



Lastly it should be noted that offsets for marine vegetation (seagrass mangroves and saltmarsh) are managed by Fisheries NSW under s205 and 220 of the *Fisheries Management Act 1994* and consistent with the Department's policy and guidelines. The Fisheries NSW policy and guidelines requires a minimum 2:1 offset for Type 1 – 3 key fish habitats to help redress both direct and indirect impacts of development. For further details I encourage Council and the proponent to visit [www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/offsets](http://www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/offsets).

As Fisheries NSW manages offsets for marine vegetation close liaison will be required to ensure the offset component of the proposal satisfies the Department's requirements.

If you have any further enquiries please contact me on (02) 6626 1397.

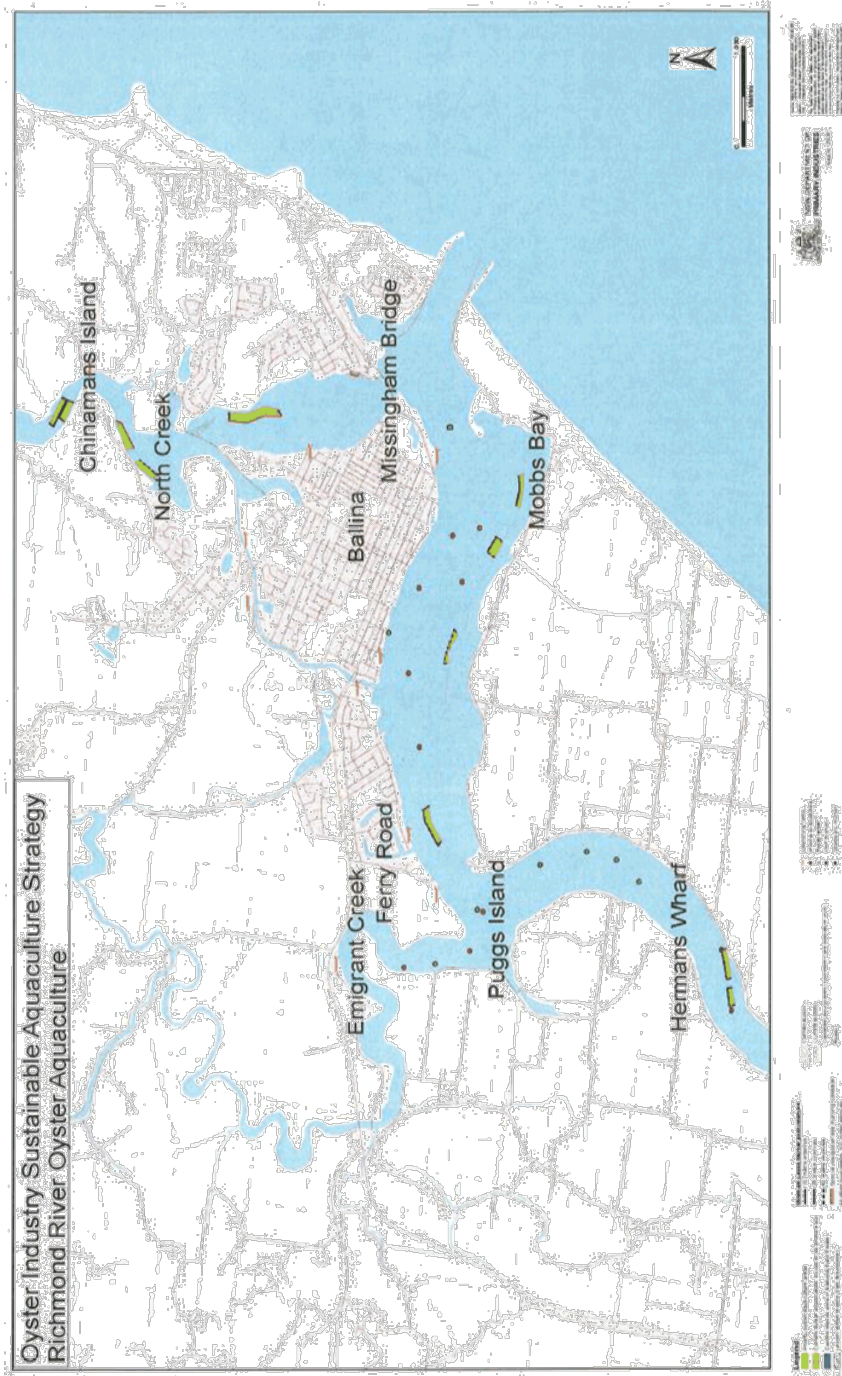
Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Dwyer', written over a horizontal line.

Patrick Dwyer  
Regional Assessment Officer (North)

Division of Primary Industries, Fisheries NSW  
1243 Bruxner HWY WOLLONGBAR NSW 2477  
Tel: 02 6626 1397 Fax: 02 6626 1377 ABN 72 189 919 072 www.dpi.nsw.gov.au

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OUT15/4234

23 February 2015

General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Attention: Lachlan Sims

Dear Sir/Madam

**Re: Planning Proposal – BSCPP 14/008, Burns Point Ferry Road, West Ballina**

Thank you for the opportunity to provide comments on the proposal to amend the Ballina LEP with respect to the rezoning of Lot 4 DP537419 as per your letter dated 23 January 2015. Agriculture NSW, a division of NSW Department of Primary Industries (DPI), provides the following comments:

No major implications for agriculture are identified within the proposal documents. Consultation with NSW Office of Water, the Fisheries unit within DPI and the local cane industry is recommended to discuss any implications associated with the flood gate adjacent to the subject site.

Should you wish to discuss further, please contact me on (02) 66261215 or Melissa Kahler on 66503125.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Selina Stillman'.

Selina Stillman  
Resource Management Officer – North Coast

NSW Department of Primary Industries  
Wollongbar Primary Industries Institute, 1243 Bruxner Highway, Wollongbar NSW 2477  
Tel: 02 66261215 Fax: 02 66281744 www.dpi.nsw.gov.au ABN: 72 189 919 072

**BALLINA SHIRE COUNCIL – MEMORANDUM**

**MEMO TO:** Lachlan Sims  
**COPY:** David Kelly  
**MEMO FROM:** Patrick Knight  
**DATE:** 2 February, 2015  
**SUBJECT:** Response to Lachlan Sims Memo 27 January 2015  
Re: BSCPP 14/008 - Planning Proposal, Burns Point Ferry Road, West Ballina

**1. Access and Traffic**

The Post Gateway report does not address any traffic and access issues. Nor were traffic/access issues considered significant in the Gateway Approval of the site. However there are a number of access and traffic impact issues that require consideration.

**1.1 Access to Burns Point Ferry Road**

Whilst there is no consideration of access and traffic issues in the Post Gateway Report, there are references to traffic/access issues in Section 5.2 of the earlier "Preliminary Concept for LEP Amendment" report, submitted 18 July 2012.

**5.2 TRAFFIC**

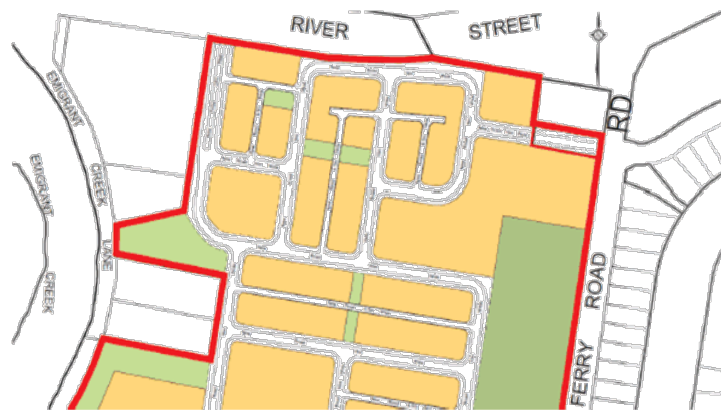
A traffic impact assessment was prepared for the land in November 2005. While this assessment is five years old and it examined the impact of a different proposal, there are a number of key benefits for the local traffic network that will be generated from by the project proposal:

- The owners of the land have made a commitment to access being provided to and across the site in accordance with the NSW Roads & Traffic Authority recommendations i.e. extension of Kalinga Street across the site to give alternative access to Emigrant Creek Lane.
- The changes to the regional road network including the completion of the Ballina by-pass and link road will alter the "amenity" of the land.
- The road network predicted in 2005, which has now been partially completed in 2010, will adequately cater for the proposed development.

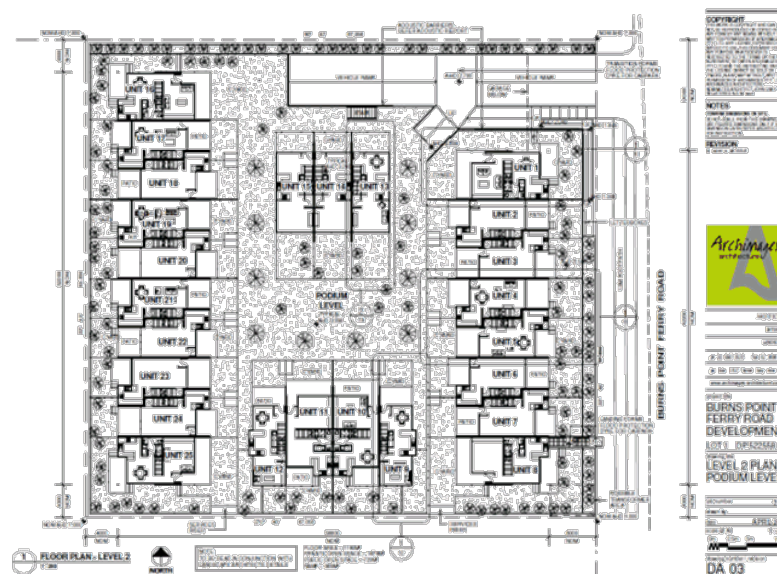
In regard to the first dot point, this required the agreement of the owner of Lot 1 DP 522558 to dedicate a strip of land (sufficiently wide to accommodate a road) along the entire southern boundary of the lot. This now seems unlikely given that DA 2014/377 (see next page) was approved last year to construct 25 dwelling units on the land, and this development fully occupies the land required for the proposed road access. It is concluded that the access to Burns Point Ferry Road, proposed by the proponent of the rezoning in the Post Gateway Report is not deliverable.

AP  
1





Post Gateway Report - Plan 3.1 Concept Layout Plan



DA 2014/377 - Approved Ground Floor Plan

As the connection to Burns Point Ferry Road at the Kalinga Street intersection now seems compromised, an alternative connection further south should be provided. This would need to be sufficiently distant from Kalinga Street to create a staggered T junction, outside the functional area of the existing Kalinga Street junction. This would alter the internal layout of the subject land and could impact on part of the land now designated for conservation/open space.

**1.2 Access onto River Street**

2

River Street (Old Highway) is the major arterial road connecting the Pacific Highway interchange to Ballina and currently has traffic counts in excess of 20,000 vpd. Given the strategic arterial access function of River Street, individual development proposals and rezoning proposal must be configured to ensure the capacity and level of service of River Street are not compromised.

In this regard, Council commissioned consultants Cardno to prepare a "West Ballina Old Pacific Highway (River Street) Corridor Access Management Plan". This plan shows a roundabout intersection, generally in line with the western boundary of the subject land, which is intended for the proposed Western Bypass between River Street and Tamarind Drive. Also shown is the potential for a left in/left out access further east towards the centre of the subject land frontage to River Street. The layout with the land rezoning proposal is generally consistent with the Corridor Access Management Plan.



**1.3 Traffic Generation**

The applicant's proposed land use is shown in Table 3.1 of the Post Gateway Report, below:

**TABLE 3.1 CONCEPT LAND USE BUDGET**

	ha	%
Site area	57	100
Live-Work village	17	30
Conservation/habitat precinct	40	70

The report does not go on to estimate traffic generation from these prospective land uses, nor does it estimate traffic allocation to the surrounding network, or assess traffic impacts or capacity of the network to absorb the additional traffic.

**BALLINA SHIRE COUNCIL – MEMORANDUM**

**MEMO TO:** Lachlan Sims – Strategic Planner  
**MEMO FROM:** Kristy Bell – Environmental Health Officer  
**Doc No.** 15/8645  
**COPY TO:** Andrew Smith – Development Services Manager, Peter Drew – Town Planner & Naomi McCarthy – Town Planner  
**DATE:** 24 February 2015  
**SUBJECT:** Review of Ballina Shire Council Planning Proposal – Burns Point Ferry Road, West Ballina

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I have reviewed the delivered information and provide the following comments relating to relevant public and environmental health matters.

**Potential Impacts on Amenity**

It is my understanding the proposed Zone IN2 – Light Industrial would include:

*a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise,*

Such proposed uses include depots, warehousing or distribution centres and vehicle repair stations. The submitted planning proposal failed to outline what measures will be implemented to reduce the impacts on amenity to nearby residents. Such proposed permitted uses may need to be refined taking into consideration their compatibility with residential land uses and the potential impacts on amenity.

Concept Layout Plan – Plan 3.1 from the Burns Point – Post Gateway Report prepared by Planners North, dated December 2014, does show the roads running beside the existing residential uses along Emigrant Creek Lane which will provide some distance attenuation from noise generating activities but otherwise no control measures have been proposed.

In addition the submitted proposal fails to include an assessment of road traffic noise on residents.

A noise impact assessment would therefore be required carried out in accordance with the requirements of the NSW EPA NSW Industrial Noise Policy and the NSW Environment Climate Change and Water NSW Road Noise Policy 2011.

**Mosquito Management**

Assessments and conclusions outlined in the Mosquito Impact Assessment prepared by Darryl McGinn dated 30 September 2005 relate to a different site layout and size to that which is currently proposed.

The assessment discusses the developments ability to remove a large portion of the known breeding site and the inclusion of 20 - 30 m buffers by way of road corridors between housing allotments. This varies to that which is currently proposed.

Due to the differences between the former and current proposal, it is my view an additional mosquito assessment is required to take into consideration aspects of the most recent proposal, including the area of land on the southern portion of the site proposed to be used for commercial and residential purposes.

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1 | Page

In addition this assessment must reflect the mosquito management requirements outlined in Chapter 2 of Ballina Shire Development Control Plan 2012.

**Acid Sulphate Soil**

The Acid Sulphate Soil Planning Maps show the site as Class 2 which indicates there is a high likelihood of acid sulphate soils occurring. Although the results of soil sampling did not indicate the presence of acid sulphate soils an Acid Sulphate Soil Management Plan has been prepared as a precautionary measure.

The submitted information is sufficient for the current planning proposal.

**Land Contamination**

Preliminary investigations outlined in the Contaminated Site Investigation prepared by EA Systems, dated 5 September 2015 indicates the site has been used for potentially contaminating activities. Sampling has indicated lead levels exceeded the health investigations levels in the north western portion of the site. This was likely due to the area being used for garbage disposal.

Additional investigations are required to further determine the extent of land contamination. Ground water contamination investigations need to be carried out due to the high ground water levels. These investigations also need to take into account the area of land on the southern portion of the site proposed to be used for commercial and residential purposes.

These investigations need to comply with the requirements of current EPA guidelines, SEPP No. 55 Remediation of Land and Council's Management of Contaminated Land Policy, to ensure the site is suitable for the proposed use and will pose no unacceptable risk to human health or the environment.

I agree with the conclusions outlined in the Civil Engineering Assessment prepared by Hammond & Associates Civil & Structural Engineers dated December 2014 that the abovementioned information can be provided at the development application stage.

**Groundwater Extraction**

Due to the high ground water level an application for a Groundwater Licence from the Department of Primary Industries – Office of Water may be required. This is something that may be required at development application stage.

**Controlled Activity Approval**

A controlled activity approval may be required from the Department of Primary Industries – Office of Water should works be carried out with 40 meters of a water course (Emigrant Creek). Again this can be conditioned at development application stage. However depending on the works and who carries out the work an exemption may apply.

**Land Use Conflict - Comment**

Although this is an area covered by Council's Environmental Officer I noted the Table 7 in the NSW DPI *Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast* recommends a minimum buffer distance of 100m between residential areas and urban development and wetlands.

