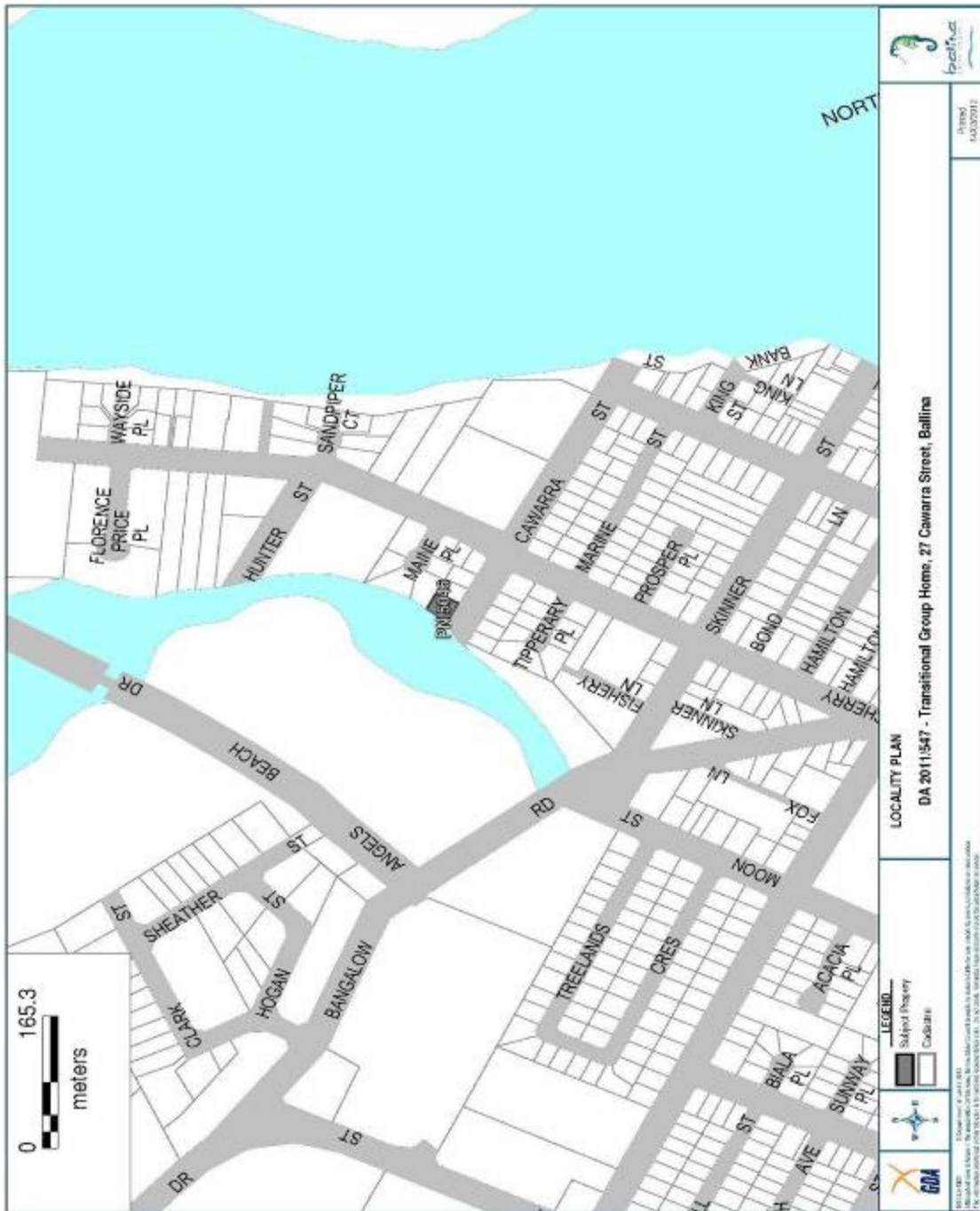


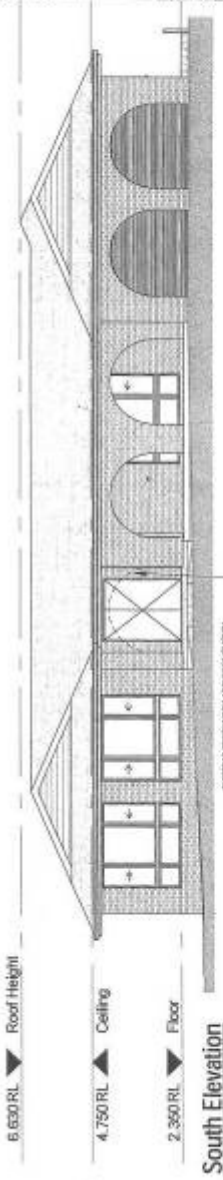
8.2 **DA 2011/547 - Transitional Group Home, 27 Cawarra Street, Ballina**



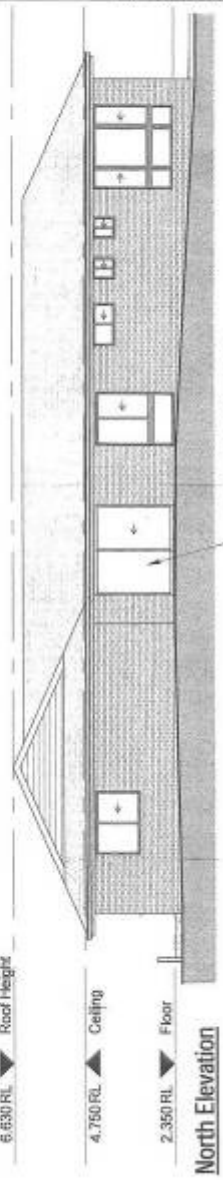
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MEMBER
the plan centre
 ARCHITECTS

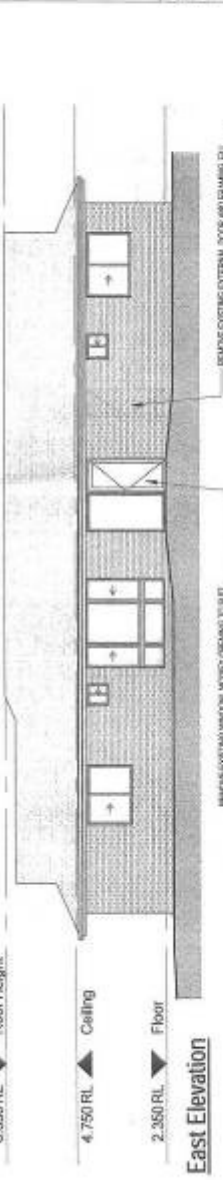
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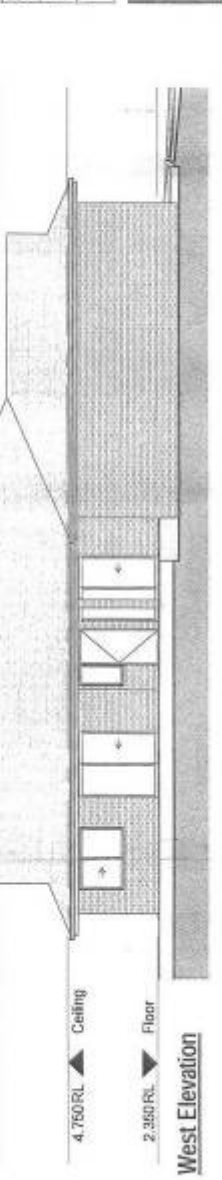
South Elevation



North Elevation



East Elevation



West Elevation

LOCATION
 Carrara Street
 Ballina NSW

CLIENT
 Northcott Disability Services

PROJECT
 Alterations - Additions
 Elevations

PROJ NO	SCALE	DATE	REV
11661	1:100	A03	DA 3

MEMBER
the plan centre
 ARCHITECTS

17 January 2012

**OBJECTION – 27 Cawarra Street, Ballina, 2478
Lot 16, DP557411**

Marisa and Terry Poptie – Owners and resident of 6A Maine Place, Ballina. A boundary neighbour to 27 Cawarra Street, Ballina.

In relation to "Proposed educational establishment and transitional group home - Statement of Environmental Effects" registered by MB Town Planning, relating to the above premise, I wish to highlight a number of concerns to the content of this proposal.

- Concerns with the proposed development:
 - Ratio of office space vs training facilities/accommodation services
 - 3.5 refer to the property being used to include administrative activities and a transitional group home. Even though the proposal states it is targeted towards a "group home", the current plan only accommodates 1 individual/resident during weekends and holiday periods. At face value the proposal is mostly business related rather than residential – there is overnight accommodation 126 days out of a potential 366 (2012 is a leap year) which equates to approx 34% of the year.
 - Points 3.9 and 3.10 reflects the ratio of 8 staff on site to 8 clients on site any one time will result in up to 16 people within this residence at any one time, potentially 5 days a week. The comings and goings of this many people within a small cul-de-sac of 6 houses will increase the road traffic three fold. The increase in traffic throughout the area, including the intersection of Cawarra Street and Cherry Streets may result in added danger to children, elderly pedestrians and the general public.
 - As previously stated the proposal refers to 16 staff and clients would be the maximum number of people within the premises at any one time, increasing to 24 should the program increase. Who is responsible for ensuring that this capacity level is maintained and not exceeded on a regular basis?
 - The degree of disability of the persons remaining in the accommodation is not clearly stated at any point throughout the proposal. Nor is there any reference to the potential area for growth for the property as stated in 3.11. As the program develops throughout the region there is no guarantee that the property will remain as a 1 person "group home" for disability. Concerns are raised that increased risk to the community in the area should the property become used to house mental/psychological disabilities, will the clients pose any danger to the community/neighbours. To what extent do the clients need to be integrated into society – if the accommodation is built for 1 person at a time, will the client need "carers" or assistance throughout their stay at 27 Cawarra Street? If something was to occur throughout their stay will the client seek medical assistance from appropriate channels or will the neighbours be imposed on to address continuous issues?
 - 4.5 refers to "part of the floor space" being used for office and ancillary purposes. From evaluating the floor plan of the proposed changes 60% for the floor space looks to be used as Office and meeting spaces for staff and training purposes. It is misleading to refer to the property as a "transitional group home" when the space clearly does not reflect this.
 - 4.12 Clause 5 - 30. Services states that the properties existing facilities already provide for sufficient sewerage, water and drainage services. How does normal residential services allow for up to a potential growth of 24 people working/clients within this residence? Waste collections and sewerage provisions would be heightened, how will this effect services to neighbouring properties. Waste collection bi weekly for recyclable materials and organic waste for this number of people will exceed standards for low density residences.
 - 4.12 Clause 9 (7) "where the scale, type and traffic generating characteristics of the ancillary development are compatible with the character and amenity of the surrounding residential area" – How does a development which consists of 60% floor space to

office/admin/meeting space and only 1 living area with bedroom meet the surrounding residential areas purpose? To dismiss this clause from the proposal simply due to more than just the neighbours use of the facility is deceiving, the proposal continues in point (b) to refer to the need of setting up the "public building" in a residential area is essential for transitional purposes so that the clients can interact with neighbours, but again to what extent? No interaction between the Northcott program and the residents of the surrounding properties has occurred at any time.

If the main purpose of the proposal is to develop clients into a transition of "normal" life, why is the property modifying so dramatically from the current layout to only include 1 x living space/bedroom?

- Part 5 - Parking/Traffic/Residential Amenities: 5.3 makes the assumption that only 6 staff will be driving vehicles, when there are a maximum of 8 staff which will be onsite at any one time. Is there a guarantee that 2 staff do not drive? No mention is made of parents/carers dropping off or picking up clients from the property. What happens in the event of 5.8 where the program may increase to 24 people on the premises? How is an increase of 3 x times the number of people "moderately" increase traffic within the neighbourhood? In all comments made from 5.2 – 5.8, the underlying opinion by MB Town Planners is that a street composed of 6 houses (potentially up to 12 vehicles in total) within a small cul-de-sac will not increase dramatically and is acceptable – to whom? I believe that a formal traffic survey to determine current traffic flow vs the impact of this proposal is needed to ensure the upkeep of council services, such as roads and maintenance is maintained to the current standard.
- 5.14 impacts residents, such as our property at 6 Maine Place, Ballina which borders directly onto the side of the courtyard. The use of the courtyard for group activities is likely to significantly increase the noise and visual impact on our property. Is it likely that up to 24 people could be participating in group activities in the courtyard on a daily basis – Monday to Friday if the program increases in capacity? Again, who is expected to maintain the level of noise should disturbance occur? Are we to contact the Ballina Police in the event of noise disturbances on a daily basis? There is a significant difference between a resident holding a one off party to celebrate a child birthday or wedding anniversary to up to 24 people holding a group activity 5 days per week. Residential areas reflect a number of difference scenarios which make up a diverse community, shift working residents who work at night and need to sleep during the day to maintain a work-life balance, families with small children trying to settle their child in a daytime sleep schedule, elderly residents who like to rest throughout the day. By introducing an "educational establishment and transitional group home" will significantly impede on the calmness and harmony of a residential environment especially when we have not been informed of the degree or type of "disability" or disabled person that will be accommodated / educated in this specific proposed location.
- Conclusion 6.3 states that the proposal is located in a low density residential area in order to provide a typical residential setting for clients of the facility to learn skills to enable them to participate fully in the community. How does Northcott intend to interact with the local community and residents of Cawarra Street and surrounding suburbs in these circumstances?
- Drawings Notes 3 and 4 – changes in the location of the side access of the eastern wall of the property will impact on the foot traffic and noise levels within the vicinity of the property. Currently there is minimal traffic within this side of the property, which is granny flat accommodation. Changes to the existing property will result in this opening being used for up to 8 staff's, 8 clients and their families/carers.

