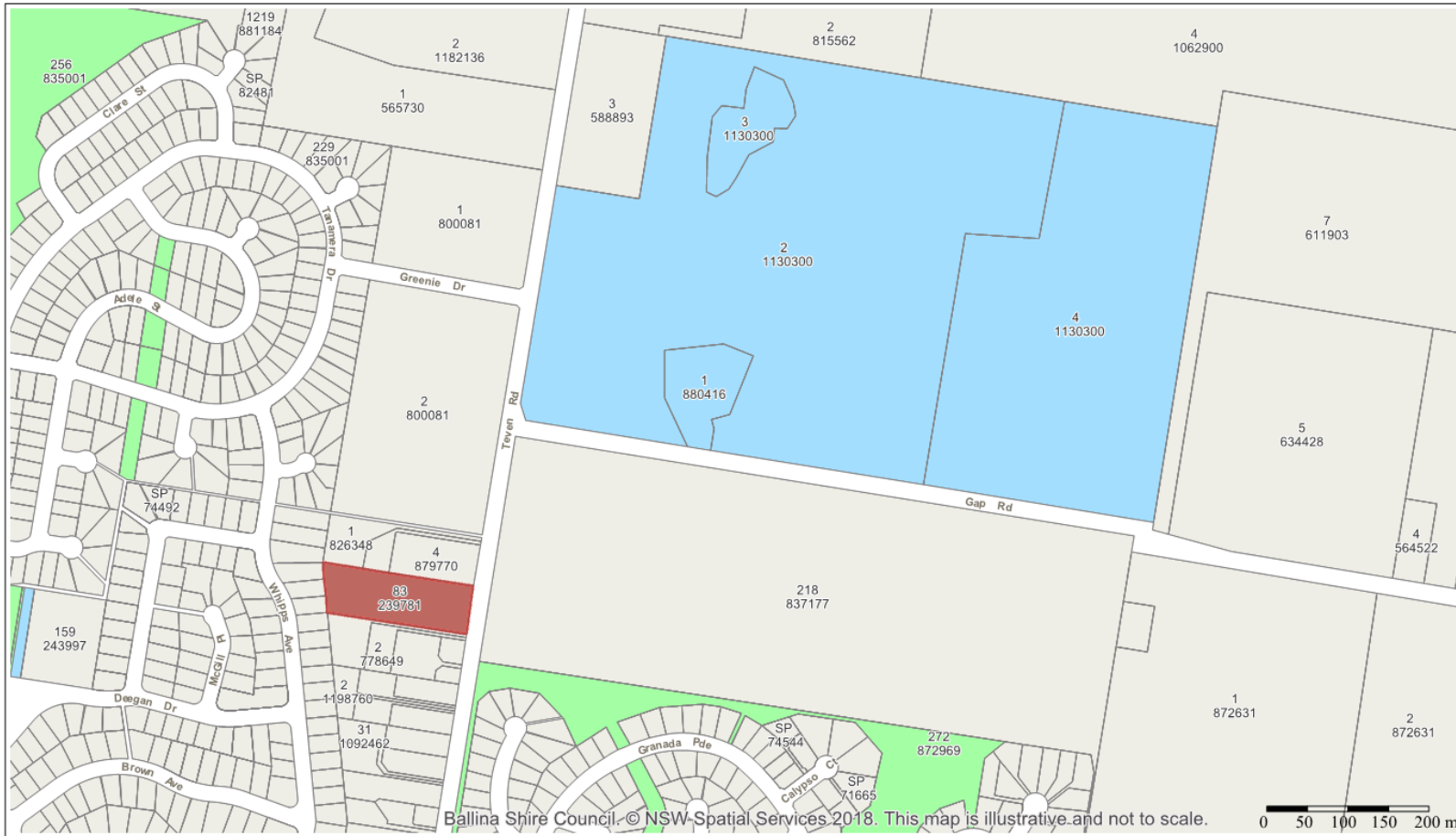


8.2 **DA 2017/679 - 77 Teven Road, Alstonville.DOC**



Ballina Shire Council. © NSW Spatial Services 2018. This map is illustrative and not to scale.

Ballina Shire Council
 40 Cherry Street
 BALLINA NSW 2478

 PO Box 450
 BALLINA NSW 2478

 02 6686 4444
 council@ballina.nsw.gov.au
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DA 2017/679 - Lot 83 DP 239781, 77 Teven Road Alstonville

ballina shire council
 geographical information system

Projection: GDA94 / MGA zone 56
 Date: 14/03/2018

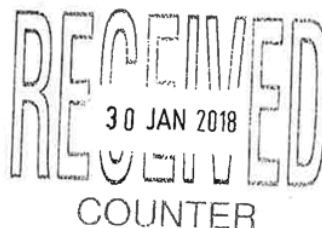
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29th January, 2018

To General Manager

Ballina Shire Council



Re:DA 2017/679 77 Teven Road Alstonville

I am writing to state my objections to the proposed development at 77 Teven Road, Alstonville. Its proximity to the Alstonville Boral Asphalt Plant is a matter of great concern. The land is according to the council locality plan (Attachment 1) a very similar distance from the Asphalt plant as a previous development at Lot 2 Greenie Drive and well inside the Council's own designated 1000 metres buffer zone. The EPA expressed concerns about the development (Attachment 2) but the development was approved any way with the following stipulations :

- c) All external timber doors are to be solid core doors with a minimum thickness of 40mm thick and be fitted with acoustic seals. Details are to be included in the plans to be issued with the Construction Certificate.**
- d) Glazing to all bedroom windows is to be laminated glass with a minimum thickness of 6mm and be fitted with acoustic seals. Details are to be included in the plans to be issued with the Construction Certificate.**
- e) All internal living areas are to be provided with reverse cycle air conditioning. Details are to be included in the plans to be issued with the Construction Certificate. The inclusion of the air conditioning system is to be in accordance with the energy efficiency provisions of BASIX**

That would appear to acknowledge there is a conflict with the Asphalt Plant – that and the fact that the dwelling had to be built in the far corner of the block .All those residences along Teven Road up to Greenie Drive were built at the back of their blocks under the provisions of the previous buffer zone before the 1000m was implemented. The proposal for 77 Teven Road would place houses even closer to

the Asphalt Plant. Apart from the sticky dust and smelly emissions there is also a noise problem. On the nights of 11th and 12th December, 2017 the noise was so loud

Several calls were made both to the Plant and the EPA, as well as emails to Boral and the Council. Residents should not be expected to close all their windows in the midst of summer and not take advantage of the evening breezes we get in this area. Nor should the ones who have air conditioning be expected to pay extra on their electricity bills for the extended use of said air conditioning because Boral has been given permission to operate all night. It is impinging on the residents' amenity. The proponent of the development visited residents (including a 93 year old lady) asking them to sign statements that they had no problems with the Asphalt plant. Most had no idea what his aim was.

Noisy truck movements are also a problem for that part of the Panorama Estate and along Teven Road. That is only going to increase when the Council decides to recommence operations at the Quarry.

