



Ballina Shire Council

Planning Proposal BSCPP 12/003 March 2013

Southern Cross Industrial Estate Bulky Goods Precinct

Contents

Introduction	2
Summary of Planning Proposal	2
Planning Context.....	2
Part 1 - Objectives or Intended Outcomes	3
Part 2 - Explanation of the Proposal	3
Part 3 - Justification	4
Section A - Need for the Planning Proposal.....	4
Section B - Relationship to the Strategic Planning Framework.....	5
Section C - Environmental, Social and Economic Impact	7
Section D - Community Consultation	8
Appendices	9
Appendix 1 – Locality Plan.....	9
Appendix 2 – DP&I Gateway Determination	10
Appendix 3 – Ballina local Environmental Plan 2012 Zoning	12
Appendix 4 – Proposed B5 Business Development Zone and Associated Minimum Lot Size for Subdivision	13
Appendix 5 – Proposed B5 Business Development Land Use Table.....	15
Appendix 7 – Section 117 Direction Checklist	18
Appendix 8 – NSW Roads and Maritime Services Response	21

Final

 *people • place • prosperity*

Planning Proposal – March 2013
Southern Cross Industrial Estate Bulky Goods Precinct

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.

The current legal description of the land to which the planning proposal relates is Lot 951 DP 1165266, part Lot 952 DP 1165266 and part lots 2, 3, 4 & 5 DP 123781. A subdivision approval has been granted (DA 2009/258) which will create proposed Lots 2 and 3 as indicated in Appendix 1.

Lot 951 is owned by Calardu Ballina No. 1 Pty Ltd, and the remainder of the subject land is owned by Ballina Shire Council.

The purpose of this planning proposal is to zone the site B5 Business Development under the Ballina Local Environmental Plan 2012 (BLEP 2012) to maximise potential for bulky goods retailing land uses, and therefore establish the site as a bulky goods precinct.

Planning Context

Council resolved to proceed to prepare a planning proposal for the application of a zone to facilitate to clustering of bulky goods land uses on the subject land at its February 2012 Ordinary Meeting.

Council subsequently resolved to proceed to refer the planning proposal (to apply a B5 Business Development zone) to the subject land to the Department of Planning and Infrastructure (DP&I) for gateway determination at its July 2012 Ordinary Meeting.

The DP&I gateway panel considered the matter and advised that the planning proposal could proceed conditionally. A copy of the Gateway Determination (dated October 2012) is contained in Appendix 2.

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 BLEP 2012.

Ballina Local Environmental Plan 2012

Under the BLEP 2012 the site is zoned IN1 – General Industrial (Appendix 3).

Part 1 - Objectives or Intended Outcomes

The objective and intended outcome of this planning proposal is to rezone the subject land 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 (Appendix 1). A subdivision approval has been granted (DA 2009/258) which will create proposed Lots 2 and 3 as indicated in Appendix 1.

This planning proposal seeks to introduce the B5 Business Development zone, generally as contained in the Standard Instrument – Principal Local Environmental Plan, into the Ballina LEP 2012 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 proposal also includes the application of a 1 hectare minimum lot size for subdivision within the B5 zoned area to provide for retention of relatively large lots compared to the surrounding industrial zoned land. The current standard applying to the land under the BLEP 2012 is 1000m².

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 complementary uses within the zone. These include:

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

These additional complementary uses will be accommodated through their inclusion in the B5 zone land use table as shown in Appendix 5.

Under the Standard Instrument LEP, 'roads' must be permitted with or without development consent. Roads are proposed as a land use permitted with development consent.

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 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 Council's adopted retail strategy.

At its meeting held on 23 February 2012, Council considered a report in regard to the Bulky Goods Retailing Investigation, 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 Large Format Retail (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.'

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

The existing subdivision 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 such 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, Ballina Central and the Coles/KMart complex. 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 such uses.

The B5 - Business Development Zone, under the Standard Instrument LEP, 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 complementary. 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.

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 a 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 subdivision and 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.

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 Ballina's major retail centres.