Conclusion

This proposal, should it be accepted will result in increased traffic to a small cul-de-sac and neighbouring properties. It will impact noise levels and disturb the peace with a diverse residential area composed of families, shift workers, elderly and a mixed group of members of the Ballina community.

Once the proposal is approved, where is the guarantee that Northcott will maintain the expected purpose of the property? What is stopping them from changing the type of persons accommodated in the "group home" to include battered women/children or antisocial and violent mentally disabled persons which may pose a threat to the neighbouring community? What is the potential that the property be further developed to accommodate more "group home" facilities or change the living quarters to more office space/meeting rooms?

Terry and Marisa Poptie



PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE ASSEMBLY



DON PAGE, M.P.
MEMBER FOR BALLINA

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7 Moon Street
Ballina NSW 2478
PHONE: (02) 6686 7522
FACSIMILE: (02) 6686 7470
MAIL: PO Box 1018
BALLINA NSW 2478
WEBSITE: www.donpage.com.au

27th January 2012

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



Dear Mr Hickey,

I am making representations on behalf of Mr and Mrs Mark and Deborah Seib of 30 Cawarra St, Ballina regarding development application number 2011/547 in relation to 27 Cawarra St, Ballina.

I enclose herewith a copy of their email which outlines their concerns in relation to the D.A. I would appreciate if you could provide your comments in response to the concerns Mr and Mrs Seib have raised.

Thank you for your assistance in this regard. I look forward to your reply in due course.

Yours faithfully

Don Page MP
MEMBER FOR BALLINA

encl.
DP:dc

From: Magistrate Thacker [Magistrate.Thacker@courts.qld.gov.au]
Sent: Tuesday, 31 January 2012 3:33:22 PM
To: Ballina Shire Council
Subject: DA 2011/547(njm) - Re No. 27 Cawarra Street, ballina

Dear Rod Willis / Hugh Johnson and All Councillors Concerned,
I am writing in response to information given me about Development
Application 2011 / 547.

I wish to make the following comments and have them brought to the
attention of the Ballina Shire Councillors please.

You should be aware that I have an interest in this DA because I am the
owner of No.18 Cawarra Street, Ballina.

My concerns related to the impact development at no. 27 would have on
Cawarra Street focus on 1. car parking 2. motor vehicle traffic; and
3.general residential amenity.

Re: Car Parking

Looking at the DA material on the council website I understand there
would be 8 staff on the property. However, provision is made for only 2
cars to park off road. At Para 3.9 there is also reference to a maximum
of 8 clients visiting the site. I also notice para 24 referring to 24
people using the site. Not mentioned is the prospect of additional
visitors to the site to deliver administration and management eg
tradespersons, cleaners and garbage disposal workers and also other
workers allied to the staff etc. I am very concerned that the street
will become congested with car parking. Further to this, no
consideration appears to be given to the fact there is no footpath in
this street. Car parking and related use of the street will radically
change the current residential and quiet use of this street and Cherry
Street nearby.

Re: Traffic

The DA materials infer the site use would be similar to other
residential usage and special reference is made of portion of the
building being used as temporary accomodation. However, closer
inspection reveals to me that the property will in fact have only a very
minor involvement with provision of residential service. Rather, the
property activities would be more closely aligned with commercial /
business /training workers use than residential use.

Further to this there does not appear to be proposal for upgrade of
infrastructure in Cawarra Street or Cherry Street nearby to accomodate
this change of use. I have already mentions a few problems above.

General Residential Amenity

There is no similar land use as that proposed in any other part of
Cawarra Street or nearby Cherry Street. All traffic caused by activities
at no. 27 would require passage passed every other residence in that
part of Cawarra Street as no.27 is at the end of the street. This would
mean a radical departure from the current quiet enjoyment of the street
by residents. It would have a similar further impact on Cherry Street
which already carries an increased amount of traffic although it too is
a residential street.

I submit that the stated aim of the development to assist disabled
people learn to participate in the community cannot be given the
consideration weight the DA seeks. The over-riding purpose of the
development is to house workers and not disabled residents. The detail
in the DA shows that only one disabled resident would be accomodated and
then only at the weekend and / or school holidays. This is comparatively
insignificant residential use of no.27 by comparison with its use for
more business/ commercial / training workers type purposes.

For these reasons I submit that the DA should be rejected.

Regards,
Anne Thacker

magistrate.thacker@courts.qld.gov.au

Please think about the environment before you print this message.

1/3

Re: DA 2011/547 – 27 Cawarra Street, Ballina

Peter Hewett
28 Cawarra Street ,Ballina NSW 2478 Phone: 66862235

1st February, 2012.

Mr Dwayne Roberts
Regulatory Services Group
Ballina Shire Council
P.O. Box 450
Ballina, NSW 2478

Dear Sir,

Re: DA 2011/547 – 27 Cawarra Street, Ballina.

RECEIVED
03 FEB 2012
RECORDS

RECORDS
SCANNED
6 FEB 2012
Doc No.....
Batch No.....

I wish to object to the above listed development application for **No. 27 Cawarra Street.**

I feel the proposed development to be completely incompatible with the current environment established in this small cul-de-sac.

To have such a development imposed on just six other residences is not justifiable and the impact will be detrimental.

It is disappointing to find so many discrepancies in the planning document and makes one question deeply, the overall strategy of such a development proposal.

The D.A's architectural floor plan of the residence shows approximately 60 % would be office/administration. This pertains to a business.

3.9 States... At the commencement of use there would be up to eight clients on site at any one time.

3.10 States... At the commencement of use there would be a maximum of eight staff on the premises at any one time....**however,**

5.11 Affirms... That with more development, the staff would be relocated to a central office and this would allow an increase of up to twenty four people on the premises at any one time.

This creates a completely different situation, even pertaining to noise levels when the number of people has escalated by so many.

I also find no clarification of **4.18b** as to future use. Once this business is established, possible variations of use for the site are not clear and may not be acceptable to the current residents of the cul-de-sac.

This cul-de-sac, from it's very beginning has witnessed a fragile road surface, greatly due to the very close proximity of Fishery Creek. The kerbside grate, situated outside No. 28, allows excess water to flow from Fishery Creek, resulting in flooding of the cul-de-sac with salt water. Not only is this a hazard to motor vehicles, but it contributes to the poor state of the road, even with a very minimal amount of traffic each day. A sudden upsurge of vehicular movement would have a very detrimental effect.

5.5 States that the people mover vehicle would be operated relatively frequently.

3.9 + 3.10 The initial figures of **3.9 + 3.10** say 'On street parking would be minimal.'....Yet no real survey has been done and going by the escalation (**3.11**) it shows there would be a lot more vehicular movement and the need for on street parking.

In a 'through' street, this application has more justifiable aspects in terms of traffic, however, in a cul-de-sac it is emphatically **not desirable at all**. Service vehicles such as Ballina Shire Council garbage collection, Ambulance, S.E.S, and Electricity, would find manouvering the street and cul-de-sac very difficult with extra vehicles taking up street parking space.

5.12 States'On street car parking will occur (office hours), when demand by other residents will be at it's lowest.'

This is ludicrous to virtually say that other residents only receive visitors and /or trades people during evenings and/or at night!

3.13 States'Hours of business, listed as 8am to 6pm' ...**However, in**

5.3 It states that 'programmes would not necessarily finish at the end of standard business hours'....

So much for the supposed traffic survey and time categorisations!

We, the residents of this cul-de-sac live in a fragile environmental area. The nearby Fishery Creek encourages an abundance of birds and other wildlife. Elevated levels of noise and vehicular movements would prove to be detrimental.

The architectural visualisation of the proposed development is not harmonious to the rest of the cul-de-sac. The proposed alterations create more of an institutional image than that of a true residence. This is not compatible to surrounding properties and environment.

I strongly oppose the D.A. proposal and trust that you will respect fully consider the above concerns.

Yours Sincerely,



Peter Hewett.

31 January 2012

Ballina Shire Council
P O Box 450
Ballina NSW 2478

DA: NO: DA 2011/547
APPLICANT: Northcott Society
PROPERTY: Lot 16 DP 557411, No.27 Cawarra Street, Ballina

Dear Mr D Roberts
c.c. Ballina Shire Councillors

I am writing to object to the above proposal and have listed my comments in relation to the Statement of Environmental Effects by MB Town Planning at the end of this letter.

I have been a resident at 23 Cawarra Street, Ballina since April 2008 when I moved from Lismore. My parents (Max & Leona Heynatz) and grandparents on both sides have been long time residents of Ballina so I have always had close ties with the community.

I moved to Ballina to be closer to my parents in order to be of assistance to them in their later years. My father has advanced Parkinson's Disease and at times my mother requires a helping hand.

The small cul-de-sac of Cawarra Street has been the perfect location. The existing residents are mostly of a similar age group - nearing retirement, semi retired and retired. I live alone and as we are a close knit little street it is reassuring to know I can rely on my neighbours should the need arise.

I have 4 grown children with families of their own who live locally and visit on a regular basis. I also have small grandchildren who stay with me weekends and holidays as do the other street residents.

The proposed development for the educational establishment and transitional group home would definitely impact on the current amenity of the neighbourhood and the compatibility of the street.

I would invite the councillors to visit the site of the proposed establishment and see for themselves how inappropriate such a facility would be in the small cul-de-sac at 27 Cawarra Street.

I look forward to a response to my concerns and would like to be notified of the date of the council meeting regarding the DA application.

Yours faithfully

Beth Fabre
23 Cawarra Street
Ballina NSW 2478

Objections to the proposed development at 27 Cawarra Street Ballina.

All references are in relation to the supporting document prepared by MB Town Planning.

2. Description of the site, locality and proposal

- 2.5 The location is actually 1.45 kilometres from Ballina Fair. The distance to local shopping should not be a factor as it appears most of the clients will need to be transported by a people mover and not be able to walk that distance.

3. Description of Proposed Development

- 3.3 The proposed circular driveway would again reduce the amount of street parking and there would then be 5 driveways in a very small turn area.
- 3.4 The parking described in this clause does not allow for off the street parking for all of the 8 staff at the commencement of the establishment.
- 3.5 The facility would accommodate one resident during weekends and school holiday periods only. Who would control the amount of residents staying in the home at one time and why would the occupant be on site only during these times?
- 3.9 States that at the commencement of use there would be a maximum of 8 clients delivered to site by people movers. These vehicles would be larger than the normal existing traffic and therefore more wear and tear on an already deteriorated road surface. Is the council prepared to repair the road to allow for the larger vehicles coming to & fro?
- 3.10 At the commencement of use there would be a maximum of 8 staff and there has been no provision for off the street parking for their vehicles.
- 3.11 24 staff and clients on the premises at one time. The noise level with that many people in one home would overwhelm the quiet street in which we live. Again parking would be an issue.
- 3.12 I consider 24 people (office staff only without clients) as stated in clause 3.11 to already be a large meeting or gathering.
- 3.13 The hours of operation 8am to 6pm are prior to most of us leaving for work and also still operating when we arrive home at 5.15pm. The hours of operation will disturb the neighbours with the additional traffic noise and ease of us departing and returning to our homes. Who will reside in the one bedroom transitional group home during weekends and public holidays only and how will this be monitored?

4. Statutory Controls & Consideration

- 4.5&6 It is acknowledged that part of the project is for an office. According to the floor space approximately 60% of the non residential floor space is allocated to offices and support facilities. The space left is allocated as meeting and training therefore it appears that the main role is, at least initially, office and administration and should have off the street parking for this staff.
- 4.12 (1) It is stated that the project is not an ancillary development, servicing the local community. Rather it is a project which will service the wider region.
- 4.12 2g) There were 5 people living in the existing home, at present there are only 3 people and one vehicle. The comment that the proposal does not generate any additional ecological impact is hard to understand when they have stated the number of staff and clients (initially 8 staff + clients) who will be using the facility. Also they will be installing an additional toilet in a home which already has 4 toilets.

4.12.9 It is stated that the council could give consent to the proposal as an "education establishment" which is permitted within the 2(a) Living Area Zone. The reason stated is:-

The location of the proposed public building within a residential area is essential because the programs associated with the use require a normal residential setting, rather than an institutional setting, in order to assist participants in learning how to participate in the community"

This assertion is not supported and there is no evidence given as to why there is an essential link between the educational program and the associated neighbours. There is no mention of any local interaction within the street, in fact it is suggested there will be little to no interaction. Also with new layout of the house, the home environment has been removed with the majority of space made into offices and meeting space.

