

Ballina Shire Council  
 16 Cherry Street  
 BALLINA NSW 2478  
 PO Box 490  
 BALLINA NSW 2478  
 02 6666 4444  
 council@ballina.nsw.gov.au  
 www.ballina.nsw.gov.au

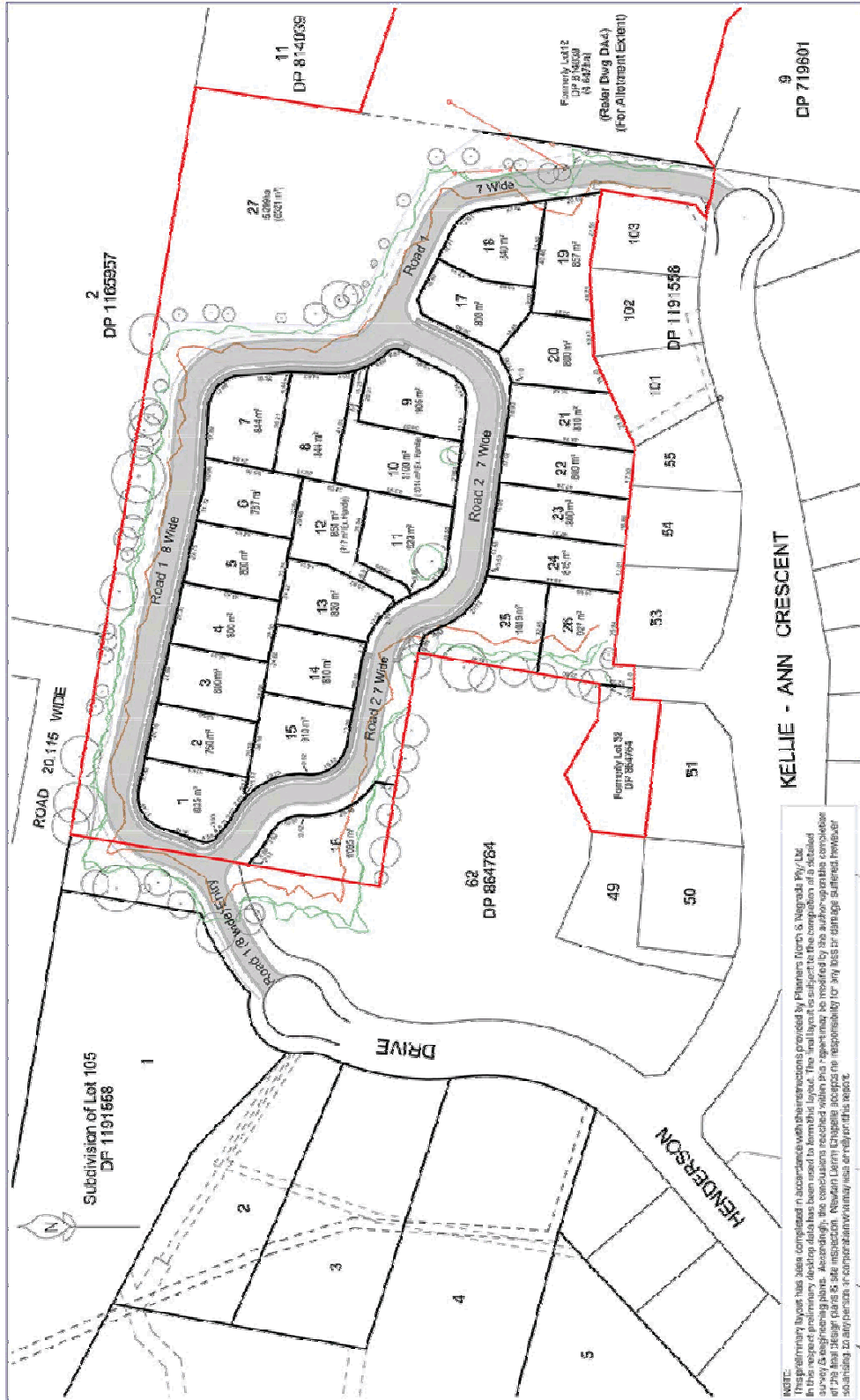


**DA 2016/166 - Residential Subdivision - Visions Estate, Henderson Drive, Lennox Head**

ballina shire council  
 geographic information system

Project: DA 2016/166 - 26 Lot Subdivision  
 Date: 12/02/2017

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NOTE: This preliminary layout has been completed in accordance with the instructions provided by Planning Team 5, Newcastle City Council. The layout is subject to the final survey and the final subdivision plan. Accordingly, the conclusions reached within this report may be revised by the author upon the completion of the final design plans. The author, Newcom Kenny Chapelle, accepts no responsibility for any loss or damage suffered by any person or entity in reliance on this report.

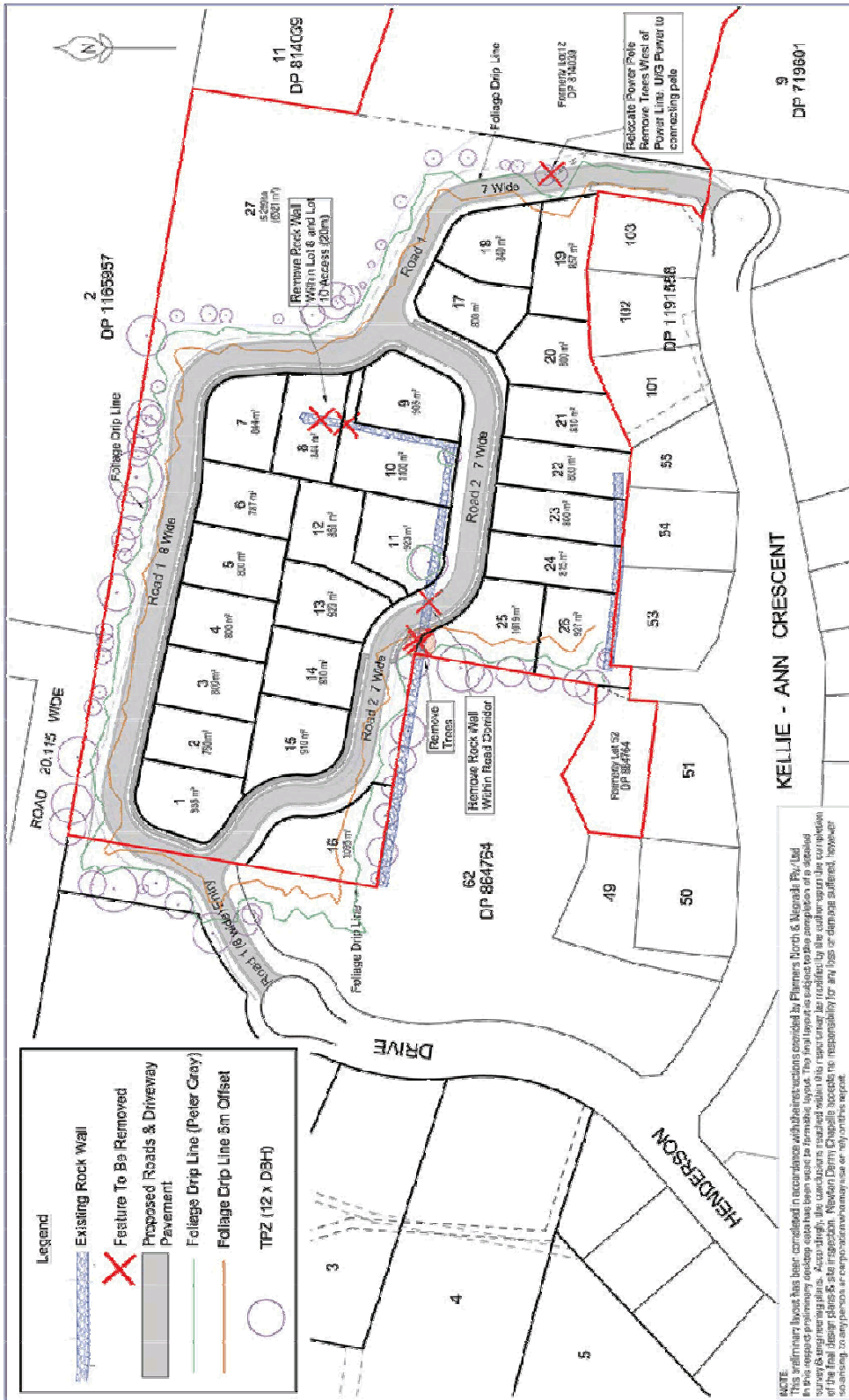
**DA 3 - LOT LAYOUT PLAN**

CLIENT: NEWCOM KENNY LLP  
 ADDRESS: 1/100-1/101 Henderson Drive  
 LOCATION: 1/100-1/101 Henderson Drive, Henderson Drive, Ballina NSW 2463  
 DATE: 20/01/17  
 SCALE: 1:1000

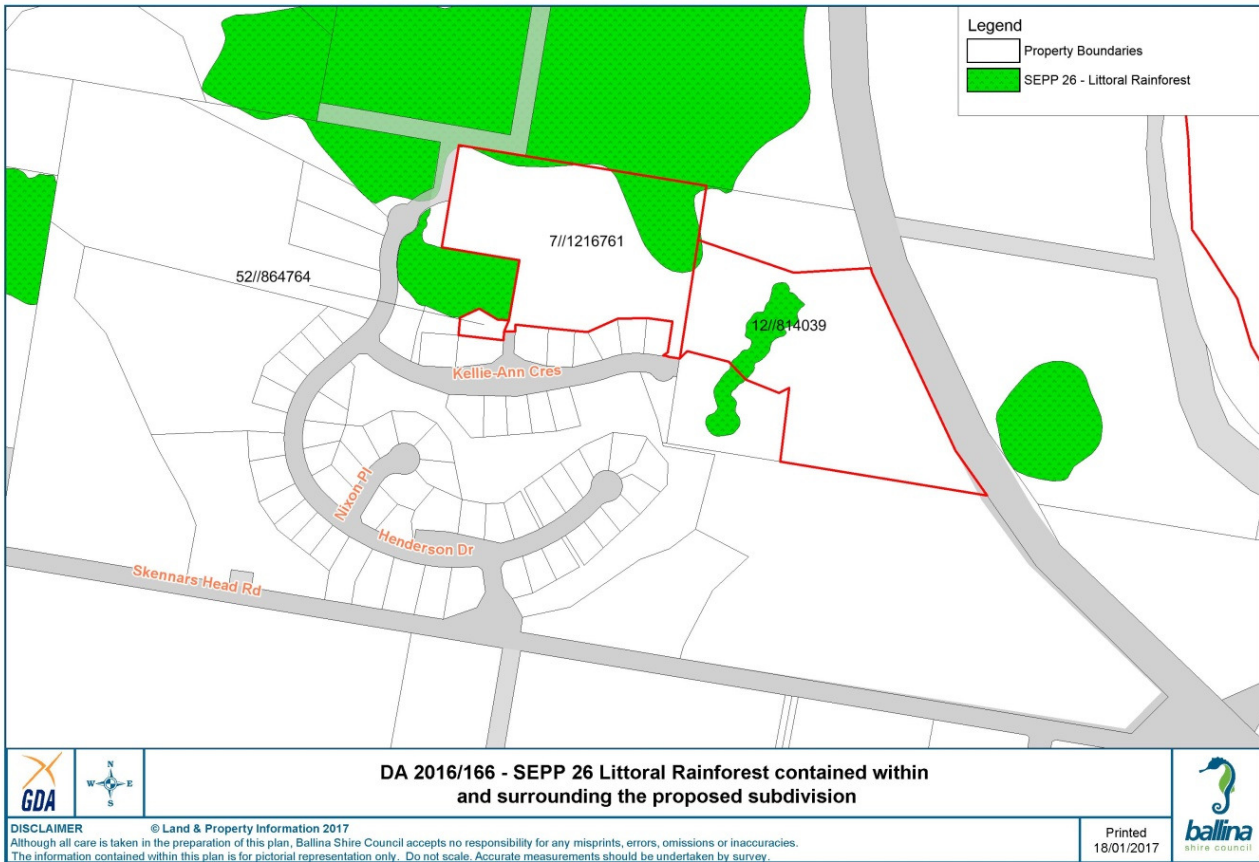
**Newcom Kenny Chapelle**  
 Surveyors & Planners  
 Email: [enquiries@newcomkenny.com.au](mailto:enquiries@newcomkenny.com.au)  
 Phone: (02) 4425 1000  
 Website: [www.newcomkenny.com.au](http://www.newcomkenny.com.au)

REV DATE AMENDMENT  
 1. 20/01/17 Initial Survey  
 2. 20/01/17 Complete Design  
 3. 20/01/17 Final Design

SOURCE PLAN: www.ballina.nsw.gov.au - attached  
 1. 20/01/17 1:1000 - final design - attached  
 2. 20/01/17 1:1000 - final design - attached



8.2 **DA 2016/166 - 26 Lot Subdivision, Henderson Drive (Visions Estate).DOC**



OBJECTION QUESTIONNAIRE

NAME: DEBBIE WILSON  
 ADDRESS: 35 Henderson Drive  
 PH/MOBILE: 0405093101

ACKNOWLEDGED  
 16/4/3939

Please tick boxes appropriate to your concerns:-

<input checked="" type="checkbox"/> Traffic increase	<input checked="" type="checkbox"/> Construction impacts
<input type="checkbox"/> Lot sizes	<input type="checkbox"/> Amount of Lots
<input type="checkbox"/> No open spaces/reserves	<input checked="" type="checkbox"/> Tree removals
<input type="checkbox"/> Effect on Flora/Fauna	<input checked="" type="checkbox"/> Single/Double Storey houses
<input checked="" type="checkbox"/> Impact on property values	<input type="checkbox"/> Impact on rockwall
<input type="checkbox"/> Narrow Roads	<input type="checkbox"/> Storm water drainage
<input checked="" type="checkbox"/> Traffic Calming	<input type="checkbox"/> Retaining walls
<input checked="" type="checkbox"/> Privacy/Noise/Light	<input type="checkbox"/> Consultation Notes

If you would like to lodge an objection please indicate:-  Yes/No

If yes, do you need assistance with the letter:-  Yes/No

If yes, please contact Jane Crilley on 0423 669966 or email [janesean1@bigpond.com](mailto:janesean1@bigpond.com) for assistance.

Otherwise please address all letters to:-

Ballina Shire Council  
 PO Box 450  
 Ballina NSW 2478

Please ensure that you refer to DA2016/166

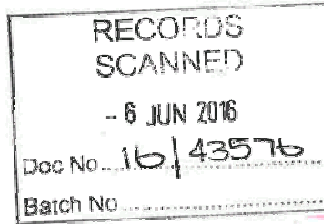
Comments:

*I'd like to lodge an objection to DA 2016/166 development, for the concerns that I have ticked above. Regards Debbie Wilson*



RECORDS  
 SCANNED  
 - 6 JUN 2016  
 Doc No. 16 | 43578  
 Batch No. ....

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



12 Kellie Ann Cres (Lot 60)  
Lennox Head NSW 2478  
31/05/16

Attention: Anthony Peters,

ACKNOWLEDGED

16/43931

Re: **Objection to Proposed High Voltage (HV) Cable along Kellie Ann Cres, Lennox Head**

We strongly object to the proposed route of the HV cable directly across our house frontage. The reasons will be outlined below. However we also have concerns about the consultation process itself and seek clarification from NJ Constructions and / or Essential Energy and Ballina Shire Council.

