



Planning Proposal BSCPP 15/001

August 2015

Reclassification of Land (Various Parcels)

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INTRODUCTION

Summary of Planning Proposal

This planning proposal seeks to reclassify 17 areas of Council owned land from community land to operational land for the purposes of the *Local Government Act 1993*. The affected land parcels are detailed in Table 1 below.

The proposal will add reference to the identified land parcels to Schedule 4 of the *Ballina Local Environmental Plan 2012* (BLEP 2012). Some of the identified sites fall within areas deferred from the BLEP 2012 which means they remain subject to the planning provisions of in the *Ballina Local Environmental Plan 1987* (BLEP 1987). As part of this proposal, it is intended to transfer some of these sites into the provisions of the BLEP 2012. For those sites that remain under the provisions of the BLEP 1987, this proposal will result in an amendment to add a reference to those sites in Schedule 7 of the BLEP 1987.

Table 1 – Land Proposed for Reclassification

Site No.	Description	Lot & DP	Address
1	East Ballina Reservoir	Lots 1-2 DP 598548	Pine Avenue, East Ballina
2	Richmond Hill Reservoir	Lot 1 DP 632176	Suvla Street, East Ballina
3	Basalt Court Reservoir	Lot 47 DP 240657	3 Basalt Court, Lennox Head
4	Pump Station SP2006	Lots 1-2 DP 604567	Opp. 15 Regatta Avenue, Ballina
5	Pump Station SP3110	Lot 1 DP 856703	Hutley Drive, Lennox Head
6	Pump Station SP3107	Lot 43 DP 1168665	8 Seamist Place, Lennox Head
7	Good Start Childcare Centre	Lot 104 DP 871675	34-36 Links Avenue, East Ballina
8	Seeds Childcare Centre & Westland Estate Buffer	Lot 1 DP 850774, part Lot 52 DP 842077, part Lot 2 DP 850774, Lot 179 DP 879355	Westland Drive, Barlows Road & Sunset Ave, West Ballina
9	Alstonville WWTP (part)	Lot 1 DP 853747	Johnstons Road, Alstonville
10	Lennox Head WWTP (part)	Lot 1 DP 831017	North Creek Road, Skennars Head
11	Drainage Reserve & Pump Station	Lot 41 DP 1149233	McLeans Street, Skennars Head
12	Drainage Reserve	Lot 47 DP 1012769	Daintree Drive, Lennox Head
13	Drainage Reserve & Pump Station	Lot 28 DP 864257	Karalauren Court, Lennox Head
14	Compton Drive Lease Site	Lot 1 DP 781542	23 Compton Drive, East Ballina

Site No.	Description	Lot & DP	Address
15	Wayside Place	Lot 9 DP 716371	Wayside Place, Ballina
16	Dress Circle Drive Site	Lots 2-5 DP 781641	Adj. 25-27 Dress Circle Drive, Lennox Head
17	Marsh Avenue Site	Lot 29 DP 230062	Adj. 74 Grant Street (cnr Marsh Avenue), Ballina

In addition to the reclassification of the land parcels identified in Table 1, it is also proposed to amend the LEP zoning and associated provisions for some of the land as detailed in Table 2.

Table 2 – Associated LEP Amendments

Site No.	Description	Proposed LEP Amendment
1	East Ballina Reservoir	It is proposed to rezone both Lots 1 & 2 DP 598548 (Council owned community land) and the adjoining Lot 3 Section 91 DP 758047 (Crown land managed by Council) from RE1 Public Recreation to SP2 Infrastructure (Water Supply System) to better reflect the current and expected future land uses of the site.
2	Richmond Hill Reservoir, East Ballina	This land (Lot 1 DP 632176) is currently subject to the provisions of the Ballina Local Environmental Plan 1987 and zoned 6(a) – Open Space. Because the site is integrated with the surrounding public reserve and public access is generally available, it is proposed to apply the RE1 Public Recreation zone under the provisions of the BLEP 2012 to the entirety of this land.
3	Basalt Court Reservoir, Lennox Head	It is proposed to rezone this site from RE1 Public Recreation to SP2 Infrastructure (Water Supply System) to better reflect the current and anticipated future land uses of the site.
6	Pump Station SP3107, Seamist Place, Lennox Head	Part of this land is currently zoned 2(a) – Living Area under the Ballina Local Environmental Plan 1987. The rest of the land is zoned R2 Low Density Residential under the BLEP 2012. It is proposed to transfer the entirety of this lot (Lot 43 DP 1168665) into the R2 Low Density Residential zone under the provisions of the BLEP 2012.
7	Good Start Child Care Centre, 34-36 Links Avenue, East Ballina	This land (Lot 104 871675) is currently zoned RE1 Public Recreation. It is proposed to change the zoning of the land to B1 Neighbourhood Centre consistent with the adjoining land and to reflect the current and expected future land uses on the site.
8	Seeds Child Care Centre and Westland Estate Buffer, Westland Drive, West Ballina	This land includes several lots and part lots and is currently zoned RE1 Public Recreation. It is proposed to rezone this land R2 Low Density Residential consistent with the adjoining land.

Site No.	Description	Proposed LEP Amendment
9	Alstonville Waste Water Treatment Plant, Johnstons Road	This land (Lot 1 DP 853747) is currently split between the BLEP 2012 (zoned SP2 Infrastructure (Sewerage system)) and the BLEP 1987 (zoned 7(i) Environmental Protection (Urban Buffer)). The entirety of this lot is held by Council for infrastructure purposes. It is proposed to apply the provisions of the BLEP 2012 to the entirety of this lot – being the SP2 Infrastructure zone and associated minimum lot size (40ha), building height (8.5m) and to also include the lot in the designated drinking water catchment area.
17	Marsh Avenue site, Ballina	This land (Lot 29 DP 230062) is currently zoned RE1 Public Recreation. It is proposed to change the zoning of the land to R2 Low Density Residential consistent with the adjoining land.

Council resolved to submit the planning proposal for Gateway determination at its Ordinary Meeting held on 23 July 2015 (Appendix C).

PART 1 – OBJECTIVES & INTENDED OUTCOMES

This planning proposal seeks to amend Schedule 4 of the BLEP 2012 or Schedule 7 of the BLEP 1987 (as applicable) by adding reference to 17 land parcels to enable their reclassification from community land to operational land for the purposes of the *Local Government Act 1993*. This planning proposal also seeks to amend the zoning and associated land use planning regulations as specified in the BLEP 2012 for a number of these sites consistent with their current and/or expected future land uses. The proposed changes to the classification and zoning of the land are intended to enable Council to better manage the subject land holdings.

PART 2 – EXPLANATION OF THE PROPOSAL

The details and rationale for the proposed reclassification and associated amendments to land use planning provisions are detailed for each site below.

Site 1 - East Ballina Reservoir

The East Ballina Reservoir site occupies three lots off Pine Avenue in East Ballina. The site contains a large water storage facility and public access is restricted. The majority of the site (Lot 3 Section 91, DP 758047) is Crown land identified as Reserve No. 86408 for Reservoir. Ballina Shire Council has been appointed trust manager for this Crown reserve. The remaining area of the site is identified as Lots 1 & 2 DP 598548. This land is in the ownership of Ballina Shire Council and is currently classified as community land. Lots 1 & 2 were acquired by Council in 1978 for reservoir purposes and have functioned in that capacity since that time.



Due to the nature and function of the site for infrastructure purposes (water storage), public access to the site is restricted. The photographs below were taken at the Pine Avenue frontage of the site and provide an indication of the perimeter fencing that surrounds it restricting public access. The site has been identified in a review of Council's land holdings as being more appropriately classified as operational land for these reasons.

Both the Council owned and Crown land parts of the site are currently zoned RE1 Public Recreation under the BLEP 2012. To better reflect the current and expected future uses of this site it is proposed to also rezone this land to SP2 Infrastructure (Water Supply System).

Site Photos 1 & 2

Access gates and perimeter fencing restricting public access to Pine Avenue Reservoir Site.





Site 2 - Richmond Hill Reservoir

The Richmond Hill Reservoir site occupies Lot 1 DP 632176 off Suvla Street, East Ballina. Prior to being vested in Ballina Shire Council in 1985, the site was Crown land appropriated by the former Public Works Department for a reservoir in 1974. The site is classified as community land and contains a large water storage facility as well as a number of long-established telecommunications installations that occupy parts of the site through lease agreements with Council. The site is generally open to the public with its surrounds functioning as public open space in association with a larger adjoining bushland reserve.

The primary purpose and function of the site is for infrastructure with secondary recreational and open space uses. The images below illustrate the array of infrastructure present on the site. A review of Council's land holdings has identified this site as being more appropriately categorised as operational land given the predominance of infrastructure installations on the site. The operational classification will also enable the more efficient management of the various lease agreements between Council and the owners of the telecommunications facilities on the site.

The site has been deferred from the application of the BLEP 2012 and remains subject to the provisions of the BLEP 1987. In addition to the proposed reclassification, it is also proposed to incorporate this lot into the provisions of the BLEP 2012 and apply the RE1 Public Recreation zone to its entirety. This will enable the application of consistent land use planning provisions and will reflect the current and expected future uses on the land. The RE1 Public Recreation zone will not limit or restrict the ongoing and future use of the site for infrastructure purposes (both water supply and telecommunications). In association with this zone change, a building height standard of 8.5 metres will also be applied. No minimum lot standard is proposed consistent with the approach for RE1 zoned land.



Site Photos 3, 4, 5 & 6 – Richmond Hill reservoir site with multiple infrastructure installations



Site 3 - Basalt Court Reservoir

The site containing the reservoir at 3 Basalt Court, Lennox Head (Lot 47 DP 240657) was dedicated to Tintenbar Shire Council as a public reserve on 25 March 1971. A water reservoir was erected on the site in 1983 resulting in the restriction of public access to the site. This restricted access is illustrated on the photograph below. The site also currently contains telecommunications infrastructure.

In consideration of the operational nature of the site and the sole use of the site for infrastructure purposes, the land has been identified as more appropriately classified as operational land. With public access to the site now restricted, it is also considered appropriate to change the zoning of this site from RE1 Public Recreation to SP2 Infrastructure (Water Supply System) to better reflect the current and anticipated future land uses of the site.



Site Photo 7

Basalt Court reservoir site with perimeter fencing restricts public access



Site 4 – Regatta Avenue Sewage Pump Station

These sites comprise two small lots that contain sewage infrastructure (Pump Station SP2006) in Regatta Avenue, Ballina. The lots (Lots 1 & 2 DP 604567) were registered in 1979 as part of the Ballina Sewerage Scheme and are currently classified as community land.

It is proposed to reclassify these two small lots to operational land to reflect their use for infrastructure purposes. This is consistent with the approach taken to the classification of other land primarily occupied for infrastructure purposes across the shire.



Site Photo 8 – Regatta Avenue sewer infrastructure



Site 5 – Hutley Drive (Pacific Pines) Pump Station

This currently isolated site is adjacent to the future Hutley Drive alignment and the future Pacific Pines development at Lennox Head. The subject lot (Lot 1 DP 856703) was created in 1996 and acquired for the purposes of a sewage infrastructure (Pump Station SP 3110). It is currently classified as community land and is solely occupied by the pump station.

It is proposed to reclassify this lot to operational land to reflect its use for infrastructure purposes. This is consistent with the approach taken to the classification of other land primarily occupied for infrastructure purposes across the shire.



Site 6 – Seamist Place Pump Station

This site (Lot 43 DP 1168665) is located at 8 Seamist Place, Lennox Head and is occupied by Sewage Pump Station No. 3107. The subject lot was created in 2012 and was dedicated to Council as part of the nearby Coastal Grove development. It is currently classified as community land and the sole purpose of the land is for sewage infrastructure (see photograph below).

Part of Lot 43 is currently subject to the provisions of the Ballina Local Environmental Plan 1987 and is zoned 2(a) – Living Area. The rest of the land is zoned R2 Low Density Residential under the BLEP 2012.

This proposal seeks to reclassify Lot 43 DP 1168665 from community land to operational land to better reflect its usage for infrastructure purposes. It is also proposed to transfer the entirety of this lot into the R2 Low Density Residential zone under the provisions of the BLEP 2012 and apply the land use planning provisions for the land consistent with other sites zoned R2 in the area [minimum lot size (1200m²) and building height (8.5m)].



Site Photo 9

Seamist Place Pump Station site with restricted and limited public access



Site 7 – Links Avenue Child Care Centre

This site comprises a small area of community land (428m²) adjacent to the child care centre located at 34-36 Links Avenue, East Ballina. The subject site has exclusively occupied by the adjoining child care centre since its establishment in 1997 and is occupied under a commercial lease agreement between Council and the owner of the child care centre. Although adjoining the larger public reserve surrounding the Prospect estate, the site does not function as open space and forms part of the permanently enclosed outdoor play area for the child care centre. As illustrated on the photographs below, the site is fully enclosed and integrated with the child care centre facility.

It is proposed to reclassify the land as operational to allow provide more flexibility in the ongoing lease or future sale of the site to the owners/operators of the child care centre.

Lot 104 is currently zoned RE1 Public Recreation under the Ballina Local Environmental Plan 2012. Because this lot has not been used for public open space or recreation purposes since the establishment of the child care centre in 1997 and is integrated with the child care centre site, it is proposed to change the zoning of Lot 104 to B1 Neighbourhood Centre consistent with the remainder of the child care centre site.

In conjunction with the zoning change will be the application of associated land use planning provisions consistent with the existing adjoining B1 Neighbourhood Centre zone. This includes the application of a minimum lot size of 800m² and a building height standard of 8.5 metres.



Site Photos 10, 11 & 12

Enclosed area of community land – Links Avenue child care centre



Site 8 – Westland Drive Child Care Centre & Buffer

This site includes a number of lots established as a buffer for the Westland Estate in 1993 at West Ballina. It includes Lot 1 DP 850774, part of Lot 2 DP 850774, part of Lot 52 DP 842077 and Lot 179 DP 879355. The land consists of a narrow linear reserve at the rear of residential properties fronting Westland Drive. Adjacent to the Seeds Childcare Centre, the reserve is permanently and exclusively occupied by the child care centre (Lot 1 DP 850774) and forms an integrated part of the centre's outdoor play area. Currently this site is leased to the owners/operators of the child care centre. The majority of the rest of the buffer site contains a stormwater drainage channel servicing the surrounding urban environment.

The lots comprising the buffer are currently classified as community land. Beyond the area occupied by the child care centre and drainage infrastructure, the land provides minimal amenity or function as a public reserve or as an effective buffer given its width. To enable the ongoing management of the land primarily for infrastructure purposes, it is proposed to reclassify the land as operational land. This will provide Council with greater flexibility in the relation to the child care centre site and will facilitate the ongoing leasing and possible future sale of the land (Lot 1 DP 850774) to the owners/operators of the child care centre.

Having regard for the limited amenity and utility the land provides for public recreation, it is also proposed to rezone the entire buffer to R2 Low Density Residential consistent with the adjoining land. This will also include the application of the land use provisions associated with the R2 Low Density Residential zone being a minimum lot size of 600m² and a building height standard of 8.5 metres.



Site Photos 13, 14 & 15

Enclosed section of community land occupied by child care centre



Buffer looking west from Sunset Avenue



Buffer and drainage infrastructure looking east from Sunset Ave



Site 9 – Alstonville Wastewater Treatment Plant

This site comprises Lot 1 DP 853747 and contains part of the Alstonville Wastewater Treatment Plant at the end of Johnstons Road, Alstonville. The lot was created as a result of a boundary adjustment and was registered in 1995. A search of Council records has not revealed any formal process to apply the operational classification to this land.

To clarify the situation and confirm the operational classification of Lot 1 DP 853747 it is being included in this reclassification proposal. Having regard for the operational nature of the land use (wastewater treatment infrastructure) it is considered appropriate to apply the operational classification. This approach is consistent with Council's approach to other similar infrastructure sites across the shire.

This lot is currently split between two planning instruments (the BLEP 2012 and BLEP 1987). To rectify this and ensure consistent application of land use planning regulations to the land, it is proposed to adjust the planning provisions to include the entire lot under the provisions of the BLEP 2012. To achieve this it is proposed to apply the SP2 Infrastructure (Sewerage system) zone to the entire lot. Associated with this will be the inclusion of the 40 hectare minimum lot size and the 8.5 metre building height standard to the entire lot. The inclusion of this lot into the BLEP 2012 will also require an adjustment to include the entire lot into the identified drinking water catchment.



Site 10 – Lennox Head Wastewater Treatment Plant

This site comprises Lot 1 DP 831017 and contains part of the Lennox Head Wastewater Treatment Plant, off North Creek Road, Skennars Head. The lot is former Crown land that was acquired by Council in 1995 to facilitate the expansion and management of the wastewater treatment plant. A search of Council records has not revealed any formal process to apply the operational classification to this land.

To clarify the situation and confirm the operational classification of Lot 1 DP 831017 it is being included in this reclassification proposal. Having regard for the operational nature of the land use (wastewater treatment infrastructure) it is considered appropriate to apply the operational classification. This approach is consistent with Council's approach to other similar infrastructure sites across the shire.

