

RESERVE No	PARCEL AREAS	
	TOTAL	7(D) ZONE
R1	4109 m2	3161 m2
R2	14789 m2	13474 m2
R3	8993 m2	6637 m2
R4	986 m2	694 m2
RIBERRY GROVE		478 m2
<b>TOTALS</b>	<b>28877 m2</b>	<b>24644 m2</b>

**BALLINA SHIRE COUNCIL**

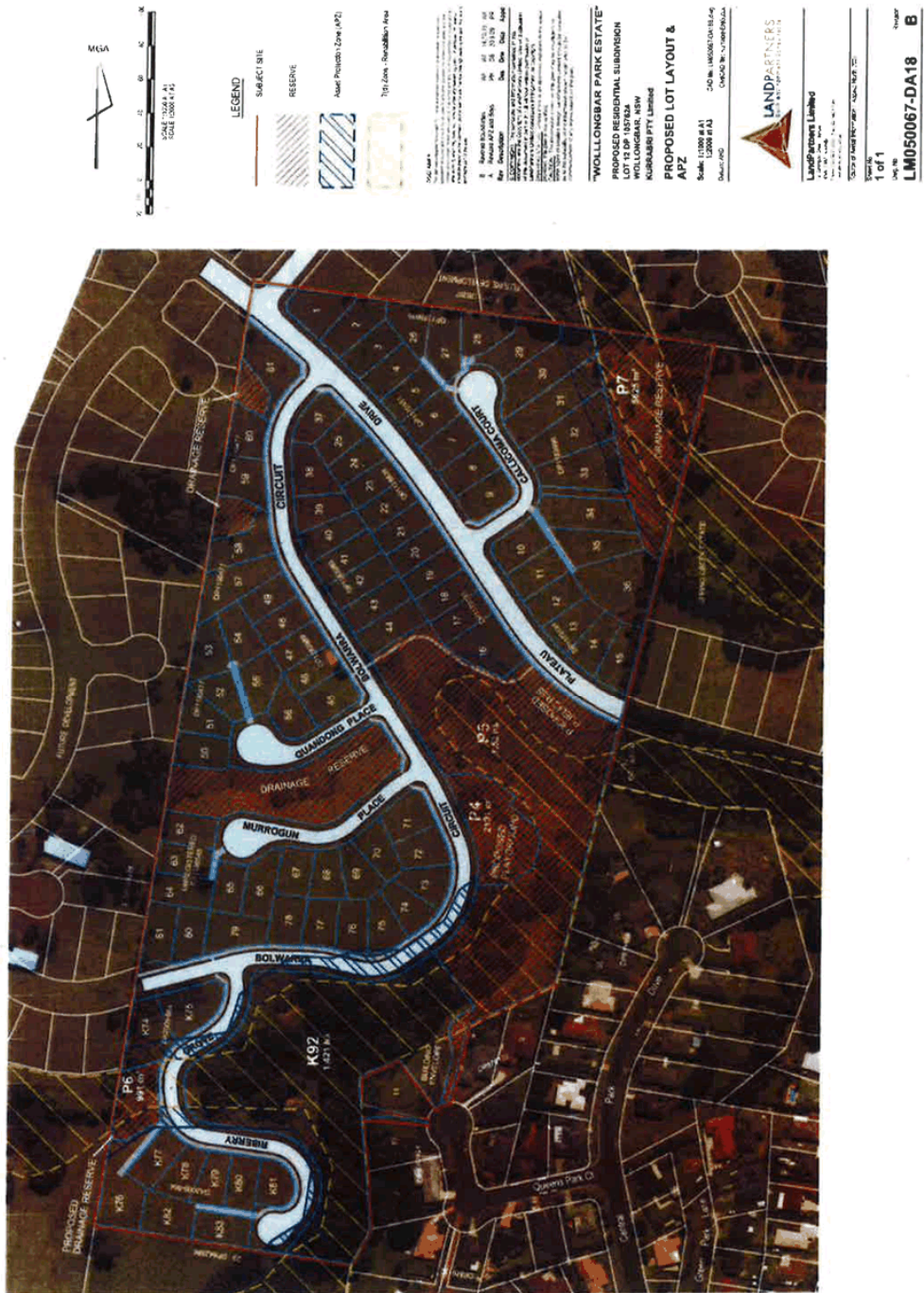
This is the plan/document to which  
 development consent No: 2009/664 relates  
 as determined by Council on 1/12/10  
 GENERAL MANAGER per: [Signature]

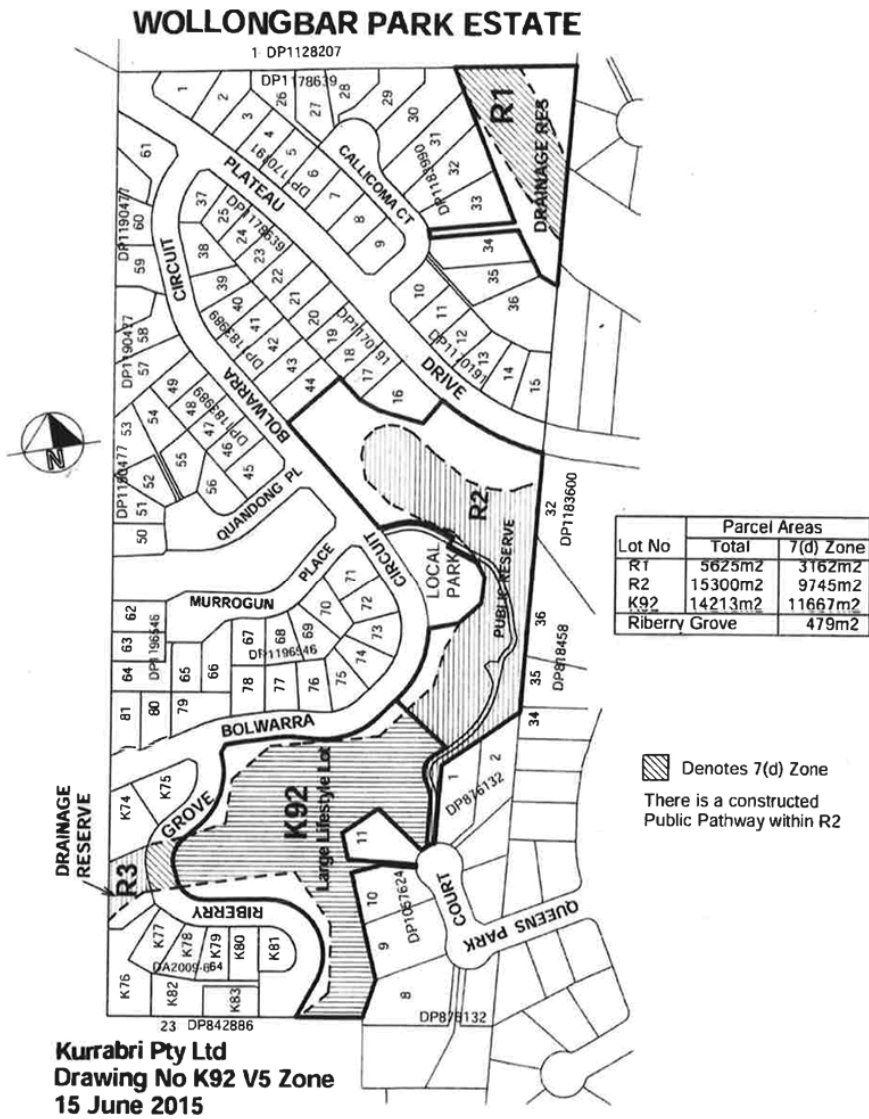


Zone 7(d) Environmental Protection (Scenic/Escarpment) Zone

Plan Showing Proposed Subdivision of 7(d) Zone within Lot 12 DP1057624 (DA 2009/664)