In the email provided by Mr Houlihan dated Monday April 18 – Where it is stated:

1. 'Essential Energy are really cracking down (up?) on designs at the moment-especially the new guy. They are insisting on a lot of additional controls before they will allow certification.' **What exactly are these additional controls? Are these safety controls for affected landholders?**
2. The email also refers to consultation with affected landholders.  
**What exactly is the process of consultation and what are the deadlines for responses from the landholders?**
3. The email provided by Mr Neil Houlihan from NJ Constructions is dated Monday April 18 and the letter is dated 20 April however Mr Houlihan did not approach us as effected landholders until Thursday 26 May. Discussions with neighbours has confirmed that the first approach to them was also on this date.  
**Does the discrepancy in the dates affect the consultation process? As affected residents to the proposed HV line we feel that effective consultation must involve a reasonable response timeframe.**  
**If the closing date for response was Friday 27 May to align with Ballina Shire Council's DA process then we can only assume that providing landholders less than 24 hours to respond is far from adequate and would fall outside of any reasonable consultation framework being that of Local Government, Essential Energy or NJ Constructions.**

Our objections to the proposed HV cable route are as follows:

1. When we bought the property a little over 2 years ago we were aware of the substation on our boundary – this at the time of purchase caused great concern and continues to do so. We have 6 children who enjoy playing outside and although the scientific evidence




surrounding the potential health effects of electromagnetic fields (EMFs) remains uncertain – it can not be simply dismissed. In 1991 the Energy Supply Association of Australia (ESAA), the peak organization for electrical companies in Australia, adopted a policy of **prudent avoidance** in regard to high-level EMF exposure. This involves taking exposure into consideration in the design and siting of new electrical facilities and avoiding where possible exposure to residents etc. We firmly believe that **prudent avoidance** has not been applied when the proposed route was designed. We firmly believe that a VIABLE ALTERNATIVE route for the HV cable exists. This route as outline in the attached map would utilize open space and road reserves to the west of the existing substation and along Henderson Dr (along Lot 62) before entering the proposed subdivision. Once within the new subdivision it would follow the proposed easements in front of Lots 15, 14 and 13. Part of this route was trenched for cabling for street lights last year. It was observed at the time that the contractor did not encounter large rocks or any other obstructions.

2. Minimising impact on residents (existing and those part of the proposed new subdivision). The proposed route would adversely affect 8 lots being lots 60, 59, 58,51, 52, 53 (to a lesser extent) and lots 26 and 25 of the proposed subdivision. The VIABLE ALTERNATIVE would only adversely affect 4 lots in the proposed subdivision being Lots 16, 15, 14 and 13 of the new subdivision. Under the premise of **prudent avoidance** the VIABLE ALTERNATIVE is clearly the best option.
3. If the HV cable is located in the proposed location this would potentially affect the future development of our property. The property has been designed to allow for the secure storage of a caravan or the like behind our front wall. It is our intention (STCA) to formalize this drive way – this would involve excavation and the formation of a 100 - 150mm thick concrete slab driveway. The required cover for the cable might not exist when the area is cut to reduce the slope. Photo attached.
4. The proposed HV cable route would come into close proximity to our swimming pool therefore raising concerns over the potential health impacts of those in the swimming pool – if a fault were to arise. The VIABLE ALTERNATIVE as suggested would eliminate this potentially adverse effect on our residence.
5. If the proposed HV route were to proceed – the cable would be approximately 5m from 2 bedrooms and approximately 6 m from another 2 bedrooms. Under the premise of **prudent avoidance** the VIABLE ALTERNATIVE is clearly the best option as it would have no potential impact on these bedrooms and my children who sleep there.
6. Public opinion is such that when properties are located near HV infrastructure their value is detrimentally affected. If the proposed route of the HV cables was to proceed this would obviously adversely affect our property value and those along Kellie Ann Cres. The VIABLE ALTERNATIVE would not have this effect.

We trust that the concerns raised above and the application of **prudent avoidance** will ensure that the **VIABLE ALTERNATIVE HV cable route** is adopted.

Yours sincerely,

  
Gus Ingram

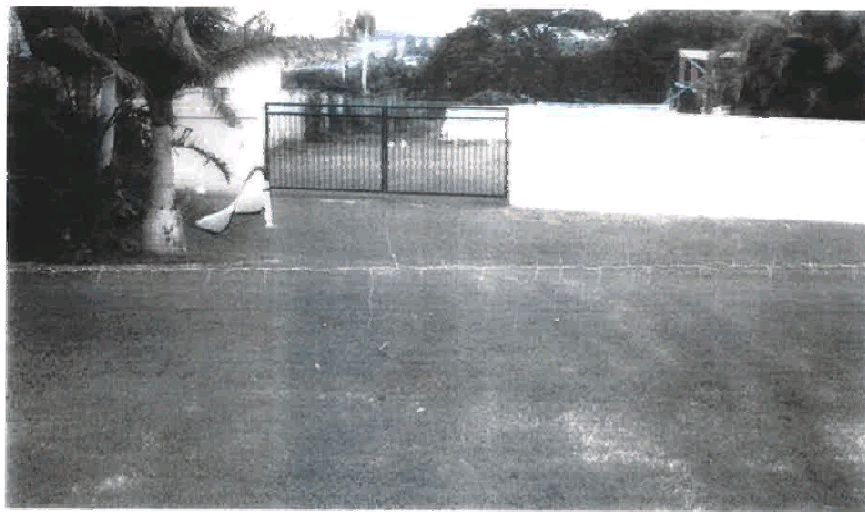
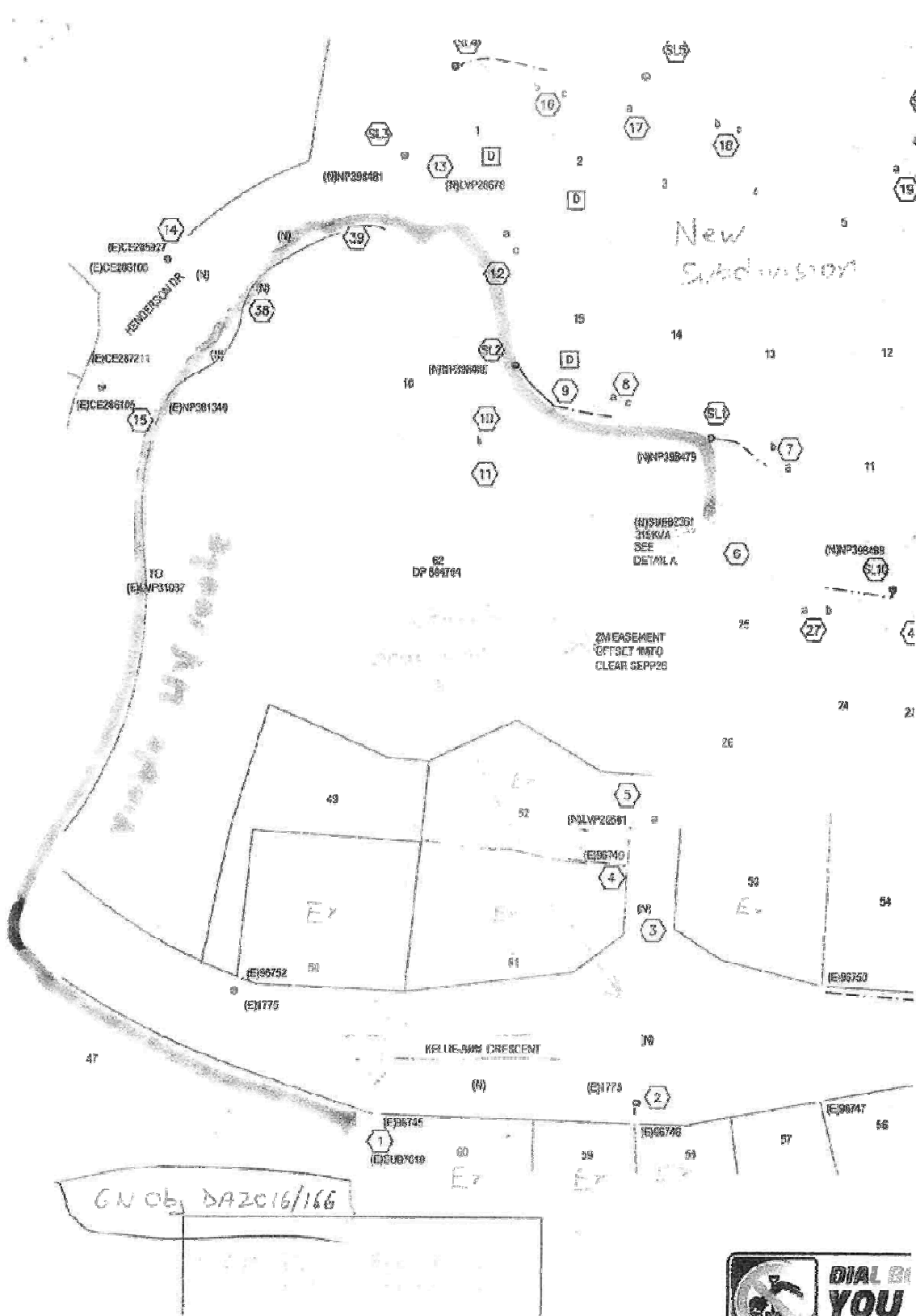


Image showing access gates and proposed location of drive way to be formalize (STCA). The proposed HV route would pass close to the area of the soccer goals / cricket stumps.





OBJECTION QUESTIONNAIRE

NAME: JANE & ARIC BARALT  
 ADDRESS: 17 HENDERSON DRIVE, LENNOX HEAD.  
 PH/MOBILE: 66875638, 0438081905

Please tick boxes appropriate to your concerns:-

<input checked="" type="checkbox"/> Traffic increase	<input checked="" type="checkbox"/> Construction impacts
<input checked="" type="checkbox"/> Lot sizes	<input checked="" type="checkbox"/> Amount of Lots
<input checked="" type="checkbox"/> No open spaces/reserves	<input checked="" type="checkbox"/> Tree removals
<input checked="" type="checkbox"/> Effect on Flora/Fauna	<input checked="" type="checkbox"/> Single/Double Storey houses
<input checked="" type="checkbox"/> Impact on property values	<input checked="" type="checkbox"/> Impact on rockwall
<input checked="" type="checkbox"/> Narrow Roads	<input checked="" type="checkbox"/> Storm water drainage
<input checked="" type="checkbox"/> Traffic Calming	<input checked="" type="checkbox"/> Retaining walls
<input checked="" type="checkbox"/> Privacy/Noise/Light	<input checked="" type="checkbox"/> Consultation Notes

If you would like to lodge an objection please indicate:- Yes/No ib/42434

If yes, do you need assistance with the letter:- Yes/No

**ACKNOWLEDGED**

If yes, please contact Jane Crilley on 0423 889966 or email [jane sean1@bigpond.com](mailto:jane sean1@bigpond.com) for assistance.

RECORDS  
 SCANNED  
 - 1 JUN 2016  
 Doc No 16 /A2271  
 Batch No .....

Otherwise please address all letters to:-

Ballina Shire Council  
 PO Box 450  
 Ballina NSW 2478

Please ensure that you refer to DA2016/166

Comments:



Dear Resident

We are concerned about the development that is happening behind Kellie Ann Crescent and the top of Henderson Drive and would like to lodge an objection to have the current DA retracted by the Ballina Shire Council

Our Objections Are:

- The zoning of a medium density development being created in a low density area (800m<sup>2</sup> blocks vs 1200m<sup>2</sup> blocks of land). This is not in keeping with the existing community

- We are concerned about the littoral forest being removed (22 trees so far) and the old stacked rock wall being removed in a place to create access to a block of land (400m<sup>2</sup> block of land)

- We are concerned that there are no green areas within this development except for the forest

- We are concerned about the increase of traffic and that Kellie Ann Cres will no longer be a quiet cul-de-sac but a through road with no side walk and no suggested traffic calming measures in place for Henderson Drive.

- Our house prices on the upper side of Kellie Ann Crescent have already been affected – expected sale prices decreasing by \$100 - \$150K because of the scale and lack of privacy prospective buyers perceive - this will have a knock on effect to all other houses in our suburb

There is a precedent that has been set that if a community objects to this development that the council will consult and reconsider – we have until 27<sup>th</sup> of May 2016 to express our concerns and lodge objections and ask that you join us by either completing this questionnaire or writing your own letter to the council.

Attached is a map of the development and the DA can be found here in full:  
<http://da.ballina.nsw.gov.au/pages/xc.track/searchapplication.aspx?id=010.2016.00000166.001>

Thanks Jane and Jo and Lea

**OBJECTION QUESTIONNAIRE**

NAME: *John & Trace*  
 ADDRESS: *Henderson Drive*  
 PH/MOBILE:



Please tick boxes appropriate to your concerns:-

<input checked="" type="checkbox"/>	Traffic increase	<input checked="" type="checkbox"/>	Construction impacts
<input checked="" type="checkbox"/>	Lot sizes	<input checked="" type="checkbox"/>	Amount of Lots <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	No open spaces/reserves	<input checked="" type="checkbox"/>	Tree removals
	Effect on Flora/Fauna		Single/Double Storey houses
<input checked="" type="checkbox"/>	Impact on property values		Impact on rockwall
	Narrow Roads		Storm water drainage
<input checked="" type="checkbox"/>	Traffic Calming		Retaining walls
	Privacy/Noise/Light	<input checked="" type="checkbox"/>	Consultation Notes

If you would like to lodge an objection please indicate:- Yes/No

If yes, do you need assistance with the letter:- Yes/No

If yes, please contact Jane Crilley on 0423 669966 or email [jane@bigpond.com](mailto:jane@bigpond.com) for assistance.

Otherwise please address all letters to:-

Ballina Shire Council  
 PO Box 450  
 Ballina NSW 2478

Please ensure that you refer to DA2016/166

**Comments:**

*This development proposal will change the nature of Palms Estate. I have no objection.  
 Please find attached more detailed concerns regarding this matter.*

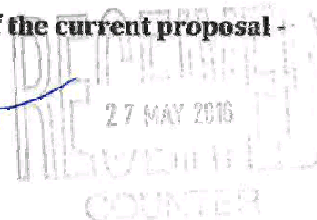
## **OBJECTION TO DA 2016/166**

Referring to the development proposal DA 2016/166, we have the following concerns and objections to this development - 25/06/2016.

- ❖ **Medium-High density development within the low density environment of the rest of The Palms Estate.**
- ❖ **Location of this development at the end of the already existing Palms Estate - all traffic has to enter and commute to a medium-high density development site by using the existing, one entry cul-de-sac road.**
- ❖ **Heavy increase in presence of motorised vehicles, using the current inadequate infrastructure. Original sub-division of Palms Estate did accommodate for further development of a second entry-exit road - why is this not considered within this proposal.**
- ❖ **No shops and services are available within the Palms Estate, therefore the estimate of persons using the road infrastructure for travel, will approximately increase by more than 220 trips per day, back and from the furthest point within the estate. This conservative estimate is based upon the 28 home-sites having only 2 cars each, servicing each single address for two round trips per day only. Not taking into calculation the home deliveries of goods & services and friends and family visits - adding a possible 100 plus trips in and out of The Palms Estate per day.**
- ❖ **Currently there are no existing foot/bike paths present within the Palms Estate - potentially asking all present and future residents (including young children), to share this inadequate road infrastructure with cars, trucks and motorbikes.**
- ❖ **The certainty of high increase of heavy construction and ground work vehicles that will have to find excess via the one and only entry into Palms Estate from the time the 28 block subdivision will be ready to be built on.**
- ❖ **The lack of accommodating play-ground and or communal out-door area's for the new development. The existing 'Play-ground' area at Kellie-Ann is already inadequate in size and equipment in order to serve as a decent size for the whole estate in its existing form.**

With all due respect, we ask for a complete review of the current proposal -

25-05-16



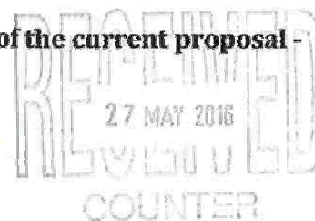
## **OBJECTION TO DA 2016/166**

Referring to the development proposal DA 2016/166, we have the following concerns and objections to this development - as of the 25/05/2016.

- **Medium-High density development within the low density environment of the rest of The Palms Estate.**
- **Location of this development at the end of the already existing Palms Estate - all traffic has to enter and commute to a medium-high density development site by using the existing, one entry cul-de-sac road.**
- **Heavy increase in presence of motorised vehicles, using the current inadequate infrastructure. Original sub-division of Palms Estate did accommodate for further development of a second entry-exit road - why is this not considered within this proposal.**
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With all due respect, we ask for a complete review of the current proposal -

JACK LAVIS *J. Lavis*  
SHIRLEY SUFFOLK *S. Suffolk*



The General Manager - Ballina Shire Council  
P.O. Box 450, Ballina NSW

16/41333

27-5-16

ACKNOWLEDGED

Dear Sir

Objection to DA 2016/16  
Proposed 28 lot Subdivision - Henderson Dr Lennox Htd

Supplementary to our letter of concern dated 25-5-16,  
On 26 May 16 I was given a draft plan showing proposed  
Electrical Supply to new subdivision

The Objection is regarding the proposed installation  
of new high voltage cable adjacent to our eastern boundary  
with Low & High Voltage cables continuing through new lots  
26 & 25 to a new Substation on lot 25.