Kristy Bell  
Environmental Health Officer



BALLINA SHIRE COUNCIL – MEMORANDUM

**MEMO TO:** Lachlan Sims, Strategic Planner  
**COPY:**  
**MEMO FROM:** Andrew Smith, Manager Development Services  
**DATE:** 6 March 2015  
**SUBJECT:** BSCPP 14/008 – Planning Proposal, Burns Point Ferry Road, West Ballina

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Lachlan,

I refer to your memorandum of 27 January 2015 in relation to the above planning proposal (Trim record no. 15/3869). The Development Services Section raises the following issues as crucial in the determination of Planning Proposal 14/008:

**1. Concept**

The 'Live-Work' concept, as detailed in both the documentation prepared by Planners North and also in the consultation material prepared by Ballina Shire Council, does not sufficiently describe the concept for future development assessment purposes nor address the appropriateness of the subject land for that particular future use. The limited details and the proposed zoning for the land do not, in or of themselves, sufficiently clarify exactly what future development is being encouraged to occur within the subject proposed area. For instance, if the development focus is to be industrial, with a caretaker's residence attached or included, then there are obvious amenity issues for surrounding existing and future (approved) permanent residential accommodation (both along Burns Point Ferry Road and River Street West), including the caravan park to the west. An assessment has not been provided in relation to the suitability of the land for this zoning (and future use) and the potential land use conflicts which could be created between residential, business, and industrial uses. The suite of permitted uses in the IN2 zone has the potential to create a range of issues (which includes the implications of "change of use" via the Codes SEPP) and do not provide a sufficient statutory framework to guide developers to the desired land-use outcomes. Refer to below comments regarding IN2 zoning. It is also unclear whether a retail component is envisaged as part of the 'Live-Work' concept. It is essential that the intent of the proposal be established and clearly defined so that suitable development controls can be developed to ensure this intent is achieved.

If the development focus is to be residential, with small light industrial/factory/technology as an ancillary/adjunct, then the proposed IN2 zoning including the range of permitted uses does not seem to be sufficiently specialised and does not appear to interpret this concept for development control purposes correctly

There may be opportunities to broaden the range of permitted uses in this case to also encompass home office type developments, which would be complementary. From the information provided in Section 3.1 of the Planners North document, this appears to be the concept to be catered for by the new zoning. It is acknowledged that the standard instrument template can be restrictive when it comes to inserting a new zone within a LEP, therefore in this regard it may be more prudent to treat the area as a residential zone with an additional permitted use (in a similar manner to the proposal for the restaurant site). This will also provide more of a continuation of the pattern of residential (existing and approved) development along River Street which will minimise the potential land use conflict within the development and also with adjacent land uses. Alternatively, consideration should be given to the requirement that each development is to incorporate a residential component on each site which may better achieve the aim of the intended 'Live-Work' concept, and may reduce the likelihood of the area being utilised for industrial purposes only.

The need for an additional general-type industrial area within the Ballina Shire LGA does not appear to have been comprehensively appraised, particularly given the potential capacity and suitability of existing zoned and developed industrial land to be utilised for the proposed use, as well as zoned industrial land not yet developed (or subdivided).

The document prepared by Planners North offers a limited analysis of the need and/or market demand for this form of land use concept and of the suitability of this location for such a use. Should the demand for this type of development not be realised, then the development outcome may be very different to that envisaged, particularly given the broad range of permissible uses in the IN2 zone.

The Growth Management Strategy depicts a smaller area of the subject site to be potentially rezoned/suitable for future development. The planning proposal provides for an expanded area, but the submitted documentation does not adequately describe or justify why an expanded area is required or the extent of likely impacts on the site and surrounding locality (and environment) and whether this type of development is appropriate for the gateway to West Ballina.

Further information should be sought to justify the need for a restaurant site at the nominated location. It is questioned whether this will set a precedent for other restaurants to be set up (or requests for future amendments to the BLEP) in rural locations.

## **2. Site Constraints and Future Development**

The technical reports pre-date the proposal and therefore do not give specific consideration to the current plan. These reports have not been "pulled together" or sufficiently analysed by the Planners North document. In this regard, there are conflicts between the varying reports and there will be conflicts between Council's requirements (such as those relating to mosquito buffers, Asset Protection Zones, retention of vegetation, and the filling of land).

The documentation does not discuss the issues relating to the interface between the surrounding developments (which include a caravan park, dwelling houses and approved residential units) and the proposal, such as land use conflicts, required buffers, and differences in fill levels. All buffers required for the development should be provided within the confines of the new zoning, rather than placed on the adjoining land which is to be utilised for biobanking. In addition, there appears to have been little consideration given to the location of stormwater infrastructure within the proposed development area. These issues are likely to reduce the overall developable area. It should be clearly resolved at the planning proposal stage where the buffers will be provided and not deferred to the development assessment stage where environmental protection areas will inevitably be sought to be allocated for buffer use.

It appears that the fill levels required for the land are in the order of 1.7m on top of existing ground level, which is a large contrast to the existing surrounding development. Impacts of the additional fill should be considered (including impact on aesthetic and stormwater management) and also whether the land is capable of holding the fill (including settling issues).

## **3. Existence of Freshwater Wetland Endangered Ecological Community on Lot 4**

The ecological report prepared by Peter Parker (2012) did not identify the occurrence of the Freshwater Wetland EEC. To address this issue an independent ecological consultant's report undertaken in 2014 (Blackwood Ecological) confirmed that Freshwater Wetland EEC is present on Lot 4. Consequently, the planning proposal will be required to address this issue.

One point of contention remains unresolved in regard to the extent of the Freshwater Wetland EEC growing on Lot 4. It is considered that the correct location of the Freshwater Wetland EEC is depicted in the Landpartner's Endangered Ecological Communities map dated April 2008 (see attached map). Based on this figure approximately 13.55 ha of Freshwater Wetland EEC

occurs on Lot 4. However, the independent ecological report (Blackwood 2014) considers that the Freshwater Wetland EEC only occurs on the eastern portion of Lot 4.

The reason for this discrepancy is due to the independent ecological assessment being undertaken after clearing works (Plates 4 and 5 of Independent Report) were conducted by the landowner late in 2011. These clearing activities involved approximately 2.3 ha of Freshwater Wetland EEC. The ongoing slashing works and cattle grazing, combined with below average rainfall experienced from August 2013 until the end of April 2014 (timing of independent report), affected the structure of this section of the Freshwater Wetland EEC. An investigation of the Bureau of Meteorology (BOM) website confirms that during this period Ballina only received 47% of its long-term rainfall.

The Final Determination for Freshwater wetlands allows for such variations in wetland structure given it states:

*The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance history (including grazing, flooding, land clearing and pollution in the catchment). The number and relative abundance of species will change with time since flooding or significant rainfall, and may also change in response to changes in grazing regimes and land use in the catchment.*

As can be seen from the attached photographs the subject *Phragmites australis* wetland EEC has regenerated. It is considered that the most accurate depiction of the Freshwater Wetland EEC is provided in the Landpartner's Endangered Ecological Communities dated April 2008. As such, impact assessment for the proposed development should be based on the mapped extent of the wetland in this report.



Plate 1: *Phragmites australis* wetland EEC growing within the northern portion of Lot 4





**Plate 2:** *Phragmites australis* wetland EEC growing within the northern portion of Lot 4.

**4. Bio banking Statement**

On 28 January 2014 the NSW Office of Environment and Heritage (OEH) approved a Biobanking statement for the removal of 0.6 ha of Swamp Oak EEC on Lot 4. However, the Biobanking statement does not include all of the areas and/or all of the EECs which are subject to this rezoning application. The applicant will be required to obtain an amended Biobanking statement to address this issue. The revised Biobanking statement should also include vegetation removal required for the establishment of the restaurant, APZs and mosquito buffers, fill batters, stormwater discharge paths as well as identify areas of EEC that will be indirectly impacted by the alteration of existing wetland hydrology arising from the proposed filling etc.

The revised Biobanking statement will need to obtain Biobanking Ecosystem Credits for the areas of Freshwater Wetland EEC to be removed for the proposed development. OEH staff confirmed that an offsetting agreement via Biobanking typically attracts a 6:1 offset ratio. It is considered unlikely that the applicant will be able to offset the loss of the Freshwater Wetland EEC on the residual portions of Lot 4. The impacts to Freshwater EEC cannot fully be assessed at this stage given that it is considered neither of the ecological reports submitted to date detail the correct extent of Freshwater Wetland EEC on Lot 4. It does however appear likely that the landowner will be required to find additional Freshwater Wetland EEC Biobank sites to offset the impacts of the development as described to date.

An examination of the OEH Biobanking webpage has confirmed that no Biobanking Ecosystem Credits for Freshwater Wetland EECs are available within Ballina Shire and/or the northern rivers. The nearest Biobank site is located within the Hawkesbury/Nepean area. Consequently, the development is likely to represent a loss of biodiversity within Ballina Shire which cannot be adequately compensated for on a local scale. In the circumstances, Council should require additional ecological information to address these issues prior to further advancement of the planning proposal.

A development which is more consistent with the boundaries identified in the Growth Management Strategy would allow the majority of the Biobanking offsets to be located on Lot 4.



In an ecological context, and based on further detailed assessment, this option has some merit and should be considered by the proponent.

**5. Grass Owls**

Grass Owls are known to occur on Lot 4. However, the submitted rezoning application fails to address this issue. It is expected the development will also require Biobanking Species Credits for the loss of known Grass Owl habitat.

**6. Hydrology**

It remains unknown what impact the extent of proposed filling of the land and the introduction of stormwater will have on the hydrology of the identified environmental protection areas. These matters need to be addressed at the planning proposal stage.

**7. Long Term Environmental Management**

The proposal envisages that a very large area of the site will be retained as environmental protection areas, rehabilitated and managed. There has not been any detail provided on who will own these areas, how those areas outside of any activated Biobanking agreement will be financed and who will be responsible for undertaking the work. This is required to be resolved at the planning proposal stage to ensure adequate environmental resources are provided for the site in perpetuity, and should not be deferred to the development assessment stage.

**8. Stormwater discharge**

The manner in which stormwater will be discharged from the site has not been addressed by the rezoning proposal. It is noted that the previous rezoning application proposed to direct stormwater from the site through EEC dominated communities. Due to the elevation of Lot 4 stormwater discharge from the site is expected to be limited by tidal regimes and storm surges. These restrictions to flow were recently experienced on 4 February 2015 on a 1.7m high tide (see photos below). The ecological impact of stormwater discharge on downstream ecological communities requires detailed assessment. In addition, it is also expected the filling of the proposed restaurant site will also impact on the existing hydrological function of the wetland system.



Plate 3: Tidal inundation adjacent to the proposed restaurant.



Plate 4: Tidal inundation southern end of Burns Point Ferry Road.



**Plate 5: Tidal inundation immediately adjacent to the restaurant site.**

After reviewing the relevant documentation relating the current planning proposal and history of the site it is our opinion that the above issues must be considered and adequately addressed at the planning proposal stage.

Please contact me if you require clarification on any of the matters raised.

**Andrew Smith**  
**Manager Development Services**

**Appendix R – Planners North Post Gateway LEP Amendment Report**

**(Under Separate Cover and Available Electronically on Council's Web Site)**



**Appendix S – Peer Review and Gap Analysis Report**

**(Under Separate Cover and Available Electronically on Council's Web Site)**

**Appendix T – Section 117 Checklist**

Section 117 Direction Checklist Planning Proposal Lot 4 DP 537419 Burns Point Ferry Road, West Ballina	
Direction No.	Compliance of Planning Proposal
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	Inconsistent - Inconsistency agreed to be minor in the Department of Planning and Environment's September 2014 Gateway determination which requires no further approval. The planning proposal seeks to expand the supply of land available for employment purposes in a live work style circumstance.
1.2 Rural Zones	Inconsistent - Inconsistency agreed to be minor in the Department of Planning and Environment's September 2014 Gateway determination which requires no further approval. The planning proposal proposes to rezone rural land for a mix of employment and residential purposes. The proposed new employment areas are generally consistent with the outcomes envisaged under the Ballina Shire Local Growth Management Strategy, approved by the Director-General of the Department of Planning & Environment (May 2013) and the Far North Coast Regional Strategy.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Consistent. A Priority Oyster Aquaculture Area is located 300m downstream from the development site. Consultation has been undertaken with the Department of Primary Industries Fisheries.
1.5 Rural Land	Inconsistent - Inconsistency agreed to be minor in the Department of Planning and Environment's September 2014 Gateway determination which requires no further approval. The planning proposal proposes to rezone rural land for a mix of employment and residential purposes. The proposed new employment areas are generally consistent with the outcomes envisaged under the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Environment (May 2013) and the Far North Coast Regional Strategy. The site is identified as a proposed future urban release area in the Far North Coast Regional Strategy.
<b>2. Environment and Heritage</b>	
2.1 Environmental Protection Zones	Inconsistent - Inconsistency agreed to be minor in the Department of Planning and Environment's September 2014 Gateway determination which requires no further approval. The planning proposal seeks to facilitate the protection of the environment through the mechanism of a Voluntary Planning Agreement which will require a biobanking offset solution to be developed and approximately 40ha of Lot 4 rehabilitated and maintained in perpetuity as a biobanking site.
2.2 Coastal Protection	Consistent. The subject land is located within the NSW Coastal Zone. The proposed new urban areas are generally consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Environment (May 2013). The site is also identified as a proposed future urban release area in the Far North Coast Regional Strategy.
2.3 Heritage Conservation	Consistent. Further consideration of the cultural heritage and archaeological values of the site will occur as part of the detailed assessment of the proposal. Appropriate provisions will be implemented should any items of heritage significance be identified on the site.
2.4 Recreation Vehicle Areas	Consistent. Recreational vehicle areas are not proposed.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Consistent An E zone or an environmental overlay is not proposed to be introduced by this planning proposal.
<b>3. Housing, Environment and Urban Development</b>	
3.1 Residential Zones	Consistent. The subject site is contiguous with land zoned for residential purposes. The proposal seeks to facilitate residential development that comprises live-work options that will diversify the housing types and needs in the Ballina locality.

## 9.2 Planning Proposal - Burns Point Ferry Road, West Ballina.DOC

3.2 Caravan Parks and Manufactured Home Estates	Consistent. The subject land does not contain an existing caravan park or manufactured home estate. The planning proposal does not seek to make direct provision for caravan parks or manufactured home estates. The proposed new urban areas are consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Environment (May 2013). The site is also identified as proposed future urban release area in the Far North Coast Regional Strategy.
3.3 Home Occupations	Consistent. The planning proposal does not alter the permissibility of home occupations in dwelling houses under the Ballina LEP 2012.
3.4 Integrated Land Use and Transport	Consistent. In the further assessment of the proposal, it is anticipated that consideration will be given to the accessibility and transport options for proposed residential and employment uses on the site.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
3.6 Shooting Ranges	Does not apply to planning proposal.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	Inconsistent - Inconsistency agreed to be minor in the Department of Planning and Environment's September 2014 Gateway determination which requires no further approval. A Preliminary Acid Sulfate Soil Assessment has been prepared which found no evidence of acid sulfate soils or potential acid sulfate soils on Lot 4. However given the limited testing undertaken, and the probability that the site does contain some acid sulfate soils, the site has been designated as containing primarily Class 2 acid sulfate soils. This will trigger a requirement for further assessment to be undertaken as part of the DA process in accordance with the requirements of clause 7.1 of Ballina LEP 2012.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Inconsistent - Inconsistency agreed to be minor in the Department of Planning and Environment's September 2014 Gateway determination which requires no further approval. The subject site is identified as being flood prone. The impact of proposed site filling has been considered in detailed modelling undertaken by consultants BMT WBM. The reduction in flood storage as a consequence of filling has been found to be negligible.  In 2015 Ballina Shire Council adopted the Ballina Floodplain Risk Management Plan and a new risk based Flood Plain Management Development Control Plan. Flood Risk Precincts and Flood Planning Levels for Lot 4 have been developed in accordance with the requirements of the NSW Floodplain Development Manual.
4.4 Planning for Bushfire Protection	Does not apply to planning proposal.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Consistent. The subject land is contained within the potential urban footprint identified in the strategy.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply to planning proposal.
5.4 Commercial and Retail Development	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Repealed
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Repealed
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Repealed
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.

