



Planning Proposal 18/002

» ***Attached Dual
Occupancy
Alstonville***

April 2019 (V4 – Exhibition) 19/24976

ballina
shire council



40 cherry street • po box 450 • ballina nsw 2478
t 02 6686 4444 • f 02 6686 7035 • e council@ballina.nsw.gov.au

ballina.nsw.gov.au

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1. Introduction

1.1 Summary of Planning Proposal

This planning proposal seeks to amend the Ballina Local Environmental Plan 2012 (BLEP 2012) to permit attached dual occupancy development on certain R2 zoned lots at Alstonville having a minimum area of 900m².

A draft amendment to Ballina Shire DCP 2012 seeks to further limit attached dual occupancy development at Alstonville to those R2 zoned lots which have a slope of less than 20%.

The planning proposal has been prepared in response to the outcomes of the Alstonville Planning and Environmental Study and the adopted Strategic Action No. 8 within the Alstonville Strategic Plan 2017-2037.

1.2 Background

The Council adopted the Alstonville Strategic Plan 2017-2037 at its Ordinary Meeting held in December 2017 [Minute No. 141217/3]. This strategic plan is informed by the outcomes of the Alstonville Planning and Environmental Study. The Alstonville Strategic Plan is used to guide Council's strategic planning and decision making relating to Alstonville Village for the period 2017 to 2037. The recommendations and strategic actions identified in the plan reflect the community's vision for the future development of Alstonville to 2037.

The provision of new housing opportunities that are affordable and provide choice for people to meet changing life needs is one of five locality objectives contained within the Alstonville Strategic Plan. Strategic Action No. 8 within the plan provides as follows:

Initiate a planning proposal to permit dual occupancy development within the R2 Low Density Residential zone upon lots having an area of 900m² or more.

1.3 Land to Which the Planning Proposal Applies

This planning proposal relates to all land within Alstonville Village zoned R2 Low Density Residential under the provisions of Ballina LEP 2012 with a minimum lot area of 900m².

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1.4 Council Resolutions

Council considered this planning proposal at its Ordinary Meeting held on 13 December 2018. The Council resolved as follows [Minute No. 131218/1]:

1. *That Council endorses the Alstonville Dual Occupancy Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning and Environment for a Gateway determination.*
2. *That Council resolves to prepare a draft amendment to Ballina Shire Development Control Plan 2012 to introduce slope controls, as well as other associated amendments, relating to the development of land for dual occupancy purposes, as detailed in Attachment 2 to this report.*
3. *That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal and associated draft DCP amendments be undertaken, including public exhibition.*
4. *That the Department of Planning and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.*
5. *That the planning proposal and associated draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.*

A copy of the report considered by the Council is contained in Appendix Two.

1.5 Gateway Determination

A Gateway determination allowing the planning proposal to proceed to public exhibition was issued on 6 March 2019. A copy of the Gateway determination is contained within Appendix Four.

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2. Objectives & Intended Outcomes

The objective and intended outcome of this planning proposal is to amend the Ballina LEP 2012 to enable attached dual occupancy development to be carried out on certain lots within the Alstonville Village.

3. Explanation of Provisions

3.1 The Proposal

Dual occupancy development is currently prohibited within the R2 Low Density Residential zone. The planning proposal seeks to permit, with consent, attached dual occupancy development on certain lots within the R2 zone in Alstonville that have a minimum area of at least 900m².

One method of achieving the outcome sought by this planning proposal is to include a local provision that confirms that the controls relate only to lots zoned R2 Low Density Residential having a minimum lot area of 900m².

3.2 Relationship to the Low Rise Medium Density Housing Code

In 2018 the State Government introduced the Low Rise Medium Density Housing Code (the Code) which contains development standards to allow one and two storey dual occupancies, manor houses and multi-dwelling housing (terraces and townhouses/villas) to be carried out under a fast-track complying development approval. The Code does not currently apply to Ballina Shire.

The objectives of the Code are to provide a broader range of housing options to suit changing lifestyle needs and to improve housing affordability by increasing the supply of housing across NSW. The Code is accompanied by a design guide for development applications that contains best practice controls and design standards to ensure a consistent approach to the good design of medium density housing across NSW.

The Ballina Shire local government area (LGA) is one of 50 LGAs that have been temporarily deferred from the Code until 1 July 2019. Council is yet to consider its position in respect to whether it will be seeking to be deferred from the Code after 1 July 2019. In the absence of the Code provisions, Ballina Shire Development Control Plan 2012 – Chapter 4 – Residential and Tourist Development will provide the development controls applicable to dual occupancy development.

The Low Rise Medium Density Housing Code will only apply to dual occupancy development permitted within the R2 zone by the proposed planning amendment in the event that Council is not exempted from the Codes provisions after 1 July 2019. The Code will also apply to low rise medium density housing development within the R3 Medium Density Residential zone.

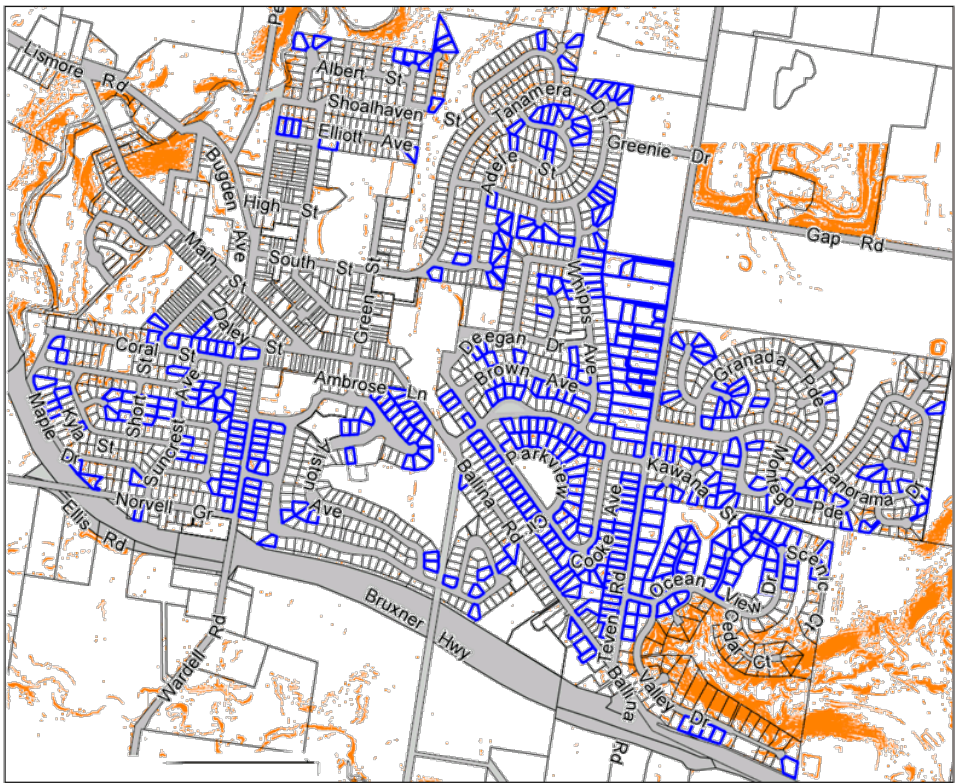
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3.3 Mapping Overview

There is no map associated with this planning proposal. It was initially proposed to include a map which showed the lots subject to this planning proposal. In excess of 400 lots were identified as meeting the proposed dual controls of lot size (LEP control) and land slope (DCP control). These lots are outlined in blue on the map contained within Diagram One below.

Mapping such lots is not favoured due to difficulties associated with identifying lots that do not meet the proposed slope criteria and the potential exclusion of future lots created through subdivision and land consolidation.

Diagram One – Lots identified as being impacted by the planning proposal (outlined in blue)



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4. Justification

4.1 Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal has been prepared in response to the outcomes of the Alstonville Planning and Environment Study 2016 (APES) and the Alstonville Strategic Plan 2017-2037. Strategic Action No. 8 within the plan provides that Council *'Initiate a planning proposal to permit dual occupancy development within the R2 Low Density Residential zone upon lots having an area of 900m² or more'*.

The above strategic action was included within the APES so as to facilitate greater housing choice within the existing village. It also provides a means through which limited population growth may be achieved through a consolidation strategy as opposed to a greenfield land release strategy.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the appropriate mechanism for achieving the intended development outcomes for the subject land.

4.2 Section B – Relationship to Strategic Planning Framework

Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the North Coast Regional Plan 2036 (NCRP), which provides the regional framework for the consideration of policy development and the overall vision of the future.

The NCRP encourages housing diversity through an action which stipulates that 40 per cent of new housing is to be delivered in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres by 2036. Given that no future urban release areas were identified for Alstonville in the NCRP 2036, any additional dwellings can presently only be achieved through infill development within existing appropriately zoned areas.

Q4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with the following key local plans:

Ballina Shire Council Community Strategic Plan 2017 – 2027

The planning proposal is consistent with the elements and specified outcomes contained within Council's Community Strategic Plan 2017-2027 as indicated in the table below:

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Element and Reference	Outcomes	Benefits
PE3 Prosperous Economy	Improve liveability in the shire	
PE3.1	Support residential development that delivers services close to home	Lower cost of living
PE3.2	Facilitate and provide affordable infrastructure	More affordable housing
PE3.3	Improve connectivity within the shire	Reduced transport costs
HE3 Healthy Environment	Our built environment blends with the natural environment	
HE3.1	Develop and implement plans that balance the built environment with the natural environment	More people are satisfied with our management of development
HE3.2	Minimise negative impacts on the natural environment	Retention of our natural environment
HE3.3	Match infrastructure with development	No under supply of community infrastructure

Ballina Shire Growth Management Strategy 2012 (BSGMS)

The planning proposal is consistent with the locality objectives and strategic actions identified for Alstonville within the BSGMS relating to maintenance of the village scale and character, retention of the village footprint, accommodation of further infill development in a manner that is sensitive to the village character and heritage values, provision for changing housing needs and investigation of the potential for infill development intensification.