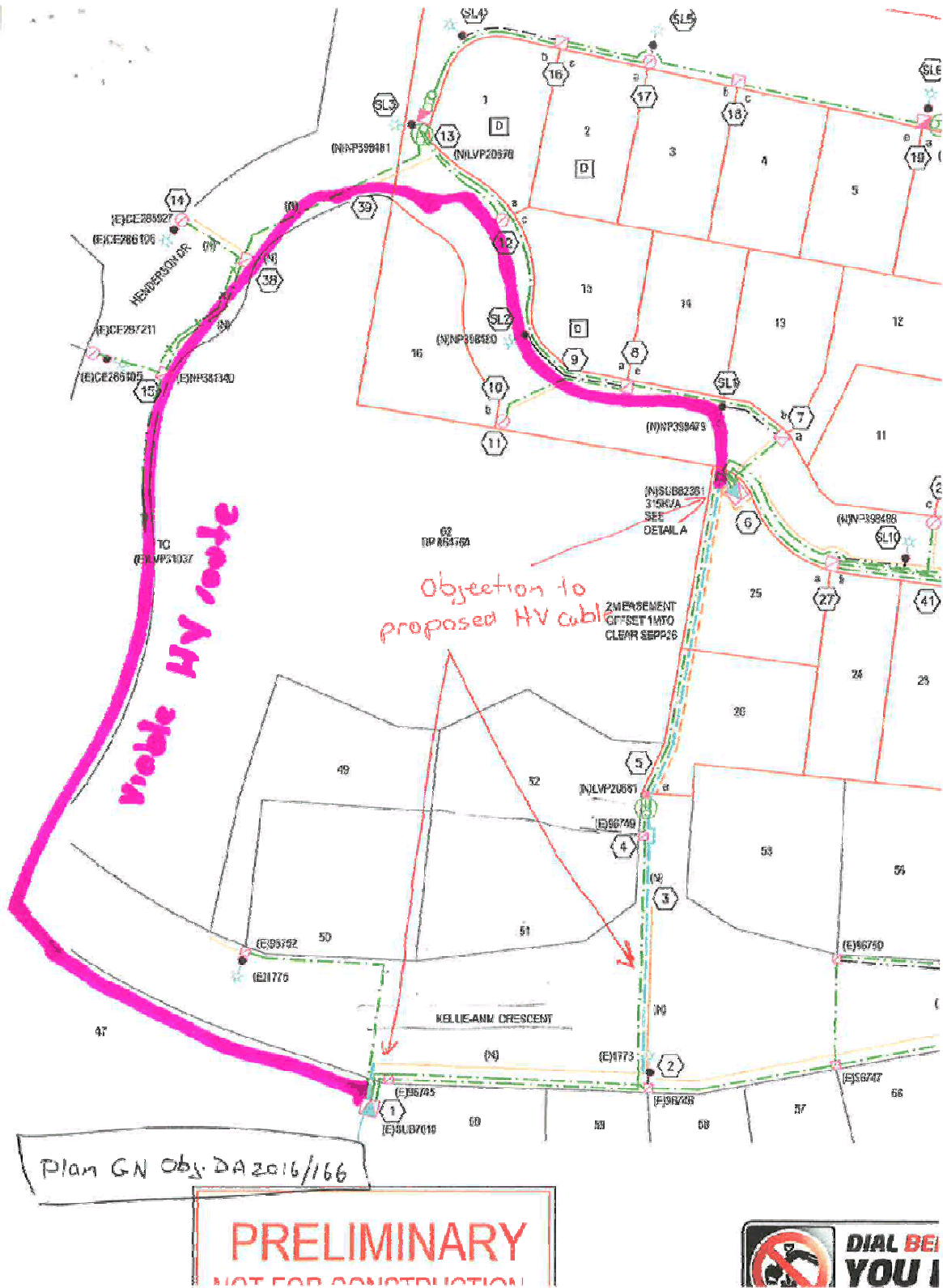
Why should we & other long time residents be burdened  
with high voltage cable outside our lots when a route  
around existing roadways past reserves and then within the  
new roadworks of the subdivision is viable & the new lots  
burdened (before they are purchased, & prospective owners have  
choice to buy or not)

Also any new route alongside the Littoral Rainforest  
(Sepp 26 - lot 62) would require trenching in root zone of  
trees for installation & any future repairs (I do not believe  
underboring would be successful due to rock in vicinity)

Due to the need for other services of Stormwater,  
water, Sewage, Telstra & electricity, the Lane way near  
lots 52, 26 & 53 will be congested enough - Please  
consider having to work on any of these services for repair  
or alteration in the future - why not make it safer by not  
allowing the High Voltage cable to also occupy this space  
Plan extract Attached (GN 05, DA2016/166)

Gordon & Tracie Newton  
11 Kellie-Ann Cres Lennox Htd  
Ph. 0417 275 142

G Newton

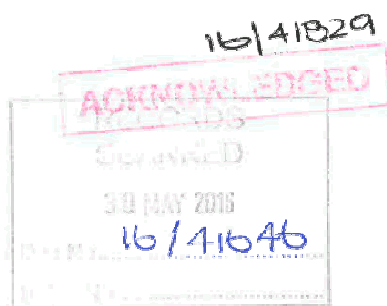




OBJECTION

27th May, 2016

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



Dear Sir,

Objection

DA 2016/166

On 26th May, Mr N. Houlihan (developer) provided us with plans proposal for provision of electrical services to new Visions estate.

As per plans on proposal all high voltage electricity for the new estate will be provided along small laneway adjoining 11 & 13 Kellie Ann Crescent, Lennox Head. The service will then continue, adjoining SEP 26 DP 864764 (eastern boundary), through lots 25 and 26 of the new estate.

We have two objections:

- ① We did not purchase a block of land adjoining a high voltage power supply. We would not have purchased our land if we were aware of future high voltage

power supply. This significantly impacts on our property, and value of the same.

- ② Impact on Root Zone of trees in SEPP 26. DP 864 764. Eastern Boundary. The trench to supply electrical services is planned to be dug 1metre (offset) to clear SEPP 26. As some trees on the Eastern Boundary will need to be severely lopped to allow access to Lot 26~~25~~ and provide services, digging of trenches within the root zone would cause these trees to become further stressed and vulnerable to disease and high wind events.

An alternative access plan for electrical services needs to be developed. The impact on adjoining private properties and protected environmental areas is not acceptable.

Ruth & Malcolm Bennett  
13 Kellie Ann Crescent  
Lennox Head 2478.

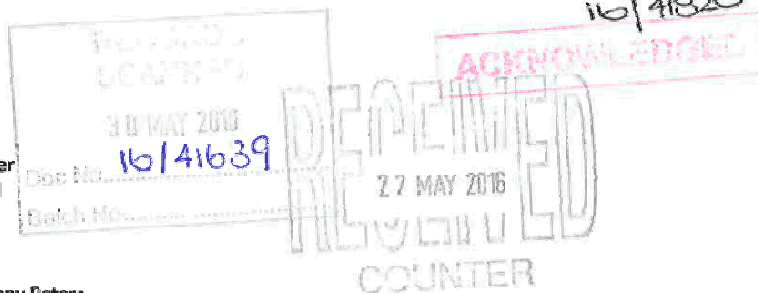
Ruth Bennett  
27/5/2016

Apologies -handwritten due to Telstra outage. ✓

26<sup>th</sup> May 2016

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

Attention: Mr. Anthony Peters



**Objection relating to Development Consent number 010.2016.00000166.001  
Twenty-six lot Torrens Title subdivision including road construction, earthworks, and associated  
subdivision works.**

**13 Kellie-Ann Crescent LENNOX HEAD NSW 2478  
545 The Coast Road LENNOX HEAD NSW 2478  
Henderson Drive LENNOX HEAD NSW 2478**

Dear Anthony,

We are writing to you as concerned residents of Kellie-Ann Crescent following a review of the submitted documents for the above mentioned development currently on notice with Ballina Shire Council.

We acknowledge that the zoning permissibility allows for such a subdivision and do not object to the development of the site for residential purposes.

Our concerns are centered on three main themes:

1. The potential to over develop the allotments given the permissibility for Multi Dwelling Housing, Residential Flat Buildings and Dual Occupancies on the allotments with no density or Floor Space Ratio controls in place to restrict such development on the site;
2. Relative planning controls have not been addressed in their entirety and can therefore not be considered fully compliant;
3. The effects that will result during and after construction should this subdivision be approved under its current layout.

**1. Minimum lot size for Multi Dwelling Housing, Residential Flat building and dual occupancies:**

**- Multi Dwelling Housing and Residential Flat Buildings:**

While single dwellings are envisaged for the site, following a review of the permissibility for multi dwelling housing, residential flat buildings under the BLEP2012 is 1000m<sup>2</sup>, furthermore, the site does not map dwelling density under the Ballina Development Control Plan 2012. Allotments of concern include 10, 15 and 25 given they meet the lot size controls to permit multi dwelling housing. Should Council consent to the current subdivision sizes and allow allotments to exceed 1000m<sup>2</sup> within the R3 zoned land with no current density or floor space ratio controls, it is inevitable that future developers of individual allotments will take advantage of the permissibility to seek consent for multi dwelling housing.

We are aware that while the other allotments are under the minimum lot size a variation to Council's DCP (not requiring a statutory variation) could ultimately permit Multi Dwelling Housing and Residential Flat Buildings following compliance with landscaping, privacy and overshadowing provisions to strengthen the variation.

**- Dual Occupancy Dwellings:**

All allotments are sized to permit dual occupancy dwellings. By permitting the subdivision in its current state with no density or floor space ratio control applying to the site, the subdivision could potentially allow up to 52 dual occupancy developments within the visions estate, this being well above the envisaged and desired use of the land.

An assessment table of the subdivision plan below identifies a realistic dwelling outcome within the proposed subdivision:

Lot number	Proposed Lot size	Potential development on each site	Total number of potential dwellings
1	838m <sup>2</sup>	Dual Occupancy	2
2	800m <sup>2</sup>	Dual Occupancy	2
3	800m <sup>2</sup>	Dual Occupancy	2
4	800m <sup>2</sup>	Dual Occupancy	2
5	800m <sup>2</sup>	Dual Occupancy	2
6	808m <sup>2</sup>	Dual Occupancy	2
7	852m <sup>2</sup>	Dual Occupancy	2
8	856m <sup>2</sup>	Dual Occupancy	2
9	909m <sup>2</sup>	Multi Dwelling Housing/ Residential Flat Building	4+
10	1128m <sup>2</sup>	Multi Dwelling Housing/ Residential Flat Building	4+
11	917m <sup>2</sup>	Multi Dwelling Housing/ Residential Flat Building	4+
12	856m <sup>2</sup>	Battle-axe lot (assumed dwelling house)	1
13	821m <sup>2</sup>	Dual Occupancy	2
14	814m <sup>2</sup>	Dual Occupancy	2
15	914m <sup>2</sup>	Multi Dwelling Housing/ Residential Flat Building	4+
16	1048m <sup>2</sup>	Multi Dwelling Housing/ Residential Flat Building	4+
17	826m <sup>2</sup>	Dual Occupancy	2
18	841m <sup>2</sup>	Dual Occupancy	2
19	813m <sup>2</sup>	Dual Occupancy	2
20	956m <sup>2</sup>	Multi Dwelling Housing/ Residential Flat Building	4+
21	821m <sup>2</sup>	Dual Occupancy	2
22	804m <sup>2</sup>	Dual Occupancy	2
23	807m <sup>2</sup>	Dual Occupancy	2
24	816m <sup>2</sup>	Dual Occupancy	2

25	927m <sup>2</sup>	Multi Dwelling Housing/ Residential Flat Building	4+
26	1020m <sup>2</sup>	Multi Dwelling Housing/ Residential Flat Building	4+
Total potential number of dwelling within Visions Estate			57+

The Environmental Impact Statement and supporting reports have failed to consider the potential for development greater than twenty six (26) single dwelling houses even though the allotments proposed allow flexible development options to potentially yield more than sixty seven (67) dwellings. We conclude that the submission of all documents are therefore rendered inconsistent with the likely development options for each site.

We request that Council consider the following options as a commitment to provide no more than twenty six (26) dwelling houses within the subdivision:

- An 88b Instrument could be used to restrict the use of land for single dwelling purposes only to remain in keeping with the existing streetscape of Henderson Drive and Kellie Anne Crescent, Furthermore engineering plan assessments have been based around 26 allotments with a presumed dwelling house on each.
- Council could request the development application include built form to ensure desired density and housing types are achieved, following this a restriction on the use of land must be placed to prevent future DA's being submitted for higher density residential forms.
- A site specific Development Control Plan could be prepared to address density controls.

#### 2. Review of applicable planning controls:

While the applicant concludes that the development remains fully compliant with all planning controls, a full assessment has not been undertaken of applicable State Environmental Planning Policies, the Ballina Local Environmental Plan 2012 and the Ballina Development Control Plan 2012, it would therefore be concluded that the proposal to date remains non compliant. It is requested that Council require the applicant to assess all controls that would typically be required for a subdivision of this nature.

#### **State Environmental Planning Policy 71 – Coastal Protection:**

We note part 5 of the SEPP has not been addressed, comment has only been made to clauses 13, 15 and 17 within part 4.

Under clause 18 (1)(b)(i) a master plan is to be submitted if it is not in a sensitive coastal location and proposes more than twenty five (25) lots. The proposal seeks consent for a twenty six (26) lot subdivision, the applicant makes no mention of an attempt to waive the master plan under Clause 18 (2). We believe a master plan is required for the site given the sensitive nature of the proposal.

#### **State Environmental Planning Policy 26 - Littoral Rainforest:**

A review of chapter 5.2 of the Environmental Impact Statement identifies that the proposal seeks to remove and prune trees protected under State Environmental Planning Policy no 26 – Littoral Rainforest, however, upon review of the applicants compliance with SEPP 26 within Appendix D4, the applicant makes

no mention of the proposed vegetation removal for the proposed road linking the subdivision to Kellie-Anne Crescent. Furthermore, the applicant proposes within appendix D4 that no change of landform is proposed, the applicant has failed to recognise in their review of SEPP 26 the change of form that will occur within mapped littoral rainforest to facilitate the new road linking the estate to Kellie-Anne Crescent.

Following this it is unclear what land clearing is proposed within the mapped Littoral Rainforest areas, our knowledge of land clearing in Endangered Ecological Communities (EEC's) is that the developer must offset the removal of such vegetation. We urge Council to reconsider the subdivision layout given that no commitment has been made to provide for environmental offsets in response to the removal and pruning of littoral rainforests. Perhaps an amended subdivision layout will negate the need to remove or prune any EEC's present on the site.

**Ballina Local Environmental Plan 2012 (BLEP2012):**

**Clause 5.10 – Heritage Conservation**

While we understand that the dry stonewalls are not considered heritage items, we would like Council and the Office of Environment and Heritage (OEH) during its review to consider the heritage impacts on the dry stone walls that exist on the site. Currently the LEP maps Dry Stone Walls (walls known as "wall a" and "wall b" on former "Henderson Farm") at Hutley Drive and Henderson Lane, Dry Stone Wall (wall known as "wall d") at North Creek Road (Tera Downs). These walls are directly associated to the Henderson Farm, the applicant acknowledged within Introduction to the Environmental Impact Statement the original Henderson family property on Henderson drive upon entrance to the Lennox Palm estate. The Dry Stone Walls are on land once owned by the Henderson Family, as all other dry stone walls connected to the Henderson family are protected under the state heritage register and the Ballina Local Environmental Plan 2012 we urge OEH and Ballina Council to reconsider the heritage value and as such restrict the proposed demolition of the portions of the wall.