## 9.2 Planning Proposal - Burns Point Ferry Road, West Ballina.DOC

6.2 Reserving Land for Public Purposes	Consistent. The subject site does not currently comprise any land zoned or reserved for public purposes. It is anticipated that any public open space and other land to be dedicated for public purposes as part of the proposal will be considered as part of the further assessment of the proposal including suitable mechanisms to facilitate their dedication.
6.3 Site Specific Provisions	Does not apply to planning proposal.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.

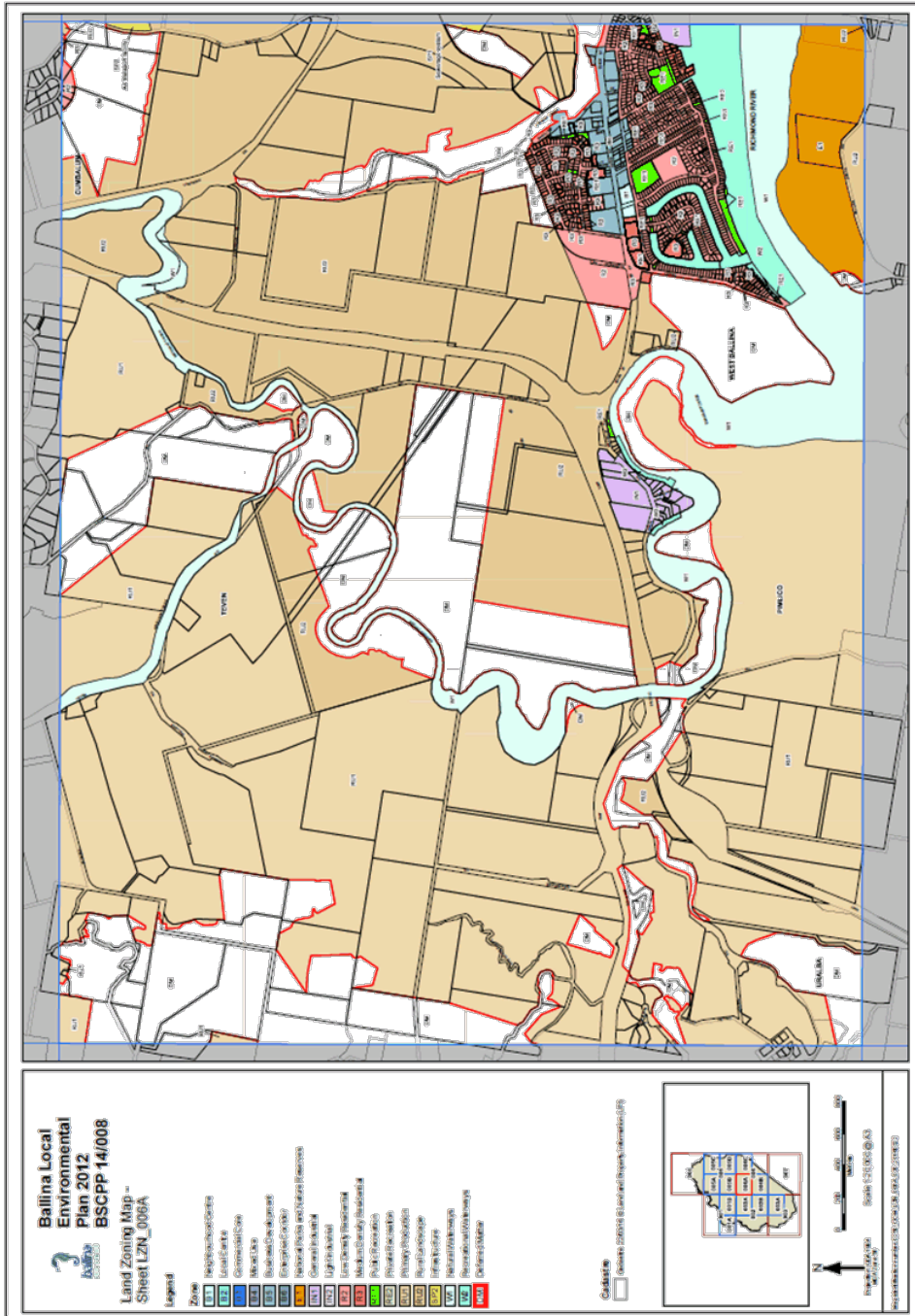


**Appendix U – Maps**

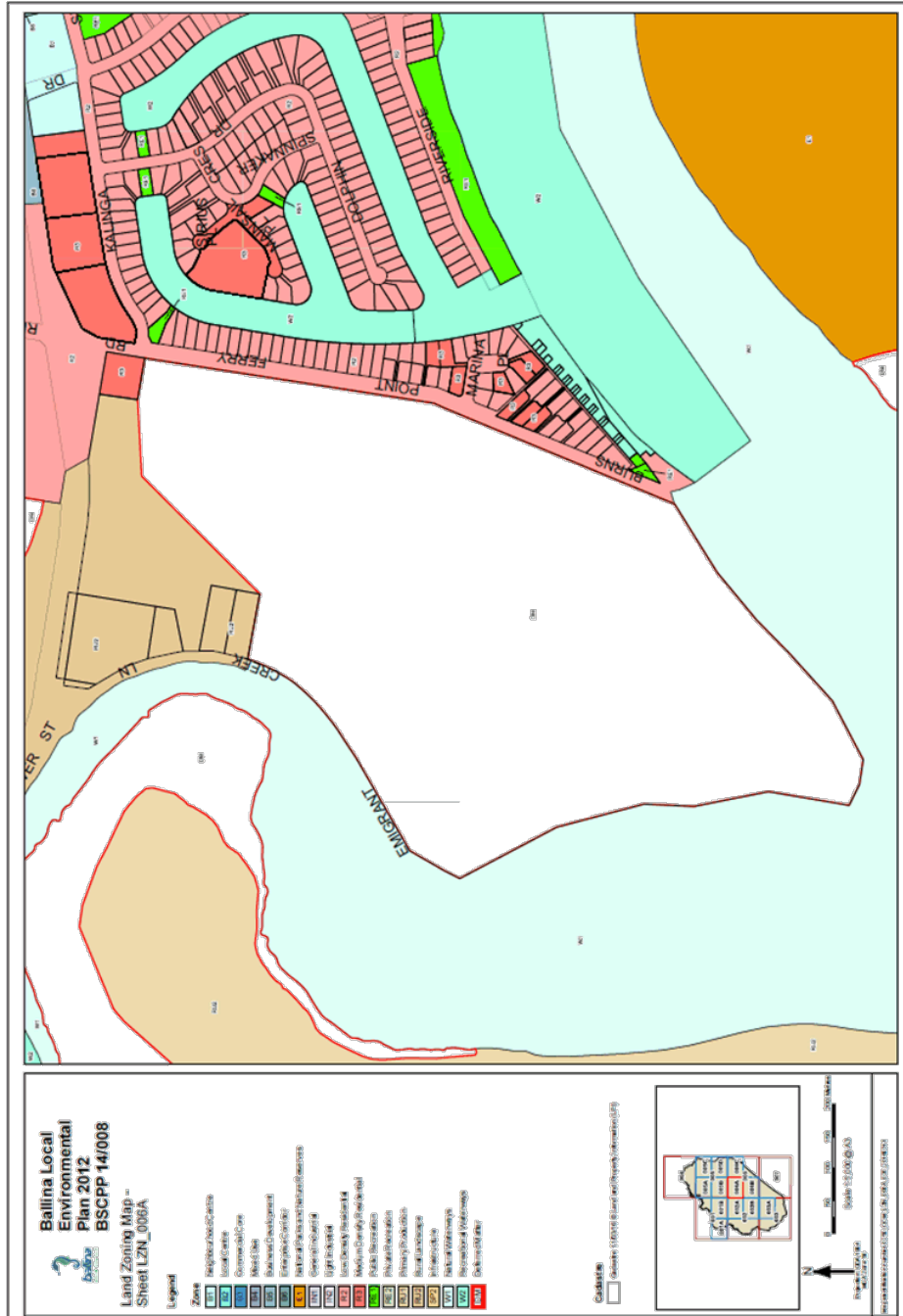
**Site Identification Map**



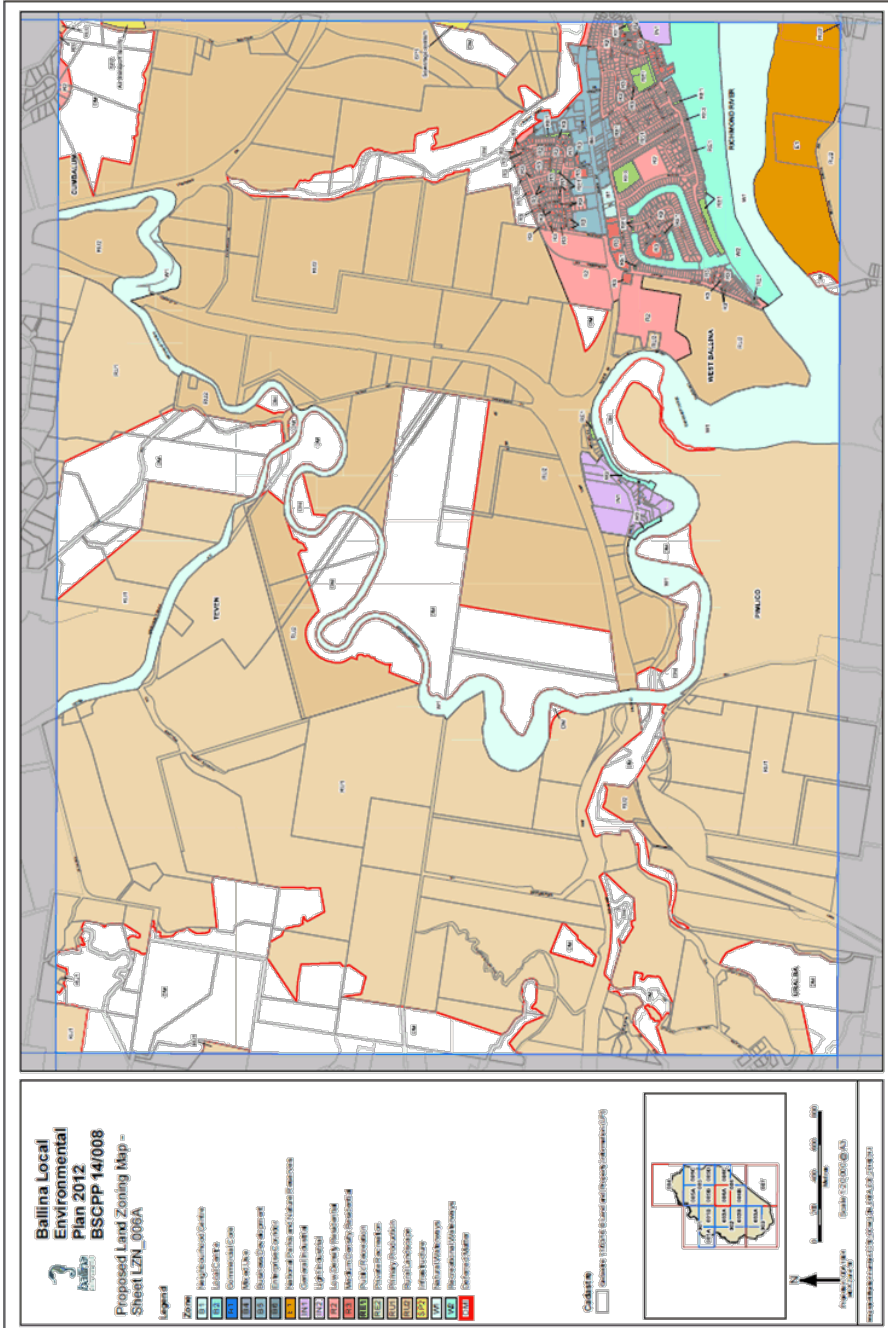
Existing Land Zoning Map



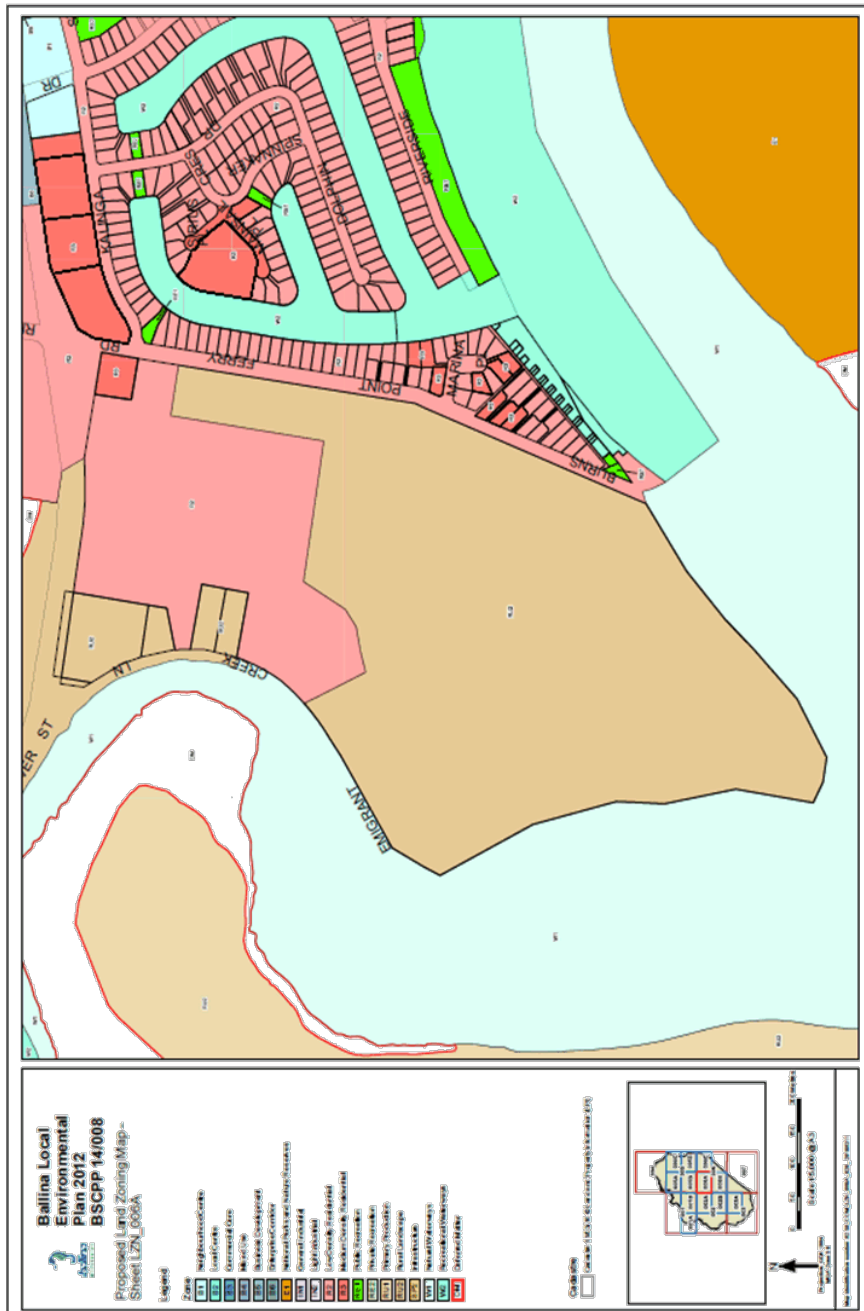
**Existing Land Zoning Map – Zoomed**



**Proposed Land Zoning Map**

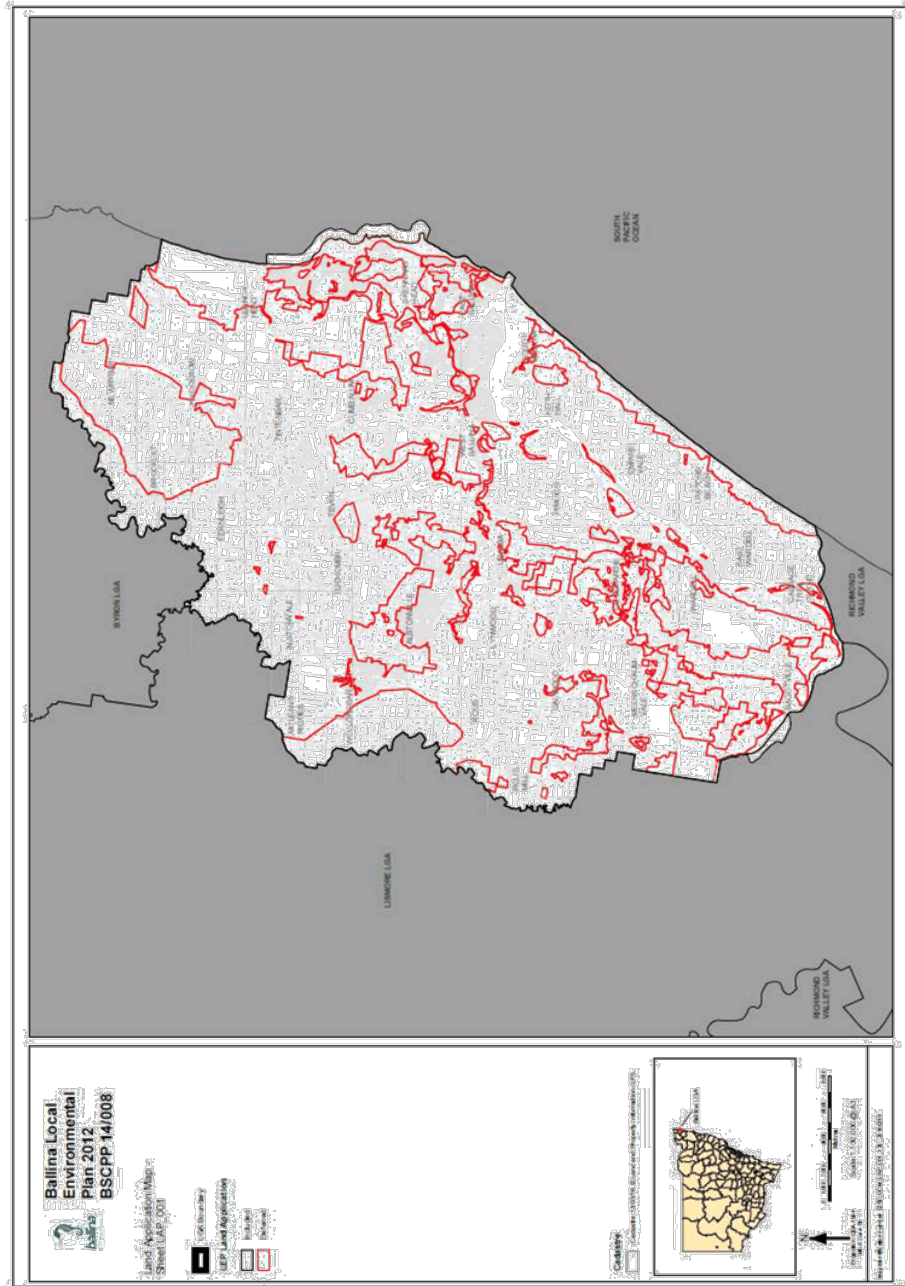


Proposed Land Zoning Map – Zoomed



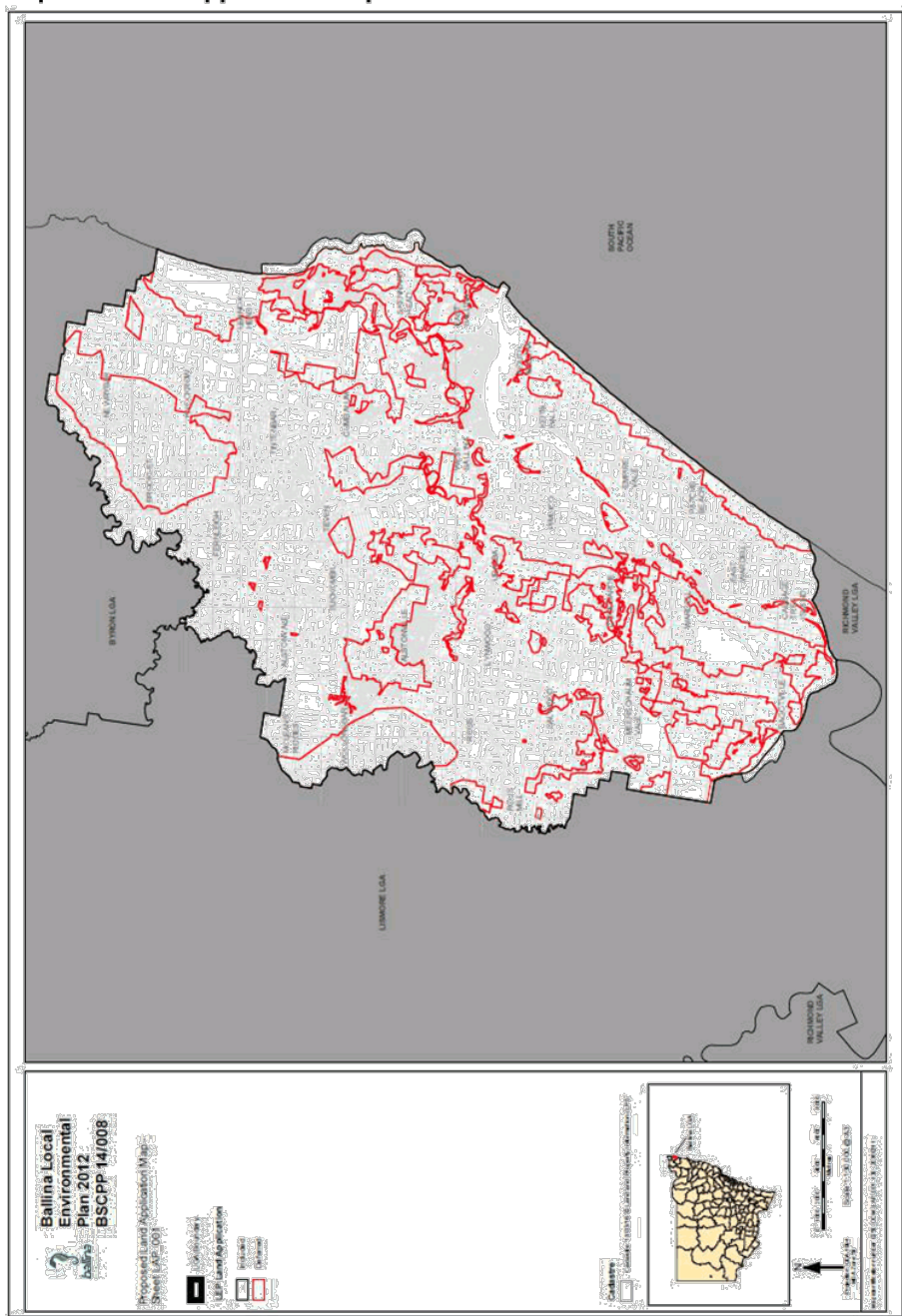


Existing Land Application Map

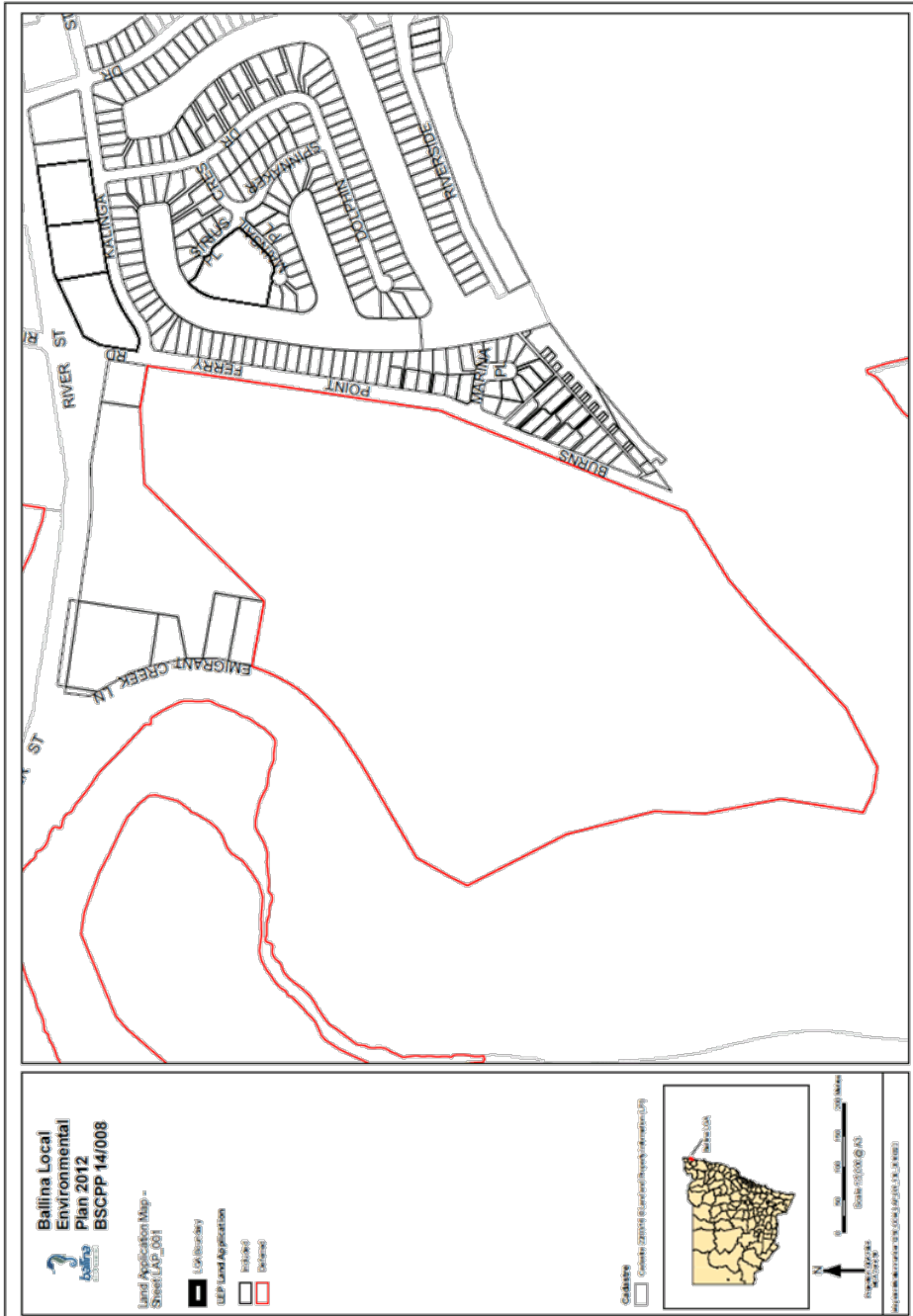




