



## **Notice of Commercial Services Committee Meeting**

A Commercial Services Committee Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Tuesday 18 August 2020 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 'Paul Hickey', with a long horizontal line underneath.

Paul Hickey  
**General Manager**

### Deputations to Council – Guidelines

- Deputations by members of the public may be made at Council meetings on matters included in the business paper.
- Deputations are limited to one speaker in the affirmative and one speaker in opposition.
- Deputations, per person, will be limited to a maximum of two items on the agenda.
- Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting.
- Deputations are given five minutes to address Council.
- Deputations on the same matter will be listed together with the opposition first and the speaker in affirmative second.
- Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.
- The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.
- To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
  - Tenderers during a public tender or request for quotation
  - Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
  - Consultants who are engaged by Council on the matter the subject of the deputation.

### Recording and Livestreaming of Council Meetings

- The meeting (with the exception of the confidential session) is being livestreamed and recorded for on-demand viewing via Council's website (**[ballina.nsw.gov.au/agendas-and-minutes](http://ballina.nsw.gov.au/agendas-and-minutes)**) and a person's image and/or voice may be broadcast.
- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

## Table of Contents

1.	Apologies.....	1
2.	Declarations of Interest.....	1
3.	Deputations .....	1
4.	Committee Reports.....	2
4.1	Regional Airport Screening Infrastructure Program	2
4.2	Henderson Land, Lennox Head - Update	16
4.3	Southern Cross Expansion Precinct - Innovation Precinct	23

**DISCLAIMER ©NSW Spatial Services 2020. Although all care is taken in the preparation of plans within Council's business paper (both agendas and attachments), Ballina Shire Council accepts no responsibility for any misprints, error, omissions or inaccuracies. The information contained within each plan is for pictorial representation only and not to scale. Accurate measurements should be undertaken by survey.**





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

**1. Apologies**

**2. Declarations of Interest**

**3. Deputations**

## **4.1 Regional Airport Screening Infrastructure Program**

---

### **4. Committee Reports**

#### **4.1 Regional Airport Screening Infrastructure Program**

##### **Delivery Program**

Commercial Services

##### **Objective**

To obtain Council approval to seek funding from the Regional Airports Screening Infrastructure Program.

---

#### **Background**

The Regional Airports Screening Infrastructure (RASI) Program is a \$66m funding stream for upfront capital and operating costs associated with accommodating enhanced regional airport security equipment.

This follows the successful \$400,000 grant secured by Council in 2019 for new airport security screening equipment at the Ballina Byron Gateway Airport (BBGA). The installation of this new equipment is mandatory.

This report is seeking Council approval for \$2.5m in funding for modifications to the security screening area of the terminal building, at the BBGA, to accommodate the new equipment.

#### **Key Issues**

- Funding
- Modifications to new terminal building
- BBGA financial viability

#### **Information**

New security screening requirements for regional airports have been put in place by the Federal Government. These requirements have been released in conjunction with grant funding to assist regional airports. There are two grant funding programs relevant to this:

1. Regional Airport Security Screening (RASS) Fund - \$50.1m allocated by the Federal Government for the purchase of essential screening equipment. Council secured \$405,000 in funding through this program.
2. RASI Program - \$66.1m allocated by the Federal Government to reduce the upfront capital installation and initial operating costs for regional airports in implementing the enhanced security screening equipment.

Attachment 1 is a Frequently Asked Questions information sheet provided by the Federal Government in respect to the RASI Program.

These new measures require Council to increase the passenger screening point to include a body scan process.

## 4.1 Regional Airport Screening Infrastructure Program

---

The purchase of the new equipment has been funded through the RASS Fund with capital expenditure of \$405,000 included in the BBGA Long Term Financial Plan for implementation during 2020/21.

However, to accommodate the new body scan process, modifications are now required to the terminal, including the relocation of the security screening office, search room and cleaning room.

A concept plan is included as Attachment 2.

The estimate for these works is in the order of \$2.5m including construction costs, professional fees, approvals and contingencies. This is a conservative estimate, with a large contingency, and is subject to further investigation and detailed design.

The timing of the release of the new security measures was in 2019, when the terminal upgrade was well advanced therefore the terminal now needs to be modified.

### **Legal / Resource / Financial Implications**

In respect to the RASl program, Attachment 1 states that:

*“For estimated capital costs below \$1 million, the grant opportunity may fund up to 100 per cent of eligible costs. For costs above, the grant opportunity may provide a contribution towards eligible costs of less than 100 per cent”.*

It also states that \$46m of funding is notionally allocated to capital works.

Funding is also available for operating costs, for a period of time, so long as those costs are not passed on to airport users.

There will be a number of regional airports applying to this program and it is uncertain what level of funding Council can secure. The intention is to apply for a high level of funding for the capital cost; say \$2.2m to \$2.4m and any shortfall will need to be funded by reserves or loans.

In respect to operating costs, as Council has security screening already in place, and with those costs largely passed on to the airlines, the intention is to focus on the capital cost of the equipment in the grant application.

Even though a capital grant application of \$2.2m to \$2.4m is mentioned there is a high probability that Council will obtain approval for a lower amount, noting that a large number of regional airports will be applying for funding.

Based on this the Long Term Financial Plan for the BBGA has been reviewed, assuming loan funding of \$1.5m and grant funding of \$1m.

Attachment 3 is the revised Operating Result for the BBGA, inclusive of actual figures for 2019/20.

Attachment 4 is a summary of the capital works, capital funding, reserve balances and loan repayments and loan debt.

Attachment 5 is a chart of the debt ratio for the BBGA.

## 4.1 Regional Airport Screening Infrastructure Program

---

Key points from these attachments are:

- Operating Result (Attachment 3) – the final operating result for 2019/20, excluding depreciation, was a surplus of \$1.478m. This was approximately \$210,000 better than the COVID-19 revised forecast of \$1.269m. A significant operating deficit is still forecast for 2020/21, with that forecast not having been reviewed for this report.
- Capital Expenditure (Attachment 4) – The Passenger Screening project has been increased by \$2.5m from \$405,000 to \$2,905,000. The funding for this is \$405,000 from the RASS Program, \$1m from the RASI Program and \$1.5m in loan funding.
- Reserve Balance (Attachment 5) – The reserve is forecast to be significantly overdrawn for 2021/22 and 2022/23 as the loan funding for the runway widening results in increased loan repayments, particularly for 2022/23.
- Loan Debt (Attachments 5 and 6) – Total loan debt is forecast to reach \$25.3m in 2022/23. This is an extremely large debt and represents nearly 30% of the total asset value for the BBGA. The debt ratio (interest and principal repayments as a percentage of operating revenue) peaks in 2020/21 due to the reduced revenue forecasts for that year, and then steadily declines to more reasonable levels.

In summary the BBGA continues to operate at a significant financial risk to Council, due to the potential for negative revenue variations, albeit that flights for 2020/21 are trending higher than forecast when the initial budget was prepared.

A more comprehensive review of the 2020/21 forecasts will be submitted to Council at the November 2020 Ordinary meeting, as part of the September 2020 Quarterly Financial Review.

### **Consultation**

There has been on-going discussions with the Civil Aviation Authorities in respect to security screening.

### **Options**

Council has no real options in respect to this upgrade as it is mandatory for passenger screening. The recommendation seeks Council approval for the grant application along with noting the latest review of the Long Term Financial Plan for the BBGA.

### **RECOMMENDATION**

1. That Council endorses an application to the Regional Airport Screening Infrastructure Program for the maximum amount likely to be approved, as determined by the General Manager, based on an estimated project value of \$2.5m for modifications to the terminal building to accommodate the new passenger security screening process at the Ballina Byron Gateway Airport.
2. That Council notes the contents of the latest review of the Long Term Financial Plan for the Ballina Byron Gateway Airport, which includes a loan of \$1.5m for this project, as a worst case scenario, if a high level of grant funding, as outlined in point one is not secured.

### **Attachment(s)**

1. Regional Airports Screening Infrastructure Program - Frequently Asked Questions
2. BBGA - Terminal Security Screening Modifications Concept Plans
3. BBGA - Long Term Financial Plan - Operating Results
4. BBGA - Long Term Financial Plan - Capital Movements
5. BBGA - Long Term Financial Plan - Debt Ratio



### Regional Airports Screening Infrastructure Program – Frequently Asked Questions

The objective of the Regional Airports Screening Infrastructure (RASI) program is to reduce the extent of costs to airports associated with the upfront capital and initial operation of enhanced security screening equipment and requirements being passed on to passengers and other airport users through screening charges to airlines.

This grant opportunity follows the \$50.1 million Regional Airport Security Screening Fund (GO1551) which is providing a contribution towards the purchase of necessary security screening equipment. The RASSF closed on 21 March 2019 to new applicants.

Regional airports with RASSF grant agreements offered or in place can apply for RASI support to meet the reasonable cost of the necessary minimum capital works associated with accommodating the enhanced regional airport security equipment, and assist with operating costs related to the screening equipment for an agreed period.

**Applications for RASI close 17:00 AEST on 28 August 2020.**

#### FAQs

##### Am I eligible?

To be eligible you must operate an existing regional airport with a signed grant agreement under the Regional Airport Security Screening Fund (GO1551), or have been offered a grant agreement under GO1551, and satisfy the additional eligibility criteria under section 4 of the Grant Guidelines.

##### Why do I have to have a RASSF grant agreement to apply for RASI?

The RASSF program is providing funding to regional airports that must upgrade their security screening equipment, or commence screening, per requirements from the Department of Home Affairs.

The RASI program intends to ease the cost burden for modifying airports to accommodate this equipment, and to operate the screening points for a period of time, on the condition those costs are not passed on to airport users.

##### What can I seek grant funding for?

Grant funds are available to support the minimum necessary capital works needed to accommodate the enhanced security screening equipment, and for initial operations. The potential eligible costs for both types of costs are outlined in the grant guidelines, and may vary depending on the individual circumstances of each airport.

### How do I know what the 'minimum necessary' capital works are?

For the avoidance of doubt, the RASI program is not designed to provide funding assistance for broader airport redevelopment. The 'minimum necessary' works is intended to reflect the direct work required to bring into operation the enhanced security screening equipment in a safe and compliant manner. What is considered 'minimum necessary' will vary according to the circumstances of individual airports.

If your airport is already undertaking broader works that includes constructing, or otherwise modifying, a screening point to accommodate enhanced security screening equipment, those works and costs directly relevant to the screening point must be isolated for the purposes of applying for RASI funding.

You may contact the Department at [airportscreening@infrastructure.gov.au](mailto:airportscreening@infrastructure.gov.au) to discuss your specific circumstances.

The Program Delegate will decide what is considered directly related capital works eligible for funding under RASI, on the basis of evidence provided by airport operators and third party advice as required.

### Can RASI assist my airport with costs related to purchasing the security equipment?

No. The RASSF program is the Australian Government's contribution to assisting airports purchase the required security screening equipment.

### If I have already undertaken the works to accommodate the new security screening requirements, can I still seek funding?

Yes, with evidence of costs incurred and advice on how costs directly related to the works needed to construct or modify screening points have been isolated or otherwise determined.

### What do I do if I can't arrange formal quotes before applications are due?

The Department recognises some airports may be unable to obtain firm costs for the entire scope of their proposed project in the time available. The Department will accept estimated costs based on planning to date for the purposes of the application, and an outline of the likely timeframe to formalise the cost of the works. The grant agreement will include provisions for managing costs where the actual costs vary significantly from the estimate.

### What format do I provide all this information in?

The grant guidelines outline the mandatory supporting documentation but allow sufficient flexibility for you to provide the information in a format that works best for your airport and circumstances, commensurate with the size and risk of your project.

The Department's assessment will be assisted if the information is well organised, with a level of complexity commensurate with the extent and cost of proposed works.

### What do operating costs refer to?

Initial operating costs related to the enhanced screening equipment. For the avoidance of doubt, the RASI program is not designed to assist with broader airport running costs beyond the screening point.

Operating costs may include costs such as staffing, maintenance, insurance, cleaning and other costs directly incurred in running the screening point. Electricity costs and other indirect costs may be apportioned where there is a sufficient nexus with running the screening point.

### What does a 'typical year' mean for operating costs?

The Department recognises the significant shocks to aviation patronage and operations in response to the COVID-19 pandemic. It is not realistic to model operating costs in the current aviation environment.

RASI has been designed so airports can put forward their expected operating costs that would be incurred during a 'normal' or 'typical' year, more akin to a pre-COVID level of patronage. This is a subjective determination based on the circumstances of individual airports, and has been designed to allow flexibility.

The Department will assess the airport's information, and use historic departing passenger numbers between 2015 and 2019 to assist in determining reasonableness of an airport's assessment of a typical year.

### What are the grant amounts?

The total funding available is \$66 million. As a guide, \$46 million of funding is notionally allocated to capital works, and \$20 million allocated to operating costs.

For estimated capital costs below \$1 million, the grant opportunity may fund up to 100 per cent of eligible costs. For costs above, the grant opportunity may provide a contribution towards eligible costs of less than 100 per cent.

For operating costs, there is no maximum grant; however, total capital and operating costs cannot exceed the overall funding available.

The Program Delegate will make decisions for distribution of funds considering the total funding available and the requirements of all eligible airports. The grant guidelines provide further information on the Program Delegate.

### Why do I have to change my security screening charging arrangements?

These Grant Guidelines do not impose any new costs or regulatory requirements; however, they may assist airports with capital and initial operating costs incurred in meeting enhanced security screening requirements, and support regional aviation in Australia. Any portion of capital and operating costs met from Australian Government funding must not be included in the airport's calculation of its cost recovery regime for security charges, and must not be passed on to airport users per the program's objective.

### What evidence do you require that I have ceased passing on relevant costs?

This is up to each individual airport. The grant agreement for successful applicants will include provisions for airports to undertake not to pass on those grant funded costs in security charges to airport users. Should costs be passed on, this would be considered a breach of the grant agreement and the Commonwealth would seek to recover the funds.



### How do I commit to not pass on grant funded costs when bound by existing contracts or other arrangements?

This is a commercial decision for each airport. The Department will consider each airport's preferred method for ensuring grant-funded costs are not passed on to airport users, whether it involves modifying existing arrangements or an alternate method.

### What is the grant agreement?

If your application is successful, a grant agreement is entered into with the Department for the duration of the grant. This agreement governs your relationship with the Department for the grant, including the obligations of both parties.

For lower risk grants, the Department may elect for a simple agreement letter format.

### How long will it take to receive funding?

Your application must be submitted by the closing dates. We will acknowledge receipt of your application within one business day. Your application will then be assessed for eligibility, at which point the Department will advise whether your application has been accepted.

The Department will assess all applications received and the Program Delegate will then decide the level of funding support to be awarded to each eligible applicant in accordance with the grant guidelines.

Once successful, a draft funding agreement will then be provided, with the payment of funding dependent on the timing of the capital works. Funding will not commence until a signed funding agreement is in place.

### How long will the program run for?

Funding is available for the 2020-21 financial year.

### Do I need to pay back any grant funding?

As this funding is a grant, you do not have to repay the funding received under this Program, as long as grant funding is used for eligible expenses and acquitted in line with the grant agreement.

### Will a grant affect my tax?

Yes. Grants are assessable income for taxation purposes, unless exempted by taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the Australian Taxation Office. We are unable to provide taxation advice.

### How do I apply?

Complete the application form and supply all required supporting documents as outlined in the Grant Guidelines. When complete, email your application to the RASI team at [airportscreening@infrastructure.gov.au](mailto:airportscreening@infrastructure.gov.au), or mail in accordance with the [instructions in the Grant Guidelines](#).

Who can I contact if I am having difficulties accessing the application form?

Please email your questions to [airportscreening@infrastructure.gov.au](mailto:airportscreening@infrastructure.gov.au)

### Additional information

For more information please refer to the grant guidelines available via the GrantConnect website: [www.grants.gov.au](http://www.grants.gov.au)









4.1 Regional Airport Screening Infrastructure Program

Actual												Ledger	Description (cont'd)	Estimated											
2002/03	2004/05	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2014/15	2016/17	2018/19	2019/20	Account		2020/21	%	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	
														<b>Operation Expenses</b>											
4,800	0	1,400	0	0	0	6,400	4,900	1,800	7,900	600	9,100	35125.0365		10,000	10%	12,000	12,300	12,600	12,900	13,200	13,500	13,800	14,100	14,500	
2,900	3,700	4,400	8,200	4,500	5,300	7,800	7,900	7,400	8,900	7,800	15,200	35125.0374		10,000	-34%	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,100	12,400	
36,300	40,000	36,000	43,600	19,800	19,000	40,000	85,900	95,300	97,800	75,000	37,100	35125.0377		20,000	-46%	20,000	20,500	21,000	21,500	22,000	22,600	23,200	23,800	24,400	
0	0	0	0	0	1,300	1,500	2,000	6,200	9,300	11,800	7,700	35125.0380		9,000	17%	12,000	12,300	12,600	12,900	13,200	13,500	13,800	14,100	14,500	
6,500	8,800	11,000	11,600	18,900	23,000	22,800	26,000	41,400	69,800	53,800	23,600	35125.0410		24,000	2%	25,000	25,600	26,200	26,900	27,600	28,300	29,000	29,700	30,400	
11,300	11,600	10,000	20,100	31,100	28,300	31,700	25,300	46,900	30,600	50,600	59,500	35125.0415		54,000	-9%	55,000	56,400	57,800	59,200	60,700	62,200	63,800	65,400	67,000	
186,200	248,400	520,300	590,400	938,500	486,100	546,700	622,700	955,600	1,051,800	1,126,600	1,064,600	35125.0420		515,000	-52%	1,030,000	1,519,600	1,550,000	1,581,000	1,612,700	1,645,000	1,677,900	1,711,500	1,745,800	
0	0	1,600	3,500	33,700	24,000	22,700	21,300	17,000	9,600	14,700	6,600	35125.0430		10,000	52%	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,100	12,400	
0	0	0	0	0	0	0	0	0	0	0	9,400	35125.431		35,000	272%	35,000	35,900	36,800	37,700	38,600	39,600	40,600	41,600	42,600	
0	0	0	0	0	0	0	0	0	270,200	361,700	293,700	35125.4127		120,000	-59%	200,000	280,900	285,600	291,400	297,300	303,300	309,400	315,600	322,000	
0	2,400	5,600	6,300	6,700	3,600	5,100	7,500	6,700	8,600	9,500	1,200	35125.4130		2,000	67%	2,000	2,100	2,200	2,300	2,400	2,500	2,600	2,700	2,800	
0	21,100	21,400	29,800	61,500	64,900	77,500	78,100	63,600	58,000	86,400	75,100	35125.4131		80,000	7%	82,000	84,100	86,200	88,400	90,600	92,900	95,200	97,600	100,000	
0	0	0	0	2,300	4,500	4,100	800	800	400	900	100	35125.4132		500	400%	500	500	500	500	500	500	500	500	500	500
30,600	70,100	77,400	56,000	80,200	88,800	79,900	96,400	49,000	23,000	17,400	51,400	35125.4133		30,000	-42%	60,000	61,500	63,000	64,600	66,200	67,900	69,600	71,300	73,100	
45,700	32,800	67,800	74,100	76,600	81,200	78,200	90,100	41,800	5,200	1,100	200	35125.4134		0	0%	0	0	0	0	0	0	0	0	0	
10,200	21,000	16,900	17,900	15,700	20,000	10,500	20,700	19,000	23,300	9,300	15,800	35125.4135		20,000	27%	22,000	22,600	23,200	23,800	24,400	25,000	25,600	26,200	26,900	
1,000	1,000	9,300	5,400	2,900	3,400	1,300	4,100	3,000	2,000	1,600	2,400	35125.4136		6,000	150%	6,000	6,200	6,400	6,600	6,800	7,000	7,200	7,400	7,600	
0	1,900	2,600	5,300	0	0	300	2,200	0	1,000	0	300	35125.4137		1,000	233%	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
4,300	2,000	4,600	8,700	9,300	7,700	8,700	14,400	7,700	1,100	0	100	35125.4138		1,000	900%	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
0	0	2,000	1,300	0	3,100	3,200	400	1,600	8,300	16,800	8,200	35125.4139		10,000	22%	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,100	12,400	
2,700	600	5,500	800	3,900	1,400	4,700	4,400	2,900	25,400	16,200	3,800	35125.4140		5,000	32%	5,000	5,100	5,200	5,300	5,400	5,500	5,600	5,700	5,800	
200	100	300	4,100	1,600	4,400	2,700	1,800	34,100	17,500	56,800	71,900	35125.4141		70,000	-3%	72,000	73,800	75,600	77,500	79,400	81,400	83,400	85,500	87,600	
0	0	200	2,100	200	1,400	1,900	500	6,600	0	5,500	0	35125.4142		0	0%	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,100	12,400	
24,400	15,300	32,300	11,300	17,100	15,400	15,500	17,600	9,800	30,600	26,300	26,300	35125.4143		25,000	-5%	15,000	15,400	15,800	16,200	16,600	17,000	17,400	17,800	18,200	
28,800	29,000	31,600	37,800	56,900	80,400	89,600	104,000	140,700	106,200	125,700	174,900	35125.4144		153,000	-13%	155,000	158,900	162,900	167,000	171,200	175,500	179,900	184,400	189,000	
5,200	14,100	24,500	20,600	33,200	43,000	81,300	142,400	163,900	319,500	219,600	224,600	35125.4145		5,000	79%	5,000	5,100	5,200	5,300	5,400	5,500	5,600	5,700	5,800	
3,000	3,000	3,000	3,300	3,300	3,300	3,300	3,000	6,200	6,200	6,100	6,400	35125.4147		7,000	9%	7,000	7,200	7,400	7,600	7,800	8,000	8,200	8,400	8,600	
0	100	200	200	200	200	200	200	200	100	0	0	35125.4148		0	0%	0	0	0	0	0	0	0	0	0	
0	0	35,700	59,000	63,700	66,400	55,400	67,200	61,500	55,800	78,200	61,700	35125.4149		55,000	-11%	40,000	30,000	30,800	31,600	32,400	33,200	34,000	34,900	35,800	
0	0	0	0	0	0	0	0	0	0	0	0	35125.4151		0	0%	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	800	15,200	16,400	26,600	2,200	4,000	2,200	35125.4152		8,000	264%	8,000	8,200	8,400	8,600	8,800	9,000	9,200	9,400	9,600	
0	0	0	0	0	4,200	0	0	0	0	0	0	35125.4154		80,000	100%	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	51,000	50,000	66,800	35125.416		65,000	-3%	65,000	66,600	68,300	70,000	71,800	73,600	75,400	77,300	79,200	
														<b>Overheads and Debt Servicing</b>											
129,500	134,800	88,000	157,000	176,000	204,000	213,000	268,000	302,000	378,000	431,400	509,000	35120.0980		638,000	25%	654,000	670,400	687,200	704,400	722,000	740,100	758,600	777,600	797,000	
95,600	59,000	41,800	101,800	109,500	243,500	217,000	237,900	502,300	422,600	306,800	280,900	35120.0435		249,400	-11%	312,700	612,800	628,500	661,500	650,500	626,000	602,000	578,000	555,000	
														<b>Non-Cash</b>											
167,200	165,000	270,500	329,400	271,000	555,100	735,000	784,000	770,700	806,800	782,100	900,000	35120.0680		1,050,000	17%	1,150,000	1,425,000	1,512,000	1,601,000	1,646,000	1,695,000	1,737,000	1,780,000	1,825,000	
893,900	1,009,000	1,606,600	1,941,700	2,466,600	2,656,800	3,078,000	3,552,300	4,362,900	4,957,900	5,091,000	5,175,100			4,739,600	-8%	5,579,800	6,851,400	7,065,600	7,301,900	7,452,600	7,596,700	7,736,800	7,880,900	8,030,800	
29,400	516,300	655,100	566,400	432,700	(235,100)	(358,900)	(69,200)	346,900	822,300	1,836,100	578,500			(1,944,600)	-436%	(329,400)	308,200	231,200	141,500	140,400	149,100	164,600	179,200	191,400	
167,200	165,000	270,500	329,400	271,000	555,100	735,000	784,000	770,700	806,800	782,100	900,000			1,050,000	17%	1,150,000	1,425,000	1,512,000	1,601,000	1,646,000	1,695,000	1,737,000	1,780,000	1,825,000	
196,600	681,300	925,600	895,800	703,700	320,000	376,100	714,800	1,117,600	1,629,100	2,618,200	1,478,500			(894,600)	-161%	820,600	1,733,200	1,743,200	1,742,500	1,786,400	1,844,100	1,901,600	1,959,200	2,016,400	
														<b>Capital Movements</b>											
0	169,000	185,800	237,600	251,400	433,100	237,400	250,600	845,500	1,073,300	1,188,700	1,294,900			1,407,500		1,539,600	1,578,700	1,015,400	903,100	914,100	879,000	903,000	927,000	950,000	
196,600	512,600	827,800	853,300	703,600	0	142,000	464,200	272,100	555,800</																

