

Legend	
	Existing Zoning Boundary
	R2 - Min Lot Size 600m ²
	R2
	Super Lot for R21
	Future Open Space
	Dispersed Detention Basins
	DA Boundary

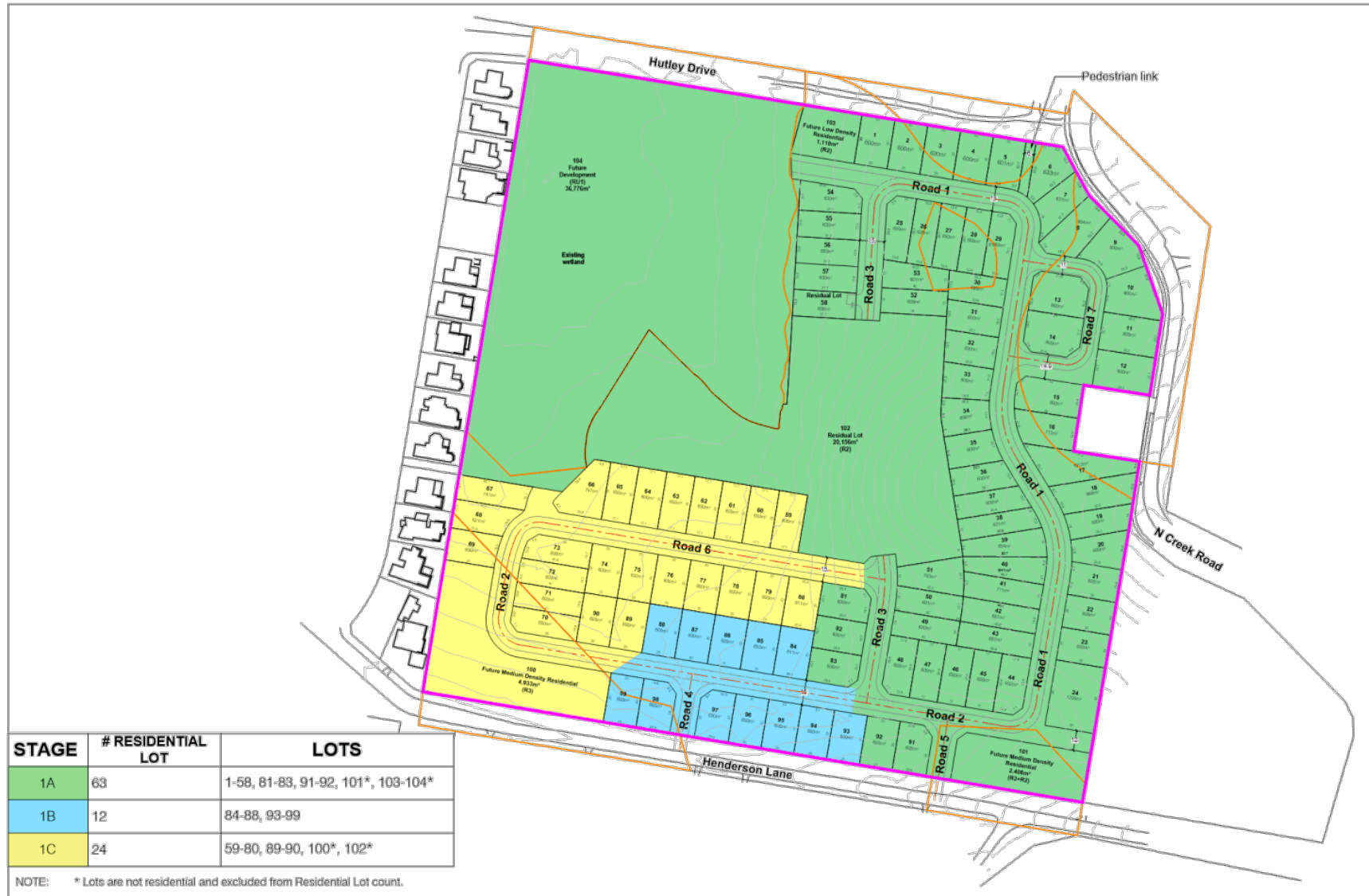
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RESERVOIR HILL
 DA Subdivision Plan
 Lennox Head



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PROJECT No: HD1952
 DRAWING No: 02
 REV: 01
 DATE: 13.01.18



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RESERVOIR HILL
DA Subdivision Plan - Staging Plan
Lennox Head



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This plan is unapproved and is for information purposes only. It should be taken as a guide only.
Site conditions are shown as of the date of preparation. Existing structures, services and dimensions are approximate only. It is recommended that the owner verify the actual dimensions. The owner should be responsible for any errors and omissions.

PROJECT No: RD1952
DRAWING No: 02
REV: 01
DATE: 13.01.18



SIGNAGE LOCATIONS



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SIGNAGE

5m (w) x 2m (h)



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SIGNAGE B

5m (w) x 2m (h)



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DRAFT

**Planning and Environmental Health Division
Development Application Assessment Form
– Major Development**



Pursuant to s.4.15 (1) of the EP & A Act 1979

ASSESSMENT OF THE APPLICATION UNDER SECTION 4.15 (1) OF THE EP& A ACT 1979

4.15 (1) (a) (i) - the provisions of any environmental planning instrument

Local Environmental Plans (LEPs)

Relevant LEP	Applies YES/NO
Ballina Local Environmental Plan 2012	YES
Ballina Local Environmental Plan 1987 (Note: BLEP 1987 only applies to land identified as "Deferred Matter" on the Land Application Map accompanying the BLEP 2012)	NO

 NB: Delete whichever BLEP assessment (BLEP 2012 or BLEP 1987) is not relevant. In some instances, both the BLEP 2012 and BLEP 1987 will apply.

Ballina LEP 2012 – Relevant clauses	Applies YES/NO	Comments/Is consistency with these provisions achieved?
PART 1 - Preliminary		
Cl.1.2		Aims, objectives The proposal has regard for the objectives of the Plan.
Cl.1.4		Land use definition (refer to dictionary at the end of the Plan) The development proposal is characterised as a subdivision for residential purposes which is permissible, with development consent, pursuant to Clause 2.6 of the Plan.
Cl.1.8A		Savings provision
Cl.1.9		Application of SEPPs
Cl.1.9A		Suspension of covenants, agreements and instruments
PART 2 – Permitted or Prohibited Development		
Cl.2.2		Zoning under BLEP 2012 The subject site is zoned R2 – Low Density Residential, R3 – Medium Density Residential and RU1 – Primary Production under the Ballina LEP 2012.
Cl.2.3(1)		Permissibility within zone The proposed subdivision and subdivision works are permissible in the zones and the proposed lots comply with the minimum lot size requirements.
Cl.2.3(2)		Regard for zone objectives The proposed development has regard for the objectives of the zones which seek to provide for the housing needs of the community, among other things.
Cl.2.4	NO	Unzoned land

Cl.2.5	Additional permitted uses (refer to Schedule 1)	NO	
Cl.2.6	Subdivision – consent requirements	YES	
Cl.2.7	Demolition	NO	
Cl.2.8	Temporary use of land	NO	
PART 3 – Exempt and Complying Development			
Cl.3.1 – 3.3	Exempt & complying development	NO	
PART 4 – Principal Development Standards			
Cl.4.1	Minimum subdivision lot size	YES	The proposed R2 and R3 lots comply.
Cl.4.1AA	Minimum subdivision lot size for community title schemes	NO	
Cl.4.1A	Exceptions to minimum lot sizes for certain residential development (Zone R3)	NO	
Cl.4.1B	Minimum subdivision lot size for strata plan schemes	NO	
Cl.4.1C	Erection of rural workers' dwellings	NO	
Cl.4.2	Rural subdivision	YES	
Cl.4.2A	Erection of dwelling houses and dual occupancies (attached) (RU1 and RU2 zones)	NO	
Cl.4.2B	Exceptions to minimum subdivision lot size for lot boundary adjustments	NO	
Cl.4.2C	Exceptions to minimum subdivision lot sizes for split zones	YES	The proposed subdivision is not inconsistent with this Clause.
Cl.4.3	Height of buildings	NO	
Cl.4.3A	Exceptions to height of buildings	NO	
Cl.4.4	Floor space ratio	NO	
Cl.4.5	Calculation of floor space ratio and site area	NO	
Cl.4.6	Exceptions to development standards	NO	
PART 5 – Miscellaneous Provisions			
Cl.5.1	Relevant acquisition authority	NO	
Cl.5.2	Classification and reclassification of public land	NO	
Cl.5.4	Controls relating to misc. permissible uses	NO	
Cl.5.6	Architectural roof features	NO	
Cl.5.7	Development below mean high water mark	NO	
Cl.5.8	Conversion of fire alarms	NO	
Cl.5.10	Heritage conservation	NO	
Cl.5.11	Bushfire hazard reduction	NO	

Cl.5.12	Infrastructure development and use of existing buildings of the Crown	NO	
Cl.5.16	Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	NO	
Cl.5.18	Intensive livestock agriculture	NO	
Cl.5.19	Pond-based, tank-based and oyster aquaculture	NO	
PART 6 – Urban Release Areas			
Cl.6.1	Arrangements for designated State public infrastructure	NO	
Cl.6.2	Public utility infrastructure	YES	All necessary infrastructure will be provided.
Cl.6.3	DCP	NO	
Cl.6.4	Relationship between Part and remainder of Plan	NO	
PART 7 – Additional Local Provisions			
Cl.7.1	Acid sulfate soils	NO	
Cl.7.2	Earthworks	YES	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <p>Significant earthworks and retaining walls are proposed to achieve compliant road gradients and suitable lot slopes. A Geotechnical Report accompanies the Application together with a Stormwater Management Plan.</p>

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			In summary the proposed development is not inconsistent with Clause 4.2.
Cl.7.3	Flood planning	NO	
Cl.7.4	Drinking water catchments	NO	
Cl.7.5	Airspace operations	NO	
Cl.7.6	Development in areas subject to aircraft noise	NO	
Cl.7.7	Essential services		The site is located within the Lennox Head locality and essential services are available.
Cl.7.8	Strategic urban growth areas	YES	Part of the site is mapped as land adjoining a SUGA. The development proposal is not inconsistent with this Clause.
Cl.7.9	Rural and nature based tourism development	NO	
Cl.7.10	Development for the purpose of stormwater management systems	YES	The development proposal is not inconsistent with this Clause.
Cl.7.11	Floor space ratio – Skennars Head Expansion Area	NO	
Cl.7.12	Home businesses at Burns Point Ferry Road, West Ballina	NO	
Cl.7.13	Active frontages	NO	
Schedule 1	Additional permitted uses	NO	
Schedule 2	Exempt development	NO	
Schedule 3	Complying development	NO	
Schedule 5	Environmental heritage	NO	

BLEP 2012 - Clause 4.6	
Questions	Comments (Y/N, complies)
Has the applicant submitted a written request to vary a development standard as part of the development application?	NO
Identify when the written request was lodged (as part of lodgement of DA or during assessment process). Provide details of circumstance if written request was not submitted as part of the lodgement of the development application (i.e. was a non-compliance identified after lodgement, was the proposal modified after lodgement resulting in a non-compliance?).	
Have all the required matters listed as part of Clause 4.6 and as outlined within Council's written request form been satisfactorily answered by the applicant?	

Assessment of requested variation	
a) What is the development standard being varied? (provide details of clause in BLEP 2012, including objectives of the development standard, numeric value and percentage variation)	
b) What is the underlying objective of this development standard?	
c) In accordance with clause 4.6 of BLEP 2012: <ul style="list-style-type: none"> • Has the applicant's written request adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6 (i.e. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard)? • Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, 	
d) Will the cumulative effect of similar approvals undermine the objective of the development standard or the objectives of the zone?	
e) The Five Part Test (Note: only one of these tests needs to be satisfied) <ul style="list-style-type: none"> • Are the objectives of the standard achieved notwithstanding non-compliance with the development standard? • Is the underlying objective or purpose of the development standard not relevant to the development and therefore compliance is unnecessary? • Will the underlying object of the purpose be defeated or thwarted if compliance was required and therefore is compliance unreasonable? • Has the development standard been virtually abandoned or destroyed by Council's actions in granting consents departing from the development standard and therefore is compliance with the development standard unnecessary and unreasonable? • Is compliance with the development standard unreasonable or inappropriate due to the existing use of the land and current environmental character of the subject property (should this property have been included in the current zone)? 	

State Environmental Planning Policies (SEPPs)

Relevant SEPPs	Applies YES/NO	Comments/Is consistency with these provisions achieved?
14 – Coastal Wetlands	NO	
21 – Caravan Parks	NO	
26 – Littoral Rainforest	NO	
33 – Hazardous and Offensive Development	NO	
36 – Manufactured Home Estates	NO	
44 – Koala Habitat Protection	NO	
50 – Canal Estate Development	NO	
55 – Remediation of Land	YES	Acceptable. Refer to Council Report.
64 – Advertising and Signage	YES	Acceptable. Refer to Council Report.
65 – Design Quality of Residential Flat Development	NO	
71 – Coastal Protection	YES	Acceptable. Refer to Council Report.
Affordable Rental Housing 2009	NO	
Building Sustainability Index BASIX 2004	NO	
Coastal Management 2018	NO	
Concurrences and Consents	NO	
Educational Establishments and Child Care Facilities 2017	NO	
Exempt and Complying Development Codes 2008	NO	
Housing for Seniors or People with a Disability 2004	NO	
Infrastructure 2007	YES	Acceptable. Refer to Council Report.
<i>NB: Cl. 45 Development likely to affect an electricity transmission or distribution network (e.g. location of pools, advertising signage, balconies etc.)</i>		
Koala Habitat Protection 2019	NO	
Mining, Petroleum Production and Extractive Industries 2007	NO	
Primary Production and Rural Development 2019	YES	Acceptable. Refer to Council Report.
State and Regional Development 2011	YES	Acceptable. Refer to Council Report.
Vegetation in Non-Rural Areas 2017.	NO	

4.15 (1) (a) (ii) – any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)



Specific considerations:

- The status of the draft EPI and when it will come into force,
- Ways in which the draft EPI impacts on the proposal,
- Any savings and transitional clauses and what effect these will have,
- Consistency of the proposal with aims, objectives and provisions of draft EPI,
- Is the draft EPI imminent or certain, and
- Ramifications if proposal is not consistent with draft EPI.

