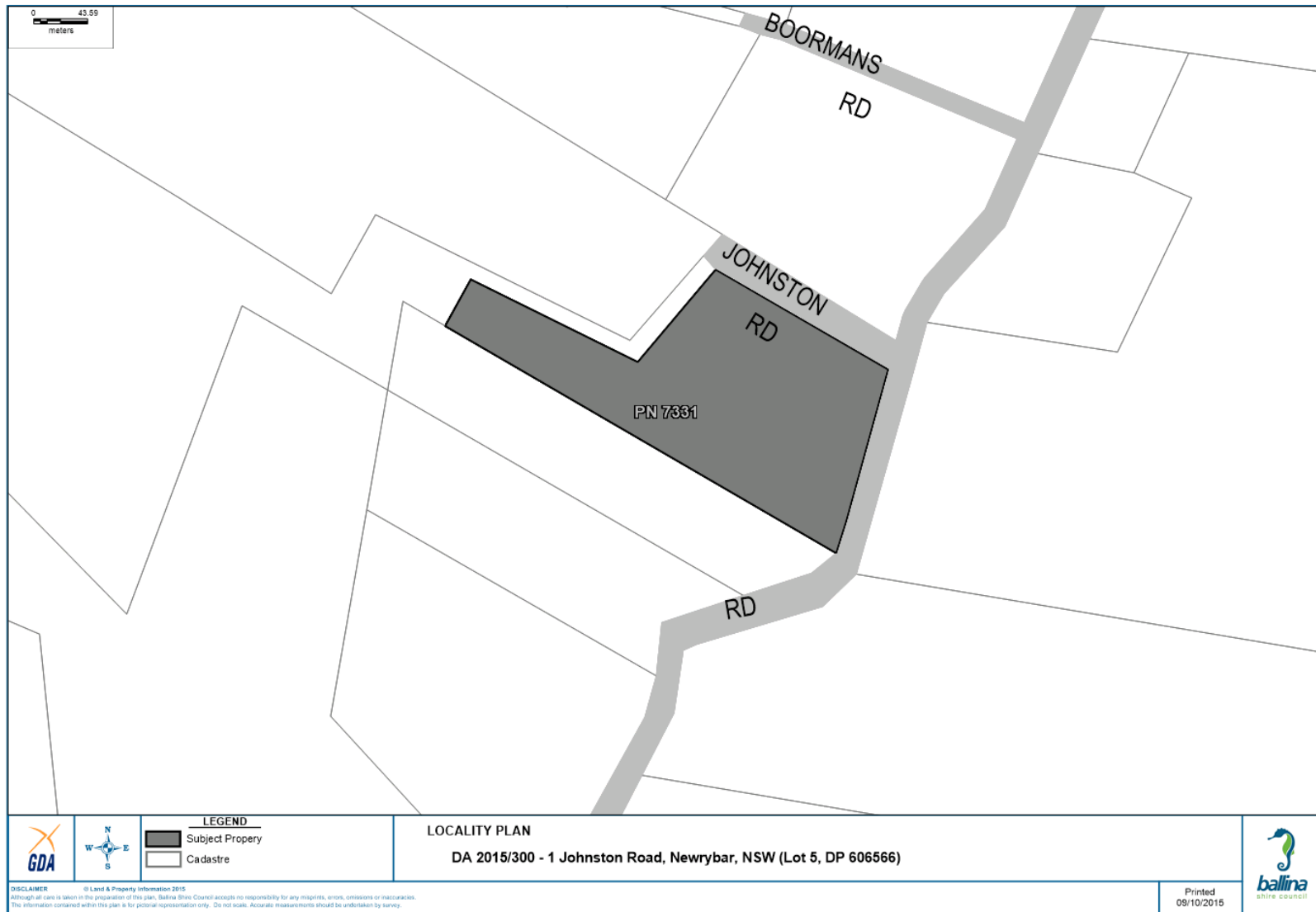


8.1 DA 2015/300 - Dwelling House and Facilities, 1 Johnston Road.DOC





NOTE:
 This preliminary layout has been completed in accordance with the instructions provided by Mr G and Mrs P ROOKE. In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however be arising, to any person or corporation who may use or rely on this report.

LEGEND:
 SITE BOUNDARY

REV	DATE	AMENDMENT
B		
C		
D		
E		

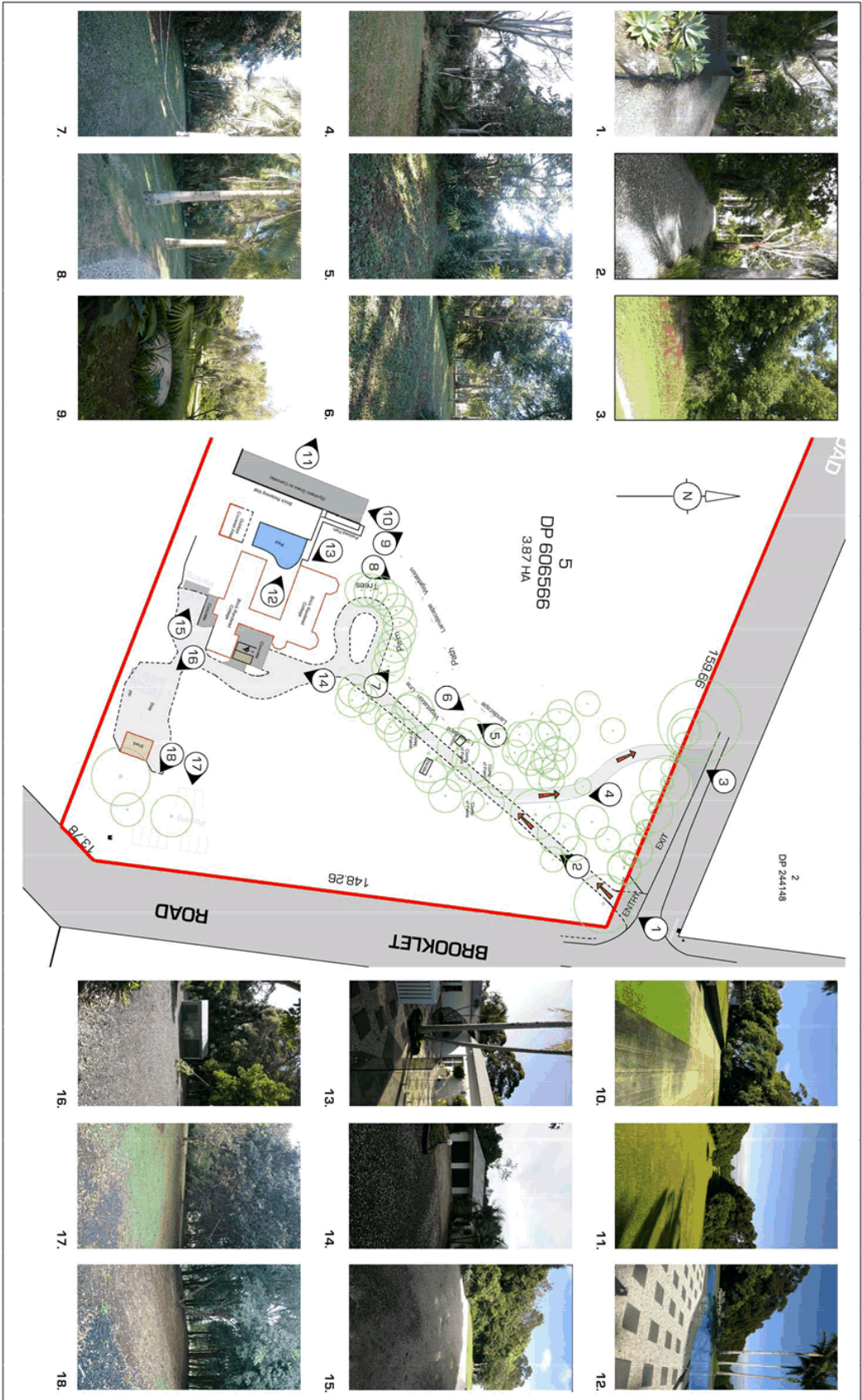
SOURCE PLAN: www.mps.sdc.nsw.gov.au - accessed 19/02/15
 K:\york_2015\150224 - roads_planning_planning_plans\site plans\cad files\150224 - roadadwg - plan 1 - location

Newton Denny Chapelle
 Surveyors Planners Engineers
 Email: office@newdennydenny.com.au
 Phone: (02) 9439 2222
 100 Belvoir St, Camero 2470 Ph: 8582 5000

PLAN 1 - LOCATION
 CLIENT: MR GREGORY & PHILIPPA ROOKE
 LOCATION: LOT 5, DP 9095868
 1 JOHNSTON ROAD
 NEWYEAR NSW
 DATE: 19/02/15
 SCALE: 1:4000/DWG
 DRAWN BY: DS/AMM BK



8.1 DA 2015/300 - Dwelling House and Facilities, 1 Johnston Road.DOC



REV	DATE	AMENDMENT
C	27/02/15	Final Design Review
D		
E		
F		

SOURCE PLAN: www.maps.nsw.gov.au - accessed 18/02/15
 A:\john_2015_15022 - roads\planning\planning plans\site plans\and files_15022 - mnda rev.dwg - plan 2 - photographic plates

NEWTON DENNY CHAPPELLE
 Surveyors Planners Engineers
 Email: office@newdennychappelle.com.au
 15/02/15
 15022 - mnda rev.dwg - plan 2 - photographic plates

PLAN 2 - PHOTOGRAPHIC PLATES

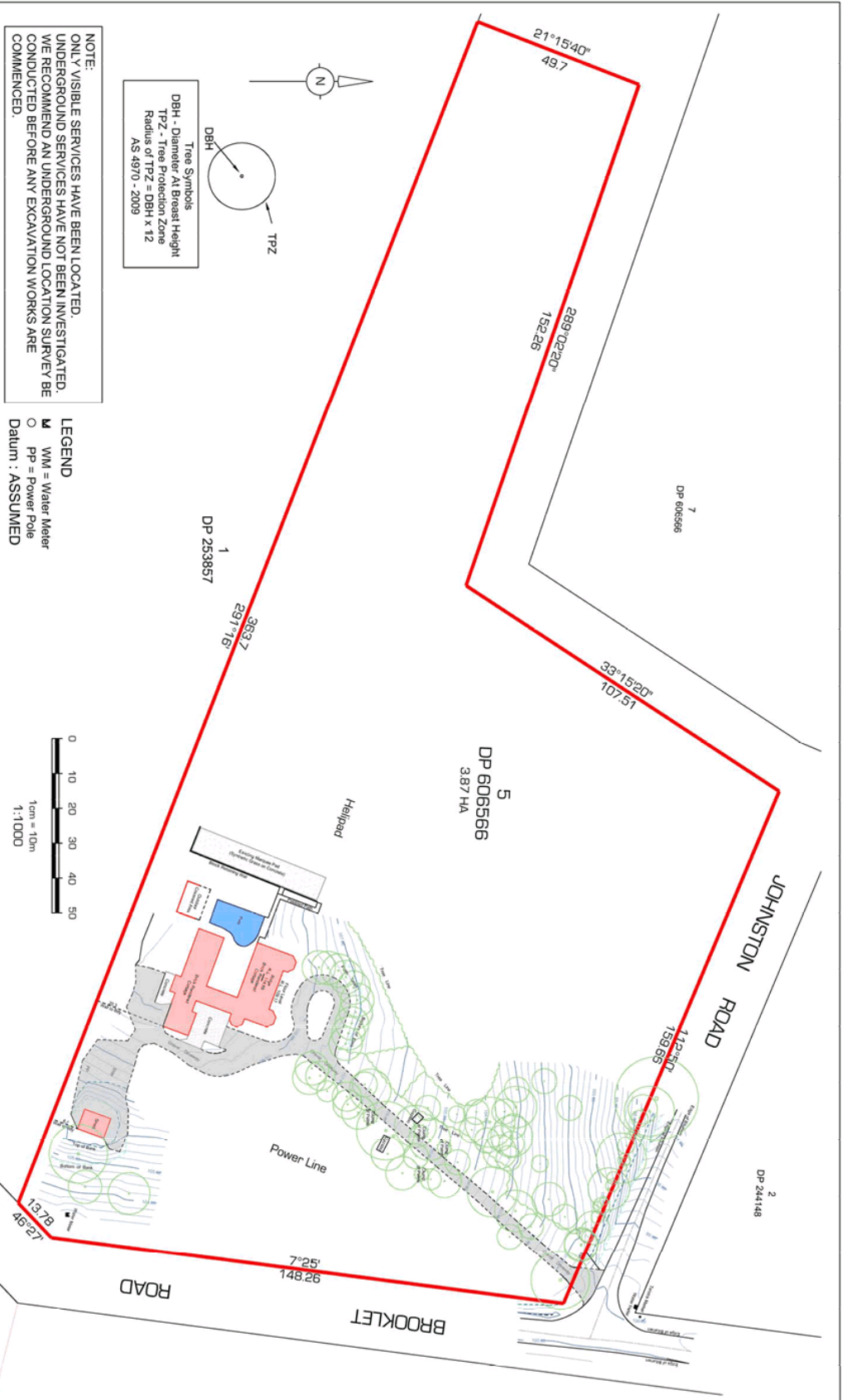
CLIENT: MR GREGORY & PHILIPPA HOCKE
 LOCATION: LOT 5, DP 6065666
 1, JOHNSTON ROAD
 NEWBYBARR NSW
 DATE: 18/02/15
 SCALE: 1:1250/DWG
 DRAWN BY: DRUMAH BK