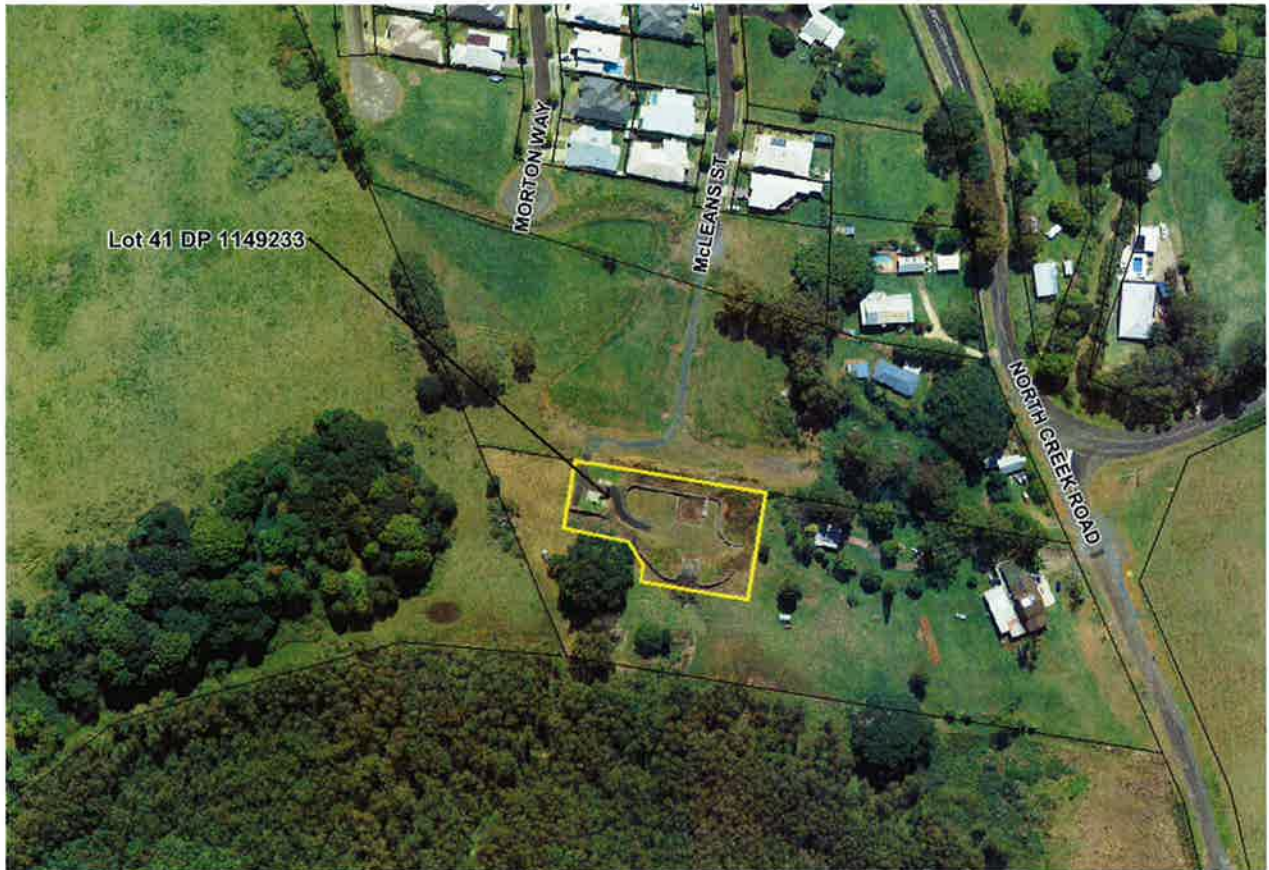
The proposed amendment for this site is to confirm the operational classification only. No zoning or other land use regulatory changes are proposed.



Site 11 – McLeans Street Drainage Reserve & Pump Station

This site contains stormwater drainage and sewer infrastructure dedicated to Council as part of the Elevation Estate development, Skennars Head. The site is located at the end of McLeans Street and comprises Lot 41 DP 1149233 registered and dedicated to Council in 2010.

The subject site was not classified as operational land at the time of dedication to Council. Because of the operational nature of the site, being solely used for infrastructure purposes, it is proposed to classify Lot 41 DP 1149233 as operational land.



Site 12 – Daintree Drive Drainage Reserve

This site contains stormwater drainage infrastructure dedicated to Council as a drainage reserve. The site is located off Daintree Drive, Lennox Head and is identified as Lot 47 DP 1012769 and registered and dedicated to Council in 2000.

The subject site was not classified as operational land at the time of dedication to Council. Because of the operational nature of the site, being solely used for infrastructure purposes, it is proposed to classify Lot 47 DP 1012769 as operational land.



Site photo 16 - View of drainage reserve from Daintree Drive



Site 13 – Karalauren Court Drainage Reserve & Pump Station

This is a 297.5m² site located off Karalauren Court, Lennox Head containing stormwater drainage and sewer infrastructure. The site is identified as Lot 28 DP 864257 and was registered and dedicated to Council as a drainage reserve in 1996.

The subject site was not classified as operational land at the time of dedication to Council. Because of the operational nature of the site, being solely used for infrastructure purposes, it is proposed to classify Lot 28 DP 864257 as operational land.



Site photo 17 – View of drainage reserve from Karalauren Court



Site 14 – Compton Drive Lease Site

This site is located adjacent to the restaurant premises at 23 Compton Drive, East Ballina. Historically, this 158m² parcel of community land has been used in part by proprietors of the adjoining restaurant premises for storage and additional seating area. Although the adjoining restaurant is currently vacant and the subject site is currently not in use, this parcel is being included in this proposal for reclassification to operational land.

The classification of this site was previously considered by Council at its Ordinary Meeting held on 26 September 2013 in association with a proposal to lease the site to the operators of the adjoining restaurant. The Council resolved at that time to commence the process for the reclassification of this land from community to operational land. No further action in relation to the reclassification was taken at that time due to the restaurant proprietors advising that they no longer wished to proceed with the leasing of the site. The reclassification has been held over to incorporate with other classifications for efficiency.

It is proposed to reclassify this site to operational land to enable greater flexibility in the leasing of the site to the proprietor of the adjoining restaurant. This is based on the historical use of part of the site in conjunction with the restaurant and provides the option for a new lease should this be desired in the future. Alternatively, the reclassification of the land enables Council to consider the option of selling part of the site to the owners/operators of the adjoining restaurant as an alternative to leasing.

This site is subject to the BLEP 1987. No changes to the zoning or other planning regulations are proposed and the BLEP 1987 will remain as the applicable local planning instrument.



Site photo 18 – Compton Drive restaurant site lease area



Site 15 – Wayside Place

Wayside Place comprises a parcel of land (Lot 9 DP 716371) acquired by Council in 2005 that provides a private access road to eight adjoining residential lots. Due to the materials used in the construction of the road surface, Council did not receive the land as a public road dedication at the time of subdivision. Instead, the maintenance responsibility costs for the road are borne by the owners of the eight adjoining lots by way of an easement registered on title under section 88B of the *Conveyancing Act 1919*. It was intended at the time of acquisition that the land be dedicated as operational land.

A search of Council's records cannot confirm that the procedures required under the *Local Government Act 1993* in relation to the classification of operational land were undertaken at the time of acquisition. As such Lot 9 DP 716371 is deemed to be classified as community land by default under the provisions of the *Local Government Act 1993*. In acknowledging the primary purpose of the land being for infrastructure purposes (road access and service provision), it is proposed to reclassify the land as operational land.



Site photo 19 – Wayside Place



Site 16 – Dress Circle Drive

This site comprises five lots acquired by Council for road purposes at the time of construction of The Coast Road. The five lots (Lots 1-5 DP 781641) consist of the residue land not required for road purposes and are located adjacent to 25-27 Dress Circle Drive, Lennox Head.

The lots are currently classified as community land but are not accessible to the public and have limited utility as public reserves or for community purposes. The land is zoned for residential development and Lot 1 may be suitable for disposal for residential development. Lots 2-5 are constrained due to their configuration, land area and dimensions and are subject to private use and encroachment from adjoining landowners.

The proposed reclassification of this site from community land to operational land will enable Council to better manage the ongoing use of the land and provide for the possible disposal of all or part of the site to the adjoining landowners if considered appropriate.



Site 17 – Marsh Avenue

This site (Lot 29 DP 230062) comprises a small (189.7m²) parcel of land dedicated to Council in 1966 as public reserve. The site is classified as community land and is zoned RE1 Public Recreation under the BLEP 2012.

The site has little utility as a public reserve and functions as wide road reserve and extension of the front yard space of the adjoining residential properties. Because of this it is proposed to reclassify the land as operational land to enable Council to consider the disposal of this land to the adjoining landowner or have the land declared as public road. In conjunction with this reclassification it is also proposed to rezone the land and consolidate it with the land use provisions consistent with the surrounding R2 Low Density Residential zoning, being minimum lot size 600m² and building height of 8.5m.



Site photo 19 – Marsh Avenue site



PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

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

The planning proposal is not the result of a strategic study or report although it does arise in part from an audit of public land holdings in Ballina Shire. The proposal involves the reclassification of a number of Council owned properties to better reflect the current or intended uses of each site and is the result of a recent review of the classification of Council's land holdings. In conjunction with the proposed reclassifications, adjustments to the zoning and land use planning controls under the BLEP 2012 are proposed.

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

The planning proposal seeks to reclassify community land as operational land in accordance with the requirements of the *Local Government Act 1993* which requires the preparation of a local environmental plan. This planning proposal also provides for associated adjustments to zoning and land use provisions.

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 Far North Coast Regional Strategy does not address the classification of public land. However, in general terms the elements of this proposal are not in conflict with the outcomes or actions of the Far North Coast Regional Strategy.

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

The proposal is consistent with the principles of Council's Community Strategic Plan and other local strategies and seeks to facilitate the best use of Council's resources.

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

The proposal is generally consistent with applicable State Environmental Planning Policies (SEPP).

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

The proposal is consistent generally consistent with the relevant Section 117 Directions. A Section 117 Direction checklist for the planning proposal is contained in Appendix A.

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?**

The amendments contained in this proposal are not expected to impact on critical habitats, threatened species, populations or ecological communities or their habitats.

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

No significant adverse environmental impacts are likely to arise as a result of the planning proposal.

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

The proposal is intended to enable more efficient and effective management of the subject land. However, no broad scale positive or negative social or economic impacts are expected to arise as a result of the planning proposal.

Section D - State and Commonwealth interests.

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

The planning proposal does not create the need for any additional public infrastructure.

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

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

PART 4 – MAPPING

The amendments included in this planning proposal will necessitate updates to the following BLEP 2012 maps:

- Drinking Water Catchment Map – Sheet 001
- Height of Buildings Map – Sheets 001, 005, 006
- Land Application Map
- Land Zoning Map – Sheets 001B, 005D, 006A, 006C
- Lot Size Map – Sheets 001B, 005D, 006A, 006C
- Reclassification of Public Land Map – Sheet 006C (NEW MAP SHEET)

Copies of the full draft amended map tiles referenced above maps are included in Appendix B.

The draft maps prepared for this planning proposal reflect the BLEP 2012 mapping data current at the time of publication. These maps will need to be updated and reissued prior to public exhibition and finalisation of this planning proposal to ensure the mapping data reflects all amendments made to the LEP via other amendments following the preparation of this planning proposal.

PART 5 – COMMUNITY CONSULTATION

It is proposed that this planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. In accordance with the requirements of the *Local Government Act 1993* a public hearing will be held in relation to the proposed land reclassification prior to its finalisation.

PART 6 – TIMELINE

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	August 2015
Government Agency Consultation	September 2015
Public Exhibition Period	October 2015
Public Hearing	November 2015
Submissions Assessment	November 2015
RPA Assessment of Planning Proposal and Exhibition Outcomes	December 2015
Submission of Endorsed LEP to DP&I for Finalisation	January 2016
RPA Decision to Make the LEP Amendment (if delegated)	N/A
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	N/A

APPENDICES

Appendix A – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – Land Reclassification (Miscellaneous Properties)	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. This proposal includes minor adjustments to the boundaries of a business zone. The proposed amendments will result in adjustments to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity. The proposed adjustments will not result in the loss of any floor space area for employment land uses and related public services.
1.2 Rural Zones	Consistent. The proposed adjustments will not affect the agricultural production value of rural land.
1.3 Mining, Petroleum Production and Extractive Industries	Consistent. This proposal does not include any amendments that will result in compromising any future extraction of coal, minerals, petroleum or other resources.
1.4 Oyster Aquaculture	Consistent. None of the amendments included in this proposal will negatively impact on Priority Oyster Aquaculture Areas.
1.5 Rural Land	Consistent. This proposal includes minor adjustments to the zone boundaries relating to rural land. The proposed amendments comprise adjustments to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity. The proposed adjustments will not affect the agricultural production value of rural land nor will they affect the orderly and economic development of rural land.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The proposal is not expected to result in adverse impacts on environmentally sensitive areas.
2.2 Coastal Protection	Consistent. The proposal is generally consistent with the principles of the NSW Coastal Policy.
2.3 Heritage Conservation	Consistent. The proposal is not expected to result in any adverse impacts on identified heritage items.
2.4 Recreation Vehicle Areas	Consistent. The proposal will not result in any adverse impacts from recreation vehicles on sensitive land or land with significant conservation values.

3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. This proposal includes minor adjustments to the boundaries of residential zones. The proposed amendments comprise adjustments to provide for consistency and to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. This proposal will not result in any reduction in the existing practical availability of land for caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrated Land Use and Transport	Consistent. This proposal will not result in any negative impacts on accessibility or transport movements.
3.5 Development Near Licensed Aerodromes	Consistent. The proposal does not significantly impact on land in the immediate vicinity of the Ballina Byron Gateway Airport or its associated noise and obstacle navigation areas.
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Consistent. The proposal does not increase or alter existing development provisions and controls relating to land having the probability of containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Consistent. The proposal will result in the minor alteration to some planning provisions affecting flood prone land. This results from changes to zoning and associated planning controls. The changes to zones and planning controls reflect current and planned land use.
4.4 Planning for Bushfire Protection	Consistent. The proposal will result in the minor alteration to some planning provisions affecting bush fire prone land. This results from changes to zoning and associated planning controls. The changes to zones and planning controls reflect current and planned land use.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The planning proposal is generally consistent with the planning framework set out under the Far North Coast Regional Strategy.
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	Consistent. The proposal does not propose the rezoning of identified significant farmland for urban, residential or rural residential purposes.
5.4 Commercial and Retail Development	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Revoked.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.

5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent. The proposal includes amendments to several areas of public reserve (Council owned and Crown land) through the addition to or alteration of zone boundaries for public recreation areas already in public ownership. The proposed changes do not promote the acquisition of land.
6.3 Site Specific Provisions	Does not apply to planning proposal.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.

Appendix B – Maps

Map Description	Sheet No.	Proposed Changes
Land Application Map	LAP_001	Adjustments to boundary of included land.
Drinking Water Catchment Map	DWC_001	Adjustments to drinking water catchment area to include adjustments at Alstonville Waste Water Treatment Plant.
Height of Buildings Map	HOB_001, HOB_005, HOB_006	Adjustments to height of buildings provisions for Alstonville Waste Water Treatment Plant, Seamist Place and Suvla Street sites.
Lot Size Map	LSZ_001B, LSZ_005D, LSZ_006A, LSZ_006C	Adjustments to lot size provisions for Alstonville Waste Water Treatment Plant, Seamist Place, Westland Drive, Links Avenue and Marsh Avenue sites.
Land Zoning Map	LZN_001B, LZN_005D, LZN_006A, LZN_006C	Adjustments to land zoning provisions for Alstonville Waste Water Treatment Plant, Pine Avenue, Suvla Street, Basalt Court, Seamist Place, Links Avenue, Westland Drive and Marsh Avenue sites.
Land Reclassification Map	RPL_006A	New map sheet for BLEP 2012 detailing the split classification on two of the Westland Drive lots.



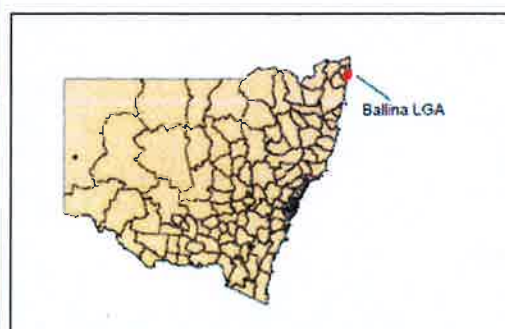
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Proposed Land Application Map -
Sheet LAP_001

- LGA Boundary
- LEP Land Application
- Included

Cadastral

■ Cadastral 15/04/15 Land and Property Information (LPI)



N

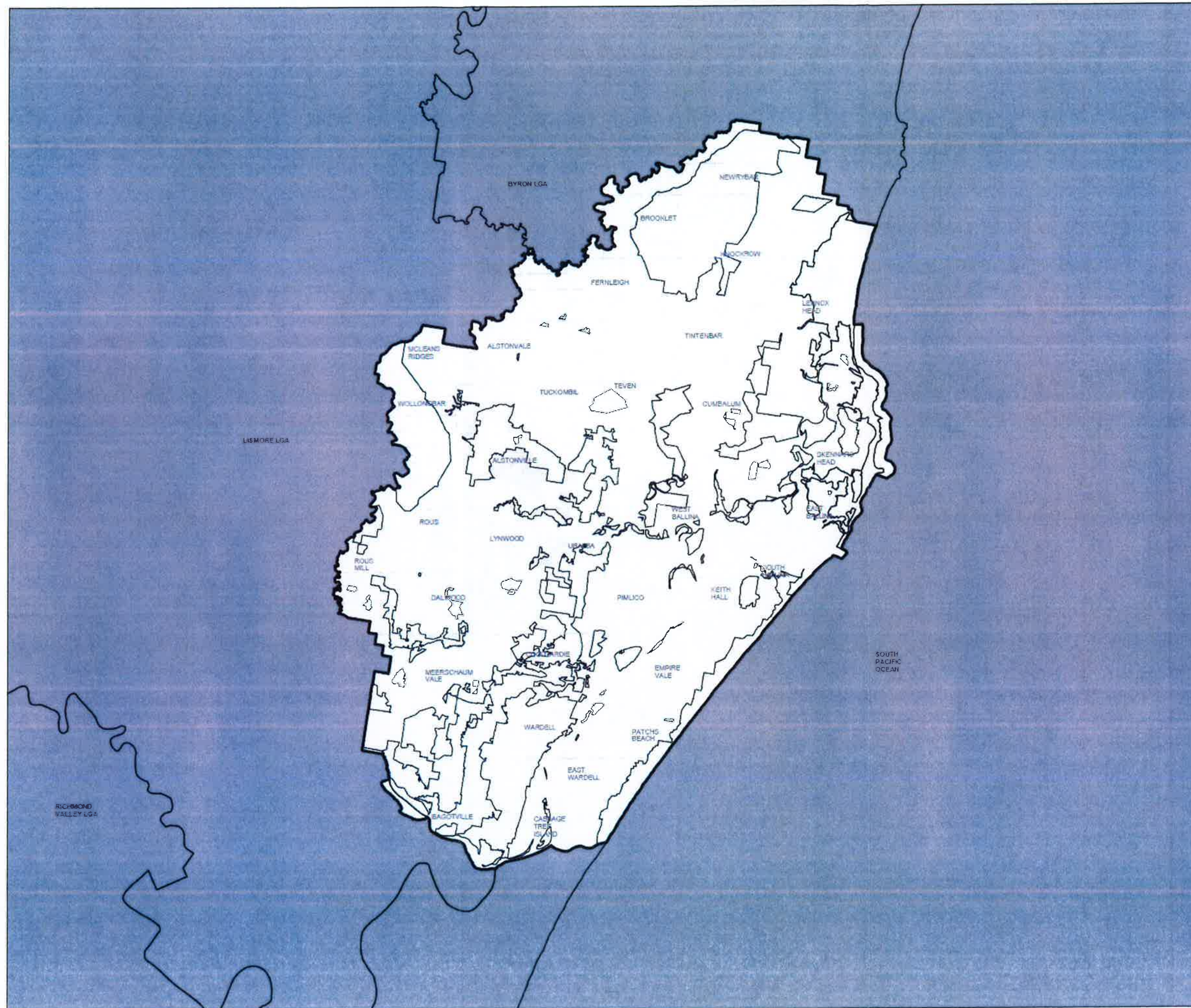


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Projection: GDA 1994
MGA Zone 56