The lack of supporting evidence for the essential need for this educational and administration program to be located in a residential street is a significant reason to question the suitability of this location. If you were to replace the training of people with a disability to people who were training for another career, the suitability of selecting this site would be placed in a more non emotional and appropriate perspective.

It would seem that the proposal is primarily for an administration centre with attached education facility. The accommodation component would seem incidental to the main objective of the program and not necessarily connected to the administration and educational objectives. It is unproven and extremely tenuous to claim that these administration and educational functions are essentially connected to a residential street.

State Environmental Planning Policy (Affordable Rental Housing 2009

4.18 Group Homes – transitional group home – is defined as:-

- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide halfway accommodation for the persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people.
What measures are in place to prevent Northcott Disability Services from turning the house into this type of housing?

4.20 The term "group Home transitional" seems to be conflicting with the comment in this clause. The new house layout would have only one bedroom with no facility for a carer to stay on site.

Ballina Combined Development Control Plan

<u>Section/Clause</u>	<u>Provision</u>	<u>Compliance Comment</u>
Ch1 Policy Statement No. 2	Car parking and Access	In response to their proposed parking: By again citing this as an "educational establishment" they are neglecting to take into account that approx. 60% of the non-residential floor space is allocated to offices and support facilities. The large amount of office space would require a certain amount of staff off the street parking for which no allowance has been made.
Ch1	Provides 1:100 year	The flood level is actually 2.6AHD metres not RL1.9.

Environmental Planning and Assessment Regulation 2000

4.30 (a) There are a colony of bats living in the trees of the wetland area. There are other wildlife including bush turkeys, goannas etc which can often be seen wandering the cul-de-sac and this type of establishment,

together with the additional traffic and noise being generated would adversely affect them. The area is also a haven for sandflies and mosquitoes.

- 4.30 (c)The use of the premises for administrative and program activities will indeed impact on the amenity of the surrounding residents.
The present state of the road surface and restricted turning circle for council vehicles is already a problem and the additional traffic together with people movers will further deteriorate the road.

Council vehicles have difficulty as it is in collecting rubbish due to the tight turning circle. How much additional rubbish will the new "community facility" create and how will they dispose of it ?
- 4.32 The use is now changed to a "community facility" in order to comply with draft Environmental Planning Instruments.
- 4.33 The definition of "community facility" is as stated in their clause (a) and (b) then goes on to say:- but does not include an educational establishment, hospital, retail space etc.
The title of their proposal is Proposed educational establishment and transitional group home which again contradicts the claimed use of a community facility.
- 4.34 The proposal does not provide a development compatible with the character and amenity of the surrounding neighbourhood.
- 4.41 The impact to surrounding residential properties are not acceptable to the existing residents.

5. Consideration of relevant matters arising

- 5.2 Initially the number of staff will be 8 increasing to 24 as stated in clause 5.8 . On top of this there will be the coming and going of clients using a people mover.
- 5.4 There are only 6 other dwellings in the street not 8 as stated the other two front Cherry Street as do the driveways. Total traffic generated would greatly increase as the number of staff increase.
- 5.8 They predict staff would share and/or ride bicycles. How can they predict this other than to justify their assertion of little traffic increase. Who will monitor the staff car pooling or riding bikes? I find this prediction unbelievable in today's work force . I feel they are using this as a way to reduce the traffic in the street.

Residential Amenity

- 5.15 The number of people on site alone will generate greater noise than at present and two of the homes house residents who are retired and are at home during the day. I only work part time and are at home on two days per week, one other resident works from home which means 4 of the six homes are occupied through the day . Therefore the residents will be disturbed during the day.

The additional traffic will not only affect Cawarra Street but also Cherry Street itself. We are very close to St Andrews and Crowley retirement villages and quite a lot of those residents use scooters for mobility. The increased traffic will adversely affect these people.

6. Conclusion

- 6.3 The alterations to the inside of the home have removed the typical resident setting and turned the home into mostly office space.
- 6.5 The proposal will generate significant noise levels and traffic volumes, how can it not with that many people coming and going.

Amenity of Cawarra Street

Two of the homes in the street have carried out renovations on the exterior of their homes which has improved the street scape.

The residents of Cawarra Street take pride in their lawns, gardens and street presentation.

The front lawn at the proposed dwelling will disappear under concrete with the proposed circular driveway, widening of the existing driveway and one hard space car park. Thereby detracting from the overall street appeal.

24 Cawarra Street
BALLINA NSW 2478

1 February 2012

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



Dear Sir

**Development Application 2011/547 – Conversion to Educational Establishment
Property 27 Cawarra Street, Ballina**

We wish to object to the above proposal on two grounds

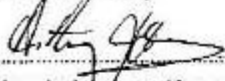
- 1 The type of land use proposed;
- 2 Impact on amenity of neighbourhood.

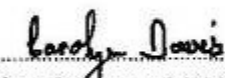
In summary, our objections are that it is an intensive, inappropriate, unnecessary and possibly misleading use of residential land resulting in traffic flows as high as thirteen times the current use.

Support for our objections is contained in the attached document.

Please note that we do not object to the property at 27 Cawarra Street being used for permanent housing for people with disabilities and hence we did not object to the proposal of February 2009. We do not object to residential use of the building, however we do strongly object to administration and educational usage with minimal temporary accommodation.

Yours faithfully


.....
(ANTHONY JAMES DAVIS)


.....
(CAROLYN MARY DAVIS)
MARY

Enclosure

The objections can be divided into two parts:

- a. The type of land use proposed
- b. Impact on amenity of neighbourhood.

All references are to the supporting document prepared by MB Town Planning.

The type of land use proposed

In 4.5, it is acknowledged that part of the project is for an office. According to the floor plan, approximately 60% of the non-residential floor space is allocated to offices and support facilities. The remaining space is allocated to meeting and training purposes. By space allocation, there is evidence that the primary role, at least initially, is for office and administration.

In 4.19, it is stated that the project is not a group home, the main objective of the original application of 2009. Even the proponents acknowledge that this is not primarily a residential program. In fact there has been little objection to an accommodation program within the street. Hence the acceptance of the original proposal and opposition to the current one.

In 4.12, it is stated that the project is not an ancillary development, servicing the local community. Rather it is a project servicing the wider region.

In 4.12, pt. 9, it is claimed that the Council could give consent as the project is essential land use within a residential area. The reason stated is:

"The location of the proposed public building within a residential area is essential because the programs associated with the use require anormal residential setting, rather than an institutional setting, in order to assist participants in learning how to participate in the community."

This assertion is not supported and there is no evidence given as to why there is an essential link between the educational program and the associated neighbours. There is no mention of any local interaction within the street, in fact it is suggested there will be little to no interaction. This lack of supporting evidence for the essential need for this educational and administration program to be located in a residential street is a significant reason to question the suitability of this location. Indeed, if one was to replace the training of people with a disability with people who wished to be plumbers, the suitability of selecting this site is placed in a more non emotional and appropriate perspective.

In conclusion, it would seem that the proposal is primarily for an administration centre, with attached educational facility. The accommodation component would seem incidental to the main objective of the program and not necessarily connected to the administration and educational objectives. The claim that these administration and educational functions are essentially connected to a residential street is unproved and, with current information, extremely tenuous.

**Development Application 2011/547 – Conversion to Educational Establishment
Property 27 Cawarra Street, Ballina**

Impact on Amenity of Neighbourhood

Section 5 is disappointing as it appears to have little basis on systematic data, but rather opinion and guesswork based on casual observation e.g. In 5.4 it is stated that there are eight other dwellings in the cul-de-sac. There are actually six. There was an admission that no surveying of residents or traffic movements was done. It should be noted that there are only ten adults and no children living in the cul-de-sac. There are, on average, about thirty traffic movements per day in either direction. This lack of traffic, while very low, is a significant amenity for the residents and one of the reasons they selected to live there.

In 5.3 the report states that there will be at 3 people mover and 6 staff car movements, at least, a day from the project. This is 18 movements, at a minimum. more than doubling present amenity. But this minimum is based on two staff not driving (no supporting evidence); no staff leaving and returning during the day(no supporting evidence); no other Northcott staff attending (no supporting evidence); no family attendance (despite comment in 3.9) and the eight clients can be transported in three movements (despite comment in 3.9 where they will be arriving individually). If it is assumed that one extra staff will travel by car, two will come and go during the day, one extra staff movement and six movements to transport eight clients the total would be approximately 32 in or out movements, an increase of 213% from the current total of all others and the proposed development would generate nearly 13 times the average of each of the other five residences.

These figures are for eight clients, when extended to 24 staff/clients the figures are even more problematic.

In 5.9 to 5.11 on street parking is discussed. By minimal estimates there will be 6 staff cars (5.3), and 3 on site spaces, hence 3 cars in street. But the report only claims two cars in street more probably, see above, there will be more. This lack of analytic rigour is disturbing for such an important report.

Exacerbating the situation, the proposed site is on the turning circle of cul-de-sac. Council is aware that service vehicles, especially waste collection vehicles, have difficulty turning in the space and have caused damage to road surface and curbing. The situation is under council review. This is when there are no cars parked in the street. Parked cars will impede service vehicles, causing more back and forwards movement and more damage than presently existing. Ultimately, this damage will have to be repaired at Council cost.

In conclusion, the statistics used in the document are unsupported and at times contradictory. Even with minimal figures, the traffic movement is doubled and more likely tripled. The project generates traffic flow 13 times current average for each household. The on street parking will inhibit service vehicles in the street. It is difficult to understand how the town planner document could claim "there would not be significant impact on residential amenity." There is considerable evidence that the proposal is for an intensive operation being located in a low impact residential area.

MARK & DEBORAH SEIB

30 Cawarra Street, Ballina NSW 2478 Ph: 6686 4558 email: seiberspace@bigpond.com

1st February 2012

Mr Dwayne Roberts
Regulatory Services Group
Ballina Shire Council
P.O. Box 450
BALLINA NSW 2478

1979494
ACKNOWLEDGED



Dear Dwayne

Re DA 2011/547 – 27 Cawarra Street, Ballina

We wish to object to the above Development Application and have outlined below our concerns in relation to this development.

We argue that **the proposed development is incompatible with the character and amenity of the street in accordance with various planning instruments**, including but not exclusive to, the SEPP (Infrastructure) 2007, SEPP (Affordable Rental Housing) 2009, the Environmental Planning and Assessment Act 1979, the RTA *Guide to Traffic Generating Development*, the Ballina LEP 1987 and Draft BLEP 2011. We address our concerns below in relation to the relevant points as per the Statement of Environmental Effect (SEE).

We apologise for our lengthy response, but felt it imperative to respond with an analysis of our objections to each relevant point within the SEE. We will appreciate and request, your feedback in due course.

- 2.5 Contrary to the SEE, the site is a 1400m walking distance from *Ballina Fair Shopping Centre*. And at least a 900m walking distance from *Ballina Central Shopping Centre*.
- 3.1 Whilst the proposal is described at appropriate junctures, as an "educational establishment and transitional group home", at other 'appropriate junctures' it is described as "commercial premises", "community facility", "health services facility", "community health service facility", whatever planning instrument it is endeavouring to conform to, *even if one description appears to contradict other descriptions of the facility and its purpose*.
- 3.5 A base for Northcott's programs in Ballina and surrounds which include administrative activities is **contrary to the Draft BLEP 2011 objective 1(b) as it does not provide essential services to residents living in the surrounding area**.
- 3.9 The SEE states that at the 'commencement' of use there would be a maximum of 8 clients on site at any one time who would be collected from their homes and taken to the premises one at a time. That would be 8 transfers to the premises in a people mover or via family or carer's vehicles. **This is contrary to 5.3 where it is stated that there will be 3 people mover client transfers between 8.00 and 9.00 a.m.**
- 3.11 As the programs become 'established', there is an anticipated increase to 12 clients and 12 staff at any one time. That would be 12 client transfers and, contrary to 'predictions' of car-pooling and bicycle riding, would equal up to 12 staff transfers as well. The increased traffic and parking requirements are addressed later in this submission.
- 3.13 **We would like clarification on the statement that 'the transitional group home will be in use on weekends and school holidays'.**

2 Zone 2(a) objectives

The proposed land use is inconsistent with the following 2(a) Zone objectives in the BLEP 1987:

Clause 2

- 1 Contrary to the comments here, not only will the traffic, parking and general residential amenity be impacted, but also the adjacent ecologically sensitive wetlands environment, and protected native flora and fauna.
- 2(a),(b), (c) The only efficient use of existing urban resources is the proposed building. **It provides no services to the residents in the surrounding area, and only negatively affects traffic, parking and amenity within the street.**
- 2(e) "The proposal provides employment opportunities to staff of the proposed facility". No matter WHERE the proposed facility was situated, it would provide local employment opportunities.
- 2(f) The proposal **DOES generate additional ecological impact** with regard to increased air, noise and water pollution (e.g. vehicle emissions etc. washing into the Little Fishery Creek system), increased stormwater runoff from increase in impermeable surface of concrete driveway, impacting upon the protected flora and fauna of the adjacent Environmental Wetlands environment.

