

Options Report

Proposed Bulky Goods Retailing Precinct Southern Cross Industrial Estate, Ballina

Prepared for: Ballina Shire Council
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1 Introduction

GeoLINK has been engaged by Ballina Shire Council to prepare a Planning Proposal for a bulky goods retail precinct at Southern Cross Industrial Estate, Ballina. The key objectives of this project are to:

- identify a preferred land use zone for the proposed bulky goods precinct at Southern Cross Industrial Estate;
- determine whether, having regard for the current Standard Instrument LEP, large format retail (LFR) land uses can be accommodated within the bulky goods precinct, and if so, the scope of such uses and associated mechanism(s) for permissibility; and
- implement the strategic planning framework for bulky goods retailing consistent with the recommendations in Ballina Shire Bulky Goods Retailing Investigations report prepared by Hill PDA and Council's associated resolution.

The Hill PDA report was finalised in January 2012 and documented the results of an investigation into demand for bulky goods and LFR premises in Ballina over the period 2011 to 2026. It concluded that Ballina is undersupplied by bulky goods and LFR floor space and supported a clustering of bulky goods uses at the nominated site at Southern Cross Industrial Estate. The report also provided an opinion that the B5 Business Development zoning would be appropriate in targeting and encouraging bulky goods uses.

The subject land

In adopting the recommendations of the Hill PDA report, Council resolved to prepare a planning proposal for the application of a suitable zone over Lot 951 DP1165266 and the proposed Lots 2 and 3 at the Southern Cross Industrial Estate.

2 Objectives of this report

In addition to resolving to prepare a planning proposal for the subject land, Council also resolved to investigate options *'in relation to the co-location of large format retail uses with bulky goods premises'*.

As such, this report has two key objectives:

1. To investigate whether LFR uses are appropriate for the subject land, in addition to bulky goods premises; and
2. To recommend the most appropriate future zoning of the land.

3 Definitions

The Standard Instrument LEP contains the following definition:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- a) a large area for handling, display or storage, and
 - b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,
- and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the*

sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

This definition has been adopted by the draft Ballina LEP 2011.

The situation is less clear regarding LFR uses. The Hill PDA report notes that *'there is no universal definition of large format retail (LFR) premises and the term is somewhat ambiguous, but it refers to a physically large retailer'*.

LFR is not specifically defined under either the Standard Instrument or the draft Ballina LEP 2011. Such a use, however, could be accommodated under the following definitions:

- Commercial premises;
- Retail premises; and / or
- Shop.

For the purposes of this report, LFR is considered to be a general retail use (i.e. a shop), with a floor space in excess of 1,000 m², where the goods for sale or hire do not have the requirements described in the bulky goods premises definition (i.e. by their nature, the goods do not necessarily require a large space).

4 Large Format Retail

The Hill PDA report demonstrates that demand exists for bulky goods and LFR floor space. It does not, however, clearly differentiate the demand between the two uses.

The report notes a general retail trend to larger premises and it is clear that demand exists for a range of retail types that do not fit the definition of bulky goods premises but that require relatively large areas for their establishment. Examples cited in the Hill PDA report include Aldi, Dan Murphy's, Coles, Woolworths, Spotlight, and JB Hi-Fi.

The Hill report notes the *'longstanding strategy to concentrate the predominant share of retail and business floor space within town centres'*. It further notes that both the State Government's Draft Centres Policy and Council's Retail Strategy adopt this strategy.

In relation to both bulky goods premises and LFR, however, the existing settlement patterns within the current retail centre, particularly in relation to the Ballina CBD, prevent the economic development of such large shops; a proponent would effectively need to purchase and amalgamate a number of existing sites. Even in the strongest of economies, this is a significant constraint to achieving bulky goods / LFR in a main street scenario.

While bulky goods premises are generally somewhat different to 'main street retail', LFR are more likely to be larger versions of retail types existing in the existing town centre. While Council needs to be careful not to implement planning controls that limit competition, it is a long accepted planning principal to strategically plan future zonings to protect and enhance town centres.

Lower land /capital / operating costs outside of the existing retail centres is likely to draw retail operators away from existing centres to set up within the 'cheaper' leasing arrangements offered by the site. As well as having a potentially detrimental impact on Ballina's existing retail centres, this also presents the potential that non-bulky goods retail uses are established on the subject land in preference to bulky goods, which would prevent Council's strategy of establishing a bulky goods precinct at the site.

Options

There are two available options in regard to LFR at the subject site:

1. Adopt a zoning that provides for such uses in addition to bulky goods premises; or
2. Adopt a more restrictive zoning that permits bulky goods premises, but prohibits LFR.



Option 1 – LFR permissible:

Assuming that a B5 zone is implemented, LFR could be accommodated by adding the definition of *shop* as a permissible use. Given that there is not a more definitive LFR definition, it would also be necessary to include an additional local provision in Part 7 of the LEP to limit the nature of shops in the B5 zone to those with a minimum floor space of 1,000 m².

Alternatively, rather than adding *shop* as a permissible use, it is possible to include LFR as a specific addition permitted land use for the subject land by inclusion of the appropriate clause in Schedule 1 of the LEP.

If a B5 zone is not adopted, a number of other business zones could be applied that permit both bulky goods retail premises and shops (i.e. B2 Local Centre, B3 Commercial Core, B4 Mixed Use). None of these zones, however, specifically target bulky goods premises as the desired future use, and could therefore impeded Council's intention for the subject land to become a bulky goods precinct. If one of these zones were to be used, a local provision would need to be added to limit the nature of shops to those with a minimum floor space of 1,000 m².

