

8.6 LEP Amendment Request - Racecourse Road, Ballina

Section Strategic Planning

Objective To seek direction from Council in relation to a proposal for an amendment to Schedule 1 of the Ballina Local Environmental Plan 2012 to facilitate a gymnasium on land at 34 Racecourse Road, Ballina.

Background

The owner of land at 34 Racecourse Road, Ballina has submitted a LEP amendment request to amend the Ballina Local Environmental Plan 2012 to allow the construction of a gymnastics focused recreational facility on the property known as Lot 1 DP 812651.

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), which is currently prohibited in the RU2 Rural Landscape zoning of the property.

The purpose of this report is to seek direction from Council on the progression of a planning proposal to amend Schedule 1 of the Ballina LEP 2012 (Additional Permitted Uses) that would make a recreation facility (indoor) a use permissible with consent on this property.

This would permit the proposed gymnasium and other uses that are defined as a recreation facility (indoor).

A draft planning proposal outlining details of the proposed amendment is contained in Attachment 1 to this report.

Key Issues

- Flooding
- Consistency with current and likely future land uses in the locality.

Discussion

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

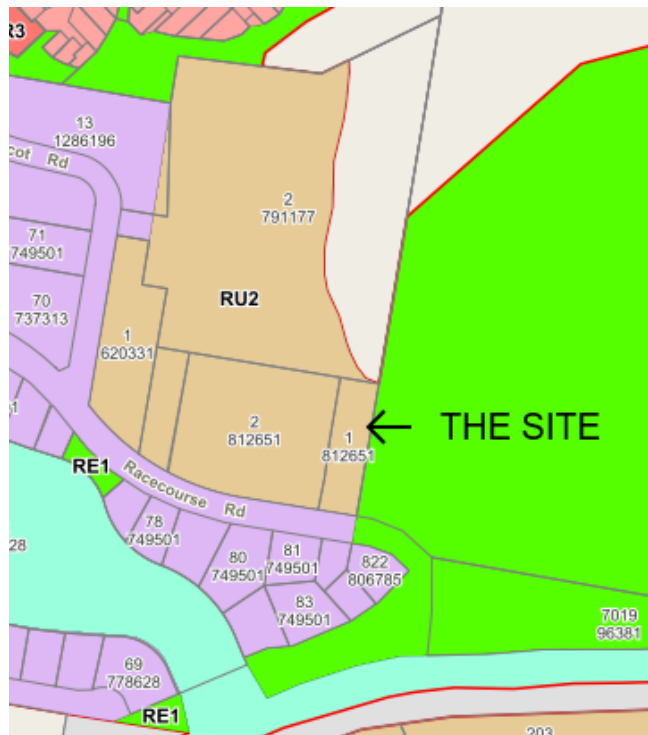
The land has an area of 3,604m². As shown below, it contains a main building located toward the Racecourse Drive frontage, which appears to have been originally constructed as stables, but now used as a residential dwelling, as well as a number of outbuildings.

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.



As shown in the image below, 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.



Existing Zoning

The landowner is proposing to construct a gymnastic-focused recreation facility on the property. Such a facility is defined as recreation facility (indoor), which means:

a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club

Recreation facility (indoor) is a permissible land use in the IN1 zone and in the RE1 zone, but is prohibited in the RU2 Rural Landscape zone.

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.

The Ballina Jockey Club, having been informed of the proposal, provided a letter expressing their concerns about the proposal (Attachment 2), 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.

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While a gymnastic facility is not directly consistent with the equine-related uses in the immediate area, preliminary assessment indicates that there is unlikely to be 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.

It is understood that the proposed usage will be for junior gymnastics with a maximum of 150 pupils. The proponent suggests that 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 preliminary 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.

Car parking will be further considered as part of any future development application (if enabled by the endorsement of the proposed amendment).

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 more detailed assessment of potential for land use conflict would be carried out in the preparation and assessment of a subsequent development application, should the proposed LEP amendment be supported.