REV B

8.1 **DA 2015/300 - Dwelling House and Facilities, 1 Johnston Road.DOC**

REV	DATE	AMENDMENT
B	20/02/15	ADDITIONAL TREE SURVEY
C		
E		
F		

SOURCE PLAN: N/A
 K:\yjohn_2015\150222 - rookyn_planning_planning_phase\ndc_plans\cad_files\150222 - rookyn.dwg - plan 3 - detail survey



Newton Denny Chapelle
 Surveyors Planners Engineers
 Email: info@newtondennychapelle.com.au
 Phone: (08) 9437 2222
 100 Beaver St, Camo 2470 Ph: 0892 5000

PLAN 3 - DETAIL SURVEY
 CLIENT: MR GREGORY S PHILIPPA ROCKE
 LOCATION: LOT 5, DP 606566
 1 JOHNSTON ROAD
 BALLINA NSW
 DATE: 19/02/15
 SCALE: 1:1000 (A3) DRAWN BY: DPMW/RK

8.1 **DA 2015/300 - Dwelling House and Facilities, 1 Johnston Road.DOC**



REV	DATE	AMENDMENT
A	19/02/15	PRELIMINARY
B	27/02/15	PARKING LAYOUT RELOCATED
C	01/02/15	PARKING LAYOUT COULD ROOM & DISTANCE REDUCED
F		

SOURCE PLAN: www.maps.sa.gov.au - accessed 19/02/15
 A:\john_2015_150222 - roads\planning\planning plans\site plans\and files\150222 - model rev 4.dwg - plan 5 - proposed site layout

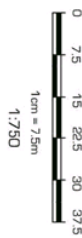
Newton Denny Chapelle
 Surveyors Planners Engineers
 Email: office@newdennychapelle.com.au
 154/156 St Leonards St, Leeton SA 5162 PH 08822 1011
 154/156 St Leonards St, Leeton SA 5162 PH 08822 5000

PLAN 5 - PROPOSED SITE LAYOUT		REV
CLIENT	MRS GREGORY & PHILIPPA HOCKE	D
LOCATION	LOT 5, DP 606566 1 JOHNSTON ROAD NEWAMBAR NSW	
DATE	19/02/15	REV 19/02/15
SCALE	1:1250/1:500	DRAWN BY

NOTE:
 This preliminary layout has been completed in accordance with the instructions provided by Mrs G and Mr P HOCKE. It is based on the site survey data that has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this report.

LEGEND

- SITE BOUNDARY
- PATH
(LOCATION TO BE COVERED ON SITE PATH IS TO BE PROVIDED NUMBER STRIP (OR EXISTING VEGETATION))
- TREES
- TREES TO BE REMOVED





DRAFT OPERATIONAL MANAGEMENT PLAN FOR TEMPORARY FUNCTION CENTRE

Note: This Draft OMP will be updated to incorporate relevant conditions of development consent

1. PURPOSE

- This Operational Management Plan (OMP) provides details with respect to the operation of the Temporary Function Centre known as 'Newrybar Downs' located at 1 Johnston Road, Newrybar.
- Compliance with this OMP is a condition of development consent (DA XXXX).

2. CONTRACTURAL REQUIREMENTS

- All clients hiring the premises for the purpose of a Function are required to enter into a signed agreement with the operator of the premises requiring compliance with this OMP.

3. FUNCTION MANAGEMENT AND SECURITY

- An approved Function Co-ordinator must be appointed to all Functions held at Newrybar Downs, with this contractor on site for the duration of the Function. Appointment of the Function Coordinator is at the full cost of the clients.
- An approved Security Contractor must be appointed to all Functions held at Newrybar Downs, with this contractor on site for the duration of the Function. Appointment of the Security Contractor is at the full cost of Newrybar Downs.

- Clients must agree to a representative of Newrybar Downs being on site for the duration of the Function at the full cost of Newrybar Downs. This representative will be predominately based inside the dwelling for the duration of the Function.
- In the event that a Function is not complying with this Operational Management Plan, the representative of Newrybar Downs, in consultation with the Security Contractor, is authorised to terminate the Function.
- A report will be generated by the Security Contractor and Newrybar Downs Representative at the conclusion of each event, with this report provided to Newrybar Downs Management. The Report is to highlight the event proceedings and adherence to applicable conditions. The Report format is to be generated by Newrybar Downs Management and contain all key requirements for the operation of the premises.

4. EVENT DETAILS

- The Function Co-ordinator is required to provide in writing to Newrybar Downs Management at least 1 month before the Function details of:
 - All Suppliers for the Event;
 - Table and seating plans;
 - Agenda.
- Final guest numbers must be provided to management at least 14 days before the Event.
- Details with respect to the delivery schedule for 'set-up' and 'pack-up' are to be provided to management at least 7 days before the Event.
- Evidence of a minimum 10 million dollar Public Liability Insurance policy is to be provided to Management at least two weeks prior to the event.
- All plans shall be subject to approval by Newrybar Downs Management.

5. MARQUEE, FURNISHINGS AND EQUIPMENT

- All marquees, furnishings and equipment associated with the Function is to be delivered to the site. This includes:
 - Marquees, tables, chairs, soft furnishings, flowers, linen, lighting & tableware;
 - Music and speakers;
 - Cold rooms & generators; and
 - Portaloos & garbage bins.
- The existing dwelling, furniture or equipment contained therein is not to be utilised for Functions.
- Clients are responsible for all costs involved in ensuring set-up and breakdown of all Functions.

6. MUSIC AND NOISE

- Newrybar Downs is located within a rural setting and a Noise Management Plan (NMP) has been adopted to minimise impacts on our neighbours. A copy of the NMP is **attached** (*Note: to be prepared in accordance with relevant conditions of development consent*).
- Marquees are to be erected in the nominated area on the site plan to the north of the existing dwelling.
- All amplified music is to be contained within a 'sound shell' which is to be located within the nominated marquee site on the site plan. The 'sound shell' is available for hire from Newrybar Downs.
- Amplified live or recorded music is permitted, however amplification will need to be limited to levels nominated in the Noise Management Plan.
- All generators and cold rooms are to be located within the nominated site on the site plan.
- All live and amplified music is to cease at 10.30 pm. All Function guests (other than those staying at the venue) are to depart the site by 11.30pm.
- The Security Contractor is responsible for ensuring that Functions comply with these requirements and is required to monitor noise outputs at regular intervals through the event. The Security Contractor is authorised by Newrybar Downs Management to adjust (reduce) noise volumes to ensure compliance.
- It is prohibited to have amplified music of any kind outside of the nominated Function time (including during set up or pack up).
- No fireworks are allowed on the property.

7. GUEST PARKING, ARRIVAL AND DEPARTURE

- Parking is available on site for a maximum of 5 cars associated with Function guests.
- All other guests must be transported to the site by mini-bus. Given the driveway configuration, the maximum bus size is the equivalent of a Toyota Coaster.
- All guests may have access to the venue 1 hour prior to the Event.
- All guests (excluding persons staying at the venue) must depart by 11.30pm.
- No guest is to park on Johnston Road or Brooklet Road.

8. RUBBISH REMOVAL AND CLEANING

- All rubbish generated from events must be removed from the property and disposed of at a licensed facility.
- All weddings are to ensure that arrangements are for a private waste contractor to deliver and collect wheelie bins to store waste generated by the event.
- Bins are to be provided at the follow rate:
 - 1 x 240L red bin (mixed waste) / 40 guests; and
 - 1 x 240L yellow bin (recyclables) / 25 guests.

9. TOILETS

- The toilets within the house are for the use of house guests only.
- Portaloos must be provided for all other persons attending the premises (inclusive of catering and other contractors attending the site) at the ratio of one per 20 persons.

10. ELECTRICITY

- A generator is to be provided to service electricity demands associated with Functions. the in case of overload and black outs. The Venue will not be held accountable in case of black outs.

11. SUPPLIERS

- All Suppliers for the Event must be approved by Newrybar Downs Management.
- All caterers must ensure that wait staff hold an appropriate qualification in the Responsible Service of Alcohol.

12. CONDUCT OF THE EVENT

- The Event must be conducted in an orderly and lawful manner.
- Newrybar Downs management may terminate any Function if they reasonably believe that the Event is not being conducted in an orderly and lawful manner and/or may remove any person or persons from the Event whom they reasonably regard as intoxicated or unruly.
- Any damage to the Venue or its structures, services or facilities must be reported to the Wedding Co-ordinator as soon as they occur.



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Newton Denny Chapelle

Subject: Pre-Lodgement Meeting, Newrybar Downs, Newrybar

Date: 26/2/15

Attending: Pip Rooke (client), Karina Vikstrom (NDC), Andrew Smith (BSC Manager Development Services), Rachael Jennar (BSC EHO), Jenny Ryan (BSC Compliance Officer) and Dave Kelly (BSC Manager Infrastructure Planning)

Version: Final Notes - Incorporating comments from Council in [blue font](#).

- Karina Vikstrom (KV) outlined the project as per the description contained in the NDC letter dated 20/2/15. Highlighted that the number of events indicated in the description would be adjusted in the final application dependent upon the issues raised by Council officers. KV outlined that Tim Fitzroy is currently completing a noise assessment and that it is expected that his recommendations will include a range of management techniques similar to that implemented for the 'Horizon' venue in Byron Shire.
- Andrew Smith (AS) provided the following comments from a town planning perspective:

Tourist and Visitor Accommodation

- [If the premises are to be used throughout the year for holiday letting throughout the year \(albeit occasional and irregular\) then consent is required for this activity.](#)
- Council's LEP & DCP contain a range of planning controls for tourist and visitor accommodation in rural areas of the Shire.
- [Discussion was held around the underlying objectives of the controls in the DCP being to facilitate small scale accommodation \(ie. 75sqm\) and therefore the application would need to address any variation and these objectives.](#)
- Clause 7.9 of LEP is particularly relevant. Any application would also need to demonstrate compliance with the relevant controls and objectives in the DCP.

