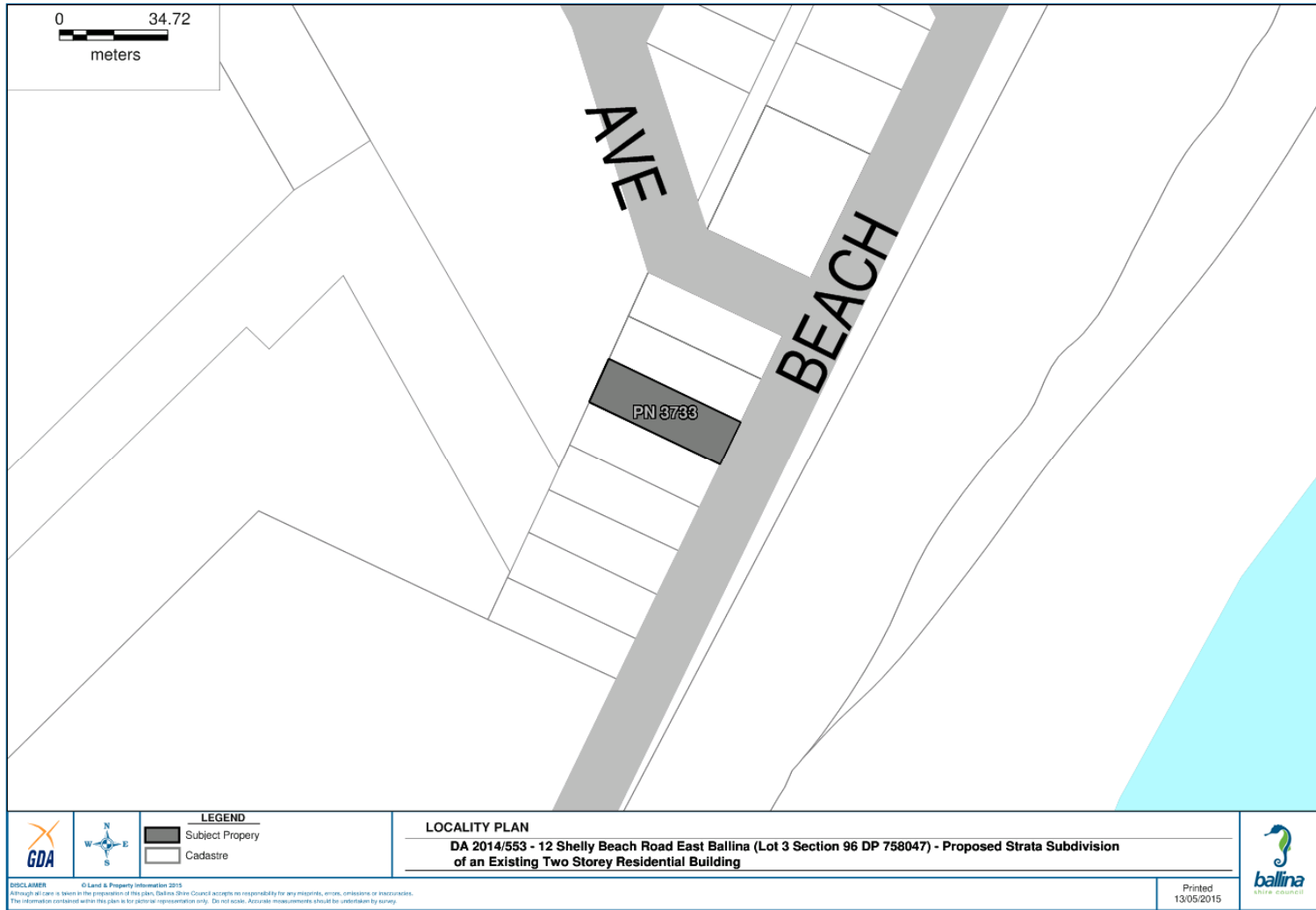


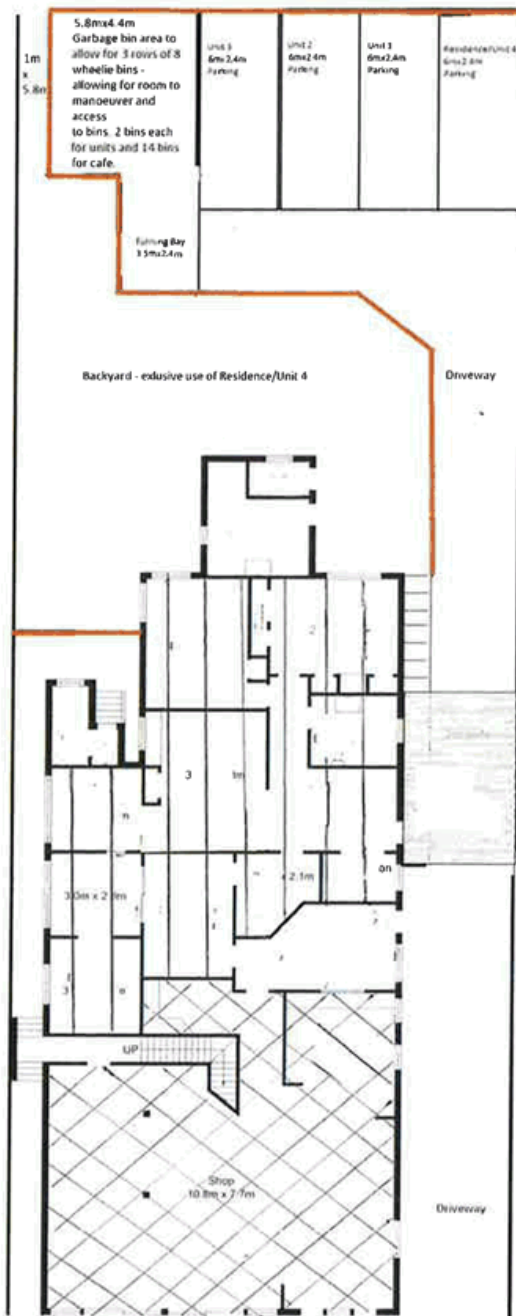
8.1 **DA 2014/553 - 12 Shelly Beach Road - Strata Title Subdivision.DOC**



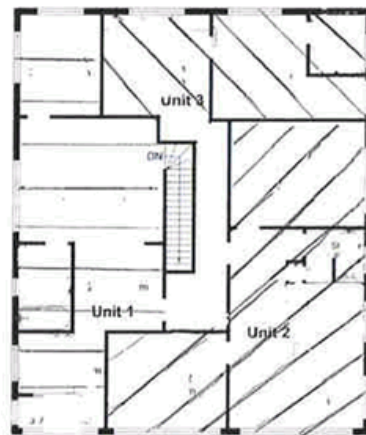
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12 Shelly Beach Rd Proposed changes based on communications with council dated 31st March 2015.

DA 2014/553



N.B existing fences run the length of the Northern and Southern Boundaries.



- UNIT 1 ≡
- UNIT 2 ≡≡
- UNIT 3 ≡≡≡
- UNIT 4 ≡≡≡
- SHOP ≡≡≡≡
- COMMON PROPERTY □

Lower Level

Upper Level



Scale in metres, indicative only. Dimensions are approximate. All information contained herein is gathered from sources we believe to be reliable. However we cannot guarantee its accuracy and interested persons should rely on their own enquiries.

INT: 391.5m²
EXT: 22.44m²



12 Shelley Beach Road, East Ballina

Hugh Johnson

From: craig dewhurst <craigdewhurst@hotmail.com>
Sent: Tuesday, 13 January 2015 1:46 PM
Subject: Traffic congestion

To whom it may concern,

I recently heard a rumour that the council was considering an application to strata 12 Shelly Beach rd. Into five properties.

The pressure of parking and traffic that the property currently puts on the area and it's neighbours is extreme.

No other property in this area is allowed to have more than three strata on one block. The fact that this property supplies no parking for residents let alone the staff and customers of the cafe mean that there is extreme congestion and traffic now in the area in front of people's properties and on the reserve. Many customers have also started using the reserve as parking for the cafe.

I believe that if a strata is to be granted it should be for three strata only. The current owner has separated the rear residence from the shop at the front. This was always considered as one property in the past and should be again. Upstairs should be converted to two units only instead of three small ones. The property would then meet standards other owners are required to meet. It should also be required to supply parking with access from Shelly Beach rd, not the reserve. Anything less should not be acceptable. As what happens and is happening at this property has a direct effect on the standard of the lives for those of us who live within 50 metres of this property I believe we deserve to be informed of any changes. The fact we were not consulted when milk bar was changed to a cafe I find very disappointing. Such a major change I believe should have been canvassed with the direct neighbours whose lives have been so greatly impacted by the change.