No new residents should be expected to move into this situation foisted upon the existing residents by councillors who live nowhere near the plant/quarry. Council should obtain a totally independent environmental assessment not one provided by the developer. That is the only way to get an impartial report.

It is ironic that the following stipulations are placed on successful DA applications and yet the Asphalt Plant is allowed to operate all night:

DURING CONSTRUCTION

23. For the purposes of residential amenity, any building work involving the use of noisy mechanical plant and noisy equipment must only be carried out within the following hours:
- | | | |
|---------------------------|---|----------------------|
| Monday to Friday | - | 7.00am to 6.00pm |
| Saturdays | - | 8.00am to 1.00pm |
| Sundays & Public Holidays | - | No noisy work at all |

No other noisy industry within the shire would be afforded the same privilege.

Regarding the actual planned subdivision: It is out of step with the village footprint and is not sensitive to the village character. It has the propensity to become a ghetto. There is nowhere for children to play anywhere in the subdivision or nearby. Battle axe developments of any size always seem to engender conflict.

One neighbour has mentioned her loss of privacy. The neighbours on the other side will lose a lot more. As most households have two adults working these days there is

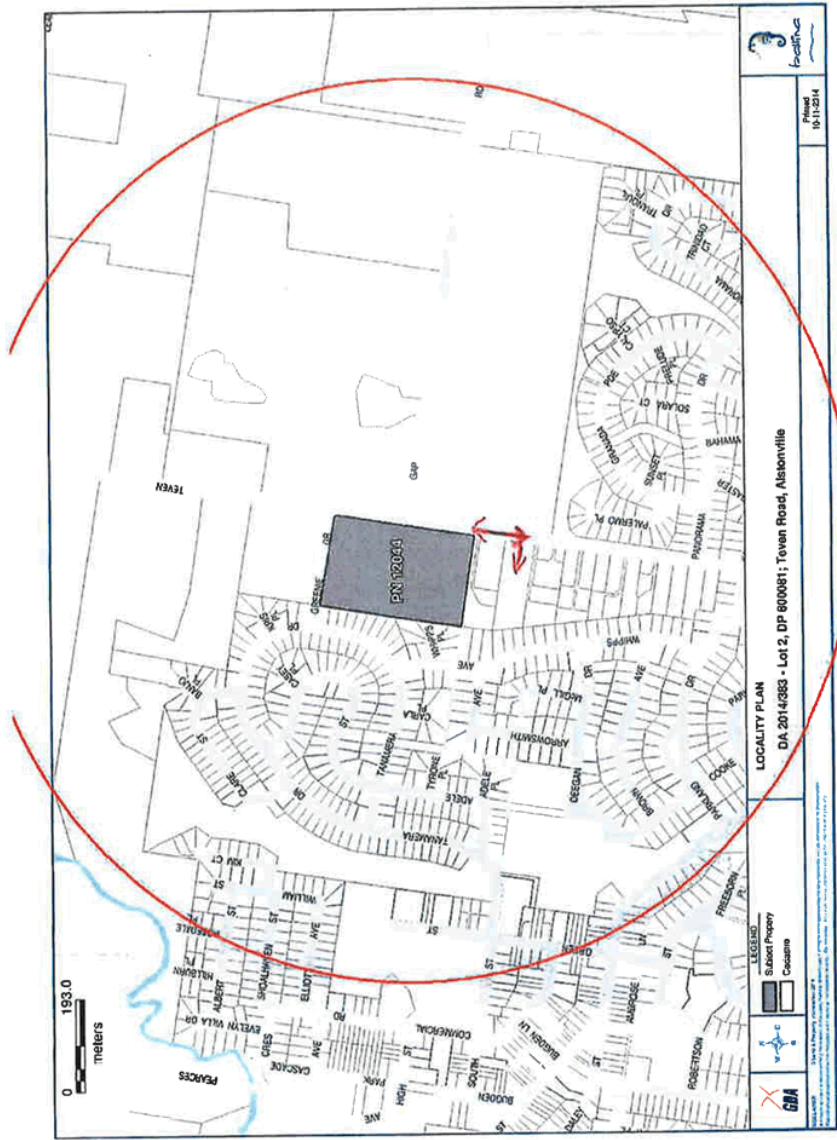
the likelihood of twenty cars going up and down the private road at least twice daily. I certainly wouldn't like to live in a house built on the blocks closest to the road.

The attractiveness of Teven Road is the openness, the trees and lack of ugly fences .If the development went ahead that would disappear.

Yours sincerely,



8.3 DA 2014/383 - Lot 2 Teven Road, Alstonville.DOC





Our reference: EF13/5642; DOC14/194818-01
Contact: Peter Lynch 66402502

RECORDS
SCANNED
17 SEP 2014
Doc No.....
Batch No.....

David Tyler
Development and Environmental Health
Ballina Shire Council
PO BOX 450
BALLINA
NSW 2484

10 SEP 2014

Dear Mr Tyler

Development Application 2014/383 Erection of a Dwelling House on Lot 2 Teven Road, Alstonville

I refer to your letter of 2 September concerning the erection of a dwelling house up on Lot 2, DP 800081 Teven Road, Alstonville. As previously advised the EPA emphasises the potential for conflict between the proposed dwelling and the nearby (within 225 metres) Teven Quarry operation. Teven Quarry has a Boral Asphalt Plant on the premises and due to the nature of the quarry and asphalt plant combined there is potential for dust, odour and noise emissions from the quarry premises.

At the direction of the EPA, the asphalt plant operator has recently implemented further reasonable and feasible practices to enhance the management of asphalt odours from the premises, however a number of residents continue to make reports to the EPA regarding dust and odour from the Boral Asphalt Plant.

The EPA is concerned that in this instance Council appears to be ignoring advice in its own Development Control Plan with a potential outcome, if the proposal is approved, of significant encroachment into the 1000 metre preferred land-use conflict buffer. If this proposal is approved the EPA recommends that Council consider requiring optimised at residence treatments to as a minimum enhance noise mitigation for the occupants, other provisions such as screening between the residence and quarry should also be considered in the designs for the property.

As alluded to in our letter dated 27 August 2013, the EPA may have some ability to marginally improve the conditioning of the Teven Quarry Environment Protection Licence, but the licence condition amendments will be required to be consistent with Government endorsed environmental policy and guideline documents (e.g. NSW Industrial Noise Policy). Going forward the EPA will be limited in its ability to impose more burdensome conditions on the quarry operation.

Should you require further information, please contact Peter Lynch on 66402502.

Yours sincerely

Robert Donohoe
A/Head Environmental Management Unit – North Coast
Environment Protection Authority

Email: graton@epa.nsw.gov.au
PO Box 498, Grafton NSW 2460
49 Victoria Street, Grafton NSW 2460
Tel: (02) 6640 2500 Fax: (02) 6640 2539
ABN 43 692 285 758
www.epa.nsw.gov.au

29 January 2018

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

Dear Sir

WITHOUT PREJUDICE

RE: Submission for Proposed 10 lot subdivision at 77 Teven Road, Alstonville (DA2017/679)

I object to the above proposed DA because it is less than 500 metres to the Tuckombil Quarry and the Boral Asphalt plant situated in Gap Road and there are serious health concerns especially with regard to the asphalt plant.