LandPartners Limited  
 2A Carrington St., Lismore NSW 2480  
 Drawing No **LM050067-RF108A**  
 30 September 2009





**Kurrabri Pty Ltd**  
**Drawing No K92 V5 Zone**  
**15 June 2015**

Plan Showing Proposed Subdivision of 7(d) Zone within Lot 64 DP1190477  
Reduction Ratio 1:3000 at A4

**WOLLONGBAR PROGRESS ASSOCIATION INC.**

**PO Box 101, Wollongbar 2477**

**Telephone: 66283880**

28th Spetember 2015

15/68299

Mr Paul Hickey, General Manager,  
Ballina Shire Council,  
BALLINA. 2478

Dear Mr Hickey,

SUBMISSION : DA 2009/664 - Modification of Consent Application

The above application seeks to delete Conditions 1.3 and 1.4, and to modify Condition 2.2. The modification is referred to in the Development Application as a Section 96 (1A) Modification "which Council is of the opinion is of minimal environmental impact".

In relation to this quote, two points are made:

- 1) Council, as an elected body, has not had the opportunity to assess if this modification is of "minimal" environmental impact, and
- 2) whilst the DA, if approved, will impact the physical environment, consideration must also be given to possible significant social and community impacts.

Two areas of concern with this Application are:

- a) the probability of increased duplex lots in the neighbourhood, and
- b) loss of public access to an area designated as public reserve.

Conditions 1.3 and 1.4 guide the duplex / low density mix of the neighbourhood. Deletion of these Conditions has the capacity to considerably impact the profile of the neighbourhood, with increased duplex lot development, in contravention of the expectations of those who have already purchased their blocks on the basis of the Wollongbar Urban Expansion Masterplan.

The Wollongbar Masterplan was developed over a decade, and was the result of intensive investigation, consultation and professional planning by Council and Wollongbar community. The Masterplan has guided lot layout, housing mix and public reserve allocation for the expansion area, and buyers have made, and are making, their decisions based on this Plan.

The expansion area of Wollongbar is attracting many families with young children. These families are particularly influenced by the opportunity for freedom of movement, and exploration in and through public areas of land, for their children. This DA for Modification

of Consent seeks to remove a large area of such open reserve, to allow the development of a large "lifestyle block".

Such a change departs considerably from the Masterplan for the area, and families already in residence are upset that this change is sought over five years after Kurrabri accepted the Conditions of Consent, as set out in Council's Determination of February 2010.

Wollongbar Progress Association urges Council to refuse this Modification of Consent Application, on the basis of potential for considerable detrimental impact - socially and environmentally - on this new Wollongbar neighbourhood, if this Application is approved.

Yours sincerely,

.....  
Ron Birch, President, WPA Inc.

copy to:  
Mr Steve Murray, Regional Director  
North Coast Region  
NSW Department of Planning and Environment

Wollongbar Objection

Kim Sterling  
15 Nabilla Court  
YAMBA NSW 2464

15/68653.

30 September 2015

Ballina Shire Council  
PO Box 450  
Ballina  
NSW 2478

Dear Sir/Madam

**RE: OBJECTION SUBMISSION; DA 2009/664; SECTION 96 APPLICATION TO MODIFY CONSENT 2009/664 INCLUDING MODIFYING THE LOT PAYOUT OF PUBLIC RESERVE AREAS ADJACENT TO BOLWARRA CIRCUIT AND CALLICOMA COURT AND INCLUDING A REVISED REHABILITATION ACTION PLAN**

Thank you for the opportunity to provide a submission in response to the above mentioned proposal. I am a current landowner along Bolwarra Circuit directly opposite the proposed development and am currently building a house on my property to reside in.

I strongly object to the:

- (1) The Creation of a "Large Lifestyle Lot" known as Proposed Lot K92 on Proposed Plan of subdivision Drawing No K92 V5 Zone dated the 15<sup>th</sup> June 2015.
- (2) The granting of a "Torrens Title" to be held in the name of the developer which allows for this area currently designated "Public Space" to be sold to a private individual.

**Grounds for Objection – Errors of Fact**

**Substantially The Same Development**

Page 3 of Application DA 2009/664 dated the 1<sup>st</sup> of September 2015 as prepared by Civil Tech Consulting Engineers refers to the application as being the "*Essentially or Materially the same*". This is a clear error in fact as a large proportion of the estate (Proposed Lot K92) will now be in private hands. This dramatically alters the ownership structure of the entire estate and surrounding area.

This is a significant difference to the original plan of subdivision (see screen shot below) which clearly indicates this area to be designated "Public Reserve".





It is incomprehensible that the proposal for such a significant change in the ownership structure of this estate could be considered “*essentially or materially the same*”. **We object to the current application as this significant and clear error of fact prevents objective consideration by council and members of the public and cannot be approved as submitted.**

#### **Relevance Of The Minimum Lot Size Standard**

Page 4 of Application DA 2009/664 dated the 1<sup>st</sup> of September 2015 as prepared by Civil Tech Consulting Engineers states that the minimum lot size of 40ha (under the 7(d) zoning) is an arbitrary size based on “*traditional agricultural methods and activities*”. We object to the inclusion of this statement in the application on two grounds:

- (1) Whether the minimum lot size of 40 hectares is based on traditional farming methods or not is **totally irrelevant**. These zoning regulations that have been adopted by the Ballina Shire Council and are law. It is a well-established common law principle that courts are to consider **only** the law as it stands/as written and **NOT** the arguments given for establishment of the law. **As such, we object to the current application as the inclusion of this statement is misleading and prevents an objective consideration by council and members of the public and cannot be approved as submitted.**
- (2) If council consider the argument that the minimum lot size is not applicable because it is based on traditional farming methods, this then sets a precedent that the 40ha min standard is irrelevant **throughout the entire 7(d) zoning**. Once set, this precedent could be used successfully by other landowners of similarly zoned land to argue for subdivisions smaller than 40ha. **As such, we object to the current application as the precedent set could have significant ramifications for similarly zoned landed throughout the Ballina Shire and cannot be approved as submitted.**

**Developer Arguments Why the Development Standard Is Unnecessary and Unreasonable In These Circumstances**

Page 5 of Application DA 2009/664 dated the 1<sup>st</sup> of September 2015 as prepared by Civil Tech Consulting Engineers, lists 5 points why the application for development of the land should be allowed to proceed. We object to each as follows:

➤ **Developer Rationale:**

***The existing Land zoned 7(d) is currently well below 40 hectares.***

**Objection:**

Whether **existing land** under this zoning is below 40 hectares has no relevance whatsoever. The minimum lot size only applies to **NEW** allotments under this zoning. The council have already approved for this area to exist and this parcel should be considered an EXISTING property and as such this argument has no relevance whatsoever.