Clause 5

34. *Flood prone land.* The land is zoned 'flood prone land' with an AHD of 2.6m.

Clause 9

- (a) *to regulate the subdivision and use of land to permit housing and ancillary development where the scale, type and traffic generating characteristics of the ancillary development are compatible with the character and amenity of the surrounding residential area,*

The proposal is not what would be defined as 'ancillary' development to housing. Contrary to 4.12 of the Statement of Environmental Effects (SEE), this objective is relevant to the proposed development because the intent of this objective is to ensure that any permissible development is compatible with the character and amenity of the surrounding residential area. **We argue that this proposal is not compatible with the area for the reasons mentioned later in this submission**

The proposal is **therefore also inconsistent with the following similar objective in the Draft BLEP 2011 for the equivalent R2 Low Density Residential Zone:**

"To provide for development compatible with the character and amenity of the surrounding neighbourhood."

- (b) *to permit development which is considered by the council to be an essential land use within the urban living area, but not including a shop (other than a general store), and*

Contrary to of the SEE with regard to objective (b), the land use is not essential to an urban living area. It does not provide essential services to residents living in the surrounding area. **The development is likely to negatively impact on the residents of the surrounding area for the multiple reasons outlined elsewhere in this submission.**

The 'supporting comment' is flawed, as there is no mention in the SEE of any involvement with or by the residents in the immediate vicinity. On the contrary, the SEE states that **the clients will be transported in and out of the educational facility, without having any contact within the programs with the residents in the street.**

In addition to this, there is NO provision in the street for people who are, for example, wheelchair-bound or who have difficulty ambulating without assistance. The gradient of the driveway is relatively steep for such persons, the road surface is not smooth, and there are no pedestrian pavements in the street.

Clause 9

C. *The exception to these objectives is development of land within this zone for public works and services, outside the parameters specified in the primary objectives.*

Objective C of the zone objectives has been misinterpreted in the SEE. The intent of this objective is to allow a public authority to be able to perform essential public works or services which may otherwise not fit with other zone objectives. The proposed development is not being provided by a public authority and therefore is not a public service. **This clause is therefore irrelevant to the proposal.**

- 4.18 With reference to the *SEPP (Affordable Rental Housing) 2009 (b)*

What guarantee is there that there will not be a change of use of this facility to a temporary accommodation or 'crisis housing' e.g. for the purposes of drug or alcohol rehabilitation?

For one example (and we are aware of other examples), we refer to DA 2009/311 – 119-123 Burnet Street, Ballina.

Condition 2.4

"... That the dwelling units may only be occupied by those persons as prescribed by Clauses 8 and 9 of *SEPP (Seniors Living) 2004*."

Condition 2.5

"A Covenant ... shall be recorded on the title that prohibits the use of the land for anything but housing for seniors or people with a disability ..."

This is evidently not the case, as can be seen not only from the letters of complaint to the Council by local residents, but also anecdotal evidence of for example, tradespeople with families living in the facility.

- 4.20 If the premises are occupied for short periods of time, that means that there will be an ever changing group of clients temporarily living and/or training in an established residential street, where greater than 90% of the properties are owner occupied, not rental properties. **Having a 'transient population' is not at all compatible with the current residential stability of the street.**

- 4.21 We argue that the proposed development is not carried out by or on behalf of a public authority. It is a 'not-for-profit organisation' and therefore not compliant with *Clause 43(1) of the ARHSEPP*.

- 4.26 *Ballina Combined Development Control Plan*
Ch 1 part 3

The proposal alters the amount of impermeable surface area within the site with the addition of a 'new concrete driveway having a double car-width leading to the existing double garage and curving across the front yard area, including an additional hardstand parking space near to the western boundary', and the volume of rainwater runoff will be massively increased. With such an increased surface area of concrete, obviously the permeable surface area will be decreased. In times of heavy rain and high tides, this will increase the volume of stormwater flowing into the wetlands affecting the salinity. It will also increase the amount of flooding which already exists in the cul-de-sac (see attached photos), resulting in further deterioration of the road surface and sub-surface.

On the contrary, the proposal does NOT "...warrant location within a low density residential area". Refer comments in 4.12 *Clause 9(b)*. We believe that there would be

other properties that would be more suited to this proposal in more appropriate locations in Ballina e.g. **the Ballina Hospital precinct.**

Ch 1 Policy statement no. 2 Car parking & Access

The reference to parking is incorrect. 5.4.4 of the RTAs *Guide to Traffic Generating Developments* for 'Housing for Aged & Disabled Persons' recommends 1 space per 2 employees. For this development proposal this would equate to between 4 and 6 on-site staff parking spaces, not including parking space for the 'people mover' mentioned, nor private vehicles of family and carers which on occasion would be visiting the facility.

Ch 1 Policy statement no. 11 Flood Levels

The SEE states that the floor level of RL2.4 complies with the flood level requirement. **However, we have been advised by Ballina Council that the 'habitable floor level' is actually 2.6AHD. This would therefore indicate that the established floor level of the dwelling at RL2.4 is below the above 1:100 year flood levels.**

The proposal is located adjacent to Little Fishery Creek and as acknowledged in 4.12 of the SEE (and as shown Ballina's Flood Planning Maps 1a and 2a) is in a **flood prone area**. The proposal increases the intensity of use of the site by drastically increasing the number of people who would be using the site. This could potentially expose increased numbers of people, disabled and able bodied, to the risks of flooding and in an emergency evacuation situation would **put unnecessary pressure on emergency service resources**. It would also **increase the level of accountability and liability for the operator** of the facility.

The cul-de-sac stormwater drains directly into the Little Fishery Creek system via the stormwater drain in front of 28 Cawarra Street. As can be seen by the accompanying photographs, **several times a year the entire cul-de-sac floods often up to the driveways of 25 Cawarra St on the 'northern' side, and 26 Cawarra St on the 'southern' side**. Not only is this hazardous for vehicles and humans alike, the road surface and various layers of fill beneath the road surface are repeatedly waterlogged creating unstable road surface conditions, and not regularly maintained by Council, which is evident on inspection.

- 4.30 The environmental impacts of the development as alluded to in (a) and (b) are substantial, as has been addressed elsewhere in this submission. The steps to be taken as outlined in (c) are questionable. We believe the appropriate level of parking has NOT been provided, and the vehicular manoeuvring aspects are not addressed appropriately and these points are addressed throughout this submission.

The SEE states that there will be 'no significant impact upon the amenity of surrounding residents'. We argue that the proposal is for a commercial office/educational facility, which is not compatible with the character and amenity of the street. From neighbourhood amenity and streetscape point-of-view, a concrete circular driveway, with hard stand parking areas and multiple vehicles parked off- and on-street, will look more like an institutional building than a private residence. The residents in this street have, and will continue to, put a lot of time, money and effort into the appearance/amenity of their homes. To use terminology from the *SEPP (Housing for Seniors or People with a Disability) 2004* the proposed development will **not reflect the 'desirable elements of the location's current character nor the desired future character'**. Nor will it maintain appropriate residential character.

- 4.33 The SEE appears to have many inconsistencies. It appears to use whichever description of the facility is permissible in whatever planning instrument that appears to support their proposal. For example, in this point, the definition of "community facility" is used which is permissible in the Draft BLEP2011. However, on the title page, the development is described as a "Proposed educational establishment and transitional group home". Also in 4.12 *Clause 9, Zone objectives and development control table*, the proposal is for an "educational establishment" which is NOT applicable to this development in the Draft BLEP2011.

- 4.34 The proposal is NOT in accordance with draft zone objectives. The development is NOT compatible with the character and amenity of the surrounding neighbourhood as continually demonstrated throughout our submission.**

Importantly, from a social amenity viewpoint, this facility would increase the 'non-residents' coming in and out of the street on a daily basis. Again quoting terminology from the *SEPP (Housing for Seniors or People with a Disability) 2004* the introduction of non-residents to the street will be 'incompatible and will not sensitively harmonise with the social dynamics within the street'. It will be merely a workplace and training facility. **We argue that this will have a negative impact on the street, and therefore is not at all compatible with the quality and identity of the street.**

The demographics of the residents in the immediate vicinity include toddlers, school-aged children, 'white collar' workers, self-employed and retirees whose children and grandchildren visit, often on a daily basis, during the 'business hours' mooted by the applicant. Any additional traffic, particularly non-residents who are not familiar with or aware of the demographics of the street, could present a variety of dangers to young children. **The increase in the presence of non-residents, traffic volume, noise and pollution is incompatible with the social dynamics and amenity of the street.**

- 4.41** Whilst the site may very well be suitable "...because it allows programs to be conducted in an appropriately typical residential setting", there is no mention of involvement with or by the residents in the immediate vicinity. On the contrary, the SEE states that the clients will be transported in and out of the educational facility, **with no mention of having any contact within their programs with the residents in the street.**
- 5.2-5.3** The site is at the very end of a cul-de-sac so there's only one way in and one way out. On analysing the comments in this point, the staff member operating the 'people mover' to collect clients "one client ...at a time" (as alluded to in 3.9 of the SEE), would initially have driven their own vehicle to the site. So if the 8 clients (initially) are transported to the site "one at a time", just in that process alone there are 17 vehicle movements, not the 'predicted' 3 movements. And that's before morning tea! And as the program expands, as 'predicted', there will be an additional 4 clients therefore an additional 8 movements i.e. a total of 25 movements. Before morning tea! And all travelling past every single house in the cul-de-sac.
- 5.4** Yes the site is within a cul-de-sac and the current total traffic generated is not excessive. *Which is one of the attributes of living in this part of the street.* But with the above volume of vehicle movements, traffic will increase by well over 150%. **Not at all acceptable or compatible with the amenity of the street.**
- 5.8** The additional traffic generated has been alluded to above in our response to 5.2-5.3, where we have only mentioned the morning incoming vehicle movements. In addition to these journeys, there will be the equivalent outgoing journeys at the end of the day, as well as a variety of vehicle movements throughout the day. So far, that could be **up to 50 additional vehicle movements.**

Added to these client transfers, there will be between 3-6 other staff vehicle movements morning and night (i.e. 6-12 staff in total). There will also be service vehicles as 'predicted' below.

Deliveries and rubbish collection. A commercial/educational/transitional group home facility would undoubtedly require more deliveries of relevant supplies, and an increase in rubbish. With the expansion of programs with up to 24 people on site at any one time, the facility would **undoubtedly need a mini-skip or similar in addition to the usual weekly pick-up.**

Council and other public amenity service vehicles such as rubbish collection trucks, already have difficulty turning in the cul-de-sac even when there are no vehicles parked there, requiring at least 3 separate movements (3 point turn). However, when there are

vehicles parked in the cul-de-sac, this manoeuvre requires at least 4 or 5 separate movements. Local residents also regularly use the cul-de-sac as a turning circle.

The statement that "one staff member will obtain a lift from another" is purely hypothetical. As is the statement that "...a large percentage of staff will reside on Ballina Island", and the statement that "it is predicted that two staff members will ride bicycles to the premises". Apart from being implausible, it would be discriminatory for the applicant to only employ staff who live on Ballina Island, ride a bicycle, or who will car-pool with colleagues. It would also be discriminatory for the applicant to only employ staff who could utilise those modes of transport, rather than a motorised wheelchair or mobility scooter.

- 5.9 We refer to the existing conditions on the property in relation to 'Access' and 'General Amenity'.

1. CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

Access

1.1. All loading and unloading of patrons is to be carried out off-street and wholly within the site.

1.2. All vehicles associated with the conduct or operation of the business on the subject allotment shall be parked wholly within the allotment and not within the adjoining street system.

1.3. General amenity

The building, constructed works and activities carried out on the site shall not cause injury to, or prejudicially affect the amenity of the locality by reason of the appearance of the buildings, works, materials or goods on the site; traffic movements, on-street parking; the emission of smell, noise, vibration, dust, waste products, oil, lights and the like.

REASONS FOR CONDITIONS

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 1987;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.

We argue that if the above conditions are relevant for the current Consent/Determination, they are even more relevant and crucial to this proposal as the increase in staff and clients within the site is dramatically increased.

Contrary to this point in the SEE, we argue that an appropriate level of parking has not been provided. RTA *Guide to Traffic Generating Developments 'Housing for aged and disabled persons'* recommends that there be 1 space per 2 employees, + 1 space per ambulance. The provision of proposed off-street parking is not adequate for the number of staff and visitors anticipated at the site.

