



Notice of Environmental & Sustainability Committee Meeting

Notice is hereby given that a Environmental & Sustainability Committee Meeting will be held in the **Ballina Shire Council Chambers** Cnr Cherry & Tamar Streets, Ballina on **Thursday 10 March 2011 commencing at 4.00 pm**

Business

1. Apologies
2. Declarations of Interest
3. Deputations
4. Committee Reports

A handwritten signature in black ink, appearing to read 'Stephen Barnier', with a small dot below the end of the signature.

Stephen Barnier
Group Manager
Strategic & Community Services

Table of Contents

1.	Apologies	1
2.	Declarations of Interest.....	1
3.	Deputations.....	1
4.	Committee Reports.....	2
4.1	West Ballina Planning Study and Structure Plan	2

- 1. Apologies**
 - 2. Declarations of Interest**
 - 3. Deputations**
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- 1. Apologies**

- 2. Declarations of Interest**

- 3. Deputations**

4. Committee Reports

4.1 West Ballina Planning Study and Structure Plan

File Reference	West Ballina Planning Study and Structure Plan
CSP Linkage	Diverse and balanced land use
Delivery Program	Strategic Planning
Objective	To seek direction with respect to the implementation of the West Ballina Planning Study and Structure Plan.

Background

Council considered the future planning framework for the area the subject of the West Ballina Planning Study and Structure Plan (see Attachment 1) at its Ordinary Meeting held on 24 February 2011. The matter was reported to Council as its previous resolution on the study and plan has been difficult to implement given it is uncertain whether Council is seeking incorporation of all, part or none of the study and plan outcomes into its local planning policy.

With respect to the above, Council resolved as follows [Minute No. 240211/11]:

"That a workshop be held followed closely by an Extraordinary meeting to review material relating to the West Ballina Planning Study and Structure Plan."

This meeting of the Environmental and Sustainability Committee constitutes the workshop sought in accordance with the above resolution. An extraordinary meeting of Council has been scheduled for 17 March 2011 to consider the recommendations of the Committee.

The purpose of this meeting is to seek direction from the Committee with respect to the establishment of a strategic framework for future land use in the West Ballina locality. This involves identification of land in the area that is, and is not, considered to have potential for future urban land use. It also involves identification of other desired planning outcomes for the area, such as environmental management. The establishment of a strategic planning framework for the locality does not mean that the land will certainly be rezoned for urban purposes or that urban development that is proposed on the land will receive approval.

The report to Council's February Ordinary Meeting (contained in Attachment 1) outlines the history associated with the West Ballina Planning Study and Structure Plan, provides an overview of the content of the study and plan and outlines several options that are available with respect to the future planning framework for the study area. Given this, it is considered that this report remains a sound basis for examination of the relevant issues associated with the study and plan. The February 2011 report will be supplemented by a

4.1 West Ballina Planning Study and Structure Plan

presentation from the Strategic and Community Services Group on the key issues during the Committee meeting.

The Strategic and Community Services Group remains of the view that it is appropriate, and indeed desirable, to establish a planning framework for the West Ballina locality. The West Ballina Planning Study and Structure Plan is the outcome of a comprehensive and objective environmental assessment of the study area through the application of substantial public resources.

As outlined in the attached report, it is advantageous for Council to establish a clear position in relation to the West Ballina Planning Study and Structure Plan and future land use in the West Ballina area at this time as Council has an opportunity to provide direct input into the current review of the Far North Coast Regional Strategy (FNCRS). In this regard, Council has been asked by the Department of Planning to provide its feedback and comments to the review by the end of March 2011. It is important to note that opportunity to influence the FNCRS outside this timeline will likely be very limited.

Key Issues

- Status of the West Ballina Planning Study and Structure Plan.
- Council position with respect to potential urban land identified in the FNCRS at West Ballina.

Information

The background, content and options associated with the West Ballina Planning Study and Structure Plan are canvassed in the report to Council's February 2011 Ordinary Meeting contained in Attachment 1.

Legal / Resource / Financial Implications

Legal, resource and financial implications associated with the West Ballina Planning Study and Structure Plan are addressed in the report to Council's February 2011 Ordinary Meeting contained in Attachment 1.

Consultation

The West Ballina Planning Study and Structure Plan has been the subject of an extensive community and stakeholder engagement program. Landholders in the study and structure plan area and those who made submissions to the exhibition of the document have been notified of this Committee meeting and the scheduled associated extraordinary meeting of Council.

In response to a notification of Council's February 2011 Ordinary Meeting sent to stakeholders, Council has received three items of correspondence. These items are contained in Attachment 2 for the information of Council. The recommendation of this report has had regard for the matters raised in the correspondence. With respect to the submission from the Department of Environment, Climate Change and Water, it should be noted that the matters raised in their correspondence were previously addressed in reporting to the 9 December 2009 meeting of Council's Environmental Committee.

Options

Options with respect to Council's articulation of a clear planning policy for the West Ballina locality are canvassed in the report to Council's February 2011 Ordinary Meeting contained in Attachment 1. In summary, the options canvassed are as follows:

1. Maintain the status quo (current potential urban footprint).
2. Adopt the West Ballina Structure Plan (smaller overall potential urban footprint).
3. No further urban development in the locality (no potential urban footprint).

It is recommended that the Committee support the adoption of the West Ballina Planning Study and Structure Plan for the reasons outlined in the February 2011 report to Council.

RECOMMENDATIONS

1. That Council adopt the West Ballina Planning Study and Structure Plan (excluding its application to Lots 1 and 2 DP 543357) as a basis for local urban land release planning and land management policy.
2. That Council advises the Department of Planning of its adopted policy for the West Ballina locality and seeks recognition of this policy in the current revision of the Far North Coast Regional Strategy.

Attachment(s)

1. West Ballina Planning Study and Structure Plan - Report to Council's Ordinary Meeting of 24 February 2011.
2. Correspondence received in relation to reporting of West Ballina Planning Study and Structure Plan in February 2011.

