

25 April 2024

Our reference: 1866.4639

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

Dear Sir

RE: Pre-lodgment consultation for the proposed gymnasium at Racecourse Road, Ballina prior to the formal submission of a Planning Proposal

1. Introduction

This section introduces the proposal.

1.1. The proponent's details

The proponent is Mr John Reynolds of JR Commercial Property Holdings Pty Ltd. Mr Reynolds is an experienced gymnasium operator and has gymnasium premises in other parts of eastern Australia.

1.2. Site location

The land subject of the amendment request is Lot 1 DP 812651, located at 34 Racecourse Road, Ballina.

The land has an area of 3,604m². As shown in **Plan 1**, the site contains a main building located toward the Racecourse Drive frontage, which appears to have been originally constructed as stables but is now used as a residential dwelling, as well as a number of outbuildings.

A 5m wide right-of-carriageway exists along the northern property boundary, connecting the lot and the two lots adjoining to the west to the racecourse land immediately to the east.

The property is zoned RU2 Rural Landscape under Ballina LEP 2012. The racecourse property to the east is zoned RE1 Public Recreation, while the properties on the southern side of Racecourse Road, directly opposite the subject property, are zoned IN1 General Industrial.

The immediate locality consists of various equine-related uses, including stables, veterinary facilities, and the like, as well as several dwelling houses.

The Ballina Jockey Club and racecourse adjoins the property to the east, with the wider Southern Cross Industrial estate located to the west.

1.3. A simple description of the scope of the proposal amendments

The proposed Planning Proposal will seek to amend the Ballina Local Environmental Plan 2012 to permit a gymnasium use of the land.



Racecourse Road

Lot 81
DP749501

Lot 2
DP812651

Lot 1
DP812651

Lot 3
DP820688

Lot 2
DP791177

N

0 20 m

1:600 @ A4

SOURCE:
Aerial Photo: Nearmap 03/10/2021

DISCLAIMER:
No warranty is given in relation to the data
(including accuracy, reliability,
completeness, currency or suitability) and no
liability is accepted (including without
limitation, liability in negligence) for any loss
damage or costs (including consequential
damage) relating to any use of the data.

Subject Site

PLANNERS
NORTH

34 Racecourse Rd Ballina

Aerial Photo

File: 34RacecourseRdBallina_Fig1_AerialPhoto_202003

1.4. Background and context

On 24 December 2021, we submitted a Planning Proposal to Council on behalf of the landowner JR Commercial Property Holdings Pty Ltd, seeking an amendment to Council's LEP to permit a gymnasium use. That Planning Proposal was reported to the Council at its meeting on 23 February 2023. The Planning Proposal was recommended for support, but the Council having regard to submissions received from Ballina Jockey Club Limited, resolved to discontinue the Planning Proposal process. Since then Council has completed a strategic review of land in the Local Government Area suitable for rezoning for commercial and light industrial purposes. The subject site is a SUGA area and has recently been re-confirmed by Ballina Shire Council as strategically important for future industrial use.

Racing NSW has acquired the land immediately westward of the subject site and made an uncommercial offer to JR Commercial Property Holdings Pty Ltd to acquire the subject land.

Given the reinforcement of Council's strategic urban growth initiatives for the locality and the lack of a commercial purchase offer from Racing NSW this matter is now resubmitted for Council's consideration.

2. The proposal

This section provides an overview of the proposal.

2.1. The proposed concept

The gymnasium, as proposed, would operate to teach and practice gymnastics rather than as a fitness gym. In planning terms, such a use is defined as a "recreation facility (indoor)".

2.2. Proposed land uses and activities that would be carried out

A Planning Proposal to advance the proposed change would likely involve amending Schedule 1 of Ballina LEP by adding the following item (or similar):

13 Use of certain land at 34 Racecourse Road, Ballina

(1) This clause applies to land at 34 Racecourse Road, Ballina, being Lot 1 DP 812651 and identified as "Area N" on the Additional Permitted Uses Map.

(2) Development for the purposes of a recreation facility (indoor) is permitted with development consent.