4.1 Regional Airport Screening Infrastructure Program

Ballina Byron Gateway Airport - Capital Movements (August 2020 Revision)																										
Airport - Capital Expenditure Summary												Funding Sources 2019/20			Funding Sources 2020/21			Funding Sources 2021/22			Funding Sources 2022/23			Funding Sources 2023/24		
Asset Description	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	Grants	Loans	Reserves	Grants	Loans	Reserves	Grants	Loans	Reserves	Grants	Loans	Reserves		
<b>Ballina Airport</b>																										
Apron Overlay and Concrete Pads	147,900	18,500					400,000	500,000							18,500		0							0	0	
Baggage Area															0		0							0	0	
Car Parking, Solar, Boulevard		48,700	2,000,000												48,700	2,000,000	0							0	0	
Crown Land and Revetment Wall							100,000								0		0							0	0	
CASRO Facility		10,700						300,000							10,700		0							0	0	
Checked Baggage Screening															0		0							0	0	
Drainage															0		0							0	0	
Passenger Screening			2,905,000												0	1,405,000	1,500,000							0	0	
PALG, Lighting Controls and ALER	50,800	5,200	315,000												5,200		315,000							0	0	
Runway Approach Lighting															0		0							0	0	
Runway Friction and Groove Testing															0		0							0	0	
Runway Widening and Strengthening			2,000,000	24,000,000	5,000,000	5,000,000									0	1,000,000	1,000,000	0	9,000,000	15,000,000				0	0	
Runway End Safety Area (RESA)															0		0							0	0	
Terminal Expansion - Stage Two	4,925,700	971,900											742,100	2,400,000	(2,120,200)									2,500,000	2,500,000	
Terminal Expansion - Stage Three															0		0							0	0	
Miscellaneous Infrastructure	154,000	17,100													17,100		0							0	0	
Vehicle		30,600													30,600		0							0	0	
<b>Total</b>	<b>5,287,800</b>	<b>1,102,700</b>	<b>7,220,000</b>	<b>24,000,000</b>	<b>5,000,000</b>	<b>5,000,000</b>	<b>500,000</b>	<b>800,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>742,100</b>	<b>2,400,000</b>	<b>(2,039,400)</b>	<b>2,405,000</b>	<b>4,500,000</b>	<b>315,000</b>	<b>9,000,000</b>	<b>15,000,000</b>	<b>0</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>0</b>	<b>2,500,000</b>	

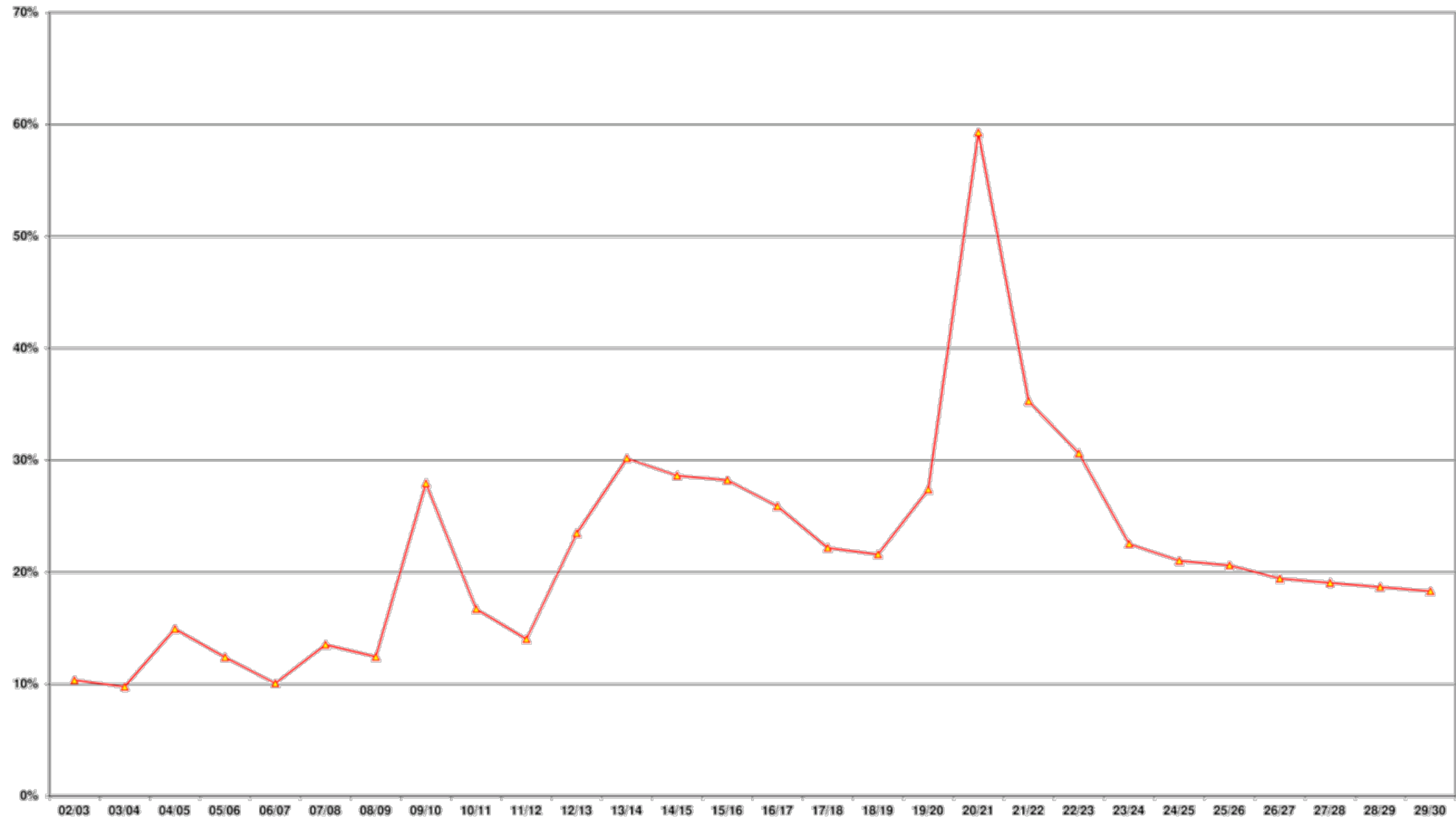
Source of Capital Funding	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Capital Grants and Contributions	3,232,400	742,100	2,405,000	9,000,000	2,500,000	2,500,000	0	0	0	0	0	0
Loan Borrowings	0	2,400,000	4,500,000	15,000,000	2,500,000	2,500,000	0	0	0	0	0	0
Reserves	2,055,400	(2,039,400)	315,000	0	0	0	800,000	800,000	0	0	0	0
<b>Total</b>	<b>5,287,800</b>	<b>1,102,700</b>	<b>7,220,000</b>	<b>24,000,000</b>	<b>5,000,000</b>	<b>5,000,000</b>	<b>500,000</b>	<b>800,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Airport Reserve Balances	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Opening Balance	1,149,700	423,800	2,646,800	29,700	(689,300)	(534,800)	193,000	532,400	604,700	1,569,800	2,568,400	3,600,600
Movement	(725,900)	2,223,000	(2,646,800)	(719,000)	154,500	727,800	339,400	72,300	965,100	998,600	1,032,200	1,066,400
Closing Balance	423,800	2,646,800	29,700	(689,300)	(534,800)	193,000	532,400	604,700	1,569,800	2,568,400	3,600,600	4,667,000

Loan Summary	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Loan Principal Repaid P.A.	1,188,700	1,294,900	1,408,500	1,539,700	1,578,800	1,015,500	903,200	913,700	879,000	903,000	927,000	950,000
Loan Interest Paid P.A.	309,700	280,900	249,800	313,100	613,200	628,900	662,000	691,000	626,000	602,000	578,000	555,000
<b>Total Principal and Interest P.A.</b>	<b>1,498,400</b>	<b>1,575,800</b>	<b>1,658,300</b>	<b>1,852,800</b>	<b>2,192,000</b>	<b>1,644,400</b>	<b>1,565,200</b>	<b>1,564,700</b>	<b>1,505,000</b>	<b>1,505,000</b>	<b>1,505,000</b>	<b>1,505,000</b>
Principal Outstanding - 30 June	5,181,200	6,286,300	9,377,800	22,838,100	23,759,300	25,243,800	24,340,600	23,426,900	22,547,900	21,644,900	20,717,900	19,767,900

Infrastructure Assets	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Written Down Value	45,213	45,415	51,585	74,435	78,010	81,498	80,397	79,551	77,856	76,119	74,339	72,514

Ballina Byron Gateway Airport - Debt Ratio - 2002/03 to 2029/30



## 4.2 Henderson Land, Lennox Head - Update

---

### 4.2 Henderson Land, Lennox Head - Update

#### **Delivery Program**

Commercial Services

#### **Objective**

To provide an update on this landholding and to seek approval to finance Council's obligations with respect to the adjoining landowner.

---

#### **Background**

Council owns land at Lennox Head that is typically referred to as the "Henderson Farm", described as Lot 2 DP 1070446. Attachment 1 contains a location plan.

A report to 26 July 2019 Ordinary meeting obtained Council's approval to enter into a Deed of Agreement (DOA) with Lennox Rise Pty Ltd, the adjoining land owner.

At that time, Lennox Rise Pty Ltd was acquiring the property held by Lennox Developments Pty Ltd and was seeking to amend a long standing DOA Lennox Developments held with Council.

Based upon advice from Council's solicitor, it was recommended a new DOA be entered into between Council and Lennox Rise Pty Ltd that removed all reference to Lennox Developments Pty Ltd and included the following points:

- Landowner's consent to the lodgment of an application to amend DA 2014/31
- Variation to size and location of the Council land to be dedicated as a part of an access road for Lennox Rise
- Boundary adjustments to deal with irregular shaped lots
- Council access to roads on common boundary.

DA 2014/31 is a staged residential subdivision for the land adjoining Council's landholding.

The purpose of this report is to advise on upcoming works associated with the DOA that require Council funding.

#### **Key Issues**

- Joint funding of access roads and stormwater drainage

#### **Information**

In 2019 Lennox Rise Pty Ltd lodged an amendment to DA 2014/31, which is scheduled to be reported to the September 2020 Ordinary meeting for determination.



## 4.2 Henderson Land, Lennox Head - Update

---

Subject to the outcome of that meeting, Lennox Rise Pty Ltd will prepare and lodge a construction certificate with a view to commencing development works in late 2020 or early 2021.

Attachment 2 contains the revised layout plan for the Lennox Rise development.

Under the provisions of the DOA, the following works are to be funded by Lennox Rise (77%) and Council (23%):

- Construction of access roads and
- Construction of stormwater drainage.

This apportionment recognizes that Council's property holding benefits from the access road and the stormwater drainage.

Consultants Newton Denny Chapelle (NDC) has prepared a concept plan (as per Attachment 2) and indicative cost estimate for the proposed access road. The proposed road is noted as "Road 5" and outlined in red on the plan in Attachment 3.

Subject to obtaining detailed design for the proposed works, NDC estimate the cost of the road to be in the order of \$710,000 + GST, plus the following costs where applicable:

- Reticulated sewer and water infrastructure
- Electrical infrastructure (estimated trenching included)
- Communications infrastructure (estimated trenching included)
- Landscaping and bush regeneration
- Fencing
- Retaining walls (none shown)
- Council and consultants' fees.

Council's 23% share of the \$710,000 + GST estimate would be \$163,000 + GST.

It is recommended that Council set aside \$200,000 for these works. The additional \$27,000 is allocated to fund the exclusions and a small section of road at the entry to Council's land and Lennox Rise's land. Detailed costings will be available when formal quotes are obtained.

To date, detailed design for the proposed stormwater drainage running along the western boundary of Council's property and cost estimates have not been completed.

Lennox Rise Pty Ltd will be organizing the design and quotation for these works, to which Council will contribute 23%. The budget of \$200,000 does not include these works.

Subject to gaining the necessary approvals, Lennox Rise Pty Ltd advise they are seeking to undertake road and stormwater works, sometime in 2021.

In regards to Council's land holding the site comprises an area of 14.52 hectares of which approximately 5 hectares is zoned "R3 Medium Density".

## 4.2 Henderson Land, Lennox Head - Update

---

Subject to gaining concept layout plans etc., it is estimated that the R3 zoned component of the site may yield approximately 60 serviced residential lots.

Development concept plans have not been prepared, as it has not been a priority to develop the site due to other projects, such as the Wollongbar Urban Expansion Area (WUEA) and the Southern Cross Industrial Estate.

It is estimated that it will cost approximately \$150,000 to prepare a development application and construction certificate for subdivision of the Henderson Farm.

The estimated cost to develop 60 serviced residential lots is in the order of \$9 million.

These funds are not available in the Property Development Reserve and would require 100% debt financing.

With the level of debt funding Council is proposing to undertake on other projects (WUEA, Southern Cross, Airport), it is preferred to keep this project on hold until funds generated from other projects become available.

Subject to the local residential market not being greatly affected by the economic fallout from the COVID-19 pandemic, demand for serviced residential lots will continue to strengthen into the future.

As supply is taken up at EPIQ and Lennox Rise, prices should strengthen to the advantage of the Henderson Farm.

### **Legal / Resource / Financial Implications**

#### *Legal*

A DOA has been signed between Council and Lennox Rise Pty Ltd that sets out each party's obligations in regards to jointly funding roads and stormwater drainage.

#### *Financial*

Funds have not been allocated in the Long Term Financial Plan to cover the road and stormwater works discussed in this report, as it was unclear when Lennox Rise would proceed. It now looks likely the funding will be needed during the current financial year.

This funding will need to be sourced from the Property Development Reserve. This reserve is forecast to have a minimum balance of \$416,400 as at 30 June 2022, with Council's major property development activities, being the Wollongbar Urban Expansion Area, Boeing Avenue (Southern Cross Industrial Estate) and the Innovation Precinct, funded through significant loan borrowings and grant funds.

The \$200,000 withdrawal will leave minimal funds in the reserve and the balance will be needed to help finance Council's contribution to the shared stormwater drainage works.

## **4.2 Henderson Land, Lennox Head - Update**

---

### **Consultation**

There has been on-going consultation with the neighbouring landowners, being Lennox Rise Pty. Ltd.

### **Options**

Council has a legal obligation to contribute to the shared infrastructure works, which means the only realistic option is to approve a funding allocation. The recommendation supports this approach.

### **RECOMMENDATION**

That Council approves an allocation of \$200,000 from the Property Development Reserve for inclusion in the 2020/21 Long Term Financial Plan, to finance Council's contribution to the shared access road infrastructure works for the Council owned land, described as Lot 2 DP 1070446.

### **Attachment(s)**

1. Location Plan
2. Staging Plan
3. Proposed Access Road

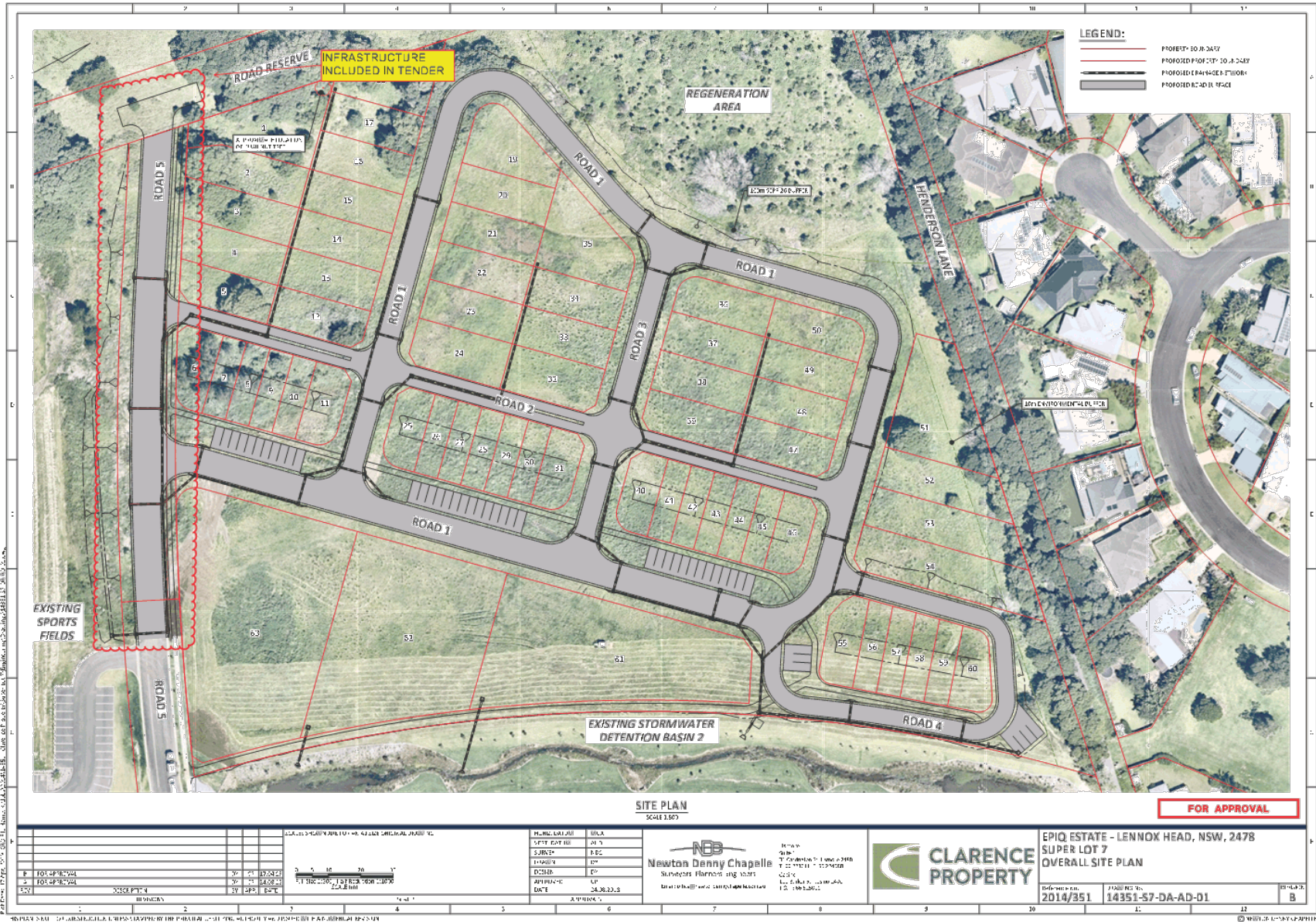








# 4.2 Henderson Land, Lennox Head - Update



## 4.3 Southern Cross Expansion Precinct - Innovation Precinct

---

### 4.3 Southern Cross Expansion Precinct - Innovation Precinct

#### Delivery Program

Commercial Services

#### Objective

To provide an update on the Southern Cross Expansion Precinct rezoning and to hold preliminary discussions in respect to the future of the developed lots.

---

#### Background

Stage 1 of the Southern Cross Expansion Precinct (SCEP) comprises an area of about five hectares and is generally known as the "Innovation Precinct". It is proposed to subdivide this site into five large lots ranging in size from about 5,900m<sup>2</sup> to 10,000m<sup>2</sup>.

Attachment 1 is a concept layout plan with the subject site outlined in red and identified as "Expansion Stage 1".

This report is generally for discussion purposes as the land is not zoned for industrial development, nor does it have development consent for subdivision.

#### Key Issues

- Progress of rezoning proposal for the SCEP and Innovation Precinct
- Possible land uses for the Innovation Precinct
- Land tenure – leasing versus selling
- A vision of the balance of the SCEP
- Feasibility proposal

#### Information

##### *Rezoning Proposal*

The SCEP is currently zoned Rural RU2. The process to rezone it to industrial commenced in 2013, however this site presents complexities relating to the following issues:

- Ecological attributes
- Acid sulfate soils
- Geotechnical conditions
- Stormwater management and flooding (including specific impacts of filling adjoining land to Lot 4 DP 872303)
- Entomological hazards (mosquitoes)
- Bushfire hazard
- Archaeological / cultural heritage
- Aerodrome impacts (airport noise and obstacle limitation surfaces) and
- Site contamination investigations.

Over the past few years there has been increasing interest from parties seeking to secure lots on the Innovation Precinct fronting Airport Boulevard.

### 4.3 Southern Cross Expansion Precinct - Innovation Precinct

---

In 2018, the NSW Government granted Council \$3,950,000 towards the development of the five lots forming the Innovation Precinct, which was to be completed by 31 March 2020.

An extension of time to have the works completed by 31 March 2021 was agreed to in February 2020 by Restart NSW.

Given the complexity of issues facing rezoning of the SCEP, in particular ecological and flooding, on 28 May 2020 Council endorsed a proposal recommending that the first stage of the Innovation Precinct be excised from the SCEP rezoning, and that Stage 1 proceed ahead of the balance of the SCEP rezoning (Stage 2).

This proposal, including a request to extend the rezoning deadline by a further six months, was subsequently put to NSW Department of Planning, Industry and Environment.

On 31 July, 2020 the Department approved this proposal but only granted a three month extension of time. The deadline for completion of rezoning for the Innovation Precinct has been revised to 31 January 2021.

Attachment 2 contains the proposal to the Department and Attachments 3 and 4 include the response.

Perhaps the most critical issue facing the rezoning proposal is mitigation measures to deal with flooding issues created by filling the Innovation Precinct.

Hydraulic Consultants BMT provided a report on 16 December 2019 on the flooding impacts of filling the Innovation Precinct.

An extract from that report is as follows:

*“Mitigation works should be considered on a regional basis for the Southern Cross Master Plan in order to best understand how to effectively mitigate flood impacts and the opportunity for optimum design is reduced with each successive section of the overall site that is filled. Therefore, a larger scale investigation is recommended for the Southern Cross Master Plan.”*

In essence, BMT suggested that the mitigation measures for Stage 1 of the Innovation Precinct, should not be treated in isolation but include all of the SCEP (inclusive of Stage 2).

This scenario has been further complicated by the proposal to upgrade and widen the airport runway.

The proposed works at the airport include placing a strengthening overlay on the runway, which may increase the height by about 200 to 250 millimetres, at the centerline, which in turn would create flooding displacement and flow issues.

Given these complexities and the revised deadline on the rezoning proposal, BMT have now been requested to formulate mitigation measures for Stage 1 of the Innovation Precinct in isolation.

Further information regarding the flood impact assessments and implications are likely to be the subject of further reporting to Council in due course.



### 4.3 Southern Cross Expansion Precinct - Innovation Precinct

---

The timeline suggesting a completion of the Stage 1 rezoning process by March 2021 is also under review to determine whether the process can be expedited.

Options to advance the development that are not reliant on the LEP amendment are also being considered.

These options include examining the potential for the land to be filled ahead of the completion of the rezoning and the sequencing of key steps in the development process, such as the point at which a development application for subdivision of the land can be made.