West Ballina - Planning Study and Structure Plan

West Ballina - Planning Study and Structure Plan

File Reference	West Ballina Planning Study and Structure Plan
CSP Linkage	Diverse and balanced land use
Delivery Program	Strategic Planning
Objective	To seek Council's direction with respect to the implementation of the West Ballina Planning Study and Structure Plan

Background

Council commenced preparation of a planning study and structure plan for the West Ballina locality in July 2007 and concluded the project in December 2009. The locality examined in the study and plan includes the land bound by North Creek Canal and the Pacific Highway Ballina Bypass alignment and the two arms of the existing Pacific Highway. The aim of the project was to establish a strategic approach to future land use in the locality, including, but not limited to identification of land that may be suited to future urban development (subject to further and more detailed investigation).

It was intended that Council would establish a strategic framework for the locality to provide direction for interested parties with respect to potential land use options, addressing both where Council considers that there is, and is not, potential for urban land uses. The process involved a number of key steps including those outlined below:

- Council resolved at its July 2007 Ordinary Meeting to support the preparation of a structure plan for the West Ballina locality [Minute No.260707/9]. This followed earlier consideration of a range of planning issues at West Ballina in April 2007.
- Council engaged planning consultants King and Campbell to carry out the study and structure plan process. King and Campbell commenced preparation of the study and structure plan in October 2007.
- King and Campbell undertook initial site investigations, study area analysis and targeted stakeholder engagement (including landholders, interest groups and government agencies) in late 2007. Subsequently, additional and more detailed information was sought in relation to flooding.
- Council engaged BMT WBM to carry out flood investigations in mid 2008, with this phase of the project taking an extended period of time to complete as it needed to be considered in the context of broader floodplain planning being undertaken in the shire.
- BMT WBM completed a Flood Impact Assessment for the study area in May 2009. Subsequently, King and Campbell completed a draft Planning Study and Structure Plan for the West Ballina locality, including consideration of the outcomes of the flooding assessment.
- Draft West Ballina Planning Study and Structure Plan endorsed for public exhibition by Council in May 2009.

4.1 West Ballina Planning Study and Structure Plan

West Ballina - Planning Study and Structure Plan

- Public exhibition of the Draft West Ballina Planning Study and Structure Plan between 18 June 2009 and 14 August 2009.
- Public exhibition, submissions and finalisation of the Planning Study and Structure Plan considered by Council's Environmental Committee on 9 December 2009. The Environmental Committee recommended as follows:
 1. *That Council receive the West Ballina Planning Study and Structure Plan incorporating the recommendations set out by King and Campbell in Attachment 1, subject to point 2 below.*
 2. *That the West Ballina Planning Study and Structure Plan incorporate text (as contained in this report) that specifically addresses the need for future site investigations to address projected sea level rise.*
 3. *That Council advises the Department of Planning of the receipt of the West Ballina Planning Study and Structure Plan and seeks advice with respect to amendment of the Far North Coast Regional Strategy to reflect the study and plan outcomes.*
 4. *That Council records its concerns as to the significant constraints that exist in the study area.*

The recommendation of the Committee was adopted by Council at its December 2009 Ordinary Meeting, with the Council resolving as follows [Minute No.171209/32]:

That Council confirms the minutes of the Environmental Committee meeting held 9 December 2009 and that the recommendations contained within the minutes be adopted and that Council expresses its concerns regarding the potential development of Areas B & C of the West Ballina Structure Plan.

The resolution of Council has been generally interpreted as follows:

- The West Ballina Planning Study and Structure Plan is complete.
- The study and plan are to be used as a tool to inform other planning policy (such as Council's Local Growth Management Strategy) with respect to land within and surrounding the study area.
- Planning considerations in the locality are to have regard for the concerns raised by Council with respect to constraints within the study area, particularly in relation to structure plan areas B & C (see Attachment 1).

Practically, the resolution of Council has been difficult to implement as it is uncertain as to whether Council is seeking the incorporation of all or part of the study and structure plan outcomes into its local planning policy. More specifically, it is difficult to ascertain whether Council supports further investigation into areas B & C or removal of these areas from further potential urban development considerations.

As such, there has been no further action to advance the implementation of the study and plan outcomes and this has created uncertainty for landholders within the study area and for staff in addressing enquiries relating to the area.

The status of the West Ballina Planning Study and Structure Plan is important as it influences the form and content of both Council's Local Growth Management Strategy (which is under preparation) and the way in which Council seeks to utilise and implement the NSW State Government's Far North Coast Regional Strategy (FNCRS).

West Ballina - Planning Study and Structure Plan

It is also important as a tool to provide advice in response to enquiries about land and activities in the study area with respect to the planning outcomes envisaged for the land.

Significantly, the Department of Planning is currently undertaking a review of the FNCRS and has invited Council to provide comment and information regarding the application of the Strategy over the forthcoming planning period.

The Department of Planning has advised that it requires Council's feedback in relation to the FNCRS by the end of March 2011. As such, the time available to address the status of the West Ballina Planning Study and Structure Plan is limited.

Importantly, other key areas within the shire are subject to policy and direction by virtue of existing strategic land use plans previously prepared and endorsed by Council.

This report addresses the status of the West Ballina Planning Study and Structure Plan and the relationship between the FNCRS and the West Ballina Planning Study and Structure Plan.

Key Issues

- Status of the West Ballina Planning Study and Structure Plan.
- Council position with respect to potential urban land identified in the Far North Coast Regional Strategy at West Ballina.

Information

West Ballina Planning Study and Structure Plan

The West Ballina Planning Study and Structure Plan seeks to provide direction for future land use in the study area. The planning has been undertaken in response to an identified need for a long term strategic planning framework for the area based on the characteristics of the land.

This is similar to other strategic land use planning work commonly undertaken by Council, with recent examples including the Lennox Head Community Aspirations Strategic Plan and Structure Plan, the Wardell Strategic and Land Use Plan, the Cumbalum Structure Plan and the Southern Cross Precinct Master Plan. Such plans provide clarity and direction for Council, the community, landholders and potential developers with respect to land use planning policy for the shire.