The quarry has been in existence since about 1908 and the Boral asphalt plant since 1978. These extractive industries were in place before most of the houses were built especially in the Panorama Estate, Tanamera Drive and Teven Road. Council approved these subdivisions and continued to do so knowing there would be a conflict of land use in relation to proximity to the quarry and asphalt plant. Most of this development is within the 1000 m zone and much of it is in the 500 m zone.

I believe that Ballina Council has continued to simultaneously promote growth by successive rezoning of residential areas around the Panorama Estate and Teven Road whilst also promoting the growth of the Boral Asphalt plant over the years by successive changes to the Boral Plant DA.

The EPA offered advice to the Council with regard to DA2014/383 which, although zoned differently, is the same distance as our residence and the proposed DA from the quarry and asphalt plant. The 'EPA...advice emphasises the potential of conflict between the dwelling and the nearby quarry in relation to dust, noise and odours. It is considered that these issues are valid and should be addressed to minimize any potential land use conflict issues that may affect the amenity of the dwelling and have the potential to adversely affect the operations of the quarry.' It further advises, 'that the council may be ignoring the guidelines within chapter 2 of the 2012 DCP' which states 'A buffer of 500 metres is nominated or 1000 metres if blasting occurs.' Council approved the application with special conditions such as 40 mm core external doors with acoustic seals, 6 mm glazing on all bedroom windows with acoustic seals and all internal living areas to be provided with reverse cycle air conditioning. Is this an acknowledgement by council that there are definite problems associated with noise, odour and dust for dwellings 500m or less from the asphalt plant? If this is the case will council compensate owners of dwellings living within the same radius of the asphalt plant?

I am somewhat concerned by what appears to be inconsistent, irregular and contradictions within council's development regulations. This may lead to questionable decision making.

Many people, including the developer, are concerned about the impact of this situation. The developer has visited residents in the affected areas at the end of November 2017 seeking signed positive statements regarding the quarry and asphalt plant. It has been reported that he has dictated and even written responses. He was aware of the fact that most residents in the affected area, like myself, are prepared to tolerate these extractive industries in preference to further encroachment of the buffer zone. We were definitely misled and unbeknown to us he had already planned to lodge this development which would reduce the buffer zone.

However since this time my attitude has changed. This was as a result of a 24 hour operational period in December 2017 when the noise was really excessive due to a hydraulic problem with a loader. It was intolerable and together with the health risk of the fumes and the sticky black dust it is absolutely unacceptable.

Specific independent scientific testing and monitoring of air, noise and dust should be conducted wholly by an independent authority such as the EPA. This should not be done by Boral or consultants procured by the developer. There is serious concern in the community regarding the fumes from the asphalt plant releasing potent carcinogens as outlined by local scientist Dr Effie Ablett in August 2016. We, like other residents have often complained to Boral and the EPA about this strong pungent smell and the excessive noise. The application should not proceed until this testing and monitoring guarantees that there is absolutely no health risk to nearby residents. The results and findings should be made public.

2. That the DA for Boral Asphalt be amended to remove the 60 days per annum and of 24 hour operation especially the four consecutive days at a time. Most quarries and asphalt plants are in industrial areas and do not have 24 hours of operation. Most Boral quarries and plants operate no earlier than 7 am and no later than 5 pm. I believe there are no quarries and/or asphalt plants operating near residential areas on a 24 hour basis. Why are Boral operating the 24 hour mode at Tuckombil?

3. If this development is approved it will cause further encroachment of the buffer zone between the Tuckombil Quarry and Boral Asphalt plant. This application will set a precedent for further rezoning and loss of open areas which make this area so unique and beautiful and which is contrary to the objectives of the Alstonville Strategic Plan.



Alan Anderson

SUBMISSION TO BALLINA COUNCIL RE DA2017/679.

I make this submission concerning DA2017/679 because it has come to my attention that there is an organised , and misleading, campaign being pursued in an effort to prevent approval of the said DA. I know the site well and the people involved in submitting the DA . If those using a contrived attack on the DA and its proponents are successful it will undermine the on going legal processes that guide the determination of development in Ballina Shire.

QUARRY

For some time now a small but vocal group of residents in the area surrounding the land to which the DA applies have tried to get the Gap Rd quarry closed. Their arguments rely on claims of excessive noise from the quarry and the discharge of pungent odour. I have lived at 43 Whipps for the past 12 years (but not now) . As my wife and I are retired we spent a high proportion of our day in or near that home. Over that 12 year period there was never a moment when we noticed noise (other than blasting) coming from the quarry. We heard blasts twice during those 12 years – that noise was short lived and not disconcerting to us.

No odours were ever noticed by us. Even so , after seeing the claims and video circulated about quarry odours I went to the quarry manager and asked to examine the process that discharged through the chimney there. The process was that used to dry gravel before it went into the mixing machinery used for batching asphalt. The output from that process – that went directly up the chimney – was and is steam . The only liquid that made contact with the gravel stream before the drying process was and is water.

In and around the grounds of asphalt batching plants there will always be some volatile compounds which can be smelt. However , that smell is localised and not severe enough to warrant the use of masks. I have never noticed odours at my home (43 Whipps). Also on the several occasions I went to the quarry site I did not notice the presence of odours .

Concerning these points re noise and odour I am prepared to be a witness in any court proceedings concerning the claims and testify , under oath, as stated above.

DEVELOPMENT PRECEDENT

There have been subdivision of large blocks fronting Teven Rd over many years . Some of the subdivisions fronted Teven Rd, others were set back and accessed via a battle axe style road. These subdivisions were on land zoned Residential and were never part of land zoned Buffer. None of the land zoned Buffer has been subdivided as part of developments actioned over recent years.

The land covered by DA2017/679 is zoned Residential and has never been zoned Buffer. No zoning precedents are created by approval of this DA and there is no aspect of the overall design that in any way conflicts with adjacent and nearby estates. The individual block sizes

for the proposed subdivision are well above the average for most new estates. The access road for the development does not create, nor contain, unmanageable vehicle conflicts. This road connects directly to Teven Rd which is lightly loaded and thus can handle the overall traffic increases that the development will bring.

POLITICAL GAMES.

For a variety of reasons it is very common these days to see arguments against particular developments relying on manipulation of public opinion to create an apparent tsunami of rejection. Over many years I have observed and noted these events in regional councils. Developments that complied with all relevant policies and law are rejected at council level primarily because the councillors concerned appear to believe that the "voice" of the community outweighs the laws and policies that govern development. Where there is clear policy/legal support for a rejected development the matter can end up in court at great cost to all concerned.