This is a clear error of fact and this statement should not be included in the application.

***We object to the current application as this significant and clear error of fact prevents objective consideration by council and members of the public and cannot be approved as submitted.***

➤ **Developer Rationale:**

***The proposal is reduce (Typographical error in application) the amount of land dedicated to council, thus reducing the ongoing maintenance burden.***

**Objection:**

The applicant has **FAILED** to advise that council have already agreed to the ongoing maintenance burden of this land in previous approvals. ***We object to the current application as this clear omission of fact prevents objective consideration by council and members of the public and as such cannot be approved as submitted.***

If the council approve this applicable on these grounds this would present a significant contradiction to the councils original position (original approval), which would set a precedent for the council to back-track on applications. ***As such we object to this application as approval would create uncertainty and lack of confidence in the council approval process.***

The applicant has also not presented the possibility that other community groups, such as local Landcare groups and groups of adjoining landowners are willing to undertake the maintenance and accept liability for this area if kept in public ownership. ***We object as this application as it does not present these options which make this argument clearly irrelevant. The investigation and omission of these options prevents***

Wollongbar Objection

Kim Sterling  
15 Nabilla Court  
YAMBA NSW 2464

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***objective consideration by council and members of the public and as such the application cannot be allowed to proceed.***

➤ ***Developer Rationale:***

***The proposed management plans of the land 7(d) is consistent with the approach of the other developments within the Wollongbar Urban Expansion Area***

**Objection**

Although the Amended Rehabilitation Action Plan (ARAP) may be consistent with similar plans within 7(d) zoned land the amendment of an existing approval to transfer public land **back** to private ownership is **extremely rare and is NOT consistent with common practice in the Wollongbar Urban Expansion Area**. ***As such this statement is misleading and prevents objective consideration by council and members of the public. The application cannot be allowed to proceed in its current form.***

➤ ***Developer Rationale:***

***The proposal will not create an undesirable precedent***

**Objection**

Refer to dangerous precedents above that will be set.

➤ ***Developer Rationale:***

***The development as proposed will facilitate the subdivision of the site in accordance with councils' strategic plans.***

**Objection**

This development is **NOT** consistent with the Aims and Objectives of the 7(d) Zone which are:

- Primary Objective: To protect and enhance that area of particular scenic value to the Shire of Ballina.
- Secondary Objective: To minimise soil erosion from escarpment areas.

The application states that the abovementioned attributes of the 7(d) zone will be protected via the Amended Rehabilitation Action Plan (ARAP).

The transfer of this land to private ownership places the success of the ARAP at **significant risk** and therefore is **CLEARLY NOT CONSISTENT** with the aims and objectives of the zoning which are to **PROTECT SUCH AREAS**. ***As such this statement is misleading and prevents objective consideration by council and members of the public. The application cannot be allowed to proceed.***

Ongoing management and enforcement of the ARMP under private ownership is at significant risk because:

➤ **Difficulty of enforcement of the ARPA on future private owners:**

*Enforcement of the ARPA will be difficult, especially considering the strong possibility the land may change hands a number of time within the lifetime of the ARPA. Enforcement may eventually require legal action by council with ongoing costs obviously far in excess of any maintenance burden.*

➤ **Other interests in the land:**

*Other parties such as creditors and mortgagees may have end up holding future interests in the land. This will reduce the ability of the council to enforce the ARPA, especially in times of mortgagee default.*

➤ **Skill base and financial capacity of the owners to carry out the RPA:**

Page 4 of the ARAP dated August 2015 states that the "Web of Vegetation binds the steep slopes very effectively". Disturbance of the deep gully would result in severe soil erosion and rapid colonisations of weeds. As it is, this closed forest formation has found a natural balance" A screen shot is included below.

- The area is fully vegetated with a forest structure consistent with the Lowland Rainforest formation, despite the fact that that the upperstorey is dominated by Camphor Laurels. Yet, many rainforest plants such as large Tree Ferns, palms and ferns populate the mid and understorey (Plates 1-7). This web of vegetation binds the steep slopes very effectively. Disturbance of this deep gully would results in severe soil erosion and rapid colonisations of weeds. As it is, this Closed Forest formation has found a natural balance.

The future management strategy for this area is very is very complicated and calls for "stem injection of selected trees over a 5-10 year period (See screen shot below)".

- Mature trees located on the steep slopes adjacent to Willowbank Creek (or its tributaries) are to be poisoned in situ and left to decay naturally
- When selecting trees for stem injection, trees adjacent to native species or smaller and less significant trees should be stem injected first to allow the understorey to adapt to the changing conditions and to avoid mass germination of Camphor Laurel seedlings

Large-leaved Privet and Ochna are also to be systematically stem injected/stem treated. Timeframe to achieve the restoration target will be extended to a 5 to 10 year period so to allow judicious poisoning of canopy trees aimed at minimising sudden light increase onto the forest floor, whilst fostering native regeneration. Management prescriptions for Revised Zone 8D are detailed on Table 1 (s. 2.4).

The ARAP makes it **VERY** clear that "Severe Soil Erosion" could result in disturbance of the vegetation.

A **long term commitment** and **very high skill** set in environmental management will be required by future owners to manage and implement the ARPA along with an ongoing

Wollongbar Objection

Kim Sterling  
15 Nabilla Court  
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*financial burden to ensure no erosion occurs and then the objectives of the zoning which are "To minimise soil erosion from escarpment areas" is achieved.*

The transfer of this land into private ownership **puts at considerable risk the ongoing successful management of the ARPA** and the council and local community must ask itself such as:

- What if the new or future owners do not have the skill base to manage the ARPA?
- What if future owners do not have the financial resources to manage the ARPA?

***We strongly object to the transfer the land to private ownership as this carries the very real risk of non-compliance with the ARPA which is NOT consistent with the primary objective of the 7 (p) zoning and puts this valuable environmental resource at considerable risk. The application cannot be allowed to proceed on this basis.***

In this regard we strongly recommend the land remain in public hands where the council and/or appropriately trained community groups can adequately care for this important environmental resource over a long period of time.