At present, the absence of a clear Council position with respect to the status of the West Ballina Planning Study and Structure Plan means there is a significant gap in the local land use planning policy framework.

The West Ballina Planning Study and Structure Plan examines the characteristics of the study area and identifies potential future land use outcomes as a basis for Council's urban planning policy in the area. In summary, the West Ballina Planning Study and Structure Plan provides for the following:

West Ballina - Planning Study and Structure Plan

- An area that is considered suitable for further investigation with respect to employment based land uses;
- Land for open space and sporting facilities;
- Land that has potential for a highway service centre;
- Land that has potential for the expansion of manufactured home uses;
- Opportunities for environmental repair and enhancement, particularly in the vicinity of Fishery Creek;
- Land potentially suitable for temporary uses such as festivals and expos;
- Land for continued agricultural production;
- Key infrastructure in the locality including the Ballina Waste Water Treatment Plant (WWTP), flood outlets and the Western Arterial road connection (subject to further investigation); and
- Future steps and processes required to establish urban land uses in the areas identified as having potential for such uses.

Attachment 1 contains a copy of the structure plan for the study area.

Importantly, the study and plan were prepared as a first step in planning for future development and activity in the study area. As such a range of further investigations are advocated by the study including in relation to:

- Flood impact and management
- Implications of climate change and sea level rise
- Employment related land use demand
- Cycleway and road network feasibility
- Land use within the buffer to the WWTP and
- Site ecology.

It is envisaged that such investigations would be undertaken by potential land developers in seeking to have the land rezoned. This process is currently employed by Council in relation to other rezoning requests in the shire.

Furthermore, the implementation of the structure plan, and ultimately development of land based on the plan is dependent on completion of four key steps being:

- Adoption of the study and plan outcomes into Council's local urban land release policy
- Amendment of the FNCRS to enable development of land outside identified 'Town and Village Growth Boundaries'
- Amendment of Council's local environmental plan to apply a suitable zoning regime to the land to reflect the study and plan; and
- Assessment (and associated approval) of development applications for proposed land uses.

This report seeks direction with respect to the address of the first two steps in the above list.

4.1 West Ballina Planning Study and Structure Plan

West Ballina - Planning Study and Structure Plan

In considering the study and plan it is important to view it not only in terms of where it envisages that future development may occur, but also in terms of where it indicates that urban development is not suitable.

It is also considered important to recognise the various elements of the plan that extend beyond urban development such as the environmental repair and temporary land use (e.g. festival and expo) related outcomes that are identified.

Far North Coast Regional Strategy

The FNCRS establishes the State Government's strategic level planning policy for the Far North Coast region, including Ballina Shire. Of key importance, the Strategy identifies 'Town and Village Growth Boundaries' which identify land that has potential for urban development (including employment lands).

This is significant for several reasons including:

- It sends signal to landholders that certain areas are considered suitable for detailed investigation with respect to future urban development;
- Future urban development considerations east of the Pacific Highway are limited to areas within the 'Town and Village Growth Boundaries'. Areas west of the highway must meet sustainability criteria if development is proposed outside the 'Town and Village Growth Boundaries' (this is likely to be difficult); and
- Council is required to establish local planning policy that reflects the potential for urban development on the identified land.

Therefore, the FNCRS directs Council in relation to its urban land release planning. This in turn influences Council's progress towards the achievement of its goals as set out in its Community Strategic Plan. As such, opportunities to feedback into the Strategy content and policy are highly desirable and it is suggested that Council maximise its participation in the current review process (as outlined above, feedback is required by the Department of Planning by the end of March).

In particular, Council has not yet established a clear planning policy for the West Ballina locality and the current FNCRS review process offers another opportunity to do so. Moreover, if Council elects not to establish a local planning policy and feed this into the Strategy, the State Government will likely set the policy for Council and this is likely to be a reflection of the historic arrangements.

The historic identification of land with urban development potential in the locality is problematic as it does not reflect Council's most contemporary investigations into the capabilities of the land (which indicates much of the land is not suited to urban land uses), nor does it reflect item four of the December 2009 Environmental Committee recommendation or the subsequent December 2009 Council resolution which indicates concern with constraints in the study area and the potential development in areas B and C of the structure plan.

It was interpreted from the discussion in arriving at this resolution that Council's primary concern in the area is flooding and sea level rise.

4.1 West Ballina Planning Study and Structure Plan

West Ballina - Planning Study and Structure Plan

More specifically, the FNCRS identifies a total of some 113 hectares in the eastern portion of the study area as potentially suitable for employment lands and other urban development (Attachment 2).

The West Ballina Planning Study and Structure Plan was specifically designed (in part) to address whether or not this is appropriate and provide a refined planning policy for the future of the locality given a substantial level of interest and enquiry relating to the locality in recent years. The study and plan indicates that a smaller footprint for potential urban development is more appropriate and provides some specific guidance with respect to other areas between North Creek Canal and the Ballina Pacific Highway Bypass (Attachment 1).

The total area identified as having potential for employment or residential uses (being areas A, B, C and E) is approximately 40 hectares, compared to the current area of approximately 90 hectares identified in the FNCRS and reflected in Council's LEP and Urban Land Release Policy (excluding Council's WWTP and land zoned for environmental protection purposes).

On the basis of the above, the area identified for potential urban development (exclusive of sports fields) has been reduced under the structure plan by approximately 55%.

In considering the potential development area under the structure plan, it should be noted that the footprint identified by the structure plan is a different shape to the employment land area nominated in the FNCRS. Most notably, the structure plan extends the footprint for employment lands west towards Fishery Creek, includes a highway service centre site near Teven Road and provides for expansion of the Riverbend manufactured home estate, whilst reducing the footprint immediately north and to the south of the Ballina WWTP.

The central issue for Council is that with the current uncertainty regarding the status of the West Ballina Planning Study and Structure Plan, staff are not able to provide the Department of Planning with a definitive position regarding the 'Town and Village Growth Boundary' intended in the locality.