Ballina Local Environmental Plan 2012 (BLEP 2012)

The BLEP 2012 provides for the following residential zones:

- R2 Low Density Residential Zone – for low density residential development forms including dwellings and secondary dwellings (and other compatible uses); and
- R3 Medium Density Residential Zone – for a broad range of residential development forms including dual occupancies, residential flat buildings, multi dwelling housing and the like (and other compatible uses).

Dual occupancy development is currently only permissible in the R3 Medium Density Residential zone.

Rather than alter the zoning of the identified properties, the planning proposal seeks to increase housing choice by permitting attached dual occupancy development on certain sized lots (900m² or larger). Limiting the proposal to attached dual occupancies and certain larger lots is designed to assist to maintain the existing character and amenity of the village.

Attached dual occupancy development is considered to be a low impact form of denser housing which would provide greater diversity in housing choice within Alstonville. Permitting attached dual occupancy development as infill development is an alternative option to lateral expansion and will assist with facilitating low scale planned population growth without compromising the existing footprint of the village and thereby maintaining the scale and character of Alstonville.

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Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs).

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

A Section 9.1 Direction checklist for the planning proposal is contained in Appendix Three.

4.3 Section C – Environmental, Social and Economic Impact

Q7 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land is currently zoned for the purposes of low density residential development (single detached dwellings and secondary dwellings) and is within an established residential area. The planning proposal will enable development for two attached dwellings to occur on each lot that meets the minimum lot size criteria. The planning proposal is unlikely to have any greater environmental impact than is anticipated from the development of the land under the current zoning arrangement.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No significant adverse environmental impacts are likely to arise as a result of the planning proposal.

Q9 Has the planning proposal adequately addressed any social and economic effects?

The social and economic impacts of the planning proposal are considered to be generally positive and were addressed in the Alstonville Planning and Environmental Study.

4.4 Section D – State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create the need for any additional public infrastructure. Existing infrastructure such as water and sewerage are adequate to cater for any future development.

Q11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

5. Mapping

No mapping is associated with this planning proposal.

6. Community Consultation

This proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. A minimum public notification period of 28 days will be applied to this planning proposal as it is being exhibited concurrently with draft amendments to Ballina Shire DCP 2012.

7. Timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion (Before)
Gateway Determination	March 2019
Government Agency Consultation	April 2019
Public Exhibition Period	April - May 2019
Public Hearing	N/A
Submissions Assessment	June 2019
PPA Assessment of Planning Proposal and Exhibition Outcomes	July 2019
Submission of Endorsed LEP to DPE for Finalisation	August 2019
PPA Decision to Make the LEP Amendment	August 2019
Forwarding of LEP Amendment to DPE for Notification	August 2019

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8. Appendices

Planning Proposal 18/002 – Attached Dual Occupancy, Alstonville

Appendix One – Maps

No mapping is associated with this planning proposal.

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Appendix Two – Council Reports

9.2 **Planning Proposal and DCP Amendments - Dual Occupancy Alstonville**

Delivery Program	Strategic Planning
Objective	To invite Council to initiate a planning proposal and associated draft Development Control Plan amendments to enable attached dual occupancy residential development under the Ballina Local Environmental Plan 2012 on various properties in Alstonville and seek direction on the submission of a planning proposal for Gateway determination.

Background

Council, at its Ordinary Meeting held on 14 December 2017 resolved to adopt the Alstonville Strategic Plan 2017 - 2037 and the Alstonville Planning and Environmental Study [Minute No. 14/12/17/3].

The recommendations and strategic actions identified in the strategic plan reflect the community's vision for the future development of Alstonville township to 2037.

The provision of new housing opportunities that promote affordability and provide choice for people to meet changing life needs is one of five locality objectives contained within the Alstonville Strategic Plan.

One method for achieving this objective is identified in Strategic Action No. 8 which provides for Council to initiate a planning proposal to permit dual occupancy development on land within the R2 Low Density Residential zone upon allotments having an area of 900m² or more.

The rationale for the above action is that dual occupancy development (two dwellings attached or detached on a single allotment of land) is a lower impact form of denser housing which may assist with providing greater housing choice within Alstonville.

Having previously endorsed this concept in its adoption of the Strategy, the purpose of this report is to seek the Council's authorisation to initiate a planning proposal to enable attached dual occupancy residential development to occur on certain lots within the R2 Low Density Residential zone.

A draft planning proposal has been prepared for the consideration of the Council and is provided in Attachment 1.

Associated draft Development Control Plan (DCP) amendments have also been prepared and are contained within Attachment 2.

Key Issues

- Implementing Alstonville Strategic Plan 2037
- Housing choice initiative
- Consistency with strategic planning intent

Planning Proposal 18/002 – Attached Dual Occupancy, Alstonville

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

Information

This planning proposal relates to lots within the Alstonville urban area which contain a minimum site area of 900m² and which are zoned R2 Low Density Residential under the provisions of the Ballina Local Environmental Plan 2012 (LEP).

It is also proposed to further limit attached dual occupancy development to those lots that are not affected by slope constraints of 20% or greater.

This control is proposed to be contained within Ballina DCP 2012 as opposed to the LEP.

The DCP amendment is preferred because the determination of which lots are likely to be impacted by slope constraints is not precise.

Therefore, should a property be erroneously excluded from the proposed LEP amendment provisions due to a perceived slope constraint, it will be significantly more cumbersome and time consuming to incorporate such lots within the LEP at a later stage.

The identification of slope constrained lots within the DCP (as distinct from the LEP) does not result in the above concerns.

This is because the DCP provisions do not prohibit development on such lots in a statutory sense but are a matter for consideration during the assessment of development proposals.

Therefore, should detailed survey information submitted as part of the DA process confirm a lot's suitability for attached dual occupancy development (in the context of slope) the DCP provision may be relaxed.

The lots identified as meeting the 900m² minimum lot size criterion, and which are not slope constrained (by a preliminary non-survey assessment) are shown in the diagram below.

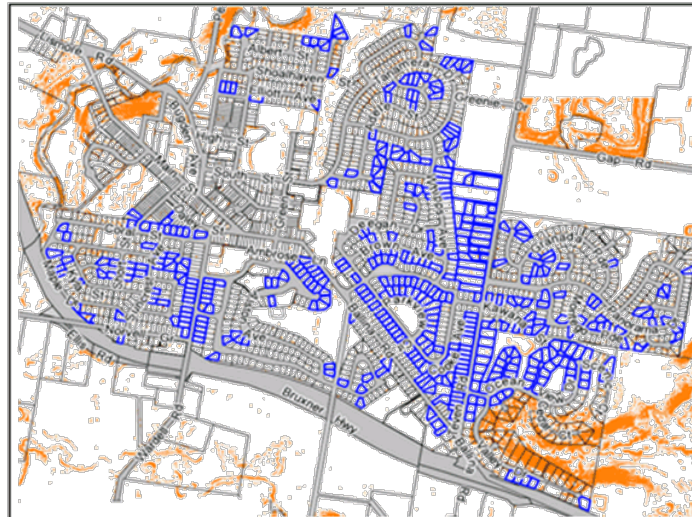
In total, there have been 414 such lots identified.

This simply serves to illustrate for the Council and the community the potential scope of change if all the dual occupancy "entitlements" were taken up over time.

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9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

Diagram One – Lots identified as being impacted by the planning proposal (outlined in blue)



Strategic Planning Context

The planning proposal contained in Attachment One has been prepared as a result of an adopted action within the Alstonville Strategic Plan 2017 - 2037. Strategic Action No. 8 within the Plan provides for Council to *'initiate a planning proposal to permit dual occupancy development within the R2 Low Density Residential zone upon lots having an area of 900m² or more'*.

The Alstonville Planning and Environmental Study (the precursor to the Plan) initially identified approximately 529 R2 zoned properties containing an area of 900m² or more as being potentially suitable for dual occupancy development.

Adoption of a slope control within the DCP, and by inferring that all lots currently identified as slope constrained are deemed to be unsuitable, reduces the lots potentially activated by this planning proposal to approximately 414.

The Ballina Shire Growth Management Strategy 2012 identified a number of strategic actions for Alstonville, which included the investigation of the potential for infill development intensification as distinct from "greenfield" lateral expansion of the township.

The proposed planning proposal is considered to be consistent with the strategic direction provided by the Council-adopted Growth Management Strategy.

Planning Proposal 18/002 – Attached Dual Occupancy, Alstonville

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

The North Coast Regional Plan 2036, which provides the regional framework for the consideration of policy development and the overall vision for the future, encourages housing diversity by specifying that 40 per cent of new housing is to be delivered in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400m² by 2036.

The adoption of the new policy approach, as outlined in the planning proposal contained in Attachment 1, is considered to be consistent with the strategic objectives of the Alstonville Strategic Plan, Council's Growth Management Strategy and the North Coast Regional Plan.

Ballina LEP 2012 and Ballina Shire Development Control Plan 2012

It is proposed to amend the Ballina LEP 2012 to enable attached dual occupancy development to be carried out in Alstonville on lots within the R2 Low Density Residential zone which meet the 900m² minimum lot size criteria.

Dual occupancy development is currently only permissible on land within the R3 Medium Density Residential zone.

The planning proposal has been prepared on the basis that it will permit "attached" dual occupancy development only. This was done so as to reduce the potential for dwellings to be erected in rear yard areas.

This approach has been taken in response to some resident concerns already expressed and which relate to the perceived amenity impacts associated with second dwellings approved in rear yard settings.

It is, however, open to the Council to change the planning proposal so as to remove this proposed restriction and seek to permit both attached and detached dual occupancy development.

In order to introduce a restriction on dual occupancy development for those sites identified as being subject to a slope constraint of 20% or greater it is proposed to incorporate relevant controls within Ballina Shire DCP 2012.

If the approach outlined in this report ie; LEP controls related to 900m² minimum lot size and limitation of dual occupancy to attached designs, is supported by the Council as the preferred approach then draft DCP controls will be publicly exhibited concurrently with the planning proposal.

Attachment 2 to this report contains the recommended draft DCP controls relating to consideration of the slope constraint issue, as well as associated administrative amendments which clarify applicable minimum lots sizes and the zones and locations to which these controls apply.

Proposed amendments are highlighted in yellow within the attachment.