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Draft EPI/Planning Proposal	Comments/Is consistency with these provisions achieved?
BSC PP18-0004	See comments in Assessment Report.
	No Draft SEPPs are applicable.


4.15 (1) (a) (iii) – any development control plan (DCP)

DCPs currently in force:	
Ballina Shire Development Control Plan 2012	<input checked="" type="checkbox"/>
Chapter No. 1 – Administration	<input checked="" type="checkbox"/>
Chapter No. 2 – General and Environmental Considerations	<input checked="" type="checkbox"/>
Chapter No. 2a – Vegetation Management	<input type="checkbox"/>
Chapter No. 2b – Floodplain Management	<input type="checkbox"/>
Chapter No. 3 – Urban Subdivision	<input checked="" type="checkbox"/>
Chapter No. 4 – Residential and Tourist Development	<input type="checkbox"/>
Chapter No. 5 – Industrial Development	<input type="checkbox"/>
Chapter No. 6 – Commercial Development	<input type="checkbox"/>
Chapter No. 6a – Commercial Development Ballina Town Centre	<input type="checkbox"/>
Chapter No. 6b – Commercial Development Alstonville	<input type="checkbox"/>
Chapter No. 6c – Commercial Development Lennox Head	<input type="checkbox"/>
Chapter No. 6d – Commercial Development West Ballina Enterprise Corridor	<input type="checkbox"/>
Chapter No. 7 – Rural Living and Activity	<input type="checkbox"/>
Chapter No. 8 – Other Uses	<input type="checkbox"/>

Specific considerations:
<ul style="list-style-type: none"> Is the proposal consistent with the DCP? What are the aims and objectives of the DCP? Does the proposal comply with the standards/provisions in the DCP? If the proposal does not strictly comply with the standards in the DCP/or a variation to the standards is proposed, does it have merit in satisfying the objective of the standards, and how should it then be dealt with? Are there requirements for consultation, advertising, notification or referral in the DCP? Are there any matters specified for consideration or other special provisions in the DCP? Are there any other special provisions in the DCP? Are there any Design Guidelines or neighbourhood statements?

Ballina Shire DCP 2012	Comments/Assessment of proposal against provisions of DCP
	See comments in the Assessment Report.

Division 4.11 - Existing Use Rights


<p> Complete this section if the proposal has been lodged on the basis of the existing use rights provisions of the EP&A Act 1979 and EP&A Regulation 2000. Delete this section if not applicable.</p> <p>4.65 – Definition of “Existing Use” (previous s 106) “Existing Use” means:</p> <p>(a) The use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use; and</p> <p>(b) The use of a building, work or land:</p> <p>(i) For which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use; and</p> <p>(ii) That has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent to ensure (apart from that provision) that the development consent would not lapse.</p> <p>Note: Any planning provisions (EPI's or DCPs) that detract (derogate) from the relevant Existing Use Rights clauses of the EP&A Regulations 2000, do not apply to the assessment of applications on sites with existing use rights.</p>

Relevant Section/ Clause of the EP&A Act/Regs	Comments
<i>EP&A Act 1979</i>	
Sections 4.65 – 4.70	Not applicable.
<i>EP&A Regulation 2000</i>	
Clause 41 – Certain development allowed	Not applicable.
Clause 42 – Development consent required for enlargement, expansion, intensification of existing uses	Not applicable.
Clause 43 – Development consent required for alteration or extension of buildings and works	Not applicable.
Clause 44 – Development consent required for rebuilding of buildings and works	Not applicable.
Clause 45 – Development consent required for changes of existing uses	Not applicable.
Clause 46 – Uses may be changed at the same time as they are altered, extended, enlarged or rebuilt	Not applicable.

4.15 (1) (a) (iiia) – any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Planning Agreement (or draft)	Comments
Not applicable.	

4.15 (1) (a) (iv) – any matters prescribed by the regulations

 Clause 92 of the Environmental Planning & Assessment Regulation 2000 prescribes the following matters for consideration:

- AS 2601-1991: *The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993.

Clauses 93, 94 & 94A of the Environmental Planning and Assessment Regulation 2000 prescribe the following matters for


consideration:




- **Clause 93 – Fire Safety and other considerations**
 - (1) *This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.*
 - (2) *In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.*
 - (3) *Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.*




Note. The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.
 - (4) *Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).*
- **Clause 94 – Consent authority may require buildings to be upgraded**
 - (1) *This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:*
 - a. *the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or*
 - b. *the measures contained in the building are inadequate:*
 - i. *to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or*
 - ii. *to restrict the spread of fire from the building to other buildings nearby.*
 - c. *(Repealed)*
 - (2) *In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*
(2A), (2B) (Repealed)
- **Clause 94A - Fire safety and other considerations applying to erection of temporary structures**
 - (1) *This clause applies to a development application for the erection of a temporary structure.*
 - (2) *In determining a development application to which this clause applies, a consent authority is to take into consideration:*
 - a. *whether the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and*
 - b. *whether the ground or other surface on which the structure is to be erected will be sufficiently firm and level to sustain the structure while in use.*




	Comments/Is consistency with these provisions achieved?
If the DA is for the demolition of a building, consider the provisions of AS 2601-1991: The demolition of structures (as in force 1 July 1993):	No demolition proposed.
If the DA is only for a change of use or the use of an existing building as a place of public entertainment, is the fire protection and structural capacity of the building appropriate to the building's proposed use?	Not applicable.
If the DA involves the rebuilding/ alteration/enlargement/extension of an existing building, is the existing building required to be brought into total or partial conformity with the Building Code of Australia (BCA)?	Not applicable.
If the DA is for the erection of a temporary structure, is the fire protection and structural capacity of the structure appropriate to the proposed use of the structure?, and is the ground or other surface, on which the structure is to be erected, sufficiently firm and level to sustain the structure while in use?	Not applicable.




4.15 (1) (b) – the likely impacts of that development




Urban and Building Design	Discuss whether or not the impact is acceptable or not? If not, then describe the adverse impacts and the steps taken to mitigate the impacts
i) Context and Settings  SPECIFIC CONSIDERATIONS: What is the relationship to the regional and local context in terms of: <ul style="list-style-type: none"> The scenic qualities and features of the landscape? The character and amenity of the locality and streetscape? The scale (bulk, height, mass) form, character, density and design of development in the locality? The intended future character of the locality? The adjoining and adjacent landuses to the development site? The previous and existing land uses and activities in the locality? Any strategic urban land release or future development areas in proximity of the development site. What are the potential impacts on adjacent properties in terms of: <ul style="list-style-type: none"> Relationship and compatibility of adjacent land uses? Sunlight access (overshadowing) 	The subject site is zoned R2, R3 and RU1 under BLEP2012 and is located at Lennox Head. The proposed development is generally consistent with BDCP2012 and achieves satisfactory urban design outcomes.





<ul style="list-style-type: none"> • Visual and acoustic privacy? • Views and vistas? • Edge conditions such as boundary treatments and fencing? 	
<p>ii) Site Design and Internal Design</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>Is the development design sensitive to environmental conditions and site attributes including:</p> <ul style="list-style-type: none"> • Size, shape and design of allotments, easements and roads? • The proportion of site covered by buildings? • The positioning of buildings? • The size (bulk, height, mass), form, appearance and design of buildings? • The amount, location, design, use and management of private and communal open space? • Landscaping? <p>How would the development affect the health and safety of the occupants in terms of:</p> <ul style="list-style-type: none"> • Lighting, ventilation and insulation? • Building fire risk – prevention and suppression? • Building materials and finishes? • A common wall structure and design? • Access and facilities for the disabled? • Likely compliance with the Building Code of Australia? <p>The amenity of the development in terms of:</p> <ul style="list-style-type: none"> • Visual privacy • Acoustic privacy • Views • Overshadowing • Amenity of the occupants <p>Has a design statement been submitted (where required by Statement of Environmental Effects)?</p> <p>Residential Flat Buildings (only):</p> <ul style="list-style-type: none"> • Has the submission requirements been met? • Have principles of SEPP 65 been properly addressed? 	<p>The design of the development is appropriate given the characteristics of the site and relevant planning controls.</p>
<p>iii) Ecologically Sustainable Building Design</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>BASIX Certificate:</p> <ul style="list-style-type: none"> • Where required, has it been submitted? • Can the commitments indicated on the Certificate be carried out? <p>Where no BASIX Certificate is required:</p> <ul style="list-style-type: none"> • If the proposal comprises a commercial development, does the development have an Energy Rating Accreditation? <p>If there is no accreditation or the development does not comprise a commercial building, then what energy efficient systems have been proposed in relation to minimising energy consumption and building maintenance and what renewable materials are proposed to be used during construction?</p>	<p>Not applicable.</p>
<p>iv) Access, Transport and Traffic</p> <p> SPECIFIC CONSIDERATIONS:</p>	<p>Addressed previously.</p>



<p>Access</p> <ul style="list-style-type: none"> • What provisions have been made in respect of: <ul style="list-style-type: none"> ➢ Manoeuvring capability to ensure vehicles can enter and exit the development appropriate to their size and turning circles? ➢ Pedestrian and bicycle access? ➢ Disabled access, including requirements of: <ul style="list-style-type: none"> – The Disability Discrimination Act? – The Building Code of Australia? – The Ballina Shire DCP 2012? – Off Street parking for customers and staff? <p>Transport and Traffic</p> <ul style="list-style-type: none"> • Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on: <ul style="list-style-type: none"> ➢ Travel demand? ➢ Dependency on motor vehicles? ➢ Traffic generation and the capacity of the local and arterial road network? ➢ Public transport availability and use? ➢ Conflicts within and between transport modes? ➢ Traffic management schemes? ➢ Vehicle parking spaces? ➢ Traffic Management Plan (TMP) <ul style="list-style-type: none"> – Was a TMP required to be submitted? – Can the plan be implemented? – Is the plan workable? 	
<p>v) Public Domain</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>How would the development impact on the public domain in terms of:</p> <ul style="list-style-type: none"> • Public recreational opportunities in the locality? • Amount, location, design, use and management of public spaces in and around the development? • Pedestrian linkages and access between development and public areas? • Any council or public reserves or crown land? 	<p>Acceptable.</p>
<p>vi) Utilities</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>How would the development impact on utilities supply in terms of:</p> <ul style="list-style-type: none"> • Utility needs of the development – water supply, sewer, electricity and gas? • Availability and capacity of utilities? How would the supply of utilities affect the environment? 	<p>Acceptable.</p>
<p>vii) Heritage</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>How would the development affect the heritage significance of the property or adjacent properties, including:</p> <ul style="list-style-type: none"> • The heritage significance of items, landscapes, areas, places, relics and practices? • The historic, scientific, social, aesthetic, anthropological, cultural, spiritual, 	<p>No issues raised.</p>

<p>archaeological (Aboriginal, non-Aboriginal and underwater) significance?</p> <ul style="list-style-type: none"> Aboriginal, non-Aboriginal and natural heritage? Is the item listed under the Heritage Act and has there been prior consultation with the Heritage Branch (formerly Heritage Office), Department of Planning and Infrastructure? Does the development affect an item of heritage significance listed under: <ul style="list-style-type: none"> NSW Heritage Act Ballina Local Environmental Plan 1987 or Ballina Local Environmental Plan 2012 Commonwealth National Heritage List National Trust Register Is any heritage study, conservation planning, conservation management plan or statement of heritage impact required? <p>Has the OEH provided comments in relation to the proposed development?</p> <p>Has an AHIMS search been provided with the application? Results?</p>	
<p>viii) Construction</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>What would be the impacts of construction activities in terms of:</p> <ul style="list-style-type: none"> The environmental planning issues listed above? Site safety? Erosion/sedimentation control? Impacts on adjoining properties? Excavations etc. close to boundary (private or public)? <p>In what ways would construction activities be managed to minimise impacts such as:</p> <ul style="list-style-type: none"> Environmental protection measures? Site safety measures? Staging construction? <p>(NB: refer to any consent conditions that will address these measures etc.)</p>	<p>Standard conditions applied.</p>
<p>Environmental Impacts</p>	<p>Discuss whether or not the impact is acceptable or not? If not, then describe the adverse impacts and the steps taken to mitigate the impacts</p>
<p>ix) Other Land Resources</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>Would the development have an effect on conserving and using valuable land resources such as:</p> <ul style="list-style-type: none"> Productive Agricultural Land? Mineral and Extractive Resources? Water Supply Catchments? 	<p>Acceptable.</p>
<p>x) Water</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>How will the development impact on the conservation of water resources and the water cycle in terms of:</p> <ul style="list-style-type: none"> The water needs of the development? Use of water saving devices, for example, toilets, taps, washing and irrigation equipment? Water supply sources? Treatment, reuse and disposal of waste water and runoff? 	<p>Acceptable.</p>



<ul style="list-style-type: none"> • Drainage, flow regimes, flooding on-site, up and downstream and in the catchment floodplain? • Groundwater tables? • Tidal influences? • Water quality and pollution of water bodies including groundwater? • Water management plans and monitoring? • Stormwater Management Measures (Conveyance vs On-Site Detention)? <p>Is the land identified as "Drinking Water Catchment" on the Drinking Water Catchment Map – BLEP 2012?</p> <p>Is the land located within a water catchment/Zone No. 7(c) – Environmental Protection (Water Catchment) – BLEP 1987?</p> <p>Has the development been referred to Rous Water?</p>	
<p>xi) Soils</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>What effect would the development have on soil conservation in terms of:</p> <ul style="list-style-type: none"> • Soil qualities – erodibility, permeability, expansion/contraction, fertility/productivity, salinity, acidity, contaminants? • Instability – subsidence, slip, mass movement? • Proposed movement, formation, use and management of soils? • Soil erosion and degradation? • Sedimentation and pollution of water bodies? • Use of highly fertile/productive soils and topsoils? • Remediation of contaminated soils? • Management of acid sulfate soils? 	<p>Acceptable.</p>
<p>xii) Air and Microclimate</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>Is the development going to affect air quality and microclimate conditions in terms of:</p> <ul style="list-style-type: none"> • Existing air quality and pollution problems? • The microclimate, prevailing meteorological conditions and topography? • Emissions of dust, particulates, odours, fumes, gases and pollutants? • Measures to prevent and mitigate air pollution? 	<p>Acceptable.</p>
<p>xiii) Flora and Fauna</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>What effect would the development have on the maintenance of biodiversity and:</p> <ul style="list-style-type: none"> • Protection and management of critical habitats – threatened species, populations, ecological communities or their habitats – and other protected species (see any recovery plans or threat abatement plans under the Threatened Species Conservation Act or as approved under the provisions of the Biodiversity Conservation Act – Stewardship/ Offsets etc.)? • Adjacent wilderness areas and national parks – see any conservation agreements and plans of management under the National Parks and Wildlife Act? • Wildlife corridors and remnant vegetation? 	<p>Acceptable subject to conditions. ??</p>