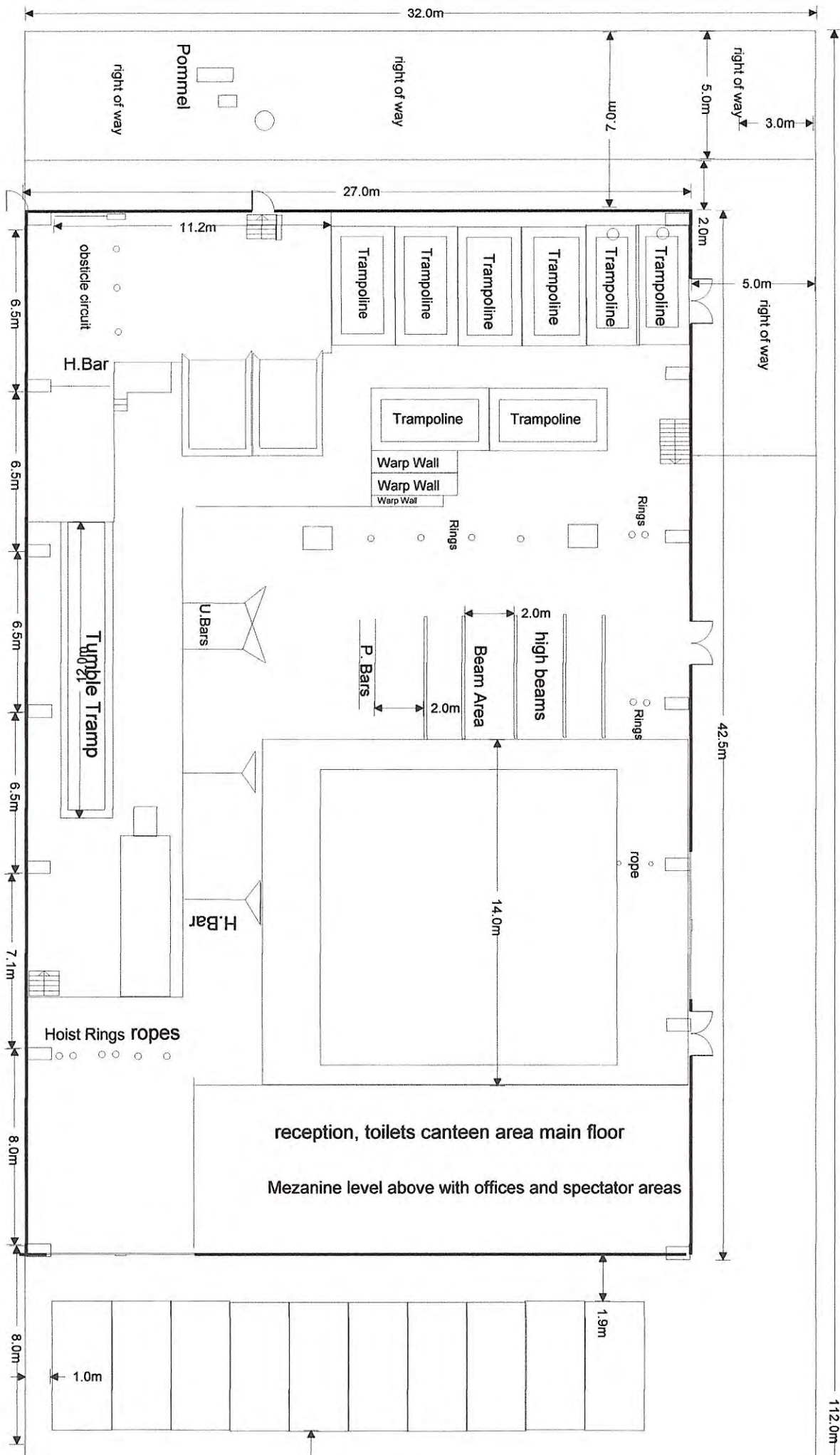
The planning proposal will also amend the Additional Permitted Uses Map to identify the subject property as "Area N".

