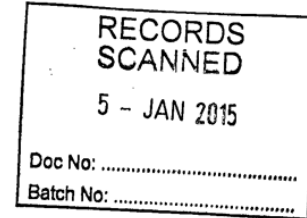




Transport
Roads & Maritime
Services

23 December 2014



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

Attn: Andrew Smith

Dear Sir

Proposed Highway Service Centre at Teven Road interchange

After a shortlisting process, in October 2014 Roads and Maritime Services invited proposals from the private sector to develop a highway service centre (HSC) on land owned by Roads and Maritime adjacent to the Teven Road interchange. The site, located between the Pacific and Bruxner Highways to the west of the interchange, is currently being used as a truck rest area and site office for nearby highway works.

Prior to the invitation, Roads and Maritime had undertaken a due diligence exercise for the site and its proposed development. One issue that has become apparent and needs to be resolved is the permissibility of the proposed development under the *Ballina Local Environmental Plan 2012* (LEP).

By force of clause 3 of Schedule 1 to, and the Additional Permitted Uses Map in, the LEP, development for the purpose of a HSC is permitted with development consent over the vast majority of site. It is likely that the mapping for Schedule 1 was prepared prior to the time at which the boundaries of the land required for the Pacific Highway bypass of Ballina were finalised. Consequently, a small area of land adjacent to the northbound off-ramp is outside of Area C of the additional permitted uses map. The excluded area is shown in the sheet at Attachment 1.

Roads and Maritime anticipates that exclusion of the area in question may have been unintended, as it would be unlikely to have any other purpose if the remainder of the Roads and Maritime owned site was developed as proposed.

While development of a HSC is possible without the use of the excluded area, Roads and Maritime considers that the viability of an HSC would be enhanced significantly by its inclusion. As such, Roads and Maritime would be very pleased if Council would consider amending the Additional Permitted Uses Map in the LEP accordingly.

Roads & Maritime Services

Pacific Highway Office, 21 Prince Street, Grafton NSW 2460 | PO Box 546 Grafton NSW 2460
T 02 6640 1014 | F 02 6640 1001 | E pacifichighway@rms.nsw.gov.au

www.rms.nsw.gov.au |

As some assistance, Attachment 2 provides responses to the considerations required under Clause 55 (2) of the Environmental Planning and Assessment Act 1979.

For your information, on Roads and Maritime's current program for identifying and engaging a private entity for the HSC project, a development application for a HSC could be submitted to Council in mid 2015.

Your advice on Council's consideration of the requested change and the likely timing should it be agreed would be appreciated.