Option 2 – LFR prohibited:

To prevent future LFR uses, the B5 zone could be adopted with additions to ensure that a *shop* is a prohibited land use. This could be achieved by specifically listing *shop* under the *prohibited* heading, or by ensuring that all desired land uses are listed under *permitted with consent* and adding the words *any development not specified in items 2 or 3* under the *prohibited* heading.

Recommendation

The key concern with LFR uses is that they generally duplicate the type and range of existing retail within the town centre, albeit at a larger size. As such, establishing such uses outside of existing centres will have a direct and potentially detrimental impact on those centres.

In Ballina's case, retail is already fragmented across a number of geographically separate areas; the CBD, the Kerr Street precinct and West Ballina. It does not make planning sense to increase this fragmentation.

It is recommended therefore, that LFR uses are not included in the planning proposal for a bulky goods precinct at Southern Cross Industrial Estate.

5 Bulky Goods Premises

Bulky goods retailing is somewhat different to LFR in that, as a broad generality, it is less likely that these uses will replicate existing retail in the town centre.

Bulky Goods Retailing Zoning Options under the Current Draft Ballina LEP 2011

Under the current Draft Ballina LEP 2011, bulky goods premises would be permissible in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones. Each of these zones, however, has objectives that are aimed towards various levels of retail centre where a wide range of retail and commercial uses are permitted.

Options

In order to facilitate a bulky goods precinct at the subject site, the basic options are:

1. Adopt one of the existing zones listed above that allow for bulky goods premises as a permissible use amongst a range of other retail and commercial uses; or
2. Adopt a zone that is more specifically aimed at bulky goods, i.e. B5 Business Development.

Option 1 – Existing Ballina LEP 2011 zones:

As indicated above, there are a number of zones included in the draft Ballina LEP 2011 within which bulky goods retail is a permissible use. None of these zones, however, have objectives that specifically target bulky goods retail.

Council's adopted strategic intent is to facilitate a bulky goods precinct at the subject site. The more general zones could possibly achieve this, but the danger is that, with a much wider range of permissible land uses, general retail demand could see pressure for non-bulky goods uses in preference to the desired uses.

Option 2 – B5 zone:

The B5 - Business Development Zone, under the Standard Instrument Template, is considered a suitable zoning option for the bulky goods retailing precinct. The mandated zone objective specifically provides for 'bulky goods premises that require a large floor area', and bulky goods premises are specifically identified as permissible with consent.

The zone also has mandated provisions for uses such as *Child care centres, Passengers transport facilities and Respite day care centres*. Whilst these uses are not of a retail nature, the uses (other than retail uses) mandated within the B5 zone are less extensive than those mandated under the other business zones, reducing the incidence of competition for uses other than bulky goods retailing on the site.

Recommendation:

It is recommended that the subject land be zoned B5 Business development and that the development table for this zone, as set out in the Standard Template LEP, be incorporated into the Ballina LEP 2011, with the addition of a number of complementary permissible uses (see below) and the note *any development not specified in items 2 or 3* inserted under the *prohibited* heading.

6 Complementary Land Uses Supporting Bulky Goods Premises

As detailed in the Hill PDA Report, recent trends in bulky goods retail, indicates that these centres are complimented by smaller convenience uses, such as cafes, to increase consumer amenity. While it remains important to restrict complementary uses that may have a detrimental impact on existing retail centres, there are a number of uses that could be complementary to future bulky goods uses.

To enable complementary uses to those already mandated under the standard instrument, it is recommended that the B5 zone land use table be amended to add the following additional uses under the heading *permissible with consent*.

- Advertising structures;
- Kiosks;
- Restaurants and cafes;
- Take away food and drink premises; and
- Signage.



Ballina Shire Council

Planning Proposal – June 2012 draft

Southern Cross Industrial Estate Bulky Goods Precinct

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9.3 LEP Amendment - Bulky Goods Retailing Precinct.DOC

Introduction

Summary of Planning Proposal

This planning proposal applies to Lot 951 DP 1165266 and proposed Lots 2 and 3 (referred to as the site) at the Southern Cross Industrial Estate, Ballina. The site is shown on the locality map provided at **Appendix 1**.

Lot 951 is owned by Calardu Ballina No. 1 Pty Ltd, and the remainder of the site is owned by Ballina Shire Council. The proposed lots 2 and 3 are subject to an approval for the subdivision of the land (DA 2009/258).

The purpose of this planning proposal is to zone the site B5 Business Development Zone under Council's Standard Instrument LEP (currently the Draft Ballina Local Environmental Plan 2011 (DBLEP 2011)) to maximise potential for bulky goods retailing land uses, and therefore establish the site as a bulky goods precinct.

Planning Context

Council's Strategic Direction

In response to regular enquiries regarding the establishment of bulky goods premises within the Ballina Shire, Council progressed various studies and reports that ultimately identified the site as being suitable to establish a bulky goods precinct.

Council investigations' regarding strategic planning options for bulky goods premises began around 2004, and include:

- Ballina Shire Retail Showrooms and Bulky Goods Report (Core Economics, 2004);
- West Ballina Arterial Road/Industrial Estate Expansion Precinct Planning Discussion Paper (Ballina Shire Council, 2005);
- Southern Cross Precinct Master Plan (GeoLINK, 2007);
- Ballina Shire Bulky Goods Retailing Investigation (Hill PDA, 2012); and
- Options Report – Proposed Bulky Goods Retailing Precinct, Southern Cross Industrial Estate, Ballina (GeoLINK, 2012)

Based on these studies / investigations, Council resolved to support a clustering of bulky goods premises on the site and to implement this strategic approach via suitable zoning under the DBLEP.