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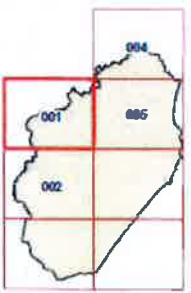


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Proposed Drinking Water Catchment
Map - Sheet DWC_001

Drinking Water Catchment
Drinking Water Catchment

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MGA Zone 56

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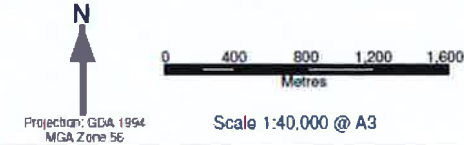
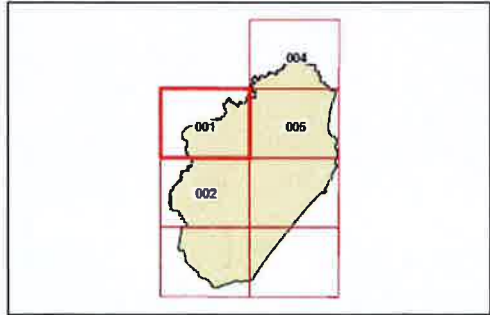


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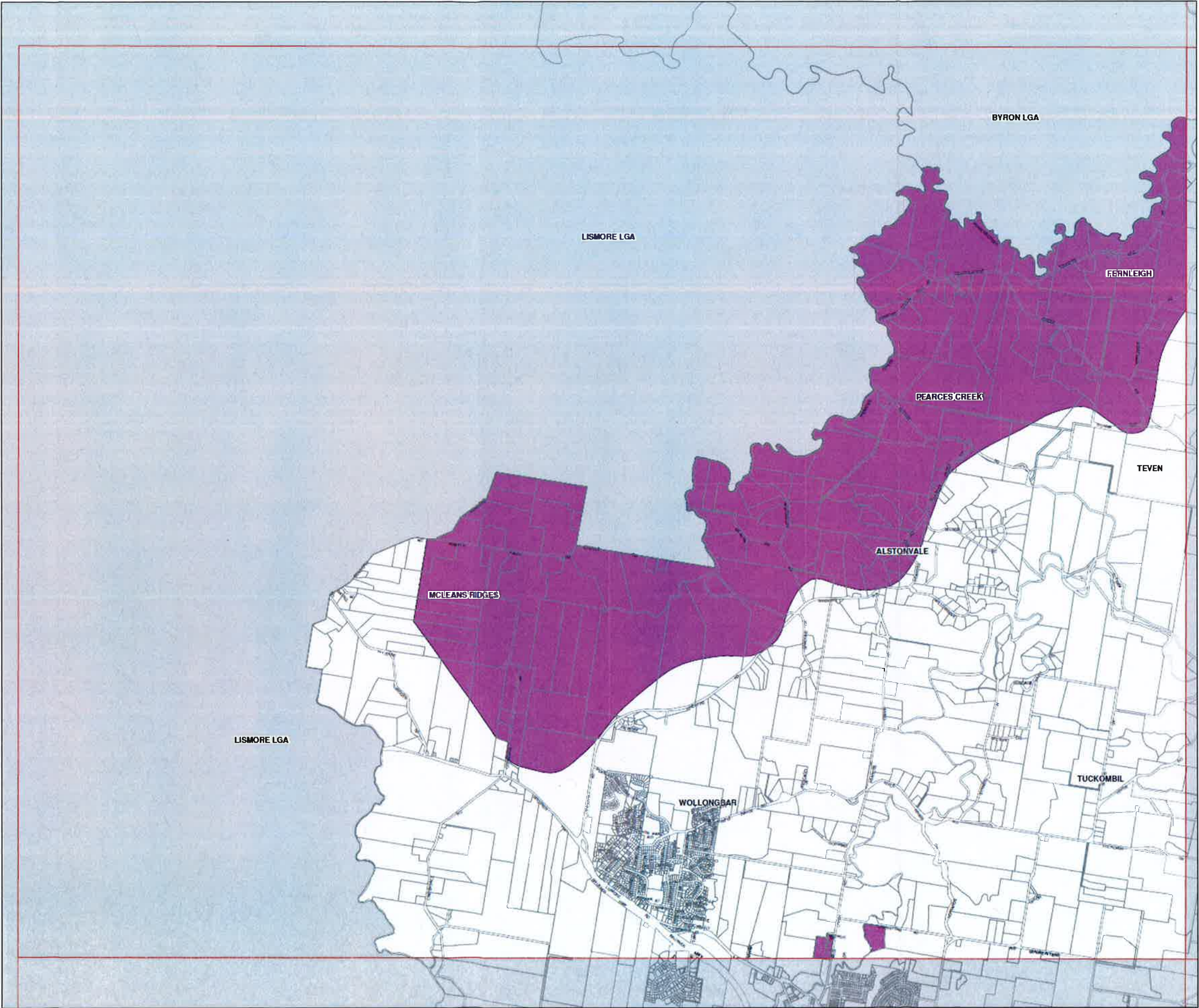
Proposed Drinking Water Catchment
Map - Sheet DWC_001

Drinking Water Catchment
Drinking Water Catchment

Cadastral
Cadastral 19/05/15 © Land and Property Information (LPI)



Map identification number: 0250_COM_DWC_001_040_20150519







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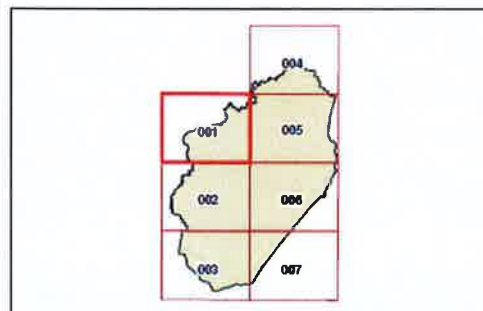
**Height of Buildings Map -
Sheet HOB_001**

Maximum Building Height (m)

I	8.5
J	9.0
K	10.0
P	18

Cadastral

Cadastral 19/05/15 © Land and Property Information (LPI)

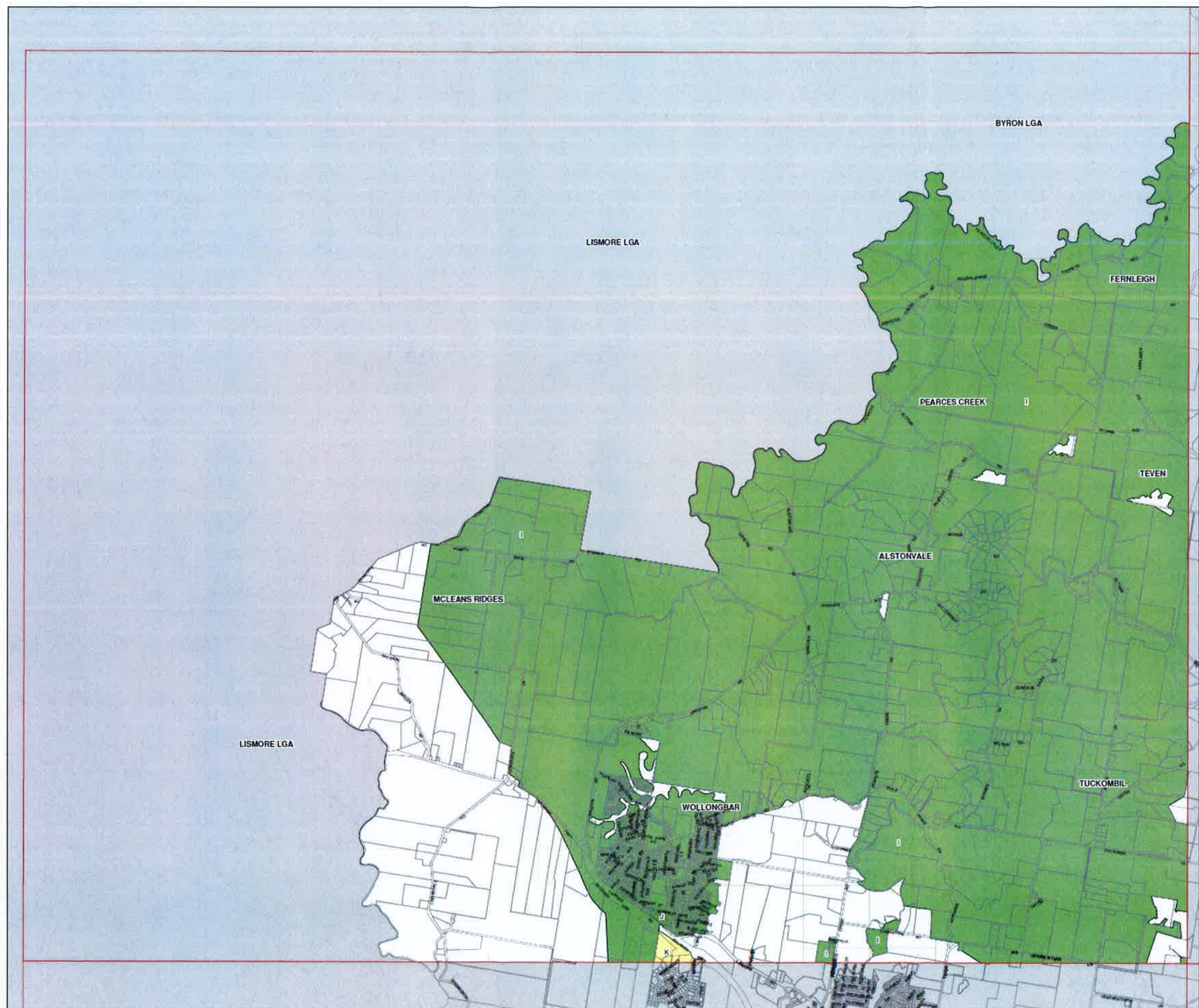


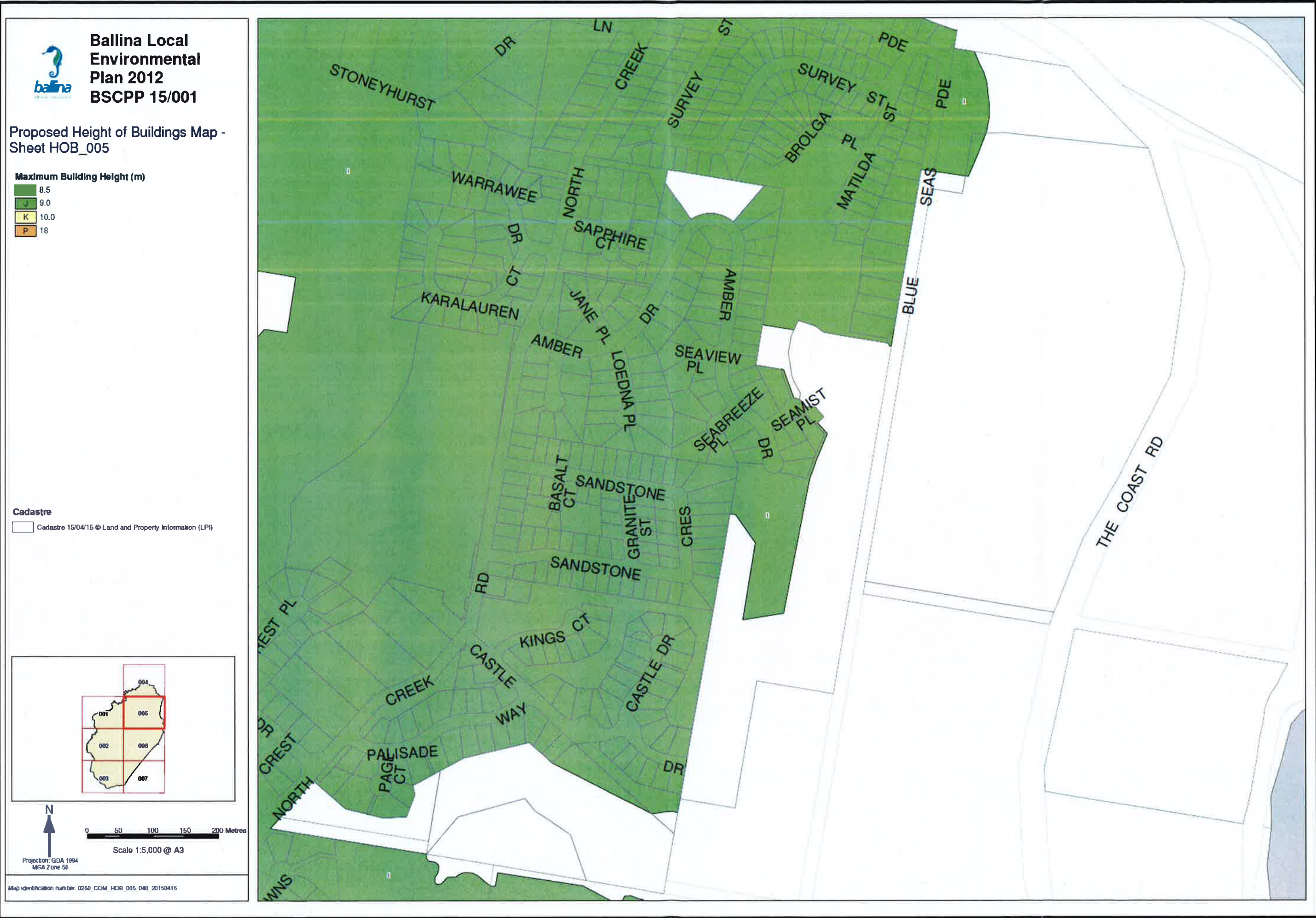
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Map identification number: 0250_COM_HOB_001_040_20150519







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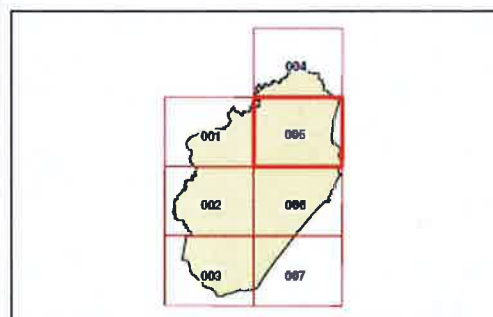
**Proposed Height of Buildings Map -
Sheet HOB_005**

Maximum Building Height (m)

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	9.0
K	10.0
P	18

Cadastre

□ Cadastre 15/04/15 © Land and Property Information (LPI)

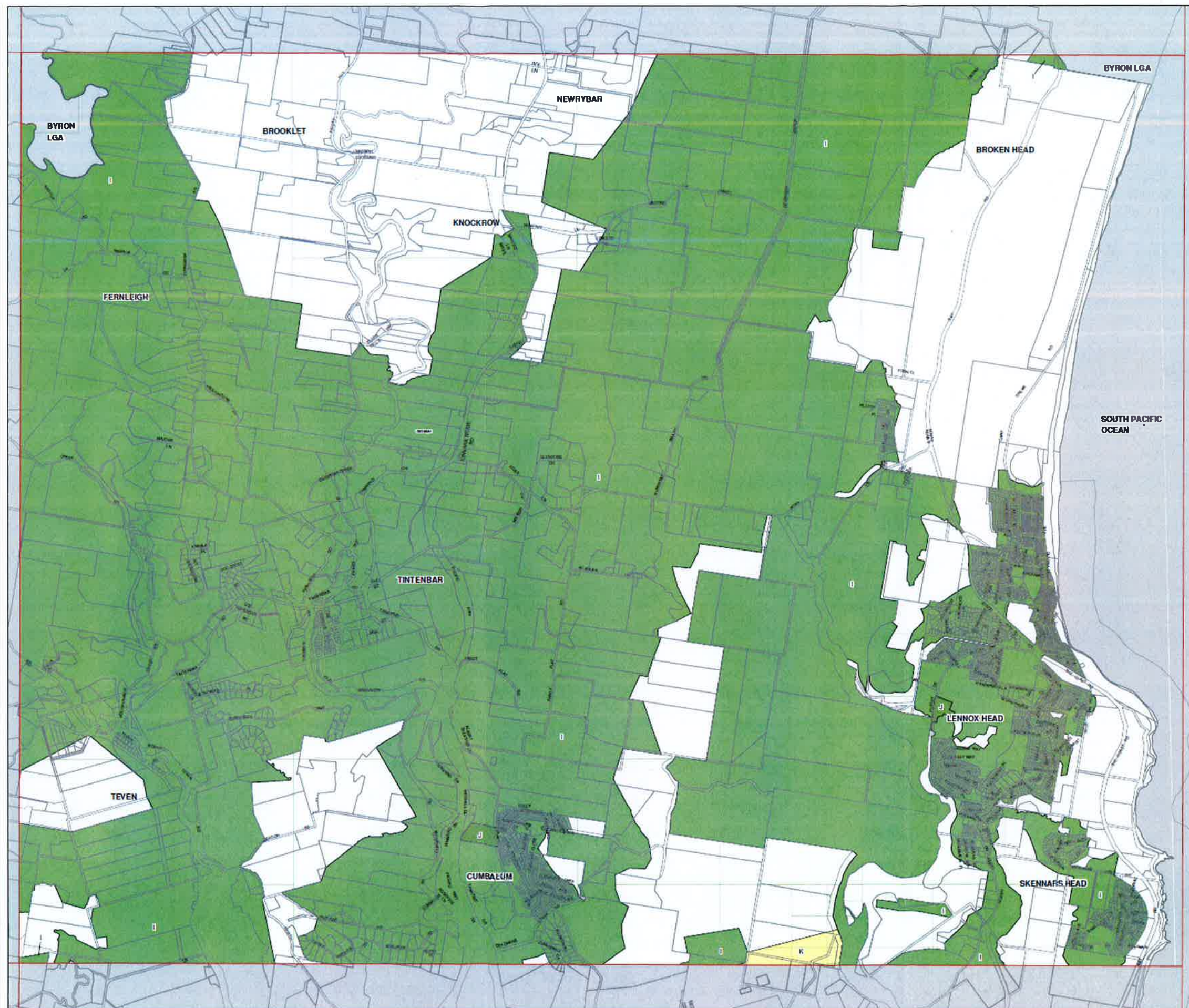


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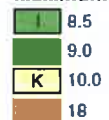
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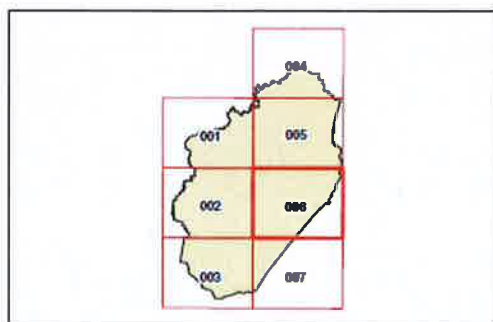
Proposed Height of Buildings Map - Sheet HOB_006