The land is flood prone. A flood impact assessment has been undertaken by consultants on behalf of Council (Attachment 3).

The assessment concludes that the development of the site as proposed, including 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 (Attachment 4).

Copies of the flood assessment and preliminary site contamination assessments will form appendices to the planning proposal in Attachment 1 to this report.

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A preliminary overview of other potential environmental, social, and economic impacts indicates that all relevant aspects are capable of being managed to avoid or mitigate impacts.

The property is within a Strategic Urban Growth Area (shown in green shading in the image below), which is also included as an Investigation Area – Employment Lands for the North Coast Regional Environmental Plan 2041.



Development of the gymnasium as proposed will not prejudice future investigations of this wider investigation area and is consistent with the likely longer-term land uses of the area.

A planning proposal to advance the proposed change would 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”.

Delivery Program Strategy / Operational Plan Activity

Processing of LEP amendments and planning proposals is identified in Council’s adopted Delivery Program and Operational Plan (DPOP) as follows:

- *HE3.1 – Implement plans that balance the built environment with the natural environment.*

- *HE3.1j – Maintain Local Environmental Plan (LEP)*

The proposed use of the land for a gymnastics-focused recreation facility is consistent with the following DPOP outcomes:

- *CC3.2 - Provide young people with a range of leisure activities, along with opportunities for personal development.*
- *CC3.3 - Support improved health outcomes by providing equitable access to sporting, recreational and community facilities.*

Community Consultation Policy

Community engagement (including government agency referrals) for this planning proposal will be undertaken in accordance with Council's Community Participation Plan and the conditions required under the Department of Planning and Environment's (DPE) Gateway Determination, when issued.

Financial / Risk Considerations

This is a landowner-initiated proposal, and the proponent has paid the commencement fee for the process to date. In accordance with Council's adopted Fees and Charges, further processing fees will be payable at subsequent stages, should Council resolve to proceed with the Planning Proposal.

Options

Option 1 – Proceed with the Planning Proposal

The planning proposal will make an amendment to Ballina LEP 2012, which will allow the landowner to proceed to lodge a development application for a proposed gymnasium on the land.

Preliminary assessment of the issues associated with such a development indicates that it is possible to carry out the development in a way that does not result in significant environmental, social, or economic impacts.

Under this option, the proposal will proceed to public exhibition and a further report provided to Council following the exhibition period.

It is also proposed that Council would apply its delegated plan making authority with the agreement of the Department of Planning and Environment.

This is the recommended approach.

Option 2 – Defer the planning proposal

This approach is not recommended

Preliminary assessment of the proposal indicates that it can be designed, constructed, and managed in a way that avoids or minimises environmental, social, or economic impacts.

More detailed assessment of all potential impacts would occur during a subsequent development assessment process, to ensure that the proposal can proceed in the manner suggested.

Council will also get another chance to consider the proposal following public exhibition of the planning proposal, assuming a Gateway Determination is issued.

Option 3 – Cease further action in relation to the planning proposal

For the same reasons outlined in relation to option 2, this approach is not recommended.

RECOMMENDATIONS

1. That Council endorses, for Gateway determination, the amendments to Ballina Local Environmental Plan 2012 outlined in the planning proposal contained in Attachment 1 (BSCPP 22/001).
2. That Council submits the planning proposal contained in Attachment 1 to the NSW Department of Planning and Environment for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
4. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
5. That Council receive a further report on the proposal following the completion of the public exhibition of the planning proposal

Attachment(s)

1. BSCPP 22 001 - Planning Proposal (V1 Concept) [⇒](#)
2. BSCPP 22 001 - Submission - Ballina Jockey Club [⇒](#)
3. BSCPP 22 001 - Flood Impact Assessment [⇒](#)
4. BSCPP 22 001 - Preliminary Site Investigation Report [⇒](#)



Planning Proposal 22/001

**» Additional Permitted Use
Racecourse Road Ballina**

February 2023 (v1 Concept) 22/90171

ballina
shire council

Ballina Shire Council acknowledges that we are here on the land of the Bundjalung people. The Bundjalung are the traditional owners of this land and are part of the oldest surviving continuous culture in the world.