In the absence of a clear Council position, the Department will likely maintain the existing growth boundary footprint. This effectively advocates landholder investigation in relation to a substantial area of land that has been identified as unsuitable for urban development in the West Ballina Planning Study and Structure Plan.

This approach is not consistent with Council's concerns about the constraints applicable to the study area, or Council's most contemporary land use investigations in the locality.

United Petroleum Site - Pacific Highway West Ballina

United Petroleum has an interest in Lots 1 and 2 DP 543357 located on the Pacific Highway adjacent to Fishery Creek (Attachment 3). This land is identified for retention in its current state (being undeveloped land) in the West Ballina Planning Study and Structure Plan. In response to this, the Draft Ballina Local Environmental Plan 2010 proposes the application of an E3 Environmental Management zone to the land.

West Ballina - Planning Study and Structure Plan

In response to the public exhibition of the Draft LEP, United Petroleum has sought a review of the proposed zone arrangement with a view to having an urban zone applied to the land.

In this regard, it should be noted that the land is currently zoned 2(a) Living Area under the Ballina Local Environmental Plan 1987 and has been the subject of approvals for a service station and motor showroom in the past. Given the above, the LEP Project Team is reviewing the land use zone arrangement to be established for this land under the Draft LEP.

Preliminary analysis of the circumstances relating to the land suggest that there may be merit in the application of an urban zone to the two lots particularly given their proximity to the proposed B6 Enterprise Corridor zone along the Pacific Highway. Hence, it is considered appropriate that the review process be concluded prior to finalising the planning direction for this land.

Having regard for the review being undertaken into Lots 1 and 2 DP 543357, it is considered reasonable that if Council seeks to adopt the West Ballina Planning Study and Structure Plan, that it does so with the exclusion of the abovementioned lots, with the land use framework for this land to be determined via the LEP renewal program.

It should be noted that there have been other submissions to the Draft LEP seeking outcomes that are not consistent with the West Ballina Planning Study and Structure Plan. With respect to these submissions, it is considered that the West Ballina Planning Study and Structure Plan provides an appropriate land use planning framework and as such, no other alterations to the study and plan are recommended. Further information will be provided with respect to these matters as part of the submissions reporting associated with the Draft Ballina LEP 2010.

Sustainability Considerations

- **Environment**

The West Ballina Planning Study and Structure Plan has sought to provide balanced land use planning outcomes in the study area. The absence of a clear policy position makes it difficult to achieve this balance and ensure that Council's intended approach is adequately reflected in local and State planning policy.

The absence of a clear policy creates difficulty in promotion of sustainable land use planning for the study area.

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

There are no specific legal implications associated with the study and plan.

West Ballina - Planning Study and Structure Plan

Non articulation of a clear planning policy is likely to result in continued unnecessary application of staff resources to the management of enquiries and may lead to landowner and other investor expenditure based on uncertain policy.

Consultation

The West Ballina Planning Study and Structure Plan was the subject of an extensive community and stakeholder engagement program. Landholders in the study and plan study area and those who made submissions to the exhibition of the document have been notified of this report.

Options

Given the above, it is considered appropriate that Council clearly articulate its policy with respect to planning in the West Ballina locality. In this regard, the general policy positions available are as follows:

Option 1 Maintain the status quo.

This approach would mean no change to the FNCRS and effectively abandoning the detail of the structure plan. The effect of this position would be the retention of a potential urban footprint for investigation over land around the Ballina WWTP. This position would continue to allow for a highway service centre at the Teven Road Interchange subject to development approval (on the basis of an existing Ministerial Direction under s117 of the *Environmental Planning and Assessment Act*).

Retention of the status quo is effectively sending a signal to landholders and other interested parties that the area identified in the FNCRS is suitable for further investigation until such time as Council articulates its local policy. This approach does not acknowledge the known constraints and outcomes of the structure planning process investigations that have been undertaken in the locality.

Option 2 Adopt the West Ballina Structure Plan and seek adoption of a smaller footprint for potential urban development under the FNCRS.

This approach would mean the incorporation of a smaller potential urban development footprint in the West Ballina area into Council policy. This would then be used as a basis for discussion with the Department of Planning regarding the application of a smaller footprint under the FNCRS.

It should be noted that this approach would also involve identification of land as having potential for a highway service centre and minor expansion to the Riverbend manufactured home estate.

The structure plan also incorporates a number of other features that would also be incorporated into Council's planning policy (see above for summary list under the 'Information' heading). A copy of the West Ballina Structure Plan showing the potential development footprints is contained in Attachment 1.

4.1 West Ballina Planning Study and Structure Plan

West Ballina - Planning Study and Structure Plan

In examining the potential urban development footprint recommended under the structure plan, it is important to recognise previous decisions of Council that support or provide for key public infrastructure in the study area including augmentation of the Ballina WWTP and the establishment of the Western Arterial road link.

In considering this option, it is also important to note that endorsement of a potential urban development footprint does not mean that development may occur on the land. Rather, it means that landholders may proceed to undertake detailed investigations into the capability of the land for a proposed purpose.

Council is not required to apply an urban zone or approve applications for development until such time as it is satisfied that the land is suitable for the proposed urban purpose.

This approach is considered appropriate as it best reflects the most contemporary information known about the study area whilst requiring landholders to undertake the detailed studies necessary to progress future urban development on the land.

If Council is of the view that it is reasonable to enable the investigation of some parts of the study area further, it is recommended that Council adopt the West Ballina Planning Study and Structure Plan.

This approach is considered to be the most balanced as it acknowledges several areas as being suitable for further investigations with respect to urban land use potential but provides for a reduction in the potential development footprint. It is also beneficial in that it establishes a clear Council policy for implementation.

In progressing this option, it is recommended that the United Petroleum site (Lots 1 and 2 DP 543357) on the Pacific Highway is excluded from the adoption of the West Ballina Planning Study and Structure Plan and that this matter be addressed via the LEP renewal program.

