



Matthew Wood

From: council@ballina.nsw.gov.au
Sent: Tuesday, 22 December 2015 10:38 AM
Subject: New response for survey 'Feedback for Documents on Exhibition'

GENERAL RESPONSE INFORMATION

Response Start Time: 12/22/2015 10:23:46 AM Response End Time: 12/22/2015 10:37:47 AM IP Address: 49.182.131.66 Completed Survey: Yes
Respondent: Anonymous

SURVEY RESPONSES

1. Name of exhibited document you want to make comment on.
Planning Proposal BSCPP 15/001 Reclassification of Land and Assoc Amendments to the Ballina Local Environmental Plan
2. Your name (anonymous submissions may be disregarded by Council) Viv Miller
3. Phone number (optional)
66 867561
4. Email (confirmation of your email address is required to provide feedback from Council) vivmill151@gmail.com
5. Having read the document, is it easy to read and understand?
No, I didn't think so. It doesn't specify which areas of land are involved. I live in Westland Dr, and I assume it includes the area between the houses and the caravan park. It also just says that it intends to rezone the land, but not what may be done with it, or what rezoning could mean.
6. Please provide any suggestions for improvement.
I have listed some above. The land involved is not clearly shown. There is a lot of vacant land along Barlows Road - is this involved? Would rezoning mean that the Council could then do whatever they wish with the land? That land could be better used for the community, but also consideration needs to be made for the wildlife in that area.
7. Do you support the overall objectives and content of the document?
No - because I don't know what such rezoning would mean "down the track"
8. Please provide further comments if you wish.
If it just means that such rezoning would mean that the Council could then consider using the land, but that it would still need to go up for public consideration, then I would be agreeable to it.
9. If you wish your feedback to remain confidential please provide reasons for this.
[No Answer Entered]

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Matthew Wood

From: council@ballina.nsw.gov.au
Sent: Wednesday, 30 December 2015 9:03 AM
Subject: New response for survey 'Feedback for Documents on Exhibition'

GENERAL RESPONSE INFORMATION

Response Start Time: 12/30/2015 8:47:57 AM Response End Time: 12/30/2015 9:02:44 AM IP Address: 168.1.53.213
Completed Survey: Yes
Respondent: Anonymous

SURVEY RESPONSES

1. Name of exhibited document you want to make comment on.
Planning Proposal BSCPP Reclassification of Land and Associated Amendments to Ballina Local Environmental Plan

BSCPP15/001
2. Your name (anonymous submissions may be disregarded by Council) Stephen Enright
3. Phone number (optional)
0266863931
4. Email (confirmation of your email address is required to provide feedback from Council) senright30@gmail.com
5. Having read the document, is it easy to read and understand?
Yes
6. Please provide any suggestions for improvement.
Nil
7. Do you support the overall objectives and content of the document?
Yes
8. Please provide further comments if you wish.
I am adjoining landowner to the East Ballina Reservoir lot3 DP 758047 and lots 1and 2 DP 598584 The adjoining Crown land to the West-SouthWest is still classified as DM deferred matter.
What is the long term classification plan for this land?
9. If you wish your feedback to remain confidential please provide reasons for this.
[No Answer Entered]

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Michelle and Peter Southall
Unit 1, 44 Westland Drive
Ballina NSW 2478
Phone – 02 66868292



8th January 2016

General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Dear Matthew,

Re: BSCPP 15/001 – Reclassification of Land (15/89425)

Thank you for giving us the opportunity to respond about the abovementioned planning proposal.

We would like the land behind us to remain as is and we have no interest in purchasing the land if this option is likely to occur.

We look forward to hearing about any future proposed changes and the council's decision.

Yours sincerely,

Michelle and Peter Southall

Peter J Southall
Michelle Southall

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YOUR REF: BSCPP 15/001 – Reclassification of Land (15/89425)

15 January 2016

The General Manager
Ballina Shire Council
P.O Box 450
BALLINA NSW 2478



ATTENTION: Matthew Wood, Manager Strategic Planning

Dear Sir,

**RE: PLANNING PROPOSAL BSCPP 15/001 - RECLASSIFICATION OF LAND
AND ASSOCIATED AMENDMENTS TO THE BALLINA LOCAL
ENVIRONMENTAL PLAN
PROPERTY: 25 DRESS CIRCLE DRIVE, LENNOX HEAD**

I am the registered proprietor of the property at 25 Dress Circle Drive, Lennox Head. This land is immediately adjacent, to the East, of Lot 1 in DP781641 which Lot Council has given notice of intention to reclassify from Community Land to Operational Land.