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1 Introduction

Overview

This landowner-initiated planning proposal (PP) amends Ballina Local Environmental Plan 2012 by adding a new Additional Permitted Use item in Schedule 1, to allow recreation facility (indoor) as a land use permissible with consent on land known as Lot 1 DP 812651, Racecourse Road, Ballina.

The Additional Permitted Use amendment would facilitate the landowner's proposal to construct a gymnastic-focused recreation facility on the property.

The proposal would involve the construction of a new building located behind the existing one on-site. Because the land is flood-prone, the development would require filling of that part of the land.

Subject Land

This PP relates to Lot 1 DP 812651, located at 34 Racecourse Road, Ballina.



Figure 1 Site Location

The land has an area of 3,604m². As shown below, it contains a main building located toward the Racecourse Drive frontage, which appears to have been originally constructed as stables, 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.



Figure 2 The Site

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 is located immediately to the east and the Southern Cross Industrial estate is to the west.

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 (see **Figure 3**).

The landowner is proposing to construct a gymnastic-focused recreation facility on the property. Such a facility is defined as recreation facility (indoor), which means:

a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club

Recreation facility (indoor) is a permissible land use in the IN1 zone and in the RE1 zone, but is prohibited in the RU2 Rural Landscape zone.

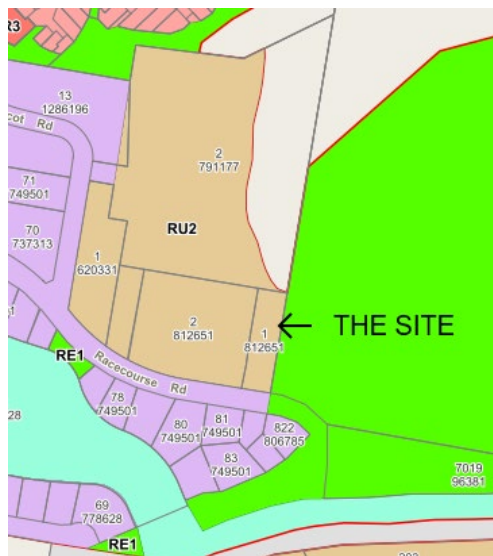


Figure 3 Zoning

Council Resolutions

TBA

Gateway Determination

TBA

2 Planning Proposal

Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* (the Act) outlines requirements that must be provided for when preparing PPs. The following sections provide details of the PP as it relates to Section 3.33(2) of the Act.

Part 1 – Objectives or Intended Outcomes

The intended outcome is to amend Schedule 1 of Ballina LEP 2012, to make a recreation facility (indoor) a land use permissible with consent on the subject land.

Part 2 – Explanation of Provisions

The PP will amend Schedule 1 of Ballina LEP by adding the following item:

13 Use of certain land at 34 Racecourse Road, Ballina Shire Council

- (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 PP will also amend the Additional Permitted Uses Map to identify the subject property as "Area N".

Part 3 – Justification

Section A – Need for the planning proposal

Q1 *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

No. The PP is a landowner-initiated proposal.

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

The subject property is part of a larger Strategic Urban Growth Area, identified as having some longer-term potential for urban development. Changing the existing RU2 zoning of the subject property is therefore considered premature in that it could potentially impact future urban investigations for the wider area.

Facilitating the use by way of an Additional Permitted Use amendment will achieve the desired outcome without prejudicing future investigations.

Section B – Relationship to strategic planning framework

Q3 *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

North Coast Regional Plan 2041 (NCRP)

The property is located within the Urban Growth Area, identified as being within an Investigation Area – Employment Land. The extent of the investigation area is consistent with the Strategic Urban Growth Area identified in Council's Strategic documents and mapped in Ballina Local Environmental Plan 2012.