As discussed in the report dealing with the Wardell Attached Dual Occupancy Planning Proposal (elsewhere in this Business Agenda) it is also proposed to provide clarification within Ballina Shire DCP Chapter 3 Urban Subdivision and Chapter 4 – Residential and Tourist Development that existing attached dual occupancy controls relating to minimum lot size and frontage (450m² and 12 metres) will also apply to lots within the R2 zone affected by the Wardell planning proposal.

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9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

Council is invited to endorse the attached planning proposal for referral to NSW Department of Planning and Environment for Gateway determination. Following the Gateway determination, the planning proposal and associated draft DCP amendments will be placed on public exhibition.

Following public exhibition the planning proposal will then be reported back to the Council for further consideration and/or finalisation endorsement.

Sustainability Considerations

- **Environment**
The proposal to permit attached dual occupancy infill residential housing within part of an existing residential area is consistent with existing urban planning policy for the Alstonville area.

The proposal is not likely to have any significant implications from an environmental perspective.
- **Social**
The proposal is likely to have positive social impacts resulting from the provision of greater housing choice and, hopefully, affordability.
- **Economic**
The proposal has the potential to result in a number of positive economic impacts associated with construction.

Legal / Resource / Financial Implications

Initiating a planning proposal to permit attached dual occupancy development on certain land in Alstonville within the R2 Low Density Residential zone under the provisions of the Ballina LEP 2012, and associated draft DCP amendments, can be managed within existing staff resources. This matter is included in the current Strategic and Community Facilities Group work program.

It is also proposed to seek delegation from the Department of Planning and Environment to enable the processing of the proposed LEP amendment to finalization.

Consultation

Following referral to the NSW Department of Planning and Environment the planning proposal, if allowed to advance, will be placed on public exhibition in accordance with the Gateway determination.

The period of public exhibition proposed is not less than 28 days.

The proposed draft DCP amendments will be publically notified with the planning proposal.

Options

The following options are presented for the Council's consideration.

Planning Proposal 18/002 – Attached Dual Occupancy, Alstonville

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

1. Council may resolve to submit the Alstonville Attached Dual Occupancy Planning Proposal to the NSW Department of Planning and Environment for Gateway determination.

This is the preferred option as it will enable the planning proposal to progress to the next step in the LEP amendment process which is to enable a review 'in principle' by the NSW Department of Planning and Environment and Gateway determination.

Following consideration of the proposal by the Department, and subject to a favourable Gateway outcome, draft DCP amendments are proposed to be exhibited concurrently with the planning proposal. Following public exhibition the planning proposal and draft DCP amendments will then be reported back to the Council for further consideration.

2. Council may resolve to defer consideration of the planning proposal and associated DCP amendments.

It is open to the Council to request additional information should there be matters that require additional investigation or clarification. This could then be referred back to the Council in a subsequent report or take the form of a Councillor briefing.

This option is not recommended, as the matter has been discussed at some length during previous Councillor briefings associated with the preparation of the draft Alstonville Strategic Plan, and has been canvassed in the reporting relating to that matter.

In that context, the planning proposal is implementing the strategic directive previously provided by the Council.

3. Council may resolve to decline to initiate the planning proposal and draft DCP amendment or alternatively, to amend the proposal prior to seeking a Gateway determination.

Under this option the Council could either decline to support the planning proposal and draft DCP amendment or require further amendments prior to the planning proposal being submitted for a Gateway determination.

For example, should Council consider it is more appropriate to permit both attached and detached dual occupancy development then it could resolve to amend the planning proposal to achieve this outcome.

Under this option it is also possible for Council to decline to support the planning proposal and DCP amendment and take no further action.

This action is not supported as the preparation of a planning proposal for dual occupancy development within the R2 zone at Alstonville is part of Council's adopted Strategic Plan for Alstonville township to 2037.

RECOMMENDATIONS

1. That Council endorses the Alstonville Dual Occupancy Planning Proposal, as contained in Attachment 1 to this report, for submission to the

Ballina Shire Council

9.2 Planning Proposal and DCP Amendments - Dual Occupancy Alstonville

- Department of Planning and Environment for a Gateway determination.
2. That Council resolves to prepare a draft amendment to Ballina Shire Development Control Plan 2012 to introduce slope controls, as well as other associated amendments, relating to the development of land for dual occupancy purposes, as detailed in Attachment 2 to this report.
 3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal and associated draft DCP amendments be undertaken, including public exhibition.
 4. That the Department of Planning and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.
 5. That the planning proposal and associated draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.

Attachment(s)

1. BSCFP 18/002 - Draft Planning Proposal - Attached Dual Occupancy Development, Alstonville
2. Proposed Draft DCP Amendments

9.2	Planning Proposal and DCP Amendments - Dual Occupancy Alstonville
	131218/1 RESOLVED
	(Cr Ben Smith/Cr Sharon Cadwallader)
	<ol style="list-style-type: none"> 1. That Council endorses the Alstonville Dual Occupancy Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning and Environment for a Gateway determination. 2. That Council resolves to prepare a draft amendment to Ballina Shire Development Control Plan 2012 to introduce slope controls, as well as other associated amendments, relating to the development of land for dual occupancy purposes, as detailed in Attachment 2 to this report. 3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal and associated draft DCP amendments be undertaken, including public exhibition. 4. That the Department of Planning and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment. 5. That the planning proposal and associated draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.
	FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith
	AGAINST VOTE - Cr Jeff Johnson
	ABSENT. DID NOT VOTE - Cr Sharon Parry

Appendix Three – Section 9.1 Direction Checklist

Section 9.1 Direction Checklist	
Planning Proposal – Attached Dual Occupancy, Alstonville	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to planning proposal.
1.2 Rural Zones	Does not apply to planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Land	Does not apply to planning proposal.
2. Environment and Heritage	
2.1 Environment Protection Zones	Consistent. The planning proposal does not involve the development of land identified as being of environmental significance.
2.2 Coastal Protection	Does not apply to planning proposal. Land is not within the coastal zone.
2.3 Heritage Conservation	Consistent. The planning proposal does not involve the development of land on which a heritage item is located, within a heritage conservation area or within the vicinity of a heritage item or conservation area.
2.4 Recreation Vehicle Areas	Consistent. The planning proposal does not involve the development of land for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The planning proposal proposes to increase the permissible dwelling density on the subject land parcels which are currently zoned R2 Low Density Residential. The proposal is consistent with the objectives of this direction as it will provide variety and choice in housing types and makes efficient use of existing infrastructure and services whilst minimising the impacts on the environment and resource lands.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. This proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrating Land Use and Transport	Consistent. This proposal will not result in any negative impacts on accessibility or transport movements.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
3.6 Shooting Ranges	Does not apply to planning proposal.

8.3 Planning Proposal and DCP Amendments - Attached Dual Occupancy.DOC

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Section 9.1 Direction Checklist	
Planning Proposal – Attached Dual Occupancy, Alstonville	
Direction No.	Compliance of Planning Proposal
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Does not apply to planning proposal.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Does not apply to planning proposal.
4.4 Planning for Bushfire Protection	Justifiably Inconsistent. Part of the subject land is mapped as bush fire prone land. The subject land is within an existing residential area containing fully constructed urban roads and a reticulated water supply system (including fire hydrants). The proposal will be referred to the NSW Rural Fire Service for comment subject to the requirements of the Gateway determination.
5. Regional Planning	
5.1 Implementation of Regional Strategies (Revoked 17 October 2017)	Revoked.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply to planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked.
5.6 Sydney to Canberra Corridor	Revoked.
5.7 Central Coast	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire.
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire.
5.10 Implementation of Regional Plans	Consistent. The planning proposal is consistent with the North Coast Regional Plan 2036.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land reserved for public purposes.
6.3 Site Specific Provisions	Consistent. The planning proposal is consistent with this Direction as it seeks to allow a land use that is compatible with the residential development of the site.
7. Metropolitan Planning	

20

Planning Proposal 18/002 – Attached Dual Occupancy, Alstonville

Section 9.1 Direction Checklist	
Planning Proposal – Attached Dual Occupancy, Alstonville	
Direction No.	Compliance of Planning Proposal
7.1 Implementation of A Plan for Growing Sydney	Does not apply to Ballina Shire.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to Ballina Shire.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to Ballina Shire.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to Ballina Shire.
7.8 <i>There is no information relating to 7.8</i>	<i>There is no information relating to 7.8</i>
7.9 Implementation of Bayside West Precincts 2036 Plan	Does not apply to planning proposal.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply to planning proposal.

Ballina Shire Council

Appendix Four – Gateway Determination



FP_2018_BALLI_005_00(IRF18/7202)

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

Dear Mr Hickey

Planning proposal PP_2018_BALLI_005_00 to amend Ballina Local Environmental Plan 2012 to permit attached dual occupancy development on certain R2 Low Density Residential zoned lots at Alstonville

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to permit attached dual occupancy development on certain R2 Low Density Residential zoned lots at Alstonville.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within six months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Northern | 49 Victoria Street | Grafton NSW 2460 | Locked Bag 9022 | Grafton NSW 2460 | planning.nsw.gov.au

Planning Proposal 18/002 – Attached Dual Occupancy, Alstonville

Should you have any further enquiries about this matter, I have arranged for Ms Alison Parr to assist you. Ms Parr can be contacted on 6643 6412.

Yours sincerely



6-3-2019

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template

Northern | 49 Victoria Street Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460 | planning.nsw.gov.au

Ballina Shire Council



Gateway Determination

Planning proposal (Department Ref: PP_2018_BALLI_005_00): to amend Ballina Local Environmental Plan 2012 to permit attached dual occupancy development on certain R2 Low Density Residential zoned lots at Alstonville

I, the Director Regions, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to permit attached dual occupancy development on certain R2 Low Density Residential zoned lots at Alstonville should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.

Planning Proposal 18/002 – Attached Dual Occupancy, Alstonville

5. The time frame for completing the LEP is to be 6 months following the date of the Gateway determination.

Dated 6 day of March 2019.



Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

PP_2018_BALLI_005_00 (IRF18/7202)

Draft Amendments to Ballina Shire Development Control Plan 2012

Draft Amendments to Chapter 2 – General and Environmental Considerations

- Insert the following text as a note in Part 3.5 Land Slip / Geotechnical Hazard:

**Note:**

Attached dual occupancy development within the Alstonville R2 Low Density Residential Zone upon lots having a slope gradient of greater than 20% is deemed to be an inappropriate form of development having regard to land slip risk factors and the degree of site works (cut and fill / retaining walls) required.

