

ATTACHMENT 6 - DEPARTMENT OF PLANNING & INFRASTRUCTURE IDENTIFIED ISSUES - FINAL SUMMARY AND RECOMMENDATIONS

Item	Issue Summary	Recommendation
Schedule 4 Classification & Reclassification of public land	Need to check for any change in interest, or any public reserves to be sold. If so, the Governor's approval is required.	Proceed to submit LEP on the basis of the identified reclassifications contained in Schedule 4, subject to DP&I confirmation of suitability of inclusion of each site.
Clause 5.9 Preservation of trees or vegetation	Does Council intend to adopt optional clause 5.9(9)?	Adopt clause 5.9(9) with the vegetation management DCP to be used to determine the applicability of the provision. No change.
Clause 7.8 Natural areas and habitat	This clause should refer to connectivity – where habitat areas may not be high value of themselves, but their connectivity is important. The previous sub-clause on corridors was supported.	The matter of corridor connectivity is to be addressed in Council's DCP framework which will support the interpretation and implementation of this clause. No change.
Clause 3.3 Environmentally sensitive areas excluded	Coastal Hazards Area map is not in the documentation – confusion around the name CHZ or CHA?	Mapping was incorporated in exhibition materials. Amend map title to standardise map abbreviation to CHA.

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Clause 4.1 C Erection of dwelling houses on land in certain rural and environmental zones	<p>Suggest using the latest DP&I model clause, with the addition of 'dual occupancy' in sub-clause 3 to ensure vacancy. Parliamentary Counsel has approved this iteration. Both the previous and current model clause contain a development standard. The current model clause clarifies that consent can be granted to a dwelling on a lot, subdivision of which has been granted consent using clause 4.6 to vary a development standard in 4.1.</p> <p>Clause 4.1C(4) relating to conditioning against a dwelling entitlement should be removed.</p>	<p>Remove clause 4.1C(4) as this provision is unlikely to be effective as a condition cannot override the permissibility of a dwelling house in a zone.</p> <p>Adjust clause 4.1C to ensure that only a single dwelling house or dual occupancy may be erected on a parcel with a dwelling entitlement (i.e. not multiple dwelling houses) and ensure suitable references in clause 4.1C to enable a dwelling house on land where a lot is created in accordance with the minimum lot standard or a variation under clause 4.6. The precise wording is to be discussed further with the DP&I.</p> <p>Adjust clause 4.1C to include wording to match the DP&I model clause where the exhibited text is similar in its form and intent (this will improve the consistency of the plan with other LEPs and Departmental policy) and include model clause 5(b)(iii) that addresses entitlements in relation to consolidation of lots for a public purpose.</p>
Land use table	Land uses should be singular.	Amend land use tables to list land uses as 'singular'.
Car parks	Car parks should normally be seen as ancillary. No need to list them except in commercial zones where standalone car parks are expected. The ISEPP allows car parks on public reserves without consent where built by Council.	No change. Listing removes ambiguity in areas where it is intended that this use is to be permitted with consent.
Educational establishments	Educational establishments are not a suitable use in RU2. The ISEPP allows for expansion of existing educational establishments, public and private, and allows for public TAFEs and schools on prescribed zones including RU2.	Prohibit educational establishments in the RU2 zone under the LEP.
Port facilities	Ballina is not a designated port under the Ports and Maritime Administration Act. No need to list.	No change, although not currently applicable, it is appropriate to list the land use in the tables so as to be clear about Council's intent should a use that conforms with the definition be proposed in the future.
Rural supplies	Is it Council's intention to permit rural supplies in the R2 zone?	No change. Rural supplies is prohibited in the zone.
Correctional centres	The ISEPP allows public correctional centres in RU2. Is the intention to allow private ones?	No change. Correction centres intended as a permitted land use in the RU2 zone.

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Open cut mining and Extractive industry	<p>Extractive industry and open cut mining cannot be prohibited in B4, because home industry is permitted (subset of industry group).</p> <p>No need to list extractive industry as permitted in W2 – the Mining SEPP allows it, as aquaculture is permitted (subset of agriculture). The draft plan does not list it in E2, E3 or W1.</p> <p>The Mining SEPP permits extractive industry in E2 and E3 because agriculture is permitted. What is the intention for W1? Extractive industry can be prohibited, as W1 is a conservation zone.</p>	<p>Amend LEP to remove prohibition of open cut mining and extractive industry in the B4 zone.</p> <p>Amend LEP to remove listing of extractive industry in W2 zone consistent with Mining SEPP.</p> <p>No change. Extractive industry is listed as prohibited in the W1 zone.</p>
Group homes	Group homes should be prohibited in IN1. Dwellings are not permitted, so the AH SEPP does not apply. Group homes should be with the rest of the community - an industrial zone is not suitable.	No change. Group homes are prohibited in the IN1 zone as a form of residential accommodation.
Turf farming	Turf farming should require consent. As a subset of intensive plant agriculture, it is presently permitted without consent in the draft.	Amend LEP require development consent for turf farms in the RU1, RU2 and E3 zones. This is consistent with the 2010 exhibited draft LEP.
Extractive industry	Why is extractive industry listed as permitted with consent in W2? The Mining SEPP allows it because aquaculture is permitted. It is not listed in other comparable zones – E2 E3 W1.	Amend LEP to remove reference to extractive industry consistent with approach utilised in other zones in relation to the Mining SEPP.
Schedule 1	Camp Drewe – permissible use is ‘function centre’. Is this the intention?	No change. Function centre is considered to be the best fit for the current use of the land.

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Mapping LZN 015	East Ballina: E2 zone proposed for land currently zoned 2(a). Need to confirm this is Council's intention, and note in S69 report.	<p>The land the subject of this DP&I query is two parcels of Crown Land in East Ballina. A brief rational for the application of an E2 Environmental conservation zone to each parcel is provided below:</p> <p>Crown Land (Coast Road): This is a large parcel of Crown land that is the subject of a submission from Catchments & Lands (see Government Agency issue summary for further detail). The land is recommended for an E2 zone based predominately on the conservation values of the site.</p> <p>Crown Land (Pacific Terrace): This is a land parcel approximately 0.84ha in area adjacent to existing residential allotments. The land is vegetated and Council's records indicate the purpose of the Crown reserve is public recreation and coastal environmental protection. The E2 zone has been applied to recognise these characteristics.</p> <p>No change recommended.</p>
Mapping LZN 012	Carroll Ave Lennox Head: R2 zone proposed for land currently zoned 7(a) Wetlands and SEPP 14. Proposed RU2 in 2010 draft LEP. Outside Town & Village Growth Boundary.	The proposed residential zone matches an approved school site and associated playground. Minor amendment recommended to E zone boundary to better match vegetated area.