



Planning Proposal 17/010

» Skennars Head Expansion Area

August 2018 (V3 Exhibition) 18/55296

ballina
shire council

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1. Introduction

1.1 Summary of Planning Proposal

This planning proposal proposes to apply the B1 Neighbourhood Centre zone and R3 Medium Density zone to land within the Skennars Head Expansion Area, on land described as Lot 6 of DP 1225206.

The proposal involves the application of the B1 Neighbourhood Centre zone to an area of approximately 13,200m² and the application of the R3 Medium Density zone to an area of approximately 29,250m². The proposal also includes zoning an area of land approximately 870m², that is currently zoned B1 Neighbourhood Commercial zone, to combination of R3 Medium Density zone and R2 Low Density zone.

The following table outlines the existing and proposed land use budget for the subject land (Lot 6 of DP 1225206).

Zone	Existing	Proposed
R2 Low Density Zone	28.29 Ha	24.14 Ha
R3 Medium Density Zone	Nil	2.92 Ha
B1 Neighbourhood Commercial Zone	0.087 Ha	1.32 ha
7(d) Environmental Protection (Scenic/Escarpment) – Ballina LEP 1987	5.58 Ha	5.58 Ha
TOTAL	33.96 Ha	33.96 Ha

This planning proposal has been prepared in response to the Council's resolution of 26 October 2017 relating to the Skennars Head Expansion Area.

1.2 Land to Which the Planning Proposal Applies

This planning proposal relates to Lot 6 of DP 1225206 that is zoned R2 Low Density zone and B1 Neighbourhood Commercial zone under the terms of the *Ballina Local Environmental Plan 2012*. The subject land is located within the Skennars Head Expansion Area.

1.3 Council Resolutions

The Council considered the subject planning proposal at its Ordinary Meeting held on 14 December 2017. The Council resolved as follows [Minute No. 141217/11]:

1. *That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 relating to the application of B1 and R3 zones as outlined in the planning proposal (BSCPP 17/010 Skennars Head Expansion Area) contained in Attachment One.*
2. *That Council submit BSCPP 17/010 Skennars Head Expansion Area to the NSW Department of Planning & Environment for Gateway determination.*
3. *That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.*
4. *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 be undertaken, including public exhibition.*

5. *That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.*

A copy of the report considered by the Council is provided in Appendix 1.

1.4 Gateway Determination

A Gateway determination for the planning proposal to proceed was granted by the Department of Planning and Environment. A copy of the Gateway determination is provided in Appendix 3.

The terms of the Gateway determination included the following:

Prior to community consultation a review of the Retail Demand and Impact Analysis report is to be undertaken to confirm that the maximum commercial floor area that could be achieved within the proposed area of B1 Neighbourhood Centre zoned land will not result in an adverse impact on neighbouring commercial centres. If the review identifies that there will be an adverse impact on neighbouring commercial centres then details of the maximum commercial floor area at which an impact does not occur is to be provided.

2. Objectives & Intended Outcomes

The proposed amendment to the Ballina LEP 2012 seeks to:

- Apply a neighbourhood commercial zoning (B1 Neighbourhood Centre zone) to an area of approximately 13,200m²;
- Apply a medium density zoning to parts of the site with a total combined area of 29,250m².
- Apply a floor space ratio of 0.8:1 to the area subject to the neighbourhood commercial zoning (consistent with the existing FSR applicable to the current B1 Neighbourhood Centre zone on the land).
- Include a site specific local development control provision that would limit the total area of commercial floor space permissible on the site to a floor space ratio of 0.4:1.

The intended outcomes of this planning proposal are:

- To facilitate medium density residential development on parts of the site, within proximity to the future commercial area and open space areas.
- To provide for the commercial needs of future residents of Skennars Head and visitors to Sharpes Beach and adjacent coastal reserve;
- To improve the physical layout of the future residential area with respect to the proposed neighbourhood commercial area.

3. Explanation of Provisions

3.1 Background

The Skennars Head Expansion Area has been the subject of detailed strategic planning consideration since an initial request in 2004 to amend the Council's Local Environmental Plan (LEP) to enable residential development on part of the land referred to locally as the Stewart Farm. The rezoning of the land from rural (RU2 Rural Landscape Zone) to a mixture of residential (R2 Low Density Residential Zone) and commercial (B1 Neighbourhood Centre Zone) purposes was ultimately completed in 2014, and was finalised by the Joint Regional Planning Panel.

The initial commercial and residential zoning of the site did not include any medium density zoning and provided for a relatively small area of neighbourhood commercial zoning (comprising approximately 870m²).

A development proponent (Intrapac Property) has lodged a subdivision application (DA 2017/244) which is currently being assessed by Council's Development and Environmental Health Group. The subdivision application will be determined in due course by the JRPP.

The proponent lodged a planning proposal request with Council which was considered at its Ordinary Meeting held on 26 October 2017. The proponent's request comprised the following key aspects:

1. Relocate and expand the B1 Neighbourhood Centre (commercial) zone (from 870m² to approximately 13,200m²);
2. Apply a building height standard of 10m in the proposed zoned commercial area (increasing from an 8.5m standard which currently applies); and
3. Facilitate medium density development on parts of the site through application of the R3 Medium Density Residential zone and application of a 300m² minimum lot size standard.

In the consideration of the proponent's request, the Council responded as follows to the above aspects:

1. The relocation and expansion of the B1 Neighbourhood Centre zone was supported.
2. Increasing the building height of the neighborhood commercial area was not supported, due the scenic values of the land and the inconsistency of the proposal with Council's policy framework for building height in the shire.
3. The application of the R3 Medium Density Residential zone was supported. The application of the 300m² minimum lot size standard was not supported, however, on the basis that the same medium density outcome can be achieved through reliance upon clause 4.1A of the Ballina LEP 2012, which provides for integrated development of housing and subdivision of lots to 300m². The Council also omitted an area of land proposed for medium density zoning, due to concerns with the adequacy of the proposed vehicle access arrangements.

