estate is constrained by the surrounding land uses. Extension to the north is not possible due to it being classed as flood liable land and the proximity to the sewerage treatment plant. The agricultural lot is not conducive for intensive agricultural activities as it is bound by the Lismore Road and the disused Casino to Murwillumbah rail corridor. The subject lot is not presently being utilised for agriculture.

The proposed extension is a logical extension to the existing industrial area. The existing industrial area is at full capacity and has been so since 2007. Council has noted that this land should have been purchased with the previous industrial land to plan for the future industrial needs of Bangalow.

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Consistency with strategic planning framework :

The Bangalow Industrial Estate extension is not considered to be consistent with the Far North Coast Regional Strategy as the land proposed for rezoning is not identified as Future Employment land or within the Town & Village Growth Boundary map for Bangalow. However, the FNCRS does provide an avenue for the potential release of such land. The process to allow council to initiate a rezoning requires that:

".. any development proposals for greenfield sites west of the Coastal Area and outside of the Town & Village Growth Boundary be subject to satisfying the Sustainability Criteria."

Council has provided a Compliance Table for the Sustainability Criteria in relation to the extension in support of the proposal detailing consistency with the FNCRS. This has been assessed and is satisfactory.

Council has nominated various s117 Directions for consideration with respect to this planning proposal. The inconsistencies with 1.1 Business & Industrial Zones, 1.2 Rural Zones, 1.5 Rural Land, 5.1 Implementation of Regional Strategies and 5.3 Farmland of State and Regional Significance are of minor significance.

The following directions warrant further consideration.

1.1 Business & Industrial Zones

This direction applies as it affects land within a proposed industrial zone. This change is inconsistent with the direction as it is not in accordance with an approved strategy (as employment land). It should be noted that the area will not result in a reduction to the total floor space area and is not reducing but increasing land used for industrial purposes. Therefore the inconsistency is of minor significance.

1.2 Rural Zones

The planning proposal is not considered to be consistent with this direction as it is proposed to rezone land from a rural zone to an industrial zone. However, this agricultural lot is not conducive for intensive agricultural activities as it is bound by the Lismore Road and the disused Casino to Murwillumbah rail corridor. The inconsistency is justified as of minor significance as the subject lot is not presently being utilised for agriculture and is a logical extension to the industrial estate.

1.5 Rural Lands

The planning proposal is not considered to be consistent with this direction as it affects land within an existing or proposed rural zone. The planning proposal is consistent with the Rural Planning Principles of SEPP (Rural Lands) and as the minimum lot size for the land was not removed from the Byron LEP 2014 prior to finalisation, there will be no effect to the minimum lot size for the proposed lot. Therefore the planning proposal may be considered as of minor significance.

3.4 Integrated Land Use & Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development design, subdivision and street layout achieve adequate transportation methods. The site is easily accessible from existing road infrastructure, and is within cycling distance to the town centre. Daily public transport is also available from the town centre to the industrial estate.

5.1 Implementation of Regional Strategies

The planning proposal applies as the site is within the boundaries of the FNCRS. Currently the site is not considered consistent as it falls outside of the Town & Village Growth Boundary and can only proceed subject to satisfying the Sustainability Criteria. The Sustainability Criteria report is attached to the planning proposal.

5.3 Farmland of State & Regional Significance on the NSW Far North Coast

The proposal is inconsistent with the Direction as the site is classed as Regionally Significant Farmland (RSF). The land (to be utilised) is only 2.7ha in size and unlikely to support viable agricultural practices. The Lismore Road and the disused rail corridor restrict further connection to increase the holding. There is an adequate amount of RSF in

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the surrounding area. Therefore the loss of this small area for an industrial use will not significantly reduce the agricultural value of agricultural land at Bangalow and can be classed as of minor significance.

Environmental social
economic impacts :

The proposed site is mostly devoid of significant vegetation and no effect is expected on critical habitat, threatened species, populations or ecological communities. The land has previously been used for extensive grazing practices and rural residential.

Consultation will be required with Transport for NSW - Roads and Maritime Services concerning access, which is unlikely to be appropriate from the Lismore Bangalow main road. It is likely that access will need to occur through the existing industrial estate.

There are a number of rural residential dwellings in the vicinity of the extension area. The closest dwelling house is associated with the landscape supply business and the other dwelling is separated by Lismore Road. Noise issues are not expected to exceed the noise created by traffic using the Lismore Road.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Transport for NSW - Roads and Maritime Services		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Byron Shire Council_09-03-2015_LEP 2014 Amendment Part Lot 7 DP 626084 Lismore Road Bangalow - s56_.pdf	Proposal Covering Letter	Yes
26.2014.9.1 - Planning Proposal - Bangalow Industrial Estate extension 27 March 2015 - revised.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 1.2 Rural Zones
 1.4 Oyster Aquaculture
 1.5 Rural Lands
 2.1 Environment Protection Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 5.1 Implementation of Regional Strategies
 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
 6.1 Approval and Referral Requirements

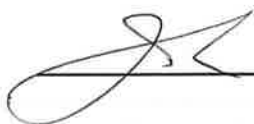
Additional Information : **It is recommended that:**

- 1) The planning proposal should proceed as a routine planning proposal;**
- 2) The Secretary (or an officer nominated by the Secretary) agrees that the inconsistencies with s117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 5.1 Implementation of Regional Strategies and 5.3 Farmland of State & Regional Significance on the NSW Far North Coast are justified as minor significance;**
- 3) Council will be required to consult with Transport for NSW - Roads and Maritime Services during exhibition;**
- 4) That the planning proposal be exhibited for a period of 28 days;**
- 5) The planning proposal be completed in nine (9) months.**

Supporting Reasons : **The planning proposal to rezone part of Lot 7 DP 626084 Lismore Road Bangalow from rural to industrial to allow for the extension to the existing industrial estate is appropriate to proceed.**

Due to the site being outside of the Town & Village Growth Boundary of the FNCRS, delegation to Byron Council is not supported.

Signature:



Printed Name:

JIM CLARK

Date:

24 April 2015

Team Leader Local Planning