

Planning Proposal 16/003

» *Southern Cross Industrial Estate, Boeing Avenue, Ballina*

June 2017 (V4. Final) 17/46498

ballina
shire council



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1. Introduction

1.1 Summary of Planning Proposal

This planning proposal applies to Part Lot 952 DP 1165266, Part Lots 2-5 DP 123781 and the adjacent Boeing Avenue road reserve in the Southern Cross Industrial Estate, Ballina (referred to as the site). The total site area is approximately 6 hectares excluding the Boeing Avenue road reserve. The land the subject of the proposal is shown on the Site Identification Map contained within Appendix 1.

The subject land relates to lots 2 & 3 approved under DA 2009/258. These lots have not yet been created. Council granted consent to DA 2009/258 on 4 November 2009 in respect of Lot 1 DP 237752, Pt Lot 87 DP 1118585 and Lots 1-5 DP 123781, North Creek Road, Boeing Avenue and Stinson Street, Ballina (Southern Cross Industrial area) for the following:

To undertake a staged subdivision creating five (5) allotments (proposed Lots 1-5) and two open space allotments, filling of land, construction of a road, drainage works, extension of services and landscaping works.

Stage 1: *being the provision of all infrastructure sufficient to facilitate the creation of Lot 1.*

Stage 2: *being the creation of the remainder of the subdivision.*

As a consequence of finalising Stage 1 of DA 2009/258, Lots 951 and 952 were created. The “Harvey Norman Complex” was then approved and constructed on Lot 951. Because of the creation of the above subdivision, Lots 2 and 3 are subject of an active consent and can thus be created at any time, subject to compliance with the Stage 2 consent conditions.

The purpose of this planning proposal is to rezone the site from B5 Business Development to IN1 General Industrial under the Ballina Local Environmental Plan 2012 (BLEP 2012) including an enabling clause to permit bulky goods development as an additional permitted use. The proposed rezoning seeks to provide more flexibility in the use of the land by enabling a broad range of general industrial uses as per the existing permitted uses within the zone, whilst the inclusion of “bulky goods premises” as an additional permitted use recognises a strategic policy decision of Council to encourage collocation of bulky goods uses in the vicinity of the Harvey Norman Complex.

The proposal also seeks to change the existing minimum lot size from 1ha to 1000m² to be consistent with the minimum lot size standard for subdivision for other IN1 zoned land within the Southern Cross Industrial Estate. This will enable further subdivision of the land into more conventional lots for industrial uses. The existing 10m building height will be maintained.

The proponent and landowner is Ballina Shire Council (Commercial Services Section). The LEP amendment request has been prepared by Ardill Payne and Partners and is available under separate cover.

The planning proposal also seeks to rectify a typographical error with respect to the Additional Permitted Uses map APU_006A, and associated Schedule 1, to amend duplicate entry ‘Area D’ to become ‘Area H’ relating to land at Paperbark Close and Teven Road, West Ballina (Item 4 in Schedule 1).

1.2 Council Resolutions

Council's Commercial Services Committee at its meeting held on 16 February 2016 considered a report on the status of its current land holdings in Southern Cross Industrial Estate and adjoining lands and recommended as follows:

1. *That Council resolves to pursue rezoning of Lots 2 and 3 Boeing Avenue from Business B5 to Industrial IN1, with the inclusion of an enabling clause (or use of another suitable mechanism) to permit bulky goods development as an additional permitted use on the land.*
2. *That Council hold a briefing on options for increased flexibility for the existing bulky goods precinct.*

The above recommendation was adopted by the Council at its Ordinary Meeting held on 25 February 2016 [Minute No. 250216/35]. The LEP amendment request has been prepared and submitted by Council's Commercial Services Section as a result of Item 1 above.

Council considered this planning proposal at its Ordinary Meeting of 25 January 2017. The Council resolved as follows (Minute No. 250117/16):

1. *That Council endorses, for Gateway determination, the application of an IN1 General Industrial Zone and associated changes to planning provisions in relation to Part Lot 952 DP 1165266, 25-39 Boeing Avenue, Ballina, Part Lots 2-5 DP 123781, Corks Lane, Ballina and the adjacent Boeing Avenue road reserve in accordance with the planning proposal contained in Attachment One.*
2. *That Council submits the planning proposal to the Department of Planning and Environment for review and Gateway determination.*
3. *That Council advises the Department that it does not wish to seek or exercise delegation in relation to completion of this planning proposal.*
4. *That upon an affirmative Gateway determination being received, the procedural steps associated with the progression of the planning proposal, including public exhibition, be undertaken.*
5. *That a further report be presented to the Council in relation to this matter following the mandatory community consultation.*

A copy of the Council's resolution is contained in Appendix 3.

Council considered the matter following the public exhibition period at its Ordinary Meeting held on 22 June 2017. The Council resolved as follows [Minute No. 220617/25]:

1. *That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to apply the IN1 General Industrial zone and 1,000m2 minimum lot size standard and include 'bulky goods' as an additional permitted use on land in Boeing Avenue Ballina as set out in Planning Proposal BSCPP 16/003 (Attachment One).*
2. *That Council submits planning proposal BSCPP 16/003 to the Department of Planning and Environment for finalisation.*
3. *That Council write to the landowner of Lot 951 DP 1165266 inviting submission of a separate planning proposal in relation to the land.*

1.3 Gateway Determination

Council received gateway determination from the Department of Planning and Environment, dated 20 February 2017, allowing the planning proposal to proceed to public exhibition. The determination required consultation with the NSW Rural Fire Service prior to the public exhibition of the planning proposal and set a minimum 14 day exhibition period. A copy of the Gateway Determination is provided in Appendix 4.

2. Objectives & Intended Outcomes

The objectives of this planning proposal are to enable a wider range of employment land uses and provide for a greater potential for subdivision of the land. The proposal seeks to achieve this by:

- Enabling industrial subdivision and uses on the land including general industrial and bulky goods premises through the application of an IN1 General Industrial Zone and inclusion of “bulky goods development” as an additional permitted use; and
- Applying a minimum lot size of 1000m² to ensure consistency with the minimum lot size/subdivision standard of other IN1 zoned land within the Southern Cross Industrial Estate.

The outcomes of this planning proposal will be to:

- Provide increased flexibility in the use of employment lands; and
- Provide an increased supply of serviced industrial lots as an extension of the Southern Cross Industrial Estate.

The planning proposal also seeks to rectify a typographical error with respect to the Additional Permitted Uses map APU_006A, and associated Schedule 1, to amend duplicate entry ‘Area D’ to become ‘Area H’ relating to land at Paperbark Close and Teven Road, West Ballina (Item 4 in Schedule 1).

3. Explanation of the Proposal

3.1 Land to Which the Planning Proposal Applies

This planning proposal primarily relates to part of two approved but not yet created lots, being proposed Lots 2 and 3, and part of the Boeing Avenue road reserve approved via DA 2009/258 (as amended). The land is currently described in real property terms as Part Lot 952 DP 1165266 located at 25-39 Boeing Ave, Ballina and Part Lots 2-5 DP 123781 located at Corks Lane, Ballina, as shown on the Site Identification Map contained within Appendix 1 and in Figure 1 below.



Figure 1: The subject site, outlined in red

3.2 The Proposal

This planning proposal seeks to rezone the site from B5 Business Development to IN1 General Industrial. The proposed extent of the IN1 zone at the site is shown on the proposed land zoning maps contained within Appendix 1 and in Figure 2 below.

The planning proposal also seeks to include bulky goods premises as permissible with consent on the subject land, additional to the land uses permitted under the IN1 zone. It is proposed this will be accommodated through the use of Clause 2.5 of the BLEP 2012 and the listing of the subject land in Schedule 1 (and on the additional permitted uses map) to permit bulky goods premises as an additional permitted use at the site.