With respect to item 1 above, Council considered a report submitted by the proponent which addressed the additional commercial floor space proposed on the land, in terms of the potential impact on nearby commercial centres and noted that the report did not fully align with the area sought for commercial zoning through the planning proposal.

Further with respect to this matter, the Gateway determination required the provision of further information regarding the potential impact of the proposed additional commercial floor space and the peer review of this information by Council followed by amendment of the planning proposal to align with the outcomes of this review, prior to public exhibition.

As a consequence of the above, the proponent submitted the further information which was reviewed by a third party peer review consultant (Jon Norling of Norling Consulting Pty Ltd) engaged by Council. The peer review is provided in Appendix 6. The recommendation of the review concluded as follows:

The ENIA [Economic Need and Impact Assessment] is considered to be fundamentally flawed by defining a series of catchment areas that grossly exceed the proposed status of a Neighbourhood Centre and ignore the established retail hierarchy. Its conclusions are therefore considered optimistic and cannot be relied upon. In addition, despite the ENIA's quantitative analysis supporting only 3,000m² of retail floorspace, it then reaches a conclusion that the retail centre should be between 3,000m² and 4,500m² in size, resulting in a total recommended floorspace of between 5,250m² to 7,450m², with the Planning Proposal then urging the Council to accept that this supports an ultimate floorspace of 10,800m² on the site.

It is my opinion that the proposed Neighbourhood Centre should comprise the following elements at capacity (based upon current LEP zonings):

- (a) A retail centre of up to 2,500m², to be anchored by a supermarket of up to 1,500m²;*
- (b) Supporting commercial facilities (including medical) of up to 1,000m²;*
- (c) A childcare centre (50 places) of about 500m²;*
- (d) A gymnasium of about 300m²; and*
- (e) A small tavern of about 700m².*

Such a Neighbourhood Centre should have a maximum retail and commercial floorspace of 5,000m² (NLA), which only requires a land area of about 0.63ha at a Floor Space Ratio of 0.8:1. However, a Centre of this scale in this location would normally be expected to provide significant at-grade car parking and outdoor areas for the childcare centre and tavern, such that a land area of about 1.3ha would be needed to provide a workable Neighbourhood Centre in this location accommodating 5,000m² of retail and commercial floorspace.

The allocation of 1.3ha of land for a Neighbourhood Centre at this site is therefore supported if the Floor Space Ratio (for retail and commercial elements) were to be reduced to 0.4:1 in order to avoid adverse economic impacts upon surrounding centres.

As a consequence of the above, several options were considered in consultation with the proponent, to achieve the outcomes sought by the proponent within the scope of acceptable impacts that were the subject of the peer review. The planning proposal has been amended accordingly to include a special local provision to align the proposal with Council's peer review consultant's recommendations, as set out below. The proponent's planning report has also been updated to reflect this approach.

3.2 The Proposal

This planning proposal seeks to achieve the following amendments to Ballina LEP 2012:

- Apply a medium density zoning to parts of the site with a total combined area of approximately 29,250m².
- Provide for an expanded neighbourhood commercial area sufficient to meet the day to day needs of the residents of Skennars Head, to be achieved as follows:
 1. Apply a neighbourhood commercial zoning (B1 Neighbourhood Centre zone) to an area of approximately 13,200m².

Planning Proposal 17/010 Skennars Head Expansion Area

2. Apply a floor space ratio of 0.8:1 to the area subject to the neighbourhood commercial zoning; and
3. Include a site specific development control provision that would limit the total area of commercial floor space permissible on the site to a floor space ratio (FSR) of 0.4:1.

The combined effect of the above approach would be to enable and limit the development of commercial floorspace to a maximum of 5,400m² (GFA) with additional non-commercial floor space (such as shop top housing) for the balance of the site up to a maximum floor space ratio (FSR) of 0.8:1.

This approach is also consistent with the recommendations of Council's third party peer review consultant, with respect to providing an area of commercial floor space that would adequately cater for the commercial needs of residents without adversely impacting other commercial centres.

3.3 Mapping Overview

A map identifying the subject land is provided in Figure 1 below.

The proposal will require changes to the Land Zoning Map (LZN) and Floor Space Ratio (FSR) Map.

Figure 1 - Site Plan: The subject land (outlined in red)



Excerpts of the LZN and FSR maps as they currently apply to the site are provided in Figure 2 below. The proposed map changes are provided in Figure 3.

Figure 2 - Existing Land Zoning and Floor Space Ratio Maps

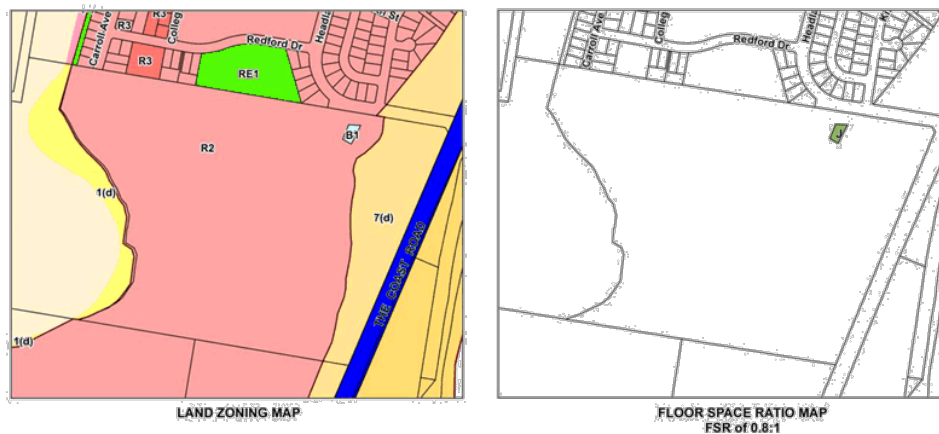
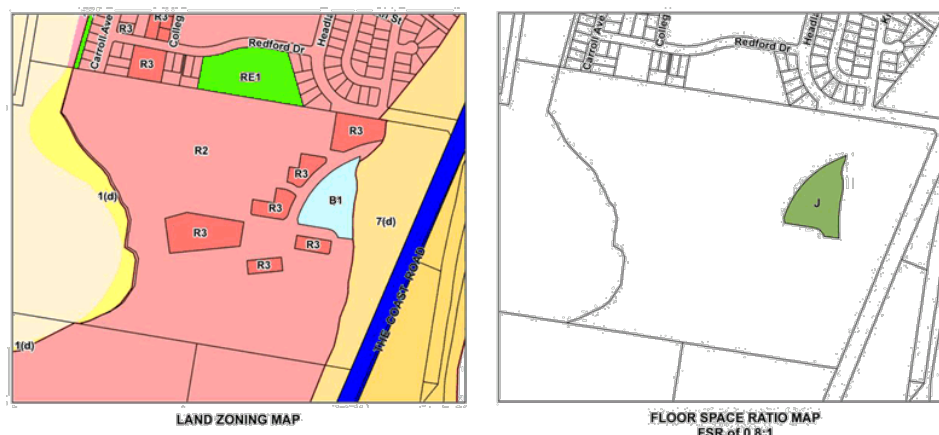