In an effort to expedite this project, Development Application 2020/76 was lodged on 14 February 2020, to fill the Innovation Precinct. If approved, this would give material time to consolidate and demonstrate to the State Government that substantial progress had been made with the project.

Council's planning staff have suggested that consent could be granted for stockpiling material on the site, however this is unsatisfactory as it leads to double handling of material and increased costs.

To guide the development of the SCEP, a master plan process involving industry stakeholder engagement and landscape design input is proposed.

A project plan outlining the background to the project and the process proposed for the master plan preparation is provided as Attachment 5 to this report - "Ballina Innovation Hub – Master Plan Concept Brief".

It is intended that the Innovation Hub Master Plan process be applied to the entirety of the SCEP area (Stages 1 and Stage 2) once environmental assessments have been completed and the total footprint available for the development is confirmed.

It is anticipated that this process will best guide the extent of the "Innovation Hub" and the range of associated land uses therein, on the basis of stakeholder engagement and land tenure negotiations (to occur concurrently).

This process then provides a clear mechanism for interested parties to engage with Council and put concepts and ideas forward through an open and transparent planning process.

#### *Market Interest, Expression of Interest and Feasibility Study*

Interest to date has been very strong from parties seeking to develop lots on the Innovation Precinct, including:

- INXS Museum on Lot 1
- Byron Studios - Movie studio and sound stage complex on Lot 3
- Food hub or farmers and produce market
- Bio medical type uses
- Hotel / motel.

These ideas reflect the potential of the Innovation Precinct for a theme of development not previously seen in Ballina.

### **4.3 Southern Cross Expansion Precinct - Innovation Precinct**

---

With such interest and in the context of probity, Council must consider what process it intends to undertake to sell or lease lots on the Innovation Precinct.

The most practical and transparent option would be an expression of interest (“EOI”) process calling for parties to lodge submissions detailing their proposed use.

To help guide this process, Council must give consideration to the criteria it intends to set in assessing submissions.

Such criteria may include, but not be limited to:

- Detailed description of proposal including concept plans
- Evidence of financial capacity to fund lease or acquisition of a site
- Evidence of financial capacity to fund construction of proposed development
- Economic benefits to be generated for the shire from such development including directly employed jobs, creation of ancillary industries and or businesses, long term sustainability of proposal
- Use of sustainable or environmental practices in regards to building materials, solar power, water reuse and other features to minimise short and long term impact upon the environment.
- Social and other benefits generated for the local community such education and training.

Consideration also needs to be given to land tenure. Are lots on the Innovation Precinct to be offered for sale and or lease?

Leasing would give Council more long term control over a site than would sale and it also provides a recurrent income stream.

A land lease could set out performance criteria that must be met and reviewed by Council on a regular basis.

Such criteria may include a “use it or lose it” clause where a lessee must make substantial progress in construction within in a set time; if not Council could rescind the lease without any compensation payable.

As lessor, Council would always have direct authority over a lessee, as any assignment of a lease would require Council’s consent.

Given the substantial investment a proponent would be making in constructing buildings, proponents and their financiers would require long term leases of at least 20 to 50 years, or more, in which to repay loans and obtain a return on the investment.

This is not unusual with leasehold tenure where financiers require long term leases as security for loans.

Consideration would also need to be given to rental structures, where proponents may seek concessional rentals in the formative years of a lease to assist with cash flows in establishing a new business.

### 4.3 Southern Cross Expansion Precinct - Innovation Precinct

---

Such concessions would have to be balanced against Council's debt obligations it may have from borrowing funds to undertake development of the Innovation Precinct.

Alternatively, Council could consider a sale of the lots, which would repay debt Council may have incurred in developing the lots, and any surplus left over would be the development profit.

Council could place a "use it or lose it" condition on sale of the lots as was done with the sale of land to Harvey Norman, whereby the purchaser must make substantial construction progress within a specified time or else Council could buy back the site at the purchase price without any compensation payable for the building improvements.

Once a pre-determined time has passed and the purchaser has satisfied their construction obligations Council would no longer have any long term interest.

A key benefit of leasing or conditional sale is to reduce the likelihood of a speculator gaining control of a site and on selling to a third party who may have a different development concept than what was initially proposed.

At this point in time it is considered premature to run an EOI process to lease and or sell lots on the Innovation Precinct.

An EOI process would be better informed and more meaningful to proponents once the rezoning process has been completed, development application matters have been resolved and master planning setting direction for the use of the land has been completed.

A detailed feasibility study could be presented to Council once finalisation of the rezoning is imminent and detailed cost estimates can be obtained.

The state of the property market should also be clearer, particularly in regard to the economic fallout from the COVID-19 pandemic.

An opportunity has arisen that may assist Council in selecting a use for one of the lots on the Innovation Precinct. Byron Studios recently sought proposals from national consulting firms to undertake a feasibility study on the establishment of a movie studio and sound stage complex on Lot 3.

Three firms submitted proposals:

- Price Waterhouse Coopers (PWC)
- Deloitte
- KPMG.

The specification for the brief includes a requirement for the feasibility study to formulate a "road map" on how to bring the project to fruition. Prices submitted ranged from \$85,000 to \$149,500 + GST. Following on from a review, PWC are considered best value for money at \$88,500 + GST.

Byron Studios are prepared to fund one third of the feasibility study and are seeking similar co-contributions from the NSW State Government and Ballina Shire Council.

### **4.3 Southern Cross Expansion Precinct - Innovation Precinct**

---

Byron Studios has been in discussions with Council for more than twelve months about developing a movie studio and sound stage complex on Lot 3.

The feasibility study proposal presents an opportunity to investigate establishment of an industry on the Innovation Precinct that could generate development of ancillary industries and significant economic benefits for the Ballina Shire, particularly given the current strong interest in film producers seeking locations outside the USA in which to shoot and produce movies.

Consideration of a new industry such as movie production would be a key factor in formulating a master plan for the SCEP.

Feasibility information gathered through this process could be used as part of the master planning process.

#### **Legal / Resource / Financial Implications**

Costs associated with the LEP amendment are currently being met within existing budget allocations.

There are carried forward funds of \$56,000 available in the Long Term Financial Plan for the master planning process.

If Council wishes to co-fund the feasibility study that allocation will need to be sourced from the Property Development Reserve. That reserve has minimal funds available, as outlined in the previous report in this agenda.

It is also important to acknowledge Council's responsibilities in respect to the \$3.95m Restart NSW funding deed.

The key items in that agreement are:

- Project Title – Southern Cross Expansion and Innovation Precinct
- Project Description – Lead-in infrastructure to activate three hectares (39 hectares in the longer term) of industrial land adjacent to the Ballina – Byron Gateway Airport.

The project proposes to undertake civil and other works to create three x one hectare services lots on land adjacent to the Ballina – Byron Gateway Airport. It is proposed that three lots will form an innovation precinct and act as a catalyst for future development on the expansion precinct.

The key outcome for this funding is to deliver three hectares of industrial land for an innovation precinct. Council needs to ultimately determine what businesses will be located on the site.

#### **Consultation**

Consultation has been undertaken with Council's strategic and development planning staff as part of the development of this report. There has also been on-going discussions with potential purchasers and / or tenants for the Innovation Precinct.

#### **Options**

### **4.3 Southern Cross Expansion Precinct - Innovation Precinct**

---

The primary purpose of this report has been to provide an update on the rezoning and the Innovation Precinct. As per the report there is still a significant amount of work to be completed to deliver serviced industrial land.

Council could, as part of this report, provide direction on how the land is to be allocated to interested parties, i.e. through an EOI process, sale, lease etc.

As per the report the preference is to delay any decision on this until further information is available on the rezoning and the development of the site.

In respect to the master plan for the Southern Cross Expansion Precinct, Attachment 5 provides a draft brief for that project. If Council wants any particular matter addressed as part of that project, a recommendation from this meeting could be included in the brief.

Finally the report requires Council to confirm whether it wishes to make a co-contribution to the Byron Studios feasibility.

The benefits of this proposal include the cost being evenly shared between the State Government, Council and the private sector, and the report once completed should be able to help Council in planning the future of the entire Southern Cross Expansion Precinct.

The negatives are the cost to Council, recognizing that Council has not formally resolved to allocate any land in the Innovation Precinct to the Byron Studios' proposal, along with the equity issue in that other private sector parties may also be interested in developing a feasibility assessment to build at the Innovation Precinct.

With the Byron Studios having significant State Government support, and co-funding available, along with support from Regional Development Australia, the recommendation is to support the co-contribution. The study will also help in Council's future planning for the Southern Cross Expansion Precinct, which brings additional benefits.

#### **RECOMMENDATIONS**

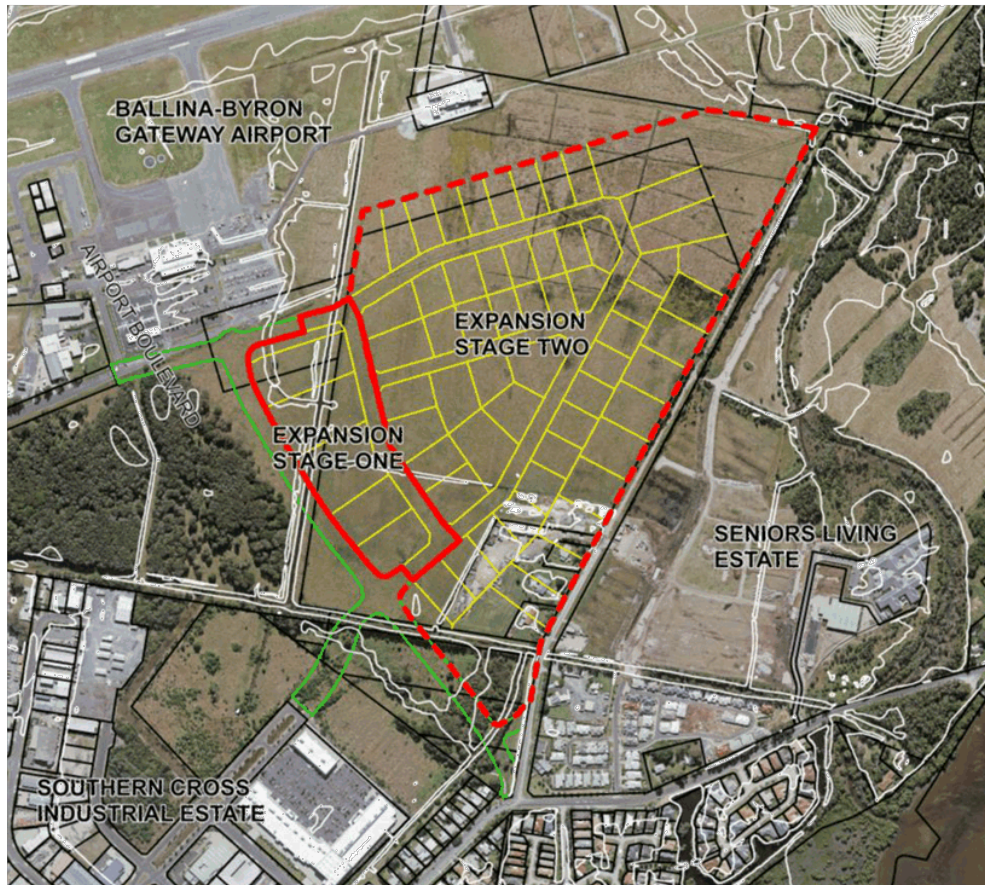
1. That Council notes the contents of this report in respect to the planning still to be completed for the rezoning of the Southern Cross Expansion and Innovation Precinct.
2. That Council notes the contents of the Master Plan Concept Brief, for the Ballina Innovation Hub, as per Attachment 5 to this report.
3. That Council approves an allocation of \$30,000 from the Property Development Reserve, as the maximum one third co-contribution to a feasibility study into the viability of the Byron Studio's movie studio and sound stage complex proposal at the Innovation Precinct, with the balance to be co-funded by the State Government and the Private Sector proponents. This funding is subject to Council having full access to the information sourced and contained within the feasibility study.

#### **Attachment(s)**

### **4.3 Southern Cross Expansion Precinct - Innovation Precinct**

---

1. Southern Cross Expansion Precinct - Concept Layout Plan
2. Southern Cross Precinct Expansion - Stage 1 - Amended Planning Proposal
3. Planning Industry & Environment - Alteration of Gateway Determination - 31 July 2020
4. Planning Industry & Environment - Alteration of Gateway Determination - 31 July 2020 - Authority
5. Project Plan - Ballina Innovation Hub - Master Plan Concept Brief





## **Amended Planning Proposal**

**June 2020**

## **Southern Cross Precinct Expansion (Stage 1)**

**Amended Gateway 20/46684**



Mapping

DISCLAIMER © NSW Spatial Services 2020. Although all care is taken in the preparation of plans within this document and its attachments, Ballina Shire Council accepts no responsibility for any misprints, error, omissions or inaccuracies. The information contained within each plan is for pictorial representation only. Do not scale. Accurate measurements should be undertaken by survey.

**TABLE OF CONTENTS**

**Contents**

**TABLE OF CONTENTS ..... 3**

**INTRODUCTION..... 4**

**Background and Summary of Amended Planning Proposal..... 4**

**Planning Context..... 10**

**PART 1 – OBJECTIVES OR INTENDED OUTCOMES..... 12**

**PART 2 – EXPLANATION OF THE PROPOSAL ..... 12**

**PART 3 – JUSTIFICATION ..... 13**

    Section A - Need for the Planning Proposal ..... 13

    Section B - Relationship to the Strategic Planning Framework..... 14

    Section C - Environmental, Social and Economic Impact ..... 16

    Section D - State and Commonwealth Interests..... 17

**PART 4 – MAPPING..... 18**

**PART 5 – COMMUNITY CONSULTATION ..... 19**

**PART 6 – TIMELINE..... 19**

**APPENDICES ..... 20**

**Appendix One - Gateway Determinations ..... 20**

**Appendix Two - Proponent’s Submission Seeking Amendment of Planning Proposal..... 30**

**Appendix Three - Council Reports & Minutes..... 36**

**Appendix Four - Proposed Zoning Table for Proposed IN2 Light Industrial Zone ..... 52**

**Appendix Five - Section 9.1 Direction Checklist ..... 53**

**Appendix Six - Maps ..... 56**

    Map 1 - Site Identification Map ..... 56

    Map 2 - Proposed Land Zoning Map (LZN Map)..... 57

    Map 3 – Proposed Lot Size Map (LSZ Map) ..... 58

    Map 4 – Proposed Height of Buildings Map (HOB Map) ..... 59

    Map 5 – Proposed Strategic Urban Growth Area (SGA Map)..... 60

**Appendix Seven - Ballina Growth Management Strategy (excerpt) ..... 61**

**Appendix Eight - Southern Cross Precinct Master Plan Map Extracts ..... 63**

### INTRODUCTION

#### Background and Summary of Amended Planning Proposal

Ballina Shire Council prepared a planning proposal in June 2013 seeking the rezoning of rural zoned land adjoining the Ballina Byron Gateway Airport to a mixed B6 Enterprise Corridor and B7 Business Park zoning regime and associated LEP amendments.

The Department of Planning and Infrastructure issued a conditional Gateway determination allowing the planning proposal to proceed in July 2013. The Gateway determination was subsequently altered in May 2015 to extend the time period for completing the LEP to 30 July 2016. Refer Appendix One.

In September 2015 Ardill Payne, acting for Ballina Shire Council's Commercial Services Section, majority landholder of the subject land, requested that the planning proposal be amended. A copy of this submission is provided in Appendix Two.

On 24 September 2015 Ballina Shire Council at its Ordinary Meeting considered the request from Ardill Payne and resolved as follows [Minute No 240915/9]:

- 1. That Council endorses the application of an IN1 General Industrial zone and an IN2 Light Industrial zone to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Part Lot 7 DP 793980; Lot 8 DP 793980; Part Lot 264, DP 1195313 and the adjoining Council road reserve (Corks Lane) in Ballina, as shown in the Map contained in Attachment 2.*
- 2. That Council endorses the application of a 1,000m<sup>2</sup> minimum lot size and a 10 metre building height limit for the site proposed to be rezoned, and changes to the Strategic Urban Growth Area Map boundaries as shown in the Map contained in Attachment Four.*
- 3. That Council endorses the preparation of an amended planning proposal and the submission of a request for an altered Gateway determination to the NSW Department of Planning & Environment to reflect the matters referenced in recommendations 1 and 2.*
- 4. That Council advise the Department of Planning and Environment that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.*
- 5. That Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information once submitted, and to provide Council with an associated report and recommendations.*

6. *That upon an affirmative altered Gateway determination being received from the Department of Planning & Environment, the procedural steps associated with progression of the planning proposal be undertaken.*
7. *That a further report be presented to Council in relation to this matter following the completion of the community engagement phase of the planning proposal.*

Refer to Appendix Three for the report considered by the Council at its Ordinary Meeting on 24 September 2015.

Council has sought and been granted extensions to the Gateway determination completion timeframe as per the following (refer to Appendix One) :

- 14 October 2016 extension granted to 30 October 2017
- 20 October 2017 extension granted to 30 October 2018
- 9 October 2018 extension granted to 30 October 2019
- 13 November 2019 extension granted to 30 October 2020

Council considered a report at its Ordinary Meeting held on 28 May 2020, recommending the amendment of the subject planning proposal, to reduce the subject land such that the planning proposal would apply to a nominated first stage of development comprising the area of land shown in Figure 1.

The May 2020 report considered by the Council regarding this matter is provided in Appendix Three. The Council resolved as follows [Minute No. 250520/12]:

1. *That Council seek to amend the Gateway Determination for the Southern Cross Precinct Expansion planning proposal BSCPP 13/005 to apply to stage one (lots 1-5) as outlined in this report.*
2. *That a new planning proposal be presented to Council addressing the balance of the Southern Cross Precinct Expansion area once the required technical studies are complete.*

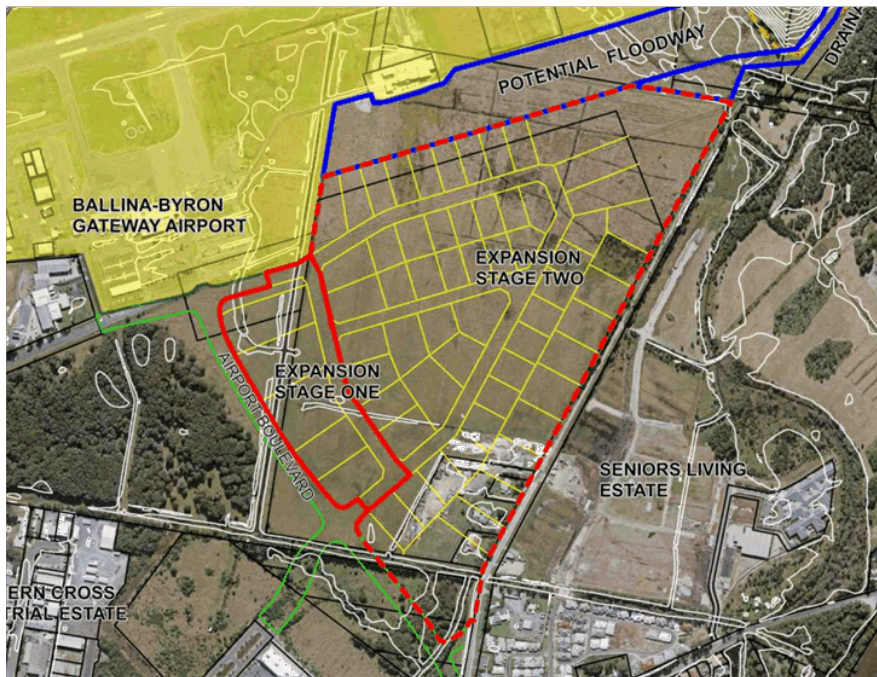
Consequently, whilst initially the planning proposal related to a broad area of land (as outlined in the Council reporting provided in Appendix Three), following the Council's May 2020 decision, the proposal now relates only to the lots as described below and identified on Figure 1:

- Part of Lots 7 & 8 DP 793980 (owned by Ballina Shire Council)
- Part of Lot 277 DP 1262163 (owned by Ballina Shire Council)
- Adjoining Council road reserve

This decision was made having regard for the Gateway determination completion timeframe, the timeframe for the completion of a State Government grant funded project (relating to the land), and the need to complete detailed flood mitigation



Figure 2 Southern Cross Expansion Area - Indicative Staging



The amendments sought to Ballina LEP 2012 will enable expansion of the (existing) Southern Cross Industrial Estate and facilitate economic development outcomes.

The site is predominantly zoned RU2 Rural Landscape zone, with part Lot 7 DP 793980 (Lot 7) being subject to an SP2 Infrastructure - Air Transport Facility zone under the provisions of Ballina LEP 2012. Only part of Lot 7 is proposed to be rezoned to IN2 Light Industrial with the remainder retaining its SP2 Infrastructure zoning. The whole of the Strategic Urban Growth Area affectation applying to Lot 7 is however, proposed to be removed for housekeeping reasons, notwithstanding that it extends beyond the boundary of that part of Lot 7 proposed to be rezoned.

Figures 3 to 6 below show the manner in which the site is currently zoned and how the Ballina LEP 2012 map sheets are proposed to be amended. The proposed amendments as per the standard LEP map sheets are provided in Appendix Six.