**Ballina Development Control Plan 2012 (BDCP2012)**

**Chapter 3 – Urban Subdivision – Table 3.2**

The applicant details compliance with the provision to provide walking access within 400m for all allotments to neighbourhood recreation parks or the like. The nearest neighbourhood park is located greater than 400m from the majority of the proposed allotments. The applicant needs to consider the provision of a neighbourhood park within the subdivision design or otherwise vary Council's control with a relative discussion as to how the objectives of such a control can still be met.

**General Concerns during and after construction:**

**Dilapidation:**

Upon review of chapter 5.12 of the Environmental Impact Statement, we are concerned that the applicant has not addressed or proposed pre and post civil works dilapidation reports for the existing dwellings and road network within Kellie-Anne Crescent. We consider this an important mechanism for legal purposes should civil works cause structural damage to the existing area as no mechanism is proposed to hold the developers liable in the event of damage to existing dwellings or infrastructure.

**Vehicular movement during construction:**

Newton Denny Chappelle have prepared a concept erosion sediment control plan proposing two (2) shake down areas for access to the site during construction (Henderson Drive and Kellie Anne Crescent). We are concerned that two entries to the site will essentially allow large earthmoving trucks to enter the site via Henderson Drive and egress via Kellie-Anne Crescent or vice versa. We urge Council to consider conditioning that entry to the site during construction be via Henderson Drive only as no dwellings currently exist leading up to the site via Henderson Drive north of Kellie Anne Crescent. The increases heavy vehicular movement will only cause a nuisance to neighbors for obvious reasons relating to the safety issues associated with the demographics of the street. We request that Council Condition a Haul Route be submitted for all works to be accessed via Henderson Lane only.

**Vehicular movement after construction:**

While Newton Denny Chappelle propose that the subdivision will generate an additional 168 vehicles trips per day, access has been provided via both Henderson drive and Kellie-Anne Crescent. Under the rates used by Newton Denny Chappell, Kellie-Anne Crescent currently generates approximately 97 trips per day (15 allotments), with the potential to an additional 168 vehicle trips we are extremely concerned of the welfare of residents should Council support vehicular access to the subdivision via Kellie-Anne Crescent. We request that Council consider Kellie Anne Crescent access be provided for emergency vehicle access only in the event of a bushfire with suitable bollards to restrict residents within the proposed subdivision.

Our argument is strengthened through Newton Denny Chappelle's proposed traffic calming device along the 150m strip of proposed road 1 in designed to restrict vehicular speed, we are concerned that the length of Kellie-Anne Crescent will become the primary route to the allotments within the proposed subdivision given that no 'LATM's' exists along Kellie-Anne crescent that remains relatively straight for in excess of 330m. The potential to allow a total of 265 vehicle trips along Kellie-Anne Crescent presents a clear lack of consideration to the existing neighbors with risk far outweighing benefit.

**Conclusion:**

We trust that the concerns raised in the above submission will assist Council and the referral agencies within their review of the cumulative impacts that will result should they approve the subdivision in its current proposal. It is of our belief that the impacts far outweigh the public benefit of such a development.

Thank you for the opportunity to respond to the proposed subdivision,

Regards,

  
John and Julie Glassington  
14 Kellie Ann Crescent, Lennox Head, 2478  
Ph: 66875437  
atglasso@gmail.com  
26<sup>th</sup> May 2016

24 May 2016

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

Dear Sir,

**RE: Objection to DA2016/166 - Proposed Subdivision Lot 7/DP1216761 - 'Visions Estate'**

As owners and residents of 19 Kellie-Ann Crescent in Lennox Palms Estate we appreciate being part of a quiet, friendly and close-knit community. However, we are concerned that the proposed design for subdivision in DA2016/1266 may have a negative impact on our neighbourhood.

Whilst we understand that the land proposed for subdivision was identified for urban development a number of years ago, we are concerned that the proposed lot sizes and density of the new 'Visions Estate' development are not aligned to the existing character of Lennox Palms Estate. Accordingly, we are seeking some adjustments to the design, as outlined below, in order for this development to better synchronise with the existing estate.

Our concerns are listed below, with more detail provided on the following pages:

1. Impact on existing residents due to small lot sizes;
2. Private nuisance issues;
3. Impact on littoral rainforest and flora/fauna;
4. Destruction/degradation of rock walls;
5. Lack of privacy;
6. No provision for public reserve;
7. Traffic and safety concerns.

As mentioned above, we recognise that development of this land is inevitable. Nonetheless, we request that it be undertaken in accordance with the existing character and appearance of the estate to ensure that the development is in the best interests of the existing residents and local environment. As such we request that Council consider our suggested solutions and work towards a more complementary development.

Yours sincerely

Paul & Lea Foley



16/4/1807  
**ACKNOWLEDGED**  
Paul & Lea Foley  
19 Kellie-Ann Crescent  
LENNOX HEAD NSW 2478

RECEIVED  
27 MAY 2016  
COUNCIL

RECORDS  
SEARCHED  
28 MAY 2016  
16/4-1623



**1. IMPACT ON EXISTING RESIDENTS DUE TO SMALL LOT SIZES**

**Concern:** The subject site, with a planned minimum lot size requirement of 800m<sup>2</sup>, is located at the back of the existing *low density* residential Lennox Palms Estate. The proposed lots are not consistent with the most recent development of Lots 101 to 104 Kellie-Ann Crescent (low density blocks) and Lots 1-4 DP 1216761 in Henderson Drive (acreage blocks).

We chose to purchase in Lennox Palms Estate in 2010, largely due to the low density block sizes and the space this allows between each residence. There are numerous other medium to high density sites currently being developed in the Lennox Head area, and therefore it should not be necessary for such development within Lennox Palms Estate. Indeed medium density development would adversely alter the entire aspect and quality of this estate.

Within the covenants of the new 'Visions Estate', five lots (Lots 9, 10, 11, 17 and 20) have constraints on them so they can only build single-storey dwellings to maintain the views of houses behind them. This covenant is not allocated to any of the remaining lots, meaning that all existing residents on the northern side of Kellie-Ann Crescent face the prospect of double-storey homes immediately behind them. This has already adversely affected property values of existing residences. Due to the uncertainty of the DA and in particular the location of Lots 25 and 26 in proximity to 15 Kellie-Ann Crescent (Lot 53), three potential purchases have fallen through. Key issues include:

- The property value has decreased by a minimum \$150,000
- Concerns of privacy and proximity
- Lots are not consistent with size of current lots in the estate
- Visual and noise impacts

Such issues also raise concerns of diminished property values for all existing residents in Kellie-Ann Crescent.

**Potential Solution:** Increasing the lot sizes to have a minimum of 1000m<sup>2</sup> to 1200m<sup>2</sup> would overcome these issues.

**2. PRIVATE NUISANCE ISSUES**

**A. Concern:** Residents are concerned with the impact on their properties once infrastructure works commence and thereafter building works. Currently, whenever the development site is being slashed, large amounts of dirt, dust and grass are flying into pools, onto roofs and solar panels, and all over the back of the current dwellings.

**B. Concern:** The overland flow of rain/stormwater during a heavy rain event from the presently grassed land is substantial. There is concern that, once earthworks are underway, the management protocols will not be adequate to divert heavy flow of water/soil/sediment away from the existing dwellings.

**Potential solution:** We understand that appropriate conditions will be placed on any development consent ensuring that the developer minimises these potential issues from occurring and should they happen, work is to stop immediately and the issue rectified.

3. LITTORAL RAINFOREST

**Concern:** The subject site is bordered by areas mapped as SEPP 26 Littoral Rainforests which are an endangered ecological community and must be protected. Therefore any removal or pruning of the tuckeroo and guioa trees, regardless of their isolation from the forest canopy, is likely to imperil the future wellbeing of this ecosystem. Furthermore, the littoral rainforest areas within Lennox Palms Estate enhance the character and natural amenity of the estate and removal will greatly diminish this character. The development proposal seeks to remove/prune specific tuckeroo and guioa trees to facilitate the development, including access via the eastern end of Kellie-Ann Crescent and access to proposed Lot 26 via Kellie-Ann Crescent.

The EIS makes little mention of the wildlife in this local habitat. There are regular sightings of echidna, tawny frogmouth (including chicks), pink-tongued skink, varied frog species, brush wallaby, pheasant coucal, intermediate egret, brush turkey, tree python and other snake species, willy-wagtail, kookaburra, and abundant other birdlife.

**Potential Solution:** Removal/restriction of access via the eastern end of Kellie-Ann Crescent (in which the development proposal suggests the removal of 20 tuckeroo and guioa trees) and removal of access to Lot 26 via Kellie-Ann Crescent will alleviate these concerns.

4. ROCK WALL

**Concern:** The existing rock walls, whilst not heritage-listed, provide heritage qualities to the area and add to the character of the existing estate. We commend the developers for attempting to maintain and improve some of these walls. Removal of the rock walls should be avoided wherever possible.

What mitigations will be implemented to protect the integrity and safety of the remaining wall? Has a thorough heritage assessment been undertaken?

**Potential solution:** Increased lot sizes will allow the developer to develop around the walls. Care should be taken during development, with the removal of access to Lot 26 via Kellie-Ann Crescent alleviating concerns.

5. PRIVACY ISSUES

**A. Concern:** Double-storey dwellings erected directly behind the existing residents of Kellie-Ann Crescent will interfere with the privacy and quiet use and enjoyment of their properties. Covenants placed on lots 9, 10, 11, 17 and 20 limit the dwellings to single-storey in order to maintain the views of houses behind. However, the same covenant is not applied to lots 18, 19, and 21-26.

Due to the small street frontage and thin width of the proposed lots all existing residents of Kellie-Ann Crescent face the prospect of having double-storey homes positioned immediately behind them. They will be affected by shading from the double-storey houses, which will affect solar electricity systems, natural lighting and natural breezeways/airflow.

**B. Concern:** No provision for privacy planting

The proposed easements on Lot 19 and Lots 22-26 will contain utilities/services. This means that:

- Privacy planting cannot be undertaken along the common boundaries to provide screening between existing residents and the new development
- Without screening and with the potential of double-storey houses, lots 19-26 will look directly into the living areas and backyards of existing dwellings, impacting the privacy, visual amenity and quiet enjoyment of both new and existing residents.

**Potential Solution:** We propose that:-

- The developers provide an easement of 1.5m-2m width to run the full boundary between lots 19-26 to allow for landscape screening. This planting should be undertaken by the developer and be noted on the title deeds of Lots 19-26. This planting will lessen visual impact and also help to shield residents from the dust and dirt created during construction and infrastructure works.
- Council reviews page 15 (Clause 3.3 and 3.4) of the EIS to determine whether the density, height controls and use covenants proposed by the developer are legal and can be enforced despite the LEP allowing medium density development.
- Council considers whether a LEP amendment of the land be a better mechanism to control the double-storey height limits.

**6. NO PROVISION FOR PUBLIC RESERVE**

**A. Concern:** No public reserve

Residents of Lot 101 were shown a plan that Lot 21 was to be an open area/public reserve. It has shocked many residents that this block has since sold as a house lot, with no notification. If this is no longer an open area, where is the open space that developers advised residents would be located at Lot 21?

Not having a reserve is inconsistent with the current estate, wherein most current residences back onto a reserve.

**B. Concern:** Lack of recreational facilities

Visions Estate will attract new families to the area, which is welcomed by the community. However, there is no provision for any recreational spaces.

There is currently one swing on the public reserve at the entrance to Kellie-Ann Crescent.

**7. TRAFFIC IMPACTS**

**A. Concern:** Following construction

As the proposed development will be located at the rear of an existing low density residential estate, existing residents share a serious concern regarding the road safety due to the increased traffic from an estate zoned for medium density purposes. The proposal will place increased pressure on Kellie-Ann Crescent, Henderson Drive and the intersection of Skennars Head Road and Henderson Drive.

The Engineering Report is somewhat silent on the impacts of the development to the Henderson Drive/Skennars Head road intersection, the opening of a through-road at the eastern end of Kellie-Ann Crescent and the impact of opening access to Lot 26 from the existing driveway off Kellie-Ann Crescent. As provided in the Engineering report, the development will generate 168 vehicle movements per day, this doesn't include the potential medium density development on the lots. Assessment of the Skennars Head Road/Henderson Drive intersection, Henderson Drive and the proposed opening of Kellie-Ann Crescent to through traffic is essential.

**B. Concern:** During construction

We seek clarification on:

- What mitigations will be put in place during construction?
- Has an asset condition assessment and traffic modelling been undertaken on the current road network to assess impact during construction and in operations?
- Has a road safety audit been undertaken to assess the impact on the road performance and to protect the high number of young children in the area?

**Potential Solution:**

To ensure the current road network can cope with the increased volume of traffic we propose:

- Lot sizes are increased to a minimum of 1000m<sup>2</sup>-1200m<sup>2</sup> (low density) to manage population
- The development remains low density and does not allow medium density development such as units, duplexes and the like.

We also request that appropriate conditions of consent be placed on construction activities to alleviate traffic issues during construction of the estate and to ensure that the existing road condition is not degraded.

Jenny and Lisa Campisi and Tony Baldwin  
18 Kellie-ann Crescent  
Lennox Head NSW 2478  
Ph: 02 6687 5327/0414 872 161

18th May, 2016

Ballina Shire Planning Department  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

RE: "Visions Estate" DA2016/166

Dear Sir/Madam,

We have been residents at 18 Kellie-ann Crescent, Lennox Head for 19 years.

We hereby submit an objection to DA2016/166 based on the following concerns:-

**Traffic**

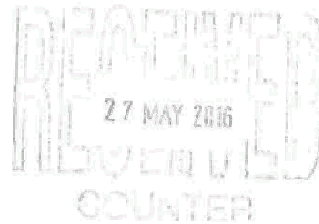
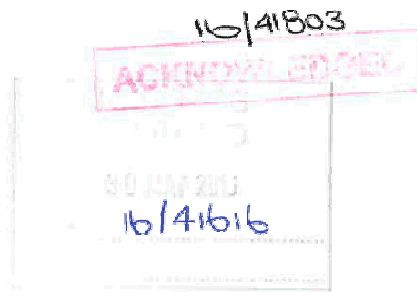
We are deeply concerned by the impact of the increased traffic on Kellie-ann Crescent due to the number of proposed lots. Our concerns are:-

1. Safety for current residents and in particular the number of children who play out on the street everyday;
2. Impact on the road itself. With an increase in the traffic together with all the construction and infrastructure traffic, the surface of the road will be compromised.

**Small Lot Sizes**

The proposed lot sizes are not at all in keeping with the estate or recent developments within the estate.

When we purchased our block, it was because of the large blocks, the reserves, the cul-de-sac and rural feel to the estate.



Ballina Shire Planning Department  
Ballina Shire Council  
18th May, 2016  
Page 2

The medium density development will impact:-

- values of all properties within the estate,
- residents privacy,
- increased traffic,
- Community safety
- heritage rock walls
- Littoral rainforest flora and fauna

#### **Littoral Rainforest**

One of the other reasons we purchased here was the littoral rainforest pockets and the birds and animals that inhabit the area. The clearing of trees is of great concern to us especially the ones on the eastern boundary of the development and harsh "pruning" of the trees between 13 and 15 Kellie-ann Crescent. We are also concerned for the animals and birds that reside in the rainforest.

#### **No Reserves**

We are one of the first residents to have built in Kellie-ann Crescent. We have seen so many young families grow in this street. There will be many new young families buy and build in the proposed new development. However, the developers have not factored this into their plans. Proposed Lot 21 has now been sold as a block and is no longer a reserve. There are no new parks or recreational areas for new and old residents nor any upgrades planned to the 1 swing we have for all the children in the estate.

It was always the vision of the original owner, the late Mr Crowley that all houses in the estate backed onto reserve. Whilst we understand that the Crowleys no longer own this development site, we would ask Council to consider the "vision" that was intended for this area and it's community. The new developers have incorporated no open space areas. This is not in keeping with the estate.