Ballina Local Environmental Plan 1987 (BLEP)

Under the Ballina Local Environmental Plan 1987 (BLEP) the site is currently zoned 4 Industrial (see **Appendix 2**).

Draft Ballina Local Environmental Plan 2011

Under the DBLEP the site is proposed to be zoned IN1 – General Industrial (see **Appendix 3**).

The DBLEP 2011 is currently in draft form awaiting finalisation by the DP&I. The intent of this planning proposal is to introduce the B5 Business Development zone as an amendment to Council's Standard Instrument LEP once the new plan is implemented.

9.3 LEP Amendment - Bulky Goods Retailing Precinct.DOC

Part 1 - Objectives or Intended Outcomes

The objective and intended outcome of this planning proposal is to rezone the site to facilitate the establishment of a bulky goods retailing precinct.

Part 2 - Explanation of the Proposal

The planning proposal applies to Lot 951 DP 1165266 and the adjoining proposed Lots 2 and 3 (referred to as the site) at the Southern Cross Industrial Estate, Ballina (see Appendix 1). Pursuant to Ballina LEP 1987, the site is currently zoned 4 Industrial. Within the DBLEP 2011, the site is proposed to be zoned IN1 General Industrial.

This planning proposal seeks to introduce the B5 Business Development zone, generally as contained in the Standard Instrument – Principal Local Environmental Plan, into Council's Standard Instrument LEP and have it apply to the site to establish a bulky goods precinct at this location. The proposed extent of the B5 zone at the site is shown at **Appendix 4**.

The planning proposal also seeks to include a number of land uses as permissible with consent, additional to those mandated under the B5 zone, to allow for complimentary uses within the zone. These include:

- Kiosks;
- Restaurants and cafes;
- Take away food and drink premises; and
- Signage (including advertising structures).

These additional complimentary uses will be accommodated through inclusion into the B5 Land Use Table as shown in **Appendix 5**.

In association with the application of the B5 Business Development Zone, the LEP would also be amended to apply a 1ha minimum lot size to the subject land in order to support the retention of relatively large lot sizes for large footprint bulky goods activities.

Part 3 - Justification

Section A - Need for the Planning Proposal

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

Since 2004, Council has undertaken considerable investigations into determining the suitability of the site for bulky goods retailing uses. Council's consideration of strategic planning options for bulky goods premises within the Ballina Shire have included:

- Ballina Shire Retail Showrooms and Bulky Goods Report (Core Economics, 2004);
- West Ballina Arterial Road/Industrial Estate Expansion Precinct Planning Discussion Paper (Ballina Shire Council, 2005);
- Southern Cross Precinct Master Plan (GeoLINK, 2007);
- Ballina Shire Bulky Goods Retailing Investigation (Hill PDA, 2012); and
- Options Report – Proposed Bulky Goods Retailing Precinct, Southern Cross Industrial Estate, Ballina (GeoLINK, 2012).

These investigations have been undertaken within the context of Council's Local Growth Management Strategy and its adopted retail strategy.

9.3 LEP Amendment - Bulky Goods Retailing Precinct.DOC

At its Ordinary Meeting of 23 February 2012, Council considered the report prepared by Hill PDA regarding bulky goods retailing in Ballina Shire which identified that:

- Current bulky goods retailing floor space demand (at 2011) is approximately 52,000 m²;
- Projected bulky goods retailing floor space demand (to 2026) is approximately 70,000 m²;
- Current occupied and available bulky goods floor space in Ballina Shire is approximately 36,000 m², suggesting that Ballina Shire is presently undersupplied in terms of floor area for bulky goods retailing uses; and
- Council could encourage a cluster of bulky goods retailing and LFR uses in the Southern Cross industrial precinct through the application of a B5 Business Development zone under its Standard Instrument LEP.

Following consideration of that report, Council resolved (230212/ 21):

'That Council proceed to prepare a planning proposal for the application of a suitable zone over Lot 951 DP 1165266 and the proposed Lots 2 and 3 (as shown in attachment 2) at the Southern Cross Industrial Estate to facilitate a bulky goods retailing precinct.'

The area for the application of the B5 zone is based on the provision of land for bulky goods retailing purposes having regard for projected demand as identified by Hill PDA.

2. Is the Planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The existing settlement patterns within the current retail centres in Ballina, particularly in relation to the Ballina Town Centre and Kerr Street Retailing Precinct, prevent the economic development of large shops, such as bulky goods premises. A proponent would effectively need to purchase and amalgamate a number of existing sites. Even in the strongest of economies, this is a significant constraint to achieving bulky goods in a main street scenario.

The Kerr Street retail precinct currently contains a number of retail outlets of various sizes, located within the 'big-box' shopping centres of Ballina Fair and Ballina Central. Bulky goods outlets would realistically only be possible as a replacement for one of the existing larger tenants. The nature of these centres is such that it is extremely unlikely that a bulky goods outlet could be provided by amalgamation of a number of the smaller specialty shops that exist within the centres.

The site at Southern Cross Industrial Estate is large enough to accommodate the operational requirements of bulky goods premises, including delivery, parking and customer recovery of bulky goods items. It currently contains a Harvey Norman store, a bulky goods outlet, and a number of subsidiary bulky goods outlets, making it a logical location for further location of such uses.

The B5 - Business Development Zone, under the Standard Instrument Template, is considered the most appropriate zoning option for the bulky goods retailing precinct. The mandated zone objective specifically provides for 'bulky goods premises that require a large floor area', and bulky goods premises are specifically identified as permissible with consent.

The zone also has mandated provisions for uses such as child care centres, passengers transport facilities and respite day care centres. Whilst these uses are not of a retail nature, they can be considered to be somewhat complimentary. Further, the uses (other than retail uses) mandated within the B5 zone are less extensive than those mandated under the other business zones, reducing the potential for competition for space by uses other than bulky goods retailing on the site.

