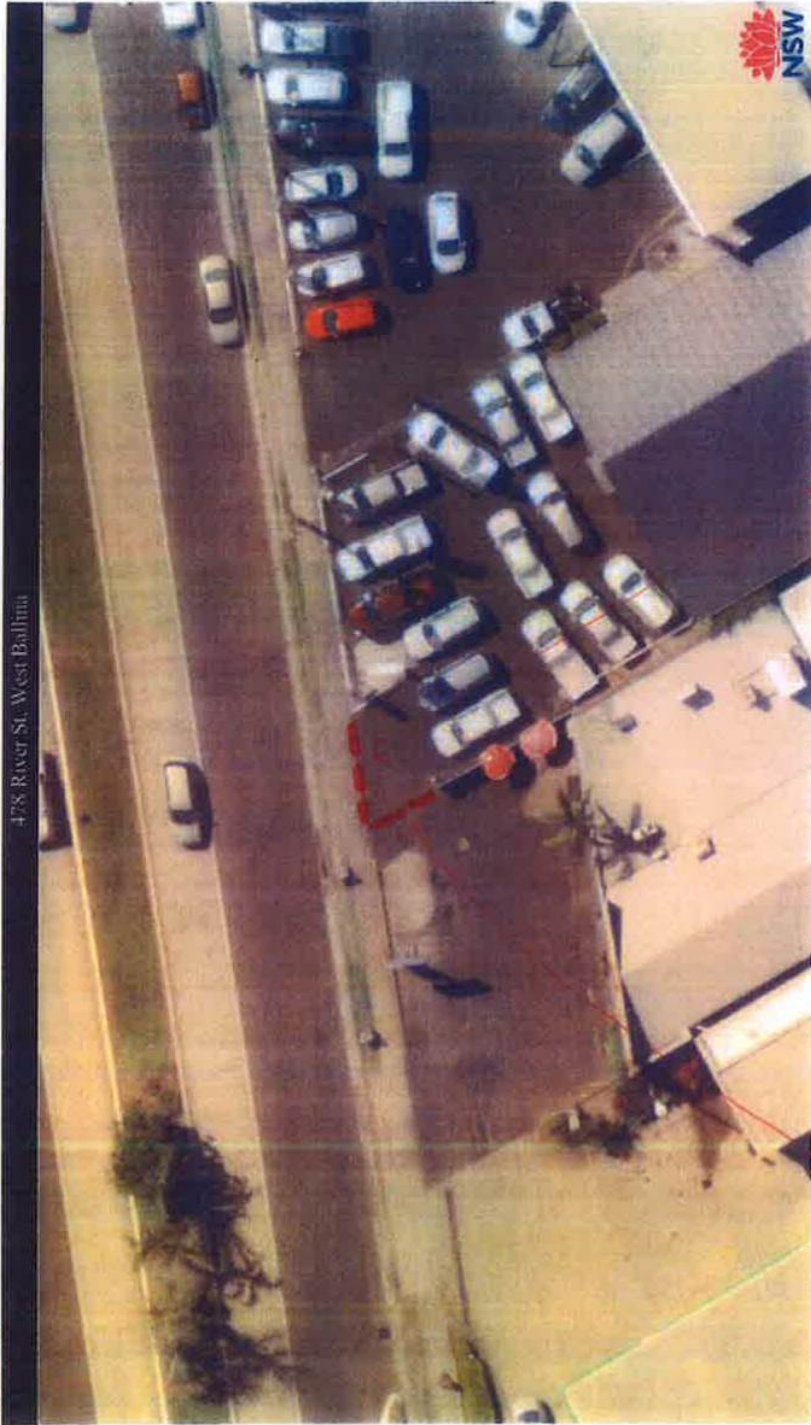


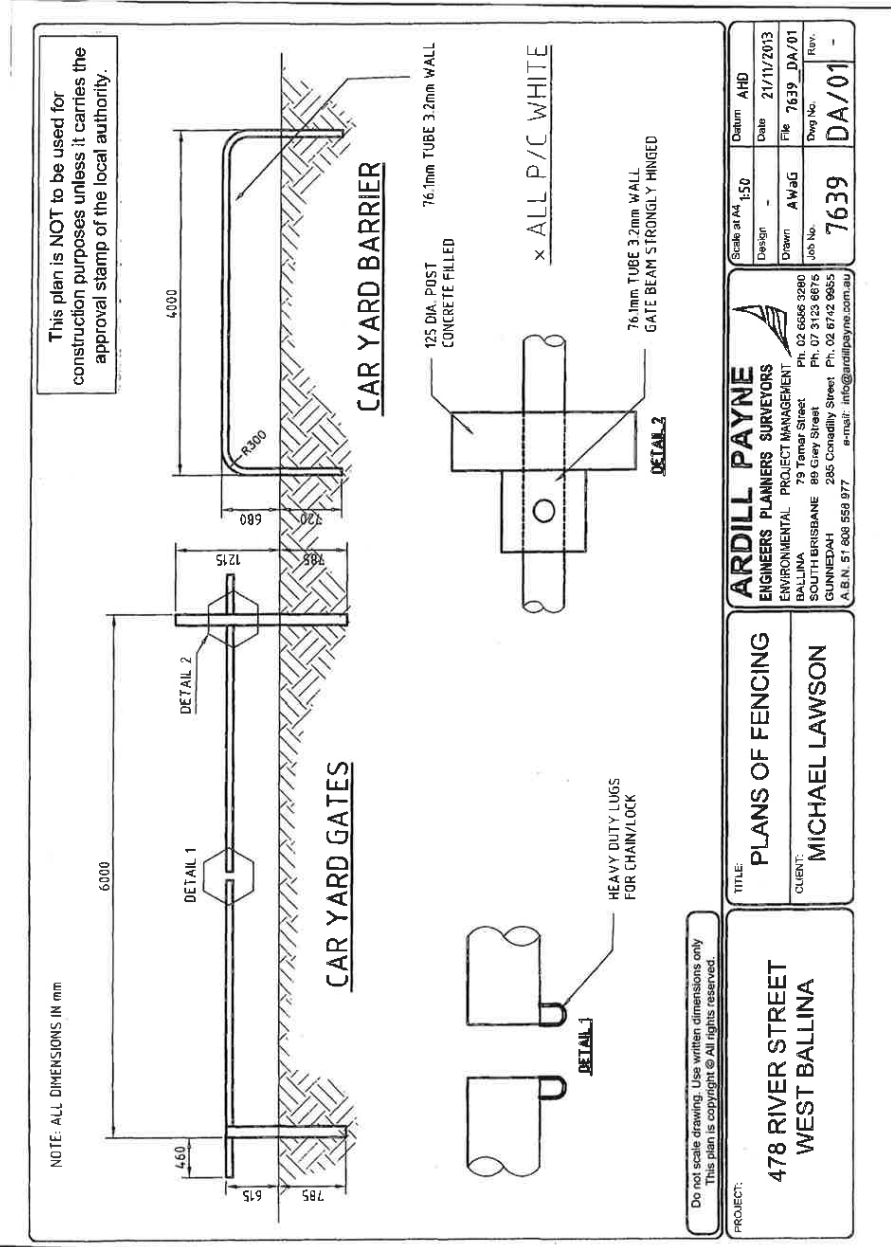


Site Plan



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PROPOSED TUBE STEEL BARRIER PROPOSED BOOM GATE



This plan is NOT to be used for construction purposes unless it carries the approval stamp of the local authority.

NOTE: ALL DIMENSIONS IN mm

Do not scale drawing. Use written dimensions only. This plan is copyright © All rights reserved.