Proposed Land Application Map



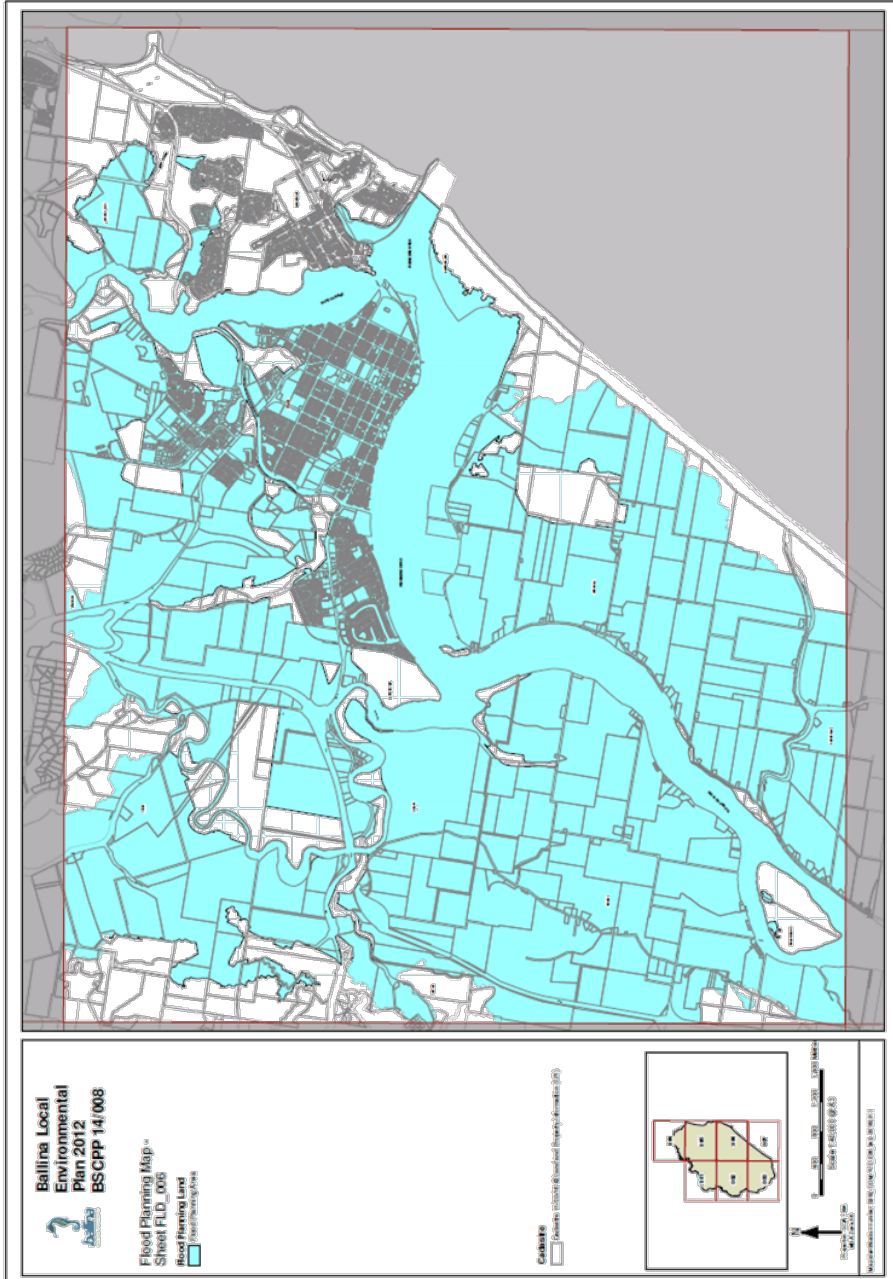
Existing Land Application Map – Zoomed



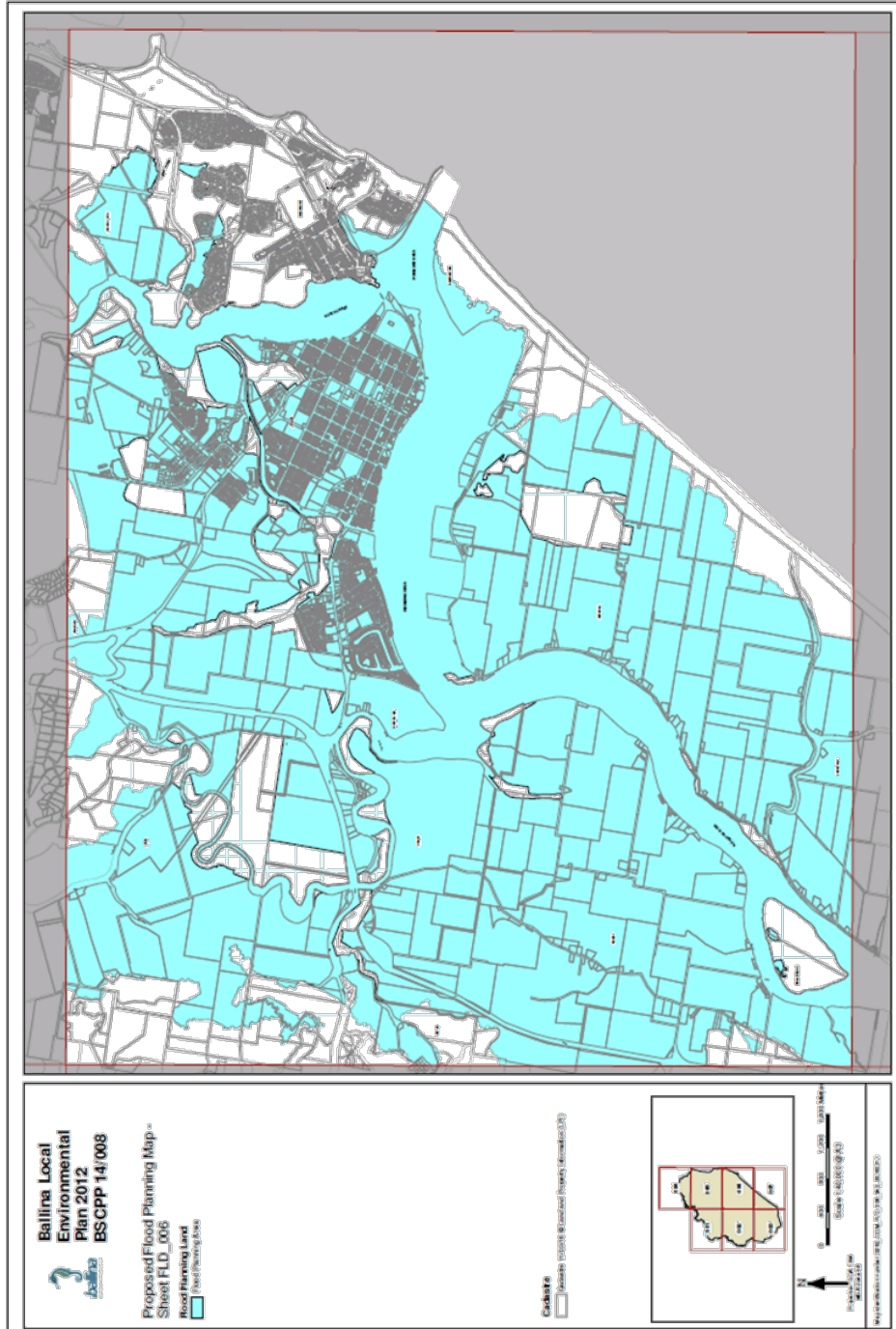
**Proposed Land Application Map – Zoomed**



**Existing Flood Planning Map**

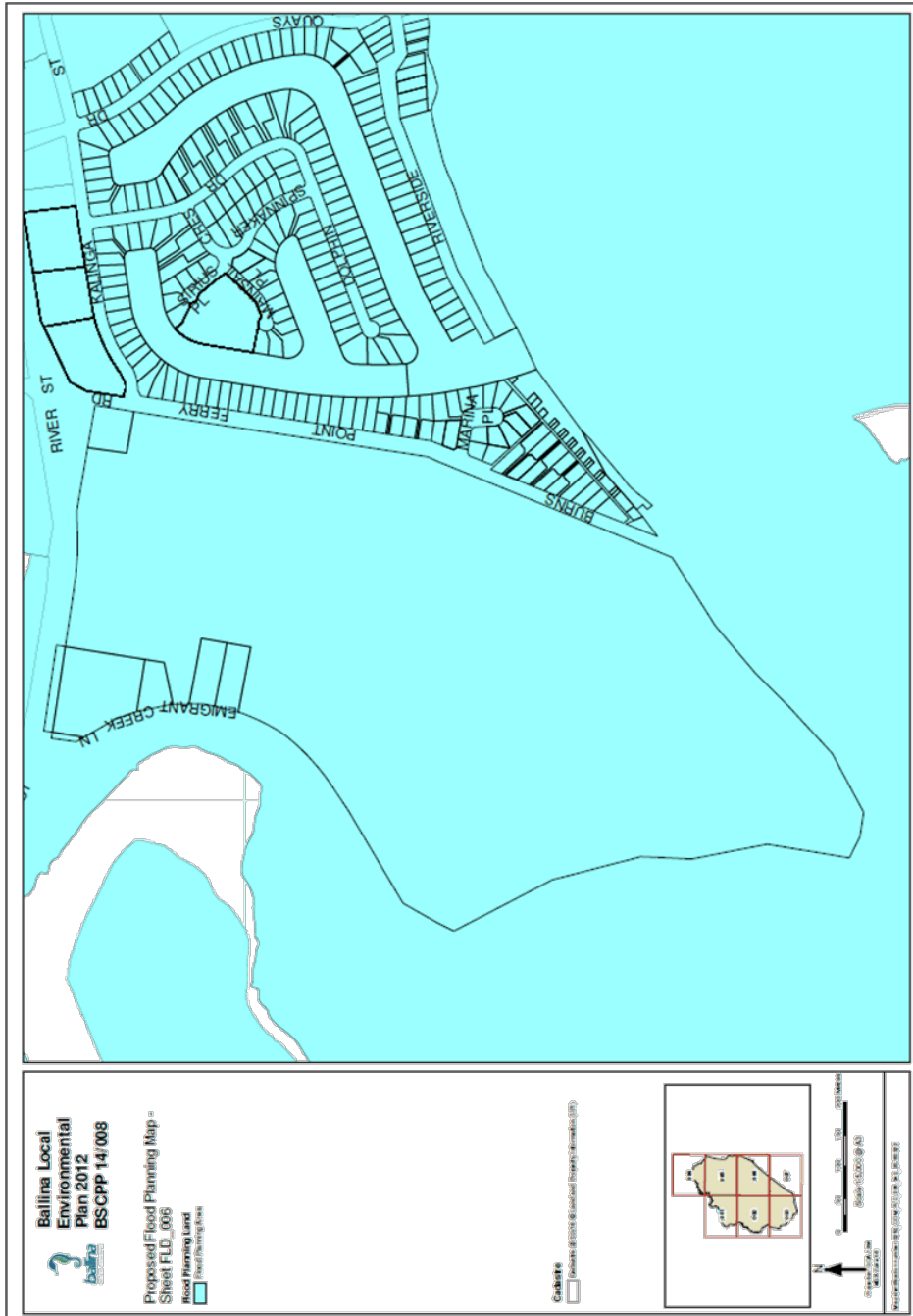


**Proposed Flood Planning Map**



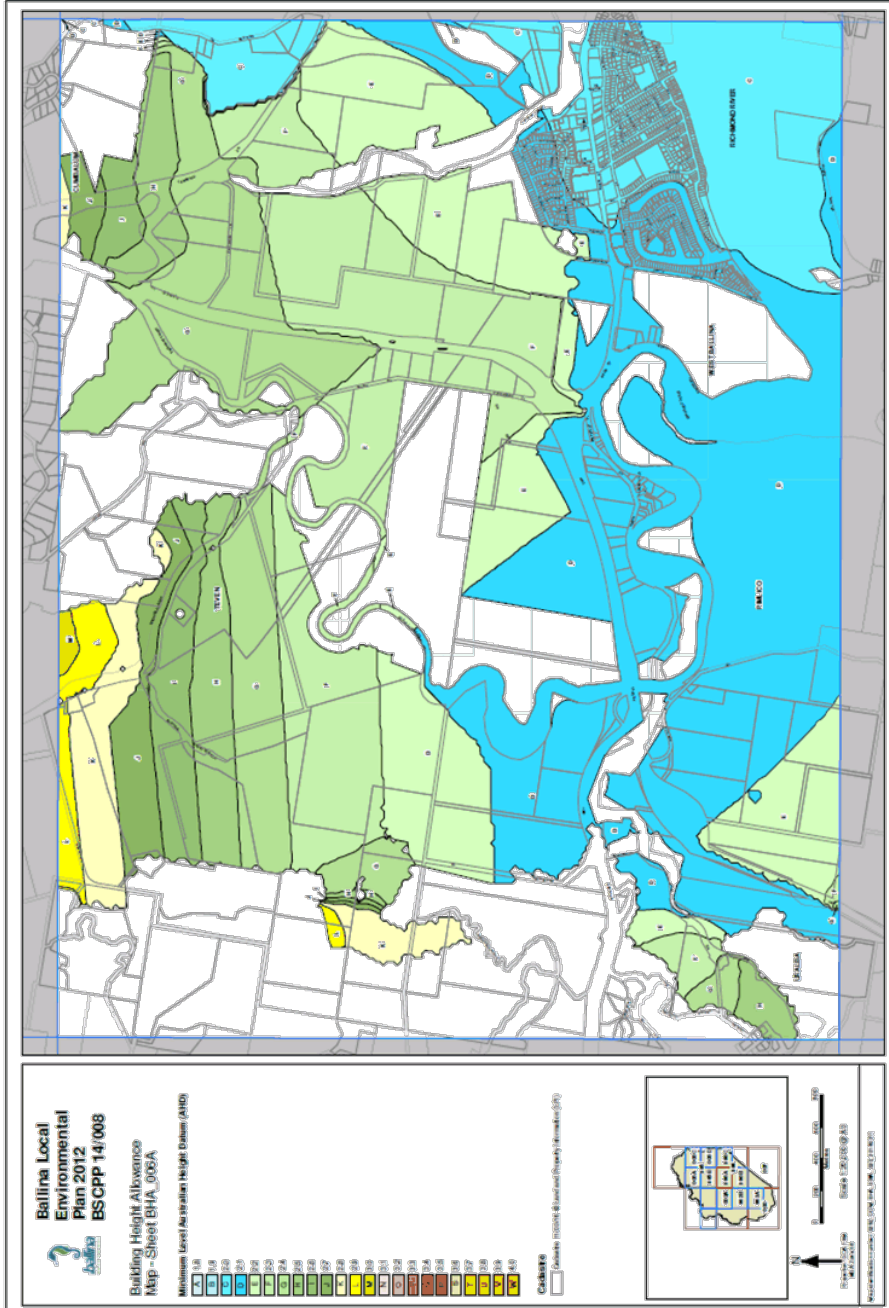


Proposed Flood Planning Map – Zoomed

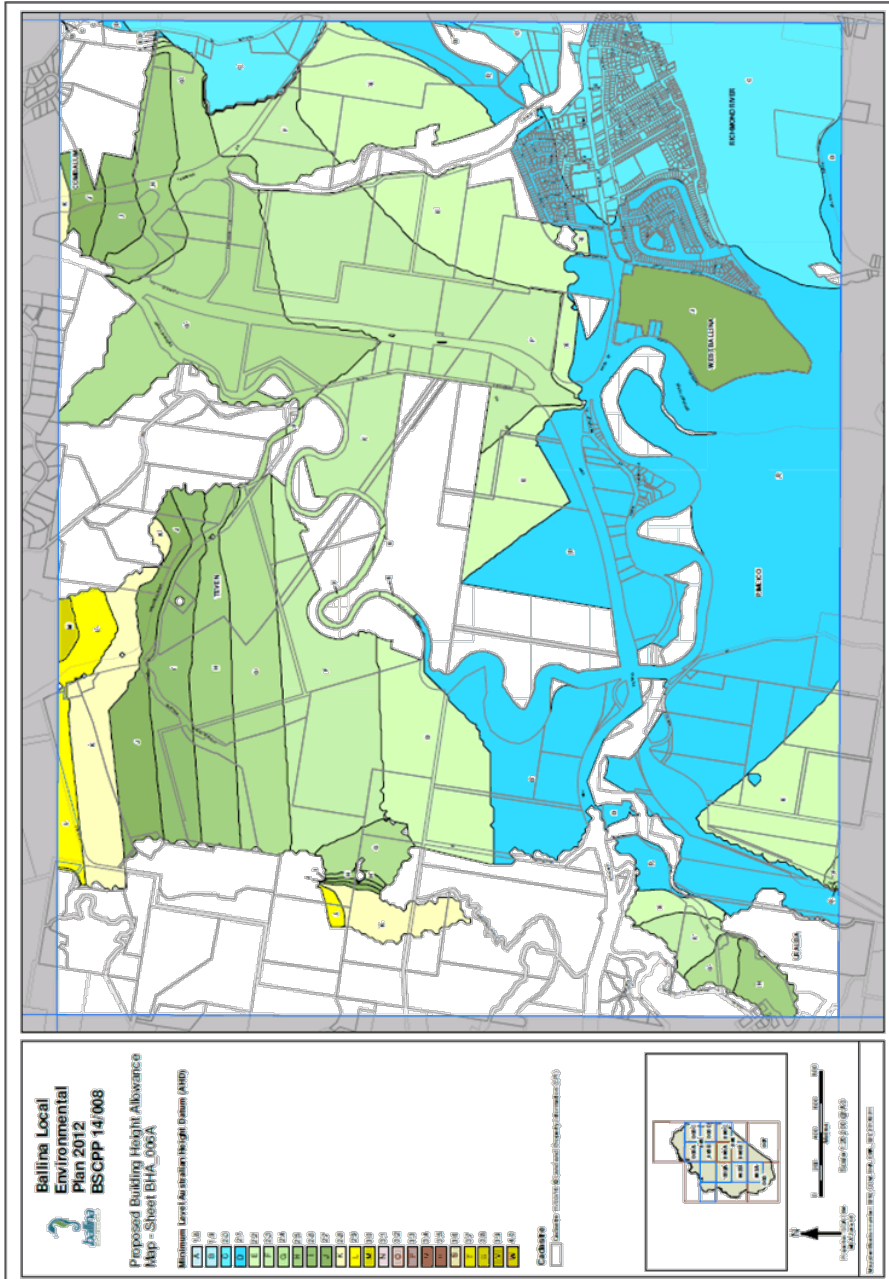




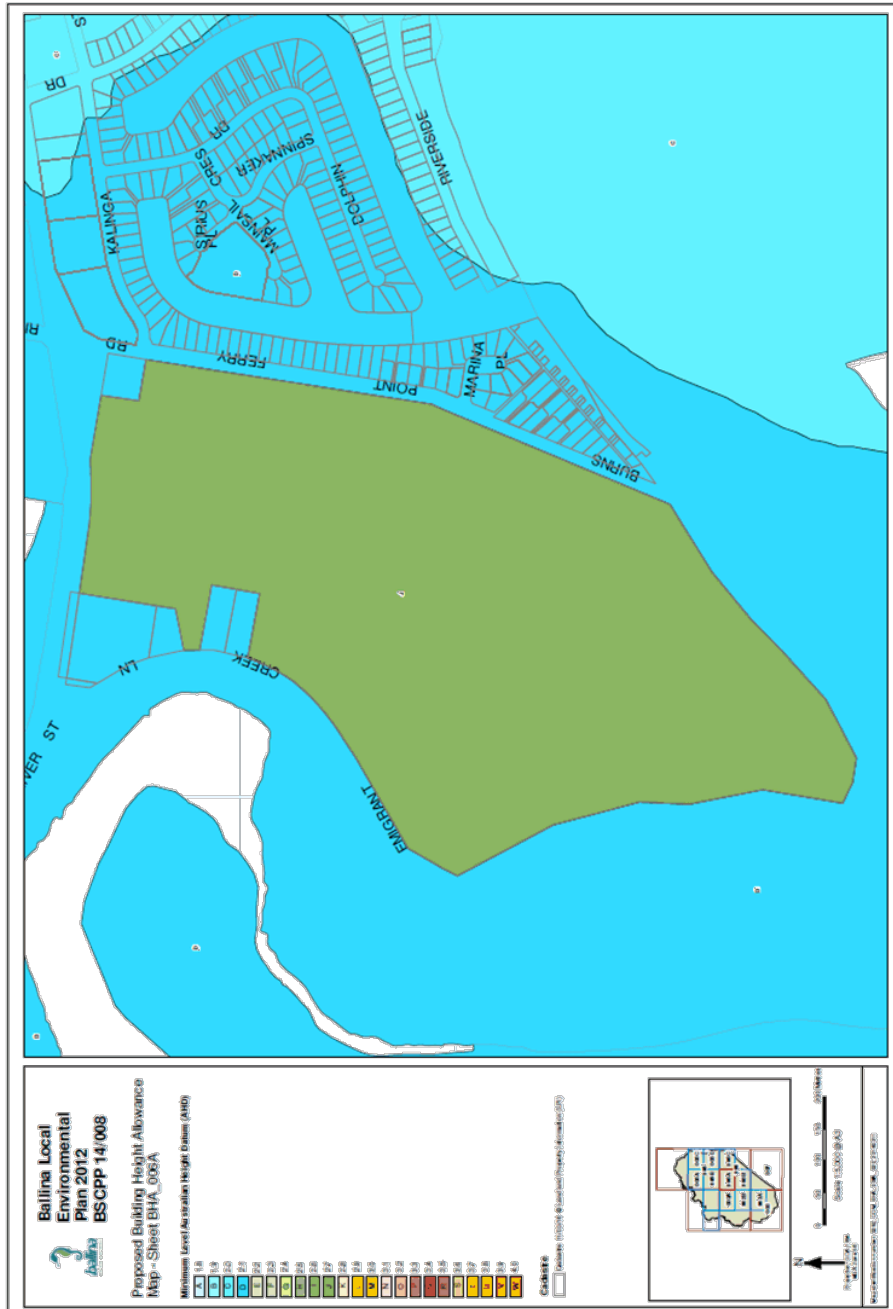
**Existing Building Height Allowance Map**