In relation to bulky goods premises the existing subdivision 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, Ballina Central and the Coles/KMart complex. 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 consistent with applicable 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 development is currently zoned for industrial purposes, but is vacant and consists of maintained paddocks. 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?**

The current zoning of the site is for industrial purposes. Variation of the zoning to B5 – Business Development zone under the BLEP 2012 will only reduce the scope of commercial activities on the site in favour of bulky goods premises.

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?**

In accordance with the DP&I's Gateway Determination (Appendix 2), Council consulted NSW Roads and Maritime Services (RMS). The RMS identified the need for assessment of traffic impacts in relation to the development of the land. However, the assessment identified primarily relates to the development application stage of a proposed development. Given this and that the subject land is currently zoned for industrial purposes (and has been since 2007), further traffic assessment is envisaged post rezoning of the land in conjunction with specific development proposals on the land.

The RMS response is contained in Appendix 8.

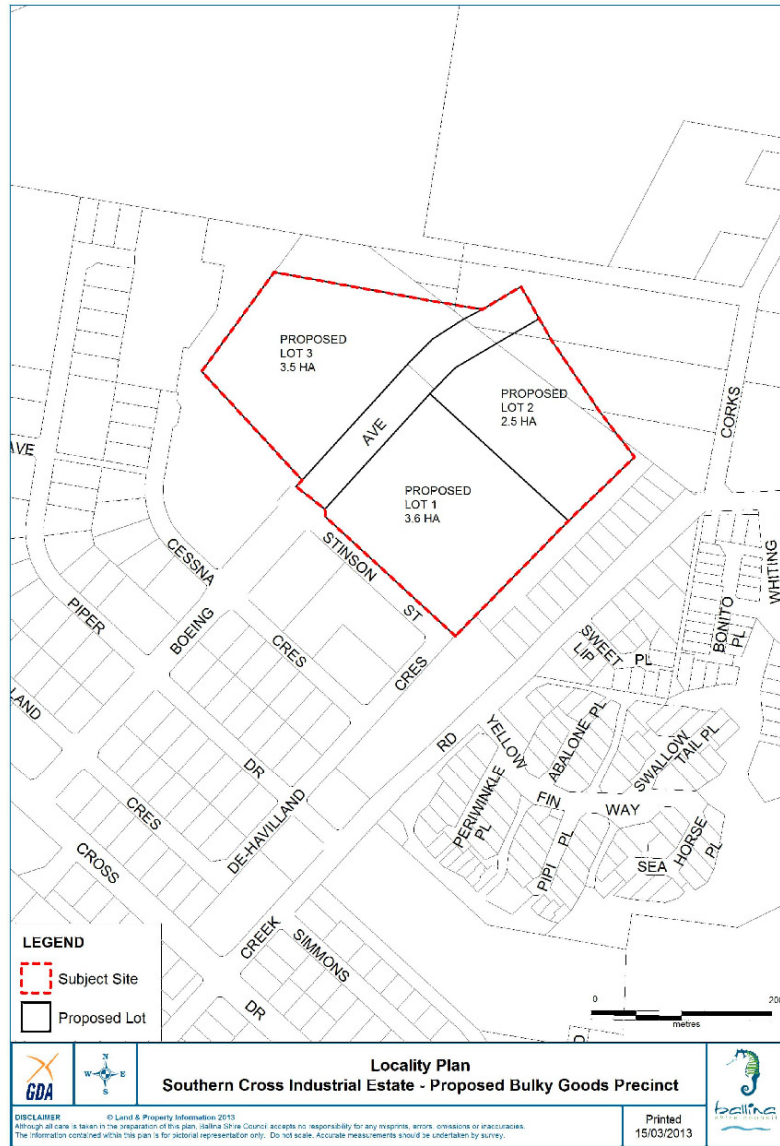
Section D - Community Consultation

Council undertook 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).

More specific to the proposed B5 zone, this planning proposal was publicly exhibited between 17 January 2013 and 22 February 2013. No submissions in response to the public exhibition were received.

