

**ballina shire council**  
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 Projection: GDA94 / MGA zone 56  
 Date: 13/05/2021

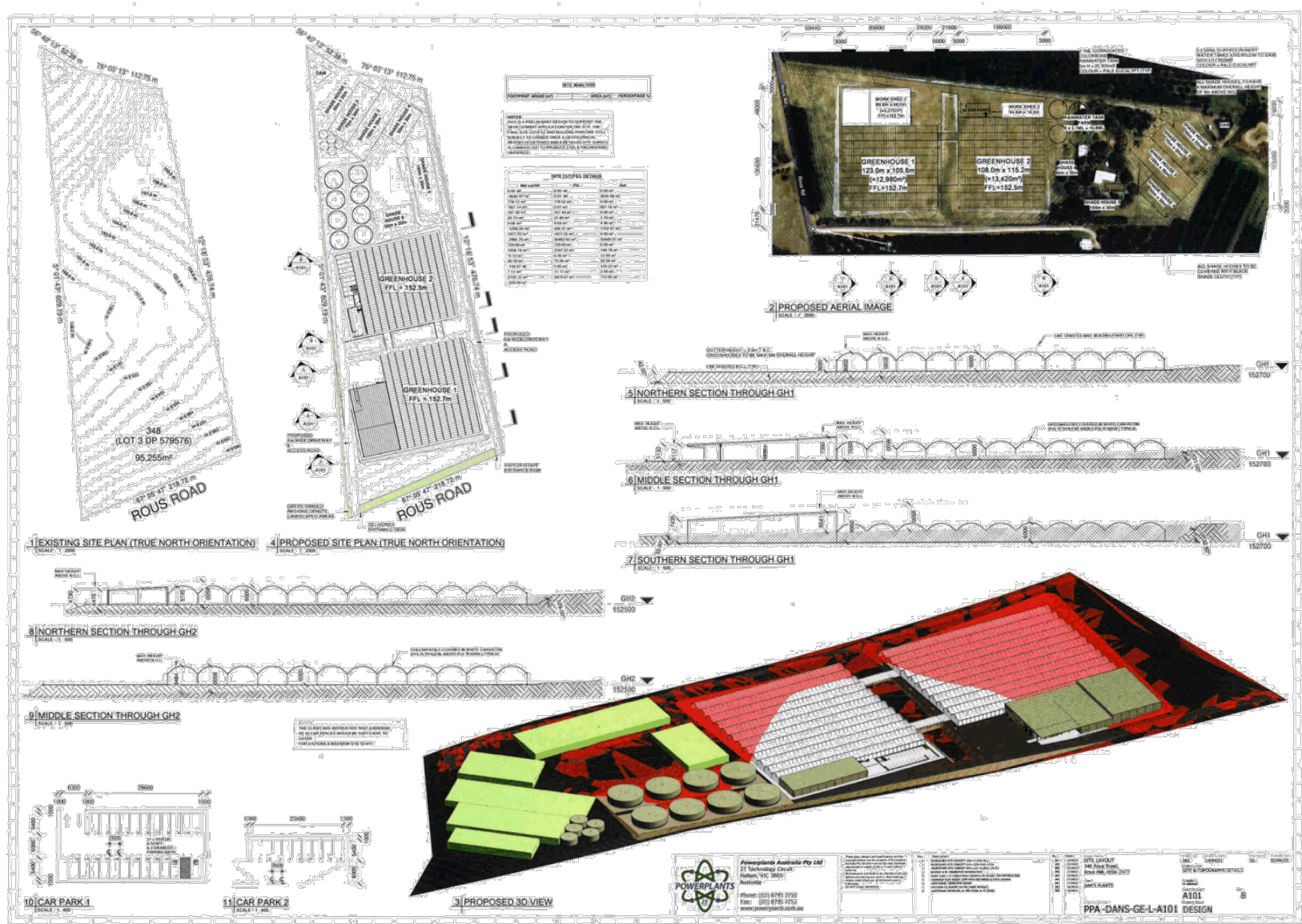
**DA 2019/376 - Lot 3 DP 579576 - No. 348 Rous Road, Rous Mill**

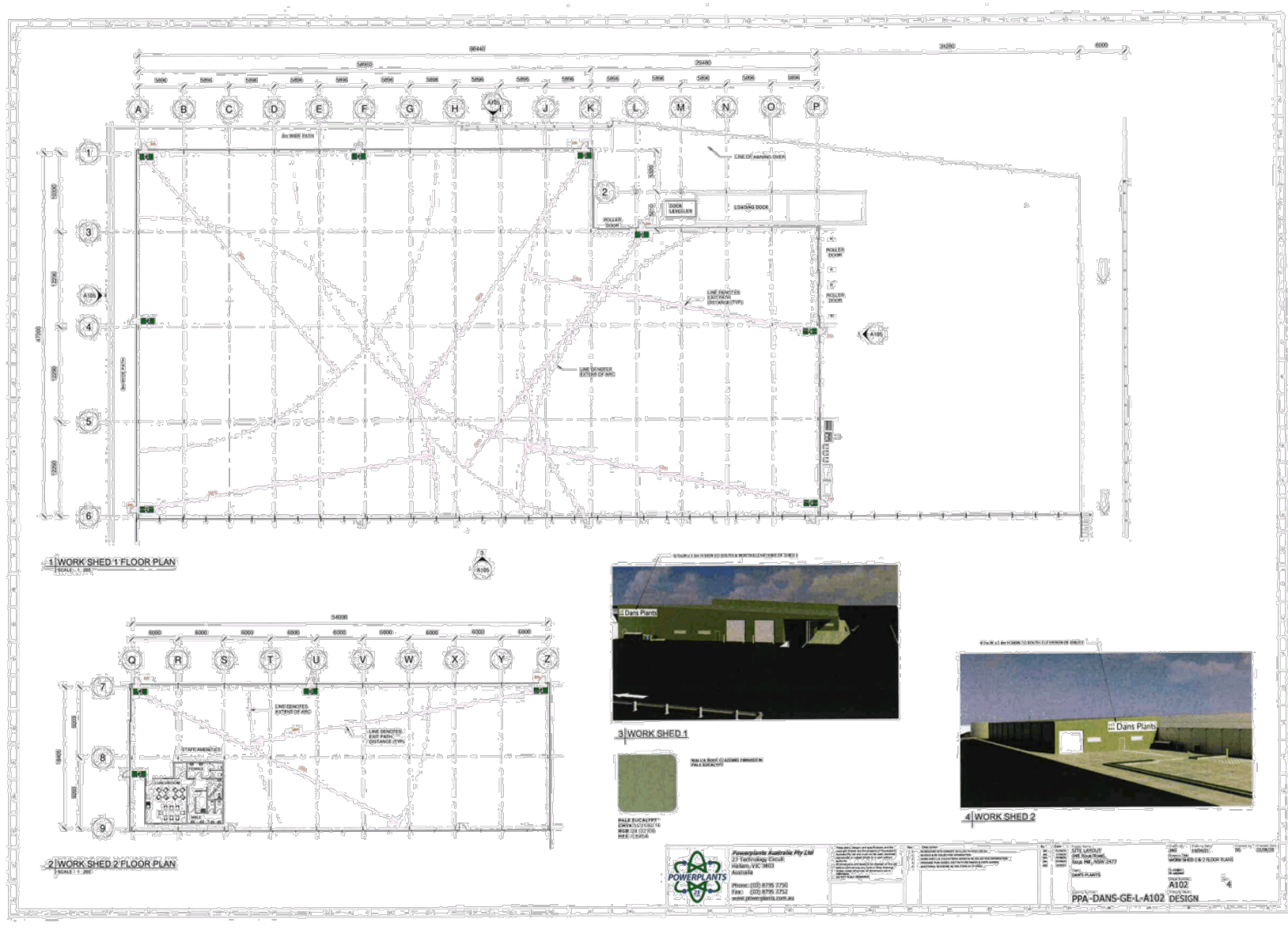
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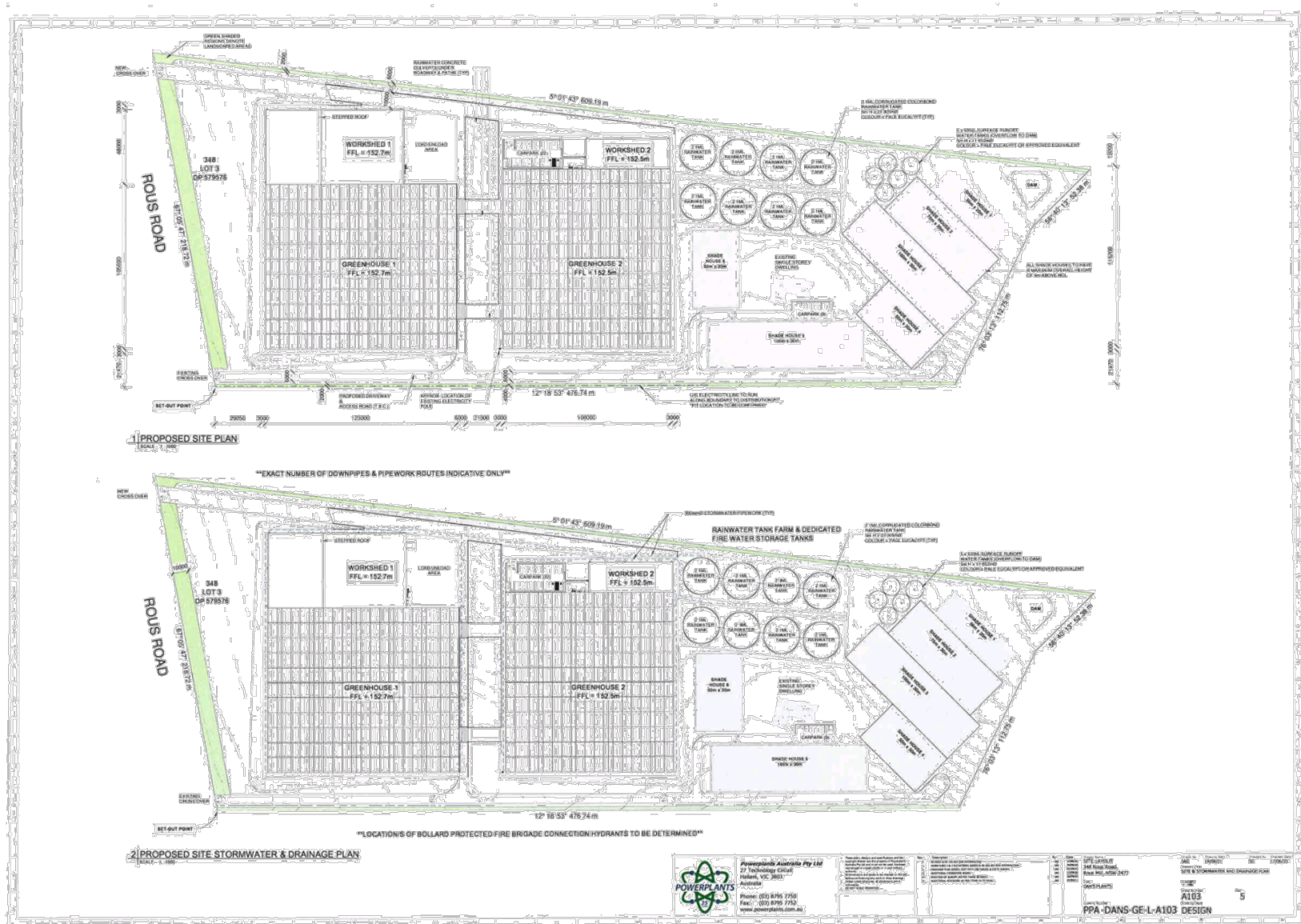


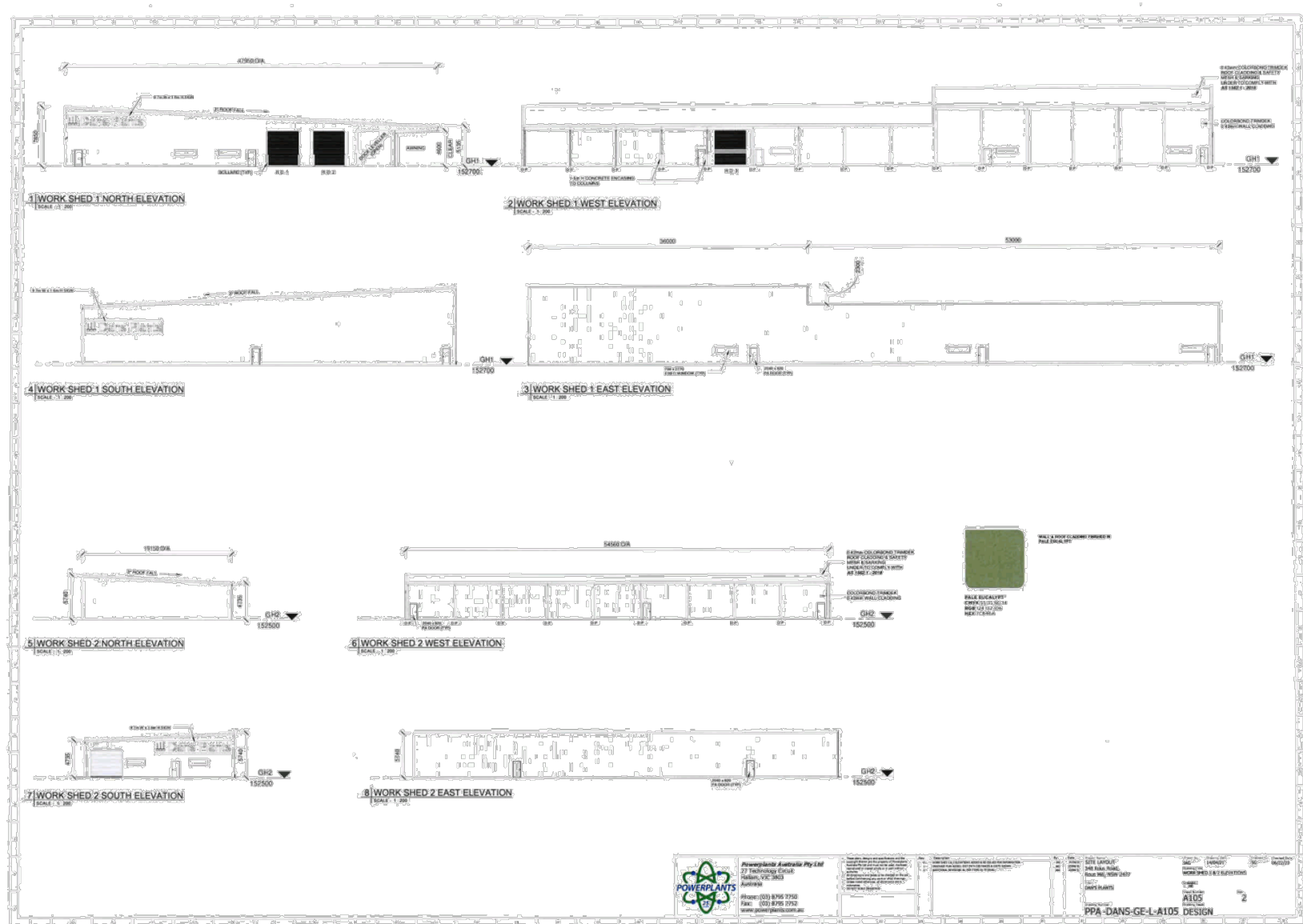
**Ballina Shire Council**  
 61 CIVILITY AVENUE  
 BALLINA NSW 2478  
 PO Box 450  
 BALLINA NSW 2478  
 1300 864 544  
 council@ballina.nsw.gov.au  
 www.ballina.nsw.gov.au