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3. Is there a net community benefit?

The following net community benefits will be achieved:

- Meeting community demand for suitable allocation of land for bulky goods retailing operations;
- Increased economic activity resulting from the development of land and associated business operations of the site; and
- Reduced private transport trips due to clustering of bulky goods retailing in one precinct.

Section B - Relationship to the Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

NSW Department of Planning – Far North Coast Regional Strategy

Ballina is identified in the Strategy as an emerging regional centre, with the Ballina Byron Gateway Airport acting as major entry point for tourism destinations throughout the Region. The Strategy states that strong tourism and population-driven employment base (retail and services sectors) within coastal areas, will affect the availability of affordable employment lands.

The Economic Development and Employment Growth component of the Strategy identifies, as a key action of the Strategy:

'The development potential of commercial centres is to be explored by councils and identified in local strategies, local environmental plans and development control plans. Councils will identify opportunities for bulky goods style retailing in appropriate locations in commercial centres and restrict this form of retailing in employment and industrial zones'

The proposed zoning would provide for a specific bulky goods retailing precinct, rather than allowing it as a permissible use within land zoned industrial.

Council's decision to locate bulky goods retailing at the site was based on investigations into opportunities for bulky goods retailing within the LGA. These investigations concluded that, due to existing settlement patterns and current economic climate, locating bulky goods retailing at the site is the best option available.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plans?

The planning proposal is consistent with Council's current strategic direction for commercial activities within the LGA. The proposed rezoning would allow additional bulky goods retailing outside of the main commercial centres, however the impacts on these centres are minimised as the B5 zoning will primarily encourage a clustering of bulky goods premises. The prohibition of other retail land uses will protect existing retail within the core centres.

Ballina Retail Strategy

A focus of the Strategy is to ensure the Ballina Town Centre and the Kerr Street Retailing Precinct continue to be the major retail centres in Ballina Shire. The Strategy also states that any decisions relating to retail activity in the region would be based on protecting these major retail centres.

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The proposed rezoning would allow additional bulky goods retailing outside of the Ballina Town Centre and Kerr Street Retailing Precinct. Council has considered the impacts of the proposed rezoning and has concluded that the proposed rezoning would not significantly impact on Ballina's major retail centres.

In relation to bulky goods premises the existing settlement patterns within the current retail centres, particularly in relation to the Ballina CBD, prevent the economic development of such large shops. Given this, a proponent would effectively need to purchase and amalgamate a number of existing sites. Even in the strongest of economies, this is a significant constraint to achieving bulky goods in a main street scenario.

The Kerr Street retail precinct currently contains a range of retail types and sizes, located within the 'big-box' shopping centres of Ballina Fair and Ballina Central. Given the size and space requirements, bulky goods outlets would realistically only be possible as a replacement for one of the existing large format retail (LFR) tenants, thereby significantly limiting growth options for this type of use. The nature of these centres is such that it is extremely unlikely that a bulky goods outlet could be provided by amalgamation of a number of the smaller specialty shops that exist within the centres.

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

Yes. A State Environmental Planning Policy checklist for the planning proposal is provided at **Appendix 6**. It shows that the proposal is not inconsistent with any SEPPs.

7. Is the planning proposal consistent with the applicable Ministerial Directions (S. 117 directions)?

Yes. A number of Section 117 directions are relevant to the development of the planning proposal. A Section 117 checklist for the planning proposal is provided at **Appendix 7**.

Section C - Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The area of the site available for new development is currently vacant and consists of maintained lawn. As such there are no likely impacts on critical habitat, threatened species or ecological communities or their habitat.

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

There are no other likely environmental impacts as a result of the proposed rezoning.

10. How has the planning proposal adequately addressed any social and economic effects?

Current zoning of the site is for industrial purposes. Variation of the zoning to B5 – Business Development zone under the DBLEP will only reduce commercial activities on the site in favour of bulky goods premises.

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The planning proposal is considered to provide benefits to the community via increased economic activity and employment derived from a clustering of bulky goods premises. As such, any social and economic effects resulting from the proposed rezoning are considered to be positive.

11. Is there adequate public infrastructure for the planning proposal?

All required public infrastructure is available to the locality and therefore future bulky goods developments can be adequately serviced.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation will be undertaken with the relevant public authorities during the exhibition of the planning proposal and associated supporting documentation.