Figure 3 – Proposed Land Zoning and Floor Space Ratio Maps



Note: The proposal includes a special provision to limit the commercial GFA within the neighbourhood center to a floor space ratio of 0.4:1.

Mapping in the standardised LEP map sheet format will be provided in Appendix 4 following the Council's determination of these options, post public exhibition.

4. Justification

4.1 Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of any strategic study or report?

No. This planning proposal was not directly the result of strategic study or report.

The zoning of the land to enable residential subdivision is consistent with the Ballina Shire Growth Management Strategy (BSGMS 2012). The land was zoned from RU2 Rural Landscape zone to a combination of R2 Low Density Residential zone and B1 Neighbourhood Commercial zone in 2014.

The subject planning proposal is the result of a request from the landholder seeking to amend the zoning configuration to enable medium density development on parts of the land and to relocate and expand the extent of neighbourhood commercial uses.

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

Yes a LEP amendment is required to achieve the zoning outcomes proposed.

4.2 Section B – Relationship to Strategic Planning Framework

Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The proposal is considered consistent with the North Coast Regional Plan 2036 (NCRP), particularly in relation to the following directions.

Direction 6: Develop successful centres of employment – The proposal will facilitate the provision of a neighbourhood scale commercial centre that complements the shire's commercial hierarchy.

Direction 15: Develop healthy, safe, socially engaged and well-connected communities – The proposal will improve safety for pedestrians accessing the commercial precinct and adjacent coastal reserve. The proposal will also facilitate the provision of commercial and community uses within a neighbourhood centre with benefits for social cohesion and interaction.

Direction 22: Deliver greater housing supply – The proposal will increase the supply of residential dwellings within a residential growth area identified in Council's local growth management strategy.

Direction 23: Increase housing diversity and choice – The proposal will increase the diversity of housing options available in the locality.

Q4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

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

The planning proposal is consistent with the elements and specified outcomes of the CSP as indicated in the table below:

Planning Proposal 17/010 Skennars Head Expansion Area

Element and Reference	Outcomes	Benefits
PE3 Prosperous Economy	Improve liveability in the shire	
PE1.2	Provide opportunities for new business	Economy expands over time
PE1.3	Encourage diversification and enhance image of the local economy	Increased resilience of the local economy
PE3.1	Support residential development that delivers services closer to home	Lower cost of living
PE3.3	Improve connectivity with the shire	Reduced transport costs
HE3 Healthy Environment	Our built environment blends with the natural environment	
HE1.3	Enhance our open spaces, reserves, natural areas and their heritage values	Increased use of our open spaces Increased satisfaction levels

The planning proposal is consistent with key local plans and strategies as outlined below:

Ballina LEP 2012

The subject land was identified as a Strategic Urban Growth Area prior to its initial rezoning to permit residential development in 2014. The subject land is identified as an Urban Release Area and is subject to Part 6 of the Ballina LEP 2012.

Ballina Shire Growth Management Strategy 2012 (BSGMS)

The purpose of the BSGMS is to provide the framework for managing population and employment growth for Ballina Shire's urban areas over the planning period of 2012 - 2031.

The BSGMS identified the subject land as a Strategic Urban Growth Area.

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

The proposal's consistency with applicable State Environmental Planning Policies (SEPPs) is detailed in the table below:

SEPP Title	Compliance of Planning Proposal
SEPP No.71 Coastal Protection	The land is located within the coastal zone and the subdivision and development of the land will involve significant coastal development for the purposes of SEPP 71. The Minister for Planning has waived the requirement that a Master Plan be prepared.

The consistency of the proposal having regard for the matters of consideration set out in clause 8 of SEPP No.71 is provided in the table below:

Planning Proposal 17/010 Skennars Head Expansion Area

SEPP No. 71 - Matters for Consideration (clause 8)	Compliance of Planning Proposal
a) The aims of the policy.	The proposal is consistent with the aims of the SEPP.
b) Maintaining existing foreshore public access.	The proposal does not directly affect existing pedestrian access to the adjacent coastal foreshore.
c) Improving foreshore public access.	The proposal will facilitate good quality pedestrian public linkages between the future subdivision and the adjacent coastal foreshore.
d) Suitability of the development given the context.	The proposal is considered in keeping with the scale and character of surrounding development and the scenic values of the site's coastal context.
e) Any detrimental impacts on the amenity of the coastal foreshore.	The proposal will facilitate the provision of commercial facilities which may be visible from the coastal foreshore, however their scale is planned to be consistent with existing built form in the area and as such is not expected to detract from the coastal amenity. The proposal is not expected to result in any significant overshadowing of the coastal foreshore.
f) The scenic qualities of the NSW coast.	The proposal will not significantly affect the scenic qualities of the state's coastal environment.
g) The conservation of animals and their habitats.	The proposal does not affect environmental outcomes associated with the development of the land in terms of native animals and their habitats.
h) Measures to conserve fish and marine vegetation.	The proposal does not affect fish or marine vegetation.
i) The impact of development on wildlife corridors.	The proposal does not affect existing wildlife corridors.
j) The impact of coastal processes and hazards.	The proposal does not affect and is not directly threatened by coastal processes and hazards.
k) Land use conflict between land based and water based activities.	The proposal does not impact on water based and land based land use conflicts.
l) Protection of Aboriginal cultural values.	The proposal does not affect Aboriginal cultural values.
m) Impact on coastal waterbodies.	The proposal does not affect any coastal waterbodies in the locality.
n) Items of heritage, archaeological or historic significance.	The proposal does not affect the protection of archaeological or cultural heritage items.
o) Encouraging compact cities	The proposal facilitates more compact urban settlements through the provision of medium density development on the land.
p) Development assessment matters	This matter does not apply to the planning proposal.