Figure 3 Current and Proposed Zoning (LZN)

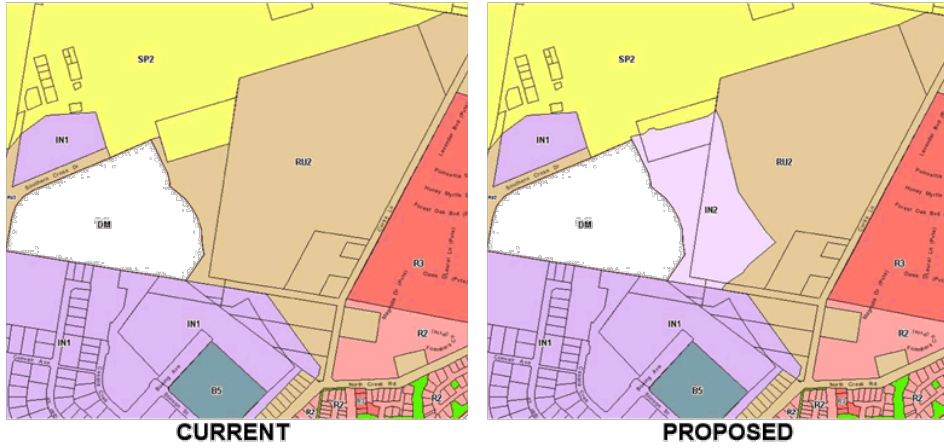
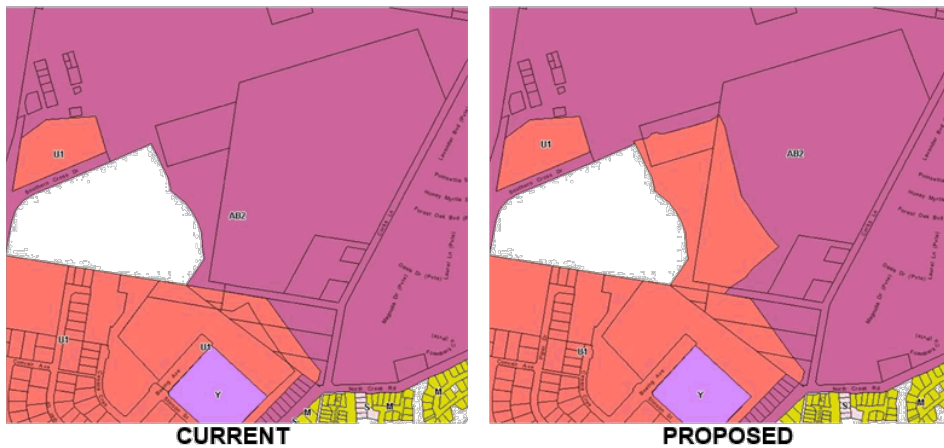
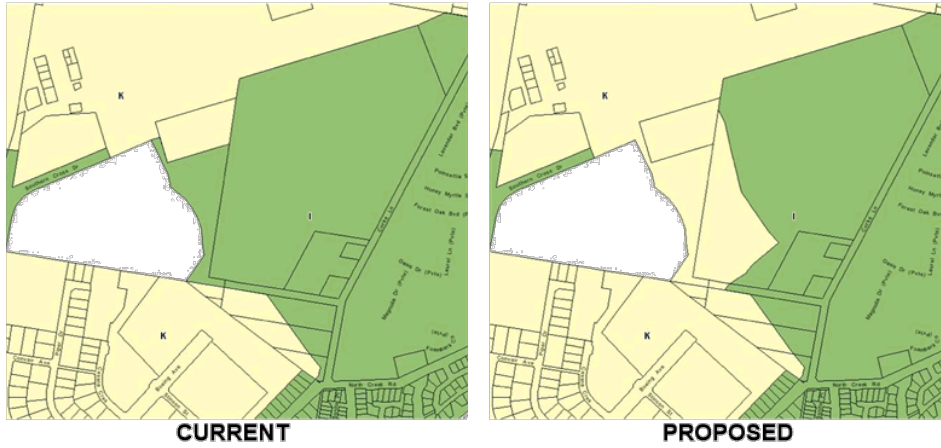


Figure 4 Current and Proposed Minimum Lot Size Map (LSZ)



**Figure 5 Current and Proposed Height of Buildings Map (HOB)**



**Figure 6 Current and Proposed Strategic Urban Growth Areas Map (SGA)**



Ballina Shire Council is the landholder of the subject land, which is designated as “operational land” pursuant to the Local Government Act 1993. In order to manage any potential perceived conflicts of interest in relation to the Council’s dealing with the matter, it is proposed that the process as outlined below be followed should the planning proposal receive an altered Gateway determination allowing it to proceed:



- The applicant (Council's Commercial Services Section) will be requested to finalise and provide the information relating to the following range of matters to support the planning proposal:
  - Ecological and flora and fauna,
  - Acid sulfate soils,
  - Geotechnical,
  - Stormwater impact and flooding (including specific impacts of filling adjoining land to Lot 4 DP 872303),
  - Entomological (mosquitoes),
  - Bushfire hazard,
  - Archaeological / cultural heritage,
  - Aerodrome impacts (airport noise and obstacle limitation surfaces),and
  - Initial Site Contamination Investigation.
- Council (Council's Strategic & Community Facilities Group) will engage, at the proponent's cost, the services of an independent planning consultant to review the additional information and provide recommendations as to the adequacy of submitted information and most appropriate manner in which the planning proposal should be progressed.
- The independent consultant's report will be incorporated within the planning proposal and be publically exhibited.
- Council has specifically resolved not to seek or exercise delegation in respect to this matter thereby enabling the Department of Planning and Environment to exercise independent oversight and review of the process.

### Planning Context

#### Ballina Local Environmental Plan 2012

The site is identified on the Site Identification Map (Map 1) in Appendix Six to this planning proposal (also reproduced as Figure 1 above).

Currently, the following LEP designations apply to the subject land:

- The site is currently zoned partly RU2 Rural Landscape zone and partly SP2 Infrastructure - Air Transport Facility zone as shown on the existing Land Zoning Map (refer to Figure 3 above).
- The site is impacted by a 40ha minimum lot size requirement as indicated on the Lot Size Map (refer to Figure 4 above).
- That part of the site zoned RU2 Rural Landscape is subject to an 8.5 metre building height restriction whereas a 10 metre building height restriction applies to the SP2 Infrastructure zoned land as indicated on the Height of Buildings Map (refer to Figure 5 above).

- The site is identified as a Strategic Urban Growth Area on the Strategic Urban Growth Area Map (refer to Figure 6 above).

The planning proposal seeks to apply the following land use zones and planning controls to the site under the provisions of the Ballina LEP 2012:

- IN2 – Light Industrial Zone (new zone) in the LZN Map;
- Minimum lot size of 1000m<sup>2</sup> in the LSZ Map;
- Maximum building height of 10 metres in the HOB Map; and
- Amendment of the Strategic Urban Growth Area boundaries in the SGA Map.

The amendments proposed in this planning proposal are those shown in Figures 3 to 6 above and as shown in the standard LEP map sheet format contained in Appendix Six, as per the following:

- Map 2 shows the zones proposed to be applied to the site (LZN Map).
- Map 3 shows the minimum lot size proposed to be applied to the site (LSZ Map).
- Map 4 shows the maximum building height proposed to be applied to the site (HOB Map).
- Map 5 shows the manner in which the SUGA and associated buffers (which extend beyond the site) are proposed to be amended (SGA Map).

The zoning table for the proposed new IN2 Light Industrial zone is contained within Appendix Four.

### Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 (GMS) provides the strategic planning context for urban development in Ballina Shire. The GMS includes the following 'Strategic Actions' in relation to the North Ballina locality:

- *Investigate, through the rezoning process, land development opportunities and the provision of public infrastructure identified in the Southern Cross Precinct Master Plan and the West Ballina Structure Plan.*
- *Enhance entry treatment including associated with the Ballina/Byron Gateway Airport.*
- *Establish a clustered bulky goods retailing precinct.*

The rezoning of the land as proposed is generally consistent with Council's Ballina Shire Growth Management Strategy.

Appendix Seven contains excerpts from the GMS.

### Southern Cross Precinct Master Plan 2008

The Southern Cross Precinct Master Plan (SCPMP) identifies the following possible land use components with respect to the subject land:

- Future industrial area with conventional 50m x 25m lots;
- New airport link road;
- Realigned road to facilitate the design of the North Creek Road intersection;
- Live/work precinct containing light industrial lots;
- Existing and expanded environmental protection areas and open space corridors;
- Existing and expanded bicycle track network; and
- Existing and expanded drainage network.

The planning proposal (which provides for employment based land use outcomes) is generally consistent with the strategic planning for the locality, as provided for by the Ballina Shire Growth Management Strategy and the SCPMP.

The SCPMP was prepared in respect to only Council owned land adjacent to the Ballina Byron Gateway Airport and the Southern Cross Industrial Estate. For this reason the three privately owned properties (Lot 3 and 4 DP 872303 and Lot 2 DP 833513) which formed a part of the original planning proposal were not incorporated within the SCPMP. These lots were however, incorporated within the original planning proposal, with the support of the respective property owners, and assigned a B6 Enterprise Corridor zone. However, these properties have been excluded from this planning proposal as per the staging outlined in the introduction.

Appendix Eight contains the SCPMP Map.

### **PART 1 – OBJECTIVES OR INTENDED OUTCOMES**

The objective of this planning proposal is to enable the site to be developed for a range of industrial land uses and to set appropriate development standards related to minimum lot size and building height.

### **PART 2 – EXPLANATION OF THE PROPOSAL**

This planning proposal relates to an area of land located adjacent to the existing Southern Cross Industrial Estate and the Ballina-Byron Gateway Airport. Other land

uses within proximity of the land include the Ballina Waste Management Centre and several residential estates (including a developing senior's living estate).

The site includes a number of lots, and part lots, described below (as shown in Map 1 and outlined in red in Figure 1):

- Part of Lots 7 & 8 DP 793980 (owned by Ballina Shire Council)
- Part of Lot 277 DP 1262163 (owned by Ballina Shire Council)
- Adjoining Council road reserve

The site is currently zoned part RU2 Rural Landscape Zone and part SP2 Infrastructure - Air Transport Facility zone under the provisions of Ballina LEP 2012 (refer to Figure 2 above).

The planning proposal seeks to apply the IN2 Light Industry Zone (a new zone) under the provisions of Ballina LEP 2012 (as shown on Map 2 in Appendix Six):

The planning proposal also seeks to apply a minimum lot size of 1000m<sup>2</sup> on the Lot Size Map (LSZ) and a maximum building height of 10 metres on the Height of Buildings Map (HOB) under the provisions of Ballina LEP 2012, as shown on Maps 3-5 in Appendix Six. A further outcome of the planning proposal will be to amend the Strategic Urban Growth Areas Map (SGA) to remove the site from identification as a strategic urban growth area, as shown on Map 6 in Appendix Six.

### PART 3 – JUSTIFICATION

#### Section A - Need for the Planning Proposal

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

The subject land is identified in Council's Ballina Shire Growth Management Strategy (2012) and Southern Cross Precinct Master Plan (2008) as having potential to accommodate industrial development.

##### Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 (GMS) provides the strategic planning context for urban development in Ballina Shire. An excerpt of the Ballina Shire Growth Management Strategy, comprising the local strategy table for the North Ballina locality and the North Ballina strategy map, is provided in Appendix 7.

The GMS includes the following 'Strategic Actions' in relation to the North Ballina locality:

- *Investigate, through the rezoning process, land development opportunities and the provision of public infrastructure identified in the Southern Cross Precinct Master Plan and the West Ballina Structure Plan.*
- *Enhance entry treatment including associated with the Ballina/Byron Gateway Airport.*

The rezoning of the land as proposed is consistent with Council's Ballina Shire Growth Management Strategy.

The Ballina Shire Growth Management Strategy was approved by the Director General of the Department of Planning & Infrastructure in correspondence dated 7 May 2013.

### Southern Cross Precinct Master Plan

The Southern Cross Precinct Master Plan (excerpt provided in Appendix 8) identifies the following possible land use components with respect to the Southern Cross Expansion Area:

- 3 - Future industrial area with conventional 50m x 25m lots;
- 4 - New airport link road;
- 5 - Realigned road to facilitate the design of the North Creek Road intersection;
- 8 - Live/work precinct (described as containing light industrial lots in s4.3.5 of the Master Plan)
- 11 - Existing and expanded environmental protection areas and open space corridors;
- 14 - Existing and expanded bicycle track network; and
- 19 - Existing and expanded drainage network.

The planning proposal (which provides for employment based land use outcomes) is generally consistent with the strategic planning for the locality, as provided for by the Ballina Shire Growth Management Strategy and the Southern Cross Precinct Master Plan.

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

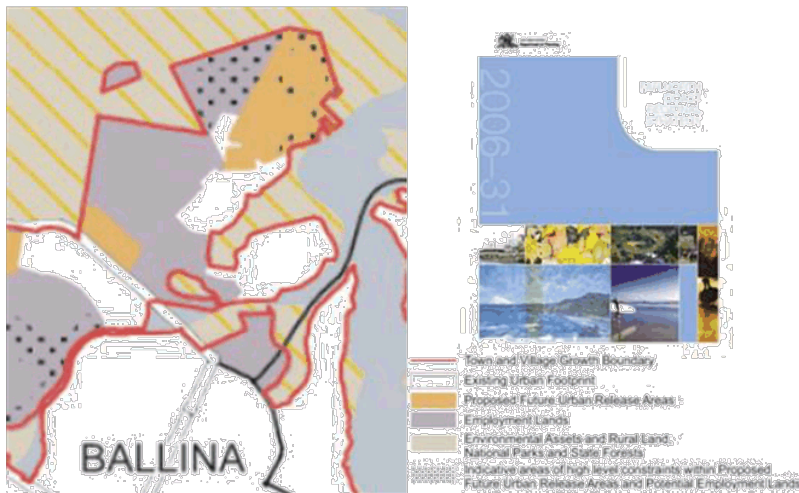
The planning proposal is the most appropriate means of enabling industrial development on the land.

### **Section B - Relationship to the Strategic Planning Framework**

### **3. 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)?

The majority of the subject land is identified as 'Employment Lands' in the Far North Coast Regional Strategy (FNCRS), which provides the regional framework for the consideration of policy development and the overall vision of the future. The planning proposal includes additional adjoining land (as "minor rounding") identified in the Ballina Shire Growth Management Strategy, approved by the Director General of the Department of Planning & Infrastructure in correspondence dated 7 May 2013. The proposal is not in conflict with the outcomes or actions of the FNCRS.



**4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?**

The planning proposal is consistent with the Prosperous Economy elements of Council's Community Strategic Plan 2013 - 2023 as detailed below:



REF:	OUR OUTCOMES AND WHAT COUNCIL WILL DO	WHAT THE BENEFITS WILL BE
PE1	WE ATTRACT NEW BUSINESS AND VISITORS	
PE1.1	Promote our area as an attractive place to invest and visit	Economy grows and is more resilient Improved range of services
PE1.2	Provide infrastructure that supports business and delivers economic benefits	Increased business in the Shire Minimal commercial vacancies
PE1.3	Minimise the costs and regulatory requirements for doing business	Businesses are more competitive and sustainable
PE2	MY BUSINESS CAN GROW AND DIVERSIFY	
PE2.1	Develop plans that encourage business growth and diversification	Increased business opportunities
PE2.2	Promote and facilitate a range of business activities	Improved perception that Council supports business
PE2.3	Establish planning regulations that encourage opportunities for diversification	Reduced barriers to business operation, expansion, diversification or relocation
PE3	WE CAN WORK CLOSE TO HOME	
PE3.1	Facilitate and provide economic land and infrastructure to support business growth	Increased availability of land and locations to support business activity
PE3.2	Facilitate and provide affordable infrastructure, both business and residential	More residents living close to where they work, with more affordable options available
PE3.3	Encourage technologies and transport options that support work at home or close to home business activities	Reduced commuting and increased percentage who live and work in the Shire

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

Yes, the proposal is generally consistent with applicable State Environmental Planning Policies (SEPP).

**6. Is the planning proposal consistent with the applicable Ministerial Directions (S. 9.1 Directions)?**

Apart from justifiable inconsistencies with S.9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land the proposal is considered to be consistent with all other relevant Section 9.1 Directions. A Section 9.1 Direction checklist for the planning proposal is contained in Appendix 3.

**Section C - Environmental, Social and Economic Impact**

**7. 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?**

A detailed ecological / flora & fauna assessment will be undertaken to support the planning proposal should the amended planning proposal receive an affirmative altered Gateway determination.

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

The environmental characteristics (opportunities and constraints) of the subject land were considered in the preparation of the Southern Cross Precinct Master Plan. The master plan identified that the subject land was generally cleared grazing land that has been subject to considerable disturbance associated with previous activities. As a consequence the land is not considered to have significant environmental values. Notwithstanding, a number of environmental assessments will be required to support the amended planning proposal, should the amended planning proposal receive an affirmative altered Gateway determination. These environmental assessments include assessments relating to the following matters:

- Ecological flora and fauna,
- Acid sulfate soils,
- Geotechnical,
- Storm water impact and flooding (including specific impacts of filling adjoining land to Lot 4 DP 872303),
- Entomological (mosquitoes),
- Bushfire hazard,
- Archaeological / cultural heritage, and
- Aerodrome impacts (airport noise and obstacle limitation surfaces).

The potential impacts associated with filling the site for the purpose of flooding mitigation has been assessed as part of Council's floodplain management planning process, undertaken in accordance with the NSW Government's Floodplain Management Manual. This broader assessment will support the planning proposal should the rezoning receive an affirmative altered Gateway determination. Further flood assessment may be required depending on the outcomes of more detailed consideration of the land.

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

The planning proposal is anticipated to have positive social and economic benefits through the provision of additional employment lands. No further specific detailed assessment of social and economic effects are proposed to be undertaken.

### **Section D - State and Commonwealth Interests**

**10. Is there adequate public infrastructure for the planning proposal?**

Adequate urban infrastructure is available to accommodate urban development of the land. Further, the planning proposal will facilitate the provision of infrastructure



to support development and to improve the accessibility of the Ballina/Byron Gateway Airport and adjacent commercial and industrial areas.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

State and Commonwealth public authorities have not yet been consulted with respect to the amended planning proposal. It is intended that the following State, Commonwealth and local authorities be consulted prior to the public exhibition of the planning proposal:

- NSW Aboriginal Land Council,
- Office of Environment and Heritage,
- NSW Department of Primary Industry - Agriculture,
- Transport for NSW - Roads and Maritime Services,
- NSW Rural Fire Service,
- Air Services Australia,
- Civil Aviation Safety Authority, and
- Ballina Byron Gateway Airport.

### PART 4 – MAPPING

The following maps (Appendix Six) have been prepared to support the planning proposal:

- Map 1 - illustrates the location of the subject land – Site Identification Map;
- Map 2 - is the Proposed Land Zoning Map
- Map 3 - is the Proposed Lot Size Map
- Map 4 - is the Proposed Height of Buildings Map
- Map 5 - is the Proposed Strategic Urban Growth Area Map

#### PART 5 – COMMUNITY CONSULTATION

No community consultation has been undertaken with regard to this planning proposal.

It is intended that this planning proposal will be exhibited for a period of 28 days or otherwise in accordance with the Department of Planning and Environment's altered Gateway determination.

#### PART 6 – TIMELINE

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

Plan Making Step	Estimated Completion (before end of)
Gateway Determination (Anticipated)	July 2020
Public Exhibition Period	November 2020
Public Hearing (if required)	N/A
Submissions Assessment	December-January 2021
RPA Assessment of Planning Proposal and Exhibition Outcomes	February-March 2021
Submission of Endorsed LEP to DP&E for Finalisation	April 2021
RPA Decision to Make the LEP Amendment (if delegation accepted)	Delegation not sought

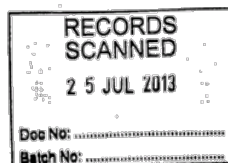
## APPENDICES

## Appendix One - Gateway Determinations



Planning &  
Infrastructure

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



Contact: Jennifer Vallis  
Phone: (02) 6641 6600  
Fax: (02) 6641 6601  
Email: Jenny.Vallis@planning.nsw.gov.au  
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP\_2013\_BALLI\_005\_00 (13/11378)  
Your ref: Planning Proposal – Southern Cross Precinct  
Expansion (13/37339)

Dear Mr Hickey,

**Planning proposal to amend Ballina Local Environmental Plan 2012**

I am writing in response to Council's letter dated 3 July 2013 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 rezone certain land, adjoining the Southern Cross Industrial Estate, at Corks Lane, Ballina from RU2 Rural Landscape to B6 Enterprise Corridor and B7 Business Park, apply a minimum lot size of 1,000sqm and, if appropriate, amend other applicable development standards for the subject land, remove the land from the Strategic Urban Growth Area Map and include a new zone, B7 Business Park in the Ballina Local Environmental Plan (LEP) 2012.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions- 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are justified by the Far North Coast Regional Strategy, endorsed local strategy or in accordance with the Floodplain Development Manual. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

It is noted that the proposal introduces a new B7 Business Park zone into Ballina LEP 2012. Council is encouraged to discuss the proposed land use table for the new zone with the department's regional office, prior to undertaking public exhibition. The land use table for the new B7 zone and the Southern Cross Precinct Master Plan are to form part of the material placed on public exhibition with the planning proposal.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has asked not to be issued with delegation for this planning proposal because of its commercial interest in the land. I have considered the nature of Council's planning proposal and have decided to support Council's position and not issue an authorisation for Council to exercise delegation to make this plan to ensure a third party review of the planning proposal is undertaken.

The amending 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. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney  
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6455 Website: www.planning.nsw.gov.au

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

Should you have any queries in regard to this matter, please contact Ms Jennifer Vallis of the regional office of the department on (02) 6641 6600.

Yours sincerely,



Neil McGavin 23.7.13  
**Executive Director  
Rural and Regional Planning  
Planning Operations and Regional Delivery**



### Gateway Determination

*Planning proposal (Department Ref: PP\_2013\_BALLI\_005\_00): to facilitate the expansion of the Southern Cross Industrial Estate at Ballina.*

I, the Executive Director, Rural and Regional Planning at the 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 Ballina Local Environmental Plan (LEP) 2012 to rezone certain land, adjoining the Southern Cross Industrial Estate, at Corks Lane, Ballina from RU2 Rural Landscape to B6 Enterprise Corridor and B7 Business Park, apply a minimum lot size of 1,000sqm and, if appropriate, amend other applicable development standards for the subject land, remove the land from the Strategic Urban Growth Area Map and include a new zone, B7 Business Park should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to advise of the intended future uses, zones and development standards proposed for the subject land. The proposed land use table for the new B7 Business Park zone and the Southern Cross Precinct Master Plan is to be placed on public exhibition with the planning proposal.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
  - ecological, flora and fauna
  - acid sulphate soils
  - geotechnical
  - stormwater impact and flooding
  - entomological (mosquitoes)
  - bushfire hazard
  - archaeological/cultural heritage
  - aerodromes impact (airport noise and obstacle limitation surfaces)
3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - NSW Aboriginal Land Council
  - Office of Environment and Heritage

BALLINA PP\_2013\_BALLI\_005\_00 (13/11378)



**Planning &  
Infrastructure**

- NSW Department of Primary Industries – Agriculture
- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Department of the Commonwealth responsible for aerodromes and the lessee of the aerodromes (S117 Directions 3.5 Development Near Licensed Aerodromes)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

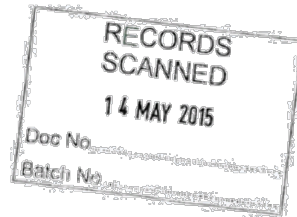
Dated *23rd* day of *July* 2013.

**Neil McGaffin  
Executive Director  
Rural and Regional Planning  
Planning Operations and Regional Delivery  
Department of Planning and Infrastructure  
  
Delegate of the Minister for Planning and  
Infrastructure**

BALLINA PP\_2013\_BALLI\_005\_00 (13/11378)



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



Our ref: 13/11378  
Your ref: BSCPP 13/005

Dear Mr Hickey

**Planning Proposal PP\_2013\_BALLI\_005\_00 – Alteration of Gateway Determination**

I refer to your letter of 6 May 2015 seeking an extension of time to complete Planning Proposal PP\_2013\_BALLI\_005\_00 for the expansion of the Southern Cross Business Precinct, at Ballina.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 23 July 2013 for PP\_2013\_BALLI\_005\_00 (as altered). The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Paul Garnett to assist you. Mr Garnett can be contacted on 6641 6607.

Yours sincerely

 12 May 2015  
Stephen Murray  
General Manager, Northern Region  
Planning Services

Encl:  
Alteration of Gateway Determination

Northern Region 49 Victoria St Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460  
T: 02 6641 6600 | F: 02 6641 6601 | E: [northcoast@planning.nsw.gov.au](mailto:northcoast@planning.nsw.gov.au) | [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)





### Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2013\_BALLI\_005\_00)*

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 July 2013 (as since altered) for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:


1. Delete condition 7:

"7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination."

and replace with a new condition 7:

"7. The planning proposal is to be completed by 30 July 2016."

Dated 12<sup>th</sup> day of May 2015

  
Stephen Murray  
General Manager, Northern Region  
Planning Services  
Department of Planning and Environment  
Delegate of the Minister for Planning

Ballina PP\_2013\_BALLI\_005\_00 (13/11378)



**Alteration of Gateway Determination**

**Planning proposal (Department Ref: PP\_2013\_BALLI\_005\_00)**

I, the Acting Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 23 July 2013 (as since altered) for the proposed amendment to the *Ballina Local Environmental Plan 2012* as follows:

**1. Delete condition 7:**

"7. The planning proposal is to be completed by 30 October 2016"

and replace with a new condition 7:

"7. The planning proposal is to be completed by 30 October 2017."

Dated 14 day of October 2016

**Craig Diss  
Acting Director Regions, Northern  
Planning Services  
Department of Planning and Environment**

**Delegate of the Minister for Planning**

BALLINA PP\_2013\_BALLI\_005\_00 (16/13405)



### Alteration of Gateway Determination

*Planning Proposal (Department Ref: PP\_2013\_BALLI\_005\_00)*

I, Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("the Act") to alter the Gateway determination dated 23 July 2013 (as since altered) for the proposed amendment to the Ballina Shire Council Local Environmental Plan 2012 as follows:

1. Delete:

Condition 7:

~~7. The planning proposal is to be completed by 30 October 2017.~~

and replace with:

a new condition 7:

~~7. The planning proposal is to be completed by 30 October 2018.~~

Dated 20 day of OCTOBER 2017.

