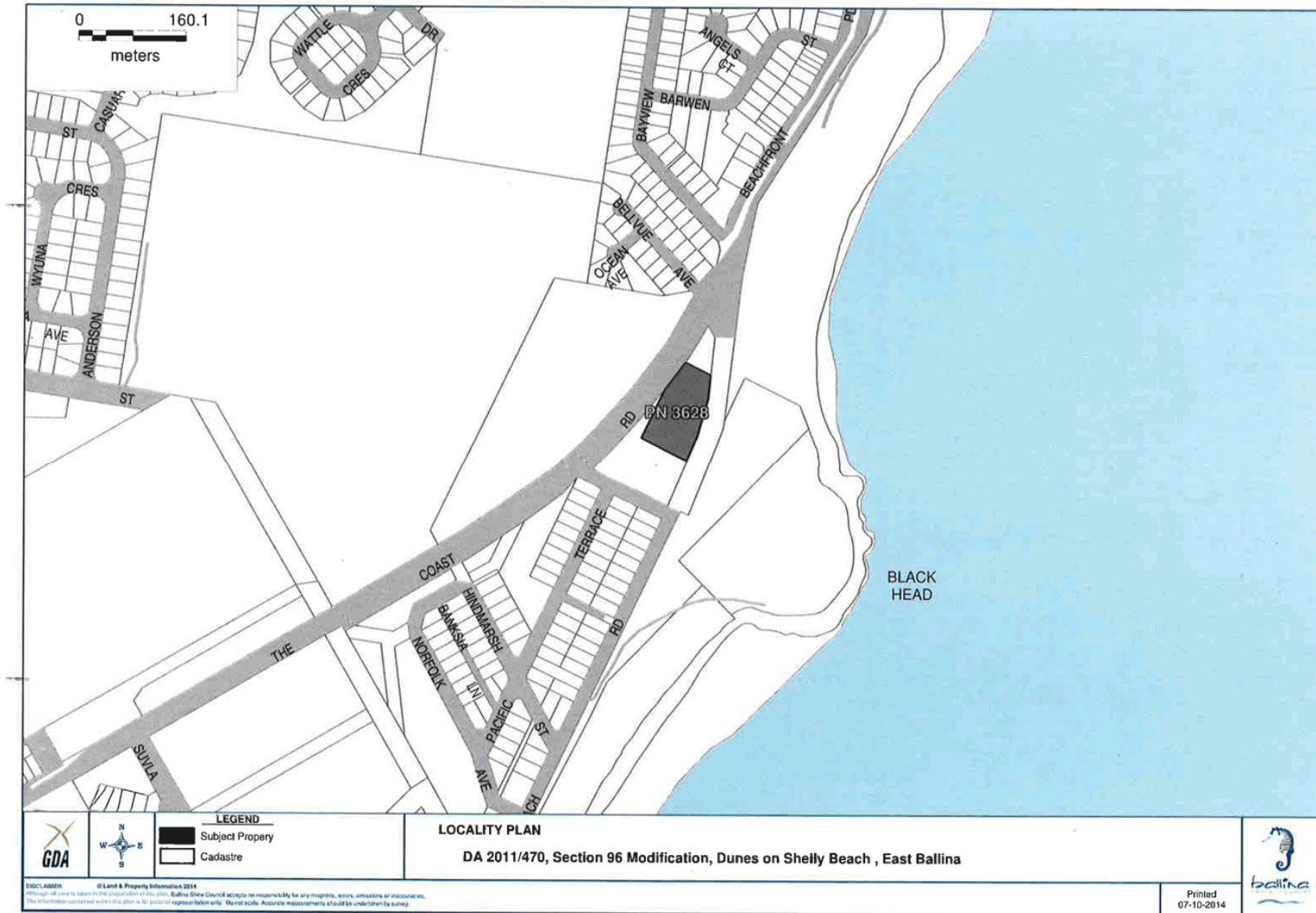
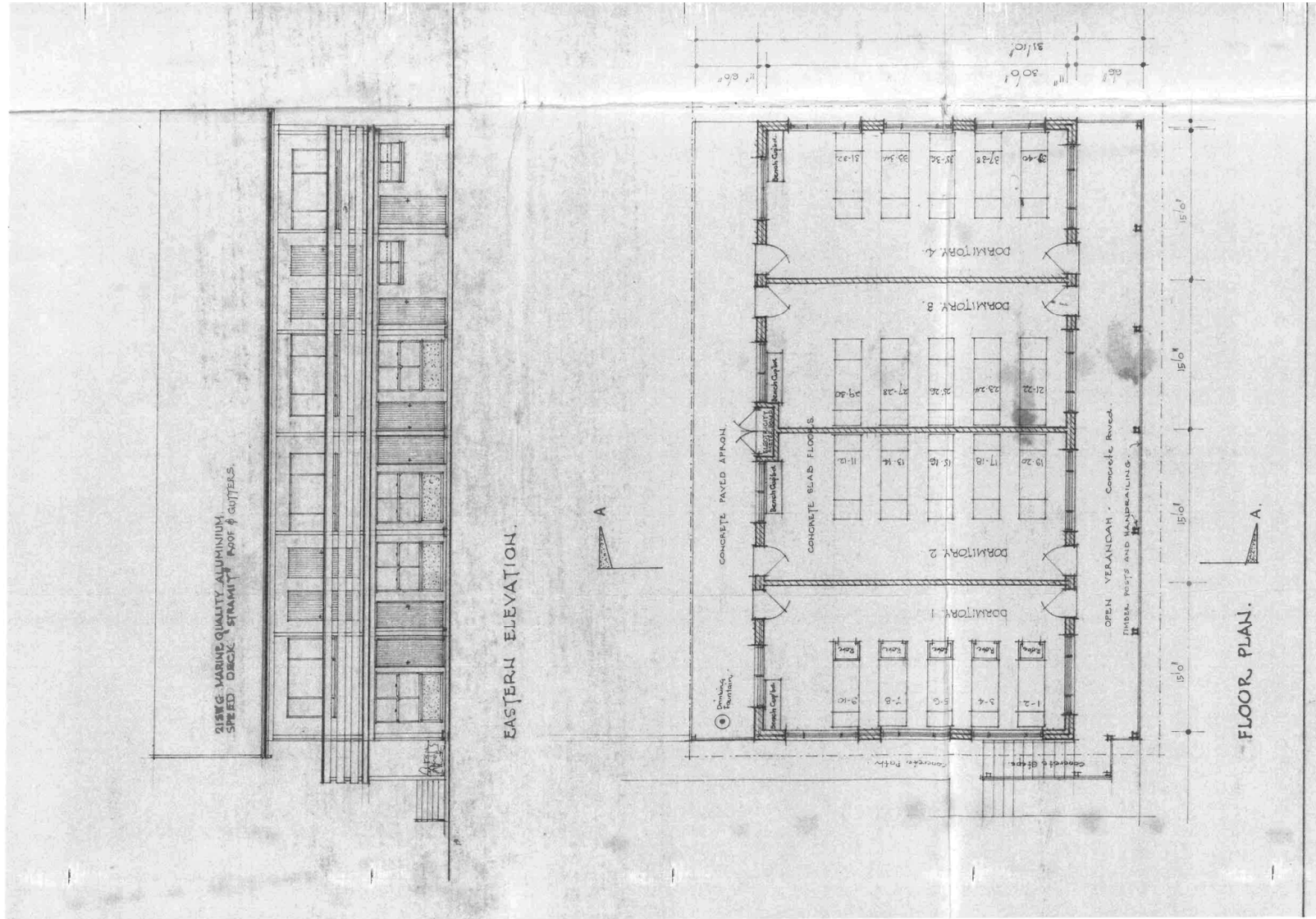