<ul style="list-style-type: none"> • The relationship of vegetation to soil erosion/stability and the water cycle? • Weeds, feral animal activity, vermin and disease? • Disturbance to native fauna and habitats? • The amount and location of vegetation disturbance and clearance? • New vegetation – species selection, placement and purpose? • Effect on threatened species, populations or ecological communities, or their habitats – Biodiversity Conservation Act 2016 [Biodiversity Offset Scheme (BOS), Biodiversity Assessment Method (BAM) and Biodiversity Development Assessment Report (BDAR)]? Has the BDAR been triggered by: <ul style="list-style-type: none"> ○ The Biodiversity Values Map ○ The clearing thresholds identified under the Biodiversity Conservation Regulation 2017 ○ Assessment of Significance. <p>Has the proposal considered the principles (on a sliding scale) of avoidance, minimising and offsetting impacts to biodiversity, with the first principle being avoidance?</p>	
<p>xiv) Waste</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>Is the development going to provide waste facilities and controls for:</p> <ul style="list-style-type: none"> • Solid, liquid and gaseous wastes and litter? • The generation, collection, storage and disposal of waste? • Recycling and composting waste? • Vermin controls and contaminants such as pathogens and bacteria? 	<p>Addressed previously.</p>
<p>xv) Energy</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>Is the development going to conserve energy and be energy efficient in terms of:</p> <ul style="list-style-type: none"> • Energy needs of the development? • Measures to save energy – passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery? • The use of renewable and non-polluting energy sources? • Energy needs in producing building/structural materials? • Energy use by-products and waste? 	<p>Acceptable.</p>
<p>Hazards</p>	<p>Discuss whether or not the impact is acceptable or not? If not, then describe the adverse impacts and the steps taken to mitigate the impacts</p>
<p>xvi) Noise and Vibration</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>Will the development generate offensive noise pollution or vibration in terms of:</p> <ul style="list-style-type: none"> • Ambient noise levels in the locality and prevailing meteorological conditions – wind speed/direction and temperature inversions? • Noise generated from the development? • Vibration from the development and its effect on the surrounding area? <p>Does the development propose any noise and</p>	<p>A condition of consent is recommended requiring a Dilapidation Report prior to SWC commencing and following completion of civil works and to preclude the use of vibrating compaction equipment within 50m of dwellings.</p>

<p>vibration mitigation measures and management? Are there any relevant EPA Noise Guidelines/Policy?</p>	
<p>xvii) Natural Hazards  SPECIFIC CONSIDERATIONS: Are there risks to people, property and/or the biophysical environment from: <ul style="list-style-type: none"> • Geologic/soil instability – subsidence, slip, mass movement? • Flooding, tidal inundation? • Bush fire risk – see <i>Planning for Bush Fire Protection</i> (NSW RFS)? • Projected environmental impacts due to climate change in coastal areas, and areas impacted by flooding and/or bush fires? </p>	<p>Acceptable.</p>
<p>xviii) Technological Hazards  SPECIFIC CONSIDERATIONS: Are there risks to people, property and/or the biophysical environment from: <ul style="list-style-type: none"> • Industrial and technological hazards (see various hazardous industry papers produced by the Department of Planning and Infrastructure)? • Land contamination and remediation? • Building fire risk? </p>	<p>Potential Land Contamination – Refer to Council Report – SEPP55.</p>
<p>xix) Safety, Security and Crime Prevention (CPTED)  SPECIFIC CONSIDERATIONS: Would the development provide safety and security in terms of: <ul style="list-style-type: none"> • Risk assessment and potential for accident, injury and criminal activity, particularly in residential areas and commercial/shopping centres? • Measures used for safety, security and crime prevention such as situational measures and environmental design? • Natural surveillance and visibility in public areas including active uses on adjacent ground floors and building frontages/edges, and lighting? • Maintaining the condition and use of public areas, reinforcing territoriality and reducing fear of crime? • Access controls and activity management? • Target hardening and target removal? <p>Has the proposal been referred to the Crime Prevention Officer of the NSW Police?</p> </p>	<p>Acceptable.</p>
<p>Social and Economic Impacts</p>	<p>Discuss whether or not the impact is acceptable or not? If not, then describe the adverse impacts and the steps taken to mitigate the impacts</p>
<p>xx) Social Impacts in the Locality  SPECIFIC CONSIDERATIONS: What would be the social benefits and costs of the development in terms of: <ul style="list-style-type: none"> • The health and safety of the community? • Social cohesion? • Community structure, character, values and beliefs? • A sense of place and community? • Community facilities and links? </p>	<p>Acceptable.</p>

<ul style="list-style-type: none"> The interaction between new development and the community? Social equity, social-economic groups and the disadvantaged? Social displacement? Social change management? 	
<p>xxi) Economic Impact in the Locality</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>What would be the economic benefits and costs of the development in terms of:</p> <ul style="list-style-type: none"> Employment generation? Economic income? Existing and future businesses? Property values as an indicator of environmental impacts? 	<p>The proposal is consistent with the North Coast Regional Plan 2036 and will deliver housing to meet the ongoing demand for dwellings in Lennox Head.</p>
<p>Cumulative Impacts</p>	<p>Discuss whether or not the impact is acceptable or not? If not, then describe the adverse impacts and the steps taken to mitigate the impacts</p>
<p>xxii) Cumulative Impacts</p> <p> SPECIFIC CONSIDERATIONS:</p> <p>Would any impacts have potential to act in unison in terms of:</p> <ul style="list-style-type: none"> Individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects)? Individual impacts so close in space that the effects overlap (space crowded effects)? Repetitive, often minor impacts eroding environmental conditions (nibbling effects)? Different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects)? 	<p>Acceptable.</p>

4.15 (1) (c) – The suitability of the site for the development



	Comments
<p>i) Does the proposal fit in the locality?</p> <p> SPECIFIC CONSIDERATIONS:</p> <ul style="list-style-type: none"> Are the constraints posed by adjacent developments prohibitive? Would development lead to unmanageable transport demands and are there adequate transport facilities in the area? Will the locality contain adjacent recreational opportunities and public spaces for new occupants? Are utilities and services available to the site and adequate for the development? Is the air quality and microclimate appropriate for the development? Are there hazardous land uses or activities nearby? How critical is the site to the water cycle in the catchment? 	<p>Yes</p>
<p>ii) Are the site attributes conducive to development?</p> <p> SPECIFIC CONSIDERATIONS:</p> <ul style="list-style-type: none"> Is the site subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement and bush fires, including projected environmental 	<p>Yes</p>


<p>impacts due to Climate Change?</p> <ul style="list-style-type: none"> Is the proposal compatible with conserving the heritage significance of the site? Are the soil characteristics on the site appropriate for development? Is the development compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitats on the site? Is the site prime agricultural land and will the development prejudice future agricultural production? Will the development prejudice the future use of the site for mineral and extractive resources? 	
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4.15 (1) (d) Any submission made in accordance with this Act or the Regulations?


Is advertising required because the development is designated or “advertised” development?	YES
If YES, how many submissions were received?	
Is advertising required in accordance with established Council policy and practice?	YES
If YES, how many submissions were received?	YES – 48 – Refer to Council Report for detailed assessment.

Document general terms of issues raised in any submission and how they are being considered/ assessed:

<p>Public Submissions:</p> <p> SPECIFIC CONSIDERATIONS:</p> <ul style="list-style-type: none"> Are the issues raised relevant to the development application? Are all relevant issues raised in submissions being considered? 	<p>48 submissions were received in relation to the Application. These submissions are discussed in detail in the body of the Council Report.</p>
<p>Public Authority Submissions:</p> <p> SPECIFIC CONSIDERATIONS:</p> <ul style="list-style-type: none"> Are there any general terms of approval from state agencies? In what ways will the issues raised in submissions be resolved? 	<p>General Terms of Approval have been received from NRAR/DPI Water.</p>

 *Have letters been prepared to the public and public authority submitters advising of the determination of the proposal.*

4.15 (1)(e) The public interest

<p>Federal, State & Local Government interests and Community interests:</p> <p> SPECIFIC CONSIDERATIONS:</p> <ul style="list-style-type: none"> Do any policy statements from Federal or 	<p>Having regard to the matters outlined in Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be in the public interest.</p>
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<ul style="list-style-type: none"> • State Governments have relevance? • Objects of the EP&A Act? • Are there any relevant planning studies and strategies? • Is there any management plan, planning guideline or advisory document that is relevant? • Do any covenants, easements or agreements have an effect on the development? • Have there been relevant issues raised in public meetings or inquiries? • Was there consultations and submissions made in addition to 4.15 (1) (d) above? • How will the health and safety of the public be affected? • Are there any local contribution plans relevant to the land? Will contributions be applicable to the proposed development (and included as conditions of consent)? • Ecologically Sustainable Design – generally: <ul style="list-style-type: none"> ➢ Does the development satisfy the principles of Ecologically Sustainable Design? ➢ Integrating economic and environmental goals in policies and activities (the integration principle)? ➢ Ensuring that environmental assets are properly valued (the valuation principle)? ➢ Providing for equity within and between generations (the intergenerational principle)? ➢ Dealing cautiously with risk and irreversibility (the precautionary principle)? ➢ Does the proposal address the issue of predicted future environmental changes due to Climate Change? 	
<p>Section 64 Contributions and Section 7.11 Contributions</p>	<p>Appropriate conditions are included in Attachment 7 requiring the payment of applicable contributions.</p>

<p>STATEMENT OF REASONS FOR DECISION AND IMPOSITION OF CONDITIONS (NB: please copy and paste into consent notice)</p>	
<ol style="list-style-type: none"> 1. The subject development is permissible with consent in the RU1, R2 & R3 zones of the Ballina Local Environmental Plan 2012. 2. The subject development has been assessed against the relevant considerations under the Environmental Planning and Assessment Act 1979, including the provisions of all relevant Environmental Planning Instruments, the objectives of the Ballina Local Environmental Plan 1987/2012 and the objectives of the RU1, R2 & R3 zones. It has been determined that the site is suitable for the subject development and that the development is unlikely to have a significant adverse impact on the natural and built environments and is unlikely to have a significant adverse economic or social impact on the locality. 3. A variation to development standard xx has been granted in accordance with Clause 4.6 of the Ballina Local Environmental Plan 2012/Clause 39 of the Ballina Local Environmental Plan 1987 as part of the assessment of the development. Include reason for variation (DELETE if not relevant). Not applicable. 4. The application was required to be placed on public exhibition in accordance with Environmental Planning and Assessment Act 1979 or Environmental Planning and 	

- Assessment Regulations 2000, an Environmental Planning Instrument or Local Exhibition Policy.
5. The issues raised in the submissions have been addressed in the assessment of the development and in the formulation of the conditions of consent included in this notice.
 6. The application has been determined by **the elected Council**.
 7. The approval of the development is in the public interest.
 8. The reasons for the conditions listed in this determination notice are:
 - To ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
 - To ensure compliance with the objectives of the Ballina Local Environmental Plan 1987/2012);
 - To ensure an appropriate level of amenities and services is available;
 - To protect the existing and likely future amenity of the locality;
 - To maintain, as far as practicable, the public interest;
 - To ensure compliance with the Building Code of Australia and relevant Australian Standards;
 - To ensure satisfactory compliance with relevant Council plans, codes and policies.

GENERAL NOTES & ASSESSMENTS

Signed:

Recommendation Endorsed:

.....
Town Planner

.....
**per Planning and Environmental Health
Division Director**

Date: ___/___/___

Date: ___/___/___



Natural Resources Access Regulator
Locked Bag 5123,
Parramatta NSW 2124
T 1800 633 362
www.industry.nsw.gov.au/nrar

Our ref: S961123442
Your ref: DA2018/51

25 May 2020

The General Manager
Ballina Shire Council
40 cherry street,
po box 450,
Ballina NSW 2478

Dear Sir/Madam

Re: **Section 4.55 Modification Referral – General Terms of Approval**
Dev Ref: 2018/51

Description: Subdivision of land to create 99 residential lots, five super lots subject to future development, constructions of roads, installation of essential services and infrastructure, excavation works including cut and fill and retaining walls, stormwater drainage infrastructure including detention basins and piping of creek, vegetation clearing, landscaping works and temporary signage (refer SEE dated Feb 2020)
Location: Lot 1 DP 517111, 20 North Creek Road LENNOX HEAD

The Natural Resources Access Regulator (NRAR) has reviewed documents for the above application to modify a DA Consent and considers that, for the purposes of the Water Management Act 2000 (WM Act), previously issued General Terms of Approval are adequate, remain current, and no further assessment by this agency is necessary.

Further information on controlled activity approvals under the WM Act can be obtained from NRAR's website: www.water.nsw.gov.au, go to Water Licensing > Approvals > Controlled activities. Please direct any questions to Natural Resources Access Regulator by email to nrar.servicedesk@industry.nsw.gov.au

Yours Sincerely

Mohammed Ismail
Water Regulation Officer
Natural Resources Access Regulator



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1105380
Issue date of GTA: 29 March 2018
Type of Approval: Controlled Activity
Description: Subdivision to create 103 lots, seven super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage
Location of work/activity: 20 North Creek Road, Lennox Head
DA Number: 2018/51
LGA: Ballina Shire Council
Water Sharing Plan Area: Richmond River Area Unregulated, Regulated and Alluvial Water Sources

The GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00004	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0013-00001	A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.
Erosion and sediment controls	
GT0014-00003	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00002	The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.
GT0022-00003	During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Crown Lands and Water Division, such as: A. machinery must not enter the water course at anytime, B. there must be a minimum flow in the water course.
Plans, standards and guidelines	
GT0002-00235	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2018.51 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Grafton Office, must be notified in writing to determine if any variations to the GTA will be required.

