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7260 amend planning proposal (sept 2015)

15 September 2015

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

**Attention: Mr Klaus Kerzinger**

**Dear Klaus**

**re: Southern Cross Precinct Expansion – BSCPP 13/005  
(PP\_2013\_BALLI\_005\_00)**

I refer to prior communications in respect of the subject matter and in particular to the following:

- Council's letter dated 21<sup>st</sup> April 2015
- our meeting on the 30<sup>th</sup> April 2015 with Paul Tsikleas and Dwayne Roberts (including your file note from that meeting dated 30<sup>th</sup> April 2015)
- discussions and emails between you and myself during May – September 2015
- the Department of Planning's letter dated 12<sup>th</sup> May 2015
- our meeting on the 3<sup>rd</sup> August 2015 with Paul Tsikleas and Matthew Wood
- meetings and discussions with Messrs King and Field during June – September 2015

As a consequence of the above, it is proposed to amend the Planning Proposal such that:

- the B6 – Enterprise Corridor Zone and the B7 – Business Park Zone are to be replaced with an IN1 – General Industrial Zone and an IN2 – Light Industrial Zone
- part of Lot 7 DP 793980 is to be included into the Planning Proposal
- Lot 7 DP 793980 is currently zoned SP2 – Air Transport Facility Zone – part of Lot 7 DP 793980 is proposed to be zoned IN2 – Light Industrial Zone

**Engineers | Planners | Surveyors | Environmental | Project Management**

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- that part of Lot 7 DP 793980 that is proposed to be zoned IN2 – Light Industrial Zone is to have its existing AB – 40ha minimum lot size is changed to U1 – 1000m<sup>2</sup>

The proposal will rely on the existing IN1 zone and zoning table (as per the BLEP 2012) and will look to introduce a new IN2 zone into the BLEP 2012. Attached herewith is a copy of the proposed new IN2 zoning table and a plan that shows the location of the respective zones (over which is a conceptual subdivision layout).

As a consequence of the registration of a plan of subdivision in 2014 and the inclusion of Lot 7 DP 793980, the land that is subject of the planning proposal is now described as follows:

- part of Lots 3-6 DP 123781
- Lots 3-4 DP 872303
- Lot 2 DP 833513
- Lot 8 DP 793980
- part of Lot 7 DP 793980
- part of Lot 264 DP 1195313

The amended Planning Proposal involves the following:

- a strip of land generally along the proposed new "Airport Boulevard" to be zoned IN2 – Light Industrial Zone (approx. 13.47ha in area) – NEW ZONE
- the remainder of the land to be zoned IN1 – General Industrial Zone (approx. 26.02ha in area) – EXISTING ZONE AS PER THE BLEP 2012
- rezoning of part of Lot 7 DP 793980 from SP2 – Air Transport Facility to IN2 – Light Industrial Zone – NEW CHANGE
- the proposed IN1 and IN2 zoned land to have a minimum lot size standard of 1000m<sup>2</sup>, with no minimum lot size to be applied in respect of Strata or Community Title subdivision – SAME MINIMUM LOT SIZE AS PER EXISTING PLANNING PROPOSAL
- the proposed IN1 and IN2 zoned land to have a maximum building height of 10m, which is consistent with the building heights for the existing Southern Cross Industrial Estate and the Airport – SAME MAXIMUM BUILDING HEIGHT AS PER OUR MARCH 2013 PLANNING PROPOSAL SUBMISSION

Based on further investigations that have been undertaken since the lodgement of the original Planning Proposal, the B6 and B7 zoning regime is no longer considered appropriate due to the fact that the objectives and permissible uses contained within both the B6 and B7 zones would potentially conflict with the existing and continued economic viability and sustainability of the Ballina CBD.