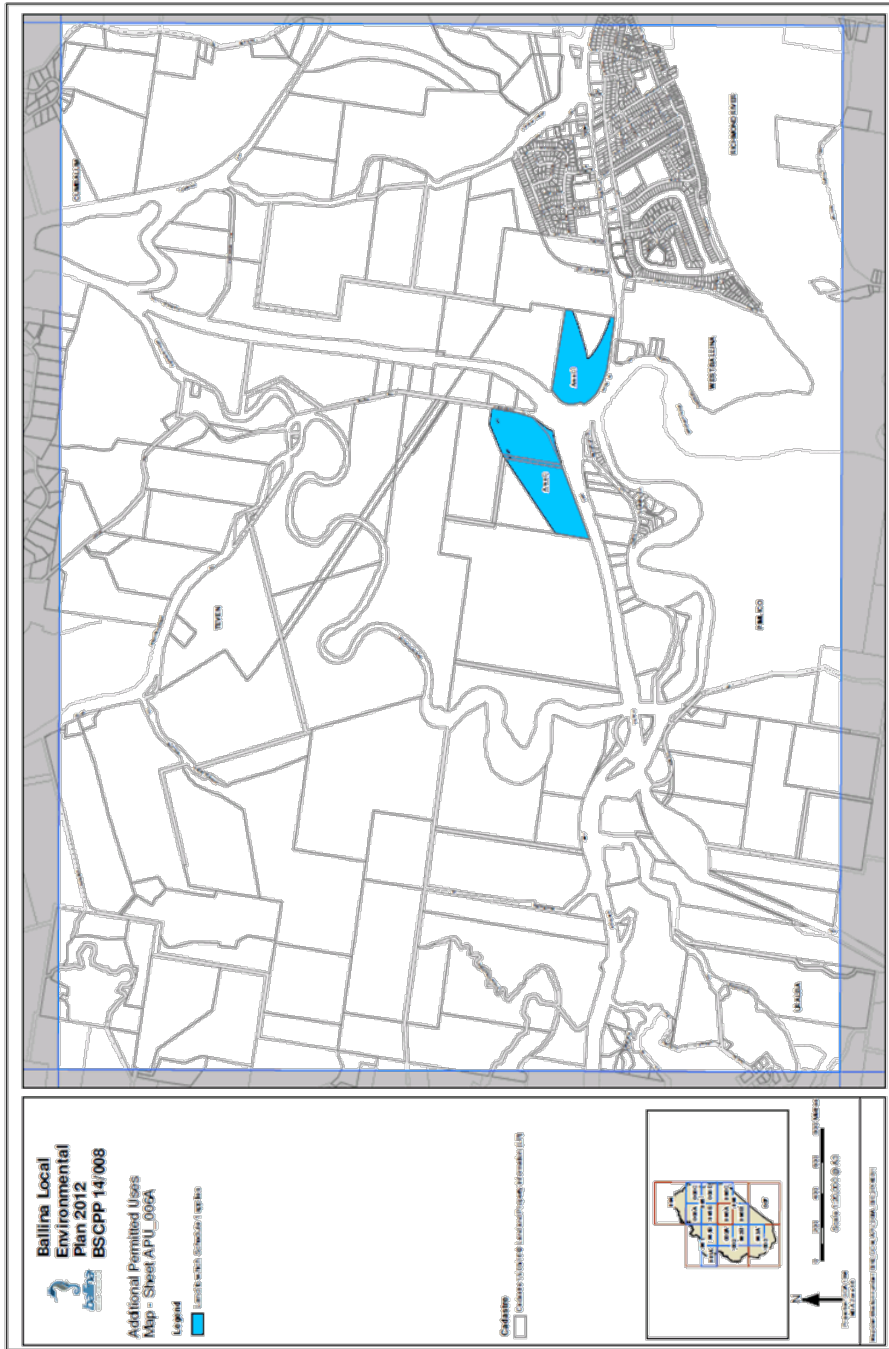
**Proposed Building Height Allowance Map**



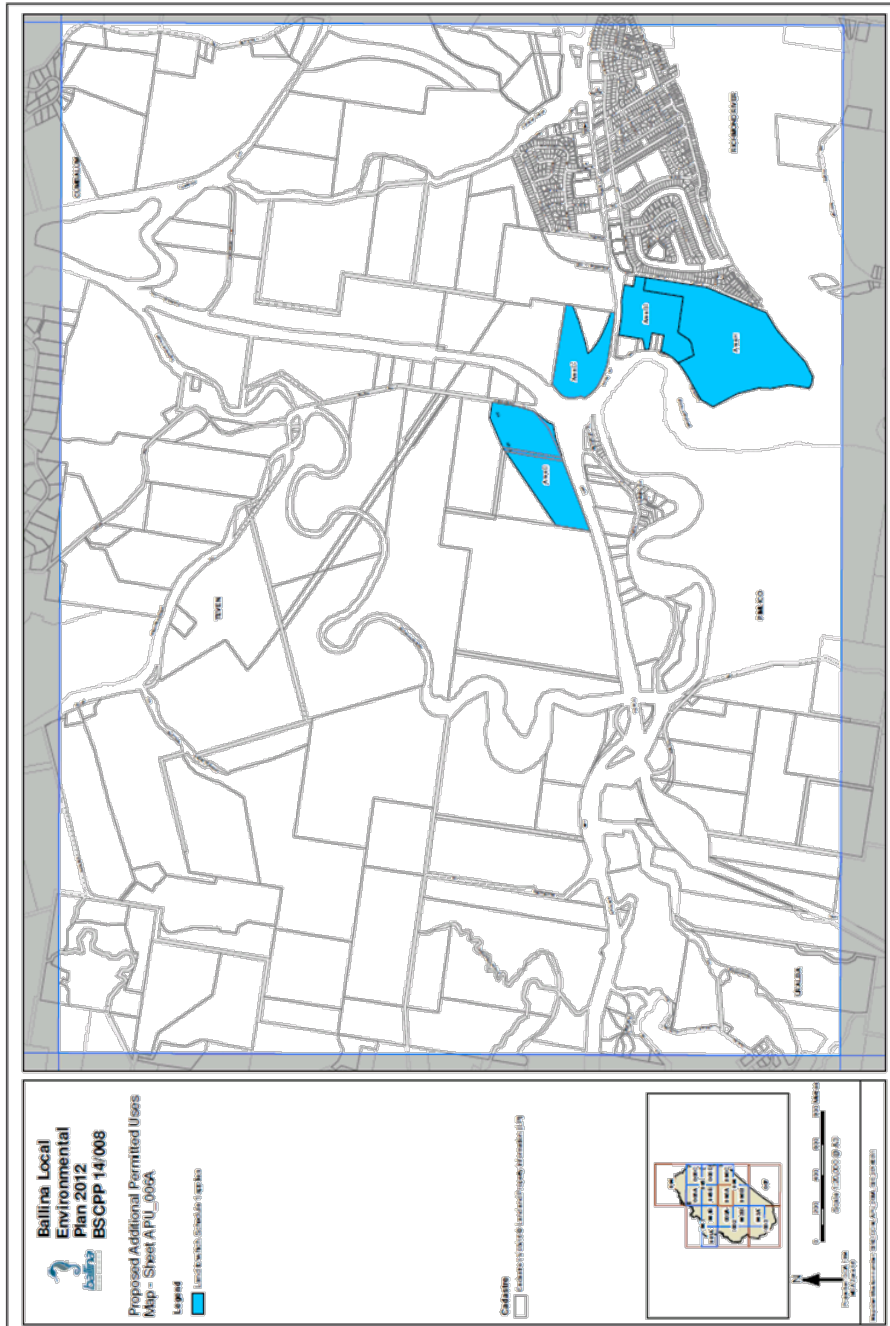
**Proposed Building Height Allowance Map – Zoomed**