– Wedding and Corporate Event Venue

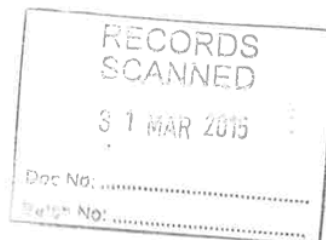
- The land use is defined as a 'function centre' which is prohibited on the land via the LEP.
- Temporary use clause (CL 2.8) 'opens the door' for an application. Application will need to address compliance with the provisions of CL 2.8. Council will assess 'impacts' wherever possible using measurable / objective criteria.
- Will need to be a heavy emphasis on the Operational Management Plan to manage off-site impacts.
- AS uncertain as to whether or not the 'set up' and 'pull down' days are to be included in the tally for the number of days that the temporary use is operational. [Council suggests review of legal precedents to determine number of events.](#)

Helipad

- Permissible with development consent.
 - [Given the use of the helipad is not in association with the residential occupation of the site, but for guests, then its permissibility for use sits with the above uses.](#)
 - Noise assessment will need to address frequency of flights and appropriate management arrangements that can be implemented to limit off-site impacts.
- Rachael Jennar (RJ) provided the following comments from an Environmental Health perspective:
 - Tim Fitzroy's recommendations will be critical to the assessment of noise impacts off site. On face, the broad approach described in KV's introduction appeared logical. However, review of report required to confirm this conclusion. Noise assessment will need to include generators & refrigeration units.
 - Portaloos appear to be a sensible approach to managing effluent disposal.
 - Caterers will all need to operate at appropriate food safety standards.
 - If private water supply, NSW Health will require testing of the water supply. This can be a condition of development consent.
 - Will need to check whether pool fencing compliant with standards for commercial tourist and visitor accommodation.
 - Jenny Ryan (JR) – Council will be writing to client to seek advice as to how they intend to manage the site (including off-site impacts) prior to formal receipt of development consent.
 - David Kelly (DK) advised as follows:
 - Council will require some overflow parking (say, 5 spaces) to accommodate guests who arrive via motor vehicle rather than bus.
 - Parking and driveway will need to be all weather surface (not necessarily sealed).
 - Need to demonstrate both SRV and MRV can manoeuvre on site;
 - May need to extend bitumen from Johnston Road formation to the driveway entrance to the site.
 - Application will need to demonstrate that a mini-bus can safely wait on Johnston Road prior to turning onto Brooklet Road;
 - [DA must demonstrate buses/MRV can comply with relevant standards for the driveway intersection and Johnson/Brooklet Road intersection;](#)
 - Development Contributions for roads will be payable. Quantum payable will be dependent on the operational characteristics (ie number of vehicles) and frequency of events (52 events would trigger 'full rate', 26 events 'half rate' etc). Operational Management Plan will be critical in assisting to calculate contributions – if patrons arriving by hire car or taxi, then same impact on road network as private motor vehicles and contributions will be calculated accordingly.
 - Need to check to ensure that RFS requirements can be met with respect to the driveway width.



Date: 27 March 2015
Our Ref: 15/022



General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Andrew Smith

Dear Sir,

**Re: Lot 5 DP 606566 - 1 Johnston Road, Newrybar
Newrybar Downs Wedding Venue.**

We refer to Council's letter to our clients, Mr and Mrs Rooke, dated 17 March 2015 regarding the above matter. We refer also to the meeting held on 25 March 2015 between our clients, NDC's Ms Vikstrom and Mr Chapelle and Council's Mr Willis and Mr Smith to discuss this project.

With respect to Council's letter dated 17 March 2015, we note that Council has agreed that events scheduled prior to the 30 May 2015 could continue as 'one off' events subject to compliance with a number of conditions. Our clients are grateful for Council's understanding with respect to these events and wish to assure Council that all nominated conditions will be fully complied with.

Our clients have reviewed the seven bookings originally scheduled between June 2015 and the end of November 2015 and are pleased to advise that three of these booking will no-longer be occurring at the premises. However, our clients request Council's agreement with respect to enabling the following weddings to occur as 'one off' events:

- 12 September 2015;
- 26 September 2015;
- 24 October 2015; and
- 14 November 2015.

JOHN NEWTON B Surv, M1S Aust. TONY DENNY B Surv, (Hons), M1S Aust. DAMIAN CHAPELLE BTR CPP
Office: Suite 1, 31 Carrington Street, Lismore, Postal Address: PO Box 1138 Lismore NSW 2480
Phone (02) 6622 1011 Fax (02) 6622 4088 Email office@newtondennychapelle.com.au
Also at: Cassino Court, 100 Barker Street, Casino NSW 2470 Phone/Fax (02) 6662 5000

We are advised that for each of these weddings:

- a) the agreed number of guests is approximately 60 persons, which is relatively small scale;
- b) the bridal couple is from interstate (2 x Melbourne & 2 x Brisbane);
- c) a significant majority of guests will be travelling from interstate and overseas;
- d) a portion of the bridal party (plus some family) live off shore and have already made travel plans; and
- e) parents of the bridal couple do not live in the same state as the wedding couple and in some cases have paid the deposits.

Furthermore, one of the above weddings involves a groom who works in Western Australia, hence time off to get married is limited to certain dates.

In light of the above, cancelling or reorganising the four remaining bookings post May presents substantial difficulties for our clients, as well as the respective bridal couples and their families and guests. As such, we respectfully request Council's agreement to enabling these events to occur as 'one off' events, subject to compliance with the conditions nominated in Council's earlier letter. We note that the revised schedule represents a 40% reduction from that which was originally submitted to Council.

We would like to confirm the advice presented at the meeting that since being made aware of the requirement to obtain development consent for Newrybar Downs to function as a wedding venue, our clients have endeavoured to work co-operatively with Council. Consultants who have been engaged to prepare the required development application include Newton Denny Chapelle (planning, surveying, civil engineering), Tim Fitzroy and Associates (acoustic, contamination, effluent disposal) and BCA Check (bushfire). At this stage, we expect to be in a position to lodge the application in mid - late May 2015.

Our clients have also endeavoured to work cooperatively with the neighbouring properties in Boormans Road. We have attached for Council's information the Minutes of a meeting held between our clients and the Boorman Road residents which demonstrate the co-operative approach agreed to at that meeting (Note: the Minutes were prepared by the adjoining residents). As such, our clients are surprised at the content of the recent objection received by Council from residents in Boormans Road. Nevertheless, our clients have requested that NDC meet with the neighbouring residents as part of the process to prepare the development application to ensure that their concerns can be addressed within the application.

We trust that the above is satisfactory to Council and look forward to confirmation that the four events scheduled between September 2015 and November 2015 are able to proceed. Should you have any queries regarding the above, please do not hesitate to contact Ms Karina Vikstrom of this office on telephone 6622 1011.

Yours sincerely,

NEWTON DENNY CHAPELLE



DAMIAN CHAPELLE
Town Planner. BTP CPP.

Notes from meeting held at Newrybar Downs held on Sunday 15th February 2015 to discuss the impact of the wedding venue.

Present:

Greg and Pip Rooke
Nick and Kerry Repin
Chris and Mark Jones
Frauke Huhn
Robyn Porritt

1. Greg and Pip assured those present that while they are keen to continue running Newrybar Downs as a wedding venue, they want to avoid any negative impact on the neighbours. They are in the process of preparing a DA to submit to council.
2. It was understood that the noise from both live bands and recorded music is at such a high volume as to be offensive to the surrounding neighbours. It was noted that 5DB above background noise is the limit acceptable within council regulations. Greg and Pip have employed an acoustic consultant to prepare a report for the DA. Greg said that they are considering both sound walls and a noise limiting device for the amplifier. In addition Pip suggested that they could consider holding smaller weddings.
3. It was also understood that, as a result of the topography of the environment, the noise is louder in some neighbouring properties than others.
4. The duration of the noise was discussed, with the most recent celebration continuing for around 10 hours on the Saturday and starting again late morning on the Sunday. The possibility of finishing earlier was discussed.
5. Police were called to followup on the noise complaint however no action was taken.
6. Greg and Pip were surprised to learn that the wedding ceremony itself is audible at the neighbouring properties.
7. The adverse impact of the helicopter was discussed. While it is not a frequent occurrence, it impacts on the neighbours privacy and would mean that none of the surrounding properties could have any cattle or horses, as they would be disturbed by the helicopter. Greg said that, while they want to use this as a means to value add to the property, it is not necessary for the bride to fly in to the venue.
8. Greg and Pip informed the meeting that a wedding planner and property manager were on site to monitor the event. The manager always ensures that the amplifier is turned off at 10:30, however the volume at which music is played is not monitored. The departure of patrons is also extremely noisy and this is very difficult for one or two people to control, due to the large number of patrons and possibly their state of intoxication. Greg and Pip suggested that they could have an extra person on site to oversee the function. As Greg and Pip are not present during a function, they will also give us the mobile number of the on site manager so that we can discuss any noise issues with her at the time of the function.
9. Rubbish (glass bottles) thrown into a neighbouring paddock was discussed. Greg and Pip said that they would ensure their gardener/ handyman would check the area for rubbish the morning after an event. In addition they are considering electronic gates for the main driveway which would dissuade guests from leaving the property.

Naomi McCarthy

From: Karina Vikstrom <kvikstrom@newtondennychapelle.com.au>
Sent: Tuesday, 6 October 2015 2:34 PM
To: Naomi McCarthy
Cc: Damian Chapelle; greg@gregrooke.com
Subject: TRIM: Newrybar Downs

HP TRIM Record Number: 15/70633

Hi Naomi,

I refer to your conversation last week concerning the complaints made by a neighbour concerning an event held on the evening of 26 September 2015. Our clients advise that 56 persons were in attendance at the function. As discussed, the security contractor for Newrybar Downs (Meridian Protection) completed a report to Greg and Pip Rooke concerning the proceedings on the night. Following is a copy of this report for your information:

"Report 26/9/15

7:20pm checked decibel readings results were between 24-36db which is great, readings were taken from front entry.

8:35pm Escorted a guest to their vehicle and guided them out of bottom car park.

8:40pm checked decibel readings results were between 24-36db.

9:40pm checked decibel readings results were between 26-31db

10:10pm Escorted a guest to their vehicle and guided them out of bottom car park.

10:15pm Police attended site re: a noise complaint, myself and Jane spoke with the 2 officer's in relation to complaint, they weren't worried about the noise level, but because a complaint was made they had to attend. I got the band to turn it down a bit. All okay. The noise levels from the front gate were between 20-24db (which is similar to rustling leave or a whisper) as a guideline for you.

10:55 - 11:20pm Met bus company and organized parking and pickup locations, guided buses up driveway to designated pickup location .

11:15- 11:30pm Assisted getting guests on the buses.

11:40pm -1145pm Escorted and assisted band to and from car park.

11:50pm- 12am final check of site and car park, all okay".

Trust that this is of assistance,

Regards,

Karina

Karina Vikstrom
Town Planner BTP

Newton Denny Chapelle
Suite 1/31 Carrington Street, Lismore
Post: PO Box 1138 Lismore NSW 2480
T: 02 66221 011 F: 02) 66224088 M: 0417 402609
E: kvikstrom@newtondennychapelle.com.au

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1st July 2015
The General Manager
Ballina Shire Council
PO Box 450
Ballina, NSW 2478

**Development Application Reference DA/2015/300
As lodged with Ballina Council**

“Use of the existing dwelling/house for tourist and visitor accommodation and the temporary use of the land for a function centre and associated works.”

Please accept this letter of support for the Development Application for Newrybar Downs, 1 Johnston Road, Newrybar, NSW.

The North Coast of NSW is now ranked as the third most visited destination in Australia, surpassed by only Sydney and Melbourne. It has not only a high domestic visitation, but the Ballina/Byron shires attract the highest number of international visitors for NSW outside of Sydney.

There is an absolute need to ensure that the product range in our destination is of a quality and stature that can maintain and support this level of visitation. Newrybar Downs is a product that can and will achieve this as a sophisticated dwelling nestled within the rural area of Newrybar.

The property is well positioned to welcome both our discreet holiday makers and temporary event occasions such as our escalating and extremely valuable destination weddings and corporate events. It offers a number of sought after elements that will fill the aims and aspirations of its future guests for these markets.

