



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	12 February 2025
DATE OF DECISION	4 February 2025
PANEL MEMBERS	Dianne Leeson (Chair), Judy Clark, Stephen Gow, Cr Michelle Bailey and Cr Damian Loone
APOLOGIES	Craig Diss
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2024-27 – Ballina Shire LGA – PP-2024-1016

34 Racecourse Road, Ballina (As described in Schedule 1).

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- ☐ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and subject to changes site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has:
 - ☒ not demonstrated strategic merit
 - ☐ demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard extensively from Ballina Shire Council and the proponent, Planners North and landowner.

Strategic Merit

The Panel determined that the planning proposal had did not have strategic merit given that:



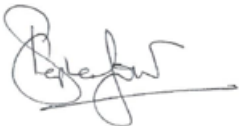
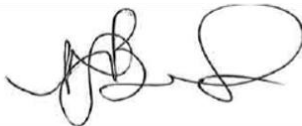

- A clear thoroughbred equine precinct has emerged to the west of the Ballina Racecourse along both sides of Racecourse Road to Ascot Road and including virtually all the land north of Racecourse Road to the mapped wetland area. The Panel concluded that there is a clear change in circumstances occurring in the locality and that the proposed Additional Permitted Use is not appropriate for the subject site.
- The proposed Additional Permitted Use on the subject site is incompatible with the adjoining equine activities and facilities presenting potentially serious land use conflicts. These conflicts include potential safety risks to users of the proposed facility, horses and equine industry employees, and noise and amenity issues.

The Panel acknowledged that the current planning framework, the Strategic Urban Growth Area (SUGA) within the Ballina Shire Growth Management Strategy 2012 (BSGMS), does not represent the existing equine land use and recommends that Council update their relevant strategic plans to reflect the current and future land use for the area.

Site Specific Merit

Given the Panel unanimously determined the proposal did not exhibit strategic merit, the Panel did not proceed to determine whether the proposal had site specific merit, however the Panel noted that the site was constrained.

Accordingly, the Panel resolved that the proposal should not be submitted for Gateway determination.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Judy Clark
 Stephen Gow	 Cr Michelle Bailey
 Cr Damian Loone	

Planning Panels Team

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | strategicpanels@dpie.nsw.gov.au

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2024-27 – Ballina Shire LGA – PP-2024-1016 – at 34 Racecourse Road, Ballina
2	LEP TO BE AMENDED	Ballina Local Environmental Plan (LEP) 2012
3	PROPOSED INSTRUMENT	The proposal seeks to: <ul style="list-style-type: none"> • Add an additional permitted use for a gymnastics facility
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review documentation on NSW Planning Portal • Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 21 October 2024 • Slide presentations from DPHI, 4 February 2025
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Site inspections: <ul style="list-style-type: none"> ○ Dianne Leeson undertook an individual site inspection on 4 November 2024 ○ Michelle Bailey and Damian Loone are familiar with the site and local area • Briefing with Department of Planning, Housing and Infrastructure (DPHI): 9:30am – 10:12am, 4 February 2025 <ul style="list-style-type: none"> ○ Panel members in attendance: Dianne Leeson (Chair), Judy Clark, Stephen Gow, Cr Michelle Bailey and Cr Damian Loone ○ DPHI staff in attendance: Murray Jay, Ayva Hamed, Adam Williams and Taylah Fenning ○ Key issues discussed: <ul style="list-style-type: none"> • Site locality and surrounding context • Local and Regional strategic plans • Land use Conflict • Flooding • Briefing with Ballina Shire Council: 10:16am – 11:03am, 4 February 2025 <ul style="list-style-type: none"> ○ Panel members in attendance: Dianne Leeson (Chair), Judy Clark, Stephen Gow, Cr Michelle Bailey and Cr Damian Loone ○ DPHI staff in attendance: Murray Jay, Ayva Hamed, Adam Williams and Taylah Fenning ○ Council representatives in attendance: Klaus Kerzinger and Georgia Buncle ○ Key issues discussed: <ul style="list-style-type: none"> • Racing schedule and events on site • Additional information received • Land use and zoning • Council staff recommendations • Flooding

		<ul style="list-style-type: none"> • Briefing with Planners North & Landowner (Proponent): 11:04am – 11:42am, 4 February 2025 <ul style="list-style-type: none"> ○ Panel members in attendance: Dianne Leeson (Chair), Judy Clark, Stephen Gow, Cr Michelle Bailey and Cr Damian Loone ○ DPHI staff in attendance: Murray Jay, Ayva Hamed, Adam Williams and Taylah Fenning ○ Proponent representatives in attendance: Stephen Connelly and John Reynolds ○ Key issues discussed: <ul style="list-style-type: none"> • Compliance with local and regional strategies, ministerial directions and lack of site constraints • Potential for minimising land use conflicts • Suitable land availability • Noise generation • Entry to facility and car park details • Site specific details • Capacity of facility compared with probable actual usage • Panel Discussion: 11:42am – 11:54am, 4 February 2025 <ul style="list-style-type: none"> ○ Panel members in attendance: Dianne Leeson (Chair), Judy Clark, Stephen Gow, Cr Michelle Bailey and Cr Damian Loone ○ DPHI staff in attendance: Murray Jay, Ayva Hamed, Adam Williams and Taylah Fenning
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