- 5.10 As stated, a formal traffic survey has not been carried out for the site. Therefore the following SEE statement is totally invalid, and incorrect. "...it is evident from visits to

the site that there is minimal use of available on-street parking spaces particularly during business hours". Whilst all residents have their own off-street parking, the on-street parking at all times is well utilised by visitors such as family, friends, tradespeople and indeed the residents themselves at different times. There can often be a number of additional vehicles parked on the street at any given time, particularly during the stated 8am-6pm 'business hours'. **We have attached photographs taken at random, of the utilisation of on-street parking within the street to address this hypothetical statement.**

- 5.11 With the construction of a circular driveway, with the egress being expanded to a double car width, the number of available on-street parking spaces will decrease by *at least* two vehicles. More specifically, our property – 30 Cawarra Street – has a deceptively narrow frontage. Visitors to our residence usually park to the north of our driveway because less than 2m away to the south-east of our driveway is the driveway for 28 Cawarra Street. If there were to be access to a circular driveway constructed to the western side of the proposed site as indicated in the DA, vehicles parked adjacent to the north of our driveway will make entry, and in particular exit, to our driveway extremely difficult and dangerous. Not only do our own visitors park in that location, but in summer especially, it is utilised by visitors and residents alike, to park in the only shade available in the cul-de-sac. (See attached photo's.)

Reduced on-street parking spaces would mean that visitors would need to park adjacent to properties other than those they are visiting, **which as you know, can cause neighbourhood disharmony, in an very hamonious neighbourhood.**

- 5.12 Again, the statement that "...residential demand for parking being more likely to be in evening hours" is incorrect as is addressed above.
- 5.13 This point states " ... that the proposal is not likely to cause significant impacts upon the availability of OFF-STREET car-parking within the locality". We suggest this is a 'typo' and the reference is actually to ON-STREET parking. Either way, it is invalid and incorrect for the reasons outlined above. **The proposal is likely to have an extremely negative impact on the availability of on-street parking.**

We argue that the parking issues will prejudicially affect the amenity of the locality by reason of the traffic movements, on-street parking, **increase in air and noise pollution** (we 'predict' that the 'people movers' and service & delivery vehicles be diesel motors which create a lot more smell and noise).

With reference to the RTA's *Guide to Traffic Generating Development*, we have addressed the issues of:

- Traffic Volume
- Traffic Composition
- Road Surface Condition

- 5.14 Expansion of the programs within the site is inevitable and the impact of the dramatic increase in staff and clients on-site at any time is addressed throughout our submission.

(Residential Amenity)

- 5.14^(sic) The residents of Maine Place, particularly 6 Maine Place, and 25 Cawarra Street will undoubtedly address their own concerns with regard to the proximity of the development to their residences, and indeed their internal and external living areas. The comments in this point are incorrect as the "...wing of the existing dwelling running along the eastern boundary..." does not provide a barrier – their indoor/outdoor living area is in very close proximity to, and has windows opening directly onto, the proposed side entry of the development, as well as the bedroom of the developments' accommodation wing.

- 5.15 We have previously asked for clarification of this point in 3.3.

**ENVIRONMENTAL
Inconsistency with BLEP 1987**

Aims, objectives etc.

The proposed use of land is inconsistent with clause 2(2)(f) of the BLEP 1987 as follows:

- 2(f) *to take account of the physical nature of the environment of the Shire of Ballina so that development is in harmony with scenic and ecological resources*

Flying Fox Colony

We argue that the proposal is not in harmony with the ecological resources of the shire. Firstly, an increased number of people using the subject property could lead to a public amenity and health issue due to the property's location adjacent to a permanent camp for at least one protected flying fox colony. Increasing the intensity of use of this property and surrounds would be increasing the number of people exposed to the potential hazards and inconveniences associated with flying fox colonies. A recent case of incompatibility of human uses with flying fox colonies can be seen with the case at Maclean High School.

On the other hand, it would be unacceptable if at a later stage there was a move by Northcott Society to try to relocate the colony due to public amenity and health issues. The nearby vegetation is known habitat for one permanent protected colony and several transient species that use it to roost. This is a known compatibility issue for the proposed development.

Wildlife and Insects

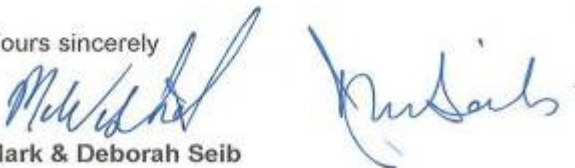
The western boundary of the proposed site is the environmental wetlands of Little Fishery Creek. There are occasional incidences, particularly in the warmer months, of snakes, goannas and bush turkeys entering the properties close to the wetlands.

In addition to that, for at least 6 months of the year the mosquito and midges (sand-flies) is excessive, requiring the spraying of strong insect repellents as soon as one goes outside. This presents a very real threat of adverse reactions to the bites, as well as mosquito-borne viruses such as Barmah Forest and Ross River virus.

And that is why we object.

Your attention and response to our various enquiries in due course would be greatly appreciated.

Yours sincerely



Mark & Deborah Seib

Encl. photographs of Cawarra Street

Re: DA 2011/547 – 27 Cawarra Street, Ballina

D&M Seib

copies to:

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BALLINA NSW 2478 don.page@parliament.nsw.gov.au

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PHOTO'S OF FLOODING IN CAWARRA STREET IN 2011.

JUNE 2011

CAWARRA STREET FLOODING – VIEW from 30 CAWARRA to 27 CAWARRA – 6.1.2011



CAWARRA STREET FLOODING – VIEW from 27 CAWARRA to 28 & 30 CAWARRA – 6.1.2011



SEPTEMBER 2011

CAWARRA STREET FLOODING – VIEW from 30 CAWARRA towards CHERRY STREET – 25.9.2011



ON-STREET PARKING



TURNING VEHICLE (people mover)



RUBBISH TRUCK NEGOTIATING CUL-DE-SAC WITHOUT ON-STREET PARKED CARS



VEHICLES UTILISING SHADE FOR ON-STREET PARKING



ON STREET PARKING



CONDITION OF ROAD SURFACE as at 1.2.2012









RECEIVED
03 FEB 2012
RECORDS

DA#2011.547 .

1980464
ACKNOWLEDGED

2 February 2012

The General Manager
Ballina Shire Council
Cnr Cherry & Tamar Streets
BALLINA NSW 2478

RECORDS
SCANNED
6 FEB 2012
Doc No.....1980247.....
Batch No.....

Dear Sir

RE: OBJECTION TO THE DEVELOPMENT OF AN EDUCATIONAL
ESTABLISHMENT AND TRANSITIONAL GROUP HOME AT 27 CAWARRA
STREET, BALLINA

My wife and I are the owners of number 126 Cherry Street, Ballina situated on the corner of Cawarra Street which is a cul-de-sac surrounded by 9 houses. The dead end of the cul-de-sac fronts onto Little Fishery Creek Reserve.

We purchased our property in 1989 because of its residential amenity and particularly because of the minimal traffic servicing the Cawarra Street cul-de-sac which at the most over the years has catered for 2 vehicles for each of the 9 dwellings in the area with very few traffic movements within the cul-de-sac at all times of day or night. This is of particular importance for my wife who is a registered nursing sister who as a result of shift work often sleeps during the day. The cul-de-sac as such has provided a safe and quiet area for children to play and residents to walk and enjoy the quiet and solitude of the area which is physically bounded by the Little Fishery Creek Reserve at one end of the cul-de-sac and the park facing North Creek at the other. The area has provided a quiet and safe haven for our children to play in their younger years and now that they are older we hope that the same amenity will be enjoyed by our grandchildren.

TRAFFIC

We note that no formal traffic study has been supplied by the developer with its Statement of Environmental Effects (SEE) and there is no objective standard by which to judge the claims of the town planner engaged by the developer concerning traffic.

The SEE is not clear in this regard either. In paragraph 5 of the SEE there is a suggestion that a maximum of 8 staff at any one time will be in attendance at the facility. The prediction that 1 of these staff will obtain a lift from another and 2 are likely to ride bicycles to and from the premises is fanciful. If the facility is to have 8 staff at any one time it is quite conceivable and more than likely, particularly given the lack of public transport available in Ballina, that such staff members will drive their own vehicles to and from the facility each day.

As a matter of mathematical calculation that provides for an influx of 16 vehicle movements in the cul-de-sac on a daily basis resulting in 80 vehicle movements during Monday to Friday inclusive each week. These are 80 vehicle movements which we currently don't have.

The SEE repeatedly refers to a "people mover vehicle" which we presume is some sort of bus or similar vehicle much larger than the average motor car. The SEE suggests that this bus will move in and out of the cul-de-sac on 6 occasions between 8am and 9am each day (30 times between Monday and Friday inclusive each week). The SEE is not clear on bus movements each afternoon

other than stating that such movements would be more diffuse. We translate that to mean that there will be a further 6 bus movements spread over the course of each afternoon within the cul-de-sac which increases the number of bus movements within the cul-de-sac to 60 during Monday to Friday each week.

As a minimum therefore this development will produce 60 bus movements and 80 car movements between Monday to Friday each week. This amounts to 140 vehicle movement each week within the cul-de-sac that we currently don't have. The claim in paragraph 5.4 of the SEE that "total traffic generated is not excessive" is ridiculous. Current traffic movements within the cul-de-sac at a maximum amount to 180 per week allowing for 2 vehicles for each of the 9 dwellings and 2 vehicle movements for each vehicle per day. If this proposal is permitted to proceed motor vehicle movements will increase by over 75% that is an extra 140 vehicle movements within this quiet and generally traffic free low density residential cul-de-sac.

Whilst the traffic-related impacts of the proposal might be acceptable to the author of the SEE Mr M. Benson who lives in Chatswood, Sydney they are not acceptable to my wife and I who live on the cusp of the cul-de-sac.

The SEE states that there is potential for the programs to be conducted at the facility to expand and the report states that if that occurs "There will be a maximum of 24 people (staff and/or clients) on the premises at any one time"(paragraph 5.8).

In our opinion the author of the SEE will have his client's interests at heart and will underestimate the down side of any development. Having regard to paragraph 5.8 of the SEE it is quite conceivable that as programs offered by the facility expand there could be a minimum of 48 motor vehicle movements per day which comprises an extra 240 motor vehicle vehicles between Monday and Friday each week and as noted in paragraph 5.14 there is the spectre of an additional bus being acquired to service the facility.

Accordingly on the developer's own figures this quiet residential cul-de-sac, which currently has no more than 180 motor vehicle movements between Monday and Friday each week will suffer an additional 240 motor vehicle movements and 120 bus movements per week from the proposed facility.

Remember this home (the subject of the development) up until the current time has generated about 4 vehicle movements per day.

This raises a further safety issue that has not been addressed at all by the developer's town planner and that is the fact that Cherry Street is a very busy street with motor vehicles and buses servicing Crowley Village and the many residential flat developments situated towards the northern end of Cherry Street. Many of these vehicles are driven by elderly persons and the significant increase in motor vehicle movements and bus movements from and into the Cawarra Street cul-de-sac will pose a significant traffic danger given the very busy nature and type of drivers utilising Cherry Street.

Nothing less than a full traffic study is required if the impact of the traffic which would be generated by this proposal is to be objectively considered.

PARKING

One aspect of the amenity of the Cawarra Street cul-de-sac is that there is very little traffic and there is ample off street parking for each dwelling using the cul-de-sac. As noted above this has enabled the cul-de-sac to be used by children and adults playing and walking in the area. There is little doubt that the ability to enjoy those activities will cease if this development proceeds.

Furthermore the visual amenity of the cul-de-sac will be blighted by cars parked in the cul-de-sac in or about this facility and by a bus or buses parked in front of what is now a simple residence.

The Town Planner Mr Benson indicates that the maximum parking overflow from the site will be 2 vehicles when there will be a maximum of 8 staff at any one time.

If this prediction is based on Mr. Benson's hypothesis of 1 staff member getting a lift with another staff member and 2 staff members riding bicycles to work we don't believe it. A more realistic estimate of parking overflow and parking on the street in this small cul-de-sac is 5 vehicles per day.

Mr Benson also does not provide any details of the likely maximum parking overflow when programs available at the facility expand and as Mr Benson states there will be a maximum of 24 people (staff and or clients) at any one time. In this situation it is quite conceivable that parking overflow from the site will be between 6 to 10 motor vehicles and perhaps one bus particularly if the additional bus is required by the facility. In these circumstances the current quiet and vehicle free cul-de-sac will resemble a parking lot.

The cul-de-sac is really not designed for on street parking and the potential for this development to increase the number of motor vehicles and parking on the street will have safety as well and visual detriments. Residents attempting to exit their homes will have their view of the cul-de-sac and any oncoming traffic obstructed by such parked vehicles.

The suggestion that the facility will have 4 off street parking spaces plus a bus stand will significantly change the visual vista of the cul-de-sac from that of a quiet low density residential area to that of a transport terminal surrounded by 9 houses.