In accordance with the invitation contained in your correspondence to me of 17 December 2015 I wish to make a submission in relation to that reclassification.

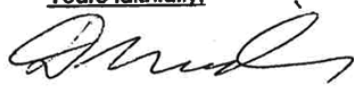
It is my submission that the current classification and use of the land should be continued. I submit the following as grounds in support:

1. I have been the adjoining owner since 1991. In that time I have personally mowed and maintained the land, I have kept it cleared of undergrowth to reduce the fire hazard risk. This has been done at my expense.
2. The land is well below the level of Ballina Street to the West with a steep precipice. Access from Ballina Street is all but impossible having regard to the geographic features.
3. The Eastern extension of the lot to Dress Circle Drive is I understand 1.525 wide which makes it impossible for vehicular access
4. The Lot, with the trees growing thereon create an important buffer between the very busy Coast Road/Ballina Road roundabout and the densely populated residential precinct below it.

5. As the parcel in its present form causes no drain on Council resources and taking consideration of the above factors it is entirely appropriate in my view that the status quo be maintained.

Please ensure due consideration is given to all issues, including these submissions prior to any decision on the planning proposal being taken. .

Yours faithfully,



David W Matthews

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Attention Matt Wood,

RE: 'Child Care Centre' Lease Area. Lot 1, DP850774

I am writing to express our support in reclassifying the land on Westland Drive Ballina from community to operational as well as the sale of it to the Catholic Church.

The reason for my support is that the Childcare Centre located at this address, Seeds Early Learning, has used this land for the children's playground for over 20 years and during that time the playground has been fully fenced and has not been accessible to the public.

As owner of the current Childcare centre in mention we support this purchase for the Catholic Church so the children of our community can continue to enjoy the lovely playground space they have.

Kind Regards

Marc Tustin
Company Director

PO BOX 330 Padstow 2434 P 073376 8363 I 073376 6242 e info@seedsearlylearning.com.au

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Matthew Wood

From: Ballina Shire Council <BallinaShireCouncil@ballina.nsw.gov.au>
Sent: Tuesday, 19 January 2016 7:47 AM
Subject: FW: Attn: Michael Wood, submission

From: Christine McIntosh [<mailto:chrisatlennox@gmail.com>]
Sent: Monday, 18 January 2016 7:15 PM
To: Ballina Shire Council
Subject: Attn: Michael Wood, submission

Dear Sir,

As the owner of 2/27 Dress Circle Drive, Lennox Head, I would like to express a protest at the proposed intention to change the use of the common land behind my property and the easement of 1.5m beside.

I have been paying for the maintenance of said land and have cleaned it up considerably from the weed pests that spread down the hill.

I submit that the current classification continues. If the land is sold, there is no vehicular access from the top or the bottom. I agree to continue the upkeep at my own expense.

Yours sincerely,
Christine McIntosh
Ph: 0405162817

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| RECORDS SCANNED 27 JAN 2016 Doc No Batch No..... |
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19 January 2016

Matthew Wood
Ballina Shire Council
Manager Strategic Planning
Strategic and Community Facilities Group

Dear Mr Wood

RE: Planning Proposal BSCPP 15/001 – Reclassification of Land (15/89425)

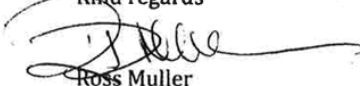
Thank you for the letter dated 17th of December, 2015 regarding the reclassification of land.

I am the title holder for Lot:37 DP:29654 Folio: 37/29654

We are in support of the reclassification proposal as we already take care of the land that adjoins our property.

Further, I wish to indicate my interest in the acquisition of any parcels of land that adjoin our property should this opportunity become available in the future.

Kind regards



Ross Muller
29 Dress Circle Drive
Lennox Head NSW 2478



email sent.
27/1/16.

Matthew Wood

From: Ballina Shire Council <BallinaShireCouncil@ballina.nsw.gov.au>
Sent: Thursday, 21 January 2016 4:40 PM
Subject: FW: To Matthew Wood; BSCPP 15/001- reclassification of Land (15/89425)

From: Clinton Leahy [<mailto:palmcocky@yahoo.com.au>]
Sent: Thursday, 21 January 2016 4:23 PM
To: Ballina Shire Council
Subject: To Matthew Wood; BSCPP 15/001- reclassification of Land (15/89425)

Hello

Thank you for your correspondence regarding a proposal to redesignate the classification of 25 Dress Circle Drive. I own the adjoining land at 23A Dress Circle Drive.