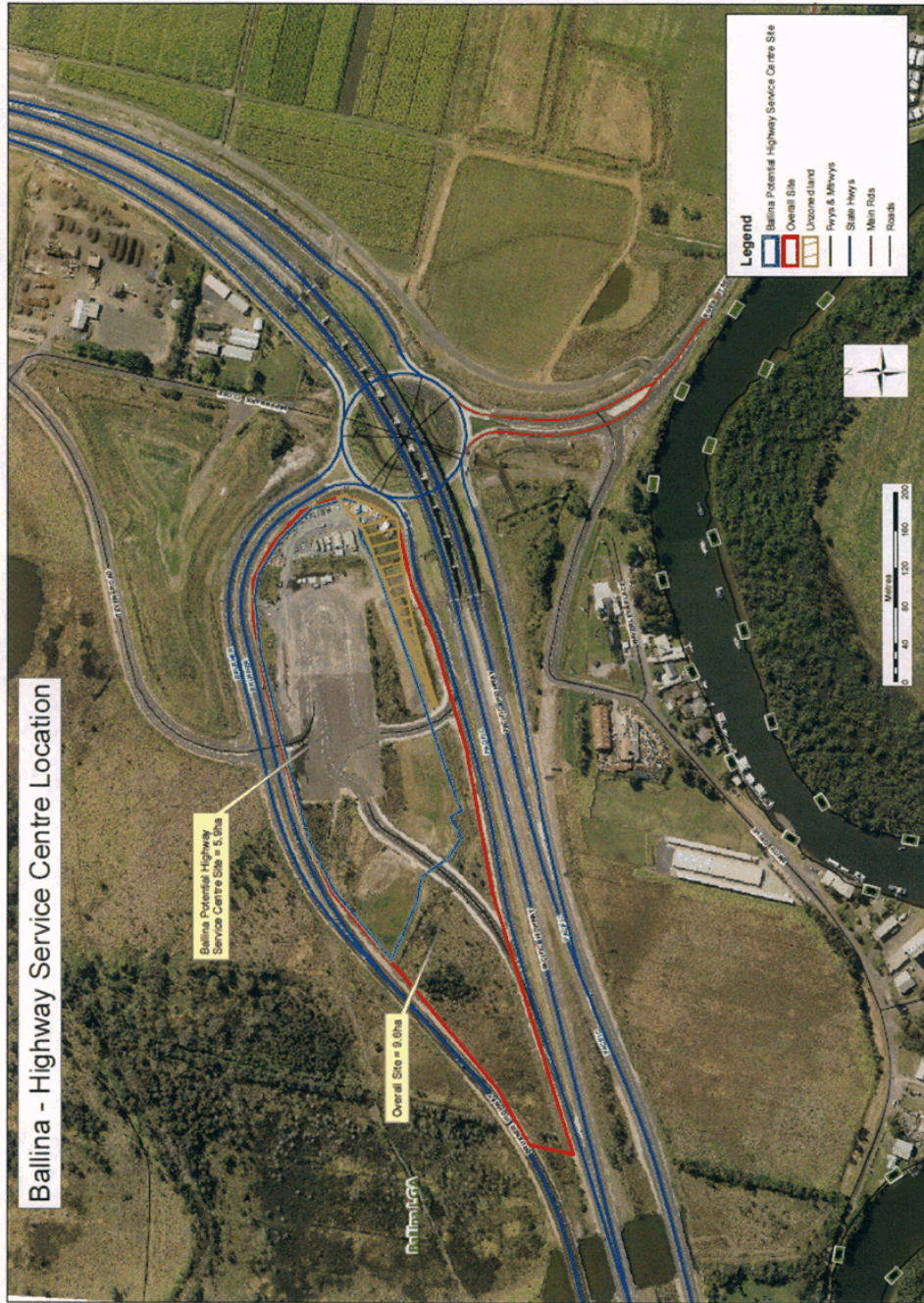
If you wish to discuss this matter, please contact me on 6640-1014.

Yours sincerely



Wes Stevenson
A/General Manager, Pacific Highway

Attachment 1. Map showing area of proposed Highway Service Centre land excluded from Area C



Attachment 2. Assessment against explanation and justification criteria for planning proposals - CI 55(2) considerations

(a) a statement of the objectives or intended outcomes of the proposed Amendment LEP,

The intent of the proposed amendment is to adjust to boundary of the Additional Permitted Uses map related to Highway Service Centre (HSC) development to reflect the actual boundaries of the Pacific Highway following the completion of the Ballina bypass.

(b) an explanation of the provisions that are to be included in the proposed Amendment LEP,

An amendment of the mapping for Area C of the Additional Permitted Uses map to allow HSC development with consent for the area between the new Pacific Highway boundary and the boundary of Area C. See Attachment 1, which shows in yellow hatching the area in question.

(c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117 of the EP&A Act),

The amendment is considered to be a simple administrative matter in response to a change in proposed Pacific Highway boundaries after the LEP was made.

Direction 5.4 under Section 117 is relevant as it allows for HSCs to be developed at the Teven Road interchange at Ballina.