Apart from these direct costs of misplaced emphasis there are indirect costs. Councils that reject developments consistently—and note there is a growing trend of residents opposing almost anything that gets proposed—end up with a low level of available residential blocks. As a result land and house prices rise more than they otherwise would. Witness NSW where the State government recognises that its rate of land/housing development is below the demand generated by a growing population. Hence land prices in NSW are generally unaffordable by those with modest incomes.

In some councils where court actions got to be commonplace the cost to the council and thus the community got to be substantial. These costs were then cause of rate increases and/or reduced provision of community infrastructure. All in all the outcome from misplaced decisions is negative and a significant contributor to the ever increasing housing problems of NSW.

None of the foregoing should be interpreted as meaning there should be unquestioned approval of any and all proposed developments that comply with the planning rules. The intricacies of development are such that there can easily be aspects that comply but which have substantial deviation from the outcomes the rules promote. Thus input from residents directly/indirectly affected by a proposal ought to be sought and taken into account.

Fortunately there are some straight forward indicators of what resident input is worth taking into account. Submissions that rely on exaggeration, misinformation, distortions and similar aspects should be given little weight. Further, submissions generated by organised campaigns should be carefully evaluated. The sheer weight of inputs is not, in itself, evidence of anything but a widespread campaign. There is plenty of research that shows intensive door knocking, extensive TV advertising, contrived issues and appeals to

the emotions of residents can produce a major flow of negative input directed against a targeted issue.

One can always hope that the councillors that make the decision on a development are committed to ensuring the facts and arguments that come before them are given the same scrutiny and weight as in a court of law. They also should show by their decisions that the Council's Environmental Plan is supported by them. In all frankness and honesty I can say that over the many years I served on BSC there were councillors who simply followed the crowd no matter how invalid the arguments.

CONCLUSION.

As detailed above there are two basic issues involved with DA2017/679. The first is the compliance issue to which I strongly recommend council responds by approving the DA . There are no serious adverse impacts arising from the proposal and the contrived matters for objection provide no legitimate basis for refusal.

Secondly, I recommend the Council and Councillors recognise the manipulative processes being pursued by some opponents of the DA. The practises they use are designed to whip up a lot of unsound, emotive, inputs in the belief that a lot of negative submissions can sway the decision making process. In law and in practice the relevant laws and facts are the basis on which the decision is to be made. When a Council succumbs to the pressures from mob tactics it is writing its own demise and creating outcomes that will lead to other collateral failures .

Straight and true is the only path a council should follow.

KEITH JOHNSON

26JAN18

Terry and Sue Prendergast

1336 Teven Road
Alstonville
NSW, 2477

RE: DA 2017/679 77 Teven Road, DP 239781

Is the Council able to ask that this development contribute to the new roundabout that will be required at the junction of Teven Road and Ballina Road (in the event that our proposed development at 209 Ballina Road proceeds).

We ask this question as the burden of putting in the new roundabout on one developer seems to be unfair and unjust. Rather, from our point of view, is it more appropriate that all new developments in this area (Teven Road, Ballina Road) contribute evenly according to the number of blocks and or units to be developed.

Yours faithfully,

Terry and Sue Prendergast

16 Granada Parade
Alstonville NSW 2477
Mobile: 0407488911
june1rkn@gmail.com

15th January 2018

Jessica Hutley
Ballina Shire Council
Ballina NSW 2478

77 Teven Road, Alstonville DP: 239781 DA 2017/679 – Proposed 10 Block Subdivision

Dear Jessica and Council Officers,

I am writing to object to the proposal above because of unresolved environmental issues regarding Boral Asphalt operations and potential negative effects on our community from accelerated environmental change.

Dr Effie Ablett, who lived in the Alstonville area until recently and was a cancer research scientist for over 30 years, has drawn attention via the media (Northern Star & video link) to risks to residents from operations at the Boral site. <https://sites.google.com/view/alstonville-asphalt-watch/home> She stated that when bitumen is heated to a high temperature, dangerous carcinogens are released posing the threat of a cancer cluster developing within 10 -15 years. She proposed that the buffer zone should be 1000m.

Already there are many residents, including myself, living within 500m of the site. I believe the above development would fall within this distance so it is negligent to consider further building on Tevan Road until health threats are properly assessed. Cr Jeff Johnson told me recently on the phone that he proposed scientific testing 2 years ago and it has not been done. Cr Sharon Parry lives in the area and has concerns about health risks. Although a Boral spokesman contested the risks, I believe the EPA has not completed tests. Science based evidence is necessary to assure residents that they are living in a safe environment.

When I moved here 8 years ago, the predominant age group was retirees. This has changed and there are a number of children in the locality. Dr Ablett pointed out that health risks for children are 6 times greater than for adults.

Also, residents including myself would like to know that the green area they invested in retains the quality of a rural buffer zone around the village of Alstonville. We need to feel assured that overnight intensive development as proposed in the DA above will not occur and especially that the nearby wetlands will not be destroyed, as destruction of homes for wildlife will result, posing another environmental threat to the ecological health of this area.

Yours Faithfully


June Larkin

Build something great™



11 January 2018

The General Manager
Ballina Shire Council
PO Box 450
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North Ryde NSW 2113
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F: +61 (02) 9033 5305
www.boral.com.au

Emailed to: council@ballina.nsw.gov.au, jessica.hutley@ballina.nsw.gov.au

Dear Mr Hickey,

Objection – Proposed 10 Lot Subdivision, 77 Teven Road, Alstonville (DA2017/679)

Please find below an objection to the proposed 10 Lot Subdivision (hereafter 'proposed subdivision'), 77 Teven Road, Alstonville (DA 2017/679).

Background

Boral operates the Alstonville Asphalt Plant ('the asphalt plant'), located at the entry to and within the Tuckombil Quarry site, Gap Road, Alstonville. The site is owned by Ballina Shire Council and Boral operate the asphalt plant under a lease. The asphalt plant has been operating since 1978 supplying asphalt for the Far North Coast region, building roads and other infrastructure that people use every day. It plays an important part in keeping road construction and maintenance costs competitive in the region. Likewise, the adjoining quarry is an important hard rock resource in the region that keeps construction material prices competitive. Given the heavy weight of these products, being close to market keeps transport costs to a minimum for the consumer.

The adjoining Tuckombil Quarry has supplied the asphalt plant with the necessary aggregates to manufacture asphalt at the site until quarry operations were suspended in recent years. As a result, Boral sought a modification to the asphalt plant's consent in 2016 which was approved to allow the importation of these aggregates from other locations. Importing these aggregates adds further cost to asphalt manufacture.

Industries like quarrying and asphalt manufacture have inherent impacts (such as noise, dust and odour) that even with on-site mitigation need planning buffers from incompatible development that cause land use conflicts. Residential development is one such incompatible development.