Appendices

Appendix 1 – Locality Plan



Appendix 2 – DP&I Gateway Determination



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



Contact: Carlie Boyd
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Carlie.Boyd@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460
Our ref: PP_2012_BALLI_004_00 (12/14845)
Your ref: LEP Amendment - Bulky Goods Retailing Precinct

Dear Mr Hickey,

Planning proposal to amend draft Ballina Local Environmental Plan 2011

I am writing in response to your Council's letter dated 12 September 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the draft Ballina Local Environmental Plan (LEP) 2011 to rezone land at the Southern Cross Industrial Estate, Ballina from IN1 General Industrial to B5 Business Development.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.4 Integrated Land Use and Transport and 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these Directions.

The amended LEP is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following agency consultation. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Carlie Boyd of the Departments Northern Regional Office on 02 6641 6600.

Yours sincerely,

Richard Pearson
A/Director-General

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 8111 Facsimile: (02) 9228 8455 Website: www.planning.nsw.gov.au



Planning &
Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP_2012_BALLI_004_00): to rezone land at the Southern Cross Industrial Estate, Ballina from IN1 General Industrial to B5 Business Development

I, the Acting Director-General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the draft Ballina Local Environmental Plan (LEP) 2011 to rezone Lot 951 DP1165266 and proposed Lots 2 and 3 at Stinson Street, Ballina from IN1 General Industrial to B5 Business Development and apply a 1ha minimum lot size to the site should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services

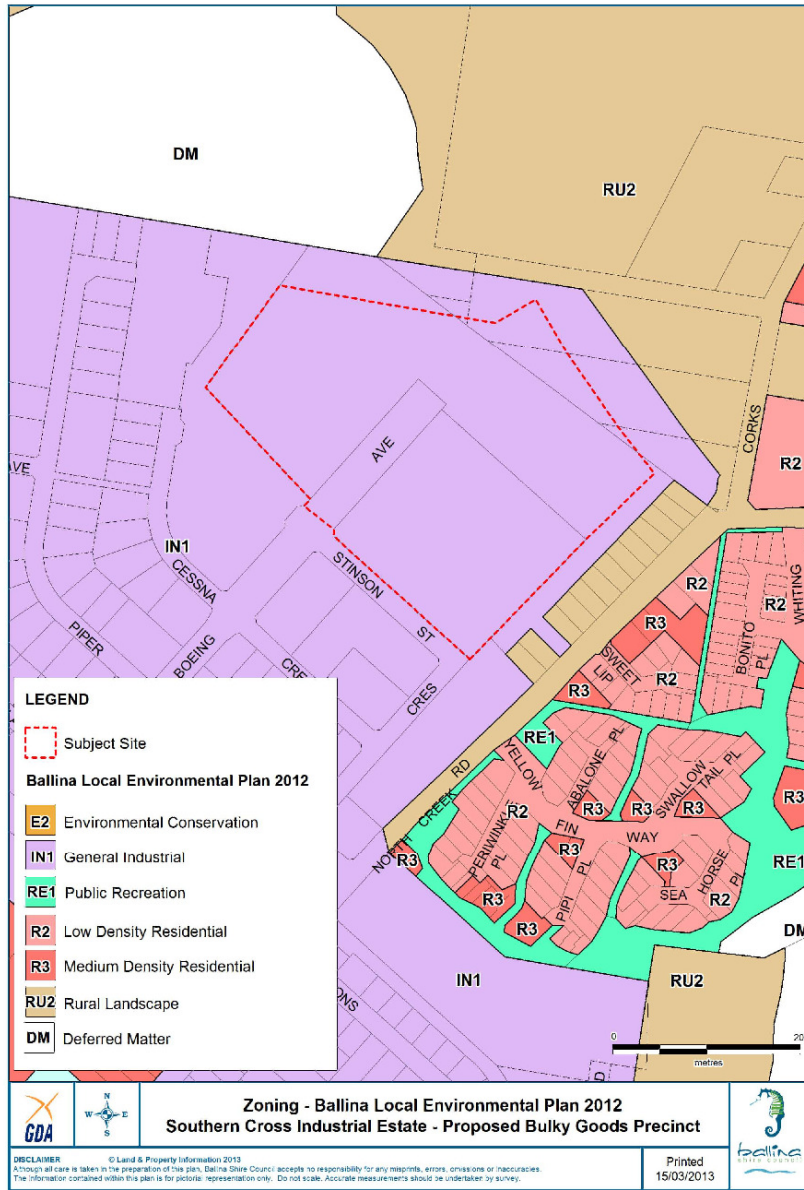
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. Further to Condition 2 above, Council is to consult with Roads and Maritime Services in regards to the suitability of road access to the proposed development along the old Pacific Highway access. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway Determination.

