

Attachment 1

Draft Ballina Local Environmental Plan 2010 - Public Exhibition Submissions Review

Community Submissions and Staff Based Issues Summary - Matters Arising From the Public Exhibition of the Draft LEP

This document outlines issues arising from both the community submissions to the public exhibition of the Draft LEP and staff generated considerations arising from discussion and review in relation to the Draft LEP.

How to use this document

The table to the right provides an outline of the information contained in this document.

The following tables provide a reference guide to the approach recommended with respect to the issues raised.

The table does not directly address Government agency issues and comments. These matters are addressed in a separate document.

Submitters can cross reference their submission number with the issue source to identify the associated recommendation/s. Submission numbers are available from the submission set index.

Source:	Indicates the origin of the issue. Numbers (e.g. 1, 53, 65) indicate origin of an issue in the corresponding numbered community submission. A staff notation indicates the matter was identified by staff in considering exhibition feedback and the exhibition material. Some issues were identified by both the community and staff.
Submission Issue/Request:	Provides a brief overview of the issue or request raised for consideration.
Issue:	Categorisation of issue to enable grouping of common items. Where issues range across multiple categories a primary category was nominated.
Sub Issue:	Categorisation to further refine issues where they related to multiple items.
Explanation:	Summary information providing additional details or clarification to assist in interpretation and consideration of issue/s raised.
DLEP Recommendation:	Indication of whether an amendment to the exhibited Draft LEP prior to finalisation of the plan is recommended.
LEP Amendment Required:	Quick reference guide to whether amendment to the exhibited Draft LEP is recommended.
Other Actions:	Indication of other or further actions recommended aside from amendment to the Draft LEP. This includes further investigations, specific projects and deferral of items.



Glossary

The tables incorporate a number of acronyms. The following glossary identifies these terms.

ANEF	Australian Noise Exposure Forecast
BLEP 87	Ballina Local Environmental Plan 1987
Codes SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes)
CT	Community Title
DA	Development Application
DCP	Development Control Plan
DCP Ch 18	Combined Development Control Plan Chapter 18 - Rural Land
DLEP	Draft Ballina Local Environmental Plan 2010 (as exhibited)
DP&I	Department of Planning & Infrastructure
EP&A Act	Environmental Planning & Assessment Act 1979
FNCRS	Far North Coast Regional Strategy
I&I	Department of Industry & Investment
ISEPP	State Environmental Planning Policy (Infrastructure)
LAMP	Lake Ainsworth Master Plan
LEP	Local Environmental Plan
LPMA	Land and Property Management Authority
LUT	Land Use Table/s
MHE	Manufactured Home Estate
NPWS Act	National Parks and Wildlife Act 1974
NV Act	Native Vegetation Act 2003
OLS	Obstacle Limitation Surface
POM	Plan of Management
RREMP	Richmond River Estuary Management Plan
SEPP 14	State Environmental Planning Policy 14 - Wetlands
SEPP 26	State Environmental Planning Policy 26 - Littoral Rainforest
SEPP 62	State Environmental Planning Policy 62 - Aquaculture
SGA	Strategic Growth Area
SI	Standard LEP Instrument
SWCBHS	Shire Wide Community Based Heritage Study

Colours

The table colours represent the following

	Amendment to Draft LEP recommended
	No change to Draft LEP recommended

NOTE:

Recommendations should be read in conjunction with Government agency submissions

Recommended amendments to land use zones to be accompanied by commensurate adjustments to building height and minimum lot size standards unless otherwise noted.

Miscellaneous

Item	Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
Recommended Amendments to Draft LEP 2010								
A1	15	Objection to requirement for Council approval of management plans under acid sulfate soils provisions.	Miscellaneous	Acid Sulfate Soils	This provision (being part of the model clause for ASS) introduces an approval requirement diminishing the self regulation mechanism the clause seeks to implement.	Amend DLEP to remove clause 7.4(2)(e) being a requirement for Council approval of a drainage management plan in relation to acid sulfate soils.	Yes	
A2	126	Temporary use of land provision vague and such uses should be required to be consistent with relevant zone objectives.	Miscellaneous	General	Temporary use of land provision is mandatory based on amendment to the Standard Instrument in April 2010.	Amend DLEP to match mandatory temporary use of land clause.	Yes	
A3	38, Staff	Opportunity for medical practices to expand.	Miscellaneous	General	ISEPP addresses permissibility of health services.	Amend DLEP to match ISEPP - includes permitting health services facilities in R3 zone.	Yes	
A4	172, Staff	Permissibility of storage premises in rural zones.	Miscellaneous	General	Council has received a submission regarding permissibility of a scaffold storage business on rural land and is aware of other similar circumstances. The issue is the suitability of a use that can be characterised as industrial in rural zones.	Amend DLEP to permit storage premises (except self storage units) in RU2 zone. Consider supporting permissibility with DCP based controls. Provides for flexibility but does not impact on primary production or environmental protection zoned land.	Yes	Consider application of DCP based on storage premises where permissible on rural land.
A5	Staff	Suitability of wording for exempt development criteria associated with commercial use of footpaths.	Miscellaneous	Exempt & Complying		Amend DLEP to refine criteria to - use must be on land within a road reserve, must be subject to an approval under the Roads Act and must not exceed 30m ² in area.	Yes	Adjust commercial use of footpaths policy to match LEP provisions.
A6	Staff	Identification of coastal hazard area with respect to NSW Housing Code for the full extent of Seven Mile Beach at Lennox Head.	Miscellaneous	Exempt & Complying	Relates to coastal hazard areas north and south of Lennox Hotel with respect to NSW Housing Code. Key issue is whether a local exclusion in relation to the application of the Housing Code is necessary - area will not be identified in an EPI following gazettal of 2010 LEP. Concern that dwellings can be constructed in coastal hazard areas without Council consideration via the Codes SEPP.	Amend DLEP to include Coastal Hazards Map to identify coastal hazard areas excluded from the operation of exempt and complying development. Insert reference to map under 3.3 environmentally sensitive land. Effect will be to exclude mapped areas from operation of Exempt and Complying Development Codes SEPP.	Yes	
A7	Staff	Application of contents of Schedule 1 within body of LEP.	Miscellaneous	General	DP&I view is that the use of Schedule 1 (Additional Permitted Uses) should be minimised. Council advised to consider approaches to reduce the content of this Schedule. Any changes would operate in conjunction with mapping of land identified in Schedule 1 to provide clarity regarding the application of the provisions.	Amend DLEP to integrate clauses 1, 2 and 5 into LEP body.	Yes	
A8	Staff	April 2010 amendment to Standard Instrument.	Miscellaneous	General	Standard LEP Instrument amended post certification of DLEP for exhibition. Council must introduce the amendments into its LEP.	Amend DLEP to match April 2010 Standard Instrument.	Yes	
A9	Staff	February 2011 amendment to Standard Instrument.	Miscellaneous	General	Standard LEP Instrument amended post certification of DLEP for exhibition. Council must introduce the mandatory amendments into its LEP.	Amend DLEP to match February 2011 Standard Instrument and as per recommendations contained in report to Environmental and Sustainability Committee (17 and 19 May 2011).	Yes	
A10	Staff	Various amendment suggestions made by DP&I.	Miscellaneous	General	Following the public exhibition of the DLEP, the DP&I provided several suggested amendments. Many of these correlate with items otherwise addressed via submissions or staff analysis. The recommended amendments relate only to items not addressed elsewhere.	Amend DLEP as follows: (a) include additional exclusions to application of exempt and complying development provisions associated with legislation concerned with environmental management and protection; (b) adjust column 2 in clause 5.1A to read as 'development'; (c) include reference to stormwater or wastewater discharge in relation to land use conflict under clause 7; (d) include reference to exclude application of exempt development criteria, in relation to advertising where proposed on a heritage item or in a heritage conservation area, unless proposal is for replacement of an existing sign.	Yes	

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A11	Staff	Land use zone applicable to motel site on Fishery Creek Road at West Ballina.	Miscellaneous	General	Following a review of land use zoning over United Petroleum site (opposite McDonalds) review of motel site considered warranted as subject to similar zoning logic in Draft LEP.	Amend DLEP to apply R2 zone to reflect existing zone arrangement and urban use of the land. Amend minimum lot standard to match zone.	Yes	
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No Change Recommended

x1	120	LEP needs to be flexible to ensure incorporation of revised sea level rise predictions.	Miscellaneous	Climate Change		No change. LEP has been drafted based on SI approach to sea level rise with further assessment of climate change implications for the shire being undertaken.	No	Review sea level rise provisions following completion of floodplain management coastal zone management plans.
x2	64, 122, 162, 154	The LEP has not sufficiently taken climate change considerations into account.	Miscellaneous	Climate Change		No change. Council is seeking to address climate change more directly via its LGMS. Mandatory Clause 5.5 addresses sea level rise. Council to be guided by State policy and planning provisions.	No	Review sea level rise provisions following completion of floodplain management coastal zone management plans.
x3	8	Unclear whether zoning or Clause 7.3 Acid Sulfate Soils prevails in LEP where there is an inconsistency.	Miscellaneous	General		No change. Special provisions prevail over land use tables by case law, convention and Clause 2.3(4).	No	
x4	25	Support for the Draft Ballina LEP 2010.	Miscellaneous	General		No change.	No	
x5	28	Home business and home industry should be permitted in R2 and R3 zones	Miscellaneous	General		No change. Both uses permitted are in R2 and R3 zones with consent.	No	
x6	54	Support for the range of land uses permitted and prohibited in the land use zones.	Miscellaneous	General		No change.	No	
x7	79	Support for clauses 7.8 Natural areas and habitat and 7.9 Rural and nature based tourism development.	Miscellaneous	General		No change.	No	
x8	96	Mining should be prohibited in all land use zones.	Miscellaneous	General		No change. Permissibility of mining is governed by SEPP (Mining, Petroleum Production & Extractive Industries) 2007.	No	
x9	99	LEP could have utilised the RU6 transition zone to better reflect 1(d) land.	Miscellaneous	General		No change. Council unable to utilise RU6 zone in place of 1d zone based on DP&I drafting instructions.	No	
x10	101	There is no definition of 'resource lands' as referred to in zone objectives.	Miscellaneous	General		No change. Council is unable to alter the mandatory zone objectives or modify the dictionary. Advise DP&I of suggestion.	No	Advise DP&I of suggestion.
x11	101	No definition of subdivision contained in the LEP.	Miscellaneous	General		No change. Council is unable to alter the mandatory zone objectives or modify the dictionary. Advise DP&I of suggestion.	No	Advise DP&I of suggestion.
x12	101	Land use definitions and relationships are unclear in some circumstances.	Miscellaneous	General		No change. Land use tables constructed based on DP&I drafting instructions. Council has engaged the DP&I extensively on this matter. The February 2011 Standard Instrument amendment has improved the definition structure.	No	Engage with DP&I further.
x13	101	Possible grammatical error in clause 4.1A(3) relating to phase out of existing holdings.	Miscellaneous	General		No change. Relevant date to be added upon gazettal of the LEP.	No	
x14	109	Vegetation mapping identifying the location of endangered ecological communities should be available.	Miscellaneous	General		No change. Council has utilised the mapping available to it at the time of drafting the LEP.	No	
x15	120	Standard LEP limits protection of the environment.	Miscellaneous	General		No change. Draft LEP includes local provisions and zone arrangements that seek to address environmental considerations. Note: Several amendments are recommended in response to specific issues with respect to environmental protection outcomes.	No	
x16	120	Thickness of zone boundary lines creates confusion over application of land use zones to properties.	Miscellaneous	General		No change. Mapping drafted in accordance with DP&I drafting requirements.	No	
x17	122	Suggest deferral of DLEP until proposed changes to the Standard LEP Instrument are finalised.	Miscellaneous	General		No change. Council is engaged in ongoing liaison with DP&I regarding the status of the SI. February 2011 SI amendment includes improvements with respect to definition structure.	No	
x18	122	Draft LEP weakens ESD and environmental outcomes for the shire.	Miscellaneous	General		No change. ESD concepts embodied in LEP. LEP prepared with regard for SI and BLEP 87 provisions.	No	
x19	122	Land use tables should be closed.	Miscellaneous	General	Closing of land use tables entails identifying that any development not specified as permitted is prohibited. Council is able to specify whether uses not specified are prohibited or permitted.	No change except in relation to B6 Enterprise Zone (see elsewhere in this table). Rural and environmental zones along with some urban zones are closed in order to specifically refine development outcomes. Remainder of zones (except B6 zone as indicated above) open to allow flexibility.	No	

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x20	126	Reference to rainwater tanks appears to apply to urban areas and does not relate well to rural land.	Miscellaneous	General		No change. Relates to mandatory exempt development provisions set by State government. These provisions were removed from SI in April 2010 post exhibition certification. Tank standards for rural zones set in SEPP (E&C code 2008).	No	
x21	163	Application of clause 7.7 Strategic Urban Growth Areas is unclear.	Miscellaneous	General	Clarification sought regarding application of SGA provision. In particular, whether the clause applies to all development.	No change. Clause applies to all development that requires consent where the relevant land is on the SGA map.	No	
x22	163	Clause 7.3(7) may be better suited as a note to the clause.	Miscellaneous	General	This sub-clause refers to SEPP 4 and establishes that the SEPP does not provide exemptions in relation to the ASS clause.	No change. Exclusion is required as SEPP 4 enables ancillary drainage works without consent.	No	
x23	109, 148	LEP should make reference to biodiversity.	Miscellaneous	General	One submission also included a suggestion that a biodiversity strategy should be prepared for the shire.	No change. Clause 7.8 requires consideration of biodiversity values. Environmental values referenced in plan aims and zone objectives.	No	
x24	139, 155, 156, 158	Support for land use zonings especially in the Newrybar area. Support for 40ha minimum lot size, no rural residential subdivision and no expansion of Newrybar village.	Miscellaneous	General		No change.	No	
x25	155, 158	Support for shire housing strategy (i.e. identified expansion areas).	Miscellaneous	General		No change.	No	
x26	167, 168, 169	All rural land should be zoned RU1 where used for, or has potential for, primary production.	Miscellaneous	General		No change. RU2 enables a wider range of land uses and provides for flexibility in use of rural land. Zoning is based on defined criteria and majority of rural land (that is not subject to specific environmental values) is zoned RU1.	No	
x27	167, 168, 169	Inadequate consultation undertaken with rural landholders.	Miscellaneous	General		No change. Council advertised the exhibition process in both the Advocate and Northern Star on numerous occasions over the exhibition period. Council also provided information via local radio and television and a notification was issued via community connect which is sent to every household in the shire. Notices were also placed in key locations in rural communities. The exhibition of the LEP was referred to in local papers on 31 occasions prior to and during the public exhibition period.	No	
x28	167, 168, 169	Rural land should not be devalued or subject to restrictions without owners consent otherwise compensation must be paid. Agriculture should be encouraged not restricted.	Miscellaneous	General		No change. Council as a planning authority is responsible for planning on a shire wide basis. The Draft LEP has been prepared on this basis using defined principles and rationale.	No	
x29	61, 62, 63, 66, 74, 75	Request for a public hearing.	Miscellaneous	General	Council may elect to hold a public hearing with respect to the Draft LEP or elements of the plan.	No public hearing considered warranted at this stage.	No	
x30	91, 96, 120, 122, 126	Draft LEP should promote the principles of Ecologically Sustainable Development.	Miscellaneous	General	One submission suggests inclusion of ESD reference in plan aims.	No change. Aims of the LEP embody ESD principles via elements of Council's PPP plan (now the Community Strategic Plan).	No	
x31	93, 109, 120, 122	Flat Rock area should be reclassified from operational land to community land.	Miscellaneous	Land Classification	Petition containing 487 signatures submitted in support of reclassification of the land to 'community' land.	No change. Site specific classification review with regard for tent park operation considered more appropriate. This matter is the subject of a separate resolution of Council with respect to further action.	No	
x32	2	Child care/ education land uses should be permitted on land in the Plateau buffer.	Miscellaneous	Property Specific Request - General		No change. Child care centres are an urban use. Home based child care is permitted in rural zones without consent. Note proposed amendments to permissibility in E2 zone.	No	
x33	99	RU2 zone should include the same range of permissible uses as enabled in the 1(d) zone if to be applied to land at West Ballina.	Miscellaneous	Property Specific Request - General	Relates to Tekcadl owned property adjacent to West Ballina STP.	No change. LEP drafted based on a principle of reducing non rural uses in rural zones. RU2 zone is not intended to match 1d zone. Council is not able to utilise a zone for the purpose of a 1d zone outcome.	No	
x34	111	Permissibility of proposed Coastguard Tower.	Miscellaneous	Property Specific Request - Public Uses	Seeking amendment to LEP to enable Coastguard Tower redevelopment as a permissible land use. May involve scheduling land use and/or alteration to building height map.	No change. Matter can be addressed via Plan of Management that will be subject to public exhibition. Spot height variations are not desirable in the LEP. This matter is the subject of a separate planning process.	No	