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

Delegate of the Minister for Planning

PP\_2013\_BALLI\_005\_00(17/13844)



### **Alteration of Gateway Determination**

***Planning proposal (Department Ref: PP\_2013\_BALLI\_005\_00)***

I, Director Regions, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 July 2013 (as since altered) for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Delete condition 7:

"7. The planning proposal is to be completed by 30 October 2018."

and replace with a new condition 7:

"7. The time frame for completing the LEP is by 30 October 2019."

Dated 9 day of October 2018.

A handwritten signature in black ink, appearing to read 'Jeremy Gray', written over a faint circular stamp.

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

**Delegate of the Minister for Planning**

PP\_2013\_BALLI\_005\_00 (IRF18/5470)



Planning,  
Industry &  
Environment

### Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2013\_BALLI\_005\_00)*

I, Director, Northern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 July 2013 (as since altered) for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Delete condition 7:

~~"7. The time frame for completing the LEP is by 30 October 2019."~~

~~and replace with a new condition 7:~~

~~"7. The time frame for completing the LEP is by 30 October 2020."~~

Dated 13 day of November 2019.

**Jeremy Gray**  
Director, Northern Region  
Planning and Assessment  
Department of Planning, Industry and  
Environment

Delegate of the Minister for Planning  
and Public Spaces

PP\_2013\_BALLI\_005\_00 (IRF19/7002)

**Appendix Two - Proponent's Submission Seeking Amendment of Planning Proposal**

**ARDILL PAYNE**  
S P A C I A L P L A N N I N G  
www.ardillpayne.com.au e: info@ardillpayne.com.au  
ABN: 51 608 558 977



7260.amend.planning proposal (sept.2015)

15 September 2015

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

Attention: Mr Klaus Kerzinger

Dear Klaus:

re: Southern Cross Precinct Expansion – BSCPP 13/005  
(PP\_2013\_BALLI\_005\_00)

I refer to prior communications in respect of the subject matter and in particular to the following:

- Council's letter dated 21<sup>st</sup> April 2015
- our meeting on the 30<sup>th</sup> April 2015 with Paul Tsikleas and Dwayne Roberts (including your file note from that meeting dated 30<sup>th</sup> April 2015)
- discussions and emails between you and myself during May – September 2015
- the Department of Planning's letter dated 12<sup>th</sup> May 2015
- our meeting on the 3<sup>rd</sup> August 2015 with Paul Tsikleas and Matthew Wood
- meetings and discussions with Messrs King and Field during June – September 2015

As a consequence of the above, it is proposed to amend the Planning Proposal such that:

- the B6 – Enterprise Corridor Zone and the B7 – Business Park Zone are to be replaced with an IN1 – General Industrial Zone and an IN2 – Light Industrial Zone
- part of Lot 7 DP 793980 is to be included into the Planning Proposal
- Lot 7 DP 793980 is currently zoned SP2 – Air Transport Facility Zone – part of Lot 7 DP 793980 is proposed to be zoned IN2 – Light Industrial Zone

Engineers | Planners | Surveyors | Environmental | Project Management

<b>BALLINA</b> 45 River Street PO Box 20 BALLINA NSW 2478 Ph: 02-6686 3280	<b>BRISBANE</b> Level 1, The Design Bank 89 Grey Street SOUTH BRISBANE QLD 4101 Ph: 07-3123 6675	<b>GUNNEDAH</b> Germane House 285 Conadilly Street GUNNEDAH NSW 2380 Ph: 02-6742 9955
--	--	---



2.  
7280 amend planning proposal (sept 2015)  
15 September 2015

---

- that part of Lot 7 DP 793980 that is proposed to be zoned IN2 – Light Industrial Zone is to have its existing AB – 40ha minimum lot size is changed to U1 – 1000m<sup>2</sup>

The proposal will rely on the existing IN1 zone and zoning table (as per the BLEP 2012) and will look to introduce a new IN2 zone into the BLEP 2012. Attached herewith is a copy of the proposed new IN2 zoning table and a plan that shows the location of the respective zones (over which is a conceptual subdivision layout).

As a consequence of the registration of a plan of subdivision in 2014 and the inclusion of Lot 7 DP 793980, the land that is subject of the planning proposal is now described as follows:

- part of Lots 3-6 DP 123781
- Lots 3-4 DP 872303
- Lot 2 DP 833513
- Lot 8 DP 793980
- part of Lot 7 DP 793980
- part of Lot 264 DP 1195313

The amended Planning Proposal involves the following:

- a strip of land generally along the proposed new "Airport Boulevard" to be zoned IN2 – Light Industrial Zone (approx. 13.47ha in area) – NEW ZONE
- the remainder of the land to be zoned IN1 – General Industrial Zone (approx. 26.02ha in area) – EXISTING ZONE AS PER THE BLEP 2012
- rezoning of part of Lot 7 DP 793980 from SP2 – Air Transport Facility to IN2 – Light Industrial Zone – NEW CHANGE
- the proposed IN1 and IN2 zoned land to have a minimum lot size standard of 1000m<sup>2</sup>, with no minimum lot size to be applied in respect of Strata or Community Title subdivision – SAME MINIMUM LOT SIZE AS PER EXISTING PLANNING PROPOSAL
- the proposed IN1 and IN2 zoned land to have a maximum building height of 10m, which is consistent with the building heights for the existing Southern Cross Industrial Estate and the Airport – SAME MAXIMUM BUILDING HEIGHT AS PER OUR MARCH 2013 PLANNING PROPOSAL SUBMISSION

Based on further investigations that have been undertaken since the lodgement of the original Planning Proposal, the B6 and B7 zoning regime is no longer considered appropriate due to the fact that the objectives and permissible uses contained within both the B6 and B7 zones would potentially conflict with the existing and continued economic viability and sustainability of the Ballina CBD.

---

**BALLINA**  
45 River Street  
PO Box 20  
BALLINA NSW 2478  
Ph: 02-6586 3280

**BRISBANE**  
Level 1, The Design Bank  
89 Grey Street  
SOUTH BRISBANE QLD 4101  
Ph: 07-3123 6675

**GUNNEDAH**  
Germane House,  
285 Conadilly Street,  
GUNNEDAH NSW 2380  
Ph: 02-6742 9955

3.  
7260 amend planning proposal (sept 2015)  
15 September 2015

---

The proposed amended planning proposal is therefore considered more appropriate due to the fact that:

- there is an immediate need for additional industrially zoned land in the locality
- the proposed industrial zones will ensure that there are no uses that will directly compete with or compromise the integrity and economic well-being of the Ballina CBD and other business centres in the Shire
- the proposed industrial zones will meet the future industrial employment needs of the Shire
- the proposed industrial zones are consistent with the provisions of the Detailed Masterplan – Illustration 4.2 of the Southern Cross Precinct Master Plan 2008 and the provisions of the Ballina Growth Management Strategy
- the proposed industrial zones are consistent with Council's strategic planning framework with this expansion area being central to meeting the industrial land supply needs into the future
- the proposed industrial zones and permitted uses therein are not such that will result in any substantive land use conflict issues with the operations of the Airport
- the proposed industrial zones will allow a broad range of uses that will be ancillary and/or complementary to the Airport

The proposed change to the zoning regime is such that the Planning Proposal will:

- remain consistent with Council and the State Government's Strategic Planning framework and documents/studies
- remain consistent with all applicable Ministerial Directions (s117 of the EP & A Act 1979)
- comprise an effective and logical expansion of the existing Southern Cross Industrial Estate
- be able to be achieved having regard to the constraints and opportunities of the site

Please also be advised that:

- Mr Field (owner of Lot 2 DP 833513 & Lot 3 DP 872303) has confirmed that he is accepting of the amended planning proposal
- Mr King (owner of Lot 4 DP 872303) has advised that he has some issues with the amended planning proposal and has advised that he is going to prepare and lodge a submission to Council in the immediate future seeking clarification of a number of matters

---

**BALLINA**  
45 River Street  
PO Box 20  
BALLINA NSW 2478  
Ph: 02-6686 3280

**BRISBANE**  
Level 1, The Design Bank  
89 Grey Street  
SOUTH BRISBANE QLD 4101  
Ph: 07-3123 6675

**GUNNDAH**  
Garnane House,  
285 Conadilly Street,  
GUNNDAH NSW 2380  
Ph: 02-6742 9955

4.  
7260 amend planning proposal (sept 2015)  
16 September 2015

---

It is therefore respectfully requested that Council consider the proposed amendment to the zoning regime for Planning Proposal (BSCPP 13/005) as articulated in this letter.

Yours faithfully



Paul Snellgrove  
**ARDILL PAYNE & PARTNERS**

s:\01 jobs\7200-7299\7260 rezoning southern cross dr ballinal03 town planning\7260 amend planning proposal (sept 2015).docx

---

**BALLINA**  
45 River Street  
PO Box 20  
BALLINA NSW 2478  
Ph: 02-6686 3280

**BRISBANE**  
Level 1, The Design Bank  
89 Grey Street  
SOUTH BRISBANE QLD 4101  
Ph: 07-3123 6675

**GUNNEDAH**  
Germane House,  
285 Conadilly Street,  
GUNNEDAH NSW 2380  
Ph: 02-6742 9955

### Zone IN2 Light Industrial

#### 1. Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

#### 2. Permitted without consent

Environmental protection works

#### 3. Permitted with consent

Agricultural produce industries; Animal boarding and training establishments; Depots; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Markets; Hotel or motel accommodation; Neighbourhood shops; Plant nurseries; Roads; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse of distribution centres; Any other development not specified in item 2 or 4.

#### 4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boisolids treatment facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Correctional centres; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities.



### Appendix Three - Council Reports & Minutes

MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS,  
40 CHERRY STREET BALLINA,  
ON 28/05/20 AT 9.00 AM

**8.11 Planning Proposal - Southern Cross Expansion - Gateway Amendment**

**280520/12 RESOLVED**

(Cr.Keith Williams/Cr Ben Smith)

1. That Council seek to amend the Gateway Determination for the Southern Cross Precinct Expansion planning proposal BSCPP:13/005 to apply to stage one (lots 1-5) as outlined in this report.
2. That a new planning proposal be presented to Council addressing the balance of the Southern Cross Precinct Expansion area once the required technical studies are complete.

FOR VOTE - All Councillors voted unanimously.

**8.12 Planning Proposal - Rural Industry Definition Change**

**280520/13 RESOLVED**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to finalise and implement Planning Proposal BSCPP 19/005 - Rural Industry Definition Change in relation to the Ballina Local Environmental Plan 1987 as detailed in Attachment 1, under delegated authority.
2. That those persons who made submissions be thanked for their contribution and provided with advice as to Council's decision with respect to this planning proposal.

FOR VOTE - All Councillors voted unanimously.

**8.13 Ballina Shire Development Control Plan 2012 - Draft Amendment No.13**

**280520/14 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council undertake the public exhibition of Draft Amendment No.13 to the Ballina Shire Development Control Plan 2012 (as contained in Attachments 1 and 2), in accordance with the terms of the *Environmental Planning and Assessment Act 1979* and the associated Regulation.
2. That a further report be submitted to Council following the public exhibition of Draft Amendment No.13 to the Ballina Shire Development Control Plan 2012.

FOR VOTE - All Councillors voted unanimously.



**8.11 Planning Proposal - Southern Cross Expansion - Gateway Amendment**

**8.11 Planning Proposal - Southern Cross Expansion - Gateway Amendment**

<b>Delivery Program</b>	Strategic Planning
<b>Objective</b>	To invite the Council to consider seeking an amendment to the Gateway determination for BSCPP 13/005 to change the scope of the current LEP amendment proposal.

**Background**

The progress of the Southern Cross Industrial Estate expansion project has been impacted by design considerations associated with the delivery of Airport Boulevard, particularly as it relates to interactions with environmental offsets and drainage. With the approval of the Airport Boulevard project now in place and construction underway, further progress is being made with respect to the industrial estate expansion project investigations.

As Councillors are aware, Council has received funding support, through the Growing Local Economies (GLE) fund, to assist the delivery of an initial stage of the expansion area development to accommodate specialised land uses.

Whilst rezoning studies are being progressed for the expansion area, assessments associated the drainage and flooding for the entire site will require an iterative design process which has the potential to push the rezoning-approval-development timeframe beyond the GLE funding agreement timeframe.

Notwithstanding, the part of the site on which the GLE funded stage is located is presently identified as relatively less constrained than the broader potential industrial expansion area. As a consequence, it is considered prudent to expedite the progress of that part of the site subject to the GLE grant by way of an amended planning proposal.

The purpose of this report is to seek Council's direction with respect to this matter.

**Key Issues**

- Economic development
- Industrial land availability
- LEP amendment site capability and suitability assessment and process

**Information**

A Gateway determination for the Southern Cross Industrial Estate Expansion Area Planning Proposal (BSCPP 13/005) was initially sought following Council's resolution of 27 June 2013.

A Gateway determination allowing the LEP amendment process to progress was issued by the (then) Department of Planning on 23 July 2013.

**8.11 Planning Proposal - Southern Cross Expansion - Gateway Amendment**

Various extensions to the current Gateway determination completion timeframe have been provided by the Department of Planning, Industry and Environment.

As noted above, delays to the progress of the planning proposal have related to the delivery of the Airport Boulevard with particular regard to overlapping and relating environmental assessments required as a part of the design and approval process.

The timeframe agreed with the NSW Government with respect to the Growing Local Economies Fund has a delivery timeframe for the developed lots relating to the agreement is February 2021.

As noted above, the drainage and flooding assessments required to progress the development of the entire expansion area site will require an iterative design process in order to achieve a floodway and drainage design that meets the required conveyance and treatment standards.

In order to meet the delivery timeframes required of the GLE grant, staff recommend seeking to focus the planning proposal and associated assessment on the first stage of the development, relating to the GLE grant. A map identifying this area, being bounded by the light green line is provided below:



Under this approach, Council would formally seek the Department's agreement to amend the current Gateway Determination to apply to the reduced study area (Stage One comprising lots 1-5).

### 8.11 Planning Proposal - Southern Cross Expansion - Gateway Amendment

Regional Staff in the Department of Planning, Industry and Environment have been consulted regarding this matter and support this approach. It is understood the Department's position reflects an eagerness to have the current planning proposal process concluded due the length of time that has elapsed since the original gateway determination in 2013.

A separate planning proposal would be sought for the remainder of the expansion area once the integrated flooding and drainage studies are more advanced.

Council is invited to consider endorsing the above approach.

#### Sustainability Considerations

- **Environment:**  
The planning proposal will address all relevant environmental matters associated with the development of the site.
- **Social**  
The development of this site presents social benefits associated with employment and business development opportunities.
- **Economic:**  
This proposal seeks to provide additional employment lands to facilitate ongoing economic development opportunities in Ballina Shire.

#### Legal / Resource / Financial Implications:

Amendment of the Gateway determination is the appropriate statutory process to enable the staged assessment of land use and development within the Southern Cross Precinct.

#### Consultation

The planning proposal, once amended and endorsed by the Council, will be subject to public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

#### Options

The following options are presented for Council's consideration in progressing this matter.

##### Option One – Amend the Gateway Determination

Council could resolve to seek an amendment to the Gateway Determination for planning proposal BSCPP 13/005 for the Southern Cross Estate expansion to focus on the subject area as outlined in the body of this report. Council could also resolve to receive a further planning proposal request for Council endorsement for the remainder of the Southern Cross Precinct once the required technical studies are completed.

**8.11 Planning Proposal - Southern Cross Expansion - Gateway Amendment**

This option is recommended on the basis that this approach would provide for the timely and efficient progress of the assessment associated with the first stage of the Southern Cross Industrial Estate expansion.

*Option Two – Maintain the Current Approach*

Council could maintain the current approach regarding the Southern Cross Industrial Estate expansion project.

This option is not recommended on the basis of the potential for the delays in the technical assessment of flooding and drainage matters (in particular) to slow the progress of the assessment of the proposed rezoning such that the timeframes associated with the Growing Local Economies Fund grant may not be able to be met (should the land ultimately be determined to be suitable for rezoning)

*Option Three – Defer the Matter*

Council could resolve to hold a briefing should further information be required with respect to this matter.

This option is not recommended, however it is available should the Council wish to receive further information.

**RECOMMENDATIONS**

1. That Council seek to amend the Gateway Determination for the Southern Cross Precinct Expansion planning proposal BSCPP 13/005 to apply to stage one (lots 1-5) as outlined in this report.
2. That a new planning proposal be presented to Council addressing the balance of the Southern Cross Precinct Expansion area once the required technical studies are complete.

**Attachment(s)**

Nil

MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 24/09/15 AT 9.00 AM

**8.3 Development Applications - Works in Progress - September 2015**

**240915/8 RESOLVED**

(Cr. Ben Smith/Cr. Robyn Hordern)

That Council notes the contents of the report on the status of outstanding development applications for September 2015.

FOR VOTE - All Councillors voted unanimously.

**9. Strategic and Community Facilities Group Reports**

**9.1 LEP Amendment Request - Southern Cross Precinct Expansion**

**240915/9 RESOLVED**

(Cr. Ben Smith/Cr. Paul Worth)

1. That Council endorses the application of an IN1 General Industrial zone and an IN2 Light Industrial zone to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Part Lot 7 DP 793980; Lot 8 DP 793980; Part Lot 264, DP 1195313 and the adjoining Council road reserve (Corks Lane) in Ballina, as shown in the Map contained in Attachment 2.
2. That Council endorses the application of a 1,000m<sup>2</sup> minimum lot size and a 10 metre building height limit for the site proposed to be rezoned, and changes to the Strategic Urban Growth Area Map boundaries as shown in the Map contained in Attachment Four.
3. That Council endorses the preparation of an amended planning proposal and the submission of a request for an altered Gateway determination to the NSW Department of Planning & Environment to reflect the matters referenced in recommendations 1 and 2.
4. That Council advise the Department of Planning and Environment that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.
5. That Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information once submitted, and to provide Council with an associated report and recommendations.
6. That upon an affirmative altered Gateway determination being received from the Department of Planning & Environment, the procedural steps associated with progression of the planning proposal be undertaken.

Page 8 of 17 of the Minutes of the Ordinary Meeting of Ballina Shire Council - 24/09/15

MAYOR

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 24/09/15 AT 9.00 AM**

7. That a further report be presented to Council in relation to this matter following the completion of the community engagement phase of the planning proposal.

FOR VOTE - All Councillors voted unanimously.

**9.2 Economic Development Strategy**

**240915/10 RESOLVED**

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council prepare an economic development strategy for Ballina Shire, including a review of Council's existing economic development activities and identification of opportunities to enhance economic outcomes for the Ballina Shire community.

FOR VOTE - All Councillors voted unanimously.

**10. General Manager's Group Reports**

**10.1 Use of Council Seal**

**240915/11 RESOLVED**

(Cr Paul Worth/Cr Susan Meehan)

That Council attach the Common Seal to the following documents:

US 15/13	Deed of Agreement - Council and Intrapac Coops Pty Ltd, Joy Iris Sheather, and Vixsun Pty Ltd; and other deeds, agreements, etc required to finalise the power connection and boosted pipelines to this location.
----------	---

FOR VOTE - All Councillors voted unanimously.

**10.2 Investment Summary - August 2015**

**240915/12 RESOLVED**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the record of banking and investments for August 2015.

FOR VOTE - All Councillors voted unanimously.



### 9.1 LEP Amendment Request - Southern Cross Precinct Expansion

---

#### 9.1 LEP Amendment Request - Southern Cross Precinct Expansion

**Delivery Program** Strategic Planning

**Objective** To invite the Council to consider a request to amend zones incorporated within the Southern Cross precinct expansion planning proposal that has been the subject of a previous Gateway determination.

---

#### **Background**

The Council, at its Ordinary Meeting held on 26 July 2012, received and considered a report regarding a request from Ardill Payne & Partners, acting on behalf of the Commercial Services Section of Council, seeking the commencement of a rezoning process to provide for the expansion of the Southern Cross Industrial Estate in Ballina. In relation to this matter, the Council resolved as follows [Minute No. 260712/22]:

1. *That Council proceed to prepare a planning proposal to enable urban land uses focused on employment based activities on land between the existing extent of the Southern Cross Industrial Estate, Corks Lane and the Ballina Byron Gateway Airport.*
2. *That the type and extent of land use zoning under the planning proposal be determined having regard for both employment and environmental outcomes and following the provision and consideration of further information from the applicant in relation to the land uses proposed and the characteristics of the site.*
3. *That the planning proposal be reported to Council for consideration prior to referral to the Department of Planning & Infrastructure for Gateway determination.*

The Council at its Ordinary Meeting held on 27 June 2013 again considered this matter following the submission of additional information by the proponent (Council's Commercial Services Section). In relation to this matter, the Council resolved as follows [Minute No. 270613/16]:

1. *That the Council endorses the application of a B6 Enterprise Corridor zone and B7 Business Park zone as the basis for a planning proposal for Gateway determination, applying to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Lot 8 DP 793980; Part of Lot 7 DP 1043261 and adjoining Council road reserve (Corks Lane) in Ballina, as shown in Map 3 of the planning proposal contained in Attachment 1.*
2. *That the Council submit the planning proposal contained in Attachment 1 to the NSW Department of Planning & Infrastructure for review and Gateway determination.*
3. *That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, the procedural steps associated with progression of the planning proposal be undertaken.*

---

Ballina Shire Council  
24/09/15

Ordinary Meeting of Ballina Shire Council  
Page 1

### 9.1 LEP Amendment Request - Southern Cross Precinct Expansion

---

4. *That the Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information submitted, and to provide Council with an associated report and recommendations.*
5. *That a further report be presented to the Council in relation to this matter prior to the commencement of community engagement for the planning proposal.*

The then Department of Planning and Infrastructure issued a Gateway determination on 23 July 2013 which allowed the planning proposal to proceed to community consultation subject to a number of conditions. The Gateway determination primarily related to the rezoning of the site from RU2 Rural Landscape zone to B6 Enterprise Corridor and B7 Business Park.

Conditions attached to the Gateway determination required a number of technical studies to be completed prior to public exhibition and the completion of the LEP within a 12 month period.

On 12 May 2015 the Department of Planning and Environment issued an alteration to the Gateway determination, at Council's request, which extended the timeframe for the completion of the LEP from 30 July 2015 to 30 July 2016.

On 14 September 2015 Ardill Payne lodged a submission on behalf of the proponents for amendments to the planning proposal. The request provided for the application of a mixed IN1 General Industrial and IN2 Light Industrial zoning regime to the site as well as changes to the lots proposed to be rezoned. It is this request which is the subject of this report to the Council.

Attachment One to this report contains a copy of the Ardill Payne submission.

#### Key Issues

- Strategic urban growth
- Employment land
- Progress of planning proposal

#### Information

This planning proposal relates to land located to the north of the existing Southern Cross Industrial Estate, comprising a number of lots and part lots as described below:

- Part of Lots 3-6 DP 123781 (owned by Ballina Shire Council)
- Lot 3 DP 872303 (owned by Mr B.R. Field)
- Lot 4 DP 872303 (owned by Mr D.M. King)
- Lot 2 DP 833513 (owned by Mr B.R. Field)
- Lot 8 DP 793980 (owned by Ballina Shire Council)
- Part Lot 7 DP 793980 (owned by Ballina Shire Council)
- Part Lot 264, DP 1195313 (owned by Ballina Shire Council) and

**9.1 LEP Amendment Request - Southern Cross Precinct Expansion**

- adjoining Council road reserve (Corks Lane)

The map below the subject land outlined in red:

Site Identification Map



The planning proposal has arisen in response to a request from Council's Commercial Services Section to rezone land to accommodate demand for employment land in a manner consistent with the Ballina Shire Growth Management Strategy and the Southern Cross Precinct Master Plan 2008.