Draft Amendments to Chapter 3 – Urban Subdivision

- Amend Table 3.1 in Part 3.1.2 Minor Subdivision Control Elements, Element G: Minimum Lot Size and Shape, as shown below in yellow:

Table 3.1 – Lot Size Requirements				
Built Form	Zone	Min. Lot Size	Min. Lot Width	Requirements
<i>Detached Dwelling Houses</i>	R2, R3	450m ² 550m ² – per corner lot	12m	– Irregular shaped lots to contain a building envelope nominating rectangle with minimum dimensions of 10m x 15m
<i>Dual Occupancies</i>	R3	450m ² – per attached dual occupancy 600m ² – per detached dual occupancy	12m	– Must be capable of containing a building envelope nominating rectangle with minimum dimensions of 10m x 15m
<i>Dual Occupancy (Attached)</i>	R2 (Alstonville)	900m ²	12m	– 20% maximum slope gradient permitted
<i>Dual Occupancy (Attached)</i>	R2 (Wardell)	450m ² – per attached dual occupancy	12m	– Must be capable of containing a building envelope nominating rectangle with minimum dimensions of 10m x 15m
<i>Semi-Detached Dwellings</i>	R3	300m ² per dwelling	10m	– Integrated development requirements (Chapter 4 Section 3.2)
<i>Attached Dwellings</i>	R3	300m ² per dwelling	10m	– Integrated development requirements (Chapter 4 Section 3.2) – Parent lot to be nominated at the subdivision stage – Dwellings to be

				accessed via rear laneway
<i>Multi Dwelling Housing</i>	R3	1000m ²	10m	- Density provisions regarding site area per unit are provided in Chapter 4
<i>Residential Flat Buildings</i>	R3	1000m ²	On merit	- Density provisions regarding site area per unit are provided in Chapter 4

Draft Amendments to Chapter 4 – Residential and Tourist Development

(Exhibited amendments shown highlighted in yellow. Proposed Additional Amendments shown highlighted in red).

- Amend Table 4.6 in Part 3, Element N – Minimum Lot Area and Width, as shown below in yellow:

Table 4.6 - Minimum Lot Areas and widths for Residential Accommodation		
Type of Residential Accommodation	Zone	Minimum Lot Area
<i>Dwelling House</i>	R2, R3	450m ² 550m ² – corner lots
<i>Dual Occupancy</i>	R3	450m ² - attached 600m ² - detached
<i>Dual Occupancy (Attached) (Alstonville)</i>	R2	900m ² and width of 12 metres at the building line
<i>Dual Occupancy (Attached) (Wardell)</i>	R2	450m ² and width of 12 metres at the building line
<i>Semi-Detached Dwelling (per dwelling)</i>	R3	300m ²
<i>Attached Dwelling (per dwelling)</i>	R3	300m ²
<i>Multi Dwelling Housing</i>	R3	1000m ²
<i>Residential Flat Building</i>	R3	1000m ²

Attachment 3 – Proposed Draft Amendments to Ballina Shire DCP 2012 – Chapter 4 Residential and Tourist Accommodation

Element T – Incorporation of Existing Dwellings into Attached Dual Occupancy Development

3.3 Attached Dual Occupancy (incorporating retention of existing dwelling)

3.3.1 Application

Applies to:	
Location/s:	Certain lots within the Zone R2 at Alstonville and Wardell (Refer Ballina LEP 2012 clause xxx)
Development Type/s:	Applications for attached dual occupancy development which seek to retain an existing dwelling

3.3.2 Background

Ballina LEP 2012 was amended in 2019 to permit attached dual occupancy development upon certain lots within the R2 zone at Alstonville and Wardell. The amendments permit new purpose built attached dual occupancy development. They also permit the incorporation of existing dwellings within the attached dual occupancy development. Element T addresses amenity impacts associated with the retention of existing dwellings as part of attached dual occupancy development.

3.3.3 Planning Objectives

- a. Ensure the orderly development of the site;
- b. Minimise the potential amenity impacts associated with developing a new dwelling attached to an existing dwelling on the same lot of land;
- c. Require improvement or rectification of the existing dwelling to ensure its compatibility with and integration into the new development;
- d. Ensure that the attached dual occupancy development makes a positive contribution to the streetscape and neighbourhood;
- e. Encourage the renewal of old housing stock as part of any attached dual occupancy development seeking to retain an existing dwelling; and
- f. To discourage development on battle axe shaped lots.

3.3.4 Development Controls

A. Building Design – General

- i. Designs for attached dual occupancy development which retain existing dwellings within the development must demonstrate that:

- the existing dwelling can address relevant development controls identified in Part 3 General Controls of this chapter related to dual occupancy development. This includes privacy (Element I (iii)) and solar access (Element J);
 - Sanitary drainage lines are to be designed and installed so that each dwelling has its own individual sanitary drainage lines, each with an overflow gully and inspection shaft upstream of a single connection to the main house drainage line connecting the dwellings;
 - Separate individual Council installed water meters having separate connections from the meter to each dwelling are to be provided. Meters are to be individually tagged for residential unit identification and located near the front boundary for ease of meter reading purposes; and
 - each *dwelling* shall be provided with *landscaped areas* and *private open space* in accordance with the requirements of Element G in section 3.1.3 of this chapter.
- ii. The *building height plane* specified in section 3.1.3 of this chapter applies to applications for attached dual occupancy development (old and new sections).

B. Additional controls for attached dual occupancy development

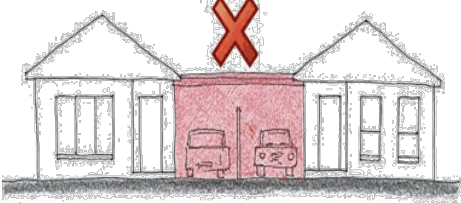
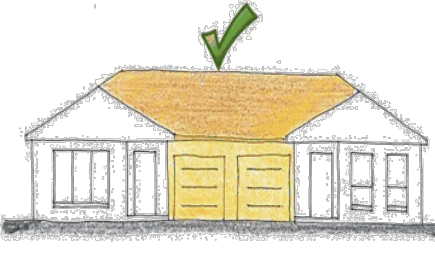
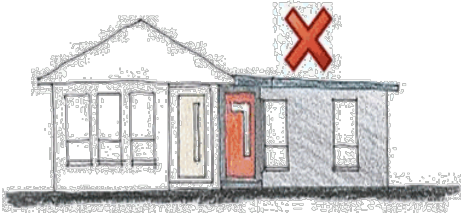

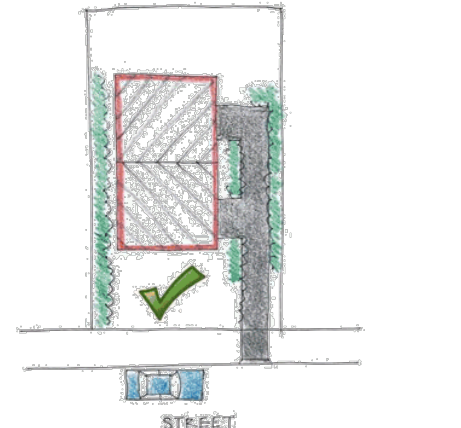
- i. *Attached dual occupancy* development that retains all or part of an existing *dwelling* must be designed to be complementary to one another with respect to building form, materials and landscaping.
- ii. Carports and breezeways are deemed to be an inappropriate means of attaching the existing *dwelling* to the new *dwelling*.
- iii. Uniformity of roof design between the old and new dwelling is required.
- iv. Where development of the new *dwelling* affects the existing *dwelling's* ability to comply with the relevant controls in this DCP, or does not comply with relevant Building Code of Australia (BCA) requirements, Council may require the existing *dwelling* to be:
 - a. upgraded to the meet the relevant development controls identified in this DCP and/or BCA requirements; or
 - b. the applicant to consider rebuilding in accordance with the controls identified in this DCP.
- iii. *Attached dual occupancy* development proposed on a corner allotment shall address both frontages by the use of verandas, balconies, windows or similar modulating elements.
- iv. The location of mail and garbage services are to be nominated and adequate provision made for each *dwelling* to access such services.
- v. Unless demonstrated to the contrary *attached dual occupancy* development on battle-axe shaped lots is deemed an inappropriate form of development.

- vi. Where a wall of an existing *dwelling* forms a separating wall between the two *dwellings*, details of the means of achieving the fire separation and noise transmission provisions of the BCA are to be provided at the Development Application stage.

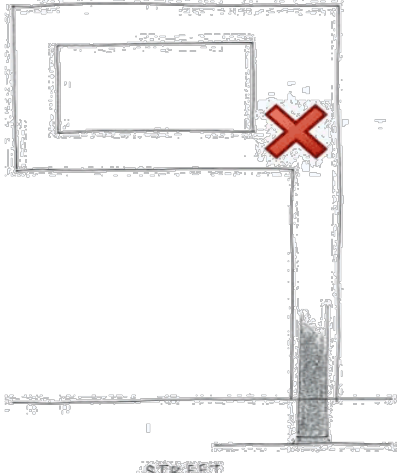
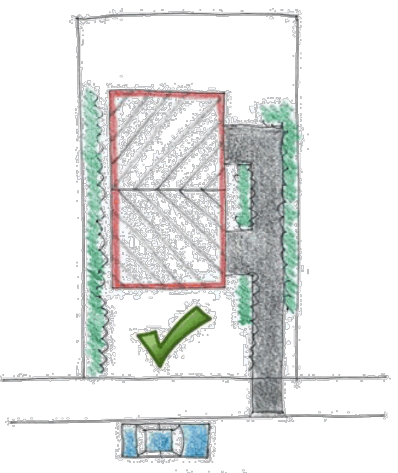
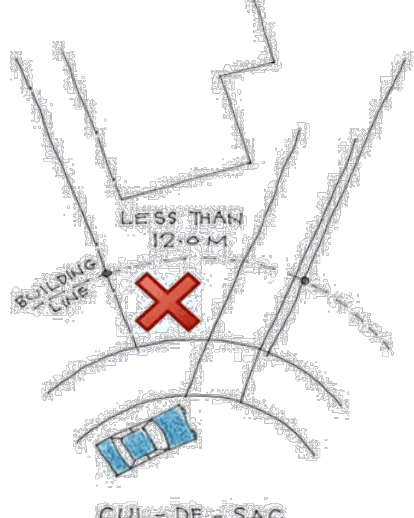
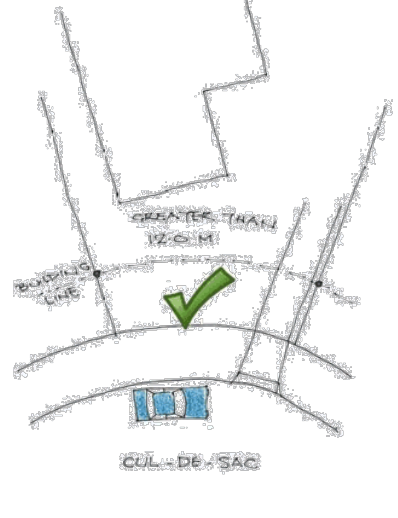


Note: Where a Performance Solution is proposed, for the fire separation and noise transmission provisions of the BCA, a report from a Fire Engineer and / or Acoustic Engineer may be required.