Having met owners Phillipa and Greg Rooke when the property was near its completion I can be confident that the property will achieve its aim to offer high standards at all levels to its visitors. They are very much respected in the area and are hands on at all levels in developing this property into one that will be well sort after in our region as demand increases from its high levels today and even more so towards Commonwealth Games in 2018.

Having reviewed the application and in particular the Statement of Environmental Effects, I understand the changes that the owners are working towards, in conjunction with Council. For further information of clarification please do not hesitate to contact me directly on 0407175865

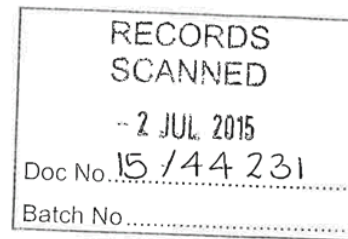
Yours truly,

Cameron Arnold
CO-CHAIR

**NORTH COAST DESTINATION NETWORK
PO Box 262
Port Macquarie NSW 2444**



**The General Manager
Ballina Shire Council
P.O. Box 450
BALLINA NSW 2478
1st July 2015**



NSW Business Chamber Limited
Ballina
Street address
2/54 Tamar Street, Ballina NSW
2478
Postal address
PO Box 950, Ballina NSW 2478
DX 27657
t 13 26 96
f 1300 655 277

**Development Application ref DA/2015/300
as lodged with Ballina Shire Council**

**"Use of the existing dwelling / house for tourist and visitor accommodation
& the temporary use of the land for function centre and associated works."**

Dear Sir,

This letter is to confirm I have viewed this Development Application online & herby offer my full support of Newrybar Downs who are applying to utilise the property for visitor accommodation & as a temporary professional functions venue.

Firstly, let me say I have visited their property and found it to be of an extraordinary high standard. The grounds are perfectly maintained and present a wonderful natural backdrop to the proposed function area. This is clearly a property that would meet world best standards. It certainly showcases the Ballina hinterland in a most positive & beautiful light!

Secondly, the tourism potential for this shire is still far from being realised. We do know already that Domestic and International visitor nights represent a major part of the region's economy. The 4 year average to Sept 2014 for both Ballina and Byron Bay LGA's are reflected as following

Domestic

	Ballina LGA	Byron Bay LGA
Visitors	280,000	522,000
Visitor Nights	1,028,000	2,095,000
Expenditure	\$138m	\$282m

International

	Ballina LGA	Byron Bay LGA
Visitors	13,000	160,000
Visitor Nights	127,000	1,177,000
Expenditure	\$7m	\$68m

Newrybar Downs sits astride both the LGA areas of Ballina and Byron Bay. The statistics for both these areas show conclusively that Tourism / Hospitality feature strongly in the areas economy. State Government goals to double the visitation stays across Regional NSW as well as the push for increased international flights into / out of the Gold Coast will only impact positively on the figures shown above.

ABN 63 000 014 504

Invigorating business



nswbusinesschamber.com.au



From my own Tourism background I know only too well the ever increasing domestic and international demand for high quality venues like Newrybar Downs. It is a standout function venue for the Ballina area and will by its own standards only attract quality, discerning events.

I would like to offer the NSW Business Chamber's full support for Ballina Shire Council to assist in every way possible Newrybar Downs being able to achieve its goals as a quality function venue.

I would be most pleased to offer in person support for this application should it be required.

Yours Sincerely

A handwritten signature in black ink, appearing to read "John Murray".

John Murray
Regional Manager
Northern Rivers - NSW Business Chamber

ABN 63 000 014 504

Invigorating business

ACCI NSW Business Chamber is a founding member of ACCI

nswbusinesschamber.com.au

SCOTT HARVEY**REAL ESTATE**741 FERNLEIGH ROAD
BROOKLET 2479 AUSTRALIA
OFFICE PH: +61 02 6687 8154ABN 48 121 220 871
E: sales@scottharveyrealestate.com.au
W: www.scottharveyrealestate.com.au1st July 2015

The General Manager,
Ballina Shire Council
PO Box 450
Ballina NSW 3478



Dear Sir,

Re: DEVELOPMENT APPLICATION REFERENCE DA/2015/300 AS LODGED
WITH BALLINA COUNCIL

Having viewed the abovementioned application as placed on exhibition by the council, I would like to offer my support for the owners of 'Newrybar Downs' Brooklet Road, Newrybar and their formal application for "use of the existing dwelling/house for tourist and visitor accommodation and the temporary use of the land for a function centre and associated works."

I am aware that a number of functions have taken place at the property and to date, they have been conducted in a very professional and courteous manner.

Prior to this application, the owners have gone to great lengths in renovating the property and presenting 'Newrybar Downs' to the highest standard. This is in keeping with the type of clientele they currently attract.

I have personally known the applicants for a number of years and feel extremely comfortable speaking on their behalf. I have found them most respectful of the immediate neighbourhood and local community, with a clear intention to be continually aware of others around them and having a great sensitivity to, and care for, the surrounding natural environment.

There is no doubt that our region is a most desirable location as a wedding and special events destination. It is proving vital that these events are handled in a professional and sensitive manner. 'Newrybar Downs' is a first class facility that has been established to meet those needs.

I am very much in favour of the proposed application and should the reader require any further dialogue, please do not hesitate to contact me.

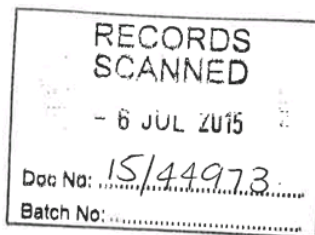
Yours faithfully,

SCOTT HARVEY J.P.

A handwritten signature in black ink that reads "Scott Harvey". The signature is written in a cursive style with a long, sweeping horizontal stroke at the end.

15/45018

ACKNOWLEDGED



Jason Buttigieg
5 Coot-tha Place
Forest Lake QLD 4078

1st July 2015

**Re: DEVELOPMENT APPLICATION REFERENCE DA/2015/300 AS LODGED WITH
BALLINA COUNCIL**

"Use of the existing dwelling / house for tourist and visitor accommodation and the temporary use of the land for a function centre and associated works."

To the General Manager

I have been approached by Greg and Philippa Rooke of 1 Johnston Rd Newrybar concerning their Development Application REFERENCE DA/2015/300 and have reviewed the document posted on BSC's Website.

I've known Greg and Philippa Rooke for the last 2 and a half years as neighbours to my late Father who resided at 108 Brooklet Rd Newrybar. Since the passing of my father in September 2014, I have inherited the property situated at Lot 1 DP 253857 and have had close dealings with them and found them to be of impeccable character and intentions.

They have shown that they are ethically responsible to their neighbours and environment and are very forthcoming in cooperation and consultation regarding any changes to the way they conduct any activities at Newrybar Downs.

Our Property is closely situated to Newrybar Downs and would be by far the most affected property of any in the community. I also highly value the rural and friendly atmosphere of the area and at no time in the past have I found or heard reports of invasive activities occurring that would be detriment to the area.

I think it's great to see the tasteful and controlled development of Newrybar and its beatification whilst simultaneously providing employment and services to the local community. I believe that this is a positive move for the community and I whole heartedly support their application.

Regards,

A handwritten signature in black ink, appearing to be "Jason Buttigieg", written over a horizontal line.

Jason Buttigieg

The General Manager,
Ballina Shire Council,
PO Box 450,
Ballina,
NSW 2478.
5th July 2015.



RE; DEVELOPMENT APPLICATION DA/2015/300 AS LODGED WITH BALLINA COUNCIL

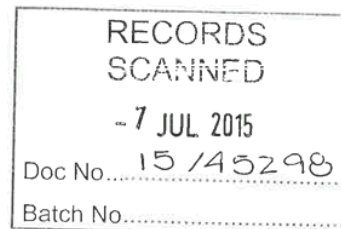
I have viewed the above Development Application of Greg and Pip Rooke and their proposal for 'Newrybar Downs' located on Brooklet Road Newrybar.

With the imminent completion of the Tintenbar to Ewingsdale (T2) highway upgrade the village of Newrybar and the neighbouring rural communities of Brooklet, Fernliegh and Knockrow will be forced to embrace a new era, 'Life after the Highway'. I have no doubt that the economies of businesses like mine shall suffer initially but look forward to the prospect of new enterprises similar to that proposed by the Rookes enabling others to share this amazing region and stimulate economic growth.

The property has been magnificently restored complimenting the natural beauty of the region. The prospect of increased employment opportunities and the flow on effect to businesses like mine should in my opinion be encouraged. Having daily contact with members of the local community I believe this community is eagerly awaiting a new direction.

Yours sincerely

Jeff Barnes



Jeff & Tracey Barnes Ph: 6687 1671 Fax: 6687 2643

15/45304
ACKNOWLEDGED

David & Vicki Caesar
73 Brooklet Road
NEWRYBAR NSW 2479

1 July 2015

RECORDS
SCANNED
- 7 JUL 2015
Doc No.....15/45299
Batch No.....

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

Dear Sir/Madam

Re: DA/2015/300 AS LODGED WITH BALLINA COUNCIL
"Use of the existing dwelling/house for tourist and visitor accommodation and the temporary use of the land for a function centre and associated works."

We are writing to advise that we have viewed the above development application online.

We have found the owners of Newrybar Downs, Greg & Pip Rooke to be very honourable and approachable people and as close neighbours have no objections to the development application they are seeking approval for.

Thankyou



David & Vicki Caesar

RECORDS
SCANNED
- 9 JUL 2015
Doc No. 15/46087
Batch No.

Nicky and Ronald Kukulka
14 Brooklet Road
Newrybar
02/07/15

Dear General Manager

We are writing in regard to the DA 2015/300 for Newrybar Downs, which is currently lodged at Ballina Shire Council. We are aware that the application is in relation to the property to be used as holiday accommodation as well as an occasional wedding venue. We feel that this would only add value to the area and be of great support to local business. Especially the local shop/ post office and cafes which will surely suffer a loss of business when the highway is moved, later this year.

I believe this will be a venue of quality and prestige. The wedding industry creates a lot of revenue for local small business which helps to support the local community.

In regard to this application we completely support its approval.

Regards Nicky and Ronald Kukulka
0413488626



15 146282
ACKNOWLEDGED



06/07/2015

DEVELOPMENT APPLICATION REFERENCE DA/2015/300 AS LODGED WITH BALLINA COUNCIL. "Use of the existing dwelling / house for tourist and visitor accommodation and the temporary use of the land for a function centre and associated works."

To whom it may concern,

This is a letter in full support of the development application for Newrybar Downs, 1 Johnston Rd.

My name is Jesse Amos, owner of Australian Landscape Maintenance, and I've been doing the lawns/gardens at the above mentioned property for over 4 years now. I met Greg and Pip about 2 and a half years ago when they purchased the property from a man named Jason, whom I was working for. I guess you could say I came with the place.

I can honestly say without pride or ego, that this is the nicest, most well kept place we do. And that that is only because of they're vision, determination and persistence. While the bones and structure of a great home were there when the place was sold, the heart and soul of the place were added by Greg and Pip! And a quick walk around from anyone who visits, can see and feel, "these guys care". I've seen they're vision come to life, and bring on the work of painters, tilers, electricians, plumbers, joiners, landscapers, tree loppers, extra gardeners, turf suppliers, fake turf suppliers, carpenters, pool guys,.....The list goes on and on and on. I mean, if you own a local business, chances are you've been to Newrybar Downs! I personally had to hire a full time employee and can look forward to a busy winter thanks to the work load and projects from the property.

As far as character, you will not find better! I have been invited, and excepted invitations to dinners, christmas parties, and barbecues where every tradie and neighbour have been invited. They're goal was not, and will never be, to be the noisy house on the hill that annoys everyone. But to be a respected member of the community that can offer a little something for everyone, which I believe they have achieved. They were mortified when they found out there had been complaints, and quickly set things in motion to rectify any of them. I know there are some neighbours who have not accepted invitations, and who have written letters of complaint, but there are lots of neighbours and people like me who support it and think it's just what the community needs. I'm sure the local shops and cafe owners would agree.