The proponent's planning consultant has advised that it is proposed to amend the planning proposal previously endorsed by Council and subject to a Gateway determination in the following respects:

- Replacement of the B6 Enterprise Corridor zone and B7 Business Park zone with an IN1 General Industrial and an IN2 Light Industrial zone; and
- Inclusion of Part Lot 7 DP 793980 so that its SP2 Infrastructure - Air Transport Facility zone is changed to part IN1 and IN2, and its existing 40 hectare minimum lot size is changed to a 1,000m<sup>2</sup> lot size requirement.

Attachment Two to this report contains the proposed Land Zoning Map.

Attachment Three to this report contains the Land Zoning Map previously endorsed by the Council and the subject of the existing Gateway determination.

The 1,000m<sup>2</sup> minimum lot size proposed for Part Lot 7 DP 793980 is consistent with the minimum lot size previously proposed zoning arrangement and is supported.



### 9.1 LEP Amendment Request - Southern Cross Precinct Expansion

---

In respect to building height it is noted that the previous planning proposal did not incorporate a change to the 8.5 metre building height limit applicable to the site. The proponent's consultant has indicated that a 10 metre building height is appropriate for the site as this is consistent with the building height applicable elsewhere within the Southern Cross Industrial Estate (and also the airport site). A 10 metre building height limit is supported for the subject site and is proposed to be incorporated within the revised planning proposal.

The IN2 Light Industrial zone is a new zone which does not currently form a part of Ballina LEP 2012. The proponent has prepared a zoning table related to this zone which forms a part of the submission contained within Attachment One. The zoning table has been reviewed in consultation with the proponent and is considered to be satisfactory. It is noted that the zoning table incorporates the mandatory matters required to be incorporated by the Standard Instrument template.

To support the proposed changes to the planning proposal Ardill Payne advises that the B6 and B7 zoning regime is no longer considered appropriate as the objectives and permissible uses contained within both the B6 and B7 zones would potentially conflict with the existing and continued economic viability and sustainability of the Ballina CBD. The amended zoning regime is considered more appropriate by the proponent's consultants for the following reasons:

- *There is an immediate need for additional industrial zoned land in the locality,*
- *The proposed industrial zones will ensure that there are no uses that will directly compete with or compromise the integrity and economic well-being of the Ballina CBD and other business centres within the Shire,*
- *The proposed industrial zones will meet the future employment needs of the Shire,*
- *The proposed industrial zones are consistent with the provisions of the detailed Masterplan - Illustration 4.2 of the Southern Cross Precinct Masterplan 2008 and the provisions of the Ballina Shire Growth Management Strategy,*
- *The proposed industrial zones are consistent with the Council's strategic planning framework with this expansion area being central to meeting the industrial land supply needs into the future,*
- *The proposed industrial zones and permitted land uses therein are not such that will result in any substantive land use conflict issues with the operations of the airport, and*
- *The proposed industrial zones will allow a broad range of uses that will be ancillary and/or complementary to the airport.*

The planning proposal will also make provision for the Strategic Urban Growth Area (SUGA) Map to be amended. The SUGA affectation is proposed to be removed from the subject site and a small residue area outside of the proponents designated site area, which would otherwise remain on Lot 7 DP 793980.

Attachment Four contains a copy of the amended Strategic Urban Growth Area Map.

### 9.1 LEP Amendment Request - Southern Cross Precinct Expansion

---

The subject site is identified in the Ballina Shire Growth Management Strategy (BSGMS endorsed by the Council in 2012) and the Southern Cross Precinct Master Plan (SCPMP endorsed by the Council in 2008). The SCPMP designates a large part of the subject land for industrial purposes with conventional lots (50 x 25m). In respect to the land with a frontage to Corks Lane the SCPMP designates this land as a live / work precinct containing light industrial lots.

The SCPMP does not incorporate the three privately owned properties (Lot 3 and 4 DP 872303 and Lot 2 DP 833513) which form a part of the planning proposal. These lots were however, incorporated within the original planning proposal, with the support of the respective property owners, and assigned a B6 Enterprise Corridor zone.

Council's strategic planning staff recently met on site with the owner of Lot 4 DP 872303, Mr D King, who indicated that he has concerns regarding the proposed IN2 Light Industrial zoning. These concerns, at that time, primarily related to perceived adverse economic and amenity impacts. Mr D King has subsequently made a submission to Council which addresses his various concerns.

Attachment Five to this report contains the submission made by Mr D King.

In terms of the rezoning process the matters raised by Mr King would be most appropriately further considered by the Council during the detailed technical assessment phase and following the public exhibition of the planning proposal. This approach provides Council with the benefit of detailed technical reports, as well as the report of the recommended independent planning expert, through which to evaluate the degree of impact the rezoning and future development of adjoining land will likely have on the King property.

Having regard to the fact that Council through its Commercial Services Section is the rezoning proponent there are also opportunities to give consideration to the issues raised by Mr D King outside of the formal rezoning process.

The existing Gateway determination required that the proponent submit additional information related to the following range of matters and that this information be placed on public exhibition with the planning proposal:

- Ecological and flora and fauna,
- Acid sulfate soils,
- Geotechnical,
- Stormwater impact and flooding,
- Entomological (mosquitoes),
- Bushfire hazard,
- Archaeological / cultural heritage, and
- Aerodrome impacts (airport noise and obstacle limitation surfaces).

At this stage of the process the required additional information has not been submitted. The proponent's consultant has advised that whilst much of the information has been significantly completed it has not yet been finalised. Finalisation is expected to occur once the Council has resolved to support the

### 9.1 LEP Amendment Request - Southern Cross Precinct Expansion

---

amended planning proposal and an altered Gateway determination has been received.

Council has previously indicated to the Department of Planning that due to its commercial interests in the land it did not seek to be issued with the Minister's delegated plan making functions. It is proposed to again indicate to the Department that the Council it is not seeking delegation of the Minister's plan making functions due to its commercial interest in the land.

#### Sustainability Considerations

- **Environment**  
A detailed flora and fauna ecological assessment will be required to be prepared to support the planning proposal. Once submitted the flora and fauna ecological assessment will be subject to expert review as part of the planning proposal process.
- **Social**  
It is considered that the provision of additional industrial zoned land will result in positive social benefits as a consequence of potential employment growth opportunities.
- **Economic**  
The provision of additional industrial land is viewed as positive from an economic development perspective. There appears to be demand for industrial zoned land within Ballina Shire which when developed is likely to stimulate economic growth and provide additional employment opportunities.

#### Legal / Resource / Financial Implications

The approach recommended in this report is consistent with Council's legal responsibilities as a local planning authority. The matters arising from this report can be attended to within existing resources.

The proponent will be required to meet various processing costs in accordance with Council's adopted schedule of fees and charges, as well as providing the necessary additional technical information, as outlined above.

#### Consultation

No community or agency engagement has occurred to date in relation to this planning proposal. The existing Gateway determination in relation to this matter required that the planning proposal be made publically available for a period of 28 days and that consultation with the following public authorities take place:

- NSW Aboriginal Land Council,
- Office of Environment and Heritage,
- NSW Department of Primary Industry - Agriculture,
- Transport for NSW - Roads and Maritime Services,
- NSW Rural Fire Service, and



**9.1 LEP Amendment Request - Southern Cross Precinct Expansion**

---

- Departments of the Commonwealth Responsible for aerodromes and the lessee of the aerodrome.

Consultation with public authorities will take place once an altered Gateway determination has been received and the required technical reports have been submitted.

**Options**

The options available to the Council include the following:

One - That the Council advance the proposed rezoning and submit an amended planning proposal to the Department of Planning and Environment with a request for an altered Gateway determination; or

Two - That the Council not seek an altered Gateway determination and require that the rezoning proceed on the basis of the existing Gateway determination which provided for a mixed B6 and B7 zoning regime; or

Three - That the Council defer its decision on progressing the proposed rezoning.

Option One is the preferred option on the basis that the zoning regime proposed is generally consistent with the State and local strategic planning framework for this locality. There is also sufficient information to indicate that the proposal warrants further consideration through the LEP amendment process. This approach will result in the planning proposal being amended and an altered Gateway determination being sought from the Department of Planning and Environment.

In accordance with Council's previous resolutions concerning the proposed rezoning of the subject land, and assuming an altered Gateway determination is issued, the proposal will not proceed to public exhibition until such time that the submitted technical documentation has been reviewed by a suitably qualified independent third party and found to be satisfactory.

Option Two has significant disadvantages for Council. Based on the degree of technical assessment already undertaken there appears to be a sound case in support of the proposed IN1 and IN2 zones. Importantly the economic consequences of a significant release of business zoned land on the Ballina CBD have not yet been examined in any detail. To examine the economic impacts associated with the approved B6 and B7 zoning regime on Ballina CBD will create additional delays and cost impacts.

Option Three is open to the Council should it require additional information. A briefing for Councillors would then be organised. It is suggested however, that it may be more appropriate for a briefing to take place following the independent assessment of technical information assuming that issues arise which would warrant a briefing.

**RECOMMENDATIONS**

1. That Council endorses the application of an IN1 General Industrial zone and an IN2 Light Industrial zone to Part of Lots 3-6 DP 123781; Lots 3-4

### **9.1 LEP Amendment Request - Southern Cross Precinct Expansion**

---

DP 872303; Lot 2 DP 833513; Part Lot 7 DP 793980; Lot 8 DP 793980; Part Lot 264, DP 1195313 and the adjoining Council road reserve (Corks Lane) in Ballina, as shown in the Map contained in Attachment 2.

2. That Council endorses the application of a 1,000m<sup>2</sup> minimum lot size and a 10 metre building height limit for the site proposed to be rezoned, and changes to the Strategic Urban Growth Area Map boundaries as shown in the Map contained in Attachment Four.
3. That Council endorses the preparation of an amended planning proposal and the submission of a request for an altered Gateway determination to the NSW Department of Planning & Environment to reflect the matters referenced in recommendations 1 and 2.
4. That Council advise the Department of Planning and Environment that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.
5. That Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information once submitted, and to provide Council with an associated report and recommendations.
6. That upon an affirmative altered Gateway determination being received from the Department of Planning & Environment, the procedural steps associated with progression of the planning proposal be undertaken.
7. That a further report be presented to Council in relation to this matter following the completion of the community engagement phase of the planning proposal.

#### **Attachment(s)**

1. Attachment One - Proponents Consultant Submission
2. Attachment Two - Proposed Zoning Map
3. Attachment Three - Proposed Zoning Map Subject of Gateway
4. Attachment Four - Proposed Strategic Urban Growth Area Map
5. Attachment Five - Submission from Mr D King

### 9.1 LEP Amendment Request - Southern Cross Precinct Expansion

240915/1      **RESOLVED**

(Cr Ben Smith/Cr Paul Worth)

1. That Council endorses the application of an IN1 General Industrial zone and an IN2 Light Industrial zone to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Part Lot 7 DP 793980; Lot 8 DP 793980; Part Lot 264, DP 1195313 and the adjoining Council road reserve (Corks Lane) in Ballina, as shown in the Map contained in Attachment 2.
2. That Council endorses the application of a 1,000m<sup>2</sup> minimum lot size and a 10 metre building height limit for the site proposed to be rezoned, and changes to the Strategic Urban Growth Area Map boundaries as shown in the Map contained in Attachment Four.
3. That Council endorses the preparation of an amended planning proposal and the submission of a request for an altered Gateway determination to the NSW Department of Planning & Environment to reflect the matters referenced in recommendations 1 and 2.
4. That Council advise the Department of Planning and Environment that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.
5. That Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information once submitted, and to provide Council with an associated report and recommendations.
6. That upon an affirmative altered Gateway determination being received from the Department of Planning & Environment, the procedural steps associated with progression of the planning proposal be undertaken.
7. That a further report be presented to Council in relation to this matter following the completion of the community engagement phase of the planning proposal.

FOR VOTE - All Councillors voted unanimously.

## Appendix Four - Proposed Zoning Table for Proposed IN2 Light Industrial Zone

### Zone IN2 Light Industrial

1. Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2. Permitted without consent

Environmental protection works

3. Permitted with consent

Agricultural produce industries; Animal boarding and training establishments; Depots; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Markets; Hotel or motel accommodation; Neighbourhood shops; Plant nurseries; Roads; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse of distribution centres; Any other development not specified in item 2 or 4.

4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boisolids treatment facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Correctional centres; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities.

**Appendix Five - Section 9.1 Direction Checklist**

<b>Section 9.1 Direction Checklist Planning Proposal – Southern Cross Precinct Expansion</b>	
<b>Direction No.</b>	<b>Compliance of Planning Proposal</b>
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	Consistent. The planning proposal seeks to expand the supply of industrial zoned land. The proposed new employment areas are consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013).
1.2 Rural Zones	Justifiably inconsistent. The planning proposal proposes to rezone rural land for industrial purposes. The proposed new employment areas are consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013).
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Land	Justifiably inconsistent. The planning proposal proposes to rezone rural land for industrial purposes. The proposed new employment areas are consistent with Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013).
<b>2. Environment and Heritage</b>	
2.1 Environmental Protection Zones	Environmental protection outcomes will be considered further as part of detailed site assessment.
2.2 Coastal Protection	Consistent. The subject land is located within the NSW Coastal Zone. The proposed new employment areas are consistent with the Ballina Shire Growth Management Strategy, approved by the Director-General of the Department of Planning & Infrastructure (May 2013).
2.3 Heritage Conservation	Consistent. Council is not aware of any items or places of cultural heritage significance affecting the subject land. Notwithstanding, the Ballina LEP 2012 makes provision for the protection of items and areas of cultural heritage significance. Further, the subject planning proposal will facilitate the protection of such items, through the Ballina LEP 2012 or other suitable mechanisms, should such items be identified through further investigations to be undertaken to inform the rezoning.
2.4 Recreation Vehicle Areas	Does not apply to planning proposal.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Does not apply to planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to planning proposal.
3.3 Home Occupations	Does not apply to planning proposal.
3.4 Integrated Land Use and Transport	Does not apply to planning proposal.
3.5 Development Near Licensed Aerodromes	Consistent. An aerodrome impact assessment will be undertaken to ensure the planning proposal is consistent with the Direction, should the proposal receive an affirmative altered Gateway

	determination. Consultation will then take place with relevant Departments of the Commonwealth as required by this direction.
3.6 Shooting Ranges	Does not apply to planning proposal.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	Consistent. An acid sulphate soils assessment will be undertaken to ensure the planning proposal is consistent with the Direction, should the proposal receive an affirmative altered Gateway determination.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Justifiably inconsistent. Development of the land is consistent with a floodplain management study prepared in accordance with the NSW Floodplain Management Manual. Further consideration of flood impact will also be undertaken to ensure the planning proposal is consistent with the Direction, should the proposal receive an affirmative altered Gateway determination. The rezoning of the land is in accordance with the provisions of the Far North Coast Regional Strategy and the Ballina Shire Growth Management Strategy.
4.4 Planning for Bushfire Protection	Consistent. A bushfire assessment will be undertaken to ensure the planning proposal is consistent with the Direction, should the proposal receive an affirmative altered Gateway determination.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Consistent. The planning proposal is consistent with the Far North Coast Regional Strategy (FNCRS). It is noted that the planning proposal includes land located outside of the mapped 'employment lands' in the FNCRS. However, these areas are consistent with Ballina Shire Growth Management Strategy, as approved by the Director-General of the Department of Planning & Infrastructure (May 2013). Further, it is noted that this additional area is considered to constitute 'minor rounding' as defined in the FNCRS.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	Does not apply to planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Repealed.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Repealed.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Repealed.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire.
5.9 North West Rail Link Corridor	Does not apply to Ballina Shire.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Consistent.
6.2 Reserving Land for Public Purposes	Consistent.

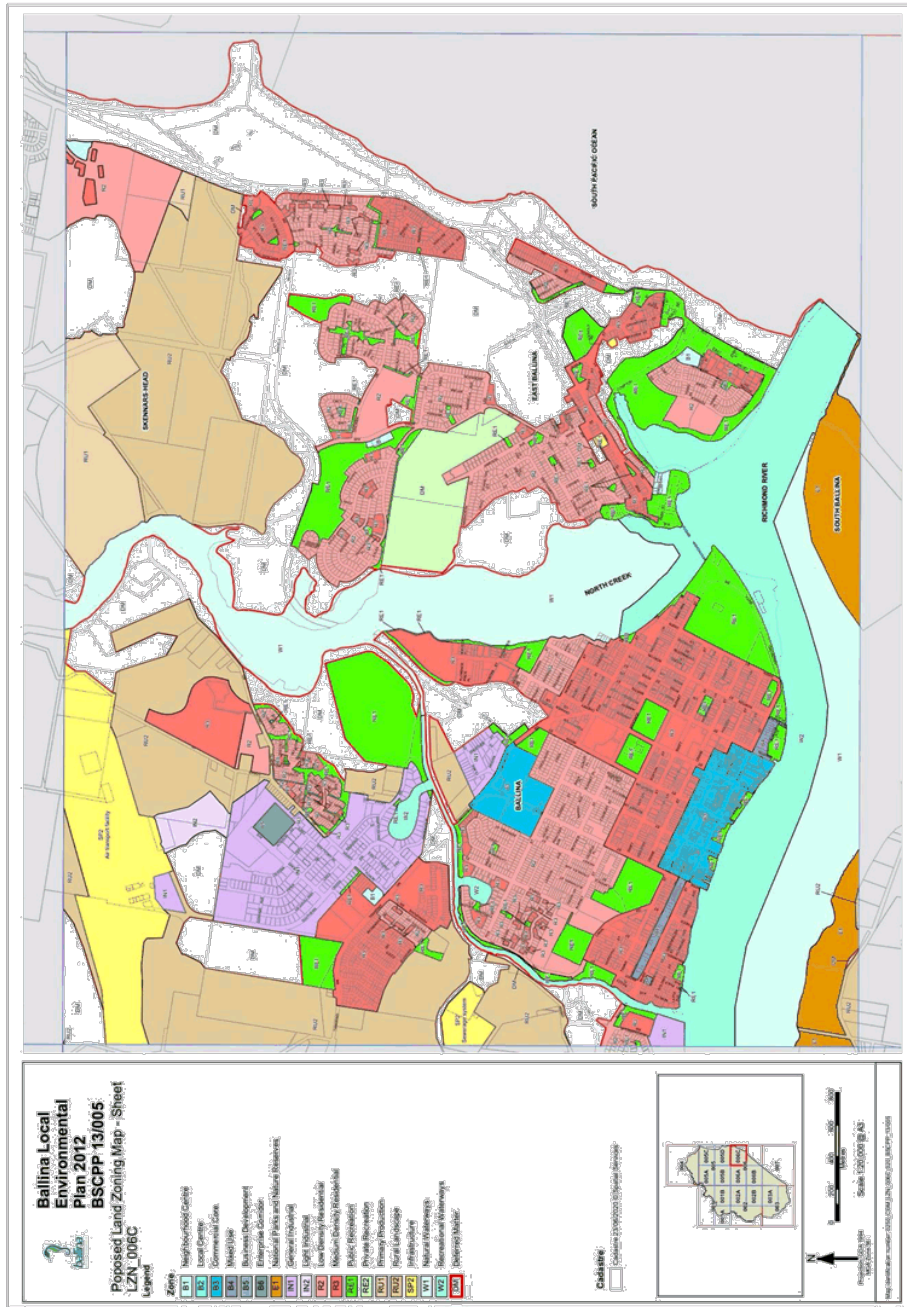


## 4.3 Southern Cross Expansion Precinct - Innovation Precinct

6.3 Site Specific Provisions	Does not apply to planning proposal.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to Ballina Shire.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to Ballina Shire.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to Ballina Shire.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.9 Implementation of Bayside West Precincts 2036 Plan	Does not apply to Ballina Shire.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply to Ballina Shire.



Map 2 - Proposed Land Zoning Map (LZN Map)

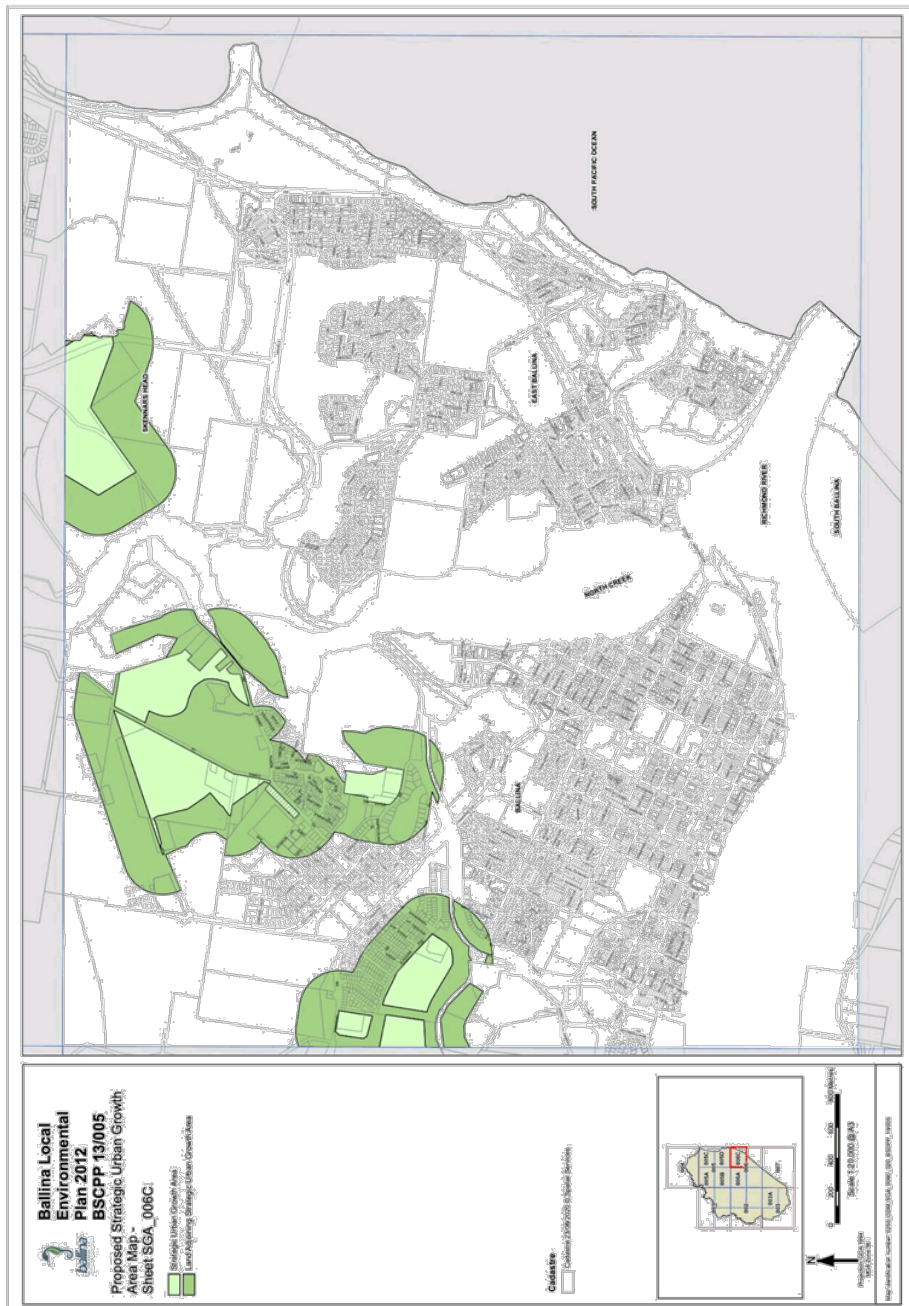








Map 5 – Proposed Strategic Urban Growth Area (SGA Map)





**Appendix Seven - Ballina Growth Management Strategy (excerpt)**

**North Ballina**

**Locality Vision / Character Statement:**

*North Ballina is a key entry-point to Ballina. The locality is characterised by its mixed live-work environment, which provides a diversity of land uses associated with innovation in the building, construction and manufacturing industries.*

*The locality provides for a mixture of residential opportunities and accommodates sites of major public infrastructure including the Ballina-Byron Gateway Airport and Ballina Waste Management Facility.*

**Main Features:**

- North Ballina comprises a mixture of commercial and industrial land uses and residential areas. A broad range of commercial and industrial activities occur within the Southern Cross Industrial Estate, including retailing outlets, light manufacturing, and a diversity of building and construction supplies and services. Residential areas include a number of manufactured home estates with permanent residents, traditional housing estates such as the 'North Lakes Residential Estate' and 'Ferngrove Residential Estate' (currently being constructed) and a 'Seniors Living Estate', 'Aspen' on North Creek Road.
- Other land uses include major public infrastructure (Ballina-Byron Gateway Airport and Ballina Waste Management Facility) and public recreation including the Ballina Racecourse and Centennial Gardens.
- The locality has good accessibility to Ballina Island for commercial, community and civic facilities.
- The northern part of the planned West Ballina Arterial, which is to connect West Ballina and North Ballina, intersects with North Creek Road on the existing Pacific Highway.