Building Height

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Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A12	112	12m height standard should be applied to planned mixed use/ commercial area in Ballina Heights.	Building Height	Property Specific Request	Relates to 'B' zone application over the land.	Amend DLEP to match building height standard to B2 zone that is applied to the land (see recommendations relating to commercial and industrial uses). Standard across the shire in this zone is 9m.	Yes	
A13	36, 64, 121, 147, Staff	Suitability of 16m height standard in Ballina CBD.	Building Height		One submission specifically indicated support for retention of existing building height standard. Several submissions indicated that 16m is not sufficient to build 5 storeys (as currently enabled) given new definition of building height. Also, one submission in support of an increase in building height in the Ballina CBD.	Amend DLEP to increase height standard in CBD area to 18m to reflect overall height of existing tall buildings in the area. Allows for articulation of roof line but not an extra storey. DCP provisions regarding roof articulation to be prepared.	Yes	Prepare DCP provisions in relation to building form in Ballina CBD.

No Change Recommended

x35	122	Building height provisions not appropriate in terms of height, definition and site filling allowance.	Building Height		Concern that provisions enable inappropriate development outcomes.	No change. Building height definition is set by the standard LEP instrument. 8.5 m reflects General Housing Code. DCP provisions regarding building form and encouraging 2 storeys or less to be prepared.	No	Prepare DCP provisions in relation to residential building form.
x36	101, 112, 143	Suitability of building height definition in relation to design on sloping sites.	Building Height		Concern that provisions may not provide sufficient flexibility for development design on sloping sites.	No change. Definition is set by SI instrument and cannot be changed. Advise DP&I of submission. Consider establishment of guidelines for use of Cl.4.6 in relation to height and sloping sites.	No	Advise DP&I of concern. Investigate establishment of guidelines for variations to height standards in relation to sloping sites.

Caravan Parks

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A14	91	Support for permissibility of caravan parks and camping facilities in E2 zone.	Caravan Parks		This matter should be considered with regard for broader submissions that seek a smaller range of permitted land uses in the E zones.	Amend DLEP to prohibit caravan parks in E2 and E3 zones. Permit Camping grounds in E3 zone.	Yes	
A15	Staff	Suitability of caravan park zoning and lot size provisions given change to LPMA ownership.	Caravan Parks		Land use zones for Lake Ainsworth, Shaws Bay and Ballina Central caravan parks initially applied on basis of Council management. LPMA now manage the parks. Opportunity for subdivision of the land a key consideration.	Amend DLEP to apply minimum lot size standards as follows: Ballina Central 2ha, Shaws Bay 2ha and Lake Ainsworth 40ha.	Yes	

No Change Recommended

x37	130	Unclear as to permissibility of caravan parks and moveable dwellings in environmental zones.	Caravan Parks		There is a partial overlap in the definitions.	No change. Caravan park (being principal use) including moveable dwellings is permissible. Under the February 2011 SI amendment, moveable dwellings is not a land use term and as such, this use is addressed under the definition of caravan park.	No	
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Commercial and Industrial Uses

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions	
Recommended Amendments to Draft LEP 2010								
A16	57	Support for permissibility of markets in the E3 zone.	Commercial/Industrial Uses		Amend DLEP to prohibit markets in E3 zone. February 2011 SI amendment mandates markets as a prohibited land use.	Yes		
A17	104	R2 zone should be applied to part of Geoff Watt Oval Alstonville rather than an RE1 zone.	Commercial/Industrial Uses	Property Specific Request	Reflects use of land by Alstonville Bowling Club for expansion.	Amend DLEP to zone area identified for bowling club expansion to R2. Club has lodged a DA and the land has been reclassified operational in planning for the expansion of the club facility (LEP amd 109). Apply matching minimum lot and height standards.	Yes	
A18	104	IN1 zone should be applied to 13 North Creek Road Ballina rather than an RE1 zone.	Commercial/Industrial Uses	Property Specific Request	Bridge Club site.	Amend DLEP to apply IN1 zone to Bridge Club site as per recent LEP amendment (109) and intended use for the land. Apply matching minimum lot and height standards.	Yes	
A19	118	Objection to application of E3 zone, 40ha minimum lot size for subdivision and exclusion from Schedule 1 in relation to Lots 1 & 2 DP 543357 West Ballina.	Commercial/Industrial Uses	Property Specific Request	Land opposite McDonalds adjacent to Fishery Creek. Seeking application of a zone allowing a greater flexibility in land uses (e.g. B6 zoning), inclusion of site in schedule 1 to allow a range of commercial uses and 600m ² minimum lot size for subdivision.	Amend DLEP to apply B6 zone to the land to reflect its proximity to the B6 corridor and land use history. Apply 1ha subdivision and building height standard to the land consistent with B6 zone. Adjust E3 zone to the west to apply E2 and B6 zone to reflect revised zoning pattern and current land use.	Yes	
A20	153	198 to 204 Southern Cross Drive Ballina should be zoned commercial rather than an IN1 zone.	Commercial/Industrial Uses	Property Specific Request	Suggested that this land near the airport is suited to a more commercial range of land uses given its proximity to the airport. Significant issue is permissibility of car hire premises in industrial zone.	Amend DLEP to permit vehicle sales and hire premises in IN1 zone. No change to zone as land is located within an industrial context and other uses should be considered in strategic context of specific airport study as a commercial zone will permit a wide variety of uses that may not be appropriate.	Yes	
A21	92, Staff	Application of commercial zones to match planned commercial areas in Pacific Pines and Ballina Heights.	Commercial/Industrial Uses		Suggestion that LEP should incorporate specific zoning to reflect planned footprints for commercial areas in Pacific Pines and Ballina Heights. Note: submission 92 relates only to Pacific Pines.	Amend DLEP to apply B1 zone to proposed commercial area in Pacific Pines and B2 zone to proposed area in Ballina Heights. This zone arrangement reflects the shire's retail hierarchy and structure planning for the locality. B1 zone at Pacific Pines permits shops but identifies land as subordinate to village centre in hierarchy. Apply minimum lot size and building height standards to match other B1 and B2 zones. Apply 0.6:1 floor space ratio.	Yes	
A22	Staff	Suitability of 0.6:1 FSR in Lennox Head Village Centre.	Commercial/Industrial Uses		Many new buildings in the Lennox village centre exceed this FSR. May be more appropriate to establish a higher FSR to reflect this trend.	Amend DLEP to apply 0.8:1 FSR to Lennox Head village centre to reflect recent approvals.	Yes	
A23	Staff	Suitability of scope and application of B6 zone.	Commercial/Industrial Uses		Concern that B6 zone may not incorporate a suitable suite of land uses and development standards. Zone boundary could be adjusted to better match existing land use pattern.	Amend DLEP to reduce scope of uses permissible in the zone to focus on office, technology and building trade based uses, and close the zone (prohibit water recreation structure, boat shed, charter and tourism boating facility, electricity generating works, entertainment facility, environmental facility, exhibition home, exhibition village, helipad, mooring, place of public entertainment, recreation area, recreation facility (outdoor), vehicle body repair workshop) . Apply 10m height standard to land fronting Pacific Highway. Remove land parcel from zone subject to residential values. Apply matching R3 zone building height and lot standards. Adjust zone objectives to focus on office rather than business activity. See also review of Lots 1 & 2 DP 543357 in relation to the expansion of the B6 zone. Note new definitions introduced by February 2011 SI amendment and associated permissibility of uses.	Yes	Prepare specific development controls for inclusion in DCP to guide activity in the B6 zone.

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No Change Recommended

x38	61	Objection to application of RU2 zone to Lot 226 DP 112079 at West Ballina. Land is well suited to large footprint industrial/ business park land uses.	Commercial/ Industrial Uses	Property Specific Request	Land located north of the proposed highway service centre (east of Pacific Highway).	No change. Land considered as part of West Ballina Structure Plan identified for retention as agricultural land. Not identified in FNCRS or urban land release planning as a potential urban area.	No	
x39	63	Objection to application of RU2 zone to Lot 11 DP 1011575 at West Ballina. Land is suitable for a B4 mixed use zone.	Commercial/ Industrial Uses	Property Specific Request	Land parcel subject of proposed highway service centre (east of Teven Road interchange).	No change. Highway service centre enabled on land via Schedule 1 consistent with 117 direction.	No	
x40	68	Land located adjacent to Russellton industrial estate (near Duraplas) is better suited to an IN1 zone to reduce land use conflict.	Commercial/ Industrial Uses	Property Specific Request	This submission relates to previous consideration of the subject land by Council.	No change. This item is subject to further discussion with the parties involved with respect to the application of an industrial zone over land currently occupied by Duraplas provided that the existing dwelling house on the land is removed or rendered uninhabitable to remove the primary point of land use conflict.	No	Invite landowners to progress the matter via a planning proposal.
x41	77	Objection to application of R3 zone to Lot 2 Section 59 DP 758047 Ballina. Land is suited to a B3 or B4 zone and accompanying minimum lot size and height standards.	Commercial/ Industrial Uses	Property Specific Request	Land opposite Catholic Church in Cherry Street.	No change. Commercial and Industrial Land Audit identifies that there is substantial capacity in the Ballina CBD area for commercial uses.	No	
x42	89	Big Prawn site should be zoned B5 rather than B6 to enable bulky goods retailing as a permissible land use.	Commercial/ Industrial Uses	Property Specific Request - Bulky		No change. Future use of B5 zone to be subject to specific analysis.	No	Undertake targeted examination of bulky goods retailing needs.
x43	103	Seeking application of B5 zone to Lot 87 DP 1118585 rather than IN1 zone to support bulky goods retailing land use.	Commercial/ Industrial Uses	Property Specific Request - Bulky Goods	Harvey Norman site and Council land.	No change. Review approach to bulky goods retailing as a stand alone project given two sites that provide substantial floor space are approved.	No	Review application of B5 zone to sites of approved bulky goods retailing complexes (i.e. Southern Cross Industrial Estate and Smith Drive).
x44	104	B2 zone should be applied to 62 & 64 Crane Street Ballina rather than an R3 zone.	Commercial/ Industrial Uses	Property Specific Request	Family Day Care & Meals on Wheels.	No change. Commercial and Industrial Land Audit indicates sufficient commercial zoned land will be available under DLEP zone regime.	No	
x45	104	B1 zone should be applied to Lot 105 DP 871675 Eyles Drive East Ballina rather than an RE1, E2 and R2 zone.	Commercial/ Industrial Uses	Property Specific Request	Vacant Council owned land.	No change. Commercial and Industrial Land Audit indicates sufficient commercial zoned land will be available under DLEP zone regime. Expansion of shopping facilities should be subject to detailed analysis. Land is classified as community land.	No	
x46	104	B1 zone should be applied to Lot 1 DP 1095472 Shelly Beach Road East Ballina rather than an E2 zone.	Commercial/ Industrial Uses	Property Specific Request		No change. E2 zone reflects coastal character of the locality.	No	
x47	104	B1 zone should be applied to Lot 104 DP 871675 Links Avenue East Ballina rather than an RE1 zone.	Commercial/ Industrial Uses	Property Specific Request	Rear of ABC Child Care Centre.	No change. Land is classified as community land. Consider change of zoning if classification amended.	No	
x48	104	B1 zone should be applied to Lots 1 & 2 DP 517499 Ross Street Lennox Head rather than an R3 zone.	Commercial/ Industrial Uses	Property Specific Request	Council owned land adjacent to Lake Ainsworth Caravan Park.	No change. No strategic land assessment undertaken. Some small scale commercial uses permitted in R3 zone.	No	
x49	105	B5 zone should be applied over land in Clark Street area rather than an IN1 zone.	Commercial/ Industrial Uses	Property Specific Request - Bulky	Seeking a zone arrangement to allow for bulky goods retailing.	No change. Review approach to bulky goods land use outside approved locations as a stand alone project	No	Undertake targeted examination of bulky goods retailing needs.
x50	106	Seeking opportunity for light industrial use of Lot 61 DP 1136918 & Lot 4 DP 713013 Ross Lane Lennox Head.	Commercial/ Industrial Uses	Property Specific Request		No change. Land is outside the FNCRS and Lennox Head Structure Plan urban expansion areas. Industrial and Commercial Land Audit identified that there is sufficient supply of industrial land in the shire. Rural industry activity is permitted in the zone.	No	
x51	151	Lot 10 DP859893 and Lot 15 DP 238008 should be included in a zone where bulky goods development is permitted to reflect existing development consent.	Commercial/ Industrial Uses	Property Specific Request - Bulky Goods	Homeworld site.	No change. Review approach to bulky goods retailing as a stand alone project given two sites that provide substantial floor space are approved.	No	Review application of B5 zone to sites of approved bulky goods retailing complexes (i.e. Southern Cross Industrial Estate and Smith Drive).
x52	163	800m ² minimum lot size for subdivision in commercial areas may have adverse impacts on business.	Commercial/ Industrial Uses		Concern that lot size will not enable creation of small business premises.	No change. Intent is to prevent creation of small Torrens title lots and encourage integrated outcomes (e.g. carparking, access etc). Small strata titled premises are not precluded.	No	

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x53	100, 101, 141	Permissibility of bulky goods retailing.	Commercial/ Industrial Uses	Bulky Goods	Suggestions that bulky goods retailing should be permitted in B6 and IN1 zones. Matter relates to specific properties in West Ballina area.	No change. Policy position is to encourage consolidation of bulky goods uses. Two sites have approvals for consolidated bulky goods uses. Additional sites may be considered in the future. Prohibition of bulky goods in industrial zones is a DP&I policy position.	No	Undertake targeted examination of bulky goods retailing needs.
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Dwelling Houses on Rural Land