Maximum Building Height (m)



Cadastre

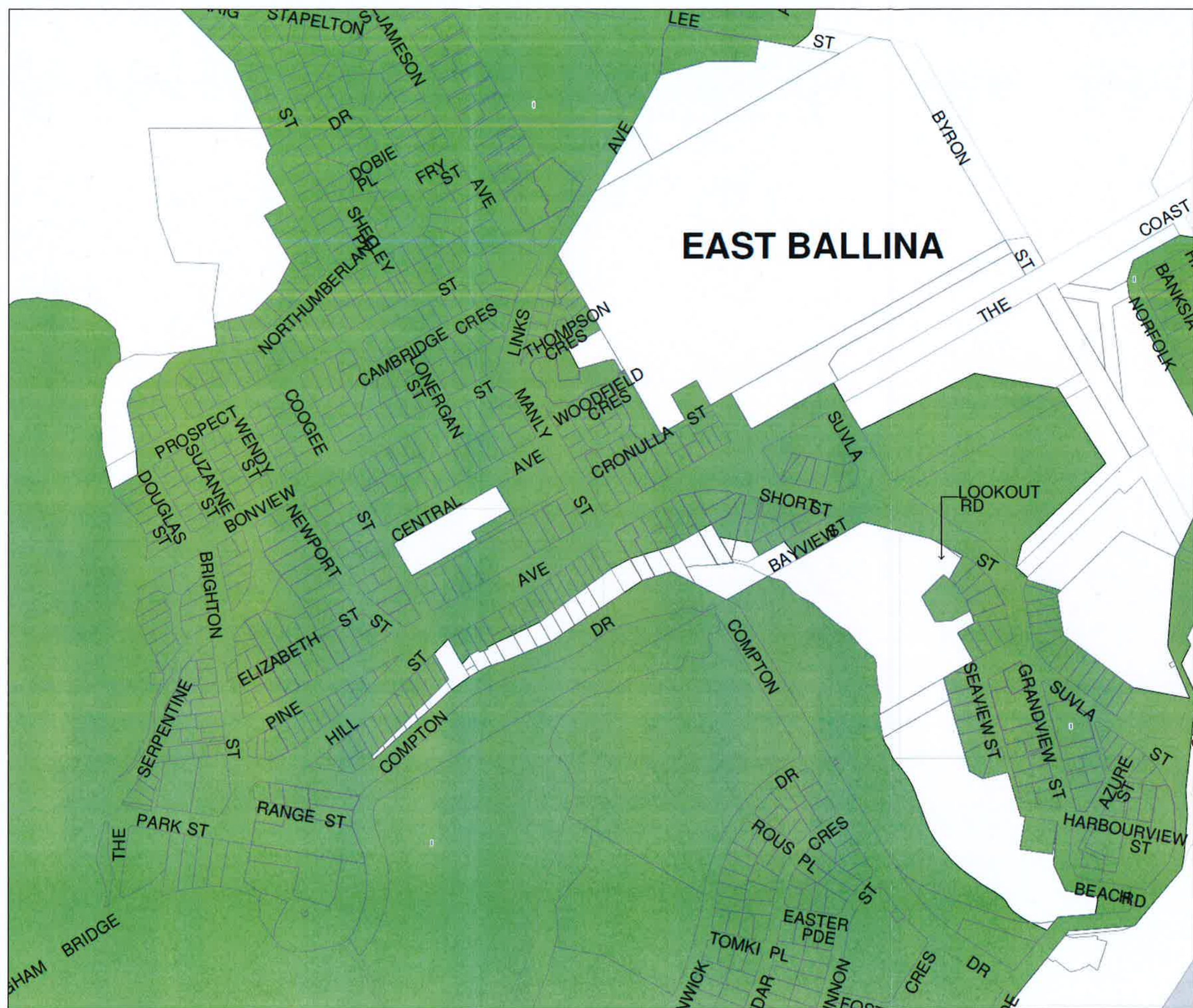
Cedaste 15/04/15 © Land and Property Information (LPI)



Projection: GDA 1994
MGA Zone 56

Scale 1:5,000 @ A3

Map identification number: 0250 COM HOE 006 040 20150416





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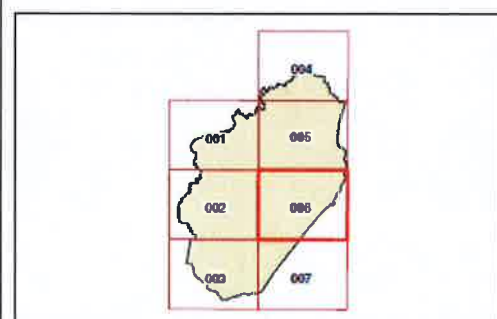
**Proposed Height of Buildings Map -
Sheet HOB_006**

Maximum Building Height (m)

I	8.5
J	9.0
K	10.0
P	18

Cadastre

Cadastre 15/04/15 © Land and Property Information (LPI)



N

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Scale 1:40,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_MOB_006_040_20150415





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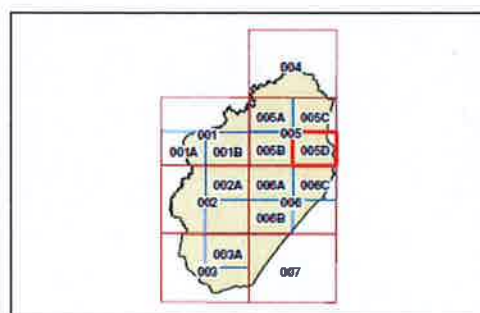
**Proposed Lot Size Map -
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Minimum Lot Size (sq m)

G	450
M	600
S	800
U1	1000
U2	1200
	10000 (1ha)
	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastral

Cadastral 18/05/15 Land and Property Information (LPI)



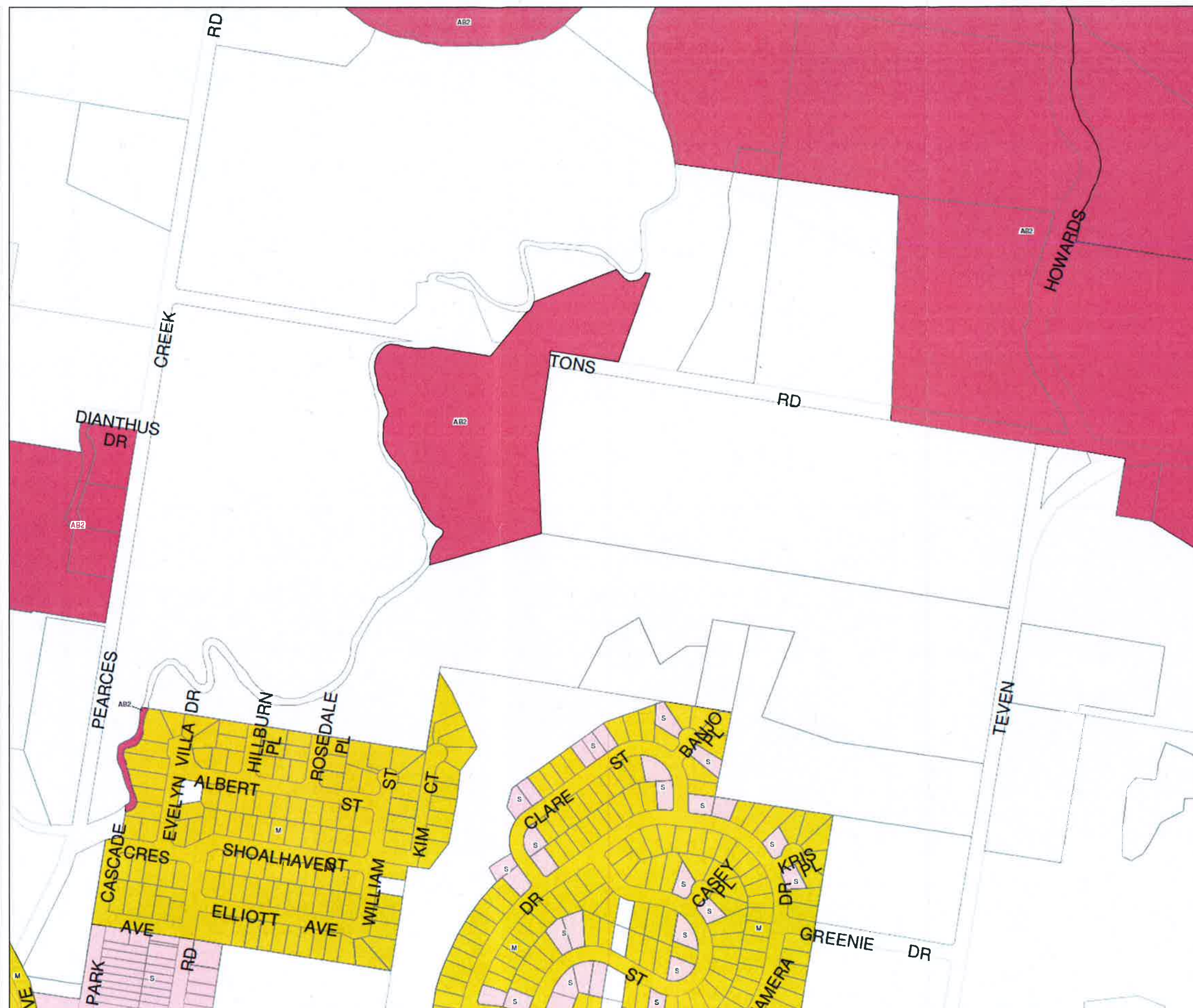
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Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250 COM LSZ_001B 020 20150519





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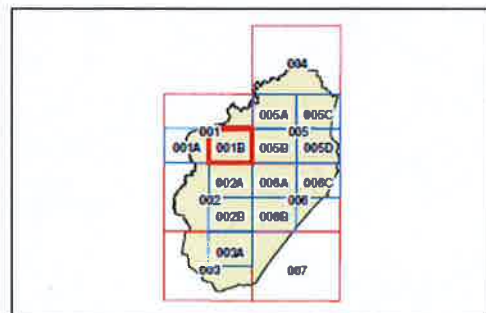
Proposed Lot Size Map -
Sheet LSZ_001B

Minimum Lot Size (sq m)

G	450
M	600
S	800
U1	1000
U2	1200
10000 (1ha)	
20000 (2ha)	
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastral

□ Cadastral 19/05/15 © Land and Property Information (LPI)



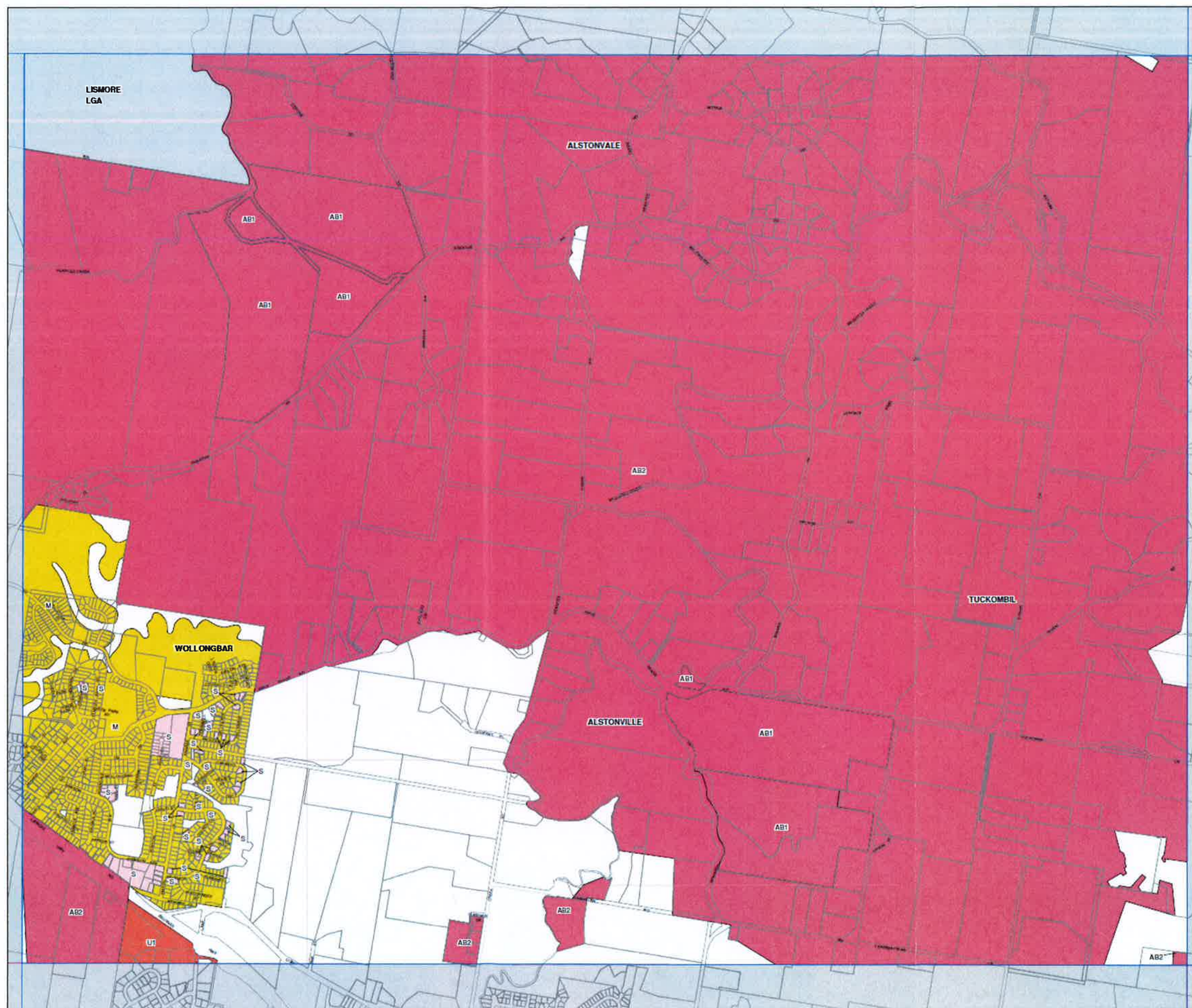
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Scale 1:20,000 @ A3

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Plan 2012
BSCPP 15/001**

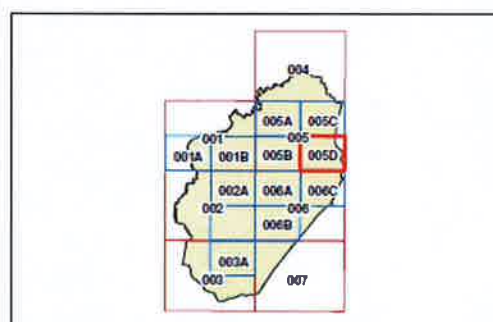
**Proposed Lot Size Map -
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Minimum Lot Size (sq m)

G	450
M	600
S	800
U1	1000
U2	1200
	10000 (1ha)
	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastral

Cadastral 12/05/15 & Land and Property Information (LPI)



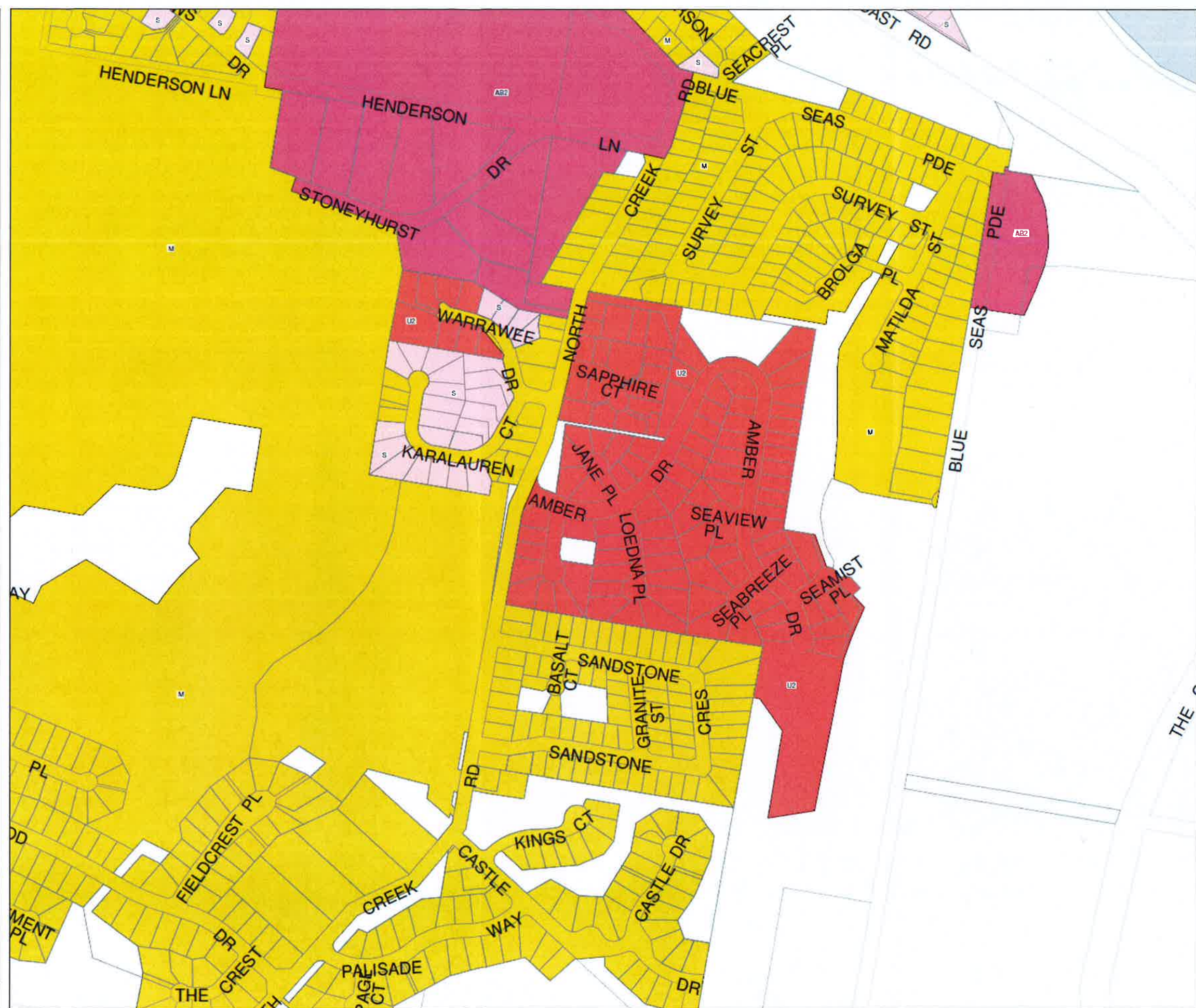
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Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_GOM_LSZ_005D_020_20150512