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A number of inconsistencies, considered to be of minor significance and justifiable in the circumstances, have been identified. A Section 117 Direction checklist for this planning proposal is provided at Appendix Two.

4.3 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?

Based on information currently available the planning proposal is not considered to give rise to any direct adverse impacts on critical habitat or threatened species, population or ecological communities, or their habitats.

Detailed ecological assessment of the sites flora and fauna characteristics was undertaken when the land was zoned for residential purposes and have been undertaken with respect to DA 2017/244.

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

There are no other significant environmental impacts identified as a result of the planning proposal.

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

The social and economic outcomes resulting from the proposed rezoning are considered to be generally positive. The table below provides a summary of potential positive impacts associated with the planning proposal.

Potential Positive Economic Impacts
Provides for additional commercial development opportunities through expansion of the proposed neighbourhood commercial area
Provides broader economic benefits to the shire through increasing the population capacity of the future estate through the provision of medium density development in parts of the site.
Potential Positive Social Impacts
Improves public safety associated with vehicle access to the estate and reduces the potential for pedestrian-vehicle conflicts associated with the neighbourhood commercial centre.
Provides for improved housing choice through the provision of medium density development opportunities.

4.4 Section D – State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the planning proposal?

Yes. The proposal is able to be serviced by existing infrastructure.

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

Consultation is proposed to be undertaken with the Roads and Maritime Service and NSW Rural Fire Service and airport authorities during the period of public exhibition.

5. Mapping

The following maps (standard LEP map sheets) will be prepared to support this planning proposal and will be included in Appendix 4 prior to finalisation:

Map 1 – Site Plan (Aerial);

Map 2 – Current Land Zoning Map Ballina LEP 2012;

Map 3 – Proposed Land Zoning Map Ballina LEP 2012;

Map 4 – Current Floor Space Ratio Map Ballina LEP 2012; and

Map 5 – Proposed Floor Space Ratio Map Ballina LEP 2012.

For maps illustrating the intended outcomes with respect to the planning proposal refer to Figures 2 and 3 above.

6. Community Consultation

This planning proposal will be exhibited in accordance with the Gateway determination and the terms of the EP&A Act. A minimum public exhibition period of 28 days is proposed which will incorporate the following elements:

- Advertisement within the Ballina Shire Advocate;
- Letters to adjoining and nearby property owners;
- Notice on Council's web site; and
- Exhibition at Council's Customer Service Centre and libraries.

7. Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	January 2018
Government Agency Consultation	February 2018
Public Exhibition Period	August 2018
Public Hearing	N/A
Submissions Assessment	September 2018
RPA Assessment of Planning Proposal and Exhibition Outcomes	October 2018
Submission of Endorsed LEP to DP&E for Finalisation	N/A
RPA Decision to Make the LEP Amendment (if delegated)	November 2018 [#]
Forwarding of LEP Amendment to DP&E for Notification (if delegated)	November 2018

[#] Council is proposing to exercise plan finalisation functions under delegation.

8. Appendices

Appendix 1 – Council Reports

9.2 Planning Proposal - Skennars Head Village Expansion

141217/11 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 relating to the application of B1 and R3 zones as outlined in the planning proposal (BSCPP 17/010 Skennars Head Expansion Area) contained in Attachment One.
2. That Council submit BSCPP 17/010 Skennars Head Expansion Area to the NSW Department of Planning & Environment for Gateway determination.
3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.

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**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 14/12/17 AT 9.00 AM**

4. 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 be undertaken, including public exhibition.
5. That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.

FOR VOTE - All Councillors voted unanimously.

Paul Hickey, General Manager, returned at 11.47 am

9.2 Planning Proposal - Skennars Head Village Expansion

9.2 Planning Proposal - Skennars Head Village Expansion

Delivery Program Strategic Planning

Objective To seek Council's endorsement of a draft planning proposal for the Skennars Head Village Expansion Area for Gateway determination and public exhibition.

Background

Council considered a report at its Ordinary Meeting held on 26 October 2017 relating to a planning proposal request for land within the Skennars Head Expansion Area.

With respect to this matter Council resolved as follows [Minute No. 261017/06]:

That Council proceed to prepare a planning proposal relating to Lot 6 DP 1225206, located adjacent to The Coast Road Skennars Head on the basis of the following, and consistent with the details contained within this report:

- *Application of the R3 Medium Density zone to parts of the site (excluding the south western most master lot).*
- *Relocation of the B1 Neighbourhood Centre zone on the site and expansion of its area up to 13,000m², subject to the required information being received.*

A planning proposal has been prepared in accordance with the Council's resolution, which is provided as attachment one to this report.

The proponent was invited to provide further information in support of the planning proposal request, with particular regard to the relocation and expansion of the proposed B1 Neighbourhood Centre zone. The proponent provided some information in response (provided as Attachment Two to this report) and advised that further information could be provided post-Gateway determination if required. This matter is addressed further below.

The purpose of this report is to invite the Council's endorsement of the attached planning proposal for Gateway determination and subsequent to public exhibition.