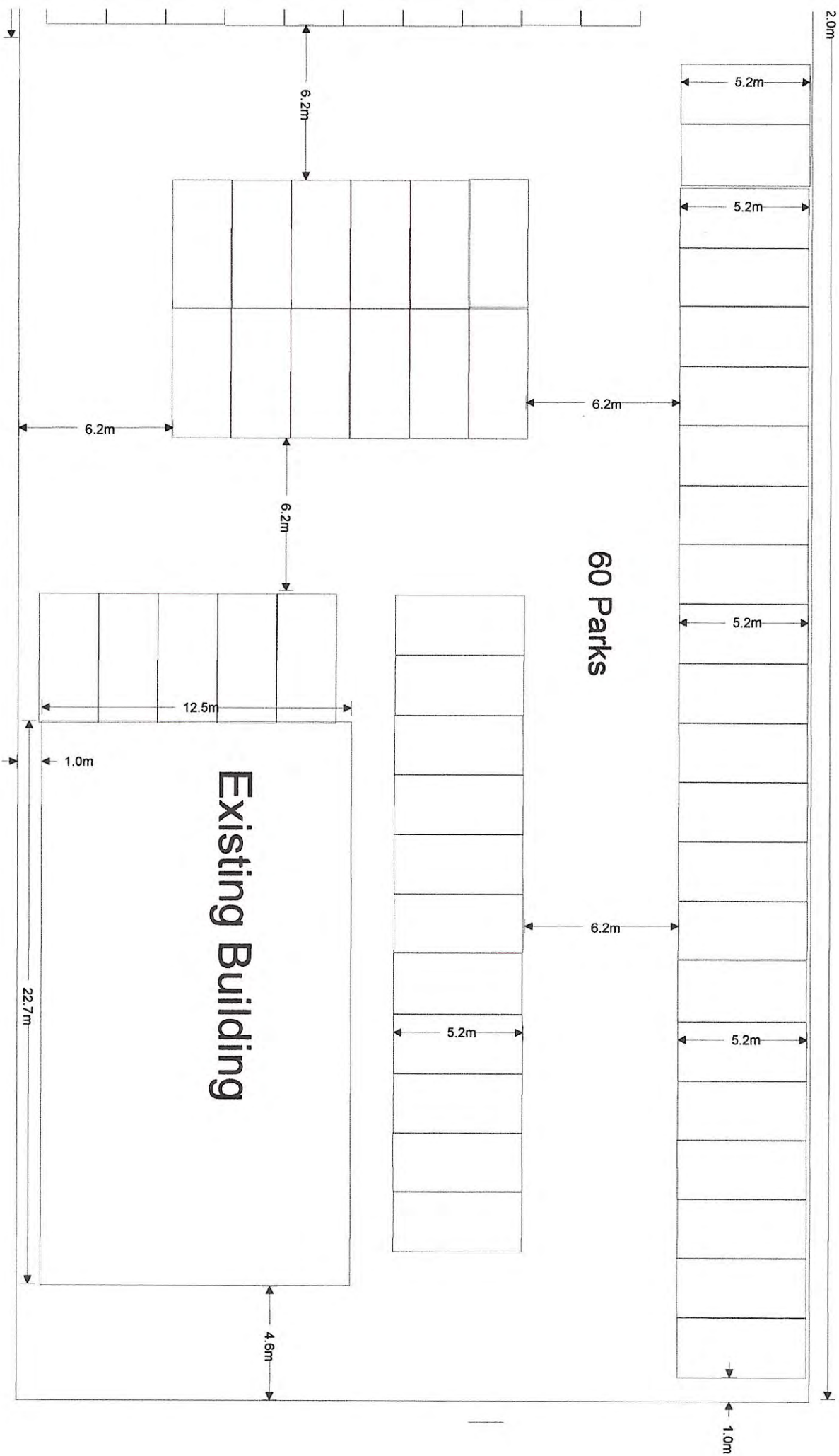
2.3. The likely timing of the delivery of the proposal

The proponent is keen to progress the delivery of a new gymnasium as quickly as the planning system can facilitate.

2.4. Envisaged services and infrastructure that are or will be available to meet the demands arising from the proposal

It is not envisaged that any services or infrastructure will need to be augmented to meet the needs of the development.





2.5. High level proposed funding arrangements for infrastructure provision

No special infrastructure provision is required.

2.6. Provide details on the principles or amendment to an existing contribution plan or new contribution plan

No new contribution plan or the like would be required to service the needs of this project.