#### **Inconsistencies/Issues and Potential Errors with the Amended Rehabilitation Action Plan**

##### **Covenant**

Page 22 of the ARAP suggests a covenant will be placed over the land to ensure ongoing maintenance of the land as per RAP requirements.

The conditions and drafting of the covenant will be absolutely critical to the ability of future councils to enforce the ARAP.

***We strongly object to the application and it does NOT contain the proposed covenant which will allow the council and members of the public to comment on its appropriateness.***

#### **Social Impacts, Other Concerns And Grounds For Objections**

##### **Access To The Land For Public Enjoyment**

Even though parts of the land are steep, there are many parts (especially along the creek beds) which provide a natural playground for local children.

The surrounding demographic predominately consists of young families. Simple yet incredibly important activities for young people such as exploring local bushland with friends, catching yabbies in the creek and building cubby houses will effectively be prevented forever if the land was in public hands.

***As such we strongly object to the application as it will remove access to the site for the local population for important activities.***

#### **Issues with the Decision Making Process**

The ARAP states in two locations (See screen shots below) that the council have already considered favourably the proposal. We are deeply concerned that council has indicated that it would support this application before community consultation.

- the Wollongbar Park Estate and the adjoining existing residential area.
- Council has indicated that it would support the proposed changes to the amended configuration of lot K92.
  - However, land to the south-west and to the north and east of the recreation path not

In summary, Council has given in-principle support for Work Zone 1B to be incorporated in the expanded Lot K92 and thus relinquish responsibility for its eventual management. Given the

***We strongly object to the development as council support for the property (See screen shots above) may have been given before community consultation.***

#### **Council Involvement in Ongoing Disputes**

If the proposal was to proceed, local residents would naturally investigate the possibility that misleading statements may have been provided by the developer (or his agents) throughout the sale process and depending on those investigations may consider actions against the developer.

These actions would invariably involve access to council records as part of any due diligence process.

Such a process would be very time consuming, costly for the council and utilise valuable resources which would be better allocated to serve councils existing priorities.

***As such we strongly object to the development as council support for the proposal has the potential for valuable council resources to be tied up in potential disputes (and possible litigation) between residents and the developer.***

**Application for Objection Submission - Extension**

Approximately two weeks have been allowed for community submissions.

This timeframe is clearly insufficient considering the complexity of both the town planning and environmental issues.

Our primary recommendations are for the council to **reject this application immediately**, however our secondary recommendation is for extension of six months for objection submissions.

This will allow time for the local community to:

- Engage Town Planning experts to investigate potential issues and any discrepancies with previously approved applications.
- Engage Environmental and Fire Hazard experts to review the appropriateness of the ARAP. Such a review will also entail comparing the Amended RPA to the originally approved RPA to consider if the amendments (Lessening of original prescriptions) are appropriate.

~~considered as part of any 5.96 application to be lodged for the proposed boundary adjustment particularly for the private land portion. However, reasons for a lessening of original prescriptions are to be provided in support of the revision.~~

- Engaging Legal advice to research other instances where environmental RPA have been enforced via covenants and the effectiveness and cost of such actions.

**Summary**

We can see **NO** reason for the application to proceed and to transfer this land to private ownership.

As clearly demonstrated in this submission, the transfer of this land to private ownership is (1) Inconsistent with the objectives of this zoning (2) Inconsistent with previous council approvals and is (3) not in the communities best interests.

The application makes reference that the council will have a reduced maintenance burden if this land was transferred to private ownership. This argument is totally irrelevant as there are many local residents and skilled community groups willing to assume liability over this site to ensure that it remains in public hands.

In summary, the transfer of this land puts at a **very significant risk** the successful environmental management of this crucial piece of land and we strongly believe the best

Wollongbar Objection

Kim Sterling  
15 Nabilla Court  
YAMBA NSW 2464

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way to serve the interests of the Wollongbar community will be to retain this land in public ownership as per the original approval and reject the current application.

This application has caused considerable unrest in the local community and we refer council to the Facebook page link below for further information and as a demonstration of community concern.

<https://www.facebook.com/ourreserveforall/timeline>

Yours faithfully

A handwritten signature in black ink that reads "K Sterling". The signature is written in a cursive style with a large, sweeping flourish at the end.

**KIM STERLING**  
Landowner along Bolwarra Circuit

*JASON YEO (Partner)*  
*Associate Member of the Australian Property*  
*Institute and Certified Practicing Valuer*



Dr Lachlan Forsyth  
Bolwarra Circuit  
Wollongbar  
NSW 2477

30th September 2015.

15/6 8714

Mr Paul Hickey, General Manager  
Ballina Shire Council,  
BALLINA. 2478

**Re: DA 2009/664- Modification of Consent Application**

Dear Mr Hickey,

As a new resident of Wollongbar, having purchased a residential allotment only last year in the Wollongbar Estate, I object strongly to the proposal by Kurrabri Pty Ltd to amend their approved DA with a view to selling a large proportion of designated Public Reserve and open space from the Wollongbar Estate (proposed K92) as a "Large Lifestyle Lot" (Component 1). I strongly urge the Council to reject this Modification of Consent on three main grounds:

1. The Wollongbar Master Plan is sound and should not be compromised
2. The designated *public* open space, as a lowland rainforest formation, is of recognised importance to our community and maintaining the existing Council-approved DA is in the public interest
3. The proposed amendment is underpinned by weak justifications, including those given for lessening the previously approved rehabilitation of 7(d) zoned land.

**1) The Approved Wollongbar Master Plan is sound and should not be compromised**

I, like many other Wollongbar residents, have faith in the integrity of the **existing Master Plan that was accepted by Kurrabri in 2010, following extensive stakeholder consultation and informed decision-making by Ballina Shire Council.** Like many of my fellow Wollongbar residents, I believe the **proposed amendment seriously compromises the existing and Ballina Council-approved Master Plan,** upon which my wife and I based our decision to move to the Plateau as part of the Urban Expansion initiative, to buy our first family home and raise our three young children.

I urge Council to **maintain the integrity of the existing and approved Master Plan,** which is balanced, appropriate and sound. The proposed amendments to Condition 1.1 (Component 1) do not seek to establish benefits to the residents of Wollongbar but, as I will detail below, seek to frame the designated Public Reserve as being little more than a cost and liability to Council. In doing so, this proposed DA amendment **seeks to appeal to the most narrow and short-sighted notion of the important role that Council plays in maintaining and supporting restorative open space for the health and well being of the residents and ratepayers of the communities who they represent.**

The case for preserving this designated Public Reserve is not about seeking public access during this sensitive rehabilitation period. I agree that regeneration requires care to avoid erosion and damage of the site. **In this submission, I urge Council to take a future-orientated perspective of the value of public open space with reference, not just to cost and liability, but to the public interest value of *the mature stages* of a rehabilitated pocket of lowland rainforest gully and riparian ecology.**

A number of related points for rejecting this proposed change to the Master Plan are as follows:

- The proposed amendment seeking to sell off the forested public open space represents a significant breach of the trust that residents such as myself placed in Kurrabri when purchasing properties based on the existing, and Ballina Council approved, Master Plan. Since notification, many Wollongbar local residents (including an elected Ballina Council representative) have expressed this same sentiment in community meetings and/or on the resident social media page "Our Reserve For All".
- The timing of this proposed amendment, coming as it did after Kurrabri Pty Ltd sold off the adjacent residential allotments (but prior to many of these residents moving in to the community), has myself and my neighbours questioning the regard that developers have for our community interests, and for the Master Plan they originally had approved through Ballina Council. I urge Council to therefore ensure that residents and ratepayers are represented in this consideration, rather than only considering the interests of developers and the Council.