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The proposed amended planning proposal is therefore considered more appropriate due to the fact that:

- there is an immediate need for additional industrially zoned land in the locality
- the proposed industrial zones will ensure that there are no uses that will directly compete with or compromise the integrity and economic well-being of the Ballina CBD and other business centres in the Shire
- the proposed industrial zones will meet the future industrial employment needs of the Shire
- the proposed industrial zones are consistent with the provisions of the Detailed Masterplan – Illustration 4.2 of the Southern Cross Precinct Master Plan 2008 and the provisions of the Ballina Growth Management Strategy
- the proposed industrial zones are consistent with Council's strategic planning framework with this expansion area being central to meeting the industrial land supply needs into the future
- the proposed industrial zones and permitted uses therein are not such that will result in any substantive land use conflict issues with the operations of the Airport
- the proposed industrial zones will allow a broad range of uses that will be ancillary and/or complementary to the Airport

The proposed change to the zoning regime is such that the Planning Proposal will:

- remain consistent with Council and the State Government's Strategic Planning framework and documents/studies
- remain consistent with all applicable Ministerial Directions (s117 of the EP & A Act 1979)
- comprise an effective and logical expansion of the existing Southern Cross Industrial Estate
- be able to be achieved having regard to the constraints and opportunities of the site

Please also be advised that:

- Mr Field (owner of Lot 2 DP 833513 & Lot 3 DP 872303) has confirmed that he is accepting of the amended planning proposal
- Mr King (owner of Lot 4 DP 872303) has advised that he has some issues with the amended planning proposal and has advised that he is going to prepare and lodge a submission to Council in the immediate future seeking clarification of a number of matters

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It is therefore respectfully requested that Council consider the proposed amendment to the zoning regime for Planning Proposal (BSCPP 13/005) as articulated in this letter.

Yours faithfully



Paul Snellgrove

**ARDILL PAYNE & PARTNERS**

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**Zone IN2 Light Industrial**