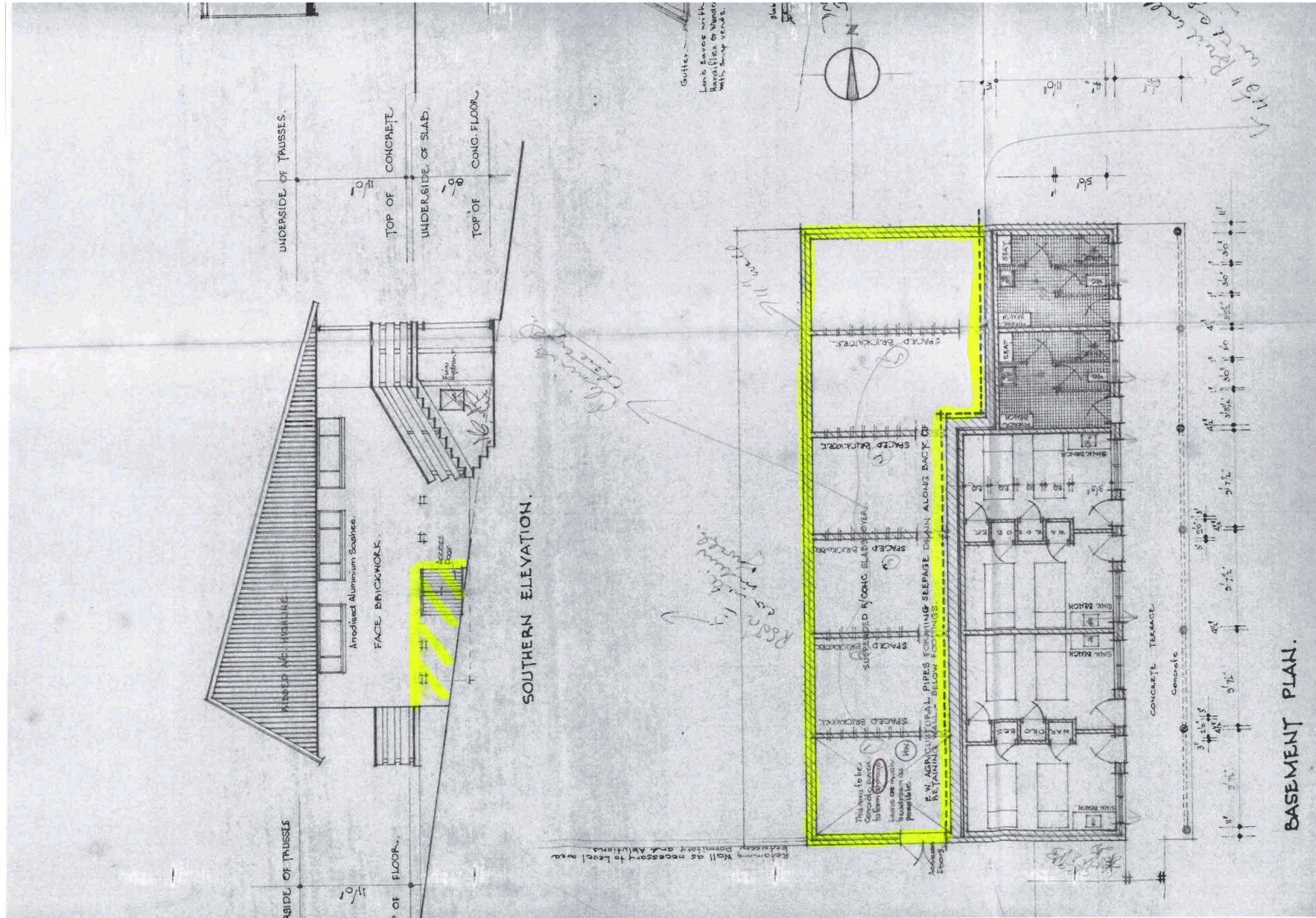
8.2 **DA 2011/470 - Dunes on Shelly Beach, East Ballina - Section 96.DOC**



8.2 DA 2011/470 - Dunes on Shelly Beach, East Ballina - Section 96.DOC



8.2 DA 2011/470 - Dunes on Shelly Beach, East Ballina - Section 96.DOC





2. THE SITE & ITS ENVIRONS

2.1 CADASTRAL DESCRIPTION

The subject site is described in real property terms as Lot 1 in Deposited Plan No.781525. The site has an area of 8170 square metres.

2.2 SITE HISTORY

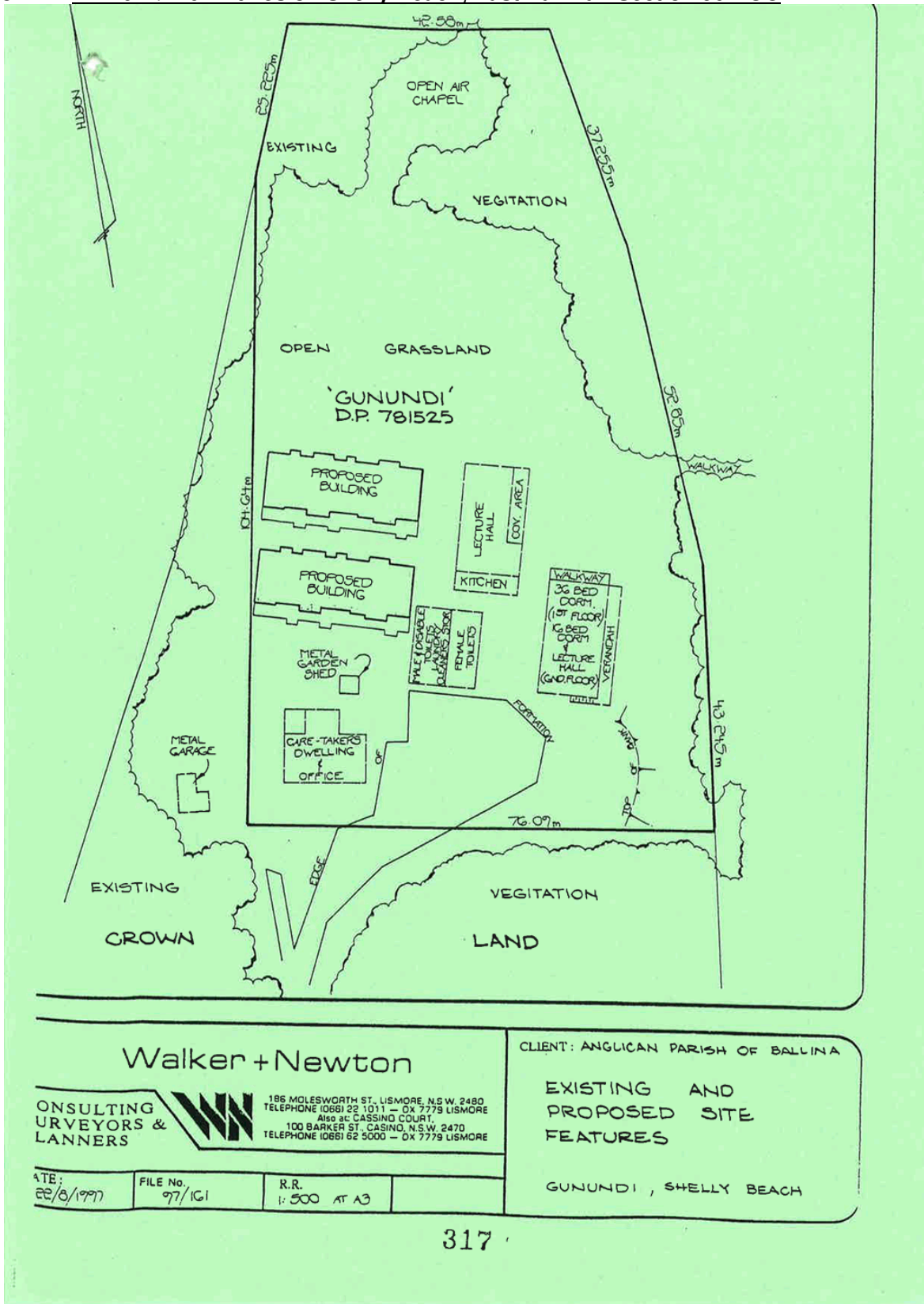
The site was purchased from the Crown in about 1960 and at that time, enjoyed limited pedestrian access along its eastern boundary from a track formed on Shelly Beach Road.

During 1962 to 1964 four disused buildings were moved to the site from a sawmill near Rappville. These timber buildings were reassembled on the site to form a caretakers residence and three dormitories. These buildings were brought to the site via the current access.

In approximately 1965 the toilet block was constructed to service the dormitories. This toilet building was then augmented by the kitchen and lecture hall in about 1969.

In the late 1970's the three original dormitories were removed and the current brick building housing 4 x 4 bed dormitories, 4 x 12 bed dormitories and an additional lecture hall were constructed.