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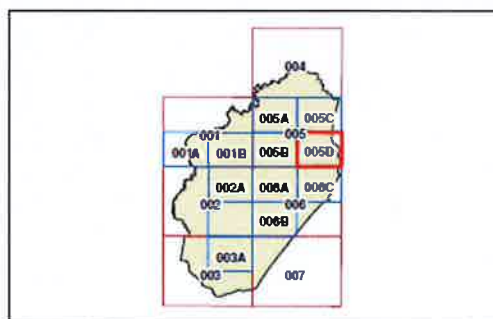
**Proposed Lot Size Map -
Sheet LSZ_005D**

Minimum Lot Size (sq m)

G	450
M	600
S	800
U1	1000
U2	1200
Y	10000 (1ha)
Z	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastral

□ Cadastral 12/05/15 & Land and Property Information (LPI)



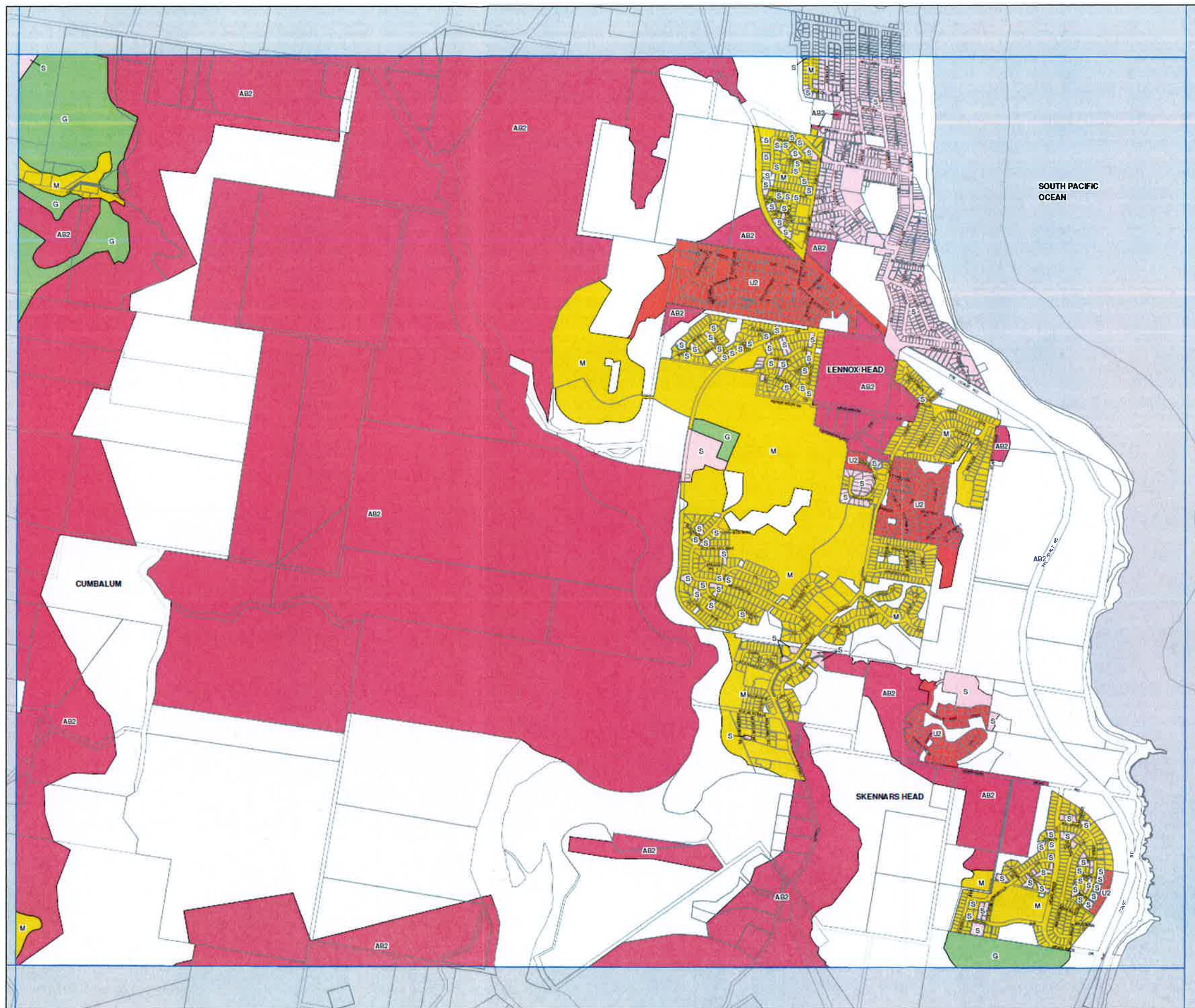
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Scale 1:20,000 @ A3

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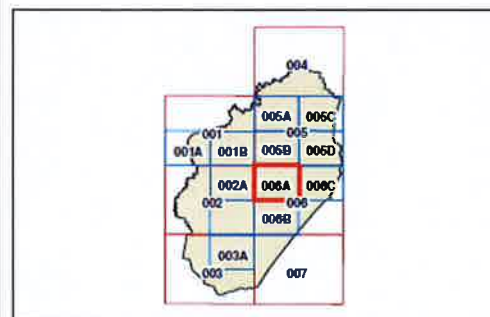
**Proposed Lot Size Map -
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Minimum Lot Size (sq m)

G	450
M	600
S	800
U1	1000
U2	1200
Y	10000 (1ha)
	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastral

Cadastral 15/04/15 © Land and Property Information (LPI)

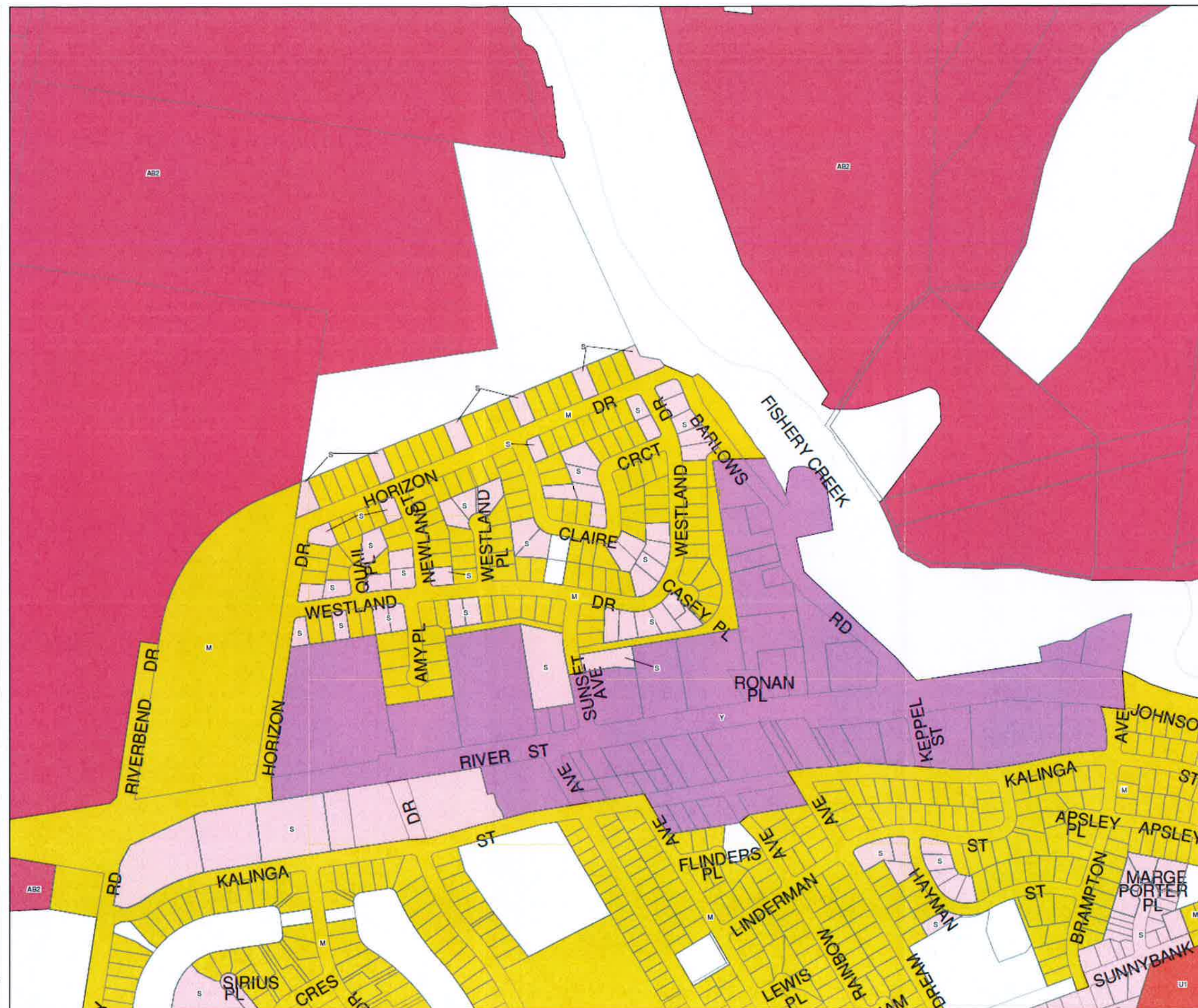


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MGA Zone 56

Map identification number: 0250_COM_LSZ_006A_020_20150415





**Ballina Local
Environmental
Plan 2012
BSCPP 15/001**

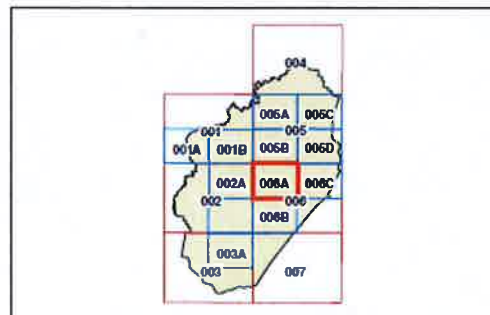
**Proposed Lot Size Map -
Sheet LSZ_006A**

Minimum Lot Size (sq m)

G	450
M	600
S	800
U1	1000
U2	1200
Y	10000 (1ha)
Z	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastre

□ Cadastre 15/04/15 © Land and Property Information (LPI)



N

0 200 400 600 800 Metres

Scale 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250 COM LSZ_006A_020_20150415





**Ballina Local
Environmental
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BSCPP 15/001

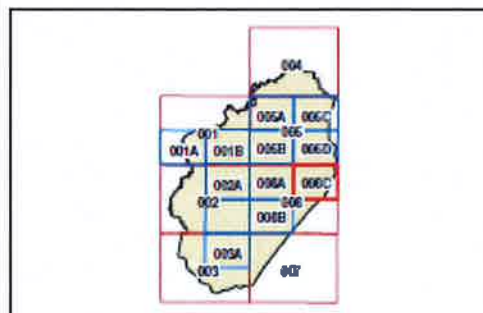
Proposed Lot Size Map -
Sheet LSZ_006C

Minimum Lot Size (sq m)

G	450
M	600
S	800
U1	1000
U2	1200
Y	10000 (1ha)
Z	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastral

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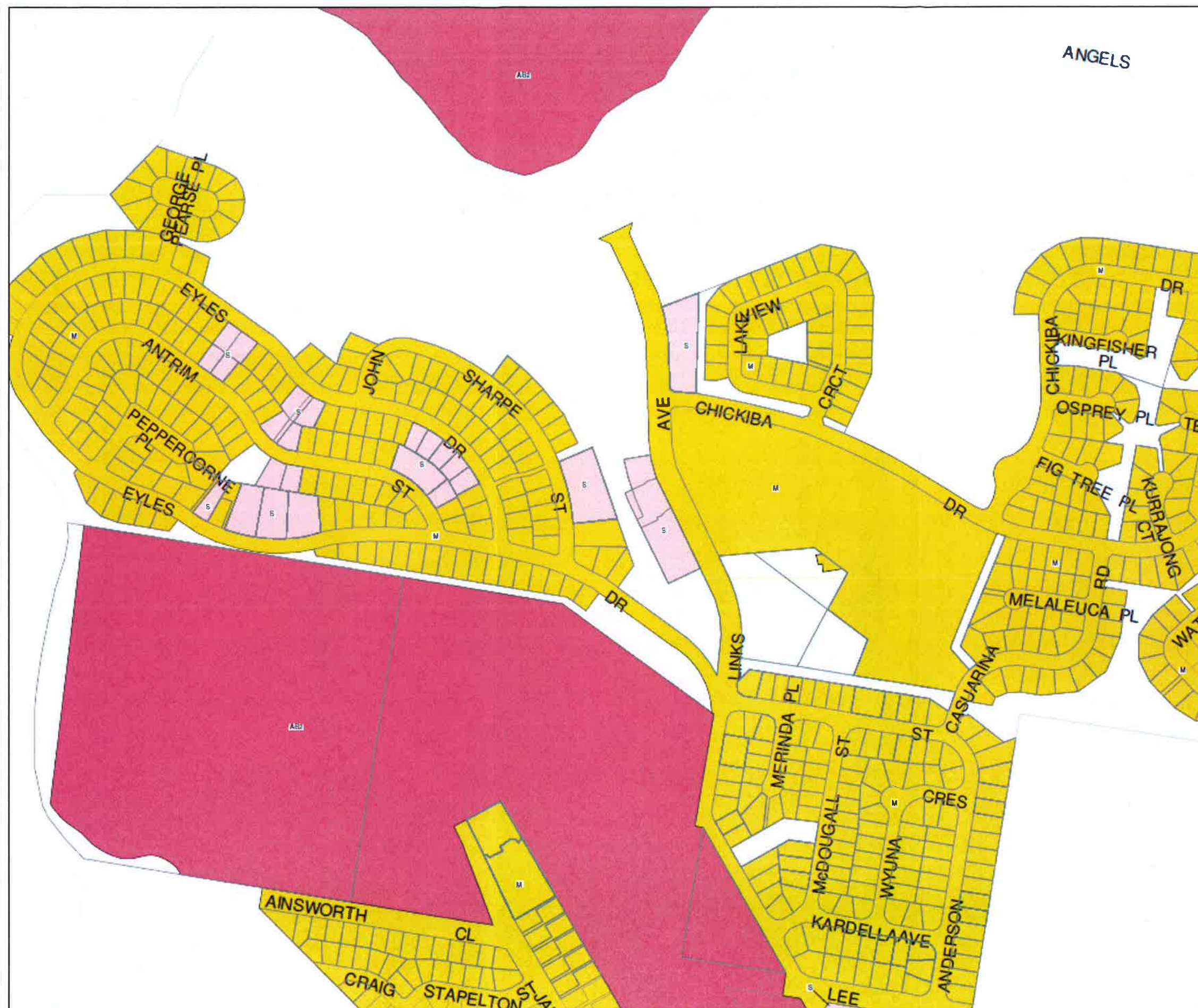


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Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_LSZ_006C_020_2012/24/15





**Ballina Local
Environmental
Plan 2012
BSCPP 15/001**

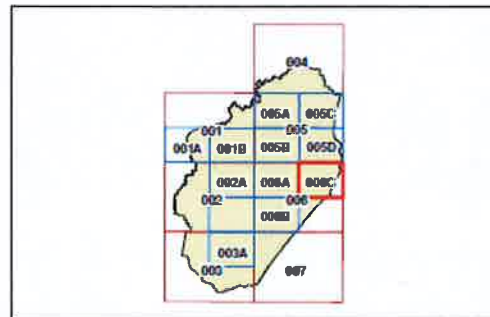
Lot Size Map - Sheet LSZ_006C

Minimum Lot Size (sq m)

G	450
M	600
S	800
U1	1000
U2	1200
Y	10000 (1ha)
Z	20000 (2ha)
AB1	200000 (20ha)
AB2	400000 (40ha)