In addition, the planning proposal seeks to change the minimum lot size from 10,000m² to 1000m² to be consistent with the minimum lot size for subdivision standard of other IN1 zoned land within the Southern Cross Industrial Estate (Figure 3). This will enable further subdivision of the land into more conventional lots for industrial uses. No change is proposed to the maximum permitted building height of 10 metres or other LEP based provisions applicable to the land.



Figure 2: Current and proposed zoning

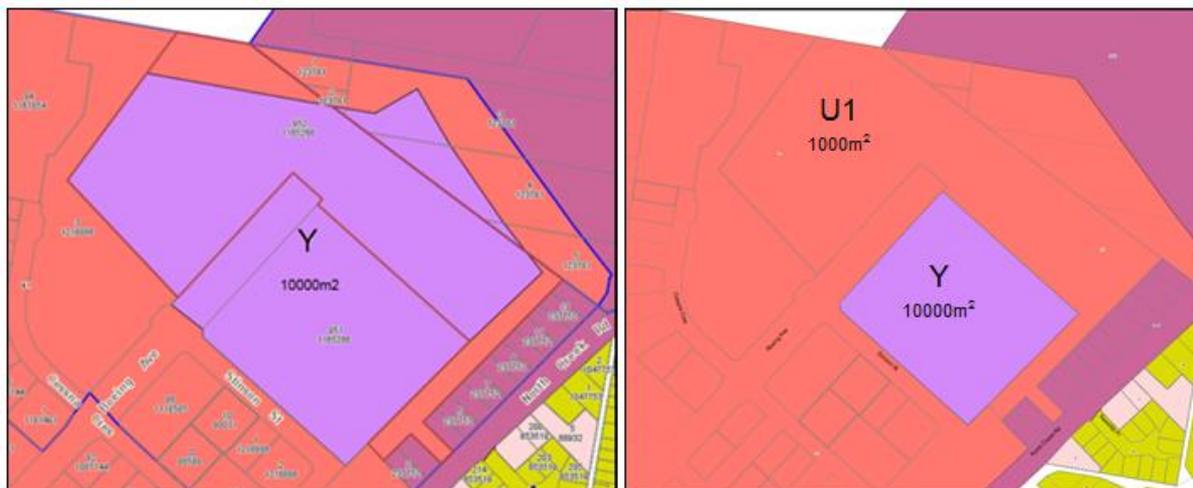


Figure 3: Current and proposed minimum lot size

3.3 Peer Review and Bulky Goods Study

Council sought a peer review of the rezoning proposal by planning consultant Darryl Anderson Consulting (DAC). DAC recommended that Council seek an update to the Bulky Goods Retailing Investigation report prepared by Hill PDA in 2012 to assist in the consideration of the matter. This information was sought having regard for Council's ownership of the land and the implications of the rezoning with respect to broader bulky goods planning policy in the shire.

In October 2016, Council commissioned Hill PDA to undertake an update to the previous Ballina Bulky Goods Retailing Investigation study undertaken in 2012. The updated report, provided under separate cover, provides economic data regarding the current status of bulky goods and large format retail floorspace within Ballina Shire. The report concludes that it is reasonable to proceed with the rezoning of the subject land to IN1 General Industrial with the addition of bulky goods retailing as a permissible use by way of an enabling clause.

DAC conducted a peer review of the updated Hill PDA report in January 2017 and is satisfied with the methodology, conclusions and recommendations contained within the report. The bulky goods retailing reports are addressed further in section 4.

4. Justification

4.1 Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of any strategic study or report?

No, the planning proposal is not the result of a strategic study or report.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal is the appropriate and only mechanism to integrate these changes into the Ballina LEP 2012.

4.2 Section B – Relationship to Strategic Planning Framework

Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

North Coast Regional Plan 2016

Ballina Shire is subject to the North Coast Regional Plan 2016 and is identified as being located within the Far North Coast subregion of the plan.

The Regional Plan discourages the development of bulky goods retailing in close proximity to airports:

'Airports are important gateways for business, tourism and personal travel, as well as high-value freight. Airport precinct plans will be developed to investigate opportunities for compatible and complementary air transport-related industry and business uses on land adjoining airports. The development of retail and bulky-goods uses should be avoided in these areas.'

Allowing the development of bulky goods premises on the subject site is considered appropriate given these uses are 'clustered' in this area ("Harvey Norman Complex"), with the additional permitted use of bulky goods only applicable to the subject site, which is not directly adjacent to the Ballina Byron Gateway Airport.

Q4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Ballina Shire Council Community Strategic Plan 2013-2023

The proposal is considered to be consistent with the following Prosperous Economy and Engaged Leadership outcomes contained within Council's Community Strategic Plan 2013 - 2023:

PE1	WE ATTRACT NEW BUSINESS AND VISITORS	
PE1.1	Promote our area as an attractive place to invest and visit	Economy grows and is more resilient Improved range of services
PE1.2	Provide infrastructure that supports business and delivers economic benefits	Increased business in the Shire Minimal commercial vacancies
PE2	MY BUSINESS CAN GROW AND DIVERSIFY	
PE2.1	Develop plans that encourage business growth and diversification	Increased business opportunities
PE2.2	Promote and facilitate a range of business activities	Improved perception that Council supports business
PE2.3	Establish planning regulations that encourage opportunities for diversification	Reduced barriers to business operation, expansion, diversification or relocation
PE3	WE CAN WORK CLOSE TO HOME	
PE3.1	Facilitate and provide economic land and infrastructure to support business growth	Increased availability of land and locations to support business activity
PE3.2	Facilitate and provide affordable infrastructure, both business and residential	More residents living close to where they work, with more affordable options available
EL2	COUNCIL'S FINANCES AND ASSETS ARE WELL MANAGED	
EL2.1	Proactively pursue revenue opportunities, cost savings and/or efficiencies	More financially viable Council resulting in improved asset management

Ballina Retail Strategy 2003

A focus of the Strategy is to ensure the Ballina Town Centre and the Kerr Street Retailing Precinct continue to be the major retail centres in Ballina Shire. The Strategy also states that any decisions relating to retail activity in the region would be based on protecting these major retail centres.

The proposed rezoning from B5 to IN1 (with additional permitted use of bulky goods premises) would continue to allow additional bulky goods retailing outside of the Ballina Town Centre and Kerr Street Retailing Precinct. Council has previously considered the impacts of bulky goods premises (as part of previous rezoning of the land to B5) at the subject site, concluding that bulky goods uses in the subject area is a suitable land use outcome.

Southern Cross Precinct Master Plan 2008 (SCPMP)

The land to which this proposal relates is identified on the Southern Cross Precinct Master Plan 2008 (SCPMP) as "bulky goods retail precinct". The SCPMP provides Council with a framework for the detailed planning and release of land in the study area and identifies proposed future land use arrangements for the subject land.

The proponent indicates that since the master plan was prepared (approximately eight years ago), changes in the market place have resulted in a diminished supply of and increased demand for general industrial lots coupled with a reduced demand for bulky goods land. The demand for bulky goods retailing is discussed in further detail below.

The rezoning as proposed will maintain the ability for the land to be developed for general industrial and bulky goods purposes. Given this and having regard for the Hill PDA Bulky Goods Retailing Demand Update Report (2016), the proposal is

considered to be generally consistent with the framework, purpose and intent of the SCPMP.

Ballina Shire Bulky Goods Retailing Investigation 2012 and Ballina Shire Bulky Goods Retailing Demand Update 2016

Council commissioned Hill PDA to undertake an investigation into bulky goods and large format retailing (LFR) land uses in Ballina Shire ('the study'). The primary purpose of the study, which was completed in 2012, was to investigate the demand for bulky goods and LFR premises in Ballina Shire over the 2011 to 2026 period.

The study concluded that it would be advantageous for bulky goods and LFR floorspace to be concentrated in one location. In particular, it was recommended that a bulky goods and LFR cluster be established in the Southern Cross Precinct in and around the Harvey Norman Centre, including the Harvey Norman Centre itself and vacant land to the north and west, and that bulky goods premises and LFR floorspace be restricted elsewhere in the shire.