Walker + Newton

CONSULTING
SURVEYORS &
PLANNERS



186 MOLESWORTH ST., LISMORE, N.S.W. 2480
TELEPHONE (0661) 22 1011 - DX 7778 LISMORE
Also at CASSINO COURT,
100 BARKER ST., CASINO, N.S.W. 2470
TELEPHONE (0661) 62 5000 - DX 7779 LISMORE

CLIENT: ANGLICAN PARISH OF BALLINA

EXISTING AND
PROPOSED SITE
FEATURES

GUNUNDI, SHELLY BEACH

DATE:
22/8/1997

FILE No.
97/161

R.R.
1:500 AT A3

317



Dunes on Shelly Beach Pty Ltd

16 September 2014

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

Attention: Mr Anthony Peters

Dear Sir

RE: S96(1) Modification Application 2011/470 Dunes on Shelly Beach, 70 Shelly Beach Road, East Ballina

In December 2010 my wife and I purchased "Gunundi" from the Anglican Church. As at the date of acquisition the use of the premises was as follows:

- Cottage
 - Construction;
Brick/veneer, cement tile roof;
 - Accommodation;
3 bedrooms, lounge/ dining area, kitchen, bathroom, laundry;
 - Size; approximately 128m² plus 13.8m² of terrace.
- Ablutions Block
 - Construction;
Brick, Skillion roof, shower and toilet areas tiled;
 - Accommodation;
Male and female showers (12), WC's (11), laundry and storage area.
 - Size; approximately 139m²;
- McGregor Hall – 265 person Conference Centre
 - Construction;
Brick, Skillion roof, shower and toilet areas tiled,
Kitchen and dining hall;
 - Size; approximately 185m² plus 31m² open verandah.
- J.V. Robinson Block
 - Construction;
Brick, Skillion Roof;
 - Accommodation;
62 beds
 - Size; approximately 367m² over both levels, upper deck 80.14m².

Dunes on Shelly Beach 0266869014 enquiries@dunesonshelly.com.au www.dunesonshelly.com.au
70 Shelly Beach Road East Ballina NSW 2478



Dunes on Shelly Beach Pty Ltd

We renamed the establishment "*Dunes on Shelly Beach*" and set about a program of refreshing the establishment which had been let run down a little by the Anglican Church. We repainted, replaced bedding, undertook landscaping works and began a marketing program to rebrand and re-launch the site as a contemporary function centre type facility.

In our eagerness to get the revitalised facility up and going we inadvertently overstepped the mark in terms of town planning matters and were served with a notice to stop certain onsite work. Following this notice we arranged for a Development Application to be lodged with the Council to formalise certain existing works and undertake some additions comprising:

- An open elevated deck area immediately north and attached to the Dormitory Building (with associated ramp);
- A volleyball court & children's playground immediately east and southeast of the Dormitory Building;
- Roof awning extensions attached to the north and east of the Conference Centre Building;
- Bollard strip/line north of the existing Caretaker's Dwelling;
- Retaining walls (rock) north of the Dormitory Building; and
- The removal of an internal wall and provision of a bar facility and cool room within the Conference Centre Building.

Development Application 2011/470 was issued on the 21st June 2012, that consent required monetary conditions of \$80,155.29. We were confused in relation to the development contributions applied to the consent and in August 2012 we instructed SJ CONNELLY CPP PTY LTD to request further information from Council in relation to the calculation of the contributions. By letter dated 27th August 2012 Council provided a revised assessment. That revised assessment made it clear that the project had been assessed on additional dormitory capacity from 40 to 62 persons.

We then undertook a detailed search of the files and historical files kept on the premises to endeavour to "work out" this change. Our research revealed that at July 2007 an independent site inventory was conducted by Don Osborne and Associates architects showed the utilisation of the premises as 62 beds. Accordingly, there has been no increase in beds at the establishment.

Given the audit details by Don Osborne and Associates we instructed PLANNERS NORTH to lodge with Council a Modification Application to amend DA 2011/470 adjusting the conditions of monetary consent. After the lodgement of the application Messrs Willis and Peters of Council inspected the site and Mr Willis kindly conducted a search of Council's historical records in relation to the utilisation of the site. His search revealed 3 key documents:

1. Plans dated 1973 which show 48 beds;
2. A development application Statement of Environmental Effects for the land which describes the dormitories as 4x4 bed and 4x12 bed i.e. use as 64 bed facility; and
3. A development plan which describes the dormitories as 36 bed Dorm (first floor) and 16 bed Dorm and Lecture hall (ground floor) i.e. use as 52 bed + lecture hall facility.

Dunes on Shelly Beach 0266869014 enquiries@dunesonshelly.com.au www.dunesonshelly.com.au
70 Shelly Beach Road East Ballina NSW 2478



Dunes on Shelly Beach Pty Ltd

Thus, the material we have seen shows a range of bed occupancy – 48, 52, 62 & 64. This variability is suggestive of a use that has need very flexible over time with its utilisation. Based on this material we requested that Council give consideration to the utilisation of the premises as 62 bed facility being the capacity of the facility which we purchased in good faith from the Anglican Church.

Subsequently, our consultant has been advised by Mr Anthony Peters that:

1. *"The plans dated 1973 show 48 beds relate to BA 9/1975 and are directly in relation to the dormitory accommodation building. The 48 beds comprise 20 x double bunk beds on the upper level of the building (i.e. 40 beds) and 4 x 2 single beds on the ground floor (i.e. 8 beds). This gives a total of 48 approved beds".*
Mr Peters makes this statement despite being aware that the building was not erected in accordance with the 1973 plans. The building "as built" was not constructed as a western void at the lower level but was actually constructed as two separate habitable rooms.
2. *"The SEE describing the dormitories accommodation as 4 x 4 bed and 4 x 12 bed is in relation to DA 1998/41 for a temporary educational establishment (Anglican primary school). This consent was only valid for a period of 5 years. This application only related to the temporary use and placement of two transportable classroom buildings in the north-western portion of the development footprint".*
Despite this material being received by Council and not disputed in its evaluation of DA 1998/41, Mr Peter says "it is..considered that this reference in the SEE cannot be relied upon for the number of approved beds in the dormitory building, particularly as files between 1975 and 1998 do not clarify how the number of beds increased from 48 to 64."
3. *"The development plan you have kindly provided also relates to and was attached to DA 1998/41 for the temporary educational establishment. Consequently, similar to Point No. 2 it is considered this plan cannot be relied upon for the number of approved beds in the dormitory building".*
4. *"The Don Osborne Masterplan dated July 2007 that you provided as part of the supporting documentation for the current S96 modification could not be located on any of Council's files. It is considered that this was prepared for the Anglican Church in the preparation sale of the site (i.e. to provide a SWOT analysis of the site) and therefore cannot be relied upon for the approved number of beds in the dormitory building".* We say that the Osborne material provides a clear "3rd party check" of the actual situation as was operated for decades by the Anglican Church. The fact that it is not on Council's file is of no consequence with respect to that document being an independent survey carried out by a competent expert.
5. *"Consequently, based on the information provided to date and a search of Council's records, it is considered that a maximum of 48 beds have been approved in the dormitory building".*
6. *"The contribution amounts calculated for DA 2011/470 were based on increasing the number of beds from 40 to 62 (i.e. an additional 22 beds). As it is now accepted that BA 9/1975 approved 48 beds contribution amounts will be*

Dunes on Shelly Beach 0266869014 enquiries@dunesonshelly.com.au www.dunesonshelly.com.au
70 Shelly Beach Road East Ballina NSW 2478



Dunes on Shelly Beach Pty Ltd

recalculated based on a credit of 48 beds (i.e. an additional 14 beds rather than an additional 22 beds) and a reduced contribution amount will be applicable".

We ask Council to consider that:

- We purchased the former Gunundi facility in good faith. At the time of the purchase the facility had accommodation for 62 beds in place.
- Council has been aware as a consequence of documentation it has received over the years that the occupation of the accommodation has been variable ranging from 48 to 64.
- It is clear that in July 2007 the facility had a 62 bed occupation. This is confirmed from the site audit conducted by architect Don Osborne. Further, this was the capacity of the premises as described in material displayed at Council's Tourist Information Centre at the time of our acquisition

Having regard to the above we feel confident that the elected Councillors will see that we are not trying to 'pull the wool over Council's eyes'. We are simply asking Council to recognise that the Gunundi land use has been reasonably flexible over time with respect to its bed numbers and we ask that we be approved for the bed numbers which existed at the time of our acquisition being a number less than the maximum number illustrated in Council's files over the time.