Option 3 Indicate that no further urban development should be contemplated in the West Ballina locality.

This approach would mean the complete removal of land in the West Ballina locality from Council's future land release planning policy. This approach is not considered appropriate as it does not reflect the outcomes of the West Ballina Planning Study and Structure Plan (which addressed flooding) and may limit opportunities for specific land uses such as a highway service centre.

If Council is of this view, it is recommended that Council take steps to seek removal of the land in the structure plan study area as having urban development potential from the FNCRS.

Council could consider this approach with exceptions to support the concept of specific, low impact or community infrastructure type land uses in defined locations or confirm support for particular elements of the study and plan such as environmental repair works and/or temporary festival facilities.

4.1 West Ballina Planning Study and Structure Plan

West Ballina - Planning Study and Structure Plan

Summary

The potential urban footprints identified in the West Ballina Planning Study and Structure Plan are considered appropriate for adoption into local urban planning policy. The study and plan are based on a contemporary analysis of the capability of the land, specific analysis of flood implications and extensive community engagement.

It is recommended that Council adopt the West Ballina Planning Study and Structure Plan (with the exception of Lots 1 and 2 DP 543357) as the basis for its local urban land release and management policy for the structure plan study area.

However, regardless of the approach taken by Council, it is considered highly important that a clear policy is established in order to inform local planning outcomes and enable engagement in the review of the FNCRS in relation to the locality. Furthermore, the FNCRS requires Council to prepare a Local Growth Management Strategy and as such, Council is required to establish a policy for the West Ballina locality. Council is fortunate in that it has recently completed a strategic land use study and structure plan to guide this policy decision.

Once a clear planning policy is established, staff will be able to make submission to the Department of Planning with respect to the content of the FNCRS and specifically in relation to the 'Town and Village Growth Boundaries'.

RECOMMENDATIONS

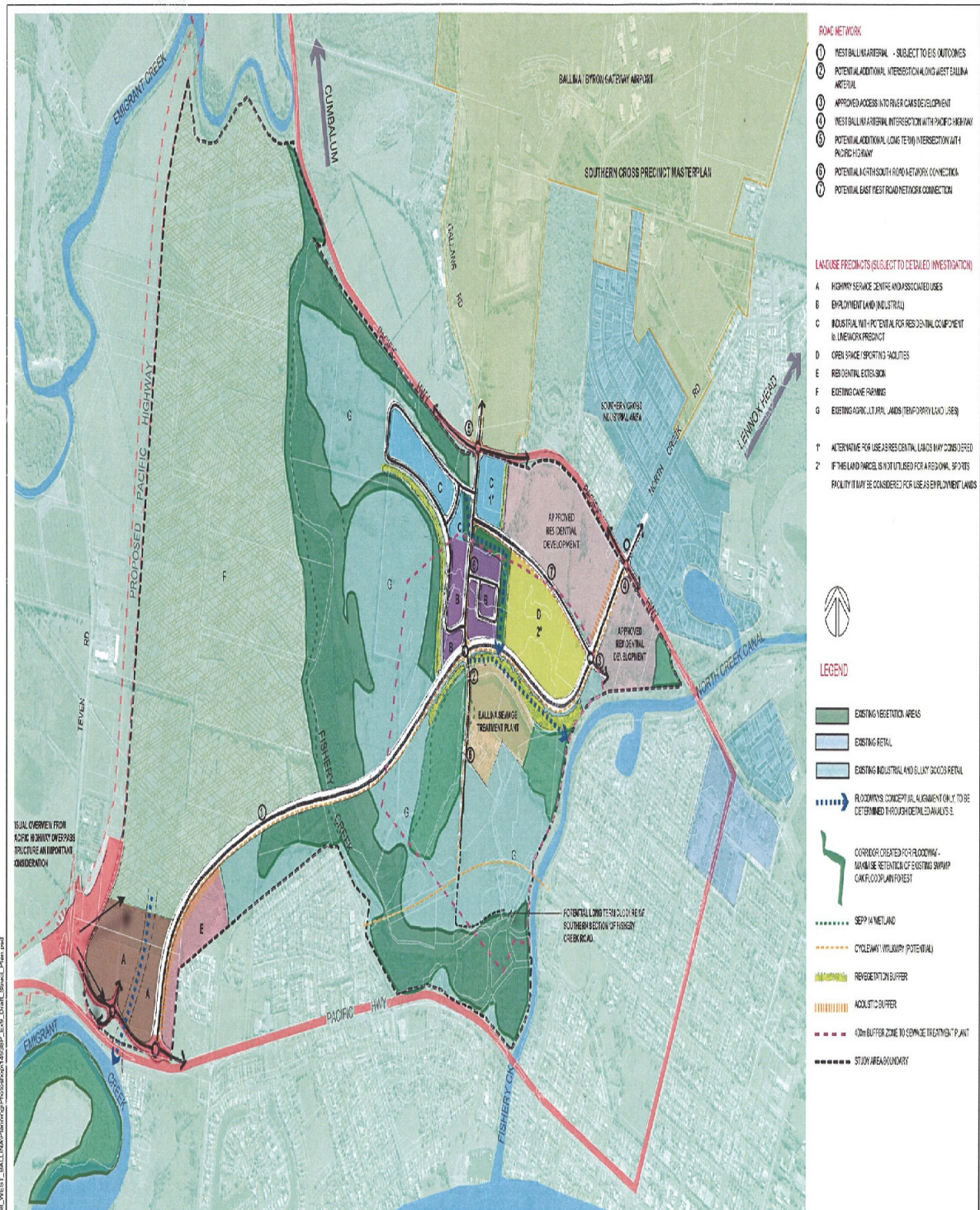
1. That Council adopt the West Ballina Planning Study and Structure Plan (excluding its application to Lots 1 and 2 DP 543357) as a basis for local urban land release planning and land management policy.
2. That Council advises the Department of Planning of its adopted policy for the West Ballina locality and seeks recognition of this policy in the current revision of the Far North Coast Regional Strategy.