As a result of the peer review of the rezoning request, and having regard for Council's ownership of the land and the implications of the rezoning with respect to broader bulky goods planning policy in the shire, Council sought an update to the 2012 Bulky Goods Retailing Investigation report.

The updated report concludes that it is reasonable that the subject land be rezoned to IN1 General Industrial zone, with the addition of bulky goods retailing as a permissible use by way of an enabling clause. This approach will address the current short term demand for additional general industrial lots whilst retaining bulky goods retailing within the previously identified area for clustering of bulky goods ("Harvey Norman Complex").

Ballina Shire Growth Management Strategy 2012 (BSGMS)

The Ballina Shire Growth Management Strategy 2012 (BSGMS) provides the strategic planning context for urban development in Ballina Shire. The BSGMS includes the following 'Strategic Actions' in relation to the North Ballina locality:

- *Investigate, through the rezoning process, land development opportunities and the provision of public infrastructure identified in the Southern Cross Precinct Master Plan and the West Ballina Structure Plan.*
- *Establish a more detailed planning framework for the long term use and development of industrial areas through Council's development control plan.*
- *Enhance entry treatment including associated with the Ballina/Byron Gateway Airport.*
- *Establish a clustered bulky goods retailing precinct.*
- *Investigate future road connection between Ballina and Lennox Head via North Creek Road.*

The rezoning of the land from one urban employment zone to another as proposed is generally consistent with Council's Ballina Shire Growth Management Strategy.

Ballina Major Regional Centre Strategy 2015-2035 (BMRCS)

The Ballina Major Regional Centre Strategy (BMRCS) was prepared following the identification of Ballina in the NSW Far North Coast Regional Strategy as a developing major regional centre. The BMRCS provides a long term strategic planning framework to guide future development in Ballina over the next 20 years.

The BMRCS includes the following 'Strategic Actions' in relation to economic development within the shire:

- *Actively seek to attract key businesses to the shire that provide for long-term employment and innovation. This will involve actively marketing the Southern Cross Industrial Estate and Airport Precinct as an innovation and employment hub.*
- *Promote opportunities associated with the availability of industrial land in proximity to the Ballina-Byron Gateway Airport and the Pacific and Bruxner highways. It is envisaged this will involve the preparation of an 'Economic Development Strategy' to identify opportunities to promote the clustering of industrial land uses that are compatible with the ongoing growth of the Ballina-Byron Gateway Airport.*

The rezoning of the land as proposed is generally consistent with Council's Ballina Major Regional Centre Strategy in that it provides for a variety of employment land use outcomes on the land.

Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is considered to be generally consistent with applicable State Environmental Planning Policies (SEPPs).

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. A number of Section 117 directions are relevant to the planning proposal. A Section 117 checklist is provided at Appendix 2.

4.3 Section C – Environmental, Social and Economic Impact

Q7 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The area of the site available for development is currently zoned for business purposes (and previously zoned for industrial purposes), but is vacant and consists of maintained paddocks. As such there are no likely impacts on critical habitat, threatened species or ecological communities or their habitat arising directly as a result of the proposed change of zone.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other significant environmental impacts identified as a result of the proposed rezoning.

Q9 Has the planning proposal adequately addressed any social and economic effects?

The current zoning of the site is for business purposes and primarily bulky goods. Variation of the zoning to IN1 General Industrial zone under the BLEP 2012 will allow industrial activities may be carried out on the site while still allowing the development of bulky goods premises as an additional permitted use.

The planning proposal is considered to provide benefits to the community via increased economic activity and employment through industrial development while still allowing bulky goods premises to be 'clustered' in this area.

As such, social and economic outcomes resulting from the proposed rezoning are considered to be positive.

4.4 Section D – State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the planning proposal?

All required public infrastructure is available to the locality and therefore future industrial and bulky goods developments can be adequately serviced.

Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The gateway determination required consultation with the NSW Rural Fire Service prior to public exhibition stage of the LEP amendment. This consultation has been undertaken in accordance with the terms of the gateway determination.

5. Mapping

The following maps have been prepared to support this planning proposal and are contained in Appendix 1:

- Map 1 – Site Identification Map (Aerial);
- Map 2 – Site Identification Map (Cadastral);
- Map 3 – Existing Land Zoning Map Ballina LEP 2012;
- Map 4 – Proposed Land Zoning Map Ballina LEP 2012;
- Map 5 – Proposed Land Zoning Map Ballina LEP 2012 (zoomed);
- Map 6 – Existing Lot Size Map Ballina LEP 2012;
- Map 7 – Proposed Lot Size Map Ballina LEP 2012;
- Map 8 – Proposed Lot Size Map Ballina LEP 2012 (zoomed);
- Map 9 – Proposed Additional Permitted Uses Map; and

- Map 10 – Amended Additional Permitted Uses Map to correct for minor typographical error.

6. Community Consultation

This proposal was publicly exhibited for a period of 16 days (22 March 2017 – 7 April 2017), in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. Council received one submission in response to the public exhibition. The matters raised in the submission were considered by the elected Council at its Ordinary Meeting held on 22 June 2017.

The NSW Rural Fire Service (RFS) was consulted in accordance with the Gateway determination. The RFS submission raised no concerns or issues in relation to the proposal. A copy of the RFS submission is provided in Appendix 5.

7. Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	February 2017
Government Agency Consultation	March 2017
Public Exhibition Period	April 2017
Public Hearing	N/A
Submissions Assessment	June 2017
RPA Assessment of Planning Proposal and Exhibition Outcomes	June 2017
Submission of Endorsed LEP to DP&I for Finalisation	July 2017
RPA Decision to Make the LEP Amendment (if delegated)	#
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	#

Council is not proposing to exercise plan finalisation functions under delegation.

8. Appendices

Appendix 1 – Maps

Map 1 – Site Identification Map (Aerial)