DA 2017/679 is premature and needs to fit into a strategic context

The Tuckombil Quarry and on site Alstonville Asphalt Plant currently enjoy a planning buffer from nearby residential development to the south (~300 metres) and west (~200 metres) under the provisions of the *Ballina Local Environmental Plan 1987*. These buffers are absolutely necessary to protect industry, as well as the amenity and quiet enjoyment of nearby residential communities. This is of particular relevance given that Ballina Council is preparing a development application to continue and expand the Tuckombil Quarry operations.

The proposed subdivision is within the R2 Low Density Residential and in an area of transition between the buffers referred to above. Adding 10 residential lots close to Tuckombil Quarry and Alstonville Asphalt Plant has the potential to cause additional land use conflicts and threaten the longevity of these local industries and the benefits they bring.

1

Boral objects to the proposed subdivision and submits that any proposal for subdivision adjoining the Tuckombil Quarry should not be determined until the future of the quarry is determined, and the Final Alstonville Strategic Plan 2017-2037 is approved.

Compatibility with adjoining extractive industry

In 2007, the NSW Government introduced *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (hereafter 'Mining SEPP') to, amongst other things, facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources.

Clause 13 of the Mining SEPP states:

'13 Compatibility of proposed development with mining, petroleum production or extractive industry

(1) This clause applies to an application for consent for development on land that is, immediately before the application is determined:

- (a) in the vicinity of an existing mine, petroleum production facility or extractive industry,.....*

.....
(2) Before determining an application to which this clause applies, the consent authority must:

- (a) consider:*
 - (i) the existing uses and approved uses of land in the vicinity of the development, and*
 - (ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
 - (iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*
- (b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and*
- (c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).'*

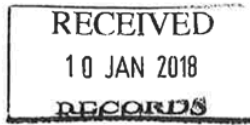
The hard rock resource at Tuckombil Quarry is important for the growth of the Far North Coast region. Clause 13 of the Mining SEPP exists to ensure consent authorities adequately assess the impacts of developments that are incompatible to the extraction of approved and future extractive resources. It is believed that the hard rock reserves on Council land adjoining the quarry could last many decades under a future development application. Council needs to assess whether the proposed subdivision will impede the assessment of this important future resource and the longevity of co-located industry such as the asphalt plant. Council did request Clause 13 be addressed in the application during the Pre-DA meeting on 23 May 2017, however, it has not been addressed.

Thank you for the opportunity to provide a submission. Please contact me if you require any further information or clarification.

Yours sincerely



Rod Wallace
Planning & Development Manager (NSW/ACT)
Boral Property Group



3 January 2018


General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Dear Sir

77 Teven Road, Alstonville DP 239781 DA 2017/679 – Proposed 10 Block Subdivision

I am writing to lodge my objection to the above proposed development.

As you know, there is an *Extraction Noise Buffer Zone* in place surrounding the Boral Asphalt Batching Plant and according to Council, residential buildings are not permitted within 500 metres and 1,000 metres of the Asphalt Plant and quarry. That is why there is the green belt bordering on Greenie Drive, Teven Road, Panorama Estate and Gap Road to shelter nearby residents from the noise and pollution.

I  am concerned that if this development goes ahead, then the village of Alstonville will start to lose its green, open-country style of culture and become more of a higher density village. Ten (10) building blocks is certainly excessive.

As well, the new residents moving into any of the above proposed 10 homes will be closer to the Boral Asphalt Plant than most other homes in the area, and I am sure they will not appreciate the noise and pollution that is currently being experienced by existing nearby residents.

Could you please send me a receipt number for my correspondence.

Yours faithfully





Re 77 Teven Road
DP 239781
DA 2017/679

Development must comply with
element buffer zone
Re the Quarry
I object to this Development.



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

3rd January 2018

Dear Sir/Madam

PROPOSED DEVELOPMENT AT 77 TEVEN ROAD, ALSTONVILLE

I would like to lodge a complaint/objection to the above proposal for a 10 block subdivision at 77 Teven Road Alstonville.

It is apparent that this proposed subdivision is an overdevelopment of land and should not be allowed in view of current open space housing in the Teven Road area.

Also, the current buffer zone restrictions from the established Asphalt Batching Plant should not be ignored for this proposal especially if it is true that the developer is an ex-Councillor and it has been reported that contact has been made with residents about the Plant.

I assume the Plant is operating under a valid and legal development approval. [REDACTED]

If the proposed subdivision is approved what next - a precedent will be set for similar overcrowding developments destroying the current open space and quiet environment enjoyed by young and senior residents.

I expect that most residents would support limited and responsible development in the area but not overcrowding and actions amending important building restrictions to satisfy a developer that should have been fully aware of all restrictions when purchasing this land.

Therefore I hope Council will make a decision that will satisfy concerned residents that are very proud of an uncluttered and green belt environment in the Alstonville/Teven Road area.

Please acknowledge my submission in due course.

Thanking you

[REDACTED]

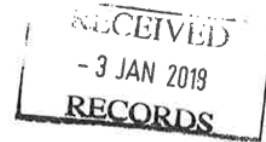
Copy to - The Mayor.
Ballina Shire Council.
PO Box 450.
Ballina 2478

- Ms Tamara Smith MP
1/7 Moon Street
Ballina 2478

- Councillors
Ballina Shire Council
PO Box 450
Ballina 2478

Brian & Julie Gittings
73b Teven Road
ALSTONVILLE NSW 2477

22nd December, 2017



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

RE: OBJECTION TO DA 2017/679

We strongly object to the above DA. If it is approved it would result in a gross over development of the area. It would seriously impact on community amenity. Furthermore, the closest proposed houses to Teven Road would be too close to the Asphalt batching plant and quarry in Gap Road, Alstonville.

The proponent, former Councillor Mr. Paul Worth (even though the DA was lodged in the name of Munro) has misled residents by seeking their written confirmation that the Asphalt Batching Plant does not concern them. This was apparently done under the pretence that if the Asphalt Batching Plant remained there would be no further development.

We are not opposed to development but over development is outrageous.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Brian & Julie Gittings".

BRIAN AND JULIE GITTINGS

For Attention of The General Manager.

Re. Proposed Residential Subdivision DA 2017 / 679
77-79. Teven Road ,Alstonville

Dear Sir,

I wish to object to the above mentioned proposed subdivision on the following grounds :

- 1 . There are matters not yet addressed that it is necessary to have information on for the community to be able to form a view on the impact of such a development.
Eg. Noise Impact Assessment
Air Quality Assessment
2. The impact of additional traffic movement needs a complete study, given particularly the presence of heavily laden trucks on this section of road.
The overall absence of a complete footpath in the area (despite what small section may be added as part of this proposal) is a major concern and a definite risk for the many pedestrians that currently walk this section of road.
At the very least were Council to approve such a subdivision it should without doubt be a requirement that a footpath be constructed from the nearby walkway that connects to Whipps Avenue through to the roundabout at Kawana St / Parkland Dve
3. It is apparent that the proposal may not meet CURRENT environmental constraints and buffers relative to the existing quarry and asphalt plant
4. It is known that Boral on numerous occasions have failed to adhere to their conditions of approval (Council has been contacted on this matter) and this in itself may be seen to impact adversely on any future residents.
5. The Asphalt Plant (the validity of the current approval for which is already in doubt) has impacted existing residential development in the Panorama Estate and may be, on occasion, anticipated to impact any residential development on this site.