Attachment(s)

1. West Ballina Structure Plan Map.
2. Far North Coast Regional Strategy Town and Village Growth Boundaries.
3. Lots 1 and 2 DP 543357 - United Petroleum.

4.1 West Ballina Planning Study and Structure Plan

West Ballina Structure Plan Map.

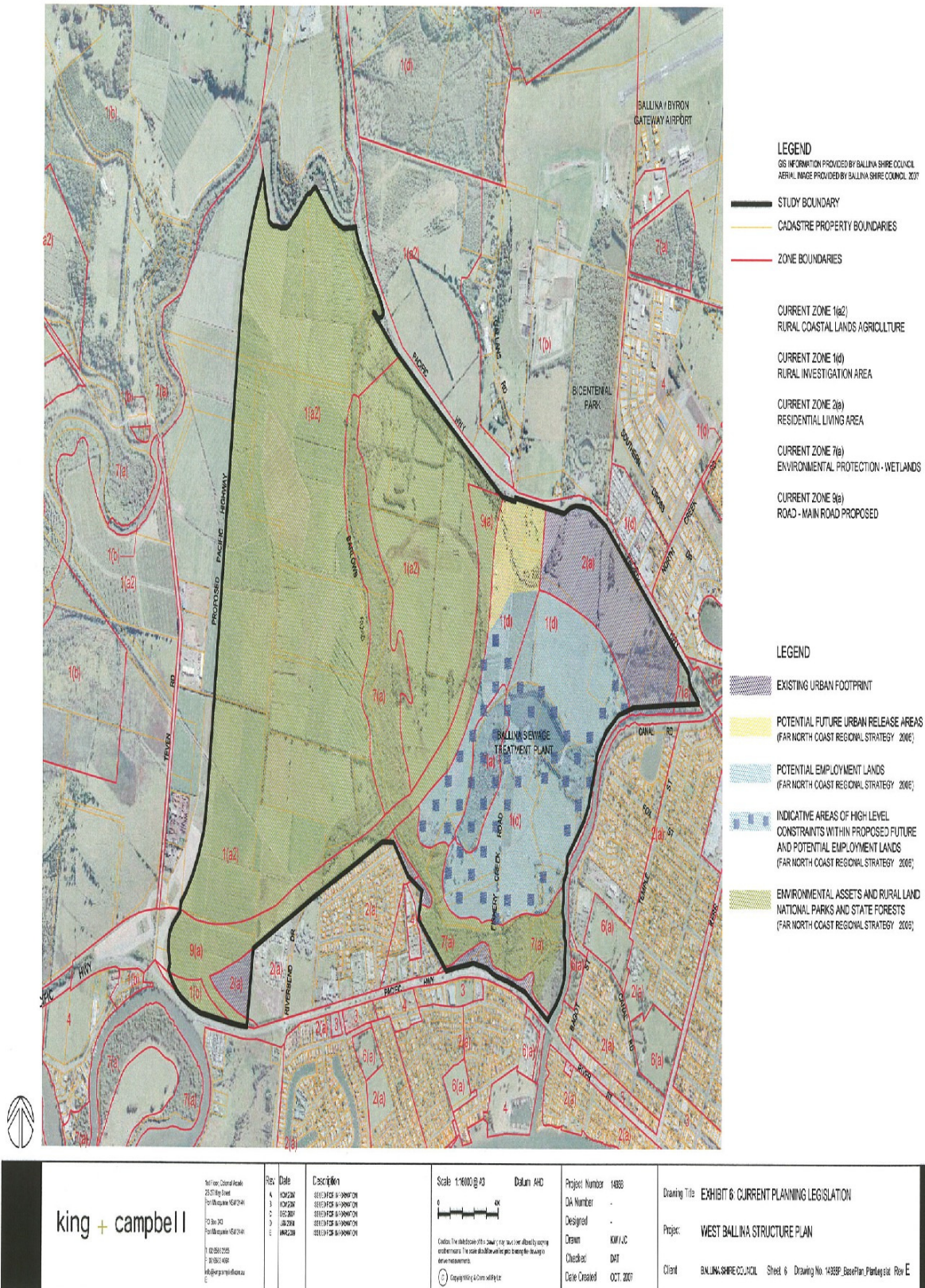


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	King & Campbell Pty Ltd www.kingandcampbell.com.au G/20 Kings & Campbell Place, Lakeside NSW 2244 T: 61 6381 2555 F: 61 6381 4064 E: info@kingandcampbell.com.au	<table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>24 JUL 2024</td> <td>ISSUED FOR INFORMATION</td> </tr> <tr> <td>B</td> <td>18 SEP 2024</td> <td>ISSUED FOR INFORMATION</td> </tr> <tr> <td>C</td> <td>02 OCT 2024</td> <td>ISSUED FOR INFORMATION</td> </tr> </tbody> </table>	REV.	DATE	DESCRIPTION	A	24 JUL 2024	ISSUED FOR INFORMATION	B	18 SEP 2024	ISSUED FOR INFORMATION	C	02 OCT 2024	ISSUED FOR INFORMATION	DATE: AHD SCALE: 1:15000 @ A3 	PROJECT NO: 14338 DRAWING TITLE: EXHIBIT 9: STRUCTURE PLAN DRAWN BY: DAT PROJECT: WEST BALLINA STRUCTURE PLAN CHECKED BY: PM CLIENT: BALLINA SHIRE COUNCIL DATE CREATED: OCT 2024	DRAWING NO: SHEET: REGION: WEST_BALLINA_Struct_Plan_09 1 C
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4.1 West Ballina Planning Study and Structure Plan

Far North Coast Regional Strategy Town and Village Growth Boundaries.