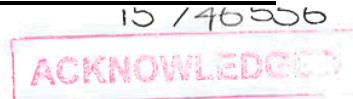
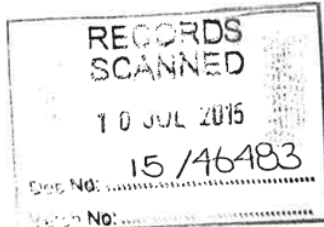
I have viewed the application as I have the pleasure of going to the property once a week, every week, and have every right to make the comments written in this letter. Please do not hesitate to contact me to discuss the matter any further.

Thank You

Jesse Amos

Owner/Operator of Australian Landscape Maintenance
31 Kingsley Street, Byron Bay NSW 2481
Phone: 0403 131 268 Email: jesse@a-l-m.com.au

Thomas Lombard
1150 Friday Hut Road
Binna Burra, NSW 2479
Ph: 02 6687 1708
Email: tlombard40@gmail.com



6th July 2015

DEVELOPMENT APPLICATION REFERENCE DA/2015/300 AS LODGED WITH BALLINA COUNCIL

Use of the existing dwelling / house for tourist and visitor accommodation and the temporary use of the land for a function centre and associated works.

Attention: The General Manager, Ballina Shire Council

Dear Sir,

As a neighbour of Greg and Pip Rooke's, Newrybar Downs, it has been brought to my attention that they are seeking DA approval for events accommodation and functions on their property at 1 Johnston Road, Newrybar NSW 2479.

I have personally viewed the application as placed on exhibition by the council on Ballina Council website.

My property borders Newrybar Downs on the western side of their property and am in support of their application for furthering the abilities of their estate. I believe that they have the capability to bring in more interest to the area and its surrounds, they are mindful of their neighbours and take great care of their environs.

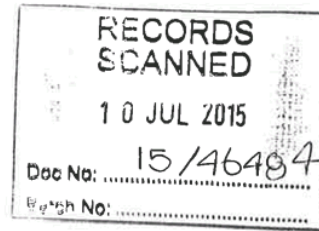
Newrybar Downs has my full support for their application

If you require further information, please contact me on my landline 02 6687 1708

Sincerely Yours

A handwritten signature in black ink, consisting of several overlapping loops and a vertical stroke, positioned above the name "Thomas Lombard".

Thomas Lombard



8 July 2015

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

**RE: DEVELOPMENT APPLICATION REFERENCE DA/2015/300 AS LODGED WITH
BALLINA COUNCIL**

*Use of existing dwelling/house for tourist and visitor accommodation and the temporary use of the
land for a function centre and associated works.*

To whom it may concern

As a neighbouring business of Greg and Pip Rooke's Newrybar Downs, it has been brought to my attention that they are seeking DA approval for events accommodation and functions capabilities on their property at 1 Johnston Road, Newrybar NSW 2479. I have viewed the lodged application as placed on exhibition by Ballina Council via the website.

As a property holder residing and operating in the same area as Newrybar Downs, I, being the owner of Duck Creek Macadamias, am in support of their application for furthering the abilities of their estate. I believe that they have the capability to bring in additional interest to this rural hinterland area and its surrounds which would also be of added benefit to other business trading in this semi-remote region. They are mindful of their neighbours and support the other business in this area wherever they can. We are pleased to be a neighbouring business to Newrybar Downs.

Newrybar Downs has my full support for their application.

If you require further information, please contact me on 02 9979 3888 or via Duck Creek Macadamias 02 6687 1877

Yours sincerely

Frank Elsworth

p.p:dv

www.duck-creek.com

PO Box 449 Bangalow NSW 2479
e. indulge@duck-creek.com

145 Brooklet Rd Newrybar NSW Australia 2479
p. +61 2 6687 1877

15 / 46507
ACKNOWLEDGE

DEVELOPMENT APPLICATION REFERENCE DA/2015/300 AS LODGED WITH
BALLINA COUNCIL

"Use of the existing dwelling/ house for tourist and visitor accommodation and the temporary use of the land for a function centre and associated works."

8 July 2015

To The General Manager,

I am writing in relation to the DA application for Newrybar Downs to permit an existing premises to be used for tourist and visitor accommodation and the temporary use of the land for a function centre.

I have reviewed the DA application and the supporting materials.

I am a landowner in Newrybar village. I strongly support Ballina Council agreeing to the DA application. The measures taken and proposed to be taken by the property owners will ensure the proposed use of the property will be a sympathetic commercial activity in the Newrybar area.

In my view, it is important to view the proposed DA within the context of securing a strong, viable economy within the Ballina Shire which helps sustain the unique social and physical environment we have here. The lifestyle that is possible in our region – as individuals and as communities – does not happen by itself. We need to ensure there are opportunities for businesses which will provide jobs – not just any business or any development, but businesses which celebrate and depend on our unique environment, as Newry Downs clearly does.

Many areas of rural and regional Australia are fighting for their survival as traditional ways of agriculture decline. I have personal experience of this. I grew up in Lismore before the 'tree change/sea change' movement happened, and this was a poor and declining area with few prospects for young people. Like many, I had to move away.

I have also been an investor in a farming property near Gundagai, and slowly saw that town die on its feet. The community was never able to find the vision to promote new economic activity which could leverage the character of the town and surrounding area.

'Destination weddings' are an important and growing economic activity in this area. I commute between Ballina and Sydney every week and my experience is that a third or more of male passengers on the flight to Ballina are carrying suit bags – you only fly to this area with a suit bag if you are going to wedding!

Weddings are a great multiplier of economic activity. Weddings necessarily rely on a host of services from other local providers, including photographers, caterers, florists, musicians and hair dressers. Guests need to stay in accommodation in the area and shop and dine out while they are here. It is difficult to think of another economic activity which has the potential to support so many other individual traders and small businesses.

The success of this area for 'destination weddings' crucially depends on maintaining the physical beauty and community environment of the area. The way in which Newrybar Downs is proposing to operate shows that they clearly understand this.

For these reasons, I believe that the proposed DA represents an appropriate, sympathetic development in the Newrybar area.

Yours Sincerely,



Peter Waters, 5 Old Pacific Highway, Newrybar



34241154_1

page | 1

ACKNOWLEDGED

15/46983

1st July 2015

General Manager

Ballina Shire Council

PO Box 450

Ballina

NSW 2478

RECORDS SCANNED
13 JUL 2015
Doc No. 15/46859
Batch No.

SUBJECT: Development Application Reference DA/2015/300 as lodged with Ballina Council.

"Use of existing dwelling/house for tourist and visitor accommodation and the temporary use of the land for a function centre and associated works"

Dear Sir,

After viewing Newrybar Downs DA application on your Council site I have the following comments to make.

We have been residents of Newrybar for the past 38 years. We are but one dwelling from the property in question – Newrybar Downs. I have seen it blossom since the current owners Greg & Philippa Rooke assumed title February 2013. I write in support of their application as we see the property as a real enhancement for the Newrybar area. Our small rural village of Newrybar is starting to evidence change as we see growth of all type in the Northern Rivers. Our Agri use, water catchment and road networking has been steadily developing over time and we now must accept some degree of change to our local surrounds as long as it remains sympathetic with the rural charm of our area.

That said the current owners of Newrybar Downs (who gave this property its name) have shown to be responsible and respectful residents of Newrybar. I know they are doing all possible to establish in conjunction with Council operating parameters for their future activities that can be deemed acceptable and reasonable for both events and holiday use.

I notice with interest when reading the DA that Greg and Pip engaged a professional acoustic consulting group to assist them establish applicable standards to assess future noise output. This initiative in conjunction with a wide range of technical reports lodged with the application inclusive of a detailed operational management plan for the premises will ensure that Newrybar Downs is managed in accordance with future conditions of consent. These initiatives truly demonstrate the owner's commitment to complying with Councils operating parameters.

The style, considered refurbishments to their home and gardens is a credit to them both as it has created a charm that can only be considered an enhancement to the area. We all need to encourage people who wish to blend in with rural life such as Philippa and Greg who also are providing much needed jobs for the area from earthworks, landscaping, caterers, hire companies and the list goes on.

It is for this reason that I fully endorse the application for this property.

Yours sincerely



VIVIENNE CAREY

116 Brooklet Road

Newrybar

NSW 2479

1st July 2015

General Manager

Ballina Shire Council

PO Box 450

Ballina

NSW 2478

15/4682
ACKNOWLEDGED

RECORDS SCANNED
13 JUL 2015
Doc No. 15 146851
Batch No.

SUBJECT: Development Application Reference DA/2015/300 as lodged with Ballina Council.

"Use of existing dwelling/house for tourist and visitor accommodation and the temporary use of the land for a function centre and associated works"

Dear Sir,

After viewing Newrybar Downs DA application on your Council site I have the following comments to make.

We have been residents of Newrybar for the past 38 years. We are but one dwelling from the property in question – Newrybar Downs. I have seen it blossom since the current owners Greg & Philippa Rooke assumed title February 2013. I write in support of their application as we see the property as a real enhancement for the Newrybar area. Our small rural village of Newrybar is starting to evidence change as we see growth of all type in the Northern Rivers. Our Agri use, water catchment and road networking has been steadily developing over time and we now must accept some degree of change to our local surrounds as long as it remains sympathetic with the rural charm of our area.

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The style, considered refurbishments to their home and gardens is a credit to them both as it has created a charm that can only be considered an enhancement to the area. We all need to encourage people who wish to blend in with rural life such as Philippa and Greg who also are providing much needed jobs for the area from earthworks, landscaping, caterers, hire companies and the list goes on.

It is for this reason that I fully endorse the application for this property.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P Carey', written over a horizontal line.

P Carey

116 Brooklet Road

Newrybar

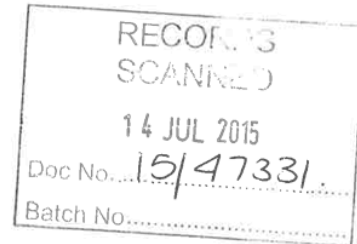
NSW 2479

**Diana Nielson & Jeffrey King - Bangalow
Organics**

"Chestnut Park" 19 Johnston Rd • Newrybar, NSW 2479 • Phone: 02 6687 1787 • Mobile: 0401 995822
E-Mail: bangaloworganics@gmail.com

Date: July 12, 2015

The General Manager
Ballina Shire Council
P.O Box 450
Ballina NSW 2478



Reference : DA No: 2015/300

Property: Lot: 5 DP: 606566, 1 Johnston Rd Newrybar

Proposal: Use of the Existing Dwelling House for Tourist and Visitor Accomodation and the
Temporary Use of the Land for a Function Centre and Associated Works

Dear Sir,

As adjoining neighbours of Pip and Greg Rooke, "Newrybar Downs" we would like to advise council that we have viewed the abovementioned development application and would like to offer our full support.

We have lived on our property since August 2013 and during this time we have found Pip and Greg to be incredibly courteous, considerate and respectful neighbours. They have always been both consultative and communicative with us and other neighbours. When weddings and events have been run at Newrybar Downs they have without exception been very well supervised and managed including the employment of an on-site property supervisor and more recently a security guard.

The security guard is not only responsible for ensuring that guests arrive and depart the property safely and courteously, but also to monitor the noise levels emitted from the property. From our house we have barely

been able to hear any noise at all and any music being played is always finished by 10:30pm. Pip and Greg have proactively sought an acoustic consultant to ensure that noise levels are at all times within the approved range.