#### **Stormwater**

We are a small community at Kellie-ann Crescent, and we are also very concerned for our neighbours who back onto this development. Over the past 20 years we have seen many weather events and witnessed the amount of water that runs from the paddocks down through our neighbours houses and into the

Ballina Shire Planning Department  
Ballina Shire Council  
18th May, 2016  
Page 3

storm water drains. We are concerned as to whether adequate provisions will be put in place by the developers to cope with these weather events.

**Privacy**

We are also concerned by the invasion of privacy that this development poses on our neighbours. The lots are small and narrow leaving very little space to plant out effectively. As stated above there are also no reserves to divide the new and old developments to alleviate the privacy issue. This type of planting will also help to alleviate the dust and dirt that will be as a consequence of infrastructure works and building.

We would like Council to strongly consider the re-zoning of these blocks to low density and to take into consideration the impact on the community.

Sincerely,

**Jenny Campisi**



Robert and Sue Marcon  
7 Kellie-Ann Crescent  
Skennars Head  
NSW 2478

Ballina Shire Council  
P.O Box 450  
Ballina NSW 2478  
24.05.2016

Dear Sir/Madam,  
DA2016/166

We are writing in concern of the development DA2016/166 that is happening behind Kellie-Ann Crescent and Henderson Drive and would like to lodge a formal complaint and objection to have the current DA retracted by Ballina Shire Council.

Our objections are:

- The zoning of medium density development being created in a low density area (800m2 blocks versus 1200m2 blocks of land). This is not in keeping with the existing community.
- We are concerned with the narrow roads in the new development.
- We are concerned about the literal forest being removed (22 trees so far) and the old stacked rock wall being removed in a place to create access to a (400m2) block of land. The rock wall has historical significance and pulling it down or damaging should not be taken lightly.
- We are concerned there are no green areas within this development except for the forest.
- We are concerned about the increase in traffic and that Kellie-Ann Crescent will no longer be a quiet cul-de-sac but a through road with no side walk and no suggested traffic calming measures in place for Henderson drive.
- Our house prices on the upper side of Kellie-Ann Crescent have already been affected- expected sale prices decreasing by \$100-\$150K because of the scale and lack of privacy prospective buyers perceive- this will also have a knock on effect to the other houses in our suburb.

I wish to object strongly to the development of these houses in this location and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Yours Faithfully

  
Robert and Sue Marcon

16/41726  
ACKNOWLEDGED

RECORDS  
50 MAY 2016  
16/41561



16/41733

ACKNOWLEDGED

RECEIVED  
27 MAY 2016  
COUNTER

Melissa Chmyrzynski  
47 Henderson Drive  
Lennox Head  
2478

Phone : 0431 400 153

25 May 2016

To whom it may concern

I am writing this objection letter with regards to DA2016/166

As a property owner on Henderson Drive I have concerns with this proposed development due to the rezoning of the blocks from Low Density to Medium Density thereby making more blocks of land available on smaller lots, this is not in keeping with the surrounding residential area.

After looking at the proposal I wish to state my objection to the removal of trees to make way for these small lots as well as the old stone wall - which a portion will have to be removed to allow access to a very small, awkward, shaded block with difficult access.

I have young children who really love playing with the other neighbourhood children up on Kellie Ann Crescent - where there is no through traffic and as Henderson Drive is steep and has no footpath they are able to use the Crescent for riding their bicycles and skateboard in relative safety. It is a very secure and friendly neighbourhood. Children are also able use the swing in the unshaded play park at the corner of Henderson Drive / Kellie Ann Crescent.

My concern with this new development is that there is no open spaces or reserves for the new development population so where are those children going to play a ball game or be outside as a community ?

In the public interest I request that the culture our community has created not be affected by this new development and provision be made to protect the current flora and fauna, the heritage rock wall and the residents who enjoy the privacy, character and community they bought, built and live in.

Yours sincerely

M Chmyrzynski

RECEIVED  
SCANNED  
30 MAY 2016  
Doc No: 16/41563



16/41564  
ACTION OF 16/41564  
Melinda and Gus Ingram

12 Kellie Ann Cres

Lennox Head. 2478.

RECEIVED  
27 MAY 2016  
RECEIVED  
COUNTER

RECORDS  
SEARCHED  
30 MAY 2016  
16/41564

To whom it may concern,

RE: DA 2016/166

We are writing to object to a few issues regarding the above development application, these being the small lot sizes and narrow roads and their impact on property values, concern for the removal of littoral rainforest, removal of the rock wall for access to Lot 26, storm water drainage and most importantly the increased traffic in and out of the estate.

The concern is the small lots and amount of lots proposed are not consistent with the existing lot sizes and are also not consistent with recent developments of lots 101 to 104 Kellie Ann cres (low density blocks) and that of lots 1-4 DP 1216761 in Henderson drive (acreage blocks).

These blocks do not sit into the landscape and feel of the existing estate and the amount of house blocks ultimately means more traffic to the estate which is accessed only by one road in and out of Henderson drive. This in itself is a big problem as there are a lot of families with children on this road and more traffic pose increased risk of accidents.

The width of the roads in the proposed estate are quite narrow in comparison to that of Kellie Ann Cres and the high density and closeness of the lots highlight the 'rack them pack them and stack' them nature of this proposed development. My concern is that this mentality of the developer to make money now will be detrimental to the property values of the existing properties and the values of the proposed development lots in the future .

The concept of lot 26 being accessed from Kellie Ann is not a sensible option due to the contentious issues of removing part of the rock wall and pruning of the littoral rainforest but also the inconsistency of this lot size being smaller the already small proposed sites. Removal of littoral rainforest is a concern as extensive pruning would be required to enable entrance into lot 26. Any pruning would not be desirable rather a buffer zone should be a better recommendation. Removal of part of the rock wall is also a concern for this lot as it has heritage value to the residents of the estate as well as the Shire and we as objecting residents would like to see what heritage assessment has been undertaken.

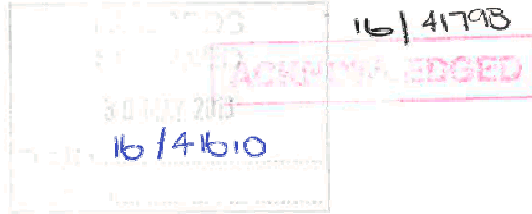
We have concerns about adequate easement and drainage of stormwater as the current stormwater drainage on lot 101 does not cope well in a high rainfall event resulting in overflow into the property on the southern part of the Kellie Ann cul-de-sac. A solution could be to extend the easement behind property lots 101 and 102 and also have a vegetation zone of low to medium growth plants next to the easement to act as a natural drain for water uptake and also serve the purpose of a natural privacy screen between the new and existing lots.

I am sure with adequate consultation with residents that a solution and or compromise could be reached to ensure a better planned and sustainable design to the proposal to better transition the new development into the existing estate.

Yours sincerely,



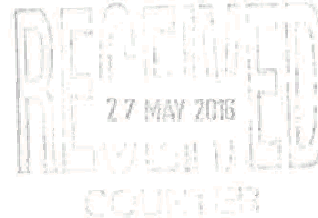
Melinda Ingram



Pam and Vic Yeates  
16 Kellie-ann Crescent  
Lennox Head NSW 2478  
Ph: 6687 5597

18th May, 2016

Ballina Shire Planning Department  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478



RE: "Visions Estate" DA2016/166

Dear Sir/Madam,

We have been residents at 16 Kellie-ann Crescent, Lennox Head for 14 years.

We hereby submit an objection to DA2016/166 based on the following concerns:-

**Traffic**

We are deeply concerned by the impact of the increased traffic on Kellie-ann Crescent due to the number of proposed lots. Our concerns are:-

1. Safety for current residents and in particular the number of children who play out on the street everyday;
2. Impact on the road itself. With an increase in the traffic together with all the construction and infrastructure traffic, the surface of the road will be compromised.

**Small Lot Sizes**

The proposed lot sizes are not at all in keeping with the estate nor recent developments within the estate.

Like most residents, we purchased this property due to it being a large low density block and did not anticipate that the estate would become a mixed bag of density lots.

**Littoral Rainforest**

18th May, 2016

Page 2

One of the unique features of the estate is the littoral rainforest pockets and the birds and animals that habitat the area. We are concerned to hear that the developers plan to remove a number of trees and substantially cut back other trees to allow access for proposed lots. We are also concerned for the animals and birds that reside in the rainforest.

**No Reserves or Recreational Space**

It was with surprise that we heard that the new development has no reserves or open spaces and that proposed Lot 21 has now been sold as a block and no longer a reserve. There are a number of young families in the estate and this development will obviously bring a large number of young families to the community. At present the estate has only one swing for children to congregate and play on and this is deemed our "recreational area".

The estate was always set out so that houses backed onto reserve – there has been no provision for that in this new development nor any reserve at all. This is not in keeping with the estate.

We would like Council to strongly consider the re-zoning of these blocks to low density and to take into consideration the impact of such an imposing development upon a very concerned community.

Sincerely,



**Vic and Pam Yeates**

16/41284  
ACKNOWLEDGED

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

16/40762

25<sup>th</sup> May 2016

Dear Sir,

Submission of Concern of Proposed 28 lot Subdivision ,  
Henderson Drive, Lennox Head  
Refer DA 2016/166

We live at 11 Kellie-Ann Cres. Lennox Head and are long time residents of this subdivision with concerns over parts of the proposed subdivision which we feel need to be addressed as part of the approval process.

The major concerns are in four areas,

1. Stormwater and Drainage.
2. Increase in Vehicle and Pedestrian conflict.
3. Provision of Open Space facilities.
4. Impact on Native Flora and Fauna

Stormwater & Drainage Provisions.

Due to the contours of the land and substructure of the soil there is significant runoff of stormwater through lot 62 (Littoral Rainforest) and through the western edge of lots 25 & 26. Much of this water passes through or around lot 28 and our lot (51 DP864764) when we have a significant rainfall event. We are concerned that with the increase in hard surfaces of roads & roofs in the new subdivision, if the drainage and altered contours of the new subdivision is not designed to meet these local conditions, it will make the runoff of both surface and sub terrain water much worse and negatively affect our properties.

Increase in Vehicle & Pedestrian conflict in Henderson Drive between Skennars Head Road and Kellie-Ann Cres.

Due to the slope of driveways and block access in Henderson Drive, many of the residents park their cars, trucks, and boats etc. on the roadway or verges in front of their residences. Hence pedestrians and pushbike riders use the centre of the road to walk on to get around stationary vehicles causing a safety issue / conflict point with other vehicle using the roadway. Increase in population from the new subdivision is only going to make the situation worse and more dangerous particularly at end of school times when school children are walking home and the western sun is in driver's vision.

Note: Bus pickup/ drop-off is located in Skennars Head Road with no sealed walkways within the Lennox Palms Estate. Although safety has been improved along Skennars Head Road since the construction of the Pedestrian/cycleway along Skennars Head Road. Are there any plans to address this increased safety issue by council?

**Provision of Open Space facilities within the new subdivision.**

It is noted in the DA submission that the developers consider the existing open space/reserves in the Lennox Palms estate more than meets the requirements for the new subdivision. Most of lot 62 adjoining the development is Littoral Rainforest listed as "Deferred Matter" by council and the rest of lot 62 does not appear suitable open space for the use by families due to its slope. The existing single swing installed on lot 47 DP833002 in Kellie-Ann Cres. is the closest useable open space for this new development. As such we would suggest that part of the developers contribution to open space be used to upgrade the single swing to atleast include a bench seat for the use of parents while they supervise their children while they use this area.

**Impact on Native Flora and Fauna.**

In the DA much is mentioned on preserving the Littoral Rainforests that adjoin the development and while we see little problem with the removal of small trees isolated from larger clumps on the eastern side of the development and replanting with selected species within the development, we have concerns over the trimming (lopping) of mature trees to access lot 26. During my working career as a project manager (electrical design for Underground Residential Developments) I have seen cases where lopping the sides out of native trees can directly lead to that tree becoming unstable or dying due to rot. A more detailed arborists report is needed to ensure mature trees within lot 62 are not compromised. A suggestion is that removing camphor trees from within lot 62 may compensate for any damage done along the edges of lot 62 and this work be carried out as part of the development whilst access and public interference can be controlled from the northern side of lot 62.

Although there appears to be no endangered Fauna species in this area, there are many native species of birds, reptiles and mammals frequenting this area. We and our neighbour are trying to encourage the return of these native birds by planting native trees and shrubs in our gardens creating a corridor and habitat plus providing suitable water for the use by the fauna and are having success based on the more frequent appearance of both small 'local' birds plus migrating species. To this end Feral and domestic cats are one of the biggest threats to native fauna and although domestic cats and dogs are allowed within Lennox Palms estate, thankfully there are very few cats within the subdivision, would you please advise the status for allowing cats as pets for this new subdivision.

Yours sincerely  
Gordon & Tracie Newton  
11 Kellie-Ann Cres. Lennox Head  
Mob. Ph 0417275142 (Gordon)

*G. Newton*  
*Tracie Newton*

16/4/2017  
**ACKNOWLEDGED**

16/4/2017

**Ballina Shire Council  
Cherry Street  
Ballina NSW 2478**

**OBJECTION to DA2016/166**

**Development rear of Kellie Ann Crescent, Henderson Drive , LennoxHead**

Dear Ballina Shire Council Councillors and respective staff,

We live in Henderson Drive Lenox Head close to the proposed development site at the rear of Kellie Ann Crescent. We are writing to ask that BSC refuse this planning application from Planners North

Herein are our comments and objections relating to this planning application.

This proposed development

- 1 Will cause a considerable increase in traffic to Henderson Drive, during construction and building phase and a permanent flow once homes are completed and owners take up residence.
- 2 Affect Flora and Fauna of this area
- 3 Does not have any extra open spaces/reserves.
- 4 A number of trees will be removed
- 5 The blocks are small and the roads will be narrow, this is changing the layout of the present Lennox Palms Estate.
- 6 This change will cause many current residents to have value of their properties devalued


Therefore, we ask that Ballina Shire Council to refuse this current Planning Application and encourage Planners North to resubmit a building design that is in the keeping of the current Lennox Palms Estate.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home; do not hesitate to contact us on 0414 863724.

Yours Sincerely,

Gerry & Margaret Burnage

27 Henderson Drive  
Lennox Head





**OBJECTION QUESTIONNAIRE**

NAME: JAN [REDACTED] + TRACEY.

ADDRESS: Henderson Drive

PH/MOBILE: 0

RECORDS  
SCANNED  
27 MAY 2016  
Doc No: 16/40931  
Batch No: .....

Please tick boxes appropriate to your concerns:-

<input checked="" type="checkbox"/>	Traffic increase	<input checked="" type="checkbox"/>	Construction impacts
<input checked="" type="checkbox"/>	Lot sizes	<input checked="" type="checkbox"/>	Amount of Lots <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	No open spaces/reserves	<input checked="" type="checkbox"/>	Tree removals
<input type="checkbox"/>	Effect on Flora/Fauna	<input type="checkbox"/>	Single/Double Storey houses
<input type="checkbox"/>	Impact on property values	<input type="checkbox"/>	Impact on rockwall
<input type="checkbox"/>	Narrow Roads	<input type="checkbox"/>	Storm water drainage
<input checked="" type="checkbox"/>	Traffic Calming	<input type="checkbox"/>	Retaining walls
<input type="checkbox"/>	Privacy/Noise/Light	<input checked="" type="checkbox"/>	Consultation Notes

If you would like to lodge an objection please indicate:- Yes/No

If yes, do you need assistance with the letter:- Yes/No

If yes, please contact Jane Crilley on 0423 669966 or email [jane.seam1@bigpond.com](mailto:jane.seam1@bigpond.com) for assistance.

Otherwise please address all letters to:-

Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Please ensure that you refer to DA2016/166

**Comments:**

*This development proposal will change the nature of PAUMS ESTATE, LENNON HEAD dramatically. Please find attached more detailed concerns regarding this matter.*

## **OBJECTION TO DA 2016/166**

Referring to the development proposal DA 2016/166, we have the following concerns and objections to this development – 25/06/2016.