Yours faithfully

Dunes on Shelly Beach

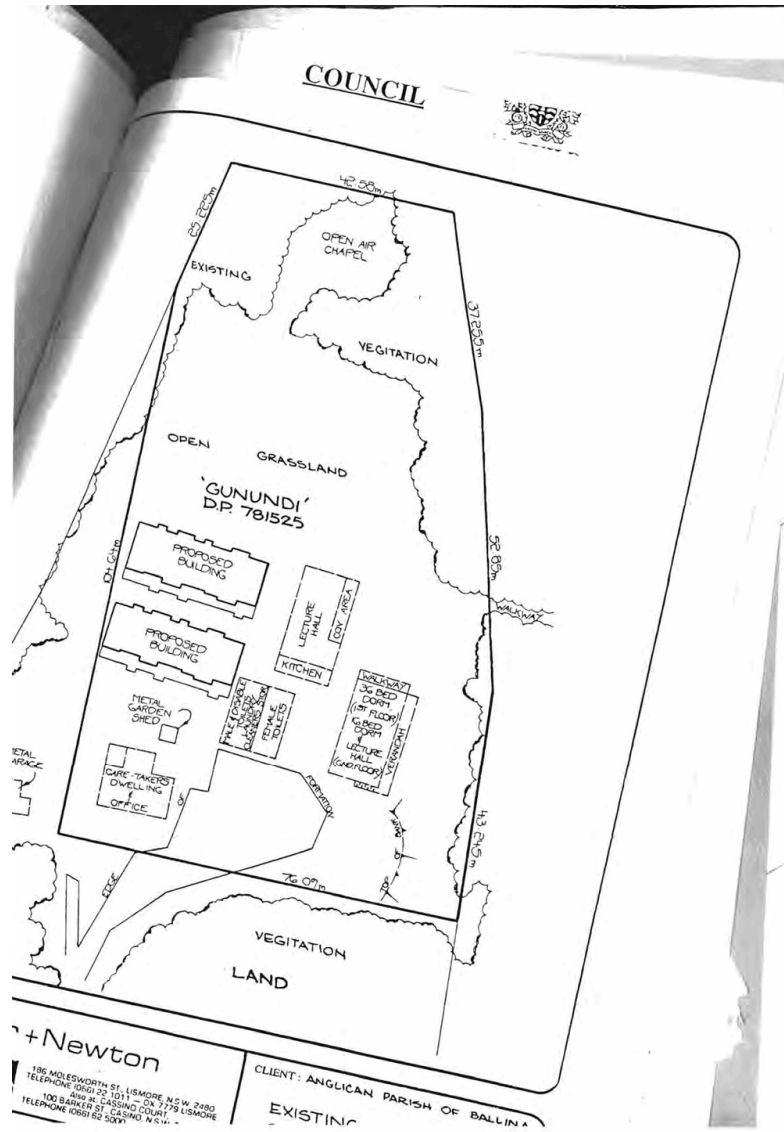
A handwritten signature in black ink, appearing to read "D. Loosemore", is written over a light blue rectangular background.

Mr David Loosemore

- Encl. 1. 1973 Plans showing 48 beds
2. Extract from Statement of Environmental Effects showing 64 beds
3. Extract from development plan showing 52 beds plus lecture hall
4. Copy of Don Osborne survey



Dunes on Shelly Beach 0266869014 enquiries@dunesonshelly.com.au www.dunesonshelly.com.au
70 Shelly Beach Road East Ballina NSW 2478



2. THE SITE & ITS ENVIRONS

2.1 CADASTRAL DESCRIPTION

The subject site is described in real property terms as Lot 1 in Deposited Plan No.781525. The site has an area of 8170 square metres.

2.2 SITE HISTORY

The site was purchased from the Crown in about 1960 and at that time, enjoyed limited pedestrian access along its eastern boundary from a track formed on Shelly Beach Road.

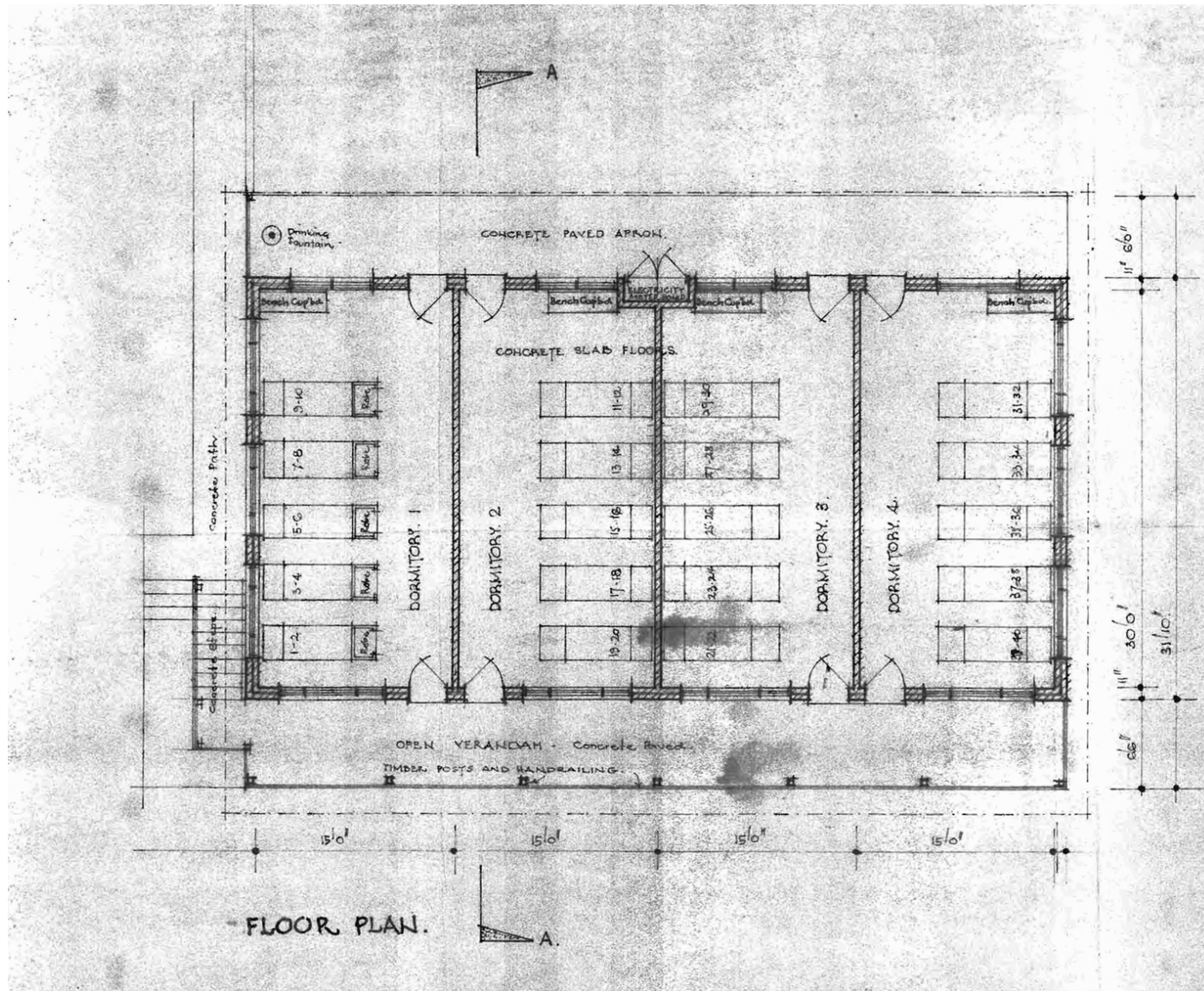
During 1962 to 1964 four disused buildings were moved to the site from a sawmill near Rappville. These timber buildings were reassembled on the site to form a caretakers residence and three dormitories. These buildings were brought to the site via the current access.