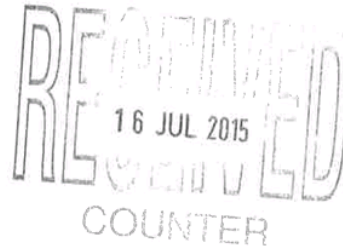
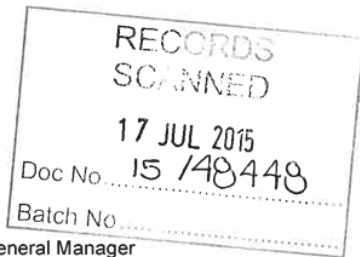
Newrybar Downs is an exceptionally well presented property and is an enormous asset to both Newrybar and the Northern Rivers District. Newrybar can only benefit from having such a prestigious property attracting wedding parties and their guests to our village. With the imminent changes to Newrybar once the highway has been completed this will become even more critical to ensure local businesses are supported.

Under the responsible stewardship of Pip and Greg we unreservedly support this application and believe it is in keeping with the future vision for Newrybar.

Sincerely,

The image shows two handwritten signatures in black ink. The first signature is 'Diana Nielson' and the second is 'Jeff King'. Both are written in a cursive, flowing style.

Diana Nielson and Jeff King



The General Manager
Ballina Council
PO Box 450
Ballina NSW 2478

2nd July 2015

To Whom it may Concern,

DEVELOPMENT APPLICATION REFERENCE DA/2015/300 AS LODGED WITH BALLINA COUNCIL

"Use of the existing dwelling/heouse for tourist and visitor accomodtion and the temporary use of the land for a function centre and associatedworks"

This letter is in support of the Development Appplication for Newrybar Downs, 1 Johnston Road, Newrybar NSW. I have viewed the application as placed on exhibition by council at <http://da.ballina.nsw.gov.au>

We have had the privilege of workng closely with the owners of the above property Greg & Philippa Rooke over the past two years and have found them to be professional and responsible in all aspects of their Property offering. This property is and will continue to be a highly sought after venue for both events and discerning travellers who are visiting the Northern Rivers Area.

As Harvest Café is the regions only 1 Hatted destination restaurant, and recently awarded the 2nd best regional restaurant in Australia, Newrybar Downs is an important accompaniment to the level of service and quality that Newrybar offers travellers and locals alike. Newrybar Downs and Harvest work seemlesy together to promote and protect the hamlet of newrybar – ensuring it remains as an important tourist destination for the region.

Both Greg & Philippa are a considered couple and have like us seen the beauty in the area and are doing all possible to enhance their surrounds whilst mindful of the rural ambiance that Newrybar abounds. It has been our observation that Greg and Philippa continually introduce a broad cross section of travellers, both domestic and international to the region.

Together with the wider Newrybar Community we at Harvest fully endorse their application as the property and vision is a true enhancement to our rural landscape and will assist bringing the desired tourist profile to the Northern Rivers. Hence creating more employment and supporting the wider farming community and local businesses.

Yours sincerely,

Brooke Hudson
Managing Director
BENGAL BUSINESS PTY LTD
brooke@harvestcafe.com.au
[0416871881](tel:0416871881)

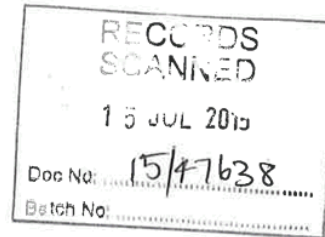
driftlab

8 July, 2015

15/147869

ACKNOWLEDGED

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



To The General Manager,

RE: DEVELOPMENT APPLICATION REFERENCE DA/2015/300 AS LODGED WITH BALLINA COUNCIL

I write this letter to confirm that I have viewed the above mentioned application as placed on exhibition by the Council and that I am in full support of the application.

I've known Greg Rooke for 27 years and Pip Rooke for 2 years. I met Greg when I was in Primary School through his daughter, Kim, and our lives have intertwined ever since. As their chosen residence, Newrybar Downs, is close to my place of business I've now had the privilege of getting to know Greg's lovely wife Pip and experience their friendship and conduct on a regular basis.

At all times I have found Greg and Pip to be friendly, caring and courteous. They consistently go out of their way to make everyone they meet feel a welcome part of their lives. They have a great sense of community and fun and live life to enjoy themselves and other's company. They always include everyone in whatever it is they are doing.

Ever since I have known Greg he has been a hard worker, doing everything he could for his staff, neighbours, friends and loved ones. He is always and completely thoughtful, loyal and dependable. If one word explained Greg more than any other it would be persistence. Greg will not stop until he is satisfied he has done his best, his work has been completed, his customer / neighbour / friend / family member is 150% happy.

I can honestly say Greg and Pip are incredible, they are people that would do anything for anyone no matter the circumstance. They've quickly become a respected and integral part of the local Community. They've already done much to improve the Community including helping put Newrybar on the 'map' and bringing a consistently high calibre of client into the Region. We all feel blessed to have them in the Newrybar Community.

I'm happy to provide further information if and when required.

Yours faithfully,


Zane Grier
Director - Driftlab Pty Ltd
Mb: 0415 338 398

DRIFTLAB PTY LTD
WWW.DRIFTLAB.COM.AU
40 JONSON ST, BYRON BAY, NSW 2481 & 16 OLD PACIFIC HWY, NEWRYBAR NSW
TEL: +61 2 6680 9869 FAX: +61 2 6680 5069
ABN 21 009 231 219

Malcolm Bush AM
6/ 155 Fisher Road North
CROMER NSW 2099
11 July 2015

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



15/48118

DEVELOPMENT APPLICATION REFERENCE DA/2015/300 AS
LODGED WITH BALLINA COUNCIL

"Use of the existing dwelling/house for tourist and visitor
accommodation and the temporary use of land for a function centre
and associated works"

Dear Sir, Madam,

I have viewed the application submitted by Greg and Phillipa Rooke
to use their existing dwelling for tourist and visitor accommodation
blending their rural surrounds whilst creating opportunities for
many, on a number of fronts and support this positive initiative.

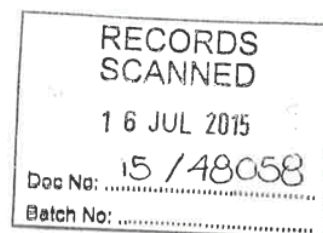
I have known Greg for 45 years as a friend and business colleague
and can vouch for him as a creative, successful and honest business
person. His long list of successes in his life include many years in
responsible senior executive roles with public companies here in
Australia and in China, Hong Kong and New Zealand.

His wife Phillipa, whom I have known for the past 20 years, is also
an outstanding and very successful business person. Phillipa is a
visionary and creative person and has also been recognized in Hong
Kong and New Zealand, by her peers for her honest and creative
business pursuits.

I am delighted to support Greg and Phillipa's application to Ballina
council in this exciting and creative plan.

Yours faithfully

Malcolm Bush AM



From: "Patrick Grier" <patgrier@gmail.com>
Sent: Mon, 13 Jul 2015 16:08:50 +1000
To: "Ballina Shire Council" <council@ballina.nsw.gov.au>
Subject: DA application for Newrybar Downs Ref. DA 2015/300

To the Chief Planning Officer.

Dear Sir - I refer to DA 2115 / 300 - Mr and Mrs Rooke.

I write to you to lodge my full support for this DA application. I am well aware of the development and modifications being undertaken at the property called Newrybar Downs. and cannot emphasize enough our support for this much needed development and request that this application is allowed to go ahead.

I am aware of what the Rooke's are proposing to develop, in order to supply high quality visitor accommodation and a high class function centre in a superb rural setting.

This accommodation and function centre is in the same class as such facilities as Giaia Retreat etc and such facilities have contributed immensely to the economy of this region.

We are all aware of the rising unemployment in this region. It has now reached almost 10% with youth unemployment rising to 15% - one of the highest unemployment in NSW. We need to do everything possible to reverse this trend.

To do this we need to encourage businesses that recognise the beauty and serenity of the region and in so doing use the natural environment to build businesses that create jobs. If such a business can take into account the surrounding environment and take into account the neighbours reasonable concerns then I strongly feel The Ballina Council should encourage the development of such businesses.

This is exactly what the Newrybar Downs proposal offers.

I am aware of the neighbours concerns and a number of them are legitimate concerns. However I am also aware of the great lengths the Rooke's have gone to mitigate these concerns. They have employed acoustic consultants to do a number of things to reduce any abnormal noise, they have provided a wide range of technical reports, have put forward a detailed operational management plan to manage noise and traffic, they have shown their willingness to alter driveways and building plans to address various council and residents concerns and above all have worked hard at showing the neighbours and Council that they wish to be responsible and locally involved residents. All this at a huge extra cost to the project but they are willing to do this in order to bring this facility to fruition - which I believe in time will be seen as yet another superb asset for this region. We the Griers have a number of business assets in the Newrybar village and through our tenacity to develop our businesses we now employ about 52 people. Some of these support whole families

and therefore through the jobs that these businesses create we add to the economy of the Ballina Shire. I believe this is why you as a Council should be getting behind the Newrybar Downs project - to add a bit more to the economy of the Ballina Shire. Rather than put roadblocks in front of this project .

Yes by all means take into account the reasonable concerns of the affected neighbours but also do everything possible to help get this DA passed. These are the sort of projects we should be encouraging not hindering. As a resident that wants to see our Shire prosper - I make a plea that you take a reasonable position and pass this DA

Regards Patrick Grier

1724 Pacific Highway Knockrow 2479 NSW
0411 476 477

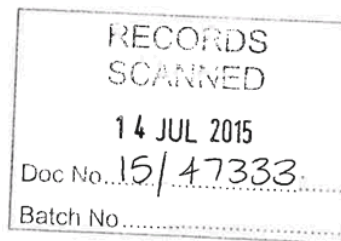
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Macs Network Pty Ltd.
427 Friday Hut Road,
BROOKLET...NSW...2479
AUSTRALIA

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



Dear Sir,

RE: Development Application- Ref- DA/2015/300
Newrybar Downs – 1 Johnston Rd. Newrybar.

I have viewed this application currently being exhibited by Council.

In this letter I confirm my support and highlight some of the reasons why this application and the further development of tourism, especially rural related tourism, is beneficial to related industries operating in the area and the community.

I own and operate Macadamia plantations in the Northern Rivers, our home is at neighboring Brooklet, part of Macadamia heartland. The Macadamia industry is a quiet achiever in the area; we are the largest agricultural/ horticultural industry of the area. The lush and ordered macadamia orchards lining the rolling hills of the area are an integral part to our landscape's character and attractiveness.

Important to Macadamia Farms like me, and the Australian Macadamia industry as a whole, is the continued education and awareness of Macadamias by the wider population. Agri-tourism in the area plays a useful role in building potential consumer awareness and the continued success of our industry.

The more people whom are aware of macadamia, and in particular our macadamia the stronger our industry is and consequently the value and benefit to ourselves and our farming operations.

We want visitors to the area to observe macadamia, learn and expand their enjoyment and consumption. Operations such as Newrybar Downs, in bringing people to the area help us expand and educate our consumers.



The visitors to Newrybar Downs, by way of their length of visit and "embeddedness", have the opportunity to learn more of macadamia's, but also appreciate the complexity and care we take in our production systems. This depth of understanding is valuable to building a strong and supportive consumer base.

The Newrybar downs operation sits well in building the number and diversity of operations attracting visitors and delivering a rich and rewarding travel experience. From a macadamia perspective, nearby is the Macadamia Castle, and farm gate stalls – Duck Creek and Farmhouse. Similarly the village of Newrybar and Bangalow are commercial platforms for retail and restaurants, which all indirectly support our industry and build the value of our tourism product and diversity to our economy.

I see the continued operation of Newrybar Downs as a venue has community benefit; I support the application and look forward to seeing more visitors to the area being welcomed by properties such as Newrybar Downs.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Andrew Starkey'.

Andrew Starkey



BYRON BAY
WEDDINGS

Che Devlin
Byron Bay Weddings
4 Sunrise Lane
Ewingsdale NSW 2481

Tuesday 29th September 2015

The General Manager
Ballina Council
PO BOX 450
Ballina, NSW 2478

The General Manager:

RE: DA 215/300

I am writing this letter as the proprietor and owner of Byron Bay Weddings, in support of the above DA application by Greg and Pip Rooke of Newrybar Downs.