**Existing Additional Permitted Use Map**

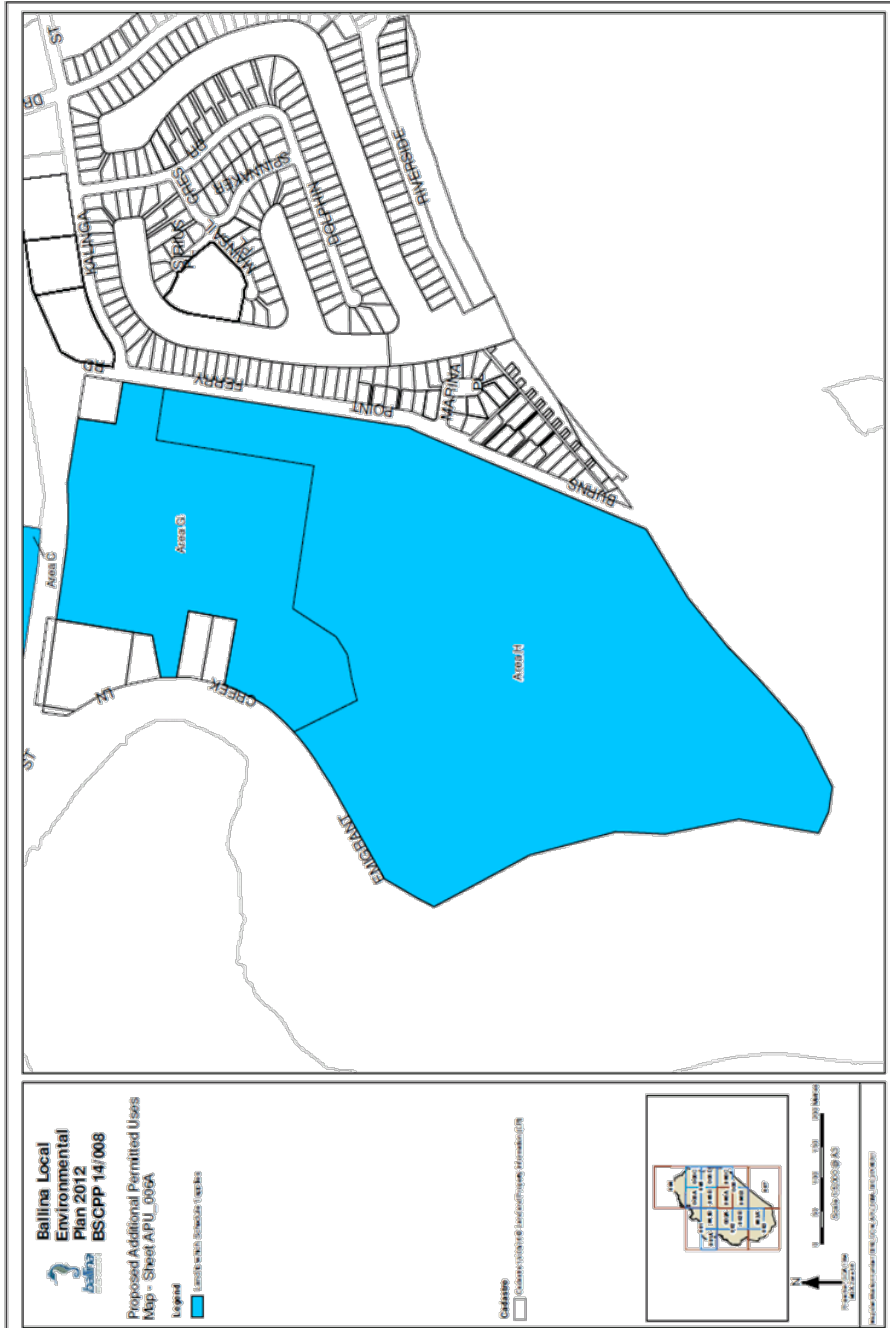


**Proposed Additional Permitted Use Map**

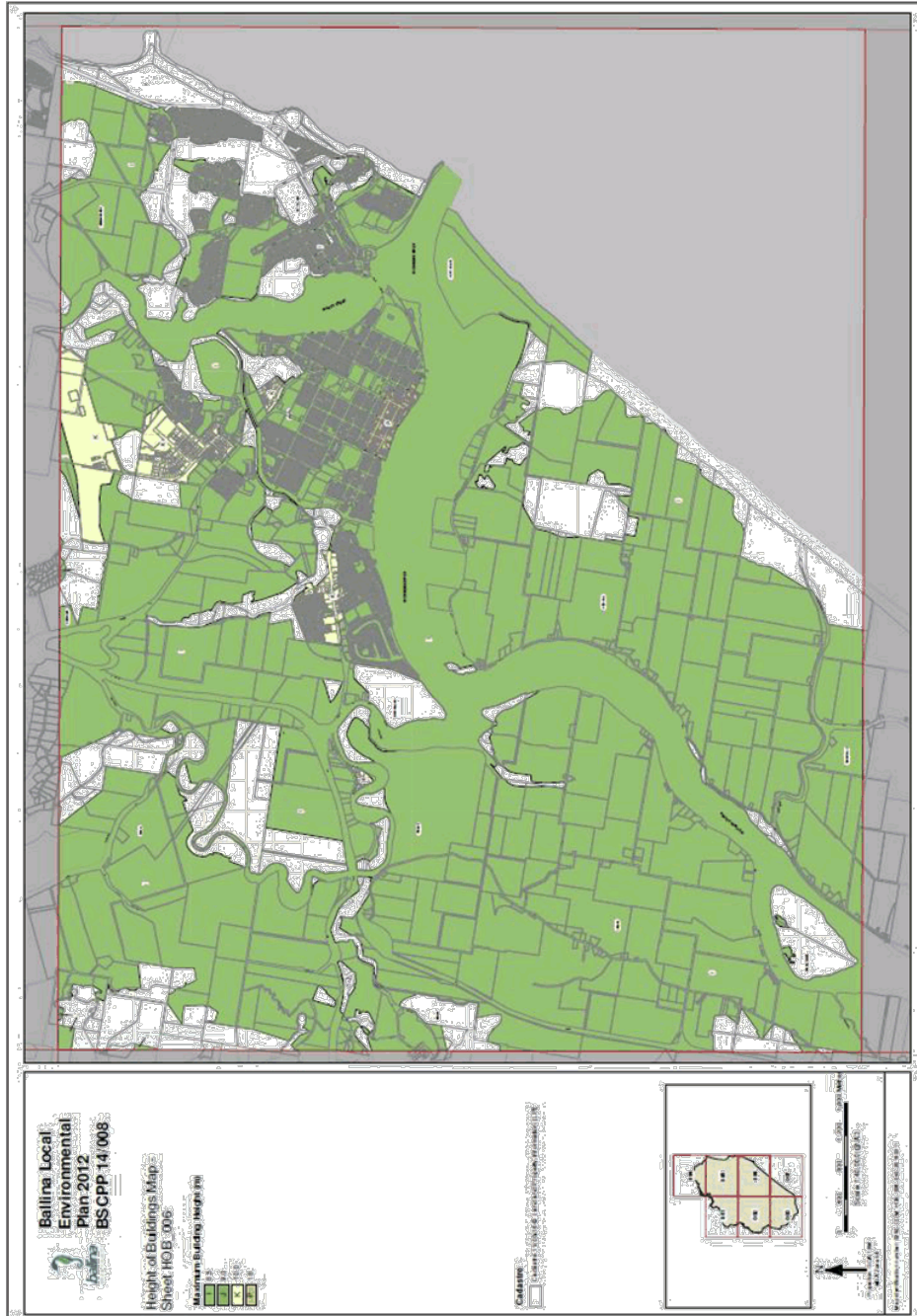




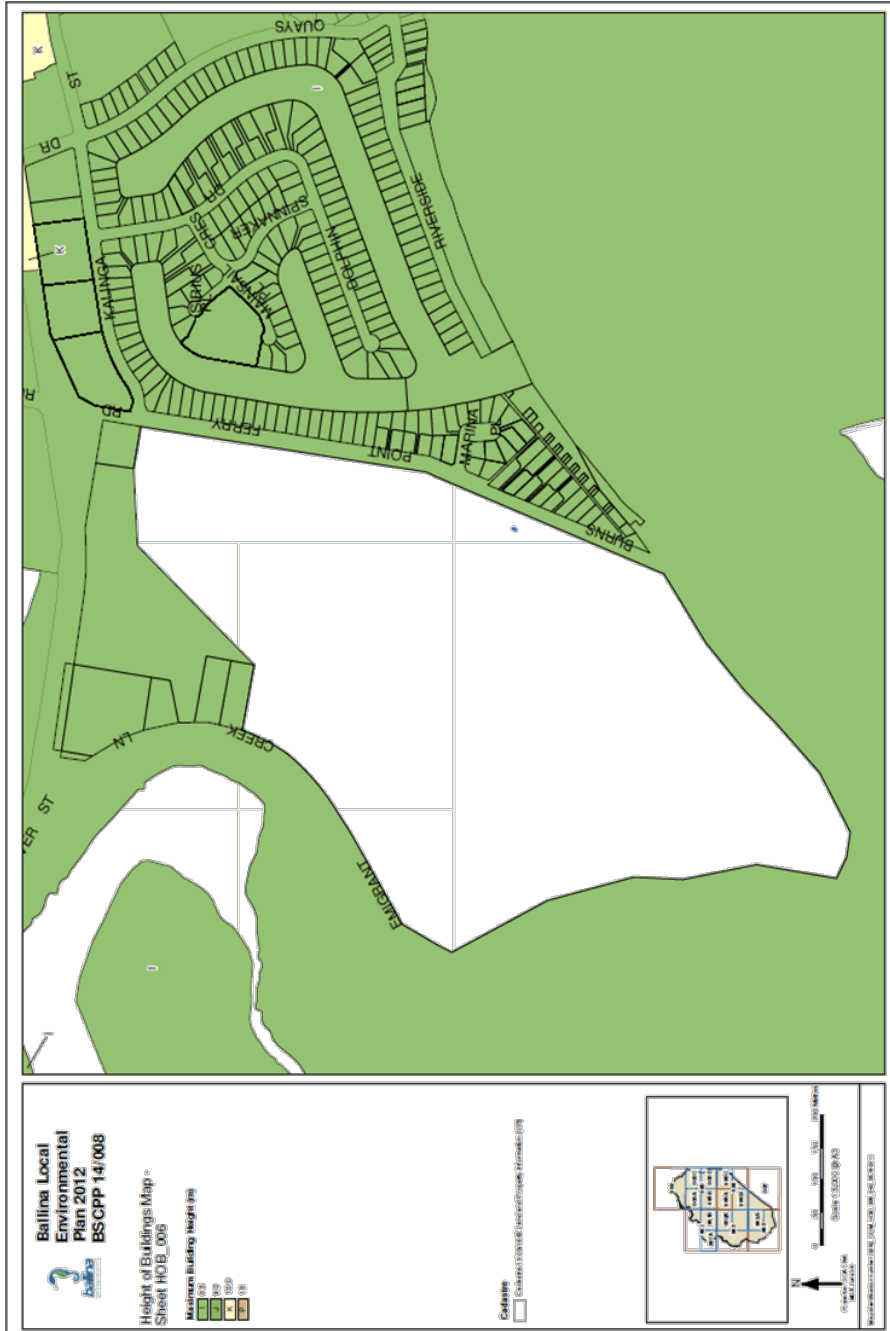
Proposed Additional Permitted Use Map – Zoomed