It is known that a male person ,who did not offer his name ,nor the reason for his enquiry, has recently spoken to residents in the Panorama Estate seeking input regards the impact of the quarry on their property. I would strongly caution Council against having regard to such "statistics" as may be presented by the developer in support of his application. I know at least one such person is in their 90's and I suspect any such " statistics" proffered may well not reflect the truth of the matter.

It is paramount that Council not relax any of its environmental obligations in respect of this proposal and resolve any doubts that may arise in favour of affected community members NOT the developer.

It is a long-standing court precedent that any doubt is resolved in favour of the dispossessed . In this case the potentially disposed are the community who suffer - loss of green space , increased traffic etc ,etc

BY VIRTUE LARGELY OF ITEM 1 I REQUEST AN EXTENSION OF THE TIME FOR SUBMISSIONS FROM THE COMMUNITY

8.2 DA 2017/679 - 77 Teven Road, Alstonville.DOC

Kindly acknowledge receipt of this objection I regret that it may be received just after the closing date however the timing of such a DA over the Christmas break with many people away was probably orchestrated to achieve a reduced objection response and I hope you will give full weight to my submission

Yours sincerely
Bob Druitt
7 Mantula Place
Alstonville
0432 640330

To Whom it May Concern,

DA Number: DA2017/679

I pen this letter regarding the development application put forward for 77 Teven Rd Alstonville by Adrill Payne & Partners.

The application proposes for the existing house and shed to be demolished to make way for 10 smaller residential blocks as well as the required infrastructure i.e. a new road, infrastructure services and vegetation management works.

As an immediate neighbour I will be directly impacted by this proposal in mostly negative ways including:

- Obstruction of views
- Noise pollution not only during construction of infrastructure but also thereafter as houses are built over time.
- Reduced privacy as the backyards of future neighbours will share my southern Boundary.
- Potential de-valuation of my own property.

Despite this, I have decided **NOT TO OBJECT to this proposal on the condition:**

- That future lots sharing a boundary with my own property **must be fenced** and that
- Fencing **be uniform, maintain privacy** between blocks and be made of material which **is unlikely to require repairs or frequent re-painting.**

It is my perspective that by enforcing these conditions many of the concerns that I have for this development will be nullified. Thus, will provide the best opportunity for a peaceful middle ground between all parties involved including the residents of the opposing boundary.

Thankyou for being considerate of the neighbouring properties and I hope that this application may go through with as little impact on its surrounds as possible.

Regards,

Sharon Parmenter

Resident and Owner of 81 Teven Road Alstonville.

My wife Faith and I were very disappointed to see three residential buildings built close to Teven Road and close together just near 77 Teven Road. One of the great beauties of the area was the lovely houses set well back from Teven Road with big lawn areas. Then two Duplex type homes appear, completely out of character with the area followed by another next door. Now ten more are proposed and they will have to be crammed together. We cannot understand how the Council can downgrade the area like this. Obviously greed must be the motivation and not just greed of developers. MORE RATES! MORE RATES!

If the council want to sell themselves short, why take all he local residents down too. We love this area and hate to see it degraded.

PLEASE TREAT THIS AS AN OBJECTION TO THE PROPOSED DEVELOPMENT. Faith and Ray Darnell 40 Montego Parade Alstonville.

31/12/2017

15 Montego Parade Alstonville 2477

Phone: 0411683188, 041582877

Email: stephen.marks@aib.edu.au, angelmeldaisy@hotmail.com, hurfurflycoon@hotmail.com

To: Ballina Shire Council; Mayor, General Manager & Councillors

Re: DA 2017/679

We write to voice our opposition to this proposed development at 77 Teven Road Alstonville (DP 239781). This application is for a 10 block subdivision on this block of land. There is an Extraction Noise Buffer Zone in place surrounding the Asphalt Batching Plant (known locally as 'The Quarry') and Council should not vary this to permit the proposed residential buildings. This Buffer Zone has afforded local residents the beautiful green belt bordering on Greenie Drive, Teven Road, Panorama Estate and Gap Road to shelter us all from the noise and pollution emanating from the quarry and the reasons for its existence remain unchanged. Therefore there is no justification to effect a major exemption by changing the regulations and approving this development. Such a possible exemption would create a precedent for owners of adjoining properties to similarly make development applications.

The purchaser of this block would have known full well at the time of purchase that the Buffer Zone was in place. He has purchased a block with an existing zoning with the apparent intention of influencing council to alter that zoning for his financial gain. We purchased our home in Panorama Estate due to the ambience of the area, beautiful views to the green belt, open spaces, peace and quiet and wildlife, with the confidence that it would last until the quarry is no longer operating.

No local resident purchased to experience all the extra noise, extra vehicles and visual pollution that will come with a large cluster of homes packed in together, therefore forever changing the nature of the area.

Should council decide to approve this development application it would surely be to benefit one individual at the expense of a large number of local residents, an outcome which we believe would be in conflict with Council's mission.

Yours Faithfully,

Stephen Marks BSc, BA, GradDip OR, MBA

Karen Marks Dip Teach

Regarding the proposed subdivision of 10 household blocks on 77 Teven Road, is very much a concern for my family as we are backing onto this property. It was lead to believe that it was zoned within a Buffer Zone and there are not to be residential buildings permitted within 500m and 1,000 metres of the quarry if there is blasting at the plant on Gap Road. Ex councillor Mr Paul Worth has not advised residence that he purchased this property knowing full well that this buffer zone was in place but went ahead anyway. This disgusts me on so many levels and our beautiful tranquil area of Alstonville will be lost. Apparently the road proposed to be built on this land is a one way road, just tell how the garbage truck will enter and leave the subdivision, or are we to look at 20 ugly garbage bins lined up along Teven Road.

Jenny Lendrum

Whipps Avenue, resident.

To the General Manager, Paul Hickey,

Dear Mr. Hickey,

Been brought to my attention, as resident of Whipps Avenue Alstonville and backing onto the property at 77 Teven Road Alstonville, that a subdivision of 10 blocks is in the process of being passed through council. I am disgusted that this would even be passed, as this is in a green belt, due to the Asphalt Batching Plant of Gap Road. I was under the impression that no residential buildings are permitted within 500metres and 1,000 metres of the quarry if there is blasting at the plant, besides the toxic fumes that are smelt across the paddocks of this beautiful part of Alstonville. Apparently ex Councillor Mr Paul Worth has been asking residence for written comments regarding the Asphalt Plant but then has gone and purchased the land without notice to residence, knowing this is a Buffer Zone. We as residence who as we have been in this house 20 years and enjoyed the peace and greenery of this part of the world, now to think 10 blocks of homes to look out on and i believe this road into this estate if we call it that, is a one road in, so what, tell me how is the garbage truck for example coming in to collect the bins and getting out again. Or do we just see 20 garbage bins lined up along Teven road as an eye sore. Our beautiful Alstonville changing for the worst.