The proposal is consistent with Strategy 11.3 of the North Coast Regional Plan, in that it will provide for additional employment uses within an existing employment centre.

In the context of the Strategic Urban Growth Area, the development of the site as proposed will not prejudice future investigations or future employment uses in the locality.

Q4 *Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

Ballina Shire Council Community Strategic Plan 2017-2027 (CSP)

The planning proposal is consistent with the Connected Community, Prosperous Economy and Engaged Leadership outcomes contained within Council's CSP.

Ballina Shire Local Strategic Planning Statement 2020-2040 (LSPS)

The planning proposal is consistent with the themes and planning priorities contained within the LSPS in that it will provide for additional community facilities and employment to service Ballina's growing population, within an existing light industrial area.

The property is within a Strategic Urban Growth Area identified for the purposes of the LSPS and the Ballina Local Environmental Plan 2012.

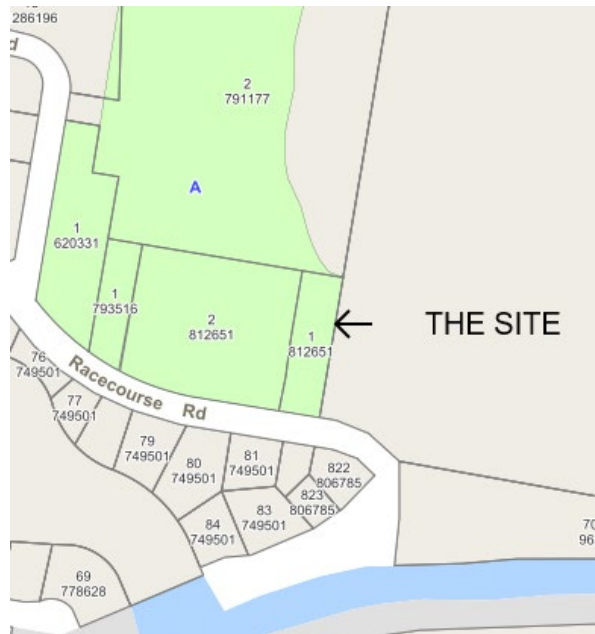
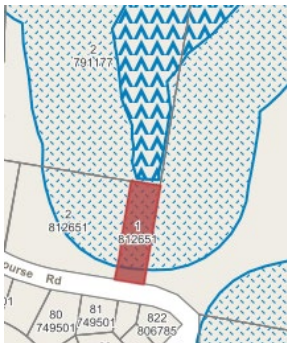


Figure 4 Strategic Urban Growth Area

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

SEPP	Comments
SEPP Resilience and Hazards 2021	<p>Chapter 2: Coastal Management</p> <p><i>Division 1 Coastal wetlands and littoral rainforests area</i></p> <p>Land immediately north of the subject property is mapped as containing a Coastal Wetland.</p> <p>The majority of the subject property lies, therefore, in an area mapped as land in proximity to coastal wetlands (see Figure 5 below).</p>  <p>Figure 5 Coastal Wetland Mapping</p> <p>The provisions of Clause 2.8 of the SEPP will apply to a future development application for use of the site.</p>

Planning Proposal 22/001 – Additional Permitted Use, Ballina

SEPP	Comments
	<p>It will be possible to manage stormwater flows from any new buildings on the land in a manner that will not significantly impact on the adjoining wetland.</p> <p><i>Division 3 Coastal environment area</i></p> <p>The subject property is mapped within a larger Coastal Environment Area, which encompasses all the flood prone land on Ballina Island.</p> <p>Future development on the land can be designed and constructed in a manner that satisfies the provisions of Clause 2.10 of the SEPP.</p> <p><i>Division 4 Coastal use area</i></p> <p>The subject property is mapped within a larger Coastal Use Area, which encompasses the riparian areas of local waterways.</p> <p>Future development on the land can be designed and constructed in a manner that satisfies the provisions of Clause 2.10 of the SEPP.</p>
	<p>Chapter 4 Remediation of land</p> <p>A Preliminary Site Investigation Report was submitted in support of the proposal (Appendix 3). That assessment demonstrates that the site is of very low risk in relation to land contamination. It is also noted that the development site will require filling.</p>

Q6 *Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?*

The Planning Directions are addressed in the checklist provided at **Appendix 4**. The proposal is consistent with all applicable directions.