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124
 water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au



General Terms of Approval
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GT0003-00015 The application for a controlled activity approval must include the following document(s): - Erosion and Sediment Control Plan.

Reporting requirements

GT0016-00002 The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

GT0020-00002 The consent holder must inform Crown Lands and Water Division in writing when the proposed construction of the controlled activity has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by DPI Water for integrated development associated with 2018/51 as provided by Council:

- 'Statement of Environmental Effects' (including Appendix A-M) prepared by Urbis, dated January 2018 (Doc Ref. SA6674)

16th August 2018

Andrew Dawkins
56 Survey Street
Lennox Head NSW 2478

To: Ballina Shire Council General Manager

Re: Objection to DA2018/51.1 – “Crest Lennox Head” Development

Dear Sir,

I note with concern regarding the proposed installation in the above mentioned development of 1.8 - 3.0m high acoustic barriers along North Creek Road and Henderson Lane.

The advertising material indicates the site has an elevated position with sweeping ocean, hinterland and district views, whilst the Statement of Environmental Effects (SEE) indicates the site has the advantage of a panoramic westerly vista with district views and partial northern views towards Lennox Head Local Centre.

I question why it is thought acceptable for the proposed development to obliterate this aspect for the existing residents and through traffic whilst driving or walking along North Creek Road.

Council have previously indicated the site is not a significant scenic landscape area or view corridor and has no visual significance. As such, the proponent claims there are no significant losses of views from a public place to the coastal foreshore and that the proposed development will not have any detrimental impact on the scenic qualities of the New South Wales coast.

I strongly disagree with this interpretation if 3m high acoustic barriers are installed along North Creek Road and Henderson Lane.

The report;

CRG Acoustics, 2018 Proposed Residential Subdivision Crest” 20 North Creek Road, Lennox Head (Lot 1 on DP517111) Environmental Noise Impact Report

outlines that modelling of the future traffic conditions in accordance with the noise criteria and the likely road noise generated has indicated a 0.3 to 0.8 dB increase from existing levels, which is unlikely to be detectable by the average person and is considered an acceptable outcome.

So, why install these visually opaque 3m high barriers?

CRG Acoustics (2018) modelled scenarios with and without acoustic barriers, and noted that first floor level dwellings would require building shell treatments at noise affected lots, i.e., the barrier won't do anything for buildings with a second storey.

Our view from Survey Street to Boulders Beach is sequentially being destroyed by houses with a second storey, to take advantage of the beach view, and you can be certain that the

proposed development will also build up so the new owners can also get a view. So, in this case, the wall will do nothing for them either.

The NSW Road Noise Policy states;

- *A noise barrier only protects a limited area and its noise reduction effectiveness depends on its design, dimensions and location relative to the source of the noise and the locations it seeks to protect.*
- *The use of noise barriers must also be balanced against considerations such as safety, visual amenity, security and cost*
- *treatments to the façade of a building such as thick laminated glass or double glazing of windows only provide noise reduction in internal spaces, so do not benefit outdoor areas around it.*

CRG Acoustics (2018) state that in relation to the surrounding area, existing residences are afforded unobstructed views of the surrounding natural and built landscape, with there being no existing examples of acoustic barriers for residential estates within the surrounding Lennox Head area.

They state that the barriers, which are extensive structures in length and height will;

- have a significant effect on the existing scenic / visual aesthetics of the area
- impact on local winds and shadowing
- require ongoing maintenance and will eventually require replacement, and;
- represent a divide (both physical and psychological) between existing residents in the area (i.e. those across North Creek Road) and the future onsite residents.

They state that acoustic building shell noise treatments to dwellings;

- provide a higher quality and longer lasting building (i.e. upgraded thicker / laminate glass would require fewer replacement needs due to incidental breakage)
- give beneficial thermal insulation outcomes
- would be more in-keeping with the existing built / visual environment of the local area
- provide more connectivity between existing offsite and future onsite residents, and
- future residents would feel boxed in and segregated from the existing community

They also state that;

- without acoustic barriers, outdoor private open spaces may also not be screened from road noise at the nearest lots to the road corridors
- given the subject site is undulating and residential blocks after earthworks will be sloping, slope sensitive house designs are likely to be constructed on lots adjacent to both Henderson Lane and North Creek Road. Such slope sensitive designs can significantly reduce the noise mitigation performance of acoustic barriers if the dwellings are raised above the finished ground
- any barrier constructed on sloping sites may have limited noise reduction performance at future slope sensitive dwelling façades
- elevated slope sensitive dwellings would require higher barrier treatments should compliance with the adopted external criterion be required.

And finally, they conclude that based upon the above discussion;

- it is deemed that no barrier with acoustic building shell treatments be implemented for the proposed development.
- increased traffic generated by the site is only predicted to increase existing levels by up to 0.8 dB. Given that the average person cannot typically detect a 3 dB variation in sound pressure level, a 0.8 dB increase from the existing levels is unlikely to be detectable and is considered an acceptable outcome.

16 Henderson Place

Lennox Head 2478

10th August 2018

Dear Madam / Sir,

RE: SEE -- D.A. 2018/51

WATER TOWER DEVELOPMENT

I object to this development for the following reasons :

- Future use of the **RESIDUAL LOT** is **UNKNOWN**
- Future management of the **RESIDUAL LOT** is also **UNKNOWN**
- The exact number of dwellings is **UNKNOWN**
- Stormwater management , future development and compensatory habitat cannot be accommodated on the **RESIDUAL LOT**
- No Hutley Drive connection** is indicated
- The exact nature and timing of the Hutley Drive upgrade to connect to the Coast Road and the Lennox Village is **UNKNOWN**
- The noise wall will reflect noise** towards residents along the eastern side of North Creek Road and the southern side of Henderson Drive. This will need assessment to minimise any extra impact from the already noisy North Creek Road
- The waterway existing naturally on the site should be retained at all costs. Any change to this must be justified in detail with detailed assessment of impact on **WETLAND VEGETATION** and **GROUNDWATER DEPENDENT ECOSYSTEMS**
- No provision appears to have been made for **PEDESTRIAN** and **CYCLE TRAFFIC** and it's access to the Township
- No detailed **SOCIO-ECONOMIC** assessment accompanies the D.A. The community needs **PUBLIC SPACES , PARKS** and **GREEN CORRIDORS**.

I look forward to better governance as I know it is available in Ballina. We are now able to work with developers for the common good (unlike previous times when development was sought and facilitated) .We need excellent roads , cycleways ,foot paths, wetlands and green spaces.

Ann Potter



Ph 0431266977

Email : neilptr@gmail.com

14 August 2018

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

DA 2018/51.1 – 20 North Creek Rd, Lennox Head

Dear Sir,

We wish to note our strong objection to the above development application. We are not anti-development and we understand this lot is zoned (mostly) residential however we believe that the current application is seriously lacking in the detail required for council to make a decision and most importantly we firmly believe this site could and should be developed much better than the proponent is currently suggesting.

Our main areas of concern are as follows:

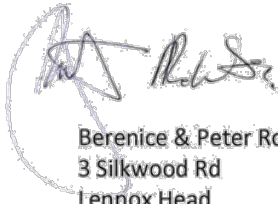
- ✦ The many documents on the council website make it very difficult to establish the actual proposed development details. Documents range from 103 residential lots up to 118 and anything from 2 to 7 super lots. Supporting documents have not all been updated with the changed application and so they don't make sense.
- ✦ The lack of up to date detail is clearly shown in the traffic assessment. The only traffic report on the website was completed early in 2018 by Ardill Payne and refers to only 103 lots. The later proposal makes no provision for the entrance through to Hutley Dr and they have house blocks along the northern boundary meaning the only possible place for the road through to Hutley Dr could be through the wetland or compensatory habitat and storm water area. This is an assumption as it can't go through a house. This report assumes only 30% of the traffic will be on Henderson Lane yet until there is actually a road through to Hutley Dr it will be 100%. We do not believe this DA should be approved until this is clearly determined and Hutley Dr extension is actually built. It is completely unacceptable also that the assumed road should be through this north western section. Henderson Lane is absolutely not able to cope with this traffic while waiting for the Hutley Dr extension.
- ✦ The north western corner of the block, approximately 25% of the total, seems to be given multiple and conflicting uses. It is currently zoned RU1 Primary Production. The developer is proposing this be where they deal with storm water and being the lowest part of the land appears to be a logical proposal. However, it has wetland vegetation that will need to be managed. Additionally, the developer states this area is also to be the place where the three hectares of native vegetation that is to be removed is to be set aside for compensatory habitat requirements. And, the developer labelled this site as 'future development' on the map of the latest proposal and of course somewhere in all this a road is supposed to go through to

Hutley Dr. The actual proposal details need to be clear. This site can't be all these things and the council needs to be clear on this before an adequate decision can be made on the application.

- ✚ With 118 house blocks and the super blocks we believe council needs to be very clear on exactly what is proposed for the super blocks as how can this be assessed properly when the actual number of dwellings is unknown and could easily be 200 or more. To do this development right we need to know exactly what is being proposed.
- ✚ With regard to the Hairy Joint Grass we believe that simply re-locating the grass is not enough. Who will monitor this and what are the consequences if it is not done correctly. Conditions need to be imposed and policed to ensure compliance should the development be approved.
- ✚ We are concerned about the noise issues also. One section of the application indicated noise walls would be used. We strongly oppose this. This is not in keeping with the open flow through feel of Lennox and impacts on the amenity of the whole community. Walls ranging from 1.8m to 3m on North Creek Rd and Hutley Dr (when eventually completed) are not appropriate. Connectivity in community is vital to minimise the negative impact of such development on the Lennox community.
- ✚ As this hillside is awash with creeks in the wet season we are very worried about the significant impact on the waterways when these waterways are piped. We are concerned about the impact on the groundwater dependent ecosystems i.e. the hairy joint grass and the (disputed) wetland on the site also. This level of development must have a significant impact on the waterway and the run off. We are a high rain area and a lot of water comes down that hillside.
- ✚ The level of earthworks is very significant. This would be reduced if the development site was reduced and would therefore reduce the impact of the change to the topography and the waterway.
- ✚ We feel council should be insisting on a detailed socio-economic assessment. There are some very significant changes happening in Lennox at the moment and we need to manage these changes carefully so as to maintain the things we love about this area. The services and infrastructure aren't coping with the current growth and this could add a further 200 families to the area on top of the already approved developments coming on line now. This would also assist council to make the best decision possible and to help create a stronger and better community.

In summary, we believe there is not enough information and too many questions outstanding for council to seriously consider the application in its current form. Until those issues are clear we believe the council would be doing the Lennox community a very serious dis-service in approving this application. While the developer may well have the best intention ultimately, they are also trying to make the most money possible and this doesn't bode well for our community amenity. We can't work on blind trust and need much more detail to establish if this proposal fits with our community.

Yours truly,



Berenice & Peter Roberts
3 Silkwood Rd
Lennox Head
0413 814 708 / 0412 927 766

68 Montwood Drive Lennox
Head NSW 2478
carolineroche@bigpond.com

17 August 2018

The General Manager
Ballina Shire Council

By email: council@ballina.nsw.gov.au
Cc: councillors@ballina.nsw.gov.au

RE: PROPOSED DA WATER TOWER HILL
YOUR: 2018/51

Dear Sir,

I wish to formally object to the above DA in its current form for a number of reasons.

1. **The number, sizing and density of lots** - There are insufficient details of the proposed yield for the medium density lots.
2. **Accessibility to pedestrians and cyclists** - There is insufficient pedestrian and cycle link proposed as part of the development.
3. **The proposed noise wall** – this will be visually horrific for the community and block views of the stunning ridge to the west.
4. **The study of proposed traffic impacts is inadequate** as it does not address future development of the area. You've just got to look at the first stage of Epiq – on any given day the number of cars parked in the street makes it near impossible for two vehicles to pass each other!

Whilst I do not object to development on this site in principle, I do however believe that council needs to ensure that it is in keeping with the village atmosphere of the town and preserves it, while still planning for the future.

Yours faithfully,

Caroline Roche

68 Montwood Drive
Lennox Head NSW 2478
clare.busch@bigpond.com

17 August 2018

The General Manager
Ballina Shire Council

By email: council@ballina.nsw.gov.au
Cc: councillors@ballina.nsw.gov.au

RE: PROPOSED DA WATER TOWER HILL
YOUR: 2018/51

Dear Sir,

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Whilst I do not object to development on this site in principle, I do however believe that council needs to ensure that it is in keeping with the village atmosphere of the town and preserves it, while still planning for the future.

Yours faithfully,



Clare Busch

Ballina Shire Council

Cherry Street,

Ballina

Re: Submission for DA 2018/51

To Who it may Concern,

I submit my objections to the above development without the following factors being approved.

Zoning, Ownership & long-term management must be confirmed

- -council do not want it as they do not have the resources to manage it.
- -the landowner should be the responsible entity to manage.
- Lot/ Dwelling Yield, including future lots & medium density lots need to be provided.
- -yield has already been increased
- there is a proposal for 2 large density lots& 10 medium lots in sub-division. Already exceeding permissible numbers
- Proper investigation of both proposed future use of site needs to be provided.

A review of ecological assessment should be conducted by an independent ecological consultant.

- -land set aside for the clearing already appears as a future development.
- -storm water management re future development & compensatory habitat cannot all be accommodated on the residential lot.
- Ecological Assessment disputes much of the previous assessment of the lots & impact of clearing of the wetland areas.
- Threat of extinction for native species of Hairy Joint Grass.

Updated Traffic Management report should be provided.

- Previous report only assesses 103 lots on site.
- Does not account for or demonstrate how Henderson Lane will manage increased traffic flow.
- Connection to Hutley Drive not shown but can only be put through where environmental zone is currently. Not acceptable.

