



*Planning Proposal 21/003*

# » *Alstonville R3 Zone*

October 2021 (V3 Exhibition) 21/94996

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shire council



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# 1. Introduction

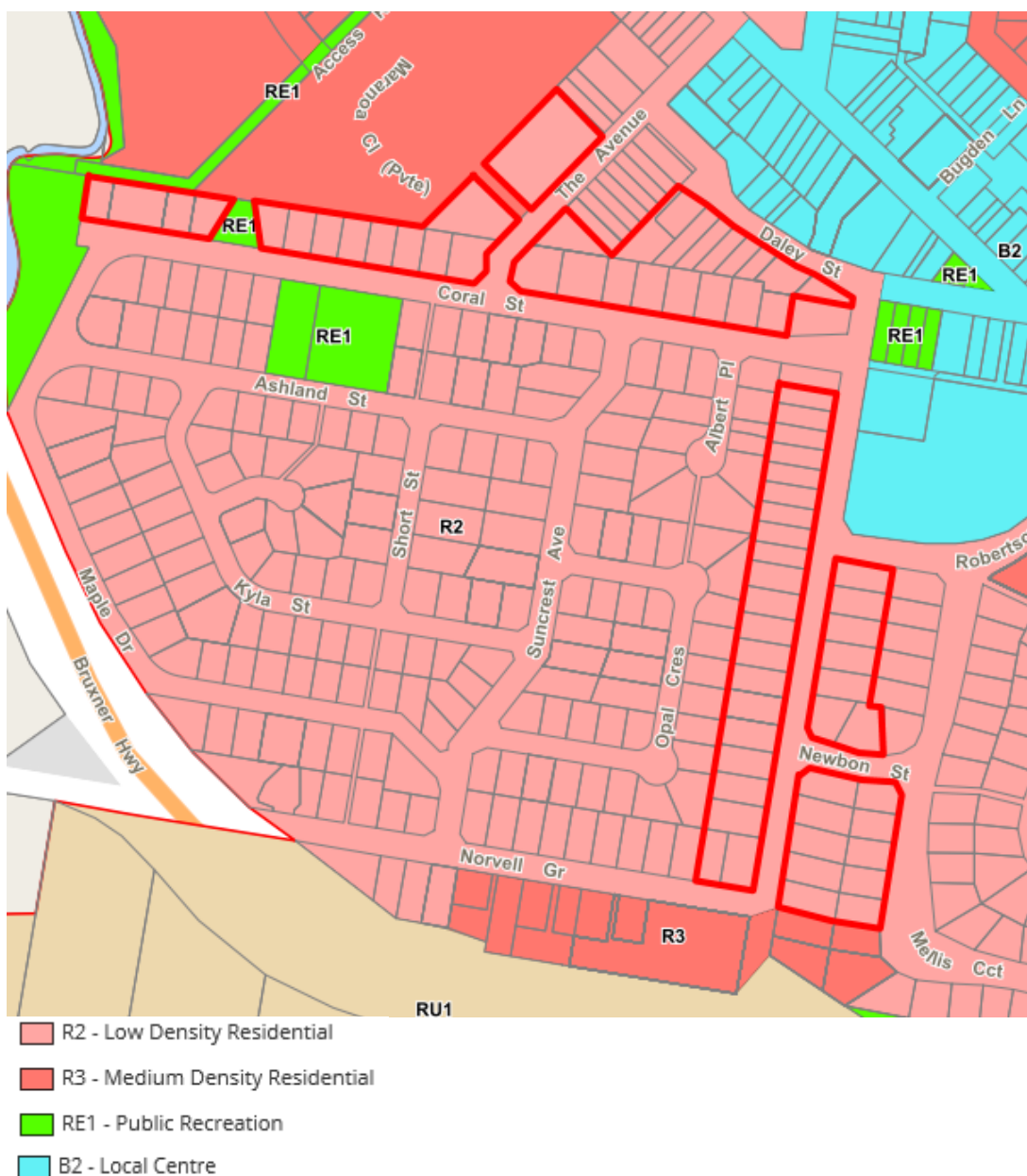
## 1.1 Summary of Planning Proposal

This planning proposal applies to certain land at Alstonville as shown outlined in red on Figure 1 below.

The land is zoned R2 Low Density Residential zone under the provisions of Ballina LEP 2012.

The land contains a total of 64 individual lots and has a total area of approximately 5.5ha. Property descriptions of the individual lots is contained at **Appendix 1**.

This planning proposal seeks to apply a R3 Medium Density Residential zone to the land.



**Figure 1 – Site Identification Diagram showing area subject to planning proposal**

## 1.2 Background

Council adopted the Alstonville Strategic Plan (ASP) at its Ordinary meeting of 14 December 2017, following comprehensive community engagement, informed by the Alstonville Planning and Environment Study (APES).

A key objective of the adopted Strategic Plan is to provide “*new housing opportunities that are affordable and provide choice for people to meet changing life needs*”.

To meet this objective, Strategic Action 10 of the Plan provides:

*Initiate a planning proposal for the rezoning of certain R2 Low Density Residential Areas to R3 Medium Density located to the south-west of the Alstonville commercial centre as identified in the Alstonville Planning and Environmental Study.*

The area nominated for consideration as R3 Medium Density is shown outlined in red in Figure 2 below.



**Figure 2 – 2017 Candidate R3 medium density residential area outlined in red.**

The Strategic Plan also suggests an increase in dwelling density within this area, from the current allowable 1 dwelling per 300m<sup>2</sup> to 1 dwelling per 200m<sup>2</sup>, but notes that properties assessed as having local heritage significance should be excluded from such change.

Local heritage significance was previously assessed in the 2008 Shire-wide Community Based Heritage Study, resulting in a number of properties in the locality being listed as Items of Environmental Heritage in the Ballina Local Environmental Plan 2012 (see Table 1 below).

A closer review of local significance has been undertaken for this planning proposal, addressing the properties outlined in red within Figure 2.

**Appendix 2** contains a copy of the resulting heritage assessment.

Following consideration of the heritage assessment report, the candidate R3 area shown in Figure 2 were amended to remove properties referenced in Table 1 below.

**Table 1 - Properties excluded from proposed R3 candidate area**

Property category removed from candidate R3 area	Property Description	Reason
Items of environmental heritage listed in Schedule 5 of Ballina LEP 2012.	<p>Item I24 - St Bartholomew's Anglican Church (timber) No. 1 The Avenue, (was Lot 1, DP 1152916, now Lot 297 DP 1257853)</p> <p>Item I25 - St Bartholomew's Anglican Church Manse, No. 3 The Avenue, (was Lots 39 – 41, Section 1, DP 4536 now Lot 296 DP 1257853)</p> <p>Item I26 - St Bartholomew's Anglican Church (stone), No. 6 The Avenue, Lot 1 DP 939215</p>	Properties considered to have no medium density redevelopment potential due to heritage listing.
Properties recommended as potential heritage items by heritage consultant in 2021 heritage assessment.	<p>No. 3 Wardell Road, Lot 88 DP 240225</p> <p>No. 7 Wardell Road, Lot 1 DP 35468</p> <p>No. 5 The Avenue, Lots 42 &amp; 43, Section 1, DP 4536 (Previously a maternity hospital c.1921)</p>	Properties require further assessment, and consultation with property owners, prior to any rezoning decision.
Certain properties within recommended heritage conservation area, and with previously assessed heritage potential (Draft Shire Wide Community Based Heritage Study 2008)	<p>No. 10 The Avenue, Lots 12 &amp; 13, Section 2, DP 4536</p> <p>No. 12 The Avenue, Lot 14, Section 2, DP 4536</p> <p>No. 14 The Avenue, Lot 15, Section 2, DP4536)</p> <p>No. 16 The Avenue, Lots within SP 68024</p>	Properties contain older style timber dwellings that add to local village character. These properties were also previously nominated (2008 Heritage Study) for inclusion within a heritage conservation area.

The recent heritage assessment (Appendix 1) also recommended that the properties located on the southern side of Daley Street be included within a heritage conservation area.

These properties have not, however, been deleted from the R3 candidate area because they contain a variety of architectural styled dwellings, including more recently built examples (latest built in 2018).

The 2008 Heritage Study did not nominate any properties on this side of Daley Street as having heritage value.

It was originally subdivided in 1923 (DP 12066) with dwellings built after this time. It has subsequently been further subdivided and contains more recent dwelling stock than older areas centred on Main Street and The Avenue.

Based on the exclusions described above, Figure 1 (above) shows the area now subject to this planning proposal (outlined in red), and the current zoning under the provisions of Ballina LEP 2012.

Properties identified in Table 1 have been removed from the area subject to this planning proposal. This has reduced the proposed rezoning area from approximately 6.6ha to 5.5ha.

### 1.3 Council Resolutions

A copy of the report to the Council is contained in Appendix 5.