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions	
Recommended Amendments to Draft LEP 2010								
A24	34	Opportunity for erection of a dwelling house on Goat Island should be preserved.	Dwelling Houses on Rural Land	Property Specific Request	Lot has been identified for inclusion on dwelling opportunity reinstatement list based on endorsed Council criteria. Note: Council granted approval; for the erection of a dwelling house on the land at its March 2011 Ordinary Meeting.	Amend DLEP to include lot in dwelling opportunity reinstatement list. Although approval for a dwelling house has been granted, it has not yet been exercised.	Yes	
A25	Staff	Relationship between opportunity for erection of a dwelling house and conditions of development consent.	Dwelling Houses on Rural Land		Development consents are sometimes issued with a condition that a subdivision may occur but no dwelling house may be erected on the land. Absence of a specific reference to this approach in the LEP may reduce the effectiveness and existing and future conditions of this type.	Amend DLEP to adjust rural dwelling clause to include reference to lots where there is a condition against erection of a dwelling house similar to BLEP clause 12(e).	Yes	
A26	Staff	Identification of additional lots that meet criteria for reinstatement of opportunity for erection.	Dwelling Houses on Rural Land		Exhibition process sought landholders who may have been impacted by BLEP 87 amendment no.110. DLEP includes a mechanism for reinstatement of the opportunity for erection of a dwelling house where this was inadvertently lost via the amendment subject to criteria (DLEP utilised Schedule 1 - now recommended that this matter be addressed by a map).	Amend DLEP to include additional lots identified during exhibition that are eligible based on applicable criteria.	Yes	
A27	Staff	Objectives for the clause.	Dwelling Houses on Rural Land		The exhibited draft clause does not include objectives (the draft clause is based on a DP&I model that did not have objectives). Objectives are considered important for consistency with other provisions, and to identify the intent of the provision.	Amend DLEP to include objectives being to limit the opportunity for dwelling houses on rural land and enable replacement of lawfully erected dwellings on rural land.	Yes	
A28	Staff	Mapping of land subject to reinstatement of dwelling house opportunity.	Dwelling Houses on Rural Land		DP&I suggested that items within Schedule 1 that can be incorporated into the body of the LEP should be removed from the schedule. This can be achieved for dwelling house opportunities on rural land via a map and associated reference under Clause 4.1A.	Amend DLEP to include a Reinstated Dwelling Opportunities Map and associated reference within Clause 4.1A. Remove reference to items mapped under this approach from Schedule 1.	Yes	
A29	Staff	Application of 'vacant land' test to rural dwelling considerations where opportunity for erection of a dwelling is provided.	Dwelling Houses on Rural Land		The vacant land test is important to ensure that each property receives only 1 opportunity for the erection of a dwelling (i.e. prevents land holders seeking more than one detached dwelling on rural land unless the criteria for dual occupancy or rural worker's dwellings can be met). Once a dwelling is erected, the entitlement has been used.	Amend DLEP to specifically state land in relation to rural dwellings is to be vacant with an allowance where two dwellings are permitted on aggregates of lots. Note: this relates to several land parcels identified in the additional permitted uses list under Schedule 1.	Yes	

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No Change Recommended

x54	15, 81	Objection to phasing out of 'existing holdings'	Dwelling Houses on Rural Land		Existing holdings represent a small number of opportunities for the erection of a dwelling house on rural land. They relate to a very narrow definition whereby the land must be in the same ownership and have the same boundaries today as in 1969 (Ballina Municipality) or 1970 (Tintenbar Shire).	No change. Existing holdings are a specific type of dwelling entitlement. Those with such entitlements have had 40+ years to exercise them and they will not pass on with the land if the owner sells or dies. Opportunity provided for approval of dwelling to be sought within 18 months of plan implementation and then up to 5 years to commence construction. It is considered beneficial for land owners to seek consent for a dwelling under the entitlement in the near term given that the entitlement cannot be passed on to family members who were not the landowners in the late 1960s.	No	
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Environment

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions	
Recommended Amendments to Draft LEP 2010								
A30	74	Objection to application of E2 zone over land within Angels Beach Estate. Land should be zoned to match approved subdivision layout.	Environment	Property Specific Request	Cadastral information for new lots became available after certification of the DLEP for exhibition. Council has also become aware of an historic LEP mapping inconsistency in relation to the 7(d) zoning over the eastern portion of the land.	Amend DLEP to match approved subdivision layout in terms of zoning and associated lot sizes. E2 zone to be applied along north eastern boundary to encompass vegetation. Adjust E3 zone to match gazetted zone boundary under BLEP 1987.	Yes	
A31	120	SEPP 26 rainforest does not correlate with E2 within/ adjacent to Lennox Palms estate.	Environment			Amend DLEP to better match boundaries of SEPP 26 and significant vegetation. Adjust lot size provisions to match.	Yes	
A32	122	Riparian areas at Lake Ainsworth should be zoned E2 and Schedule 1 amended to remove permissibility of market at Lake Ainsworth.	Environment			Amend DLEP to remove market permissibility from Schedule 1 (however, use is permitted as a temporary use of land with consent by Clause 2.6B). No change to E zoning at Lake Ainsworth. Riparian areas zoned E2.	Yes	
A33	126	E2 zone could be extended at 133 Gahans Road Meerschaum Vale.	Environment	Property Specific Request		Amend DLEP to zone sclerophyll forest on property E2 and adjust lines to match cadastre in specific locations (minor adjustment).	Yes	
A34	170	Objection to application of E3 zone over land.	Environment		Relates to Lot 1 DP 832111 and Lot 4 DP 804021 Gap Road Alstonville. E3 zone applied on the basis of scenic value on Plateau escarpment.	Amend DLEP to adjust E3 zone lines in locality. Adjustment results in removal of two small areas from E3 zone and placement in RU1 zone.	Yes	
A35	16, 22, 26, 29, 37, 47, 53, 55, 56, 58, 64, 79, 85, 96, 97, 109, 120, 122, 125, 126, 142, 154	Objection to land uses permitted in E2 zone and/or suitability of the zone.	Environment		Concern that too many uses are permitted with consent in the zone. Petition containing 2268 signatures in support of higher order zoning for coastline submitted.	Amend DLEP to reduce range of land uses permitted in the E2 zone. Tighten spatial application of E2 zone to reflect change in philosophy. Land uses recommended for inclusion as permissible in the zone are as follows: Bed and breakfast accommodation; Dual occupancy [attached]; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture (not including dairies); Home based child care; Home occupations; Information and education facilities; Research stations; Roads; Signage.	Yes	
A36	29, 122, 126, 145, 146	Objection to land uses permitted in E3 zone and/or suitability of the zone.	Environment		Concern that too many uses are permitted with consent in the zone.	Amend DLEP to reduce range of land uses permitted in the E3 zone. The following uses to become prohibited in the zone: aquaculture, caravan parks (but not camping grounds), sewerage systems, airstrips, educational establishments, charter & tourism boating facilities, moorings.	Yes	
A37	6, 23, 34, 40, 48, 51, 69, 82, 95, 102, 110, 119, 130, 144, 150	Objection to application of E2 zone on land.	Environment	Property Specific Request	Objections to application of E2 zone on land related to several properties. Each has been assessed individually.	Amend DLEP as follows: realign E2 zone boundary at Coolgardie to provide minor increase to existing RU2 zoned area (Jukes property), amend E2 zone on Goat Island to apply RU2 zone to open grassland area (Couch property), adjust zone boundaries at Skennars Head to reflect SEPP 26 and other significant vegetation (expansion of E2 zone) and reduce E2 zone north of Fig Tree Hill to better align with vegetation line (Woodhead property). Note also correction to E2 zone applied in error to scenic areas.	Yes	
A38	85, 109, 120, 122	Shaws Bay escarpment area should have a higher order environmental protection zoning than E3.	Environment		Escarpment area contains significant vegetation/habitat.	Amend DLEP to apply E2 zone to vegetated areas of Shaws Bay escarpment where vegetation is of conservation value. Minor adjustment to zone boundaries.	Yes	
A39	87, 109, 122	Lake Chickiba should be zoned E2 rather than E3.	Environment		Lake Chickiba is an important migratory bird habitat.	Amend DLEP to apply E2 zone to Lake Chickiba precinct.	Yes	
A40	78, Staff	Seeking alteration of E2 zone boundaries applicable to 32 Justelius Road Meerschaum Vale to match property boundaries and land use.	Environment	Property Specific Request	Relates to the relationship between the cadastre and aerial photography for the locality. The cadastre and aerial photography do not align precisely and as a result there is a level of inaccuracy in the application of zone lines.	Amend DLEP to maximise clearance around dwellings adjacent to the E2 zone in the locality and more specifically reflect the vegetation pattern along the western boundary to minimise influence of E2 zone on dwellings and maximise vegetation contained within the E2 zone having regard for the cadastral issues identified.	Yes	Establish internal procedure for the notification of cadastral adjustments for review with respect to LEP data and s149 planning certificates.
A41	Staff	Review zone structure around Fishery Creek at West Ballina	Environment			Amend DLEP to adjust E zone structure to better match vegetation values.	Yes	

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A42	Staff	Clarity of application of clause 7.8 Natural Areas and Habitat.	Environment		Wording could be modified to clarify the extent of the clause application in relation to identified issues.	Amend DLEP to change text in subclause (a) to "surface water and ground water quality and quantity" and merge subclause (d) into (c) using word 'habitat' - removes reference to the land and makes consistent with other subclause text. Amend clause to require Council's satisfaction rather than consideration in relation to the heads of consideration.	Yes	Support Clause 7.8 via DCP provisions.
A43	Staff	Review zoning of riparian land along North Creek.	Environment		North Creek Canal does not have a logical cadastral boundary for the majority of its length. Adjoining land has riparian qualities.	Amend DLEP to establish E and RE zones along North Creek canal within the public land area adjacent to the creek. Extend E zoning west to encompass vegetation within Ballina STP area in association with SP2 zone. Match lot size provisions to the zones.	Yes	
A44	Staff	Review options for strengthening of E zones	Environment			Amend DLEP to reduce range of permitted land uses in E2 and E3 zones, tighten E2 zone boundary lines, strengthen clause 7.8 and incorporate provisions into DCP structure.	Yes	Support environment provisions in LEP via DCP provisions.
A45	Staff	Review E2 areas identified as having possible agricultural uses.	Environment		DP&I identified several locations mapped as E2 land as having predominately agricultural qualities. 3 of these areas were identified as E2 zones in error. The correct zone application should have been E3. Review also undertaken having regard for recommended reduction in permissible land uses within the E2 zone.	Amend DLEP to remove areas of primarily agricultural or scenic value from E2 zone. Apply E3 or RU zones as appropriate. Retain significant vegetation in E2 zone.	Yes	
A46	Staff	Review zone boundaries in central Coolgardie locality.	Environment		On review of the landscape it appears that some vegetation of high quality is not zoned for environmental protection, whilst a small area of land that is primarily rural is zoned E2.	Amend DLEP to zone significant vegetation E2 and adjust boundaries along Coolgardie Road to remove rural land (subject to criteria) from E2 zone.	Yes	

No Change Recommended

x54	104	Support for E2 zone over Flat Rock Tent Park area and surrounding land.	Environment			No change. Retain E2 zone over Flat Rock locality.	No	
x55	109	Support for E2 zone over coastline, significant wetland and heathland, Lennox Headland and the Flat Rock locality.	Environment			No change.	No	
x56	109	LEP or DCP should include provisions to enable merit assessment of vegetation of farmland to protect vegetation without impeding farming activity on remainder of the land.	Environment			No change. Vegetation management regime is established under the standard instrument. Council is unable to change this approach.	No	
x57	119	Land to the south of Lot 9 DP 719601 should be contained in E2 zone rather than E3 and RE1.	Environment			No change. Vegetation consists of small areas within public open space network.	No	
x58	122	No uses should be permitted without consent in W1, W2, E2, E3, RU1 and RU2 zones. All forms of agriculture should require consent.	Environment			No change to range of uses permitted without consent in rural zones. See adjustments to E and W zone structure.	No	
x59	122	Endangered ecological communities should be zoned E2.	Environment			No change. Await completion of comprehensive vegetation mapping program for the shire prior to further broad scale environmental protection zoning (aside from address of site specific issues, edge rounding and fine tuning).	No	
x60	122	Concern regarding suitability of Schedule 1 clauses 4 and 5 (reference should be to clause 6).	Environment		Clauses 4 and 6 in Schedule 1 enable development on certain land at Skennars Head and Lennox Head under specific circumstances. These circumstances reflect specific studies undertaken in relation to the land.	No change. Both schedule provisions action outcomes derived from detailed environmental studies of the land.	No	
x61	122	New coastal zone should be applied to specifically address coastal hazards.	Environment			No change. Council has sought inclusion of additional environmental protection zones in Standard LEP instrument. Council is required to work with the set zone palette and no E additions have been made.	No	