3. Strategic Merit

This section provides a short statement to identify how the proposal aligns with the strategic framework that applies to the proposal site.

3.1. Region strategic planning

The North Coast Regional Environmental Plan 2041 (NCREP 2041) identifies the site as part of an Investigation Area – Employment Lands.

3.2. Council's Local Strategic Planning

The subject locality is part of a precinct that has been identified for future urban development. Development of the gymnasium as proposed is consistent with the likely longer-term land uses envisaged for the area.

4. Site-specific considerations

This section identifies key site-specific issues that are likely to be relevant to the assessment and evaluation of the proposal.

4.1. Locality Consideration

The Ballina Jockey Club and racecourse adjoins the property to the east, with the wider Southern Cross Industrial estate located to the west.

For the earlier Planning Proposal, the Ballina Jockey Club expressed their concerns about the proposal, citing:

- safety concerns associated with increased traffic.
- concerns around noise impacting horses in their stables and other users.
- a lack of on-street parking in Racecourse Road.
- concerns that filling of the land would exacerbate the flood vulnerability of their property.
- concern that any loss of traditional equine properties will have a major economic impact on the Jockey Club's operations.

While a gymnastic facility is not directly consistent with the equine-related uses in the immediate area, an objective assessment indicates that the use is unlikely to have significant conflicts between local uses.

Use of the gym is unlikely to generate significant noise levels outside the building. Traffic numbers will depend on the number, frequency, and popularity of classes, but the local road network is designed and constructed to cater for an industrial estate, and therefore has sufficient capacity to cater for anticipated traffic levels.

The likelihood of peak use of the gym coinciding with arrival or departure times for a race meeting would seem to be low. The Ballina Jockey Club website indicates that there are around 17 race meetings per year, and it is expected that each event would generate peak traffic movements at the start and finish of each event.

It would be relatively easy for the operator of the gym facility to arrange start and finish times for their peak use to avoid conflict with race days.

The proposed usage will be for junior gymnastics with a maximum of 150 pupils and the operation will align more closely to a dance studio than a traditional gym.

Applying the car parking rates within Council's DCP for a dance studio with 150 pupils, suggests the need for 50 on-site parking spaces. The proposal provides for 60 spaces within the site, which can be configured to provide an easy internal drop-off / pick-up spot to allow parents to drop off children without stopping in the street.

The existing 5.0m wide access easement along the rear of the property will remain in place and unimpeded, allowing continued access between nearby stables and the adjoining racecourse.

A flood impact assessment has been undertaken by consultants on behalf of Council. The assessment concludes that the development of the site as proposed, including the filling of the land, will not result in significant flood impacts to other properties or areas outside of the site.

A preliminary site contamination assessment was also undertaken, demonstrating that there is a low risk of soil contamination.

The proposal is not considered to be at odds with the traditional equine use of the locality, and accordingly, the assertion that the proposal will result in a major economic impact seems to be lacking in foundation.

5. Environmental Planning Considerations

Documentation which has been completed for the subject site and reviewed by Council staff includes:

- Preliminary Flood Assessment completed by GeoLINK
- Detailed Flood Assessment completed by BMT
- Traffic and Parking Assessment completed by GeoLINK
- Preliminary Contamination Assessment completed by PLANNERS NORTH.

6. Discussion Points

This section outlines particular scoping issues that need to be discussed with the Council, Department, State agencies or Authorities.

Given the reinforcement of Council's strategic urban growth initiatives for the locality and the lack of commercial acquisition offer by Racing NSW in relation to the potential purchase of the subject site, this matter is now resubmitted for Council's consideration. We would appreciate the opportunity to discuss this matter further with Council officers and if Council considers it necessary, The Department, as well as relevant State agencies and authorities.

The proponent aspires to the formal lodgement of a Planning proposal in early June 2024. Accordingly, we would appreciate the Council's best endeavours in responding to this scoping request at your earliest convenience.

Yours faithfully,

PLANNERS NORTH



Stephen Connolly RPIA (Fellow)

PARTNERSHIP PRINCIPAL

(m) 0419 237 982

(e) steve@plannersnorth.com.au