PROJECT: <b>478 RIVER STREET WEST BALLINA</b>	TITLE: <b>PLANS OF FENCING</b>		CLIENT: <b>MICHAEL LAWSON</b>	
	<b>ARDILL PAYNE</b> ENGINEERS PLANNERS SURVEYORS ENVIRONMENTAL PROJECT MANAGEMENT BALLINA 79 Tomar Street Ph. 02 6656 3280 SOUTH BRISBANE 88 Grey Street Ph. 07 3123 8876 GUNNEDAH 285 Conadilly Street Ph. 02 6742 9685 A.B.N. 57 868 959 977 e-mail: info@ardillpayne.com.au			
Scale at A4 1:50		Date	Date	
Design -		Drawn AWB/G	21/11/2013	
Job No. 7639		File 7639_DA/01		Rev. -
Drawn		Job No.		Drawn
7639		7639		DA/01









**BALLINA SHIRE COUNCIL – FILE NOTE**

**Subject:** DA 2013/460 – proposed fencing to front boundary  
**Date:** 4 February 2014  
**Author:** D Kelly  
**Trim Container:**  
**Copy to:** Neil Stone

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Engineering assessment for DA 2013/460  
Lot 2 DP 539947 at 478 River Street, West Ballina

Proposed fencing to front boundary between No.478 (Lot 2 DP 539947) car dealership & No.480 (Lot 1 DP 553052) Northern Rivers Seafood at River Street, West Ballina.

Information

The fence is proposed to be on the common boundary between 478 & 480 River Street. This extension to the existing fence will enclose lot 2 and restrict the existing vehicular access to 480. The proposed fence is of low height and would not adversely impact on pedestrian safety along the footpath.

The existing driveway in front of 478 provides access to their site as well as providing vehicular access to enter 480. There is another access point further west (adjoining the service station) which is generally used to exit 480.

There is an existing drainage pit and kerb and gutter immediately to the west of the existing driveway for 478. This drainage pit could be modified should 480 wish to establish their own access driveway. Should the owners of 480 wish to construct a new driveway, a section 138 application under the Roads Act is necessary.

The existing parking spaces on 480 are limited in number and may or may not be compliant with the minimum requirements for parking spaces as per AS 2890. A new driveway crossover will not affect this current situation. A new driveway will reduce the available on street parking in front of 480.

A driveway to a property should not cross over adjoining lands without an appropriate easement or formalized agreement between owners. In this case, it appears no such easement or agreement exists and therefore each property should be responsible for their access and not encroach on adjoining property.

Conclusion

There is no objection to a new fence being constructed in front of 478.

Any new driveway in front of 480 will require section 138 approval.

David Kelly  
Infrastructure Planning Manager



Date: 12 December 2013  
Our Ref: 13/370



General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2630

Attention: **Mr Neil Stone**

Dear Sir

**Re: Objection to DA 2013/460 New Fencing and Boom Gate Forward of the Building Line  
Lot 2 DP 539947, 478 River Street, West Ballina.**

Newton Denny Chapelle (NDC) has been engaged by Northern Rivers Seafood Pty Ltd (NRS) to prepare a submission to the exhibition of the above Development Application. This submission objects to the proposed fencing for the reasons outlined herein.

1. Traffic Safety

NRS is located at 480 River Street, immediately to the west of 478 River Street. As illustrated in the survey plan shown at **Plate 1**, the car park servicing NRS is currently accessed by two [2] driveway crossovers linking to River Street on the eastern and western extremities of the land. The treatment of the River Street verge at the front of the site is such that vehicles accessing NRS have traditionally utilised the driveway crossing to 478 River Street, to access the eastern entrance to 480 River Street. The integrated access arrangement in this location has been in place for in excess of 30 years and is well recognised by customers accessing NRS as the primary access to the site.