Cadastre

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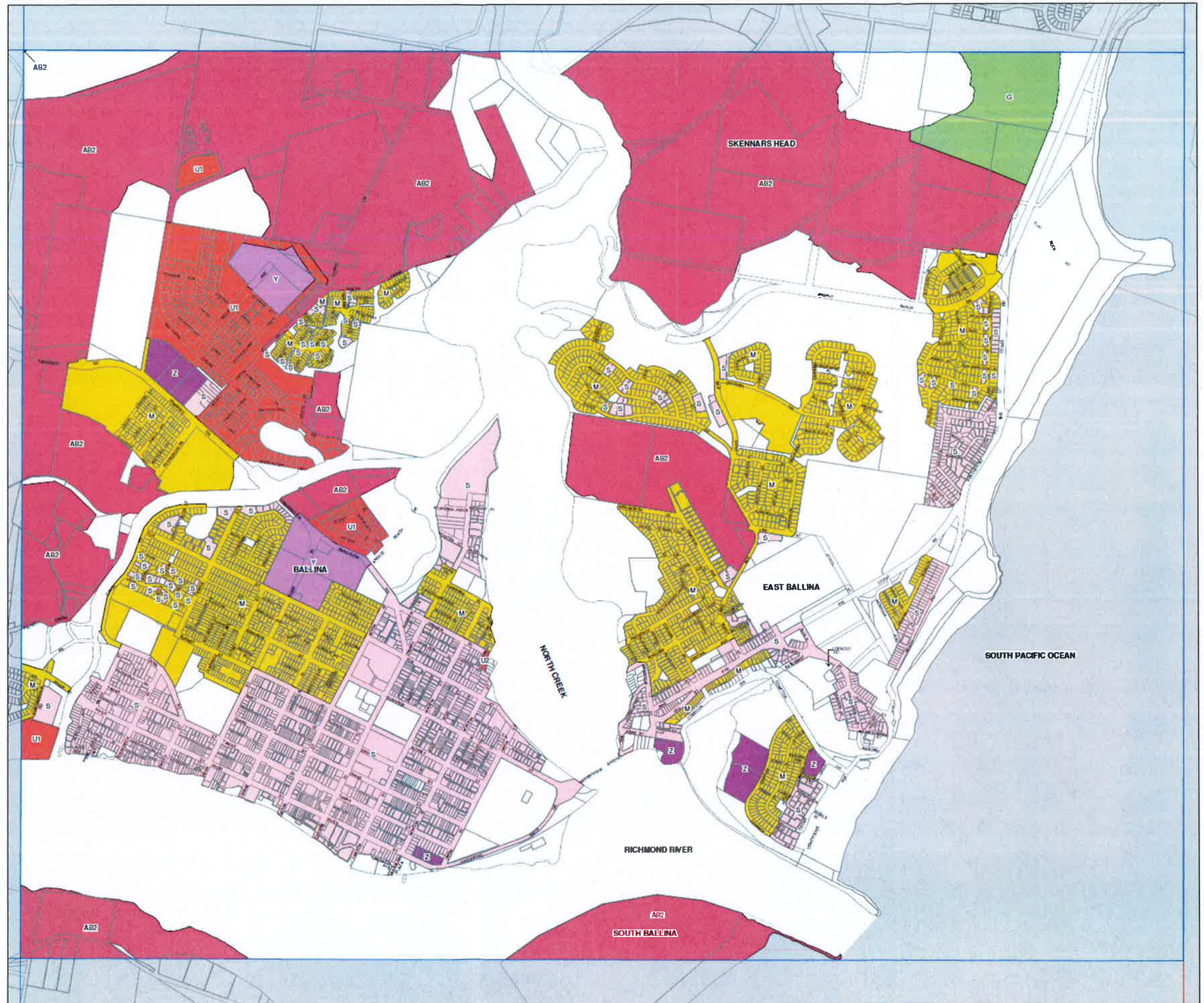


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Scale 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250 COM LSZ 006C 020 20150512





**Ballina Local
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Plan 2012**
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Proposed Land Zoning Map -
Sheet LZN_001B

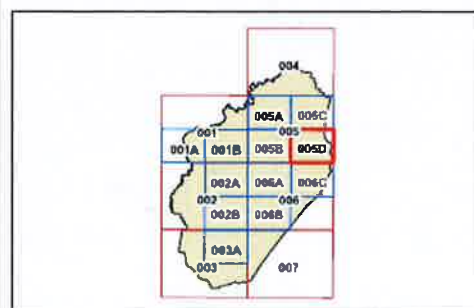
Legend

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 Enterprise Corridor
- E1 National Parks and Nature Reserves
- IN1 General Industrial
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter

Cadastral

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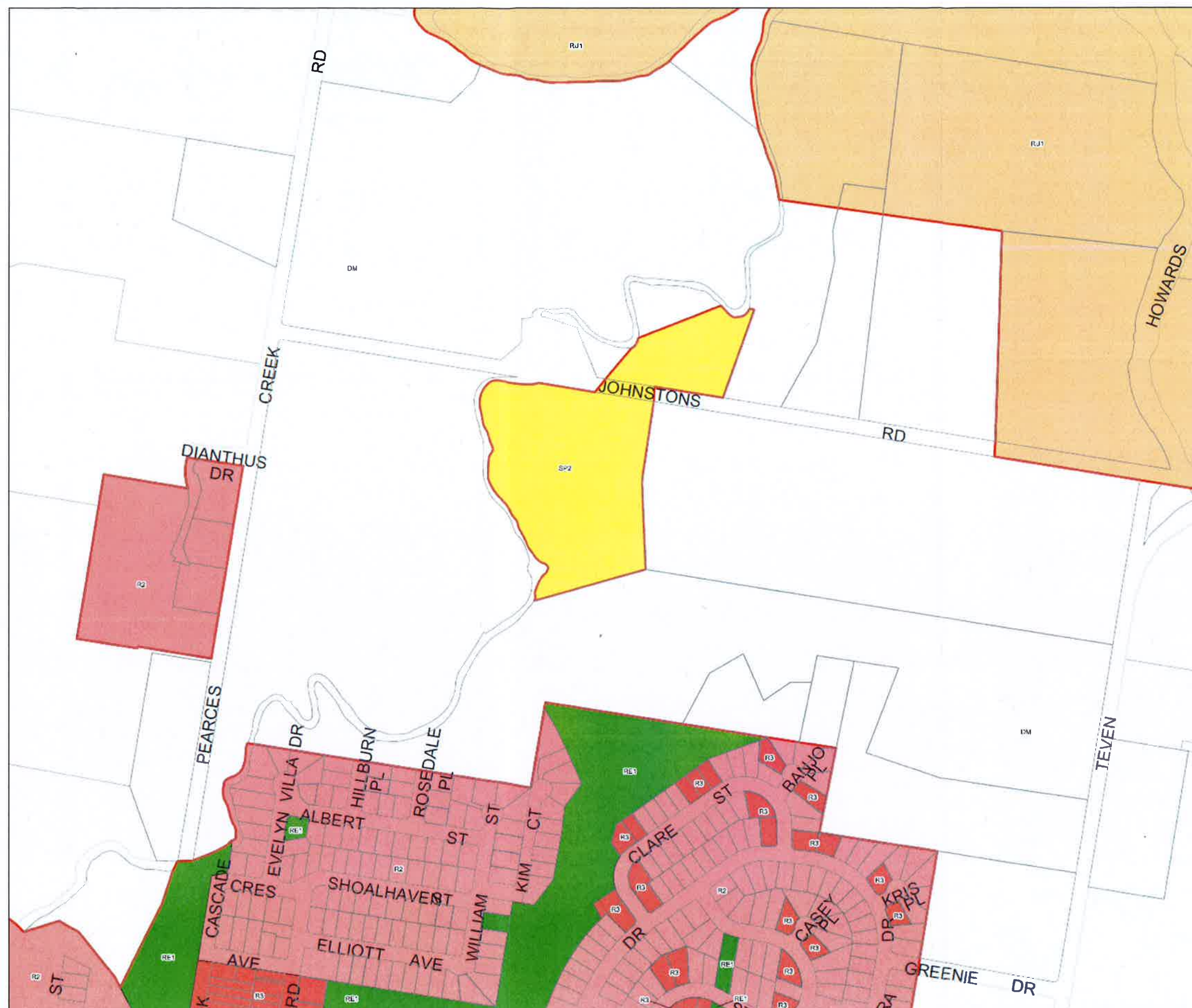
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Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_LZN_005D_020_20150519





**Ballina Local
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Plan 2012
BSCPP 15/001**

**Proposed Land Zoning Map -
Sheet LZN_001B**

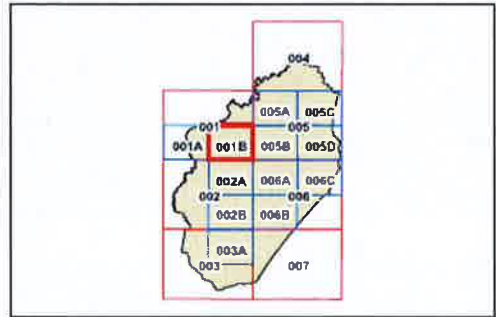
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Zone

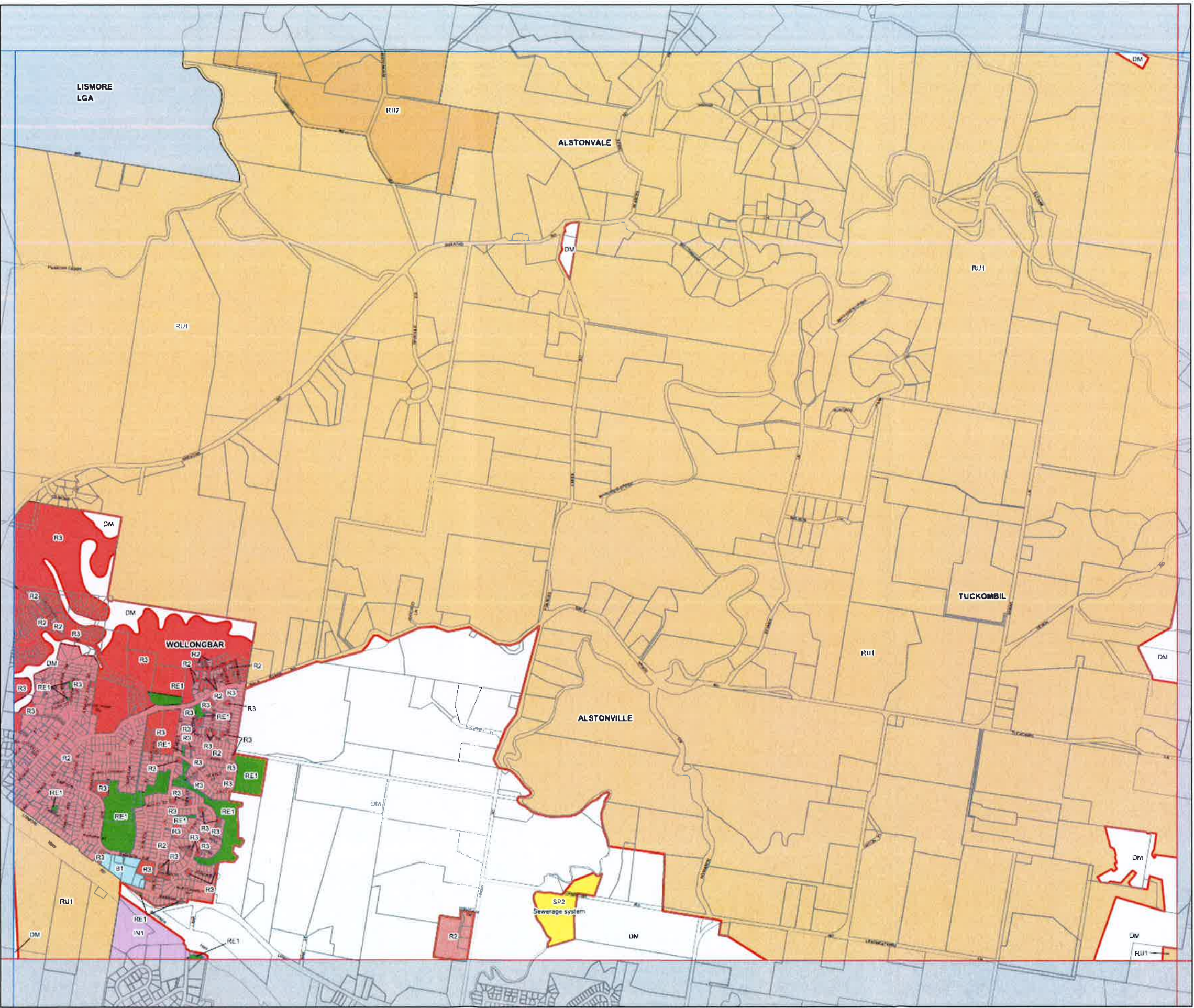
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- Mixed Use
- Business Development
- Enterprise Corridor
- E1 National Parks and Nature Reserves
- IN1 General Industrial
- IN2 Light Industrial
- Low Density Residential
- Medium Density Residential
- Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter

Cadastre

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Map identification number: 0250_COM_LZN_001B_020_20150519





**Proposed Land Zoning Map -
Sheet LZN_005D**

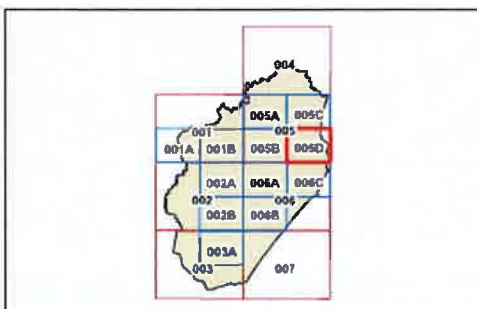
Legend

Zone

- | | |
|-----|------------------------------------|
| B1 | Neighbourhood Centre |
| B2 | Local Centre |
| B3 | Commercial Core |
| B4 | Mixed Use |
| B5 | Business Development |
| B6 | Enterprise Corridor |
| E1 | National Parks and Nature Reserves |
| IN1 | General Industrial |
| IN2 | Light Industrial |
| R2 | Low Density Residential |
| R3 | Medium Density Residential |
| RE1 | Public Recreation |
| RE2 | Private Recreation |
| RU1 | Primary Production |
| RU2 | Rural Landscape |
| SP2 | Infrastructure |
| W1 | Natural Waterways |
| W2 | Recreational Waterways |
| DM | Deferred Matter |

Cadaastre

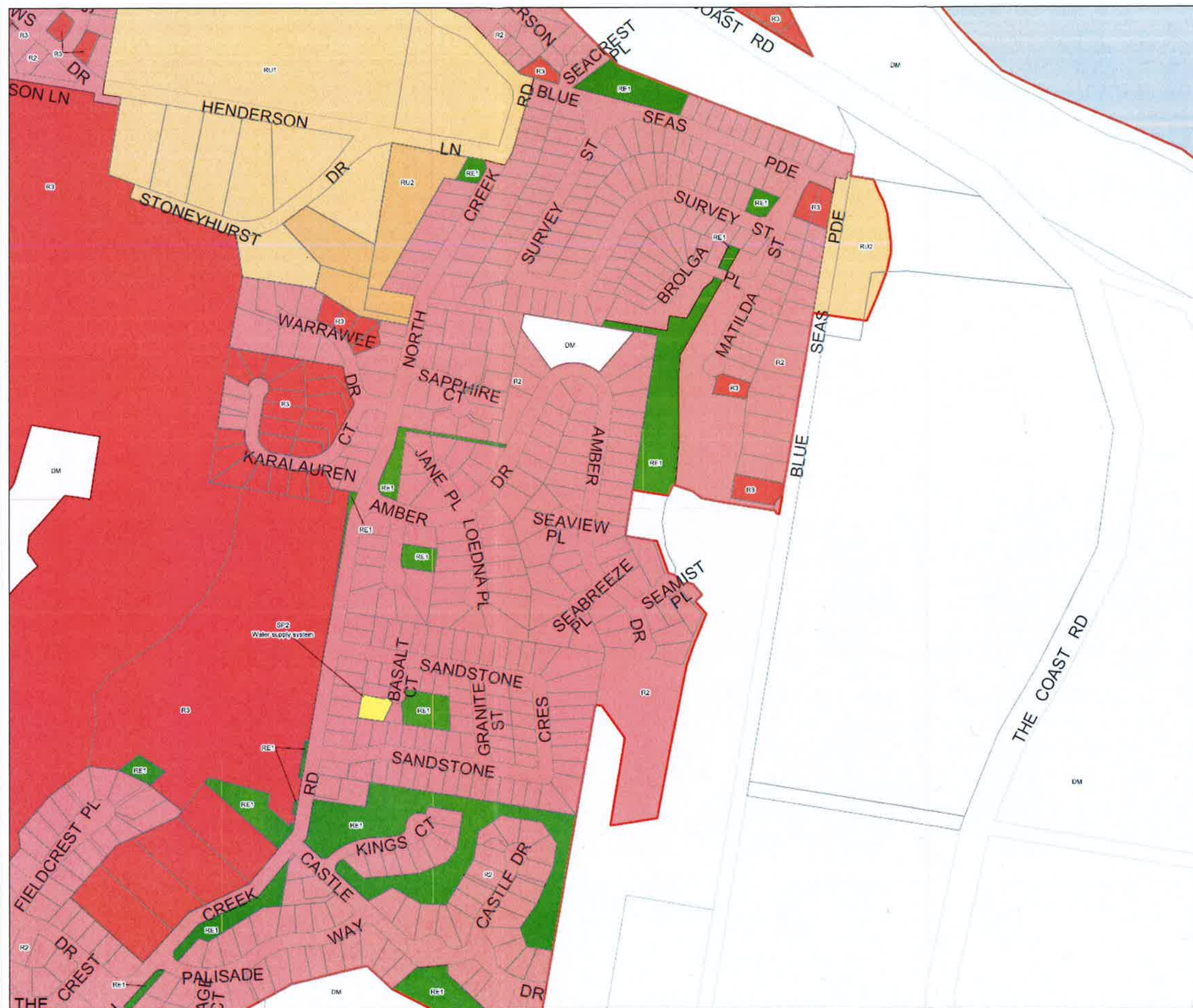
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Projection: GDA 1994
MGA Zone 56

Scale 1:5,000 @ A3

Map identification number: 0250_COM_LZN_005D_020_20150519





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Plan 2012
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**Proposed Land Zoning Map -
Sheet LZN_005D**

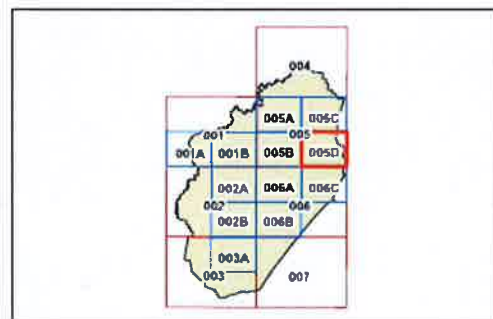
Legend

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- M1 Mixed Use
- B3 Business Development
- E1 Enterprise Corridor
- E1 National Parks and Nature Reserves
- IN1 General Industrial
- IN2 Light Industrial
- R1 Low Density Residential
- R2 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter