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 property does not contain any areas of environmental or ecological significance.

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

Environmental effects of the development facilitated by this PP can be adequately managed during both construction and operation.

Potential impacts are primarily related to stormwater and soils management. Detailed assessment of potential impacts would be undertaken during a subsequent Development Application stage, but it is considered that conventional management measures will be sufficient to prevent significant impacts.

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

As above, social and economic aspects/ issues will be subject of assessment through a subsequent Development Application. Preliminary consideration of issues associated with traffic, noise and the potential for land use conflict indicates that potential impacts can be adequately managed or avoided.

Planning Proposal 22/001 – Additional Permitted Use, Ballina

A flood impact assessment has been undertaken (**Appendix 3**). The property is located outside of floodway areas and the assessment concludes that the development of the site as proposed, including filling of the land, will not result in significant flood impacts to other properties.

Section D – State and Commonwealth interests**Q10 Is there adequate public infrastructure for the planning proposal?**

The property is adequately serviced to cater for the development proposed.

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

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

Part 4 – Mapping

As outlined in Part 2, the PP will amend the Additional Permitted Maps – Map Sheet APU_006C.

A suitable LEP map will be prepared to meet the Department's technical mapping requirements, prior to the finalisation of the PP.

Part 5 – Community Consultation

This proposal will be exhibited in accordance with a Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. It is anticipated that a minimum public notification period of 28 days will be applied to this planning proposal.

Part 6 – Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	March 2023
Government Agency Consultation	April 2023
Public Exhibition Period	April 2023
Public Hearing	N/A
Submissions Assessment	April - May 2023
RPA Assessment of Planning Proposal and Exhibition Outcomes	May 2023
Finalisation and notification of Plan	May – July 2023

Planning Proposal 22/001 – Additional Permitted Use, Ballina

Appendix 1 – Council Report

To be included following Council Meeting

Planning Proposal 22/001 – Additional Permitted Use, Ballina

Appendix 2 – Gateway Determination

To be included following issue of Gateway

Planning Proposal 22/001 – Additional Permitted Use, Ballina

Appendix 3 – Preliminary Site Investigations Report

Provided under separate cover

Appendix 4 – Section 9.1 Direction Checklist

Section 9.1 Directions Checklist Planning Proposal – Strategic Urban Growth Area Maps	
Direction No.	Compliance of Planning Proposal
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent The property is within the Urban Growth Area boundary, mapped as an Investigation Area – Employment Lands. The proposed development will not prejudice future expansion of employment uses within this wider investigation area.
1.2 Development of Aboriginal Land Council Land	Does not apply to planning proposal.
1.3 Approval and Referral Requirements	Consistent This planning proposal does not contain provisions requiring concurrence, consultation, or referral of development applications.
1.4 Site Specific Provisions	Consistent The PP will allow the recreation facility (indoor) land use to be carried out on the land within the current zoning. No additional development standards are proposed.
Focus area 1: Planning Systems – Place-based	
	None apply to planning proposal.
Focus area 2: Design and Place	
	No applicable Directions.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Consistent The property does not contain any environmentally sensitive areas.
3.2 Heritage Conservation	Consistent The property is not known to contain areas of heritage significance.
3.3 Sydney Drinking Water Catchments	Does not apply to planning proposal.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.
3.5 Recreation Vehicle Areas	Does not apply to planning proposal.
3.6 Strategic Conservation Zoning	Does not apply to planning proposal.
3.7 Public Bushland	Does not apply in Ballina Shire.
3.8 Willandra Lakes Region	Does not apply in Ballina Shire.
3.9 Sydney Harbour Foreshores and Waterways Area	Does not apply in Ballina Shire.
3.10 Water Catchment Protection	The property is not located within a regulated catchment.