Council considered the matter at its Ordinary meeting held on 28 October 2021 and resolved as follows (Minute No 281021/12):

1. *That Council endorses the Alstonville R3 Zone Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning Industry and Environment for a Gateway determination.*
2. *That upon an affirmative Gateway determination being received from the Department of Planning Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.*
3. *That draft amendments to the Ballina DCP 2012 be exhibited concurrently with the Planning proposal, including:*
  - *Special Area Controls to be included in Chapter 4 – Residential & Tourism development as contained in Attachment 2 to this report, and*
  - *A Dwelling Density Map to nominate a dwelling density of 1 dwelling per 300m<sup>2</sup> of site area for the area subject to the planning proposal.*
4. *That the Department of Planning Industry and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.*
5. *That the planning proposal and draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.*

### 1.4 Gateway Determination

A Gateway determination, which allows the planning proposal to proceed subject to conditions, was issued on 22 November 2021.

The Gateway determination is contained within Appendix 6.



## 2. Objectives & Intended Outcomes

In respect to the land outlined in red in Figure 1 – Site Identification Diagram, it is proposed to amend Ballina LEP 2012 in the following respects:

- to change the zoning, as shown on the Land Zoning Map, from R2 Low Density Residential zone to R3 Medium Density Residential zone; and
- to change the minimum lot size, as shown on the Lot Size Map, from 600m<sup>2</sup> to 800m<sup>2</sup>.

## 3. Explanation of the Proposal

### 3.1 Land to Which the Planning Proposal Applies

This planning proposal applies to land as shown outlined in red in Figure 1. This area contains 64 existing residential lots, detailed in Appendix 1. The combined area is approximately 5.5ha.

### 3.2 The Proposal – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Ballina LEP 2012 Land Zoning Map by deleting the R2 Low Density Residential zone that applies to the subject land and replacing it with an R3 Medium Density Residential zone; and
- Amending the Ballina LEP 2012 Lot Size Map by deleting the 600m<sup>2</sup> minimum lot size that applies to the subject land and replacing it with an 800m<sup>2</sup> minimum lot size.

The thumbnail maps contained in Figures 3 and 4 indicate the mapping outcomes proposed by this planning proposal. These maps may require additional adjustments to ensure road areas are zoned as per the *Standard Technical Requirements for Spatial Datasets and Maps*.

Figure 3: Existing and proposed zoning

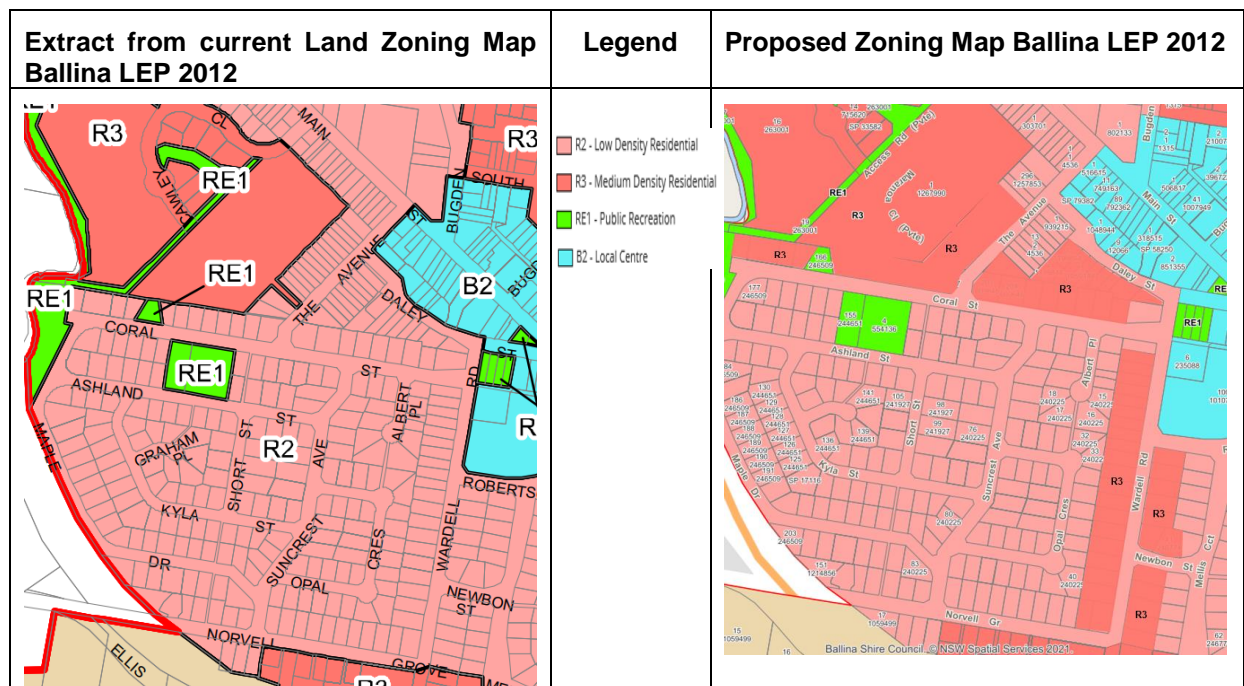
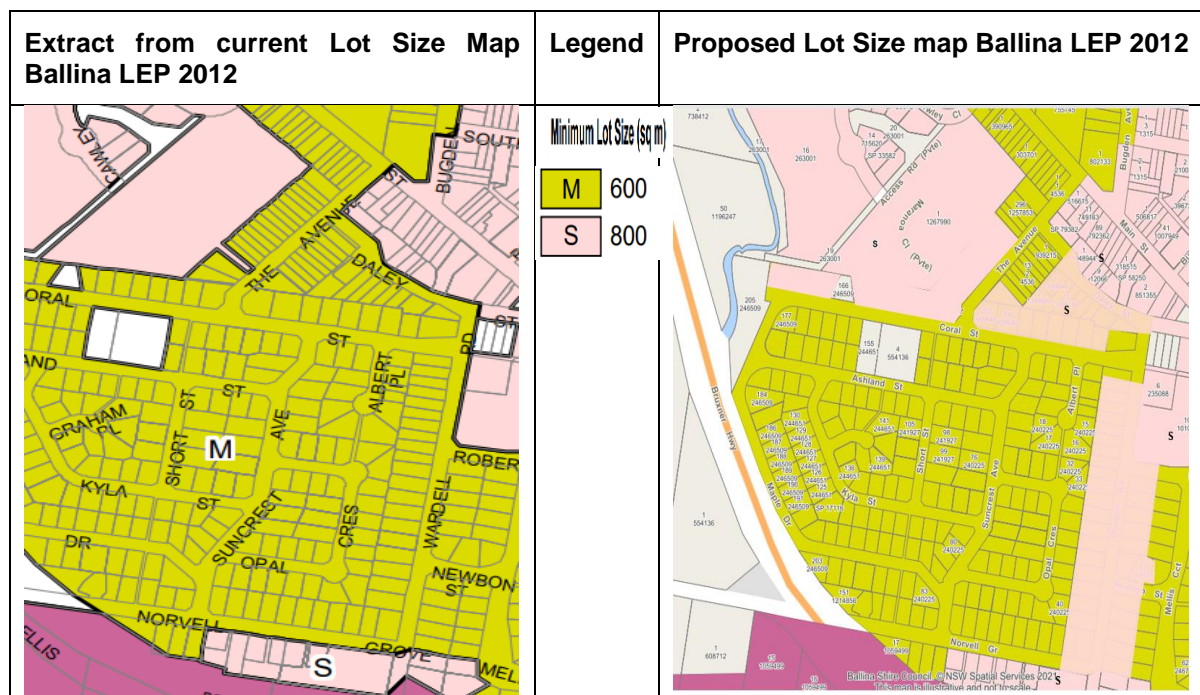


Figure 4: Existing and proposed minimum lot sizes



## 4. Justification

### 4.1 Section A – Need for the Planning Proposal

**Q1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

Yes. The proposed planning proposal is consistent with the strategic direction outlined in Council's adopted Alstonville Strategic Plan (2017-2037), the Growth Management Strategy (2012) and the Local Strategic Planning Statement (2020-2040).

The Alstonville Strategic Plan (ASP) was adopted by Council on 14 December 2017.

It contains the following Strategic Action (#10):

*Initiate a planning proposal for the rezoning of certain R2 Low Density Residential Areas to R3 Medium Density located to the south-west of the Alstonville commercial centre as identified in the Alstonville Planning and Environmental Study.*

The Strategic Plan provides the following rationale for this action:

*Planning for an increase in permitted densities should occur in the short term before dwelling stock is renewed and opportunities are lost. This proposal relates to 6.6ha of land or approximately 90 properties located in Wardell Road, Coral and Daley Streets and The Avenue.*

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

Council's Local Strategic Planning Statement was adopted in 2020 and incorporates the Alstonville Strategic Plan, including Strategic Action 10 referred to above.