I object to this proposal for multiple reasons;

- the block potentially has overlapping access under my current driveway - this may result in my driveway or the neighbours house having to be dug up or significantly altered through no fault of our own
- the site is small, heavily sloped, sits below a roundabout, and is unusable for any practical purpose by a neighbour
- the block is currently used unobtrusively by neighbours as its stands

Thank you for registering my humble objection

Clinton Leahy
0447003789

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Shirin Rezai-Smyth & Roger Smyth
29 Karalauren Court
Lennox Head
NSW 2478

General Manager
Ballina Shire Council
PO Box 450
Ballina
NSW 2478

25 January 2016

Name of planning officer dealing with case:
For the attention of General Manger

Dear Sir/Madam

Reference:

LAND PROPOSED FOR RECLASSIFICATION (COMMUNITY LAND TO OPERATIONAL LAND)

LOT 28DP 864257 KARALAUREN COURT, LENNOX HEAD

I write in connection with the above planning application. As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living. We have examined "**LOCAL GOVERNMENT ACT 1993 - SECT 30** *Reclassification of community land as operational* **30** *Reclassification of community land as operational*:"

Our specific objections are as follows:

1. Operational land can be sold by Council or leased on a commercial basis. This would strongly impact residents' rights to have a say in any future changes to the current drainage reserve and pump station.
2. We are concerned that any changes in infrastructure on the proposed site will have an adverse impact on local residents. For example, noise, smell and access.

We would be grateful if the council would take our objections into consideration when deciding this application.

Yours faithfully,
Shirin Rezai-Smyth & Roger Smyth

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Fiona King

From: Matthew Wood
Sent: Thursday, 28 January 2016 11:10 AM
To: Fiona King
Subject: Fwd: Re; Community Land to Operational Land Lots 1-5 DP 781641

From: Douglas Lee <douglaslee1325@gmail.com> -
Date: 28 January 2016 at 10:53:20 AM AEDT
To: <mattheww@ballina.nsw.gov.au>
Cc: <council@ballina.nsw.gov.au>
Subject: Re; Community Land to Operational Land Lots 1-5 DP 781641

To Matthew Wood &
whom else it may concern

I would like to object to the Proposed Land Reclassification of

Lots 1-5 DP 781641 adjacent to 25-27 Dress Circle Drive

the body corp of 27 Dress Circle Drive now and generally look after
lots 2-5 DP 781641

regards

Douglas Lee
1/27 Dress Circle Dr Lennox Head

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<BR

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All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



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

Your Ref: BSCPP 15/001
Our Ref: L12/0003
DA15121699925 AB

ATTENTION: Matthew Wood

12 January 2016

Dear Mr Wood

Planning Instrument for Planning Proposal - Reclassification Of Lands - Various Parcels

I refer to your letter dated 11 December 2015 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'John Ball'.

John Ball
Manager

ID:99925/93580/5

Page 1 of 2

BSCPP 15/001 – Reclassification of Land**Submissions Summary and Assessment**

| Submission No. | Submission Author | Planning Proposal Site | Key Submission Point(s) | Response |
|-----------------------|-----------------------------------|---|---|--|
| 1 | Ms Viv Miller | Site 8 Westland Drive area, West Ballina | Uncertainty about planning proposal and reclassification outcomes. | Ms Miller attended the public hearing held on 1 March 2016. Several queries were raised and the associated issues clarified during the hearing. |
| 2 | Mr Stephen Enright | Site 1 East Ballina Reservoir | Queried the future planning outcomes for land in the vicinity of the reservoir. | Land associated with the reservoir is planned for continued use for water supply infrastructure. Adjoining land to the north is in Crown ownership and remains a deferred matter under the BLEP 2012. Zoning of this land is to be addressed in relation to the E zone matter. |
| 3 | M & P Southhall | Site 8 Westland Drive area, West Ballina | Preference for public land adjoining their property to remain as presently classified and zoned. | The proposed reclassification and zoning change does not mean that the land use will change. The future use of the land is a matter for further Council consideration as part of a separate process, albeit that the changes proposed will provide Council with greater flexibility in dealing with the land. |
| 4 | Mr David Matthews | Site 16 Dress Circle Drive, Lennox Head | Preference for public land adjoining property to remain as presently classified and zoned. | The proposed reclassification and zoning change does not mean that the land use will change. The future use of the land is a matter for further Council consideration as part of a separate process, albeit that the changes proposed will provide Council with greater flexibility in dealing with the land. The land has limited utility as public open space due to its location, shape and access arrangements. |
| 5 | Seeds Early Learning Centre | Site 8 Westland Drive area, West Ballina | Support for reclassification of land adjoining Seeds facility to operational land to enable its sale. | Noted. The reclassification will enable Council to consider the sale of the land as part of a separate process. |
| 6 | Ms Christine McIntosh | Site 16 Dress Circle Drive, Lennox Head | Preference for public land adjoining property to remain as presently classified and zoned. Objection stated. | The proposed reclassification and zoning change does not mean that the land use will change. The future use of the land is a matter for further Council consideration as part of a separate process, albeit that the changes proposed will provide Council with greater flexibility in dealing with the land. The land has limited utility as public open space due to its location, shape and access arrangements. |