Key Issues

- Strategic land release
- Housing choice
- Neighbourhood commercial development

<p>9.2 Planning Proposal - Skennars Head Village Expansion</p> <p>Information</p> <p>Details regarding the subject planning proposal request are contained in the report presented to Council's Ordinary Meeting held on 26 October 2017. A summary of the proposal is also contained in the planning proposal document contained in attachment one.</p> <p>As indicated, and in line with the Council's October resolution, the proponent was invited to provide additional information in support of the planning proposal, with particular regard to justification for the expansion of the proposed neighbourhood commercial area. This information is contained in attachment two to this report.</p> <p>The additional information provided following the 26 October 2017 Ordinary Meeting is largely based on that provided to Councillors during the proponent's deputation.</p> <p>It is expected that the proponent will provide additional information post Gateway determination to clarify the extent of commercial impacts of the proposed neighbourhood centre on other nearby commercial centers.</p> <p>Sustainability Considerations</p> <ul style="list-style-type: none">• Environment There are no significant environment impacts associated with this planning proposal as the changes relate to an area of existing urban zoned land.• Social Changes to the internal layout of the future subdivision, facilitated by the subject planning proposal, should have positive social outcomes associated with improved housing choice, improved pedestrian safety and the provision of commercial and community facilities to service future residents.• Economic The expansion and relocation of the proposed neighbourhood centre will have positive economic impacts associated with the increasing opportunities for business and employment. Potential adverse impacts on other commercial centers are to be clarified through the provision of additional economic assessment information post Gateway determination. <p>Legal / Resource / Financial Implications</p> <p>There are no significant legal, financial or resource implications for Council associated with the planning proposal. The processing of the planning proposal can be undertaken within the existing resources of Council's Strategic Planning Section.</p> <p>Given the nature of the amendments proposed, it is recommended that in this circumstance Council seeks delegation of plan making functions from the NSW Department of Planning and Environment to enable Council's processing of the amendment to a point of finalisation.</p> <hr/> <p>Ballina Shire Council 14/12/17</p> <p>Ordinary Meeting Page 43 of 122</p>

9.2 Planning Proposal - Skennars Head Village Expansion

Consultation

Consultation with Government agencies as required by the Department of Planning and Environment will be undertaken if the planning proposal proceeds beyond Gateway determination.

A public exhibition including community notification of the proposed amendments will be undertaken as part of the processing of the amendment post Gateway determination.

Options

The Council has the following options in relation to the planning proposal:

- proceed with the planning proposal
- amend the planning proposal
- defer the planning proposal or
- cease further action on the planning proposal.

On the basis that the draft planning proposal reflects Council's recent deliberation on this matter, and for the reasons outlined in Council's report on this matter presented at the 26 October 2017 Ordinary meeting, it is recommended that Council proceeds with the planning proposal.

This would involve staff submitting the planning proposal to the Department of Planning and Environment for Gateway determination once the proponent has paid Council's applicable fees.

In the event of an affirmative Gateway determination allowing the proposal to proceed, staff would then undertake the procedural steps to progress the proposal to finalisation including public exhibition. A further report would be submitted to the Council in relation to the completion of the amendments following the public exhibition phase of the process.

Where Council proceeds to submit a planning proposal for Gateway determination, it has the option of requesting delegation of certain plan making functions from the Department. Under these delegations, Council performs some of the plan making functions that would otherwise be completed by the Department. In the subject case, and given the proposal's consistency with the State and local strategic planning context, it is recommended that Council seeks the delegation.

It is open to the Council to amend the planning proposal, defer the matter for further consideration (this could be via a briefing) or to cease progression of the amendments. Given Council's recent deliberations on this matter, these options are not recommended.

9.2 Planning Proposal - Skennars Head Village Expansion

RECOMMENDATIONS

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 relating to the application of B1 and R3 zones as outlined in the planning proposal (BSCPP 17/010 Skennars Head Expansion Area) contained in Attachment One.
2. That Council submit BSCPP 17/010 Skennars Head Expansion Area to the NSW Department of Planning & Environment for Gateway determination.
3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
4. 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 be undertaken, including public exhibition.
5. That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.

Attachment(s)

1. Skennars Head Planning Proposal (Council version)
2. Additional information submitted by proponent.

Appendix 2 – Section 117 Direction Checklist

Section 117 Direction Checklist – (Updated Directions Dated 2 April 2018)	
Planning Proposal – Skennars Head Expansion Area	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>Justifiably Inconsistent – The proposal is considered justifiably inconsistent with the terms of the direction as the provision of neighbourhood commercial facilities is at a scale suitable for the meeting of the day to day needs of future residents within a planned greenfield release area that is identified in Council's local growth management strategy, which has received the endorsement of the Secretary for the Department of Planning and Environment.</p> <p>The proposal involves the relocation and expansion of commercial zoning on the site. The proposal involves an area of existing business zone (870m² in area) being converted to residential zoning in association with a larger area of residential zone (13,250m² in area) being converted to business zoning (B1 Neighbourhood Commercial). The planning proposal seeks to limit the total area of commercial GFA, to a scale suitable for meeting the day to day needs of residents, through introducing a special clause which limits the commercial floor space ratio to 0.4:1 (5,400m² GFA).</p>
1.2 Rural Zones	Consistent.
1.3 Mining, Petroleum Production and Extractive Industries	Consistent.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Land	<p>Consistent.</p> <p>The planning proposal does not affect land within an existing rural or environmental protection zone.</p>
2. Environment and Heritage	
2.1 Environment Protection Zones	<p>Consistent.</p> <p>The planning proposal does not involve the development of land identified as being of environmental significance.</p>
2.2 Coastal Protection	<p>Consistent.</p> <p>The subject lots are located within the coastal zone.</p> <p><i>Clause 5.5 Development within the coastal zone</i> contained within Ballina LEP 2012 is applicable to development proposed within the coastal zone. Clause 5.5 included provisions that give effect to and are consistent with:</p> <p>(a) the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i>, and</p> <p>(b) the <i>Coastal Design Guidelines 2003</i>, and</p> <p>(c) the manual relating to the management of the coastline for the purposes of section 733 of the <i>Local Government Act 1993</i> (the <i>NSW Coastline Management Manual 1990</i>).</p>
2.3 Heritage Conservation	<p>Consistent.</p> <p>Ballina LEP 2012 contains provisions (clause 5.10 and Schedule 5) which are consistent with this direction.</p> <p>The consideration of cultural heritage matters was undertaken in association with the initial planning proposal process when the land was zoned for urban purposes.</p>
2.4 Recreation Vehicle Areas	<p>Consistent.</p> <p>The planning proposal does not involve the development of land for the purpose of a recreation vehicle area.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.