Attached Dual Occupancy - Acceptable and Unacceptable Addition Solutions

	
<p>Linking dwellings with car ports or breezways is an unacceptable solution.</p>	<p>Linking dwellings by incorporating a consistent roof design style is an acceptable solution.</p>
	
<p>Dual occupancy extensions which result in visually inconsistent design elements such as a gable and skillion roof combinations, and inconsistency in the use of building materials such as brick and cladding are unacceptable.</p>	<p>Extensions which unify the design through consistency of design elements such as roof, windows, height and materials are acceptable.</p>
	
<p>Attached dual occupancy addition onto the rear of an existing dwelling may be acceptable providing the development is visually unified through design and materials.</p>	

Attached Dual Occupancy Suitable and Unsuitable Sites

 <p style="text-align: center;">STREET</p>	 <p style="text-align: center;">STREET</p>
<p>Battle axe lots are considered unsuitable for attached dual occupancy development due to lack of on street parking in front of the lot and overlooking and privacy concerns.</p>	<p>Rectangular lots which provide space for on street parking are considered suitable for attached dual occupancy development.</p>
 <p style="text-align: center;">CUL-DE-SAC</p>	 <p style="text-align: center;">CUL-DE-SAC</p>
<p>Cul-de-sac lots which have a width of less than 12 metres at the 6 metre building line are considered unsuitable for attached dual occupancy development as they provide insufficient space for the parking of a vehicle in front of the lot.</p>	<p>Larger frontage cul-de-sac lots which have sufficient width to park at least 1 vehicle in front of the lot are considered suitable for attached dual occupancy development.</p>

Attachment Four – Submissions

1. Alstonville Wollongbar Chamber of Commerce



Alstonville Wollongbar Chamber of Commerce
P.O. Box 697, Alstonville 2477 Email: info@alstonvillewollongbar.com.au
Further contact details: Website www.alstonvillewollongbar.com.au

Date: 19 June 2019

General Manager
Ballina Shire Council
PO Box 450 BALLINA NSW 2478

Attention: Klaus Kerzinger

**SUBJECT: PLANNING PROPOSAL BSCPP 18/002
ATTACHED DUAL OCCUPANCY ALSTONVILLE**

Dear Sir,

In reference to the above mentioned Planning Proposal, the Alstonville Wollongbar Chamber of Commerce wish to submit our general support for the proposed changes to the BSC DCP Chapter 2, Chapter 3 & Chapter 4 as referenced within the exhibited document, with the following exceptions that we believe need to be considered:

General Comment in favour of including 'Detached' Dual Occupancy development

It is our opinion that the original intent of this planning proposal in the strategy was not limited to only Attached Dual Occupancy & would in fact allow 'attached' OR 'detached' Dual Occupancy development to be considered on existing 900sq.m+ allotments in Alstonville.

The existing BSC DCP Chapters contain robust requirements for consideration of privacy, overshadowing & impacts on neighbouring properties in Urban areas, the Low-Rise Medium Density Housing Code also contains such considerations to be met.

The perception that a 'detached' dual occupancy development will have a greater impact on the neighbouring properties than an 'attached' dual occupancy, we believe is incorrect. Building design & positioning considerations of either style of development will play a bigger role on whether there are negative impacts on neighbouring properties.

PO Box 697 Alstonville NSW 2477 email: info@alstonvillewollongbar.com.au
ABN: 93 230 596 458 Incorporation: INC9890617

Therefore & with respect, we suggest that to exclude the opportunity to consider 'detached' dual occupancy development does not fully reflect the original intent of the Strategy - to provide a variety of housing choices in Alstonville.

Please contact me on the phone numbers below if require any further information.

Yours sincerely,



Richard Lutze
Secretary AWCC
Ph: 0266285048

2. Lee and Sue MacMaster

We received a letter from our Managing Agents about our property at 17 Ocean View Drive, Alstonville and we would like clarification please. We refer to BSCPP 18/002 - Attached Dual Occupancy Alstonville (CM2078) and our property is LOT 16 DP 251693 with an area of 985 square metres. Our property has been deemed as having a slope of greater than 20% which we would like explained as it is a relatively flat block.

We look forward to hearing back from you.

Kind regards

Lee and Sue MacMaster

3. RV Clarke & JM Landers

10Main street

Ballina NSW 2477

19/6/2019

We are landowners at the above address. We wish to Object to the above proposal because increasing the population of the existing town area will cause a reduction of amenity to existing residents.

There appears to be a reasonable match of facilities and businesses for the population now, and stable land values.

Current changes by the Shire seems focused on moving more facilities to the Wollongbar area, closing some centrally situated ones eg the Kay St tennis courts. Parking at peak times will be strained with another 500+ cars in the village.

We expect property values will change unpredictably. Properties with a duplex built or zoned will be a better commercial investment, pushing up prices and reducing the proportion of owner-occupiers. The neighborhoods with a high density of cheap rentals may become less attractive to live in, reducing the selling price for any non-duplex-zoned homes where the owners want to move out.

For these reasons we do not want the current LEP changed by Planning proposal BSCPP 18/002

Yours faithfully

R V Clark and J M Landers

4. Sue & Stephen Snelgrove

We are writing to make a submission to Council in regards to the planning proposal for Attached Dual Occupancy Development within the R2 Zone at Alstonville, and Associated Draft Amendments to Ballina Shire Development Control Plan 2012(DCP).

This planning proposal was communicated to us via a letter dated 22 May 2019 signed by Klaus Kerzinger, Strategic Planner, Planning and Environmental Health Division.

We are communicating to Council our total opposition to this plan.

The reasons for our **total opposition** to this plan include the following:

The continual removal of green spaces (i.e. garden) to produce dull housing often without any outside areas is already a blight on the village. This proposal only increases this. Alstonville is not an inner city suburb.

Such a blanket proposal means that there will less oversight of inappropriate developments in terms of, for example, design, use and appearance.

Approval for planning permission for dual occupancy for some blocks would devalue the value of blocks not so approved.

Erection of dual occupancy dwellings on sites previously occupied by one dwelling impacts on the neighbours by blocking natural light, increasing noise, decreasing natural green areas. This is not in line with preservation of the environment.

Increasing the amount of dwellings as outlined in this proposal seems to be a way to increase council revenue, for example through rates, without commensurate council investment in additional services

We suggest that the approval of this plan is of benefit only to investors and to those who benefit from real estate sales and not to the majority of residents of Alstonville. Evidence needs to be provided to prove that such a proposal would increase 'affordable housing' in Alstonville.

We are long term residents of Alstonville and purchased our land and property BECAUSE of the surrounding larger blocks and pleasant surroundings. If we had wanted to live in an area of increased housing density we would have selected as area with more services provided by the local council.

Alstonville is described as a 'historic village'. Council will have to rethink this description if the above proposal goes ahead and Alstonville continues its decline into an anonymous suburb due to the thinking of the Council.

To summarise, in this letter we are expressing our total opposition to this planning proposal.

Yours truly,

Dr. Susan Snelgrove and Mr. Stephen Snelgrove

5. Adrian Felch

Dear Sir

I am supportive of the concept and would like to make suggestion in regards to parking and the proposed rezoning.

The proposal has a number of cul-de-sacs included.

My observation is that higher density housing on battlaxe blocks in cul-de-sacs, presents problems with limited on street parking , and tensions between neighbours sharing restricted driveway access.

Please include this in your considerations

regards

Adrian Felsch

6. Betty Evans

The General Manager, Ballina Shire Council

Dear Sir

In response to the letter from Klaus Kerzinger seeking our views on dual occupancy within the R2 Zone at Alstonville, mine are as follows:

I am not in favour for several reasons, increased traffic through roads incapable of coping, for instance, Parkland Drive where I live, is already a nightmare at times, where cars are cutting through to Teven Rd, instead of using Ballina Rd. & the configuration of the road, has many cutting the corner, occasionally on to the nature strip, once almost hitting my letter box, & although the speed limit is 50kms, they are generally well over that!

2. More dogs & cats. At present, there are 5 dogs in three houses butting on to mine, & a cat that has killed little blue-tongued lizards, & a family of water dragons, plus numerous birds. I have a garden that has encouraged these animals, & it is heart-breaking, especially for my small grandchildren to see them killed. I have had cats when I lived in the city, but this should be different, where there are still native animals, or were! For instance, if Council had brought in a few rules regarding cats, stating that they must be kept indoors, & the number of dogs be one to a house, & barking dogs be kept indoors as well, mainly when left alone it would be different.

Those are my main reasons, but increasing the traffic into Alstonville & Ballina, & all the roads in the area, which have no footpaths, is going to spoil the whole area is becoming over-populated, & too many cars. Unfortunately, the same applies to Ballina, no longer the place many chose to live more peacefully.