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

Yes. A planning proposal is the appropriate mechanism to implement the proposed changes to Ballina LEP 2012.

### 4.2 Section B – Relationship to Strategic Planning Framework

**Q3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

Yes. The planning proposal will give effect to the following Directions and Actions contained within the North Coast Regional Plan 2036.

*Direction 22: Deliver greater housing supply.*

*Action 22.1 Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the regions projected housing needs.*

*Direction 23: Increase housing diversity and choice.*

*Action 23.1 Encourage housing diversity by delivering 40% of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres by 2036.*

**Q4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

**Ballina Shire Local Strategic Planning Statement 2020 – 2040 (LSPS)**

The LSPS was adopted by Council on 28 May 2020, and endorsed by the Department of Planning Industry & Environment on 20 July 2020.

The LSPS references the Alstonville Strategic Plan 2017 – 2037 and specifically Action 10, which relates to the initiation of a planning proposal to rezone certain R2 Low Density zoned land to R3 Medium Density.

Planning Priority 6 of the LSPS states:

*Incorporate diverse housing choice options, when preparing place based strategic plans.*

Action 6.2, which supports Planning Priority 6, provides:

*Incorporate housing choice option strategies within place based strategic plans.*

**Ballina Shire Council Community Strategic Plan 2017-2027**

The planning proposal is considered to be consistent with the Prosperous Economy theme contained within Council's Community Strategic Plan 2017 – 2027. Specifically, it is considered to be consistent with outcome PE3.2:

*Facilitate and provide affordable infrastructure (More affordable housing).*

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

***SEPP 55 – Remediation of Land***

The land that is subject of this planning proposal is currently zoned R2 Low Density Residential under the provisions of Ballina LEP 2012 and contains existing dwellings.

An examination of the registration dates of Deposited Plans associated with the land indicates that the residential lots were created predominantly in the period 1950 to 1992. The first lots in The Avenue were created in 1905, and on the southern side of Daley Street in 1923.

Prior to being used for residential purposes, the land may have been used for agricultural purposes.

Council has no information available to suggest that any of the lots are contaminated. Having regard to the age of dwellings within the area subject to this planning proposal, it can be expected that some dwellings will contain asbestos based materials. Lead paint may also have been used in the past.

Should the land be rezoned to a higher density residential zone, the issue of potential land contaminants will be further considered when existing buildings are proposed for demolition.



The contaminated land status of the land has also been considered in accordance with the *Managing Land Contamination Planning Guidelines* (MLCPG). The following initial evaluation checklist has been prepared in accordance with the MLCPG.

#### Land Contamination Initial Evaluation Checklist

Matter Requiring Consideration	Response
Is the planning authority aware of any previous investigations about contamination on the land?	No
Do existing records held by the planning authority show that an activity listed in Table 1 has ever been approved on the subject land?	No
Was the subject land at any time zoned for industrial, agricultural or defence purposes?	Uncertain as to zoning. Land may have been used for agricultural purposes prior to current dwelling use.
Is the subject land currently used for an activity listed in Table 1?	No
To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation to any activity listed in Table 1?	No
Are there any land use restrictions on the subject land relating to possible contamination, such as notices issued by the EPA or other regulatory authority?	No
Does a site inspection conducted by the planning authority suggest that the site may have been associated with any activities listed in Table 1.	No
Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land?	No

#### **Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

Yes. A number of section 9.1 directions are relevant to the planning proposal. A section 9.1 checklist is provided at Appendix 4.

### **4.3 Section C – Environmental, Social and Economic Impact**

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

No.

The land subject to this proposal is made up of existing residential lots contains dwellings. There is no likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

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

No.

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

It is considered that generally positive social outcomes are likely to result as a consequence of this planning proposal and the increase in R3 Medium Density zoned land.

No negative economic consequences are considered to arise from the planning proposal.

#### **4.4 Section D – State and Commonwealth Interests**

**Q10 Is there adequate public infrastructure for the planning proposal?**

Consultation will take place with water, sewer and electrical authorities to ensure that public infrastructure is adequate to service the proposed increase in dwellings that is likely to result from this planning proposal.

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

At this stage no consultation with public authorities has been undertaken.

The Gateway determination (Appendix 6) confirms that consultation is not required with public agencies/ authorities under section 3.34(2)(d) of the Act.

## **5. Mapping**

Mapping to support the planning proposal has not yet been prepared.

## **6. Community Consultation**

This planning proposal is proposed to be publically exhibited for a minimum period of 28 days, in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*.

## **7. Timeline**

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

<b>Plan Making Step</b>	<b>Estimated Completion (Before)</b>
Gateway Determination	November 2021

<b>Plan Making Step</b>	<b>Estimated Completion (Before)</b>
Completion of Technical Information	January 2022
Government Agency Consultation if required.	N/A
Public Exhibition Period	January 2022
Public Hearing	N/A
Submissions Assessment	February 2022
Local Plan Making Authority (LPMA) Assessment of Planning Proposal and Exhibition Outcomes	March 2022
LPMA Decision to Make the LEP Amendment (if delegated)	April 2022
Submission of Endorsed LEP to DPI&E for Finalisation	April 2022

Council is proposing to exercise plan finalisation functions under delegation as the Local Plan Making Authority.

## 8. Appendices

Appendix 1 – Properties subject to this Planning Proposal

Appendix 2 – Heritage Assessment Report (15 February 2021)

Appendix 3 – Maps

Appendix 4 – Response to s91 Directions

Appendix 5 – Council Reports

Appendix 6 – Gateway Determination

Appendix 7 – Alstonville Heritage Items (Ballina LEP 2012)



**Appendix 1 – Properties subject to this Planning Proposal**

Address	Property Description	Address	Property description
The Avenue			
No 18	Lots 1-3 SP 44696	No.15	Part Lot 1 DP 1267900
Daley Street			
No.9	Lot 10 DP 1062284	Nos. 5B & 5C	Lots 13 & 14 DP 1046177
No.7	Lots 1 & 2 SP 43528	No. 3	Lots 15 & 16 DP 1059184
No. 5A	Lot 12 DP 1058238	Nos. 1A & 1B	Lots 1 & 2 DP 1199844
Coral Street			
Nos, 1, 3, 5, 7, 9, 11	Lots 6-11 DP 240225	Nos. 19 & 21	Lots 118 & 119 DP 241927
Nos. 13 & 17	Lots 203 & 204 DP 609646	Nos. 23, 25, 27, 29, 31, 33, 35	Lots 160-167 DP 246509
No. 37	Lots 1-3 SP 14120	No. 39	Lots 1-4 SP 19089
No. 43	Lot 171 DP 246509		
Wardell Road			
Nos. 9, 11, 13, 15, 17, 19, 21, 23, 25	Lots 2-10 DP 35468	Nos. 27, 29, 31, 33	Lots 11-14 DP 229540
No. 35	Lot 89 DP 240225	No.37	Lots 1-3 SP 16963
Nos. 39, 41, 43	Lots 19-21 DP 236680	No. 45	Lot 18 DP 529837
No. 26	Lot 1 DP 514227	Nos. 28, 30, 32, 34	Lots 2-5 DP 516252
Nos. 36	Lot 42 DP 246774	Nos. 42, 44, 46, 48	Lots 44-47 DP 246774
Norvell Grove			
Nos. 1	Lot 2 DP 873503	No. 3	Lot 1 DP 873503
Newbon Street			
No.1	Lot 43 DP 246774	No. 2	Lot 43 DP 246774

## Appendix 2 – Local Heritage Assessment Report



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15 February 2021

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Email: [Klaus.Kerzinger@ballina.nsw.gov.au](mailto:Klaus.Kerzinger@ballina.nsw.gov.au)

Dear Klaus

**Re: Alstonville Strategic Plan – Local Heritage Assessment (20/75501)**

### **Introduction**

Ballina Shire Council seeks to understand the individual and cumulative heritage value of dwellings in parts of Alstonville to inform a rezoning proposal. The project follows on from the Alstonville Strategic Plan 2017-2037: Action 10, which was to initiate a planning proposal for the rezoning of certain R2 Low Density Residential Areas to R3 Medium Density located to the south and west of the Alstonville commercial centre, as identified in the Alstonville Planning and Environmental Study. The proposed rezoning will facilitate gentle densification in the areas within walking distance (400m) of the village centre, by allowing a higher density of residential accommodation on allocated lots. It is envisaged that development resulting from the zoning change will predominantly consist of duplex and triplex housing forms of one and two storey construction. In preparation for the planning proposal, this heritage assessment has been undertaken to determine whether any of the properties designated for rezoning have any local heritage retention value and as such should be excluded from the rezoning.