Ballina Local Environmental Plan 2012 BSCPP 16/003

Site Identification Map
Part of map title:
0250_COM_LZN_005C_020_20160726

Legend

- Subject Land
- Cadastral
- Cadastral

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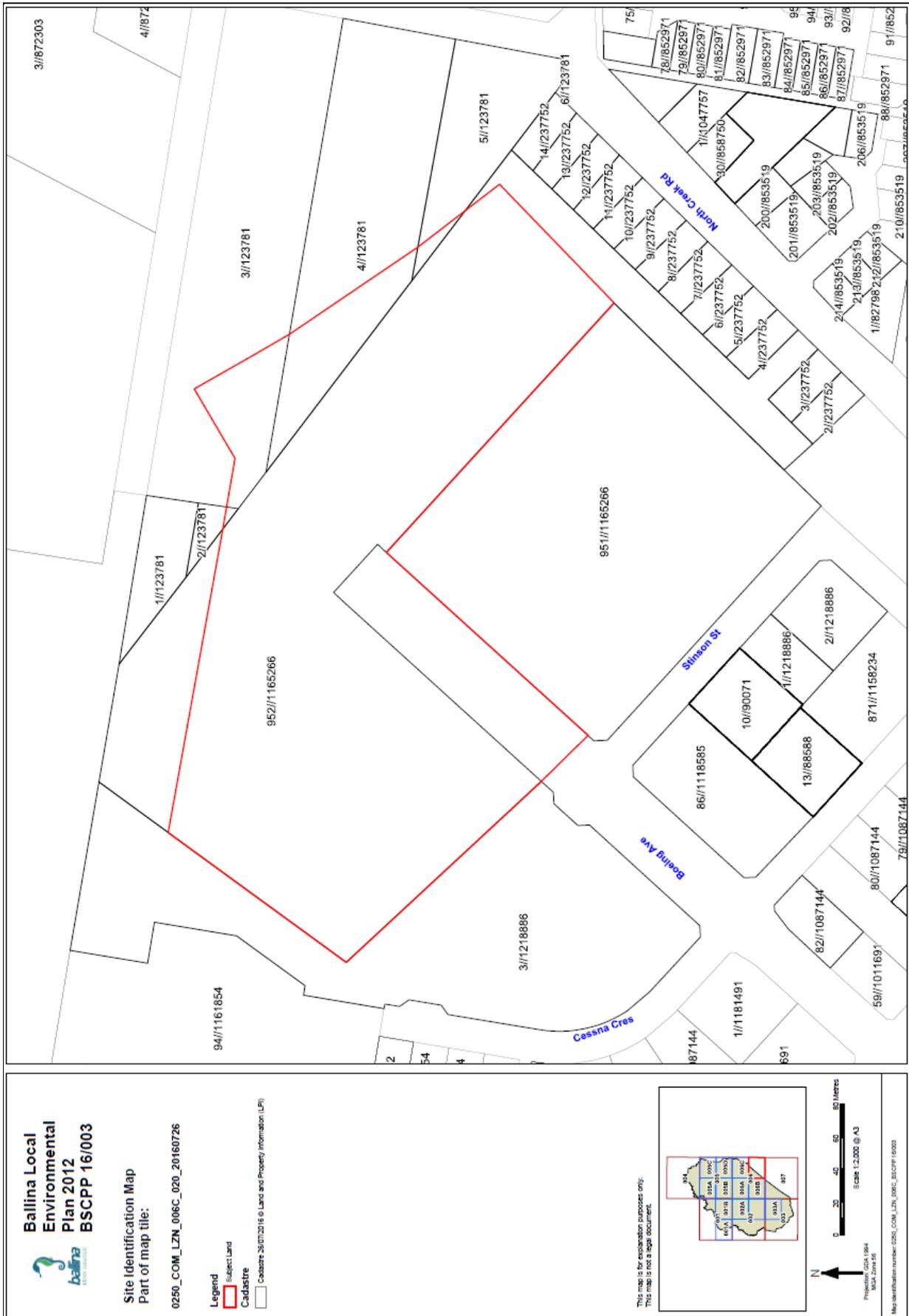
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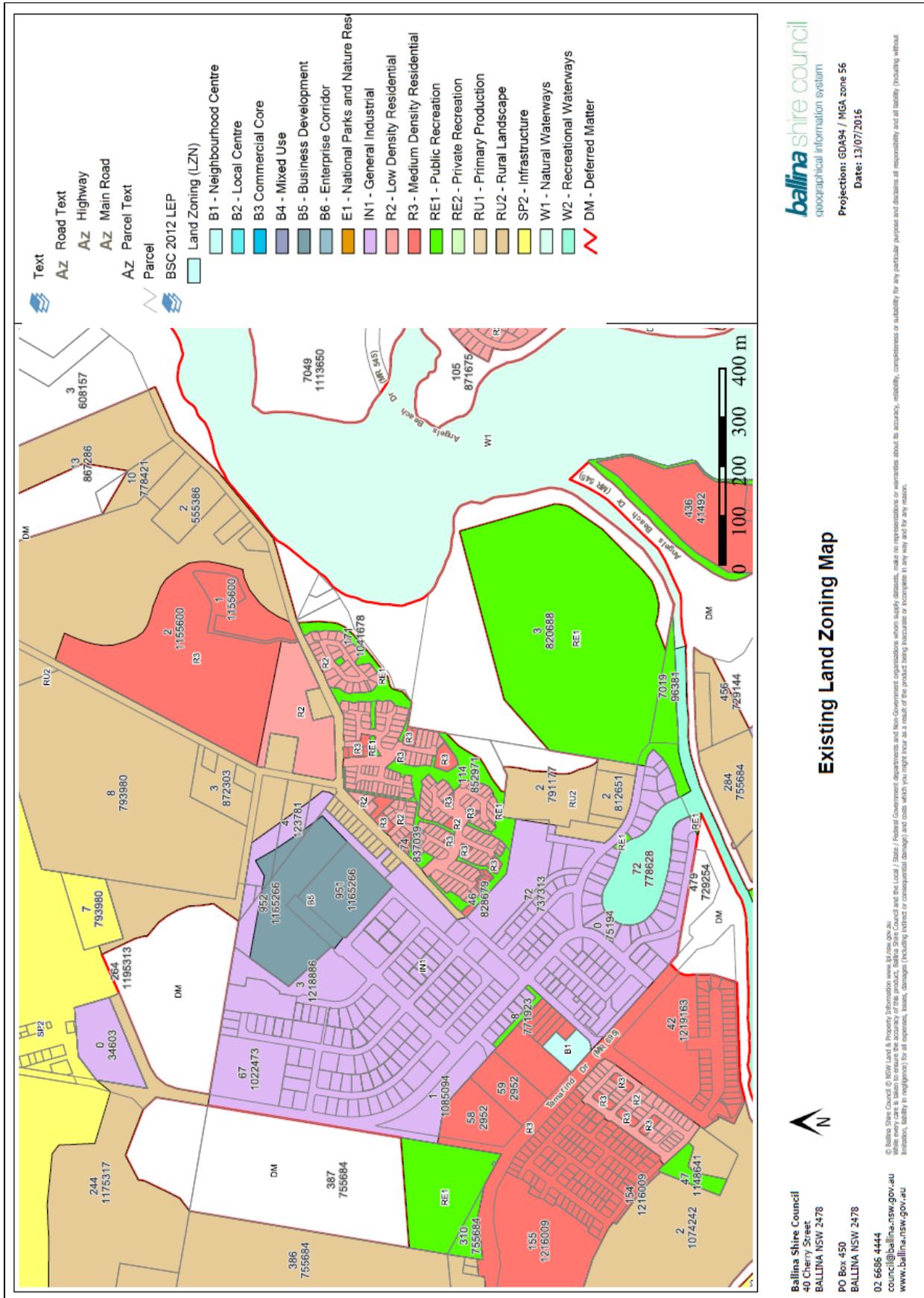
North Arrow

Map identification number: 0250_COM_LZN_005C_020_20160726

Map 2 – Site Identification Map (Cadastral)



Map 3 – Existing Land Zoning Map Ballina LEP 2012



ballina shire council
geographical information system
Projection: GDA94 / MGA zone 56
Date: 13/07/2016