Yours Faithfully

Betty Evans

7. Betty Evans – Submission 2

Dear Sir

In regard to your letter of 22nd May 2019, with Council seeking a response to the outcomes of the Alstonville Strategic plan permitting dual occupancy, which I do not recall being endorsed by Council in 2017, in fact, this is the first I have heard of it. I know that there have been a couple of houses built behind existing homes in Teven Rd. as they are very long blocks, but I would have thought they had special permission, for possible family reasons.

I do not support this becoming the norm, & shall make a submission to Council.

Yours Faithfully

Betty Evans

8. Brian & Barbara Worthington

Re: Alstonville Dual Occupancy Development

We refer to your letter of the 22 May 2019 re the above.

We wish to advise we are against any Dual Occupancy that may be considered for this very small cul-de-sac with its five residences.

The blocks are reasonably small and a number of them already have other buildings or ports built on them.

As well there are fourteen vehicles, three caravans and a boat housed with these dwellings. Not all of the vehicles can be garaged on the premises and it is difficult enough as it is to enter and leave the cul-de-sac, without any additional vehicles that we assume would arrive if there was dual occupancy.

Yours faithfully



Brian and Barbara Worthington

9. Martina Pattinson

From: Martina Pattinson
Sent: Wednesday, 29 May 2019 6:18 PM
To: Klaus Kerzinger
Subject: proposed dual occupancy Alstonville

Dear Klaus,

my name is Martina, and I live in Alstonville. I have some questions regarding the attached dual occupancy proposal for Alstonville.- for up to 414 lots

- what is the definition of 'attached' building
- it seems like a full size house, one or two stories high can be built. How close to the boundary can these be built, and can neighbours still object eg due to privacy concerns or shading or other reasons, if someone wants to put a two-story house in the back yard
- can these lots be subdivided in the future
- would granny flats be a more appropriate solution? Most houses on these size blocks have not really been positioned to allow an additional full size building without impacting neighbours
- does council have the power to change 'attached' to 'detached' at any stage?

I am concerned about the loss of green space, trees and grass, which cools the area. more concrete, tiles, and other building materials means more heat. Having two full size buildings in many areas may increase problems with parking, and is really something that I would expect in Byron Bay or other busy areas along the coast.

Considering there is a large subdivision planned for Wollongbar, plus Banyan Hills, other subdivisions around Ballina and Lennox Head, is this really necessary? Byron Shire has very few land release, but this shouldn't mean that we are negatively affected in areas adjoining Byron Shire.

I do appreciate reserving farm land for farm use, rather than building more and more housing estates.

Regards

Martina Pattinson

10. Garry & Christine Gillespie

Dear General Manager and Councillors

We would like to make a few comments in response to BSC's proposal for Attached Dual Occupancy Development in our street in Alstonville. We are opposed to this proposal in our street, Richland Court. Please consider the following as arguments against the proposal.

- the criteria of block size and slope gradient is not the only criteria that should be considered. In our street, Richland Court, the roadway is barely one lane wide...for two cars to pass it is necessary to go onto the nature strip. This leads to the existing problem of parking in our street because if a vehicle parks on the nature strip, which is not encouraged in the shire, it further increases the traffic flow problem. The other issue is drainage, the properties have no curb and guttering except for the blocks at the lowest point in the street. All excess rain water flows off the high side blocks onto the road which effectively becomes the gutter and flows down to the curbed and guttered end of the street. The drainage solution depends on most water being absorbed by the vegetation on the blocks, if more building was to cover/remove this vegetation then run-off to the roadway and blocks on the low side would be increased. In fact the blocks on most of the 'old' Ocean View estate are bigger at the expense of these narrow streets.
- it is a fine concept to care for elderly relatives in a Granny Flat but it is another issue to run a BnB with the increased traffic ,parking and the social pressures they are renowned for. Who can predict what a humble granny flat will become?

If the Attached Dual Occupancy is allowed it would increase the population in this small, narrow street creating infrastructure issues of traffic flow, parking, and increased social pressure. We would suggest that the original estate was set up with strict covenants that never intended for increased population and traffic flow, and the residents paid for this in the rate structure.

We ask that you do not allow Attached Dual Occupancy in Richland Court. We ask that you at least visually look at, by taking a drive around this street targeted for Dual Occupancy and judge not only on geographic criteria, which can be ascertained via computer, but also on social criteria because the premise that if you 'jam' people in, too close together, they WILL get on each others nerves, is true in any society and this will create a whole new set of problems.

Yours Sincerely,

Gary & Christine Gillespie

11. Greg Cooper

In respect to the proposed rezoning of + 900m2 lots in Alstonville.

We are currently in the process of purchasing 28 Mellis Circuit - a residence which is adjoining one of the referenced properties (+900).

In principle I do not agree with dual occupancy in this targeted area, my reasoning for this is based on the following points;-

- The existing infrastructure must be in place prior to dual occupancy IE; Kerb andGutter and footpath, bike ways.
- Refer to my letter to council 14th May in which I describe the detrimental effects in my current neighbourhood (Sunrise crescent and BlueHorizon- Lennox) of multiple occupancy, B&B, and the associated lack of infrastructure to cope with more intense residential population and especially vehicle movements and **street parking. (which leaves us with one lane access and no footpaths)**
- The target Zone is already in this section of Mellis Circuit is already subject to aged residential Village /Developments.
- Council continues to degrade the open space and village capacity in lennox and Alstonville to the detriment of peaceful neighbourhoods by approving multiple new residential developments without the conscious assessment of our quality of life - ie the 1000+ current and planned blocks in new estates in this shire.
- Enough of this Pressure For Development mentality, which has led to the demise of residential living conditions in Byron Bay and my local street access (as disgusting examples). The next proposal will be to remove the height restrictions in our villages and bow to the **Developer Dollar Insanity**.

Regards

Greg Cooper

12. Faye Wilson

The General Manager

Ballina Shire Council

27 May 2019

Dear Sir,

Whilst I am supportive of this initiative by Ballina Shire Council, I would like to submit my comments/concerns on the above proposal and to have them addressed before this DA is put before final approval.

I have read through the document and can not see any reference to allowances for car parking within the boundaries of the residential blocks mentioned. I would like the council to address the matter of parking in cul de sacs/streets for the blocks listed in the proposal

I live on the corner of a cul de sac and currently there is already parking issues in our cul de sac (with work vehicles, numerous family cars and visitors in our street). Often there is no street parking for any visitors who come to visit us. We also have cars parking in our cul de sac so as to avoid parking at the Bowling Club.

I would also be concerned if dual story buildings were approved for these blocks.

I would like to see the matter of residents parking, for the residential blocks, addressed before any approvals are given for dual occupancy. When the blocks are large there should be no approvals given until there is adequate parking allowed for, with vehicles in their own garage/driveway.

Numerous cars parked in the street are a traffic hazard as well as posing a potential danger for children.

Yours sincerely

Faye Wilson

13. Rebecca Harley

Hi Klaus

Thank you for the opportunity to respond to this proposal. I am the owner of 15 Opal Crescent, Alstonville.

My neighbour (Cam Hogan, 17 Opal Cres) and I have spoken about this and I agree with her that allowing the 2 houses behind us to have dual occupancy would really disturb our street. We already have 2 lots of units next to both of the houses proposed to be allowed to do dual occupancy. Allowing them to go dual occupancy would make for way too many neighbours directly behind our properties and I am opposed to that.

One of the main reasons I bought here was the fact that it is a peaceful neighbourhood and the neighbours are not too close so there is a feeling of space and privacy. I would like the opportunity to maintain this space and ensuring a quiet peaceful neighbourhood.

Regards

Rebecca Harley

14. GT & MO Gear

We don't quite understand what all this is about but we and our neighbours would not be happy if this "so called" development causes increased population density and / or traffic/parking / traffic congestion along Alstonville streets because of no "off street" parking being provided.

The main reason that we moved from Cumbalum to Alstonville during March, 2017 was because of the village atmosphere, and we don't want this to change.

We have looked at your map showing the Lots identified as being impacted by the planning proposal (outlined in blue) which appears to cover an extensive area!!!!

Please clarify, and assure us that the village atmosphere won't change, and that those points mentioned in our above first paragraph will have no impact on our lifestyle.

15. Cristina Layer

Dear General Manager

I am writing to register my objection to Planning Proposal BSCPP 18/002.

The stated goal of the amendments is to change the Ballina LEP which council says will ultimately result in greater housing choice and affordability in Alstonville. I can find little evidence in the documents supplied to support that assertion or the imagined benefits that will come from this change.

I can see no evidence that attached dual occupancy will generate the outcomes listed in section 4.2 Q4 on page 9 of the Planning Proposal document or that the stated benefits will flow from those outcomes.

- How will you determine if the outcomes are achieved, and to what extent they are achieved? i.e. how will you measure the results?
- What happens if the associated benefits are not realised?

Some statements made as a matter of fact in the proposal appear to be nothing more than unjustified opinions. For example, how will dual occupancies "facilitate and provide affordable infrastructure" and "minimise negative impacts on the natural environment"? It will place more strain on existing infrastructure and the environment.

Contrary to the opinion stated in response to Q7 in section 4.3 more people, buildings, sewage and traffic must have some impact rather than "no environmental effect".

This planning proposal should not even be considered until these opinions are replaced by facts which are substantiated with evidence.

What is clear is that the proposed changes will have a negative impact on the residential amenity of existing residents. Construction is likely to continue over an extended period, rather than a concentrated period, with increased traffic, noise and dust.

Ongoing impacts will include increased residential traffic, parking pressure, reduction of green space, stress on existing infrastructure. Gardens and family homes will be replaced by bloated structures that are diced up by developers, and soon our green, leafy village will be a brick and concrete mass.

Yours faithfully,

Cristina Layer

16. Michelle Burnham

I'm writing this letter in regard to the planning proposal Dual Occupancy Development within the R2 Zone at Alstonville. I strongly disagree with such a plan, as it would spoil the visual look of the town. There has already been enough removal of original houses to make way for units and one quarter acre block have been split up. Prime agricultural land has also been allowed to be subdivided, with out any thought for future food growing, Prime land, doesn't seem to have the protection it does, as in other countries.

Thank you for the opportunity to voice my opinion.