Jenny Lendrum,

Resident

For the attention of the General Manager / Planning Manager / Planning Department

Application 010.2017.00000247.001
Address 27 Teven Road Alstonville NSW 2477
Description Development Applications - New Outbuilding - Domestic
Name of commenter Lawrie Waring
Address of commenter 3 Palermo Place, Alstonville NSW 2477
Email of commenter malawa@bigpond.com

Comment

It has come to our attention that there is an application to develop 10 blocks on land at 77 Teven Road, Alstonville. We join with our fellow local residents in their concern for the health of residents and changes to the green belt environment which has attracted us to the Panorama Estate. We are well aware of the close proximity of the Asphalt Batching Plant on Gap Road and indeed experience dust and air pollution from this plant. We agree there is concern for noise and pollution if there were dwellings built much closer than ours. We object to this development application and urge Ballina Shire Council to reject it not only for the above concerns but it would be contravening an existing Buffer Zone already in place.

WITHOUT PREJUDICE

Dear Council Officers

As a nearby resident to this development and rate payer of Ballina Council we hereby request an extension to the closing date of these applications.

The applications were lodged on 30 November 2017 and close on the 11 January 2018. This time frame coincides with a closure of Council from Friday 22 December 2017 until Tuesday 2 January 2018 which is eleven days and with many staff taking extended leave and extra leave after this period. It also coincides with a busy period for interested rate payers organising Christmas and holidays.

This development is very concerning as it is an overdevelopment near a quarry impacting on the ambience and creating a precedence. Concerned residents should be given sufficient time to consult and communicate with council and the community . We believe that because of the timing of these applications interested ratepayers have been severely disadvantaged and treated unfairly.

Another serious concern is that a developer who is associated with the applications sought signed statements from nearby residents stating that the quarry and asphalt plants presented no problem. It appeared that he was aware of the fact that many residents who live nearby tolerate these plants as long as they abide by the environmental regulations in preference to the buffer zone being developed. At no time was I made aware that the developer had lodged the above application when I made my statement.

We request that the closing date for the above applications be extended by twenty days until the 31 January 2018.

Yours faithfully

Alan and Sylvia Anderson

Date 15th December 2017

Ballina Shire Councillor
PO Box 540
Ballina 2478



Community Concern – Land Purchase DP No. 239781 D/A 2017/679

I am a concerned resident residing in Teven Road near the Asphalt Batching Plant run by Boral on Gap Road Alstonville. I wish to make a complaint regarding the above mentioned DA for 77 Teven Road Alstonville.

I have recently learned from the purchaser (an ex-Ballina Shire Councillor) Paul Worth of the abovementioned large parcel of land that he was going to subdivide this land into ten (10) building blocks for on-selling. This sub-division was well planned because the day the purchase was settled the DA was lodged with the Council. We would question how this person is so sure that he is able to proceed with a subdivision that has just been lodged and considering his name is not on the DA where is are the ethics in this approach. The previous owners name is on the DA around the time the land would have been sold – Mr Worth’s is not but he is advising he is doing the subdivision.



[Redacted] this “green area” surrounding the Asphalt Batching Plant is covered under an *Extraction Noise Buffer Zone* that prohibits residential buildings within 500 metres of with no blasting, and 1000 metres if there is blasting from the Gap Road Compound according to a Council staff member. To the best of my knowledge this zone is in force until the Batching Plant/Quarry is no longer in operation and therefore there was to be no further development in these specific areas until that time. Any changes such as this will definitely alter the semi-rural outlook [Redacted]

Mr Worth has approached various residents in the area with the specific intention to gain advantage for himself without declaring his vested interest. Several Residents in Panorama Estate were asked if the quarry noise bothers them. [Redacted]



The residents in this area purchased due to the ambience of the area, beautiful views to the green belt, open spaces, peace and quiet, and wild life, knowing it would last until the quarry was no longer operating [Redacted]

[Redacted] a large cluster of ten houses packed in together and I believe they will be packed together like sardines as 8 of these blocks have a frontage of just 17.5m – although of

8.2 DA 2017/679 - 77 Teven Road, Alstonville.DOC

permissible size – but what about the visual outlook. Is there to be a footpath along the frontage to Teven Road? Not shown in aerial shot. Will there be extra noise with garbage collections going up the new road or will there be 20 extra bins lined up on Teven Road every week.

I do not like the plan or the approach this ex-Councillor is taking. I will protest vigorously any advancement on this proposed development.

Thanking you for your time and look forward to hearing from you



643 Uralla Road,
Lymwood N.S.W. 2477

3rd January, 2018

Ballina Shire Council,
Cherry Street,
Ballina N.S.W. 2478

Attention Ms J. Hutley

Re: D.A. 2017/679

My husband and I are the owners of 83a Teven Road and will be moving in to it shortly. Our property adjoins the proposed development, and we wish to make the following submission:-

Whilst we appreciate the need for additional homesites in Alstonville and the site of the Lots appears to be reasonable we do have a major concern that multiple storey buildings could be erected on one or more of the blocks which would definitely have an adverse effect on the existing adjoining residences.

We therefore request Council to add a covenant to this D.A. so that no building is allowed to be more than one storey in height which would mean that this development is in keeping with the surrounding dwellings.

Yours faithfully,



B.C. Mandeville



P.M. Mandeville

**VGY Enterprises P/L Super Fund
PO Box 838 Alstonville 2477
5/1/2018**

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

RE DA 2017/679 77 Teven Road Alstonville

Dear Sir,

As Director / Owner of VGY Enterprises P/L Super Fund, and therefore the owner of 35 Whipps Avenue Alstonville which adjoins the above property I wish to make the following submission.

-
- 1. The proposed subdivision has my full support.**
 - 2. It will not cause any disadvantage to my property, as the lots are well designed.**
 - 3. Alstonville's residential land should be developed.**

I thank you for allowing my submission.

Regards,

V. Yealland

Viv Yealland

Kath & Keith Donnelly
37 Whipps Avenue
Alstonville NSW 2477

The General Manager
Ballina Shire Council
Tamar Street
Ballina 2478

10 Lot Subdivision – 77 Teven Rd DA 2017/679

Dear Sir

Thank you for notifying us of the proposed development which adjoins our property. We find no reason to complain and therefore fully support the subdivision.

What has been proposed has been well thought out and will enhance the local area.

Yours Sincerely,

K Donnelly *Keith Donnelly*
karlem@donnelly

RON & MARGARET LEESON
75B TEVEN ROAD
ALSTONVILLE
8/1/18

THE GENERAL MANAGER
BALLINA SHIRE COUNCIL
CNR CHERRY & TAMAR STREETS
BALLINA 2478

RE DA 2017/679

DEAR SIR,

WE OWN AND RESIDE IMMEDIATELY NEXT DOOR TO THE PROPOSED 10 LOT
SUBDIVISION.