Dated 5 day of October 2012.

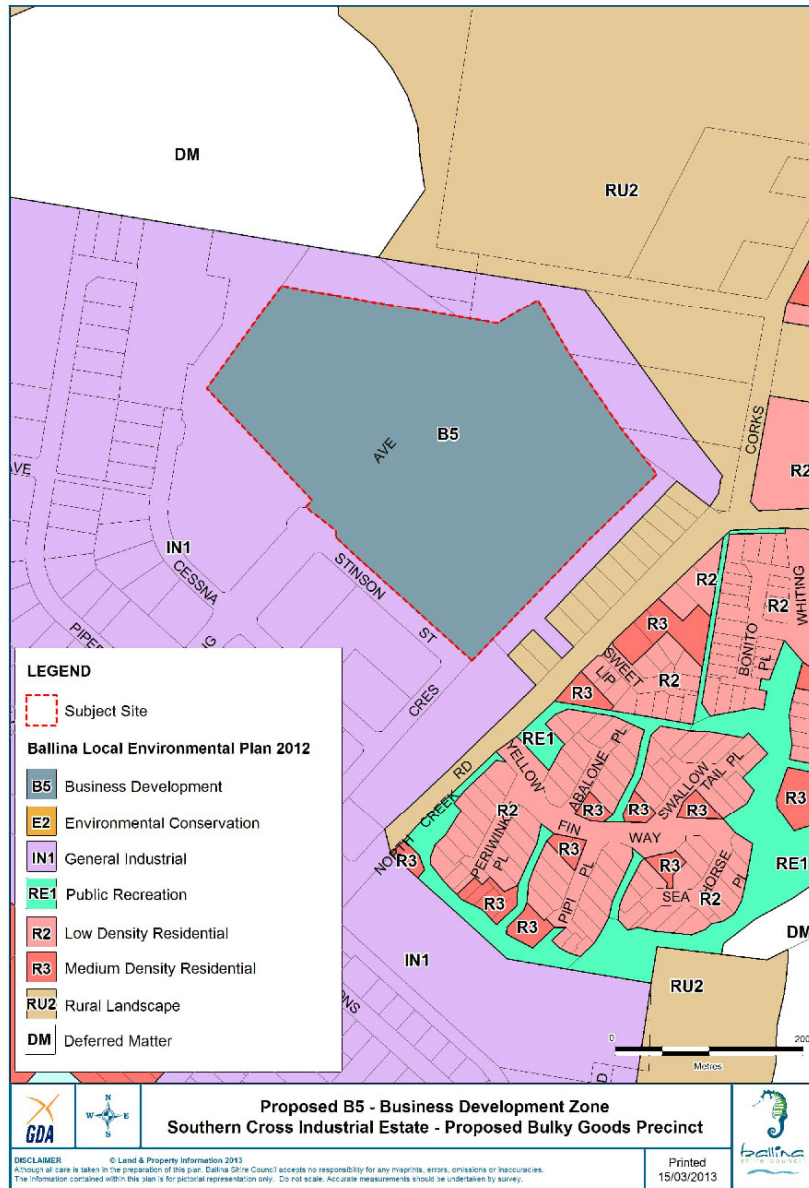

Richard Pearson
A/Director-General
Delegate of the Minister for Planning and
Infrastructure