Kind Regards
Michelle Burnham

17. Alstonville – Maguires Creek Landcare (Bob Smith)

AMCLandcare in general is in agreement with the proposed BSCPP 18/002 to facilitate Attached Dual Occupancy in Alstonville. However, I would reserve further comment until we have had the opportunity to view the other performance criteria (other than lot size and slope?) that are proposed to be included in BSC DCP 2012.

In addition, we are especially interested in:

- the need to require a 20 m riparian buffer / Reserve / zone to facilitate the expansion of the riparian vegetation restoration work currently being undertaken along a 1 km section of Maguires Creek through Alstonville;
- how Council will deal with the need to require off street parking to prevent vehicles pugging of unpaved footpaths and grassed dish drains during wet seasons; and
- the ability of Alstonville WWTP to treat increased volumes of effluent without impacting the ecology of Maguires Creek.

I would welcome the opportunity to discuss these matters with you.

Regards
Bob Smith
Coordinator
Alstonville-Maguires Creek Landcare

18. Cam Hogan

I am very concerned about the information I just received in the post about the potential dual occupancy approval for both of my back neighbours.

I'm the owner of 17 Opal Cres Alstonville and I already have 7 neighbours due to low fence lines and allowing both of my back neighbours to become dual occupancy would give me 9 neighbours which I am very against.

In fact I'd consider leaving Alstonville if council approves this because I love my quiet street and don't want to live in a high density situation with people 3 metres away from me.

So if you could consider not including my 2 back neighbours in this (from Suncrest Ave and 11 Opal Cres) I'd be grateful.

I'm about to start a DA to put a new room onto my house but this news is making me think twice to be honest.

Regards,

Cam Hogan – CPA

19. Carl Rallings

To the General Manager

Thank you for the opportunity to provide feedback in relation to the abovementioned planning proposal for Alstonville.

In general terms I am supportive of the proposal and note the need for appropriate planning regulations to allow greater choice and affordability of housing in a growing location. Importantly planning regulations should also have discretionary provisions to ensure that minor variations can be processed. This would allow a small number of additional properties to gain access to the proposal where a reasonable case can be made.

A case in point would be 6 Parkland Drive Alstonville (my mother's property) which under the proposal would not be eligible to take advantage of the proposed changes. This property is a corner block with excellent access with wide open nature strips but has a land area of 897.9 M which is just 2.1 under the proposed 900m² threshold. Theoretically this means that the current and future owners of the property would not be permitted to undertake a dual occupancy development.

I understand that Council has to draw a line in the sand somewhere in terms of the land area limit. If the land area was set lower than 900M I realise this would have an affect on a suite of other properties in the area. Instead of lowering the land area limit I propose that the planning proposal be left at 900M but allow for variation of at least 1 per cent to ensure that properties of similar size with reasonable cases for dual occupancy development can gain access to the new provisions.

I would be happy to discuss this proposal with Council at a time of your convenience.

Please don't hesitate to contact me if you require more information.

Regards Carl Rallings

20. Trevor Ballard

As part owner of 123 Ballina Road I have some concerns
Yes make better use of the very large blocks of land
Yes allow extra dwelling space
Detached separate free hold title blocks would be a whole lot better
Bearing in mind what is ALLOWED and encouraged in other parts of Ballina Council We at Alstonville seem to get penalised for having these large lots but while reading the proposal we do meet the 400sqm
How come OTHERS only need 250sqm?
After your extensive mapping etc surely Council can see these 6 lots along from Ambrose Lane east to the small bridge are UNIQUE
How many other proposed are this close to ALL the amenities that especially Seniors require...and the State and Federal govts encouragement to DOWN size.. In the land of 'common sense' the whole lot would be better suited to an over 55s unit development ???
But Council want us to put an add on attached extension and leave us with say 6 bedrooms 4 bathrooms 4 garages?
This is going to be suitable to a very limited FEW and when they are offered for resale who will want someone else's ideas and at what cost? Average price as a smaller 3brm seems about 500k but value adding with a joined dual occ...say another 250k to 300k would see asking prices of 800k PLUS After speaking with local Agents they felt the chances of ever getting that sort of \$\$ for such a property here would be just unattainable??? NOW or looking forward Bearing in mind Council started LOOKING at this 7 years ago and now the proposal is for 20 MORE years An aside the grassy paddocks at Wollongbar which is now dotted with houses? Was that part of planning 27 years ago? Times and needs change and over 50 per cent of the population will be over 65 very soon Surely more consideration should be given to this. These blocks are begging for an over 55s complex We have access to shops Drs pool transport and safety for motorised vehicles but all we can hope for is an extra attached THING in the backyard On closing when these are sold the only Possible buyers will be families or extended families and surely that defeats the whole purpose of the exercise
What about the Seniors We need to be close to town

21. Robert Clarke

I have difficulty in coming to terms with the intentions of the changes

my Properties are situated at 123 and the adjoining property 125 Ballina road Alstonville which would be approx 500metres from Alstonville plaza and many other community services

How can council even be considering a proposal that is to stay in effect for 20YEARS !!

The internet that was 20 years ago doesnt have any resemblance to the internet of today the Australia and the WORLD is changing so rapidly i would have thought 10 years would be much more suitable considering this proposal started way back in 2012 !!!

I relate it more to the "THE GREENBELT" era that was around more than 50 years ago with freezing any changes

The next issue is wanting to allow new dwellings to be erected on certain properties only if attached by a breezeway or the like. It doesnt appear that you have given any thought to the fact that these min900sq metre blocks when originally built on used the total area to place the house on so most if not the majority i would have thought will be built more in the centre of the block than the front or back area thus making it much harder to build a decent size dwelling even without the necessity to have to have them connected in some form

The other problem with allowing for ATTACHED dual occupancy is that with the cost of building now and into the future is going up rapidly and there the average priced home in Alstonville is not high enough to build another home on the blocks WITHOUT separate titles and have any resale value in proportioned to a single dwelling In essence we would be over capitalising on the block for any resale in the future and restricting the number of people such properties will attract at the higher prices

Councils current approach option of demolishing the current OLD houses on the blocks to make better use of the plan area allowing separate titles will ensure the new developments will enhance the usage of the blocks and not make any new dwellings attached look like an ad on ad on building

For me its a shame that our 2 blocks were not considered to be incorporated into the medium density section so the elderly that are fast turning into same will be able to stay in our local community and be able to downsize at the same time

The number of gophers that are now using our main road to have access to the Plaza is dramatically increasing each year and they are going to have very few opportunities for new elderly residence to do the same compared to lowset units so close to town

I first bought 125 20 years ago and have owned 123 for the past 9 years so im not in it to make a quick buck but the upkeep of the extemely large lawned areas make it near impossible to maintain its not just about having a mower man cut the grass

Any way i have said my piece and no doubt Council and if appears with the full backing of the state government as well maybe my thoughts will be falling on deaf ears as the saying goes i hope this is not the case

thanks for reading

22. Kerry Fitzgerald

Dear Sir/Madam

I would like to express my strong feelings regarding the planning proposal for dual occupancy of blocks of land with over 900m squared.

I own and live at [REDACTED], Alstonville and one of these larger blocks back onto my residence and others are in direct view from my back yard. There are a large variety of trees and vegetation behind my block and these provide homes for ring tail possums - 2 possum dreys in direct view - along with a significantly large variety of different species of birds and other wildlife. Magpies, Crows, Willy Wagtails, Kookaburras, Currawongs, Pee Wees, Cockatoos, Corellas, Rosellas, King Parrots, Blue Wrens, Lorikeets and more, are only examples of the birds in my front and back yards, I feel other blocks will also provide safe havens for our native species. These trees are also aesthetically pleasing to the eye and represent the lush, green ambiance of Alstonville and the Northern Rivers. Offering an opportunity for dual occupancy will place a increased threat to native wildlife and will compromise the aesthetics of our "village" life.

I don't believe dual occupancy will restrict building over two storeys. This is based on the horrifically ugly, huge, square lifeless building at the rear of a older home at [REDACTED], Alstonville. This unsightly square block dwelling can be seen from Ballina Road and is completely incongruous with its surrounds. This has obviously been approved by Ballina Council fairly recently. I cannot imagine the type of buildings that may be approved by council if this proposal goes ahead!

I purchased my home in Alstonville because of the tranquil, "village" atmosphere and I feel that this will be destroyed by current owners of the blocks in question, trying to make fast money from their investments. Compromising these larger blocks of land will also have a huge impact on family lives in Alstonville. I have a large block beside my home- [REDACTED] Road- and the four children in the home can be heard playing in safety, in their backyard every afternoon until dusk. It is very refreshing to hear children actually playing rather than staying indoors with limited room for exercise and healthy fun. Saying this' the tranquility of my home is also compromised on a daily basis as this home is owned by the Indigenous Housing Corporation and there can be up to five cars parked overnight in their front yard, It appears that the family house family and friends on a regular basis and the noise levels can be very loud. Dual occupancy on these proposed blocks may increase noise levels in this quiet town.

A higher population would also put pressure on amenities and especially infrastructure eg. sewerage and drainage systems which are old or aging, as is evidenced by the recent replacement/renewal of sewerage pipes along the Tanamera Reserve. Pressure would also be put on schools, old age facilities and roads which I feel, must also be considered. Alstonville Primary school already appears to be at a peak of enrolments! I also feel real estate prices will be affected, by compromising the larger blocks of land for development.

There is a strong community understanding that Alstonville would not be further developed in order to retain the "village" nature we all enjoy!

I sincerely hope Council will make the right decision over this proposed development!

Yours sincerely

Kerry Fitzgerald

23. Gina Palmer

Thank you for the letter sent to my mother Mary Arkouzis 31 Parkland Drive Alstonville dated 22 May 2019 about Planning Proposal BSCPP 18/002 in the R2 Zone at Alstonville.

My sincere apologies for this email not getting to you by 21 June. I have been unwell and still sorting through my deceased mother's recent mail.

The property located at 31 Parkland Drive is in the process of being transferred to me Georgina Anthony-Palmer by lawyers and this will transpire in due course. Sadly my mum passed away from a stroke.