RESIDENTIAL AMENITY

The suggestion contained in paragraph 5.15 of the SEE that "The use of the property is likely to generate noise levels no greater that would typically be generated by residential development during business hours" is nonsense. In its infancy the proposal states that it will have 8 staff at any one time in the

facility. It does not state how many clients will use the facility but that number could be significant and could include a bus full or two. At the other end of the spectrum when the facility's programs have expanded there could be in the order of 21 to 24 people using the facility at any one time during the day which in our view is typically about 12 times the number of people utilising a normal dwelling house in a low density residential area.

The noise of these staff and clients during the day is likely to significantly detrimentally effect the residential amenity of this very quiet area. The significant increase of motor vehicle and bus movements within the cul-de-sac will negatively impact upon the area in terms of noise, motor vehicle and bus exhaust fumes and people noise. We anticipate that the type of facility proposed presupposes significant interaction between staff and clients and a significant increase in the noise associated with such interaction.

The suggestion contained in paragraph 5.16 that the number of vehicle movements within the cul-de-sac will be significantly less than typical residential streets is without foundation. Even on the proponents best estimates, having regard to the length of the cul-de-sac and the fact that it is a cul-de-sac there will be an enormous increase in motor vehicle and bus movements when compared with any similar typical residential street. The suggestion that the overall level of traffic related noise being commensurate for reasonable expectations with a low density residential area is also without foundation.

Again whilst the amenity impacts of the proposal are acceptable to Mr Benson who does not and will not live in the cul-de-sac they are not acceptable to us.

DEVELOPMENT APPLICATION AND STATEMENT OF ENVIRONMENTAL EFFECTS

It is unclear precisely what the proposed development actually is. In this regard the development application describes the actual development and its proposed use as "Transitional group home + Educational Establish (sic)". The SEE however describes the development as an "educational establishment and transitional group home". Whilst we are not town planners, having read the SEE, and the manner in which it is written we presume there is some importance as to whether the development proposed is primarily an educational establishment with a transitional group home being some ancillary use or it is primarily a transitional group home with an education establishment being some ancillary use.

STATUTORY CONTROL AND CONSIDERATIONS

The SEE discusses at some length various items under the heading "Statutory Controls and Considerations".

In paragraph 4.1 the SEE states that the principal Environmental Planning instrument is the Ballina Local Environmental Plan 1987 (BLEP 1987). The land is zoned 2(a) Living Area Zone and it is adjoined by Little Fishery Creek which is zoned 7(a) Environment Protection (wetlands) Zone.

We have now had the opportunity to read what we presume are the relevant parts of the BLEP 1987.

We note that clause 2(1) of the BLEP 1987 provides that the general aims of it are to encourage the proper management, development and conservation of man made and natural resources to promote the social and economic welfare of the community and to provide a better environment.

It is then states that the particular aims of the plan are to divide the land into zones and to achieve in respect of land within each of those zones the objectives specified for that land.

This area is a zone 2(a) living area zone within which the primary objectives are set out in 3 sub-paragraphs:-

- (a) to regulate the subdivision and use of land to permit housing and ancillary development where the scale, type and traffic generating characteristics of the ancillary development are compatible with the character and amenity of the surrounding residential area.*

This proposed development is not housing in the residential single domicile sense of that word and in our opinion not ancillary to residential housing development. The scale, type and traffic generating characteristics of the proposed facility are quite incompatible with the low density residential

character and amenity of the residential area comprising the Cawarra Street cul-de-sac.

As far as subparagraph (b) is concerned there is no objective or rational basis upon which it could be reasonably argued that an educational establishment and transitional group home or transitional group home and educational establishment, whichever this proposed development is, amounts to an essential land use within this low density residential cul-de-sac. It would be of absolutely no use to us and as far as we are informed by our neighbours the facility will be of no use to them.

As far as subparagraph (c) is concerned, this is a low density residential area and certainly not one that should accommodate this proposed development which is certainly not a tourist facility and in our opinion not an associated urban facility whatever that may mean.

The proposed development does not even meet the secondary objective of the zone which is to allow for a variety of housing types and designs and to encourage greater visual amenity while requiring site landscaping.

An educational establishment and transitional group home is not a housing type as far as we are concerned and neither is a transitional group home and educational establishment. Neither of the labels ascribed to this proposed development by the proponent amount to a type of housing in the residential sense. Further the proposal would derogate from the visual amenity by the

removal of an existing tree and the construction of a large circular driveway which is quite out of context in this small and quiet residential area.

COMMERCIAL PREMISES

The SEE in paragraphs 4.5 – 4.7 inclusive discusses the definition of “commercial premises” found in the BLEP 1987 definitions. The SEE discusses the definition of “commercial premises” but does not seem to come to any conclusion in relation thereto. It appears to us that having regard to the definition this development could in fact comprise commercial premises.

The development described within the SEE certainly comprises a building which having regard to the plans lodged with the development application will have a significant portion of it used for office, administrative and meeting purposes. The plan submitted reveals 2 distinct offices, 2 district administration areas, a staff room and a large area described as a “meeting space”. There seems little doubt that these parts of the building will be used as an office or for other business purposes including administrative purposes. It is accordingly in our view quite conceivable that the development could be described as “commercial purposes” having regard to this definition.

COMMUNITY FACILITY OR CONSULTING ROOMS

Paragraphs 4.8 – 4.9 inclusive then discuss some definitions which are of no relevance.

THE MODEL PROVISIONS

Paragraph 4.10 of the SEE discusses some document called "The Model Provision" which as far as we can see is a planning instrument which has been repealed and has no relevance yet the town planner in this instance highlights the definition of "education establishment" in that document. He says an education establishment means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally used as an institution or child care centre.

The author of the SEE states that the meanings of "school" "college" and "technical college" are undefined. Whilst the meaning of such terms are probably self evident the author of the SEE purports to link such meanings to part of this development proposal which he calls an educational establishment. He then states that because the proposed development involves (in part) the education of participants who have a disability in living skills that the entire development is properly characterised as an "educational establishment" for the purposes of the BLEP 1987.

We disagree with the town planner in this regard. The development proposal itself is unclear as to whether it is an educational establishment with ancillary transitional group home or a transitional group home with an ancillary educational establishment. In our view whether this proposal is an "educational establishment" as defined in a repealed planning instrument or not it does NOT fall within the primary or secondary or any other objectives set out in the no.2(a)

living area zone and that is the relevant criteria to be applied to ascertain whether it should be allowed in this zone.

OTHER PROVISIONS IN THE BLEP 1987

The author of the SEE then goes on to discuss at some length in paragraph 4.12 further provisions of the BLEP 1987. The author sets out various clauses of the BLEP and makes a comment called a "Compliance comment" in respect of those clauses.

The author's comments in respect of clause 2 of the BLEP 1987 can be readily dismissed as a grasp for support from the general aims of the plan whilst a totally disregarding the relevant and primary particular aims of the plan which is to divide the land into zones and to achieve in respect of land within each of those zones the objectives specified for that land.

This proposed development, if allowed to proceed, will do anything but achieve the objectives specified in zone no.2(a) living area zone.

As we read the BLEP 1987 the particular aims of the plan set out in clause 2(2)(a) cannot simply be dismissed by saying that they are there "to create zones etc".

The SEE misquotes or selectively quotes clause 2(2)(c) of the BLEP 1987. In this regard this particular aim of the plan is not fulfilled by the proposed development at all. This is not a new urban area. It is a well established urban

area with a high level of residential amenity which the proposed development can do no more than derogate from. The comment "The proposal makes efficient use of existing urban resources and provides services in a location convenient to service users" is not substantiated.

We cannot see anywhere within the SEE where the so called "service users" reside. They certainly don't reside in the Cawarra Street cul-de-sac. Turning a quiet residential cul-de-sac into a parking lot is not in our opinion an efficient use of the street in this zone.

With respect to clause 2(2)(f) of the BLEP 1987 the author of the SEE states that "The proposal does not generate any additional ecological impact to that generated by the existing dwelling". Again this is a totally unsubstantiated comment. Indeed to the contrary there will be a significant increase in traffic exhaust fumes by the extra 240 motor vehicle car movements within the cul-de-sac and 120 odd bus movements within the cul-de-sac each week. Furthermore the proposed circular driveway and set down area will create a large impervious surface which will collect a significant amount of rain water and distribute it into the storm water system in Cawarra Street whereas it currently soaks into the ground and permeates into the naturally vegetated wetland area known as Little Fishery Creek which as you are aware drains into North Creek and eventually into the Richmond River. The developer has not addressed the impacts of the development and in particular the increase in the area of impervious surfaces and the impact of that upon this important wetland area zoned no.7 Environment Protection (Wetlands) Zone at all.

With respect to clause 2(2)(g) of the BLEP 1987 the author of the SEE comments "The proposal positively contributes to the achievement of that objective by providing a service for people with a disability". That may be so but and that is a laudable contribution however the facility should not be positioned in a land use zone contrary to the primary, secondary and indeed any objective of that zone.

The suggestion that the proposal is not contrary to the BLEP aims and objectives and positively promotes objectives (c) and (g) is unsubstantiated. The fact is that the proposal does not fall within any of the primary, secondary or any objective of the no.2(a) living area zone and does not in any way achieve any of those objectives.

As such the proposal cannot be described as encouraging the proper management, development and conservation of natural and man made resources and certainly does not promote the social and economic welfare of the community of the Cawarra Street cul-de-sac and has the potential to do the exact opposite.

In this regard we have spoken to several real estate agents who advise us that the value of our property will likely significantly decrease if this development is consented to and proceeds. The proposal does not provide a better environment and has the potential to detrimentally effect the protected wetland zone of Little Fishery Creek.

On page 11 of the SEE, item 9, the author states that the proposal is for an "educational establishment" and is permitted within the 2(a) living area zone with the consent of Council. We disagree with this suggestion. On its face the statement describes only half of the proposed development, the other half being that of a transitional group home and further the proposal does not make it clear whether the educational establishment is the primary development and the transitional group home ancillary development or vice versa. As we read it the proposed development may indeed comprise commercial premises and if so it is advertised development.

The comment that the primary objectives of zone 2(a) set out in clause 1A(a) of the BLEP not being strictly relevant as far as we are concerned is a nonsense. This objective is indeed applicable and is the primary objective against which this proposed development should be gauged. The simple fact is that this proposed development does not fit within the primary objectives or the secondary objectives or any other objective of this living area zone.

As for the primary objectives set out in paragraph (b) the author of the SEE suggests that this development comprises a "public building". We don't believe that description is appropriate. Whether the proposed development is an educational facility or a transitional group home or vice versa or a bit of both there is no logical or other necessity for it to be placed in a low density residential cul-de-sac particularly when it has the potential to dramatically and detrimentally effect the safety of residents within that precinct given the

increased traffic risks and given the significant detriment to the residentially amenity in the area.

The author of the SEE does not even address the secondary objectives of the living area zone and in this regard we say that this proposal does not even meet those objectives.

The SEE goes onto state that objective C of the living area zone is not relied upon.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The author of the SEE then proceeds to discuss the State Environmental Planning Policy (Infrastructure) 2007.

He discusses the definition of "health services facility" found within that document and then suggests that the proposed development might be a "community health service facility". We fail to see how the State Environmental Planning Policy (Infrastructure) 2007 is relevant. As we read the document it relates to proposals of public authorities seeking to develop infrastructure and not entities such as the developer in this situation.

Furthermore the author of the SEE is simply confusing any reader of his report by raising all these possible definitions of this development. In this regard in various parts of the report the development is termed "education establishment and transitional group home", a "transitional group home and educational

establishment”, “commercial premises”, “community facility”, “education establishment”, and now a “community health service facility”.

In our view no matter what this development is called it does not fall within any of the objectives of the primary or secondary objectives set out in the living area zone and accordingly cannot proceed.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING)
2009

As for the discussion of State Environmental Planning Policy (Affordable Rental Housing) 2009 we fail to see its relevance. The aims of that policy as we read it are to provide rental housing as set out in clauses 3(a) – (g) inclusive of the policy.

Even the definition of “transitional group home” which the author of the SEE refers to has no relevance. As we read it the policy enables social housing providers to develop affordable rental housing to a range of people including disadvantaged people who may require support services. The policy relates however to permanent affordable rental housing and has no relevance to a development proposal for an educational establishment and transitional group home or vice versa. There is a marked difference between “permanent” and “transitional” housing.

The author of the SEE leaves the reader unclear as to whether he considers the State Environmental Planning Policy (Affordable Rental Housing) 2009 is to apply to this development or not. He uses the policy to incorporate a definition

of a transitional group home and states that the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 has no application and this development proposal is not of that kind.

In so far as the development may be categorised as a "transitional group home" the author states in paragraph 4.20 that "The premises would be occupied as a single household for short periods of time by people with a disability as part of their adjustment to living independently. For that reason the suite of rooms shown on the submitted plans as providing a self-contained dwelling is properly defined as a "transitional group home".

Again, this does not describe permanent housing and we say cannot benefit from the definition of "transitional group home" in the Affordable Rental Policy.

The Author of the report argues that part of the proposed development (said to be the single bedroom with attached living kitchen and facilities area in the north eastern portion of the building) is permissible with consent in a residential zone and that the consent authority must not refuse consent for a group home in the absence of an assessment of the community need for the group home.