BSCPP 15/001 – Reclassification of Land - Submissions Summary and Assessment

9.4 **BSCPP 15/001 - Reclassification of Land - Finalisation.DOC**

| Submission No. | Submission Author | Planning Proposal Site | Key Submission Point(s) | Response |
|----------------|-----------------------------|--|---|--|
| 7 | Mr Ross Muller | Site 16 Dress Circle Drive, Lennox Head | Support for the reclassification and interest in acquisition of land parcels. | Noted. The reclassification will enable Council to consider the sale of the land parcels as part of a separate process. |
| 8 | Mr Clinton Leahy | Site 16 Dress Circle Drive, Lennox Head | Preference for public land adjoining property to remain as presently classified and zoned. Objection stated. | The proposed reclassification and zoning change does not mean that the land use will change. The future use of the land is a matter for further Council consideration as part of a separate process, albeit that the changes proposed will provide Council with greater flexibility in dealing with the land. The land has limited utility as public open space due to its location, shape and access arrangements. |
| 9 | Ms Rezai-Smyth and Mr Smyth | Site 13 Karalauren Court, Lennox Head | Concern that reclassification will have an adverse impact. Objection stated. | The proposed reclassification involves applying an operational classification to a drainage reserve and pump station infrastructure. This is consistent with the current use of the land. The reclassification better reflects the purpose of the land but does not fundamentally change its potential for use as a drainage reserve. |
| 10 | Mr Douglas Lee | Site 16 Dress Circle Drive, Lennox Head | Preference for public land adjoining property to remain as presently classified and zoned. Objection stated. | The proposed reclassification and zoning change does not mean that the land use will change. The future use of the land is a matter for further Council consideration as part of a separate process, albeit that the changes proposed will provide Council with greater flexibility in dealing with the land. The land has limited utility as public open space due to its location, shape and access arrangements. |
| 11 | NSW Rural Fire Service | All | Raised no issues of concern with the planning proposal. | Noted. |

BSCPP 15/001 – Reclassification of Land - Submissions Summary and Assessment



Report on a Public Hearing

into the Proposed Reclassification

of Various Parcels of Council Land

Land the subject of this public hearing is outlined in BSCPP15/001

Prepared for Ballina Shire Council
by MikeSvikisPlanning
8 March 2016

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The opinions, conclusions and any recommendations in this Report are based on assumptions made by MikeSvikisPlanning described in this Report. MikeSvikisPlanning disclaims liability arising from any of the assumptions being incorrect.

MIKESVIKISPLANNING


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| Rev No | Author | Approved for issue | |
|--------|-------------|--|--------------|
| | | Signature | Date |
| A | Mike Svikis |  | 8 March 2016 |



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Introduction

Mike Svikis (Principal Planner at MikeSvikisPlanning) was engaged by Ballina Shire Council as an independent chair for a public hearing into the proposed reclassification of seventeen parcels of land located in Ballina, East Ballina, West Ballina, Lennox Head, Skennars Head and Alstonville.

The public hearing was held on 1 March 2016 at Ballina Shire Council Chambers, Ballina. Matthew Wood attended to represent the Council. A single verbal submission was made on land in West Ballina. This report documents that submission and provides a recommendation to Council on each parcel.

Council will consider this report in making its deliberations on the subject land.

In preparing this report I have also reviewed the information that Council placed on public exhibition and the written submissions to the exhibition. With Council officers, I inspected the various parcels of land on 9 February 2016.

Objectives of the Public Hearing

The objectives of this public hearing are to:

- Satisfy legislative requirements relating to public land reclassification
- Provide an opportunity for any person to make a verbal submission
- Enable those submissions to be considered by an independent chairperson who can then prepare a report and make recommendations on those issues to Council.