Within the area indicated in the map provided, a total of 88 residential properties were to be assessed. The properties are located within five precincts which will be identified for this assessment by the streets they face towards; Coral Street, The Avenue, Daley Street, Wardell Road (includes Norvell Grove) and Mellis Circuit (includes Newbon Street).

The following items of local heritage significance are located within these precincts, as noted from Schedule 5 of the Ballina LEP 2012:

Name and description	Street Address	Property Address	Listing	LEP No.
St Bartholomew's Anglican Church (timber) <b>Now Uniting Church Op Shop</b>	1 The Avenue	Lot 1, DP 1152916	Local	I24
St Bartholomew's Anglican Church Manse, <b>Timber house adjacent to 5 The Avenue</b>	3 The Avenue	Lots 39-41, Section 1, DP 4536	Local	I25
St Bartholomew's Anglican Church (stone) <b>Opposite 3 The Avenue</b>	6 The Avenue	Lot 1, DP 939215	Local	I26
Elizabeth Ann Brown Park	Daley Street	Lots 1-4, DP 6383	Local	I12
Federation house known as "Crawford House" (formerly "Olivene") - <b>now a museum and Alstonville Plateau Historical Society</b>	10 Wardell Road	Lot 6, DP 235088	Local	I27

### **Project Methodology**

In accordance with the project brief, we note that this heritage assessment report is a succinct report for Council. It identifies any items of significance within the five precincts along with recommendations for Council consideration.

We have undertaken this heritage assessment for Council guided by the information provided by Heritage NSW in their guidelines 'Assessing heritage significance' 2001. 'Heritage' should be considered in a way that is consistent with the Department of Planning and Environment Local Character and Place Guidelines, 2019. This report is based on the information provided for the project by BSC, along with limited additional historical research undertaken. However, information relating to a number of houses on Wardell Road which were identified in the Draft Shire Wide Community Based Heritage Study - April 2008 was sought from the Alstonville Plateau Historical Society. Additional internet searches included the BSC website, Heritage NSW state heritage inventory and NSW Land and Property Information historical maps.

We note that the village character of Alstonville is partly defined by older style timber buildings built in the late 1880s to early 1900s. Within the study area there are buildings that fit this description, however, there is a predominance of housing and structures associated with later phases of development. It was thought that they could also contribute to the heritage character of the area, and if so, this report will provide that advice.

The project has been completed in two stages, as follows:

#### **Stage 1:**

Desktop evaluation - review of the existing information for the areas from the Ballina DCP and the Draft Shire Wide Community Based Heritage Study (April 2008).

Site inspection via views from public streets only, as well as photographs to identify any precinct characteristics and properties of potential heritage significance (note, no private properties will be accessed). The site inspection was undertaken in January 2021. *Please note – a full set of photographs of properties in the study area can be provided to Council on request.*

#### **Stage 2:**

Analyse the properties within each precinct in relation to the NSW guidelines, the Local Character and Place Guidelines and the seven heritage criteria identified by Heritage NSW;

Prepare a written document for Council summarising the process and the outcomes, include tabulated information relating to heritage significance of any identified properties and /or precincts.

Following review of a draft assessment by Council, this report is now the final document. This report provides advice to Council on whether any lots should be excluded from the rezoning proposal due to assessed local heritage value.

### **Historical Summary relevant to Study Area**

Initially part of the large rainforest which extended from the Richmond River to the Nightcap Range, Alstonville appears to have originally been called Duck Creek. The area of the Alstonville plateau has been inhabited for thousands of years by the Bundjalung people. The name was changed to Alstonville in 1873 due to confusion with a different Duck Creek. The first postmaster, John Perry, derived the name reportedly from Alston, the maiden name of his wife Annie Alston.

In 1865 the first European settlers, Andrew and Ellen Freeborn and Andrew's brother Thomas arrived on the Alstonville Plateau. Alstonville grew from the eventual farming of the plateau, both mixed and dairy. Within eighteen months other settlers followed with family names such as Robertson, Graham, Newbon, Crawford, Elliott, Mellis, Brown, Moore, Cawley, Robb, Mullins, Daley and Cooke. Many streets in Alstonville bear these names, including those within the study area.

Alstonville's The Avenue developed in the late 1890s and early 1900s. The northern end of the Avenue boasts several Federation style houses dating from the early 1900s and are good examples of Federation architecture in a village setting. Among these houses is the original Anglican Rectory and a former maternity hospital. Other houses too reveal different facets of the town's social history. Timber housing on the eastern side of The Avenue is more modest in nature, but these 'older style' timber houses tell their own story and contribute to the overall historic character of the streetscape.

The Avenue also includes St Bartholomew's Anglican original timber church and the later built stone church, both heritage items. In 1905, the church was moved by bullock dray to its present location at The Avenue, Alstonville. The timber church continued to function as a church until the present sandstone building was dedicated, the old church being then used as a church hall. The church is now used as the Anglican op-shop, continuing its long association with the Anglican Church and community in Alstonville. Its aesthetic values are derived from its simple Carpenter form and its local timber construction.

The foundation stone for the stone church was laid by the Bishop of Grafton on 20 August 1913. Designed by architect Alex Stuart Jolly, the building was constructed by Messrs Brown & Jolly with sub-contractor Walter Tiplady on land purchased in 1909. The sandstone used to build the Church was donated and quarried locally and its first service was conducted on 11 March, 1914 (Thematic History, 2008, pp168-169). Further historical information from the Draft Shire Wide Community Based Heritage Study Thematic History noted that No. 5 The Avenue Alstonville, a former maternity hospital, was recommended for heritage listing and that The Avenue in Alstonville is a significant streetscape (pp 71, 95).

Wardell Road originally continued north adjacent to the Federation Hotel. The Strong family (the eldest son was Norvell) owned land here encompassing Coral and Ennis Streets. This area extending south to Ellis Road and west to Maple Drive was the first sub-division in Alstonville.

In Wardell Road, Crawford House" (formerly known as "Olivene") - was the home of William Ambrose Crawford and his family. It is a fine example of an elegant Federation-era northern NSW timber house, built in 1911. Set back from the street, it has been the home of the Alstonville Plateau Historical Society since 2004 and is a local heritage item. It is located next to the Elizabeth Ann Brown Park, another heritage item for Alstonville. Elizabeth Anne Brown was the daughter of Charles Bullwinkel who was an early pioneer of Alstonville. She married Anthony James Brown, who purchased these two adjoining allotments when four acres of the Crawford holding was subdivided in 1911. The land was resumed for a park by the former Tintenbar Shire Council, and the park now houses the R.S.L. War Memorial.

### ***Description of Streets***

The following section provides a description of the streetscapes within the study area. Places of heritage potential are indicated with photographs provided illustrating the residential context.





### **Wardell Road:**

Both sides of Wardell Road are included in the study. Wardell Road is a busy through road commencing at a T-intersection with Daley Street behind the Main Street commercial area and continuing south over the railway bridge and then east to the village of Wardell.

The western side of the study area consists of residential properties from No. 3 at the Coral Street intersection in the north down to Nos. 1 and 3 in Norvell Grove. The eastern side extends from No. 26 at the Robertson Street intersection, opposite the Coles car parking area, down to No. 48, which is opposite Norvell Grove.

Despite the fact that this is one of the older roads in Alstonville, most of the residences appear recent constructions, generally appearing to date c.1980 onward with some towards the northern end c.1970s. The properties on this road and the road itself appear suitable for rezoning for duplex and triplex housing forms of one and two storey construction.

The older residences are of timber, No. 3 and No. 7 Wardell Road, both on opposite sides of Coral Street. Each of these residences may date to the early 1900s. No. 7 has a chimney visible above the metal roof sheets and this residence is set back further from Wardell Street than its neighbours, see overleaf. However, No. 3 has retained or possibly reconstructed early finishes and this residence presents as a more authentic and historic 1900s timber residence, see below. These corner properties in their landmark locations close to the existing heritage items should be excluded from rezoning.



**No. 7 Wardell Road note its increased setback compared to neighbours and note its chimney.**



**Views of the timber details on the residence at No. 3 Wardell Road, opposite Elizabeth Ann Brown Park.**

### Newbon Street

Only three residential properties were included in the study area: No. 1 – long blonde brick residence c. 1970s at the southern corner of Wardell Road. No. 2 and No. 3 are neighbours on the northern side with No. 3 extending around the corner with Mellis Circuit. These properties, c.1980s, do not appear as historical or heritage items and there is no heritage objection to a rezoning.

### Mellis Circuit

Mellis Circuit was previously Mellis Avenue and it ended near Nos. 26-28. Opposite No. 2 Mellis Circuit is the Alstonville Fire Brigade (outside of the study area). The Fire Brigade building has heritage potential for its c.1960s brick appearance. The residential properties in the study area, No. 2 to No. 20 appear to be recent constructions, c.1980s and later, with Nos. 2 to 10 comprising larger properties with larger dwellings and landscaping. They all appear to be well built brick single storey residences.