Existing Land Zoning Map

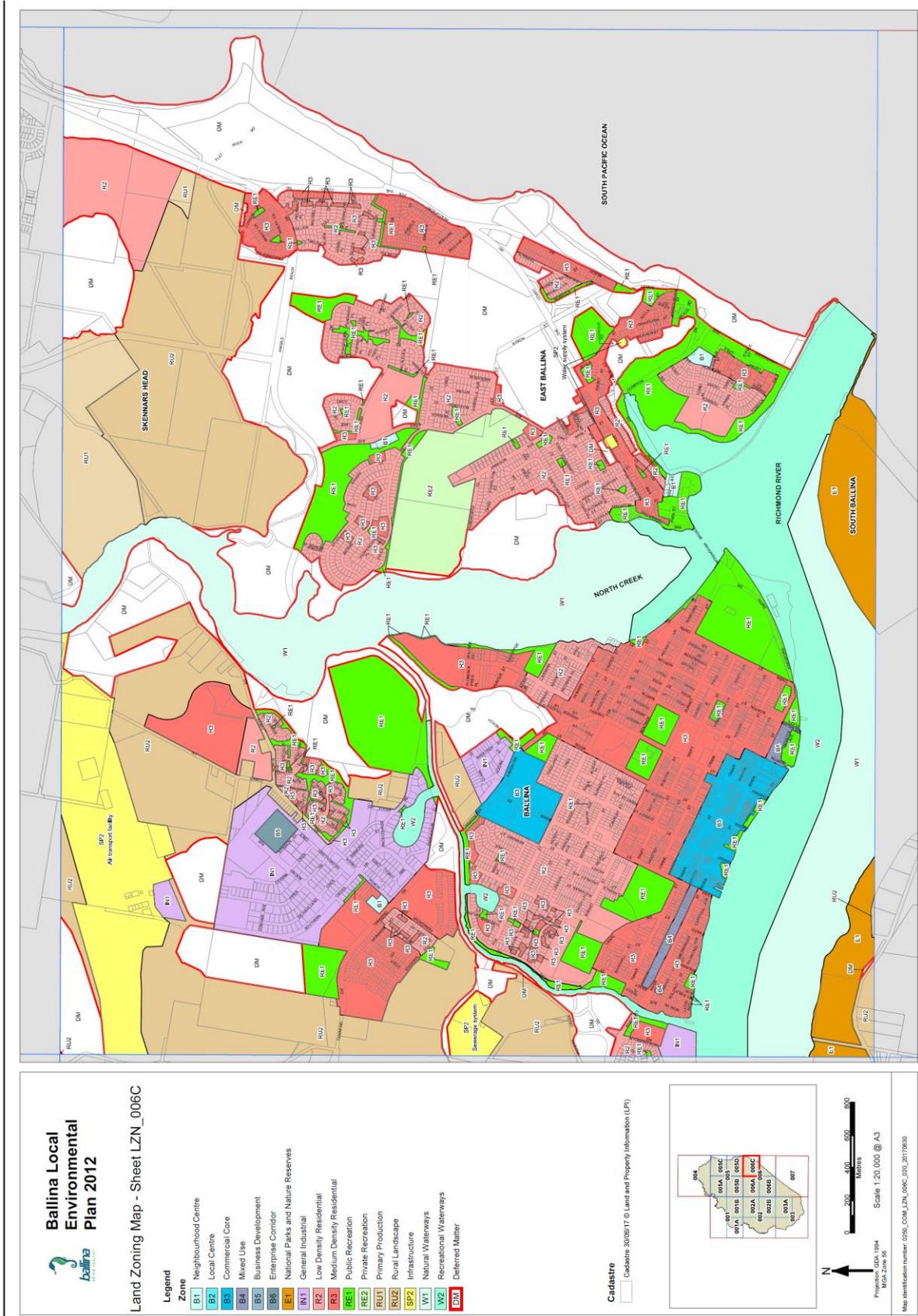


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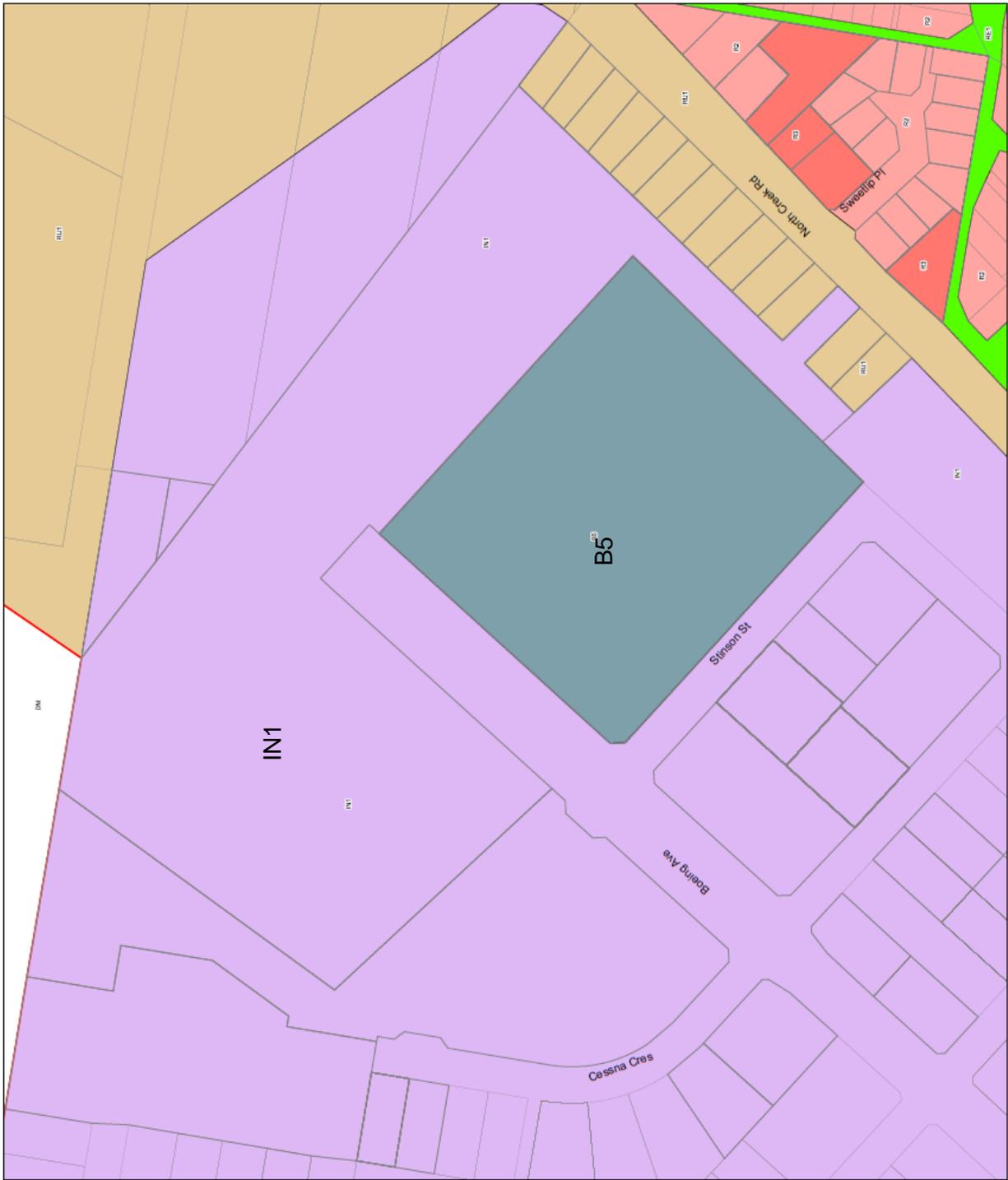
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Map 4 – Proposed Land Zoning Map Ballina LEP 2012



Map 5 – Proposed Land Zoning Map Ballina LEP 2012 (zoomed)



Ballina Local Environmental Plan 2012
BSCPP 16/003

Proposed Land Zoning Map - Sheet LZN_006C

Legend

Zone

- E11 Neighbourhood Centre
- E2 Local Centre
- E3 Commercial Core
- E4 Mixed Use
- E5 Business Development
- E6 Enterprise Corridor
- E7 National Parks and Nature Reserves
- I1 General Industrial
- I2 Low Density Residential
- I3 Medium Density Residential
- I4 Public Recreation
- I5 Private Recreation
- I6 Primary Production
- I7 Rural Landscape
- I8 Infrastructure
- I9 Natural Waterways
- I10 Recreational Waterways
- I11 Deferred Matter