'Public land' is any land (including a public reserve) vested in, or under the control of, Council (with some exceptions such as roads). 'Community land' is public land that is generally open to the public, eg parks, reserves or sports grounds. 'Operational land' is public land that may be used for other purposes, eg a works depot or held as a temporary asset. All public land is either Community or Operational (NSW DoP Practice Note PN 09-003).

Changing land from one classification to another can be undertaken through a planning proposal under the Environmental Planning and Assessment Act 1979. When it is changed, the classification status of the land is recorded in a schedule in the Local Environmental Plan. When Community land is proposed to be reclassified as Operational land, a public hearing must be held at some time after the close of the exhibition period of the planning proposal.

The Independent Chairperson

The public hearing must be chaired by an independent person. The Local Government Act 1993 states in relation to this:

47G Public hearings

- (1) In this section, **public hearing** means any public hearing required to be arranged under this Part.
- (2) The person presiding at a public hearing must not be:
 - (a) a councillor or employee of the council holding the public hearing, or

- (b) *a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.*
- (3) *Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.*

This public hearing was chaired by Mike Svikis who is not a Councillor or an employee of Ballina Shire Council now or at any time in the past.



Background

The planning proposal for the subject land was commenced by Ballina Shire Council at its Ordinary meeting of 23 July 2015. A Gateway Determination was issued by the NSW Department of Planning and Environment on 23 September 2015, and it was publicly exhibited from 16 December 2015 until 29 January 2016. During the exhibition, ten written submissions were received which relate to four of the sites.

Council proposes that all of the various parcels of land should change from Community to Operational under the Local Government Act 1993 (LG Act). A change of zoning was proposed for eight of the seventeen sites but this is not the subject of the public hearing and is not addressed in this report.

Public Hearing

The public hearing was held on 1 March 2016 in the Ballina Shire Council chambers at Ballina. It commenced at 5:30 pm and closed at 6:30 pm.

Mike Svikis chaired the public hearing. Matthew Wood represented the Council. Only one person (Viv Miller) attended regarding a site in Westland Drive, West Ballina. Her comments are included below in relation to Site 8.

Matthew Wood opened the hearing and introduced the presiding officer. Mike Svikis advised how he would manage the hearing. He advised that he would be primarily listening to the issues raised and then reporting on those issues to Council within one week of the hearing. Council would place his report on its web site within one week of receiving it.

Site 1: Lots 1–2 DP 598548, Pine Avenue, East Ballina

No speakers. One written submission.

These two narrow lots are located at the rear of the East Ballina reservoir site and were acquired to allow construction of the main storage facility. The site is fully fenced and not open to the public.

A written submission from immediate neighbour to the south (S Enright, 30 Pine Avenue, East Ballina) queries the long-term classification of Lot 3 Sec 91 DP 758047 (which has most of the actual reservoir on it) and the Deferred Matter that is behind his land to the west (Lot 3 DP 598548). Lot 3 Sec 91 DP 758047 is Crown land and is not the subject of the proposed Community to Operational amendment. It is managed by Council but remains owned by the Crown. It is also proposed to be zoned SP2 (Water Supply System). The Deferred Matter (Lot 3 DP 598548) is Crown land that is not managed by Council. This land is heavily vegetated and was mooted for inclusion in an environment protection zone in an earlier draft version of Ballina LEP 2012. It was deferred from LEP 2012, and the long-term zone and use of this land are yet to be resolved. The Department of Planning and Environment has recently issued a S117 Direction to provide guidance to Council about the reinstatement of environmental zones into Ballina LEP 2012, but this will be dealt with as a separate matter at some time in the future. It is not part of this planning proposal.

Recommendation:

I consider that the use and function of Lots 1 and 2 as a water reservoir (and curtilage), and its restricted access to the public make it appropriate for an Operational classification as exhibited.

Site 2: Lot 1 DP 632176, Suvla Street, East Ballina

No speakers. No written submissions.

This site is occupied by the Richmond Hill Reservoir and multiple telecommunications towers and installations, but it is also open to the public. It contains a public viewing platform.

Recommendation:

I consider that the use and function of Lot 1 primarily as a water reservoir (and curtilage), and the multiple telecommunications towers and installations make it appropriate for an Operational classification as exhibited.

Site 3: Lot 47 DP 240657, 3 Basalt Court, Lennox Head

No speakers. No written submissions.

This site is occupied by the Basalt Court Reservoir and multiple telecommunications towers and installations. It is fenced and not open to the public.

Recommendation:

I consider that the use and function of Lot 47 primarily as a water reservoir (and curtilage), and the multiple telecommunications towers and installations make it appropriate for an Operational classification as exhibited.