WE HAVE DISCUSSED WITH THE DEVELOPER THE PROPOSED PLAN INCLUDING THE
ROAD POSITION, LOT SIZES, AND THE LAYOUT OF THE LOTS AND OTHER MINOR
ISSUES.

MR WORTH HAS AGREED TO CONDITION FUTURE LOTS TO ONLY ALLOW SINGLE
STORY DWELLINGS. WE BELIEVE THAT THIS IS A GOOD DEVELOPMENT AND IT HAS
OUR SUPPORT.

YOURS FAITHFULLY

R. H. Leeson *M. L. Leeson*

enquiries refer

Tony Partridge
in reply please quote
18/7930

3 January 2017

Development & Environmental Health
Ballina Shire Council
PO Box 450
Ballina NSW 2478



Development & Environmental Health,

Re: DA 2017/679 – Feedback from the Tuckombil Quarry Manager

As the Tuckombil Quarry Manager for Ballina Shire Council, this letter is to outline factors for consideration in regards to the development proposal (2017/679) for the demolition of existing house and shed and undertake a Torrens Title subdivision to create 10 residential lots.

The Tuckombil Quarry is located on Lot 2 DP 1130300 Corner of Gap Road and Teven Road, Alstonville. It is still operational under its current consent (1995/276) for extractive industry.

Extractive industries involve the use of an extensive range of plant and equipment which creates noise and dust as material is won from the quarry face and then crushed and screened for loading and transport. In some cases blasting is necessary to extract the material. Quarrying activities are generally incompatible with many land uses, particularly those of a residential nature. In most cases it is desirable to provide a buffer area around quarries to minimise land use conflicts and safeguard quarry resources which could be sterilised as a result of encroachment by residential land uses.

The proposed new residential lots on the site in question will place residents between 230 and 340 meters of the operational quarry site. Based on the extractive industry activities permitted on the site, attention should be given to the suitable buffer zones and/or control measures for the sensitive receivers of the residential development. This development would fall within Council's *Buffer to Extractive Industries* (Ballina Shire Council DCP 2012 Chapter 2), which recommends that residential developments are to be further than 1000m from a site where blasting occurs.

The Statement of Environmental Effects for this proposal includes a brief assessment of the land use conflict with various sites. One of these sites includes the Tuckombil Quarry.

The type, nature, location, times of operation and recent record of the Tuckombil Quarry and Alstonville Asphalt Plant, coupled with the site specific environmental assessments and monitoring results have led me to the view that any potential future land use conflicts between the existing quarry and asphalt plant and the future occupants of the proposed residential subdivision are acceptable.

40 cherry street, po box 450, ballina nsw 2478

t 1300 864 444 • e council@ballina.nsw.gov.au • w ballina.nsw.gov.au • abn 539 29 887 369

Page 2
Ballina Shire Council – Development & Environmental Health
3 January 2017

The review of environmental effects and conflict of use assessment needs to be aware that no extractive industry activities have occurred at Tuckombil Quarry since 12 August 2016. Any recent monitoring of operations would have only captured the Alstonville Asphalt Plant operated by Boral.

Consideration also needs to be given to the long term future of the Tuckombil Quarry. Field investigations, drilling and resource estimates allowed for the preparation of Quarry Development plans for the expansion of this quarry. On the 28 November 2016 Councils authorised the General Manager to continue to prepare the required Environmental Impact Statement and other planning approval documentation for the proposed expansion of the quarry. This project is still being actively discussed with Council at present. If a development consent is granted for the Tuckombil Quarry expansion, depending on the market demand and production rate limits, the quarry could remain operational for an additional 50 years.

With Council's current endorsement and discussions on the future of the quarry, suitable mitigation control measures should be considered for approving a residential development within the Council's *Buffer to Extractive Industries*.

If you have any enquiries in regard to this matter please contact myself on 6686 1236.

Yours faithfully



Tony Partridge
Manager Support Operations
Civil Services



Our Reference: DOC18/147206-02
Contact: Janelle Bancroft
Date: 12 March 2018

The General Manager
Attention: Lucy Bennett
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Ms Bennett

Development Application 2017/679, General Referral, Demolition of existing House and Shed and Torrens Title Subdivision to Create 10 Residential Lots, 77 Teven Road, Alstonville

I refer to the general referral to the EPA for the development consisting of demolition of existing house and shed and torrens title subdivision to create 10 residential on Lot 83 DP 239781, 77 Teven Road, Alstonville.

The EPA notes that the proposed subdivision is near to an existing quarry (Tuckombil Quarry) and asphalt plant (Boral Asphalt) operating at the corner of Gap Road and Teven Road (Lot 2 DP1130300). The EPA notes that the subject site is approximately 440m from the Tuckombil Quarry and 350m from Boral Asphalt.

The site is well within the recommended buffer limits of 1000m to a quarry with blasting (as provided by both *Living and Working in Rural Areas Handbook*, Dept. of Primary Industries et al 2007 and Development Control Plan 2012, Ballina Shire Council). Whilst there is no specific buffer for the asphalt plant, I understand that EPA Victoria recommends a separation distance of 500m and EPA WA recommends a separation distance of 100m between residential premises and asphalt plants.

In light of the proximity of the proposed subdivision to the quarry and asphalt plant it is apparent that, should development consent be granted, land use conflict is likely between any new sensitive receiver and the existing approved quarry and bitumen plant.

Under certain operational and weather conditions, impacts from noise and/or odour are likely. It should be noted that compliance with EPA criteria will not necessarily mean that residents will not hear or detect odour from the quarry and/or asphalt plant. Aspects of asphalt plant and quarry operations and traffic movements have the potential to cause odour and noise impacts but further amelioration of impact may not be reasonable.

Should EPA identify that the Tuckombil Quarry is complying with licence conditions or the asphalt plant is meeting an accepted industry standard, compliance action would not be possible.

With the separation distances identified between the proposed subdivision and existing quarry and asphalt batching plant, it would appear that the two land uses are incompatible. Once a land use conflict has arisen; the EPA or Council (depending on the scale of the activity) will be responsible for investigating complaints and enforcing compliance or further regulating off-site emissions.

PO Box 498, Grafton NSW 2460
L2, 49 Victoria Street Grafton, NSW 2460
Tel: (02) 6640 2500 Fax: (02) 6640 2539
ABN 43 692 285 758
www.epa.nsw.gov.au

The planning system is the prime mechanism for preventing potential or new conflicts between land uses. Whilst environmental protection mechanisms can ameliorate land use conflicts, it is more effective to prevent impacts from occurring than to attempt to minimise the impacts of incompatible land uses.

The EPA asks that you take these concerns into consideration before determination of the development application DA 2017/679.

Should you require any further information, please contact Janelle Bancroft on 6640 2513.

Yours sincerely



Janelle Bancroft
A/Head Environment Management Unit – North Coast
Environment Protection Authority