**Key Issues:**

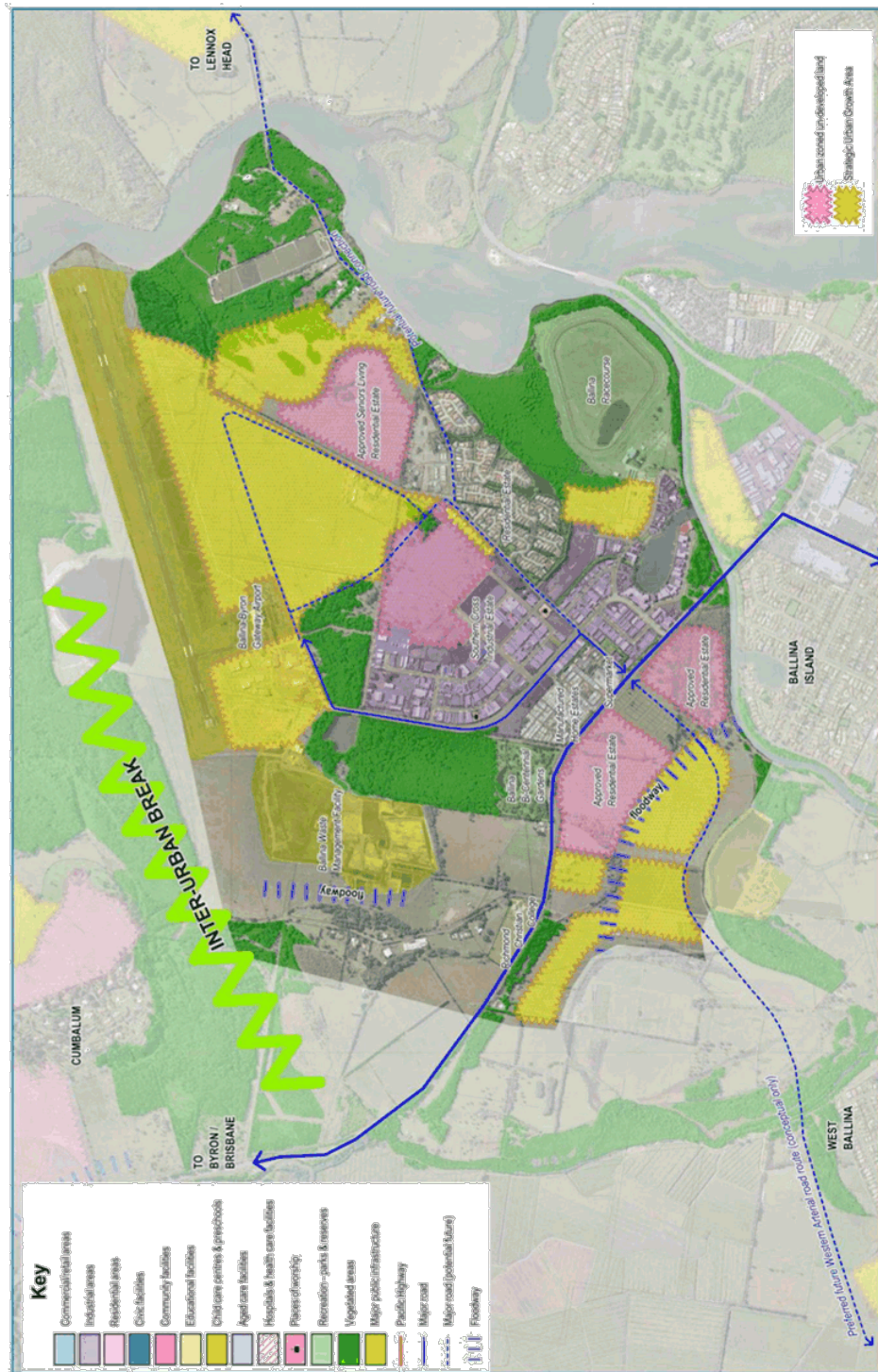
- The locality includes land that is subject to development interest for light industrial land uses including 'bulky goods retailing'.
- The locality provides affordable housing opportunities in a caravan park (with permanent residences), manufactured home estates and in traditional housing estates.
- Limited social infrastructure is provided within the locality, with residents reliant largely on infrastructure provided elsewhere in Ballina.
- Planned alteration to road network with respect to Ballina-Byron Gateway Airport access.
- Known and potential Aboriginal cultural heritage values and/or sites are contained in the area.

**Locality Objectives:**

- Provide for future development opportunities that exist for the locality as a major employment area.
- Provide for a balanced land use pattern, by avoiding, mitigating and managing potential land use conflicts associated with the mixture of commercial, industrial, infrastructure and residential land uses.
- Protect important public infrastructure from incompatible development.
- Conserve ecologically valuable vegetation communities.
- Manage Aboriginal cultural heritage values in accordance with best practice guidelines.

**Strategic Actions:**

- Investigate the potential impacts of climate change, particularly sea-level rise, on the locality.
- Investigate, through the rezoning process, land development opportunities and the provision of public infrastructure identified in the Southern Cross Precinct Masterplan and the West Ballina Structure Plan.
- Establish a more detailed planning framework for the long term use and development of industrial areas through Council's development control plan.
- Enhance entry treatment including associated with the Ballina/Byron Gateway Airport.
- Establish a clustered bulky goods retailing precinct.
- Investigate future road connection between Ballina and Lennox Head via North Creek Road.
- Manage and/or promote Aboriginal and European cultural heritage values in accordance with relevant stakeholders.



Amended Planning Proposal – June 2020  
Southern Cross Precinct Expansion – Stage 1



Appendix Eight - Southern Cross Precinct Master Plan Map Extracts



### 4.3.4 Future Industrial Area

The provision of a new and separate industrial area to the north of the precinct optimises the value of the broad flat land area adjacent to the airport. The new precinct will occupy approximately 19.5 ha and cater to the medium – long term industrial land needs of Ballina. The site would be made available for industrial purposes once the existing Southern Cross Estate is fully developed.

The precinct would consist of a conventional street layout similar to the existing estate and provide for lots with a minimum size of 1250m<sup>2</sup>.

It is proposed that the precinct will be accessed by a minimum of three vehicular entry points that would enable a through connection between the new airport link road and Corks Lane.

A corridor of vegetation will form a buffer to an existing residential area and a proposed new live work precinct along the eastern boundary. Given the likely delay before the industrial area becomes developed, it would be desirable to establish this vegetation buffer as a priority for optimal benefit to the neighbouring areas.

Thick planting is recommended along the south-western edge of the site to screen views into the precinct from the adjoining new airport link road. Streets within the new industrial area will also include planting of large, robust street trees that will provide appropriate scale, amenity and longevity to the area.

Site runoff from the new industrial area will discharge into an open drain located within the buffer along the south-eastern boundary of the site.

### 4.3.5 Live / Work Precinct

A new precinct of smaller 'live / work' (light) industrial lots is proposed to be established between Corks Lane and the future industrial area. This new precinct is intended to provide opportunities for an alternative employment environment for smaller commercial enterprises that would benefit from on-site living. This type of industrial area has been popular in other coastal communities where enterprises such as those associated with creative industries in particular have been attracted to the flexible, less conventional industrial setting.

The new live / work precinct will endeavour to create a sense of community with clearly defined boundaries that separate the site from surrounding areas. The precinct will have a discrete vehicle entry point off Corks Lane to enhance its identity. The internal street system will surround a central open space area that will provide opportunity for community activities.

The precinct has been located strategically to provide a convenient transition between two potentially conflicting uses bordering the site: the existing Sovereign Gardens aged care community to the southeast and the future industrial area to the northwest. The precinct also continues the existing low level of development fronting Corks Lane to the south.

It is proposed that drainage from the site will be conveyed along an open drain that will run southwest along the future industrial area boundary and join into the drainage system further south prior to discharging into North Creek to the east. The drainage corridor will be mass planted to create a visual

buffer between adjoining uses and provide opportunity for a bike path to connect the live / work area with the local bike path network to the south.



Planning,  
Industry &  
Environment

PP\_2013\_BALL1\_005\_00 (IRF20/3418)

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

Dear Mr Hickey

**Planning proposal PP\_2013\_BALLI\_005\_00 – Alteration of Gateway Determination**

I refer to your letter seeking to reduce the area of land to which planning proposal PP\_2013\_BALLI\_005\_00 applies and to extend the timeframe for completion of the local environmental plan to provide additional employment lands for the future expansion of the Southern Cross Industrial Estate.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 23 July 2013 for PP\_2013\_BALLI\_005\_00 (since altered). The Alteration of Gateway determination is enclosed.

Given the substantial period of time since the initial Gateway determination was issued, Council's request for an extension of a further six months could not be supported. In recognition of the recent progress made with site investigations and studies, an additional three months has been provided to enable the remaining issues to be resolved and processes undertaken.

Council should ensure that the Local Environmental Plan (LEP) is completed within this time frame, as it is unlikely that any further extensions will be supported. If Council is unable to complete the LEP in the time provided, the proposal should be withdrawn and re-submitted when it is ready to proceed.

To ensure that the Department is informed as to the status of planning proposal as it progresses, it is requested that Council submit a monthly progress report within three working days of the end of the month.

If you have any questions in relation to this matter, or if the Department can be of assistance, I have asked Ms Lucy Walker to assist you. Ms Walker can be contacted on 5778 1402.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray'.

31-7-2020

**Jeremy Gray**  
Director, Northern Region  
Local and Regional Planning

Encl: Alteration of Gateway Determination

Northern Region | 49 Victoria Street Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460 | [planning.nsw.gov.au](http://planning.nsw.gov.au)



Planning,  
Industry &  
Environment

### Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2013\_BALLI\_005\_00)*

I, Director, Northern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 July 2013 (since altered) for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Delete condition 7:

“7. The time frame for completing the LEP is by 30 October 2020.”

and replace with a new condition 7:

“7. The time frame for completing the LEP is by 30 January 2021.”

Dated 31 day of July 2020.

A handwritten signature in black ink, appearing to read "J. Gray".

**Jeremy Gray**  
Director, Northern Region  
Local and Regional Planning  
Department of Planning, Industry and  
Environment

**Delegate of the Minister for Planning  
and Public Spaces**

PP\_2013\_BALLI\_005\_07 (IRF20/3418)



*Project Plan*  
» **Ballina Innovation Hub**

*Master Plan Concept Brief*

August 2020

**ballina**  
shire council



40 cherry street • po box 450 • ballina nsw 2478  
t 02 6686 4444 • f 02 6686 7035 • e council@ballina.nsw.gov.au

[ballina.nsw.gov.au](http://ballina.nsw.gov.au)

**Contents**

**Overview ..... 1**

    Purpose ..... 1

    Background ..... 1

    Innovation Hub Concept..... 7

    Southern Cross Industrial Estate ..... 9

**Project Plan ..... 12**

    Project Management ..... 12

    Precinct Masterplan ..... 12

    Stakeholder Engagement ..... 13

    Occupation and Land Tenure ..... 14

**Appendix 1 – Draft Consultant Brief ..... 17**

**Appendix 2 – Project Timing & Detailed Staging ..... 23**

# Overview

## Purpose

The purpose of this briefing paper is to outline Council's proposed approach to the consideration of an innovation hub within the Southern Cross Industrial Expansion Area, Ballina.

This project plan is divided into the following key sections:

- Overview – provides background to Council's consideration of the Ballina Innovation Hub concept, an overview of the proposed function and features of an innovation hub, as well as the strategic advantages of the Northern Rivers region and Ballina Shire for the concept.
- Project Plan – outlines the process for the preparation of innovation hub concept documentation including industry analysis and landscape site analysis and plans.
- Draft consultant brief - for the engagement of external professional advice to support the project is contained in Appendix 1. A plan showing detailed staging and timing of the project is provided in Appendix 2.

## Background

Council's Economic Development Strategy identifies the following key global trends impacting on the economic prospects of the Shire over the next twenty years:

- *Economic rise of China and India* – The economic rise of China and India has particular implications for Ballina Shire, particularly in terms of increasing demand for agricultural products and local tourism.
- *Digital disruption* – The impacts of the internet and automation have far reaching implications for workforce change and mobility, with web-based businesses and entrepreneurs becoming less reliant on being located in major cities.
- *Prosperity of place* – With the growing influence of the internet, the attractiveness of place as a lifestyle destination is becoming a more significant factor in attracting highly skilled workers, entrepreneurs and businesses.
- *Clusters as innovation hubs* - As much as technology is enabling the emergence of new business models and modes of work that are less tied to specific locations, geography still matters for most businesses. The natural tendency for related businesses particular locations gives rise to what is known as business "clusters".

Council engaged economic consultant HillPDA to undertake an audit of industrial land supplies (Dec 2019), including an analysis of recent market trends and drivers, identifying capacity, supply constraints, and project future land requirements to accommodate additional growth. HillPDA identified the following:

### Ballina Innovation Hub – Project Plan

*The big wild cards for Ballina are professional services and potential significant growth in food product manufacturing and tourism as base industries. The creative industries is a further source of potential employment. It should be also be noted that although Multimedia has been identified as key industry for Ballina Shire the 'Information Media and Telecommunication' has been a relatively small and in most recent times a declining industry for Ballina... In terms of suitable airport related industries for Ballina Shire, agricultural processing and exports, advanced manufacturing and logistics as well as tourism and the visitor economy would all be appropriate for Ballina Shire.*

Council's Economic Development Strategy has identified opportunities associated with innovation and industrial development within the airport precinct, as outlined in the box below.

#### **Action B2**

*Provide leadership in association with the development of Council's industrial landholdings such as:*

- *Maintaining a supply of industrial land parcels so that relocating or expanding businesses can be accommodated in a timely manner.*
- *Consider expanding the range of Council's investment activities to include long-term lease and strata development to cater to a broader range of small to medium enterprises.*
- *Facilitating the clustering of compatible businesses (for example airport related industry and food product manufacturing "food hub") in order to support opportunities associated with shortened supply chains, improved availability of skilled workers, spin-offs and the potential for sharing infrastructure, suppliers, marketing and distribution networks.*
- *Investigate feasibility of establishing a manufacturing food hub (with tourism elements) in the Southern Cross Industrial Estate in proximity to the Ballina-Byron Gateway Airport.*

#### **Food Product Manufacturing**

Food product manufacturing is Ballina Shire's largest manufacturing industry, with \$68.2 million worth of output in FY2014/15. Notably, 40% of the Ballina Shire residents employed in food product manufacturing work in locations outside Ballina Shire, indicating there are more people employed in the industry than there are jobs available in Ballina Shire. Food product manufacturing within Ballina Shire makes up a relatively low proportion of regional product (7.4% of total output/sales) and the majority of this is sold locally (75% of total output).

Anecdotally, Council is aware of high levels of demand for new industrial land holdings from existing food producers located within the Northern Rivers region. Typically, these established food product manufacturers require large sites that can accommodate expansion and that are well connected to regional transport infrastructure.

In addition, it is noted that the Northern Rivers region is currently experiencing a groundswell of interest in small scale food and beverage producers which, although currently small-scale, have potential to grow significantly if provided with appropriate levels of support and accommodation.

### Ballina Innovation Hub – Project Plan

The potential for growth in food product manufacturing is further supported by the agricultural capacity of the Northern Rivers region. This potential is significant due to a combination of its mild sub-tropical climate, relatively high rainfall and productive soils.

Agricultural industries with a strong presence in Ballina Shire and/or the region include:

- Beef and dairy production.
- Pork and poultry (meat and eggs).
- Sugar and soybeans are the region's key broad acre crops.
- Fruit (including avocado, guava, passionfruit, stone fruit, citrus and blueberries)
- Nuts (primarily macadamia).
- Vegetables (including capsicum, mushrooms, cucumbers and herbs)

The fishing industry has traditionally been an important primary producer in the region, although it has declined in overall significance in recent times. Notwithstanding, fisheries remain an important element of the region's food based production system, and include prawn fisheries, general estuary and ocean fisheries, silver perch aquaculture and oyster farming.

In addition to traditional agricultural production, the region could support the development of new and emerging products (and derivative manufactured food products) around which interest is growing and markets are developing, for example:

- Fruits such as dragon fruit, finger limes and other native bushfoods.
- Alcohol production (particularly boutique/craft beer and spirits).
- Algae for the production of nutritional oils.
- A broader range of vegetable crops.

In addition to its high agricultural capacity, the Northern Rivers Region benefits from a number of strategic advantages that could support the growth of a strong food product manufacturing sector. These strategic advantages include:

- The clean and green reputation of the region and association with the alternative lifestyle and health consciousness that is characteristic of the "Byron" brand.
- The lifestyle character and associated tourist economy that leverages off the coastal character, beautiful natural environment, offering of fine dining and the media, arts and entertainment industries. This lifestyle character is also attracting people to live in the region who have skills and talent that may be supportive of new business development.
- The region has a broad range of skills available including skilled labor, vocation and training, development and construction and a broad range of professional services (including legal, finance, administration, media and communications).
- The region is well connected due to high quality transport infrastructure, through recent upgrades to the Pacific Highway and ongoing improvements and growth of passenger services at the Ballina-Byron Gateway Airport.

It is noted, that fundamentally the concept of an innovation hub (wherever one might be located) is built on a philosophy of supporting regional collaboration, the provision of industrial services to the region as a whole and to regional capacity building, rather than reflecting an approach of encouraging competition between centres.

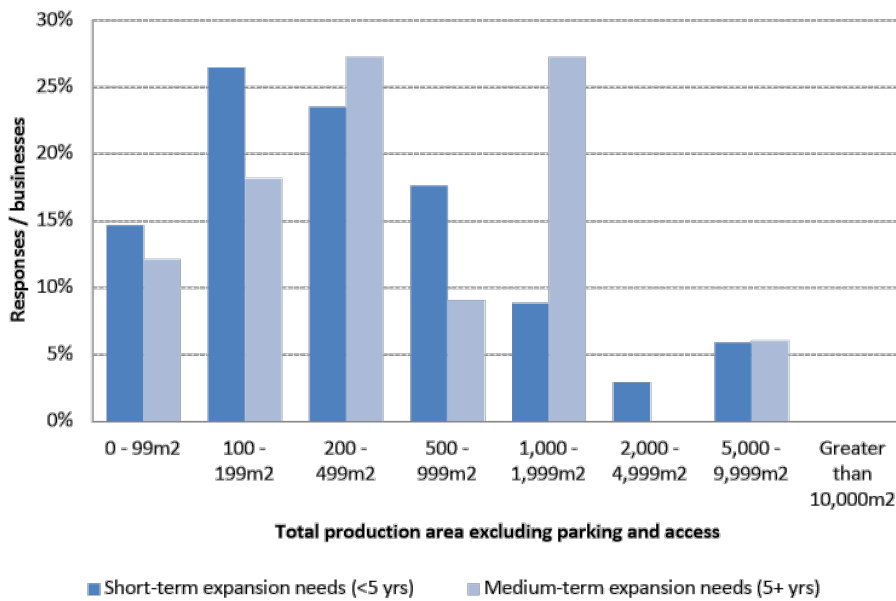


Ballina Innovation Hub – Project Plan

A survey of regional food producers undertaken in 2018/19 provided the following insights into the (pre-covid) expansion plans of food related business operating in the region (45 businesses surveyed). The responses to the survey questions indicate strong expansion plans and spatial needs to service growth in the food product manufacturing industry.

Questions:

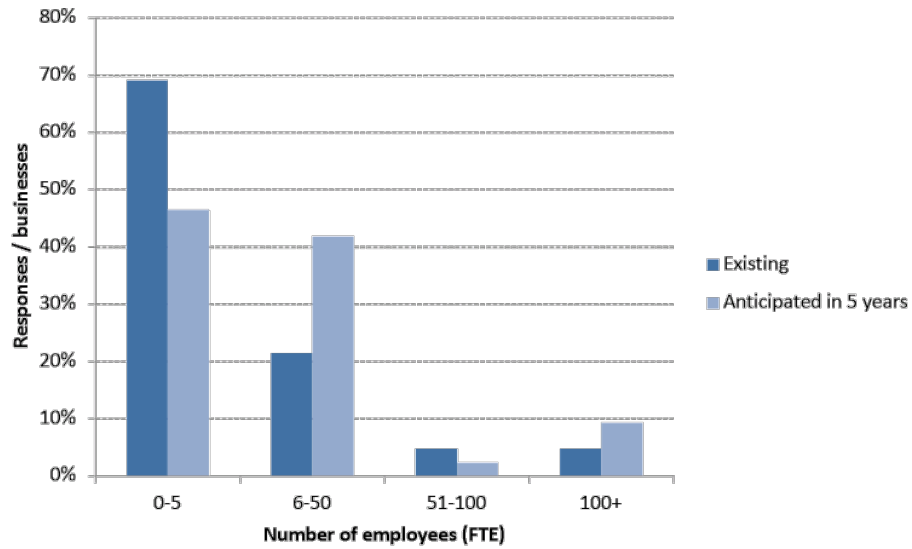
- *If you are looking for new facilities/site, how much space are you looking for initially (total production area excluding parking, access etc)?*
- *What do you estimate are your medium term expansion needs (beyond 5 years)(total production area excluding parking and access etc)?*



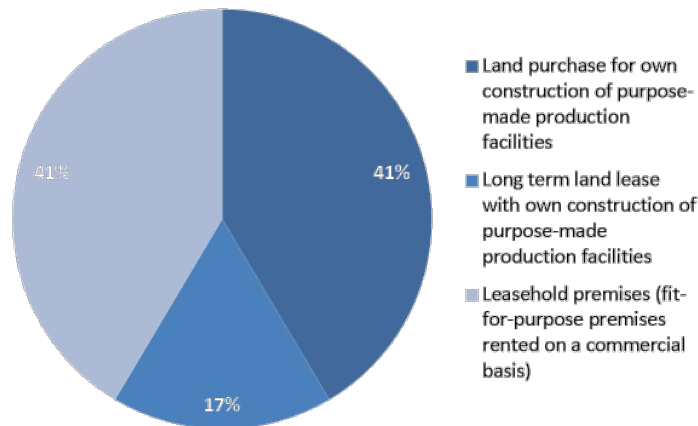
Questions:

- *How many people does your business currently employ (full time equivalent positions) including owner/managers?*
- *How many persons does your business expect (or hope) to employ (full time equivalent positions) in 5 years time including owner/managers?*

Ballina Innovation Hub – Project Plan



Question: What form of land tenure best suits your business operations?



### Creative Industries

The Northern Rivers Region has a high prevalence of people working within the creative industries compared to other non-metropolitan areas of Australia.