	2nd Floor, Central Arcade 25-27 King Street PO Box 244 Ballina NSW 2460 Tel: 02 6621 2225 Fax: 02 6621 4698 info@kingandcampbell.com.au	Rev Date Description 4 NOV 2010 REVISED TO 19/09/10 3 NOV 2010 REVISED TO 18/09/10 2 OCT 2010 REVISED TO 18/09/10 1 JUL 2010 REVISED TO 18/09/10	Scale 1:6000 @ A3 Datum AHD 0 100 200 Contour lines are shown at 1m intervals. The map is not a substitute for a site plan. The map is for information only. It is not to be used for any other purpose without the consent of King and Campbell.	Project Number 14839 DA Number - Designed - Drawn KIM/JC Checked DAT Date Created OCT 2007	Drawing Title EXHIBIT 6: CURRENT PLANNING LEGISLATION Project WEST BALLINA STRUCTURE PLAN Client BALLINA SHIRE COUNCIL Sheet 6 Drawing No 14839P_BasePlan_PlanLegisl_Plan E
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Lots 1 and 2 DP 543357 - United Petroleum.



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GR/KH

22 February 2011

Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr M Wood

Dear Sir

RE: WEST BALLINA PLANNING STUDY AND STRUCTURE PLAN – COUNCIL REPORT

We are the developers of the Ferngrove Ballina residential estate and confirm having received your letter dated 10 February 2011.

There are a number of matters and concerns which we wish to raise regarding the West Ballina Planning Study and Structure Plan as follows:-

1. The Structure Plan (Exhibit 9), Ref. Sheet 1, Revision 'C', does not show the Sports Oval and playground area which forms part of our development. This is located in the Area 'D' shown on the plan.
2. We note that the land use for Area 'C' on the Structure Plan to the west of our development is 'Industrial with potential for residential component, ie. live/work precinct'. We do not believe that this is appropriate given that it will abut our residential area. As a minimum, we would therefore request that a substantial buffer be provided, eg. trees/nature strip between our residential development and any future industrial development.
3. We would not be happy that the entry road to our estate, ie. Network Road 7 on the Structure Plan, be considered an east-west road network connection as shown as this has the potential to cause traffic congestion and noise in our residential estate. This will be a particular problem if the road is used for access to the proposed industrial area. This would inevitably generate unwelcome truck access through our estate.
4. We would point out that Area 'D' on the Structure Plan has a number of easements which are used for Ferngrove Ballina storm drainage, sewer drainage and floodway as well as Country Energy easements for overhead power lines. Clearly these cannot be disturbed.

We trust you will consider the above points before finalising the West Ballina Plan.

Yours faithfully



Geoff Rose

Matthew Wood

From: John Martindale [John.Martindale@environment.nsw.gov.au]
Sent: Friday, 18 February 2011 10:45 AM
To: Matthew Wood
Subject: West Ballina Structure Plan
Attachments: DOC0928716_DraftWestBallinaPlanningStudy_Aug09.doc

Hi Matthew

Reference is made to Council's letter dated 10 Feb 2011 advising that Council intends to reaffirm its support for the draft West Ballina Structure Plan. DECCW has nothing further to add in this respect beyond its formal comments provided by letter dated 7 August 2009 (copy attached). It would be appreciated if Council could refresh its consideration of this letter.

It is noted that the application of the FNC Regional Strategy is to be considered with respect to the review of the latter recently announced by DoP. DECCW supports this intent.

Regards John

John Martindale

Conservation Planning Officer North East Planning Unit |
Department of Environment and Climate Change | Phone 6659 8222 | Fax 6651 5356 | e-
mail john.martindale@environment.nsw.gov.au | Mail Locked Bag 914, Coffs Harbour NSW 2452 |

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25/02/2011

4.1 West Ballina Planning Study and Structure Plan

Your reference : West Ballina Locality Planning
Our reference : DOC09/28716 FIL07/9244
Contact : John Martindale 6659 8288
Date : 7 August 2009

Mr John Christopherson
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Matthew Wood

Dear Mr Christopherson,

DRAFT WEST BALLINA PLANNING STUDY AND STRUCTURE PLAN

I refer to your letter dated 15 June 2009 requesting comments from the Department of Environment Climate Change and Water (DECCW) on the draft West Ballina Planning Study and Structure Plan.

Far North Coast Regional Strategy 2006

A comparison of Exhibit 9 in the draft Structure Plan with Sheet 3 of the Department of Planning's Far North Coast Regional Strategy (the Strategy) suggests some clarification of several proposed land use precincts in the former is required where they remain subject to detailed investigation and/or are defined as existing temporary agricultural land use areas.

In particular, Precinct G is defined as existing cane farming subject to further investigation in the Plan yet is already committed in the Strategy to remain under a rural zoning. Similarly, Precinct H is defined as a temporary agricultural land use.

It is recommended that the Structure Plan be more definitive in its treatment of these precincts given the guidance already provided in the Strategy and the substantial amount of land (some 60% of the study area) involved. DECCW notes that both components are already constrained by flooding and sewage treatment buffer considerations and consequently may not be available for other uses in any case.

It is also noted that the proposed highway service centre (Precinct A) is located on rural lands under the Strategy where several records of the threatened Grass Owl occur (refer below). It is recommended that Council investigate the permissibility of such infrastructure under its revisions to the Local Environment Plan.

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

Locked bag 914
Federation House, Level 7, 24 Moonee Street
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187

4.1 West Ballina Planning Study and Structure Plan

Flora and Fauna

There are a considerable number of threatened species records for the subject site contained in the NSW Wildlife Atlas database, some of which were not listed in the ecological assessment by Peter Parker Environmental Consultants Pty Ltd (refer Table 1 of Section 2.1.6). These unlisted species include:

- Osprey (*Pandion haliaetus*) – numerous records
- Grass Owl (*Tyto capensis*) – numerous records
- Brolga (*Grus rubicunda*) – isolated records of single birds

Of particular concern are the many records for the Grass Owl in the south-western part of the site that were not identified in the assessment which is acknowledged by the consultant to be primarily based on a one day vegetation survey. There appears to be little emphasis on any fauna field surveys and no indication of any targeted nocturnal fauna assessment relating to the Grass Owl.