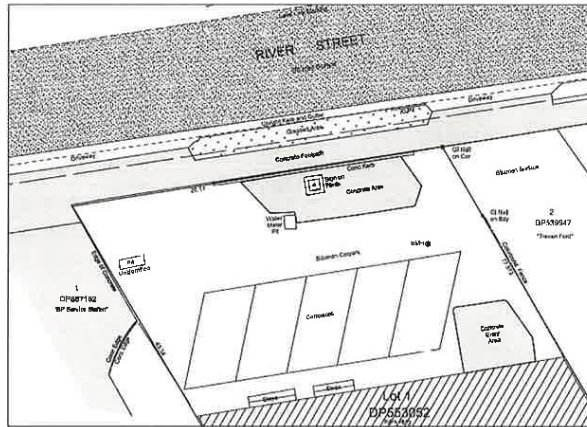


Plate 1 - Extract of Detail Survey.

JOHN NEWTON B. Surv. M.L.S. Aust. TONY DENNY R. Surv. (Hons) M.L.S. Aust. DAMIAN CHAPELLE BTR. CPV  
Office: Suite 1, 31 Carrington Street, Lismore, Postal Address: PO Box 1138 Lismore NSW 2480  
Phone (02) 6622 1011 Fax (02) 6622 4098 Email offices@newtondennychapelle.com.au  
Also at: Casino Court, 100 Barker Street, Casino NSW 2470 Phone/Fax (02) 6662 5000



The proposed erection of front fencing on 478 River Street will effectively close the eastern driveway access to NRS and will result in all access being directed to the western driveway. This will create a potential traffic hazard, given the eastern driveway has serviced the car park many years and is the recognised access for customers. Motorists who are not aware of the closure until accessing the driveway from River Street (at a higher speed due to traffic environment for the area) will create an unsafe access arrangement. This may contribute to potential accidents caused as a result of the fence. We also note due to the drivers being unaware of the fencing, potential queuing on River Street may also result, which is not desirable given the function of River Street.

2. Carparking Impacts for NRS and Adjoining Landholders

Should the proposed fence be approved and constructed, it will be necessary for adjustments to be made to the driveway access and parking layouts on the NRS site. It is expected that these changes will reduce the available on-site parking spaces as well as impact on the availability of on-street spaces in front of the store. This will have the "downstream" impact of increased parking associated with NRS occurring in the public street system in front of other businesses operating in the locality. Furthermore, these adjustments will result in increased focus on the western entrance to NRS, which shares a driveway cross-over with the adjoining BP Service Station (located to the west of NRS). This may increase conflicts between vehicles and pedestrians accessing the two premises.

3. Inconsistency with Council's Development Control Plan

Chapter 6d – Commercial Development West Ballina Enterprise Corridor establishes Council's planning policy in this part of West Ballina. **Plate 2** provides an extract from Chapter 6d, and highlights the aspects of the DCP which are particularly relevant to the current proposal.

**4.7 Element – Fencing**

**Objectives**

- a. Ensure that fencing does not become a dominant built element in the streetscape;
- b. Provide security only where necessary; and
- c. Ensure that fencing does not impact on the safe movement of pedestrians or vehicles.

**Control**

- i. Front fencing along the River Street frontage is undesirable and will be discouraged;
- ii. Fencing shall not comprise solid metal sheeting;
- iii. Security fencing (i.e. that containing barbed wire or the like) may only be erected on secondary street frontages where it can be demonstrated as being required to store vulnerable items.

**Plate 2 – Extract Ballina DCP 2012**

It is submitted that the front fencing to 478 River Street proposed via DA 2013/460 is inconsistent with Planning Objective "c" and Planning Control "i" and therefore should not be supported by Council.

4. Inconsistency with "Notice to Carry Out Fencing Notice"

Our client has been served a notice of fencing work by the adjoining land owner (i.e. proponent of the development). The Notice (see attached) identifies the fencing will comprise the following:

"the fencing work consist of the relocation of the existing 'boom gates' to the same line as the rest of the fence along the front of the property 476 River Street, West Ballina NSW 2478, and the gap created between the fence newly positioned boom gates and

the existing colour bond fence to be filled with a **fixed panel** (emphasis added) out of steel in the same style and at the same height as the existing front fence of the property..."