Industry research has identified opportunities for the Northern Rivers Region in the creative industries, with particular reference to digital content creation due to a favorable combination of natural and human resources available in the region, as set out further below.

The HillPDA report makes the following observations regarding opportunities for creative industries in Ballina Shire:

*Nationally, both the multimedia and the creative industries are growing and making a larger contribution to GDP than a number of traditional industry group. These industries form part of the Information Media and Telecommunication ANZSIC 1 Digit category and Creative and Performing Arts Activities ANZSIC 2 Digit category. With only 15 additional jobs projected across these industries in Ballina Shire to 2041, we consider this insignificant. The proposed commercial developments within Ballina Shire can accommodate this growth.*

*These projections are based on historical trends, however, and do not take into account any aspirational targeting. If multimedia and creative industries were to become key or base industries for Ballina Shire this would require significant investment (grants, subsidies, education institutions working collaboratively to promote the industry) and critical mass (including job opportunities). It is difficult to quantify the quantum of floorspace required to ensure the success of these industries given the limited data available and various other factors which will influence its success (ie. Access to talent pool, strength of competition, access to clients etc.).*

The growth expectations in the HillPDA report reflect the fact that multimedia and creative industries are currently in relative infancy in the region. Notwithstanding, industry research has identified the Northern Rivers Region as having the following key strengths, with respect to the potential growth in creative industries:

- *it is centrally located between Australia's largest and third largest cities and is adjacent to Australia's latest non-capital city suburban agglomeration*
- *it has highly sought after environmental amenity*
- *it has a residential and holiday population of high net-worth and entrepreneurial individuals*
- *its profile is international as a holiday destination and cultural centre (international film, music and writers' festivals)*
- *it contains a wealth of proven creative talent focused on commercial outcomes*
- *it has an ambitious highly networked business community*
- *it has an international brand as a lifestyle destination known for wellness, lifestyle and alternative sports – surfing, yoga etc*

In recognition of this potential, a consortium has emerged seeking to establish a film studio within the Innovation Hub. Further, building on the regional strengths in music and performing arts, has led to a proposal for an Exhibition Space (the "X-Building") within the Innovation Hub. The suitability and viability of these proposals will be tested through the innovation hub project that is the subject of this brief.

### Implications of Covid-19

Although the full economic implications of the Covid-19 are currently unknown, the pandemic has brought into focus the vulnerability of international supply chains and given rise to concerns for local food security and essential manufactures (such as personal protective equipment). These factors, combined with a need for economic stimulus to address damage done by the pandemic on existing key industries, suggest the potential for an increased role of local manufacturing into the future.

### Innovation Hub Concept

The Innovation/Food Hub concept builds on the opportunities outlined above, combined with the principles of industry clustering that is a well-accepted character of highly innovative and dynamic economic regions.

Clusters are seen as a critical building block for regional economic development, due to the potential for a beneficial cycle of shared learning, innovation, new business development (often through 'spin-offs') and jobs growth to emerge. The benefits of clustering for the businesses include shortened supply chains, improved availability of skilled workers and the potential for sharing infrastructure, suppliers, marketing and distribution networks, among others.

The economic impact of clusters depends largely on the complexity of the enterprises and the depth of the relationships between members. Manufacturing is an example of industry clustering that typically has a large economic impact, due to the complex nature of the task (and the specialised knowledge involved) combined with the depth of the supply chain, the number of businesses involved and (typically) the strength of the relationships between them.

#### *Advantages of industry clustering:*

- *Smaller companies can enjoy some of the economies of scale usually reserved for larger enterprises.*
- *Firms can benefit from the neighborhood's pool of expertise and skilled workers, easy access to input suppliers and information channels (such as marketing and finance).*
- *The concentration of like businesses can often support dedicated facilities and services for research and development through private sector firms, public educational establishments and government industry research entities.*

### Innovation hub components

In terms of innovation industry clustering, having regard for Ballina Shire's strengths and the regional context, the types of activities that might be appropriately included in a regional innovation hub include the following:

- Key attractors – key anchor industries with the potential to create interest and 'buzz' associated with an environment of innovation and creativity, such as creative industries and entertainment/exhibition spaces.
- Co-working facilities – to accommodate the changing nature of information based jobs and

### Ballina Innovation Hub – Project Plan

support easy access to legal, finance, information technology, marketing and related services for cluster members and food industry start-ups, as well as providing networking opportunities within the industry.

- Food based tourism and place activation – leveraging the visitor economy through complementary food-based retail and entertainment and providing for ancillary food service opportunities in association with food manufacturing enterprises (to facilitate opportunities for tastings, tours and industry related events).
- Large format industrial sites – to accommodate large existing enterprises with high growth potential and expansion needs.
- Smaller format industrial sites and premises – to accommodate start-ups and smaller enterprises at various stages of growth/development. Could include small food grade rental premises to accommodate start-up food businesses in the early stages of establishment as well as producers of niche high-value low-volume products.
- Food technology laboratories – to provide quality assurance testing services and support development of new and improved products.
- Transport, distribution, warehousing and logistics – including cold storage.
- Other support industries – such as input wholesalers, engineering and packaging.
- Vocational training facilities – to facilitate vocational training opportunities and support the development of a pool of appropriately skilled workers.

In addition to the above, further opportunities may be identified during the stakeholder engagement phase of this project, as outlined below.

#### **People Centered Design**

An important element of successful innovation hubs, in addition to the individual components therein, is the quality of the place from the perspective of users and visitors. This follows from the observation that the physical environment is essential to attract entrepreneurs and growth businesses that are necessary to cultivate an environment suitable for collaboration and networking.

Consequently, the design and build quality of the precinct, including its individual components, built form and landscaping will be important to making the precinct an attractive place to work and visit.

#### **Sustainability**

With appropriate levels of State and Federal support, opportunities for achieving sustainable best practice in association with the development of the precinct include:

- Sustainable built form – in materials, layout and servicing.
- Waste to energy – such as diverting putrescible food waste to biogas generation and/or further to electricity generation.
- Research into recyclable food packaging - such as sugar cane or hemp-based plastics

Beyond potential savings associated with energy generation and waste management, these opportunities, if harnessed, could have significant marketing advantages associated with sustainable regional food industry branding.

### Southern Cross Industrial Estate

The Southern Cross Industrial Estate is located adjacent to the Ballina-Byron Gateway Airport. Ballina Shire Council developed the estate as a commercial developer. Further stages of the estate are currently being considered for rezoning to enable industrial development (also majority owned by Council).

The location of the Southern Cross Industrial Expansion Area is identified on the following map.

The Southern Cross Industrial Estate lends itself to the potential development of an innovation hub due to the following:

- Large area of flat land suitable for industrial development subject to the finalisation of detailed environmental assessments.
- Proximity to the Ballina-Byron Gateway Airport provides opportunities to leverage one of the major tourist visitor and business entry points to the region.
- Relationship with Pacific and Bruxner Highways provides truck transport connections, particularly to the Port of Brisbane (2 hours approx.) and the Toowoomba export hub (3 hours approx.)
- Local road connections (existing and planned) provide ease of access to the Pacific Highway and planned Teven Road Transport Logistics Centre. Planned connections to Lennox Head (via reconnection of North Creek Road) will also improve the visibility and accessibility of the industrial estate and airport precinct. The planned Airport Boulevard will provide direct access to the Ballina-Byron Gateway Airport and is located adjacent to the industrial expansion area.
- The industrial estate (existing and planned future stages) will be connected to high speed broadband via the Federal Government's National Broadband Network (NBN) through Fiber to the Curb (FTTC) technology.

Council is currently considering a planning proposal to amend the *Ballina Local Environmental Plan 2012* with respect to land within the Southern Cross Industrial Estate Expansion Area (BSCPP13/005). The planning proposal process involves the consideration of amending the zoning of the land from RU2 Rural Landscape zone (currently) to an appropriate industrial or commercial zone.

The environmental assessments required to inform the decision making process associated with the planning proposal are currently being prepared, and are a prerequisite for the masterplan process outlined below.

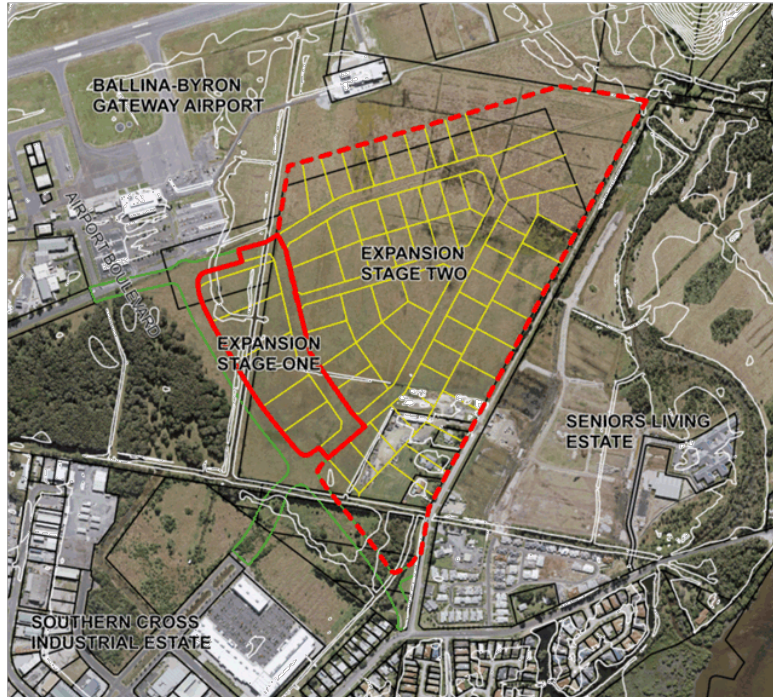
The planning proposal and associated development has been divided into two stages as outlined in the following section.





### Development Staging

Due to the presence of environmental features requiring further detailed investigations, and the strong level of interest for development sites, the expansion area has been divided into two stages, as shown in the following map. The lot lines shown in yellow in the map below are indicative only.



**Stage One** aligns with the parts of the site that appear least constrained by environmental factors and represent the logical first stage of development due to the availability of access and services (from Airport Boulevard). This stage aligns with a funding grant from the NSW Government under the Growing Local Economies fund.

**Stage Two** represents the balance of the expansion site, for which detailed flood investigations are currently being undertaken. This part of the site also contains areas of native vegetation which, though in a degraded state, will require offsetting as a part of any future development proposals.

Although separated into the two stages outlined above, it is anticipated that Precinct Masterplan for the site will be progressed concurrent with the finalisation of the planning proposal and development assessment process for Stage One. The Precinct Masterplan will also inform the preparation of the Stage Two planning proposal for the balance of the site, having regard for the environmental factors present and the outcomes of the masterplan process.



## Project Plan

This section outlines the proposed methodology for the preparation of an Innovation Hub Masterplan, including stakeholder engagement.

### Project Management

Council's consideration of the innovation hub concept involves two separate roles, namely:

- Council as planning authority in the consideration of local planning matters; and
- Council as majority owner of land within the Southern Cross Industrial Estate Expansion Area.

As outlined above, Council is currently considering a planning proposal to amend the *Ballina Local Environmental Plan 2012* with respect to land within the Southern Cross Industrial Estate Expansion Area (BSCPP13/005). The planning proposal process involves the consideration of amending the zoning of the land from RU2 Rural Landscape zone (currently) to an appropriate industrial or commercial zone.

As noted above, the environmental assessments required to inform the decision making process associated with the planning proposal are currently being prepared, and are a separate though prerequisite matter to the preparation of a Innovation Hub Precinct Masterplan.

The current project (Precinct Masterplan) is being managed as a collaboration between Council's Strategic Planning Staff (Economic Development) and Council's Commercial Services Section.

### Precinct Masterplan

The potential components and design elements of an innovation hub within the Southern Cross Industrial Expansion Area will be considered through the preparation of a precinct Masterplan as outlined below.

The preparation of a precinct masterplan will assist Council's consideration of the development of the expansion area by:

- Engaging stakeholders to confirm the level of commercial interest in the precinct.
- Providing input from stakeholders with respect to design outcomes, including land use pattern, and lot size and configuration.
- Guiding further refinement of land use planning considerations including the permissibility of land uses and appropriate development standards.

As noted above, the preparation of a precinct masterplan is predicated on the completion of environmental assessments to confirm the development footprint available for industrial expansion. Once these investigations have been completed (involving flood assessments and ecological offset assessments), Council will seek to appoint an appropriately qualified masterplan consultant. The consultant will assist with stakeholder engagement and provide general guidance regarding siting and design considerations.

A consultant brief is provided in Appendix 1 that will form the basis of this engagement.

The estimated timing and detailed staging of the project is contained in Appendix 2. A flow chart summarising the project process is provided at the end of this section.

The draft Precinct Masterplan will be reviewed by the elected Council prior to public exhibition and following exhibition for the review of submissions and endorsement.

### Stakeholder Engagement

Stakeholder input is a critical element for the development of successful innovation hubs. In particular, as a part of the Masterplan process, Council will seek industry input with respect to the following:

- Demand and support for the concept.
- Spatial needs with respect to lot areas, siting and configuration for various scales and stages of enterprise (including future expansion needs).
- Land tenure preferences at different stages of development.
- Location and design considerations to support site logistics.
- Range of appropriate support industries to be accommodated (a number of these are listed in the introductory sections of this paper).
- Utility considerations including water, electricity and internet connectivity and capacity.
- Character and marketing considerations (including landscaping and signage).
- Opportunities to promote collaboration, networking and the development of local supply chain networks.
- Vocational training needs and opportunities.
- Support available from State and Federal Government Agencies.

To support the above, representation will be sought from the following stakeholder groups and agencies for input into the project:

- Consortium representatives (Film Studio and X-Building representatives).
- Existing local food producers.
- Northern Rivers Food and Sourdough Group (industry groups).
- Educational establishments (including Southern Cross University, North Coast Institute of TAFE and NORTEC).
- NSW Government Agencies (including NSW Department of Primary Industries, NSW Industry and Department of Premier & Cabinet).
- Regional Development Australia - Northern Rivers.
- Ballina-Byron Gateway Airport management.
- Ballina Chamber of Commerce.

### Occupation and Land Tenure

In association with the preparation of the Masterplan and associated stakeholder engagement, Council will give consideration to the selection and siting of occupant businesses and the preferred tenure arrangements for occupation of the land.

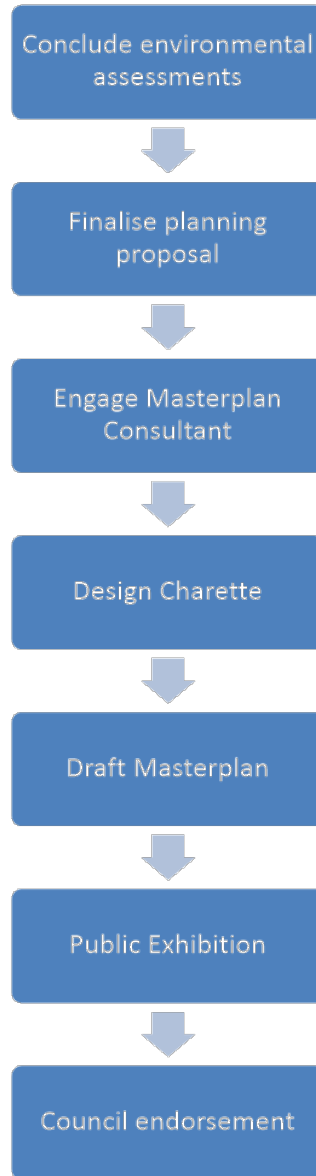
The selection and siting considerations will have regard for:

- Appropriate key anchor tenants for strategically important sites, with preference to those that have the potential to attract other high quality businesses that align with the strategic business opportunities of the precinct.
- the impact of business siting on the marketability of the estate, particularly those located adjacent to Airport Boulevard.

The land tenure considerations will have regard for:

- The strategic advantages of Council maintaining ownership over important key sites into the future.
- The needs of business within the estate, including security of tenure.

Ballina Innovation Hub – Project Plan





Ballina Innovation Hub – Project Plan

## Appendix 1 – Draft Consultant Brief

## BALLINA SHIRE COUNCIL

## INNOVATION HUB MASTERPLAN

## PROJECT BRIEF



### BACKGROUND/ CONTEXT

Ballina Shire Council has resolved to undertake an assessment of the viability of establishing an Innovation Precinct within the Southern Cross Industrial Expansion Area, Ballina.

Council is seeking a suitably qualified consultant to undertake stakeholder engagement and the preparation of a conceptual masterplan analysis of the establishment of an innovation hub within the Southern Cross Industrial Estate Expansion Area. The engagement may occur in the form of a design charrette or alternative design process.

### OBJECTIVES OF THE MASTERPLAN ANALYSIS

The main objective of this engagement is to prepare a masterplan design analysis of land within the Southern Cross Industrial Estate Expansion Area for the purpose of an innovation hub. This work is to be guided by industry analysis (to be provided by Council) and stakeholder engagement (to be undertaken as part of the engagement).

The key outputs of the engagement will be the preparation of a precinct masterplan and perspective drawings to illustrate the innovation hub concept on the site.

This work is to involve the consideration of the following design matters:

- Spatial arrangement of uses identified as being desirable for inclusion in an innovation hub (land uses to be included and spatial requirements for each will be identified through stakeholder engagement).
- Physical relationships between proposed land uses to maximize compatibility and minimize potential conflict.
- People centred design.
- Relationship with boulevard road (including landscape treatment to meet desirable landscape design character).
- Landscaping treatment (including vegetation, screening, visibility and character)
- Signage and wayfinding.
- Access and parking.

The engagement is to involve the preparation of two options for consideration and stakeholder engagement. The engagement is to include a design charrette workshop (or other appropriate alternative design process) followed by the presentation of the draft masterplans to the stakeholder

group, and finalisation of the plans on the basis of feedback received and Council staff response. Perspective drawings (a minimum of two) illustrating the look and feel of the final preferred layout and landscaping of the precinct are also to be prepared.

#### SCOPE OF WORKS

The scope of works includes the following tasks:

##### Project Familiarisation

- Review of background documentation.

##### Stakeholder Engagement / Design Charette

- Liaise with Council Staff
- Undertake stakeholder engagement in the form of a design charette (or other appropriate design workshop process) to determine and document industry needs associated with the establishment of an innovation hub, including consideration of the following:
  - Key attractors – key anchor industries with the potential to create interest and ‘buzz’ associated with an environment of innovation and creativity.
  - Co-working facilities – to accommodate the changing nature of information based jobs and support easy access to legal, finance, information technology, marketing and related services for cluster members and food industry start-ups, as well as providing networking opportunities within the industry.
  - Food based tourism and place activation – leveraging the visitor economy through complementary food-based retail and entertainment and providing for ancillary food service opportunities in association with food manufacturing enterprises (to facilitate opportunities for tastings, tours and industry related events).
  - Large format industrial sites – to accommodate large existing enterprises with high growth potential and expansion needs.
  - Smaller format industrial sites and premises – to accommodate start-ups and smaller enterprises at various stages of growth/development. Could include small food grade rental premises to accommodate start-up food businesses in the early stages of establishment as well as producers of niche high-value low-volume products.
  - Food technology laboratories – to provide quality assurance testing services and support development of new and improved products.
  - Transport, distribution, warehousing and logistics – including cold storage.
  - Other support industries – such as input wholesalers, engineering and packaging.
  - Vocational training facilities – to facilitate vocational training opportunities and support the development of a pool of appropriately skilled workers.

*Note:* Council will undertake administrative tasks to convene engagement initiatives and provide venues, including the identification and invitation of stakeholders. Council is anticipating a single design workshop of stakeholders (which may occur over a one or two day period) to be attended and facilitated by the consultant.

##### Preparation of Draft Precinct Masterplan

- Liaise with Council Staff.
- Prepare at least two Precinct Masterplan options having regard for the industry analysis and stakeholder engagement for review by Council Staff.

Ballina Innovation Hub – Concept Brief

- The masterplan options are to include the consideration of the following design matters:
  - Spatial arrangement of uses identified as being desirable for inclusion in an innovation hub (land uses to be included and spatial requirements for each are to be identified through stakeholder engagement).
  - Physical relationships between proposed land uses to maximize compatibility and minimise potential conflict.
  - People centred design.
  - Relationship with boulevard road (including landscape treatment to meet the desired landscape design character).
  - Landscaping treatment (including vegetation, screening, visibility and character)
  - Signage and wayfinding.
  - Access and parking.

**Stakeholder Presentation**

- Present the draft Precinct Masterplan options to key stakeholders.
- Document stakeholder feedback.
- Refinement of draft Precinct Masterplan on the basis of stakeholder feedback and Staff response, for public exhibition.

*Note:* Council will undertake administrative tasks to convene engagement initiatives and provide venues, including the invitation of stakeholders. Council is anticipating a single meeting of stakeholders to be attended by the consultant.

**Final Precinct Masterplan Preparation**

- Finalise the draft Precinct Masterplan on the basis of elected Council and Staff response to public exhibition.
- Prepare a minimum of two perspective drawings to illustrate the look and feel of the final design.

**FEE PROPOSAL**

The available budget is up to a total of \$TBD excl GST for the completion of the Precinct Masterplan and associated reporting.

Council is seeking a fixed lump sum fee proposal for the completion of all tasks associated with the project as outlined in the scope of works.

**PROJECT TIMING**

Council is seeking completion of the project by DATE. The timing for key milestone tasks is outlined below.

Item	Key Milestone
Fee Proposal	TBD
Project Establishment Meeting	TBD
Completion of Plans	TBD

**OTHER ITEMS**

### *Administration*

- Administration of the project will be through Council's Strategic and Community Facilities Group. Simon Scott (Strategic Planner) is Council's primary contact.

### *Responses to the Brief*

- Responses to the project brief should include details of pricing, timing, project delivery method, relevant experience and staffing.
- Responses to the project brief should include details of insurances including evidence of public liability insurance and professional indemnity insurance. Where public liability insurance held is less than \$20 million and/or professional indemnity insurance held is less than \$10 million, Council will review the suitability of the insurance level having regard to the nature of the project and the scope of works.
- Responses to the project brief must identify any actual or perceived conflicts of interest of relevance to the project for both the principal consultant and any sub consultants.
- Responses will be assessed by Council having regard for relevant experience, track record, technical skills and expertise, project management framework, application of brief and methodology, time performance and price (including value for money).

### *Payment*

- Payment will be based on the completion of key milestones associated with each of the project components. The consultant is to identify a proposed milestone based payment schedule. At least 20% of the total fee will be subject to completion of the final stage of the project. Council will only make payments if satisfied the work undertaken meets the requirements of the project brief. Any claim for payment must be accompanied by a report outlining the work undertaken in relation to the brief.
- Council must agree in writing to any claims for extras before such extra work is undertaken.

### *Engagement*

- Engagement of the successful consultant is subject to acceptance of Council's contract conditions.
- Evidence of a suitable level of insurance cover (including Public Liability and Professional Indemnity) will be required prior to engagement.

### *Termination*

- Council may terminate its agreement with the preferred consultant due to non-performance or inability to meet the requirements of the project.
- Council may terminate its agreement with the preferred consultant where staff members nominated for the project are not able to participate in the delivery of the project.

### *GIS Data*

- Any GIS data compiled or prepared as part of the project is to be provided to Council at the conclusion of the project in a MapInfo compatible format for use by Council.

### *Confidentiality, Copyright and Ownership*

- Information and outcomes associated with the project are to remain confidential between Council and the preferred consultant until approved for release by Council.
- The preferred consultant may utilise information gained in the course of the project for the purpose of papers and publications provided that the source of the information is acknowledged and confidentiality is respected.



**REFERENCE MATERIALS**

- Ballina-Byron Regional Innovation Hub Concept Brief (Annexure 1)
- Ballina Shire Economic Development Strategy (Annexure 2)
- Ballina Major Regional Centre Strategy (Annexure 3)

DRAFT

## Appendix 2 – Project Timing & Detailed Staging