The leafy character of the northern end of Mellis Circuit and large well-built brick residences set back from the street form an attractive streetscape. Although the residences are not 'historic' in appearance, overall, the properties in between Robertson Street and Newbon Street qualify as having aesthetic qualities that contribute to the overall character and charm of Alstonville. On that basis it is recommended that the northern end of Mellis Circuit be excluded from rezoning for duplex and triplex housing forms of one and two storey construction. The area is shown on the map provided with this report, at **Annex A**.



View of the northern and more established end of Mellis Circuit.

### Coral Street

Coral Street runs west to east from the parkland bordering Maguires Creek at the west to the T intersection with Wardell Road. The residential allotments on the northern side are the only properties included in the study area. They are on the high side of the street, with allotments sloping down towards Coral Street. The allotments are generous in size and generally feature single storey brick residences, although there are single storey units (No. 39 and No. 37) and a number of raised or double storey homes. The earliest residences appear to date from the 1960s and 1970s, evidenced by aluminium sliding windows, flat roofs, and darker brick – see No 23. 1970s homes characterised by blonde brick shallow pitched tiled rooves and coloured awnings – see No. 29 and No. 37 and No. 7.





The 1980s homes appear characterised by blonde brick, arches and similar to the 1970s shallow pitched rooves – see No. 11, and Nos. 1 and 3. There also appear to be later constructions or the renovations appear as 1990s or later. There are six single storey brick units located at No. 3 and 4 at No. 1.

Mature street trees outside No. 35 are impressive and these trees blend with the small park and its plantings where there is a walkway connecting Coral Street to Cawley Cove. Apart from the mature street trees, no further heritage values were visible. It is recommended that the plantings are retained when the rezoning for duplex and triplex housing forms of one and two storey construction takes place.



Streetscape view to east from the end of Coral Street.



### The Avenue

The Avenue runs on a northeast to southwest line from Coral Street to Main Street. The study area encompasses residential properties on both sides of The Avenue extending down to Coral Street. In 2008 the Alstonville community based heritage study noted that “the present day streetscape of The Avenue also reflects the history of later decades, as demonstrated by the present day planted *tibouchinas* that line the street. These shrubs were planted in the late 1970s following the connection of the street to the town sewerage system and replaced camphor laurels planted in the early 1900s as shade trees.” However, in 2021 these shrubs were not evident, possibly a victim of drought.

A view of some of The Avenue residences with a heritage character are included overleaf. The residences within the study area in the northern part of The Avenue -and also Nos. 2 and 4 outside of the study area - display the historical appearance of older style timber buildings referred to by Council as characteristic of the village character of Alstonville.

The section of The Avenue incorporating Nos. 2 and 4 has commercial zoning – with no changes to their zoning proposed. These properties have been included in this report as contributing to the heritage character of The Avenue and for this reason are mentioned for inclusion in a proposed heritage conservation area. Further south along the street are residences which do not display historical or heritage aesthetics, notably with the large complex at No. 11 a retirement village, and the residences at Nos. 17, 18 and 19.

For this reason, only part of The Avenue has been recommended to Council for listing as a potential heritage conservation area (HCA), marked on the map attached at **Annex A**. This applies to the properties and current buildings at No. 2 to No. 16, on both sides of The Avenue and of course includes the existing heritage items. The addresses within the proposed HCA should be omitted from rezoning for duplex and triplex housing.



Views of the historical facades to residences at Nos. 10 to 16 The Avenue.



No. 3 The Avenue is the former Anglican manse and is an existing heritage item.

### Daley Street

Daley Street runs from The Avenue roughly west to east, and to the east becomes Main Street and then Ballina Road. For this project, only the southern side of the street at its western end was included in the study area; a total of nine properties. The southern side of the street backs onto the Anglican church property facing The Avenue which is at No. 6 The Avenue.

At the corner with Wardell Road and Daley Street, the property at No. 9 Daley Street, despite a fence and garden landscaping making the residence hard to see, does display some heritage aesthetics in the residence's timber façade. Next door No. 7 is a recently constructed brick bungalow, however, Nos. 5a to 5c, No. 3 and No. 1B are older style dwellings which have a similar appearance and are in keeping with the timber façade at No. 5B.

Photographs of the Daley Street residences are included overleaf.



No 1B is a recent construction, also in a heritage format and complements its neighbours to its east. No. 1A is located behind 1B and this property is not visible from the street. Accordingly, only the properties at Nos 9 to 1B have been proposed for exclusion from rezoning for duplex and triplex housing forms of one and two storey construction, with a recommendation made for their inclusion in a Daley Street heritage conservation area. They are shown on the map attached at **Annex A**.



No. 7 Daley Street is recent, No. 9 (at far left) is a timber residence with heritage aesthetics.



The driveway to No. 5A Daley Street, with 5B and 5C at far right.



No. 3 Daley Street is hardly visible behind the picket fence and hedge.



View of 5C Daley Street and the complementary fence and roofline of No. 3.



No 1B Daley Street, note the white picket fence.



No. 1A Daley Street, behind No. 1B and not visible from the street.

### ***Heritage Criteria***

For the purposes of this succinct heritage assessment of various residences and streetscapes, we have drawn on the heritage assessment criteria and guidelines provided by Heritage NSW and based on The Burra Charter. The *Burra Charter: Australia ICOMOS Charter for Place of Cultural Significance* is the widely accepted reference document for heritage conservation standards in Australia.

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians. It contains a set of thirty-four principles, defined as Articles, which can be directly applied for management of heritage items, or places. The definition of 'place' used throughout the *Burra Charter* means *site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views*.

The Burra Charter notes that cultural significance of a place is embodied in its physical fabric, settings, contents, use, associated documents and its meaning to people through their use and associations with the place. Its cultural significance and issues affecting future use are best understood by a methodical process of collecting and analysing information prior to making decisions.

NSW Heritage have issued guidelines and seven criteria for assessing significance, based on the Burra Charter and they are applied for assessing heritage significance for a place / item:

<b>Criteria A; historical</b>	An item is important in the course or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area);
<b>Criteria B; associational</b>	An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW' cultural or natural history (or the cultural or natural history of the local area);
<b>Criteria C; aesthetic, creative or technical</b>	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
<b>Criteria D; social values</b>	An item has strong or special associations with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons
<b>Criteria E; scientific or archaeological value</b>	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
<b>Criteria F; rarity value</b>	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
<b>Criteria G; representative value</b>	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural and natural environments

If an item is assessed as meeting one or more of the above criteria, it is eligible for heritage status or at least further investigation to explore its heritage significance.

Although an extensive assessment is outside the scope of this project, there were two properties that at least visually met criteria **(a) historical** and **(c) aesthetic** above.

There were also two streets that, from their streetscape generally and given the housing stock located there, also meet both of these criteria.



### **Heritage Potential**

#### **1. Potential heritage items – there are only two identified within the study area.**

- **No. 5 The Avenue** - both lots comprising this property, see images overleaf; and
- **No. 3 Wardell Road** – see images at page 4 of this report. A brief discussion with an Alstonville Plateau Historical Society representative also confirmed they have noted the historical appearance of this property. They can provide historical information upon request.



Left; façade views of the residence, garden and fence of 5 The Avenue. Right; the former Anglican rectory at No 3 (which is an existing heritage item) is visible at far right.



Left; the northern elevation of the house with driveway to rear shed/garage.  
Right; southern elevation shows original elements and later added aluminium windows.

#### **2. Proposed Heritage conservation areas**

There were two areas identified as potential heritage conservation areas for Alstonville within the study area. These are clearly indicated on the aerial photograph attached at **Annex A**. They both incorporate historical properties and as a collective, their streetscapes also meet at least criteria (a) historical, (c) aesthetic and (g) representative heritage values.

The areas are:

- **The Avenue**, comprising properties on the northern side from No. 1 to 5 only. On the opposite and southern side of The Avenue properties from No. 2 (outside the study area but adjoining it) to No. 16. The street tree plantings of mature Poinsettia trees outside No.6 and No. 12 are to be included. See site photographs below.
- **Daley Street**, both sides of Daley Street from No. 2 to No. 8 on the northeast and No. 1B to No. 9 on the southern side – excluding No. 1A as per the discussion above.

Both of these proposed heritage conservation areas begin or end at existing heritage items - St Bartholomew's Anglican Church (timber), now the Op Shop, and Elizabeth Ann Brown Park and Crawford House. Both proposed heritage conservation areas fit the character of local heritage significance for Alstonville; as they are a group of dwellings and other buildings with street trees, which taken together, illustrate an aspect of town development that has a special historical (early 1900s) town character indicative of Alstonville and which is highly attractive and of high value in the district.