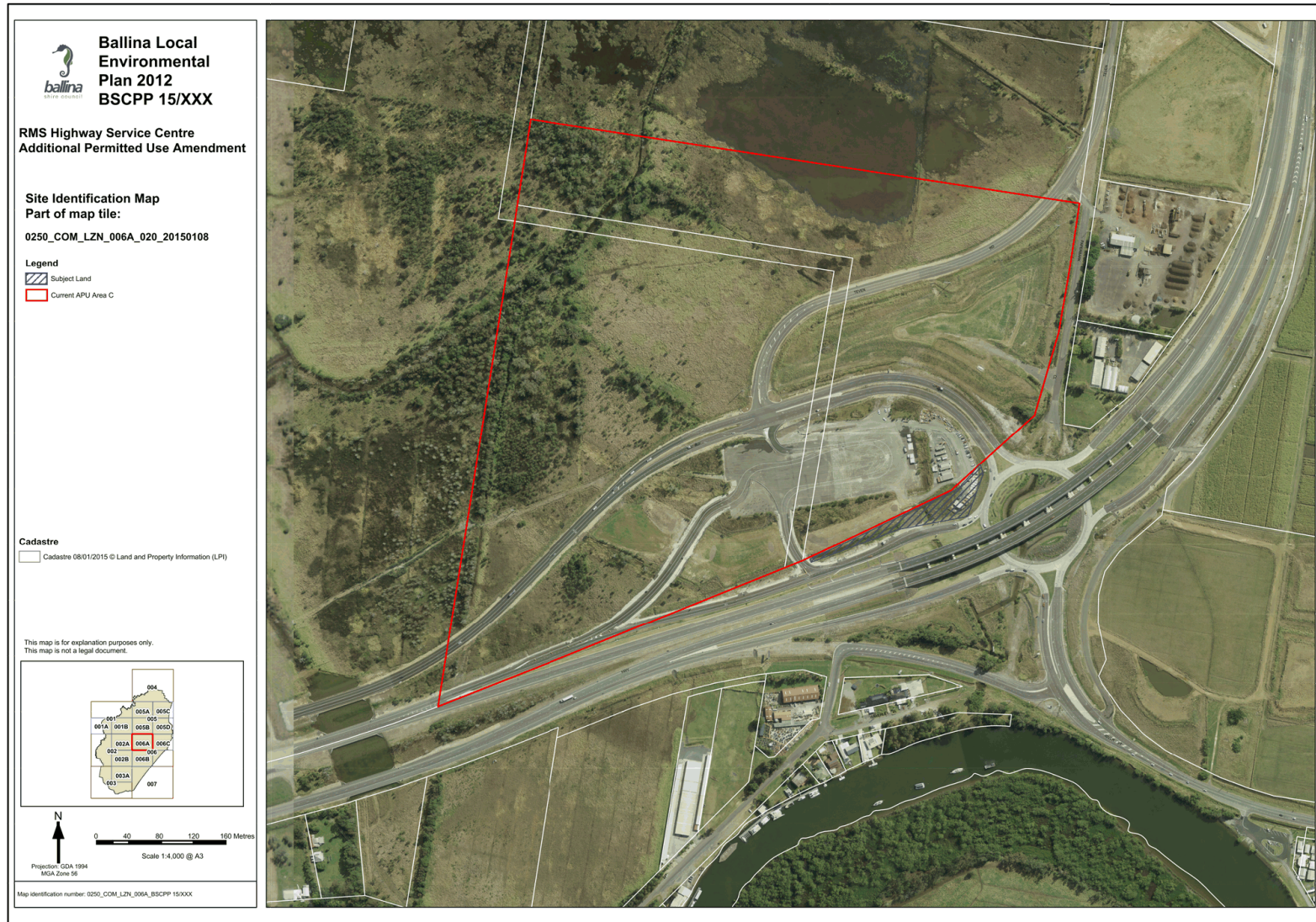
(d) if maps are to be adopted by the proposed Amendment LEP—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed Amendment LEP, and

See Attachment 1

(e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The amendment is considered to be a simple administrative matter in response to a minor change in the boundaries of the Pacific Highway upgrade (Ballina bypass). Community consultation is not considered to be necessary. However, the community would be consulted in relation to development of the area for Highway Service Centre purposes.

9.1 LEP Amendment - Bruxner Highway / Pacific Highway, West Ballina.DOC



9.1 LEP Amendment - Bruxner Highway / Pacific Highway, West Ballina.DOC



9.1 LEP Amendment - Bruxner Highway / Pacific Highway, West Ballina.DOC