Cadastral

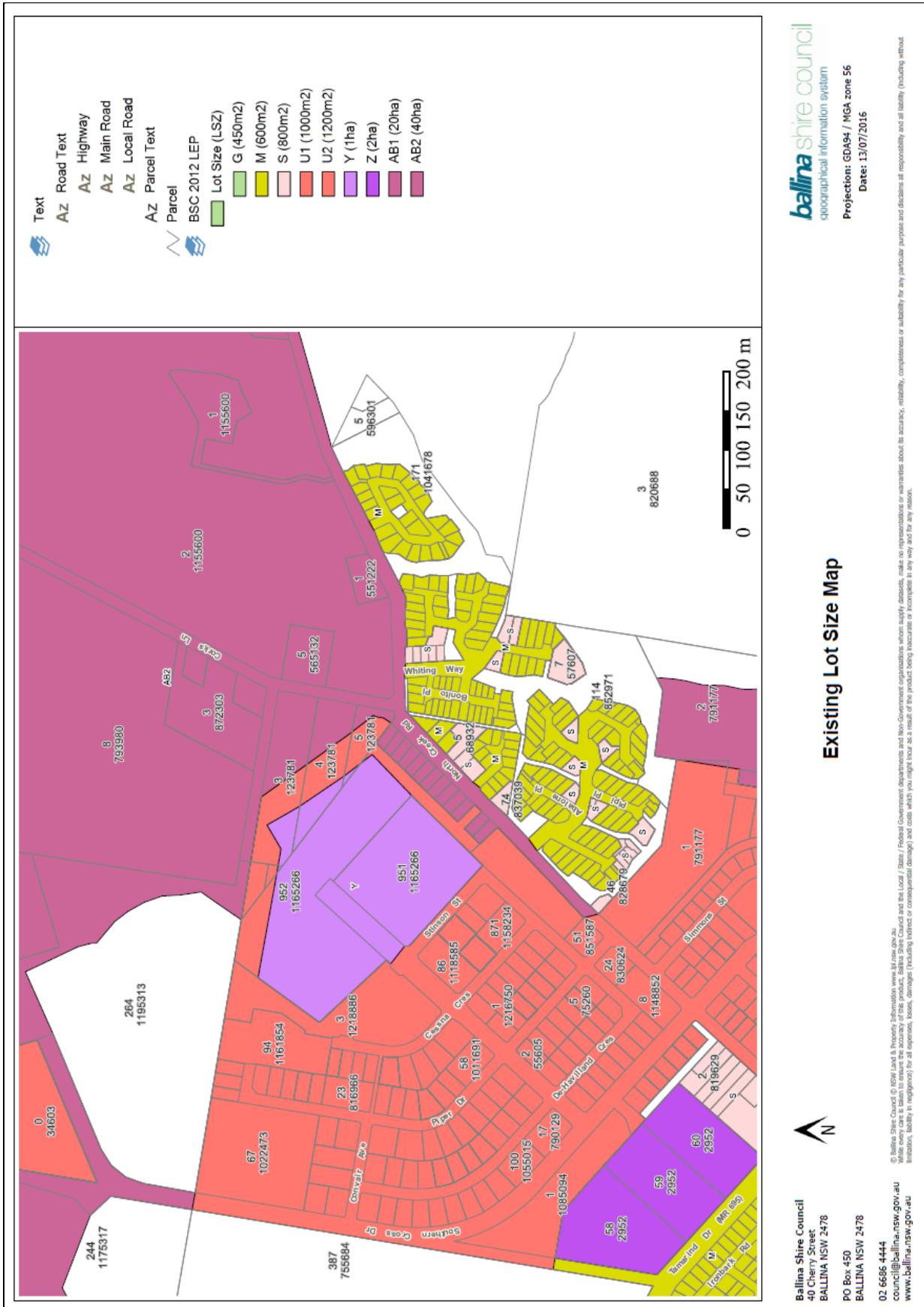
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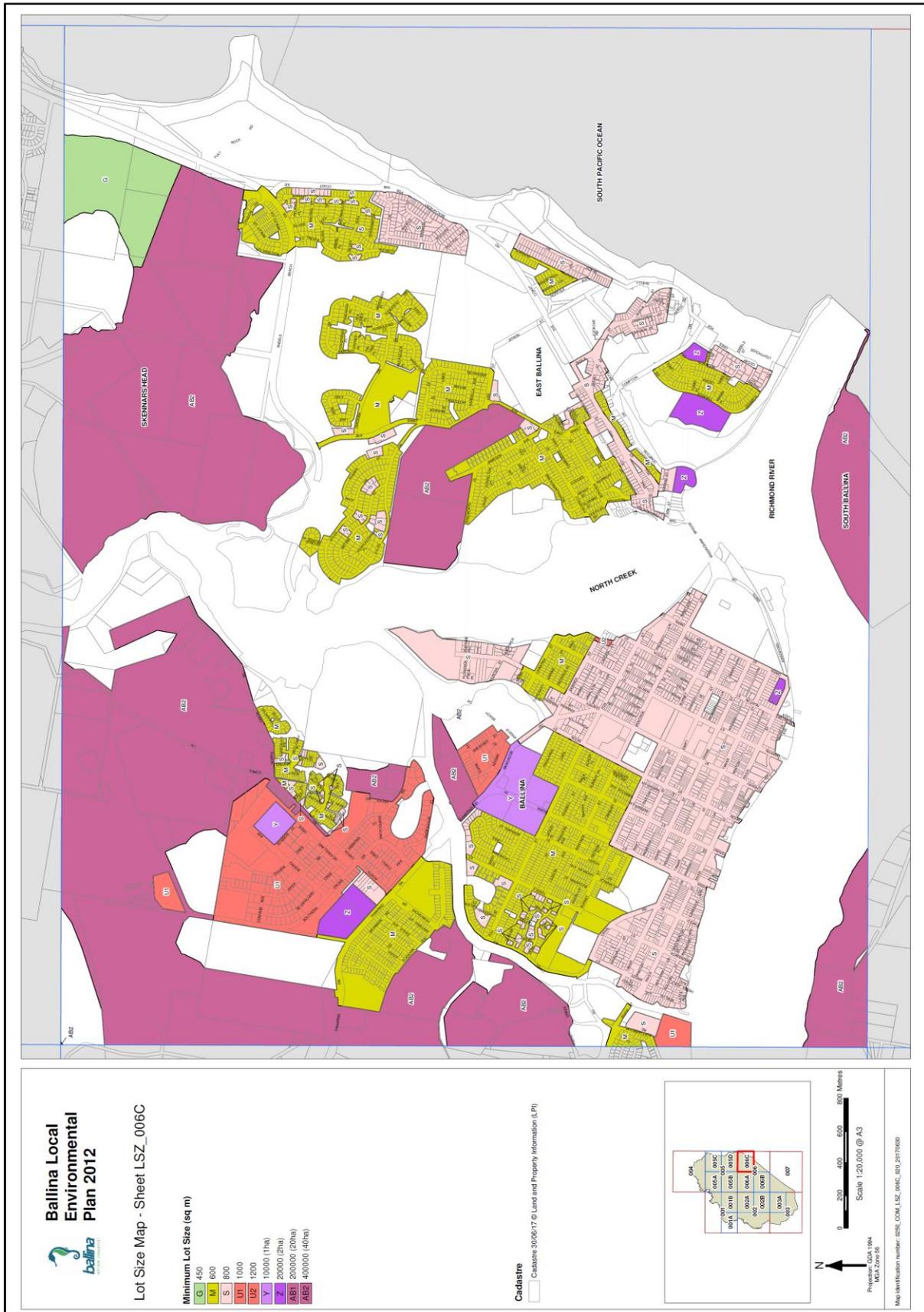
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Map: GDA 25