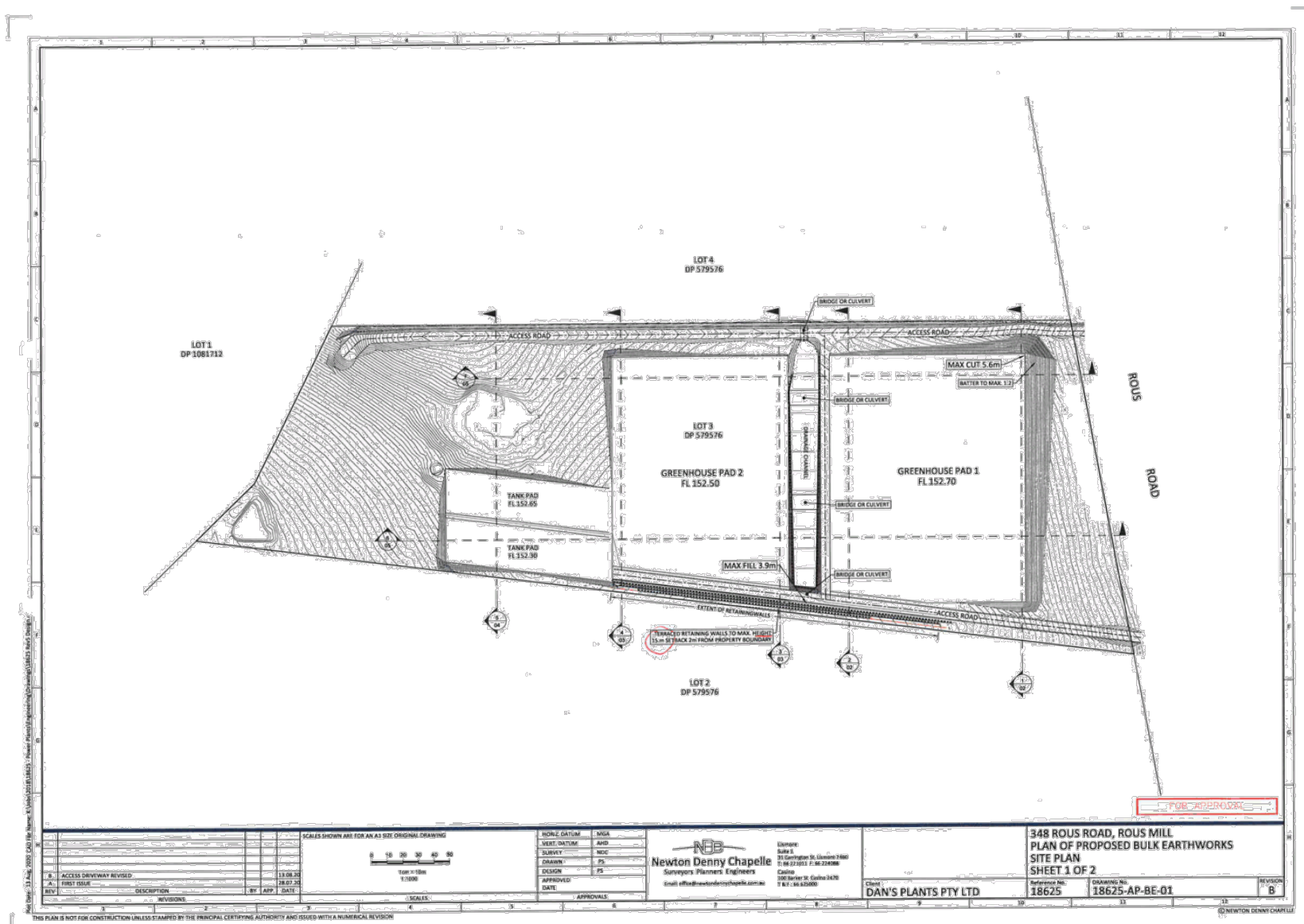
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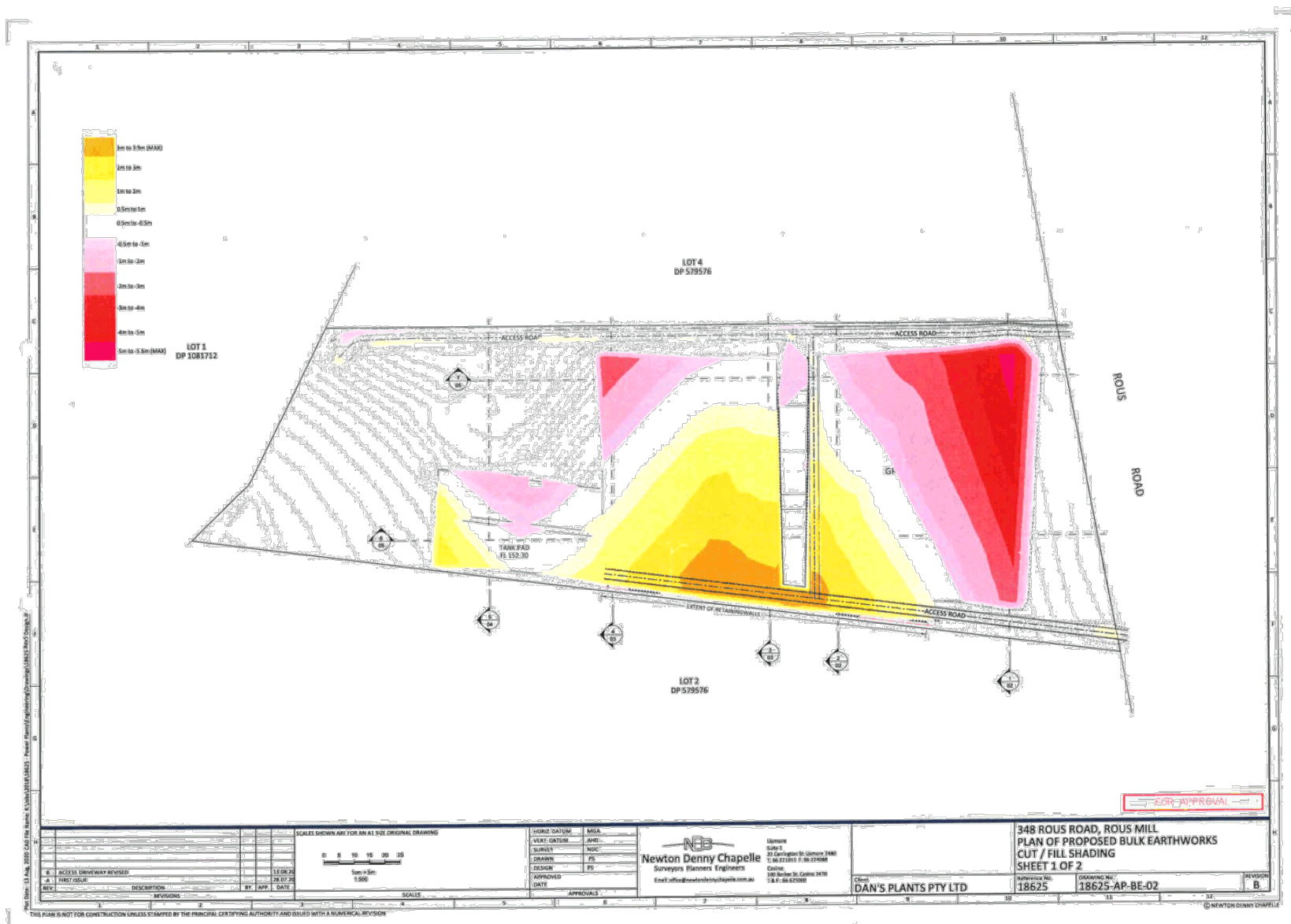