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x62	122	Opposition to removal of Duck Creek catchment area from environmental protection zoning.	Environment		Duck Creek/ Gum Creek catchment proposed for removal from catchment zoning on basis that Council's Civil Services Group as the appropriate water authority has advised the catchment is no longer required for drinking water purposes.	No change. Duck Creek/ Gum Creek catchment no longer required as a potable water source. Water catchment areas applied on basis of potable water supplies. Areas of ecological or scenic value in the catchment zoned environmental protection where zoning criteria met.	No	
x63	122	E4 zone may be more suited to E2 zoned land in Wardell village.	Environment		Land located in the Wardell urban area that was previously considered suitable for residential uses is now identified for environmental protection zoning on the basis of the vegetation now present on the site.	No change. Land in Wardell village zoned based on ecological values.	No	
x64	122	Strategic Urban Growth Areas should include environmental protection areas and do not retain protection afforded by BLEP 87 clause 23.	Environment		Concern that SGAs do not provide adequate recognition or protection for important vegetation.	No change. LEP amendments underway to be completed and zones applied to SGAs on this basis (i.e. LEP amendment process to determine zoning regime). Vegetation management regime set by standard LEP instrument. Note: Areas where LEP amendment process has ceased are subject to review elsewhere in this table).	No	
x65	122	Spoonbill Reserve at Skennars Head should be zoned E2.	Environment			No change. Planned for use in open space network linking into possible subdivision of land to the south. RE1 zone does not preclude environmental works.	No	
x66	122	Recreation areas/ sporting fields should not be permitted in areas of environmental value.	Environment		Specifically refers to E3 zone.	No change. The E3 zone incorporates a wide variety of land characteristics including areas of rural land, some of which may be suitable for recreation areas (e.g. recreation may be a better environmental outcome than some forms of agriculture in water catchment areas).	No	
x67	122	LEP should address acid sulfate drains, siltation, STP discharge, other human pollutants entering waterways and health of the Richmond River.	Environment			No change. These matters are addressed by a combination of DLEP provisions and DCP controls for development that requires consent. Richmond River subject to RREMP.	No	
x68	122	Urban buffers may be better suited to an E4 or rural zone.	Environment			No change. E4 zone objectives indicate that this zone relates to residential uses in environmental areas. This zone is not suitable for use as a buffer type zone.	No	
x69	125	E3 zone should include an objective to encourage retention of habitats and corridors.	Environment			No change. Objectives include terms protect, manage, restore and enhance environmental values which include wildlife corridors.	No	
x70	125	LEP should include a stronger provision for protection of koala habitat.	Environment			No change. SEPP 44 applies, areas of key habitat incorporated within E zoning and clause 7.8 enables consideration of koala habitat issues.	No	Undertake koala habitat mapping project.
x71	144	Objection to zoning being based on NPWS wildlife corridor and habitat mapping.	Environment			No change. E zone mapping has regard for various datasets including corridor mapping but is not specifically based on it.	No	
x72	148	Coastal views from Lennox Head to Shaws Bay should be protected by zoning.	Environment			No change. Coastline is zoned environmental protection for scenic and ecological values as well as coastal values.	No	
x73	163	E2 zone application criteria is not well documented and should be justified.	Environment			No change. E zone criteria documented in rationale and methodology report.	No	
x74	109, 122	Areas of coastal cypress at East Ballina should be zoned E2.	Environment		There are a number of small pockets of coastal cypress throughout the East Ballina urban area.	No change. Small pockets of coastal cypress (where they do not meet the E2 zone criteria) can be added to significant vegetation register in Vegetation DCP. This will afford specific protection from clearing without approval. E zoning means Council cannot regulate the removal of this vegetation under current framework.	No	Investigate coastal cypress stands in East Ballina in relation to their inclusion in vegetation DCP SVR.
x75	120, 122	Support for clause 7.8 natural areas and habitat. Clause should be applied to all zones with support of vegetation mapping.	Environment		Clause 7.8 applies to land within or adjoining land zoned E1, E2, E3, W1 or W2.	No change. Clause 7.8 designed to focus on core environmental protection areas. NV Act regulates vegetation removal. DA process is able to address environmental concerns where appropriate for other areas.	No	
x76	120, 126	W1 zone objective relating to plans of management should be deleted.	Environment		Concern that reference to plan of management may enable inappropriate land uses.	No change. Enables consideration of RREMP and other more detailed planning documents for waterway areas. Principle is consistent with Division 12 of the ISEPP. Reference to POM in objective does not override land uses that are permitted/ prohibited in the land use table (i.e. objective cannot enable development that is prohibited under the LEP).	No	

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x77	122, 142	Riparian zones not adequately identified or protected.	Environment		Draft LEP does not specifically identify or zone riparian areas. Zoning along waterways predominately determined on basis of vegetation present.	No change. Defined mapping project for riparian land be undertaken with possible introduction of riparian model clause or direct linking to Clause 7.8. Clause 7.8 allows for consideration of riparian based issues on land to which the clause applies.	No	Undertake riparian zone mapping project.
x78	125, 126	Maps showing fauna records should be available to support the LEP.	Environment			No change. This data is primarily held by DECCW. Council has considered fauna habitat and threatened species records in zoning land.	No	
x79	125, 126	Application of tree preservation provisions to rural areas.	Environment		The Standard Instrument establishes the framework for regulation of tree removal in rural areas.	No change. Vegetation management regime set by the State via Clause 5.9 and NV Act.	No	
x80	125, 126	Revegetation or protection of existing vegetation should be encouraged.	Environment			No change. Clause 7.8 requires consideration of environmental outcomes. Zone objectives encourage improvements and DCP Ch 18 requires a net environmental benefit. Vegetation management regime set by the State and NV Act.	No	
x81	162, 109	Urban breaks between Skennars Head and East Ballina should be zoned environmental protection.	Environment		Urban breaks may include corridor linkages. Suggestion that these should be zoned to improve habitat connectivity. Would also provide certainty regarding the break between urban areas.	No change. Stewart farm area is subject to a site specific LEP amendment. Amendment to run its course before new land use zones applied. Urban break is under consideration in this process. Urban breaks can be identified in LGMS. Corridor mapping exercise to inform DCP provisions to be undertaken.	No	Undertake corridor mapping project.
x82	87, 109, 122	Various Crown and coastal land should be zoned E1.	Environment		Some submissions include specific reference to the Flat Rock rock platform. Petition containing 2268 signatures in support of higher order zoning for coastline submitted.	No change. E1 zone cannot be applied to land that is not in the National Park estate.	No	
x83	97, 122, 125, 126, 142, 148,	LEP should identify wildlife corridors.	Environment			No change. Zoning options for wildlife corridors are limited. Provisions could be included in Combined DCP to specifically address corridor issues based on mapping exercise in association with koala habitat and riparian areas. Clause 7.8 enables address of corridors in assessment of applications.	No	Undertake corridor mapping project.

Existing Use Rights

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions	
Recommended Amendments to Draft LEP 2010								
A47	Staff	Extent of existing use right implications at Ballina Byron Gateway Airport (private uses).	Existing use rights		Relates to existing commercial operations being undertaken within the airport area.	Amend DLEP to apply SP2 zone to airport and STPs based on operational areas. Amend building height to 10m for airport to match surrounding industrial zone (also consistent with OLS for areas around the runway). No change to minimum lot size provision.	Yes	
A48	Staff	Creation of existing use rights in relation to commercial development at Newrybar.	Existing use rights		Concern that creation of existing use rights due to prohibition of commercial uses at Newrybar may enable conversion of shops to other forms of commercial activity not planned for in the locality.	Amend DLEP to permit existing uses associated with Harvest Café, Newrybar general store, antique shop and rural supplies to remove existing use right entitlement, retain commercial uses in the village and minimise potential for unintended land uses.	Yes	
A49	Staff	Inclusion of Sport and Recreation Camp and Camp Drewe on Schedule 1.	Existing Use Rights		Land is zoned E2 Environmental Conservation - these uses are prohibited in the zone. Given the nature of the facilities and their existing operation, it may be appropriate to acknowledge their presence in Schedule 1.	Amend DLEP to permit existing uses associated with Lake Ainsworth Sport and Recreation and Camp Drewe.	Yes	
A50	Staff	Creation of existing use rights for Super Amart building.	Existing use rights		Specific scheduling of the site to remove creation of existing use right may not be warranted. Non listing in schedule encourages (but does not require) return of land to residential uses in the long term.	Amend DLEP to remove site from schedule 1. Existing use rights would likely apply but very limited scope for use. Confirms land as commercial use in a residential area rather than providing for a commercial development area.	Yes	

Flooding

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A51	Staff	Implication for building height associated with minimum fill given distinction between greenfield and existing urban areas.	Flooding		Different flood planning levels for existing vs greenfield sites complicates the interpretation of building height provisions.	Amend DLEP to change minimum fill level map title to Building Height Allowance Map. No change in relation to application of provision. Additional fill level to be absorbed in building height standard until Council confirms its overall policy.	Yes	
A52	Staff	Application of flood planning clause to land.	Flooding		Model clauses relating to flooding prepared by DP&I have changed a number of times in relation to the land to which flood clauses should apply. Council should seek to match the application of the clause to the models for consistency.	Amend DLEP to match DP&I model clause in relation to where the clause applies. Apply model flooding clause if Council's floodplain management plan is not sufficiently advanced to provide necessary direction for final alternate provision.	Yes	Confirm willingness to adopt DP&I model clause in absence of a Council endorsed Floodplain Management Plan.

No Change Recommended

x84	5	Limitation to filling on the floodplain and impacts of fill.	Flooding		Concern over development on the floodplain.	No change as the DLEP clause 7.6 requires potential development to address flooding impacts.	No	
x85	122	Flood planning provisions should be extended to the Alstonville Plateau.	Flooding			No change. Flood planning provisions developed based on Council's floodplain management planning. Localised flooding off the floodplain can be considered under other elements of the LEP and EP&A Act.	No	
x86	122	Flood planning and minimum fill provisions are inappropriate.	Flooding			No change. LEP implements Council's adopted floodplain management planning and policy. Height allowance provided so that skyline is consistent. Recognition that existing urban areas require filling due to increased flood heights.	No	
x87	122	Development requiring fill of over 2m should be prohibited.	Flooding			No change. This is not the position of Council's detailed floodplain management planning. LEP is responsive to the outcomes of this process.	No	

Growth Management

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A53	Staff	Suitability of strategic urban growth area application to Holy Family School.	Growth Management		Land contains Holy Family School and as such is no longer an investigation site.	Amend DLEP to remove area from SGA Map. Amend zone maps to apply R2 zone to school area.	Yes	
A54	Staff	Potential urban development footprint on land off Blue Seas Parade at Lennox Head	Growth Management		Council considered the potential urban development footprint on Lot 2 DP 587685 off Blue Seas Parade (former Newton property) at its March 2011 Ordinary Meeting. Council resolved to reduce the footprint identified as having urban development potential for investigation.	Amend DLEP to reduce RU1 zone and expand E3 zone to match Council's March 2011 resolution in relation to the footprint for potential urban development on Lot 2 DP 587685.	Yes	
A55	Staff	Review land use zone applicable to Burns Point Ferry Road land.	Growth Management		Council has received advice from DP&I that this site may not proceed further via a planning proposal. As such, it is not currently subject to a stand alone LEP amendment and an appropriate zone reflecting the characteristics of the land should be applied (note: sites undergoing specific studies via a stand alone LEP amendment have been zoned rural).	Amend DLEP. Apply E2 zone to entire area of Lot 4 DP 537419 and adjoining road reserve to the south, west and south east based on ecological values of the land. Apply R2 zone to ferry launch area consistent with road zoning and W1 zone to areas in the waterway (as defined by cadastral boundary) where RU2 zone is currently applied.	Yes	
A56	Staff	Review land use zone applicable to Barrett land at Lennox Head.	Growth Management		Council has received advice from DP&I that this site may not proceed further via a planning proposal. As such, it is not currently subject to a stand alone LEP amendment and an appropriate zone reflecting the characteristics of the land should be applied (note: sites undergoing specific studies via a stand alone LEP amendment have been zoned rural).	Amend DLEP. Apply E2 zone to areas within Lot 86 DP 755725, Lot 11 DP 1107659, Lot 103 DP 755684, Lot 8 DP 772192 and adjacent road reserve areas based on ecological values of the land.	Yes	

No Change Recommended

x88	45	Request for land on North Creek Road at Lennox Head to be zoned R3.	Growth Management	Property Specific Request	Detailed submission lodged. Land is near Pacific Pines and is identified as a potential urban area under Council's planning framework.	No change. Landowners to be invited to progress through planning proposal process.	No	Invite landowners to progress matter via planning proposal
x89	58	Difficult to interpret the Strategic Urban Growth Area map for Lennox Head.	Growth Management			No change. Mapping clearly indicates SGAs and buffers around them. Clause relates to map - applicability of mapping is clear.	No	
x90	64	The LEP has not sufficiently taken projected population, including its sustainability, into account.	Growth Management			No change. Key policy document in relation to growth is LGMS. LEP to be responsive to LGMS when complete.	No	
x91	88	Request for land in Stoneyhurst Drive Lennox Head to be zoned R2.	Growth Management	Property Specific Request	Detailed submission lodged. Land is near Lennox Meadows and is identified as a potential urban area under Council's planning framework.	No change. Landowners to be invited to progress through planning proposal process.	No	Invite landowners to progress matter via planning proposal
x92	99	Strategic urban growth area provisions should include 1(d) zone objectives to address development potential of land at West Ballina.	Growth Management			No change. Future potential for urban development on the land is addressed via Strategic Urban Growth Area provision. Council is not able to utilise a zone for the purpose of a 1d zone outcome and the RU2 zone applies more broadly than potential urban release areas. The LGMS will further address the urban potential of the land.	No	
x93	106	Suitability of planned industrial zone for land off Cooper Close at Lennox Head. Preference for residential development.	Growth Management			No change. DLEP does not provide for an urban zoning of this land. Urban uses subject to separate LEP amendment process.	No	

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x94	122	Support for no further expansion of rural centres or urban expansion on the Plateau.	Growth Management			No change. DLEP based on Council's planning policy for the Plateau being maintenance of Alstonville footprint and expansion at Wollongbar via WUEA.	No	
x95	122	Objection to R3 zone over currently village zoned area in Lennox Head and greenfield sites such as Pacific Pines.	Growth Management			No change. R3 zone seeks to reflect existing land use opportunities in residential areas and opportunity for broad range of land uses in Pacific Pines to maximise efficient use of this land.	No	
x96	162	Development potential of Ballina Island with respect to sea level rise.	Growth Management			No change. Development potential for Ballina Island to be reviewed with regard for climate change implications. Interim approach is to maintain existing planning framework as closely as possible through new LEP.	No	Review development potential of Ballina Island following completion of Council's Climate Action Plan.
x97	42	Seeking inclusion of land along North Creek Road at Skennars Head in Local Growth Management Strategy as a potential urban growth area.	Growth Management	Property Specific Request	Land is located south of Skennars Head Road.	No change. Land to be considered in LGMS. Landowners to be invited to address urban potential through planning proposal process.	No	Invite landowners to progress matter via a planning proposal.
x98	115	Inclusion of land in Glen Ross Drive in Council's Growth Management Strategy.	Growth Management	Property Specific Request		No change. Land to be considered in LGMS.	No	
x99	133	Lot 2 DP 881811 and Lot 2 DP 749736 Pearces Creek Road Alstonville suitable for identification as potential urban release areas.	Growth Management	Property Specific Request	Land adjacent to Adventist aged care facility.	No change. No further expansion to footprint of Alstonville planned. Expansion of Adventist facility previously considered by Council.	No	
x100	23, 24	Land in the vicinity of Cumbalum Road should be included as a potential urban growth area.	Growth Management	Property Specific Request	Land is located west of the Ballina Heights urban area.	No change. Land is outside planned urban growth areas in local plans and FNCRS.	No	
x101	145, 146, Staff	Extension of urban buffer around Alstonville and Wollongbar	Growth Management		Concern about potential for seniors housing on rural zoned land adjacent to the villages and opportunity to complete the buffer to reflect Council planning policy for the Plateau in the long term.	No change to DLEP. Undertake separate project to apply E3 zone to rural land adjacent to Alstonville and Wollongbar to fully encircle the villages in an urban buffer.	No	Prepare a Planning Proposal to apply buffer via E3 zone around full extent of Alstonville and Wollongbar.
x102	AR1	Request for application of residential zone to Lots 2-5 DP 759050 in Fitzroy Street Wardell.	Growth Management	Property Specific Request	This item was subject to an amendment request post plan certification for exhibition but pre commencement of the exhibition. Given this, item considered as a submission to the Draft LEP.	No change. Land to be considered in LGMS. Landowner to be invited to progress matter via planning proposal.	No	Invite landowners to progress matter via planning proposal
x103	AR2	Request for application of residential zone to Lot 1 DP 759050 in Carlisle Street Wardell.	Growth Management	Property Specific Request	This item was subject to an amendment request post plan certification for exhibition but pre commencement of the exhibition. Given this, item considered as a submission to the Draft LEP.	No change. Land to be considered in LGMS. Landowner to be invited to progress matter via planning proposal.	No	Invite landowners to progress matter via planning proposal

Heritage

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A57	44	Listing of Fontainea Oraria on the heritage schedule.	Heritage		Heritage schedule lists only one type of vegetation.	Amend DLEP to remove vegetation from heritage schedule. Vegetation is protected via other mechanisms and listing of some items (unless specifically of heritage value) is inconsistent.	Yes	
A58	21, Staff	Lennox Head war honour roll should be listed as a heritage item in the LEP.	Heritage			Amend DLEP to include item in Schedule 5 as a local heritage item.	Yes	
A59	Staff	Address of Aboriginal Heritage in relation to earthworks provisions.	Heritage		DP&I suggestion that Aboriginal Heritage should be a matter for consideration under Council's earthworks provision.	Amend DLEP to include subclause requiring consideration of Aboriginal heritage in relation to earthworks.	Yes	
A60	Staff	Location of memorial tree plantings in Crane Street.	Heritage		Location of tree plantings incorrectly identified in heritage schedule.	Amend LEP to show plantings between Martin and Moon streets.	Yes	
A61	Staff	Identification of Ballina WW1 Honour Roll as a moveable heritage item	Heritage		Honour roll is not identified as a moveable item.	Amend schedule to list item as 'moveable' and identify location where roll is housed consistent with other similar items referenced.	Yes	
A62	Staff	Spelling of Bulwinkel.	Heritage		DLEP uses spelling - Bulwinkle which is incorrect.	Amend schedule to include name 'Bulwinkel'.	Yes	

No Change Recommended

x104	58	Heritage maps should be more precise in identifying the location of items.	Heritage		The mapping identifies land parcels rather than specific sites. This is in accordance with DP&I drafting instructions.	No change. Mapping prepared in accordance with drafting instructions. Listed sites are identified.	No	
x105	70	Uniting Church Alstonville should be listed as a heritage item in the LEP.	Heritage			No change. Clarification of owners position required.	No	Seek clarification from landowners in relation to position on heritage listing.
x106	70	Former St Joseph's School Convent Alstonville should be listed as a heritage item in the LEP.	Heritage			No change. Clarification of owners position required.	No	Seek clarification from landowners in relation to position on heritage listing.
x107	70	Former Bank of NSW Alstonville should be listed as a heritage item in the LEP.	Heritage			No change. Consistent with Council resolution RE: implementation of SWCBHS.	No	
x108	70	Maternity Hospital Alstonville should be listed as a heritage item in the LEP.	Heritage			No change. Consistent with Council resolution RE: implementation of SWCBHS.	No	
x109	70	Former Fire Brigade Shed Alstonville should be listed as a heritage item in the LEP.	Heritage			No change. Consistent with Council resolution RE: implementation of SWCBHS.	No	
x110	70	Lao Thai Restaurant Alstonville should be listed as a heritage item in the LEP.	Heritage			No change. Consistent with Council resolution RE: implementation of SWCBHS.	No	
x111	70	Former School House Tuckombil should be listed as a heritage item in the LEP.	Heritage			No change. Consistent with Council resolution RE: implementation of SWCBHS.	No	
x112	70	Dry Stone Walls Fredericks Lane Tuckombil should be listed as a heritage item in the LEP.	Heritage			No change. Further information required.	No	Undertake further research into potential heritage item.
x113	122	LEP has poor recognition of Aboriginal Heritage.	Heritage		DLEP did not include items of Aboriginal Heritage in mapping due to sensitivity in relation to the locating of such items and the ongoing preparation of Council's Cultural Heritage Study.	No change. Cultural Heritage Study underway. Outcomes to be considered in relation to the LEP when available. Earthworks clause to be modified to incorporate consideration of Aboriginal heritage.	No	
x114	122	Entire Plateau village centre area should be included in heritage schedule.	Heritage			No change. DLEP adopts outcomes of Council's SWCBHS in line with Council's associated resolution.	No	Review heritage planning provisions for Alstonville village centre as part of DCP renewal program.
x115	135	Aboriginal Heritage	Heritage		Submission makes general comments about Aboriginal Heritage. The submission content is not focussed on the LEP.	No change.	No	

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x116	154	Aboriginal Heritage issues should be confirmed before completion of LEP.	Heritage			No change. Outcomes of Cultural Heritage Study can be considered in context of LEP once study is completed. Aboriginal heritage is subject to the provisions of the NPWS Act.	No	
x117	163	Application of heritage incentive provisions.	Heritage		Submission seeks clarification regarding the use of these provisions to guide appropriate development outcomes.	No change. Heritage provisions in LEP are mandatory and text is fixed. Heritage provisions amended as part of February 2011 SI amendment.	No	
x118	21, 154	Holy Family Church should be listed as a heritage item in the LEP.	Heritage			No change. Consistent with Council resolution RE: implementation of SWCBHS.	No	
x119	21, 27, 70	The RAAF memorial at Martins Lane should be listed as a heritage item in the LEP.	Heritage			No change. Further information required.	No	Undertake further research into potential heritage item.
x120	27, 70	Duck Creek Weir and associated rainforest should be listed as a heritage item in the LEP.	Heritage			No change. Clarification of owners position required.	No	Seek clarification from landowners in relation to position on heritage listing.
x121	27, 70	North Creek Moruya Granite Column should be listed as a heritage item in the LEP.	Heritage		Recommended for listing in SWCBHS.	No change. Clarification of owners position required.	No	Seek clarification from landowners in relation to position on heritage listing.
x122	27, 70	Russellton House should be listed as a heritage item in the LEP.	Heritage			No change. Further information required.	No	Undertake further research into potential heritage item.
x123	27, 70	Ballina-Booyong railway remains should be listed as a heritage item in the LEP.	Heritage			No change. Further information required.	No	Undertake further research into potential heritage item.
x124	70, 120, 154,	Listing of additional heritage items.	Heritage		Suggested that Council should list all items of significance identified in the heritage study (or other documents) within the LEP.	No change. Listing of heritage items in Schedule 5 is consistent with Council resolution on implementation of heritage study. Specific items under review in line with submissions.	No	

Locality Specific

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A63	4, 7, 8, 9, 10, 18, 43, 49, 59, 60	Objection to limitation on subdivision of land at Summerhill Crescent.	Locality Specific	Summerhill Cres	Suggestion that subdivision of the land should be enabled (e.g. 1200m ² or 600m ² allotments).	Amend DLEP to apply rural zone consistent with other rural residential estates and remove potential for applications for medium density style affordable housing. No change to subdivision provisions. Additional urban allotments are not required in the locality, the allotments provide for housing choice (note no further rural residential subdivision enabled), consistent with approach to subdivision of existing rural residential estates and the sewer upgrade under the backlog program was not designed for a substantial increase in the number of dwellings in the area. Also concern about the distribution of traffic flow from additional dwellings and neighbourhood amenity implications.	Yes	
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No Change Recommended

x125	3	Support for proposed zoning and/or limitation on subdivision of land at Summerhill Crescent.	Locality Specific	Summerhill Cres		No change. Note recommended application of a rural zone to the land - does not alter the limitation on subdivision of the land.	No	
x126	66	Objection to application of RU1 zone to Lot 60 DP1067198 Fig Tree Hill Lennox Head. Land is more suited to an RU2 zone.	Locality Specific	Fig Tree Hill		No change. Zoning applied based on criteria founded in State/ Regional significance and agricultural land classifications.	No	
x127	73	Objection to application of RU1 zone to Lot 20 DP 788872 Fig Tree Hill Lennox Head. Land is suitable for an R2 zone.	Locality Specific	Fig Tree Hill		No change. Fig Tree Hill to be retained as a rural area. Rural zones applied based on criteria using agricultural classification.	No	
x128	11, 12, 13, 14, 30, 31, 50, 107, 108, 113, 114, 116, 117, 122, 123, 124, 127, 128, 129, 132, 137, 138, 140, 149, 152, 159, 164, 166	Support for proposed zoning and/or limitation on subdivision of land at Fig Tree Hill.	Locality Specific	Fig Tree Hill		No change. DLEP drafted on principle of no further rural residential subdivision or residential expansion outside planned areas.	No	
x129	44	Sub-clause 6 of Schedule 1 should be amended to refer only to SEPP 26 rainforest in considering the erection of a dwelling house on the residual land associated with the Amber Drive rezoning.	Locality Specific	Amber Drive		No change. Intent of provision is to protect littoral rainforest whether identified under SEPP 26 or not.	No	
x130	19, 20, 86	Objection to proposed R2 zone and/or development concept for land on Amber Drive.	Locality Specific	Amber Drive		No change. Environmental study for the land concludes that land is suited to proposed rezoning.	No	

Mapping

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
Recommended Amendments to Draft LEP 2010							
A64	Staff	Review labelling of land along foreshore at South Ballina.	Mapping		E2 label not shown along coastline.	Amend DLEP Map LZN-013 to display E2 label on coastal E2 land.	Yes
A65	Staff	Wardell Flood Planning Map - Map 07	Mapping		Map inadvertently omitted from certified and exhibited map set.	Amend DLEP map set to include FPM for Wardell.	Yes
A66	Staff	Review E zone line at Ballina Heights	Mapping			Amend DLEP to adjust E zone line to follow vegetation and adjust RU1/RU2 interface to match criteria.	Yes
A67	Staff	Review zone application along Boundary Creek	Mapping			Amend DLEP to adjust lot size map to 40ha to match rural zone.	Yes
A68	Staff	Review E2 zone on road at Lighthouse Beach	Mapping			Amend DLEP to align E2 zone with edge of road.	Yes
A69	Staff	Review E zone boundary at Palparrara	Mapping		Road reserve heavily vegetated.	Amend DLEP to apply E2 zone to road reserve area.	Yes
A70	Staff	Review E3 zone application adjacent to Stanley Park Drive at Wollongbar.	Mapping		Land parcel has very small area of E3 reflecting existing 7(d) zoning.	Amend DLEP to apply R2 zone to entire land parcel.	Yes
A71	Staff	Review zoning of road adjacent to Lyle Park Wollongbar	Mapping			Amend DLEP to apply R2 zone to road to match surrounding zoning pattern.	Yes
A72	Staff	Review label for Rosewood Place Lennox Head.	Mapping		Incorrect position of label on base map.	Amend DLEP to better position road name to street.	Yes
A73	Staff	Review open space zone over road at Shelly Beach.	Mapping			Amend DLEP to change zone to match adjoining residential zone.	Yes
A74	Staff	Review zoning arrangements in relation to newly approved Ballina Heights layout.	Mapping		New subdivisions of land at Ballina Heights registered post LEP exhibition certification. These areas should be zoned accordingly.	Amend DLEP to match approved subdivision layout for Ballina Heights. Minimum lot size and height maps to be adjusted accordingly.	Yes
A75	Staff	Review commercial zone application adjacent to Ballina library and Tourist Information Centre.	Mapping		Zoning does not match cadastre.	Amend DLEP to match B zone to cadastre.	Yes
A76	Staff	Location of E zone boundary along North Creek Road at Skennars Head.	Mapping		Zone boundary could correlate better with contour of the land to be more meaningful.	Amend DLEP to match E zone boundary to contour and vegetation markers. Better reflection of wetland value.	Yes
A77	Staff	Review zone lines at Scotia Avenue Ballina Heights	Mapping		New subdivision of land.	Amend DLEP to match R3 zone to cadastre.	Yes
A78	Staff	Review zone boundary alignment for 1 Camden Street.	Mapping		Council resolved in May 06 to consider zone boundary alignment for the land on the basis that the zone boundary did not reflect the location of an existing residential dwelling.	Amend DLEP to realign R2 zone boundary to encompass existing dwelling house on the land.	Yes
A79	Staff	Review extra polygon lines on maps between zones.	Mapping			Amend DLEP to remove additional polygon in zone layer at East Ballina (no change to zoning).	Yes
A80	Staff	Review E zone mapping in Bagotville Road area	Mapping			Amend DLEP to remove rural land from E2 zone and incorporate substantial vegetation within the E2 zone.	Yes
A81	Staff	Review land use zone applied to part of Marom Creek north of Rous Mill.	Mapping		Section of creekline is zoned rural but is surrounded by 'E' zones and a W1 zone in the Lismore LGA.	Amend DLEP to apply E2 zone to part of Marom Creek north of Rous Mill commensurate with surrounding 'E' zones.	Yes
A82	Staff	Review zoning of foreshore pathway near Ramada	Mapping			Amend DLEP to zone foreshore pathway RE1. This is a special case given it links the foreshore open space network.	Yes
A83	Staff	Review E1 zone boundary around Ballina Nature Reserve.	Mapping		There is some uncertainty regarding the exact boundaries of the Ballina NR based on data supplied by the State government.	Amend DLEP to match E1 zone boundary to Ballina Nature Reserve based on data supplied by State government agency for National Park estate.	Yes
A84	Staff	Review minimum lot size and cadastre at Anchorage Point	Mapping		Appears that cadastre in this locality has been updated and minimum lot sizes applied incorrectly.	Amend DLEP to: 1. adjust zone boundaries to match new cadastre, 2. change min lot size for D blocks to 800m ² , 3. change land use zone for D blocks to R3 to match DCP, 4. Apply 600m ² lot size to foreshore path area to match R2 zone.	Yes
A85	Staff	Inclusion of a map identifying land associated with additional permitted uses schedule.	Mapping		Schedule identifies various land parcels. Map will assist with their identification, particularly in the future if lot descriptions change.	Amend DLEP to include 'Additional Permitted Uses Map' identifying lands listed in Schedule 1.	Yes
A86	Staff	Review mapping for RU2 slithers	Mapping		Small areas of RU2 zoned land may be suited to application of an RU1 zone to integrate with the surrounding land use zone pattern.	Amend DLEP to remove small areas of RU2 and RU1 zoned land that constitute slithers or small isolated pockets. Apply alternate RU zone for consistency.	Yes

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A87	Staff	Review land use zoning pattern on southern edge of Alstonville in relation to Alstonville bypass alignment.	Mapping		Several parcels of land under Ballina LEP 1987 subject to a 9(a) road zoning where the land has not formed part of the bypass corridor.	Amend DLEP to apply residential zones to portions of land along the bypass alignment where that land is zoned 9(a) under the Ballina LEP 1987 but is not part of the bypass alignment. Adjust 'R' zone over alignment to match alignment and apply RU zone.	Yes	
A88	Staff	Review zone alignment associated with land swap at Ballina TAFE.	Mapping		The subdivision for the land swap has been registered. There is a minor inconsistency with the zone boundaries established under the Draft LEP (pre subdivision).	Amend DLEP to align R2 and RE1 zones to cadastral boundary based on registered subdivision.	Yes	
A89	Staff	Review Strategic Urban Growth Area boundary on land adjacent to Pacific Highway at Wardell.	Mapping		The corner of one lot is not indentified as a strategic urban growth area on the basis of the existing 1(d) zone boundary. However, the entire lot is identified in the Wardell Strategic and Land Use Plan as having urban potential.	Amend DLEP to identify entire area of Lot 16 DP 217966 as a strategic urban growth area on the SGA map.	Yes	
A90	Staff	Review building height mapping for Alstonville village centre.	Mapping		Several parcels of land in the village centre were not given 9m building height standard consistent with the rest of the village centre area.	Amend DLEP to apply 9m building height standard to Crawford House site and Lots 77, 78 and 79 DP 247578 in Robertson Street.	Yes	