**1. Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

**2. Permitted without consent**

Environmental protection works

**3. Permitted with consent**

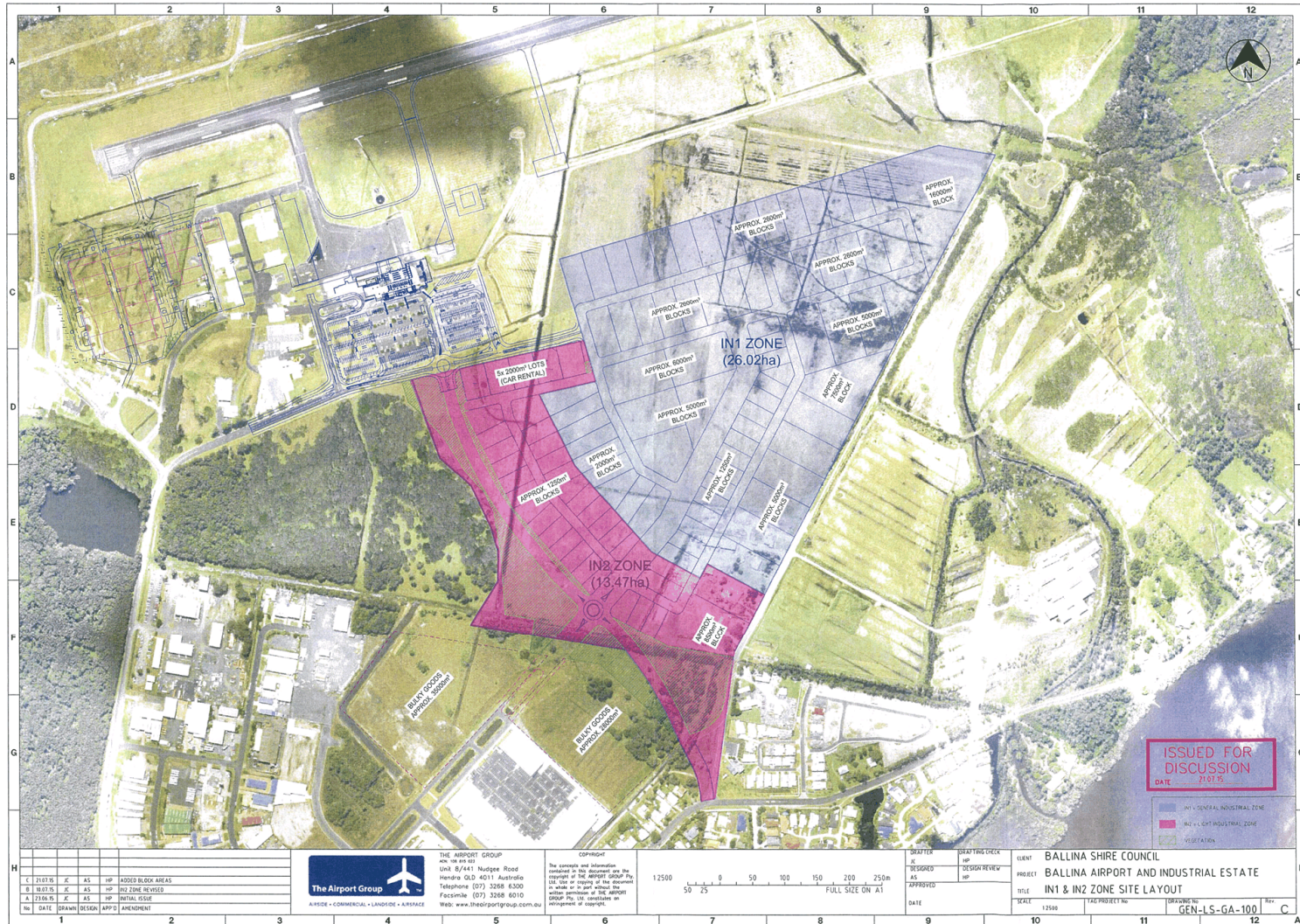
Agricultural produce industries; Animal boarding and training establishments; Depots; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Markets; Hotel or motel accommodation; Neighbourhood shops; Plant nurseries; Roads; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse of distribution centres; Any other development not specified in item 2 or 4.

**4. Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boisolids treatment facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Correctional centres; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities.



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No.	DATE	DRAWN	DESIGN	APP'D	AMENDMENT
C	21.07.15	EC	AS	HP	ADDED BLOCK AREAS
B	10.07.15	EC	AS	HP	IN2 ZONE REVISED
A	21.04.15	EC	AS	HP	INITIAL ISSUE