- This environmental zone should be protected. Henderson lane onto North Creek Road will be affected by increased traffic noise already without extra from future lots being developed.
- Assessment of impact upon Hydrology must be provided. 2018 report does not provide proper assessment of future development will impact the groundwater dependant ecosystems. Impact of the landform & topography of the suite needs assessment.
- Pedestrian & cycle-ways links should be considered. This does not appear to have been assessed & is vital with increased future development & population.
- Report on the socio-economic impact of the site and its affect on the Lennox Village must be conducted by an independent qualified consultant.

Gary Owen

1/3 Gibbon Street,

Lennox Head.

NSW 2478

Helen Fry
15 August 2018
PO BOX 361
Lennox Head

The General Manger and Councillors
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Submission on Development Application 2018/51 – 20 North Creek Road subdivision

Dear Sir and Councillors,
As a Lennox Head ratepayer and resident of 15 years I write to lodge my concerns regarding Development Application 2018/51.

Firstly let me state that I do not object to development on this site per se. I know it must go ahead in some form. However I do believe we need to ensure that it is in keeping with the general vibe of the town, and maintains the relaxed, low and open style of development we currently enjoy.

My primary objections to this proposal can be placed under 4 headings:

1. Visual amenity on North Creek
2. Flaws in the layout leading to lack of connectivity to the rest of the town
3. Ambiguity about the future of the open space land included in the lot
4. General infrastructure and population growth concerns.

Visual Amenity On North Creek

From what is shown on the plans at this stage, there are several medium density lots located along the North Creek Road boundary and very close to the road.

This is one of the original and unique stretches of road in Lennox Head, under the water tower, and just creeping high enough to begin to see views of the town and the coast. (It's a special spot, but yes, we've already lost many of those, and will undoubtedly lose more.)

It is my opinion that having multiple storey, high density dwellings here (even if they are within Council's own regulations for height and storeys) will create an eyesore.

As this road travels up a significant incline, vehicles create higher volumes as they shift into low gear, so it is very likely that the developer will be required to build some kind of sound barrier or wall here.

This will be an even bigger eyesore.

I am hoping that Council will consider requiring the developer to move the buildings back from North Creek Road and down the slope slightly – and to construct appropriate plantings between the road and the first line of dwellings. This would achieve the result of improved visual amenity and reduced noise from the road.

Flaws in the layout for connection to the rest of the town

It is my understanding from the plans that there are only two entry/exit points into this new development.

There is no connection to Hutley Drive shown on the plans and this surely goes against the whole vision for this land to the West of Lennox Head, right through the Epiq estate and to the proposed southern exit onto North Creek Road.

Without access through Hutley Drive, the whole burden of traffic into the Meadows, Epiq and this new development, will have to be shouldered by the clearly inadequate narrow lane that is Henderson Lane.

This also means that crucial connections to other parts of town, and easy traffic flow through the development will not be achieved, producing an isolated and inconvenient enclave.

There are no footpaths or cycleways marked on the plans – these are crucial to the success of the town's growth as a community and a great way to encourage people to leave their cars at home at a time when parking is scarce.

Ambiguity about the future of the green space

The plans include a large lot in the north-western corner that remains zoned RU1 Primary Production. This lot is about 25 % of the total area of the site. The application proposes locating stormwater management infrastructure and compensatory habitat in this lot.

It is labelled 'future development' on plans and the SEE states that ownership and management of this lot has yet to be determined by the landowner. The SEE states that this lot will be rezoned at some time but it is not stated to what zone.

This is unsatisfactory on so many levels. What exactly will happen here and who will be responsible, should be clearly outlined in the application before anything goes ahead.

General infrastructure and population growth concerns

It is inevitable that Lennox Head will continue to undergo enormous developmental change which will alter the town. Nothing can be done about that, but we hopefully can influence the style of that development.

This proposal now includes 118 lots (up from 103) and this means that we will have hundreds more people and cars competing for resources and space.

Ideally this development would flow naturally from the Meadows, incorporate pedestrian access, green open spaces, and have limited impact upon or interaction with the busy North Creek Road boundary.

I look forward to hearing Council's assessment of the proposal.

Thanks for your time and consideration.

Sincerely,
Helen Fry

16 August 2018

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478
council@ballina.nsw.gov.au
CC: allcouncilors@ballina.nsw.gov.au

Attention: Anthony Peters

Dear Anthony

Re: Reservoir Hill – DA 2018/51

I am writing to express my concern about the above development application. I understand the land has long been earmarked for development and that Council has been working with the proponents for some time, but I feel the application is lacking critical information that is needed for the community and Council to make an informed decision and is not the best proposal for the site.

My key concerns are as follows:

Residual Lot

The proposal includes a large lot (approximately 3 hectares) in the north-western corner that remains zoned RU1 Primary Production. This lot is about 25 % of the total area of the site. The application proposes situating stormwater management infrastructure and compensatory habitat in this lot. The lot also contains wetland vegetation.

The lot is labelled 'future development' on plans and the SEE states that ownership and management of this lot has yet to be determined by the landowner. The SEE states that this lot will be rezoned at some time but it is not stated to what zone.

The application should not be approved until the future use of this lot is known. Without that knowledge, we do not know the total yield and impact of the development. In addition, if stormwater infrastructure and compensatory habitat are proposed here, the lot should not be zoned residential and the long term management and ownership of the lot should be stipulated in the application. Council has already stated they do not want the lot as they don't have the resources to manage it. The lot should be managed by the landowner under a planning agreement or similar instrument, with access only for Council to manage stormwater infrastructure. Management should include establishment and long term management of the compensatory habitat and the existing wetland.

1 of 5

Yield

As North Creek Road is no longer proposed to deviate through the eastern section of the site, the yield has increased by about 10 lots (to 118 lots), with lots now directly abutting North Creek Road.

In addition, there are two large future low density lots and 10 medium density lots included on the subdivision plan. It should be noted that a number of the medium density lots do not align with the land use zone and therefore are not permissible (lots 8, 13, 15, 120 and 119).

Taken with the 3 hectare residual lot discussed above, the total yield of the site as indicated by the subdivision plan could be much more than what is calculated (i.e. over 200 dwellings). The application should not be approved until the full impact of the proposed and potential future use of the site (i.e. 200 new dwellings or more) is known and assessed.

Ecology

The Ecological Assessment (JWA 2018) indicates that 3 hectares of native vegetation will be removed, this includes 0.14 hectares of endangered ecological community (EEC). To offset this clearing, the Ecological Assessment states that 2.38 hectares are set aside as compensatory habitat. This is the residual lot discussed above, which is labelled future development. Stormwater management, future development and 2.38 hectares of compensatory habitat cannot all be accommodated on the residual lot, which is about 3 hectares in size. This lot should be given an E zone via a rezoning process before this application is approved so the future of this lot is clear.

The Ecological Assessment disputes the previous mapping of the wetland area on the site as EEC. This conclusion should be technically reviewed through the proponent funding an additional assessment by an objective ecological consultant. If the wetland meets the definition of an EEC (the area of EEC could be as much as 3.44 hectares), the impacts of the development through clearing of the wetland vegetation would be greater (and could be significant) and an increased offset and possibly additional assessment in the form of a species impact statement may be required. This could impact on the entire layout of the subdivision.

Similarly, the Ecological Assessment presents much reduced mapping of the extent of Hairy Joint Grass (HJG; *Arthraxon hispidus*), which is a threatened species (listed as vulnerable), on the site. It is well known that this species responds favourably to grazing or slashing, which keeps the cover of pasture grass down. Therefore, given the management decision to remove grazing, it is no surprise that the extent of this species is now less than previously recorded. The proposed major change to drainage on the site via removal of the existing waterway will also impact on this species, which prefers damp conditions.

The extent of HJG on the site should be technically reviewed given the loss of cover of the species, through the proponent funding an additional assessment by an objective ecological consultant. Development of the site as proposed (which requires removal of plants and changes to the drainage regime) may cause the local population to go extinct, which would require preparation of a species impact statement.

The proposed translocation and establishment of compensatory habitat for the HJG should be better documented in the application (as per discussion above for the residual lot). The long term management, ownership and zoning of the compensatory habitat should be agreed before the application is approved. This will be a requirement under the *Threatened Species Conservation Act 1995*.

Traffic

All traffic from the subdivision is directed to the local road network via road 2 and 4 on to Henderson Lane. Only a traffic report from the previous application could be found (Ardill Payne 2018) which assesses the impacts of 103 lots on the site. Given the lot yield has increased and there is potential for significantly more dwellings within the proposed medium and future development lots, this report is not adequate. The report does not adequately demonstrate that the amount of traffic being directed onto Henderson Lane can be safely accommodated given its steep and narrow characteristics.

The Traffic Impact Assessment (Ardill Payne 2018) relies on about 30% of traffic using Henderson Lane and the remainder using the Hutley Drive extension. However there is no connection to Hutley Drive shown on the subdivision plan. The Hutley Drive connection referred to in the traffic report no longer exists on the new subdivision plan and there are residential lots along the entire boundary with Hutley Drive. The assumption is that a road would be constructed through the residual lot, which is already accommodating the existing wetland, compensatory habitat and stormwater infrastructure. A road cannot be accommodated in this lot for the reasons previously discussed. This lot should be an environmental zone. A road on the residual lot would not be permitted under an E zone and is not permitted in the RU1 zone.

The timing of the Hutley Drive extension is not known. Henderson Lane is not adequate to accommodate all traffic until this road is built. The development should not be approved until adequate access and egress is provided for current and future traffic i.e. the yield from additional lots is defined, and the connection to and construction of the Hutley Drive extension is confirmed.

Noise

The Environmental Noise Impact report (CRG Acoustics 2018) notes that it only assesses the noise from the 118 lots proposed and does not address the proposed future development or Hutley Drive. It does not provide a complete assessment of the noise impact to and from the development and noise mitigation will have to be increased once these two issues are incorporated. A revised noise report is required that addresses future development and the Hutley Drive extension (at least using justifiable assumptions if final details are not known).

Despite the inadequacies identified above, the noise report identifies that more than 20 lots along North Creek Road and Henderson Lane will be impacted by road noise. The report suggests that a noise wall (between 1.8 and 3 metres high) or acoustic treatment of individual dwellings will be required. Due to the visual amenity and loss of connectivity impacts, noise walls anywhere on North Creek Road or Henderson Lane are not considered appropriate.

Hydrology

The hydrological regime proposed for the site involves extensive earthworks, cut and fill, construction of retaining walls and vegetated swales, infilling of the existing waterway, construction of a pit and pipe network, and stormwater detention in the residual lot.

The population of HJG and the disputed wetland vegetation are considered groundwater dependent ecosystems (GDEs) as they are reliant on the existing hydrological regime on the site for their survival. The Hydrological Regime Assessment (Gilbert and Sutherland 2018) provides an engineering assessment of the proposed stormwater detention basins and

concludes that these will not negatively impact on the GDEs. No assessment is provided to address the proposed future development of the residual lot on which the basins are located, or the infilling of the waterway on the site which would completely alter the overland flow regime on the site.

It is difficult to understand how major earthworks, infilling of the waterway, and future development and/or construction of a road in the residual lot would not significantly impact on the GDEs on the site.

Earthworks

Massive bulk earthworks, importation of fill, construction of retaining walls and infilling of the waterway would completely alter the landform and topography of the site. If the density of the development of the site was reduced, the scale of earthworks and quantity of scarce fill could be reduced. This would also reduce the potential for impacts on the residual lot which, as the lowest point on the site, would be affected by changes to topography and hydrology.

Accessibility

The entire subdivision is bounded by residential lots (apart from the residual lot which will likely not be accessible). There is only one dedicated pedestrian link on the yet to be constructed Huntley Drive extension. As Lennox Head becomes increasingly developed, it is important to ensure that all new areas have adequate cycle and pedestrian access. It would be good to see additional accessways and dedicated cycle paths to and through this subdivision.

Socio-economic

There is no detailed socio-economic assessment accompanying the SEE and this issue is addressed in two lines within the SEE. An assessment of the social and economic impacts of the proposal is required under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

As Lennox Head is under increasing development pressure and many would argue that services and infrastructure are not keeping up with current growth, and this development may contribute more than 200 new families to the town, this issue deserves a much more detailed assessment. The application should not be approved until a thorough assessment of the potential social and economic impacts of the proposal are assessed in accordance with current best practice.

This is an important site as it is close to town and a busy road, visually prominent, and Lennox is already under pressure from population growth in the town and surrounding areas. Therefore it is important that we get it right.

In my view the proposal is too dense, does not adequately protect the existing environment and assess/ compensate for actual and potential impacts, does not provide sufficient road, pedestrian and cycle access, and does not address the socio-economic impact of an additional (roughly) 200 families in Lennox Head.

In summary, the development should not be approved until:

- The zoning, ownership, and long term management of the residual lot is confirmed.
- At least an indication of the total lot/ dwelling yield including future and medium density lots is provided.
- A technical peer review of the Ecological Assessment is completed by an independent ecological consultant, particularly addressing location and likelihood of occurrence of HJG and freshwater wetland EEC and an assessment of impacts to both.
- An updated traffic report and revised subdivision layout is prepared that caters for both proposed and future development yields and includes a connection to the Hutley Drive extension that does not traverse the residual lot.
- An updated hydrological assessment is provided that assesses the impacts of the proposed bulk earthworks and waterway infill on the HJG population and freshwater wetland vegetation.
- The layout is revised to show additional pedestrian and cycle links.
- A detailed socio-economic impact assessment is completed by a suitably qualified consultant.

Thank you for the opportunity to participate.

Lisa King
2/44 Stewart Street
Lennox Head

From: michelle shearer <mimisurf03@hotmail.com>
Sent: Thursday, 16 August 2018 7:52 PM
To: Ballina Shire Council
Cc: Councillors
Subject: Submission re: DA number: 2018/51

Dear Councillors,

We are writing regarding the above DA.

We have serious concerns about this development (as one of many happening in and around Lennox Head).

We implore Council to not approve this DA until the community's concerns have been addressed and until important areas such as a socioeconomic report is submitted by the developers.

Our concerns are as follows:

*There is no socio-economic assessment as part of this DA. This assessment must be submitted as part of the DA to detail the social and economic benefits to the Lennox Head community.