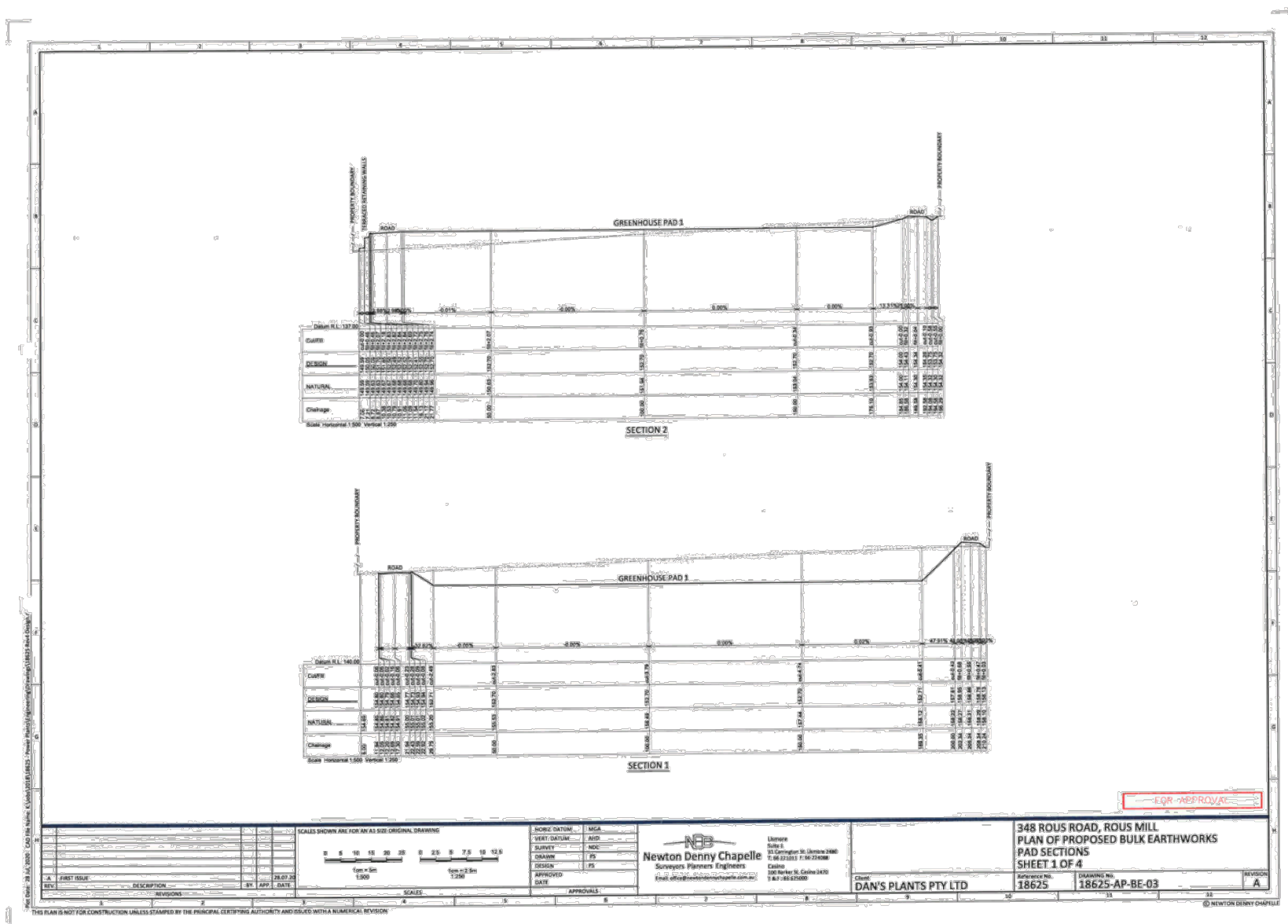




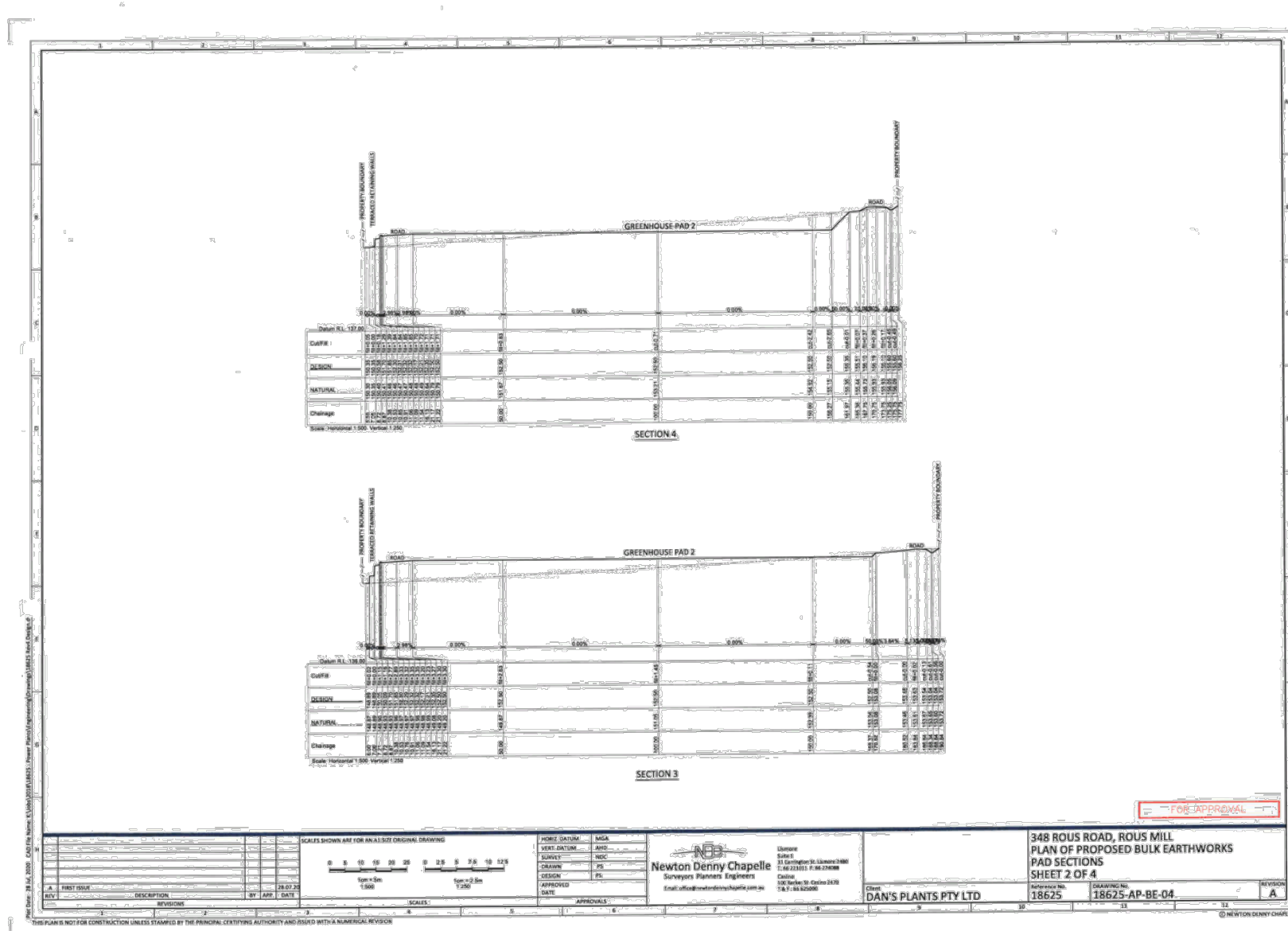


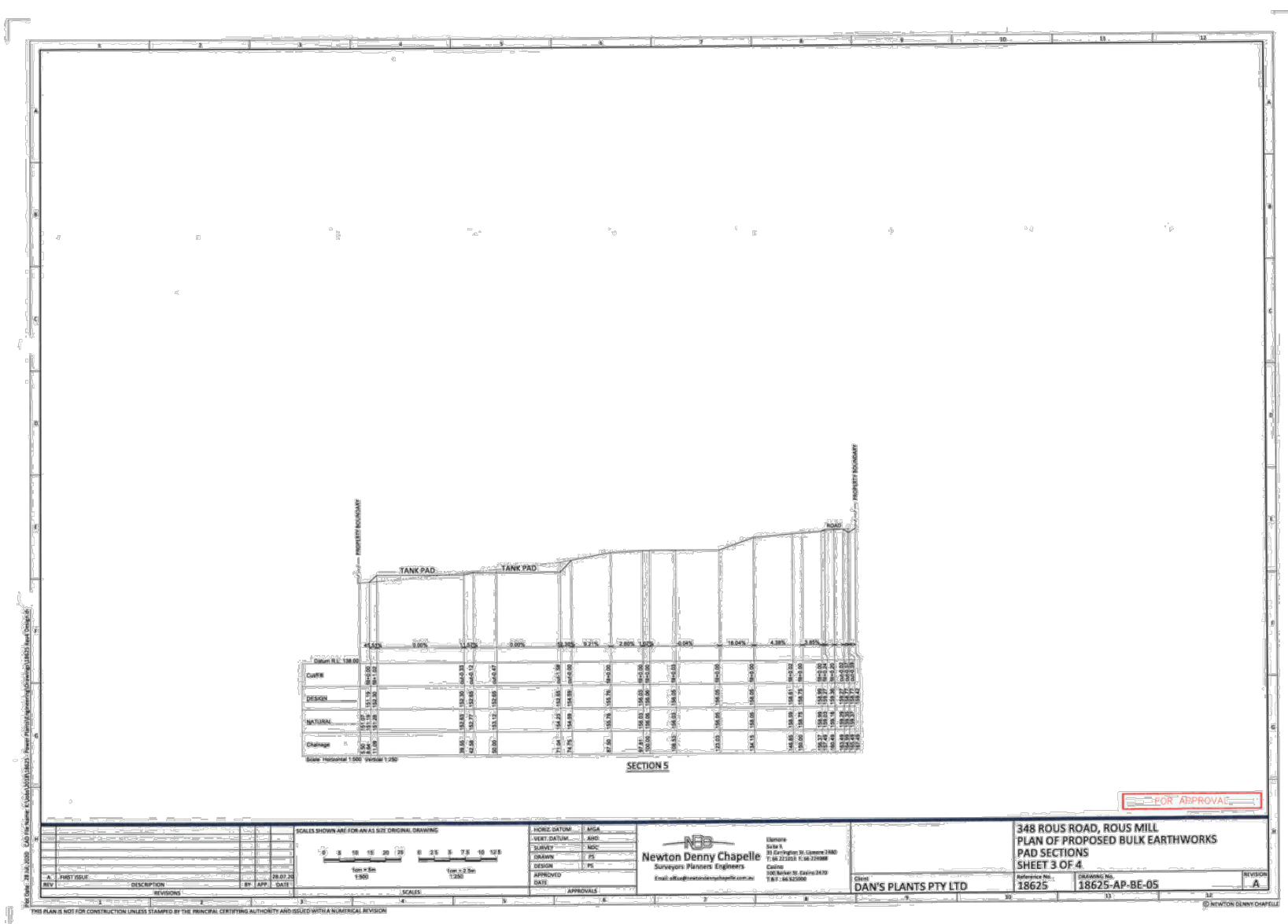


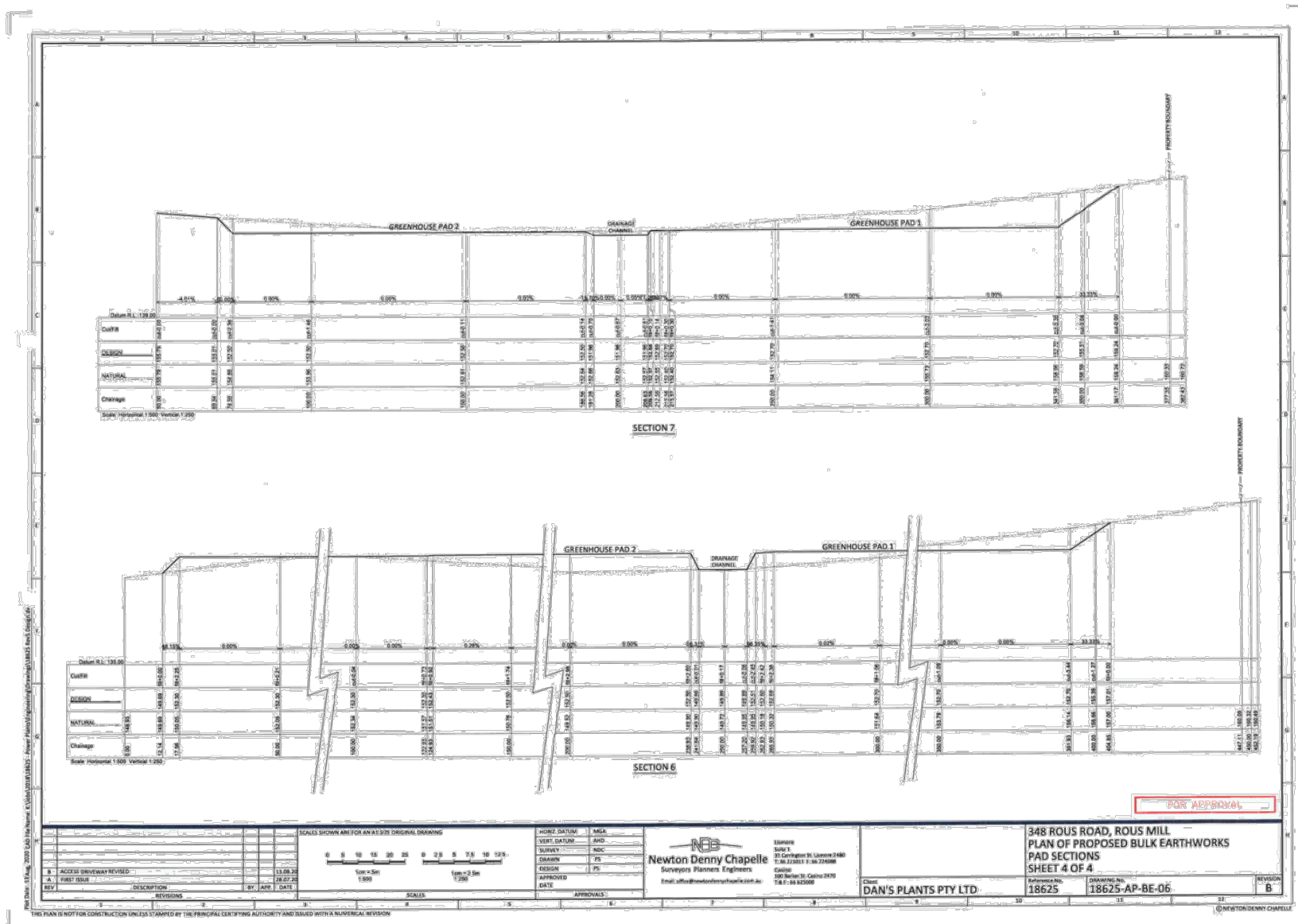


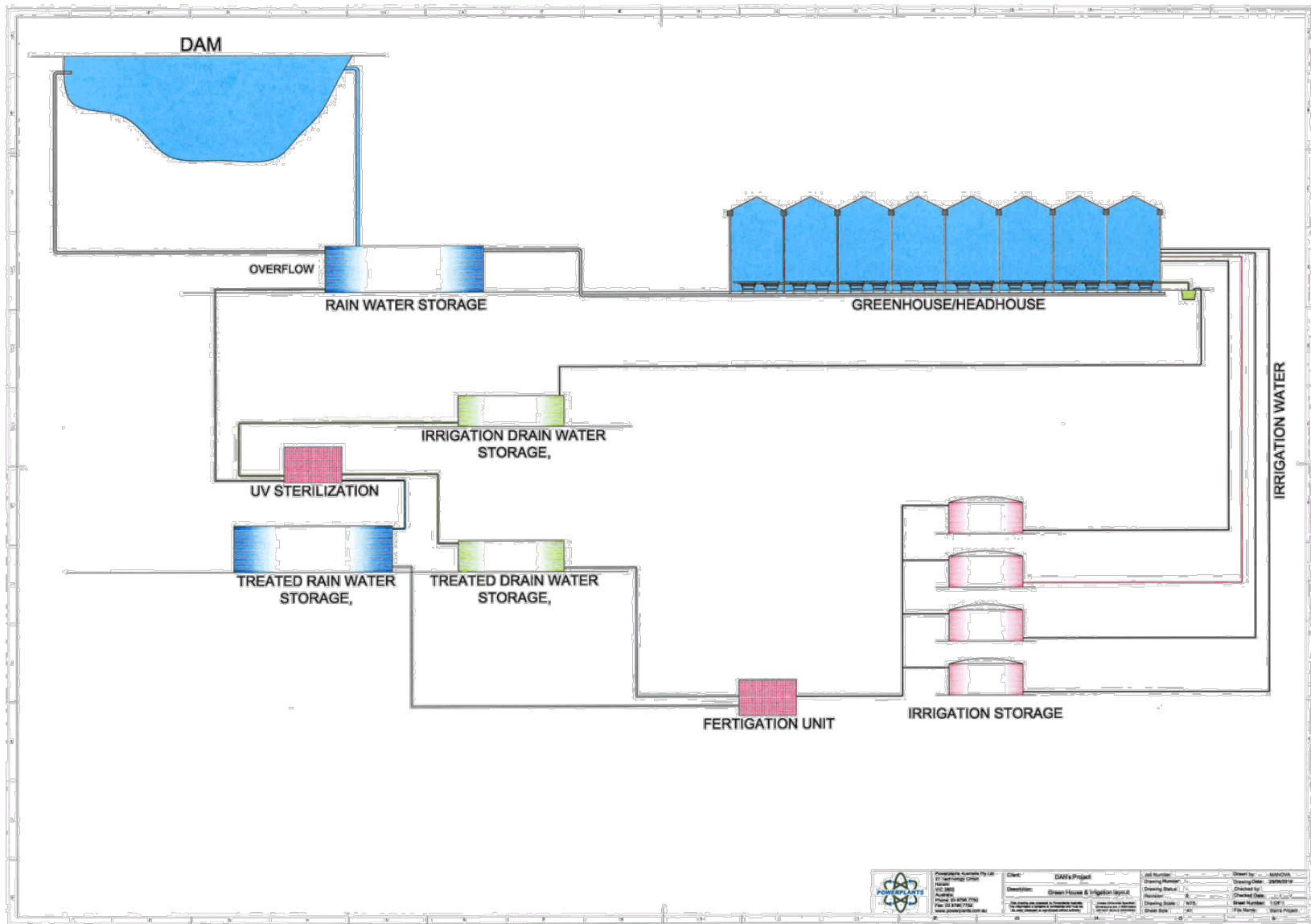




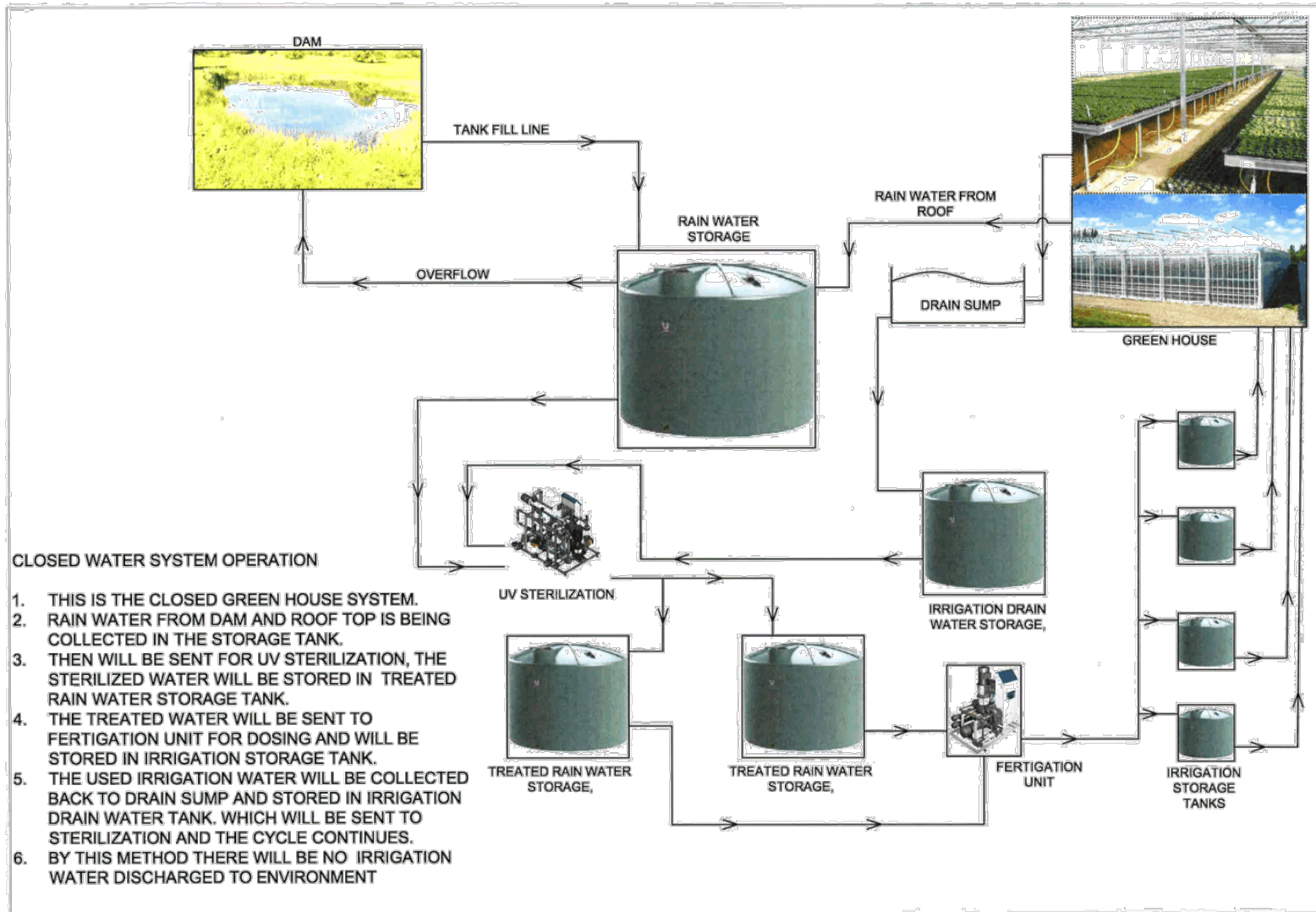


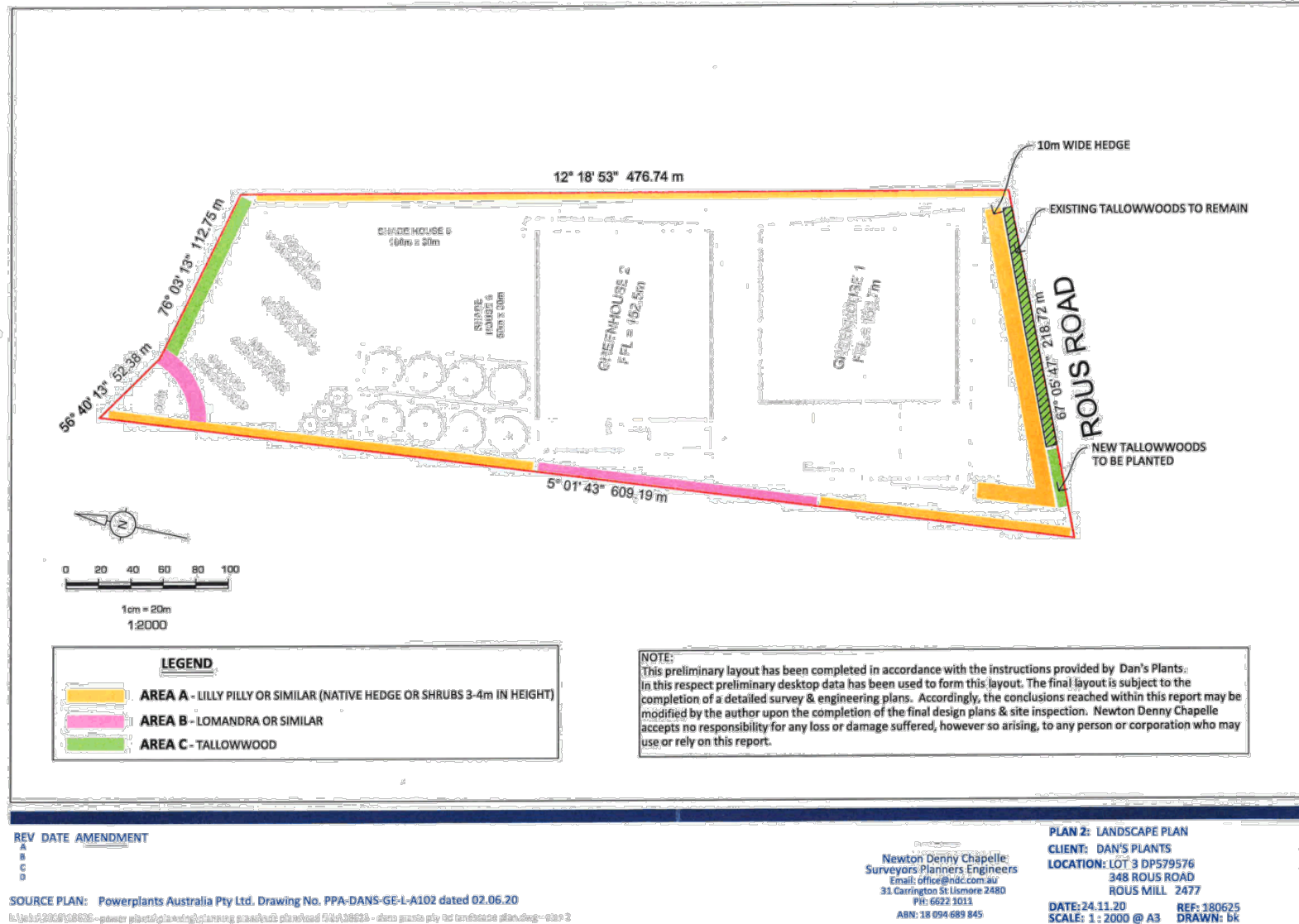






	Approved Authority P10 L16 171 Macquarie Street Ballina NSW 2460 Australia Phone: 02 8756 7750 Fax: 02 8756 7752 www.ballinawater.com.au	Client: DAN'S Project Description: Green House & Irrigation System The details are prepared to the best of our knowledge and belief. We do not warrant the accuracy or completeness of the information.	Job Number: _____ Drawing Number: _____ Drawing Status: _____ Revision: _____ Drawing Date: _____ Sheet Size: A3	Drawn by: MANDRA Checked Date: 28/05/21 Checked by: _____ Sheet Number: 1 OF 1 File Name: DAN'S Project
	Date: _____ Scale: _____ Author: _____ Designer: _____ Checker: _____ Approver: _____	Date: _____ Scale: _____ Author: _____ Designer: _____ Checker: _____ Approver: _____	Date: _____ Scale: _____ Author: _____ Designer: _____ Checker: _____ Approver: _____	Date: _____ Scale: _____ Author: _____ Designer: _____ Checker: _____ Approver: _____
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REV	DATE	AMENDMENT
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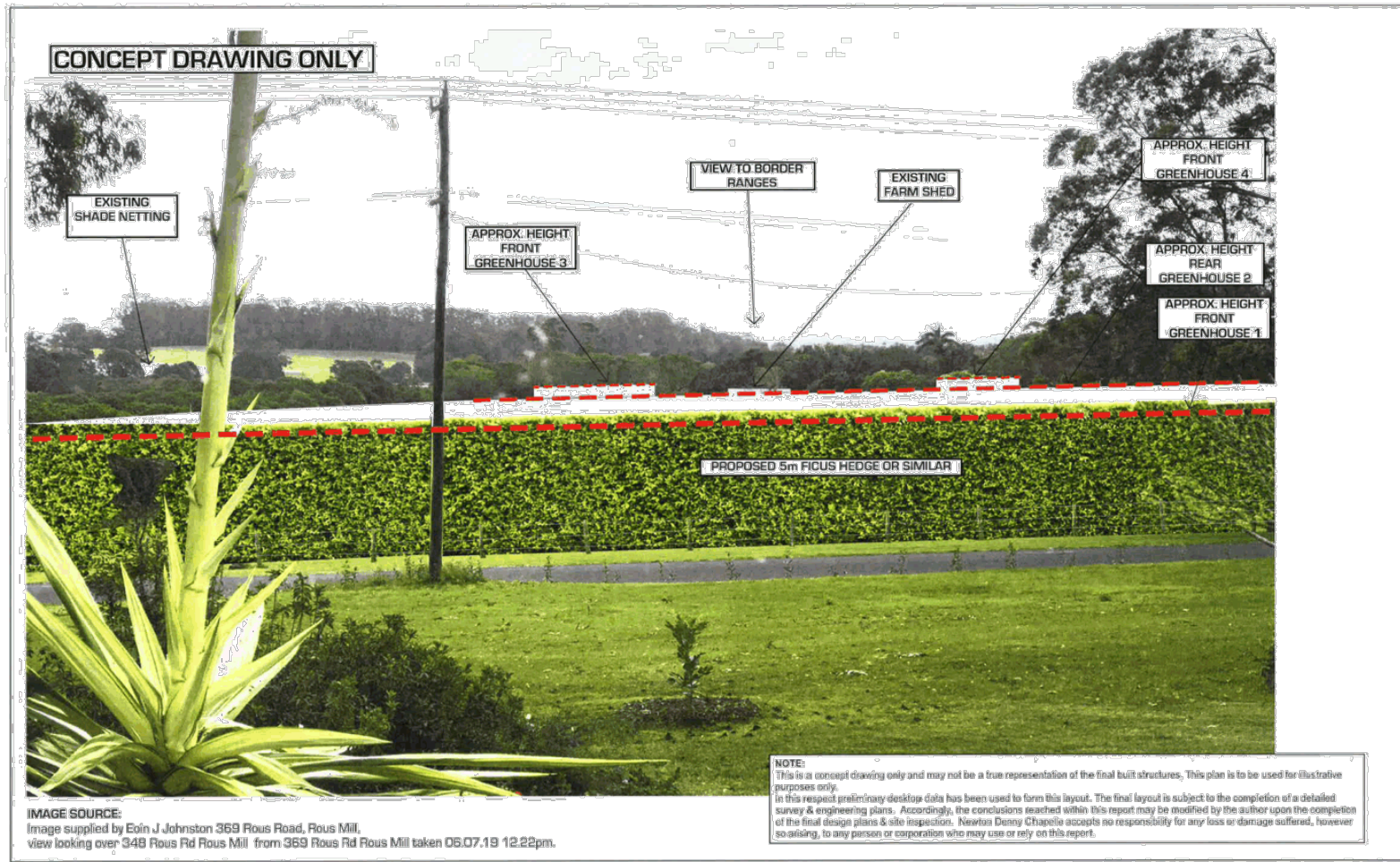
**Newton Denny Chappelle**  
Surveyors Planners Engineers  
Email: office@newtondennychappelle.com.au  
100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

**PLAN 2 - CONCEPT PHOTO MONTAGE**

CLIENT: DAN'S PLANTS PTY LTD  
LOCATION: LOTS 3 DP579576  
348 ROUS ROAD  
ROUS MILL NSW

DATE: 05.08.19  
SCALE: NTS

REF: 18/625  
DRAWN: BK



REV	DATE	AMENDMENT

06/08/2019

06/08/2019 08:28:34

**Newton Denny Chapelle**  
 Surveyors & Planting Engineers  
 Email: office@newtondennychapelle.com.au  
 150/151 Darling Drive, Lismore NSW 2480  
 02 6622 1122

**PLAN 1 - CONCEPT PHOTO MONTAGE**

CLIENT: DAN'S PLANTS PTY LTD  
 LOCATION: LOTS 3 DP579576  
 348 ROUS ROAD  
 ROUS MILL NSW

DATE: 05.08.19 REF: 18/625  
 SCALE: NTS DRAWN: BK



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**From:** sian quick  
**Sent:** Monday, 2 September 2019 3:37 PM  
**To:** Councillor David Wright; Councillor Phil Meehan; Councillor Nathan Willis; Councillor Sharon Cadwallader; Councillor Keith Williams; Councillor Jeff Johnson; Councillor Sharon Parry; Councillor Ben Smith; Councillor Eoin Johnston; Ballina Shire Council  
**Subject:** ROUS NURSERY D/A2019/376.1

Dear Mesdames/Sirs

A recent article in the Northern Star reports that Council is considering another giant intensive wholesale plant nursery at Rous Mill. In view of our past and current experience of being a direct neighbour of a wholesale plant nursery - Alpine Nurseries - we presume the residents of the area at Rous have been informed of the following:-

(a) Massive traffic increases

If as quoted there are to be 60 jobs - that equates to 120 vehicular movements per day and 2,800 per month for employees ONLY.