I have viewed the application and thoroughly endorse its approval.

Newrybar Downs is a spectacular property that enhances the heritage village of Newrybar, offering guests an insight into a grand house that has been lovingly restored and maintained.

The attention to detail shown by Greg and Pip during the restoration and ongoing maintenance of this unique property shows much commitment and dedication to the positive future of low impact events at their property.

Many local service providers in the region are contracted to help bring together such events at Newrybar Downs, which in turn helps to support the local economy.

Weddings and events form a vital and much needed source of employment within the Ballina shire, generating income to event suppliers, bus transport, accommodation, retail & other service providers in and around Ballina.

I understand that Greg and Pip have been working with neighbours on surrounding properties for some time to ensure events and weddings at Newrybar Downs adhere to noise curfews and parking restrictions.

I note that in applying for this DA, Greg & Pip have taken the issue of noise into particular consideration, engaging the service of a sound engineer to set precedents and provide advice and standards to abide by.

I've always found Greg and Pip a pleasure to work with and am very appreciative of the professional way in which they manage their property. They have always been pro active & considerate to all requests, with neighbourly concerns always of paramount importance.

In recommending Newrybar Downs and in having conducted events there, I have found that the detailed operational management plan outlined in the DA addresses all issues which may be of concern and consideration to neighbours. Expert advice has been employed in preparation of the management plan.

Newrybar Downs is a remarkable asset to Newrybar village & Ballina Shire, offering a unique events space, which highlights the regions natural beauty & employs the many micro businesses that support events held here.

I completely support the DA application by Greg and Pip, and look forward to a continuing business relationship with them both in the future.

If you require any further information from me, please do not hesitate to contact me.

Yours sincerely

Che Devlin
Proprietor
BYRON BAY WEDDINGS

BYRON BAY WEDDING & PARTY HIRE

PO Box 2189
BYRON BAY NSW 2481
Ph: 6685 5483
Fax: 6685 5498
Email: info@byronbayweddingandpartyhire.com.au
Website: www.byronbayweddingandpartyhire.com.au
ABN: 89534591180

2nd October 2015

The General Manager
Ballina Council
PO Box 450
Ballina
NSW 2478

2015
SUBJECT: DA ~~215~~/300 As lodged with Ballina Council



Dear Sir

We write today in full support of Newrybar Downs Development Application which we have viewed on Councils website. We fully understand that their application is for the use of the dwelling for Tourist & Visitor Accommodation plus temporary use of the property to hold weddings and such events.

Byron Bay Wedding and Party Hire has worked alongside Pip & Greg Rooke (owners of Newrybar Downs) on many occasions and found them to be both considerate and respectful individuals. Over the years we have found when working on private properties the lines of communication or indeed finding any one of authority on site at all can be a challenge however in the case of Newrybar Downs we can rely upon Pip & Greg or another member of their team being in attendance to provide backup and support.

Over the recent months we have worked closely with Pip and Greg to establish new marquee platforms and assign areas dedicated for specific placement of generators, chill rooms and portaloos. This work is being undertaken within the strict guidelines of their DA submission and in consideration for their surrounding environment and neighbourhood. Working on dozens of properties within the Ballina Shire we can truthfully say Newrybar Downs is a delight in terms of access, level works areas plus Newrybar Downs ongoing management support.

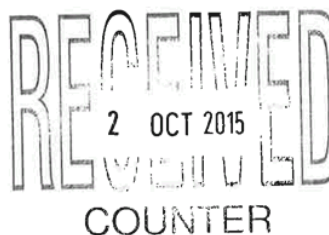
Newrybar Downs is a valuable customer to our business and a property that provides the discrete 5 star service that our industry seeks.

You are most welcome to contact us should you require any further information.

Kind regards

Penny Rettenmaier

Byron Bay Wedding & Party Hire





MERIDIAN PROTECTION GROUP
Australia's leading K-9 security experts

30th September 2015

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

SUBJECT: DA 2015/300 as lodged with Ballina Shire Council



Dear Sir / Madam,

This letter is in the full support of the above application. I am aware that this application is for the use of the dwelling for Tourist / Visitor Accommodation plus temporary use of the property for weddings and other special events.

Meridian Protection Group has been engaged by Newrybar Downs for the past nine months to oversee not only the normal duty of security of events held at the property but to also ensure all activities are carried out in an appropriate manner and cognizant of adjoining neighbours.

We are a company with 23 years of security experience in providing security services to a wide range of functions and have found the professional and diligent approach adopted by Newrybar Downs towards noise and other behaviors (on their property) at the highest end of the spectrum. Newrybar Downs has engaged our services in conjunction with their representative whom we work closely with to ensure the highest level of standards are met for every single event held upon the property.

As part of our security duties, (reporting to onsite Newrybar Downs representative) we ensure

- All vehicles are parked within the property boundaries.
- All guests behavior is in an appropriate manner
- Decibels readings are taken at frequent intervals (should Development Application stipulate decibel limits going forward, then this will be the criteria for noise level administration at all events).
- No guests litter outside the property.
- All guests and service staff move on / off the premises in an orderly fashion.
- All vehicles including small Coasters (small buses) are directed on and off site.
- All guests and vehicles have left the property in accordance with Terms & Conditions.

NSW Master Licence No.410343129 ASIAL Membership No. 437000
Unit 1/32 Southern Cross Drive, North Ballina NSW 2478
Phone:- 0404049956

Page 1 of 2



MERIDIAN PROTECTION GROUP
Australia's leading K-9 security experts

Note: A detailed security report including decibel readings is forwarded to Newrybar Management within 24 hours of event.

We understand that a wide range of technical reports have been lodged with Council that demonstrates our clients willingness to comply at all levels.

We believe the pristine surround and professional approach by Newrybar Downs is a valuable asset to the events and tourism sector for the region.

Please do not hesitate to contact me should you require any additional information.

Kind regards

Rick Beddoes
Director

NSW Master Licence No.410343129 ASIAL Membership No. 437000
Unit 1/32 Southern Cross Drive, North Ballina NSW 2478
Phone:- 0404049956

Page 2 of 2

Goonellabah & Lismore Party Hire
A.B.N. 15 105 080 549
12 Centenary Drive
GOONELLABAH NSW 2480
Phone: 02 6625 1222
Fax 02 6625 1355
E-mail: eventspartyhire@hotmail.com
Web www.eventspartyhire.com.au



30th September 2015

The General Manager
Ballina Council
PO Box 450
Ballina NSW 2478



SUBJECT: DA 2015/300 As lodged with Ballina Council

Dear Sir / Madam,

I write in support of the Development Application for Newrybar Downs. I have viewed the application as placed on exhibition by Council. I am aware that the application is for the use of the dwelling for Tourist and Visitor Accommodation and the temporary use of the grounds for weddings venues or alike.

As the owner of Goonellabah and Lismore Party Hire we have had the good fortune to work alongside the owners of Newrybar Downs, Pip and Greg Rooke a truly professional and respectful couple.

Their initiatives and aspirations to open Newrybar Downs for select events and discerning visitations is warmly welcomed by companies such as ours who supply services for such occasions. We provide marquees and associated event support accessories that comprise the platform for wedding events externally held within a property.

While working with Newrybar Downs we are extremely aware and comply with their strict Operational Management Plan that I believe is given to all suppliers that work on their site.

Obviously their Management Plan will be amended to reflect DA guidelines should their application be accepted. We are a reputable business with many years of operational experience in supplying services to the hospitality industry and we rely on the likes of Newrybar Downs to underpin our viability. We employ local staff on both a

8.1 **DA 2015/300 - Dwelling House and Facilities, 1 Johnston Road.DOC**

full time and temporary basis, many of whom are familiar with the property in question and respect the parameters set by the owners.

We have recently been engaged in conjunction with their nominated acoustic expert to identify a suitable / practical marquee site on the property where events such as weddings will be held (subject to Application approval) with minimum noise impact to local surrounds prime focus. This has been identified and plans submitted.

Should you require any further information please do not hesitate to call.

Kind Regards



Greg Jeromson

Owner

From: "Frauke Huhn" <greenart@live.de>
Sent: Tue, 7 Jul 2015 19:54:38 +1000
To: "Ballina Shire Council" <council@ballina.nsw.gov.au>
Subject: DA Newrybar Downs
Attachments: Objection to DA Newrybar Downs.pdf
To the General Manager

Dear Ballina Shire Council,

We hereby make a submission to council to reject the proposed
DA NO: 2015/300 for a function centre at Newrybar in 1 Johnston Road.
We **do not** object to the use of existing Dwelling for tourist and visitor accommodation,
we **do** object to temporary use of the Land for a Function Centre and Associated Works in a rural
zone.
You find our full submission in the attachment.

Sincerely yours,

Joseph Azad & Frauke Huhn

21 Boormans Road
2479 Newrybar NSW

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For more information please visit <http://www.symanteccloud.com>

Dear Ballina Shire Council,

We hereby make a submission to council to reject the proposed DA NO: 2015/300 for a function centre at Newrybar in 1 Johnston Road. We **do not** object to the use of existing Dwelling for tourist and visitor accommodation, we **do** object to temporary use of the Land for a Function Centre and Associated Works in a rural zone.

Our amenity and sleep has been adversely affected by the nonstop music and loud noise at every function held at the premises within the last year. We are a family with young children on a neighbouring farm. We had to listen to drunk people screaming and shouting, the sound of breaking bottles on the road and loud music until late into the night, sometimes over several days continuously. The noise pollution is overwhelming and unbearable. Our family is affected in our home with closed doors and windows late into the night. The noise from a function can travel quite a distance (e.g. Jorgensens Lane).

Our children feel unsafe in their beds whenever a function is held, because the sound of drunk people shouting and smashing glass is quite intimidating.

When we bought our property in a rural zoning we did this with the awareness about what is permitted in a rural zoning. We feel that the term **temporary use** within a dual zoning would be misinterpreted by giving permission in regards to running a function centre as a full time business.

With the Harvest Cafe already offering wedding functions in the village we feel that two function centres within so close proximity are too much for a small village like Newrybar.

We feel as well that anyone who is, has, or plans on having farm stays around the area is negatively affected by a function centre. Rural Tourist

most certainly do not expect the side effects of a Function Centre which is a Partyplace next door.

Our downtime on the weekends has been severely affected, by the parties that sometimes run for three days continuously, and we feel that we can not invite friends over or entertain in our house, because of the possibility of a function on that weekend.

Sincerely yours,

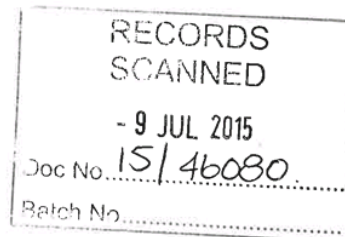
Joseph Azad & Frauke Huhn

21 Boormans Road
2479 Newrybar NSW

15 146277

ACKNOWLEDGED

Anna E Rolfes
14 Boorman's Road
NEWRYBAR NSW 2479
email: annarolfes@gmail.com
ph 0414303750



To the General Manager
Ballina City Council
40 Cherry St
Ballina NSW 2478

Newrybar 10.7.15

Re: Submission regarding Newrybar Downs DA number 010.2015.00000300.001.

To Whom It may concern

As a resident of Boorman's Rd for over 20 years I would like to state that I do not have any objections to the Tourist and Visitor Accommodation of the DA.

Regretfully I have though experienced a serious impact on my life through the parties that have been hosted during the last 12 months in a marquee at Newrybar Downs. The amplified outdoor music until 11.30pm at night combined with the singing, shouting and clapping of alcohol intoxicated people has prevented me from sleeping or woken me in an alarmed state. I am living by myself and felt not safe any more in my house alone. The running of these events has completely changed my safe living environment.