*The development seems to have no permeability - just two roads in and out.

*The two roads leading in and out of the development are both onto Henderson Lane, which is steep, narrow and already busy. We have concerns about new traffic volume being funnelled onto this road

*The original DA for this development proposed 103 lots. This DA now proposes 118 lots.

*The proposed Compensation area: what is the compensation for the community? There is no playground etc. Who will be charged with the maintenance and management of this area?

*There appears to be no provision for recycled water as part of this DA.

*Some super lots are right up against the road near the roundabout - very unpleasant.

*The transplanting of endangered grass-namely the Hairy Jointed Grass - is also of grave concern.

I look forward to receiving your response and hope you take the time to hear the voices of concerned Lennox Head residents about this DA; particularly in light of the extent of the unprecedented and concerning rate of development of Lennox Head at the moment.

Kind regards,
Michelle and Steve Shearer
Lennox Head Residents.

16 Henderson Place

Lennox Head 2478,

10th August 2018

Dear Madam / Sir,

RE: SEE -- D.A. 2018/51

WATER TOWER DEVELOPMENT

I object to this development for the following reasons :

- Future use of the **RESIDUAL LOT** is **UNKNOWN**
- Future management of the **RESIDUAL LOT** is also **UNKNOWN**
- The exact number of dwellings is **UNKNOWN**
- Stormwater management , future development and compensatory habitat cannot be accommodated on the **RESIDUAL LOT**
- No Hutley Drive connection** is indicated
- The exact nature and timing of the Hutley Drive upgrade to connect to the Coast Road and the Lennox Village is **UNKNOWN**
- The noise wall will reflect noise** towards residents along the eastern side of North Creek Road and the southern side of Henderson Drive. This will need assessment to minimise any extra impact from the already noisy North Creek Road
- The waterway existing naturally on the site should be retained at all costs. Any change to this must be justified in detail with detailed assessment of impact on **WETLAND VEGETATION** and **GROUNDWATER DEPENDENT ECOSYSTEMS**
- No provision appears to have been made for **PEDESTRIAN and CYLCE TRAFFIC** and it's access to the Township
- No detailed **SOCIO-ECONOMIC** assessment accompanies the D.A. The community needs **PUBLIC SPACES , PARKS and GREEN CORRIDORS.**

I look forward to better governance as I know it is available in Ballina. We are now able to work with developers for the common good (unlike previous times when development was sought and facilitated). We need excellent roads , cycleways ,foot paths, wetlands and green spaces.

Neil Potter



Ph 0401345549

Email : neilpctr@gmail.com

27th July 2018

The General Manager, Ballina Shire Council

Objection Submission re DA 2018/51 20 North Creek Road Lennox Head



As owner/residents of Stoneyhurst Drive Lennox Head, which is adjacent to this development, we are very concerned with the following aspects of the above proposed development:-

(1) **Block sizes** – Why are blocks of 600sqm even being considered when a recent rezoning attempt for a Stoneyhurst Drive collective were being restricted to 1200sqm? This is across the road (ie Henderson Lane). The number of blocks proposed appears to be a massive overdevelopment of this site.

(2) **Increased traffic flow and road safety** in Henderson Lane and Stoneyhurst Drive and lack of provisions for this – we have previously contacted the Council, since 1982, on four occasions about the pedestrian and vehicular traffic safety of Henderson Lane. Currently with many motorists ignoring the 50km speed zone (an unacceptably high percentage of), driving on and merging from Stoneyhurst Drive onto Henderson Lane has become very unsafe and time consuming, more so since work commenced on the Epic development to the south of us, with large double b's and large vehicles and machinery using both Henderson Lane and Stoneyhurst Dr.

Stoneyhurst Drive is to be connected through to Epic (construction starting mid August), with road signs already having Stoneyhurst Dr erected in the Epic development. This final connection at the western end of the current Stoneyhurst Drive having a 7.4m width, plus curb and guttering must surely indicate that Council expects that the traffic flow through Stoneyhurst Dr to the intersection of Henderson Lane will be significant and therefore one would logically expect a further problem at the intersection with its associated increased safety issues. Our concern is that this, coupled with the proposed Urbis development particularly Roads 4 and 5 with the only planned concessions being Give Way signs at Stoneyhurst Drive and Roads 4 and 5 from the Urbis development. Back in 1989 (as well as 1982, 1998 and Sep. 2007), Council indicated that there would be an upgrading of the intersection of Stoneyhurst Drive and Henderson Lane if Stoneyhurst Drive was extended. This was also the response from Council as far back as 1982 indicating, "with any development beyond the Stoneyhurst Dr intersection. and moving forward."

We have also previously contacted the Council with our concerns about the lack of safe pedestrian and cycle paths on Henderson Lane. Apart from a couple of grass areas, pedestrians have to walk very close to the road or at times on the road, which is a concern with the increased traffic flow and when vehicles drive over the 50km speed limit. This is a popular walking and cyclist area for people of all ages and will become more so with the proposed new subdivision, ie if passed as per the current proposal.

(3) **Future Super Lots and medium density residential blocks** – What is planned for the Super Lots– this should be indicated before the development is approved. The area surrounding the reservoir is an iconic Lennox Head landmark, being a significant view corridor and overdevelopment of this area would be very detrimental to existing residents who do appreciate this in its present state. The future Medium Density Residential sites fronting Henderson Lane are both near two busy intersections and Roads 4 and 5 of Urbis, obviously a safety issue.

We hope that the above issues will be considered before this development is approved.

Yours faithfully,

Bob and Beth Dowling

13 Stoneyhurst Drive

Lennox Head

Ph 0266877142

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

16 August 2018

Dear Sir,

DEVELOPMENT APPLICATION: 2018/51

I refer to the above DA for the proposed development in Lennox Head. I'm a long-term resident of Lennox Head. I am opposed to the DA in its current form for the following reasons:

1. It appears that there is no socio-economic assessment included with the DA. Without this information there is no way of assessing the impact of perceived social and economic benefit (or detriment) to the Lennox Head community as a whole, particularly when the village of Lennox Head is growing at its current rate. Section 4.15 of the Environmental Planning and Assessment Act 1979 requires such an assessment.
2. The development will be surrounded by a 1.8 metre noise wall along that part of North Creek Road which is currently enjoyed as a fabulous westerly view by the entire community. We had a taste of this idea when the developer illegally erected a wall before Christmas 2017. Such a wall, which blocks the enjoyment of the area for everyone driving up and down North Creek Road is not only ugly, but gives a gated community feel to the village. If the development lots are too close to North Creek Road, other options should be considered by the community.
3. There will be no access to the development for cyclists or pedestrians. There will be two roads in and out - both going out on to Henderson Lane which is already a busy road. This doesn't seem to align with current planning requirements or with desired outcomes for healthy communities.
4. This DA proposes 118 lots. The original DA for this development proposed 103 lots – consideration should be given to the other things mentioned above having regard to the extra 15 Lots. As an example, the layout could be altered to increase the size of Lots located along North Creek Road. This would avoid the construction of an ugly wall and address the noise issues for residents of those Lots. Pathways, walkways and open space could be provided with the recovered space to increase amenity for both residents and community users of the area.
5. There are a number of areas classified as 'Super Lots' in this development for low and medium density housing and also one Lot labelled as 'future development'. It appears this is a planning tactic used to increase future Lot yield and to avoid disclosing future plans

for each of these Lots. Given the already high Lot yield for this development and the excessive number of medium-density Super Lots for this land use zone, the DA should not be approved until the proposed use for those areas designated as 'Super Lots' and 'future development' is disclosed to the community.

6. It appears there is no Aboriginal Heritage Assessment provided as part of this DA. Surely this is now standard practice for any DA of this size?

7. The ecological assessment report notes that 3ha of native vegetation will be removed for a compensatory habitat of 2.38ha. While it is preferable that no native vegetation be removed, it is desirable in any development that the compensatory habitat should at least be equivalent (and preferably higher) than of the habitat removed.

For the reasons outlined above, I urge the Council and Councillors to act in the best interest of the residents of Lennox Head and the Ballina Shire and to reject the DA in its current form.

Sincerely,

Sharne Wolff
Lennox Head

Simon Smith
18 Silkwood Road
Lennox Head
NSW 2478
silkwood@exemail.com.au

Ballina Shire Council
council@ballina.nsw.gov.au

Submission on Development Application DA 2018/51

Hello Anthony,

I wish to make a submission on development application DA2018/51 for the Reservoir Hill site. I live at 18 Silkwood Road, which backs onto the Reservoir Hill site. It has long been my expectation that the site would one day become residential development.

I have a couple of comments regarding the application that I would like to be considered during Council's assessment of the proposal:

1. I couldn't see any reference to bats having been recorded on the property. On several occasions during the past few years we have had swarms of very small bats circling around our deck during wet weather. I don't know what species they were, but they were very small and spent a half hour or more circling under our deck, presumably to keep dry or to forage for insects. I can't say whether or not they reside in the Reservoir Hill site, however, that is the direction they arrived from and later departed to.
2. Birds of prey are a common site hovering over the site. Was this mentioned?
3. I couldn't find any reference to the long-term management of proposed Lot 124, this being the existing wetland area behind our property. It is unclear how the drainage characteristics and ecological values of this lot, including the two large discharge drains, are to be maintained in perpetuity. Is Council intending to take over management of the site? If not, how will Council ensure that the future owner of the site does not allow the drainage characteristics of the site to fail by neglecting their maintenance? The existing wetland area is already subject to inundation during heavy prolonged rainfall events, presumably more so post-development, and the two large storm water discharge pipes will continue to need periodic clearing of debris.

Also, what is meant by the term "future development" of Lot 124? Does this infer a possibility that Council may permit development inconsistent with its currently proposed use as a drainage reserve?

Regards
Simon Smith
18 Silkwood Road, Lennox Head.

Sue Wade

From: Alex <alexpullen@gmail.com>
Sent: Wednesday, 1 August 2018 2:07 PM
To: Ballina Shire Council
Subject: Submission for application (2018/51.1)

Dear General Manager

As a resident of Lennox Head I have concerns about the density of housing in this DA. There is very little land included as a public space. There needs to be more open land and playgrounds. This density for the whole area is not supported by current infrastructure.

Alex Pullen
4/2 Pinnacle Row
Lennox Head

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~~Site Waste~~

From: lismoretrophies@southernphone.com.au
Sent: Thursday, 16 August 2018 9:04 PM
To: Ballina Shire Council
Cc: Councillors
Subject: DA No. 2018/51 Reservoir Hill

To the General Manager,
Ballina Shire Council

We wish to comment on the DA which has been lodged for a 118 lot subdivision off North Creek Road, Lennox Head. As Lennox Head residents, we are concerned about the relatively massive developments occurring around the town. Its not a case of denying other people the chance to live in this beautiful environment, more a concern that new development should be consistent with the existing values that local residents love. On top of all the other development already happening around Lennox, this one will add even more pressure to the struggling infrastructure, so it needs to be done properly, with the amenity of the community the number 1 priority.

Accordingly, in this Development proposal, we have several issues we believe need to be addressed by the Developers:

1. It seems that there are several "Super Lots" proposed right up to the edge of North Creek Road. We assume that means double story medium/high density housing. This is going to change the visual amenity of the now natural and scenic entry to the town from the South. It seems that a sound barrier may be erected in this area to protect the new residents from traffic noise of North Creek Road. The combination of 2 storey housing and a 6' fence right on the edge of the road is going to look horrible! Wouldn't it be better for everyone, to set the buildings back from the road?
2. We cant believe that Henderson Lane is expected to cope with all access in and out of the new subdivision! Henderson Lane is a little, steep lane already struggling under peak time loads. Its not adequate.
3. There seems to be a severe lack of information supporting the current intention or future role of the wetland area in the north west corner. What is going to be constructed there in future, given that it obviously a significant ecological area? Who is going to maintain it? Given point 2. above, is there a plan for vehicle access at some future date - where else can better access be provided? Surely not through the ecological zone?
4. Who is going to monitor the ecological zone, wetland area, successful re-location of the Hairy Joint Grass etc? Long term management into the future needs to be established now, so what's the plan?

We believe that most people who live in Lennox do so because they love it the way it is. The character and community must be protected. Not everything is about money here!

Thank you for your consideration

Brian and Lyn Pool
40 Sandstone Crescent
Lennox Head NSW 2478
ph 02 66877170

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From: Charlie Hewitt <charlie@charliehewitt.com.au>
Sent: Tuesday, 14 August 2018 7:30 PM
To: Ballina Shire Council
Cc: councilors@ballina.nsw.gov.au
Subject: Submission on DA 2018/51.1

Dear GM/Council,

I do not support the proposed development under DA 2018/51.1 in its current form.

I do not oppose development of the site per se, however I feel the current proposal is inappropriate primarily due to the high intensity (apparent or potential) of the development and considerable inadequacies of the material presented to support the proposal.

I support the position of a group of concerned residents which puts forward that the development should **not** be approved **until**:

- The zoning, ownership, and long term management of the residual lot is confirmed.
- At least an indication of the total lot/ dwelling yield including future and medium density lots is provided.
- A technical peer review of the Ecological Assessment is completed by an independent ecological consultant, particularly addressing location and likelihood of occurrence of Hairy Join Grass and freshwater wetland EEC and an assessment of impacts to both if found.
- An updated traffic report and revised subdivision layout is prepared that caters for both proposed and future development yields and includes a connection to the Hutley Drive extension that does not traverse the residual lot.
- Updated hydrological and ecological assessments are provided that assesses the impacts of the proposed bulk earthworks and waterway infill
- The layout is revised to provide additional pedestrian and cycle links.
- A detailed socio-economic impact assessment is completed by a suitably qualified consultant.

Thank you for the opportunity to provide a submission following the closing of the official comment period.

Regards

Charlie

CHARLIE HEWITT
0421 098 267
60 Ballina St, Lennox Head
www.charliehewitt.com.au

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15 October 2018

General Manager
Ballina Shire Council

David Kitson
126 Old Gosford Rd
Wamberal 2260
sonofkit1@gmail.com

Attention: **Antony Peters**

**Re: DA/2018/51.1 – Proposed 118 Lot residential subdivision
20 North Creek Rd, Lennox Head**

I wish to **object** to the abovementioned development proposal.