Cadastre

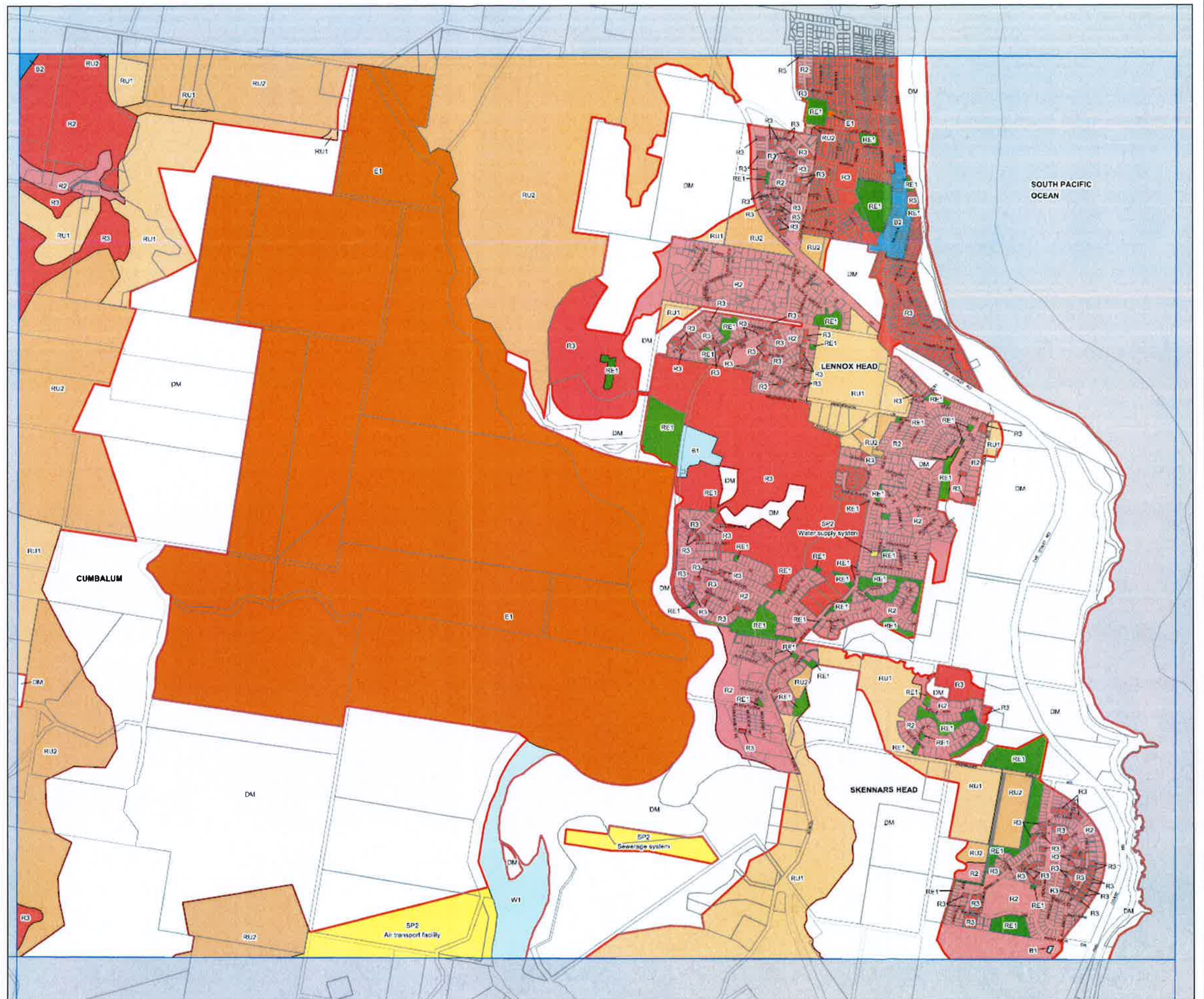
Cadastre 19/05/15 © Land and Property Information (LPI)

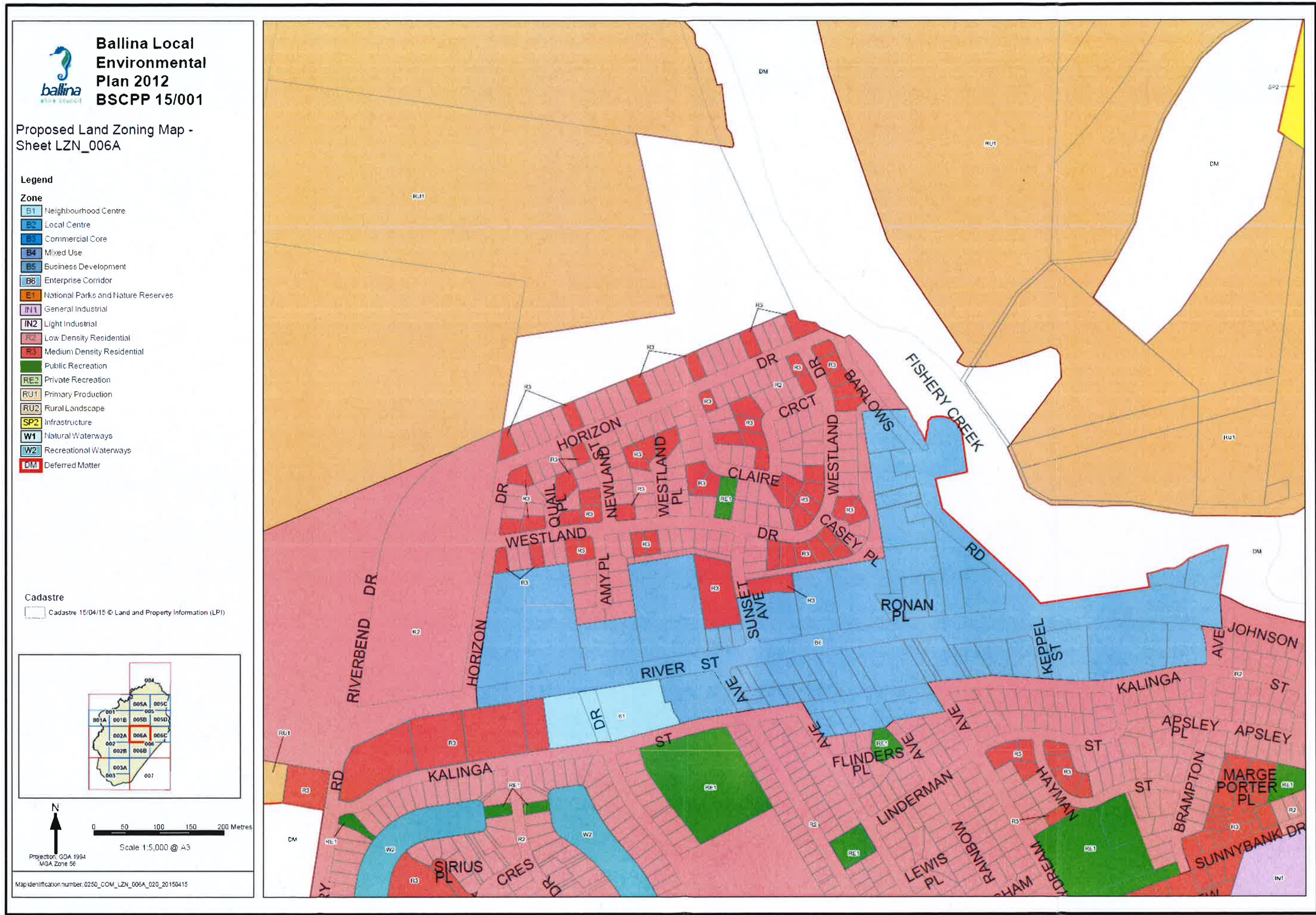


0 200 400 600 800
Metres

Projection: GDA 1994
MGA Zone 56
Scale 1:20,000 @ A3

Map identification number: 0250_COM_LZN_005D_020_20150519







**Ballina Local
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Plan 2012
BSCPP 15/001**

**Proposed Land Zoning Map -
Sheet LZN_006A**

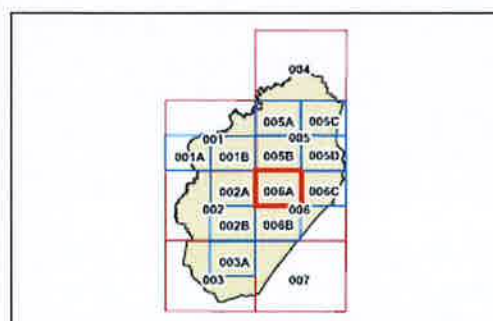
Legend

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- IN1 General Industrial
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter

Cadastre

Cadastre 15/04/15 © Land and Property Information (LPI)

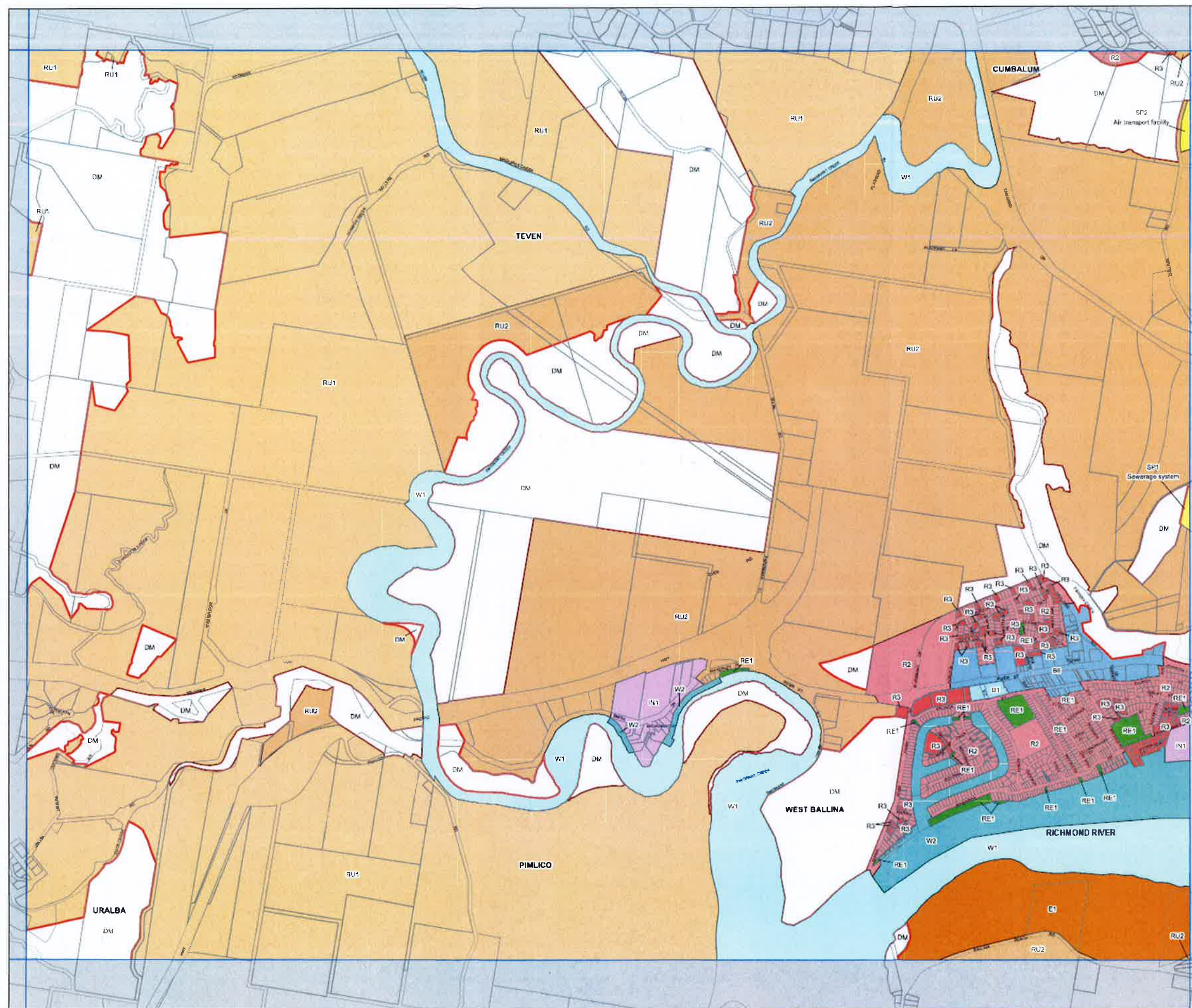


N

0 200 400 600 800
Metres

Projection: GDA 1994
MGA Zone 56
Scale 1:20,000 @ A3

Map identification number: 0250_COM_LZN_006A_020_20150415





**Ballina Local
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Plan 2012**
BSCPP 15/001

Proposed Land Zoning Map -
Sheet LZN_006C

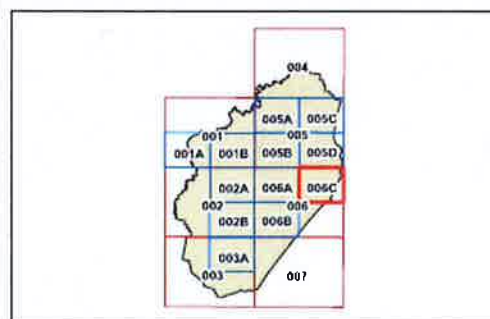
Legend

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- IN1 General Industrial
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter

Cadastral

Cadastral 19/05/15 © Land and Property Information (LPI)



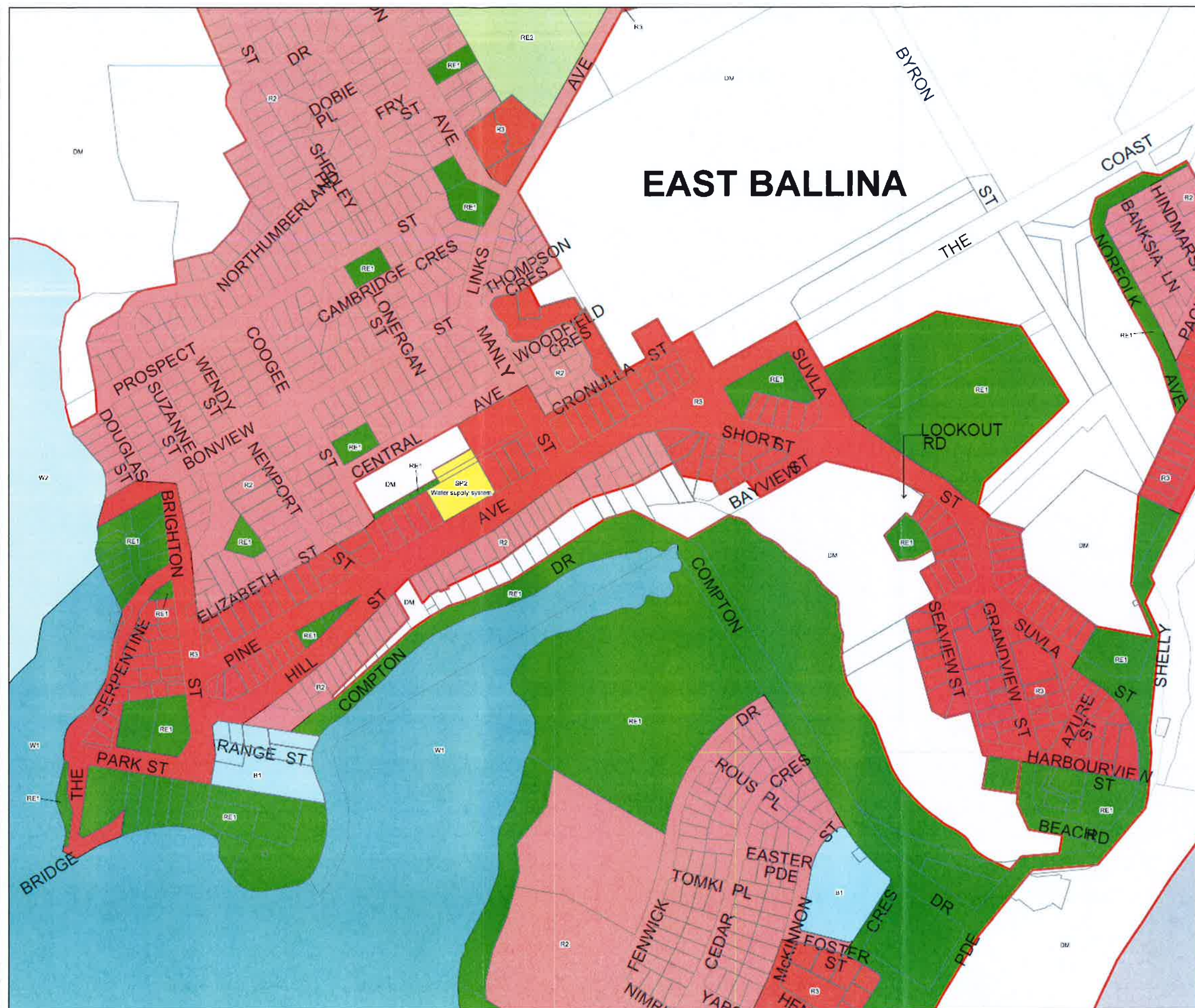
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Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COW_LZN_006C_020_20150519





**Ballina Local
Environmental
Plan 2012
BSCPP 15/001**

Proposed Land Zoning Map -
Sheet LZN_006C

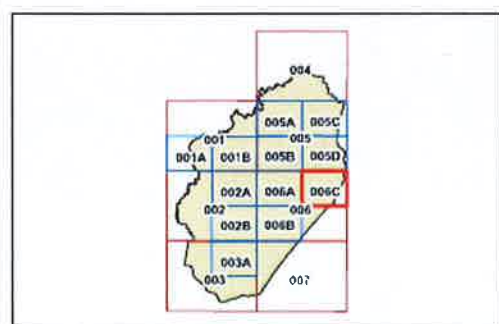
Legend

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- IN1 General Industrial
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter

Cadastral

Cadastral 15/04/15 © Land and Property Information (LPI)