Section 9.1 Directions Checklist Planning Proposal – Strategic Urban Growth Area Maps	
Direction No.	Compliance of Planning Proposal
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent A flood impact assessment has been undertaken (Appendix 5). The property is located outside of floodway areas and the assessment concludes that the development of the site as proposed, including filling of the land, will not result in significant flood impacts to other properties.
4.2 Coastal Management	Consistent The property is not located in a coastal vulnerability area. It is located adjacent to a Coastal Wetland. Management of stormwater can be designed to ensure that development will not have any direct or indirect impacts on the adjoining wetland.
4.3 Planning for Bushfire Protection	Does not apply as the PP will not affect any land mapped as bushfire prone land.
4.4 Remediation of Contaminated Land	Consistent A preliminary site assessment confirms that the property has a low risk of soil contamination.
4.5 Acid Sulfate Soils	Consistent. The site is mapped as containing Class 2 Acid Sulfate Soils. The proposed development will require filling of the land, which will ensure that potential acid sulfate soils are not disturbed.
4.6 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent The property is located within an existing urban area where transport options are available.
5.2 Reserving Land for Public Purposes	Does not apply as the planning proposal will not propose or affect any reservations of land for public purposes.
5.3 Development Near regulated Airports and Defence Airfields	Consistent The property is within an existing light industrial area near the Ballina Byron Gateway Airport. The proposed development will not generate any impacts relating to use of that airport.
5.4 Shooting Ranges	Does not apply to planning proposal.
Focus area 6: Housing	
6.1 Residential Zones	Does not apply to the planning proposal.
6.2 Caravan Parks and Manufactured Home Estates	Does not apply to the planning proposal.
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Does not apply as the planning proposal does not affect an existing or proposed business or industrial zone. Notwithstanding this, the proposal will provide for a use consistent with such zoning.
7.2 Reduction in Non-hosted Short-term Rental Accommodation Period	Does not apply to planning proposal.

Planning Proposal 22/001 – Additional Permitted Use, Ballina

Section 9.1 Directions Checklist Planning Proposal – Strategic Urban Growth Area Maps	
Direction No.	Compliance of Planning Proposal
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
Focus area 9: Primary Production	
9.1 Rural Zones	Consistent The planning proposal does not seek to rezone land.
9.2 Rural Lands	Consistent The planning proposal is consistent with the North Coast Regional Plan 2041 and Council's LSPS.
9.3 Oyster Aquaculture	Does not apply to planning proposal.
9.4 Farmland of State and Region Significance on the NSW Far Coast	Does not apply to the planning proposal.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 23/02/23 AT 9.00AM**

Cr Phillip Meehan declared an interest in Item 8.6 and left the meeting at 12:23 pm.

8.6 LEP Amendment Request - Racecourse Road, Ballina

230223/9 RESOLVED

(Cr Eoin Johnston/Cr Stephen McCarthy)

That Council cease further action in relation to this Planning Proposal.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eva Ramsey and Cr Phillip Meehan

Cr Phillip Meehan returned to the meeting at 12:41 pm.

10.2 Cumbalum - Delivery of Wastewater Infrastructure

230223/10 RESOLVED

(Cr Jeff Johnson/Cr Rodney Bruem)

1. That Council reaffirms its resolution from 27 June 2019 regarding the request to compulsory acquire a sewer easement required to facilitate the development of Cumbalum Urban Release Area B.
2. As per the 27 June 2019 resolution;
 - Council will again write to Intrapac Properties and Baker Ryan Stewart and request the parties finalise, by agreement, the creation of the subject easement; and
 - Council endorses an in-principle position to commence a compulsory acquisition process to create the subject easement if agreement between the parties cannot be achieved in a reasonable timeframe.
3. A further report be presented to Council to the July 2023 Ordinary meeting regarding the proposed arrangements.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eva Ramsey

Public Question Time

There were no members of the public present for Public Question Time.