I am the part owner of the adjoining property to the east known variously as 50 North Creek Road and 10-14 Henderson Lane, Lennox Head. As Council would be aware we have:

- Previously submitted a request for our land to be rezoned for residential purposes.
- Completed some of the necessary rezoning investigations.
- Previously entered into a cost sharing agreement for an earlier joint planning proposal.
- Completed the remediation of contaminated soils on our land to the EPA's satisfaction.
- Communicated on numerous occasions our aspirations to continue this process.

I wish to lodge an **objection** to the development on the following grounds:

1. The **proposed piping** of the major drainage line through the property:
 - a. Is contrary to previous concept plans for the development of the land.
 - b. Has been designed based on our land remaining undeveloped. The Drains Model is based on the EXCA1-EXCA4 catchment modelled as pre-development flows. Our land is within the EXCA4 catchment.
 - c. Has the potential to sterilise the development of our land as there are minimal opportunities to provide stormwater retention on our land.
 - d. Has the potential to fail as a result of blockages from the transportation of bulky organic material from the vegetation on our property.

If the natural drainage line is to be altered and enclosed it should only be done on the basis that:

- **The drainage is designed assuming 25 dwellings and the associated hard surfaces on our land. I suggest that the same approach should apply to those other undeveloped catchments.**
- **A substantial gross pollutant facility is provided within the development site immediately adjacent to our boundary.**

I also suggest that great caution should be given to using rainfall data that is not specific to this site and additional margins of error should be factored into any calculation, as the site is subject to very unique weather events having regard to its position on the leeward side of the Lennox Head headland.

As a former resident I can personally attest to the fast rising and rapid flows than can be experienced on our land when a cloud burst occurs.

2. There has been no provision for vehicle access & service inter-connections for future development of our land in the subdivision design.
- a. The failure to provide an integrated road and infrastructure network is inconsistent with Council's past emphasis on an integrated approach to the development of both sites via the Lennox Head Structure Plan. I attach the relevant extract from this Plan.
 - b. The failure to provide an integrated approach to service provision will lead to duplication of infrastructure that will have costs associated with long term maintenance and replacement.

It is requested that a vehicle access handle, that enable vehicular access and the inter connection of services, be provided from the proposed road network to our land:

- **On the northern side of proposed lot 25 instead of the extension of Road 2.**
- **On the northern side of proposed lot 23 to serve the northern bench of our site that runs parallel with North Creek Road. Such access is necessary to efficiently service this part of the land due to Council's prohibition on direct access to any future development along this frontage.**

3. The proposed excavation adjacent to our property boundary is excessive and unreasonable having regard to:
- a. The potential risks associated with high rainfall and underlining geology of the site.
 - b. The risk to the future development potential being sterilised immediately adjacent to this boundary.
 - c. The cost and difficulty of having to negotiate with multiple owners (of the proposed lots) in the event of a failure of retaining wall structure.

It is requested that the general 2:1 (horizontal/vertical) batter be projected from our boundary for a minimum distance of 10 metres to any retaining wall structure.

It is my submission that the proposed subdivision layout should be redesign such that:

- **The proposed roads better follow the contours of the land to minimise cut and fill.**
- **Major retaining wall are located within the proposed road reserves, such that they can be easily access should repairs ever need to be made.**

Your consideration of these issues is appreciated.

David Kitson

Extract from Lennox Head Structure Plan**3.3.10 Area I – Adjacent to the Water Reservoir**

Area I comprises the land located between Lennox Meadows Estate and North Creek Road, generally in the vicinity of the Water Reservoir. It is approximately 17 ha in size and in two landholdings. The land is zoned 1(d) Rural (Urban Investigation) Zone pursuant to the *Ballina Local Environmental Plan 1987*. Area I is currently used for grazing and has a generally open landscape reflective of its previous use as a dairy farm. A dwelling and associated outbuildings are located in the vicinity of the intersection of Henderson Lane and North Creek Road, together with a clump of native vegetation.

The eastern portion of the site slopes relatively steeply from North Creek Road towards the west, whilst the western portion of the site adjoining Lennox Meadows Estate is low lying. A prominent drainage line runs along the southern portion of the site, generally parallel to Henderson Lane.

Whilst constrained by the above factors, the Structure Plan recognises that Area I appears to be suited to accommodating future urban development. Should detailed assessment (via the rezoning process) confirm this to be the case residential development comprising a range of low and medium density housing (L1, L2, D & M1 pursuant to DCP No.1) is the preferred use for this site.

The following planning factors will require particular attention as part of the possible rezoning of this area:

- Any rezoning of Area I is to occur on an integrated basis and should involve all land holdings within the area;
- As discussed in Section 4.8, the development of Area I will need to make provision for the construction of the northern extension of Hutley Drive to the satisfaction of Council;
- No vehicular access is to be obtained from North Creek Road, with all access either by way of either Henderson Lane or Hutley Drive. Vehicular access from Hutley Drive is to be via an integrated road access. No direct vehicular access to individual allotments from Hutley Drive will be permitted. At such time as the Hutley Drive extension is constructed, opportunities for direct access from Henderson Lane will be considered;
- Stormwater management will need to address both the retention and quality of stormwater generated on the site. It is envisaged that this will require the construction of on-site detention ponds on the lower portion of the site;
- The subdivision design should seek to minimise cut and fill on the steeper portions of the site; and
- Mature native vegetation on the site is to be retained as part of the development of the land.

Symantec

From: David Wolff <dwolff@walterslegal.com>
Sent: Thursday, 16 August 2018 9:25 AM
To: Ballina Shire Council
Cc: Councillors
Subject: DA no 2018/51-Submission against DA

Dear Sir,

I wish to object to the proposed DA on the following grounds:

1. I am concerned that there is a large residual lot proposed as part of the DA with no details as to what is proposed for it.
2. There are insufficient details of the proposed yield for the medium density lots.
3. There is insufficient pedestrian and cycle link proposed as part of the development.
4. The information of the proposed traffic impacts is inadequate as it does not address future development yields.
5. The proposed noise wall (1.8m 1-3 m) will be a visual eyesore for the community and block views of the stunning escarpment to the west and suggests if it is required the subdivision should have a natural wider buffer to North Creek Road.

Regards,

David Wolff

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Genevieve Josif
39 Fig Tree Hill Drive.
Lennox Head, NSW 2478

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

Dear General Manager

Submission Objecting to the Development described at:
DA 2018/51 20 North Creek Rd, LENNOX HEAD NSW 2478

The proposed New Subdivision of land to create 118 residential lots, five super lots and one open space lot, construction of roads, storm-water management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing and temporary signage.

I am writing to object to the development proposal, due to my concern over

- Lack of transparency about the intentions for the area zoned rural
- Lack of transparency about areas marked as 'medium density'
- Lack of transparency on the total yield of site
- no cumulative impact assessment done
- no social impact assessment done
- continued poor development outcomes for Lennox Head

I am not opposed to development in Lennox Head, however as a local resident, it is essential that this and future developments are sustainable and done in a way that considers both the environmental and social impacts on our highly valued quality of life here. This is becoming a particularly urgent issue with other developments fast emerging through the pipeline for Lennox Head, such as Epiq and Ross Lane, as I am concerned it will maintain the current undesirable pattern of approval of housing estate developments in the Lennox area.

I say this with the greatest respect to Council's workers who do their best and I will use the Wavehill Estate as a recent example of poor development outcomes.

- Areas of high environmental value degraded- SEPP No. 26 Littoral Rainforest core (No. 37) in the area zoned 7(d) Environmental Protection – Habitat, now weed infested and overgrown with Lantana which is not consistent with the objective of protecting the littoral rainforest
- Confusion over lot sizes and zonings resulted in allotment owners being unclear as to where their property boundaries were and therefore no maintenance of uncertain areas
- Extensive area of the threatened species Hairy Joint Grass (*Arthraxon hispidus*) loss has not been rehabilitated and does not appear to be monitored nor evaluated

Based on the poor outcomes on Wavehill Estate, a similar development to this DA, I do not have confidence that the outcomes of this development will be better if approved.

It would be great if Council could set a precedent for better more sustainable developments by requiring the developer in this DA to be transparent as mentioned above, and to set some stronger conditions of council consent so that more sustainable developments are assured.

Lennox Head has a unique character that drew us all here. It is Council's role to protect us from ill-considered development outcomes that result in eliminating that unique character.

Genevieve Josif
14th August 2018
CC. Ballina Shire Councillors

~~Subject~~

From: craig leete <craigleete1@gmail.com>
Sent: Sunday, 12 August 2018 11:56 AM
To: Ballina Shire Council
Subject: Submission re Da 2018_51

12/8/18

Re reservoir hill subdivision 2018_51

I would like to submit my objection to the DA on the grounds that the DA in its current form is incomplete

In particular there is no information on the Hutley drive extension or round-about, so effects on traffic cannot be known or even estimated

The use of the large lot zoned in the northwest corner is unclear and seems to be left to some future planning.

I would ask council not to be coerced or tricked into making important decisions regarding the future of the shire with an incomplete DA. It is a reasonable and straightforward matter to ask the developer to provide relevant information

Yours Sincerely

Craig Leete
58 Pacific Parade
Lennox Head
Phone 0431 466 007

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~~Subject~~

From: June Beresford <Junebero@iinet.net.au>
Sent: Friday, 18 October 2019 11:44 AM
To: Ballina Shire Council
Subject: DA2018/51 Reservoir Hill Subdivision

To The General Manager

Re: DA2018/51 Reservoir Hill Subdivision

I wish to lodge my objection to the abovementioned Development Application, my main concern is the access to this subdivision has the potential of creating a traffic issue and safety problems.

My grandchildren live in Silkwood Road, I am concerned that the traffic for this subdivision will substantially increase in Silkwood Road with vehicles travelling from Lennox Head and from the Byron Bay Road taking the short cut down Hutley, left on Silkwood, left on Henderson to enter the subdivision, this will be a quicker option than passing Hutley and travelling uphill to turn right into Henderson Lane to access their homes.

I take the children to the park on Silkwood and find as I am walking to it we encounter a number of big trucks with building supplies that are using Silkwood Road to access the Epic subdivision, and believe me they do not slow down. This will increase substantially once building starts in the Reservoir Hill Subdivision. Also when they are in my care I am reluctant to allow them to ride their bikes to school, which I believe is quite dangerous, as they have to travel down Silkwood Road with the heavy traffic that uses this road to access the Epic development. This will considerably increase with the current plan for the subdivision.

The original plan had one access road into the proposed subdivision from Hutley Drive and one from Henderson Lane, this is a far more reasonable option to keep the trucks and the residents, who obviously will increase as the future low density and medium density lots are sold, from spoiling the amenity and safety of the homes that are established. In Silkwood Road.

I believe that if a new subdivision can be developed without impinging on the existing local residents in the way of their safety, traffic, and noise it should be designed that way.

Sincerely

June Beresford
0419492139
junebero@iinet.net.au

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Submission re DA 2018/51.1**Lennox Head Residents' Association****Visual Amenity:**

LHRA members have expressed the following concerns;

The eastern perimeter of this development, bordering North Creek Road is one of the most prominent ridgelines in Lennox Head. It provides pedestrians, cyclists and motorists alike with sweeping district views unparalleled from any other public location including Pat Morton Lookout. Structures on this ridgeline are also visible from many parts of Seven Mile Beach and the public areas on the hind dunes.

The Lennox Head Strategic Plan 2002 identifies prominent ridgelines as being important to the scenic quality, character and amenity of LH and this is certainly supported by the comments which have been posted on various social media sites about the impact of interference with these views. The destruction of the earlier billboard erected on this site in 2017 draws rather graphic attention to the strength of these feelings. It is obvious that there is no way the proposed advertising billboards, the possible acoustic barriers or even buildings such as houses, garages or sheds should be allowed to interfere with these sightlines. Especially, pedestrians on North Creek Road should be able look directly over the highest point of the rooflines of this development and still access this sweeping vista uninterrupted.

We suggest a more appropriate plan would be to

- (i) provide a green buffer between the road / pedestrian corridor and any building line such that these sightlines remain unobstructed – nb. This would mean height restrictions on any vegetation in the buffer zone as well.*
- (ii) limit advertising signage to the height of the original farm fence (ie a standard 3 strand wire fence) and restricted to , say 8m, in length to preserve the enjoyment of the residual rural view until the estate is complete.*

Open Space:**a) proposed “future” public reserve**

The LH Strategic Plan 2002 acknowledges the importance of the outdoors as an important component of the lifestyle valued by the residents of Lennox Head. We are all acutely aware of the pressure already being experienced in the town centre in terms of traffic, parking spaces and sheer numbers of users. One way currently available to Council to manage growth in this pressure is to encourage people to access outdoor recreation close to home. Another factor to be considered is the already noticeable fragmentation of a sense of small community in LH. The population has already exceeded a size which encourages this bonding and acts such as fist waving at cars blocking traffic whilst they park show the lack of personal connection starting to be exhibited. Open spaces within small residential estates can provide a space for outdoor, social recreation without needing to get into the car and drive down to town (and park!) as well as encouraging an opportunity to mix with the other members of the estate and form a neighbourhood community. The space provided within the development needs to be suitable for activities such as shooting baskets, kicking a ball around, gathering for BBQ's / picnics and sitting in the shade for a neighbourly chat. The shape of the proposed Lot 121 is not the most suitable shape for accommodating all of these activities considering 2 or even 3 could well occur concurrently.

The current subdivision proposal indicates that the area zoned RU2 is being considered for future development. We believe that this space needs to be kept as Public Reserve in perpetuity.

Another concern is that there is no proposed access indicated for Lot 121, nominated as Public Reserve and also that it is listed as "Future" public reserve.

Prior to approval the following need to be established:

- *what the access will be a) prior to Lot 122 being developed and b) post Lot 122 being developed*
- *that it will be accessible and complete with facilities to accommodate activities such as those listed above prior to any residents moving into the estate.*
- *That it will be a satisfactory size to meet the needs of a development which will be very much larger than 118 lots once all lots marked for future development have been realised*

b) Residual lot (Lot 124)

There are a number of concerns relating to this lot, all of which need to be addressed prior to approval of the development.