The document clearly articulates the landowner's intention to erect a panel fence which creates issues associated with the consistency with the fencing notice versus the development application. Importantly, the inconsistency in the documentation provided by the applicant highlights specific areas of concern associated with flooding and drainage impacts which are not addressed within the current application.

The fencing notice identifies a fencing design inconsistent with the current development application. Accordingly, our client raises concern that a different type of fencing will be erected to that being sought to be approved by Council. Furthermore, in the event fixed panel fencing is erected, we note there is no comprehensive assessment provided in regard to the impacts upon our Clients land in respect to flooding, drainage, pedestrian safety and vehicular access.

We submit this issue needs to be clarified with the landowner to ensure which style of fencing will ultimately be erected and therefore the full impacts of the fencing can be addressed.

In conclusion, our clients strongly object to DA 2013/460 involving front fencing to 478 River Street, West Ballina for the reasons outlined above. Given that the proposed fencing raises concerns with respect to traffic safety, parking impacts and inconsistency with Council's Development Control Plan, the application is considered to not be in the public interest and should be refused.

Should you have any questions concerning the above, please do not hesitate contacting Mr Damian Chapelle of this office on (02) 6622 1011.

Yours sincerely,  
**NEWTON DENNY CHAPELLE**



**DAMIAN CHAPELLE**  
Town Planner. BTP. CTP



**Westbridge Properties**  
**Dojoo Pty Ltd**

A.B.N. 88 887 049 208    A.C.N. 001 891 854  
**31 North Creek Road, Ballina NSW 2478**  
*Phone 02 6686 8811    Mobile 0427 299 338    Fax 02 6686 9139*  
office@westbridgeproperties.com.au

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Date: 12 December 2013

General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2630

Attention: Mr Neil Stone

Dear Sir

**Re: Objection to DA 2013/460 – New Fencing**  
**Lot 2 DP 539947, 478 River Street, West Ballina.**

As landowners of the BP Service Station (Lot 1 DP 867162), we have reviewed the Development Application lodged for fencing at 478 River Street, West Ballina. Based on our review of the application, we wish to object to the proposed fencing.

Our service station is located in close proximity (west) of 478 River Street. We currently share the access arrangements with Northern River Seafood with a double width driveway crossover linking to River Street. The treatment of the River Street verge is such that vehicles accessing Northern Rivers Seafood utilise the driveway crossing to 478 River Street, to access the eastern entrance to 480 River Street and exit through our combined driveway.

The erection of the fencing will force all traffic to the common driveway we have with Northern River Seafood. This will obviously result in the creation of a traffic safety issue through vehicles being forced enter and exit both properties through the one driveway access.

We are also of the view the changes to the access for Northern Rivers Seafood forced by the proposed fencing will impact the availability of on-street spaces immediately adjacent to our service station. This may increase conflicts between vehicles and pedestrians accessing the two premises.

Council will be aware Chapter 6d – Commercial Development West Ballina Enterprise Corridor establishes Council’s planning policy in this part of West Ballina. A review of Chapter 6d clearly identifies the proposed front fencing to 478 River Street is inconsistent with Planning Objective “c” and Planning Control “i” of Section 4.7 of the Chapter and thus should clearly not be supported by Council.

Council is advised of our strong objection to DA 2013/460 involving front fencing to 478 River Street, West Ballina for the reasons outlined in this letter. Given that the proposed fencing raises concerns with respect to traffic safety, parking impacts and inconsistency with Council’s Development Control Plan, the application is considered to not be in the public interest.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Santo Pennisi', with a large flourish extending to the right.

**Santo Pennisi**  
**Dojoo Pty Ltd**