Add to that trucks, semis, b-doubles, potting mix trucks, other trucks delivering gas/petrol, fertilisers and farm chemicals, service vehicles, waste removal.

All that traffic on a road not built for heavy traffic, Council must maintain these roads at what cost to the ratepayer?

Is the neighbourhood aware of the noise of traffic going in and out of the site and ongoing machinery noise?

(b) Irrigation & Fertilisers

Again the neighbourhood should be aware that irrigation could be said to be nightly or daily, what hours are proposed? How will it impact on the neighbours with water use and noise? What kind of fertilisers and farm chemicals are to be used? Will the neighbours be subject to spray drift?

(c) Riparian Zones

Are there riparian zones to be constructed to protect the neighbourhood? Are they being constructed in accordance with CSIRO criteria - not just drains as is the case with Alpine Nurseries.

(d) Dam

The small dam shown will not supply a nursery of this size. Collecting rainfall from the various roof areas is in fact 'Rainfall Harvesting'. What happens when the various tanks are filled and overflowing from prolonged storms? Where does the polluted waste water go? into Youngmans Creek?

(e) Does Council hold a BOND to re-establish the soil - it will be dead and buried under plastic and gravel as no water can penetrate.

It is noted that this development was advertised, totally unlike the Alpine Nurseries development which was a Water Catchment Zone which allows overflow via our property

to a public water supply. We were never given the chance to object to a fully integrated development which has to date taken 15 years and cost millions of dollars. Alpine's Dam 1 in the water catchment zone was ripped for two and a half years and only repaired just before an Environmental Audit as neighbours of which we had no input. Will that be the same for D/A 2019/376.1?

An independent Valuation of our property organised by the Valuer Generals Department some years ago dropped our property value around \$180,000. The grounds for this appeal were as follows:

- (a) Loss of clean water supply from an old spring;
- (b) Loss of use of part of our property - recycled and irrigation tailwater runs into our property 298 nights per year (contrary to their irrigation licence);
- (c) Retention dam releases of algae, fertilisers, chemicals directly into our property without nutrient stripping - this includes the use of 1080 poison baits which wash into our property and on to a public water supply;
- (d) The inability and unwillingness of Council staff to guarantee the quality and quantity of runoff from the nursery, even though the BLEP7c main aim is the protect the quality and quantity of runoff into a public water facility.

Not only should D/A 2019/376.1 not be approved, but also Alpine Nurseries activities should be closed in the water catchment zone. The water mining/bottling development along with the proliferation of wholesale plant nurseries on the plateau will ensure the death of the prime agricultural land and the food bowl on the Alstonville plateau for which future generations can hold Ballina Council to account.

C & C Quick

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**From:** Peter Collocott  
**Sent:** Friday, 16 August 2019 11:40 AM  
**To:** Ballina Shire Council; Peter Collocott  
**Subject:** DA 2019/376

General Manager,

I would like to object to the proposed DA 2019/376 for the erection of Green Houses on the property, LOT: 3 DP: 579576, 348 Rous Road Rous Mill NSW 2477.

I am a resident on Rous Road and Dalwood Road and I have Young Mans Creek running through our property. My concern is that the suggested Green Houses will use a lot of water from Young Mans Creek. Even though they suggest the little dam is separate it is connected to the Young Mans Creek. The previous owner used to have cattle on that property and had a little petrol pump which pumped water from the bore at the small dam.

I do not know if there is any water entitlement to the property, but they will use a lot more water than what that little dam holds.

My other concern is the run off from the Green Houses into the creek. How are they going to contain the run off? We have 4 platypus in our creek and lost of wildlife. Please don't let them ruin that.

Ido not like the idea of Green Houses especially not on such a small creek.

Thank You

--

Regards

Peter Collocott  
528 Dalwood Road  
Rous Mill 2477  
Australia, NSW

Tel : 02-6629 6250  
Mob: 0418 821 998  
Email: [pondohut@gmail.com](mailto:pondohut@gmail.com)

International:

Tel : 0061-266 296 250  
Mob: 0061-418 804 882

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<BR

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**From:** PlanningAlerts <contact@planningalerts.org.au> on behalf of Rijks  
**Sent:** Wednesday, 24 July 2019 11:50 PM  
**To:** Ballina Shire Council  
**Subject:** Comment on application 010.2019.00000376.001

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

Application 010.2019.00000376.001  
Address 348 Rous Rd, Rous Mill, NSW 2477  
Description New Commercial Bldg (retail/wholesale trade) Erection of five greenhouses to be used for the propagation of potted plants, expansion of farm dam and associated earthworks and other civil works  
Name of commenter Rijks, C & C  
Address of commenter 292 Rous Road, Rous, NSW 2477  
Email of commenter

### **Comment**

Ballina Shire Council

Re: Development Application for 348 Rous Road, Rous Mill for a new commercial building (retail and wholesale trade) with 5 greenhouses for propagation of potted plants.

This property was purchased in November 2018 and the property sale advertisement stated that there was a spring fed dam. It is noted in the development application that there will be an expansion of the farm dam. We are farming agricultural land in the immediate vicinity and Youngman's Creek which traverses our property has been continually running dry for the last ten years.

We have several questions

1. Where is the source of water to support this horticultural activity?
2. Does the applicant hold a water licence?
3. Will the water in the expansion of the dam be sourced through removal from the aquifer immediately below the dam?

Our objection to this development is based on the potential volume of water needed to run this operation and the source of water.

We have not made any donations or gifts to Councillors or Council employees.

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This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)

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**From:** pamela spicer  
**Sent:** Wednesday, 24 July 2019 1:49 PM  
**To:** Ballina Shire Council  
**Subject:** DA2019/376 - Submission Opposing Proposed Commercial Development

Dear Ballina Council

Re: DA2019/376

The proposed commercial development in my opinion will have a detrimental impact on the rural amenity of a beautiful area on the Alstonville plateau. Five 19 foot high plastic greenhouses (the development application doesn't mention their colour) covering nearly 10 acres close to the site's boundary with Rous Rd plus associated infrastructure will be highly visible and aesthetically unappealing. Those residents who live in close proximity to the proposed development site will be particularly affected as this will become their daily outlook, however the rural amenity will be marred for locals and visitors alike.

Yours faithfully,

Pam Spicer  
17 Lymm Street  
Mt Gravatt Qld 4122

Sent from Samsung tablet.

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about:blank

K & D Leslie Pty Ltd

287 Rifle Range Road, Alstonville, NSW 2477

July 21, 2019. Mobile 0435 474 762

Attn Anthony Peters,

Ref DA 2019/376

Dear sir,

I wish to strongly protest against DA 2019/376, for shadehouses on land adjacent to my land.

The applicants will need much more water than the tanks indicated will supply and will need to draw heavily from the Tuckean groundwater source.

Their current minute dam and pump are located approximately 50 metres from my licensed well, with another 30 metres to another well used by a different neighbour [see duplicate attached].

My well went dry last December 2018 in a 3-4 month dry spell, the first time it has done so, and this may become a recurring problem if Council approves DA 2019/376.

I have my farm monitored for insects, and when told to spray my macadamia trees it is of utmost importance to be able to instantly draw water to protect my crop and income source. I employ people to do this, and farms not sprayed rarely produce a commercially viable crop. The water from this well also supplies houses and livestock.

This DA 2019/376 imperils this by depleting the water volume available.

Another matter is DA 2018/597, to subtract huge amounts from this same water source for removal and bottling to send overseas, which is still current and pending, a major worry for all local landholders.

Will local farms still produce well if all this water is sucked out from under them? If the continuous amount and supply of water is depleted and impeded, all properties in the area would lose value as well.

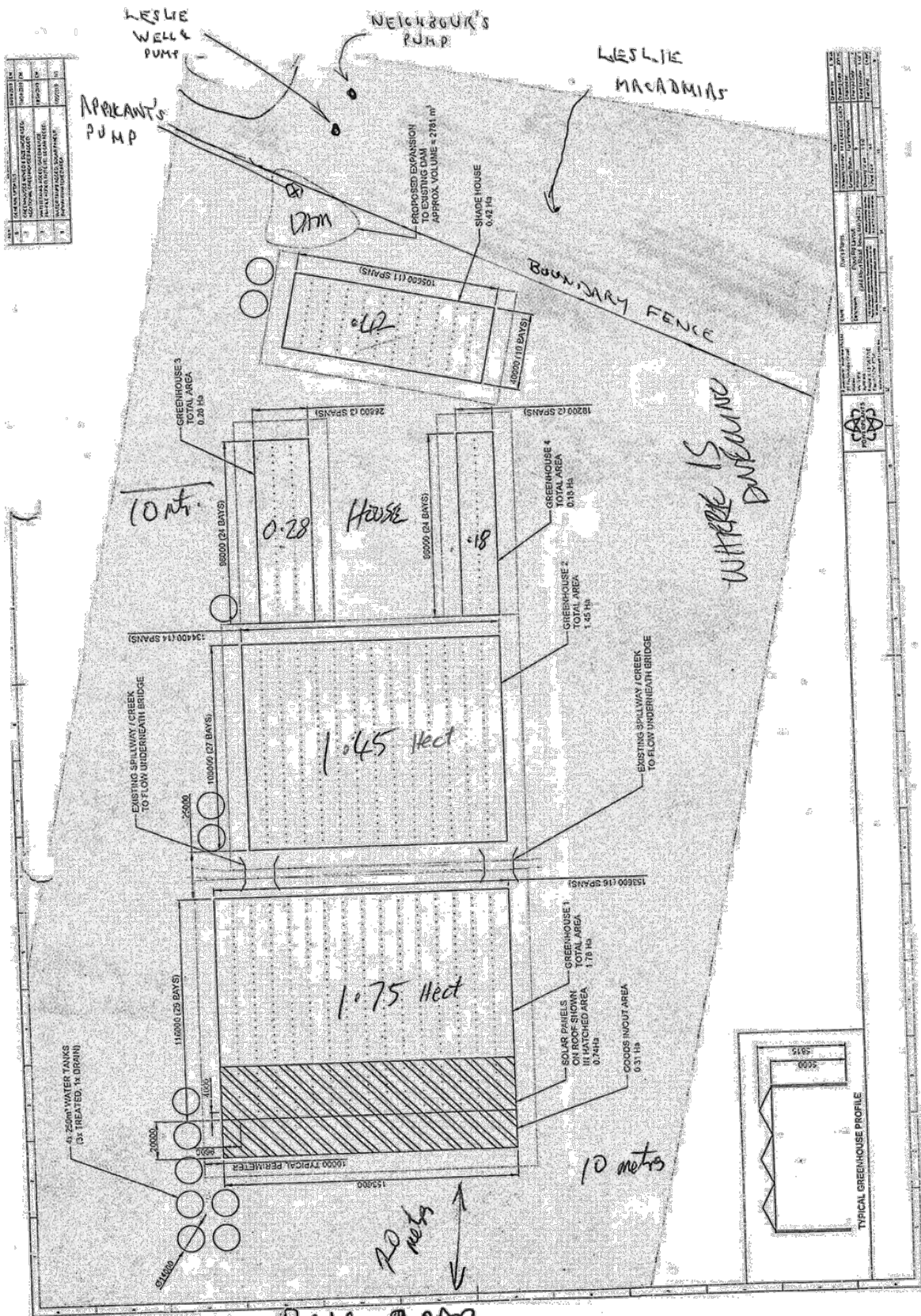
Unless the applicants for DA 2019/376 can prove they will draw minimal amounts of the Tuckean groundwater, this DA should be dismissed to protect all current landholders.

Yours sincerely, Ken Leslie.



of 2

21/07/2019, 12:31 pm



S D Leslie

316 Rous Road, Rous 2477

22/7/2019.

Attention Anthony Peters

Reference DA 2019/376

I live on and manage the property at 316 Rous Road, Rous.

My concern with the hothouse structures being built at 348 Rous Road, Rous [not Rous Mill as in DA] is the dam expansion. The current dam is merely a duckpond.

This dam is 50 metres from our own domestic water source. In December 2018 during that intense dry spell, our site dried up, leaving us to buy water in.

If this dam is allowed to be widened and deepened and pumped out of to the maximum, drawing the water to a lower level than our footvalve, we could be left with limited or no water for our use.

Potentially the underground watercourse could move. Our little entitlement is invaluable to us.

The current use of the applicant's dam site would be stock and domestic only and to grant a commercial licence for it would be unfair and unjust.

Potted plants in hothouses need high volume watering and I believe the dam water would be a needed backup in dry spells which would be concerning for us.

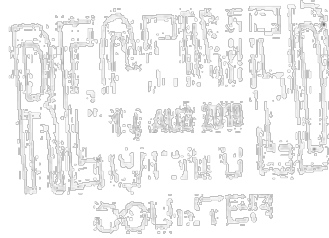
Other questions are: Is the dam being plastic lined, to be used for recycling, if so, catching fertiliser sulphates and possible algae outbreaks? If not being lined, will the dam water be metered, as this impressive operation is truly a commercial business?

Scott Leslie and family.





Ballina Shire Council  
40 Cherry Street  
Ballina NSW 2478  
Attention: Anthony Peters



RE: DA 2019/376  
Lot 3 DP 579576, 348 Rous Road ROUS MILL

**SUBMISSION:**

We live on the adjoining property at 388 Rous Road and while we agree in principle to the developer's proposal to establishing a potted plant greenhouse complex on the property as per their DA we would like to make several points for Council to take into account when considering the DA application and when giving any eventual approval.

The concern we have is in relation to water use on the property and the potential impact around two points.

Firstly the DA notes there is a proposal to carry out earthworks and extend an existing "Dam". However it needs to be noted that this particular body of water is actually part of a series of ponds and a natural wetland area that is fed from a spring further up the hill past the property at 388 Rous Road and any change to the "Dam's" use will very likely impact the whole wetlands area. This wetland area is bounded by six different property owners.


We believe that this is very relevant because the ponds and wetlands is home to countless frogs etc and many hundreds of birds including ducks, Ibis etc. Plus the wetland and pond complex is home to at least one Platypus.

Secondly we have been looking at carrying out remediation work on our property to address erosion issues as a result of water travelling across our farm from the neighbouring property noted in the DA.

We fully understand that this is just something we need to deal with and we have been considering groundwork options to minimise erosion. However we do not now have a clear understanding about how the changed use of the neighbouring land and the erection of multiple very large greenhouses will impact on water runoff that will eventually find its way onto our property.

We note that the operators will feed water into multiple tanks however as you will appreciate we do have periods of extremely high rainfall and when the tanks are full there will be overflow water feeding onto our property. Where and how this water will be managed is not clear in the DA application.

Thanks for taking the time to consider our submission in relation to the developers DA application.

Yours Sincerely   
Michael & Ann Kelly and Brandon & Lyndal Rhodes  
388 Rous Road  
Rous Mill NSW 2477  
Phone 02 66295628 Mobile 0466490131

14/8/2019



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

21 July 2019

*Paul*  
Dear Mr Hickey,

Please find *enclosed* a copy of correspondence I have received from my constituent, Mr Alistair Spicer, of Rous Mill. Mr Spicer has written to me regarding DA2019/376.

In his objection to the development, Mr Spicer outlines his concerns for the detrimental effects this project may have on the scenic rural character of the Rous Mill area as well as possible contaminated overflow from the expanded dam. I encourage you to examine these concerns as set out in the *enclosed* correspondence.

Mr Spicer has asked me to make representations on his behalf to you as the General Manager of Ballina Shire Council.

I look forward to receiving your response.

Thank you for your time.

Sincerely,

**Tamara Smith MP**  
Member for Ballina

*Encl. Correspondence from Mr Spicer.*

From: Alistair spicer  
Sent: Tuesday, 9 July 2019 2:15 PM  
To: ElectorateOffice Ballina  
Subject: Proposed development at Rous Mill.

Dear Tamara,

Good afternoon. My name is Alistair Spicer and I live at 357 Rous Rd, Rous Mill, having moved there on the 4th July this year.

The day after my arrival I received news from my neighbour that a Development Application has recently been submitted to Ballina Council seeking approval to build 5 polythene green houses totalling 4.11 hectares in area and 5.815 metres high at 348 Rous Rd, directly opposite my property. The proposal also includes associated infrastructure such as water tanks about 10 meters in diameter, solar roof panelling, and the expansion of a small farm dam on the property to hold collected rainwater as well as water recycled from the plant watering process. The buildings are proposed to be only 20 metres from the property boundary on Rous Rd at their nearest point, with the front greenhouse being 153.6 metres in width, almost the entire width of the block.