Site 4: Lot 2 DP 604567, opposite 15 Regatta Avenue, Ballina

No speakers. No written submissions.

This site is a very small lot (approximately 50 m²) located on the edge of Regatta Avenue. It contains an underground sewage pump station protected from vehicle access by bollards.

Recommendation:

I consider that the use and function of Lot 2 primarily for an underground sewage pump station makes it appropriate for an Operational classification as exhibited.

Site 5: Lot 1 DP 856703, Hutley Drive, Lennox Head

No speakers. No written submissions.

This site contains an above ground sewage pump station with vehicle access and parking, and has no other use or purpose.

Recommendation:

I consider that the use and function of Lot 1 for an above ground sewage pump station makes it appropriate for an Operational classification as exhibited.

Site 6: Lot 43 DP 1168665, 8 Seamist Place, Lennox Head

No speakers. No written submissions.

This site contains an underground sewage pump station with vehicle access and parking, and has no other use or purpose. It is fenced but not gated.

Recommendation:

I consider that the use and function of Lot 43 primarily for an underground sewage pump station makes it appropriate for an Operational classification as exhibited.

Site 7: Lot 104 DP 871675, 34–36 Links Avenue, East Ballina

No speakers. No written submissions.

This site is fenced off and totally occupied by the outdoor play area of the Good Start Child Care Centre at East Ballina. It no longer serves a purpose related to public access or use. The child care centre leases the land and it is unlikely it could operate without exclusive use of this land for its outdoor play requirements.

Recommendation:

I consider that the use and function of Lot 104 primarily for a child care centre makes it appropriate for an Operational classification as exhibited.

Site 8: Lot 1 DP 850774, Pt Lot 52 DP 842077, Pt Lot 2 DP 850774, Lot 179 DP 879355, Westland Drive, Barlows Road, Sunset Avenue, West Ballina

One speaker. Three written submissions.

One speaker – Viv Miller (1/26 Westland Drive, West Ballina). Viv was concerned about what Council thought it was going to do with the land behind her house. It is irregularly maintained, but she does not want to be forced to buy it herself as she can't afford it. Viv also made a written submission.

Matt Wood explained that once the land was classified as Operational it could be sold to a private person, but this was not inevitable. No one could be forced to acquire the land. As a long, thin area of land with many properties adjacent to it, it may not be possible to sell it to anyone without creating "landlocked" pieces. Council does not have an end use in mind for the entire area.

Council currently leases Lot 1 DP 850774 exclusively to the Seeds Childcare Centre. This area is fenced and not available for public access. It provides an outdoor play space for the centre. The balance of the subject land contains a stormwater drain of varying width and depth. The subject land has minimal access, recreation or environmental value.

A written submission from the Seeds Childcare Centre supported the transfer of Lot 1 to Operational, and suggested the centre would like to purchase the land.

A written submission from M and P Southall (1/44 Westland Drive, West Ballina) suggested they would prefer that the land at the rear of theirs remain as is. They have no interest in purchasing it in any case. They provided no further information.

Recommendation:

I consider that the use and function of Lot 1 primarily for a privately run child care centre makes it appropriate for an Operational classification as exhibited.



I consider that the use and function of Lot 179, Part Lot 52 and Part Lot 2 primarily as a drainage reserve makes it appropriate for an Operational classification as exhibited.

Site 9: Lot 1 DP 853747, Johnstons Road, Alstonville

No speakers. No written submissions.

This site contains a wastewater treatment plant with vehicle access, parking and sheds. It has no other use or purpose.

Recommendation:

I consider that the use and function of Lot 1 for a wastewater treatment plant makes it appropriate for an Operational classification as exhibited.

Site 10: Lot 1 DP 831017, North Creek Road, Skennars Head

No speakers. No written submissions.

This site contains a wastewater treatment plant with vehicle access, parking and sheds. It has no other use or purpose, although there may be a fringe of native vegetation on its northern edge.

Recommendation:

I consider that the use and function of Lot 1 for a wastewater treatment plant makes it appropriate for an Operational classification as exhibited.

Site 11: Lot 41 DP 1149233, Macleans Street, Skennars Head

No speakers. No written submissions.

This site contains a stormwater detention device and a sewage pump station with vehicle access and parking. It has no other use or purpose.

Recommendation:

I consider that the use and function of Lot 41 for a stormwater detention device and a sewage pump station make it appropriate for an Operational classification as exhibited.

Site 12: Lot 47 DP 1012769, Daintree Drive, Lennox Head

No speakers. No written submissions.