**Medium-High density development within the low density environment of the rest of this estate.**

**Location of this development at the end of the already existing Palms Estate – all traffic has to enter and commute to the medium density development site by using the existing, one entry Cul Du Sac road.**

**Heavy increase in presence of motorised vehicles using the current inadequate infrastructure.**

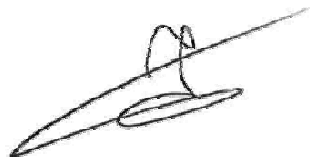
**No shops and services are available within the Palms Estate, therefore the estimate of persons using the road infrastructure for travel, will approximately increase by more than 220 trips, back and from the furthest point within the estate. This conservative estimate is based upon the 28 home-sites having only 2 cars each, servicing each single address for two round trips per day only. Not taking into calculation the home deliveries of goods & services and friends and family visits, adding a possible 100 plus trips in and out of The Palms Estate.**

**Currently there are no existing foot/bike paths present within the Palms Estate – potentially asking all present and future residents (including young children), to share this inadequate road infrastructure with cars, trucks and motorbikes.**

**The certainty of high increase of heavy construction and ground work vehicles that will have to find excess via the one and only entry into Palms Estate from the time the 28 block subdivision will be ready to be built on.**

**The lack of accommodating play-ground and or communal out-door area's for the new development. The existing 'Play-ground' area at Kellie-Ann is already inadequate in size and equipment in order to serve as a decent size for the whole estate in its existing form.**

25/6/2016



The General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478  
Anthony Peters  
Planning and Development  
In regards to: DA 2016.0000166  
Visions estate  
Henderson drive  
Lennox Head  
40 Cherry St, Ballina  
[council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)

25<sup>th</sup> May 2016



Mr Anthony Peters.

As a resident of 7 Nixon Place Lennox Head I am concerned re the application to build the proposed Visions Estate behind Kellie Ann Crescent and the top of Henderson Drive. Whilst the proposed estate will not directly affect me re storm water and drainage problems as expressed by other residents, the following objections are noted:

The zoning of a medium density development that is proposed to be developed in an area of low density living (800m<sup>2</sup> blocks versus 1200m<sup>2</sup> blocks of land). This cannot surely be in keeping with the already established community. This of course if allowed will lead to traffic chaos in the immediate vicinity and beyond. The traffic is already very heavy in Kelly Ann and Henderson. Adding a further 26 blocks of land and the ensuing traffic to these roads will cause heaps of problems to all residents of the area.

On looking at the plan I note that there has been over 22 trees removed from the Littoral Forest. Why is this developer allowed to remove these trees when other residents of the area have been prevented from removing trees are they not protected? I also note that the original stacked walls being removed to allow bigger block sizes. These are a significant part of our history and should be preserved (those that have not already been destroyed) at all costs.

As part of most agreements the council has with developers the council have made them leave a portion of developed land as green areas. Where are these green areas on the plan other than the forest. The developer must be made to provide green areas.

Kellie Ann Crescent has been a quiet cul-de-sac but with the expected increase in traffic will become a through road (with no side walk). Is there going to be traffic calming for Henderson Drive? The vast numbers of children that live in the area will

certainly lose their freedom and safety on the roads. Once again we see the need in our area for foot paths. Are these to be now provided as we have increased traffic from the new development?

I expect that there will be a considerable loss of house values not only to the residents of Kellie Ann Crescent but to all houses in the immediate area caused by the council allowing medium density living in the area. Prospective buyers will see the traffic problems that will ensue by the number of cars on our roads that could easily exceed 58 vehicles.

I trust that the council will see that the residents of this very quiet precinct wish to see harmonious developments that are not just developed to suit a developer's greed in the use of the land. The council must insist on keeping this development as low density housing.

Yours



Ross William Cornwill  
7 Nixon Place  
LENNOX HEAD 2478  
0266876743 or 0434 414 708

For the Urgent Attention of: Anthony Peters, Senior Planner, Ballina Shire Council Planning Department

Re: Planning Application DA 2016/166 (010.2016.00000166.001)

– Subdivision - Torrens (Residential) Twenty-six lot Torrens Title subdivision including road construction, earthworks, and associated subdivision works.

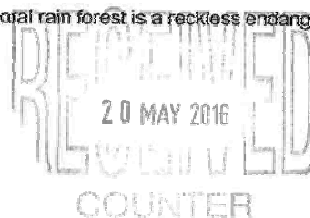
I Christian John Burnett and Jo-Anne Burnett, 21 Kellie Ann Cres (Block101) Lennox Head, NSW 2478 (Phone 0438686643 / Email: chris.burnett@au.syaipro.com) wish to strongly object to and raise my concerns regarding the planning application (referenced above) for the subdivision of Lot 7 DP1216761, Lot13 DP 864764; Lot 12 DP 814039 Henderson Drive Lennox Head

As you are no doubt aware, the area directly around this site is currently developed as low density housing on 1000sqm+ block sizes.

The average lot sizes of DA 2016/166 are 800m2 with average 17m street frontages on most. This raises several concerns.

As a local resident of this area, I wish to strongly object to the DA for the following reasons:

- 1) The proposed development is NOT consistent with the surrounding area. As a resident I would like to retain the rural outlook. The surrounding blocks of land (Kellie Ann Crescent, Henderson Drive, Nixon Place) are consistently zoned as low density (sized over 1000m). This is one of the reasons why we purchased our block of land and built our house in this area in 2015 as we wanted to avoid medium/high density living in a family friendly suburb. Dropping in a medium density development will directly affect the sale value of our properties. Anthony Peters raises the same objections on the 16<sup>th</sup> July – re-iterating that the plan be modified for low density. "As previously stated the majority of the allotment's should be single LOW DENSITY dwelling allotments"
- 2) Impact to the current residents of Kellie Ann Cres with regards to rights of quiet use and enjoyment of their residences.
- 3) Severe impact on loss of Solar Amenities for blocks 101, 102, 103 on Kellie Anne Cres  
There will be an unreasonable reduction of existing direct sunlight, due to the nature of thin "strip" blocks resulting in long double story constructions, other blocks on the proposed subdivision have title covenants for single story only. Nowhere is there a mention of buildings to be re-sited or setbacks reduced or heights reduced.
- 4) Loss of Privacy due to the nature of thin "strip" blocks resulting in long double storey constructions. The lot's 21/22 have direct and immediate views into bedroom/ bathroom/lounge/dining areas, due to the "strip" small block division of 21 & 22 any construction would contravene the Ballina Building Control Plan of 2012 in regards to sections 3.1.2 / 3.1.3 / 3.1.3 "C"
- 5) Loss of Littoral Forest trees due to excessive 'foliage overhang pruning' lot 26. Pruning is the same as cutting down according to the forestry commission.
- 6) Removal of protected trees adjoining Lot 12 which include a small section of Swamp Sclerophyll.
- 7) EIS makes no reference to the large echidna population, Tawny Frogmouth, or the slashing of HJG habitat to render it no longer suitable in time for the DA application.
- 8) The EIS makes reference to the 'urgent need' for land stock in Lennox Head. This is untrue as the current and pending DA's for over 1500 medium density housing already exist.
- 9) There is no provision for 'open spaces' or 'reserves' – designating the 'Littoral Rain Forest' as a reserve area that more that caters for the requirement by X4 times is ludicrous. The current open spaces are the bare minimum based on the existing development of 68 residences not 28 new ones. E.g. there is only one uncovered swing for the entire child population.
- 10) Planting of Street Trees in the Fire Break zone close to a protected littoral rain forest is a reckless endangerment to the existing residents.



- 11) Traffic Impact Study has been done for the subdivision based on X trips per day for the new area, the existing is a feeder zone for two major catholic schools and one day care, the study was obviously done to avoid peak reporting, currently there are 68 residents with most having 2 cars each, most with young children requiring school drop off and collection. The new potential residents (who we know) also have one or more children that attend these institutions, it's impossible that 4 vehicular access per day per house were calculated that impact Henderson residents. (This obviously excluded visitors/postal/waste etc.) The meagre contribution of \$280k will result in rate payers having to pay more long term for road maintenance – as well as maintaining the private driveways for house 13/15/lot 26.(which is currently in a state of disrepair )
- 12) Connection Road to Kellie Ann Cres – has overhanging foliage and is only 7m wide, this will result in Waste Trucks etc. utilising the end circle in Kellie Ann Cres as there is no provision in the network plan for such a turn – in fact the network plan includes "pinching to 3m wide " which has never worked for waste / removal trucks.
- 13) Removal of Heritage listed Rock Wall to enable a 490sqm building envelope (contrary to control plan guide lines for medium density) and access for block 26 is of grave concern to residents.
- 14) Private nuisance issues – with the close proximity and excessive number of houses we foresee a number of complaints that the council will need to mediate and mitigate.
- 15) Lack of consultation with existing residents by Nlel Hoollhan. (I was shown a plan over the back of a barb wire fence when I asked what they were doing on my property, where the lot behind mine was a 'reserve' with plans for dealing with the stormwater) subsequently I have discovered on my own that this is no longer the case and this land is now planned and has been sold (by Elders Lennox Head proposed block 21) as a residential "strip" block. The plans I was shown and am quoted as having no objection to is not the plan that is being presented for this planning application. ([http://da.ballina.nsw.gov.au/Temp/TrimDownload\\_1996729.PDF](http://da.ballina.nsw.gov.au/Temp/TrimDownload_1996729.PDF) - page 76)
- 16) Storm water drainage – Lot 101 DP 1191558 has the 100 year flood line storm water drainage, after querying the lack of storm water plan in this applications we were told that the new developments house roofs would be funnelling the water via the inter-allotment drainage network but the actual storm water drain and top of swale will not be on our property as well the geo fabric ending on the boundary of block 102 thereby leaving our property to funnel and channel all run off water for section B. ([http://da.ballina.nsw.gov.au/Temp/TrimDownload\\_1996736.PDF](http://da.ballina.nsw.gov.au/Temp/TrimDownload_1996736.PDF) - page 145) All of this modelling was based on low density housing as per the civil engineers notes.

The planning application submitted by the Developer is inappropriate in regards to the proposed blocks adjoining Kellie Ann Cres – it is not what this community area either wants or needs. It represents a cynical attempt by a property developer to introduce high-dollar-yield, low-quality development that will damage the quality of life for the local families around Kellie Ann Cres and those on Henderson Drive.

The residents of the area openly welcome the development of appropriate and community-friendly new residences to cater for Lennox Head growth. I would point to the recent residential development on North Creek Road where a similar medium density was proposed in an area of existing low density housing was denied, and an amended lower density block layout for 4 Torrens Title blocks was re-submitted and approved.

The residents openly welcome discussion with Council's Planning Department, and would be delighted to meet the Planners and Councillors onsite should you need more understanding of how this will affect us – the local residents. However this will have to be off site as NO council employees are allowed on site as per the current DA.

Respectfully yours,



Mr Chris Burnett  
21 Kellie Ann Crescent  
Lennox Head  
2478



Mrs Jo-Anne Burnett

To: Mr Anthony Peters  
Senior Planner  
Ballina Shire Council Planning Department  
PO Box 450  
Ballina NSW 2478

22 May 2016

Dear Sir / Madam

I am writing this objection letter with regards to DA2016/166.

It has come to our attention that there are to some substantial changes that would be crucial to our property LOT 103 on Kelly Ann Crescent. This was communicated to us by other home owners in the area, as the developer had made no effort to contact us to discuss the proposed plans.

The proposed changes to the location of the existing storm water drainage to be moved to the eastern side of the proposed dual way road to be built between LOT 103 and LOT 27, would have great impact on the integration of our land and the safety of our children. The proposed changes would see the road moved directly onto our land border removing the existing buffer that is present and was present at the time we purchased the land. We can see no environmental benefits in having the storm drainage moved. This proposal is thus purely beneficial for the developer in our opinion.

The proposed location of the road would mean that the recess from the road would be located on our property. This proposal would thus have the developer gain land on LOT 27 for future development at our expense. The relocation of the existing stormwater drain would not only be unnecessary but would also be detrimental to the safety of our children and would reduce the living space on our land.

The proposed changes to the access road between LOT 103 and LOT 27 is unacceptable to us and should this proposal be passed as is, we would consider litigation.

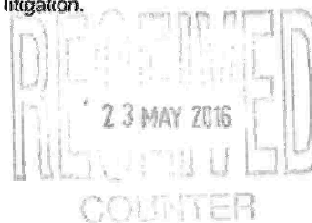
Sincerely



Mrs. Ursula van Eijden



Dr. Roy van Eijden



Renato Petronio  
17 Kellie Ann Crescent  
Lennox Head, 2478  
Phone: 0429298555  
Email: renatopetronio@gmail.com

23/05/2016

The General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478  
Anthony Peters  
Planning and Development  
In regards to: DA 2016.0000166  
Visions estate  
Henderson drive  
Lennox Head  
40 Cherry St, Ballina  
[council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)

Received 21.5.16

16/410810

16/39850 - Video

To Mr Anthony Peters

Dear Sir,

I am writing **THIS OBJECTION LETTER** to you in regards to development application 2016.0000166, namely the proposed Visions Estate at Henderson drive, Lennox Head.

As a resident directly attached to the proposed development have various **strong objections and serious concerns** in regards to the following issues:

- 1) **OBJECTION 1:** Stormwater arrangements proposed by the attached Appendix E to the development.

I propose that the proposed stormwater recommendation as per Appendix E is insufficient as per the following reasons.

- a) On page 136 there is no mention of the existing easement that runs behind existing lots 53, 54 (my lot), 55.
  - i) Will the easement be maintained? As I am aware that there are plans to put an inlet drain at P3? near lot new lot 26 to capture water and take it by pipe to pit P4. If this is the case then I believe due to storm events I have experienced (please refer to photographic and video evidence attached) this will be insufficient to stem the flow of said storm flow as per footage that shows it entering through the stone wall and inundating my property. Please note that such events have led to the following over the past 16 years: i) flooding of my pool on approximately 6 occasions, erosion of soil and vegetative material from my property which enters the stormwater system. Discussions with previous neighbours at lot 55 have indicated flooding in the ground floor leading to removal of carpets etc. In it's present state the easement has been insufficient as per noted storm events and discussions with Mr Crowley, previous landowner were unsuccessful in remedying said flood events, his statement was, that that's how you bought the block and that's how it's staying. You can therefore understand my fears that any future landowners may have the same opinion. I have read the relevant legislation re easements and although it states landowners cannot



- 3) OBJECTION 3: The EIS makes no reference to the large echidna population, Tawny Frogmouth, Pheasant Coucal, or Koalas- yes Koalas!. As a resident of 16 years I have on many occasions found echidnas in my garden. On two occasions I have found Koalas in my garden and have at the moment a family of 3 Tawny Frogmouths that reside in my garden.



Yours sincerely Renato Petronio

23/05/2016

Consequently, the FFR needs to assess the impact of the entire footprint on the adjacent vegetation, inclusive of the TPAs.

#### **PLANNERS NORTH REPLY RESPONSE**

Proposed Lots 16, 25 & 26 directly adjoin a littoral rainforest held as a reserve by Council. The reserve is clearly defined by rock wall. Also the area in Lots 16, 25 & 26 immediately adjacent to the reserve is proposed for Asset Protection Zone. The updated flora and fauna report (**Appendix E**) examines relevant threatening processes.

#### **Site Identification**

Due the close proximity of infrastructure to significant vegetation it is requested the boundary of works associated with Roads 1 and 2 are to be identified and marked by survey where they adjoin the identified rainforest communities.

Council also requires the survey plan inclusive of the identified TPA mapping to be overlaid onto the required survey plan.

#### **PLANNERS NORTH REPLY RESPONSE**

A survey has been completed in relation to Roads 1 & 2 and as previously advised, inspection of the site by Council officers is invited. However, with the plethora of survey marks in the locality it is best that such an inspection be done in the company of the proponent's registered surveyor in order to ensure that the survey marks are correctly identified by Council officers.

## **8. NOMINATION OF PROPOSED DUAL OCCUPANCY ALLOTMENTS**

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#### **Council Observation**

As outlined in Council's letter of the 16 July 2015, having regard for the existing character and density of the existing Estate, the majority of the proposed allotments should be single low density dwelling allotments. Please nominate the single low density or proposed dual occupancy allotments so that further consideration can be undertaken.