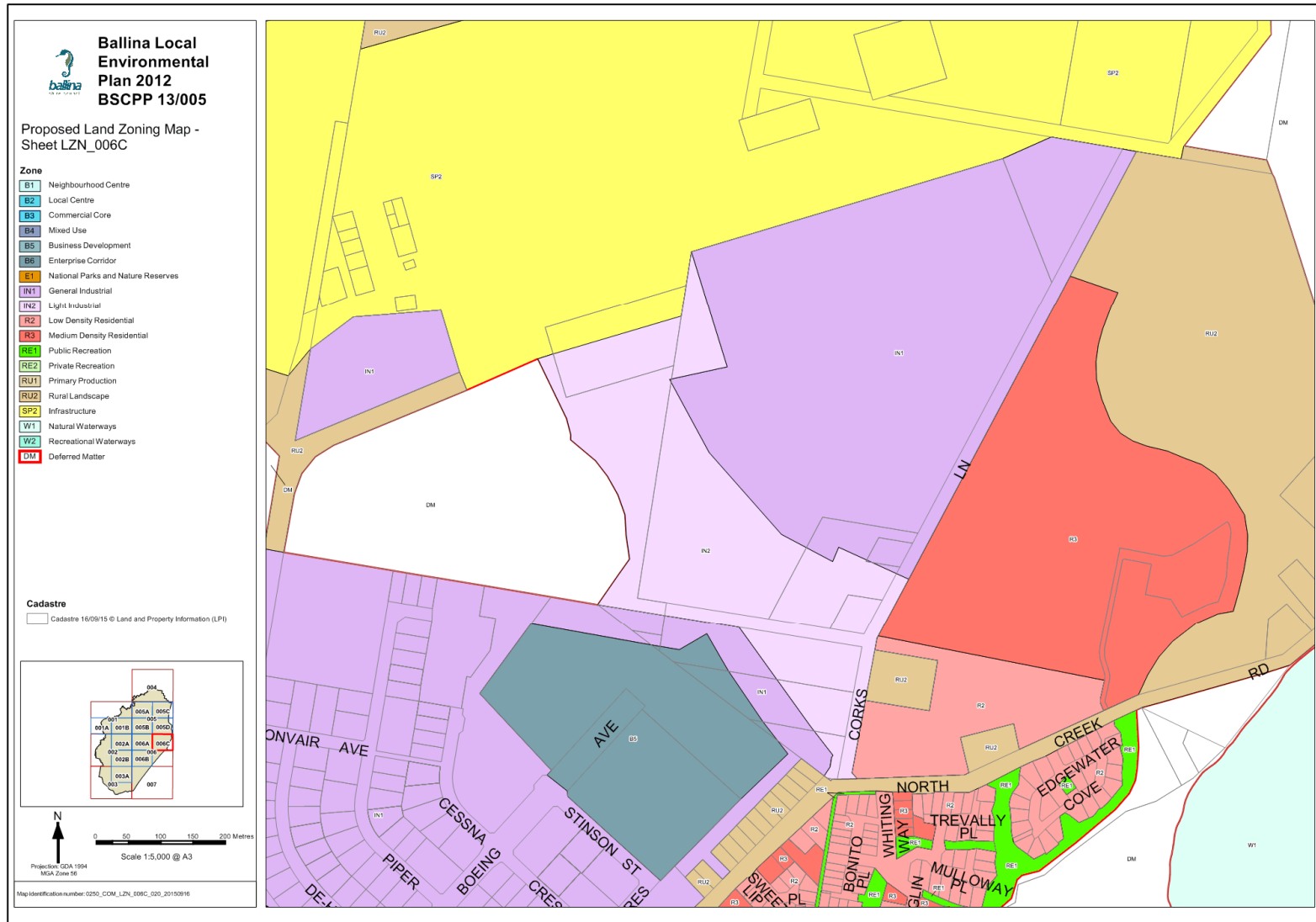
**The Airport Group**  
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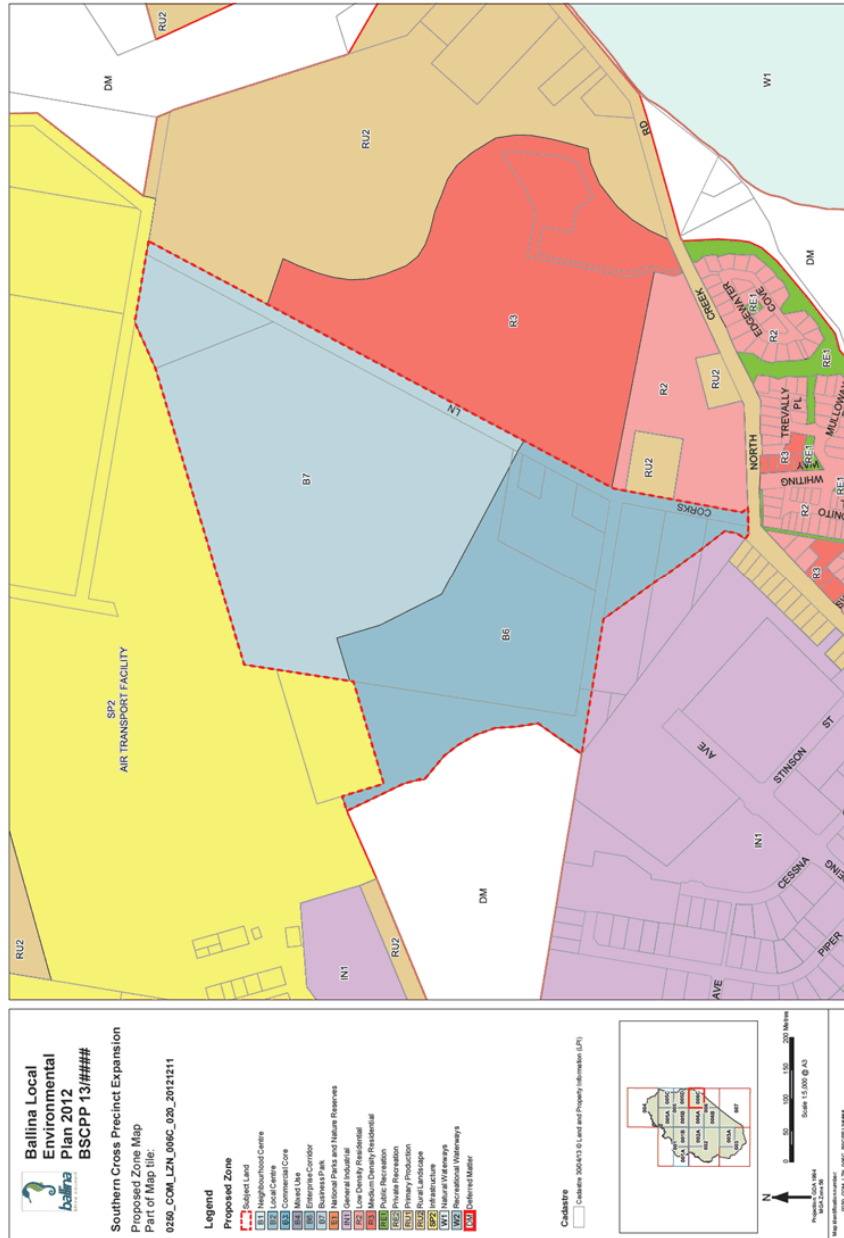
1:2500  
 0 50 100 150 200 250m  
 FULL SIZE ON A1