I am extremely concerned that this development, if approved, will have serious detrimental effects on the scenic rural character of the area, one of the principal reasons for my wanting to move to the area in the first place. I am also concerned about the possibility of overflow from the expanded dam, containing nutrient and pesticide affected water, during high rainfall events, and that this may eventually end up in local waterways.

I understand that this is a council matter and not an area of your direct responsibility. However, I am hoping that, as the development is proposed within your electorate, you are able to study the proposal and make any input you deem appropriate.

As I am so new to the area, I am not yet familiar with any community groups or individuals who may have an interest in this matter and am concerned that few people will be aware of the proposal to date. I am hoping that you are in contact with such groups or individuals and are able to make them aware of the proposal so that they may comment if they wish.

The application with Coucil is numbered DA 2019/376. The closing date for submissions is 25 July 2019.

I will be making a submission objecting to the proposal.

I appreciate any attention you are able to give to this matter.

Yours faithfully,  
Alistair Spicer.

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**From:** Alistair spicer  
**Sent:** Sunday, 21 July 2019 12:56 PM  
**To:** Ballina Shire Council  
**Cc:** Anthony Peters  
**Subject:** Re : Objection to Development Application DA 2019/376 for 348 Rous Rd, Rous Mill. Attn: Anthony Peters.

Dear Sir,

My name is Alistair Spicer. I live at 357 Rous Rd, Rous Mill, having moved to this address on 4th July this year. My property is directly opposite the land at 348 Rous Rd, the subject of this development application. My residence is sited on a rise facing to the north so that it looks directly across Rous Rd to the site of the proposed development.

My principal reasons for choosing the Rous/Rous Mill area to relocate to were the attractive rural landscape, soil quality, and a distinct "community " feeling to the area with the Rous Public School and Rous Mill hall both nearby.

The Ballina Local Environmental Plan 2012 contains several objectives relative to land with an RU1 zoning, importantly including "To maintain the rural, cultural, and landscape character of the locality", "To encourage sustainable primary industry production by maintaining and enhancing the natural resource base", and "To enable development that is compatible with the rural and environmental nature of the land".

I believe that the proposed development does not comply with those three important objectives.

My objections to the proposed development outlined in DA 2019/376 are based on the following:

The construction of 4.11 HA of polythene greenhouses some 5.815 M in height will clearly have a huge visual impact, both on my property and on the scenic qualities of the area in general. Associated infrastructure such as water storage tanks 14 meters in diameter will only increase the visual impact. At their closest point, the greenhouse structures will be as close as 20 meters from the road frontage. A structure 5.815 meters high extending almost the full width of the property frontage will have a massive visual impact, totally out of character with the surrounding rural landscape.

The screening claimed by the proponent to be provided by existing vegetation will be minimal. Existing vegetation along the property's front boundary extends for only about two-thirds of the width of the property. This vegetation consists of a row of tall single-trunked eucalypts with little branching below about 10 meters which allow a relatively clear view of the property behind.

Aside from the obvious detrimental effect on my outlook, other local residents and visitors to the area alike will be affected. The proposed structures are more akin to light industrial buildings than an agricultural enterprise.

The proposed development does not maintain the rural, cultural, and landscape character of the locality.

Approximately 2 kilometers to the east on Rous Rd are 2 existing greenhouses which are approximately the same height and profile as the greenhouses proposed. One is set back some distance from the road. The other has a setback from the road of a similar distance to the proposed greenhouses. The width of this structure facing the road appears to be about 50 meters when paced out, extending back onto the block an estimated 100 meters. The second structure appears to be of a similar size. Both greenhouses together comprise an estimated 1 HA in area. There is mature hedging along the roadway in front of these buildings yet, due to their size, they are still highly visible from the road and are totally out of character with the area.

A much larger complex, the scale of that proposed, regardless of any efforts made to screen it, will have an enormous visual impact. The claim made in the proposal that "no detracting of the rural landscape is considered likely" is absurd.

To my knowledge, the only other visible greenhouses in the area within several kilometers, apart from those mentioned above, are of the low "tunnel" design and set back from the road.

The area, with its proximity to the coast and, in particular the tourist hub of Byron Bay, has great potential for increased tourism ventures. Nearby attractions include Victoria Park Nature Reserve and The House With No Steps which is gaining a reputation for its gourmet foods. Christines Church of the Two Grandfathers, only a short distance from the proposed development, hosts weddings on a regular basis for people who wish to hold their function in a pretty, rural location. Functions such as the fireworks and bonfire held each year at the nearby Rous Public School attract a large number of visitors. The Rous Mill public hall hosts the monthly "Rous Unplugged" music events which offer visitors the chance to see local and visiting performers in a quiet old-style rural setting. Regular dances are also held at the hall. All of these attractions could be promoted to attract more tourists, especially those wanting to experience a day trip into the country from Byron Bay or Ballina. The expansion of the Ballina Byron airport only increases this potential. The last thing visitors to the area will want to see is a complex of over 4HA of plastic buildings next to the road.

Alstonville plateau is known for its fertile soil and access to high quality underground water. The area is utilised primarily for in-ground agriculture, principally macadamias, as well as grazing. Ventures vary in size from small acreage lifestyle properties to large scale plantations. The proposed development does not utilise the rich soil and, as such, wastes prime agricultural land that could be more appropriately used for in-ground agriculture. As such, the venture is out of character with existing agricultural practices in the area. Nor is it compatible with the rural and environmental nature of the land. It does not maintain or enhance the natural resource base. With its large scale and non-utilisation of the quality soil, it could just as easily, and more appropriately, be conducted on marginal land or in an area zoned for light industry and avoid the wastage of prime agricultural land.

It is stated in the proposal that an expanded dam on the property will be filled by the collection of run-off including water captured after plants are watered. Presumably, run-off from watered plants will contain some level of fertilisers and pesticides. The area is subject to frequent high rainfall events. Whilst I'm sure the proponent will take steps to minimise the risk of overflow from the dam carrying nutrients and pesticides into local waterways, some risk must surely remain of mitigation measures being overwhelmed by unforeseen events. Even in my short time as a resident of the plateau I am aware of what a sensitive issue water quality is in the shire.

Whilst the proposal states that artificial lighting is not required for plant production, I am concerned that other lighting, such as night time security lighting that may be installed, will affect my, and my neighbours' residences. Trucks delivering to/from the loading area at the front of the site and associated loading activities will also cause disturbance to nearby residences. The likelihood of reflection of the sun from the polythene sheeting of the greenhouses into nearby residences should also be considered.

The proposed development does not comply with the objectives of the Ballina Local Environmental Plan 2012 referred to above for the reasons I have stated.

Further, approval of a large development such as this, with the associated risk of precedent for further inappropriate developments jeopardises other potential benefits that could come from alternative sources such as tourism.

Finally, approval of this application would impose significant detriment to the amenity, and possibly value, of existing nearby properties.

On those bases, I respectfully submit that the application should not be approved.

Thank-you for your consideration of my submission.

Alistair Spicer  
357 Rous Rd  
Rous Mill  
NSW 2477

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**From:** Marg Paddon  
**Sent:** Wednesday, 17 July 2019 7:09 PM  
**To:** Ballina Shire Council  
**Subject:** Re Proposed Commercial Development Rous;DA2019/376

Dear Ballina Shire Council,

We object to the DA2019/376 for the following reasons:

1. What is the justification to hydroponically grow potted flowers on rich volcanic soils zoned for agriculture?
2. As demonstrated at a large nursery on nearby Ellis Road, a dam will not retain their polluted water when flood rains occur, leaving "run-off" to enter Youngmans Creek and on to Tuckean Swamp, a potential ecological disaster. Dissolved nutrients, plus pesticide & fungicide traces , degrade existing water courses. These can eventually enter our river system.
3. Water is a precious resource and contrary to some opinions, it has a limited supply on the plateau. During the extremely dry period experienced in the earlier months of this year, landholders observed the shrinking of aquifer water available ,especially serious for those on Stock & Domestic licenses. This development will put further pressure on already over-allocated water accessibility.

4. In no way is this proposal a development that will "maintain the rural, cultural and landscape character of the locality", which has been maintained by the local population in this community to date. Large plastic greenhouses are visually impossible to ignore and detract from the beauty of the area significantly.

If Ballina Shire Council encourage this type of high water-usage, potentially environmentally damaging enterprise, we fear a precedent may result in many more operations seeking to utilize the subtropical climate , which hastens growth of many varieties of plants, but does little to address benefits for the area, such as employment .

Additionally, road usage by larger vehicles will add to maintenance required on this country road. It remains puzzling as to the need to use finite, food-producing , deep red fertile soils to house a hydroponic operation, which surely could be just as effectively carried out on more marginal land, not feeding into a watercourse, and in a less visually polluting location?

These are our concerns,

C & M Paddon,  
Rous.

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**From:** Eoin Johnston  
**Sent:** Saturday, 6 July 2019 8:19 AM  
**To:** Ballina Shire Council  
**Subject:** DA 2019/376

Attention: Anthony Peters,

Re: Objection to Development Application: DA 2019/376 for 348 Rous Road, Rous Mill.

Dear Sir,

I have lived with my wife at 369 Rous Road, Rous, since 1976, having purchased the land in 1974. (It is not considered to be Rous Mill on the eastern side of Dalwood Road).

I am directly opposite and to the south side of the property that is the subject of this application. The attached photograph is of the vacant land where the five greenhouses would be built to a height of 5.815 metres and an indication of that impact can be considered when the vehicle depicted is approximately 3 metres high.

Clearly, the proposed development at 348 Rous Road will have a significant impact on our "scenic qualities, landscape features and the character and amenity" of our property, contrary to the claims made in the application under the heading of "Context and Setting" on page 13 of the Executive Summary. On page 14 of the same section, further claims are made that have little regard to the facts. The claim of "somewhat screened from Rous Road" does not apply to my property. Nor does the assertion that "No detracting of the rural landscape is considered likely. In this regard, the proposed greenhouse structures are consistent with other greenhouse type structures within the surrounding rural locality and will be screened from Rous Road by existing vegetation." The white plastic visible in the photo is bird netting over a stone fruit farm and is not a greenhouse. The closest green house is two kilometres away to the east and at present is in a state of disarray.

I submit that the proposal is in conflict with the objectives of the Ballina Local Environmental Plan 2012 for RU1 zoned land for a number of reasons:

- 1) It does not "enhance the natural resource base" which is "state significant farmland" consisting of rich red volcanic soil in what is deemed to be the premium farming area of the Alstonville plateau. It will not, in fact, use any red soil for the production of hydroponically grown potted flowers. I understand the zoning allows such industry but the arguments over the years about needing to protect our "food bowl" land at all costs ring hollow;
- 2) I suggest it will not "minimise the fragmentation and alienation of resource lands." Indeed, it will have the opposite effect;
- 3) it can not "maintain the rural, cultural and landscape character of the locality (see photo) and;
- 4) it is not a development "that is compatible with the rural and environmental nature of the land."

On the intention to expand and draw water from the existing dam I can state that there are community concerns about water usage on the plateau in general and this proposal raises further issues. The concerns are amplified by the proposal in this application to draw water from what is believed to be a spring fed dam and to recycle the used irrigation (and fertilised) water, eventually, back into that dam. We live in a high rainfall area and it is not uncommon for that dam to overflow and it then feeds into Youngmans Creek, which eventually feeds into the Tuckean catchment. Council rates were controversially raised recently and one of the aims for that action was to provide funding for a programme to clean up the Richmond River. A specific and primary target in that project is the Tuckean swamp. The Council and the community will not

want a duplication of the complaints and concerns that have been generated over many years from the alleged overflow of nursery holding tanks on nearby Ellis Road.

Along with the debate about the proposed "water mining" project, the concept of further intensive water usage on "the plateau" is something that, I suggest, should be the subject of thorough scrutiny. I submit that this Development Application should be considered as an Integrated Development and investigations should be made under the provisions of the Water Management Act 2000.

Had macadamia trees been planted, they would have also robbed us of our views but most people would accept that. Eight hectares of white plastic "greenhouses" is a far less palatable proposition and is, I suggest, incompatible and inappropriate.

Thank you for your consideration.

Eoin J Johnston  
369 Rous Road, Rous,  
Via Alstonville  
NSW 2477









**Submission in response to DA 2019/376**

**Lot 3 DP 579576, 348 Rous Road, Rous Mill**

Bryan Douglas  
34 Crawford Lane, Rous Mill, NSW

4 February 2021

This submission objects to the proposed development on the following grounds:

**Contravenes RU1 zoned land principles**

The Ballina Local Environmental Plan 2012 shows land the subject of DA 2019/376 is zoned RU1 – Primary Production. The objectives of RU1 zoned land are:

1. To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
2. To encourage diversity in primary industry enterprises and systems appropriate for the area.
3. To minimise the fragmentation and alienation of resource lands.
4. To minimise conflict between land uses within this zone and land uses within adjoining zones.
5. To maintain the rural, cultural and landscape character of the locality.
6. To enable development that is compatible with the rural and environmental nature of the land.

It is difficult to reconcile the proposed development with a number of these objectives.

In particular, the proposal is totally at variance with Objectives 5 and 6. The erection of large white plastic greenhouses, shade houses, work sheds and 13 rainwater tanks will conflict with the green rural character of Rous and Rous Mill. The proposed development is of an industrial scale and more indicative of an industrial rather than agricultural enterprise. The hydroponic growing medium does not utilise the rich volcanic soils of the Alstonville Plateau (considered ‘state significant farmland’ by the NSW Government). It is patently inappropriate for the area (Objective 2) and will alienate the land from more appropriate farming activities capable of taking advantage of the highly productive soils of the Plateau (Objective 3).

**Environmental concerns**

The Alstonville Plateau is subject to intense rainfall events. It is difficult to imagine in times of these extreme events that water from the proposed dam and ‘irrigation drain water storage’ referred to in the Development Application will not overflow. It is naive to assume ‘there will be no irrigation water discharged to environment’ as claimed in the Development Application.

The consequences of such discharge, presumably containing nitrogen and phosphorus, are that it will travel via Youngmans Creek to the already degraded Tuckean floodplain<sup>1</sup> and the Richmond River. Numerous reports over the past 30 years have drawn attention to the poor state of the Richmond River, with high nutrient levels an important causal factor.

In conclusion, this submission urges Ballina Shire Council to reject the Development Application.

ATTENTION ANDREW SMITH,  
BALLINA SHIRE COUNCIL

K.D. LESLIE  
287 RIFLE RANGE ROAD,  
ALSTONVILLE 2477  
7/2/2021

REFERENCE DA 2019/376.

I WISH TO OBJECT TO THE AMENDED D.A. No 2019/376.

WITH TWO GREENHOUSES AND SIX SHADEHOUSES THEY WILL NEED A MASSIVE DRAWING OF GROUNDWATER IN DRY TIMES, BUT THIS IS NOT SHOWN IN THE NEW DA.

MY WELL, WHICH SUPPLIES MY FARM, IS ONLY 50 METRES FROM THEIR WATER SUPPLY, AND WENT DRY ON ONE OCCASION IN 2019 IN A DRY SPELL. A NEIGHBOUR'S WELL IS ONLY 10m AWAY.

CAN COUNCIL INSIST ON A METERED GROUNDWATER SUPPLY TO KEEP THEM IN CHECK AND PROTECT MY SUPPLY?

MY NEIGHBOUR, MR CAMILLERT, LIVES ON THE PROPERTY ADJOINING AND ABOVE THE PROPERTY IN THIS DA. HE DRILLED A BORE 70 METRES DEEP TO OBTAIN SOME WATER AND ALSO INSTALLED WATER TANKS. WITH HUGE DRAWINGS BELOW HIS BORE HE MAY LOSE HIS SUPPLY COMPLETELY.

THIS AMENDED DA IS THOUGHTLESS TO THE AMOUNT OF WATER NEEDED AND THE WELFARE OF AT LEAST THREE NEIGHBOURS.

YOURS SINCERELY,  
KEN LESLIE





Bill and Kirby Johnston  
13 Molly's Grass Road,  
Rous Mill 2477.

9 February 2021

Planning Department  
Ballina Shire Council  
PO Box 450 Ballina  
NSW 2478

Dear Sir,

**RE: Objection to Development Application 219/376, 348 Rous Road, Rous Mill.**

I wish to object to the proposed development at 348 Rous Road. We did not send an objection in 2019 as we were not living in Rous Mill at the time. My wife and I have since purchased the old Rous Mill School hall and teacher's residence with the hope of enjoying a peaceful rural lifestyle in the same area where I grew up.

We also intend to send our young children to the Rous School which is only 900 metres down the road from the proposed greenhouse. We had hoped they would have been able to ride to school but I feel the industrial size and scale of the plant nursery would put that idea out of the question. I have not seen any mention of road safety or traffic impact anywhere in the application documents.

I work in real estate and I know a fair bit about RU1 zones so I was surprised to read that this prized soil is not going to be used to grow anything at all. It is simply a base to be covered with gravel so as to support 6 metre high racks growing hydroponic succulents!

Although the report says the water usage and disposal will be well managed, all the overflow waste will end up in Youngman's Creek and



will flow through the community swimming hole at Rous Mill. As a kid I played water polo in that pool next to the bridge 30 years ago and I fear my children will be denied that pleasure due to pollution.

I used to walk with my brother and friends across the paddocks and over to the dam on the property in question and I clearly recall seeing platypus in the creek just 30 metres from the dam. I haven't been there for a long time but I have been told by a local farmer that they are still there.

I understand the applicant has a fairly strong position based on Council's planning guidelines but the people living in these small rural communities do have some rights to speak up and protect the uniqueness of this beautiful part of the world.

Huge earthworks, acres of plastic protecting plants you can't eat, grown in chemicals and destined for balconies in Sydney and Melbourne spells out, to me, a complete travesty of sensible planning and serious contempt for the residents of Rous.

Please reject this application.

Thank you,

Bill Johnston (0422 820 048)

Kirby Johnston (0401 929 085)

466

Planning Division  
Ballina Shire Council  
40 Cherry Street  
Ballina 2478

Eoin and Christine Johnston  
369 Rous Road  
Rous Mill, NSW 2477

8 February 2021

Key Points of Objections to Amended DA 2019/376

**1. Height, bulk, scale and overdevelopment**

- a. The proposal is inconsistent with rural character of the area, due to the scale and bulk of the proposed development.