Map identification number: 1250_C0M_LZN_006C_001_20160728

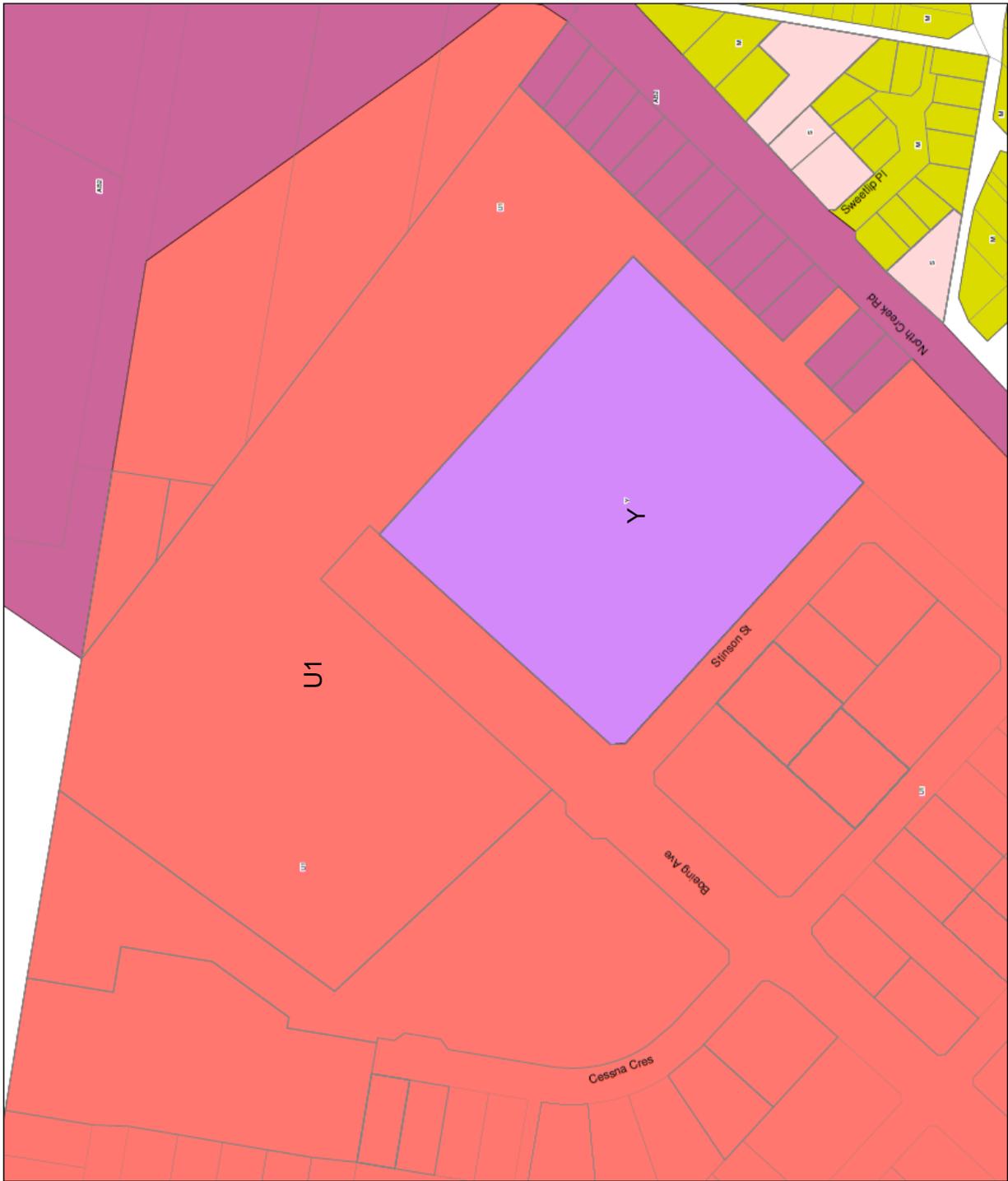
Map 6 – Existing Lot Size Map Ballina LEP 2012



Map 7 – Proposed Lot Size Map Ballina LEP 2012



Map 8 – Proposed Lot Size Map Ballina LEP 2012 (zoomed)



Ballina Local Environmental Plan 2012 BSCPP 16/003

Proposed Lot Size Map - Sheet LSZ_006C

Minimum Lot Size (sq m)

G	450
V	800
S	900
U1	1000
U2	1200
Y	10000 (1ha)
Z	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastre

Cadastre 28/07/16 (© Land and Property Information (LPI))

Scale 1:2,000 @ A3

0 20 40 60 80 Metres

Proposition LEP 12/04
 MAP 16/003/06
 Map identification number: 0200_CONM_LICZ_006C_030_20160726

Map 9 – Proposed Additional Permitted Uses Map

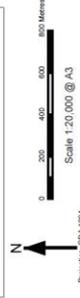
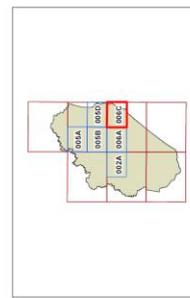


Ballina Local Environmental Plan 2012

Additional Permitted Uses Map
- Sheet APU_006C

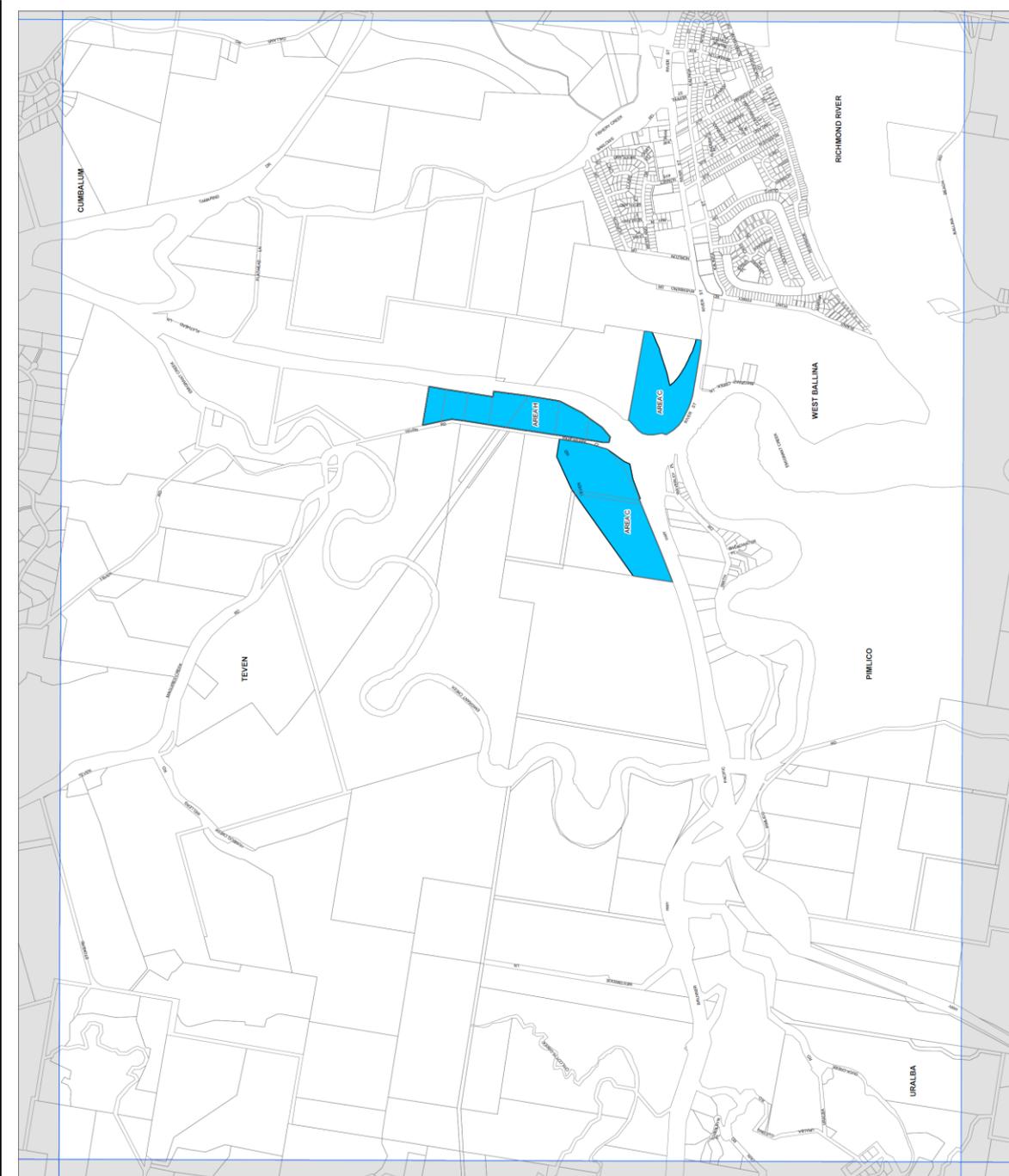
Legend
 Land to which Schedule 1 applies

Cadastre
 Cadastral 30/06/17 © Land and Property Information (LPI)



Map identification number: 0256_COM_APU_006C_001/170930

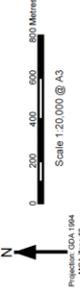
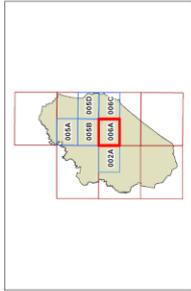
Map 9 – Amended Additional Permitted Uses Map to correct for minor typographical error.