Existing heritage items at 6 The Avenue with Poinsettia street planting.



Nos. 12-16 The Avenue with Poinsettia street tree. These addresses are recommended as part of a heritage conservation area.



Although outside of the study area and with a commercial zoning, the above historical residences at 2 and 4 The Avenue should be considered for inclusion in the heritage conservation area.



No. 5B and C Daley Street displays heritage potential in its façade and fencing.



No. 1B 'Craven Cottage' is adjacent to No. 3 and while recent, has complementary façade elements and the white picket fence.



### **Recommendations and Conclusion**

In conclusion, the findings of this heritage assessment are shown in the map at **Annex A**. Out of the seven streets included in the study area, there are two recommended new heritage items and two recommended heritage conservation areas considered to be of importance for Alstonville. It is also suggested that the mature Poinsettia street tree plantings, thought to be c.50 years old and located on Robertson Street and on The Avenue should be given heritage or environmental protection as they contribute in an important way to the Alstonville village character.

Individual street summaries are included below:

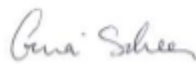
Wardell Road (incl Norvell Grove)	No rezoning for existing heritage items and exclude two properties - 3 and 7 Wardell Road -from rezoning as they have heritage potential. Recommend local heritage listing for 3 Wardell Road. It appears as an intact or refurbished early 1900s timber residence with metal roofing. 7 Wardell Road could be a potential heritage item with further research required to determine its history.
Mellis Circuit	Retain the leafy character and large single storey residences at No. 2 to 10. Retain large mature street tree outside No. 14.
Newbon Street	No recommendations in relation to heritage.
Coral Street	Retain the mature street trees outside No. 35.
The Avenue	No rezoning for heritage items or for the heritage conservation area recommended for the majority of the street – see map at Annex A.
Daley Street	As above.

There a few additional recommendations for Ballina Shire Council relating to heritage and Alstonville in relation to this small assessment and they are:

- Ballina Shire Council to consider applying for heritage funding to either undertake a heritage study to include these areas or alternatively, consider engaging a heritage advisor for Council to assist residents and Council planners with heritage obligations.
- Ballina Shire Council to consider updating the Development Control Plan with more heritage information pertinent to Alstonville. It is suggested that a separate chapter would be the best way to address guidelines and controls and maps for Alstonville.

If we can assist you with any further information in relation to any of the above, please do not hesitate to contact us.

Yours sincerely,



Gina Scheer  
Principal Archaeologist and Heritage Consultant

**Annex A – Map is included.**





## Annexure A - Map



Figure 1  
Alstonville R2-R3 Zone Expansion  
Local Heritage Assessment

### Legend

- Large Towns & Cities
- Roads
- Lot
- study\_area
- Potential Heritage Items
- Proposed Heritage Conservation Areas
- Listed Items
- No Rezoning

## **Appendix 3 – Maps**

**TBC**

## Appendix 4 – Section 9.1 Directions Checklist

Section 9.1 Directions Checklist Planning Proposal – Alstonville R3 zone	
Direction No.	Compliance of Planning Proposal
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	Does not apply to planning proposal.
1.2 Rural Zones	Does not apply to planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Land	Does not apply to planning proposal.
<b>2. Environment and Heritage</b>	
2.1 Environmental Protection Zones	Consistent. The planning proposal does not involve the development of land identified as being of environmental significance.
2.2 Coastal Management	Does not apply to planning proposal. The land is not within the coastal zone.
2.3 Heritage Conservation	Consistent. Ballina LEP 2012 contains heritage provisions – refer clause 5.10 Properties listed as items of the Environmental Heritage within Schedule 5 of Ballina LEP 2012 have been excluded from this planning proposal. Appendix 6 contains an extract from the Ballina LEP 2012 Heritage Map. A local heritage assessment has also been undertaken (Refer Appendix 1). Properties identified as having heritage potential, as referenced in Table 1 of this planning proposal, have been excluded from this planning proposal. It is not proposed as part of this planning proposal to list additional heritage items within Schedule 5 of LEP 2012 or to create a heritage conservation area.
2.4 Recreation Vehicle Areas	Consistent. The planning proposal does not involve the development of land for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.
2.6 Remediation of Contaminated Land	Consistent The land the subject of this planning proposal is already zoned R2 Low Density Residential. Existing dwellings are located upon the land. The matters required to be considered by the Managing Land Contamination Planning Guidelines have been considered (Refer to answer at Q5)

Section 9.1 Directions Checklist Planning Proposal – Alstonville R3 zone	
Direction No.	Compliance of Planning Proposal
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Consistent. This planning proposal will result in increased potential for housing choice, and make more efficient use of existing infrastructure and services. It also reduces the demand for greenfield residential rezoning on the Alstonville Plateau. Good design will result as a consequence of adherence to Ballina Shire DCP 2012 Chapter 4 or alternatively the Housing Codes contained in the Exempt and Complying Development SEPP.
3.2 Caravan Parks and Manufactured Home Estates	Consistent.
3.3 Home Occupations	Revoked.
3.4 Integrated Land Use and Transport	Consistent.
3.5 Development Near Regulated Airports and Defence Airfields	Does not apply to planning proposal. The land is not near a regulated airfield.
3.6 Shooting Ranges	Does not apply to planning proposal.
3.7 Reduction in non-hosted short term rental accommodation period	Does not apply to planning proposal.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	Does not apply to planning proposal. The land is not mapped as containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flooding	Does not apply to planning proposal. The land is not identified as being flood prone.
4.4 Planning for Bushfire Protection	Does not apply to planning proposal. The land is not bush fire prone land.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Revoked
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply to planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Revoked.

<b>Section 9.1 Directions Checklist</b> <b>Planning Proposal – Alstonville R3 zone</b>	
<b>Direction No.</b>	<b>Compliance of Planning Proposal</b>
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Revoked.
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire.
5.10 Implementation of Regional Plans	Consistent. No inconsistencies with the North Coast Regional Plan 2036 have been identified.
5.11 Development of Aboriginal Land Council land	Does not apply to this planning proposal.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land reserved for public purposes.
6.3 Site Specific Provisions	Consistent. No site specific provisions are proposed.
<b>7. Metropolitan Planning</b>	
7.1 to 7.13	These Directions do not apply to Ballina Shire.



## Appendix 5 – Council Reports

### 8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

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#### 8. Planning and Environmental Health Division Reports

### 8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

<b>Section</b>	Strategic Planning
<b>Objective</b>	To invite Council to initiate an LEP amendment to enable an expansion of the R3 Medium Density Residential zone in Alstonville and seek direction on the submission of the planning proposal for Gateway determination.

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#### Background

At the December 2017 Ordinary meeting, Council resolved to adopt the Alstonville Strategic Plan 2017 - 2037 (ASP) and the Alstonville Planning and Environmental Study (APES).

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

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

An action which assists in meeting this objective is identified as Strategic Action No.10, which states:

*Initiate a planning proposal for the rezoning of certain R2 Low Density Residential Areas to R3 Medium Density located to the south-west of the Alstonville commercial centre as identified in the Alstonville Planning and Environmental Study.*

The ASP provides the following rationale for the above action:

*Planning for an increase in permitted densities should occur in the short term before dwelling stock is renewed and opportunities are lost. This proposal relates to 6.6ha of land or approximately 90 properties located in Wardell Road, Coral and Daley Streets and The Avenue.*

*The proposed 1 dwelling per 200m<sup>2</sup> of site area density provision is also proposed to apply to this area once rezoned.*

The Strategic Action, and the recommended R3 zoning, applies to existing lots fronting Daley Street, The Avenue, Coral Street and Wardell Road, located in easy walking distance to the Alstonville Village Centre.

## **8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion**

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Having previously endorsed this action in its adoption of the ASP, the purpose of this report is to seek Council's authorisation to initiate a planning proposal to rezone certain lots from R2 Low Density Residential zone to R3 Medium Density Residential zone.

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

Draft amendments to the Ballina Shire Development Control Plan are also proposed should the Council support the attached planning proposal.

The amendment would incorporate the rezoning area within the Alstonville Dwelling Density Map at a proposed density of 1 dwelling per 300m<sup>2</sup> of site area.

The Alstonville Planning and Environmental Study recommended a density of 1 dwelling per 200m<sup>2</sup>, however a density of 1 dwelling per 300m<sup>2</sup> is applicable to existing Alstonville R3 zoned areas and is therefore considered more suitable for this proposed new R3 area.

Special area DCP controls are also recommended to be included for part of the subject area to be rezoned as R3, located on the southern side of Daley Street, and the existing R2 area on the eastern side of The Avenue, to ensure that future development in this residential area reflects and respects the existing character and heritage significance of the locality.

Suggested DCP controls are contained in Attachment 2.

The purpose of this report is to seek direction on the progression of the proposed zoning changes and associated DCP amendments.