- Acceptance of this proposed amendment would establish a worrying precedence for the Plateau's Urban Expansion, in which developers can establish an initial Master Plan to sell off a large number of properties based on this approved design, but then change, piecemeal through amendments with little significant justification (as detailed later), aspects of the Master Plan *that are highly valued by local residents and the wider community.*
- There is a real and measurable difference between a *Public Reserve*, which becomes part of the shared and cohesive fabric of a community, and the very different notion of a private "lifestyle lot" in which only owners achieve the restorative "lifestyle" that the site engenders. This important distinction is not recognised in the 'Amended Rehabilitations Action Plan' submitted as part of the proposed amendment. This argues that surrounding residents will still have the benefits of looking onto the private land of the owner's "lifestyle lot". This is an insult to those who have bought into the existing Master Plan. If this DA amendment is approved by Council, *this scenic view will instead become a permanent reminder to adjacent residents that the Public Reserve for which they bought into the area (often on the basis of their life savings) was subsequently taken from the public and made available only to a private landowner.* I ask instead, that Council represents the values and interests of **local residents who view this Public Reserve as a restorative centrepiece of their growing community**, as will be detailed further below.

Similarly, I register my objection to the proposed deletion of the restrictions related to duplex higher density developments (i.e. Conditions 1.3 and 1.4) on the following grounds:

1. I have confidence in the extensive consultation and the informed approval process of Ballina Council in establishing the density mix of the existing Wollongbar Master Plan,
2. This change could significantly change the profile of the area, and yet has not been proposed as part of a consultative process,
3. Kurrabri accepted the Conditions of Consent approved in 2010 and has lodged this proposed amendment after selling off the majority of residential allotments based on the approved and accepted Master Plan.

I strongly urge Council to maintain the integrity of the Wollongbar Master Plan that myself and neighbours believed would guide our community's development when we purchased land as part of the Urban Expansion initiative on the Plateau.

**2) The designated *Public Open Space*, a lowland rainforest formation, is of recognised importance to our community and maintaining the existing Ballina Council approved DA is in the public interest**

The designated Public Reserve proposed for private sale, zoned 7(d), constitutes a significant 'natural forest' open space that will be lost in perpetuity as a public asset if sold into private ownership. A number of related points for rejecting this change to the Master Plan are as follows:

- As Wollongbar's built environment continues to expand, natural forest public space such as this land along Willowbank Creek Gully become an important counter-balance to the developed areas and 'designed' public spaces such as playgrounds and pathways. This is especially salient in Wollongbar Estate given the relatively small residential allotment sizes and distance to other larger open and restorative shared spaces, a perspective that is supported by research.<sup>1</sup>
- The importance of *public* open space and restorative green space is increasingly recognised as an essential element of a healthy and vibrant community, with an increasing body of research pointing to the significant and measurable benefits of these open spaces, which include 'natural forest' areas, for the physical and mental health and well-being of residents, particularly children,<sup>2, 3</sup> and for social coherence.<sup>4</sup> Public green space can, according to an extensive Deakin review, "...reduce crime, foster psychological wellbeing, reduce stress, boost immunity, enhance productivity, and promote healing. In fact, the positive effects on human health, particularly in urban environments, cannot be over-stated. As a result, urban planning should ensure that the communities have adequate access to nature."
- Many residents in the Bolwarra Estate, including myself, have been willing to pay thousands of dollars extra in building costs due to the BAL12 Bushfire rating, for the privilege of living next to this special,

<sup>1</sup> Kearney, A.R. (2006). Residential Development Patterns and Neighbourhood Satisfaction, *Environment and Behavior* 38(1): 112-139.

<sup>2</sup> Townsend, M. & Weerasuriya, R. (2010). *Beyond Blue to Green: The benefits of contact with nature for mental health and well-being.* Beyond Blue Limited: Melbourne, Australia, p.1.

<sup>3</sup> Wells, N.M. and Evans, G.W. (2003). Nearby Nature: A Buffer of Life Stress Among Rural Children, *Environment and Behavior* 35(3): 311-330.

<sup>4</sup> Sugiyama, T., Leslie, E., Giles-Corti, B. and Owen, N. (2008). Associations of neighbourhood Greenness with Physical and Mental Health: Do walking, social coherence and local social interaction explain the relationships? *Journal of Epidemiology and Community Health*, 62(5).

public forested reserve. Allocating this open space as part of the Master Plan represented a contemporary and future-orientated design for community. This reserve also provided a valuable and important linkage between the new and existing parts of the Wollongbar community. This linkage has been demonstrated over the last few weeks, as Wollongbar residents from both sides of the designated Public Reserve have come together to preserve this important aspect of their shared community. For example, one Queens Court resident expressed this sentiment publically on the 'Our Reserve For All' Facebook page:

*"I'm a resident of Queens Park Court here in Wollongbar. This news of re-zoning Willowbank Creek Gully is most upsetting to me and my family. This Public Reserve contributes significantly to our lifestyle here in Wollongbar - it was one of the reasons we bought the property that we currently live in - we love living next to this natural wonder and enjoy all the animals that come up from it and into our yards. To sell this extremely important and fragile rainforest ecosystem off could be considered irresponsible by council and I truly hope they have a change of heart on the matter. Not only could this impact negatively on the beautiful flora and fauna in the gully but it would also take away a very unique aspect of what makes Wollongbar such a special place to live in for residents (both new and old). I strongly oppose this development."*

- More broadly, the Plateau region including Wollongbar and Alstonville, is well known for important rainforest and ecological remnants and rehabilitation zones. Some of the region's forested gullies are widely known as important elements of the local ecology as well as shared community space. One Wollongbar Resident expressed this sentiment on the 'Our Reserve For All' Facebook page, stating:

*I have been a resident of Wollongbar for over 14 years. One of its hidden treasures is the Rainforest reserves that are at the backyards of residents that serve for all the community to enjoy; take that secret family stroll, photograph the birds, creek and ever changing greenery, forget life's troubles and meet a neighbour or adventurer too. It would be a terrible shame to take this reserve away from new owners in the Estate who are young families or retirees. I would call on our council to give due consideration to the community's desire for the preservation of willow creek Gully.*

- Prior to resident notification of this proposed amendment some local residents, including myself, were in the initial stages of establishing a local Landcare group that could assist in rehabilitating the designated Public Reserve, with appropriate consultation with Ballina Council. This not only demonstrates the community value of this public 7(d) zoned reserve and its potential for supporting social cohesion, it also indicates the practical manner in which our young community is willing to support Council in maintaining and rehabilitating this open space.