The abundance of records in this vicinity suggests that the site was once likely to provide permanent habitat for this vulnerable species. It is strongly recommended that a targeted survey be undertaken to identify whether the Grass Owl persists in this area and that a review of existing records and other more recent assessments in the vicinity, for example by the Roads and Traffic Authority, be undertaken. If the species is shown to persist then appropriate measures must be developed to promote its protection. This may include the exclusion of areas identified for future development and the subsequent protection of a suitable area of habitat for this species.

It is noted from examination of satellite imagery held by DECCW that urban development has recently occurred in the area to the west of Horizon Drive where Grass Owl records are most abundant. This area is currently labelled as Land Use Precinct 'E' on Exhibit 9: Draft Structure Plan, which is identified for further residential development.

It is also likely that the habitat of the Grass Owl will be further affected by the construction of the West Ballina Arterial Road, the Pacific Highway Deviation, the proposed Highway Service Centre and other associated uses. This reinforces the need to determine whether the Grass Owl persists on site and if so, the importance of protecting remaining habitat.

Endangered Ecological Communities

It is noted from the ecological assessment undertaken over the study area by Peter Parker Environmental Consultants Pty Ltd that four Endangered Ecological Communities (EECs) have been identified within the study area:

- Littoral Rainforest in the NSW North Coast Bioregion
- Swamp Oak Floodplain Forest of the NSW North Coast Bioregion
- River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast Bioregion
- Coastal Saltmarsh in the NSW North Coast Bioregion.

DECCW encourages the avoidance of impact on all EECs. Where the *in situ* protection of EECs is considered unachievable, the impact of clearing of EEC should be offset by the protection and ongoing management of an ecological community of comparable quality and suitable size in an off-site location. This principle also applies to Grass Owl habitat.

4.1 West Ballina Planning Study and Structure Plan

SEPP 14 Wetlands

It is noted from the examination of satellite imagery that State Environmental Planning Policy 14 – Coastal Wetlands numbers 123 and 126 occur within the subject area. It is further noted that a sizeable part of wetland 123 has been cleared of native vegetation, particularly on its eastern side. It is therefore recommended that works be undertaken to revegetate these degraded areas.

Additionally, DECCW recommends a 50 metre buffer adjacent to all SEPP 14 wetlands to separate incompatible land use, such as environment protection from urban and/or agricultural use of land.

Aboriginal Heritage Assessment

Despite the statements made in the West Ballina Planning Study and Structure Plan, DECCW has identified one registered Aboriginal site within the West Ballina study area. The site lies to the west of the Sewage Treatment Plant (STP).

Given the known location of this site and the potential for more archaeological deposits to occur, it is recommended that, rather than waiting for the Development Application stage to determine the occurrence of these features, an archaeological and cultural heritage assessment be undertaken, with the involvement of the relevant Aboriginal stakeholders, to inform the structure planning process. This would provide a better opportunity to identify and manage archaeological and/or cultural resources than is possible by pursuing the Section 90 Consent to Destroy process, in accordance with Part 6 of the *National Parks and Wildlife Act 1974*.

Flood Impact Assessment

DECCW understands that two flood impact assessments, dated 2007 and 2009, have been conducted in the West Ballina area and the adjacent Southern Cross Precinct by BMT-WBM P/L. Both assessments have concluded that on-site mitigation, by itself, is insufficient to mitigate the impacts of the development and that off-site measures would be required.

DECCW agrees with this conclusion and supports the need for a broader floodplain management approach to mitigating cumulative development in the floodplain. It is noted that Ballina Shire Council is currently undertaking a more holistic Floodplain Risk Management Study and Floodplain Risk Management Plan. This Plan should consider not only the potential impacts of increased rainfall on the North Coast but also the implications of longer term sea level rises. DECCW supports this initiative and recommends that any outcomes be considered in finalising the current West Ballina Planning Study and Structure Plan.

Thank you for the opportunity to provide comment on the Planning Study and draft Structure Plan. If you have any further enquiries please contact John Martindale, Conservation Planning Officer, on telephone 6659 8288.

Yours sincerely

ESTELLE BLAIR
A/Unit Head Planning, North Coast
Planning and Aboriginal Heritage - North East
Environment Protection and Regulation

4.1 West Ballina Planning Study and Structure Plan

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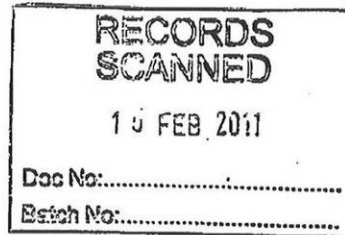


**Industry &
Investment**

Ref: OUT11/2250

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

Attention: Mr Matthew Wood



Dear Mr Wood

Re: West Ballina Planning Study and Structural Plan – Council Report

Thank you for your letter of 10 February 2011 updating the Fisheries Ecosystems Unit within Industry & Investment NSW (I&I NSW) on progress of the above mentioned plan.

In progressing the plan there is considerable scope for rehabilitation of some of the key fish habitats, such as SEPP14 Wetlands and other mangrove and saltmarsh areas that occur in the area covered by the plan. Rehabilitation of these areas and appropriate development with Water Sensitive Urban Design will also contribute to improved outcomes for SEPP 62 Priority Oyster Aquaculture Areas in North Creek.

Fisheries Ecosystems remains supportive of Council's efforts in developing the plan for this area of Ballina. Using the West Ballina Structural Plan as a basis for revision of the Far North Coast Regional Strategy is a sound approach. Fisheries Ecosystems anticipates working closely with Council as the Plan is realised.

Yours sincerely

A handwritten signature in black ink, appearing to read "Patrick Dwyer".

Patrick Dwyer
Fisheries Conservation Manager

14-2-11

Division of Primary Industries, Aquatic Habitat Protection Unit
1243 Bruxner HWY WOLLONGBAR NSW 2477
Tel: 02 6626 1397 Fax: 02 6626 1377
www.industry.nsw.gov.au

1 of 1

The original copy of this letter has been printed on both sides of the page to reduce waste of valuable natural resources