**2. Road safety and traffic impacts**

- a. There has been no assessment of road safety or traffic issues arising from new crossover and vehicle movements.
- b. The swept path analysis fails to identify whether articulated and reticulated vehicles can safely enter and exit the site without impacting on oncoming traffic.
- c. There is no information concerning queuing impacts on site and how this might address road safety. Rous Road is an 80km/hr road and there are road width and sight lines that need to be carefully considered.
- d. A road safety audit and traffic assessment should be required of the proponent.

**3. Work sheds and their use**

- a. There are two very large work sheds proposed in the application. The photo montages show the size and scale of these buildings.
- b. Given the scale of what is proposed and the extent of handling and packing of potted plants at the site, consent should be sought for a "agricultural produce industry".

*agricultural produce industry* means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note—

Agricultural produce industries are a type of *rural industry*—see the definition of that term in this Dictionary.

- c. Council cannot be satisfied that the scale of the work sheds and their proposed use would be part of or ancillary to horticulture.

**4. Clearing of native vegetation include macadamia tree which is on the threatened species list**

- a. Native vegetation is proposed to be removed and will lead to unacceptable impacts.
- b. A macadamia tree is proposed to be removed and it has not been established that this is not a threatened species.



- c. The need for the extensive removal of native vegetation further demonstrates the overdevelopment of the site as proposed.

**5. Ecological and waterway impacts**

- a. There are no approvals or licences in place for the dam and the dam is an integral part of the watering system. Council and the Natural Resource Access Regulator ought to be satisfied that the dam has been lawfully installed and can be lawfully operated.
- b. The “closed water system” proposed still utilises the existing dam for overflow storage. No assessment has been undertaken for seepage from the dam into the groundwater system, nor in the event of dam overflow and associated contamination and other impacts.

**c. The wastewater report recognises the risk (extracted below):**

The key site-specific factors identified at 348 Rous Rd, Rous Mill that present challenges to wastewater treatment and disposal include:

- Proximity to watercourse
- Proximity to groundwater bores

There is a dam in the north western corner of the property and a watercourse further north on adjoining property. Three bores have been identified on adjoining properties that have Council recommended 250m setback distances encroaching on the subject property (refer Aerial Image in Appendix B). With the proposed land application area in close proximity to the groundwater bores this increases the risk of pollution of the environment.

The land application area should ideally be sited outside of the maximum setback distances in AS1547 Table R1 shown below in Table 2. Where this is not possible, setback distances should be maximised, and/or a higher level of wastewater treatment adopted.

Table 2 - Maximum Horizontal setback Distances

Site Feature	Maximum Horizontal Setback Distance (m)	Can be achieved?
Property boundary	50	No
Buildings/houses	6	Yes
Surface water	100	Yes
Bore/well	50*	Yes
Play area, swimming pool	15	Yes
In-ground water tank	15	Yes
Retaining walls and embankments	3	Yes

\* Council recommends 250m buffer. Will be addressed in Section 3.

Utilising the remaining land shown on preliminary nursery facility layout, the maximum setback distance to property boundaries is unable to be achieved.

- a. There is an unacceptable risk of wastewater as well as stormwater contaminated ground bores and local water ways.
- b. The dam and the northern part of the property is close to or within 40 metres of a waterway.



This document should be attached to, and read in conjunction with, our first submission of 6 July 2021.

It is our view that this amended application has made the proposed facility even more objectionable due to it's size and scale, the doubts over water usage and the disposal of the contaminated liquid into the downstream watercourse, the industrial nature of buildings and roadways, the failure to address the safety aspects inherent in truck movements into and out of the facility and the apparent disregard for "maintaining the rural, cultural and landscape character of the locality." ( Para 3 of BLEP 2012 for RU1 land)

In light of recent discussions about water usage on the Alstonville plateau, it is disturbing to read, on page 56 of the application, that: "Given the property size and proposed layout of nursery facilities, it is not possible to achieve the Council recommended 250 metre buffer to the ground water bores."

If, however, Council staff conclude that this application should be recommended for approval, we would request that the tallow wood trees be removed along the Rous Road Boundary. They are not a native 'Big Scrub' species and they will have no effect in screening the proposed structures from the roadway and the neighbours to the south.

To replant more tallow woods to fill in the gap opposite our residence would further restrict our outlook and do nothing to screen the greenhouses. A preference and more practical option would be to plant a dense hedge with a maximum height of 3 metres as is used on properties either side of the Rous Road/Wardell Road intersection.

Another mitigating factor would be the use of a green or black material on the walls of the greenhouses and, if not all over, then at least on the walls visible from the road.

Please contact us if you require further clarity.

Yours Sincerely



Eoin Johnston



Christine Johnston

Lesley and Brian Hampton  
357 Rous Road  
Rous Mill 2477  
8 February 2021.

Ballina Shire Council  
Planning Department.

Objection to DA 2019/376 for 346 Rous Road, Rous Mill.

Dear Sir/ Madam,

My husband and I object to the above DA which is for a large block of land directly over the road from our property. We moved here from Newrybar just under a year ago after running the produce store out there for 48 years. We have both worked very hard all our lives and we had hoped to enjoy the peace and quiet of Rous for our remaining years.

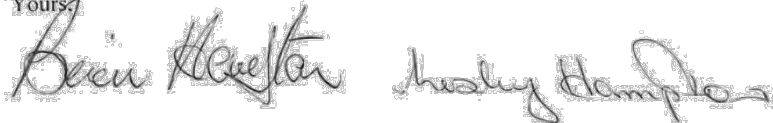
We did know that there was a proposal to develop the land over the road but it is only upon reading the amended application that we became aware of what is actually planned. Frankly, we were shocked that something that huge could even be considered for this relatively peaceful farming community and we are not looking forward to the massive construction project and the associated excavation work.

We have met a number of long term locals and they all express surprise that such a building could be allowed to cover nearly the whole block, thus rendering the rich red soil virtually useless. We dealt mostly with farmers when we had the business and they understood that "state significant" farm land was just that..... significant! What is the point of Ballina Council adopting planning guidelines to best utilise rare well drained volcanic soil and then allow it to be covered in plastic so as to grow hydroponic succulents?

We have a number of trees in our front yard so we will be partly screened from the development but at ground level the gum trees along the front will be fairly useless. My neighbour told me that he was instrumental in lobbying council to have the road sealed and widened 25 years ago and it is pleasing to see the number of walkers, cyclists and children using the road every day. Council has done a wonderful job providing pathways down on the coast and it would be a shame to see the amenity of Rous Road scarred by the construction of what can only be described as an "industrial complex."

We are not qualified to challenge the technical aspects of the application but we do want our heartfelt objection to be considered. We will be so disappointed if this application is approved and we urge you to recommend its rejection.

Yours,



Lesley and Brian Hampton

Opposition to DA 2019/376 and Amendments

To the Mayor and Councillors

I am writing to oppose the development of a large-scale commercial nursery on rural land on the Alstonville Plateau. If approved, this will lead the way for further similar development (ie it will have a cumulative impact), destroying the rural character of the Plateau.

Council would be aware that the Alstonville Plateau is acknowledged by the National Trust (1998) as a Landscape Conservation Area as is the Tweed River Valley, Fingal Head, and the Border Ranges.

It was listed on the basis that it tells the story of agricultural development over a period of 150 years in the far north of New South Wales and the story of environment change. To tell the Plateau story we need to see productive trees, rainforest trees, grass, plants, animals, fences, old dip sites, traces of the old cane line, old cream sheds etc

This industrial development is not a rural industry. It does not make use of the soil, the sun or rain or the undulating pasture. The activity could be conducted in any zone in fact it would be more suitable in an industrial estate with good roads, easy access to water, electricity, proper drainage, a flat land surface and closer proximity to workers' homes. In fact, **this proposed development fits the definition of Industry in the Ballina LEP, so should be in a designated industrial area.**

In addition, the Ballina LEP the document that guides Council, aims in section 2(d) "to promote the orderly and efficient use of land having regard to the social and environmental characteristics of the land". Zone RU1 in its objectives goes further stating activities in this zone should "maintain the rural, cultural and landscape of the area." This DA does not promote those characterises or objectives or even address them.

On a more personal note, it will detract from the amenity of the area. Our family often takes visitors to see this rural landscape and finish with a walk at Victoria Park. We, and they, will not want to view acres of greenhouses or meet large trucks on our trip.

Thank you for considering this letter.

Jane Gardiner

16 Valley Drive

Alstonville 2477.

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**From:** GG  
**Sent:** Thursday, 11 February 2021 3:17 PM  
**To:** Ballina Shire Council  
**Subject:** DA 2019/376

**CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.**

In my view, Council should not approve this DA.

1. It will ruin valuable State Significant Farmland with an industrial activity.
2. It fills the land with structures that should be in an industrial area.
3. There will substantial excavation, that would ruin the land for future farm use.

Thanks for your consideration.

Geoff Gardiner  
Alstonville

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Date: 11<sup>th</sup> February 2021

Attention: Andrew Smith  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Concerns to Development Application DA2019/376

Dear Sir,

We are writing regarding the proposed development of greenhouses, shade houses and expansion of a farm dam at 348 Rous Rd, Rous Mill NSW 2477.

We don't object to the development as such but have two concerns which are as follows:

1. Impact Visual Appearance

The erection of greenhouses and shade houses to an approximate height of 6m will visually impact the appearance of our neighbourhood. Greenhouse #1 will utilise full road frontage of 153m and will change the natural look of Rous Rd for the entire neighbourhood. Regarding our specific impact, we will see greenhouses and shade houses from within our home and will lose our viewing of the attractive landscape which does not accompany industrial buildings.

The earthworks show that the front greenhouse will be lower along our boundary. In the proposal there is no plans to plant any landscaping to camouflage the greenhouses. Our recommendation if this project is approved is to plant a hedge to a maximum height of 2.5 to 3m at the front and our side boundary. This allows for the hedge to be mechanically trimmed and allow for mowing underneath the hedge.

If this project is approved our recommendation is to have the tallowwood trees at the front of the property removed. Due to falling branches this could damage the roof of the greenhouse #1 and could tear the plastic sheets contaminating the local area.

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2. Potential Contamination of Natural Aquifers

The proposed expansion of the existing dam to be used for storing recyclable water has the potential to contaminate the natural springs during the occurrence of heavy rainfall. Living in a high rainfall area it is not uncommon for dams to overflow and as such the potential for this recycled water to flow into the catchment will result in downstream springs or aquifers to be affected. Thus, changing the natural ecosystem which will have an effect for both primary producers and the environment long term.

Thank you for your consideration in reading our submission.

Your sincerely,

Willy & Rita Camilleri  
346 Rous Rd,  
Rous Mill NSW, 2477.

**Development and Environmental Health Group**  
**Development Application Assessment Form**

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



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

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

**Local Environmental Plans (LEPs)**

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

Ballina LEP 2012 – Zoning, Permissibility and Relevant Clauses	Comments/Is consistency with these provisions achieved?
Aims, objectives of BLEP (Clause 1.2)	<p>The aims of the Plan are reproduced below together with comments:</p> <p><b>"1.2 Aims of Plan</b></p> <p>(1) <i>This Plan aims to make local environmental planning provisions for land in Ballina in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</i></p> <p>(2) <i>The particular aims of this Plan are as follows—</i></p> <p>(aa) <i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i></p> <p>(a) <i>to provide for a sustainable Ballina that recognises and supports community, environmental and economic values through the establishment and maintenance of the following—</i></p> <p>(i) <i>a built environment that contributes to health and wellbeing,</i></p> <p>(ii) <i>a diverse and prosperous economy,</i></p> <p>(iii) <i>a healthy natural environment,</i></p> <p>(iv) <i>diverse and balanced land uses,</i></p> <p>(v) <i>healthy, resilient and adaptable communities,</i></p> <p>(vi) <i>responsible and efficient use of resources,</i></p> <p><b>Comment</b></p> <p>It is considered that the proposed development is inconsistent with Aim (2)(a)(vi) in that it will sterilise State Significant Farmland which is a finite resource.</p> <p>(c) <i>to achieve the objectives of the land use zones set out in Part 2 of this Plan,</i></p> <p><b>Comment</b></p> <p>See comments in relation to the zone objectives.</p> <p>(d) <i>to promote the orderly and efficient use of land having regard to the social and environmental characteristics of the land,</i></p>

	<p><b>Comment</b> Given that the land comprises State Significant Farmland, the proposed development is inconsistent with this Aim, in that it will sterilise a substantial part of the site.</p>
<p>Land use definition (Clause 1.4)</p>	<p>Based on the description of the proposed development (Section 3 of the revised SEE), growing of potted plants would be characterised as “intensive plant agriculture” which is defined as follows:</p> <p><i>“intensive plant agriculture means any of the following—</i>  <i>(a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),</i>  <i>(b) horticulture,</i>  <i>(c) turf farming,</i>  <i>(d) viticulture.</i></p> <p><b>Note.</b> <i>Intensive plant agriculture is a type of agriculture—see the definition of that term in this Dictionary.”</i></p> <p>“Horticulture” is defined as follows:  <i>“horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.</i></p> <p><b>Note.</b> <i>Horticulture is a type of intensive plant agriculture—see the definition of that term in this Dictionary.”</i></p> <p>Development for the purposes of “intensive plant agriculture” and “horticulture” is permissible, <b>without</b> development consent, in the RU1 zone.</p> <p>“Farm building” is defined as follows:  <i>“farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.”</i></p> <p>Development for the purposes of “farm building” is permissible, with development consent.</p>
<p>Zoning under BLEP 2012, permissibility within zone and regard for zone objectives (Clause 2.3)</p>	<p>This Clause requires the consent authority to have regard to the zone objectives in determining a Development Application. The subject land is zoned RU1 Primary Production under the provisions of the BLEP 2012.</p> <p>Development for the purposes of ‘intensive plant agriculture and horticulture’ is permissible within the RU1 zone without development consent.</p>



	<p>The proposed sheds, shade houses, green houses and ancillary structures/works are appropriately characterised as "farm sheds".</p> <p>Development for the purposes of farm sheds is permissible, with development consent, in the RU1 zone.</p> <p>The objectives of the RU1 zone are as follows:</p> <ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> </ul> <p><u>Comment</u> Given the extent of the proposed earthworks within the site, approximately 54% (5.2 ha) of the natural soils on the site will be sterilised from primary production.</p> <p>The greenhouses could be used for food production at a future date and therefore the prime agricultural land resource base would be lost for conventional intensive plant agriculture (ie. cultivation of crops) but the greenhouses could still be used for food and fibre production.</p> <p>However, the development could be located on land zoned RU2 Rural Landscape rather than State Significant Farmland.</p> <ul style="list-style-type: none"> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> </ul> <p><u>Comment</u> The proposal is inconsistent with this objective in that it will not diversify the types of primary industries undertaken on the RU1 land.</p> <ul style="list-style-type: none"> <li>To minimise the fragmentation and alienation of resource lands.</li> </ul> <p><u>Comment</u> The proposed development will not fragment the RU1 zoned land, however it will sterilise part of the land from conventional cultivation and crop production.</p> <ul style="list-style-type: none"> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul> <p><u>Comment</u> There will be some conflicts between the proposed development and adjoining uses, particularly in relation to changes in rural character and visual impacts.</p> <ul style="list-style-type: none"> <li>To maintain the rural, cultural and landscape character of the locality.</li> </ul>
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	<p><u>Comment</u> The proposed development involves earthworks over approximately 5.2 hectares of the site together with two greenhouses with an area of approximately 2.6 hectares, two work sheds with an area of 0.53 hectares, six shade houses with an area of approximately 1.237 hectares and 18 aboveground rainwater tanks.</p> <p>Because of the scale and nature of the proposed development, it will inevitably impact on the rural landscape and scenic qualities of the area and the rural amenity of the area.</p> <ul style="list-style-type: none"> <li>To enable development that is compatible with the rural and environmental nature of the land.</li> </ul> <p><u>Comment</u> The proposed development is generally incompatible with the rural and environmental nature of the land having regard to the scale of the development.</p> <ul style="list-style-type: none"> <li>To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.</li> </ul> <p><u>Comment</u> The development will be connected to power and communications and onsite effluent disposal is proposed together with rainwater collection in tanks and therefore it is unlikely that any unreasonable or uneconomic demands for infrastructure will arise.</p> <p>In summary, having regard for the objectives, in particular the dot points 1, 3, 4, 5, &amp; 6, the proposed development is considered inappropriate/unsuitable within this RU1 zoned land.</p> <p>With respect to conflict between land uses, this matter has been addressed within the DCP section of this report and in the discussion in the Council report regarding submissions received.</p>
Height of buildings (Clause 4.3)	<p>A maximum building height of 8.5 metres is applicable to the subject site.</p> <p>The height of buildings is measured from ground level (existing) to the highest point of the roof of the buildings. The proposed greenhouses, work sheds, shade houses and tanks comply with the height limit.</p>
Floor space ratio (Clause 4.4)	<p>Not applicable.</p>
Earthworks (Clause 7.2)	<p>Earthworks are proposed (cut and fill) to accommodate the greenhouses, work sheds, rainwater tanks, parking areas and access driveways.</p>