This site contains a stormwater detention device and an artificial wetland. It is fully fenced and has no public access. It may have some value as freshwater wetland habitat (albeit artificial).

Recommendation:

I consider that the use and function of Lot 47 for a stormwater detention device makes it appropriate for an Operational classification as exhibited.

Site 13: Lot 28 DP 864257, Karalaren Court, Lennox Head

No speakers. One written submission.

This narrow site contains a stormwater pipe discharging to a neighbouring area of farm land and an underground sewage pump station. It has a sealed road access that is open to the public.

A written submission from immediate neighbours, S Rezai-Smyth and R Smyth (29 Karalaren Court, Lennox Head), suggested the reclassification would have serious impact on their standard of living because it would allow Council to sell or lease the land. It would impact on residents' rights to have a say in changes to the land, and changes to infrastructure could impact neighbours with noise, smell and access. They object to the reclassification.

This objection is not well founded. A narrow piece of land that contains both stormwater and sewer pipes and pumps is entirely suited to the Operational classification. It is highly unlikely it will be sold to a third party as it contains important Council infrastructure. No changes to the rights of objectors or third parties are created by a change in classification. Adverse impacts from pollution are dealt with under the Protection of Environment Operations Act 1997, regardless of land classification.

Recommendation:

I consider that the use and function of Lot 28 for stormwater infrastructure and a sewage pump station and pipes make it appropriate for an Operational classification as exhibited.

Site 14: Lot 1 DP 781542, 23 Compton Drive, East Ballina

No speakers. No written submissions.

This site has a history of being used by the adjacent restaurant (currently closed) for storage and outdoor seating. It is not currently leased, but it may be at some time in the future. The adjacent land owner may also be interested in acquiring the site.

It was noted at a site inspection that stairs which link Coogee Street to Compton Drive appear to be located on the subject land. A survey has confirmed that they are partly built across the site (Appendix A). The land on which the stairs are located should remain in Council ownership and control. This can be achieved as either Community or Operational land.

Recommendation:

I consider that the use and function of Lot 1 for storage and outdoor seating for the adjacent use make it appropriate for an Operational classification as exhibited. The Coogee Street stairs should remain under Council ownership and control should the site be leased or sold.

Site 15: Lot 9 DP 716371, Wayside Place, Ballina

No speakers. No written submissions.

This site is a small cul-de-sac that provides vehicle access to eight dwellings. It also provides pedestrian access to the North Creek foreshore. The site also contains underground services. Although retained as a private road for some time, it was transferred to Council in 2005. The road and path are now public infrastructure.

Recommendation:

I consider that the use and function of Lot 9 for a road, path and underground infrastructure make it appropriate for an Operational classification as exhibited.

Site 16: Lots 1–5 DP 781641, adjacent to 25–27 Dress Circle Drive, Lennox Head

No speakers. Five written submissions.

This site is made up of five irregular shaped lots that are located in proximity to 25, 26 and 27 Dress Circle Drive, Lennox Head. It is not clear why they were created or why they came into Council ownership. They appear to link Dress Circle Drive with the Coast Road, but the topography at this point does not facilitate pedestrian access and the Coast Road has a busy roundabout at this location with no footpaths.

A written submission from D Matthews (owner of 25 Dress Circle Drive) indicates that he maintains the subject land next to his lot and wants it to remain as a buffer to the Coast Road. He has no interest in acquiring the land and supports it remaining as Community land. He acknowledges that the land has no practical public access or purpose.

A written submission from C McIntosh (owner of 2/27 Dress Circle Drive) objects to the reclassification as they maintain the subject land and are happy to continue to do that. They acknowledge that the land has no practical public access. They do not want it sold.

A written submission from D Lee (1/27 Dress Circle Drive) objects to the reclassification as they maintain the subject land and are happy to continue to do that.

A written submission from C Leahy (23A Dress Circle Drive) objects to the reclassification as there is a possibility that the subject land affects their driveway. It is maintained by the residents and the land should stay as Community land.

A written submission from R Miller (29 Dress Circle Drive) supports the reclassification as they maintain the land already and would like to acquire it should it become available for purchase.

The subject land does not provide useful public access or serve any public recreation or other purpose. It is maintained by adjacent owners and appears to be privatised by its location and attributes. It is possible that driveways and landscaping affect parts of the site.

Recommendation:

I consider that the shape and size of Lots 1 to 5 and the existing restricted access to the public make it appropriate for an Operational classification as exhibited.



Site 17: Lot 29 DP 230062, adjacent to 74 Grant Street (cnr Marsh Avenue), Ballina

No speakers. No written submissions.