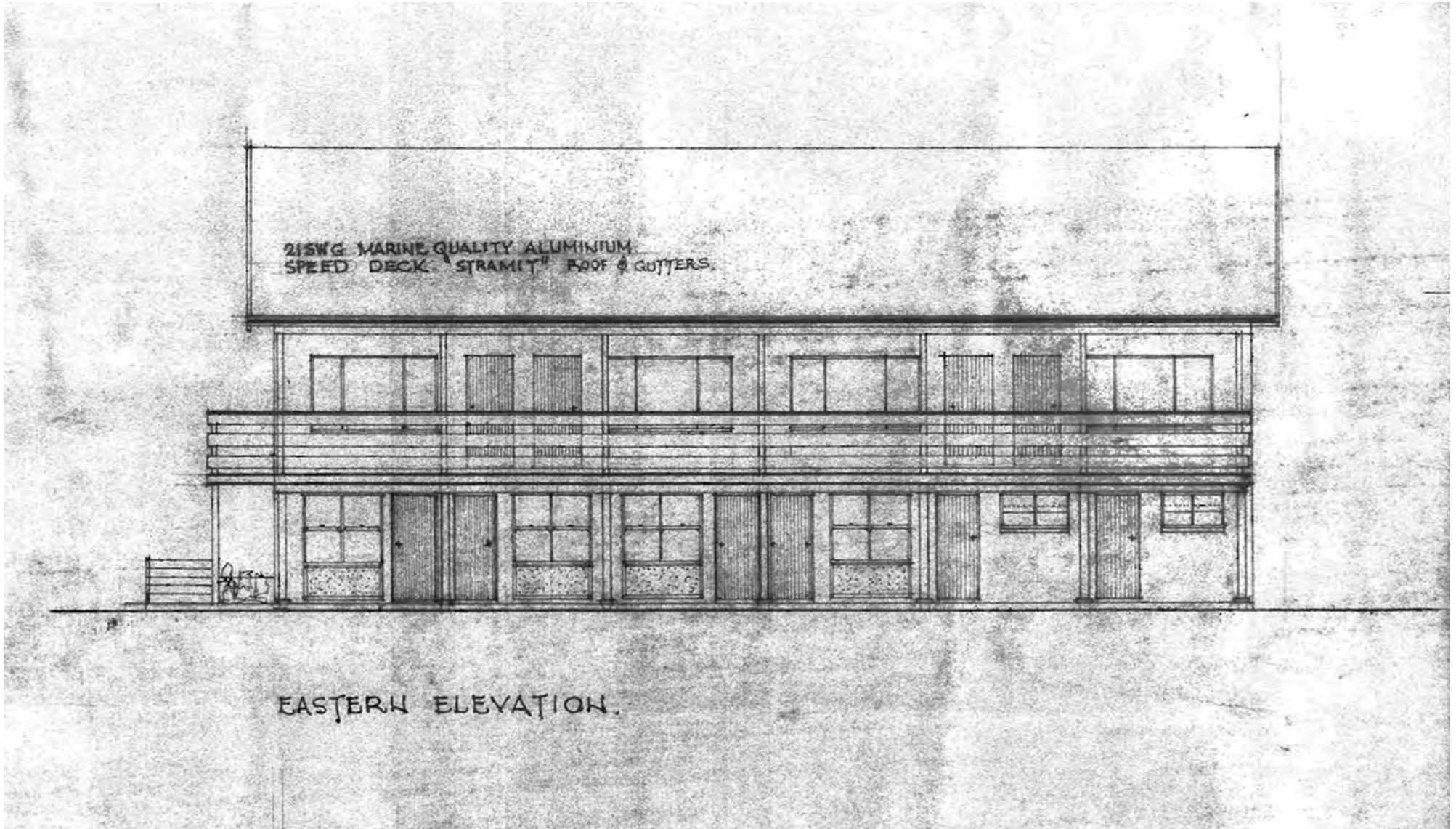
In approximately 1965 the toilet block was constructed to service the dormitories. This toilet building was then augmented by the kitchen and lecture hall in about 1969.

In the late 1970's the three original dormitories were removed and the current brick building housing 4 x 4 bed dormitories, 4 x 12 bed dormitories and an additional lecture hall were constructed.