### **Key Issues**

- Implementing Alstonville Strategic Plan 2037
- Housing choice initiative
- Consistency with strategic planning intent
- Recognition of heritage values.

### **Discussion**

#### *Alstonville Strategic Plan 2017 – 2037*

The planning proposal contained in Attachment 1 has been prepared as a result of an adopted action within the Alstonville Strategic Plan 2017 - 2037.

The Alstonville Planning and Environmental Study (APES) initially identified approximately 90 properties (6.6ha) as being potentially suitable for an R3 zoning.

Figure 1 shows by red outline the area identified in the APES as a candidate R3 medium density residential zoned area.

## 8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion



**Figure 1 – 2017 APES Candidate R3 Medium Density Residential Zone Area**

### *Heritage Considerations*

A local heritage assessment has been undertaken by consultants Virtus Heritage. The assessment is contained within Attachment 3. Consideration has also been given to Council's 2008 Community heritage Study.

Council commissioned the heritage assessment to determine whether any properties in the area identified by red outline in Figure 1 have local heritage value. Following consideration of the heritage assessment report, the area proposed for rezoning has been reduced as indicated in Figure 2 below.



**Figure 2 – Area proposed for R3 zoning following heritage assessment.**

### 8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

The properties excluded from the area initially identified in the 2017 APES are detailed in the table below together with the reasons for exclusion.

Property category removed from candidate R3 area	Property Description	Reason
Items of the environmental heritage in Schedule 5 of Ballina LEP 2012.	<p>Item I24 - St Bartholomew's Anglican Church (timber) No. 1 The Avenue, (was Lot 1, DP 1152916, now Lot 297 DP 1257853)</p> <p>Item I25 - St Bartholomew's Anglican Church Manse, No. 3 The Avenue, (was Lots 39 – 41, Section 1, DP 4536 now Lot 296 DP 1257853)</p> <p>Item I26 - St Bartholomew's Anglican Church (stone), No. 6 The Avenue, Lot 1 DP 939215</p>	Properties considered to have no medium density redevelopment potential due to heritage listing.
Properties recommended as potential heritage items by heritage consultant in 2021 heritage assessment.	<p>No. 3 Wardell Road, Lot 88 DP 240225</p> <p>No. 7 Wardell Road, Lot 1 DP 35468</p> <p>No. 5 The Avenue, Lots 42 &amp; 43, Section 1, DP 4536 (Previously a maternity hospital c.1921)</p>	Properties require further assessment, and consultation with property owners prior to further consideration of land rezoning.
Certain properties within recommended heritage conservation area, and with previously assessed heritage potential (Draft Shire Wide Community Based Heritage Study 2008)	<p>No. 10 The Avenue, Lots 12 &amp; 13, Section 2, DP 4536</p> <p>No. 12 The Avenue, Lot 14, Section 2, DP 4536</p> <p>No. 14 The Avenue, Lot 15, Section 2, DP4536)</p> <p>No. 16 The Avenue, Lots within SP 68024</p>	Properties contain older style timber dwellings. These properties were previously nominated (2008 draft Heritage Study) for inclusion within a The Avenue heritage conservation area.



## 8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

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The heritage consultant recommended that properties on both sides of Daley Street and properties located on the eastern side of The Avenue be excluded from the R3 Medium density zoning and that they should be included in a new Heritage Conservation Area.

Properties on the eastern side of The Avenue were previously nominated as significant residential streetscapes in the 2008 draft Heritage Study.

Given this, the properties at 10 to 16A The Avenue, currently zoned R2 Low Density Residential and containing original timber dwellings, have been excluded from the proposed R3 zoning area. Also removed is 5 The Avenue as indicated in the table above.

An extract from the 2008 draft Heritage Study appears below (pp89, 93 and 95):

*The schedule of the shire's historic houses in the table below demonstrates that its historic iron and timber houses are not only of aesthetic heritage significance, but they represent important aspects of the shire's social history. Further investigation of many of these houses may also reveal other heritage values.<sup>1</sup> The significance of some of these houses also lies in what they represent or demonstrate as a class or group of items. Two historic residential areas in the shire have been identified as proposed conservation areas. The areas are proposed because they demonstrate a mix of historic timber housing types and of different eras, as well as other features that contribute to their historic aesthetic character or appearance, e.g. low timber and brick fencing and a uniform setback. This pattern of streetscape is representative of a 'typical' residential streetscape that is becoming increasingly rare in the shire. In addition to historic appearance, the individual houses incorporated in these streetscape areas have potential to reveal other values as individual items. These areas as shown in the table below are on Ballina Island and in Alstonville.*

*Alstonville's The Avenue developed in the late 1890s and early 1900s. The northern end of the Avenue boasts several Federation style houses that have seen some additions, but on the whole retain important original fabric. These buildings date from the early 1900s and are good examples of Federation architecture and in a village setting. Among these houses also is the original Anglican Rectory and a former maternity hospital. Other houses too reveal different facets of the town's social history. Other timber housing on the eastern side of The Avenue is more modest in nature, but nonetheless these are 'older style' timber houses (that tell their own story) and as importantly contribute to the overall historic character of the streetscape. The Avenue also includes St Bartholemew's original timber church and the, later built, stone church.*

The 2008 draft Heritage Study did not nominate properties within Daley Street as being within a proposed heritage conservation area.

Whether an area should be incorporated within a proposed heritage conservation area has broader implications, which extends well beyond the properties nominated. There are currently no heritage conservation areas within the shire. If Council now sees value in creating such areas then it is suggested that a shire wide approach be adopted.

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<sup>1</sup> Davison, Graeme, in Troy, Patrick (ed.), *European Housing in Australia*, Cambridge University Press, 2000, pp. 6-25. Davison talks about the different housing styles found among English, Scottish and Irish in Colonial Australia.



## **8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion**

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It is recommended that the properties located on the southern side of Daley Street, currently zoned R2 Low Density Residential, be included in the proposed rezoning to R3 Medium Density Residential, with additional Special Area controls to be added to the residential chapter of Ballina Development Control Plan 2012 (Attachment 2).

The Special Area controls will ensure that future development of this locality will be sympathetic to the character and form of the existing streetscape, complementing the heritage character of The Avenue and Main Street.

These Special Area Controls would also apply to the R2 zoned lots on the eastern side of The Avenue, which currently contain dwellings that provide a positive contribution to the character of this area.

### *Proposed Rezoning*

Properties with more obvious heritage value have been excluded from the proposed R3 zone.

It is open to Council to also remove the R2 zoned residential properties on the southern side of Daley Street from the attached planning proposal, but this has not been recommended for the following reasons:

- This area was not previously nominated in the more in depth and detailed 2008 draft Heritage Study.
- Since 2008, Daley Street has undergone further changes through building demolition and rebuilding. Such action, it is considered, further reduces its value as a heritage conservation area.
- There are more significant areas warranting heritage assessment and potential listing as conservation areas and items of local heritage value than the dwellings in Daley Street.
- Special Area controls can be implemented in the DCP to protect the local streetscape character.

Attachment 4 contains various photos of the dwellings referenced within this report and located in The Avenue, Daley Street and Wardell Road.

As a consequence of the removal of some properties from the 2017 candidate R3 zoned area, the area impacted by this planning proposal has been reduced from approximately 6.6ha to 5.5ha, encompassing 64 lots fronting Coral and Daley Streets, The Avenue, Wardell Road and Newbon Street.

The provision of additional R3 zoned areas within close proximity to the Alstonville commercial centre, as detailed in the planning proposal contained in Attachment 1, is consistent with the strategic objectives of the Alstonville Strategic Plan, Council's Growth Management Strategy, Council's Local Strategic Planning Statement and the State Government's North Coast Regional Plan.

The proposed amendment also includes associated changes to minimum lot sizes for subdivision to apply an 800m<sup>2</sup> standard to the proposed R3 zoned areas (up from 600m<sup>2</sup>) to match the standard for medium density zoned land elsewhere in Alstonville.

## **8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion**

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Council is invited to endorse the attached planning proposal for referral to NSW Department of Planning Industry and Environment for a Gateway determination.

Following the Gateway determination, the planning proposal and associated draft DCP amendments would be placed on public exhibition.

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

### **Delivery Program Strategy / Operational Plan Activity**

The implementation of the Alstonville Strategic Plan aligns with the 2021/ 2025 Delivery Program and Operational Plan activity HE3.1b, which relates to the implementation of place based strategic plans.

### **Community Consultation Policy**

In accordance with the provisions of Council's Community Consultation Policy the planning proposal, and associated amendments to the DCP are considered to be a local and potentially moderate level impact.

Council's Community Participation Plan, therefore, requires that the planning proposal be made publically available for a minimum 28 day exhibition period.

Consultation will be required to be undertaken in accordance with legislative requirements.