We note that the SEE provides no assessment of the community need for this type of development and we don't see why the rate payers should pay for any such assessment.

WHO ARE THESE "CLIENTS"

We are also very concerned that the development proposal is silent as to precisely who are intended to be educated and or accommodated in the proposed development. Throughout the SEE these people are variously referred to as "clients" or "people with a disability".

The definition of transitional group home in the standard instrument appears to be more expansive and in the alternative to people with a disability permits the accommodation of people for drug or alcohol rehabilitation purposes or to provide half-way accommodations for persons formally living in institutions or temporary accommodation comprising refuges for men, women or young people.

Whilst the standard instrument does not appear to provide the definition of an "institution" we presume having regard to the usual meaning of the term that it could include prisons, psychiatric facilities, asylum seekers, sexual offenders and the like.

We believe it appropriate for the developer to provide much more information in this regard. After all this is a low density residential area where children and elderly persons live and it may simply be inappropriate for those persons emerging from certain institutions to live in close proximity in this regard.

For these reasons we believe the negative impact upon our amenity in various and significant respects will be adversely affected and the proposal is not acceptable in this area.

Yours faithfully



PAUL & SUE GILBERT

Helen Thomas
6B Maine Place,
BALLINA
helenm.thomas@bigpond.com

3 February 2012

Group Manager,
Regulatory Services,
Ballina Shire Council,
BALLINA



Dear Sir,

RE: OBJECTION TO DA 2011/547 LOT 16DP 557411

My husband and I are residents of 6B Maine Place Ballina we share a common rear boundary with 27 Cawarra St Ballina.

I am principal carer for my husband, Reg Thomas.

My concerns with the Statement of Environmental Effects (to be referred to as proposal) that accompanies DA 2011/547 are:

1. I do not comprehend how the Ballina Council accepted such an open-ended proposal. The proposal does not give the community a true representation of how the premises will be utilised in fact it raises more questions than providing real information.

It appears that the proposal has taken every possible scenario into account that the premises could be utilised for, i.e. immediate occupation, or in 6 weeks or 6 in months or in the future.

3.5 "administrative activities"/transitional GROUP home to accommodate ONE RESIDENT"

3.9 "maximum of 8 clients at the site at any one time"

3.10 "maximum of 8 staff at any one time"

3.11 re potential growth in the number of clients participating in programs " there would be up to 24 people, being a mix of staff and clients, on the premises at any one time"

This proposal as presented could commence with one resident or 8 staff and 8 clients total 16 then at any time could be changed to accommodate 24 people, without consultation with council and community.

DA 2009/453 TRANSITIONAL GROUP HOMES CONTROL

1.4 "should the type of persons catered for in the Transitional Group Home change in the future, a separate DA will be required to be lodged with Council" This is the respect the community should be shown. TRANSPERANCY

2. The Statement of Environmental Effects are not in line with the **CORE VALUES** of the Northcott Society "Friendly and considerate"
"Ethical and courageous"

3. The proposal does not identify the degree or type of disability of the proposed clients.

4. 3.6 THE FLOOR PLAN

The plan reveals the majority of the overall floor plan to be for administration and office use.

In reference to the letter from Council dated 6 January 2012

"PROPOSAL Change of use to establish a transitional **group** home (accommodation for people with disability) and facility to operate programs for people with a disability and associated administration."

The floor plan clearly shows accommodation for **ONE** person not **GROUP** accommodation.

How can this premise be referred to as a Transitional Group Home?

5. 3.13 " The hours of the facility will be within 8:00am to 6:00pm Mondays to Fridays inclusive. The transitional group home will be used on weekends and school holidays."

"The facility " and "transitional group home" are they going to be managed in isolation?

6. 3.5 one resident, one bedroom - in a transitional group home, no reference regarding a carer/s has been supplied.

7. The increased volume of traffic that would be naturally generated by the proposal would not have a direct impact on us, but it should raise concerns to Council as this area has high volumes of elderly residents driving scooters daily seven days a week.

CONCLUSION

I feel Northcott have not honoured their own "CORE VALUES" instead of alienating some of the community by submitting this Statement of Environmental Effects, after all the potential clients I assume would occupy the premises as part of their adjustment to independent living. Honest communication and presentation and opening a line of dialogue with the community would have been in their best interest.

We chose to live where we live, as it is a quiet and friendly community we would expect this to continue. The young and the elderly live in harmony.

Everyday residential noise is something we all have to accept and tolerate.

3.7 "include the use of yard area" the yard area is close to our building and yard. The statement in 5.14 "use of that courtyard for programme activities is not likely to generate significant noise impacts to surrounding residents" and 5.5 "the eastern area of the building would not cause any additional impact to the established residential use of the property".

Objection DA2011/547
February 3, 2012

2

These statements are unfounded and unrealistic, in the existing situation at present, taking into consideration an inadequate boundary fence between the properties; we are qualified to negate these statements. There are 3 persons living in the house at the present time multiply the noise level to accommodate the proposed 24 persons, these levels would be in my opinion unacceptable.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'H. Thomas', written over a horizontal line.

H. THOMAS

Objection DA2011/547
February 3, 2012

3



PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE ASSEMBLY



DON PAGE, M.P.
MEMBER FOR BALLINA

OFFICE: Shop 1
7 Moyn Street
Ballina NSW 2478
PHONE: (02) 6686 7522
FACSIMILE: (02) 6686 7470
MAIL: PO Box 1018
BALLINA NSW 2478
WEBSITE: www.donpage.com.au

3 February 2012

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



Paul
Dear Mr Hickey

I am making representations on behalf of JN & KP de Boer, 25 Cawarra Street, Ballina NSW regarding DA 2011/547 for 27 Cawarra Street, Ballina.

I enclose herewith a copy of their letter which is self explanatory and would appreciate if you could arrange to look into the issues they have raised.

Thank you for your assistance in this regard. I look forward to your advice and comments.

Yours faithfully

Don Page MP
MEMBER FOR BALLINA

encl.
DP:cd

JN & KP de Boer
25 Cawarra Street
Ballina 2478
Ph 02 66863413
2nd February 2012

Mr Dwayne Roberts &

All Ballina Shire Council members,

We wish to make a submission regarding DA no 2011/547 lodged on the property adjacent to ours at Lot 16 DP557411, 27 Cawarra Street Ballina, by Northcott Society. Their proposal is to establish a Transitional Group Home.

We wish to object to the proposal on the following grounds;

: The area is residential! We purchased our property in 2007, mostly because of its quiet location away from businesses & in a family friendly area. There is minimal traffic & we saw this as a safe area where our grandchildren could play safely in the street & our family & friends could visit & enjoy "hassle free" parking & safe walking to the park & river. This lifestyle expectation will change dramatically with the advent of the proposed development.

Why not?

STREET AMENITY

1. With up to 24 extra people coming into our street at some times, our street population will almost double, we fail to see how this cannot affect our quality of life & the ambience of our street! Will there be any available on street parking for our visitors?
2. Even though the DA mentions car pooling & pushbike use, who will implement & police this?
3. Though there are extra car parking facilities proposed, how can their appearance possibly be in harmony with the character & amenity of our street?
4. What about a fire/emergency evacuation plan? Our roads & footpaths (or lack of) will not make this an easy option. It is to be expected that a lot of the residents/clients of the proposed development will require wheelchair transport. Not an easy task for carers or emergency volunteers in the event of a possible incident, be it fire or flood.
5. In reference to the above, i'm sure council are aware of the flood risk in this street, due to the proximity of Little Fishery Creek, so this is not a risk to be dismissed lightly.
6. Our home (no 25 Cawarra Street) in particular is very close to the proposed development, we have mostly completed extensive renovations in an attempt to increase the comfort, quality & obviously the value of our property. Our entertainment/family area, containing an overlooking

window, adjoins the western wall of the proposed development, ie the entrance to the accommodation area & two ramps for use of entry, this will obviously affect our usage/enjoyment of this purpose built area.

7. We already have significant damage/problems with the road surface in our street, (caused mostly by garbage trucks, which currently need to execute a 3 point turn to negotiate the cul de sac. Also water damage from the previously mentioned flooding) imagine the potential for problems if the traffic increases further. Obviously there will be increased rubbish to be collected when a business/accommodation facility is factored into the street, maybe a "skip," permanently, not exactly in character with our street!

8. There will certainly be an impact on local endangered wildlife from all of the proposed changes covered above. This will be a significant impact & disruption to their habitat & lifestyle, breeding patterns & movements in particular.

9. Last, but certainly not least! What about our personal ambience & lifestyle? Would you like this facility next door to your home? Perhaps not a legal reason to object, but certainly worth a mention!!! There must be a more suitable location for such a facility?

THIS IS A RESIDENTIAL AREA!

FROM : FAYE + GARRY PATON
SENT : 3RD FEBRUARY 2012
TO : BALLINA SHIRE COUNCIL

RECEIVED
03 FEB 2012
RECORDS

SUBJECT RE 27 CAWARRA STREET BALLINA. - OBJECTION TO THIS PROPOSED DEVELOPEMENT.

We came to this street some 35 years ago, where we built our home, raised our children and now we assist with our grandchildren, the street was always quite, we watched other blocks be developed and other families move in, and we all got along. The street was so quiet back then my old dog would sleep in the middle of the road some days, today I don't think he would see tomorrow. Traffic movements are now high being a cul-de-sac each car or truck etc in goes out again the same way. If you were to look at the cul-de-sac to the south Tupperary Place and north the cul-de-sac Main Place you would see both these streets are in much better condition than Kawanna cul-de-sac our street the road is all cracked, the road is pushed up over the slope guttering, the turn in the cul-de-sac has been repaired twice in recent years and needs doing again. In extra high tides the whole turn of the cul-de-sac fills with sea water, which comes in from Cawarra Street boat ramp area, floods the marsh area of crown land to the west, while also flooding the turn around of the street, which would make entry to number (27) very difficult for Ambulances, Fire Brigade, Police, Emergency Services, Wheel chairs, Mobile Beds etc, to enter or exit the property in question under these conditions.

With regards the development of number (27) I don't think commercial offices are in keeping with the street and those who call this street home. It is my understanding from enquiries made to residence of Vera Street Ballina were the same developer operates, the same type of property that a number of Vera Street residence are upset at the going ons there, such as I understand Police issues, drug related matters, loud music, alcohol, nude parties etc. by some members of these three units towards other residents. Regard parking of the six properties facing Bawana Cul-de-sac all six would have two cars a minimum and some would have more plus visitors cars each day. It can be a hassled backing out of your drive now without parking for eight (8) more people and cars and up to a suggested future of some twenty four (24) people and cars, the street of approx 150 mts can not handle this plus delivery trucks, paper delivery, postie etc waste removal. As far as we have been happy here and hope to stay, and up to now never gave any thought of moving.

P.S. The slope gutters in Bawana Cul-de-sac also create a problem in that if they are not approach at a wide angle then your vehicle will bottom on the gutter and damage the front causing personal expense, it can cost up to \$400 at a Panel shop for repairs and paint. Every residence has this problem number (27) is the worst of them all as taxi, delivery vehicle, visitors etc, all bottom the car front on

the gutter, anymore vehicles on the street will only make this worse by denying the angle needed to avoid this

GARY PATON
FAZE PATON
Pater, 26 CAWARRA ST.
BALLINA.

P.S. Regards proposed changes to number (27) driveway this will result in the loss of 2 to 3 current on street parking spaces. most of the residence on Cawarra street choose at the moment to park off street either in there drive or there shed.

DA 2011/547 - DRAFT CONDITIONS OF CONSENT

1 GENERAL CONDITIONS

General

- 1.1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including plans prepared by The Plan Centre. Project No. 11661 Drawing Nos A01 Rev 2 and A03 Rev 3 Dated 15/12/11 and A02 rev 5 Dated 29/02/12, except as modified by any condition in this consent.
- 1.2. **Commencement of occupation or use**
Occupation or use of the site for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with, unless alternative arrangements have been made with Council.

Building requirements

- 1.3. **BCA compliance**
The buildings are to comply with the requirements of the *Building Code of Australia* and relevant Australian Standards.
- 1.4. **Where Council is the Principal Certifying Authority Where Council is the Principal Certifying Authority**

Forty eight (48) hours notice is to be given to enable the following building works to be inspected during construction by the Council where Council is the Principal Certifying Authority. NOTE: All required sewer and water service plumbing drainage inspections are to be carried out by Council:

- a) At the commencement of building work including the erection of builder's sign, site fencing, builder's sheds, erosion barriers and portable toilet facilities where required.
- b) When the internal sewer drainage pipelines beneath the building have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
- c) When the steel is in position before any concrete floor slabs including patios and garages are poured.
- d) When the external sewer drainage lines have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
- e) Prior to the covering of waterproofing flashings to any wet areas.
- f) On completion of the water supply "rough in" and/or plumbing stackwork prior to the internal lining of the building.
- g) On completion of the building before occupation and the issue of any occupation certificate.