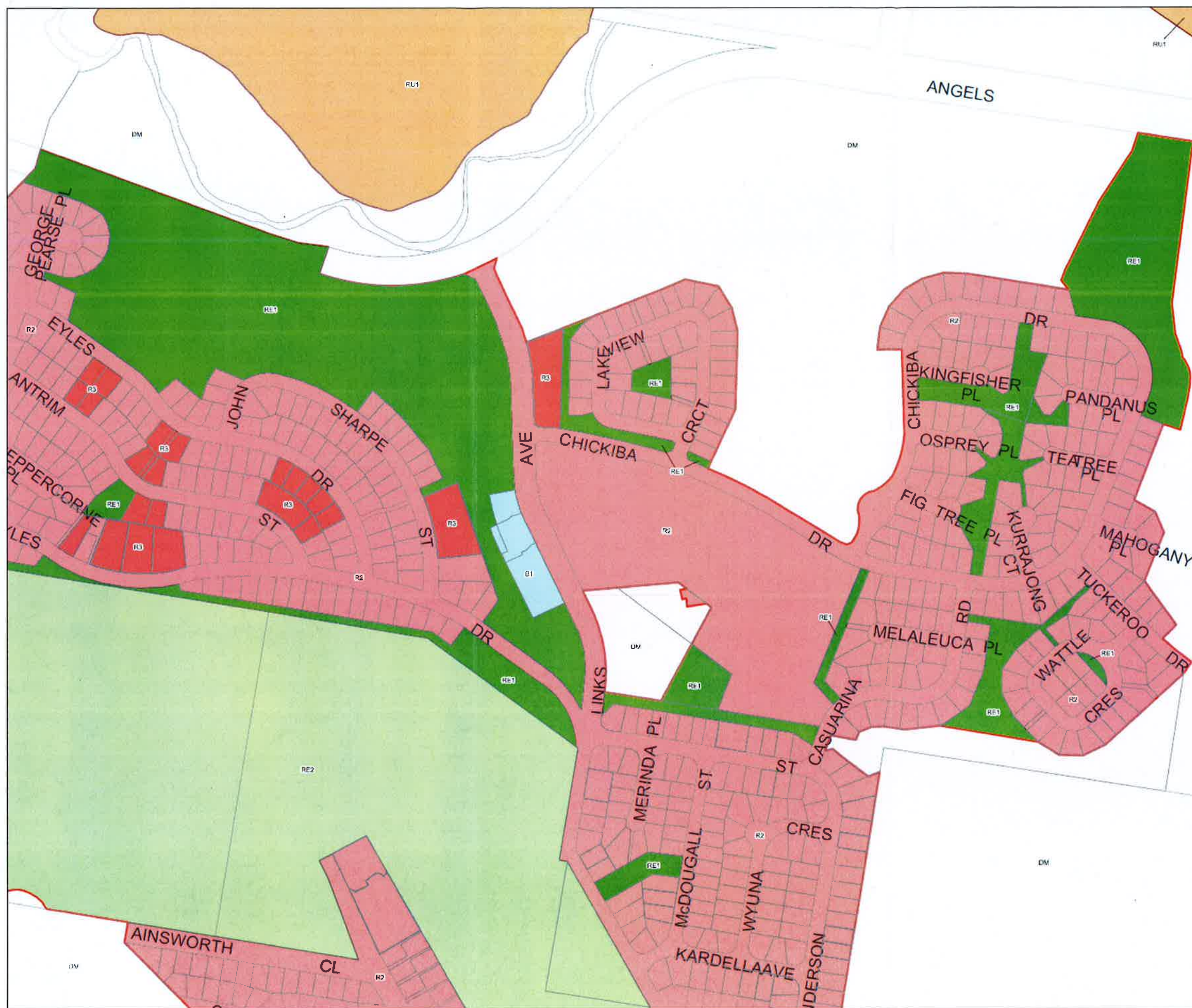
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Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_LZN_006C_026_20150415





**Ballina Local
Environmental
Plan 2012
BSCPP 15/001**

Proposed Land Zoning Map -
Sheet LZN_006C

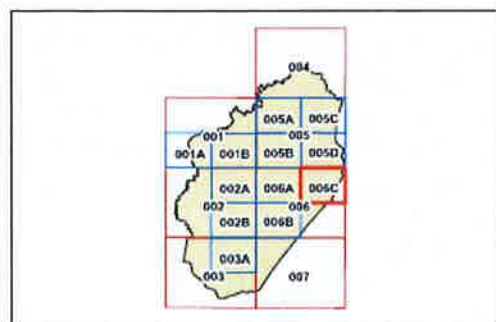
Legend

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- IN1 General Industrial
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter

Cadastral

Cadastral 15/04/15 © Land and Property Information (LPI)

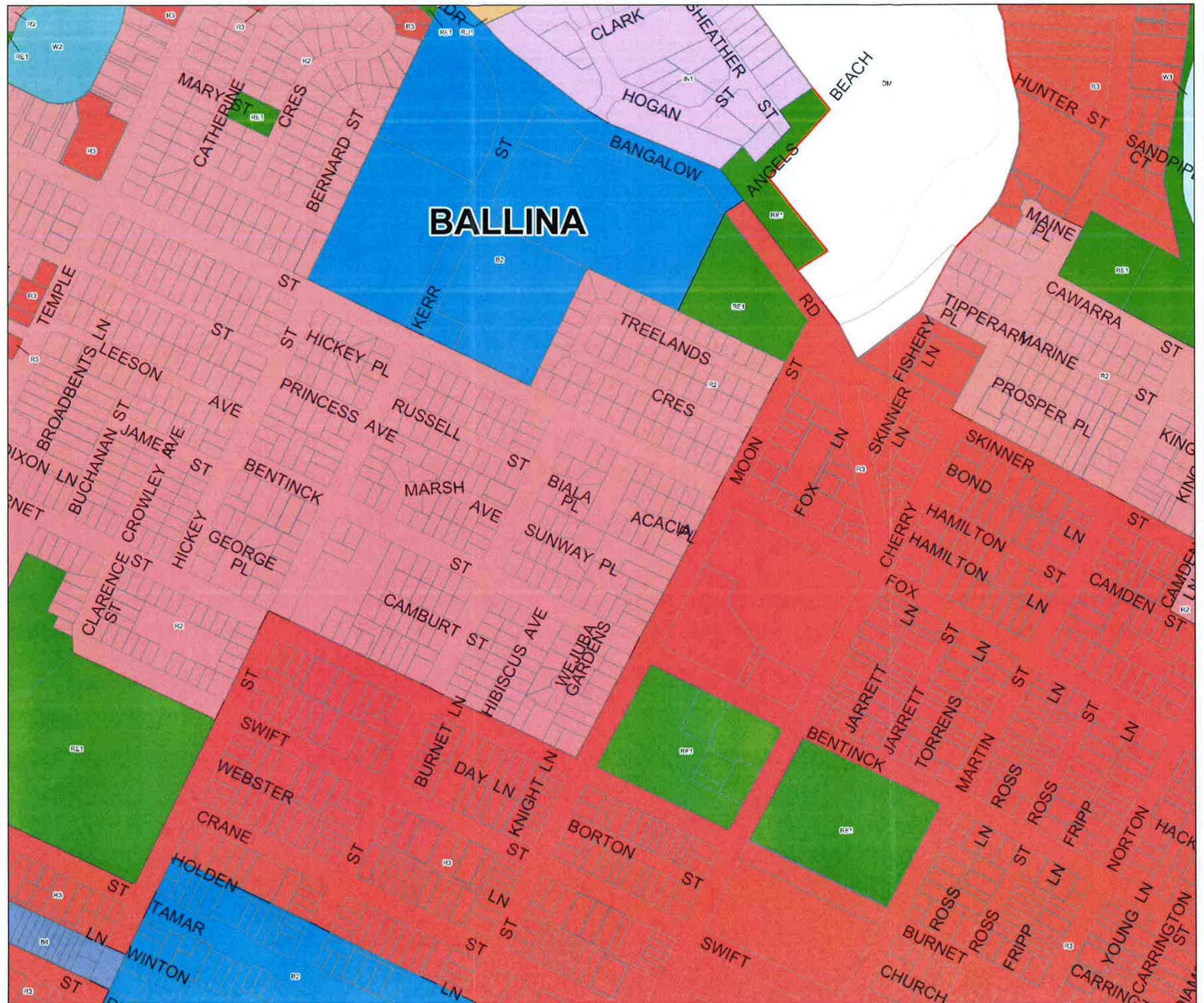


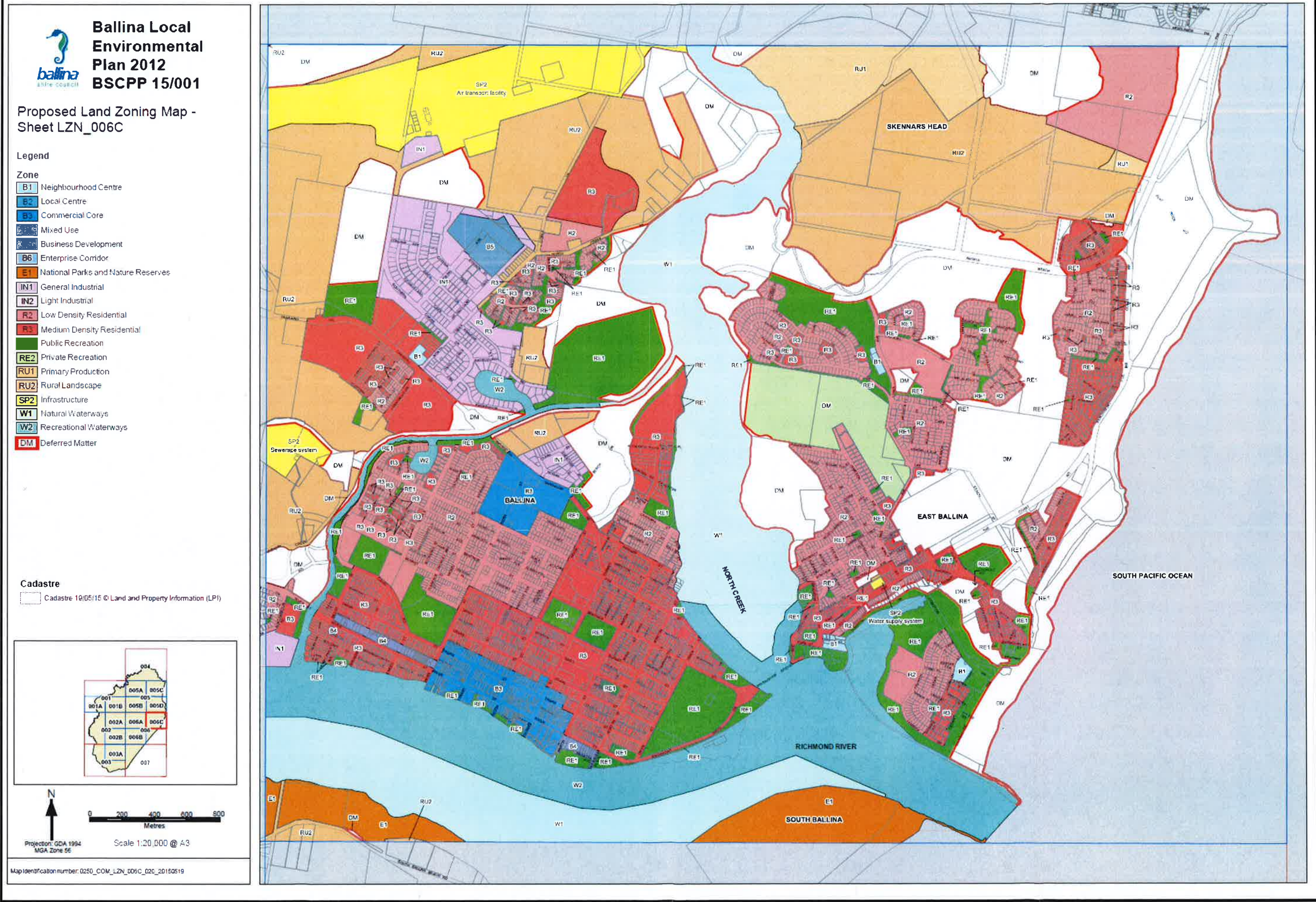
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Projection: GDA 1994
MGA Zone 56

Map identification number: 0250_COM_LZN_006C_02_20150415







**Ballina Local
Environmental
Plan 2012
BSCPP 15/001**

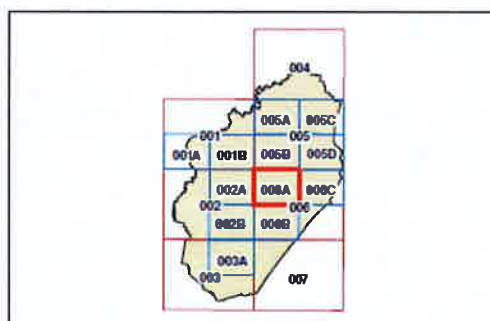
Proposed Land Reclassification
(Part Lots) Map - Sheet RPL_006A

Land Reclassification (Part Lots)



Cadastre

Cadastre 12/05/15 © Land and Property Information (LPI)



N

0 50 100 150 200 Metres

Scale 1:5,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 0250 COM RPL_006A 020 20150512





**Ballina Local
Environmental
Plan 2012
BSCPP 15/001**

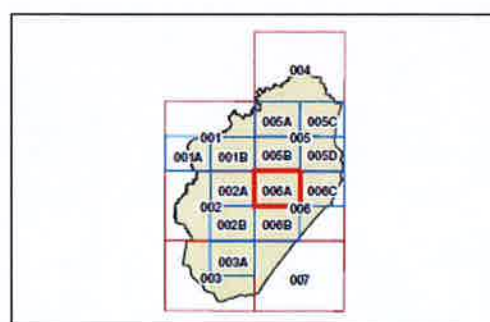
**Proposed Land Reclassification
(Part Lots) Map - Sheet RPL_006A**

Land Reclassification (Part Lots)

- Operational Land
- Community Land

Cadastre

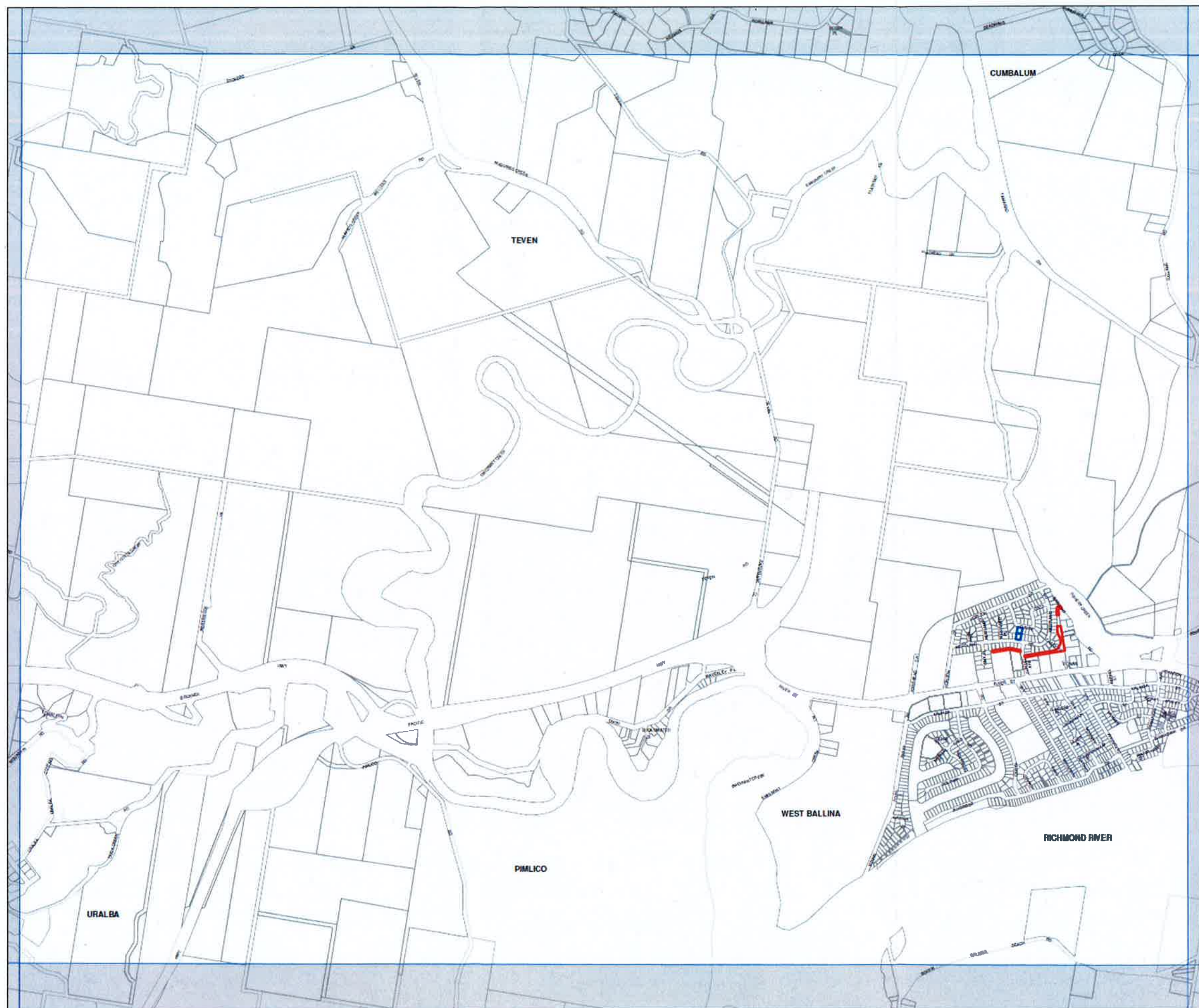
- Cadastre 12/05/15 © Land and Property Information (LPI)



0 200 400 600 800
Metres

Projection: GDA 1994
MGA Zone 56
Scale 1:20,000 @ A3

Map identifier/revision number: 0250 COM RPL_006A 020 2018/05/12



Appendix C – Council Resolutions

Council Resolution 23 July 2015

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

230715/11 RESOLVED

(Cr Paul Worth/Cr Susan Meehan)

1. That Council submits the planning proposal involving the reclassification of various land parcels from community land to operational land and adjustments to the zoning and associated planning controls to the Department of Planning and Environment for review and Gateway determination.
2. That Council advises the Department that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition and the holding of a public hearing, be undertaken.
4. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston