

Lismore Local Environmental Plan 2000 (Amendment No. 12)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Lismore Local Environmental Plan 2000 (Amendment No. 12)

1. Name of plan

This plan is *Lismore Local Environmental Plan 2000 (Amendment No. 12)*.

2. Aims of plan

This plan aims to

- (1) appropriately rezone Council owned land used for open space/recreation/environmental protection purposes that is not currently zoned for those uses;
- (2) appropriately rezone privately owned land that is either wholly or partly zoned for recreation purposes but which is not required for those purposes;
- (3) rezone privately owned land for recreation purposes where such land has been identified as being required for future recreational uses; and
- (4) reclassify certain Council owned land from community to operational to enable either the lease or disposal of the land.

3. Land to which plan applies

This plan applies to land shown edged heavy black on Sheets 1, 2 & 3 of the map marked “Lismore Local Environmental Plan 2000 (Amendment No. 12)” deposited in the office of the Lismore City Council.

4. Amendment of Lismore Local Environmental Plan 2000

Lismore Local Environmental Plan 2000 is amended as set out in Schedule 1.

Schedule 1 Amendments

(clause 4)

[1] Schedule 6 Classification and reclassification of public land as operational land

Insert in Part 3 'Interests changed' under the locality of Goonellabah:

23 Allambie Dr	Lot 6 DP 261784, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12).</i>	DP261784 – restriction as to user noted on Certificate of Title Folio Identifier 6/261874.
38 Allambie Dr	Lot 131 DP 774799, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12).</i>	Nil.
11 Andrews Crescent	Lot 46 DP 252168, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12).</i>	DP246560 – restriction as to user see N784251 and Easement to drain water – DP252168 see P753861 noted on Certificate of Title Folio Identifier 46/252168.
269 Ballina Rd	Lot 1 DP 255414, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12).</i>	DP255414 – restriction as to user noted on Certificate of Title Folio Identifier 1/255414.
51 Deegan Dr	Lot 38 DP 255009, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12).</i>	Nil.
15 Lee Crescent	Lot 11 DP 248490, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12).</i>	DP248490 – restriction as to user and Easement for Coaxial cable DP 248490 see P66488 noted on Certificate of Title Folio Identifier 11/248490.

22 Northcott Dr	Lot 52 DP 262347, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Restriction as to user DP261029 & DP262347 and Easement to drain water DP 262347 noted on Certificate of Title Folio Identifier 52/262347.
30 Spring Valley Dr	Lot 32 DP 262106, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Restriction as to user DP246781 (see N761801) & DP262106 noted on Certificate of Title Folio Identifier 32/262106.
11 Sunnybank Ave	Lot 6 DP 261029, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Restriction as to user DP261029 noted on Certificate of Title Folio Identifier 6/261029.
116 Mountain View Drive	Lot 17 DP 705759, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Easement to sewer pipeline T377033 noted on Certificate of Title Folio Identifier 17/705759.
23 Pindari Crescent	Lot 49 DP 773669, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
11A Sunnybank Ave	Lot 23 DP 789841, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Restriction on use DP 261029 noted on Certificate of Title Folio Identifier 23/789841.
7 Parkwalk Drive	Lot 14 DP 792695, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Restriction on use DP 792695 noted on Certificate of Title Folio Identifier 14/792695.
1 Lancaster Dr & 2 Centenary Dr	Lots 1&2 DP 1061931, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.

15a Holland St	Lot 69 DP 876840, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Easement to drain sewage 3m wide DP 876840 noted on Certificate of Title Folio Identifier 69/876840.
260 Oliver Ave	Lot 71 DP 876840, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Right of Way 10m wide DP 831685. Easement for sewer 3m wide DP 876840. Easement to drain water 3m wide DP 876840 noted on Certificate of Title Folio Identifier 71/876840.

[2] Schedule 6 Classification and reclassification of public land as operational land

Insert in Part 3 'Interests changed' under the locality of Lismore:

Clyde Campbell Car Park 44 Molesworth St	Lot 20 DP 629445, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	BK638 No.823 Right of Way affecting land burdened in DP 573589 N937441 Right of Footway affecting land burdened in DP 553142 DP 595801 Right of Carriageway shown on Certificate of Title Folio Identifier 20/629445.
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[3] Schedule 6 Classification and reclassification of public land as operational land

Insert in Part 3 'Interests changed' under the locality of Lismore Heights

28 Weemala St	Lot 54 DP 28852, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
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45 William Blair Ave	Lot 17 DP 239507, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
37 Millar St	Lot 4 DP 827364, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Right of carriageway 2m wide DP 802866 noted on Certificate of Title Folio Identifier 4/827364.

[4] Schedule 6 Classification and reclassification of public land as operational land

Insert in Part 3 'Interests changed' under the locality of South Lismore:

97 Caniaba St	Lot 2 DP 596412, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Easements for sewage purposes C95448 T249054 affecting land burdened in DP611797 & E479565 noted on Certificate of Title Folio Identifier 2/596412.
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[5] Schedule 6 Classification and reclassification of public land as operational land

Insert at the end of Part 3 'Interests changed':

East Lismore

15 Ballina Street	Lot 1 DP 772941, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
13 Ballina Street	Lot 1 DP 772952, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.

27 Felicity Dr	Lot 17 DP 810811, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
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North Lismore

1 Winterton Parade	Lot 1 DP 784065, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
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1A Winterton Parade	Lot 2 DP 784065, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
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2 Winterton Parade	Lot 1 DP 530564, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
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3 Winterton Parade	Lot 3 DP 784065, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
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3A Winterton Parade	Lot 4 DP 784065, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
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3B Winterton Parade	Lot 5 DP 784065, as shown edged heavy black on Sheet 3 of the map marked "Lismore Local Environmental Plan 2000 (Amendment No 12)". - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
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12 Winterton Parade	Lot 5 DP 37270, as shown edged heavy black on Sheet 3 of the map marked “Lismore Local Environmental Plan 2000 (Amendment No 12)”. - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
14 Winterton Pde	Lot 4 DP 37270, as shown edged heavy black on Sheet 3 of the map marked “Lismore Local Environmental Plan 2000 (Amendment No 12)”. - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
16 Winterton Pde	Lot 3 DP 37270, as shown edged heavy black on Sheet 3 of the map marked “Lismore Local Environmental Plan 2000 (Amendment No 12)”. - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
62A Lake Street	Lot 2 DP 37270, as shown edged heavy black on Sheet 3 of the map marked “Lismore Local Environmental Plan 2000 (Amendment No 12)”. - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
62B Lake Street	Lot 1 DP 37270, as shown edged heavy black on Sheet 3 of the map marked “Lismore Local Environmental Plan 2000 (Amendment No 12)”. - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.
62 Lake Street	Lot 4 DP 114455, as shown edged heavy black on Sheet 3 of the map marked “Lismore Local Environmental Plan 2000 (Amendment No 12)”. - <i>Lismore Local Environmental Plan 2000 (Amendment No 12)</i> .	Nil.

[6] Schedule 7 Definitions

Insert in the appropriate order in the definition of *the map*:

Lismore Local Environmental Plan 2000 (Amendment No. 12) – Sheets 1, 2 & 3.

Draft LEP Amendment No.12

A report on a Public Hearing relating to
the proposed reclassification of
Public Land at Lismore

Draft LEP Amendment No.12

A report on a Public Hearing relating to the proposed reclassification of Public Land at Lismore

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Introduction

This section of the report identifies the nature of GeoLINK's engagement and relevant background information.

1.1 Background

Rob Van Iersel, a Director of GeoLINK, has been engaged by Lismore City Council to chair a Public Hearing relating to the proposed reclassification of Council owned land at Lismore.

The reclassification is proposed as part of Draft Lismore Local Environmental Plan Amendment No.12, which seeks to:

- *appropriately rezone Council owned land used for open space / recreation / environmental habitat purposes that is currently not zoned for those uses;*
- *reclassify certain Council owned land from community to operational to enable either the opportunity to dispose of or lease the land;*
- *appropriately rezone privately owned land that is currently either in whole or in part zoned for recreation purposes but which was not considered to be used for those purposes; and*
- *appropriately rezone privately owned land currently zoned for but not required for recreation.*

The Public Hearing, and this subsequent report, relates only to the proposed reclassification of Council owned land.

1.2 The Need for a Public Hearing

The Local Government Act 1993 requires that all public land must be classified as either "Community" or "Operational". Community land is public land that is held by Council for one or more community uses. It cannot be sold or leased. Operational land is land held in Council ownership for a non-community use, and there are no restrictions regarding its use or disposal.

The Act requires that land may only be reclassified from community to operational by way of a Local Environmental Plan amendment. This means that Council must insert a clause into its local planning instrument, in this case the *Lismore Local Environmental Plan 2000*, that changes the classification. There is a process established under the *Environmental Planning and Assessment Act 1979* that Councils must follow in preparing a Local Environmental Plan amendment, and that process has been followed by Lismore City Council in this case.

Clause 29 of the *Local Government Act 1993* adds an additional requirement that a Public Hearing be held in the case of a Local Environmental Plan amendment that proposes the reclassification of community land.

The intention of the Public Hearing is to allow members of the community to make submissions about the proposed reclassification to an independent party, who must then report on these submissions to the Council. The report in relation to the public hearing must be made public.

2

The Public Hearing

This section of the report summarises the submissions made at the Public Hearing and provides recommendations in relation to each of the sites for which a submission was made.

2.1 The Submissions

The Public Hearing was held at Lismore City Council on the evening of 22 September 2004. Council had written to residents adjoining the proposed reclassification sites and placed advertisements in the local press advising of the hearing and inviting submissions.

The Public Hearing was attended by some 52 people. During the hearing verbal submissions were presented in respect of nine (9) sites. In addition, two written submissions were provided as well as a petition, tabled by one of the presenters, containing 37 signatures.

The submissions are summarised below, by reference to the sites. The recommendations provided are based on the submissions received during the hearing and a brief inspection of the sites. I have not reviewed background information compiled for the sites that led to the proposed reclassification. In making a final determination regarding these sites, Council will need to consider my recommendations in light of that background information.

2.2 Camelot Road

The Site

The Council owned land consists of a small park located on the south-east side of Camelot Road at Goonellabah. As shown below, the park contains mature vegetation and includes a small stormwater drain running across the site.



Camelot Road Site

The Submission

Mr K Hickey addressed the hearing and provided a verbal submission arguing for retention of the land for community open space. In summary, the main points raised by Mr Hickey were:

- the land was originally dedicated by the developers of this area for local community use
- there is a strong local connection to this park, particularly as a safe play area for local children
- the site provides a high level of amenity and strongly contributes to the residential amenity of the locality
- future residential growth in the locality will lead to greater demand for open space areas
- the land is used by koalas and other local wildlife
- if the land is not available as parkland, local children will need to walk on local roads to access other areas of open space, leading to safety concerns and opening the potential for Council liability should accidents occur.

Recommendation

The site contributes strongly to the amenity of this residential area, given the mature vegetation and its quiet location. It connects to another public park that fronts Winchester Drive (refer Section 2.8) and therefore provide an easy thoroughfare between these streets.

While there is other Council owned land within 400 metres of this site that would appear to be in the form of urban bushland, it is generally not useable as open space.

It is recommended that the site remain as community land and be retained as a local park.

2.3 Felicity Drive

The Site

This site is in two parts, with a small flat area located at the back of residential lots to the east of Felicity Drive and a larger sloping area of land behind residential lots to the west of Felicity Drive.



Felicity Drive - East



Felicity Drive - West

The Submission

Mr Stratford addressed the hearing and tabled a petition signed by 37 local residents (refer Appendix A). The main points raised by Mr Stratford were:

- the land is used by koalas, wallabies and other wildlife
- local residents have maintained the land in the past
- homes were purchased in the area on the understanding that this land would not be developed
- land contains high voltage electricity lines, stormwater outlets and is below the sewer line, providing major constraints to future development

Recommendation

Notwithstanding the local residents' desire to retain this land as open space, there does not appear to be a strong local connection to it as useable parkland. It would appear that it has value to the land owners whose lots back onto the land, with more limited value to others in the locality. It would also seem that those objecting to the proposed reclassification are concerned about the potential for future development of the site and associated impacts on vegetation and the steep slopes, rather than loss of open space.

In considering whether to continue with the reclassification for this land, Council should first consider the range of feasible uses. In relation to the land west of Felicity Drive, issues associated with access, slope, stormwater management and servicing would appear to be major constraints to any future development. The area to the east of Felicity Drive would appear to be restricted in size and, if it is to be reclassified, it is perhaps best offered for sale to the adjoining owners as an extension of their land.

It is noted, however, that it is not possible for only part of this site to be reclassified, and the whole of the Felicity Drive site, both east and west portions, would need to be considered together. It is further noted that reclassification does not prejudice considerations relating to vegetation management or land use. Council would need to consider the matters raised in this submission in any future considerations for the use of this land.

2.4 Julie Crescent

The Site

This park area is located at the cul-de-sac of Julie Crescent in Goonellabah and includes a walkway that connects it to Stevenson Street. It contains sloping land and a small number of mature trees.



Julie Crescent

The Submission

Mr John O'Connor addressed the hearing with a verbal submission suggesting the retention of this site as a local park. The main points raised by Mr O'Connor are as follows:

- the park is an integral part of the community, with resident gatherings occurring in the park throughout the year
- it is the only park in this residential area
- as more residential lots are released in this growing area, the need for local parks will increase
- the park is well used by locals, who have a strong social connection to it.

Recommendation

It is clear that the park is well used by the residents in this area. There is a children's 'cubby-house' constructed in the trees on the site and good pedestrian access is available from both Julie Crescent and Stevenson Street. The local residents have a strong connection to the site and use it as a gathering and meeting place. To that end it provides an important social function for the area.

It is recommended that the site remain as community and be retained as a local park.

2.5 Lee Crescent

The Site

This open space lot is located on the north-east corner of the Lee Crescent cul-de-sac. It is a gently sloping cleared site, with some mature vegetation on the boundaries. There are no facilities or improvements on the land.



Lee Cres Site

The Submission

Mr Brendan Rose addressed the hearing arguing for retention of the land as public open space. The main points raised by Mr Rose are as follows:

- the land was dedicated as public land as part of the original subdivision of the site in 1974
- it is constrained by a telecommunication cable and a water main, both of which traverse through the middle of the land
- local residents are concerned that if the land were to be reclassified, it would be used to provide vehicular access to future development on land adjoining to the north, leading to traffic and noise impacts in the street
- if adjoining land is developed for residential purposes, the need for local open space will be increased
- the park is located within a koala corridor

A written submission from N T & D J Carey was also provided in respect to the Lee Crescent site (refer Appendix A). The main points raised in this submission are:

- loss of the park will effect the existing amenity and quality of life
- park is used for recreation

- the park provides extra privacy for the Careys, who live next-door, because they do not have immediate neighbours
- loss of the park may have impacts on the market value of their land
- strongly object to the park being used to access development on land adjoining to the north

Recommendation

There does not appear to be a strong community connection to this park. The concern regarding its reclassification appears to relate more to the potential for its use to provide access to future development on adjoining land. Council officers have advised that they have considered this possibility and are of the view that access through Lee Crescent will not be appropriate.

The site contains no facilities and is only readily accessible to the immediate neighbours and residents in Lee Crescent. It may be more appropriate for a better located and equipped community site to be provided as part of the development of the adjoining land.

It is recommended that Council continue to assess the proposal to reclassify the Lee Crescent site.

2.6 Mountain View Drive **The Site**

The land is located to the north of the Bruxner Highway within a residential area built on a ridgeline that has extensive rural views to the north-west. Existing residential development in this locality generally consists of low density single dwellings on larger lots. The site is generally cleared, with no improvements or facilities.



Mountain View Drive Site

The Submission

Mr Howell, an adjoining owner, addressed the hearing arguing for the retention of the site as public open space. The main points raised by Mr Howell were:

- the site is severely constrained by the presence of stormwater drains and a sewer main
- local residents were advised on purchasing land in this locality that the land was a public reserve that could not be built upon.
- local residents have maintained the park in the past
- development of the site would effect Mr Howell's views and impact on his privacy

Recommendation

There is no indication of a strong local connection to the park as open space. Rather, local concerns relate more to potential impacts of any future development of the site.

It is recommended that Council continue to assess the proposal to reclassify the Mountain View Drive site.

2.7 Murray Street

The Site

The site is a smaller park located on a corner within Murray Street. It is cleared, with a few semi-mature trees. There are no facilities or improvements on the site.

Development in this locality contains a mix of single dwellings on relatively small lots and medium density development, with residential flat buildings located close to the park.



Murray Street Site

The Submissions

Verbal submissions were made in relation to this site by Ms Sonia Riordan, Mr David Freund, Mr Brett Beardow and Mr Tony Radburn. A number of local children also addressed the hearing, requesting that the park be retained as local open space.

The main points raised in these submissions were:

- the site is extensively used by local children and as a meeting place for local residents
- there is a strong sense of community in this locality, with a great deal of social interaction amongst neighbours; the park is an important catalyst for this interaction
- the park is safe as it is very visible from surrounding areas
- there are no other parks in the locality
- there are many children in the neighbourhood, all of whom use the park for recreation
- the park is an integral part of the street and the community

Recommendation

It is clear that there is a strong community attachment to this park and that it plays an important part in the social welfare of the local residents. In particular, it is apparent that the park provides a safe, usable area for local children. Given the number of residential flat buildings in the immediate locality, and the generally smaller lots size in the immediate areas, the park provides an important play area for local children.

It is recommended that the site remain as community land and be retained as a local park.

2.8 Winchester Drive

The Site

The Winchester Drive site backs directly onto the Camelot Drive site (refer Section 2.2 above). It contains a combination of cleared and treed areas. There are no facilities provided, however, a make-shift swing has been attached to one of the larger trees on the site.



Winchester Drive Site

The Submission

Ms Mary Gladstone addressed the hearing arguing for retention of the park as public open space. The main points raised in this submission were:

- the land was dedicated as public land by the late Mr Hurford, who developed the residential area in this locality
- the park acts as a meeting place for local residents and is an integral part of the local community
- given the connection to the Camelot Drive site, it is used as a safe pedestrian thoroughfare between the two residential areas
- the park is clearly visible from the street and from nearby houses making it a safe recreational area for local children
- for many years the local residents maintained the park and therefore feel a sense of ownership for it
- the vegetation attracts wildlife that is enjoyed by local residents
- it is part of the local social fabric of the area

Two local children, Jacinta and Marissa Café also addressed the hearing and provided a copy of their submission (refer Appendix A). Their main points were:

- there are at least 15 children living in the street and all use the park regularly
- the local children enjoy the wildlife that use the site and its environment
- they feel safe playing in the park and it is an important part of their lives

Recommendation

It is clear that there is a strong local connection to this park and that it is widely used by residents of the area. Together with the adjoining Camelot Drive Park, it also significantly adds to the residential amenity of this area.

It is recommended that the site remain community land and be retained as a local park.

2.9 Toona Court

The Site

The Toona Court site is located in the southern part of Goonellabah, at the north-east end of the Toona Court cul-de-sac. The park is elevated above the cul-de-sac, behind a rock retaining wall. It contains a number of mature trees and a concrete footpath connects the park to Invercauld Road.



Toona Court Site

The Submission

Ms Robin Youngberry addressed the hearing arguing that the park should be retained as public open space. The main points raised by Ms Youngberry were:

- there are many children in this locality, which is an area of urban growth
- there is no equipment within the park, and therefore maintenance requirements are not high
- there is no alternate useable park within a safe walking distance
- the park is safe for children and the elderly as it is visible from many nearby residences
- the park is used as a thoroughfare for local children to access bus services in Invercauld Road
- the community in the locality use the park regularly and it is an integral part of the community

Recommendation

The park offers high visual amenity for the locality, with a combination of open grassed areas and large mature trees. The footpath connection adds to the 'useability' of the park for a wider residential area.

It appears that there is a strong community connection to the park and there is no alternative useable open space within easy walking distance.

It is recommended that the Toona Court site remain community land and be retained as a local park.

2.10 Spring Valley Drive

The Site

The park on Spring Valley Drive is located in the northern part of Goonellabah, on the northern side of Spring Valley Drive. It is located on the down slope side of the road and is adjoined by dwellings on both sides. It contains a number of mature and semi-mature trees amongst cleared open grassland. There are no facilities or improvements on the site.



Spring Valley Drive Site

The Submission

Ms Jan Barberry addressed the hearing arguing for retention of the site as public open space. The main points raised by Ms Barberry were:

- the presence of the park was important in their decision to buy in this locality
- it is available for the use of local children
- local residents have maintained the park and therefore have a sense of ownership
- Council should only reclassify the land if it is unsuitable for public use, which this site isn't

Recommendation

There was no evidence presented to the hearing of extensive use of this park. There is another local park located approximately 200m to the south-west of the site, which is larger, flat, and contains recreational and play equipment. This larger park is also located more centrally with respect to this residential area.

It is recommended that Council continue to assess the proposal to reclassify the Spring Valley Drive site.

2.11 Andrews Crescent

The Site

The Andrews Crescent site is located on the western side of the road, close to Invercauld Drive in Goonellabah. It contains sloping land with a number of trees and includes a grassed walkway connection to Kathryn Drive to the west.



Andrews Crescent Site

The Submission

A written submission was provided to the hearing from Mr Robert Gardiner, an adjoining owner. Mr Gardiner argues that the land should remain as public open space. His main points are:

- the presence of the park influenced the decision to purchase in this location
- koala have been seen using the site
- the sale and development of the land would devalue adjoining residential property
- if the land is not required as public open space, it should be divided and given to adjoining owners

Recommendation

No evidence was presented to the hearing suggesting that this park is extensively used or that it is an integral part of the local community. The slope of the site is slightly greater than the other sites assessed, limiting its usefulness for active recreation. It does, however, add to the amenity of this locality.

Council should continue to assess the proposed reclassification of this site. As part of this, however, there may be merit in assessing whether the pathway connection between Kathryn Drive and Andrews Crescent should remain open.

A

Supporting Submissions

Spokesperson
Bruce Stratford
11 Felicity Drive
Lismore NSW 2480

6 September 2004

Reference: Bruce Blackfords Letter
1/9/2004

The General Manager
Lismore City Council
43 Oliver Ave
Goonellabah NSW 2480

Dear Sir or Madam:

No. 27 Felicity Drive Lismore

Proposed Reclassification Community Land To Operational Land

We the undermentioned residents object to the councils proposed re-classification of No. 27 Felicity Drive. We feel it is a step towards residential zoning and thus its sale by the Lismore City Council.

We purchased our land under the advice that No. 27 was a council maintained Community/Recreational/Wildlife area.

We bring to your attention the property is a koala corridor, together with wallabies, bush turkeys and an abundance of native bird life. The property owners overlooking No. 27 have at no cost to the council fostered, worked on and created the above wildlife habitat.

The area is also used by children for playing and local pet owners as a recreation area.

It is also noted that Country Energy High Voltage Lines (which require considerable setbacks for building) traverse the property.

No. 27 Felicity Drive is below the sewer line and has all the adjoining properties storm water pipes discharging there on.

If the Lismore City Council does persist with the re-classification we require detailed advice/proposal addressing the above points together with your proposed building envelope and height restrictions.

Yours faithfully

The Residents Felicity Drive Lismore

Name	Address	Signature
DAVID FRYER	13 FELICITY AVE	[Signature]
WENDY FRYER	13 FELICITY DRE	[Signature]
BRUCE STRATFORD	11 FELICITY DRV	[Signature]
ESTELLE MCGREGOR	15 FELICITY DRV.	[Signature]
Glenna Fairbairn	64 Beaumont D6	[Signature]
Angelina Hall	9 Felicity Drive	[Signature]
IAN HILL	58 WANDA DR.	[Signature]
JAN HILL	58 WANDA DR	[Signature]
JAT. NEVEN	54 WANDA DR	[Signature]
MARGARET NEVEN	54 WANDA DR	[Signature]
KEREN TYLER	62 WANDA DR	[Signature]
IAN TYLER	62 WANDA DR	[Signature]
GEORGE SCOTCHER	3 WANDA DR	[Signature]
Nerelle Armstrong	6 Wanda Dr	[Signature]
Annette Ryan	18 Wanda Dr	[Signature]
Helen McCinegar	15 Felicity Drive	[Signature]
Mark Waugh	7 Felicity Drive	[Signature]
D. FORBES	8 FELICITY DR.	[Signature]
T. CRENEY	11 Felicity Dr	[Signature]
Fay Street Ford	11 Felicity Drive	[Signature]
JOHN WALSH	21 FELICITY DRIVE	[Signature]
MARGARET WALSH	21 FELICITY DRIVE	[Signature]
PETER RAISON	19 FELICITY DRIVE	[Signature]
JOAN RAISON	19 FELICITY DRIVE	[Signature]
TONT WUNSCH	16 Felicity Drive	[Signature]
J WUNSCH	16 Felicity Dr	[Signature]
I. GOSPAR	25 Felicity Ave	[Signature]
N. GOSPER	25 Felicity Ave	[Signature]
M. NIND	22 Felicity Ave	[Signature]
R. NIND	22 Felicity Ave	[Signature]
P. L. Koway	10 GARDNER PLACE	[Signature]
M.A. HAWK	10 GARDNER PLACE	[Signature]
T. HUGHES	52 WANDA DVE	[Signature]
M. HALL	9 FELICITY DRIVE	[Signature]
M. VEITCH	11 Felicity Drive	[Signature]
D MCKENZIE	WANDA DRIVE	[Signature]
I McKenzie	48 Wanda Drive ELISMORE	[Signature]

2

2

New life in old home

A wonderful restoration has breathed life, light and elegance into this original three-bedroom plus sleep-out timber home.

All its circa 1895 features have been turned into a lovely home that will see its next owners well into the next millennium with virtually no further outlay necessary.

Peppermint gums, old brushboxes, figs and jacaranda trees provide an impressive entrance.

A wrap-around verandah allows you to sit and take in the ocean views.

Sitting on four level hectares, it's a great property if you or the kids are into horses.

Inside, the home is generous and well

planned for both practical as well as aesthetic purposes.

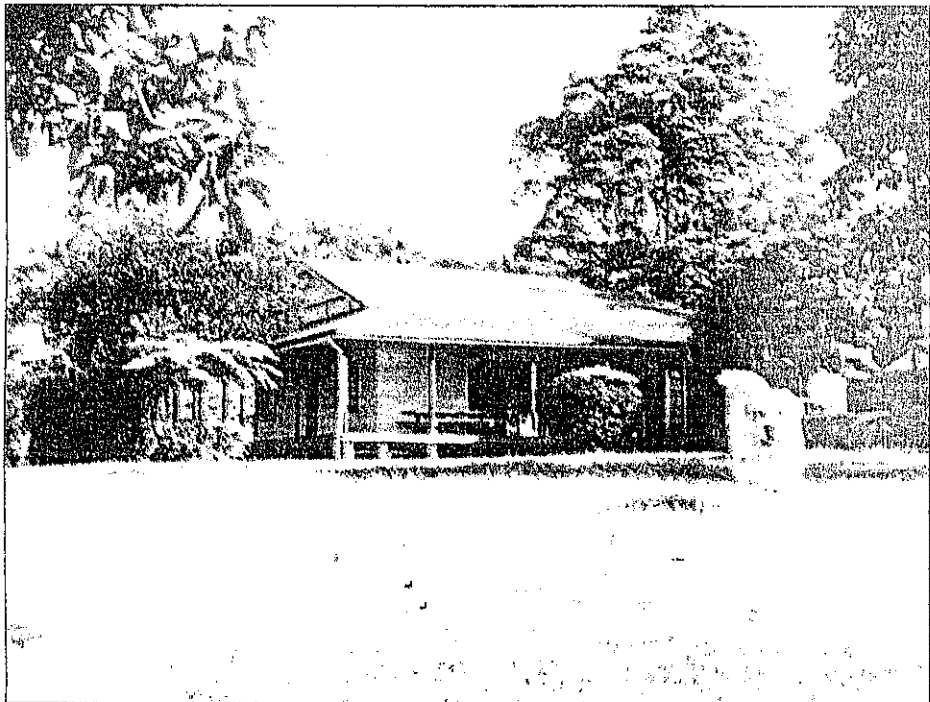
Features include a Tasmanian oak kitchen, polished teak timber floors, separate lounge and dining, sunroom plus four-metre-high ceilings.

Outside is a terrific outdoor entertaining area with barbecue.

With an exclusive address and tasteful renovations, this rural residence is all and more you could ever wish for.

The property is to be sold by auction next Saturday in the Richmond Room (behind the Ballina library).

For an inspection, call John Nicolson at Elders Ballina, 868 000, a/h 865 135.



Secured capital growth

1 55A Invercauld Road, Goonellabah, overlooking Southern Cross University, this idyllic 3.475 hectares offers an astute purchaser privacy, views, convenience and assured future capital growth and, if wished or required, possible future subdivision.

The property is valued by the Valuer-General at \$182,000.

Purchased some five years ago as a future Lismore home site, the owner's wife now can't be budged from their existing home, and hubby has finally given up and has listed the property for auction.

With access off Invercauld Road and side access via the corner park in Leal Crescent, the property offers nearly 8000 square metres of gentle sloping land for the ideal home or, subject to council

approval, motel/retirement village or business use.

The property was recently selectively cleared and offers enough room for horses, a cow or two, or even an intensive horticultural pursuit.

Water is not a problem with a spring on the property and, of course, town water at the front gate.

The property is for sale now by negotiation or will be auctioned on site at 1.15pm next Saturday. Buyers over \$127,000 should inspect.

Contact Dave Fryer at The Professionals Real Estate office, Lismore, 217 266, a/h 219 976, for a no-obligation inspection. The agent declares an interest in the property.

LJ HOOKER Alstonville 28 1163

ILL-HEALTH FORCES SALE
Alstonville/Meerschaum Vale Farmlet



636 Marom Creek Road, Meerschaum Vale
Located just 10 minutes from town, this beautifully presented 2.0 ha (5 acre) property enjoys privacy and serene rural outlook. Tucked away behind native trees, palms and small citrus orchard, the sandstone split block home is the perfect 'getaway'.
* 4 bedrooms * Possible Granny Flat * Huge family room
* Cosy lounge room * Inground pool * Large steel shed
A/hrs Ian Hill 28 5717

BEST OF OLD AND NEW COMBINED



1205 Wardell Road, Meerschaum Vale
Quaint country cottage located just minutes drive between Alstonville and the coast and beaches. Set on a trouble-free one acre block, the original timber home has been tastefully renovated incorporating a modern kitchen, dining and family area, plus a private main bedroom. Wide verandahs take in the rural landscape to the north-east.
* 3 bedrooms * High ceilings * Fireplace
* Large Colorbond shed - A/hrs Matthew Wunsch 21 3766

WAS \$229,500 - NOW \$209,500 AND OWNER SAYS SELL NOW!



Set on a high, sunny and level 944.6 sq m block with all living areas facing the north, this well presented 4 bedroom (3 + study) home is being sacrificed to sell immediately. High (9') ceilings in lounge, dining and family rooms, 2 bathrooms and side access to rear yard. Ring Now! A/hrs Ian Hill 28 5717.

STRAIGHT FROM HOME BEAUTIFUL



17 Central Park Drive, Wollongbar
Inspect this magnificent 4 bedroom family home and you won't be disappointed! Formal lounge/dining, relaxing family room incorporating a well appointed kitchen looking out to rural backdrop. Fully landscaped grounds. \$255,000. A/hrs Ian Hill 28 5717.

SELL THE CAR!



The kids can walk to sporting fields, squash, pool and school. Retirees can leave their car in the garage and walk to Bi-Lo and bowls. 3 bedroom, 2 spacious living areas, en suite, lock-up workshop, garden shed and fenced yard. \$179,500. A/hrs Ralph Tully 28 5506.

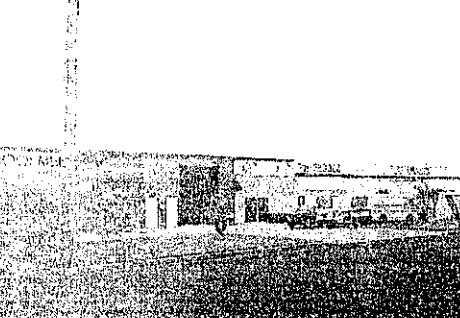
PRIVATE, SUNNY COURTYARD



Easterly facing private courtyard, ideal for those winter lunches in the sun. Double brick insulation with reverse cycle air-conditioning and will keep you warm on winter nights. \$163,000. A/hrs Matthew Wunsch 21 3766.


AUCTION - END OF FINANCIAL YEAR SALE
6 pm, Thursday, June 26, 1997 - Alstonville Bowling Club

INDUSTRIAL INVESTMENT




Lot 86 Northcott Crescent, Wollongbar
Established modern industrial shed with 1190sq m of lettable area with quality tenants with long leases in place. Returning \$51,420 per annum, this tilt slab constructed building has good exposure, parking and presentation. Vendor has another project that he is keen to get on with.
A/hrs Ian Hill 28 5717

VACANT INDUSTRIAL LAND




Lot 100 Northcott Crescent, Wollongbar
Excellent 2000 sq m (half an acre) industrial block in top position in popular Russellton Industrial Estate between Alstonville and Wollongbar. Level, availability of all services and quality roads make this an ideal block in which to invest or to locate your business to. You don't find blocks of this nature every day, so act now!
A/hrs Ian Hill 28 5717

A HOME FOR ALL OCCASIONS



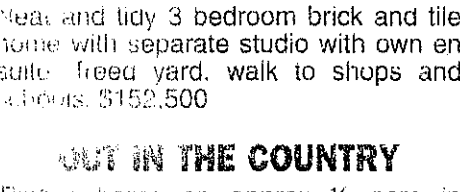
\$235,000
Formal entertaining, family BBQs, relaxing in the large family room, catering for birthdays, Christmas, etc., from the excellent kitchen, all this and more with this 4 bedroom home set by a park. Inspect immediately. A/hrs Ian Hill 28 5717.

THIS WILL TURN YOUR HEAD!



A complete home entertainment centre with something for all the family, Formal lounge, separate formal dining, private main bedroom at front of home with other 3 bedrooms at rear. Family room with fire and brilliant kitchen overlooking a beautifully landscaped pool. Huge 1051 sq m block with access to rear, \$265,000. A/hrs Ian Hill 28 5717.

ADJOINS PARKLAND




Neat and tidy 3 bedroom brick and tile home with separate studio with own en suite, freed yard, walk to shops and schools. \$152,500

OUT IN THE COUNTRY

Timber home on approx 1/2 acre in McLean Ridges. Great for entertaining, polished timber floors and wood fire in lounge. \$169,000. A/hrs Ralph Tully 28 5506.

SELL THE HOUSE AND LIVE AT WORK!



200 sq m industrial shed with approved residence, office, industrial grease trap, undercover awning and a fully fenced 1/4 block. \$120,000 or make an offer. A/h Richard Campbell 28 6138.

N T & D J Carey
10 Lee Crescent
GOONELLABAH 2480

14 September 2004

TO: The General Manager, Lismore City Council.

Attention Bruce Blackford/By Fax 6625 0400

RE: 15 Lee Crescent, Goonellabah

LISMORE CITY COUNCIL	
17 SEP 2004	
File No:	3849
Letter No:	4-10089
Complaint:	Act Of: B Blackford
File out with:	Ack:
Complete:	T. Irish
Res:	

Copy to Walker

We refer to the Public Hearing to be held on Wednesday, September 22 in regard to reclassification of the above land from "Community Land" to "Operational Land" and to our Notice of Objection delivered to you on 26 July 2004. *DL-8011*

In addition to the points of Objection raised in that Notice we wish to submit the following further written submissions to be noted at the meeting;

- ▶ We purchased the adjoining property 10 Lee Crescent in May 1994 having relocated from the main traffic route of Ballina Street to the quietness and privacy of Lee Crescent for more quality of lifestyle. *If there are any changes to the Park land our quality of life will be affected.*
- ▶ Our purchase of 10 Lee Crescent over other properties in the area was influenced because of the adjoining Park land which has/and is utilised by us, by our children, by our visiting relatives and by friends children, and now grandchildren and *if the Park is reclassified it will deprive our family and extended friends of a community area for recreation.*
- ▶ The Park adds extra privacy to our property because there are no encroaching neighbours. *If the Park is reclassified for residential development it will encroach on our privacy and deprive our family of the level of quality of life we are accustomed to.*
- ▶ The value of the property 10 Lee Crescent with the adjoining Park was higher than it would have been if the Park did not exist. *If the Park is altered in any way it will decrease the market value of our property.*
- ▶ Since as early as October 1995 there have been indications by proposed developers of the land to the north of the Park i.e. 35A Invercauld Road, for the Park to be utilised as an access to that land. In June 1997 the Park was advertised in conjunction with the sale of 55A Invercauld Road as being a "side access" to that property (copy Northern Star advertisement enclosed). *We strongly object to the Park becoming a roadway of any description.*
- ▶ There are several senior aged land owners in Lee Crescent who do not currently utilise the Park but, due to the course of nature, over the next five or so years the area will become more younger family orientated. *The Park having been established for some thirty years should remain as such to provide a community are for the utilisation of the younger generation.*


D J Carey
for NT & DJ Carey

①

Dear council,

Our names are Jacinta Cafe & Marissa Cafe. We live at 7 Winchester Drive Goonellabah, directly across from the park land (8 Winchester Drive).

In our street there are over 15 children living here, and we all have the park as an opportunity to play safely off the road.

There are also plenty of trees, echidnas, birds and their nests, and if there is a house built there, us children will no longer have the wonderful sights of wild life, so close to home.

② Every after-noon and weekend, we use the park to play games like soccer, tennis, volleyball & flips, we also ~~also~~ have birdwatch & have picnicks in the shade of the trees. our dogs love to use the park to play in too.

We don't go many places in the holidays ~~and the parks is~~ so we spent most of our holidays in the park.

All of us make sure we look after the park ~~and~~ and we always keep it free from litter.

③ Our parents say that the park has been invaluable to them with our up-bringing, because we are able to play in the park without them, but they can still see us from the house to keep us safe.

Please do not take all this away from us, for we would have to play inside or on the road and we wouldn't have as much fun.

From Marissa & Jacinta
Cafe.

**REPORT TO LISMORE CITY COUNCIL ON THE
PUBLIC EXHIBITION AND SUBMISSIONS
FOR
DRAFT LISMORE LOCAL ENVIRONMENTAL PLAN
NO. 12
REVIEW OF 6(a) – (RECREATION) ZONED LAND AND
RECLASSIFICATION OF CERTAIN PUBLIC LANDS
FROM COMMUNITY TO OPERATIONAL**

1 Introduction and background

Malcolm Scott MPIA, Consultant Town Planner was engaged by Lismore City Council (LCC) to assist Council prepare and publicly exhibit draft Local Environmental Plan No. 12 (draft LEP 12).

Malcolm Scott MPIA, Consultant Town Planner has prepared this report following the exhibition of the draft LEP.

Council's Recreation Planner, Parks and Gardens Technical Officer, Recreation Officer and Property Services Officer in conjunction with the Public Land Strategic Management Team commenced a review of lands zoned 6(a)(Recreation) and lands considered surplus to Council's needs in July 1998.

Draft LEP 12 was first reported to Council in December 2002 and in general terms seeks to:

- rezone Council owned land used for open space / recreation / habitat purposes that is currently not zoned for those uses
- rezone privately owned land that is currently either in whole or in part zoned for recreation purposes but which was not considered to be used for those purposes
- rezone privately owned land currently zoned for recreation not required for recreation and
- to reclassify certain community lands from community to operational to enable either the opportunity to dispose of or lease the land.

Draft LEP 12 was initiated as a result of a direction by the Minister for Planning to Council requesting it to review its need for land in private ownership zoned for recreation following the preparation and adoption of Lismore LEP 2000 and in particular the addition of Clause 71 into the LEP. Clause 71 relates to Clause 70 which in general terms specifies that the owner of any land zoned 6(a)-(Recreation) may by notice in writing require Council to acquire that land (unless the land was required to be dedicated to Council as a condition of development consent).

Council at the time it resolved to prepare dLEP 12 also separately resolved to reclassify from community to operational 3 other parcels of land.

As dLEP 12 involved the reclassification of Council land from community to operational it appeared prudent and logical that all the reclassifications be combined into the one amendment to the Lismore LEP.

1.1 The lands

All the lands the subject of draft LEP 12 were identified in report titled 'Review of 6(a)(Recreation) Zoned Land and Reclassification of Certain Council Properties from Community to Operational' presented to the Ordinary Meeting of Council held 11 May 2004.

2 Legislative process

Council wrote to the PlanningNSW [now Department of Infrastructure, Planning and Natural Resources (DIPNR)] on 7 January 2003 regarding its intention to prepare draft LEP 12.

DIPNR on 17 February 2003, wrote to Council and (in summary) advised:

- that there was no need to prepare a Local Environmental Study and
- that if Council were to issue a Section 65 Certificate under delegation to allow exhibition of the plan in accordance with Section 66 of the Environmental Planning and Assessment Act (EP&A Act) then a copy of the Section 65 Certificate and exhibited plan should be forwarded to the Department.

Council in accordance with Section 62 of the EP&A Act and Clause 10 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg) wrote (7 January 2003) to and consulted with the following public authorities in order to determine whether or not these authorities had an interest in the draft LEP:

1. Dept of Infrastructure Planning and Natural Resources (formerly DLWC) and
2. NSW National Parks & Wildlife Service (now Dept of Environment and Conservation).

The NSW National Parks & Wildlife Service responded on 7 March 2003.

The report to the Council Meeting held 11 May 2004 – titled '*Review of 6(a)(Recreation) zoned land and reclassification of certain Council properties from community to operational*', describes Council's response to the considerations raised by the National Parks & Wildlife Service.

Following Council considering the 11 May 2004 report it came to the attention of Council's staff that the adopted report and resolution of 11 May conflicted with Council's previous resolution that the proposed zoning of Lismore Lake (now known as the 'Bob Gates Memorial Recreation Reserve') was to be 6(a)-(Recreation Zone) and not 7(a)-(Environment Protection (Natural Vegetation and Wetlands) Zone) as had been reported and recommended to Council.

The Council's position was confirmed in the Plan of Management for the 'Bob Gates Memorial Recreation Reserve' that was adopted by Council in February 2004.

Council then consulted with NSW National Parks and Wildlife Service (now Dept. of Environment and Conservation) on 9 June 2004 to clarify the matter and was advised on 21 June 2004 that the Dept. had no objection to the 6(a) zone over Lismore Lake.

The issues and matters raised in submissions were not considered to be of a nature or significance that inhibited Council proceeding with the draft LEP 12 as proposed and previously reported to Council.

Pursuant to Section 65 of the EP&A Act Council's staff utilised their delegations issued by the Director-General of DIPNR and issued a Section 65 Certificate, dated 25 June 2004, to enable the exhibition of draft LEP 12.

As requested by DIPNR in its letter of 17 February 2003, on 29 June 2004 Council sent a copy of the Section 65 Certificate and draft Plan.

Pursuant to Section 66 of the EP&A Act draft LEP 12 was placed on public exhibition for a 28 day period from 28 June 2004 to 26 July 2004.

Public notices as required by Section 66(1)(a) of the EP&A Act and Section 34 of the Local Government Act were placed in the Northern Rivers Echo newspaper of 24 June 2004 and 8 July 2004.

Council on 28 June 2004 wrote to:

- 301 landowners whose properties adjoined the lands the subject of the proposed reclassification and
- 1,156 landowners whose properties adjoined the lands the subject of the proposed rezonings

advising that the draft Plan had been placed on exhibition for 28 days and that Council would receive submissions within the period of exhibition.

The following material was either placed on exhibition with draft LEP 12 or was made available for public information at the Reception Counter at the Council's Administrative Offices Oliver Ave Goonellabah:

1. An explanatory report which included:
 - a) the draft plan and maps (x3)
 - b) copies of relevant correspondence relating to the preparation of the draft Plan
 - c) a copy of the information checklist providing the information required to be publicly disclosed when a council proposes to reclassify public land from community to operational
 - d) copy of the guidelines 'LEP's and Council Land' issued by the Dept of Urban Affairs and Planning
 - e) a copy of the following reports to Council relating to the draft LEP:
 - Report to the Council Meeting held December 10 2002 – titled '*Review of 6(a)(Recreation) Zoned Land*' and Council's resolution No. 319/02.
 - Report to the Council Meeting held December 10 2002 – titled '*Reclassification of Council Properties from Community to Operational*' and Council's resolution No. 324/02.
 - Report to the Council Meeting held May 11 2004 – titled '*Review of 6(a)(Recreation) zoned land and reclassification of certain Council properties from community to operational*' and Council's resolution.
 - Report to the Council Meeting held June 8 2004 – titled '*Review of 6(a)(Recreation) zoned land and reclassification of certain Council properties from community to operational land*'.
2. Completed information checklists titled '*Volume 1 and Volume 2 Checklists for Council Public Lands Proposed to be Reclassified from Community to Operational*' Draft Local Environmental Plan No. 12 – *Review of 6(a)-(Recreation) zoned land and reclassification certain public from community to operational*'.
3. A copy of draft LEP 12 including the maps and instrument as required by Section 66(1)(b)(i) of the EP&A Act
4. A copy of all known current State Environmental Planning Policies as required by Section 66(1)(b)(ii) of the EP&A Act

5. A copy of the current North Coast Regional Environmental Plan as required by Section 66(1)(b)(ii) of the EP&A Act
6. A statement, as required by Section 66(1)(b)(iii) of the EP&A Act, to the effect that the policies, plan and Directions referred to above substantially govern the content and operation of draft LEP 12 and that any submissions made pursuant to Section 67 should be made having regard to those policies, plan and Directions.
7. A copy of the Plan of Management for the 'Bob Gates Memorial Recreation Reserve'.

At the close of the period of exhibition (26 July 2004) Council had received:

- 96 submissions relating to land the subject of the proposed reclassification of community lands
- 11 submissions relating to land the subject of the proposed rezonings
- 1 submission relating to rezoning of other lands not subject of the draft Plan and
- 3 submissions relating to reclassification of other lands not subject of the draft Plan.

Two of Council's were returned to Council by Australia Post.

The majority of the 96 submissions regarding the proposed reclassification of community lands related to the following community lands:

- 11 Andrews Crescent Goonellabah
- 7 Camelot Rd Goonellabah
- 97 Caniaba St South Lismore
- 27 Felicity Dr East Lismore
- 15a Holland St Goonellabah
- 19 Julie Crescent Goonellabah
- 15 Lee Crescent Goonellabah
- 116 Mountain View Dr Goonellabah
- 10 Murray St East Lismore
- 22 Northcott Dr Goonellabah
- 7 Parkwalk Dr Goonellabah
- 30 Spring Valley Dr Goonellabah
- 11 Sunnybank Ave Goonellabah
- 11 Toona Court Goonellabah
- 45 William Blair Ave Lismore Heights
- 8 Winchester Dr Goonellabah

In relation to the proposed reclassifications and as required by Section 29 of the Local Government Act, Council arranged to conduct a Public Hearing on 22 September 2004.

Public notices as required by Clause 14 of the EP&A Reg were placed in the Northern Rivers Echo newspaper of 2 September 2004 and 9 September 2004.

As required by Clause 14 of the EP&A Reg 21 days before the date of the Public Hearing Council on 1 September 2004 wrote to the 96 persons who had made a submission involving certain lands the subject of the proposed reclassification advising them of the Public Hearing and inviting them to register, if they wished to make a verbal presentation to the Public Hearing.

Twelve people contacted Council and indicated that they wished to make presentations to the Public Hearing. On 15 September 2004 Council wrote to these people and notified them of the proposed timetable for the Public Hearing.

The Public Hearing was conducted on 22 September 2004. Mr Rob Van Iersel of The GeoLINK Group, Lennox Head, chaired the Hearing. As required by Section 47G of the Local Government Act, Mr Rob Van Iersel is a person independent of Council and the LEP process to-date.

The Public Hearing was attended by approximately 50 people.

A report on the Public Hearing has been prepared and was received by Council on 20 October 2004.

As required by Section 47G of the Local Government Act Council, within 4 days of receiving the report on the Public Hearing, placed it on Public Exhibition on 21 October 2004.

On 20 October 2004 wrote to all the people who indicated at the Public Hearing that they wished to be notified were notified in writing of the report and advised that the report could be inspected at the Council's Administrative Offices Oliver Ave Goonellabah or the Council's offices in Magellan St and could be viewed on the Council website.

This report is prepared independently of the report on the Public Hearing.

3 Submissions

The exhibited information checklists, prepared for each of the parcels of land, proposed to be reclassified indicated:

- that the draft plan was being prepared to enable Council's further consideration as to whether or not Council should dispose of the lands if it was considered appropriate and
- that it was not proposed to change the existing land use zoning from Residential 2(a), therefore the draft plan would not affect the general planning controls applying to the lands.

The following tables list the submissions made to the proposed reclassifications and rezonings. The tables identify:

- the land to which the submission relates
- the person who made the submission and
- a summary of the issues or concerns expressed in the submission.

3.1 Submissions relating to reclassification of community land

Property	Name	Issues raised in submissions
Parcel 1 11 Andrews Crescent	K Unterburger	Opposed to reclassification. Good buffer zone – established trees, birdlife. Children play in area and it is used as a thoroughfare for schoolchildren. Wet block after rain.
	S & M Pizzol	Opposed to reclassification. Lived in Kathryn Dr since 1981 and as previous city dwellers love park. Park has established trees – neighbour mows between Council mowing. Purchased home because of this block of community land.
	RH & PB Gardiner	Opposed to reclassification. Owners of 13 Andrews Cres – when bought land advised that park would not be built on and because this block gave privacy. Power easement running through. Thoroughfare for children catching school bus.
	M & S McNamara	Opposed to reclassification. Purchased home because own land adjoined this block of community land. Building a house of the land would mean loss of privacy and devalue property.
Parcel 2 33 Allambie Dr.	Kadina High School	Exit from school to Allambie Dr. enables students to enter and leave premises before and after school using footpath on existing walkway – gate only open at these times. No objection to proposed rezoning provided walkway remains.
Parcel 3 7 Camelot Road	R & P Hartley	Opposed to reclassification. See other – Winchester Dr
	Fred Wallace	Opposed to reclassification. See other – Winchester Dr
	Mrs K Wallace	Opposed to reclassification. See other – Winchester Dr
	Keiran Hickey	Opposed to reclassification. See other – Winchester Dr
	Linda Elmslie	Opposed to reclassification. See other – Winchester Dr
	Rachael Elmslie	Opposed to reclassification. See other – Winchester Dr

<p>Parcel 3 7 Camelot Road</p>	<p>Friends of the Koala</p>	<p>Opposed to reclassification. This block contains two large forest red gums used by the local koalas. Another large forest red gum is located beside P10276 8 Winchester Dr, which adjoins 7 Camelot Rd. As there are few large koala food trees left in this area these trees are important to the local koala population. We would prefer to see both blocks retained as a park to allow easy access of all three trees by the koalas. The existing park could be developed by planting more koala food trees to provide much needed food for the local koalas and to ensure a continued food supply when the existing old forest red gums die.</p>
<p>Parcel 4 97 Caniaba St.</p>	<p>Richmond River County Council</p>	<p>Any change in classification must not reduce Council's ability to ensure full flood mitigation provisions remain. Concerned that 'operational' classification allows Council to dispose of the land. Acknowledges problems in Council dealing in community land. Believes a community land classification would provide a greater protection to the overall community need for flood mitigation.</p>
	<p>A Davies</p>	<p>Opposed to reclassification. Does not need reclassification if still to be used for cattle and crops. Former owners refused permission to build. Work on site could damage her property and increase risk of water damage during flood and heavy rain. Development of land will ensure Council will be liable for any damage caused.</p>
<p>Parcel 5 27 Felicity Drive</p>	<p>Bruce & Fay Stratford</p>	<p>Opposed to reclassification. Land dedicated to community as part of the subdivision. Development could have devastating effect on native animals. Area used by children to play, adults to walk/exercise and natural wildlife to feed, sleep and reproduce. Issue of access a concern, being such a confined area. Threat of bush fire to land. Purchased land knowing that the area was community land and a park.</p>
	<p>Friends of the Koala</p>	<p>Opposed to reclassification. The lot (P22836) contains numerous large forest red gums and is in our opinion, core koala habitat under SEPP 44. The land should be kept as a koala reserve and zoned 7(b). It may be possible to develop a limited number of house sites on the cleared areas. If so the treed areas should be kept as koala reserve, and zoned 7(b). We strongly recommend that none of the large forest red gums are removed as these are used frequently by koalas in the area.</p>
<p>Parcel 7 19 Julie Crescent</p>	<p>G Bugden & D Sudiro</p>	<p>Opposed to reclassification. Walkway between Stevenson St and park frequently used by children and adults walking to and from reserve. Reserve for benefit of people in area and that it would be a loss to the area.</p>
	<p>Colin & Kim Barnes (2 submissions)</p>	<p>Opposed to reclassification. Used by children for play and adults taking a stroll. Only parkland in area. Bought home because parkland behind them a bonus. Only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>

<p>Parcel 7 19 Julie Crescent</p>	<p>Chris Amos</p>	<p>Opposed to reclassification. The park is the only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>
	<p>Vincent Blume</p>	<p>Opposed to reclassification. The park is the only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>
	<p>Scott Brokenshire (2 submissions)</p>	<p>Opposed to reclassification. Loss to local community. Importance other than local recreation. Wildlife and koala corridor. Land allocated as a reserve as per Councils requirements – what has changed? Many residents including self purchased land knowing it was a park – if this changes will have a significant on lifestyle.</p> <p>The park is the only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>
	<p>Frank & Mrs Roseby (2 submissions)</p>	<p>Opposed to reclassification. Park adjacent to property and was described by selling agent as a public park maintained by Council. Park regularly used by neighbours (adults and children as a park. Most house blocks are small and steep without adequate play space so park is important. Loss of property value and amenity as owners of adjoining property. Loss of community resource with facilitates social interaction and community cohesion.</p> <p>The park is the only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>
	<p>Mr & Mrs M C Rodgers</p>	<p>Opposed to reclassification. The park is the only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>
	<p>Jennifer Roden (2 submissions)</p>	<p>Opposed to reclassification. One of main reasons for moving to the area because the park adjoins own land. Use park every day and provided a gate to park when fenced own land. Members of family walk through park – saving the worry of using the road. Land used by koalas.</p> <p>The park is the only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>

<p>Parcel 7 19 Julie Crescent</p>	<p>John & Delma O'Connor (2 submissions)</p>	<p>Opposed to reclassification. Adverse effects on amenity and health of neighbourhood, reduce valuable open green space. Parents would have to take kids by car to other parks to play. Council required open space as part of the development of the area – bad precedent to change. Park required for active child play – reduces play on the road. Concerns about notification and consultation process.</p> <p>The park is the only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>
	<p>Linda Collins & Noel Dougherty</p>	<p>Opposed to reclassification. Reserve factor in theirs and many others decision to locating in area. Need to retain outdoor areas for children to play locally. Loss of pedestrian access between adjacent streets would be frustrating and more dangerous walking on Invercauld Road. If lost, the community feel of area would be lost – it would be physically divided.</p>
	<p>Chris & Louise Toohey & family</p>	<p>Opposed to reclassification. Only public land in area, which is used by children for recreation. Loss of reserve would be loss of amenity for local residents and undesirable for safety reasons as children would be forced to play on street. Should not be sold for short gain when emphasis is being placed on need for children to exercise to fight obesity. Council should improve park by providing facilities.</p>
	<p>Mark Bailey</p>	<p>Opposed to reclassification. Have signed contract to purchase 9 Stevenson Street. The reserve in Julie Crescent factor in purchasing property terms of the amenity of the area, which is reflected in the purchase price.</p>
	<p>Dr. Mark Koludrovic (2 submissions)</p>	<p>Opposed to reclassification. Intensification of developed land in locality would seriously compromise habitat of flora and fauna, reduce access of residents to open public space and add unacceptable pressure to the drainage and outflow in area. The reserve provides essential habitat for wide range of bird species, koalas and other species. Loss of reserve means reduction in quality of life.</p> <p>Only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>
	<p>Michael Bill</p>	<p>Opposed to reclassification. Park is behind own land and concerned that Council did not write to him.</p> <p>Any development would affect the wildlife such as koalas.</p>
	<p>Ivio & Edith Pagotto</p>	<p>Opposed to reclassification. The park is the only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>
	<p>Glenn & Eleanor Cunningham (2 submissions)</p>	<p>Opposed to reclassification. The park is the only community land within residential housing estate. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Koala corridor. Residential development on land would increase traffic in street.</p>

<p>Parcel 7 19 Julie Crescent</p>	<p>Friends of the Koala</p>	<p>Opposed to reclassification. This lot does not contain koala food trees, but does have small trees used for shelter by koalas in the area. As most of the koala food trees in the area have been removed we would like to plant these blocks with koala food trees in order to try to maintain the local koala population. We recommend this blocks is retained as a communal park and nature reserve as they are frequented by koalas.</p>
	<p>Leah Wilson</p>	<p>Opposed to reclassification. This is the only communal space available in our neighbourhood and is regularly used by myself and my family and many children in our street.</p> <p>As my house and many others on the street are on steep blocks of land the land at 19 Julie Cr offers us a relatively flat grassed area. I especially use this area as a walking destination and play area for my 15mth old toddler. This site is valuable to our neighbourhood.</p>
<p>Parcel 8 15 Lee Crescent</p>	<p>Petition (form letter) – 49 residents C/- N & D Carey</p>	<p>Opposed to reclassification. Only community land within residential housing estate and adjoining estates. Residents have expectation that land will always remain public reserve. Used by children and adults for recreational activities. Land on the fringe of koala corridor and habitat for wide variety of birds and native animals and it should be developed for those purposes by planting trees. Easement for co-axial cable on land restricts use of land, particularly for residential and/or roadway purposes.</p>
	<p>Karl Bender</p>	<p>As above</p>
	<p>Jean Bender</p>	<p>As above</p>
	<p>Daniel Bender</p>	<p>As above</p>
	<p>Amy Bender</p>	<p>As above</p>
	<p>Mrs Gloria Bryen</p>	<p>Opposed to reclassification. Should remain as operational land allowing land to be used as a park. Open space in residential areas important to maintain quality of life of residents. Children can use as safe playing area. Invercauld Road too busy for children to play. Concerned that the park could be sold and used for access to land to the north.</p>
<p>Parcel 9 116 Mountain View Drive</p>	<p>Frank & Robyn Howell</p>	<p>Opposed to reclassification. Reason for purchase of their land next to the reserve was excellent unobstructed NE aspect over the reserve and they designed their house accordingly. They cleared subject land and mowed it till Council took over. The land is not suitable for building due to underground stormwater and other drains across property.</p>

<p>Parcel 9 116 Mountain View Drive</p>	<p>Tesoriero Henderson Cotter Lawyers</p>	<p>Opposed to reclassification. Acts for Sophie Tesoriero owner of 70 Mountain View. Park came into existence because of subdivision of land that surrounds it. When client purchased land the price reflected the existence of the park and local amenity. Information from Council at time of purchase confirmed that the land was a public reserve. Size, shape, topography, location and accessibility of land must have been considered by Council at the time it accepted the land as a public reserve and that council can only reclassify the land if it is not suitable because of size, shape, topography, location or accessibility. None of these factors have changed. Land dedicated for welfare and enjoyment of people of adjoining landowners and those in vicinity. Dedicated land can be enjoyed because of pleasant visual amenity, provides reduction in residential density provides passive open space. If Council proceed contends it would be acting improperly and would undermine confidence in planning process. Land for the benefit of landowners in locality – if Council removes benefit then it will stand liable for damages for losses suffered and leave itself open for an action for improper conduct.</p>
<p>Parcel 10 10 Murray Street</p>	<p>Stefanie Stanley</p>	<p>Opposed to reclassification. Central meeting place for children, in view of many houses so community spirit is fostered by looking out for children in park. Flash flooding occurs despite large drains and would be unsuitable, without major infrastructure changes, to accommodate a residence. A lot of people have lived in are for a long time and park is part of the community.</p>
	<p>K & T F Murphy</p>	<p>Opposed to reclassification. Resident in area for 38 years – their children and now grandchildren played in park. Safe area for children to play, which is easily supervised. Council should the park.</p>
	<p>Chris Mills</p>	<p>Opposed to reclassification. Park designated as community land probably because of density of housing in area. Concern at high population and traffic density from block of units opposite, Hurford Place having no through traffic and Murray Street being so narrow.</p>
	<p>Riordan Family</p>	<p>Opposed to reclassification. Park part of the local community since 1959 and used by children, particularly on weekends and in the summer. Government calling for children to be more active to combat obesity. Safe, no-crime area. Park under funded compared to Kadina park. Stormwater drain runs through block. Condition of Murray Street - very narrow, lack of footpaths no kerb & gutter. Should land be sold who would be responsible for cost of further legal action to halt the proposal?</p>
	<p>Callum Riordan</p>	<p>Opposed to reclassification. Likes playing in park with friends - it's like a fun fair – it's one of the bestest spots in the world.</p>
	<p>Xanthea Riordan</p>	<p>Opposed to reclassification. Park has great history and should remain for public use because there are over 20 kids that love to play there. It's great for parties and it's safe because people can see us. Who would build there because it floods!</p>
	<p>Joyce & Ray Steele</p>	<p>Opposed to reclassification. Lived in house for 40 years. Park used by many children in the area (general play football soccer cricket). Government calling for children to be more active to combat obesity. Park receives a lot of stormwater.</p>

Parcel 10 10 Murray Street	Graeme & Peggy Nixon	Opposed to reclassification. Lived in area for over 40 years. Park used by many (up to 20 at any one time) children in the area. Part of the amenity of the area. Suggest park be named “Ray Steele Park” who has been developing and maintaining the park over the last 35 years.
	Darylene & Brett Beardow	Opposed to reclassification. Live next door to park children use park every day and it is used by many children in the area. It’s safe and children get plenty of exercise. Park belongs to community
	Bonnie Thompson	Opposed to reclassification. Park used by many children in the area. Maintained by close residents and donated by former resident of Murray Street for purpose of children’s park. Have too few parks in area. Think of growing families.
	Kevin B Haywood	Opposed to reclassification. Park part of the original subdivision and used by many children in the area as well as adults. It’s safe because nearby residents keep an eye on the children. There are some 20 children and 28 grandchildren as well as students who use the Park. No facilities provided by Council but enables kids to make up there own games etc. Local flooding during heavy rain.
	Anthony Nind & Lorinda Thompson	Opposed to reclassification. Bought property 18 months ago knowing that Park was close for growing family. Park adds value to property. Used by many people of all ages. Concerned that units could be built on the land.
	Ian Coutts	Opposed to reclassification. Park used by many children in the area as well as adults. It’s safe and easily accessible place to play and meet. Negative implications to the immediate community.
	Belinda Steele	Opposed to reclassification. Land donated by Hurford family for children’s playground. Used by many children in the area as well as adults. Park maintained by adjoining residents. It’s safe because nearby residents keep an eye on the children. Government calling for children to be more active to combat obesity.
	Jye Beardow (aged 6)	Opposed to reclassification. Don’t take it away we play in the park every day.
	L F Williams	Opposed to reclassification. Park used by children to play. Street very narrow. Dangerous if children forced to play on street. Water easement runs through centre of block making it unsuitable for building on.
	Mr & Mrs C Steele & Family	Opposed to reclassification. Park has existed for many years and is used by children to play, meet and form lasting friendships. Safe area to play. Neighbours contributed to early maintenance of land. Donated as community land. Unsuitable to develop due to runoff and drainage issues. Traffic & parking conditions on this narrow street will be worse if park developed. Activity in park helps avoid child obesity. Park fosters community spirit.
	Friends of the Koala	Opposed to reclassification. This lot does not contain koala food trees, but does have small trees used for shelter by koalas in the area. As most of the koala food trees in the area have been removed we would like to plant these blocks with koala food trees in order to try to maintain the local koala population. We recommend this block is retained as a communal park and nature reserve as it is frequented by koalas.

Parcel 10 10 Murray Street	Ian Causley MP	I seek Council's earnest consideration of the issues raised by my constituents and others with similar objections prior to proceeding with the reclassification.
Parcel 11 22 Northcott Drive	Shane Weston	Opposed to reclassification. Very little public land in Northcott Drive and the area. Children play there and they would be forced to play on road if reclassified and sold. Cost of mowing little compared to community value and usage of park.
Parcel 13 32 Spring Valley	Alister Somerville on behalf of Robyn Watt	Opposed to reclassification. Acts for Ms Watt owner of 28 Spring Valley Drive. Ms Watt maintains the reserve, which is an attractive public amenity, used for passive recreation purposes. Whilst there is a park at the corner of Spring Valley Dr & Sunrise Cres it is several hundred metre away and the park is in a different location and serves a different purpose. Sale would decrease value of Ms Watts land. Vital community asset for residents in the area. Landowners understood that park would remain so in perpetuity as it is classified community land and the subdivision that created lot indicated that the land would be a public reserve. Pursuant to S.32(2) of the LGA, Council may only reclassify this land if satisfied it has been found to be unsuitable for provision, extension or augmentation of public amenities and public services because of certain stated criteria. Believes Council could not be so satisfied.
	Chris & Jan Barbary	Opposed to reclassification. Contrary to Council's policy of tree preservation and would deprive local children of an area to play. Land dedicated in perpetuity to community. Purchased their property because of the park and it adds value to their property. They and other owners have been maintaining land since 1980's. Do not sell off public assets.
	Iris Corby	Opposed to reclassification. Purchased land knowing that land was community land and would remain fill. Would lose their view and value of property. More attractive if terraced and recreational facilities provided. Council planted trees, which attract large number of birds – more trees would be an added attraction. Prepared to donate and plant trees. Loss to community for short term gain.
Parcel 14 & 15 11 Sunnybank Avenue	Terry & Margaret McKee	Opposed to reclassification. Subdivision in Hillcrest Estate created Lot 136 as a corridor for koala, which adjoins 11a Sunnybank. Loss of land would disrupt koala corridor and habitat between Hillcrest Ave & Sunnybank Ave.
	Friends of the Koala	Opposed to reclassification. In a meeting with Warren Rackham and the developer of the Hillcrest estate on April 2, 2004 we discussed the planting of this site and P426 (13A Carramar Dr) with koala food trees to replace those removed in the Hillcrest development. P9255 (11 Sunnybank Ave) is a small cleared block that lies in a koala corridor linking the Carramar Dr reserve and Deegan Dr and through to Invercauld Rd. As most of the koala food trees in the area have been removed we were hoping to plant this block to maintain the koala food trees in the area that have been removed and to plant this block to maintain the koala food tree corridor. We understand this land and 11A Sunnybank Ave were designated as a reserve when the original subdivision was approved. We feel this land should remain community land so that it can remain a reserve for koala food trees.

Parcel 16 11 Toona Court	Sharon Robson	Opposed to reclassification. Suggest Council develop children's playground on land. Koala, bird and animal habitat. Families have parties and picnics in park. If pathway removed, walk to bus a lot further for children and adults. Used as residents' fitness regime.
	Lorraine & Neville Tarran (2 submissions)	Opposed to reclassification. Bought home 11 years ago with knowledge that opposite land was a park and pathway to Invercauld Road. Uses pathway daily. Koala habitat. Recreation and exercise area for children and adults. No other suitable park in immediate area.
	L H D'Arney	Opposed to reclassification. Park used by children for exercise and safe haven for koalas. Many walkers frequent park and picnic area. Path to Invercauld Road used extensively as access to bus stop. Area becoming populated it is the only park land in estate. Safe place for grandchildren
	Michael & June Hayward	Opposed to reclassification. Park used by families. Reason for buying property which would be devalued if park removed. Frequented by koalas and birdlife. Forced to take legal action against Council if park removed.
	Janelle Holland	Opposed to reclassification. Park used by children living in Toona Court and Brooker Dr for exercise and play. If land built on it would create more traffic, which would be dangerous.
	Kathleen Eves	Opposed to reclassification. Park used by children on regular basis for exercise and play. Needs more equipment. Well established tress for Koala and bird habitat. Walking path used by walkers and for dog exercise. Not ideal for buildings as lack of front and back yards. Properties in area would be devalued if park removed.
	Olga Williams	Opposed to reclassification. Park used by children for exercise and play. Koala and bird habitat and rainforest in park. Walking path used by school children and residents to access bus stop. Safe area for children – keeps them off the street. Mother bring kids to park for picnics and birthday parties. Bought unit because it was close to park to walk dog and for grandchildren to play.
	Mrs N M Robson	Opposed to reclassification. Park used by children, families with young children, joggers. Walking path used by school children and residents to access bus stop. Koala and bird habitat. Bought unit because it was close to park.
	M & A de Courcy Dutton	Opposed to reclassification. Park is community land held in trust by Council – queries what would happen to proceeds of any sale. Park used by children, families, joggers. Walking path used by school children and residents to access bus stop. Koala and bird habitat. Adds value to their property and sale of park would devalue property Park would have to be properly fenced if sold.
	Siobhan & John Zmegac	Opposed to reclassification. Concerned about notification process – lives opposite park and did not get letter. Park big factor in choosing property – feel it would be devalued if park removed. Used by many children in the area (Toona Ct & Brooker Dr) and families also for exercising dogs. Pathway provides easy access to bus stop. Habitat for koalas and birdlife. If park developed as residential, trees may have to be removed.
	Jordan Zmegac (aged 5)	Opposed to reclassification. Please don't take our park. We love going up there to play.

Parcel 16 11 Toona Court	Residents & Friends Figtree Estate Petition containing 128 signatures	Opposed to reclassification. This unbuilt area is the only one in estate, which contains many very small units and houses with very little backyards. Feel children much safer playing in park. Addition of any park equipment would be greatly appreciated.
	Petition containing 14 signatures children from area	Opposed to reclassification. We live near the parkland at Toona Court, which is closest parkland for our friends to go to most days after school to play. Please reconsider.
	David & Robyn Youngberry	Opposed to reclassification. Community used park by nearby residents and children. Many houses and units in estate on small allotments and park is only area where children can play other than street. Residents have picnics and games in park. Big factor in purchasing property. Residents believe the park should be up-graded and not sold.
	Friends of the Koala	Opposed to reclassification. This block contains a very large forest red gum with many scratch marks and scats indicating heavy use by the local koalas. As this is the only large koala food tree left in the area it is crucial to the local koala population. The tree is in the centre of the block frontage making it difficult to develop the block without removing the tree. The park could be developed by planting more koala food trees to provide much needed food for the local koalas and to ensure a continued food supply in case the existing old forest red gum dies.
Parcel 18 8 Winchester Drive	John & Margaret Cafe	Opposed to reclassification. Closure of park would encroach upon efforts to rear children. Issues important to them are: child safety, family values, obesity, physical activity, social skills in a controlled atmosphere, local wildlife, e.g. koalas, other animals and birdlife. Park big factor in purchasing own property 10 years ago. Children have outlet, which keeps them close to home, and safe. Park prompts creative play and physical activity in kids and assist parenting skills.
	Malcolm & Mary Gladstone	Opposed to reclassification. Parks are community property since development of area. Parks used by local residents and children to play and picnic in. Easily monitored by neighbourhood and safe for children. Important part of community. Habitat for koalas and numerous types of birds would be seriously affected. Kadina Park close but that is a planned walk away across the highway.
	Jenna Lees	Opposed to reclassification. Uses the park along with other children. Will be very sad if park is taken away as we play there and take our dogs there.
	Khayla Lees (aged 8)	Opposed to reclassification. Does not want a house of the land. Lots of kids play in the park with their friends, families and dogs. No other area to play and do not what to use road for play.
	Emma Elmslie	Opposed to reclassification. I like to play with friends, lie in the shade on hot days, lie in the sun on cold days, play fetch with the dog – it is like a big back yard.
	Jacinta Café (aged 12)	Opposed to reclassification. More than 15 children play in the park. Also there are koalas and birds in the trees. Our parents can see us in the Park from the windows of home. No other area to play and do not what to use road for play.
	Trish Smith & Craig Jennings	Opposed to reclassification. Use park daily to exercise dogs. Many children use park and often it ends up a neighbourhood meeting venue. Habitat for koalas.

Parcel 16 11 Toona Court	Vicki Sims & Brian Weekes	Opposed to reclassification. Residents of area totally opposed. Many children use park – maybe Council could install some play equipment. Habitat for koalas.
	Marilyn & Elwyn Garrard	Opposed to reclassification. Lived in area for 25 years. Observed over the years many children, young mothers using park to play, learn to ride bikes etc. Day carers bring toddlers there for picnics. Short cut between Winchester Dr & Camelot Rd for many. Major factor in purchasing property. Devaluation of property secondary to feelings of community attachment to the park.
	Kylie Garrard	Opposed to reclassification. Used to play in park and still live in the area with young children. Many children live in the area and use park to play. Day carers bring toddlers there for picnics. Park used to exercise dogs. Park is a popular local place and should be retained for future generations.
	Bill & Roslyn Norton	Opposed to reclassification. Bought land because of the privacy created by the park. Many children use park to play. Love privacy of adjoining park. Land gifted to Council as community park. They and other residents planted grass and mowed park for years – even paid for mowing when they couldn't do it themselves.
	Andrew & Nadia Norton	Opposed to reclassification. Living in area for 6 years – kids play in park and can observe them. Central spot for children to gather, play and form friendships in safety. If park removed, children would play on street which would be dangerous.
	Linda Elmslie (2 submissions - Camelot & Winchester)	Opposed to reclassification. Important to preserve natural areas for well-being and enjoyment of city residents and future generations. Many children use park as a meeting place , to play, ride and play with pets. Should maintain natural feel of Lismore as alternative to crowded coastal areas.
	Keiran Hickey (2 submissions - Camelot & Winchester)	Opposed to reclassification. Area needs park land. Land gifted to Council as community park. Provides access between Camelot and Winchester. Need for park for residents and children for recreational purposes. Habitat for koalas and birdlife. Public thoroughfare for ready access to schools and transport. Major factor in purchasing property 26 years ago. Trees may be lost if reclassified. Drain across land how would it be maintained. Area important with increasing urbanisation.
	Rachael Elmslie (2 submissions - Camelot & Winchester)	Opposed to reclassification. Parks are play areas used by herself and many other children, playing, riding bikes. Vacant land enjoyed by neighbourhood.
	Mrs K Wallace (2 submissions - Camelot & Winchester)	Opposed to reclassification. Parks constantly used by children and adults, green oasis in urban landscape and koala corridor. Has fostered great neighbourhood atmosphere. Concern trees would be lost.
	Fred Wallace (2 submissions - Camelot & Winchester)	Opposed to reclassification. Constantly used by children and adults. Oasis in urban landscape and koala corridor. Concern trees would be lost.
	Reg & Phyllis Hartley (2 submissions - Camelot & Winchester)	Opposed to reclassification. Lots have always been community land. Provide passive open space, enhancing aesthetic quality of subdivision. Used by many children. Easy access through Park to Camelot Road and public transport. Block contains water drainage easements. Would want to see walkway retained if land sold.

<p>Parcel 16 11 Toona Court</p>	<p>Friends of the Koala</p>	<p>Opposed to reclassification. This lot does not contain koala food trees, but does have small trees used for shelter by koalas in the area. As most of the koala food trees in the area have been removed we would like to plant these blocks with koala food trees in order to try to maintain the local koala population. We recommend this block is retained as a communal park and nature reserve as it is frequented by koalas.</p>
<p>Parcel 6 15a Holland Street</p>	<p>Friends of the Koala</p>	<p>Opposed to reclassification. This lot contains numerous trees including a gully near the school and a row of large eucalypts behind Lancaster Drive. Koalas pass through this area and the trees need to be checked to determine the numbers of koala food trees. If koala food trees are there we recommend selected areas be set aside as a community reserve, and any development takes koala food trees into account.</p>
<p>Parcel 13 30 Spring Valley Drive</p>	<p>Friends of the Koala</p>	<p>Opposed to reclassification. This lot does not contain koala food trees, but does have small trees used for shelter by koalas in the area. As most of the koala food trees in the area have been removed we would like to plant these blocks with koala food trees in order to try to maintain the local koala population. We recommend this block is retained as a communal park and nature reserve as it is frequented by koalas.</p>
<p>Parcel 17 45 William Blair Ave</p>	<p>Friends of the Koala</p>	<p>Opposed to reclassification. This lot does not contain koala food trees, but does have small trees used for shelter by koalas in the area. As most of the koala food trees in the area have been removed we would like to plant these blocks with koala food trees in order to try to maintain the local koala population. We recommend this block is retained as a communal park and nature reserve as it is frequented by koalas.</p>
<p>Parcel 12 7 Parkwalk Dr</p>	<p>Friends of the Koala</p>	<p>Opposed to reclassification. This lot does not contain koala food trees, but does have small trees used for shelter by koalas in the area. As most of the koala food trees in the area have been removed we would like to plant these blocks with koala food trees in order to try to maintain the local koala population. We recommend this block is retained as a communal park and nature reserve as it is frequented by koalas.</p>

3.2 Submissions relating to rezoning

#2 Kareela Ave Lismore Heights

Seventeen submissions were received in respect of the proposed rezoning of #2 Kareela Ave Lismore Heights (Lot 29 DP 232727). The land is public land classified as community land and is currently zoned 2(a)(Residential).

Draft LEP 12 proposes to rezone the land 6(a)(Recreation). The draft Plan does not propose to reclassify the lands.

The following table summarises the submissions.

Property	Name	Issues raised in submissions
2 Kareela Avenue	Melissa Dunn	Opposed to rezoning. The park has been utilised personally for over 31 years. It was a very significant recreation area when I was growing up and continues to be to this day. Lismore heights is a hilly and traffic laden area which essentially limits where children can play safely. This park is used positively by numerous individuals and families. Open space is limited in Lismore Heights and this park is important to people of all ages, particularly those whom reside in the area.
	Rebekah Jones	Opposed to rezoning. I use this parkland frequently walking to it and playing with our puppy there, other members of the community use this park. There is very little parkland in our neighbourhood, and there are many young families in the area. There are no playgrounds in the neighbourhood, and it would be beneficial if council upgraded the park
	Peter and Margaret Nind	Opposed to rezoning. We have lived at 4 Kareela Avenue for over 20 years and our children and grandchildren have used the park as a playground over these years. It is used frequently by school children and we strongly object to the park being rezoned as operational.
	Carl Claydon	Opposed to rezoning. I object to the park in Kareela Drive being changed.
	Graeme and Peta Renshaw	Opposed to rezoning. Object to the rezoning of the parkland as I was not personally notified of any changes to its future use. Have four small children that use the parcel of land for recreational purposes.
	Pam and Des Payne	Opposed to rezoning. We object to the park being sold or rezoned for any other purpose other than parkland. Open green areas are needed for all the community.
	V & L Molloy	Opposed to rezoning. Registering objection to rezoning.
	L H Clarke	Opposed to rezoning. The land has been used as a recreation park for years so it must remain as the same for the children of the area.
	M O'Neil	Opposed to rezoning. I used the park all the time when I grew up and want it left for future families.
	Tammie Davy	Opposed to rezoning. I have two children who use the park.
	J Graham	Opposed to rezoning. I would like it to be kept as parkland as it has been so nice to be able to walk my dog there as there isn't enough parkland around as it is.

	JN Kerr	Opposed to rezoning. It has been brought to my notice that parkland at Kareela Ave is about to be rezoned, with, I presume, the purpose being sale of the land in a council grab for money. This the only open space in the area for children to use, for people to walk their dogs. The rather underhanded way you have gone about the rezoning by not notifying neighbours of your intention is abominable. What we do not need is a block of flats to seriously devalue properties. Will you please reconsider your unfortunate decision.
	Effie Davison	Opposed to rezoning. My boys play on the park and I would not like to see it changed by rezoning. Having this space and area is important for me as a mother of five children.
	Percy Winkler	Opposed to rezoning. My wife and I have lived at 103 Donnans for 44 years, which I would have thought entitled us to have been notified of any impending rezoning. Our house is low set and the most appealing aspect of where we live is the unique rural views, which the parkland affords. If unlimited development was allowed we believe it would be catastrophic to our visual and social environment. We raised six children here who quite often played in the park with their friends, this is the only open land available for recreational purposes and if rezoned will be lost forever. We never entertained the idea of rezoning as we had been informed that Mr Courtney Thomas who initially developed the land donated the parkland section to Council with the proviso that it was always to be retained for recreational purposes.
	Lesley Burgoyne	Opposed to rezoning. Objects to any rezoning or reclassification of the park to any status except that which retains it as a park now and forever in the future. Also extends the objection to any parkland or green space in the City of Lismore that you propose to reclassify or rezone for operation or other purposes not park land. Park was part of the reasons to purchase own home. All people in the area benefit from the park, elderly, infirm, young families, older families, retirees, and full time workers. All benefit from the park in one way or another. It is part of the fabric of their lives. There is no other green space close by. When the original subdivision was made those purchasing blocks were told that this park was 'given' by Mr Courtney Thomas and that it would never be built on. A number of the original purchasers are still here. They, plus others have spoken to, have been unhappy that Council would consider rezoning and more so because there were not informed of Council's intent. This lack of informing the community surrounding the park is reprehensible on the part of the Council. On behalf of these people I add a further objection to the manner in which you informed only adjoining properties.
	Rebekah & Christopher Jones (2 submissions)	Opposed to rezoning. Members of the community use this park, there is little parkland in our neighbourhood; many birds are attracted to vegetation in the park. There are many young families in the area, therefore parkland is necessary, and there are no playgrounds in the neighbourhood.
	M Gosper	Opposed to rezoning. Only park in the area. Council requirement that subdivider provide park land. Should be left for everyone to enjoy. Perhaps Council could improve park by planting more trees. Concerned about consultation process.

The proposed rezoning from 2(a)(Residential) to 6(a)(Recreation) applies the correct land use zone to the land and secures its existence as public community land and a park.

‘Bob Gates Memorial Recreation Reserve’ (Lismore Lake)

Two submissions were received regarding Lismore Lake.

The Wilsons River Landcare Group requests that Lismore Lake and surrounds be zoned 7(a)(Habitat Protection). The Group notes that:

- the lake provided habitat for over 100 bird species including a number of threatened species (Jacana and Black Necked stork) and
- the lake is a valuable passive recreation reserve for local and visitors.

The Group objects to:

- recreational boating on the lake because it frightens birds and destroys water lilies and
- boating on the lake because of the presence of blue green algae and the health risk it poses and states that Council will be responsible for any injury incurred.

The Group requests that:

- Council plant clumps of trees around the edge of the lake for bird habitat and install informative signage about the bird species and their habitat requirements and
- Boating facilities be provided on the Wilsons River.

The other submission was from NSW National Parks and Wildlife Service (now Dept. of Environment and Conservation).

The Department reiterated its support to rezone entire lake as (6a)(Recreation) if the Plan of Management, as provided by Council to the Dept. is implemented, i.e. no motorised water craft having access to lake and that the that Rowing Club will not use lake unless in accordance with licence or certificate issued under Threatened Species Conservation Act 1995.

Having regard to the current zoning of the lands, the history of the lands, Councils previous resolutions regarding the lands and adopted Plan of Management and advise from Dept. of Environment and Conservation it is appropriate that the lake and adjoining lands be zoned (6a)(Recreation).

123 Taylor Rd (10A Vintage Dr – Chilcotts Grass)

One submission was received in respect of the proposed rezoning of 123 Taylor (Lot 582 DP 728646 10A Vintage Dr – Chilcotts Grass). The land is public land classified as community land and is currently zoned 1(b)(Agricultural) and provides a linkage between the ‘City Acres’ rural residential estate and Tucki Tucki Creek.

Draft LEP 12 proposes to rezone the land 6(a)(Recreation). The draft Plan does not propose to reclassify the lands.

The submission expressed concern that the rezoning could mean the future subdivision of the land and land in the locality towards Goonellabah.

The proposed rezoning from 1(b)(Agricultural) to 6(a)(Recreation) applies the correct land use zone to the land and secures its existence as public community land and a linkage from the ‘City Acres’ rural residential estate and Tucki Tucki Creek.

3.3 Submissions made to other community lands not included in the draft Plan

Three submissions were received in respect of reclassification of public land not the subject of draft LEP 12.

Crozier Field & Oakes Oval

Council's Manager, Roads & Parks requests the lands be reclassified as a response to Council's recent direction in leasing several of its major sporting areas.

Goonellabah Leisure Centre

Council's Recreation Planner requests that as the Centre may be leased on long-term basis it would seem timely to consider the inclusion of the proposed development site in the reclassification.

Left Bank Cafe

Requests that the public land that they currently lease be reclassified as that would allow them to exercise an option in the lease to purchase the building in case Council decides in future to sell property.

3.4 Submissions relating to rezoning of other lands not subject of the draft Plan

Kookaburra Terrace Goonellabah

Prepared by Newton Denny Chappelle on behalf of the Jack Holmes Family Trust the submission relates to lands known as Lots 102 & 103 DP 1066550 (Kookaburra Terrace).

Both the allotments have been recently created are in part zoned 2(a)(Recreation) and (6a)(Recreation) as a consequence of variation between the location of the existing zone and cadastral (property) boundaries.

Whilst neither of the allotments were specifically included in the draft Plan, other privately owned lands in Just St and Brett Mark Court that adjoin the same public reserve that are currently part zoned 2(a)(Recreation) and (6a)(Recreation) and located in the immediate locality were included in the draft Plan.

Following receipt of the submission the existing 2(a) / 6(a) zone boundaries of other vacant land (Lot 49 DP 849862 – extension of Just St) that adjoins Tucki Tucki Creek has been reviewed. There currently exists some minor variation between the location of the existing 2(a) / 6(a) zone and cadastral (property) boundaries.

It is appropriate that Council now correct the zoning anomaly within Lots 102 & 103 DP 1066550 and Lot 49 DP 849862.

4 Conclusion and recommendations

Following the period of public exhibition the parcels of community land for which submissions were received were inspected by Council's current Manager of Parks and Gardens, Strategic Planner, Property Manager and Malcolm Scott, Consultant Town Planner.

It is recommended that Council proceed with draft LEP 12 subject to the following amendments.

4.1 Submissions relating to reclassification of community land

Parcel 1

Land & property detail

11 Andrews Crescent Goonellabah

Comment

The land is considered too small to be developed and efficiently maintained for passive or active recreation.

Recommendation

1. That in accordance with Section 27 of the Local Government Act 1993, the land be reclassified 'operational'.
2. That Council on the southern boundary of the land undertake a subdivision of the land to provide a pathway minimum 4m wide between Andrews Crescent and Kathryn Drive.

Parcel 2

Land & property detail

23 Allambie Dr Goonellabah

Comment

The land is considered too small to be developed and efficiently maintained for passive or active recreation.

Recommendation

1. That in accordance with Section 32 of the Local Government Act 1993, the land be reclassified 'operational' because the land is too small to develop as either a passive recreational area or active playground.
2. That Council on the southern boundary of the land undertake a subdivision to create and provide a access shaft a minimum 4m wide between Allambie Dr and Kadina High School.

Parcel 3

Land & property detail

7 Camelot Rd Goonellabah

Comment

The land is highly valued by the local community, contains trees that have significant habitat and landscape value.

Recommendation

That Council exclude the lands from draft LEP 12.

Parcel 4

Land & property detail

97 Caniaba St South Lismore

Comment

The proposed reclassification does not reduce ability to ensure flood mitigation provisions.

Recommendation

That in accordance with Section 27 of the Local Government Act 1993, the land be reclassified 'operational'.

Parcel 5

Land & property detail

27 Felicity Dr East Lismore

Comment

The land is considered too steep to be developed and efficiently maintained for passive or active recreation. A developed park is located in Wanda Dr, close to the land.

Recommendation

That in accordance with Section 31 of the Local Government Act 1993, the land be reclassified 'operational' because the land is fragmented (the smaller parcel is too small) and residual of the land too steep to developed as either a passive recreational area or active playground.

Parcel 6

Land & property detail

15a Holland St Goonellabah

Comment

The purpose of the proposed reclassification is to sell a small area of land zoned 4(a) industrial to correct a boundary encroachment.

Recommendation

That in accordance with Sections 27 of the Local Government Act 1993, the land be reclassified 'operational'.

Parcel 7

Land & property detail

19 Julie Crescent Goonellabah

Comment

The land is highly valued by the local community and could be developed into a excellent local neighbourhood park.

Recommendation

That Council exclude the lands from draft LEP 12.

Parcel 8

Land & property detail

15 Lee Crescent Goonellabah

Comment

The land is considered too small to be developed and efficiently maintained for passive or active recreation.

Recommendation

1. That in accordance with Section 27 of the Local Government Act 1993, the land be reclassified 'operational'.
2. That Council place a restriction on the title under section 88 of the Conveyancing Act prohibiting the use of the land as access to the lands to the north.

Parcel 9

Land & property detail

116 Mountain View Dr Goonellabah

Comment

The land is considered too small to be developed and efficiently maintained for passive or active recreation.

Recommendation

That in accordance with Section 31 of the Local Government Act 1993, the land be reclassified 'operational' because the land is too small and steep and has a poor shape to developed as either a passive recreational area or active playground.

Parcel 10

Land & property detail

10 Murray St East Lismore

Comment

The land is highly valued by the local community and could be developed into a excellent local neighbourhood park.

Recommendation

That Council exclude the lands from draft LEP 12.

Parcel 11

Land & property detail

22 Northcott Dr Goonellabah

Comment

The land is considered too small to be developed and efficiently maintained for passive or active recreation.

Recommendation

1. That in accordance with Section 31 of the Local Government Act 1993, the land be reclassified 'operational' because the land is too small and has a poor shape to developed as either a passive recreational area or active playground.
2. That Council give the first offer of sale to the adjoining landowner to the south.

Parcel 12

Land & property detail

7 Parkwalk Dr Goonellabah

Comment

The land is considered too small, too steep and has a poor shape to be developed and efficiently maintained for passive or active recreation.

Recommendation

That in accordance with Section 31 of the Local Government Act 1993, the land be reclassified 'operational' because the land is too small, too steep and has a poor shape to developed as either a passive recreational area or active playground.

Parcel 13

Land & property detail

30 Spring Valley Dr Goonellabah

Comment

The land is considered too small, too steep and has a poor shape to be developed and efficiently maintained for passive or active recreation.

Recommendation

1. That in accordance with Section 31 of the Local Government Act 1993, the land be reclassified 'operational' because the land is too small, too steep and has a poor shape to developed as either a passive recreational area or active playground.
2. That Council give the first offers of sale to the adjoining landowners to the west and south.

Parcels 14 & 15

Land & property detail

11 & 11A Sunnybank Ave Goonellabah

Comment

The land is considered too small, too steep and has a poor shape to be developed and efficiently maintained for passive or active recreation.

Recommendation

1. That in accordance with Section 31 of the Local Government Act 1993, the land known as 11 Sunnybank Ave be reclassified 'operational' because the land is too small to developed as either a passive recreational area or active playground.
2. That Council exclude the land known as 11A Sunnybank Ave from draft LEP 12.

Parcel 16

Land & property detail

11 Toona Court Goonellabah

Comment

The land is highly valued by the local community and could be further developed into an excellent local neighbourhood park.

Recommendation

That Council exclude the lands from draft LEP 12.

Parcel 17

Land & property detail

45 William Blair Ave Lismore Heights

Comment

The disposal of the land will enable provision of access to adjoining lands and the supply of land better suited for both active and passive recreation.

Recommendation

That in accordance with Sections 27 of the Local Government Act 1993, the land be reclassified 'operational'.

Parcel 18

Land & property detail

8 Winchester Dr Goonellabah

Comment

The land is highly valued by the local community, contains trees that have significant habitat and landscape value.

Recommendation

That Council exclude the lands from draft LEP 12.

It would appear appropriate that the land use zone of following lands be changed from 2(a)(Residential) to 6(a)(Recreation):

- 7 Camelot Rd Goonellabah
- 19 Julie Crescent Goonellabah
- 10 Murray St East Lismore
- 11A Sunnybank Ave Goonellabah
- 11 Toona Court Goonellabah and
- 8 Winchester Dr Goonellabah.

4.2 Submissions relating to rezoning

#2 Kareela Ave Lismore Heights

Draft LEP 12 proposes to rezone the land from 2(a)(Residential) to 6(a)(Recreation). The draft Plan does not propose to reclassify the lands.

Recommendation

That the zoning of #2 Kareela Ave Lismore Heights be changed from 2(a)(Residential) to 6(a)(Recreation) as proposed in the exhibited draft LEP.

'Bob Gates Memorial Recreation Reserve' (Lismore Lake)

Council's Plan of Management for the 'Bob Gates Memorial Recreation Reserve' was adopted by Council in February 2004.

Council at its meeting of 8 June 2004 resolved that the Lake and adjoining land be zoned 6(a).

NSW National Parks and Wildlife Service (now Dept. of Environment and Conservation) supports and has no objection to the 6(a) zone over Lismore Lake provided the use of the Lake and land is in accordance with the Plan of Management.

Recommendation

That the zoning of 'Bob Gates Memorial Recreation Reserve' be changed from 5(Special use - aerodrome) and 1(r)(Riverlands) to 6(a)(Recreation) as proposed in the exhibited draft LEP.

123 Taylor Rd (10A Vintage Dr – Chilcotts Grass)

Draft LEP 12 proposes to rezone the land from 1(b)(Agricultural) to 6(a)(Recreation). The draft Plan does not propose to reclassify the lands.

Recommendation

That the zoning of 123 Taylor (Lot 582 DP 728646 10A Vintage Dr – Chilcotts Grass) be changed from 1(b)(Agricultural) to 6(a)(Recreation) as proposed in the exhibited draft LEP.

4.3 Submissions made to other community lands not included in the draft Plan

The submissions related to:

- Crozier Field & Oakes Oval
- Goonellabah Leisure Centre and
- Left Bank Cafe

Council has not resolved to reclassify the lands.

The information required to be placed on public display with the draft LEP at the time it was exhibited was not provided.

Council should investigate whether or not the reclassifications 'trigger' the need to amend the adopted Plans of Management for the lands under the Local Government Act.

Recommendation

1. That Council not include the lands in draft LEP 12.
2. That Council investigate the preparation of an amending LEP to reclassify the lands.

4.4 Submissions relating to rezoning of other lands not subject of the draft Plan

The lands [Lots 102 & 103 DP 1066550 (Kookaburra Terrace)] the subject of the submission were not identified as having a 'split' 2(a)(Residential) and 6(a)(Recreation) zone boundary at the time the draft Plan was prepared.

Subsequent to the preparation of the draft Plan the location of the 2(a)(Residential) and 6(a)(Recreation) zone boundaries within Lot 49 DP 849862 is not appropriate and should be corrected to follow cadastral boundaries.

Council in the draft LEP has sought to correct existing zoning anomalies occurring on other lands adjoining the same public reserve.

Recommendation

That:

1. land known as Lots 102 & 103 DP 1066550 be zoned 2(a)(Residential).
2. the location of the 2(a)(Residential) and 6(a)(Residential) zone boundaries within Lot 49 DP 849862 be corrected to reflect and match the cadastral and zone boundaries of the lands.

End of report

26 October 2004.