Given the clear importance of this designated public open space to the community, I call on the Council to resist Kurrabri's myopic framing of this important community asset as representing little more than an "ongoing maintenance" burden and liability (as suggested in the Consultant's report Ref: 1013).

As a Wollongbar residents and ratepayer, I recognise and value the role that Council plays in supporting and maintaining public assets, including open space. I support the planned rehabilitation of the 7(d) Zoned land under the existing, Council-approved Development Application. I ask therefore that Council represent the values of Wollongbar residents by recognising that preserving this 7(d) zoned land as a public open space aligns with the important role that Council can play in supporting significant elements of a community and its surrounding ecology. As noted, local residents have already demonstrated that they are willing to play a role in supporting Council's responsibility to the site by assisting in rehabilitating the public 7(d) zoned land, through a Landcare group that will act as a sub-committee of the Wollongbar Progress Association thus addressing issues of public liability.

My views expressed here mirror those of many other Wollongbar residents, in seeking from Council a more inspiring and community-focused conception of, and vision for, the value of such forested open space, as an asset that can be proudly treasured and nurtured by our community, for the benefit of the region and future generations of community residents, including our children's children.

3) The proposed amendment is founded on weak justifications, including those given for lessening the previously approved rehabilitation of 7(d) Land

As part of the proposed amendment, developers are seeking to lessen the original prescriptions related to the rehabilitation of the 7(d) land. In particular, they are proposing a reduction in the rehabilitation of the land referred in

their proposal as Work Zone 1B, which is a large proportion of the 7(d) zoned land that they want moved into private ownership. The justifications provided in support of this request are questionable and should thus be rejected, in favour of the agreed and approved rehabilitation of this site.

More specifically, the Amended Rehabilitation Action Plan for Work Zone 1B (a large proportion of the 7(d) Public Reserve) states that "no camphor laurel felling or enhancement planting within Work Zone 1B, which is the remainder of 7(d) zoned land" will be undertaken (see p. 3 & 4 of relevant report). One of the major justifications provided for no longer undertaking enhancement planting is that the site is 'extremely steep' with 'no practical and safe access for Council or the Public to the gully' from any of the sides, including Riberry Grove. This justification is extremely questionable, given that access from Riberry Grove is not difficult, via a moderate and easily traversable slope down to the large areas of relatively flat land.

Like my fellow Wollongbar residents, I recognise the importance of public and staff safety and am not advocating access beyond established rehabilitation teams. Yet, given that 'lack of safe access' is cited as a major justification for not undertaking the previously approved rehabilitation of a large proportion of the 7(d) zoned land, it is worth noting that the report's description of access from Riberry Grove as "unsafe due to the sheer steepness of the terrain" (p.4) is highly questionable. On the contrary, the easily traversable slope could be used to access and rehabilitate the site, under the *existing* DA arrangements, utilising accepted and well documented forest rehabilitation approaches to minimise erosion as required.

In closing, I strongly urge Council to represent the expressed interests of Wollongbar residents who continue to voice their opposition to the selling off of a valuable community open space. This issue has *not* divided Wollongbar residents, but instead has united them. Please support our vision for our community and the mature stages of the rehabilitated Public Reserve, as an important element for the health and wellbeing of residents and the local ecology, by rejecting this proposed amendment and preserving the integrity of the approved Wollongbar Master Plan.

Regards

-----  
Dr Lachlan Forsyth  
Wollongbar Resident

Copy to:  
Mr Steve Murray, Regional Director  
North Coast Region  
NSW Department of Planning and Environment

15/68938

Bree Forsyth  
46 Bolwarra Circuit  
Wollongbar  
NSW 2477

1st October, 2015.

Mr Paul Hickey  
Ballina Shire Council,  
BALLINA 2478

Dear Mr Hickey,

*SUBMISSION* : DA 2009/664 - Modification of Consent Application

We are currently in the process of moving into our new house in Bolwarra Circuit Wollongbar, which was chosen after years of research into which area would best suit our family. My family descendants, the Daley's, have lived in the Alstonville / Wollongbar region since the 1800s and thus moving to the Plateau has great significance to me.

However, I was shocked to learn only two weeks ago that the Ballina Council is considering modifying the existing Wollongbar Estate plan that was established through lengthy consultation with the Council and the community as part of a well-conceived Master Plan. Like others in our situation, we purchased property and paid accordingly in good faith that the council and developers would honour this Master Plan as part of the Wollongbar urban expansion scheme.

I am therefore writing to express my objection to the amendment proposal which seeks to change the Wollongbar Master Plan, after so many of us have bought land based on this plan. On this grounds, I object to

Component 1 of the proposed DA amendment, which seeks to sell off a large 1.4 hectare portion of the designated Willow Creek public reserve, as a private "lifestyle lot". This public reserve was a major selling point in the purchase of our property. When we first explored the area, we were impressed with the inclusion of public green space in the Master Plan; a perspective that increased on realising that this public reserve was a rainforest gully with a creek running through it.

I also object to the amendment's Component 2, related to the proposed deletion of the restrictions related to duplex developments (Conditions 1.3 and 1.4). This proposed change has the potential to significantly alter the density mix of the Wollongbar Master Plan without such an effect having been adequately assessed for the social impacts to our growing community. Once again, I believe it unfair that we purchased our land based on an evaluation of the existing Master Plan related to the balance and density of the approved allotments, and yet it now may be changed after we have committed to this purchase.

I implore the Ballina council to consider the impact this ill-conceived amendment will have on the residents of the Wollongbar estate, and reject the proposed modification of consent application.

Yours sincerely



Bree Forsyth

**SUBMISSION RE. APPLICATION TO MODIFY CONSENT FOR DA2009/664**

Kurrabri Pty Ltd

Lot 82 DP: 1196546, Bolwarra Circuit, Wollongbar

Dear Ballina Shire Council,

30/9/15

I am writing to formally object to the application to modify the public reserve between Queen's Park Court and Bolwarra Circuit.

**1. LACK OF JUSTIFICATION**

Firstly, there appears to be no meaningful stated reason for the land to be modified from public reserve to private block, apart from further profit to the developer. I do not believe that this qualifies as substantive enough grounds to alter the nature of the land use.

**2. PRESERVATION OF NATURAL ENVIRONMENT**

The area in question is one of great natural beauty, with a number of native rainforest trees, palms and tree ferns. Such spaces are rare now on the plateau, and need to be protected. Keeping this as public land will ensure its protection, rather than risking that a private owner will destroy or neglect it. The new Wollongbar estates are tightly packed with houses, and will benefit from these areas of natural beauty.