Section 117 Direction Checklist – (Updated Directions Dated 2 April 2018)	
Planning Proposal – Skennars Head Expansion Area	
Direction No.	Compliance of Planning Proposal
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. This proposal involves the rezoning of land from R2 Low Density zone to a combination of R3 Medium Density zone and B3 Neighbourhood Commercial zone. The proposal also involves the rezoning of a small area of B3 zone to R2. The outcome of the proposal will be to provide for greater housing diversity through providing for increased medium density residential development opportunities. BLEP 2012 includes an existing provision (Clause 7.7) that requires that adequate servicing be in place, or suitable arrangements to have been made for such servicing, before development proceeds.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. This proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrating Land Use and Transport	Justifiably inconsistent The proposed rezoning is considered to be of minor significance.
3.5 Development Near Licensed Aerodromes	Justifiably inconsistent. The subject land is located within the Obstacle Limitation Surface (OLS) of the Ballina-Byron Gateway Airport which is a trigger for consultation with Commonwealth airport authorities. This consultation is proposed to take place post Gateway determination. Contours across the subject land (west to east) range from <2m AHD to 18m AHD . The OLS surface level for the subject land is 46.5 metres. An 8.5 metre building height limit applies to the subject land. Therefore proposed residential development on the subject land will not breach the OLS level. The subject land is not located within an ANEF contour of 20 or greater.
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Does not apply to planning proposal. The subject land is not mapped as containing acid sulfate soils on the Acid Sulfate Soil Maps which form a part of BLEP2012.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal. The subject land is not identified as geotechnical unstable.
4.3 Flood Prone Land	Justifiably inconsistent. Parts of the subject land are identified as flood prone. Flood susceptibility was considered in detail when the land was zoned for urban purposes, in a manner consistent with the NSW Flood Development Manual 2005. No residential development is proposed within flood affected areas.
4.4 Planning for Bushfire Protection	Justifiably inconsistent. Parts of the subject land are identified as bushfire prone. Bushfire hazards were considered in detail when the land was zoned for urban purposes. Consultation will be undertaken with the NSW Rural Fire Service post Gateway determination.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Revoked.

Planning Proposal 17/010 Skennars Head Expansion Area

Section 117 Direction Checklist – (Updated Directions Dated 2 April 2018)	
Planning Proposal – Skennars Head Expansion Area	
Direction No.	Compliance of Planning Proposal
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	Justifiably inconsistent The subject land is designated as significant regionally non-contiguous farmland on maps marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117 (2) Direction)". This planning proposal is consistent with the North Coast Regional Plan 2036 in so far as the subject land complies with the Urban Growth Area Variation Principles and meets the Important Farmland Variation Criteria contained within the plan. It is also consistent with the plan as the subject land is located within a designated Urban Growth Area. The subject land is currently zoned for urban purposes.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Revoked.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire.
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire.
5.10 Implementation of Regional Plans	Consistent. The planning proposal is considered to be consistent with the North Coast Regional Plan 2036 as the subject land is located within a designated Urban Growth Area. The planning proposal is considered to achieve the overall intent of the regional strategy and supports the achievement of its vision, land use strategy, policies, outcomes and actions.
6. Local Plan Making	
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.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land reserved for public purposes.
6.3 Site Specific Provisions	Consistent. The planning proposal does not introduce any new site specific provisions.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to Ballina Shire.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to Ballina Shire.

Appendix 3 – Gateway Determination



PP_2018_BALLI_001_00 / EF17/14531

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Mr Hickey

Planning Proposal PP_2018_BALLI_001_00 to amend Ballina Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to change the zoning configuration of the Skennars Head Expansion Area by relocating and increasing the size of the B1 Neighbourhood Centre zone, amending the Floor Space Ratio Map accordingly and rezoning part of the land to R3 Medium Density Residential.

As delegate of the Minister for Planning, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Direction 4.1 Acid Sulfate Soils is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions 1.1 Business and Industrial Zones, 3.5 Development Near Licensed Aerodromes and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the

Department of Planning and Environment
Northern Region | 49 Victoria Street Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460 | planning.nsw.gov.au

Planning Proposal 17/010 Skennars Head Expansion Area

projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Paul Garnett to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely



15-2-2018

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Department of Planning and Environment
Northern Region | 49 Victoria Street Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460 | planning.nsw.gov.au



Gateway Determination

Planning Proposal (Department Ref: PP_2018_BALLI_001_00): to change the zoning configuration of the Skennars Head Expansion Area by relocating and increasing the size of the B1 Neighbourhood Centre zone, amending the Floor Space Ratio Map accordingly, and rezoning part of the land to R3 Medium Density Residential.

I, the Director Regions, Northern, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to change the zoning configuration of the Skennars Head Expansion Area by relocating and increasing the size of the B1 Neighbourhood Centre zone, amending the Floor Space Ratio Map accordingly and rezoning part of the land to R3 Medium Density Residential should proceed subject to the following conditions:

1. Prior to community consultation a review of the Retail Demand and Impact Analysis report is to be undertaken to confirm that the maximum commercial floor area that could be achieved within the proposed area of B1 Neighbourhood Centre zoned land will not result in an adverse impact on neighbouring commercial centres. If the review identifies that there will be an adverse impact on neighbouring commercial centres then details of the maximum commercial floor area at which an impact does not occur is to be provided.
2. Prior to community consultation the planning proposal is to be amended as follows:
 - a. maps which show the current and proposed floor space ratio for the land are to be included in the planning proposal; and
 - b. to reflect any necessary changes arising from the outcomes of the review of the potential impacts of the increase in the area of B1 zoned land.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

Ballina Shire Council PP_2018_BALLI_001_00 (EF17/14531)

4. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
- NSW Rural Fire Service;
 - NSW Roads and Maritime Services;
 - Ballina – Byron Gateway Airport; and
 - Civil Aviation Safety Authority.
- Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 15 day February of 2018.



Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Appendix 4 – Mapping

The standard LEP map sheets will be included here prior to finalisation.

Appendix 5 – Proponent’s Planning Proposal Submission

The proponent’s planning proposal submission is provided under separate cover.

Appendix 6 – Independent Peer Review

Our Ref: 18042/270618.JN

27 June 2018

Mr Simon Scott
Strategic Planner
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Email: simon.scott@ballina.nsw.gov.au

Dear Simon,

RE: SKENNARS HEAD NEIGHBOURHOOD CENTRE- PEER REVIEW

Following our recent discussion and correspondences, I am pleased to provide this Peer Review of an Economic Need and Impact Assessment for the proposed Neighbourhood Centre at Skennars Head.

Background

Skennars Head is located on the coast, just outside the main urban part of Ballina (6.5km northeast of Ballina's CBD). It is a small community with substantial undeveloped lands to the south to accommodate further residential growth. The Local Environmental Plan provides for a future Neighbourhood Centre by zoning a small parcel of land (870m²) B1 – Neighbourhood Centre. This centre-type sits at the lowest end of the centre hierarchy.

Council has received a Planning Proposal to change some of the zonings on the large englobo parcel on the southern part of Skennars Head. Of relevance to this Peer Review, it is proposed to relocate the Neighbourhood Centre slightly to the south and substantially increase its size to 1.35ha. With a Floor Space Ratio of 0.8:1 to apply to this allotment, it is possible for the retail and commercial floorspace to reach 10,800m² and the Planning Proposal suggests that this is an appropriate capacity floorspace for this site.

The Department of Planning & Environment has recently provided a Gateway Determination in support of the Planning Proposal, subject to the following condition of relevance to this Peer Review:

"A review of the Retail Demand and Impact Analysis report is to be undertaken to confirm that the maximum commercial floor area that could be achieved within the proposed area of B1 Neighbourhood Centre zoned land will not result in an adverse impact on neighbouring commercial centres. If the review identifies that there will be an adverse impact on neighbouring commercial centres then details of the maximum commercial floor area at which an impact does not occur is to be provided."

With the nature and scale of the proposed Neighbourhood Centre being subject to future Development Applications, the Applicant is seeking to maintain a development capacity of up to 10,800m². However, the Economic Need and Impact Assessment has supported a development of between only 5,250m² and 7,450m² to 2031.

This application has been accompanied by a detailed Economic Need and Impact Assessment (ENIA) dated May 2018 prepared by MacroPlanDimasi. Council has requested an independent Peer Review of this ENIA.

Relevant Planning Issues

Of relevance to this Peer Review, the Ballina Local Environmental Plan 2012 (LEP) provides for three levels in the retail hierarchy. Ballina Island provides two concentrations of Commercial Core (B3) lands that are to operate at the highest end of the hierarchy: Ballina Town Centre (6.5km southwest of the subject site); and Kerr Street Retailing Precinct (5.5km southwest of the subject site).

The middle level in the hierarchy comprises Local Centres (B2), of which only a single Local Centre is relevant to this Peer Review, the Lennox Head Local Centre (4.6km north of the subject site).

Neighbourhood Centres (B1) comprise the lowest level in the hierarchy, with five being relevant to this Peer Review. They are located:

- (a) On the subject site;
- (b) In the hinterland part of Lennox Head (2.5km northwest of the subject site), but appears undeveloped to date;
- (c) At East Ballina (3.7km southwest of the subject site);
- (d) At Shaws Bay (5.0km south of the subject site); and
- (e) At East Ballina (5.0km south of the subject site), occupied by the Quality Hotel Ballina Beach Hotel Resort.

It is also relevant to clarify what is meant by floorspace. The Floor Space Ratio used by the Ballina LEP is based upon Gross Floor Area (GFA), which is understood to comprise the total floorspace of all buildings. Retail economists typically utilise Net Lettable Areas (NLA) to describe shopping centres, being the total floorspace that is occupied by tenants. The difference between GFA and NLA typically comprises amenities, centre management, internal malls and other covered central areas such as that used by food courts or entertainment areas. With respect to the smaller convenience shopping centres that have no internal malls, there is very little difference between GFA and NLA, with the difference being limited to amenities. However, in larger shopping centres that have extensive internal malls, the NLA can be 15% to 20% less than GFA.

I have adopted NLAs in respect to recommended centre sizes and I understand that MacroPlanDimasi has also adopted NLAs (consistent with other reports by that author), except for page 27 where GFAs have been specifically stated.

Economic Need and Impact Assessment

The ENIA concludes that there is a strong level of economic need for a range of centre uses (retail centre, childcare centre, gym and tavern) on the subject site totalling between 5,250m² and 7,450m² by 2031. The retail centre is to be anchored by a supermarket of between 1,000m² and 1,500m².

The ENIA has appropriately considered relevant planning policies (section 1.3).

The ENIA has adopted an appropriate methodology of defining a catchment area, identifying population growth, projecting retail expenditure base, identifying a range of facilities needed by the catchment area and assessing economic impacts.