The notice requirements, and material to be publically displayed, are as specified in the NSW Government's *Guide to preparing local environmental plans*.

### **Financial / Risk Considerations**

The progression of the planning proposal to public authority and agency consultation and public exhibition will be undertaken utilising existing resources within the Strategic Planning section.

In terms of risk management it is considered that this planning proposal has an overall low risk profile.

The planning proposal process, including the requirement to obtain a Gateway determination from the Department of Planning Industry and Environment, further reinforces the low risk profile by introducing a system of checks and balances.

### **Options**

*Option 1 – Progress the planning proposal by seeking a Gateway determination*

This is the preferred option.

## **8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion**

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In summary the LEP amendment involves changing the zoning of R2 Low Density zoned land to R3 Medium Density zone consistent with the intent of the Alstonville Strategic Plan. The planning proposal also includes associated amendment to minimum lot sizes for subdivision to apply an 800m<sup>2</sup> standard to the proposed R3 areas (up from 600m<sup>2</sup>) to match the standard for medium density zoned land elsewhere in Alstonville.

The assessment of the area's heritage value has resulted in some sites being removed from the original 2017 proposed rezoning area. This does not mean that the properties removed have sufficient value to be nominated as items of local heritage value. A more detailed evaluation process would be required to be undertaken before any listing of properties within Schedule 5 of Ballina LEP 2012 can occur.

Should a favourable Gateway determination be granted, this option would also include the concurrent exhibition of draft amendments to Ballina DCP 2012 that seek to ensure that future development on the south side of Daley Street and eastern side of The Avenue considers and respects the character and heritage significance of the locality.

*Option 2 – Amend the planning proposal prior to seeking a Gateway determination.*

It is open to Council to remove additional properties from being zoned R3 or to add in additional properties.

For example, Council may consider that properties on the southern side of Daley Street should not form a part of this planning proposal due to perceived potential heritage impacts. For the reasons indicated in this report, such an approach is not recommended.

*Option 3 – Cease the Planning Proposal Process*

Council could resolve not to submit the Alstonville R3 zone planning proposal to the Department of Planning Industry and Environment for a Gateway determination. If this occurred, it would end the planning proposal process.

If Council supports this option then it is suggested that it also resolves to amend the Alstonville Strategic Plan, at the next scheduled review period, so as to delete Strategic Action No 10.

At this time it is considered that there are no compelling reasons which would suggest that the planning proposal not be submitted for a Gateway determination.

*Option 4 - Defer consideration of the planning proposal.*

Should Council require further information then it could defer the planning proposal for a briefing and or an on-site inspection of the affected area.

If a briefing is considered beneficial, it is recommended that this be held at the conclusion of the public exhibition period to enable examination of submissions received as part of the consideration of the planning proposal.

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**8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion**

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**RECOMMENDATIONS**

1. That Council endorses the Alstonville R3 Zone Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning Industry and Environment for a Gateway determination.
2. That upon an affirmative Gateway determination being received from the Department of Planning Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
3. That draft amendments to the Ballina DCP 2012 be exhibited concurrently with the Planning proposal, including:
  - Special Area Controls to be included in Chapter 4 – Residential & Tourism development as contained in Attachment 2 to this report, and
  - A Dwelling Density Map to nominate a dwelling density of 1 dwelling per 300m<sup>2</sup> of site area for the area subject to the planning proposal.
4. That the Department of Planning Industry and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.
5. That the planning proposal and draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.

**Attachment(s)**

1. Planning Proposal - Alstonville R3 Zone
2. Draft Special Area DCP Provisions - Alstonville R3 Planning Proposal
3. Heritage Assessment Report - Alstonville R3 Planning Proposal
4. Alstonville Dwelling Photos - Alstonville R3 Planning Proposal



**8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion**

**281021/12 RESOLVED**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the Alstonville R3 Zone Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning Industry and Environment for a Gateway determination.
2. That upon an affirmative Gateway determination being received from the Department of Planning Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
3. That draft amendments to the Ballina DCP 2012 be exhibited concurrently with the Planning proposal, including:
  - Special Area Controls to be included in Chapter 4 – Residential & Tourism development as contained in Attachment 2 to this report, and
  - A Dwelling Density Map to nominate a dwelling density of 1 dwelling per 300m<sup>2</sup> of site area for the area subject to the planning proposal.
4. That the Department of Planning Industry and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.
5. That the planning proposal and draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.
6. That Council receive a report on the review of the heritage planning framework for the Shire.

## Appendix 6 – Gateway Determination



Planning,  
Industry &  
Environment

### Gateway Determination

**Planning proposal (Department Ref: PP-2021-6553): to rezone certain lands at Alstonville to R3 Medium Density Residential and amend the associated minimum lot size**

I, the Director, Northern Regions at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to rezone certain lands at Alstonville to R3 Medium Density Residential and amend the associated minimum lot size should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
2. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.

5. The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.

Dated 22 day of November 2021.

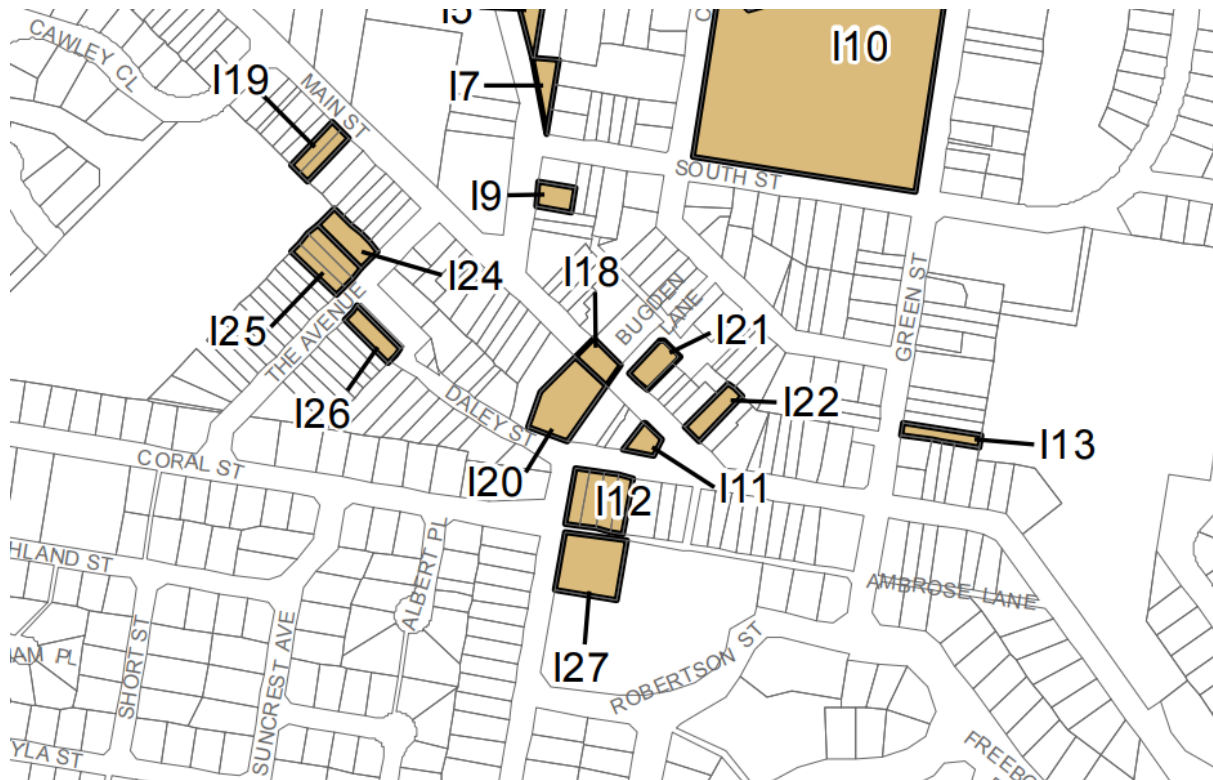


Craig Diss  
Acting Director, Northern Region  
Local and Regional Planning  
Department of Planning, Industry and  
Environment

Delegate of the Minister for Planning  
and Public Spaces

## Appendix 7 – Alstonville Heritage Items (Ballina LEP 2012)

Extract from Ballina LEP 2012 Heritage Map 0250\_COM\_HER\_002A\_020\_20121106



Heritage Items within the R3 investigation area:

- |             |   |
|-------------|---|
| Item No I24 | St Bartholomew's Anglican Church (timber),<br>1 The Avenue, Lot 1, DP 1152916           |
| Item No I25 | St Bartholomew's Anglican Church Manse,<br>3 The Avenue, Lots 39–41, Section 1, DP 4536 |
| Item No I26 | St Bartholomew's Anglican Church (stone),<br>6 The Avenue, Lot 1, DP 939215             |

All the above items are of local significance.