CLIENT	BALLINA SHIRE COUNCIL
PROJECT	BALLINA AIRPORT AND INDUSTRIAL ESTATE
TITLE	IN1 & IN2 ZONE SITE LAYOUT
SCALE	1:2500
TAG PROJECT NO.	GEN-LS-GA-100

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**Attachment 3 - Proposed Zoning (Ballina LEP 2012 LZN Map) Subject of Gateway Determination**





9.1 LEP Amendment Request - Southern Cross Precinct Expansion.DOC





D M King  
25 Corks Lane  
BALLINA NSW 2478

9 September, 2015

ATTENTION TO:

Mr Paul Snellgrove  
Ardill payne & Partners

Mr Matt Wood  
Town Planner  
Ballina Shire Council

Mr Paul Tsikleas  
Commercial Services  
Ballina Shire Council

SUBJECT: Rezoning Council Land  
RE: My Premises at 25 Corks Lane, Ballina

As I understand further to our recent meetings in relation to the rezoning of my property at 25 Corks Lane Ballina from Rural to Industrial this re-zoning directly affects three properties:

- 1 Ballina shire Council obviously is the major land holder and Applicant.
- 2 Mr Brian Fields, Corks Lane, Ballina (approx 5 acres) who currently operates his large business from this address and also in support of the re-zoning.
- 3 Myself at 25 corks lane, Ballina (family home on 3035 square metres.

I have resided at my home for the past 12 years and this re-zoning has caused us a great deal of concern. My home is just that, a home, and this re-zoning needs addressing as follows before I would be anyway in agreement to this proposal.