The age and condition of 12 Shelly Beach rd. mean there is a constant turn over of tenants usually young who speed in and out of the reserve where they park and around area. The easy access to the reserve from the northern end promotes this access which Belle General customers have also started to use. My wife's colleagues who live in Byron have stated to her that they park on the reserve when visiting the cafe.

I do not disagree with some access for residence but excessive use and abuse of the reserve I do disagree with. I would like to see the council mitigate the access to the reserve in some manner from the northern end. Perhaps a gate with a lock which only owner residents and the council had a key for would be a way to control the amount of unnecessary access. The other option would be to switch the access to the southern end which would definitely reduce the use of the reserve for parking by cafe customers. I would be interested to hear if the council had some other ideas. Perhaps even half hour parking restrictions in front of residents properties may be required and lines near driveways to stop staff and customers parking in front of people's properties all day long 7 days a week. A requirement for the cafe to be closed two days a week would also give local residents reprieve from noise and inconvenience of traffic around and parked in front of our houses. Let me assure that Sundays are no longer a day of rest here anymore.

My children play on the reserve as do many other neighbourhood kids. Kids and cars do not mix. As it is not a road if a child is hit by a car on the reserve I would imagine they are not insured by RTA regulation. Could you please tell me who is liable. If it is a 17 year old kid in his car who hits a kid that would not be ideal from a compensation point of view if council is not liable. I believe the council would have to take some responsibility as they have not taken any measures after repeated requests to mitigate the situation. I would appreciate it if the council could clear up the question of liability for me if an accident did occur on the reserve for my own peace of mind.

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I know I have written to council before about some of these issues, however the situation is not improving and is in fact deteriorating further. The council's reluctance to resolve these issues in fear of upsetting some of the residents at the southern end of the reserve or pandering to the desires of one owner to maximise his profits at the expense of other residents is disappointing. If their access is so much more important than those desires of us at the northern end for peace and quiet and a safe place for our children to play, please open the southern end and block the northern end, put in a gate, or come up with some other option to reduce the traffic. Commercial interest also should not usurp residents desire for a peaceful place to live.

Looking forward to your reply,
Regards, Craig Dewhurst

Hugh Johnson

From: craig dewhurst <craigdewhurst@hotmail.com>
Sent: Saturday, 17 January 2015 1:13 PM
Subject: Strata of 12 Shelly Beach rd

To whom it may concern,

Where is the parking for this proposed strata of 12 Shelly Beach rd.
A strata of 5 on a 700 sqm block with no parking provided is madness.
It should only be allowed to have 3 and should be required to supply off street parking with access from Shelly Beach rd.

I live at 1/16 Shelly Beach rd and have put up with the reserve being used as a defacto driveway for residents past the rear of my property for 15 years and my parents for a further 15 years before that. It's time it stopped. This strata would condemn the reserve to more traffic unless BSC does something to stop it. The driveway and access to the rear of 12 Shelly beach rd for resident parking from the street was blocked a few years back. As has much of the access to properties along Shelly Beach rd from the street in favour of access through the reserve. All of this traffic goes past the rear of my property as there is no access from the southern end anymore. Add to this the increasing use of the reserve by staff and customers as parking for the cafe/restaurant at 12 Shelly Beach rd and the parking and traffic situation around our area becomes quite intolerable. I do not believe that this is a good situation and I would like to see BSC do something about it starting with strict requirements for parking on the proposed strata and a limit of 3 on the strata as is BSC standard in this area. No exceptions! The place is a fire hazard and approaching its useby date as it is already 70 years old and not of a sturdy construction.

Please keep me informed of this process, particularly the parking issues. I looked at the DA and saw no mention of parking.

The parking is the most important issue and must be dealt with. Anything less would be disgraceful.

Regards, Craig Dewhurst.

This proposed strata must stop unless parking concerns are addressed.

Regards, Craig Dewhurst
1/16 Shelly Beach rd

From: council@ballina.nsw.gov.au
To: craigdewhurst@hotmail.com
Subject: RE: TRIM: Traffic congestion
Date: Tue, 13 Jan 2015 03:20:23 +0000

Dear Mr Dewhurst

Thank you for your submission to DA 2014/553. It has been registered as document number 15/1973 and forwarded to Hugh Johnson in the Development Services section.

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As this matter relates to the assessment of a development application (DA), you may view its progress on DAs on-line: <http://da.ballina.nsw.gov.au>. You will be advised in writing of the outcome of the application upon finalisation of the assessment process.