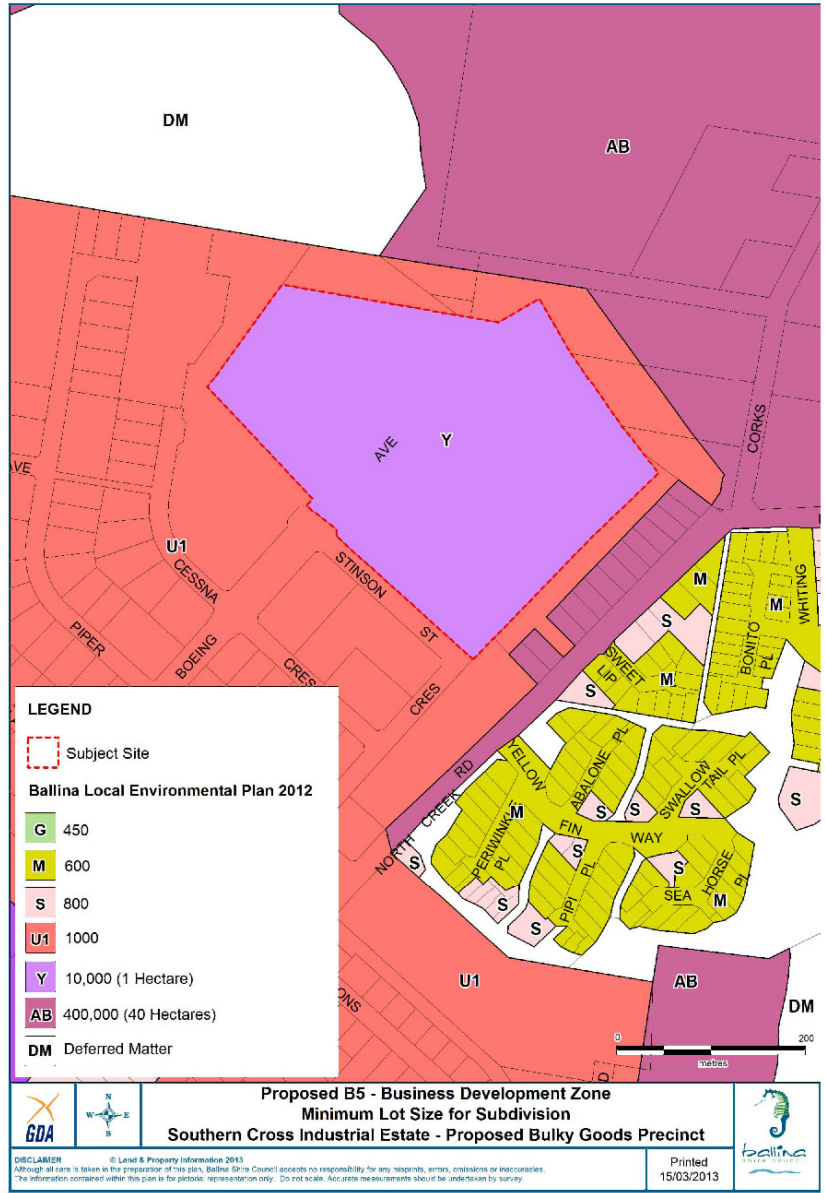
BALLINA PP_2012_BALLI_004_00 (12/14845)

Appendix 3 – Ballina local Environmental Plan 2012 Zoning



Appendix 4 – Proposed B5 Business Development Zone and Associated Minimum Lot Size for Subdivision





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

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	Consistent.
SEPP (Exempt and Complying Development Codes) 2008	Consistent.
SEPP (Infrastructure) 2007	Consistent.
SEPP (Temporary Structures) 2007	Consistent.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent.
SEPP (Major Development) 2005	Consistent.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent.
SEPP (Rural Lands) 2008	Consistent.
SEPP (State and Regional Development) 2011	Consistent.
SEPP No. 1 - Development Standards	N/A – does not apply to land subject to Ballina LEP 2012.
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	N/A – does not apply to land subject to Ballina LEP 2012.
SEPP No. 6 - Number of Storeys in a Building	Consistent.
SEPP No. 14 - Coastal Wetlands	Consistent.
SEPP No. 15 - Rural Land-Sharing Communities	Consistent.
SEPP No. 21 - Caravan Parks	Consistent.
SEPP No. 22 - Shops and Commercial Premises	Consistent.
SEPP No. 26 - Littoral Rainforests	Consistent.
SEPP No. 30 - Intensive Agriculture	Consistent.
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Consistent.