#### **PLANNERS NORTH REPLY RESPONSE**

Section 3.3 of the EIS sets out proposed single dwelling covenants for Lots 3-14 and 16-26. Our client has no issue with expanding that covenant control to specify Lots 1, 2 and 15 for dual occupancy.

## **9. SUBMISSIONS TO THE DEVELOPMENT APPLICATION**

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During the exhibition period, 20 submissions were made to Council in relation to DA 2016/166. A plan illustrating the residential location of each of the objectors is attached as **Annexure G** to this RFI reply. Some 23 issues were raised by the objectors with, the key issues appearing to be density, ecology/ flora and fauna impacts, open space, traffic generation impacts, stormwater, flooding and property value loss. Set out below are our brief comments in relation to the key issues.

- density;
 

As the subject site has a development area of some 2.9ha and if developed for medium density purposes (as historically envisaged) dwelling yield will be in the order of 60. We respectfully submit that having regard to the environmental context of the site, the provisions of Council's Local Environmental Plan and good town planning practice the density of 26 new lots proposed is appropriate and reasonable in the subject circumstances.
- flora and fauna impacts;
 

The impact on flora and fauna with this development has been carefully assessed. Development in the manner proposed will see the eradication of weed species in and around the subject site and in the public reserve to the south west. Some almost 2000m<sup>2</sup> of additional buffer planting is proposed in association with the development.
- open space;



The quantum of open space at "Lennox Palms Estate" is well in excess of that which is currently prescribed by Council as appropriate in terms of urban subdivision. The locality is well serviced by both passive and active open space facilities.

- traffic generation;

The road network has been designed on the basis of the subject land being developed for medium density purposes. The yield anticipated for this project is some 40+% less than what would have been the original expectation of the development and accordingly traffic generation is that much less as a consequence.

- stormwater / flooding; and

Stormwater management both in terms of attenuation and quality have been comprehensively assessed and meet all of the relevant standards of Council.

- property value diminution.

Council may be aware that the subject property has been offered to the market on an "off the plan, subject to Council approval" basis. The values attained for the lots pursuant to this sales mechanism are quite high and put pay to any suggestion that there will be some loss of property value as consequence of development in the manner proposed.

## **10. ABORIGINAL ARCHAEOLOGY**

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**Annexure H** herewith contains a Heritage Impact Assessment Report prepared by Everick, archaeological consultants. For the purposes of preparing this report, Everick have consulted with the local aboriginal stakeholders. As discussed in the report by Everick, there are no substantive aboriginal archaeological issues applicable to the subject site.

Should you require any additional information in which to clarify any matter raised by this advice, please feel free to contact the writer at any time.

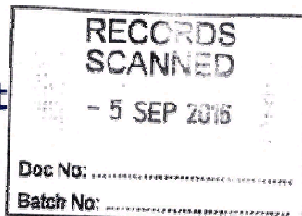
Yours faithfully,

**PLANNERS NORTH**



**Stephen Connelly RPIA (Fellow)**  
PARTNERSHIP PRINCIPAL  
(m) 0419 237 982  
(e) steve@plannersnorth.com.au





Our ref: 16/06685

Mr P Hickey  
General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Dear Mr Hickey

**State Environmental Planning Policy (SEPP) No 26 – Littoral Rainforest Concurrence – Henderson Drive, 545 The Coast Road and 13 Kellie-Ann Crescent, Lennox Head**

I refer to Council's request for the Secretary's concurrence for a proposed 26 lot torrens title subdivision including road construction, earthworks and associated subdivision on land subject to clause 4(1)(a) of SEPP 26 at the above address.

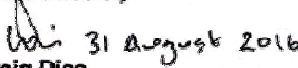
Following consideration of the application and supporting information, as delegate of the Secretary, I advise that concurrence has been granted pursuant to section 79B of the *Environmental Planning and Assessment Act 1979* (the Act), as required in clause 7(3) of SEPP 26, to development as described in Development Application DA2016/166. Concurrence has been granted subject to the following conditions:

- (1) All landscape plantings must comprise North Coast Littoral Rainforest species; and
- (2) A vegetation management plan must be prepared prior to the issue of any construction certificate, which includes as a minimum, details of the buffer vegetation to be planted immediately adjacent to the adjoining littoral rainforest vegetation.

As you are aware, the Secretary's concurrence relates only to the land on the site enclosed by the heavy black line on the adopted SEPP 26 maps which I note currently constitute cleared grassland. Council as the relevant consent authority should ensure it considers the broader environmental impacts of the proposal.

Should you have any further enquiries about this matter, please contact Ms Tamara Prentice, of the Department's Northern Region Office. Ms Prentice can be contacted on telephone number (02) 6641 6610.

Yours sincerely

  
31 August 2016  
**Craig Diss**  
Acting Director Regions, Northern  
Planning Services

Northern Region Office 76 Victoria St Grafton NSW 2460 Locked Bag 9022 Grafton NSW 2460  
Telephone: (02) 6641 6600 Facsimile (02) 6641 6601 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)

All communications to be addressed to:

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Headquarters  
Locked Bag 17  
Granville NSW 2142

Telephone: 1300 NSW RFS  
e-mail: [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

Facsimile: 8741 5433



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

Your Ref: 2016/166  
Our Ref: D16/1405  
DA16050801807 PC

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**ATTENTION:** Anthony Peters

15 June 2016

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Dear Mr Peters

**Integrated Development for 7//1216761, 12//814039, 52//864764 - Henderson Drive Lennox Head; 545 the Coast Road Lennox Head and 13 Kellie-Ann Crescent Lennox Head**

I refer to your letter dated 22 April 2016 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Newton Denny Chapelle titled 'DA 3 - Lot Layout Plan' (Ref: 13/376 - Rev. B), dated 12 November 2015.

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the issue of subdivision certificate and in perpetuity the entire area of Lots 1 to 26 shall be managed as an Inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

**Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', except that:
  - i. a perimeter road is not required for Lots 16, 25 and 26; and
  - ii. the perimeter road width may be reduced adjacent to proposed Lots 2 and 3, as shown on the drawing prepared by Newton Denny Chapelle titled 'DA 13 - Plan of Road 1 Slow Point' (Ref: 13/376), dated February 2016

#### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. A minimum 1.8 metres high radiant heat shield made of non-combustible materials shall be constructed along the western boundary of Lot 16 from the building line to the southern boundary. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
6. A minimum 1.8 metres high radiant heat shield made of non-combustible materials shall be constructed between the electricity substation and adjacent rainforest vegetation as shown in Figure 11 of the Bushfire Threat Assessment Report prepared by Bushfire Certifiers (Ref: 15/233) dated 1 April 2016.. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

#### **Landscaping**

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

#### **General Advice – consent authority to note**

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

The land to the west of proposed Lot 16 has been classified as grassland and required asset protection zones assessed accordingly. Any proposal to revegetate part of Lot 62 DP 864764 adjacent to Lot 16 would require reassessment of the required asset protection zones.

For any queries regarding this correspondence please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely

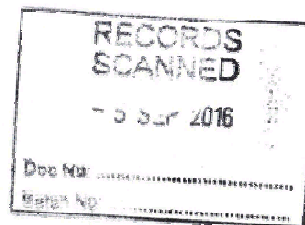
A handwritten signature in black ink, appearing to read 'Alan Bawden', written in a cursive style.

Alan Bawden  
**Team Leader - Development Assessment & Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.



Office of  
Environment  
& Heritage



Our Ref: DOC16/387673  
Your Ref: 2016/357

General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Dear Mr Paul Hickey

**Re: Further Information - Vision Estate 26 Lot Subdivision, Lennox Head**

Thank you for your letter received on 3 August 2016 about the development application for the proposed Vision Estate subdivision at Lennox Head seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

The OEH has reviewed the information supplied and provides detailed comments on the assessments for biodiversity and Aboriginal Cultural Heritage in **Attachment 1** to this letter.

In summary the OEH recommends that the Ballina Shire Council should:


1. Require the proponent to incorporate appropriate ecological buffers into a revised lot layout design.
2. Exclude development infrastructure from within the ecological buffers.
3. Require the proponent to rehabilitate and afford protection in perpetuity to the retained littoral rainforest area and the ecological buffers.
4. Seek the rehabilitation of suitable degraded areas surrounding the subject property to offset direct and indirect impacts to littoral rainforest arising from the proposal, improve post-development connectivity, and ensure the long term survival of the littoral rainforest community in the area.
5. Require the preparation of a vegetation management plan for works to rehabilitate, maintain and sustain in perpetuity the littoral rainforest on the site, any areas of revegetated littoral rainforest providing offsets, and the vegetated buffers to the rainforest.
6. Note the advice from OEH on Aboriginal cultural heritage in Attachment 1 to this letter.

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[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)



If you have any further questions about this issue, Mr Krister Waern, Senior Operations Officer, Regional Operations, OEH, can be contacted on 6640 2503 or at [krister.waern@environment.nsw.gov.au](mailto:krister.waern@environment.nsw.gov.au).

Yours sincerely

 31 August 2016

**DIMITRI YOUNG**  
Senior Team Leader Planning, North East Region  
Regional Operations

Contact officer: KRISTER WAERN  
6640 2503

Enclosure: Attachment 1: Detailed OEH comments – Vision Estate 26 Lot Subdivision, Lennox Head

cc Ms Tamara Prentice - Department of Planning and Environment, Locked Bag 9022, Grafton NSW 2460

**Attachment 1: Detailed OEH Comments - Vision Estate 26 Lot Subdivision, Lennox Head.**

Biodiversity matters

The OEH has reviewed the Response to Further Information prepared by Planners North consultants dated 2 August 2016 and provides the following comments for consideration.

*Ecological buffers*

The OEH notes that the further information does not address our concerns about providing appropriate buffers to ensure that the littoral rainforest areas are adequately protected from indirect impacts. The intensification of development on the site will increase the indirect impacts on the littoral rainforest areas. Although the SEPP 26 Littoral Rainforest provisions do not apply to residential lands, this SEPP seeks to provide a 100m buffer to littoral rainforest areas for the long term protection of these significant ecological values.

The OEH also advocates that buffers with a width of 50-100m should be applied to significant environmental values such as the littoral rainforest areas. The applicant's own ecologist has identified the littoral rainforest areas as being of high significance. These areas are also listed in state and commonwealth legislation as Endangered and Critically Endangered ecological communities respectively.

In response to the OEH and the council requesting adequate buffers to the littoral rainforest the applicant has responded by stating that, "The buffers provided are consistent with good town planning practice (reference *Coastal Design Guidelines, Coastal Council, 2003*)." The OEH agrees with the use of this reference document, however the Coastal Design Guidelines has a strong theme throughout the document to use setbacks to ecologically significant vegetation and to revegetate land with species native to the local area. Further page 59 of the Coastal Design Guidelines states:

- *Setbacks are designed to protect ecosystems and reserves covered under SEPP 14 wetlands, SEPP 26 littoral rainforest and,*
- *Setbacks should where possible be increased to 100m or more where they are adjacent to ecologically sensitive areas.*

We note that the council's pre-lodgement advice suggested a minimum 20m buffer to the northern littoral rainforest and a minimum 10m buffer to the southern council park. The OEH would encourage the council to seek larger buffer distances in light of the significance of the vegetation.

Although the OEH would prefer to have larger buffers in place to mitigate indirect impacts on the significant littoral rainforest areas, we would consider the distances suggested by the council as a minimum for the proposed development. These buffer areas should be rehabilitated with native species to the council's satisfaction. To be clear, landscaping is not rehabilitation. All development infrastructure is to be located outside of these areas.

The lot layout will need to be amended to incorporate appropriate buffers to the littoral rainforest areas.

*Protection of retained areas*

The applicant has not provided details of how the retained littoral rainforest areas and the buffer areas are to be managed into the future. These areas should be rehabilitated to the satisfaction of the council and afforded protection in perpetuity via a suitable mechanism.

*Rehabilitation of Littoral Rainforest areas*

The OEH notes that the applicant proposes to undertake weed control works within the littoral rainforest area in the north east of the property and the council reserve to the south west of the property. We support these positive biodiversity measures. The weed control works should follow best practice and should be carried out over successive years to ensure the weed cycle is controlled and natural rehabilitation can occur.

The council should also consider rehabilitation works for any degraded or cleared areas in the vicinity of the littoral rainforest areas to assist in the long term survival of these areas. Such works should seek to provide buffers to the proposal and to sustain habitat linkages to the rainforest on the council reserve.

There appears to be a cleared area immediately north of the council reserve to the south west of the subject property. Although this cleared area is located outside of the subject property to the west, this area could be rehabilitated to offset the direct and indirect impacts on littoral rainforest arising from the proposal. Post subdivision, the council reserve would be almost surrounded by urban development with very narrow connectivity to other littoral rainforest in the north. Revegetation of this area would mitigate this impact by forming a wider vegetated link between the southern and northern littoral rainforest areas. Such mitigation could also form part of the offsets to compensate for the direct and indirect impacts of the proposal on littoral rainforest.

A vegetation management plan should be prepared to the satisfaction of the council for works to rehabilitate, maintain and sustain in perpetuity the littoral rainforest on the site and the vegetated buffers to the rainforest.

*Recommendations*

- Appropriate ecological buffers should be incorporated into a revised lot layout design.
- No development infrastructure is to be located within the ecological buffers.
- The retained littoral rainforest area and the ecological buffers should be rehabilitated and afforded protection in perpetuity.
- The council should seek the rehabilitation of suitable degraded areas surrounding the subject property to offset direct and indirect impacts to littoral rainforest arising from the proposal, improve post-development connectivity, and ensure the long term survival of the littoral rainforest community in the area.
- A vegetation management plan should be prepared to the satisfaction of the council for works to rehabilitate, maintain and sustain the littoral rainforest on the site and the vegetated buffers to the rainforest in perpetuity.

Aboriginal Cultural Heritage matters

The OEH has reviewed the report entitled *Henderson Drive, Lennox Head, NSW: Aboriginal Cultural Heritage Assessment* (July 2016) prepared for Negrada Pty Ltd by Everick Heritage Consultants Pty Ltd.

The OEH notes the Aboriginal cultural heritage assessment did not identify any Aboriginal objects or Aboriginal Places within the project area. We also note the support of the Jall Local Aboriginal Land Council for the findings and the recommendations of the Aboriginal cultural heritage assessment report (ACHAR). The OEH considers the ACHAR contains sufficient information to inform our review.

However, we found some of the statements within the ACHAR relating to the Due Diligence Code confusing. Examples of this include the wording within the executive summary referring to the assessment being a Due Diligence assessment. The OEH reminds the proponent that undertaking activities with consideration to Due Diligence is a defence if your activities later inadvertently impact on Aboriginal objects. It is not a cultural heritage assessment of a suitable standard to support a development application as is stated to be required by the project brief.

The OEH also notes the report states as one of the conclusions that "All of the Project Area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code".

The OEH reminds the proponent that the references to disturbed land in the Due Diligence Code refer to specific listed low impact activities prescribed in the *National Parks and Wildlife Regulation 2009*. The assessment undertaken for the proposed residential development is not a listed low impact activity.

The OEH further reminds the proponent that any Aboriginal object identified within the project area even if in a disturbed context will require management in accordance with Part 6 of the *National Parks and Wildlife Act 1974*.

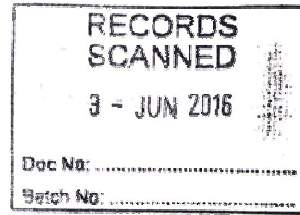
Recommendations:

- Council to note advice from OEH regarding Aboriginal cultural heritage.



Our Ref: DOC16/222797  
Your Ref: 2016/166

General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478



Dear Mr Hickey

**Re: Vision Estate 26 Lot Subdivision, Lennox Head**

Thank you for your letter dated 29 April 2016 about the development application for Vision Estate requesting comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

We have reviewed the documents supplied and advise that, although we have no concerns about OEH estate or flood management, a number of issues are apparent with respect to the assessments for biodiversity, and Aboriginal cultural heritage. These issues are discussed in detail in **Attachment 1** to this letter.