- the ownership and management responsibility needs to be established in perpetuity
- the total yield and therefore impact of the development cannot be assessed until the nature of the zoning to be sought in the future is established
- the current lot is just over 3ha in size yet it is proposed that it will provide for 2.38 ha of habitat compensation, stormwater management and future development

Prior to approval the ownership, management responsibilities and future zoning to be sought for Lot 124 need to be established as part of the Subdivision Plan as well as adequate detail to show that all 3 proposed uses can be accommodated satisfactorily on the lot

Pedestrian / Cyclist Interconnectivity:

This development needs to provide for both pedestrian and cyclist interconnectivity with adjoining estates and with existing routes that connect with the town centre.

This is another important way to encourage outdoor recreation outside the town centre / beach / lake precinct. By connecting these shared routes with existing shared routes into the town precinct there is also further encouragement to walk or use a pushbike to access the town precinct rather than drive and park. This needs to be a priority for all LH developments, especially considering concerns were being expressed back in 2002 about the impacts of population growth on the infrastructure and facilities of the town.

Socio-economic impacts:

Given the pressures currently on the town in terms of open space, the dominant recreation sites of the beach/dunes and lake, traffic, parking and increasing fragmentation of a sense of community, it is imperative that the assessment of this development in terms of those issues be much more analytical and thorough than the simple statement currently made in the DA and that this assessment be conducted by an independent professional as would be required if it were to be assessed under State guidelines.

An independent socio-economic assessment of impacts on the town centre and its major recreational open spaces needs to be carried out by a qualified professional and needs to specifically address impacts on traffic, parking spaces and intensity of people pressure on these key locations.

Road Layout:

Our members have expressed concern that all vehicle movements to and from the estate will be carried by Henderson Lane and thus onto North Creek Road. The major points of concern are;

- the steep gradient and narrow carriageway of Henderson Road with no useful shoulders or footpaths for cyclists or pedestrians
- the increase in traffic entering/exiting North Creek Road from Henderson Lane, especially considering that this is planned to be an arterial road carrying traffic heading to the supermarket and shops planned for Epiq as well as traffic heading to West Ballina and North Ballina once the North Creek bridge is finally built.
- The traffic report presented along with the Amended Environmental Assessment relates to a subdivision plan which included a road connection to Hutley Drive and was based on 105 lots as opposed to the current proposal of 118+ lots (final number depending on the yield of the proposed future lots).

We believe that a road connection to Hutley Drive is essential to minimise the impact of these vehicle movements.

Yours,
Shaun Eastment
Vice-President
Lennox Head Residents' Association inc.



5 Fieldcrest Place
Lennox Head NSW 2478

18 August 2018

General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Dear Sir

Re: DA No. 2018/51.1

I wish to submit my objection to this development which is on a prime scenic piece of land in Lennox Head. My objection is based on the following:

The proposal to have homes backing on to North Creek Road at a prime viewing site in Lennox Head is unacceptable. These iconic views which have a long history and are imbedded in the heritage of the town must be protected. The noise from traffic accessing this steep section of road will also be an impact on the proposed homes. There must be a set back from the road of say 20m with an appropriate acoustic barrier and the resulting strip of land to be taken over and managed by Council.

The road connections onto Henderson Lane, which is narrow and steep, will impose risks to traffic both entering and leaving the estate. To alleviate this, there must be an access onto Hutley Drive. This must be determined at the first stage of the development.

The issues with the wetland areas must also be fully determined and actions outlined before any development takes place. Future ownership of the land and responsibilities associated with its management must also be determined.

There must be an inclusion of planned cycleway routes in addition to pedestrian pathways. Being so close to the village, every effort must be made to avoid additional unnecessary usage of vehicles.

Future advertising signage must also be compatible with the issues raised above and not intrude on the visual amenity along North Creek Road.

Yours truly,

Malcolm Milner

Sue Wade

From: Melitta Firth <melitta.firth@gmail.com>
Sent: Wednesday, 15 August 2018 9:26 AM
To: Ballina Shire Council
Cc: councilors@ballina.nsw.gov.au
Subject: Submission on DA 2018/51.1

Dear Council,

I do not support the proposed development under DA 2018/51.1

The current proposal is inappropriate primarily due to being too high density for a small coastal town. The material presented does not sufficiently address my concerns regarding environmental impact, landscaping and pedestrian access.

Sadly aesthetic impact doesn't seem to be something that is considered a legitimate consideration.

Therefore as concerned residents we request that the development **not** be approved **until**:

- The zoning, ownership, and long term management of the residual lot is confirmed.
- At least an indication of the total lot/ dwelling yield including future and medium density lots is provided.
- A technical peer review of the Ecological Assessment is completed by an independent ecological consultant, particularly addressing location and likelihood of occurrence of Hairy Join Grass and freshwater wetland EEC and an assessment of impacts to both if found.
- An updated traffic report and revised subdivision layout is prepared that caters for both proposed and future development yields and includes a connection to the Hutley Drive extension that does not traverse the residual lot.
- Updated hydrological and ecological assessments are provided that assesses the impacts of the proposed bulk earthworks and waterway infill
- The layout is revised to provide additional pedestrian and cycle links.
- A detailed socio-economic impact assessment is completed by a suitably qualified consultant.

Thank you for your consideration of this letter,

Regards,
Melitta Firth 1/70 Stewart Street Lennox Head

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~~Site Waste~~

From: balibob <balibob@bigpond.com>
Sent: Friday, 17 August 2018 1:49 PM
To: Ballina Shire Council
Subject: DA 2018/51 Submission

Please consider this our submission in relation to the DA 2018/51 Reservoir/North Ck Rd sub-division.

We have a number of serious concerns.

1) Understandably there has been an yield increase because North Creek Rd & Hutley Dr re-route will no longer occur.

However, the development is expecting the traffic associated with this entire yield to now funnel into Henderson Lane instead of being shared between Henderson Lane & Hutley Drive.

- a) But the report does not demonstrate that Henderson Lane has the capacity to accommodate the eminent traffic increase.
- b) Henderson Lane is steep, narrow & already appears to be at capacity.
- c) The sub-division has superlots indicating medium density in the future, which in turn, puts further pressure on Henderson Lane.
- d) And the one road access (albeit 2 entry points) suggests an enclave instead of a healthy interconnectivity with the rest of Lennox Head.

2) Proposed noise walls on North Creek Road and Hutley Drive are not based on any valid reporting of significant concern. Again, this proposal suggests further disconnection from the Lennox Head community.

3) Lennox Head residents will lose amenity whereby the panoramic views from this particular stretch of North Creek Rd could be obstructed by buildings, tall plantings, noise walls and fences

- a) This particular section of the road is the popular alternative to Pat Morten Lookout because of its comprehensive vista from the escarpment to the sea.
- b) North Creek road users (vehicles & pedestrians) will lose this amenity.
- c) Support a low green buffer zone, low fencing, buildings sound minimising construction & buildings more forward on the block to minimise lose of views.

4) There is a clear lack of connectivity with the rest of Lennox for vehicles, but in particular for pedestrian and cycling. The location is walkable to the village & the Epiq but this DA does not appear to provide such ease or safe accessibility.

5) There is a greater need for more quality open space than what is allotted.

6) The very nature of the site suggests storm water management will need to be massive exercise which in turn will affect the survival of present native vegetation. Whilst the Rural Zoned area's future remains ambiguous which is concerning as it does contain wetlands and provide some open space for the community.

7) Aboriginal Heritage Assessment is required, please.

Kind regards

Sue Wade

From: Patrice Allman <patricemallman@gmail.com>
Sent: Thursday, 9 August 2018 2:01 PM
To: Ballina Shire Council
Subject: DA 2018/51 - water Tower Development

Dear Sir,

I would like to express my opinion AGAINST the proposed development on the water tower sight for the following reasons:

- Environmental Impact- with regards to water run-off and the impact on the native grasses in that area. The sight is steep. Heavy rain run-off will adversely affect the houses in the Meadows Estate.
- Social Impact - Lennox Head expansion is too rapid and runs the risk of losing the "village feel" that is unique to the town. Hutely Drive is used as a bike trail and "short-cut" to the village by many residents of the Meadows Estate..will provisions be made to maintain a safe path to the round-about.
- Cultural Impact - Has there been an Aboriginal Heritage Assessment of the area?
- Aesthetics - the view west from North Creek Road is enjoyed by many locals especially at sunset. This will be blocked by a 1.8 m wall surrounding the development.
- Traffic - Henderson Drive and North Creek Road cannot cope with the increased number of cars that this development will bring into the Meadows Estate.
- Super Lots - high / medium density housing. There are no precedents of this close density housing in this housing Estate. This close density housing should be only allowed in the village.

For these reasons I am against the development application 2018 / 51.

Regards Patrice Allman

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For more information please visit <http://www.symanteccloud.com>

<BR

Sue Wade

From: lissa hall <etching.studio@gmail.com>
Sent: Thursday, 16 August 2018 9:45 AM
To: Ballina Shire Council
Subject: DA-2018-51

Dear Councillors

Please see my submission regarding DD 2018-51 "Reservoir Hill or The Crest"(I have seen it referred to by both names).

1. Main concern is the area zoned RU 1. Mapping indicates it is a "future development" area. It appears all water drainage and environmental compensation will be allocated there. Who will manage this area? Who will maintain weed control? Who will monitor the relocation of the endangered hairy-joint grass? I believe this area should be E zoned so no future developments can occur on this fragile area.
2. Traffic flow is another major concern. With only two openings onto Henderson Lane, the traffic coming from the Meadows and Epic will add to the congestion of a very steep and narrow road. There is no indication of any connection to Hutley Drive or Silkwood Drive. It does appear that a road could be built through the RU 1 zoned area but there is no indication on the current map.
3. This subdivision is impermeable to pedestrians, cycling, etc. It is basically a closed/gated community conceptually. This is not the type of housing development that is conducive to the Lennox lifestyle.
4. The "super blocks" also create an unknown increase in housing, families, cars, etc. In reality the proposed site could double the amount of housing. This is not a subdivision of only 118 lots.
5. There is no Aboriginal assessment in the DA.
6. There is no socio-economic impact plan.
7. Where is the grey/recycled water plan?
8. The ecology report regarding compensation per acreage is not adequate.
9. On a positive note, the landscaping looks very thorough and considerate of native plantings, street trees, etc. I do wish the natural waterways (which are quite active when it rains) were incorporated to create riparian areas.

Regards,

Melissa Wright
1/44 Stewart St, Lennox Head
0429876601

Given the recommended option from your own consultants is not to install the acoustic barriers, and on the basis of limited benefit to the new site owners as well as the total obscuration of views for existing residents, I strongly object to the proposed installation of acoustic barriers along North Creek Road and Henderson Lane.

Andrew Dawkins

Sue Wade

From: david kitson <sonofkit1@gmail.com>
Sent: Sunday, 12 August 2018 10:16 AM
To: Ballina Shire Council
Cc: Matthew Wood
Subject: Objection - DA 2018/51.1 - 118 residential lot subdivision 20 North Creek Road, Lennox Head

General Manager
Ballina Shire Council

I wish to object to the residential subdivision proposal in DA/2018/51.1 for 118 residential lots at 20 North Creek Road, Lennox Head.

I am the part owner of the adjoining property known variously as 50 North Creek Road/ 10-14 Henderson Lane, Lennox Head. As Council would be aware, we have made a formal application to rezone the land for residential purposes in the past and have communicated with Council on numerous occasions our aspirations to continue this process.

I wish to lodge an objection to the development on the following grounds:

1. The proposed piping of the major drainage line through the property:
 - a. Is contrary to previous concept plans for the development of the land.
 - b. Has been designed based on our land remaining undeveloped. The Drains Model is based on the EXCA1-EXCA4 catchment modelled as pre-development flows. Our land is within EXCA4 catchment.
 - c. Has the potential to sterilise the development of our land as there are minimal opportunities to provide stormwater retention on our land.
 - d. Has the potential to fail as a result of blockages from the transportation of bulky organic material from the vegetation on our property.

Any sizing of pipes should:

- Factor in say 25 dwellings and the associated hard surfaces on our land. I suggest that the same approach should apply to those other undeveloped catchments.
- Should provide for a substantial gross pollutant facility within the drainage line within the development site adjacent to our boundary.

I also suggest that great caution should be given to using rainfall data that is not specific to this site and additional margins of error should be factored into any calculation, as the site is subject to very unique weather events having regard to its position on the leeward side of the Lennox Head headland.

As a former resident I can personally attest to the fast rising and rapid flows than can experienced on our land when a cloud bust occurs.

2. There has been no consideration of vehicle access and service easements to service our land.
 - a. The failure to provide an integrated road and infrastructure network is inconsistent with Council's past emphasis on an integrated approach to the development of both sites via the Lennox Head Structure Plan.
 - b. The failure to provide an integrated approach to service provision will lead to duplication of infrastructure that will have costs to Council and other service provider in term of long term maintenance and replacement costs.

It is requested that a vehicle access handle, that enable vehicular access and the inter connection of services, be provided from the proposed road network to our land:

- On the northern side of proposed lot 25 instead of the extension of Road 2
 - On the northern side of proposed lot 23 to serve the northern bench of our site that runs parallel with North Creek Road. Such access is necessary to efficiently service this part of the land due to Council's prohibition on direct access to any future development along this frontage.
3. The proposed extent of cutting adjacent to our property boundary is excessive and unreasonable having regard to:
- a. The potential risks associated with high rainfall and underlining geology of the site.
 - b. The risk to the future development potential being sterilised immediately adjacent to this boundary.
 - c. The cost and difficulty of having to negotiate with multiple owners (of the proposed lots) if there were to be any failure of the retaining wall structure.

It is requested that the general 2:1 (horizontal/vertical) batter be projected from our boundary to any retaining wall structure.

It is my submission that the development should be redesign such that the road is located on the boundary and any retaining wall is provided within a Council road reserves such it can be easily access should repairs need to be made.

Thanks for your consideration. I understand that the closing date for submission has been extended to the 28 August 2018. I may take the opportunity to further refine this submission prior to this date.

Can you please keep me advised of the progress of this application. I am more than happy to discuss any of the matters.

David Kitson
Mob: 043 227 1110



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