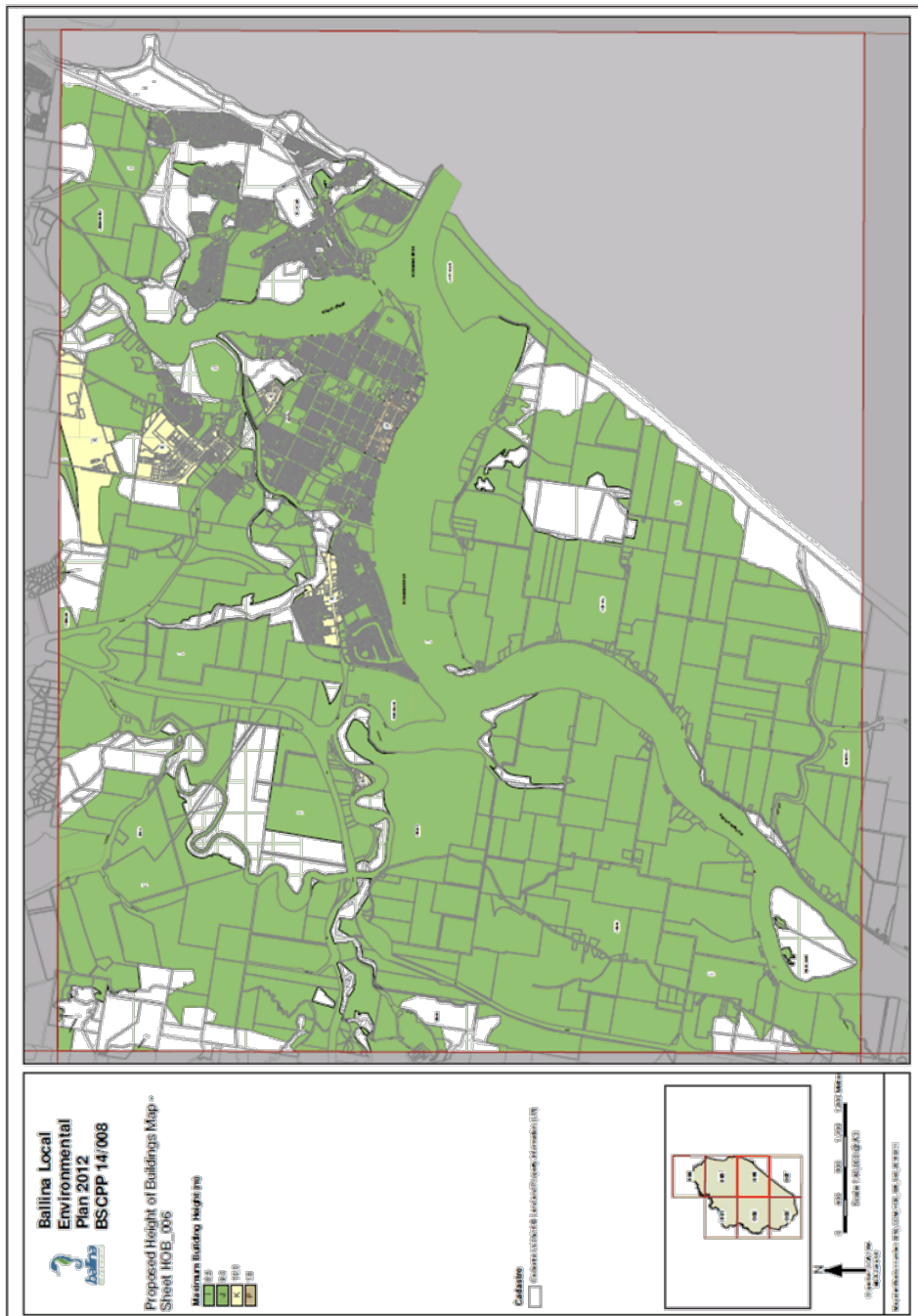
**Existing Height of Buildings Map**



Existing Height of Buildings Map – Zoomed

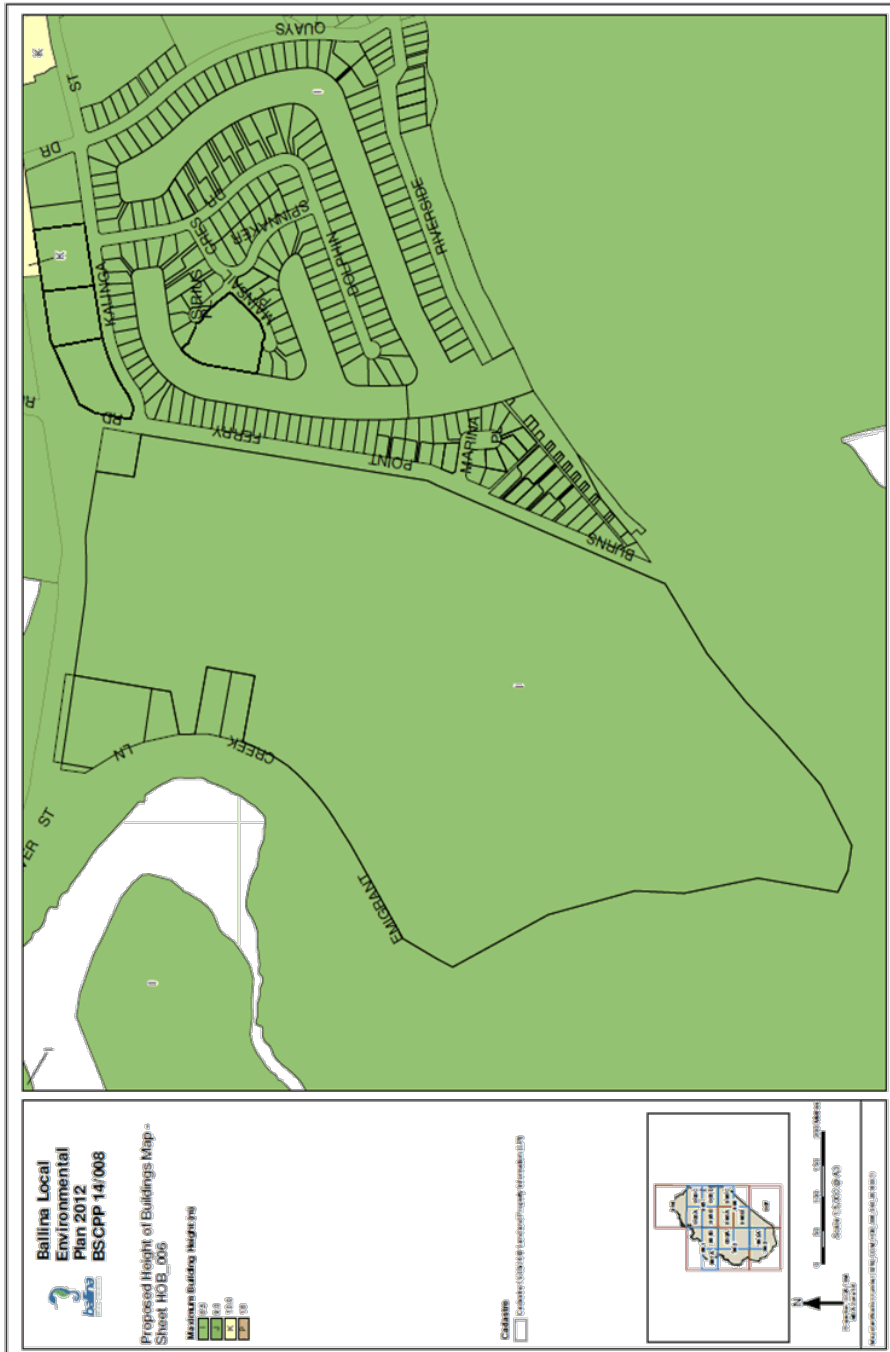


**Proposed Height of Buildings Map**

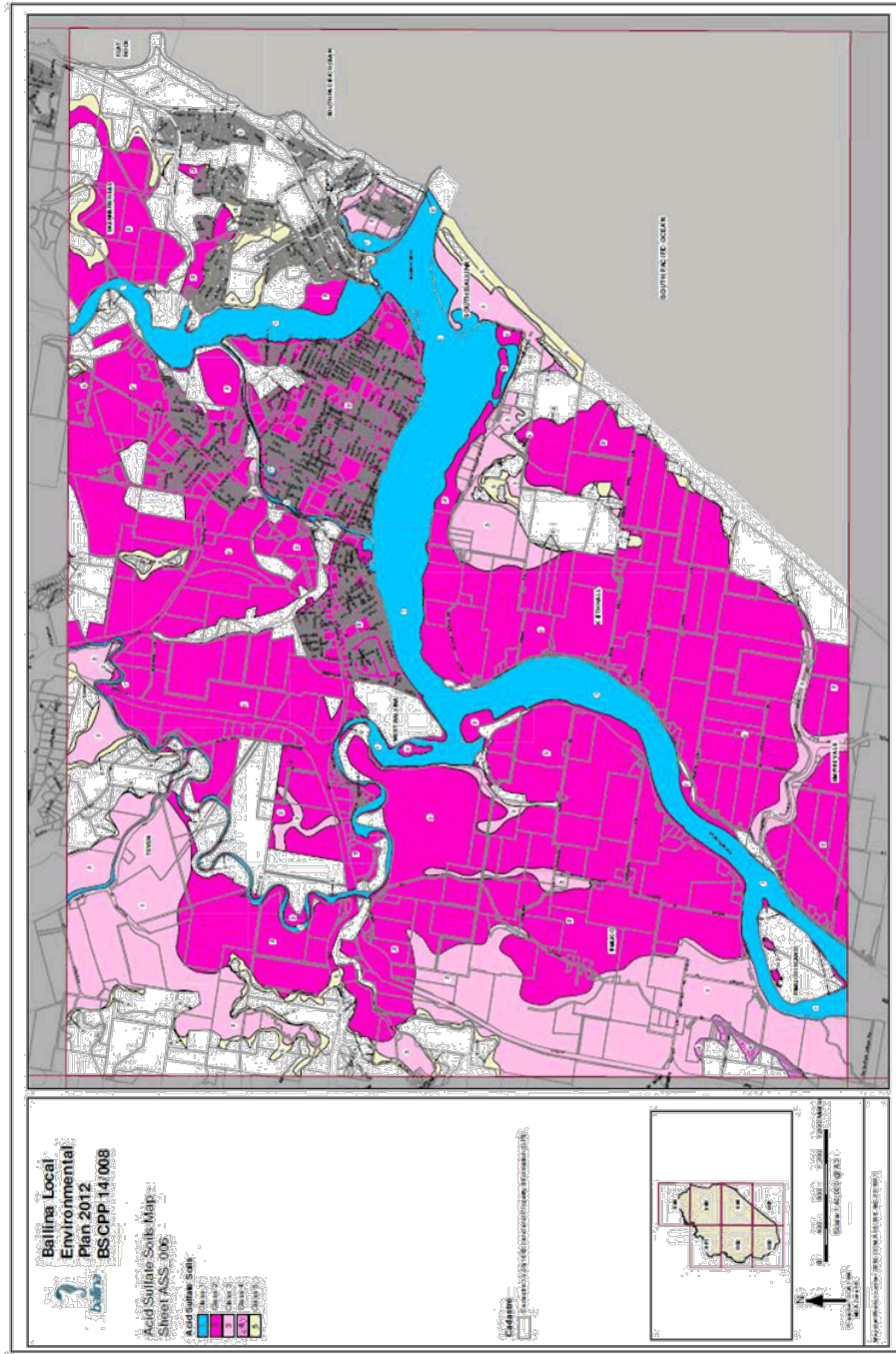




Proposed Height of Buildings Map – Zoomed



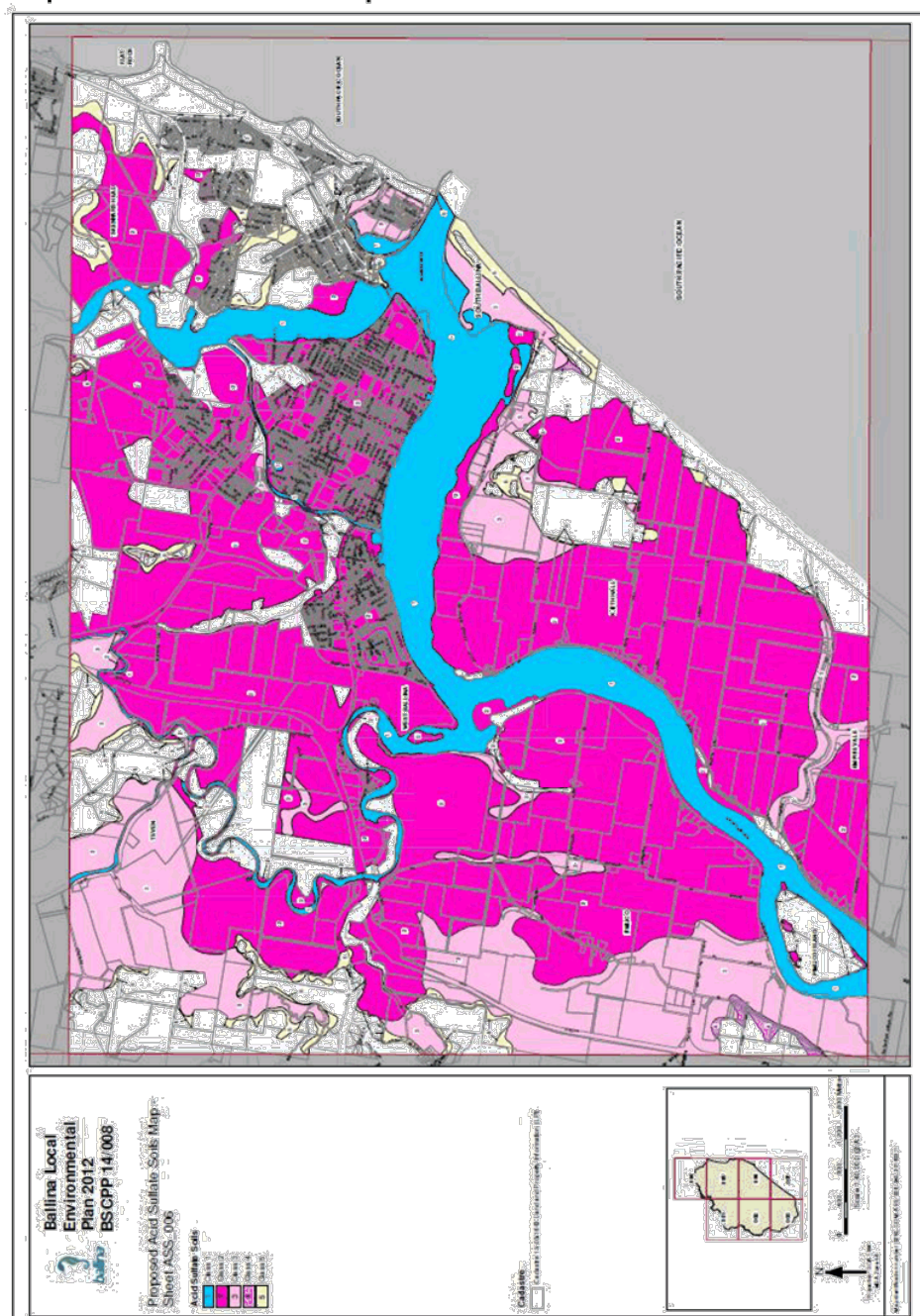
**Existing Acid Sulfate Soil Map**



Existing Acid Sulfate Soil Map – Zoomed

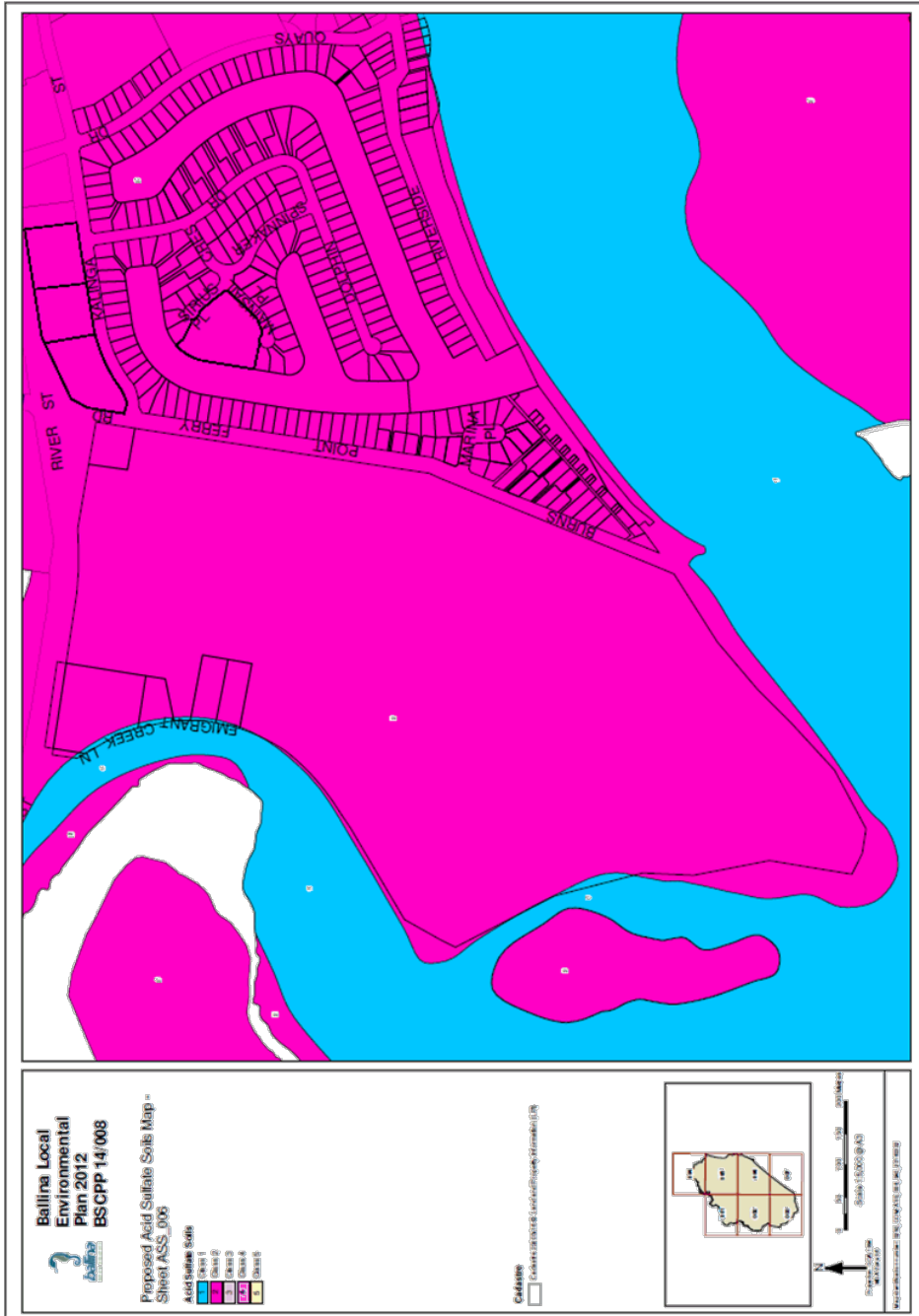


**Proposed Acid Sulfate Soil Map**



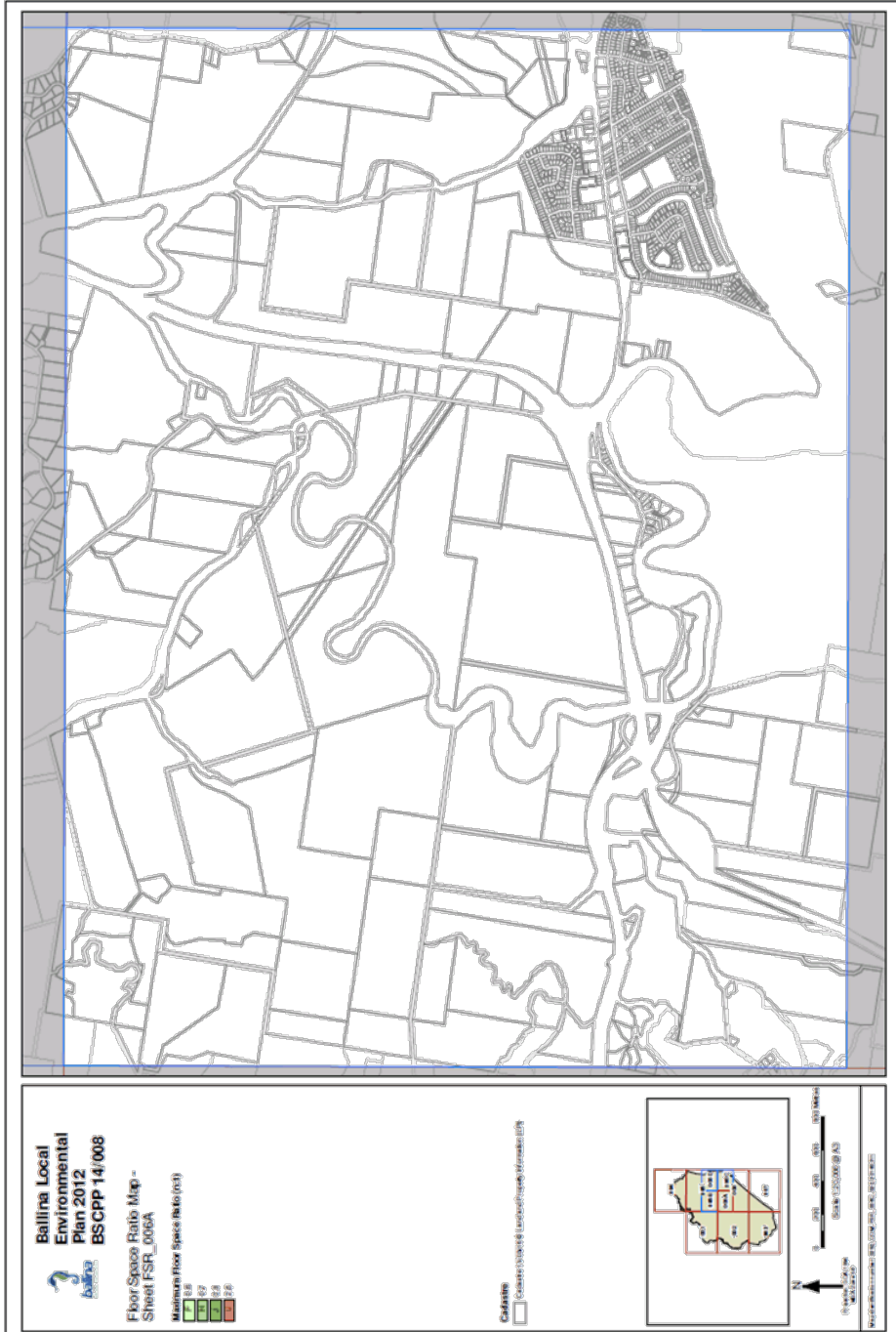


Proposed Acid Sulfate Soil Map – Zoomed





**Existing Floor Space Ratio Map**

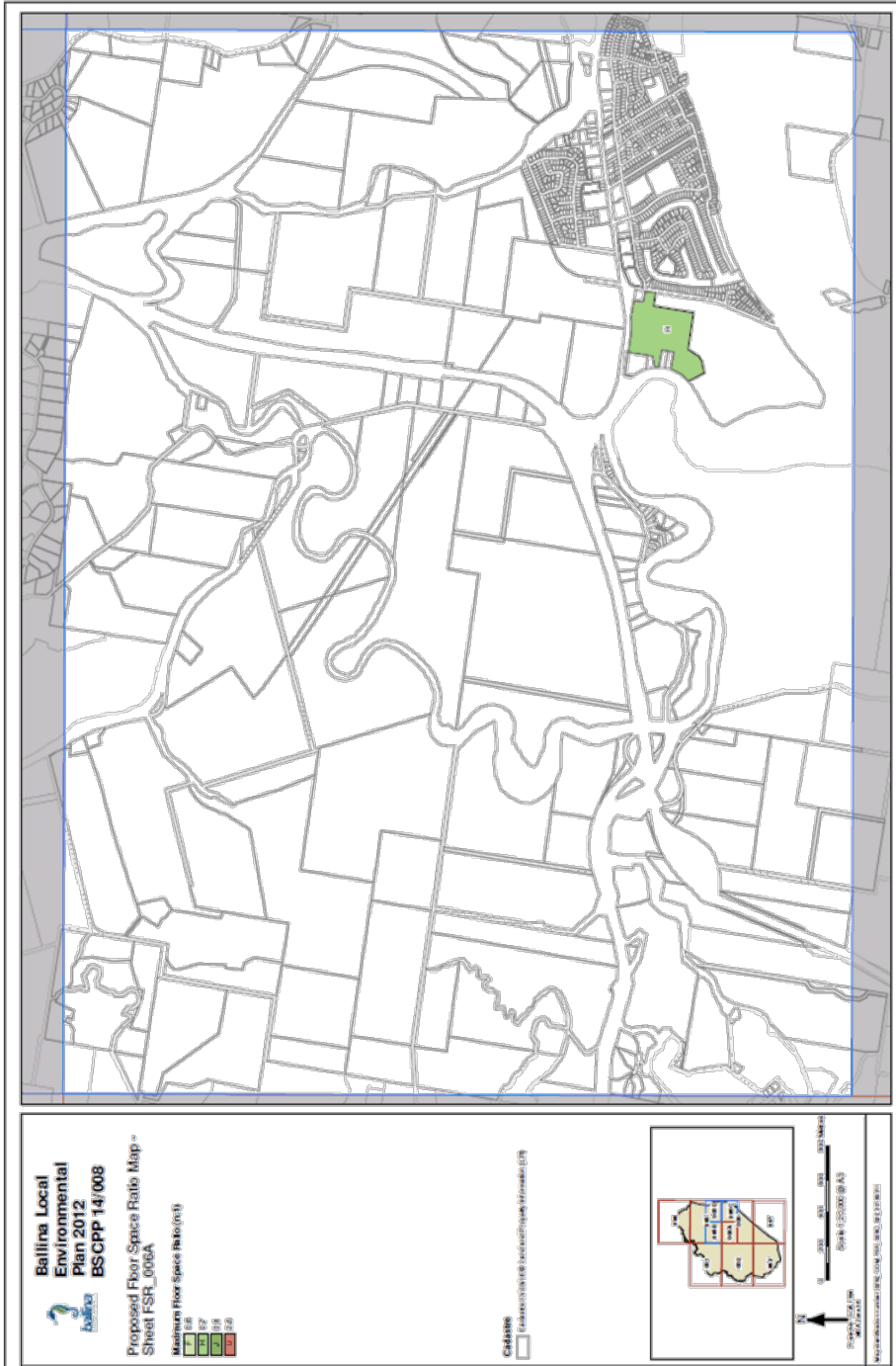


Existing Floor Space Ratio Map – Zoomed



Burns Point Ferry Road Planning Proposal – May 2016 (Exhibition)

**Proposed Floor Space Ratio Map**



Proposed Floor Space Ratio Map – Zoomed



**Existing Lot Size Map – Zoomed**