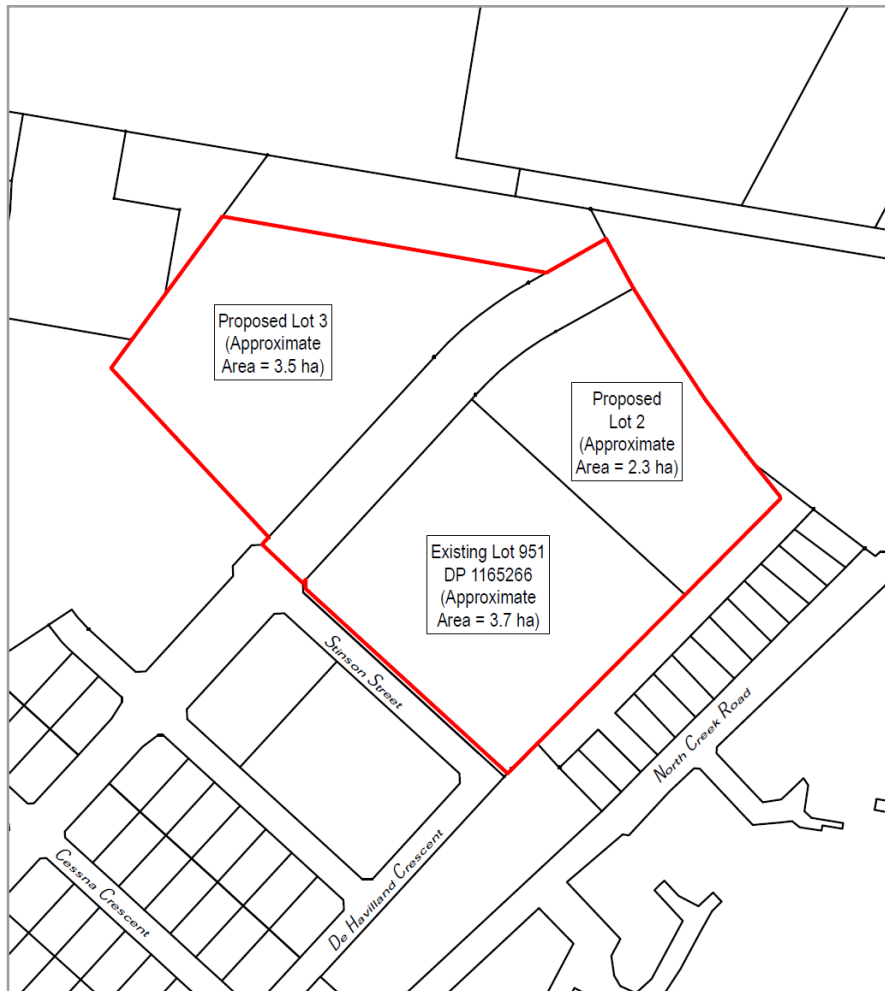
Section D - Community Consultation

Council has recently undertaken consultation with key local stakeholders with an interest in bulky goods retailing during the progression of the Ballina Shire Bulky Goods Retailing Investigation (Hill PDA, 2012). Provided below is a summary of the responses from the consultation:

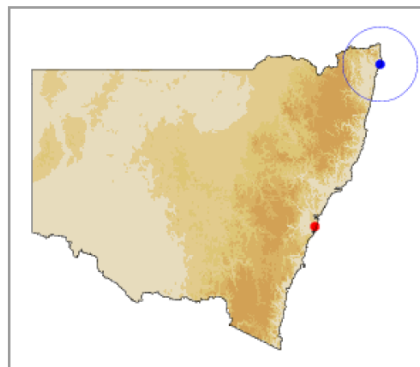
- The Ballina LGA should provide for additional bulky goods retailing to meet future needs;
- Locational requirements of bulky goods retailers comprise good access to markets, safe accessibility and large land plots; and
- Concentrating bulky goods in one or two locations is the best way of serving the trade area population.