In the meantime, if you require further information please contact the above section on 6686 1254 and quote the document number.

Regards

Janeane Burke
Coordinator Records and Information
General Manager's Group



ballina.nsw.gov.au | discoverballina.com
p: 6686 4444 | f: 6686 7035

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From: craig dewhurst [mailto:craigdewhurst@hotmail.com]
Sent: Tuesday, 13 January 2015 1:46 PM
To: Ballina Shire Council
Subject: TRIM: Traffic congestion

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Hugh Johnson

From: Craig <craigdewhurst@hotmail.com>
Sent: Thursday, 15 January 2015 2:56 PM
Subject: Hugh Johnson

Hi

I have an enquiry about the proposed subdivision of 12 Shelly Beach Rd.
How is it possible for it to be subdivided into five properties? This is a 70 year old building that provides zero parking for it's many occupants, staff and customers of the cafe. It is probably full of asbestos and approaching its use by date. To subdivide it into five could be disastrous. The rear residence is gerry built, barely a foot off the ground and from all accounts infested with sand flies and other vermin.

I was under the belief that these blocks along Shelly Beach rd. were only allowed to have 3 units on them and provide parking. Could you please clarify this for me and please supply the details and method for me to oppose this DA for 5 properties on a 700sqm block surrounded by residential properties before you sign off on it. I have spoken to many of the neighbours and none of them are too pleased about this issue. I dare say you will be hearing from some of them shortly also.

Regards, Craig Dewhurst

Sent from my iPad

Hugh Johnson

From: David & Wendy Fryer <dwfryer@idx.com.au>
Sent: Thursday, 15 January 2015 6:15 PM
Subject: DA 2014/553 M Mittag 12 Shelly beach Rd East Ballina lodged 27/10/2014 refer Hugh Johnston.

Dear Sir,

We own at no 8 Shelly Beach Road East Ballina, and we have only today heard of the above DA via our neighbour.

We previously owned No 12 Shelly Beach Road(which consisted of 3 upstairs flats,a downstairs takeaway and a rear 4 bedroom accommodation for the shop proprietor). for some 14 years so are very conversant with the property and its surroundings.

It is of concern that as neighbours we were not officially advised by the council as to the DA thus not given the opportunity for comment.

Off street parking has always been a problem for No 12 ,there was a side access (which when I owned the property the tenants had use of with parking at the rear of the property) though it has now been blocked off and the tenants of the 3 units and the now rented separately residence.They all must now park either on the street or at the rear of the property with accessing via the council rear reserve.

It would appear that the corner shop/takeaway food business which had limited trading restrictions is now trading as a full on cafe/restaurant which up to 6 or more staff which again necessitates the staff parking at the rear of the property accessing again via the council reserve.

As I mentioned I know the building very well and Im sure you would have noticed the asbestos,fire exit/egress problems,sh exhaust fan problems,shop noise problems,strata unit on site parking(because of the property distance from down town,all the tenants need a car) etc etc which astonishes me as to it even being considered for strata..

I also note that the BSC requirement along that Shelly Beach area was only for a limited 3 unit subdivision Not a 5 unit strata subdivision.

I'm a concerned citizen pointing out the obvious existing/future problems in converting a very old building with structural and off street parking issues,for the tenants, cafe patrons. and adjoining neighbours.

This lovely appreciated and valued rear reserve asset is being used unofficially for off street parking which is contrary to its reserve purpose.

What does the Ballina council propose to do about it!

Yours faithfully

David Fryer

8 Shelly Beach Rd East Ballina

0416 219946.

Hugh Johnson

From: sdchoco61@gmail.com
Sent: Tuesday, 20 January 2015 1:11 PM
Subject: Strata 12 shellybeach,rd

Now what? This bloke has done nothing but try and sell the place since he bought it. It's his own fault if he can't flip it for a quick half a million profit !! When we moved here 25-30 years ago it was two up one down with the general store. How can he be allowed to chop it up into 5 different properties. The place is a cockroach ridden fire trap especially now with a restaurant in the same building. When 14 and 16 shellybeach road were developed they were only allowed 3 units, how can this change? He is a blow in determined to destroy our lives all together, we can't use / play footy or cricket in the reserve out the back anymore with all the car movements, when will it stop. If he doesn't make a huge profit BAD LUCK, the restaurant owners are making a killing at our expense already.

Sent from my iPad