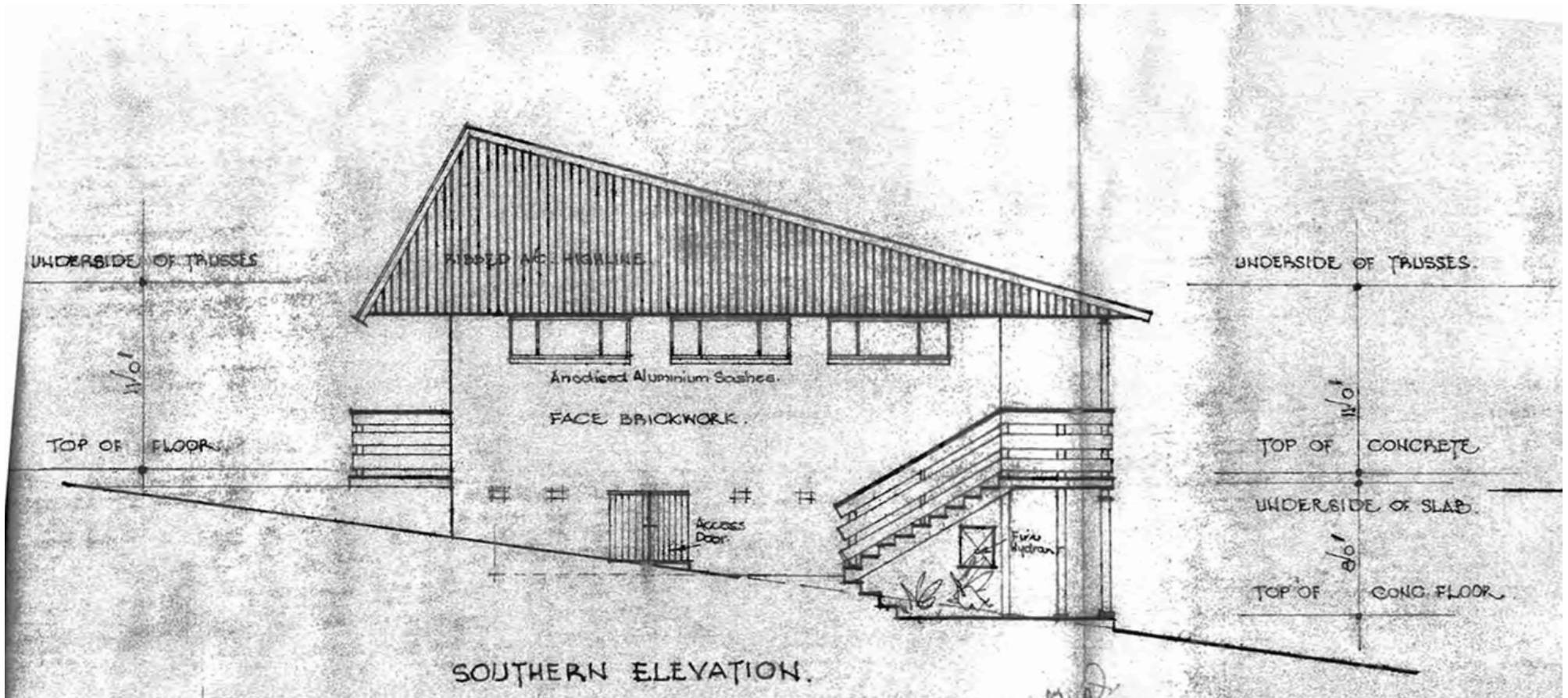


8.2 DA 2011/470 - Dunes on Shelly Beach, East Ballina - Section 96.DOC

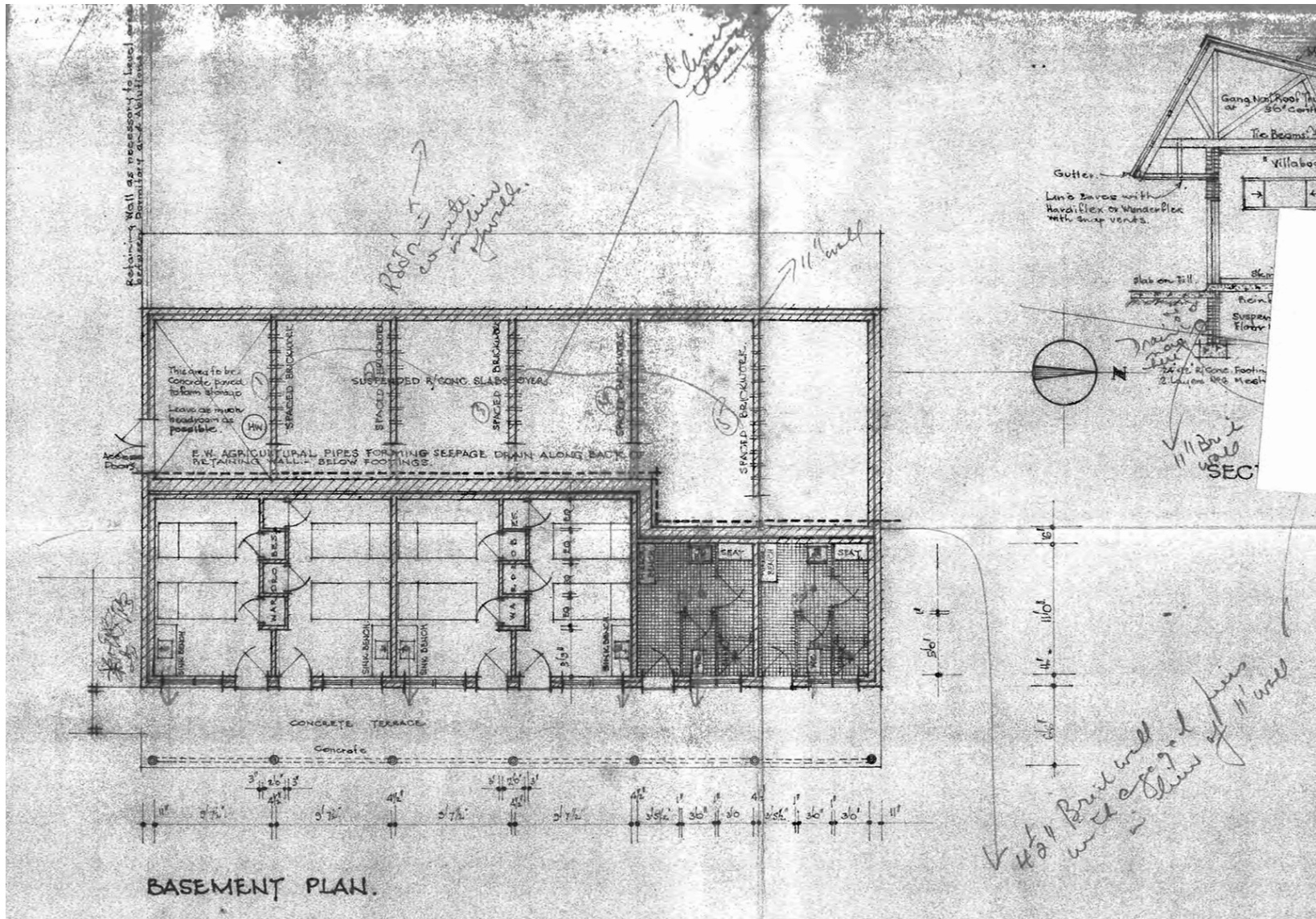


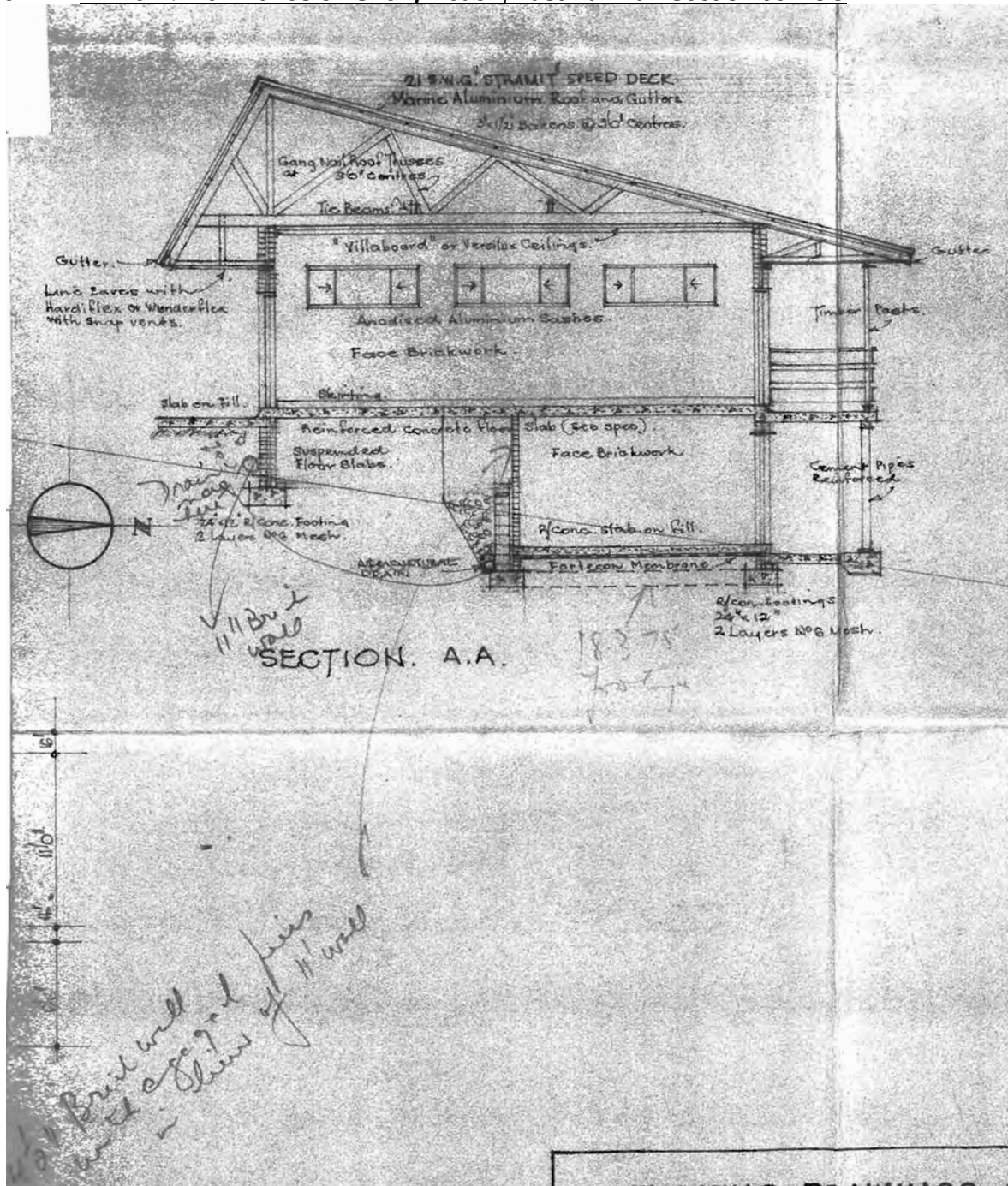


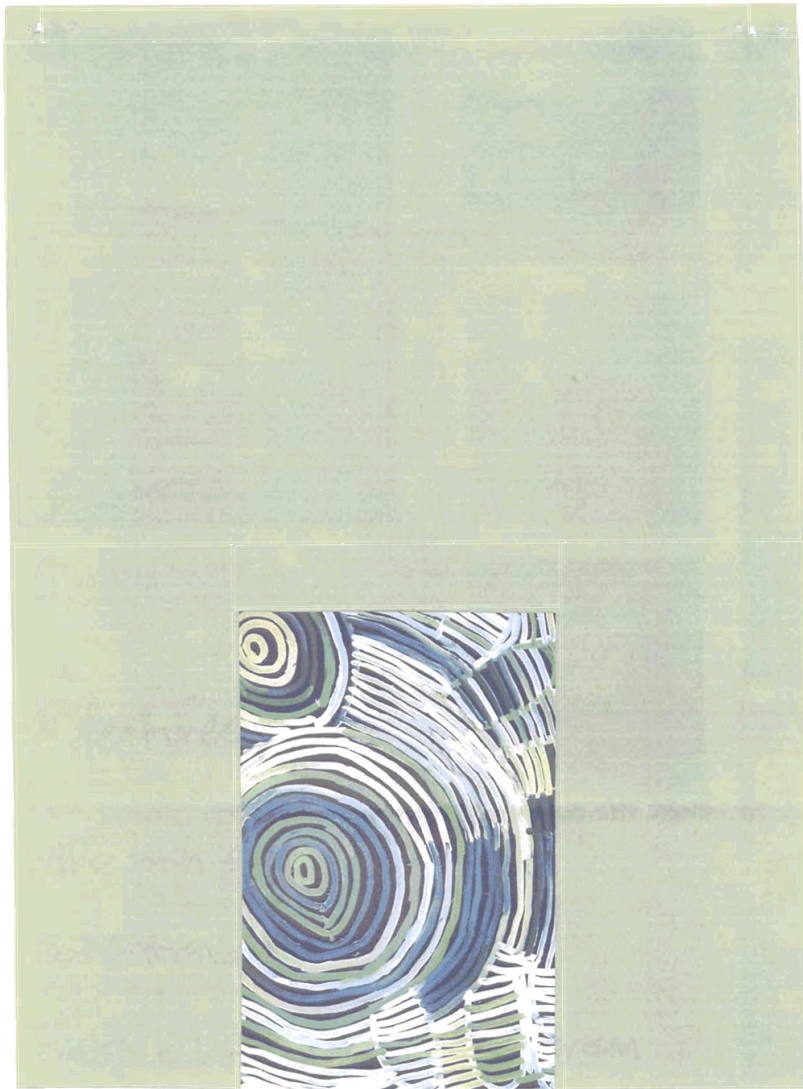
8.2 DA 2011/470 - Dunes on Shelly Beach, East Ballina - Section 96.DOC



8.2 DA 2011/470 - Dunes on Shelly Beach, East Ballina - Section 96.DOC







Don Osborne & Associates Architects

ANGLICAN DIOCESE OF GRAFTON MASTER PLAN
GUNUNDI SITE

JULY 2007

Don Osborne & Associates Architects

ANGLICAN DIOCESE OF GRAFTON
Proposed accommodation table:

MASTER PLAN : GUNUNDI SITE

BUILDING	Beds per room	Level	total no. of beds
<i>Existing ROBINSON BLOCK in current configuration & condition</i>	4 rooms x 6 beds(24) 4 rooms x 4 beds (16)	Upper	40 beds
	1 room x 8 beds (south end dorm)	Lower	8 beds
	1 room x 6 beds (north end dorm)	Lower	6 beds
	4 rooms x 2 beds	Lower	8 beds
<i>Total existing beds in current configuration & condition</i>			
PROPOSED ROBINSON BLOCK with UPGRADED REFURBISHMENT	8 rooms x 4 beds	Upper	32 beds
	1 room x 8 beds (south end dorm)	Lower	8 beds
	1 room x 6 beds (north end dorm)	Lower	6 beds
	4 rooms x 2 beds	Lower	8 beds
Total proposed beds with 4 x new prefab. Bathroom pods			
PROPOSED NEW BEDROOM/ENSUITE ACCOMMODATION ON UPPER LEVEL OVER EXISTING AMENITIES BUILDING	8 ensuite rooms x 1 double/or 2 single beds	Upper	16 beds (16 beds)
PROPOSED NEW SELF-CATERING ACCOMMODATION Canvas Tents on timber platforms	10 tent platform sites With 1 double + 2 bunk beds (max.4 people per tent)	1.0metre above existing ground level	40 beds (40 beds)
Total proposed beds - new upgraded schematic plan layout			Total 110 beds



existing site views



Key features

- idyllic bush setting
- preservation of the environment
- develop a low key, niche ecotourism facility
- environmentally sensitive construction
- diverse activities

Don Osborne & Associates Architects

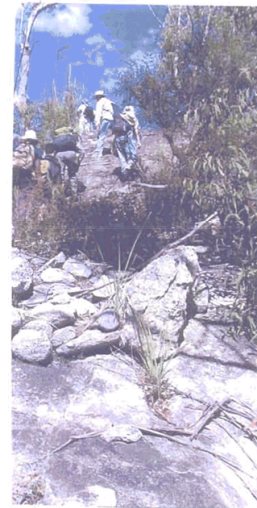
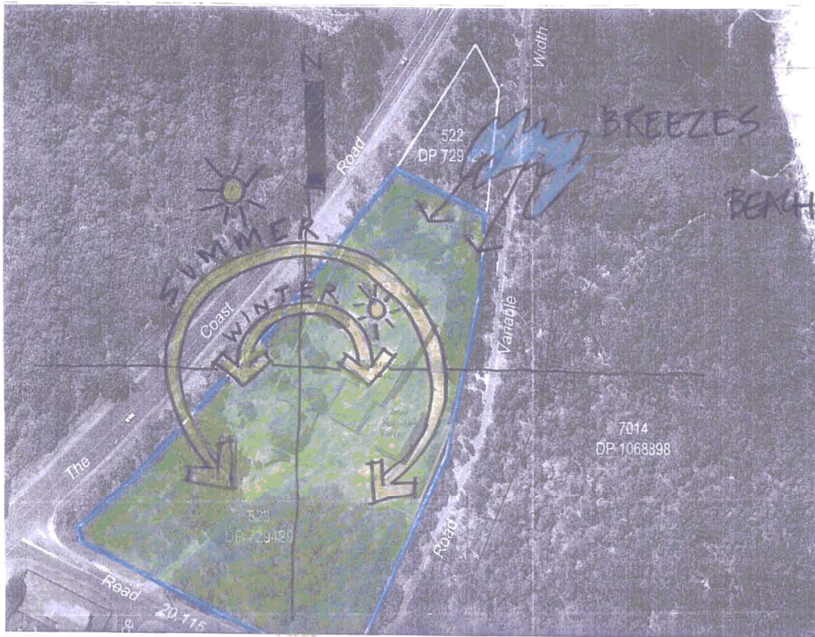
ANGLICAN DIOCESE OF GRAFTON / GUNUNDI SITE

KEY FEATURES

01

ARCHITECTURAL MASTER PLAN

JULY 2007



urban response

- critical issues

- linking existing communities
- offer larger recreational & commercial opportunities
- proximity to local & regional attractions
- opportunity to develop nature-based activities + eco-tourism
- use environmentally sensitive construction practices

Don Osborne & Associates Architects

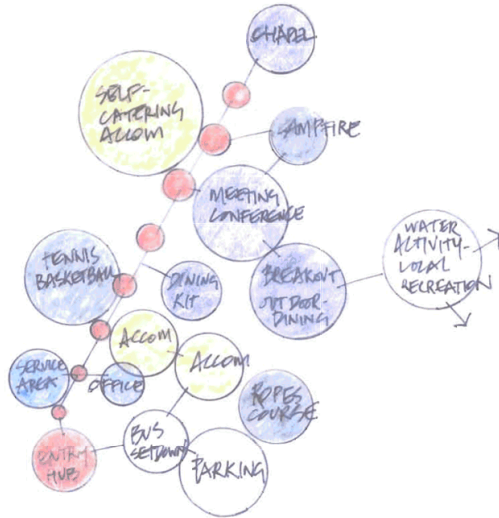
GUNDI SITE

SITE CONSIDERATIONS

02

ARCHITECTURAL MASTER PLAN

JULY 2007



gunundi camp - built in natural bush setting
 - total size 8170m²

- ISSUES -
- minimise site disturbance
 - preservation of delicate eco-system & natural flora + fauna
 - provide road access + site hub
 - minimise impact of motor vehicles
 - access to power, water
 - waste disposal
 - hazards such as bushfire
 - on-site management + maintenance



flora + fauna



building height limit



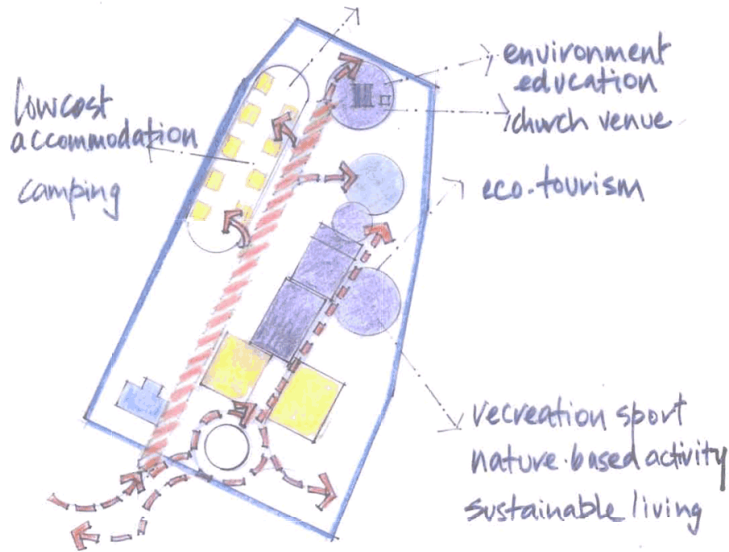
bushfire construction



site access



visual sensitivity



development objectives -

- operate a profitable business
- promote the natural environment
- sustain the local ecology
- develop a low key, niche-market eco-tourism facility
- provide local + regional benefits



lowcost conference facilities



retreats



wedding venue



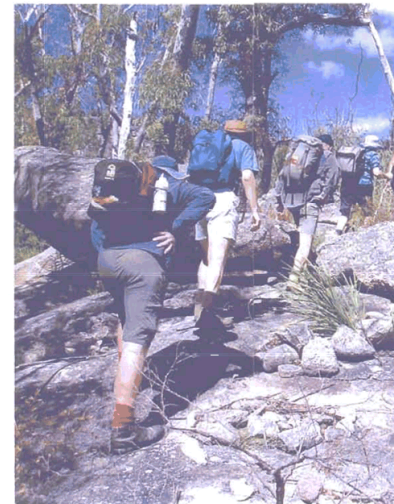
fellowship



youth camp-schools



- on-site archery
- art + craft
- basketball + netball court
- trail bush walks
- tennis
- initiative activities
- low ropes course
- mini-golf
- orienteering
- photo trail
- bush + hut shelters
- passive recreation . library . games room
- meeting rooms
- media communications . data projection
- chapel . outdoor auditorium . theatre
- canoeing
- environmental activities . bush . beach .
rockpool rambles
- surfing . water based activity
- hang gliding
- music . fellowship
- retreats . yoga
- writing workshops