Appendices

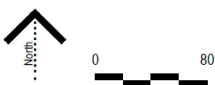
Appendix 1 – Locality Plan



LEGEND
[Red outline] The site

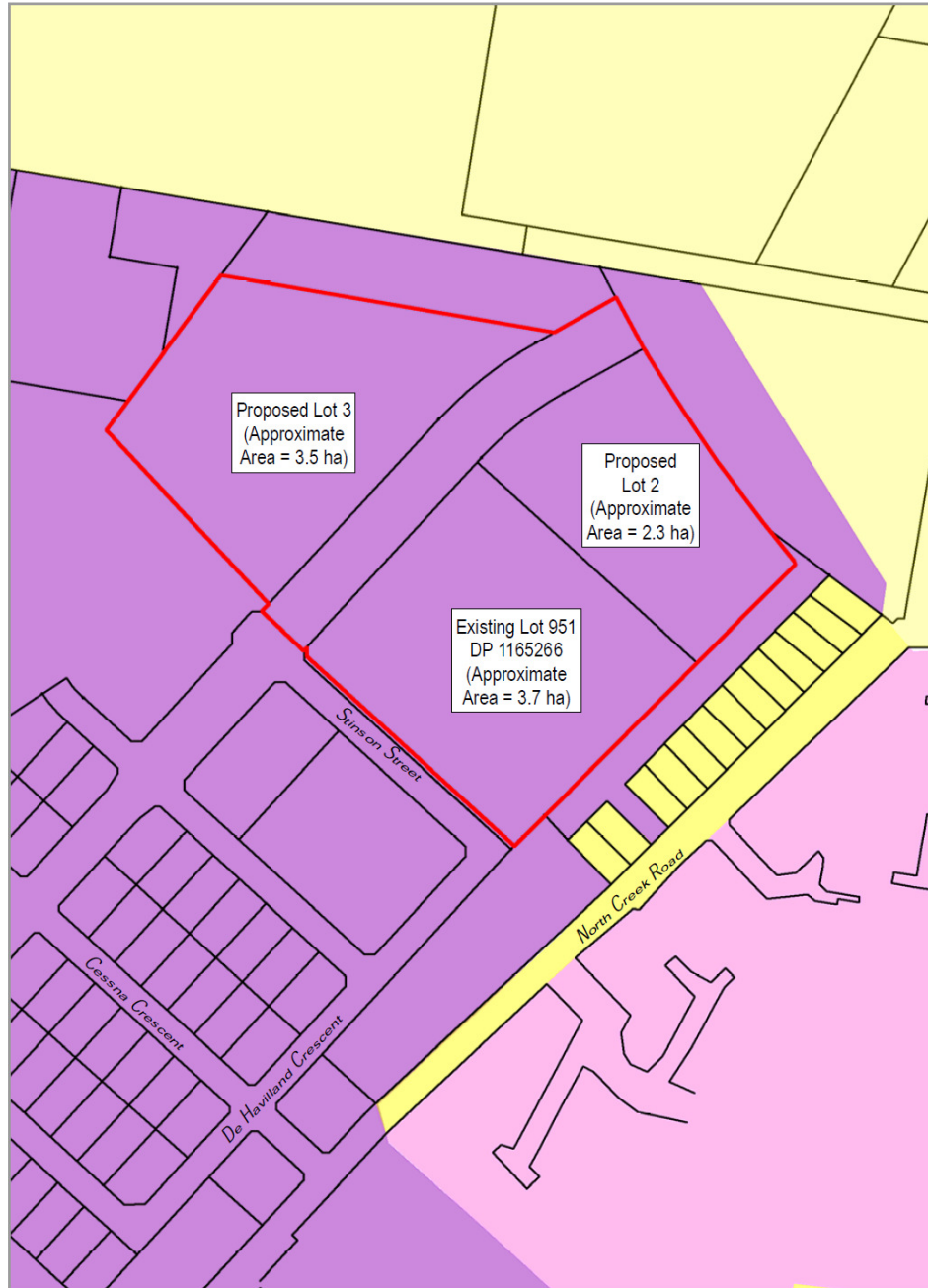







Locality Map (Source: Bureau of Meteorology, 2012)



The Site

Appendix 2 – Zoning – Ballina Local Environmental Plan 1987

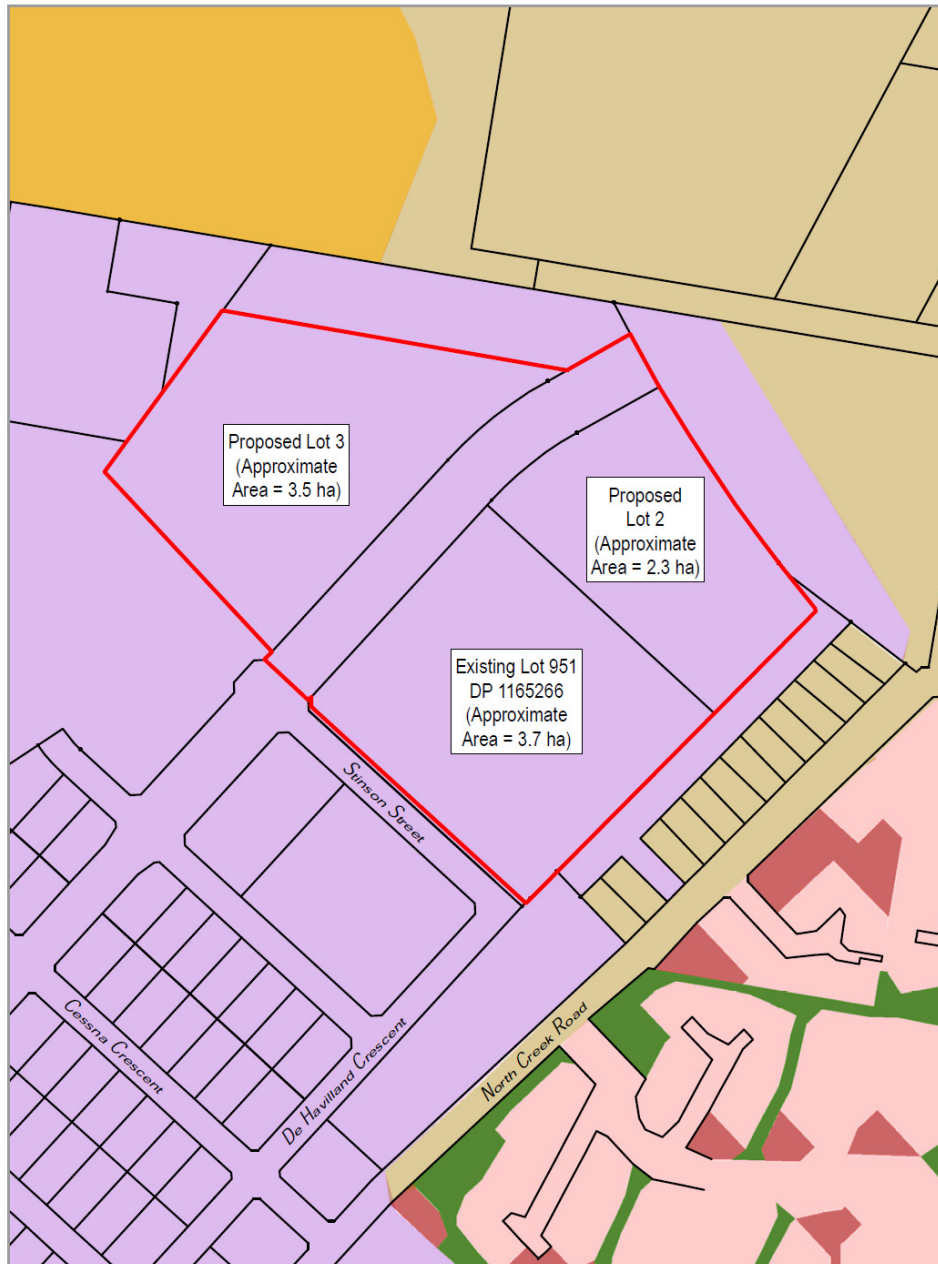


- LEGEND
-  The site
 -  1(b) RURAL - SECONDARY AGRICULTURAL LAND
 -  1(d) RURAL - URBAN INVESTIGATION
 -  2(a) LIVING AREA
 -  4 INDUSTRIAL

Ballina LEP 1987 Zoning

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Appendix 3 – Zoning – Draft Ballina Local Environmental Plan 2011