9.3 Planning Proposal BSCPP 12/003 - Southern Cross Estate.DOC

SEPP Title	Compliance of Planning Proposal
SEPP No. 33 - Hazardous and Offensive Development	Consistent.
SEPP No. 36 - Manufactured Home Estates	Consistent.
SEPP No. 44 - Koala Habitat Protection	Consistent.
SEPP No. 50 - Canal Estates	Consistent.
SEPP No. 55 - Remediation of Land	Consistent.
SEPP No. 60 - Exempt and Complying Development	N/A – does not apply to land subject to Ballina LEP 2012.
SEPP No. 62 - Sustainable Aquaculture	Consistent.
SEPP No. 64 - Advertising and Signage	Consistent.
SEPP No. 65 - Design Quality of Residential Flat Development	Consistent.
SEPP No. 71 - Coastal Protection	Consistent.
North Coast Regional Environmental Plan (NCREP) (deemed SEPP)	Consistent.

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 Does not apply to this planning proposal. 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	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

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
	identified in the Strategy prepared by Council and approved by the Director General or, the rezoning is justified by an Environmental Study or the rezoning is in accordance with the relevant regional strategy, or is of minor significance.	considered relevant to the proposal.
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 land is presently zoned for industrial purposes and the Ballina LEP 2012 includes provisions addressing this matter. Further, the issue of acid sulphate soils was investigated during the approvals process for the subdivision of this land. Given the above, the proposal is considered to be consistent with the direction.
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 land is presently zoned for industrial purposes and the Ballina LEP 2012 includes provisions addressing this matter. Further, the issue of flooding was investigated during the approvals process for the subdivision of this land. Given the above, the proposal is considered to be consistent with the direction.
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.

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.	

Appendix 8 – NSW Roads and Maritime Services Response



File No NTH09/01509, CR2012/010799.
Your reference BSCPP Bulky Retailing Goods Precinct (12/47035).

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

Dear Sir

Planning Proposal BSCPP 12/003.
Southern Cross Industrial Estate Bulky Goods retailing Precinct.

I refer to your letter of 2 November 2012, your reference 10/06634, concerning the above.

The impact of this development will be confined primarily to Ballina Shire Council's regional road network. In order to maintain the safety and efficiency of the road network it is desirable to identify the necessary road infrastructure requirements as early as possible for the planning of this development proposal.

A traffic study should be undertaken that takes into account the key issues relevant to the scale of this proposal as set out in Table 2.1 of the Roads and Traffic Authority's current 'Guide to Traffic Generating Developments' (copy attached). This should include information relating to:

- Total impact of existing and proposed development on the overall local road network
- Intersection sight distances
- Existing and proposed access conditions
- Detail of servicing and parking arrangements
- Improvements for road junctions
- Connectivity to existing developments
- Impact on Transport (Public and School Bus Routes)
- Provisions for pedestrians, alternative transport modes such as bicycles
- Road Traffic Noise

Current AUSTRROADS standards should be adopted for any necessary upgrading of the surrounding road infrastructure.

If Council has any further enquiries please contact Michael Baldwin on 66861832 or email development.northern@rms.nsw.gov.au.

Yours faithfully

29 NOV 2012

David Bell
Regional Manager, Northern Region
Roads & Maritime Services

31 Victoria Street, Grafton NSW 2460 | PO Box 576 Grafton NSW 2460
T 02 6640 1300 | F 02 6640 1304 | E development.northern@rms.nsw.gov.au

www.rms.nsw.gov.au | 13 17 82

people • place • prosperity