NOTE: These inspections are considered to be critical stage inspections required during construction. Failure to carry out these inspections is a breach of the *Environmental Planning & Assessment Act* and may jeopardise the issue of an Occupation Certificate.

Signage

1.5. *No signs without approval*

No advertising sign(s) shall be erected or displayed without the prior development approval from Council unless the proposed signage is consistent with the terms and conditions of Council's *Development Control Plan - Exempt and Complying Development*.

2 PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development.

Building Requirements

2.1. *Construction certificate to be consistent with DA*

Any Construction Certificate issued in association with this development must ensure that any certified plans are consistent (in terms of site layout, site levels, building location, size, internal/external design, external configuration and appearance) with the approved Development Application plans.

2.2. Where council is nominated as the Principle Certifying Authority, Structural Engineers details are to be submitted prior to the release of the Construction Certificate. The foundation details shall be based upon a geotechnical investigation carried out by the designing engineer or suitably qualified consultant, a copy of the report shall accompany the structural engineering.

2.3. *Administration/inspection fees*

Where Council is not the Principal Certifying Authority, the following fees/contributions/charges are to be paid to Council prior to the issue of a Construction Certificate:

- (a) (\$60) – administrative certificate handling and registration fee
- (b) (\$170) – plumbing, drainage and water service inspection fee

2.4. *Section 68 Application*

A Section 68 application under the Local Government Act must be submitted to Council for approval for all plumbing and drainage, and stormwater.

2.5. *Disabled access*

Provide facilities for the disabled including toilet facilities, ramped access to the building and a car parking bay for the disabled in the carpark in accordance with AS 1428.1 and AS 2890.1.

2.6. Prior to issue of the Construction Certificate a certificate must be submitted by an appropriate person that Part J of the BCA will be complied with.

2.7. Internal lining materials must comply with Fire Hazard Properties specified by Clause C1.10 of the Building Code of Australia. Details to be submitted

to and approved by the principal certifying authority prior to issue of the Construction Certificate .

- 2.8. In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.
- 2.9. **Issue of construction certificate**
The erection of a building under the terms and conditions of this Development Consent must not be commenced until:
- (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The Council; or
 - (ii) An accredited certifier; and
 - (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority and has notified the Council (if Council is not the principal certifying authority) of the appointment; and
 - (c) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.

Roads and Traffic

2.10. **Car Parking**

The design of all disabled car parking spaces is to be in accordance with Australian Standard AS/NZS 2890.5: 1993. Design plans are to be certified by a suitably qualified professional and submitted to and approved by Council prior to issue of the Construction Certificate.

2.11. **Car Parking & Access**

The design of all car parking and vehicular accesses is to be in accordance with the Australian Standard AS/NZS 2890.1: 2004. Design plans are to be certified by a suitably qualified professional and submitted to and approved by Council prior to issue of the Construction Certificate.

Landscaping

2.12. **Landscaping required**

Prior to the issue of a Construction Certificate a landscaping plan is to be submitted to and approved by Council that adequately screens the hardstand car parking spaces within the front setback.

Fees and Bonds

2.13. **Civil inspection fee, Construction Certificate fee & construction bond**

Prior to the issue of a Construction Certificate, the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary at the actual time of payment:

- Civil Construction Certificate Fee: Refer to Council's Schedule of Fees and Charges
- Civil Inspection Fee: Equal to 3% of the estimated cost of the civil works (min \$190)
- Civil Construction Bond: Equal to 5% of the estimated cost of the civil works (min \$1000)

The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (eg. Sewer systems, footpaths, kerb and guttering etc) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur.

Contributions

2.14. Developer Contributions

Prior to issue of a Construction Certificate, total payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979 and Development Servicing Plans prepared under the Section 64 of the Local Government Act 1993 and Section 306 of the Water Management Act, 2000:

Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Road Contribution Plan October 2010	25 February 2010
Ballina CBD Car Parking Contribution Plan	25 November 2004
Lennox Head Village Car Parking Contribution Plan	12 February 2004
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 (**attached**).

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with or addressed prior to commencement of construction works relating to the approved development.

Erosion and Sediment Control

- 3.1. To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works on site and are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:
- a The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land.
 - b Service trenches are to be backfilled as soon as practical.
 - c Downpipes are to be connected as soon as practical or otherwise temporary downpipes are to be used.
 - d Buffer vegetation zones are to be retained on sites that adjoin roadways, drainage systems and or watercourses.
 - e Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

Public Liability

- 3.2. Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$10M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.

4 DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the construction works relating to the approved development.

Building Requirements

- 4.1. **Hours of building work**
Any building work involving the use of noisy mechanical plant or noisy equipment must only be carried out within the following hours:
- (a) Monday to Friday - 7.00am to 6.00pm
 - (b) Saturday - 8.00am to 1.00pm
 - (c) Sunday - No noisy work at all
- 4.2. **Builder's sign**
A suitable sign is to be provided on the building site in a prominent location, indicating the builder's name, licence number and contact telephone numbers (including after hours numbers).
- 4.3. **Building waste containment**
A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking

etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.

4.4. ***Builder's toilet***

A suitable builder's toilet is to be provided on-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.

4.5. ***No storage of materials on Council land***

There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without the prior consent of Council.

4.6. ***Safety fencing***

The building site is to be provided with adequate safety fencing preventing public access onto the site. Such protection measures are required to protect the public from construction works including dangerous excavations. Signage, restricting unauthorised site entry, containing the builder's name, licence number and contact telephone numbers is to be provided in a visually prominent location on the site.

Civil Construction works

4.7. All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government *Development Construction Manuals* (as current at the time of construction works commencing).

4.8. Council's Engineer must inspect and approve works associated with the construction of the gutter crossing for the development. Council's Engineer must be contacted on telephone 6686 4444 at the time of excavation and at least 24 hours prior to the concrete pour.

4.9. ***Repair damaged infrastructure***

Kerb and guttering, footpaths, utility services or roadworks damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.

4.10. ***Reinstatement of road verge***

Any grass verge or footpath within the road reserve that is damaged as a result of development works on the site shall be immediately reinstated to a satisfactory and safe condition. This will involve the regrading of the disturbed area, turfing and top-dressing.

4.11. ***Waste***

All construction or the like waste is to be transported and disposed of to an approved waste facility or if alternative disposal methods are sought, that written approval is granted by Council.

Erosion and Sediment Control

4.12. Soil erosion and sediment control measures shall be maintained in accordance with *Managing Urban Stormwater – Soils and Construction*, LANDCOM, March 2004.

Car parking

4.13. Concrete or similar parking areas

The driveways and parking bays within the development are to be constructed of reinforced concrete or similar paved material. All driveway areas are to be adequately graded and drained to the stormwater system to ensure that stormwater is not directed onto adjoining properties.

5 PRIOR TO OCCUPATION OR USE

Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to occupation or use.

General

5.1. Occupation certificate

Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.

Civil Works

5.2. All civil works approved under Section 138 of the Roads Act 1993 with the Construction Certificate are to be completed to the satisfaction of Council prior to issue of an Occupation Certificate. All works are to be completed in accordance with the Northern Rivers Local Government Development *Design and Construction Manuals* (as current at the time of construction works commencing). Where details are not addressed in these Manuals, the construction is to comply with the requirements of Council's *Subdivision Code*.

Car Parking

- 5.3. The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be approved by the principal certifying authority prior to issue of the Occupation Certificate.
- 5.4. The construction of all disabled car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS /NZN 2890.6: 2009. All works are to be approved by the principal certifying authority prior to issue of the Occupation Certificate.
- 5.5. A minimum of seven (7) car parking spaces including the disabled car parking space shall be provided and available at all times for parking purposes.

Gutter Crossing

5.6. The provision of a gutter crossing for the development. Details are to be in accordance with the with the Northern Rivers Local Government Development *Design and Construction Manuals* (as current at the time of

construction works commencing). All works are to be approved by the principal certifying authority prior to issue of the Occupation Certificate.

Essential Services

5.7. ***Fire safety certificate***

On completion of the erection of the building, the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the BCA.

5.8. ***Fire safety statement***

The owner of the building must provide Council with a Fire Safety Statement at least once in each twelve month period, certifying that the essential services installed in the building have been inspected and tested by a competent person and at the time of that inspection, were capable of operating at the minimum standard required by the development consent. This certificate is to be kept in the building to which it relates.

Landscaping

5.9. ***Landscaping to accord with plan***

All landscaping works shall be completed in accordance with the landscape plan approved as part of this development consent.

5.10. ***Landscaping to be completed***

Prior to occupation, the site is to be landscaped in accordance with the approved landscape plan, including the turfing of the site and the undertaking of appropriate plantings generally in accordance with Policy Statement No. 6 of *Ballina Shire Council Development Control Plan No. 1 – Urban Land*.

6 CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

Vehicle Access

- 6.1. All vehicles associated with the conduct operation of the business on the subject allotment shall be parked wholly within the allotment and not within the adjoining street system.
- 6.2. Vehicular entry to and exit from the site shall be in a forward direction.

Use of site

- 6.3. The maximum number of clients and staff on the site at any one time is restricted to sixteen (16) persons, apart from one (1) day every second month when twenty four (24) people are permitted onsite.

6.4. The use of the site is restricted to the following hours or times:

Educational Establishment

- 8.00am – 6.00pm weekdays.

Transitional Group Home

- Weekends and public holidays

Environmental

6.5. Should liquid contaminants be stored on site clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminate spills such as oil.

6.6. **Amenity**

The land use on the site shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, waste products and the like.

6.7. **Noise**

The proposed landuse shall not result in the emission of offensive noise. Offensive Noise means noise:

1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - a) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - b) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

SCHEDULE 1

Contributions

The following contributions are to apply to the development:

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Ballina Island Local Parks	4008	equivalent residential allotment	\$212.00	0.0000	\$0.00
Ballina District Parks	4008	equivalent residential allotment	\$852.00	0.0000	\$0.00

Ballina Playing Fields	4008	equivalent residential allotment	\$1,110.00	0.0000	\$0.00
Regional Open Space Facilities	4016	equivalent residential allotment	\$819.00	0.0000	\$0.00
Open Space Administration	4017	equivalent residential allotment	\$32.00	0.0000	\$0.00
Ballina District Community Facilities	4209	equivalent residential allotment	\$1,615.00	0.0000	\$0.00
Regional Community Facilities - Amend 1	4213	equivalent residential allotment	\$3,660.00	0.0000	\$0.00
Community Facilities Administration	4214	equivalent residential allotment	\$67.00	0.0000	\$0.00
Ballina Island Roads 2010	5202	equivalent residential allotment	\$10,362.00	0.5504	\$5,703.24
Roads Administration 2010	5203	equivalent residential allotment	\$158.00	0.5504	\$86.96
Ballina Island Sewerage (DSP Area B)	3001	equivalent tenement	\$7,049.00	0.4520	\$3,186.15
Ballina Island Water (DSP Area B)	2001	equivalent tenement	\$3,254.00	0.0000	\$0.00
Rous Water 2009	5001	equivalent tenement	\$8,377.00	0.0000	\$0.00
TOTAL					\$8,976.36

REASONS FOR CONDITIONS

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 1987;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.

ADVISORY MATTERS

1. Disability Discrimination Act 1992

The granting of this consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992 (DDA)*. The applicant is advised to investigate any liability that may apply under that Act. *Australian Standard AS 1428 – Design for Access and Mobility* should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

Compliance with the BCA does not guarantee compliance with the DDA. The BCA provides important access provisions however:

- (a) it does not cover all developments that are subject to the provisions of the DDA;
- (b) it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities; and
- (c) while it mandates improved access for people with disabilities, it is not framed in terms of "equality of access".

You are therefore advised to investigate your liability under the DDA with respect to any existing and proposed future works.

2. Protection of the Environment

The development is to be operated in accordance with the provisions of the *Protection of the Environment and Operations Act 1997* as it applies to issues of air quality, noise generation, water and wastewater quality.

3. Noise control

Use of the premises/services/equipment/ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment & Operations Act 1997*.

4. WorkCover requirements

The premises shall be operated in accordance with the requirements of the WorkCover Authority.

5. Wastewater management advice

All work carried out in connection with this approval must comply with any applicable standard established by the *Local Government (Approvals) Regulation 1993*, the *Local Government (Water, Sewerage and Drainage) Regulation 1993*, or by or under the Act.

Advisory Note:

The applicant is advised to take care in ensuring that no damage is done to or unauthorised modifications are carried out on either Council's or any other organisation's underground infrastructure assets. Any Council sewer, stormwater or water main or other organisation owned electricity supply or telecommunication facility is not to be damaged or altered in any way without the necessary approvals being obtained beforehand from the relevant server.

You are advised to contact the following:

- **Council - for information on sewer, water supply & stormwater**
- **Rous Water - Water Supply for Rous Water Authority controlled areas**
- **"Dial Before You Dig" - for other service infrastructure**

The information relating to your property is to be obtained prior to any works commencing.