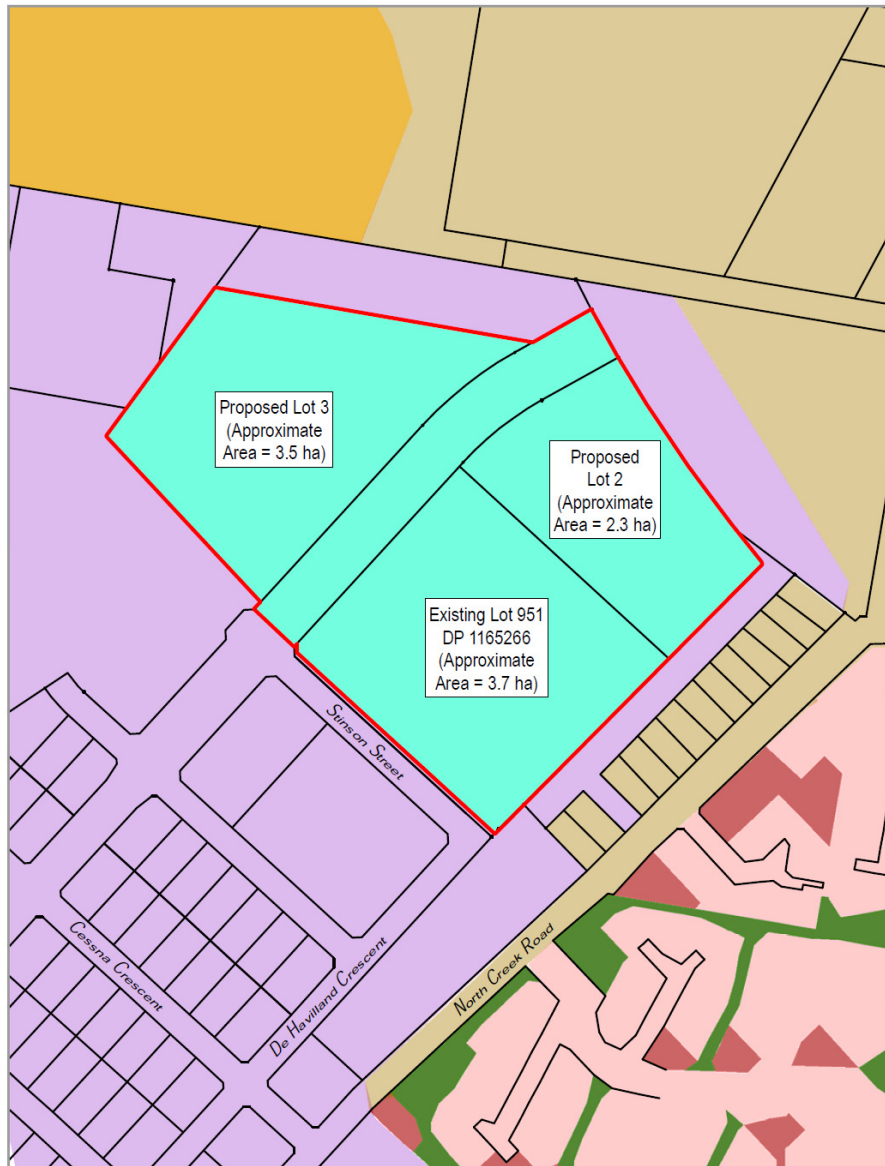
LEGEND

-  The site
-  E2 Environmental Conservation
-  IN1 General Industrial
-  R2 Low Density Residential
-  R3 Medium Density Residential
-  RE1 Public Recreation
-  RU 2 Rural Landscape



Draft Ballina Local Environment Plan 2011

Appendix 4 – Proposed Extent of B5 Zone



LEGEND

- The site
- B5 Business Development
- E2 Environmental Conservation
- IN1 General Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RU 2 Rural Landscape



Proposed Extent of B5 Zone

Appendix 5 – Proposed B5 Business Development Land Use Table

Zone B5 Business Development

1. Objectives of zone

To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of centres.

2. Permitted without consent

Nil

3. Permitted with consent

Bulky goods premises; Child care centres; Garden centres; Hardware and building supplies; **Kiosks**; Landscaping material supplies; Passenger transport facilities; Respite day care centres; **Restaurants and cafes**; **Roads**; **Signage**; **Take away food and drink premises**; Warehouse or distribution centres.

4. Prohibited

Any development not specified in items 2 or 3

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Appendix 6 – State Environmental Planning Policy Checklist

State Environmental Planning Policy Checklist Planning proposal – Southern Cross Industrial Estate Bulky Goods Precinct	
SEPP Title	Compliance of Planning Proposal
SEPP (Affordable Rental Housing) 2009	The planning proposal is not inconsistent with the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal is not inconsistent with the SEPP.
SEPP (Infrastructure) 2007	The planning proposal is not inconsistent with the SEPP.
SEPP (Temporary Structures) 2007	The planning proposal is not inconsistent with the SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal is not inconsistent with the SEPP.
SEPP (Major Development) 2005	The planning proposal is not inconsistent with the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal is not inconsistent with the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal is not inconsistent with the SEPP.
SEPP (Rural Lands) 2008	The planning proposal is not inconsistent with the SEPP.
SEPP (State and Regional Development) 2011	The planning proposal is not inconsistent with the SEPP.
SEPP No. 1 - Development Standards	The planning proposal is not inconsistent with the SEPP.
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	The planning proposal is not inconsistent with the SEPP.
SEPP No. 6 - Number of Storeys in a Building	The planning proposal is not inconsistent with the SEPP.
SEPP No. 14 - Coastal Wetlands	The planning proposal is not inconsistent with the SEPP.
SEPP No. 15 - Rural Land-Sharing Communities	The planning proposal is not inconsistent with the SEPP.
SEPP No. 21 - Caravan Parks	The planning proposal is not inconsistent with the SEPP.
SEPP No. 22 - Shops and Commercial Premises	The planning proposal is not inconsistent with the SEPP.
SEPP No. 26 - Littoral Rainforests	The planning proposal is not inconsistent with the SEPP.
SEPP No. 30 - Intensive Agriculture	The planning proposal is not inconsistent with the SEPP.
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	The planning proposal is not inconsistent with the SEPP.