The ENIA has not adopted reasonable and appropriate assumptions due to it defining a series of catchment areas that are too broad, which adversely affects the following logical steps. Details include:

- (a) The defined retail trade area is far too extensive for a Neighbourhood Centre that is not located on a major road and hence is unable to target passing traffic. The Secondary Far North Sector should be excluded because it contains a higher order centre, the Lennox Head Local Centre. The Secondary North Sector should be excluded as it contains a large allotment zoned for a Neighbourhood Centre (B1) where a full-line supermarket is proposed. The Secondary South Sector should be excluded as it is being served by the East Ballina Neighbourhood Centre (B1) and this community is well placed to access the higher order centres on Ballina Island. The Primary Sector extends too far to the south, including the East Ballina Neighbourhood Centre (B1);
- (b) As a result of the above, the existing and future populations are significantly overstated;
- (c) As a result of the above, the existing and future retail expenditure bases are significantly overstated;
- (d) As a result of the above, the visitor market is significantly overstated;
- (e) As a result of the above, the potential retail expenditure at the proposed Neighbourhood Centre is significantly overstated;
- (f) The economic impact assessment has been undertaken only at the qualitative level, with the expected quantitative table distributing the turnover of the proposed Neighbourhood Centre across the existing network missing;
- (g) The table upon which the impact assessment has been based (Table 4.5) appears to have been based only upon a 2,100m² retail centre (annual turnover of \$17.8m divided by productivity of \$8,490/m²), not a 4,500m² centre;
- (h) The defined catchment area of a gymnasium proposed to operate within a Neighbourhood Centre is too extensive, being defined as significantly exceeding that defined for the retail centre; and
- (i) The defined catchment area of a tavern proposed to operate within a Neighbourhood Centre is far too extensive, including Brunswick Heads, Byron Bay, Lismore and Evans Head.

Due to the very significant overstatement of the trade areas and their populations, the analysis and conclusions reached by the ENIA are not considered reliable or appropriate.

Analysis

It is my opinion that the appropriate Primary Sector should be as defined by the ENIA less the East Ballina and Angels Beach communities.

It is estimated that this amended Primary Sector has a current population of 1,600 persons, which would increase to about 3,000 persons at capacity (based upon the current LEP zonings), indicating a future growth potential of 1,400 persons. From a tourist perspective, this amended Primary Sector appears to only contain a single caravan park, suggesting that the amended Primary Sector would primarily be occupied by permanent residents.

The proposed Neighbourhood Centre should therefore provide for the convenient Neighbourhood Centre needs of a capacity population of 3,000 persons and it is relevant to note that impacts upon other centres would be ameliorated by the expected future addition of 1,400 persons within this amended Primary Sector (as well as to areas outside this Sector).

Whilst my views about the relevant catchment area are at significant odds with the approach taken by MacroPlanDimasi, the market shares that I would apply to the smaller amended Primary Sector are larger than MacroPlanDimasi has applied to its much larger catchment areas. It is for this reason that the extent of floorspace recommended by this Peer Review are only a little less than recommended by MacroPlanDimasi.

It is my opinion that the following facilities are supported at the proposed Neighbourhood Centre at capacity (based upon current LEP zonings):

- (a) A retail centre of up to 2,500m², to be anchored by a supermarket of up to 1,500m²;
- (b) Supporting commercial facilities (including medical) of up to 1,000m²;
- (c) A childcare centre (50 places) of about 500m²;
- (d) A gymnasium of about 300m²; and
- (e) A small tavern of about 700m².

Retail and commercial floorspace at the proposed Neighbourhood Centre should therefore be limited to 5,000m². Facilities of this scale are not considered to have a negative impact upon surrounding designated centres. The proposed additional population of 1,400 persons would be expected to generate demand for about 3,000m² of retail floorspace, which is slightly in excess of that proposed.

I consider that there is an anomaly with respect to the Floor Space Ratio of 0.8:1 discussed in the Planning Proposal. Whilst a Floor Space Ratio of this scale may be appropriate for congested urban areas of Sydney or for Centres that contain significant residential elements on upper levels, this Floor Space Ratio is considered excessive for a Neighbourhood Centre located in a developing coastal 'sea change' community. It is also unlikely that this scale of centre would warrant the provision of significant internal malls, such that there should be no material difference between the GFA and NLA of the Neighbourhood Centre. It is considered that a combination of mostly ground floor retail and commercial facilities and at-grade car parking would drive a Floor Space Ratio in the order of 0.3:1 to 0.4:1 as being appropriate. The result is that whilst I consider that a retail and commercial floorspace of about 5,000m² (NLA) to be supportable on the site at capacity, I also consider that the appropriately sized site to accommodate that floorspace should be in the order of 1.3ha and not 870m² (as set by the current LEP).

Conclusion

The ENIA is considered to be fundamentally flawed by defining a series of catchment areas that grossly exceed the proposed status of a Neighbourhood Centre and ignore the established retail hierarchy. Its conclusions are therefore considered optimistic and cannot be relied upon. In addition, despite the ENIA's quantitative analysis supporting only 3,000m² of retail floorspace, it then reaches a conclusion that the retail centre should be between 3,000m² and 4,500m² in size, resulting in a total recommended floorspace of between 5,250m² to 7,450m², with the Planning Proposal then urging the Council to accept that this supports an ultimate floorspace of 10,800m² on the site.

It is my opinion that the proposed Neighbourhood Centre should comprise the following elements at capacity (based upon current LEP zonings):

- (f) A retail centre of up to 2,500m², to be anchored by a supermarket of up to 1,500m²;
- (g) Supporting commercial facilities (including medical) of up to 1,000m²;
- (h) A childcare centre (50 places) of about 500m²;
- (i) A gymnasium of about 300m²; and
- (j) A small tavern of about 700m².

Such a Neighbourhood Centre should have a maximum retail and commercial floorspace of 5,000m² (NLA), which only requires a land area of about 0.63ha at a Floor Space Ratio of 0.8:1. However, a Centre of this scale in this location would normally be expected to provide significant at-grade car parking and outdoor areas for the childcare centre and tavern, such that a land area of about 1.3ha would be needed to provide a workable Neighbourhood Centre in this location accommodating 5,000m² of retail and commercial floorspace.

The allocation of 1.3ha of land for a Neighbourhood Centre at this site is therefore supported if the Floor Space Ratio (for retail and commercial elements) were to be reduced to 0.4:1 in order to avoid adverse economic impacts upon surrounding centres.

I trust that I have sufficiently addressed the requirements of the Peer Review. Should you have any queries, please do not hesitate to contact me.

Yours faithfully
Norling Consulting Pty Ltd



Jon Norling
Director