Model Clause

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions	
Recommended Amendments to Draft LEP 2010								
A91	Staff	Use of draft model clause erection of dwelling houses in rural and environmental zones (4.2A).	Model Clause		Dwelling entitlement provisions vary between LGAs. Current model provided by DP&I differs from the provision adopted by Council in the Draft LEP.	Amend DLEP to include objectives based on model clause (although not identical). Maintain use of exhibited draft provision as base for final plan.	Yes	
A92	Staff	Use of draft model clause drinking water catchment.	Model Clause			Amend DLEP to include text identifying quantity of water as a matter for consideration and model sub-clause 4 requiring the consent authority to be satisfied that adverse impacts will be avoided.	Yes	
A93	Staff	Use of draft model clause airspace operations (7.4).	Model Clause		Council does not currently have specific planning provisions relating to land uses in the immediate vicinity of the airport.	Amend DLEP to incorporate model provision.	Yes	
A94	Staff	Use of draft model clause development in areas subject to aircraft noise (7.6).	Model Clause		Council currently addresses aircraft noise requirements in the Combined DCP. Other Council's with airports have elevated this matter into their LEPs. Inclusion in the LEP will remove flexibility.	Amend DLEP to incorporate model provision. Include reference to ANEF map.	Yes	
A95	Staff	Use of draft model clause exceptions to minimum lot sizes for certain residential development (4.1C).	Model Clause		Introduction of this provision would facilitate smaller minimum lot sizes for subdivision but require larger lots for more certain types of development such as flat buildings.	Amend DLEP to include model clause, replacing 4.1(3a)(a).	Yes	

Open Space

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A96	122	Recreational land is fragmented and not appropriately classified.	Open Space			Amend DLEP to remove RE1 zone from various land where zone is not optimal e.g. roads.	Yes	
A97	122	Roads are not suitable for RE1 zone.	Open Space			Amend DLEP to remove RE1 zone from various land where zone is not optimal e.g. roads.	Yes	
A98	Staff	Suitability of open space zone relative to ownership and classification.	Open Space			Amend DLEP as follows: L23060_01 Coogee Street to E2, L22015_01 Bridge Club to IN1, L22027_01 Trevally PI to RE1, L22029_01 North Creek Road to RE1, L31056_01 Ridgeview Crs to RE1, L31057_01 Libby Ln to RE1, L24006_01 Higgins PI to RE1, Roads: Holy Family School to R2, East Ballina shops to R2, Shaws Bay to R3, Shelley Beach to R3, Pine Av to R3, Ballina Central to R3, Links Avenue to R2, Ballina HS to R3, Naval Museum to B4, Kingsford Smith to R3, Serpentine to R3, Shaws Bay Hotel to R2, Ballina TAFE to R2 and Ballina RSL Bowls to R2. Amend minimum lot size to match altered zones.	Yes	
A99	Staff	Application of RE1 zone to bicentennial gardens.	Open Space		RE1 zone would reflect current land use. Land is zoned rural in DLEP.	Amend DLEP to change Bicentennial gardens to zone RE1 from RU2 and adjust surrounding zones to match use (E2 and R3 zones).	Yes	

No Change Recommended

x131	17	Support for retention of Kings Park Lennox Head in current form.	Open Space			No change. Kings Park is proposed for an RE1 Public Open Space zone.	No	
x132	79	Boundaries of RE1 zone applying to Lake Ainsworth Caravan Park should be adjusted to match agreed park boundaries.	Open Space		Land use zones for Lake Ainsworth in DLEP applied to reflect caravan park, open space and natural environment characteristics.	No change. Boundaries consistent with intended caravan park use and open space areas identified in LAMP.	No	
x133	122	Application of RE1 zones to residual areas arising from urban development.	Open Space		Suggestion that some residual land may be better suited to an E zone.	No change. Mix of E and RE zones suitable.	No	
x134	122	Objection to some RE1 zone objectives added by Council.	Open Space			No change. Objectives relate to diversity of community use of open space areas and provide a link to the more detailed plan of management process that applies to public open space areas.	No	
x135	143	Wollongbar Urban Expansion Area open space (Council land) should not be reduced.	Open Space			No change. Classification of land subject to a public hearing with recommendation for reclassification to proceed. Zoning maintains open space suitable for netball courts and other open space land planned in locality to meet identified needs.	No	

Primary Production

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A100	15	Objection to flexible zone boundary provision.	Primary Production		Objection is in relation to potential impacts on the sugar cane industry.	Amend DLEP to remove clause 5.3. Note broader consideration about the suitability and need for this clause.	Yes	
A101	101	Specific standards for rural worker's dwellings.	Primary Production		DLEP does not include specific requirements for rural worker's dwellings similar to those contained in the BLEP 87.	Amend DLEP to include provisions to manage rural worker's dwellings that reflect those in the BLEP 87 and DCP Ch 18. Provision to operate in conjunction with DCP provisions.	Yes	
A102	163	Permissibility of rural worker's dwellings in R2 and E2 zones.	Primary Production			Amend DLEP. Prohibit rural worker's dwellings in urban zones (R2, R3 and B4) and in E2 to minimise land uses in high conservation/ environmental value areas.	Yes	
A103	Staff	Permissibility of aquaculture.	Primary Production		SEPP 62 Aquaculture development amended and SI amendment in February 2011 altered aquaculture definition structure.	Amend LEP to match permissibility and prohibitions to SEPP and SI amendments. Amend LEP to prohibit Aquaculture in E3 zone.	Yes	

No Change Recommended

X136	15	Support for RU1 zone and 40ha subdivision standard in relation to cane land.	Primary Production			No change.	No	
X137	15	All cane land should be zoned RU1.	Primary Production			No change. RU zones based on specific criteria regarding agricultural qualities of the land (class and State/ Regional significance) rather than current crop type.	No	
X138	15	Removal of NCREP Clause 12 regarding impact on agricultural land.	Primary Production		Concern regarding removal of this clause in terms of requirement for consideration of agricultural impacts in assessment of applications for development.	No change. Rural zones are closed with a limited range of uses focussed on rural outcomes and unlikely that Council can incorporate a clause to this effect in LEP. DCP Ch 18 requires consideration of land use conflict in relation to rural development.	No	
X139	15	Maintenance of sufficient land in cane production to ensure industry viability.	Primary Production		Concern that LEP does not address this sufficiently.	No change. The LEP has not been designed to cater for one particular agricultural land use. It is focussed on identification and preservation of productive farmland with some diversity in use on land less suited to agriculture.	No	
X140	15	The LEP and DCP should include controls that address buffers and land use conflict.	Primary Production			No change. Land use conflict addressed in Council's DCP Chapter 18 and subdivision provisions address agricultural impact in part. Unlikely DP&I will agree to a cane specific provision.	No	
X141	15	Planning criteria to address implications of development on cane land.	Primary Production		Suggestion that such criteria should be specifically included in the LEP.	No change. Land use conflict addressed in Council's DCP Chapter 18. Unlikely DP&I will agree to a cane specific provision.	No	
X142	80	Consistency of DLEP with SEPP 62 with respect to oyster aquaculture.	Primary Production			No change. Water quality and stormwater matters to be addressed via DA process and through DCP controls. SEPP 62 is centred on development control rather than direction for plan preparation. LEP drafted to match intent of SEPP 62 in relation to permissible aquaculture development. SEPP 62 provisions prevail over LEP clauses where there is an inconsistency e.g. consent requirement for works below mean high water mark. Earthworks clause and natural areas provisions address water quality and sedimentation. Note: Aquaculture definitions subject to change under February 2011 SI amendment.	No	
X143	84	Seeking to ensure that agricultural activities can continue to occur on land at Cumbalum.	Primary Production		Beddoes property.	No change. Various agricultural uses permitted with and without consent in applicable zones (RU2 and E2). If uses prohibited, existing lawful and ongoing activities may continue under continuing use rights provisions.	No	
X144	146	Objection to scope of uses permitted in RU1 zone.	Primary Production			No change. Range of uses consistent with rural land use.	No	
X145	161	771 Bagotville Road should be zoned for agricultural production without restrictions.	Primary Production	Property Specific Request		No change. Land is zoned RU2. Rural Landscape zone supports agricultural activity.	No	

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x146	Staff	Permissibility of roadside stalls in urban zones.	Primary Production		No change. Land use is mandated permissible with consent in zones B3 and B4 zones.	No	
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Residential Development

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A104	35	Land at Summerhill Crescent/ Deadmans Creek Road intersection should be zoned R3.	Residential Development	Property Specific Request	1 Summerhill Crescent. Not related to Summerhill subdivision issue. There are specific historic circumstances associated with this land parcel.	Amend DLEP to apply R3 zone to land parcel.	Yes	
A105	62	Objection to application of RU2 zone to Lot 11 DP 1011575 at West Ballina. Land is suitable for an R3 zone.	Residential Development	Property Specific Request	Adjacent to Riverbend manufactured home site.	Amend DLEP to enable caravan park use on land eastward of the planned western arterial alignment with a 20m offset for a buffer via Schedule 1. Retain rural land use zone. Apply same offset and buffer requirement to allowance for northward expansion contained in Schedule 1 of exhibited Draft LEP. Note recommendation to map land subject to the provisions of Schedule 1.	Yes	
A106	72	Objection to application of RU2 zone to Lot 21 DP 1007134 Condon Hill Lennox Head. Land is suitable for an urban zoning.	Residential Development	Property Specific Request	Condon Hill	Amend DLEP to apply E3 zone to visually sensitive and otherwise constrained areas of the site. Retain balance of land in an RU2 zone and include potential urban areas in Council's LGMS. Apply R2 zone to road corridor.	Yes	
A107	76	Objection to application of RU2 zone to Lot 12 DP 581159 at Lennox Head. Land is suited to a residential zone.	Residential Development	Property Specific Request	Condon Hill	Amend DLEP to apply E3 zone to visually sensitive and otherwise constrained areas of the site. Retain balance of land in an RU2 zone and include potential urban areas in Council's LGMS. Apply R2 zone to road corridor.	Yes	
A108	163	Secondary dwelling provisions are too restrictive and provisions are unclear.	Residential Development			Amend DLEP to increase maximum proportion for a secondary dwelling from 30% to 35%. Note, equivalent percentage under the revised provision which changes the way floor area is calculated (following February 2011 SI amendment) is approximately 50%.	Yes	
A109	163	Lot size standards in urban areas should enable smaller lots.	Residential Development		General comment in support of this approach on basis of improved housing diversity, lifestyle choices and housing affordability.	Amend DLEP to apply smaller minimum lot size to defined areas (as set out in this set of recommendations).	Yes	
A110	Staff	FSR applicable to semi-detached dwellings.	Residential Development		Semi-detached dwellings have a similar built form to dual occupancy. As such, it is suggested that this type of development should be subject to the same FSR requirements as dual occupancy development.	Amend DLEP to apply FSR of 0.5:1 to semi-detached dwellings.	Yes	
A111	Staff	Minimum lot size for land on cnr Rifle Range Road and Ramses Street Wollongbar.	Residential Development		600m ² minimum lot size for subdivision applied.	Amend DLEP to apply 800m ² minimum lot size to match other R3 zoned land in established urban areas.	Yes	

No Change Recommended

X147	28	Medium density approach should be applied to Greenfield Estate and Stonehenge Place area.	Residential Development			No change. LEP drafted based on policy position to maintain existing density arrangements.	No	
X148	52	Land along Bruxner Highway (125 Ballina Road) at Alstonville should be zoned for medium density.	Residential Development	Property Specific Request		No change. LEP drafted based on policy position to maintain existing density arrangements.	No	
X149	65	Objection to application of RU1 zone to Lot 1 DP 781699 (255 North Creek Road) at Lennox Head. Land is suitable for an R2 zone.	Residential Development	Property Specific Request		No change. Land is not contained within the Lennox Head urban area and is not identified as a potential urban release location.	No	
X150	83	R2 zone and/or 2000m ² subdivision standard should be applied to Lot 1 DP 878933 at Lennox Head.	Residential Development	Property Specific Request	Land on Henderson Lane at Lennox Head. Note: This item has been independently reviewed by Darryl Anderson Consulting Pty Ltd.	No change. Part of a potential urban release area subject to further investigation.	No	
X151	83	Mechanism to enable excision of dual occupancy on Lot 1 DP 878933 at Lennox Head.	Residential Development	Property Specific Request	Land on Henderson Lane at Lennox Head. Note: This item has been independently reviewed by Darryl Anderson Consulting Pty Ltd.	No change. Part of a potential urban release area subject to further investigation.	No	

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x152	101	Building height on Ballina Island particularly in R3 zone should be increased to 3 storeys.	Residential Development			No change. Building height and other density related provisions for Ballina Island to be reviewed following completion of climate change investigations. Action likely to be identified in LGMS.	No	Review potential for analysis of building height on Ballina Island.
x153	101, Staff	Suitability of prohibition on moveable dwellings in rural zones.	Residential Development		Submission suggests that moveable dwellings should not be prohibited in RU zones to enable their use as dual occupancy dwellings. Relates to uncertainty about whether moveable dwellings are a land use.	No change. Second dwelling treated as a dual occupancy and is permitted in the zone. Moveable dwellings are not identified as a land use term in LEP following February 2011 SI amendment.	No	
x154	104	R3 zone should be applied to Lot 2 DP 1070446 Henderson Lane Lennox Head rather than an E2 and RU1 zone.	Residential Development	Property Specific Request	Henderson Farm.	No change. Land is subject to separate LEP amendment process.	No	
x155	121	A greater area of Ballina Island should be zoned R3 medium density residential.	Residential Development			No change. Height and density provisions for Ballina Island to be reviewed following completion of climate change investigations.	No	
x156	122	Residential development should be limited along the coastline.	Residential Development			No change. DLEP maintains comparable density outcomes for existing residential areas. Coastline management planning process does not advocate planned retreat or changes to density controls in existing areas adjacent to the foreshore.	No	
x157	122	300m ² lot size for attached or semi detached housing undermines the general 600m ² minimum lot size.	Residential Development			No change. Standard only applies in medium density areas. R3 zone intends a variety of development forms and lots sizes.	No	
x158	122	Dwelling houses do not appear to be a permitted use in the R3 medium density zone.	Residential Development			No change. Use is captured by the 'any other use' provision. Land use tables drafted based on DP&I drafting instructions which enabled only explicit listing of ambiguous uses or exceptions to parent definitions in open part of the land use tables.	No	
x159	160	95 Martin Street is suited to strata subdivision of dwellings.	Residential Development	Property Specific Request		No change. Zoning maintains existing density scenario as closely as possible. Density provisions for Ballina Island to be reviewed following completion of climate change investigations.	No	
x160	163	50m zone boundary variation should be applied between R2 and R3 zones.	Residential Development			No change. R2 and R3 zones excluded from operation of clause to ensure that strata subdivision and medium density outcomes not possible on any low density nominated land. Note: this Cl.5.3 is recommended for removal from the LEP.	No	
x161	163	Query on prohibition of strata subdivision under clause 4.1C.	Residential Development			No change. Strata subdivision prohibited in R2 zone to maintain existing planning controls in low density areas (i.e. no strata subdivision). Also consistent with approach to maintain density arrangements on Ballina Island until climate change investigations undertaken.	No	
x162	163	Secondary dwellings should be permitted in rural zones.	Residential Development			No change. This concept was examined in drafting the LEP but is inconsistent with the NCREP and FNCRS and DP&I provided specific advice in this regard. The DP&I is reviewing this matter in relation to State wide complying development provisions.	No	
x163	163	The LEP is limiting in enabling housing choice and affordability.	Residential Development			No change. Variety of housing types enabled in medium density areas. Existing situation maintained in low density and rural locations.	No	
x164	120,154	Medium density zoning and 3 storey buildings in Lennox Head.	Residential Development		Includes concern/ objection to medium density zone in Lennox Head.	No change. R3 zone reflects existing planning framework and building height is set to match State Government's General Housing Code which permits dwellings 8.5 m in height. DCP provisions to be prepared to manage form.	No	Prepare DCP provisions in relation to residential development.
x165	44, 163	References to residential accommodation in the R2 land use table make it difficult to determine which residential land uses are permitted.	Residential Development		Relates to structure of parent child definitions in Standard LEP Instrument.	No change. Listing is in accordance with DP&I drafting instructions. Definition structure has been improved under February 2011 SI amendment.	No	
x166	41, AR3	Residential zone should be applied to 31 Tara Downs Drive.	Residential Development	Property Specific Request	This item was subject to an amendment request post plan certification for exhibition but pre commencement of the exhibition. Given this, item considered as a submission to the Draft LEP.	No change. Matter requires further consideration of adjoining landholder and potential future development in the Tara Downs locality.	Yes	Engage in further discussions with landholders.