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SEPP Title	Compliance of Planning Proposal
SEPP No. 33 - Hazardous and Offensive Development	The planning proposal is not inconsistent with the SEPP.
SEPP No. 36 - Manufactured Home Estates	The planning proposal is not inconsistent with the SEPP.
SEPP No. 44 - Koala Habitat Protection	The planning proposal is not inconsistent with the SEPP.
SEPP No. 50 - Canal Estates	The planning proposal is not inconsistent with the SEPP.
SEPP No. 55 - Remediation of Land	The planning proposal is not inconsistent with the SEPP.
SEPP No. 60 - Exempt and Complying Development	The planning proposal is not inconsistent with the SEPP.
SEPP No. 62 - Sustainable Aquaculture	The planning proposal is not inconsistent with the SEPP.
SEPP No. 64 - Advertising and Signage	The planning proposal is not inconsistent with the SEPP.
SEPP No. 65 - Design Quality of Residential Flat Development	The planning proposal is not inconsistent with the SEPP.
SEPP No. 71 - Coastal Protection	The planning proposal is not inconsistent with the SEPP.
North Coast Regional Environmental Plan (NCREP) (deemed SEPP)	The planning proposal is not inconsistent with the SEPP.

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Appendix 7 – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – Southern Cross Industrial Estate Bulky Goods Precinct

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
1. Employment and Resources		
1.1 Business and Industrial Zones	An objective of this Direction requires that a planning proposal must not reduce the total potential floor space area for industrial uses in industrial zones. However, a planning proposal may be inconsistent if the inconsistency is in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or is of minor significance.	The planning proposal has the potential to reduce floor space for industrial uses via the B5 rezoning (where industrial uses would be prohibited). This loss of potential is 'offset' by the fact that Council's strategic planning for the locality includes a significant future expansion of the industrial zoning. In the medium to long term, therefore, the minor loss of industrially zoned land at this site will not affect the future ability to meet demand for industrial uses.
1.2 Rural Zones	Does not apply to this planning proposal.	
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to this planning proposal.	
1.4 Oyster Aquaculture	Does not apply to this planning proposal.	
1.5 Rural Land	Does not apply to this planning proposal.	
2. Environment and Heritage		
2.1 Environmental Protection Zones	Does not apply to this planning proposal.	
2.2 Coastal Protection	Does not apply to this planning proposal.	
2.3 Heritage Conservation	Does not apply to this planning proposal.	
2.4 Recreation Vehicle Areas	Does not apply to this planning proposal.	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Does not apply to this planning proposal.	
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to this planning proposal.	
3.3 Home Occupations	Does not apply to this planning proposal.	
3.4 Integrated Land Use and Transport	In summary, this Direction provides that a Draft LEP must be consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). A planning proposal may be inconsistent with the Direction if the land has been identified in the Strategy prepared by Council and approved by the Director General or,	The Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001) encourages planning decisions to consider reduced need for private transport and promote walking/cycling options. Given the nature of bulky goods, the purchase of such items require private vehicle uses and therefore the above policy guidelines, whilst sound in intent, are not considered relevant to the proposal.

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TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
	the rezoning is justified by an Environmental Study or the rezoning is in accordance with the relevant regional strategy, or is of minor significance.	
3.5 Development Near Licensed Aerodromes	Does not apply to this planning proposal.	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.	The issue of acid sulfate soils was investigated during the approvals process for the subdivision of this land. Approval of that subdivision confirms that this is not an issue.
4.2 Mine Subsidence and Unstable Land	Does not apply to this planning proposal.	
4.3 Flood Prone Land	This Direction provides that a draft LEP shall include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.	The issue of flooding was investigated during the approvals process for the subdivision of this land. Approval of that subdivision confirms that this is not an issue.
4.4 Planning for Bushfire Protection	Does not apply to this planning proposal.	
5. Regional Planning		
5.1 Implementation of Regional Strategies	The Direction requires the planning proposal to be consistent with the Far North Coast Regional Strategy	The planning proposal is considered to be consistent with this Strategy. The Economic Development and Employment Growth component of the Strategy identifies as a key action of the Strategy: 'The development potential of commercial centres is to be explored by councils and identified in local strategies, local environmental plans and development control plans. Councils will identify opportunities for bulky goods style retailing in appropriate locations in commercial centres and restrict this form of retailing in employment and industrial zones' The proposed rezoning would allow bulky goods retailing within land currently zoned industrial with the intention of encouraging bulky goods retailing on this particular site, therefore restricting the emergence of this particular use in other zonings, other than existing commercial core centres.

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TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
5.2 Sydney Drinking Water Catchments		Does not apply to this planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Does not apply to this planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Does not apply to this planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).		Does not apply to this planning proposal.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)		Does not apply to this planning proposal.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)		Does not apply to this planning proposal.
5.8 Second Sydney Airport: Badgerys Creek		Does not apply to this planning proposal.
6. Local Plan Making		
6.1 Approval and Referral Requirements		Does not apply to this planning proposal.
6.2 Reserving Land for Public Purposes		Does not apply to this planning proposal.
6.3 Site Specific Provisions		Does not apply to this planning proposal.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy		Does not apply to this planning proposal.