**3. IMPORTANCE OF PUBLIC SPACE**

In any town planning, public space plays a vital role in the feeling and atmosphere of a community. It is imperative that public spaces such as this are preserved to avoid the "urban sprawl" of areas where these spaces have been allowed to be developed or sold into private ownership.

**4. MAINTENANCE OF PUBLIC RESERVE**

While it may be initially appealing for council to turn over the responsibility of maintaining this area to others, I feel this would be a short-sighted approach. Like any public space or natural park, work to maintain it should not be used as a reason to abandon it. The council will already have to look after the playground and other section of the reserve; the upkeep of this part of the public reserve is not a huge added workload.

**5. FINANCIAL IMPLICATIONS FOR EXISTING RESIDENTS**

Our property in Queen's Park Court borders the public reserve. We bought this property in 2009 with the understanding that the existing planning would be upheld. If the applicant's request to amend their DA such that the land becomes a private property, this will negatively affect the financial value of our property. One of the great appeals of our home is that it slopes down to the rainforest and creek, giving a

peaceful, natural outlook. Removing this devalues our property. I think it is unreasonable of council to alter long-standing planning, when many local property buyers have based their decisions to buy on these plans.

6. PLANNING AND DEVELOPMENT PRINCIPLES

My final objection is to the nature of this DA amendment. When developers are allowed to modify existing planning, especially planning involved buffer zone or reserve areas, this erodes the integrity of the planning process. It also sets a dangerous precedent for other would-be developers to attempt the same, sending the message that council plans are not genuine or fixed in any meaningful way.

I urge all members of the council to reject this application for the reasons outlined above.

Many thanks,

Catherine Black

13 Queen's Park Ct

Wollongbar

NSW 2477



Arlo & Zoe Cluff  
19 Queens Park Court  
Wollongbar  
NSW 2477

5<sup>th</sup> October 2015.

Mr Paul Hickey, General Manager,  
Ballina Shire Council,  
BALLINA, 2471



**SUBMISSION: DA 2009/664 – Modification of Consent Application**

Dear Mr Hickey,

Our family purchased in 2009 and built in 2010. We love Wollongbar and chose to grow our family in this wonderful community for many reasons, one of which is the beautiful natural reserves imbedded within it.

As long term residents of Wollongbar, we strongly object to the proposal by Kurrabri Pty Ltd who seek to modify their approved DA to enable them to sell a large proportion of designated Public Reserve and open space from the Wollongbar Estate (proposed K92) as a "Large Lifestyle Lot". We would strongly support council to reject this proposed DA amendment based on the following grounds:

- The Wollongbar Masterplan was developed over a decade, and was the result of intensive consultation and planning with the Wollongbar community and the council, therefore ensuring the current conditions are sound for our community
- we purchased our lot due to the plan of an open reserve, we would not have made the purchase if the adjoining rear lot was to be privately owned
- Council has a community responsibility to offer significant open reserves in our community.
- There is a high potential of losing the native wildlife in the proposed open reserve area, eg, Wallaby's, Bush Turkey's and Black Cockatoo's.
- Many residents of the adjoining estates, including ourselves, have needed to pay thousands of dollars extra in building costs to accommodate the Bushfire rating, for the privilege of living beside this public bushland reserve.

Firstly, we would like to acknowledge that as the main resident who is potentially effected by this proposal we did not receive notice from council of the development application. We thank council for the approved extension for submission.

It is also valuable to note that prior to notification of the proposed amendment, some proactive residents we were in the initial stages of establishing a local Landcare group to

assist in rehabilitating the designated Public Reserve. We aimed to work with Council and Land Care experts to successfully achieve this.

As an alternative outcome we would like to propose:

- A stand alone residential block be allocated beside Lot 11 Queens Park Court as a saleable allotment and the remainder of the allotment be allocated as an open reserve for community access or the whole allotment be allocated to a community reserve with increased potential, eg, community vegetable garden. We would also like to ensure if the lot was to be sold as an individual residential block (without reserve) that it meets the minimal building envelope of 450m<sup>2</sup> and 10x15m after the easement is taken into consideration.
- The newly established Wollongbar Landcare group which is comprised of the residents which surround the reserve be held responsible for general maintenance of the reserve, uphold the regeneration work completed and also maintain Public Liability Insurance. The Wollongbar Progress Association has supported us to be able to access this insurance through their association if the land remains a public reserve. The group will ensure all maintenance is recorded.

In addition to our proposed amendment, we would also like to acknowledge that we believe council made the best decision about the initial allocation of duplex allotments in the initial subdivision Masterplan and we are strongly opposed to this amendment.

Thank you for the consideration regarding this submission.

Regards,



Mr A & Mrs Z Cluff  
Wollongbar Residents

15/69463

30/09/2015

**Submission re: DA 2009/664 – Application to modify consent  
Lot 82 DP: 1196546m /Bolwarra Circuit, Wollongbar**

Dear Ballina Shire Council,

We are writing to object to the above submission to modify the area designated as Public Reserve between Queens Park Court and Bolwarra Circuit.

Other than further profit to the developer and the removal of their current responsibility, there has been no tangible reason given for the granting of this modification. As residents who will be directly affected by the modification, this is not an acceptable cause for the change.

Once consent is given, there is no turning back. It would be admirable if Ballina Shire Council had the vision to foresee the importance of preserving the natural environment. Council's own website identifies *'that these scattered and isolated rainforest remnants are of regional and national conservation significance'*. Too often new subdivisions are stripped of their natural beauty and these natural 'green' spaces are becoming increasingly rare on the plateau. Natural space plays a significant role in the health and wellbeing of the community. It is acknowledged that modern society living and associated influences are having a negative impact on our youth. Council should see the creation, rehabilitation and enhancement of public reserve land as a valuable resource, a selling point to the future residents. Designated public reserve land that has the potential to foster active and creative play, provide the opportunity for exploration and engagement with our natural environment is not to be seen as a burden but as a gift to future generations.

As a responsible resident of Ballina Shire who has in the past acknowledged and complied with specific consent conditions associated with planning and development, I would expect that Council ensures their planning and development rules and conditions are applied with equity to all development applicants. I would also expect that as part of the original development application and subsequent issue of development consent that the responsibility lie with the developer/s for the preservation and rehabilitation through weed eradication and the establishment of a variety of indigenous plants, shrubs and trees specific to this area. Council's own environmental officers could be an asset to the community to ensure developer compliance in this area. Adoption of and appropriate plan of management would require the most rudimentary of maintenance reducing the financial burden on Council. This area should not be a manicured high maintenance parkland, but remain a public reserve showcasing Council's and the developer's commitment to sustainable environmental practices.