	<p>Earthworks will extend over approximately 5.6ha of the site with cuts up to 5.6m and fills of approximately 3.9m.</p> <p>The applicant has provided the following comments with regard to earthworks:</p> <p><i><u>“Clause 7.2 – Earthworks</u></i> <i>Clause 7.2 requires development consent be obtained for earthworks not classified as exempt development and establishes certain assessment criteria relating to such activities.</i></p> <p><b>Comment:</b> <i>The following comments are made with respect to the assessment criteria contained in Clause 7.2 (3) :</i></p> <p>a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p><b>Comment:</b> <i>All earthworks will be completed in a location clear of established designated streams and no adverse impacts on existing drainage patterns are envisaged. It is noted that the overland flow path in the middle of the property will be retained. Suitable sediment and erosion controls will be installed prior to commencement of works and maintained for the duration of construction of the proposal.</i></p> <p>b) <i>the effect of the development on the likely future use or redevelopment of the land,</i></p> <p><b>Comment:</b> <i>The earthworks are proposed in order to provide a level pad for the establishment of the greenhouses. The greenhouses are capable of being used for a number of horticultural activities should the proposed use ever cease. for</i></p> <p>c) <i>the quality of the fill or the soil to be excavated, or both,</i></p> <p><b>Comment:</b> <i>No fill material is required to be transported to the site.</i></p> <p>d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p><b>Comment:</b> <i>The proposal will be appropriately screened from adjoining properties via extensive onsite landscaping.</i></p>
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	<p>e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p><b>Comment:</b> <i>Excess materials will be certified in accordance with EPA requirements and transported to a site with suitable approvals in place to accept the material.</i></p> <p>f) <i>the likelihood of disturbing relics,</i></p> <p><b>Comment:</b> <i>An AHIMS search completed did not identify items of Aboriginal heritage on, or in proximity to, the site.</i></p> <p>g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p><b>Comment:</b> <i>The subject works will be appropriately engineered to ensure no adverse downstream drainage impacts, particularly during construction.</i></p> <p>h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p><b>Comment:</b> <i>Erosion and sediment controls will be installed during construction in accordance with Council's conditions of consent."</i></p> <p>The proposed earthworks are significant in terms of surface area and depth and will, in effect, permanently alienate approximately 54% of the land from future grazing and cultivation. However, the greenhouses could be used for food production rather than plant propagation at a future date. On balance, given the mitigation measures proposed, it is considered that the proposed earthworks are not inconsistent with this Clause.</p>
Drinking water catchments (Clause 7.4)	The subject land is not located within the Wilsons River Drinking Water Catchment.
Essential services (Clause 7.7)	<p>Clause 7.7(2) states that development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available where required. The amended SEE, at Section 3.15, provides information in relation to services:</p> <p>In summary, the site is suitably serviced in the context of the proposed use.</p>

	<p><i>(a) the supply of water,</i></p> <p>Rainwater tanks are proposed for the supply of water and this is considered to be satisfactory.</p> <p><i>(b) the supply of electricity,</i></p> <p>Electricity servicing is currently provided to the site. It is proposed to relocate the existing powerline traversing the property in accordance with the requirements of Essential Energy.</p> <p><i>(c) the disposal and management of sewage,</i></p> <p>The subject site is not connected to Council's reticulated sewer system. In this regard, an on-site sewage management (OSSM) system is proposed as part of the development.</p> <p>An On-Site Wastewater Management Report accompanies the application. Council's Environmental Health Officer has no objection to the proposed onsite system.</p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p>A Stormwater Management Plan accompanies the application. Council's Development Engineer has advised that the Plan is considered to be generally accepted subject to appropriate conditions.</p> <p><i>(e) suitable vehicle access,</i></p> <p>Council's Development Engineer has provided the following comments:</p> <p style="padding-left: 40px;"><u>External Roads and Traffic</u> The existing external road network is constructed to a suitable standard to service the proposed development.</p> <p style="padding-left: 40px;">Rous road does not have load or vehicle dimension restrictions therefore a semi trailer is legally permitted to access the road.</p> <p style="padding-left: 40px;">The intersection with Rous Road and Dalwood Road has sufficient capacity and does not require upgrading.</p> <p style="padding-left: 40px;"><u>Pedestrian and Cyclist Requirements</u> NA</p> <p style="padding-left: 40px;"><u>Internal Roads and Traffic</u> NA</p>
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	<p><u>Site Access, Internal Driveways and Parking Design</u> The speed environment is 100kmhr with an associated sight distance of 160m. The sight distance at the access driveway is well in excess of 160m in either direction. The access driveway is sealed and sufficient to service the proposed development.</p> <p><u>Provisions for Service and Delivery Vehicles</u> There is provision for service and delivery vehicles to enter the site in a forward direction, safely manoeuvre and unload on site and leave the site in a forward direction.”</p> <p>Vehicular access to the site is further discussed within the Ballina Development Control Plan 2012 (DCP) and the responses to the submissions received. <i>(f) telecommunication services.</i></p> <p>Telecommunication servicing is currently provided to the site and no alteration to this network is proposed or required to facilitate the proposed development.</p>
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**State Environmental Planning Policies (SEPPs)**

Relevant SEPPs	Comments/Is consistency with these provisions achieved?
State Environmental Planning Policy No. 55 – Remediation of Land	<p>Council’s Environmental Health Officer has provided the following comments:</p> <p><i>The use of the site is not changing and does not require Council approval, the DA is seeking approval to erect various structures for the purpose of propagating plants. This does not increase the risks in relation to contaminated land management. Council holds no information in relation to the subject property that would suggest it has become contaminated and therefore the planning process can continue in good faith. If a higher risk land use were proposed in the future further consideration/assessment of contamination may be required.</i></p>
State Environmental Planning Policy (Koala Habitat Protection) 2020	The Ecological Assessment accompanying the application concludes that the proposed development will not result in any significant impact on Koalas. Council’s Ecologist has not raised any issues in relation to the Ecological Assessment.
State Environmental Planning Policy No. 64 – Advertising and Signage	Clause 8 of the Policy requires signage to be consistent with the aims and objectives of the Policy in Clause 3 and the assessment criteria in Schedule 1. Because of the scale of the signage, it is likely to be incompatible with the desired amenity and visual character of the area. In addition, it is inconsistent with the matters for consideration

	<p>in Schedule 1 of the Policy in that it will impact on the character of the area and will result in visual impacts on the landscape and scenic quality of the area.</p> <p>Schedule 1 of the Policy is addressed as follows:</p>
	<p><b>Objective 1 – Character of the area</b> The proposed signage is not compatible with the rural character of the area because of its size and location.</p> <p>There is no particular theme for this locality, however it is rural in character.</p> <p><b>Objective 2 – Special areas</b> The proposed signage is likely to detract from the visual quality of the area because of the size and number of signs.</p> <p><b>Objective 3 – Views and vistas</b> The proposed sign is unlikely to obscure or compromise important views.</p> <p>The proposed signage is below the allowable height of the proposed sheds and will not dominate the skyline or reduce the quality of vistas.</p> <p>There are no other advertisers in close proximity to the development site.</p> <p><b>Objective 4 – Streetscape, setting or landscape</b> The proposed signage is likely to detract from the visual quality of the area because of the size and number of signs.</p> <p>There are no existing advertising signs in the immediate locality.</p> <p>The signage will not screen unsightliness as the area is rural in character.</p> <p>The proposed structure will be generally below the tree canopies and below the proposed shed rooflines.</p> <p>The proposed signage will not require ongoing vegetation management.</p> <p><b>Objective 5 – Site and building</b> The proposed signage will be attached to the proposed sheds, however the cumulative impact of all proposed structures will be incompatible with the rural characteristics of the site.</p> <p>The proposed signage is conventional and functional but does not show innovation or imagination.</p>

	<p><b>Objective 6 – Associated devices and logos with advertisements and advertising structures</b> No devices or other features are proposed and are not considered to be necessary given the purpose of the signage.</p> <p><b>Objective 7 – Illumination</b> The application does not indicate that the signage will be illuminated.</p> <p><b>Objective 8 – Safety</b> Given the location of the signage impacts on the safety for any public road are unlikely to arise.</p>
<p>State Environmental Planning Policy (Primary Production and Rural Development) 2019</p>	<p><b>Part 1 Preliminary</b> The aims of the Policy are as follows:</p> <p style="padding-left: 40px;"><i>a) to facilitate the orderly economic use and development of lands for primary production,</i></p> <p>Whilst the growing of potted plants does not contribute to the production of food or fibre, the proposed greenhouses could be adapted for food production at a later date. However, approximately 54% of the site will be sterilised from conventional cultivation, grazing and intensive cropping activities.</p> <p style="padding-left: 40px;"><i>b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</i></p> <p>Land use conflict matters are addressed within the DCP section of this assessment. Council’s Environmental Health Officer has provided the following comments:</p> <p style="padding-left: 40px;"><i>“The horticultural use is exempt development and the current DA is to erect the shade houses which are not something that falls under Section 3.1 of the DCP and therefore the application does not need to consider land use conflict. However, I do note that the front and side boundary setbacks are met and the SEE states that the shade houses will not contain lighting or mechanical ventilation.”</i></p> <p>In summary, it is considered that land use conflicts between existing and traditional permissible rural uses in the RU1 zone will not be significant.</p> <p style="padding-left: 40px;"><i>c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i></p>



	<p>The subject site is mapped as State significant agricultural land.</p> <p>Comments are provided in relation to this issue in the DA Report.</p> <p><i>d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i></p> <p>Not applicable – the proposal does not involve artificial waterbodies.</p> <p><i>e) to encourage sustainable agriculture, including sustainable aquaculture,</i></p> <p>See comments above for b).</p> <p><i>f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></p> <p>Not applicable – the proposal is not in proximity to a priority oyster area.</p> <p><i>g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</i></p> <p>Not applicable – no aquaculture proposed.</p>
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***4.15 (1) (a) (ii) – any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)***

Draft EPI/Planning Proposal	Comments/Is consistency with these provisions achieved?
<p>Draft State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016.</p> <p>Draft State Environmental Planning Policy - Remediation of Land.</p> <p>Draft Amendment to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</p> <p>Draft Amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.</p> <p>Draft Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>	<p>No issues raised in relation to the draft SEPPs.</p>

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

DCPs currently in force:	
<b>Ballina Shire Development Control Plan 2012</b>	<input checked="" type="checkbox"/>

<b>Ballina Shire DCP 2012</b>	<b>Comments/Assessment of proposal against provisions of DCP</b>
Chapter 2 – General and Environmental Considerations	<p><b>Part 2 Chapter Planning Objectives</b></p> <p>The proposal is generally consistent with the Chapter 2 Planning Objectives with the exception of Objective c. which is in the following terms:</p> <p><i>“c. Protect significant environmental and natural resources.”</i></p> <p>In summary, the proposal will sterilise approximately 5.2 hectares of the subject land.</p> <p><b>Section 3.1 – Land Use Conflict</b> This section applies as the land is zoned RU1 Primary Production under the BLEP 2012.</p> <p>Council’s Environmental Health Officer has provided the following comments:</p> <p><i>“The horticultural use is exempt development and the current DA is to erect the shade houses which are not something that falls under Section 3.1 of the DCP and therefore the application does not need to consider land use conflict. However, I do note that the front and side boundary setbacks are met and the SEE states that the shade houses will not contain lighting or mechanical ventilation.”</i></p> <p>Having regard for the above, the proposal is considered acceptable with regard to land use conflict.</p> <p><b>Section 3.2 – Ridgelines and Scenic Areas</b> Not applicable. The subject site is not identified on the Ridgelines and Scenic Areas map.</p> <p><b>Section 3.3 – Natural Areas and Habitat</b> Not applicable. The subject site is not identified on the Natural Areas and Habitat map.</p> <p>Part of the site is identified on the Wildlife Corridor Map.</p> <p>The site and adjacent land has very little existing value as a wildlife corridor and the proposed development would preclude any corridor planting on the majority of the site.</p> <p><b>Section 3.4 – Potentially Contaminated Land</b> No issues raised – refer to SEPP 55 section of this assessment.</p>

	<p><b>Section 3.5 – Land Slip/Geotechnical Hazard</b> The subject site is mapped as Category 11A. No issues are raised in relation to this section.</p> <p><b>Section 3.6 – Mosquito Management</b> The site is elevated and no permanent accommodation is proposed or waterbodies.</p> <p><b>Section 3.7 – Waste Management</b> Council’s Environmental Health Officer has raised no objections to the proposal subject to appropriate conditions.</p> <p><b>Section 3.8 – On-site Sewage Management Systems</b> The application was accompanied by an On-Site Sewage Management System (OSSM) report.  Council’s Environmental Health Officer has carried out an assessment of the application and no issues are raised with the OSSM report. Conditions are recommended to be imposed (should consent be granted) in relation to the installation and operation of the system.</p> <p><b>Section 3.9 – Stormwater Management</b> Council’s Development Engineer has carried out an assessment of the proposal. See comments for BLEP2012, Clause 7.7.  Subject to compliance with appropriate conditions of consent, no issues are raised in relation to this section.</p> <p><b>Section 3.10 – Sediment and Erosion Control</b> Conditions are recommended to be imposed if consent is granted to ensure sediment and erosion control measures are implemented during construction.</p> <p><b>Section 3.11 – Provision of Services</b> This matter has been previously addressed within this report in relation to Clause 7.7 of the BLEP 2012.</p> <p><b>Section 3.13 – Drinking Water Catchments</b> The subject property is not within a drinking water catchment.</p> <p><b>Section 3.15 – Crime Prevention through Environmental Design</b>  <u>Surveillance</u> <u>Access Control and Target Hardening</u> <u>Territorial reinforcement</u> <u>Space Management</u>  The SEE does not specifically address CPTED principles.  Section 3.1 of the SEE states that an onsite farm manager will live in the existing dwelling. Having regard to the nature of the proposed development and the opportunity to install CCTV, it is considered that the proposal is acceptable.</p>
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	<p><b>Section 3.19 – Car Parking and Access</b></p> <p>Section 3.15 of the SEE contains the following statement:</p> <p><i>“Access to the greenhouse structures will be obtained from the existing internal driveway that already services the farm. A new driveway access is also proposed as illustrated on the Plan Set provided at the western end of the property. This access will be entry only. Deliveries to and from the greenhouses will be seasonal undertaken by rigid trucks and are expected to occur up to 10 times per week during normal business hours and on weekdays only.”</i></p> <p>The statement is inconsistent with the Application Plans which show a new two way driveway on the western side of the site via a new crossover to Rous Road.</p> <p>The two driveways will not be connected and therefore the two way driveway shown on the Application Plans will be required.</p> <p>Two separate car parks are proposed providing a total of 32 car parks including 3 accessible spaces. An onsite loading and manoeuvring area is also proposed.</p> <p>No specific parking requirements for a “farm building” or “horticulture” are provided in the DCP. Council’s Development Engineer has not raised any issues in relation to traffic or parking. The Application Plans include a statement to the effect that the client considers that 20 car spaces would be sufficient to cater for visitors and maximum site staff.</p> <p><b>Section 3.20 – Vibration</b></p> <p>No significant vibration issues are expected during the operation of the development. Vibration during construction is expected, however the construction phase will be maintained by way of conditions on the consent.</p> <p>Refer to the Chapter 7 and ‘Noise and Vibration’ sections of this assessment for discussion regarding noise impacts.</p> <p><b>Section 3.21 – Bushfire Management</b></p> <p>The subject site is not mapped as bushfire prone land.</p>
<p>Chapter 7 – Rural Living and Activity</p>	<p><b>Part 2 Chapter Planning Objectives</b></p> <p>The proposal generally complies with the overarching objectives of this Chapter with the exception of Objectives (a) and (b) which are in the following terms:</p> <p><i>“a. Protect agricultural land, particularly land that is identified as ‘State significant’ or ‘regionally significant’ farmland as referenced in the Northern Rivers Farmland Protection Project, from inappropriate development;</i></p> <p><i>b. Preserve rural resources by ensuring that land is not effectively sterilised by being developed or encroached upon by urban or other incompatible uses;”</i></p>

	<p>In summary, the development will sterilise approximately 5.2 hectares of the site from food and fibre production based on conventional cultivation methods.</p> <p><b>Part 3 General Controls</b></p> <p><b>Section 3.1 – Residential Development in Rural Areas</b> The applicant has indicated that the existing dwelling on the subject site will be retained.</p> <p><b>Section 3.2 – Rural Subdivision</b> Not applicable – no subdivision proposed.</p> <p><b>Section 3.3 – Rural Tourist and Visitor Accommodation</b> Not applicable – no rural tourist and visitor accommodation proposed.</p> <p><b>Section 3.4 – Rural Industry</b></p> <p><b>3.4.2 Planning Objectives</b></p> <p>a) <i>Ensure siting and physical form of rural industries is compatible with the character and environmental values of the locality;</i></p> <p><b>Comment:</b> Not applicable – the proposal is not for a rural industry.</p> <p>b) <i>Ensure that rural industries are designed so to ensure acceptable levels of amenity for occupants of adjacent premises; and</i></p> <p><b>Comment:</b> Not applicable – the proposal is not for a rural industry.</p> <p>c) <i>Ensure that safe and adequate infrastructure is available to the premises.</i></p> <p><b>Comment:</b> Not applicable – the proposal is not for a rural industry.</p> <p><b>3.4.3 Development Controls</b></p> <p>i. <i>Buildings and other structures associated with the operation of the rural industry are to be designed so as to be:</i></p> <ul style="list-style-type: none"> <li>• <i>Sympathetic to the visual amenity of the area;</i></li> </ul> <p>ii. <i>Where there is potential for the proposed rural industry to generate noise and/or odour impacts, a noise and/or odour impact assessment must be carried out by a suitably experienced and qualified person(s) and provided with the development application.</i></p> <p>iii. <i>Where a rural industry includes an industrial retail outlet:</i></p> <p>a. <i>The retail activity is to be contained within, or attached to, or within the curtilage of, a building utilised for the rural industry;</i></p>
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	<p>b. <i>Visitor parking and pedestrian access is to be physically separated from loading/unloading facilities in a manner that maintains public safety; and</i></p> <p>c. <i>Where food items are sold in an industrial retail outlet this must not comprise a food and drink premises.</i></p> <p>Not applicable – the proposal is not for a rural industry.</p> <p>Having regard for the above, the proposal is considered to generally comply with the requirements of Section 3.4 within Chapter 7 of the DCP.</p> <p><b>Section 3.5 – Roadside Stalls</b> Not applicable.</p> <p><b>Section 3.6 – Mining and Extractive Industry</b> Not applicable.</p> <p><b>Section 3.7 – Building Lines and Setbacks</b> All buildings and structures in rural areas must comply with the minimum building line or setback requirements set out in Table 7.2:</p> <table border="1" data-bbox="592 875 1286 1236"> <thead> <tr> <th colspan="2">Table 7.2 – Minimum Setbacks – Rural Land General</th> </tr> <tr> <th>Location</th> <th>Setback</th> </tr> </thead> <tbody> <tr> <td>Front Boundary</td> <td>20m from a sealed road. 50m from an unsealed road (applies only to uses which are likely to be adversely affected by dust nuisance such as dwellings and visitor accommodation). 28m from Pacific Highway and Bruxner Highway.</td> </tr> <tr> <td>Side Boundary</td> <td>10m</td> </tr> <tr> <td>Secondary Frontage Setback</td> <td>10m</td> </tr> <tr> <td>Water and Sewer Mains</td> <td>Refer to Policy for Building over Council Assets</td> </tr> </tbody> </table> <p><u>Greenhouse 1</u></p> <p>The proposed setback to Rous Road varies from 30m to 45m. The east side setback is approximately 20m to the work shed and the west side is approximately 60m to 70m and therefore the building complies.</p> <p><u>Greenhouse 2</u></p> <p>Greenhouse 2 has a setback of approximately 30m to 45m to the eastern boundary and 20m to the western boundary and therefore complies.</p> <p><u>Work Shed 1</u></p> <p>Has a setback to Rous Road of approximately 55m to 65m and a setback to the east of approximately 10m to 25m which complies.</p>	Table 7.2 – Minimum Setbacks – Rural Land General		Location	Setback	Front Boundary	20m from a sealed road. 50m from an unsealed road (applies only to uses which are likely to be adversely affected by dust nuisance such as dwellings and visitor accommodation). 28m from Pacific Highway and Bruxner Highway.	Side Boundary	10m	Secondary Frontage Setback	10m	Water and Sewer Mains	Refer to Policy for Building over Council Assets
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Water and Sewer Mains	Refer to Policy for Building over Council Assets												