This narrow site (approximately 5 metres wide) in Marsh Avenue is located in front of two dwellings and serves as an extension to their front yards. Other houses along Marsh Avenue do not have the same narrow reserve, and it is not clear why it was created in this location. Its size and shape make it unsuitable for active recreation and it is not required for access.

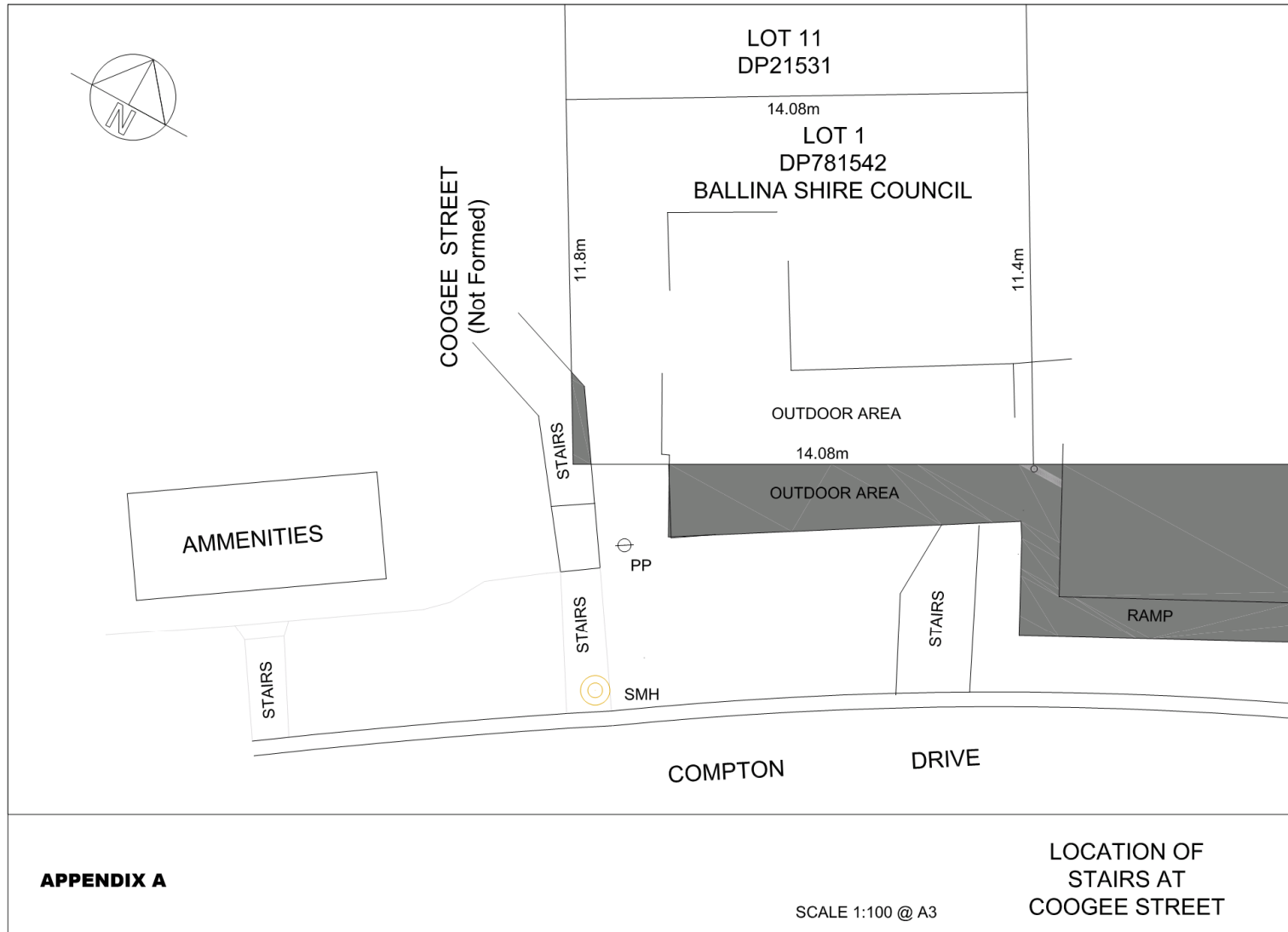
Recommendation:

I consider that the location and size of Lot 29 limit its use for public purposes, making it appropriate for an Operational classification as exhibited.

Appendices

Appendix A: Site 14 survey, Lot 1 DP 781542, Compton Drive

9.4 **BSCPP 15/001 - Reclassification of Land - Finalisation.DOC**



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