Our property in Queens Park Court borders the land nominated for public reserve in accordance with DA 2009/664. If the application to modify consent is successful and the land becomes privately owned, this has the potential to negatively impact on the financial value of our property. Any change to the beautiful, natural outlook we have from our home would severely compromise the value of our property and diminish our position regarding prospective buyers.

We request that Council reject this application to amend the existing DA and have the public reserve sold off to a private owner. Approval of this application sets a precarious precedent for future developers and sends a message to land owners and potential owners that Council plans are disingenuous and misleading.

Regards,

Greg and Debbie Kershaw  
11 Queens Park Court  
Wollongbar NSW 2477

15/68951

30/9/15

**SUBMISSION RE. DA2009/664 - APPLICATION TO MODIFY CONSENT**

**Lot 82 DP: 1196546, Bolwarra Circuit, Wollongbar by Kurrabri Pty Ltd**

Dear Ballina Shire Council,

I object to Kurrabri Pty Ltd's application to amend development consent 2009/664 including modifying the lot layout of public reserve areas for the following reasons:

- 1) If this is sold to a private owner, they may clear all the trees. This would greatly affect our outlook, as we border the reserve. This is not acceptable as would not only potentially ruin our view, but it would also decrease the value of our property.
- 2) Allowing this to be sold privately goes against the current planning. The council needs to uphold its existing planning, rather than letting private companies take over.
- 3) The area is very beautiful, and has a lot of potential to be made into a usable public space for tourists and locals. The council should not overlook this opportunity.

Please do not allow this public reserve to be sold as a private block.

Yours sincerely,

Graham Black  
13 Queen's Park Ct  
Wollongbar  
NSW 2477

2009/664.

Submission re 010.2009.00000664.004 concerning application to change 7(d) Open Space land to private developer ownership designation. Bolwarra Circuit/Queens Park Court Wollongbar.

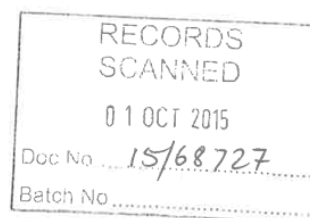
I object to this application on two grounds:-

1. Residents should be able when purchasing properties, and when perusing proposed estates, to be confident that both Council Planners and developers mean what they say. The idea that a developer, having got consent, can subsequently try to take away Open Land previously agreed upon, beggars belief.  
Consistency in planning is a lynchpin of the integrity of the planning process.
2. Open Space land 7(d) is part of the fabric of the original development. It is a previously negotiated valuable part of the recreational amenity of the area for residents. The 11667m2 that the developer wants to take from residents and Council has a beautiful creek gully with adjoining flat and gently sloping land, which, contrary to the application, is not extremely difficult to maintain. In fact the Open Space area the applicant doesn't want is more difficult. It is conceded that any open space, be it parkland, foreshores, or playgrounds require maintenance. The applicant attempts to magnify the difficulty of maintaining the proposed Open Space area to suit their own pecuniary interests, and this application should be recognized as such, and be rejected.

Paul Earner

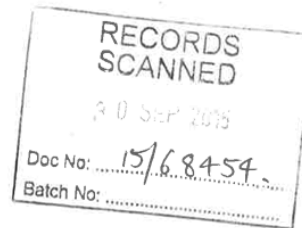


20 Lismore Road, Alstonville. Ph 0416280140



28 September 2015

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



Dear Sir / Madam,

**DA 2009/664**

We wish to object to the Section 96 Application to Modify Consent – To amend development consent 2009/664, on the following grounds:

- We purchased our home in February 2015. At the time we received assurance from a Council representative that the current public reserve area adjacent to our property would "always remain a public reserve". We relied on this assurance when making our purchase decision.
- We believe that when the Master Plan for this area was developed, Council operated in the best interests of the community and made the correct decision regarding the public reserve areas, as well as the lot layout. We have faith in the Master Plan and believe that Council should leave things as they are.
- We do not believe that it would be in the best interest of the community to change the number of duplex allotments, as the Master Plan set out this area as a "low density housing area" and we have faith in that decision.
- The current public reserve area that has been described as "steep and dangerous and difficult to access" in fact has very easy access form various points.
- We believe that Council is there to serve the community, and it should continue with the Master Plan for the area and the current rehabilitation plan.

We would also like to point out that while we would like to attend the relevant Council meeting considering this application, we both work and it is therefore not possible. Perhaps Council could consider holding its meetings at a time accessible to the majority of ratepayers.

Yours faithfully,

John & Genevieve Slocombe  
17 Queens Park Court  
Wollongbar NSW 2477

Lucy Bennett  
Lot 69 Murrogun Place  
Wollongbar NSW 2477

15/68449.

**Attention Peter Drew**  
Ballina Council  
Cherry Street  
Ballina NSW 2478

30.09.2015

Dear Peter Drew,

I am writing this letter as I have concerns over DA plans for 2009/664. My family and I have recently purchased lot 69 or 5 Murrogun place in Wollongbar. We have the following concerns about the DA plans 2009/664.

- It devalues our area as we wanted to live close to vegetation/reserve
- We have already had to pay extra for fireproofing our house which is currently at council awaiting to get approval.
- Our children will miss out on be able to play in the beautiful reserve.
- Our local community had planned to start a land care organisation for the reserve which me and my family wanted to be a part of.
- We purchased our block of land of the understanding that area was a designated reserve for all and I believe that the plans should not have been changed and there is no good reason why it should be. This is a place for our community to use and should stay that way.

Yours sincerely,



Lucy Bennett  
Land owner lot 69/5 Murrogun Place Wollongbar

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**From:** Ballina Shire Council <council@ballina.nsw.gov.au>  
**Sent:** Tuesday, 29 September 2015 8:16 AM  
**Subject:** FW: OBJECTION: LOT 82 DP 1196546

15/67982

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**From:** Helen Young [<mailto:helenyoung15@yahoo.com.au>]  
**Sent:** Tuesday, 29 September 2015 7:16 AM  
**To:** Ballina Shire Council  
**Subject:** OBJECTION: LOT 82 DP 1196546

	Helen Young PO Box 3122 Wollongbar NSW 2477 Email: <a href="mailto:helenyoung15@yahoo.com.au">helenyoung15@yahoo.com.au</a>
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28<sup>th</sup> September 2015

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

Dear Sir

**RE: Lot 82 DP: 1196546, Bolwarra Circuit, Wollongbar**

Please be advise that I would like to lodge my OBJECTION to the above development application for the following reasons.

Like most residents of this estate, I purchased land in this area because of the numerous reserves running through and around the estate. Not only for the trees but for the bird and animal life these reserves attract.

Already many trees have been removed from a reserve neighbouring my property and if rumour is correct, these trees were removed "by error".

Council should be in control of reserves, not developers or private owners, who request a sell off of PUBLIC reserve for a "large lifestyle block".

I consider that the sell off of PUBLIC reserve would set a precedent and be the "thin edge of the wedge" for further loss of OUR reserves.

Yours faithfully

Helen YOUNG