Don Osborne & Associates Architects

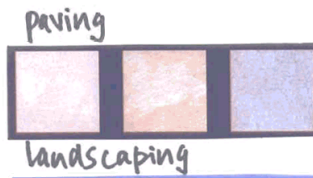
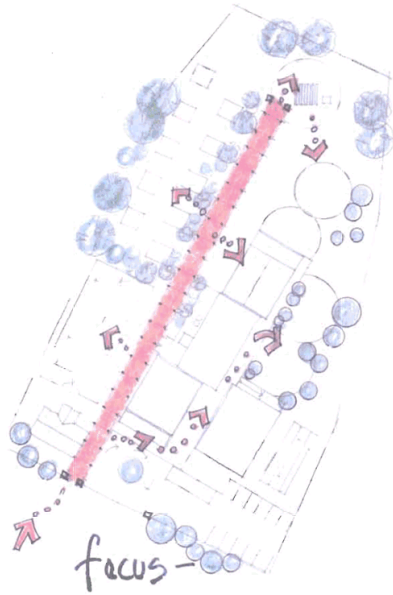
GUNUNDI SITE

OPEN SPACE + RECREATION

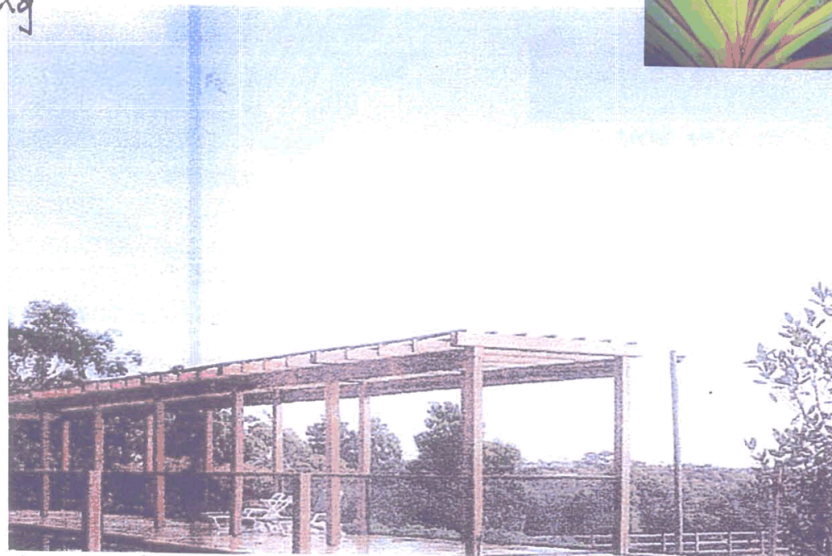
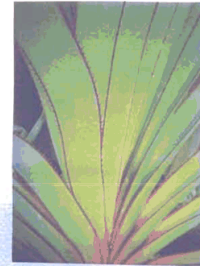
05

ARCHITECTURAL MASTER PLAN

JULY 2007



- formalise entry + carparking
- create great walk or loggia structure
- create vistas between buildings
- defined zones to low-cost accommodation + services area
- landscaping



ironbark hardwood post + beam structure

Don Osborne & Associates Architects

GUNUNDI SITE

SITE HUB

06

ARCHITECTURAL MASTER PLAN

JULY 2007



- zones linked by covered walkways
- space improved by higher density
- refurbished + new purpose-designed buildings for school, club, church, family + corporate use
- accommodation increased to plus 100 in various combinations
- refurbished main facilities buildings under one roofline



upgrade meeting venue



social recreation



covered walkways



great walk - site hub



new accommodation level - office



low cost accommodation - tent platforms

Don Osborne & Associates Architects

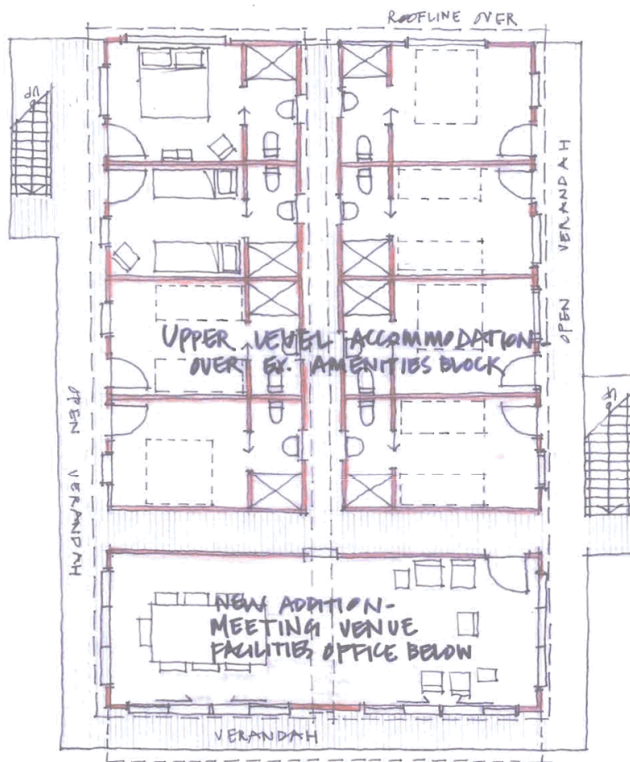
GUNUNDI SITE

UPGRADE - DESCRIPTION OF FACILITIES

07

ARCHITECTURAL MASTER PLAN

JULY 2007



• 4 share + double rooms



• rooms with lockers, reading light + armchair



• ensuite bathrooms



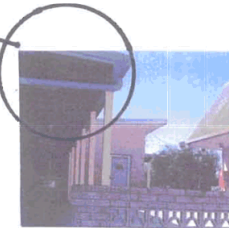
• facilities office + central management

- new upper level accommodation, insect screened
- new office in entry zone downstairs
- wet area facilities upgraded
- solar powered exterior building lighting

- building materials:
- treated ply cladding
 - glass
 - lightweight construction
 - cost effectiveness
 - aesthetics



- new upper level accommodation over existing amenities building
- new 2-storey office + meeting space



• amenities - existing block - single level.

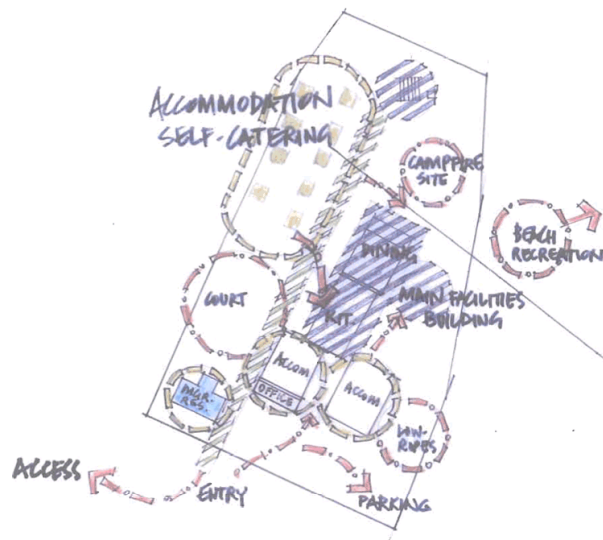
Don Osborne & Associates Architects

GUNUNDI SITE UPPER LEVEL ACCOMMODATION LEVEL + NEW OFFICE

08

ARCHITECTURAL MASTER PLAN

JULY 2007



existing site area

- tent platforms elevated 1.5m
- platforms - hardwood posts, frames + decking
- solar powered sites
- furnished with queen/twin beds, insect screens, locally made handcrafted bush furniture
- narrow winding gravel pathways + visual privacy
- rainwater tanks for drinking + fire fighting use
- tents conventional canvas safari tent style + outer waterproofing



tent platforms

Don Osborne & Associates Architects

GUNUNDI SITE

LOW COST SELF CATERING ACCOMMODATION

09

ARCHITECTURAL MASTER PLAN

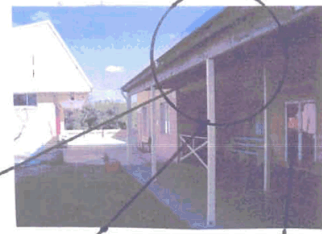
JULY 2007



dining space



refurbished exterior



upgraded kitchen

- connected under one roof-line
- Kitchen upgrade + compliance
- dining room refit - restroory tables
- conference . meeting upgrade

. reading nook . activities



bathrooms



rooms

- bunk rooms 4/6 share dorms, upgraded bathrooms
- new external bathroom additions



lockers



existing view

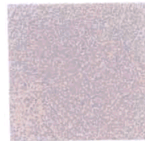
Don Osborne & Associates Architects



Sea Pebble



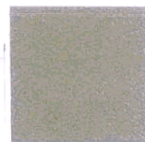
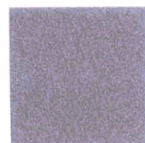
Gardening Glove



Bleached Wood



Border Brown



colour palette



bathroom pods



solar energy



hardwood timber



cladding



balustrade



walkways in bush



timber detail



walkway roof



rainwater collection