In summary, the OEH recommends that prior to determining the development application:

1. Further targeted threatened species surveys should be undertaken within the vegetated areas adjacent to the development footprint.
2. The considerations under section 5A of the *Environmental Planning and Assessment Act 1979* should be reviewed and amended.
3. The littoral rainforest areas should be protected by vegetated buffers to mitigate direct and indirect impacts. The proposal may need to be amended in order to incorporate such vegetated buffers.
4. If impacts remain, an appropriate offset should be developed using the '*OEH principles for the use of biodiversity offsets in NSW*'.
5. An Aboriginal cultural heritage assessment should be carried out on the subject lands in consultation with members of the local Aboriginal community.

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If you have any further questions about this issue, Mr Krister Waern, Senior Operations Officer, Regional Operations, OEH, can be contacted on 6640 2503 or at [krister.waern@environment.nsw.gov.au](mailto:krister.waern@environment.nsw.gov.au).

Yours sincerely

 31 May 2016

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Region**  
**Regional Operations**

Contact officer: KRISTER WAERN  
6640 2503

Enclosure: Attachment 1 – Detailed OEH Comments – Vision Estate – 26 Lot Subdivision, Lennox Head

cc: Mr Paul Garrett - Senior Planner Department of Planning & Environment - Locked Bag 9022 Grafton NSW 2460

**Attachment 1: Detailed OEH Comments – Vision Estate - 26 Lot Subdivision, Lennox Head**

**Biodiversity matters**

The OEH has reviewed the Environmental Impact Statement dated April 2016 and the Flora and Fauna Assessment dated April 2016 and provides the following comments.

**Ecological Survey effort**

The Flora and Fauna Assessment ('the Assessment') appears to have focused the survey effort on the cleared area of the proposed development footprint without surveying the littoral rainforest areas which are likely to be indirectly impacted by the proposal. Searches for threatened plants and limited fauna searches should be undertaken in the surrounding littoral rainforest areas to identify potential threatened flora and fauna. The OEH's Environmental Assessment Requirements have not been adequately addressed in relation to survey effort.

We are aware that the threatened plant *Cryptocarya foelida* is known from the littoral rainforest area to the south west of the property. This plant is listed as vulnerable under NSW and Australian Government legislation. As appropriate surveys have not been undertaken, this threatened plant has not been considered by the proposal and there is a possibility that further threatened species may occur within the property or in the neighbouring littoral rainforest areas.

The intensification of land use to medium density residential will have a number of indirect impacts on the adjacent littoral rainforest. As such further targeted surveys should be undertaken to determine the presence of any threatened species within the adjoining vegetated areas.

**Significant Effect Considerations**

Section 6 'Statutory Considerations' of the Assessment has been reviewed and the following comments are provided:

- As adequate survey have not been undertaken there is a potential that not all threatened species have been considered in this section.
- The indirect impacts of the proposed development have not been adequately considered.
- Under section 5A (f) the Assessment states that *'the proposed development is not contrary to the objects of recovery planning due to the depauperate nature of habitats and the small area of the site'*. The OEH disagrees with this statement as the proposed development is contrary to the management objectives under the Save Our Species program for this endangered ecological community (EEC). This EEC has no finalised recovery plan under the *Threatened Species Conservation Act 1995*.
- The Assessment states that no Key Threatening Processes (KTP) are likely to increase as a result of this proposal. The OEH disagrees and there are KTP's which will be triggered by the current proposal, including the clearing of native vegetation.

The above points need to be adequately considered prior to making a determination of whether the proposed development is likely to have significant effect on threatened species.

Threatened Species

Littoral rainforest occurs in the north-eastern corner of the site and as a small fringing strip along the site's northern and south-eastern boundaries. The Assessment identifies the littoral rainforest as an EEC and on page 14 indicates that *'This association is of high conservation significance and is gazetted under SEPP 26'*. The OEH agrees that the EEC is of high conservation significance.

Given the significance of the EEC, the proposed development has not provided any vegetated buffers to ensure that the long term integrity of the EEC is protected from indirect impacts associated with the proposal. A vegetated buffer should be provided between the EEC and the proposed development footprint.

The indirect impacts of the proposed development have not been adequately addressed as required by the OEH's Environmental Assessment Requirements.

Biodiversity Offsets

If biodiversity impacts cannot be avoided then appropriate biodiversity offsets should be secured. The impacts of the proposal include the removal of approximately 22 rainforest trees, pruning two trees for access, and the associated indirect impacts on the adjacent EEC.

The proposal has estimated Tree Protection Zones (TPZ's) around some of the rainforest trees that occur either within or adjacent to the development foot print. Calculating TPZ's for landscape or amenity trees is appropriate, however TPZ's are not an appropriate measure to address direct and indirect impacts associated with an EEC of high conservation value.

The Assessment has recommended that compensation for tree removal will comprise of landscape plantings along streets and the management of SEPP 26 littoral rainforest. Landscape plantings are not offsets.

However, the rehabilitation of the surrounding littoral rainforest could form part of an offset. Further consideration should also be given to the rehabilitation and protection of other patches of littoral rainforest in the surrounding area, including to the east on lot 12 which is a property that forms part of the application.

Any proposed offset should accord with the *'OEH principles for the use of biodiversity offsets in NSW'*, which can be accessed from our website. Offset areas could be secured via a BioBanking agreement which would provide funding for appropriate conservation management actions to be implemented in perpetuity. We would be happy to discuss options further to assist council in securing an appropriate offset.

Recommendations

- Further targeted threatened species surveys should be undertaken within the vegetated areas adjacent to the development footprint.
- The considerations under section 5A of the *Environmental Planning and Assessment Act 1979* should be reviewed and amended prior to determining the application.
- The littoral rainforest areas should be protected by vegetated buffers to mitigate direct and indirect impacts. The proposal may need to be amended in order to incorporate such vegetated buffers.
- If impacts remain, an appropriate offset should be developed using the *'OEH principles for the use of biodiversity offsets in NSW'*.



**Aboriginal Cultural Heritage**

The OEH has reviewed the proposal and EIS and notes that the EIS references previous archaeological studies carried out in similar landforms, as well as the lack of Aboriginal cultural sites in the immediate vicinity.

However, a brief desktop assessment by the OEH has determined that within a 2km radius of the subject lands over fifteen registered Aboriginal sites have been identified to date. These include intangible site types such as ceremonial and dreaming sites as well as stone quarries, Aboriginal shell middens, Potential Archaeological Deposit areas, artefact scatters and habitation sites and cultural waterholes.

We note a number of these previously recorded tangible sites exist within similar landforms to those present within the subject lands. The OEH further notes that the relatively high number of ceremonial sites situated less than one kilometre from the subject lands indicates a likelihood for those lands to also contain loci of intangible significance to the local Aboriginal community.

Given the information above, the OEH would expect that an Aboriginal cultural heritage assessment would be carried out on the subject lands, and in consultation with members of the local Aboriginal community, to assess the potential impacts of the proposal on tangible and intangible Aboriginal heritage. This would ensure that the determination process adequately considers all possible Aboriginal cultural heritage values relevant to the proposal.

**Recommendation**

- An Aboriginal cultural heritage assessment should be carried out on the subject lands in consultation with members of the local Aboriginal community.



Department of  
Primary Industries  
Lands

Our Ref: 16/00034

8 June 2016

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



Dear Sir

**RE Designated/Integrated Development Application (DA) No. 2016/166 – twenty six lot Torrens Title subdivision including road construction, earthworks and associated subdivision works.**

I refer to your correspondence dated 1 May 2016 referring the subject development application to Department of Primary Industries - Lands for approval of associated road works on the Crown public road adjoining the proposed subdivision, as shown on diagram "A".

This road is subject to an approved road closure application by the development application proponent. Closure and sale of the road to the proponent is in the final stages of completion.

DPI-Lands consents to the proposed works on the Crown public road pursuant to S138 of the Roads Act 1993 subject to the following condition:

- The road, as shown in diagram "A", is to be either closed or transferred to Ballina Shire Council prior to the issue of a construction certificate authorising any works on the road.

Closure or transfer of the subject road to Council control will legitimately place Council in a position to fulfil its obligations under the Environmental Planning & Assessment Act 1979 and Roads Act 1993 to administer road works required in accordance with development consent.

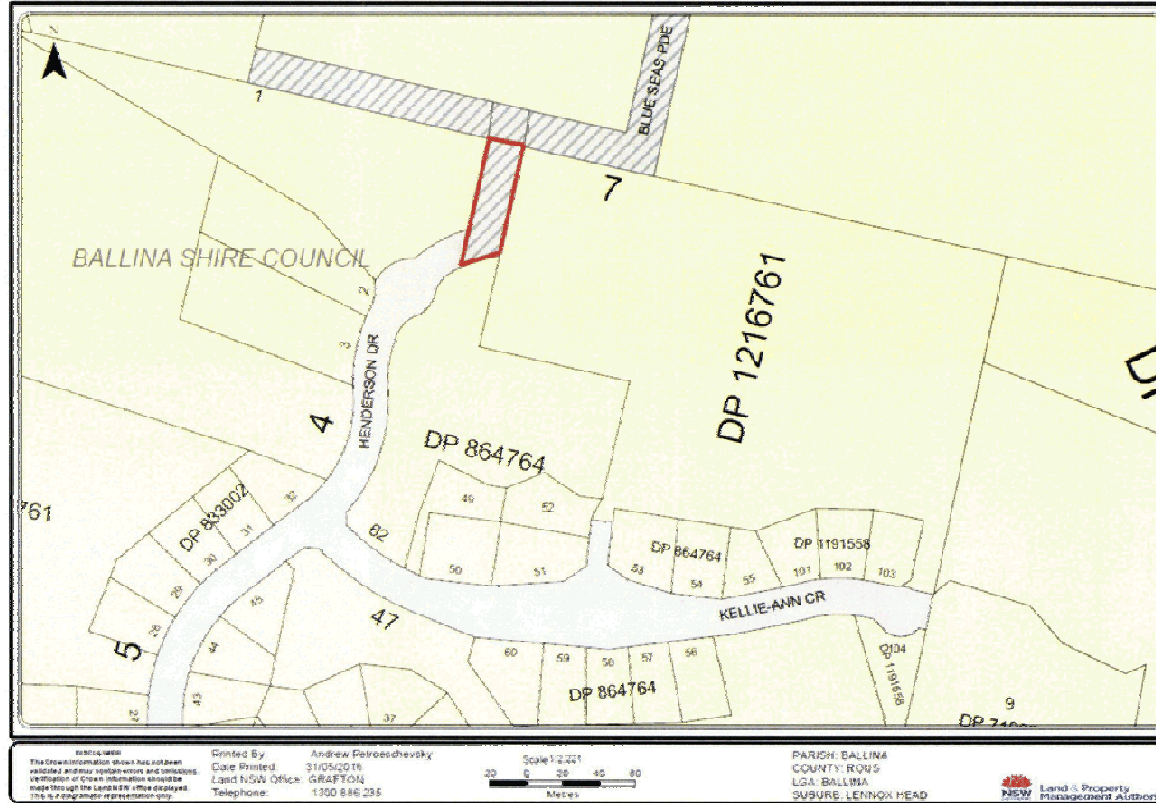
Should you need to discuss any issues relating to the above please contact Andrew Petroeschovsky, Senior Natural Resource Management Officer, on (02) 8642 9214 or email [andrew.petroeschovsky@crowland.nsw.gov.au](mailto:andrew.petroeschovsky@crowland.nsw.gov.au).

Yours Sincerely

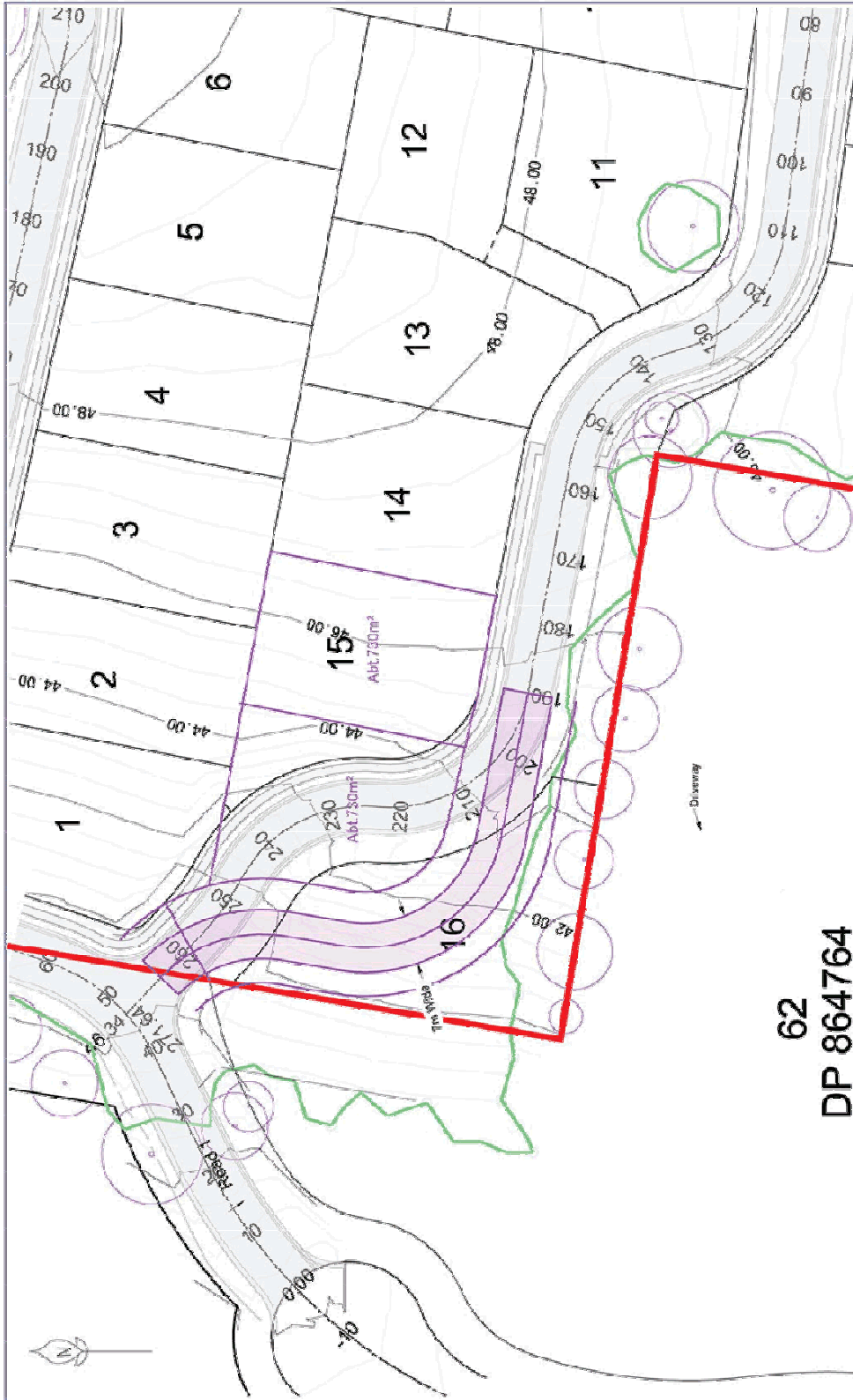
Kevin Cameron  
Area Manager North Coast  
DPI-Lands  
Delegated Officer

8.2 DA 2016/166 - 26 Lot Subdivision, Henderson Drive (Visions Estate).DOC

Diagram "A" – Crown public road, as shown in red, adjoining proposed 26 Lot subdivision on Lot 7 DP 1216761, Lot 12 DP 814039 and Lot 52 DP 864764 at Lennox Head, Parish Ballina.







**PROJ. SUC. LOTS 15-16 ALTERNATIVE**

**NEWCON DANNY CHAPALLE**  
 Surveyor  
 Email: office@newcondannychapalle.com.au  
 Phone: 08 9377 6565  
 1/200/101 Henderson Drive, 2/15 Henderson Drive  
 4811 Ballina NSW 2463

**REV DATE AMENDMENT**  
 A 01/16/16 RECONSTRUCTING ROAD

**SUBJECT PLAN: WWW.NSW.GOV.AU - ACCESS/DA**  
 1/200/101/102 Henderson Drive, 2/15 Henderson Drive, 1/200/101 Henderson Drive, 2/15 Henderson Drive, 1/200/101 Henderson Drive, 2/15 Henderson Drive