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x167	75, Staff	Application of RU2 zone to Lot 12 DP 1092324 at West Ballina.	Residential Development	Property Specific Request	Relates to Riverbend manufactured home estate. Landholder objection to proposed zone. Landholder suggests R2 zone should be applied to reflect the Riverbend approval.	No change to DLEP. Additional area for manufactured housing consistent with approval enabled via Schedule 1. Note: recommended that areas identified in Schedule 1 are mapped.	No	
x168	44, Staff	Permissibility of dual occupancy in the R2 low density zone.	Residential Development		Submission suggestion that this use is appropriate in the R2 zone.	No change. Dual occupancy a prohibited land use in R2 low density zone. Secondary dwellings are enabled and floor area recommended for increase.	No	

Rural Tourism

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions	
Recommended Amendments to Draft LEP 2010								
A112	57	Macadamia Castle premises should be described as a tourist facility comprising a restaurant, retail premises, animal park and recreation facility (outdoor).	Rural Tourism	Property Specific Request	Relates to description of site in Schedule 1.	Amend DLEP to identify uses as restaurant, shop and recreation facility (outdoor) as this covers the animal park, mini golf, gift shop and food premises. Remove reference to tourist facility as term is not defined.	Yes	
No Change Recommended								
x169	91	Clause 7.9 rural and nature based tourism development should be modified to enable development scale based on duplexes.	Rural Tourism			No change. Scale based on typical residential uses in rural areas which can include dual occupancy (attached).	No	
x170	165	Scope of tourist facilities permissible in rural zones.	Rural Tourism		Issue is the permissibility of tourist facilities that are not accommodation or restaurant related. There does not appear to be a clear definition for these uses.	No change. Council is unable to alter the standard instrument dictionary. Uses may fit under recreation facility (outdoor) or information & education facility. Note - issues regarding tourism definition structure communicated to DP&I for consideration. Matters raised not specifically addressed in February 2011 SI amendment.	No	
x171	46, 54	Support for approach to small scale tourism in rural zones.	Rural Tourism			No change.	No	
x172	171	Request for zoning arrangement that provides greater flexibility for land uses on House With No Steps site on the Alstonville plateau.	Rural Tourism		Facility may seek to undertake additional uses such as administration and commercial enterprises that are not permitted on rural zoned land.	No change. The majority of anticipated land uses are permitted in the RU1 zone. Commercial based activities in relation to permissibility, suitability and LEP to be considered where they are formally proposed.	No	Invite landowners to progress matter via planning proposal.
x173	54, 101	Inclusion of a definition of holiday cabin in the plan.	Rural Tourism		Suggested that holiday cabin should be a specifically defined land use.	No change. Council is unable to add terms to the dictionary without DP&I approval. Advise DP&I of suggestion. DCP Chapter 18 addresses tourist and visitor accommodation uses in further detail. DCP to be updated where necessary to match new LEP upon completion.	No	Advise DP&I of suggestion.

Special Uses

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A113	101	LEP should incorporate special use zones for certain types of land use.	Special Uses			Amend DLEP to apply SP2 zone to airport and STP infrastructure.	Yes	
A114	67, 101	Airport precinct should be zoned Special Uses and no specific height and subdivision standards applied to reflect the airport use.	Special Uses			Amend DLEP to apply SP2 special use zone to airport precinct and increase height standard to 10m. No change to minimum lot size for subdivision.	Yes	

Subdivision

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
Recommended Amendments to Draft LEP 2010							
A115	112	Application of a 450m ² minimum lot size to Ballina Heights area.	Subdivision	Property Specific Request	Seeking smaller minimum lot size to enable smaller Torrens title lots. Minimum lot size is currently 600m ² .	Amend DLEP to apply 450m ² minimum lot size to land within approximately 400m (having regard for topography and foreshadowed land use) of proposed commercial precinct. Residential form to be addressed by DCP including minimum lot configuration requirements for different types of residential development.	Yes Establish DCP based lot configuration and site design requirements for each form of residential development.
A116	44, 90, 163, Staff	Permissibility of Community Title development in the R2 zones.	Subdivision		DLEP prohibits this use in low density and rural zones. Several submissions suggested that this should be changed to permit CT subdivision in the low density zone. Also reviewed in relation to suitability in rural zones.	Amend DLEP to utilise SI optional clause in relation to community title. Clause enables community title subdivision where minimum lot size is met (including in R2 zone). Requires removal of reference to community title from clause 4.1B (note: retain limitation on strata subdivision as exhibited).	Yes
A117	44, Staff	Creation of rural residual lots or split zone lots associated with urban subdivision where minimum lot size standard cannot be met.	Subdivision		Concern that rural residual lots and split zone lots associated with urban subdivision where land is below the minimum lot standard cannot be created under SI.	Amend DLEP. Incorporate provision to enable subdivision of residual lots and split zone lots that do not meet the minimum lot standard where in association with urban development. Provision to include consideration of the following matters: link to planned urban development, suitability of land for an agricultural or environmental purpose and address of land use conflict. DP&I has provided a model clause in relation to this issue but it is not considered adequate to address the relevant range of considerations associated with this issue. DP&I has not been able to provide specific direction supported by clear rationale.	Yes
A118	Staff	Minimum lot size standard for Riverbend village locality.	Subdivision			Amend DLEP to change min Lot size for Emmanuel school and surrounds to 600m ² to match R2 zone. No change to Riverbend to maintain integrity of lot similar to other private MHEs and caravan parks in the shire.	Yes
A119	Staff	Rural subdivision provisions and lot creation with respect to Rural Land SEPP	Subdivision			Amend DLEP to exclude SEPP Cal 9 from operation in relation to DLEP. Rural land SEPP enables creation of a primary production lot same as clause 4.2. Issue is separate to residual lot creation issues.	Yes
A120	Staff	Relationship between clause 4.2 (Rural subdivision) and 5.3 (Development near zone boundaries).	Subdivision		Concern there is an opportunity to misuse the relationship resulting in an unintended outcome.	Amend DLEP to remove clause 5.3 to eliminate potential ambiguity in use of the provision. Provision has limited application.	Yes
A121	Staff	Minimum lot standard for Rainforest Ridge	Subdivision			Amend DLEP to introduce R3 zone to medium density areas (retain 800m ² lot size). Amend DLEP to change R2 area to 600m ² lot size. Amend DLEP to zone vegetation E2 and apply 40ha lot standard.	Yes
A122	Staff	Suitability of boundary adjustment provision.	Subdivision		Concern that DLEP clause 4.1(3a)(b) may be inconsistent with mandatory provisions of the Standard Instrument.	Amend DLEP to delete clause 4.1(3a)(b) relating to boundary adjustments as local provisions cannot be inconsistent with mandatory SI provisions.	Yes
A123	Staff	Application of boundary adjustment clause to urban lots.	Subdivision		Review of suitability of clause application to urban areas.	Amend DLEP to limit application of boundary adjustment provision to rural lots. Urban lots can be addressed via clause 4.6 without limitation on area and undersized lots not as likely to be an issue in urban areas.	Yes

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No Change Recommended

x174	15, 81, 98, 101, 131, 163, Staff	Flexibility in boundary adjustment subdivision provisions.	Subdivision		DLEP based on DP&I drafting instructions does not enable boundary adjustments involving a change in area of more than 10% between lots below the minimum lot standard. Concern that this is not reasonable or practical for rural land holders. Difficulty is that DP&I has advised that a provision allowing boundary adjustment is likely to be inconsistent with SI clause 4.6 and therefore cannot be inserted.	No change. Engage DP&I with respect to commitment to provision to enable more flexibility in the consideration of boundary adjustment subdivision on rural land.	No	Engage further with DP&I with respect to enabling of boundary adjustment subdivision.
x175	32	Continuation of Newton Land LEP amendment via comprehensive LEP renewal process.	Subdivision	Property Specific Request	Newton Land, Blue Seas Parade Lennox Head.	No change. Council resolution (March 2011) to cease consideration of a planning proposal over the land.	No	
x176	33	Rural residential subdivisions should be enabled.	Subdivision			No change. LEP drafted on policy position of no further rural residential subdivision. No strategy in place and no new rationale for change of position.	No	
x177	39	Subdivision of E2 zone land at 575 Bagotville Road should be enabled.	Subdivision	Property Specific Request		No change. LEP drafted on principle of limited subdivision potential in rural areas. No rural residential subdivision enabled.	No	
x178	44	Minimum lot size of 1000m ² is suitable for R2 zone.	Subdivision		Related to Amber Drive rezoning proposal.	No change. Minimum lot standard of 1200m ² is consistent with Amber Drive area.	No	
x179	74	Objection to 600m ² minimum lot size for subdivision over Angels Beach Estate. Subdivision standards should be applied to match approved layout.	Subdivision	Property Specific Request	Cadastral information for new lots became available after certification of the DLEP for exhibition.	No change. 600m ² applied consistency with other new residential areas in the shire. With respect to mews lots, smaller minimum lot size does not alter the subdivision potential of the land.	No	
x180	75	Objection to 40ha minimum lot size for subdivision standard over Lot 12 DP 1092324 at West Ballina.	Subdivision	Property Specific Request	Riverbend manufactured home site.	No change to Riverbend to maintain integrity of lot similar to other private MHEs and caravan parks in the shire. 40ha standard to be applied.	No	
x181	84	Future subdivision of Lot 1 DP 771794 on Deadmans Creek Road at Cumbalum.	Subdivision	Property Specific Request	Beddoes property.	No change. Future urban subdivision potential to be addressed in LGMS.	No	
x182	122	Support for exclusion of rural residential, strata title and community title subdivisions in rural areas.	Subdivision			No change.	No	
x183	122	Allowance for 20ha minimum lot size for subdivision for specific lots in Schedule 1.	Subdivision		Concern regarding appropriateness.	No change. Maintains a small number of existing opportunities for subdivision of rural land. Note: these areas are recommended for integration into the body of the LEP.	No	
x184	134	370 Gap Road Alstonville suitable for urban development.	Subdivision	Property Specific Request		No change. No additional dwellings enabled in DLEP on rural zoned land consistent with existing policy and preservation of agricultural land.	No	
x185	143	Application of a 450m ² minimum lot size to Wollongbar Urban Expansion Area.	Subdivision	Property Specific Request	Seeking smaller minimum lot size to enable smaller Torrens title lots. Minimum lot size is currently 600m ² .	No change. WUEA does not include a commercial hub as a basis for widespread application of smaller lot size provisions (as per Pacific Pines and Ballina Heights). Landowners may seek smaller lot size provisions on specific land subject to site analysis via a Planning Proposal.	No	Invite landowners to progress matter via planning proposal.
x186	157	15-17 Ross Street Lennox Head is suited to a 400m ² minimum lot size rather than 800m ² .	Subdivision	Property Specific Request	Note: this item has been independently reviewed by Darryl Anderson Consulting Pty Ltd.	No change. Density can be achieved via strata subdivided forms of housing. Intent is to limit subdivision of Lennox Head village into small Torrens title lots to maintain existing subdivision pattern.	No	
x187	AR4	Residential zone should be applied to Lot 7 DP 856017 in Teakwood Drive Alstonville to enable small lot rural subdivision.	Subdivision	Property Specific Request	This item was subject to an amendment request post plan certification for exhibition but pre commencement of the exhibition. Given this, item considered as a submission to the Draft LEP.	No change. Existing rural residential subdivisions subject to RU zone and no further subdivision enabled.	No	

Text Edit

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A124	Staff	Typographical errors in relation to W2 zone.	Text edit		Amend DLEP to correct errors.	Yes	
A125	Staff	Numbering error - double a in flooding clause.	Text edit		Amend DLEP to correct numbering.	Yes	
A126	Staff	Typographical error in Clause 7.2 - double iv.	Text edit		Amend DLEP to correct Roman numbering in subclause 3.	Yes	
A127	Staff	Spelling of 'sewerage' in land use tables.	Text edit		Amend DLEP to correct spelling of sewerage to sewage in various locations.	Yes	
A128	Staff	Typographical errors - property descriptions for heritage items.	Text edit		Amend DLEP to change property descriptions as follows: Lumley Park - adjust Lot no. to 333 rather than 332. Rous Public School - adjust Lot and DP to Lot 288 DP 755745. Adjust heritage map accordingly.	Yes	
A129	Staff	B&B Accommodation not listed in E3 land use table as permitted use but is identified as such in the land use matrix.	Text edit		Amend DLEP to include B&B accommodation in land use table in line with matrix as exhibited.	Yes	

Water Catchments

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
Recommended Amendments to Draft LEP 2010							
A130	1	Clause 7.5 objective should include 'quantity' as well as quality of water.	Water Catchments		Amend DLEP to change objective to read 'impact on the public water supply' so that it has a broader application.	Yes	
A131	94, Staff	Application of water catchment based E zone for Emigrant Creek.	Water Catchments	One submission suggested catchment not accurately identified near Newrybar.	Amend DLEP to add areas within Emigrant Creek catchment to E3 zone and better match cadastre. No change to area around Newrybar.	Yes	
No Change Recommended							
x188	1	Bonds should be collected in relation to high intensity agricultural activity.	Water Catchments		No change. Bonds are a matter for other processes such as the development consent or planning proposal processes.	No	
x189	1	Nurseries need to be specifically addressed in the dictionary and subject to regulation with respect to impacts on drinking water, waterways, flora/ fauna and health.	Water Catchments	Based on previous consideration of nursery land uses in water catchment areas and associated Ombudsman's report, limitations on nursery uses in E3 zone are considered warranted. However, wholesale nurseries sit within the definition of horticulture, which also includes traditional farming activities such as macadamia nut production. The difficulty is that any limitations placed on wholesale plant nurseries also affects other forms of horticulture. Multiple options have been canvassed with DP&I to enable separation of general horticulture from wholesale plant nurseries but none has been acceptable to the DP&I.	No change. Council cannot clearly distinguish wholesale nurseries from horticulture under current definition structure. Matter not specifically addressed in February 2011 SI amendment and uncertain whether it will be considered in future revisions to the SI.	No	Raise matter of wholesale plant nurseries with DP&I again.
x190	1	High intensity agricultural activities should be subject to an EIS before approval and advertised to neighbours.	Water Catchments		No change. EIS requirements are not able to be established by the LEP.	No	
x191	122	Water catchment areas not adequately protected due to extensive and intensive plant agriculture being permitted without consent. Alternatively catchments could be zoned E2.	Water Catchments		No change. Catchment areas are working farm environments and these land uses are recognised in the land use table.	No	Examine application of stronger requirements and limitations on land uses in riparian areas around water supply waterways.