I read with interest about the proposed planning proposal. I appreciate the council's desire to consolidate. I do not oppose consolidation as a strategy to increase occupancy within an urban area. I do not support consolidation around my property which is 31 Parkland Drive. My reasons are as follows:

1. Increase noise during any activity regarding changing a property to dual occupancy and the increase in noise level if one block is plot into two adjoining me attributed to increase in number of people and vehicular traffic. One of the reasons for owning this particular property was for space and its location.
2. Amenity. Currently the amenity of the immediate vicinity is one where residents feel a sense of space and the area is not cluttered. Based on what I see happening in Brisbane and small urban areas the size of Alstonville, once the amenity changes, so does the nature of the visual and social aspects of being at 'home'.
3. Increase in greenhouse emissions. Evidence suggests that there is a high probability of increased emissions. Given the sustainability agenda, what is going to be done to curb emissions so that the air quality in the area adjoins my property is not affected?
4. Increase in noise. I have counted the number of properties that could be assigned dual occupancy and am concerned about the potential increase in traffic noise as well as noise from increased residents. How does this provide for a relaxed environment which is one of the reasons residents most likely buy in Alstonville.
5. Increase volume of traffic. Looking at the map, specifically Parkland Drive itself, when I count the potential dual occupancy properties and estimate a doubling in the number of residents in that area alone, how will the increase in vehicular traffic be managed for safety and reduction in noise? What traffic studies have been done? Where will additional vehicles be parked? In other parts of Australia where I have seen consolidation e.g. Toowoomba, residents appear to not be parking cars on their properties but rather in the street because the smaller lot sizes are not always big enough to allow for the extra number of vehicles.
6. Infrastructure - drainage. In heavy rainfall events, I have seen the streets of Alstonville not get drained effectively. With consolidation, what is council going to do to assure the safety of existing properties from likely impact of increased runoff attributed to higher number of buildings?
7. Property and rateable value. I am not convinced through analysis of evidence in Australia and USA, the consolidation will always improve property value. What is the council doing to assure residents that a) property values will be safeguarded and b) rateable land value will not suddenly increase?

I welcome the opportunity to discuss my concerns with you by phone or in person and thank you for the opportunity to provide feedback.

24. Terry & Susan Prendergast

I strongly oppose the proposal for the Ballina Council DSCPP 18/002. Attached Dual Occupancy Alstonville CM2078

This proposal creates an additional 13 neighbours adjoining our land which is a rural property which has been on the Alstonville township boundary since 1935. (10 blocked adjoining our southern boundary)

No consideration has been taken into account for the "right to farm."

We are unable to have cattle or livestock (including horses) due to constant complaints from our urban neighbours - especially around calving time.

We have a 150 meter exclusion zone for spraying chemicals, which effectively stops all horticultural pursuits.

No consideration has been taken into account for the urban run-off which discharges onto our farm.

No consideration for the fact that these properties will be connected to sewerage that will require access across our land (currently, no easement is in place for these existing or proposed homes.)

No consideration for the already excessive Trespass on our property, which will potentially be increased by allowing these 13 properties to be built.

A far better proposal would be to allow us to develop our Southern Boundary which is a sound solution to addressing the problems that already exist (and not create more.)

If we were able to develop this Northern Boundary of Alstonville we could incorporate proper stormwater solutions at Rosedale Place and Hillburn place which will enable us to maintain our roads which are affected by the continual stormwater run-off and also provide proper stormwater Solutions for the existing 13 neighbours which currently have their stormwater discharging directly on our place on the top of the ground

There are also several swimming pools that discharge water onto our land which could also be addressed, in a properly considered development.".....consider the following

1 The right to farm. We have already Provided a environmental buffer 40 meters along Maguire creek.

We could also incorporate the sewer line which runs on the northern Boundry in our property

1. Provide solutions for stormwater and swimming pool runoff
2. Provide solutions to our excessive trespass problems by incorporating a designated walkway for the township of Alstonville
4. Create a scenic walkway to Tosha Falls
 1. Create affordable homes (original owners since 1976) thus land cost will be a minimum. Maybe less then. \$150000. Per block.

Yours faithfully

Terry and Susan Prendergast

25. Jane Gardiner

Dear Klaus,

I should state that my property is not directly affected by this Proposal. It is greater than 900m² in area, but it has a slope of greater than 20%. However I am concerned about this form of higher density development and the impact it will have on the amenity of my neighbourhood.

Loss of Choice.

While I can only speak for myself I chose to live in Alstonville on a large block > 900m² so that I could grow large trees, have space for my children to play and not be in my neighbours pocket. It was a move from Sydney which was starting to see increased densities. I made a conscious decision not to buy rural land, which was an option, because I thought rural land should be used for farming not a lifestyle.

This proposal, if it is adopted, will limit choice and if new residents want larger blocks they will be forced to buy rural acreage. As I see it this proposal will result not result in greater choice but in less choice.

1. Poor Planning

Increasing the density of residential housing brings with it issues relating to other infrastructure, particularly road size and maintenance, traffic and delivery of other council services. In Ocean View Estate the streets are narrow and there are several cul-de-sacs. These types of streets are noted for having issues with parking as block frontages are narrow. For example Siesta Court. If this proposal was adopted annoyances such as crowding of cars (and other objects

In this type of development not only is the original house often compromised by having vehicles pass bedrooms down a right of way, but gardens once open are now shadowed; houses that once had adequate ventilation now lack access to a cool breeze; noise, once muted by distance, now becomes an issue and vistas once of gardens and trees now become colour bond fences and roof tops. For the neighbour who remains in his original house much amenity could be lost.

2. Why is Council supporting this?

It has been suggested that one reason Council are supporting this is that current aged residents want to downsize and this proposal gives them that opportunity. But does it? It will provide money for alterations to their house but it is still a large house. Ocean View estate is a good kilometre from Alstonville and without a car that is a long way to walk for some aged persons.

Regarding greater housing choice and affordability, the question arises, what size are new houses likely to be ? Some may still be quite large. There is already provision for current residents to build granny flats.

Thank you for considering this letter.

Yours Sincerely

Jane Gardiner

16 Valley Drive
Alstonville 2477

26.NSW Rural Fire Service



NSW RURAL FIRE SERVICE



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

Your Ref: BSCPP 18/002
Our Ref: R19/538
DA19050318509/AB

ATTENTION: Klauz Kerzinger

5 June 2019

Dear Mr Kerzinger

Agency Comment:- Ballina Local Environment Plan 2012 Planning Proposal Attached Dual Occupancy Development Various Lots Alstonville

I refer to your letter dated 2 May 2019 seeking advice for the above Planning Proposal in accordance with the 'Environmental Planning and Assessment Act 1979'.

The NSW Rural Fire Service (NSW RFS) understands the planning proposal will amend Ballina LEP 2012 in the following manner:

- *Permit attached dual occupancy development on selected existing lots within the town of Alstonville.*

The NSW RFS notes that part of the land reference in the planning proposal is mapped bush fire prone by Ballina Shire Council.

The NSW RFS has no objection to the planning proposal proceeding and provides the following advice:

- Future development applications, where on land mapped bush fire prone by Council, will be required to comply with bush fire provisions under S4.14 of the *Environmental Planning and Assessment Act 1979* and/or S100B of the *Rural Fires Act 1997*.
- Any increase in residential density on a single parcel of land will need to consider the following principles:
 - APZ based on a radiant heat threshold of 29kW/m² for any new housing opportunities;
 - suitable provisions for construction, access, water and landscaping.

Postal address

Records
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
Planning and Environment Services (North)
Suite 1, 120 West High Street
COFFS HARBOUR NSW 2450

T: (02) 6691 0400
F: (02) 6691 0499
www.rfs.nsw.gov.au
Email: ps@rfs.nsw.gov.au



For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours Sincerely



Tim Carroll

Manager – Planning and Environment Services North

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 and search under 'Planning for Bush Fire Protection, 2006'.

NSW RURAL FIRE SERVICE

2 of 2

27.NSW Planning and Environment



PP_2018_BALLI_005_00 /IRF19/4300

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

Dear Mr Hickey

Planning proposal PP_2018_BALLI_005_00

I refer to your correspondence of 7 June 2019 requesting the Secretary's agreement that inconsistency of the above proposal with section 9.1 Direction 4.4 Planning for Bushfire Protection is justified.

I have considered this matter, and as a delegate of the Secretary, I have agreed that the inconsistency is justified in accordance with the terms of the Direction.

Council can now proceed to finalise the proposal once it receives a Parliamentary Counsel opinion confirming that the LEP can legally be made.

Should you have any further enquiries about this matter, I have arranged for Ms Alison Parr to assist you. Ms Parr can be contacted on 6643 6412.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeremy Gray'.

19 June 2019

Jeremy Gray
Director Regions, Northern
Planning Services

28. Jan Regan

Response to BSCP/18/002 - Dual Occupancy Development within the R2 Zone, Alstonville

Dear Klaus,

Apologies for the late submission.

Our property at 5 Ocean View Dr would be negatively affected by the implementation of this proposal and therefore we are against this proposal.

Firstly an increase in density of buildings would be the loss of the very reason we purchased our house in this estate. We purchased our residence specifically because of the nature of this development ie the larger than normal blocks with one house on each block and an outlook and access to parkland surrounding the majority of the blocks. Together this provides an ambience of privacy and a greener environment which includes both small and large trees. Both would be lost with an increase in density.

An increase in the density within this estate would also increase not only the volume of traffic in the estate as a result from residents themselves, but also from an increase in delivery vehicles as an ever-increasing number of people embrace on-line shopping.

As well, an increased density could potentially mean on street parking issues in the already narrow streets and cul-de-sacs on this estate. In general, there is an increase in the ownership of vehicles per households with additional larger vehicles such as caravans and boats stored not on properties, but on the street. This seems to be a current problem in some cul-de-sacs already eg Casey Place, where there is at present no apparent dual occupancy but single dwellings with multiple vehicles on the street limiting access and visitor parking. Most importantly increased street parking when there are narrow roads would no doubt impede emergency vehicle access and the council garbage collection access.

Dual occupancy works well when it is planned from the beginning where single occupancy houses and duplexes can be integrated in an appropriate manner. Such planning helps not only the aesthetics but also accommodates privacy issues, ventilation concerns, outlooks and parking.

Please preserve the quality and value of this estate and Alstonville.

Yours sincerely,

Jan Regan

Ocean View Dr
Alstonville