	<p><u>Work Shed 2</u></p> <p>Has a setback of approximately 12m to 20m to the eastern boundary which complies.</p> <p><u>Shade House 5</u></p> <p>Has a setback of 10m to the east and complies.</p> <p><u>Shade Houses 1 to 4</u></p> <p>Have a setback of 10m to the north and 10m to the west and therefore comply.</p> <p>Having regard for the above, the proposal is considered acceptable with regard to building lines and setbacks.</p> <p><b>Section 3.8 – Roads, Vehicular Access and Parking</b></p> <p><b>3.8.2 Planning Objectives</b></p> <ul style="list-style-type: none"> <li>a) <i>Provide adequate on site car parking for all types of rural development;</i></li> <li>b) <i>Ensure car parking is designed in accordance with relevant standards and has adequate space and provision for vehicular turning areas to ensure all vehicles can enter and leave the site in a forward direction;</i></li> <li>c) <i>Ensure access to the site has the capacity to cope with likely traffic loads including heavy vehicles;</i></li> <li>d) <i>Ensure site accesses have adequate sight distances and are designed to ensure that all vehicles are able to safely enter and exit the site to maintain the safety and integrity of the road network; and</i></li> <li>e) <i>Minimise disturbance to landform.</i></li> </ul> <p><b>Comment:</b> It is considered the proposal has had regard for the planning objectives contained within this section.</p> <p><b>3.8.3 Development Controls</b></p> <ul style="list-style-type: none"> <li>i. <i>Where a proposed development has the potential to generate significant additional traffic and require substantial car parking, a traffic study will be required.</i></li> </ul> <p><b>Comment:</b> Council's Development Engineer has raised no issues in relation to vehicular access, roads and parking subject to appropriate conditions.</p> <ul style="list-style-type: none"> <li>ii. <i>External vehicular access must:</i> <ul style="list-style-type: none"> <li>a) <i>not compromise the safety and efficiency of the road network;</i></li> <li>b) <i>be suitable for use by emergency service vehicles; and</i></li> <li>c) <i>be suitable for traversing in all weather conditions.</i></li> </ul> </li> </ul>
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	<p><b>Comment:</b> Council's Development Engineer has advised that the existing external road network is constructed to a suitable standard to service the proposed development.</p> <p>iii. <i>External road access is generally to be sealed for the following land uses:</i></p> <ul style="list-style-type: none"> <li>• <i>Tourist and visitor accommodation;</i></li> <li>• <i>Recreation facilities (major and outdoor);</i></li> <li>• <i>Restaurants or cafes;</i></li> <li>• <i>Intensive livestock agriculture;</i></li> <li>• <i>Aquaculture;</i></li> <li>• <i>Rural industries and industrial retail outlets;</i></li> <li>• <i>Mining and extractive industries;</i></li> <li>• <i>Passenger transport facilities; and</i></li> <li>• <i>Vehicle repair stations.</i></li> </ul> <p><b>Comment:</b> The proposal does not require a sealed road however Rous Road is a two lane, sealed road.</p> <p>iv. <i>Internal vehicular access must:</i></p> <ul style="list-style-type: none"> <li>• <i>be suitable for the access of emergency service vehicles;</i></li> </ul> <p><b>Comment:</b> The internal vehicular access is considered suitable for the access of emergency service vehicles.</p> <ul style="list-style-type: none"> <li>• <i>be of all weather dust free construction and be suitable for traversing by standard 2 wheel drive vehicles;</i></li> </ul> <p>The application does not identify the proposed driveway wearing surface. Conditions can be imposed on any consent requiring internal road access to be designed and constructed to AS 2890.1 and that the driveways and parking bays within the development are constructed of sealed paved material.</p> <ul style="list-style-type: none"> <li>• <i>be sealed in sections where grade exceeds 12%; and</i></li> </ul> <p><b>Comment:</b> The driveway grade does not exceed 12%. No issues raised in this regard.</p> <ul style="list-style-type: none"> <li>• <i>not exceed a grade of 25%</i></li> </ul> <p><b>Comment:</b> The driveway grade does not exceed 25%. No issues raised in this regard.</p> <p>v. <i>A suitable and safe connection must be provided between the existing road network and any proposed internal vehicular access infrastructure.</i></p> <p><b>Comment:</b> Council's Development Engineer has advised that sight distances at the access point are satisfactory and there are no capacity constraints on the road network.</p>
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	<p>vi. <i>A development application must address any potential environmental impacts caused by vehicular accesses (both internal and external) including erosion and sedimentation, dust, noise, traffic generation, amenity and visual impacts and vegetation removal with appropriate mitigation measures identified.</i></p> <p><b>Comment:</b> Conditions are recommended to be imposed on the consent in relation to erosion and sediment control. A condition is also recommended requiring the driveways and parking bays within the development to be constructed of sealed paved material. In this regard, dust generation is considered to be minimal.</p> <p>vii. <i>Development must comply with the following on site vehicle parking requirements:</i></p> <ul style="list-style-type: none"> <li>• <i>Adequate on site car parking must be available to accommodate all users of the site including residents, visitors or employees.</i></li> </ul> <p><b>Comment:</b> A total of 32 car spaces (inclusive of 3 accessible spaces) are proposed onsite, which is considered to be adequate.</p> <ul style="list-style-type: none"> <li>• <i>On site car parking for a proposed land use must comply with the applicable car parking requirements specified in any other chapter of this DCP.</i></li> </ul> <p><b>Comment:</b> A total of 32 car spaces (inclusive of 3 accessible space) are proposed onsite. The applicant contends that a maximum of 20 spaces would be adequate for visitors and staff. Conditions are recommended to be imposed on the consent to ensure the design of all car parking spaces is in accordance with the Australian Standards AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.</p>
Chapter 8 – Signage	<p>The proposed signage is considered to be inconsistent with the development controls in Section 3.4.3 for rural zones in that it will not maintain rural amenity and will not be compatible with the rural landscape because of the size of the signage however the signs will be partially screened by other structures and landscaping.</p> <p>In addition, three wall signs are proposed whereas the DCP only allows two wall signs per premises.</p>

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

<b>Planning Agreement (or draft)</b>	<b>Comments</b>
None applicable.	

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

	<b>Comments/Is consistency with these provisions achieved?</b>
If the DA is for the demolition of a building, consider the provisions of <b>AS 2601-1991: The demolition of structures</b> (as in force 1 July 1993):	The application states that the existing farm shed will be removed and therefore demolition provisions of the Regulation do not apply.
If the DA is only for a change of use or the use of an existing building as a place of public entertainment, is the <b>fire protection and structural capacity of the building appropriate to the building's proposed use?</b>	The proposal does not involve a change in building use.
If the DA involves the rebuilding/alteration/enlargement/extension of an existing building, is the <b>existing building required to be brought into total or partial conformity with the Building Code of Australia (BCA)?</b>	The DA does not involve rebuilding or alterations.
If the DA is for the erection of a temporary structure, is the <b>fire protection and structural capacity of the structure appropriate to the proposed use of the structure?, and is the ground or other surface, on which the structure is to be erected, sufficiently firm and level to sustain the structure while in use?</b>	Not applicable.

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

		<b>Discuss whether or not the impact is acceptable or not? If not, then describe the adverse impacts and the steps taken to mitigate the impacts</b>
<b>Urban and Building Design</b>		
i)	Context and Settings	<p>The existing subdivision configuration and character of the area is depicted on the Aerial Photograph at Attachment 1.</p> <p>In summary, the area is characterised by small lot intensive agricultural farms and rural residential development. The area is substantially cleared of native vegetation and comprises State Significant agricultural land zoned RU1. The spatial relationship between the site and adjoining dwellings and structures is also shown on the Aerial Photograph at Attachment 1.</p> <p>The landscape is predominantly rural in character and having regard to the scale and nature of the proposed structures, it is inevitable that there will be an impact on the rural character and amenity and landscape and scenic qualities of the locality as a result of the development.</p>
ii)	Site Design and Internal Design	<p>No issues are raised in relation to the site design and compliance in terms of setbacks and building height. However, the scale, nature, external colours and siting of the development will inevitably result in adverse impacts on rural character and amenity and landscape and scenic values.</p> <p>Council's Building Services Section has carried out an assessment of the proposal. Conditions are recommended to be imposed (should consent be granted) to ensure the development complies with the requirements of the National Construction Code (NCC) and relevant standards.</p>
iii)	Ecologically Sustainable Building Design	No issues raised.
iv)	Access, Transport and Traffic	<p>Vehicular access, traffic and parking considerations have been previously considered within the DCP sections of this assessment and the Council report.</p> <p>Council's Development Engineer has completed an assessment of the proposal. The existing external road network is constructed to a suitable standard to service the development and use of the site.</p>
v)	Public Domain	The structures will be visible from the public domain (Rous Road) however, it is proposed to mitigate visual impacts by appropriate screen plantings.

vi)	Utilities	No issues raised – the servicing of the development has previously been addressed within the BLEP 2012 section of this assessment.
vii)	Heritage	<p>No issues are raised. The subject site is not identified as containing an item of local heritage significance under the BLEP 2012.</p> <p>An AHIMS search was carried out on 27 April 2020 which indicated that no Aboriginal sites or places have been recorded/declared in or near the subject land.</p> <p>It is considered unlikely relics will be disturbed as part of the proposed works.</p> <p>In this regard, no issues are raised in relation to this section.</p>
viii)	Construction	Conditions are recommended to be imposed on the consent in relation to sediment/erosion control, waste management, cleanup of spills and the hours of operation for any noise generating activities associated with the proposed works.
<b>Environmental Impacts</b>		
ix)	Other Land Resources	It is not considered the proposal will negatively impact upon the conservation and/or use of mineral and extractive resources. Refer to previous comments made in the BLEP 2012 of this assessment with respect to impacts on water supply catchments. However, the proposal will impact on the potential uses of part of the site following completion of earthworks.
x)	Water	<p>Rainwater tanks are proposed and onsite sewage management which is considered to be satisfactory based on advice from Council's Environmental Health Officers and Engineers.</p> <p>Stormwater management has been assessed as part of the development – refer to DCP section of this assessment for discussion.</p> <p>The proposed development involves significant earthworks. Conditions are imposed on the consent requiring erosion and sediment control measures to be implemented on site to minimise potential impacts on waterways.</p>
xi)	Soils	<p>The subject site is not mapped as containing Acid Sulfate Soils.</p> <p>Earthworks are proposed as part of the subject application. Conditions are imposed on the consent requiring erosion and sediment control measures to be implemented on site to minimise potential impacts on waterways.</p>

xii)	Air and Microclimate	<p>Council's Environmental Health Officer has carried out an assessment of the proposal. A condition could be imposed on any consent to ensure the proposed development does not interfere with the amenity of the locality by reason of the emission of noise, vibration, odours, fumes, smoke, vapour, steam, dust, water, waste products and the like.</p> <p>A condition requiring the driveways and parking bays within the development to be constructed of sealed paved material is recommended if consent is granted. In this regard, it is considered dust generation from the proposed development during the operational phase will be minimal.</p> <p>Subject to compliance with the recommended conditions of consent, no issues are raised in relation to this section.</p>
xiii)	Flora and Fauna	<p>The subject site is not mapped on the Natural Areas and Habitat or Wildlife Corridor maps.</p> <p>No issues are raised with respect to koala habitat.</p>
xiv)	Waste	This matter has been previously addressed within the DCP section of this assessment.
xv)	Energy	Energy efficiency provisions contained in Section J of the Building Code of Australia apply to the development. A condition could be imposed on any consent requiring a Section J Energy Efficiency report to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.
<b>Hazards</b>		
xvi)	Noise and Vibration	Council's Environmental Health Officer has not raised any issues in relation to noise and vibration. Given the nature of the use and proposed operating hours it is not expected that adverse impacts will arise subject to the imposition of appropriate conditions to mitigate potential impacts.
xvii)	Natural Hazards	<p>The subject site is not flood prone.</p> <p>The subject site is not mapped as bushfire prone land.</p>
xviii)	Technological Hazards	<p>No issues raised in relation to contamination – refer to SEPP 55 section of this report for discussion.</p> <p>If consent is granted conditions are recommended to be imposed on any consent in relation to the storage of liquid contaminants on site.</p>
xix)	Safety, Security and Crime Prevention (CPTED)	It is not anticipated the proposed development will increase the risk of crime in the locality – refer to DCP section of this assessment for discussion.

<b>Social and Economic Impacts</b>	
xx) Social Impacts in the Locality	<p>The proposal is likely to have negative social impacts on the locality given the scale and nature of the proposed development.</p> <p>It is noted that there have been a number of submissions received in relation to the impact of the proposed development on the landscape and scenic qualities of the locality and rural character and amenity. All submissions received have been addressed within the Council report.</p>
xxi) Economic Impact in the Locality	<p>The proposal is not considered to have negative economic impacts on the locality.</p> <p>Given the scale and nature of the project it is likely to have positive economic impacts through direct and indirect employment generation.</p>
<b>Cumulative Impacts</b>	
xxii) Cumulative Impacts	<p>There are no other similar developments in the locality and therefore it is unlikely that significant cumulative impacts will arise.</p>

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

		<b>Comments</b>
i)	Does the proposal fit in the locality?	<p>Having regard to the existing rural character and amenity of the locality and the scale and nature of the proposed development, it is inevitable that there will be adverse impacts and changes in the rural landscape and amenity of the area.</p> <p>With respect to traffic and vehicular access, Council's Civil Services Division has commented that the existing road network is constructed to a suitable standard to support the development.</p> <p>It is noted that a number of submissions have been received with respect to the subject application. Concerns raised have been addressed in detail in the Council report.</p>
ii)	Are the site attributes conducive to development?	<p>It is considered that the site attributes are not conducive to the proposed development because of its scale and impact on State Significant Farmland.</p>

**4.15 (1) (d) Any submission made in accordance with this Act or the Regulations?**

Is advertising required because the development is designated or "advertised" development?	No
If YES, how many submissions were received?	N/A
Is advertising required in accordance with established Council policy and practice?	Yes
If YES, how many submissions were received?	First exhibition seven submissions. Second exhibition eight submissions.

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

Public Submissions:	A total of seven first exhibition submissions and eight second exhibition submissions were received in relation to the subject application. These submissions are discussed in detail in the body of the Council report.
Public Authority Submissions:	Only one public authority submission was received from NRAR advising that the overland flow path located in the central portion of the site is not a mapped watercourse and the path does not connect to the existing dam located in the northwest corner of the site. No work on the existing farm dam is proposed and NRAR have advised that integrated referral is not required under the Water Management Act.

**4.15 (1) (e) The public interest**

Federal, State & Local Government interests and Community interests	In determining where the public interest lies, it is relevant to have regard to the consistency of the proposal with the relevant LEP and zone objectives and compliance with all relevant development standards and design requirements in BDCP2012.  It is considered that approval of the proposed development would be inconsistent with the public interest given the substantial merit issues arising from the Section 4.15 Assessment.
Section 64 Contributions and Section 7.4 Contributions	Council's Development Engineer has advised that:  <i>"The proposal is for an agricultural use on rural zoned land. The use is exempt from requiring a DA. The DA is specifically for the greenhouse structures not the use and therefore contributions are not applicable."</i>



Sent:

Friday, 16 August 2019 9:06 AM

Subject:

DA 2019/376

With respect to application 376.

We are residents of Rous and our family has an extraction bore [REDACTED]

The land coverage of this proposal seems ridiculously out of proportion with the size of the block of land. We have physically seen the 'dam' in question and local residents do refer to it as a pond.

The comments made in previous responses from the Kelly & Rhodes families regarding the wetland area surrounding the pond should hold great weight in this debate.

The polyhouses system of overflow and 'back-up' extraction will absolutely affect this ecology and also our community.

We can confirm Mr Leslie's water issues, as we also had great concern during the 5 months of 2018 when no significant rain fell at Rous.

Therefore, Mr Leslie's comments regarding the shortage of water last year is paramount in his concerns for existing livelihoods.

We have [REDACTED] tanks for domestic use which ran dry during 2018! Hence we supplemented the tanks from bore water.

When there is another significant dry spell, all resources will be under stress.

The sheer size of this new business venture assures massive water usage.

We also agree with Mr Spicer who states: 'The claim made in the proposal that "no detracting of the rural landscape is considered likely" is absurd.'

Claims in DA's can become very 'stock standard' by their nature. Like the huge scale of this venture the impact on the community at so many levels will be significant.

When we first saw the proposal and noted the zoning, we could not understand how RU1 PRIMARY PRODUCTION suits this type of venture?

This seems a business venture not Primary Production. This application is not farmland, animals or agricultural use.

Polyhouses are water hungry and generally watered at least once a day.

This position on Rous Road has a convenient access to the wetland.

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Perhaps this business is more suited to a different zoning or a much larger block of land.

Yours sincerely,