Waterways

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A132	122	All waterways should be zoned W1.	Waterways		Suggested zoning approach includes Chickiba Creek, Prospect and Chickiba Lakes, Lake Ainsworth, Upper Emigrant Creek, Duck Creek, Gum Creek, Marom Creek.	Amend DLEP to extend W1 zone upstream to Teven and Tintenbar along Emigrant and Maquires creeks respectively.	Yes	
A133	122, 126	Objection to suitability of W1 zone and scope of permitted uses.	Waterways			Amend DLEP to close W1 zone to enable only a small number of land uses (permit only the following with consent: aquaculture, boat sheds, emergency services facilities, environmental facilities, environmental protection works, flood mitigation works, moorings, roads, signage and water recreation structures) . W2 zone to be applied to Smith Drive locality to support existing range of uses in that location.	Yes	
A134	122, 126	Objection to suitability of W2 zone and scope of permitted uses.	Waterways			Amend DLEP to remove some uses from W2 zone (prohibit agriculture - except aquaculture, sewerage reticulation systems, water reticulation systems, note: mining and temporary structures no longer classed as land uses so removed from the land use table). No change to zone objectives.	Yes	
A135	87, 109	Waterways zoning should be adjusted to incorporate bird roosting sandbank in North Creek in W1 zone.	Waterways			Amend DLEP to apply W1 zone to a greater proportion of North Creek and North Creek Canal. Apply W2 zone around The Serpentine, parkland on Ballina Island and Missingham Bridge.	Yes	
A136	Staff	Permissibility of moorings in all zones.	Waterways		Moorings listed in all zones as requiring development consent in DLEP due to uncertainty about the status of the use during drafting. Approach reviewed given that moorings are water based and definition reinforces this. It is noted that the DLEP mapping is based on the cadastral boundaries, resulting in land below the mean high water mark being zoned a 'land based' zone in some cases. Having regard for this, and on the basis of a review of the mapping, it is considered appropriate to permit moorings in the W1, W2, RU1 and RU2 zones only.	Amend DLEP to prohibit moorings in all zones except W1 and W2 waterways zones, and RU1 and RU2 Rural zones (moorings permitted with consent in these zones).	Yes	

No Change Recommended

X192	80	LEP should incorporate specific address of stormwater relative to impacts on waterways.	Waterways			No change. Water quality and stormwater matters to be addressed via DA process and through DCP controls. SEPP 62 is centred on development control rather than direction for plan preparation. LEP drafted to match intent of SEPP 62 in relation to permissible aquaculture development. SEPP 62 provisions prevail over LEP clauses where there is an inconsistency e.g. consent requirement for works below mean high water mark. Earthworks clause and natural areas provisions address water quality and sedimentation.	No	
X193	122	W1 zone should include an objective to protect and enhance riparian zones.	Waterways			No change. Incorporated in first mandatory objective. Could further consider in relation to riparian vegetation mapping and provisions as stand alone project.	No	
X194	71, 136	Objection to application of Waterways zone to land adjacent to Camden and Skinner Streets Ballina.	Waterways	Property Specific Request	Seeking application of R2 zone. This site has previously been considered by Council and a specific building line set in relation to frontages to North Creek.	No change. Waterways zone applied to reflect building line applied to properties. Note: W1 zone to be applied in recognition of bird roosting issues. Note: change to zone boundary alignment for 1 Camden Street.	No	

Submissions Received After 17 September 2010

Source	Submission Issue/ Request	Issue	Sub Issue	Explanation	DLEP Recommendation	LEP Amendment Required	Other Actions
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Recommended Amendments to Draft LEP 2010

A137	174	Commercial zone should be applied to nominated mixed use precinct at Ballina Heights	Commercial/Industrial Uses	Property Specific Request	Relates to previous submission made in relation to Ballina Heights and staff based analysis of commercial zonings for Ballina Heights and Pacific Pines. R3 zone applied in Draft LEP does enable some commercial uses.	Amend DLEP to apply B2 zone to proposed mixed use/ commercial area in Ballina Heights. This zone arrangement reflects the shires retail hierarchy and structure planning for the locality.	Yes	
A138	183	Application of a 0.6:1 Floor Space Ratio would be appropriate for the proposed Pacific Pines commercial area.	Commercial/Industrial Uses	Property Specific Request	No floor space ratio standard proposed in Draft LEP for this site.	Amend DLEP to apply 0.6:1 FSR to Pacific Pines commercial area. Match to B1 zone. Extend application of 0.6:1 FSR to Ballina Heights for consistency in planning for new commercial precincts.	Yes	
A139	183	Minimum lot size provisions should match the approved concept subdivision layout	Growth Management	Property Specific Request	Relates to previous submission made in relation to Pacific Pines but addresses additional issues.	Amend DLEP to match approved subdivision layout except where lots are below 450m ² . In these cases, apply 450m ² standard.	Yes	
A140	187, 188, 189	Request for places of public worship to be permissible land uses in industrial zones.	Miscellaneous	Property Specific Request	Submissions suggest that if churches are not permitted in industrial areas it is difficult for new churches (that do not have traditional church bases) to establish or grow in the shire.	Amend DLEP to permit Places of public worship in IN1 zone given that the types of activities undertaken often involve noise and are less suited to residential areas.	Yes	
A141	193	Permissibility of storage premises in rural zones.	Miscellaneous	General	Council has received a submission regarding permissibility of a house removal and storage business on rural land and is aware of other similar circumstances. The issue is the suitability of a use that can be characterised as industrial in rural zones.	Amend DLEP to permit storage premises (except self storage units) in RU2 zone. Consider supporting permissibility with DCP based controls. Provides for flexibility but does not impact on primary production or environmental protection zoned land.	Yes	Consider application of DCP controls on storage premises where permissible on rural land.

No Change Recommended

x195	173	Lot 1 DP 522558 should be zoned to enable low key tourist accommodation, seniors housing, manufactured home estate, business and industrial uses or a mixture of these uses.	Growth Management	Property Specific Request	This submission relates to the former Ferry Boat Motel site at West Ballina.	No change. Required studies such as contamination assessment have not been undertaken to support application of an urban zone. Some of the uses sought are permitted on the land under the Draft LEP or SEPPs.	No	
x196	175, 176, 177, 178, 179, 180, 181, 182, 184, 190	Support for R2 low density zone over land in Summerhill Crescent. Objection to 1ha minimum lot standard applied. 1000m ² minimum lot standard should be applied to enable subdivision of the land.	Locality Specific	Summerhill Cres	Submissions address the issue of subdivision at Summerhill Crescent which was the subject of numerous submissions in response to the public exhibition of the Draft LEP. 5 of the 10 additional submissions are from persons who previously made submission to the LEP regarding this matter.	No change. Additional urban allotments are not required in the locality, the allotments provide for housing choice (note no further rural residential subdivision enabled) and the sewer upgrade under the backlog program was not designed for a substantial increase in the number of dwellings in the area. Also concern about the distribution of traffic flow from additional dwellings and neighbourhood amenity implications.	No	
x197	183	E3 Environmental Management zone should be applied to conservation areas identified in Pacific Pines concept plan.	Environment	Property Specific Request	Amendment to the approved concept plan is being sought. Uncertain as to ownership and potential uses of this land.	No change. Review application of environmental and open space zones in Pacific Pines following determination of concept plan modification request.	No	Review land use zone structure for Pacific Pines Concept Plan area following determination of concept plan modification request.
x198	183	Greater flexibility should be provided for live/work arrangements in Pacific Pines.	Commercial/Industrial Uses	Property Specific Request	LEP standards limit home business activity to 50m ² of floor area. Concern that this is too limiting.	No change. Standard has been set on a shire-wide basis and cannot be varied for specific areas. Review of suitability of 50m ² standard to be undertaken in conjunction with DCP control preparation.	No	Review 50m ² standard for home business areas in conjunction with DCP renewal.
x199	185	Lot 1 DP 792931 Teven Road Alstonville is suited to application of an RU2 zone.	Commercial/Industrial Uses	Property Specific Request	RU1 zone is proposed for the land. Land currently contains Natures Decor nursery and garden supply business which is seeking to diversify its business activities. Possible that additional uses could be undertaken as ancillary development depending on their scope.	No change. RU1 zone applied based on shire wide criteria.	No	

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x200	186	Seniors housing component of Lots 1 and 2 DP 1155600 North Creek Road suited to an R3 Medium Density zone.	Residential Development	Property Specific Request	Relates to Aspen aged care facility. R2 zone applied in Draft LEP to match approved facility footprint.	No change. Medium density forms of residential accommodation such as flat buildings not consistent with seniors housing approval.	No	
x201	191	Land use zoning applicable to Tintenbar and associated settlement character.	Miscellaneous	General	Tintenbar village is subject to RU1 zone in DLEP. Rural hamlets are subject to rural zones which is consistent with the current LEP zone arrangement.	No change. Rural hamlets zoned on the basis of the underlying agricultural or environmental value of the land.	No	
x202	192	Heritage listings for Shaws Bay precinct area.	Heritage		Suggestion that DLEP heritage listings should be amended in relation to the Shaws Bay Caravan Park area. Suggested approach includes both additions and deletions from the heritage listings.	No change. Undertake further investigation with respect to Girl's Patriotic League marker, bathing steps, shelter shed, and the Richmond River Historical Society marker.	No	Undertake further research into items with regard for potential to be listed in the LEP heritage schedule.
x203	194	Seeking permissibility of bulky goods retailing land uses on Lot 87 DP 1118585.	Commercial/Industrial Uses	Property Specific Request - Bulky Goods	Harvey Norman site and Council land. Relates to submission no.103.	No change. Review approach to bulky goods retailing as a stand alone project given two sites that provide substantial floor space are approved.	No	Review application of B5 zone to sites of approved bulky goods retailing complexes (i.e. Southern Cross Industrial Estate and Smith Drive).
x204	195	Objection to application of E2 zone on lots 1, 2, 3 and 4 DP 1133074 at South Ballina.	Environment	Property Specific Request	Suggestion that a rural land use zone is more appropriate for the land. DLEP zone applied on the basis of coastal values.	No change. DLEP land use zoning reflects coastal values associated with the land. DLEP zone arrangement is consistent with BLEP 1987 zoning.	No	

Other Items Identified and Reviewed by Staff - No Change Recommended

Issue	Item
Commercial/ Industrial Land Use	Application of a specific zone for bulky goods retailing land use.
Commercial/ Industrial Land Use	Opportunity for variation to maximum floor area for neighbourhood
Commercial/ Industrial Land Use	Suitability of maximum floor area for a neighbourhood shop under clause 5.4.
Dwelling Houses on Rural Land	Suitability of DLEP clause to provide for the clear phase out of existing holdings.
Dwelling Houses on Rural Land	Opportunity for additional dwelling houses on Cabbage Tree Island.
Dwelling Houses on Rural Land	Opportunity for variation provision to be used to enable dwelling entitlements on land subdivided under the rural lands SEPP.
Dwelling Houses on Rural Land	Opportunity for amalgamation of lots subject to dwelling entitlements under Schedule 1.
Environment	Review nursery uses in E zones.
Environment	Review application of E3 scenic zone to rural zoned land at Coolgardie.
Environment	Review updated vegetation mapping to identify new areas of high conservation value potentially suited to E2 zone.
Existing Use Rights	Potential for existing use rights for clubs in R2 zone.
Existing Use Rights	Implications for shop uses in IN1.
Mapping	Suitability of E3 zone off Wardell Road (Rocket shape)
Mapping	Review zoning of landscape use along Barlows Road
Mapping	Minimum lot size standard for Adventist aged care facility at Alstonville.
Miscellaneous	Implications for extractive resource areas if E2 zone prohibits extractive industry.
Miscellaneous	Requirement for development consent for earthworks/ drainage where they are ancillary to another purpose.
Miscellaneous	Inclusion of NRM specific items to the aims of the plan.
Miscellaneous	Relationship between land use tables and special provisions.
Miscellaneous	Identification of earthworks and drainage as a land use for the purpose of the LEP (addressed by February 2011 SI amendment).
Miscellaneous	Private certification of subdivisions.
Miscellaneous	Subdivision of land for special public purposes.
Miscellaneous	Consent requirements for clearing vegetation in non urban zones.
Miscellaneous	Consent requirements for markets and other public events such as concerts/ sportsfields.
Miscellaneous	Skate park permissibility in RE1 zones.
Miscellaneous	Permissibility of surf life saving facilities.
Miscellaneous	Permissibility of community gardens and community farms.
Miscellaneous	Application of acid sulfate soils clause in relation to earthworks clause.
Model Clause	Use of draft model clause significant extractive resources
Model Clause	Use of draft model clause flood planning sea level rise
Model Clause	Use of draft model clause coastal risk planning
Model Clause	Use of draft model clause riparian land and waterways
Model Clause	Use of draft model clause biodiversity (terrestrial)
Model Clause	Use of draft model clause earthworks (excavation and filling)
Model Clause	Use of draft model clause groundwater vulnerability
Model Clause	Use of draft model clause stormwater management urban zones
Model Clause	Use of draft model clause mine subsidence
Model Clause	Use of draft model clause landslide risk
Model Clause	Use of draft model clause active street frontages (7.1)
Model Clause	Use of draft model clause contaminated land
Model Clause	Use of draft model clause salinity

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Model Clause	Use of draft model clause wetlands
Model Clause	Use of draft model clause flood planning (7.3)
Model Clause	Use of draft model clause minimum lot sizes for certain forms of dwelling (4.1B)
Primary Production	Permissibility of agriculture in urban zones.
Primary Production	Implications for apiary uses and beekeeping in E zones (addressed by February 2011 SI amendment).
Primary Production	Consent requirements for dams.
Residential Development	Prohibition of restaurants in R2 zone.
Residential Development	Application of residential zones to small lots that are seeking a rezoning.
Special Uses	Application of SP2 zone over key roads.
Subdivision	Minimum lot size standard for Adventist aged care facility at Alstonville.
Subdivision	Opportunity for Torrens title subdivision of existing urban areas when intended as low density.
Subdivision	Nil subdivision or grandfathering sites in rural zones that have potential to subdivide to 20 or 40ha.
Subdivision	Subdivision to create a public road.
Text Edit	Consistency of references to industry retail outlets in dictionary and zoning tables.
Text Edit	Permissibility of dual occupancy in R3 medium density zone.
Text Edit	Suitability of PPP reference.
Text Edit	Any other use phrasing inconsistent between some zones in land use table.