Ballina Local Environmental Plan 2012
Additional Permitted Uses Map - Sheet APJ_006A

Legend
Land to which Schedule 1 applies

Cadastral
Cadastral 300617 © Land and Property Information (LPI)



Project: CEMA 06A
Map Zone: 96
Map identification number: 0502_CEMA_APU_006A_000_20170830

Appendix 2 – Section 117 Direction Checklist

Section 117 Direction Checklist	
Planning Proposal – Southern Cross Industrial Estate, Boeing Avenue, Ballina	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. The proposed rezoning seeks to change the existing B5 Business Development Zone to IN1 General Industrial Zone with no reduction in the size of the employment zoned land. The rezoning will facilitate the future development of the land for industrial and bulky goods purposes which will service Ballina, the shire and the region.
1.2 Rural Zones	Does not apply to planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Land	Does not apply to planning proposal.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The planning proposal does not involve the development of land identified as being of environmental significance.
2.2 Coastal Protection	Consistent. The planning proposal enables employment uses on existing employment zoned land and is not in conflict with the planning principles established under the NSW Coastal Policy, the Coastal Design Guidelines and the NSW Coastline Management Manual.
2.3 Heritage Conservation	Consistent. The planning proposal does not involve the development of land on which a heritage item is located, within a heritage conservation area or within the vicinity of a heritage item or conservation area.
2.4 Recreation Vehicle Areas	Consistent. The planning proposal does not involve the development of land for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Does not apply to planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to planning proposal.
3.3 Home Occupations	Does not apply to planning proposal.
3.4 Integrated Land Use and Transport	Consistent. The planning proposal involves the change of the existing B5 zone to an IN1 zone. There will be no change to the existing nature of the land (employment lands) or the existing accessibility from a transport perspective.
3.5 Development Near Licensed Aerodromes	Justifiably Inconsistent. The land is already zoned for urban purposes, with no change in building height proposed. The proposal has not yet been referred to the relevant airport authorities for consultation in accordance with the direction. However, the proposal will be referred to the relevant airport authorities in accordance with the requirements of the Gateway determination.

Section 117 Direction Checklist	
Planning Proposal – Southern Cross Industrial Estate, Boeing Avenue, Ballina	
Direction No.	Compliance of Planning Proposal
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Justifiably Inconsistent. The subject land is mapped as containing Class 2 acid sulfate soils. The land is presently zoned for commercial purposes and Clause 7.1 of the Ballina LEP 2012 includes provisions addressing this matter in relation to future development applications.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Justifiably Inconsistent. The subject land is identified as being subject to the 1 in 100 year flood event. The land is presently zoned for commercial purposes and Clause 7.3 of the Ballina LEP 2012 includes provisions addressing this matter in relation to future development applications.
4.4 Planning for Bushfire Protection	Justifiably Inconsistent. Part of the subject land is mapped as bush fire prone land. There were no bush fire issues or conditions of consent relating to DA 2009/258 (as amended). The future subdivision and development of the land will contain fully constructed urban roads, a reticulated water supply system (including fire hydrants) and underground electricity supply. Appropriate APZs and buffers would be able to be achieved in any future development of the land. The NSW RFS has been consulted in accordance with the requirements of the Gateway Determination, prior to the public exhibition of the planning proposal.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Does not apply to Ballina Shire.
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 along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Revoked.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire.
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire.
5.10 Implementation of Regional Plans	Consistent. The planning proposal is consistent with the North Coast Regional Plan 2016.

Section 117 Direction Checklist	
Planning Proposal – Southern Cross Industrial Estate, Boeing Avenue, Ballina	
Direction No.	Compliance of Planning Proposal
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 planning proposal does not create, alter or reduce existing zonings or reservations of land reserved for public purposes.
6.3 Site Specific Provisions	Consistent. The planning proposal does not relate to a specific development proposal to be carried out nor does it contain or refer to drawings that show details of the development proposal.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to Ballina Shire.

Appendix 3 – Council Resolutions

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 22/06/17 AT 9.00 AM**

220617/24 RESOLVED

(Cr Keith Williams/Cr Nathan Willis)

That the Master Plan be deferred to a Councillor workshop where anyone who made a submission during the consultation period be invited to attend.

FOR VOTE - Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis and Cr Keith Williams

AGAINST VOTE - Cr Phillip Meehan, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

9.4 Planning Proposal - Boeing Avenue, Southern Cross Estate

220617/25 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to apply the IN1 General Industrial zone and 1,000m² minimum lot size standard and include 'bulky goods' as an additional permitted use on land in Boeing Avenue Ballina as set out in Planning Proposal BSCPP 16/003 (Attachment One).
2. That Council submits planning proposal BSCPP 16/003 to the Department of Planning and Environment for finalisation.
3. That Council write to the landowner of Lot 951 DP 1165266 inviting submission of a separate planning proposal in relation to the land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

9.6 LEP Amendments and Planning Proposals - Status

220617/26 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.
2. That Council write to the Department of Planning and Environment requesting the planning proposal BSCPP 17/001 for Stage 1 of the Deferred Matters Integration Program be discontinued.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Sharon Parry

9.2 LEP Amendment Request - Southern Cross Industrial Estate

250117/16 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses, for Gateway determination, the application of an IN1 General Industrial Zone and associated changes to planning provisions in relation to Part Lot 952 DP 1165266, 25-39 Boeing Avenue, Ballina, Part Lots 2-5 DP 123781, Corks Lane, Ballina and the adjacent Boeing Avenue road reserve in accordance with the planning proposal contained in Attachment One.
2. That Council submits the planning proposal to the Department of Planning and Environment for review and Gateway determination.
3. That Council advises the Department that it does not wish to seek or exercise delegation in relation to completion of this planning proposal.
4. That upon an affirmative Gateway determination being received, the procedural steps associated with the progression of the planning proposal, including public exhibition, be undertaken.

Page 18 of 22 of the Minutes of the Ordinary Meeting of Ballina Shire Council – 25/01/17

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 25/01/17 AT 9.00 AM**

-
5. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.

Appendix 4 – Gateway Determination



Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Our ref: PP_2017_BALLI_003_00 (17/02525)
Your ref: BSCPP 16/003 (17/8054)

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan 2012

I am writing in response to your Council's letter dated 6 February 2017 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to rezone land at Boeing Avenue, Ballina from B5 Business Development to IN1 General Industrial, amend the minimum lot size applicable to the land and enable bulky goods premises as an additional permitted use on the land.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection once consultation with the NSW Rural Fire Service has been completed. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Paul Garnett of the Department's Northern Region office to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Diss', followed by the date '20 February 2017' written in a cursive style.

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl:
Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2017_BALLI_003_00): to rezone land at Boeing Avenue, Ballina from B5 Business Development to IN1 General Industrial, amend the minimum lot size applicable to the land and enable bulky goods premises as an additional permitted use on the land.

I, the Acting Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to rezone land at Boeing Avenue, Ballina from B5 Business Development to IN1 General Industrial, amend the minimum lot size applicable to the land and enable bulky goods premises as an additional permitted use on the land, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2016)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2016)*.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 20 day of February 2017

A handwritten signature in black ink, appearing to read 'Craig Diss'.

Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Appendix 5 – Agency Consultation

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



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

Your Ref: BSCPP 16/003
Our Ref: L12/0003
DA17022406208 AB

ATTENTION: Simon Scott

6 April 2017

Dear Mr Scott

Planning Instrument for Consultation On Ballina LEP 2012 - Planning Proposal 16/003 - Southern Cross Industrial Estate Boeing Avenue Ballina 2478

I refer to your letter dated 21 February 2017 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink that reads 'John Ball'.

John Ball
Manager