From the first meeting with the above Council Representatives, I indicated the necessity for open honesty from all parties and I outline my concerns as follows:

- 1 The re-zoning will at the present Real Estate market result in a loss of approximately \$300,000.00 to me from my present zoning to Industrial according to independent Appraisals obtained.
- 2 At my stage of life the re-zoning will affect my family and my quality of life adversely.
- 3 This re-zoning proposal is having an affect on my health. I suffer from ongoing medical conditions and the uncertainty and stress of this matter is affecting my health adversely.

- 4 The re-zoning to Industrial will result in substantial land fill being brought in and my home which ~~would~~ is beside the property will be impacted.
- 5 The real possibility of the rezone will result in flooding of my property.
- 6 The possible increase in Council Rates costs a also a concern.

Four representatives have attended my home now on four occasions and I very much appreciate your attendance. You have all been shown around my property which is a nice comfortable home for our family and is unique in that we are so close to all town amenities on a large block of land of 3035 square metres and includes the following improvements we have made:

- (a) Ramps to my home for my disable daughter (spina bifida) and needs to have wheelchair access.
- (b) Solar Power installed
- (c) Solar Hot Water System installed
- (d) Large water tank installed. Our property has both town and tank water which was installed by a licensed plumber in accordance with council regulations. A check with Council records will indicate how water wise we are using very little town water.

At our meetings I have made several suggestions, however nothing has been forthcoming from relevant representatives. I raised the question of compensation or Council acquiring my premises. This apparently is out of the question. Nothing further has been forthcoming to alleviate my concerns. There have been some 'ifs, buts or could be's' offered, however I am only interested in my situation as at the present time.

Before I can give this re-zoning further consideration and support I would like the following concerns addressed:

- 1 **Rates.** From my inquiries there will be an increase from my current rate fees if my property is rezoned to Industrial. I am on the aged pension and would need consideration to be given to the waiver of any increase whilst I reside here on my property.
- 2 **Land Fill.** The rezone will require substantial land fill to bring it up to the required Council regulation. This will be higher than my existing property next door and I would require Council to give an undertaking to provide all drainage/fill to protect my property and the Council to bear all costs.
- 3 **Flooding.** At the present time the proposed rezone is vacant land (a paddock) with no buildings apart from the homes in Cork Lane. This area is serviced by drain only which runs adjacent to my property. With roads and buildings being erected on this now vacant land there would be a large increase of water being dispersed which would directly place my home at a real risk of flooding.

At a recent meeting you had with my neighbour Mr Brian Fields an undertaking was apparently reached that a 5 metre easement would be observed at the rear of my property and I would ask that Council give me this assurance in writing.

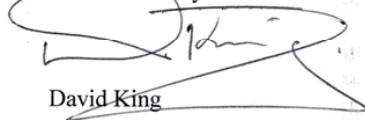
The Council Representatives at my meetings went to great length to inform me that this re-zoning was to protect the interests of businesses in the CBD. However two weeks later I note the proposed \$10 million Woolworth's development with speciality shops at Ballina Heights several kilometres away. As I stated previously I only want honesty as I am not a person who causes conflict. I need my concerns addressed and a 'fair go'. I don't want anything more of anything less than my financial interests, my property and my health respected without the 'goal posts' being moved at my expense.

I am sure with due consideration these matters can be resolved to the satisfaction of all concerned. If legal representation is required substantial legal costs would be incurred which I believe is not necessary at this stage.

I have stated to you that I realise the necessity for progress and I am fully prepared to make this process easy as long as my interests are protected. I further point out that the process for re-zoning has been instigated by Ballina Council and I have lived with my family at my home at 25 Corks Lane for a long time enjoying my retirement. The rezone proposal has impacted heavily on our lives and I would expect as a citizen/ratepayer of Ballina some duty of care needs to be afforded to my family.

Please acknowledge receipt of my correspondence and I await your response to the matter.

Yours faithfully



David King

**Copies to:**

- General Manager, Ballina Shire Council
- Ballina shire Councillors
- Local Member
- Dept Local Government / Dept Land & Environment