Despite my concerns raised with the council on the 22.12.14 and Council officers talking to the owners the partying was worse than ever in January, February and the coming months. Outdoor music started often in the early afternoon and was gradually getting louder with amplified speeches and shouting from people as time went by. (I have sent some recordings that I took in Jan, Feb, March and May on my iphone in my bedroom to Rachel Jenner, the council's noise compliance officer.)

On the 8.2. the owners still affirmed in an e-mail to us
"On no occasion do our Terms go unsupervised as no weddings at our residence are carried out without the strict supervision of an appointed reputable wedding planner and our own onsite Newrybar Downs representative for all weddings."

This statement only shows that what ever restrictions on paper will be agreed on, they can not be implemented when hosting 150 people for a party in a marquee. How can the Council guarantee that the nightly singing and shouting of alcoholised people outdoors at Newrybar Downs will be contained?

I feel I live now in an area with a Function Centre next door that would be allowed to have a party with 150 people every weekend of the year. The DA pushes for something that has fewer restrictions than any pub in town and hosts more guests than any pub in town has for one night.
A Wedding Function Centre in a city would unlikely host more than 52 events a year.
A full approved venue like that would most likely have more restrictions on guest


Anna letterhead.doc

numbers by hosting such events outdoors than what the proposal in this DA is asking to be allowed to do under the label of a 'temporary function centre'.

I ask the Council to object to the proposed "Temporary Function Centre" as the operation of such a venue is negatively impacting on the life style I chose as a rural resident. It conflicts with the style of living many people here have enjoyed up until now. The running of this Centre has completely changed the character of our area.

Up until recently I have felt safe and fortunate to live in a rural area with RU1 zoning. We are a considering and caring neighbourhood of families here. In prohibiting what is proposed I hope the council will preserve the fairly quiet rural character of our area.

Yours sincerely



Anna E Rolfes

Anna letterhead.doc

The General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478
6 July, 2015

125 Brooklet Rd,
Newrybar 2479

15 / 46293
ACKNOWLEDGED

RECORDS SCANNED - 9 JUL 2015 Doc No. 15/46089 B: Ion No.....
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Dear Sir/Madam,

Re/ Development Application 2015/300 – Newrybar Downes

I write in relation to the proposed Development Application 2015/300, and wish to express my concerns and respectfully ask that proper due diligence is applied correctly.

In particular I wish to draw Council's attention to any decision made regarding this application must be made in consideration to what is an appropriate commercial development activity in this locality. Currently commercial, business activities in this locality are predominantly agricultural and low key tourist industries, which have had minimal disturbance on the social amenity.

It is my view and others views around the area, that in the past the Owners – Newrybar Downes, have held functions, events all in my understanding without Council approval, nor any consultation with nearby residents regarding these events, give any confidence that any future events/functions would be properly, legally conducted resulting in minimal disruption and disturbance. The functions that have been held to date have resulted in very loud music and crowd noise as well as litter on and around surrounding properties. Council and police were notified.

As the area is zoned RU 1, the owners of Newrybar Downes are exercising their rights engaging professional consultants to addressing legislative and regulatory provisions to enable the development approval to be made by Council.

It would be naïve to think that these types of activities, especially Weddings and the like, would not adversely impact on the locality, as has been the case in the past. Having read the DA and the consultants reports gives the professional and technical opinion, as you would expect, that the issues of "noise" – loud music, crowd noise can be managed by making certain physical, and other changes that would ameliorate the noise levels from the venue. By virtue of the proposed number of

attendees at these functions/events [60 – 150] it seems improbable that given the proximity of adjoining and close by properties that the noise levels can be managed to what is reasonable and legally permissible.

Traffic management also figures prominently in the DA, and I note certain physical changes are proposed to address parking and access, egress from the venue. Off street parking, no doubt will be seen as an option to some attendees at these functions, whatever one may say, and presents driving, parking hazards for vehicle users on Brooklet Road and others. While these strategies and proposals may present feasible, and in a perfect situation may address the envisaged problems that may arise, it also must be seen in the context of the activity being conducted – weddings and the like, where some people indulge in alcohol and the like, and as is well understood the behaviours of some people under the influence of these intoxicants can lead to abhorrent behaviour, creating greater risk to persons and property. In my view, I am yet to be convinced that functions/ events of this kind can be continuously risk managed according to best practice.

The other issue which may be a by-product of these events is event litter overflow to nearby resident's properties and road sides. The visual amenity as a result of this sought of behaviour will have deleterious effects on the area.

I note in the DA it is stated that the timeframe for operation of this function centre is 5 years. It concerns me that given this application is approved it may set a precedent for any future development of this kind, or the owners may wish to re-apply at the end of the 5 years for a continuation of the business.

In conclusion, I wish to draw again, Council's attention to what will, in my opinion change for the worse, the character and charm of the unique qualities of Newrybar village and a decision made must be taken on the merits and otherwise.

Your deliberative considerations are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be 'BK', with a long horizontal line extending to the right.

Boyd Kellner

From: "nathan cooper" <coops2005@hotmail.com>
Sent: Mon, 13 Jul 2015 13:43:27 +1000
To: "Ballina Shire Council" <council@ballina.nsw.gov.au>
Subject: DA no. 2015/300 submission to refuse application 1 Johnston Rd Newrybar

Hi

Our home is directly across the valley from the property above seeking temporary Function Centre status.

We did not appreciate not being told or asked about the functions there as the noise was clear and annoying on week ends. It was only after some time a neighbour let me know where all the music and noise was coming from.

I want to acknowledge the new owners at 1 Johnson Rd have done a great retrofit of the property and I have no problem with them using it for accomodation. However **I wish to object to it's use as a function centre in any capacity as it detrimentally affects our enjoyment of our property and is not in keeping with the local culture.**

We live in a considerate and caring local community who all respect the neighbourhoods beauty and shared enjoyment. Regular functions echoing down the valley are not compatible with the local culture of respect, neighbourly manners and consideration.

Please let me know if my submission has been successfully made.

Much appreciated

Nathan Cooper
880 Friday Hut Rd
Brooklet NSW 2480
T 02 6687 0798
M 0417105543

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25 Boormans Road
Newrybar
NSW 2479

11/7/15

Attn: General Manager
Ballina Shire Council

Re: DA 2015/300

Dear Sir,

I am writing to voice my opposition to the proposed Function Centre at Newrybar Downs. One of our main reasons for choosing to live in Newrybar was that it was a safe and peaceful location to raise a family. Since Newrybar Downs has been operating as a Function Centre, that is no longer the case.

The Rural settlement character statement on the Ballina council website states that "residents identify with Newrybar as a place with a strong sense of community, and they consider the quiet rural atmosphere and historic old-world charm of the locality to be distinguishing features that they want to keep". A Function Centre at Newrybar Downs is not in keeping with this statement. The noise produced during a function is intrusive and offensive, resulting in us being unable to entertain our own guests, relax in our own home, or to sleep. Even inside our house, with doors and windows closed (an unlikely event in summer), the noise is audible. We are disturbed by the wedding ceremony, the loud music and the voices of patrons. While moderation of the amplified music has been considered in the Development Application, noise produced by up to 150 patrons has not. Guests that stay within the confines of the sound shell will have to shout above the amplified music to converse, thereby increasing the decibel level. The noise from guests that venture outside the sound shell will be clearly audible in neighbouring properties, as they are currently. Amplified music can be turned down, people can not.

The noise made by intoxicated patrons at the Function Centre has made me feel unsafe in my own home. This is extremely unpleasant and threatening, certainly not compatible with our rural lifestyle. Doors that have never been locked before, are now locked each night.

While I imagine that council will consider approving the use of Newrybar Downs as a Function Centre with certain restrictions, I have no confidence in the operators of Newrybar Downs willingness to adhere to those restrictions, as Newrybar Downs has operated for many months without development consent. In addition, the mechanism for monitoring of any restrictions has not been adequately addressed. On page 50 the DA states "provided that the facility operates in accordance with the recommendations.....the noise impacts....will be compliant", but no system for monitoring the adherence to recommendations is included.

It is on these grounds that I propose the development be refused.

Yours faithfully,

Kerry Goldstone

Michael & Vivienne Westcott
163 Broken Head Road
NEWRYBAR 2479
14.07.201

Mr. Paul Hickey,
General Manager
Ballina Shire Council
40 Cherry Street
BALLINA 2478
Email: council@ballina.nsw.gov.au

RE:
JOHNSTON ROAD FUNCTION CENTRE DEVELOPMENT APPLICATION

Dear Sir

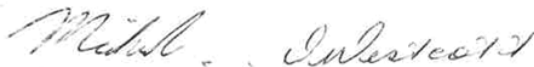
We are writing this submission **against** the above Development Application No:
010.2015.00000300.001

We moved into this beautiful and peaceful area back in 1987. We purchased a 12 hectare property in Broken Head Road, Newrybar. We do realise that we will not be affected by this Function Centre but if this D.A. is passed, then there will be no arguments to disallow other Function Centres to be set up throughout Newrybar.

We have friends who are being affected, their peaceful lifestyle disrupted by the noise and traffic from the Johnston Road property. This property can only be rented for a three day minimum and on quite a few occasions when visiting our friends, the loud music can be clearly heard from Friday afternoon until Sunday.

As far as we can see, that the only people who are in favour are local businesses that will benefit from the extra visitors to our area. Seven days a week, our little village of Newrybar are swamped with visitors, which is fine. We just don't want or need the noise or traffic from functions being held in the area.

Yours sincerely



Michael & Vivienne Westcott

Nick Repin
25 Boormans Road
Newrybar NSW 2479

13 July 2015

The General Manager, Ballina Shire Council

RE: Development Application - DA/2015/300 Newrybar Downs – 1 Johnston Rd. Newrybar.

Dear Sir/Madam,

I am a resident close to the proposed Newrybar Downs long-term temporary use development and agree:

- That there is a need for business and employment.
- That the property has been tastefully renovated.

However the prime issue for a subset of nearby residents is noise, and the effect on adjacent properties is not uniform being affected by distance and contour.

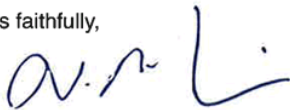
An acoustic assessment on behalf of the owners is included in the DA. That assessment acknowledges its own shortcomings, particularly modelling inaccuracy. Of particular concern is that a detailed noise management plan is promised but absent from the proposal in its current form. I suggest that such a plan should be fully developed prior to consent and should at least include:

- A defined monitoring and review process if modelling proves inaccurate.
- Detailed specification of mitigation measures e.g. the sound shell to allow more accurate modelling.
- Specification of sound level monitoring techniques to ensure compliance.
- Definition of sound levels recognising that the spectral component of music, and particularly bass, is quite different to the normal makeup of ambient noise in a rural environment, i.e. intrusiveness is about the quality and not just the quantity .
- A defined process including action to be taken if there is non-compliance.
- A defined contact person and process for noise affected residents to request noise reduction.

If these components are absent from the proposal and subsequent consent conditions, then the affected residents will bear all of the noise risk and any fair minded assessment would conclude that as unjust as they derive no direct benefit. The proposal should be rejected unless the owners are explicitly compelled to bear all the risk of noise modelling errors and non-compliance.

There is precedence in previous determinations by Council to be scrupulous in requirement for and implementation of fully specified Noise Management Plan prior to consent for similar uses in rural setting e.g. DA2011/341. I ask that if the Council apply at least similar standards and process should this long-term temporary use be approved.

Yours faithfully,



From: "Nick Repin" <nickrepin@gmail.com>
Sent: Thu, 16 Jul 2015 11:09:43 +1000
To: "Ballina Shire Council" <council@ballina.nsw.gov.au>
Subject: Additional Submission DA/2015/300 - Newrybar Downs - 1
Johnston Rd Newrybar
Attachments: Newrybar Downs proposed Outdoor Functions Centre
Review of Noise Impacts.pdf

Dear Sir/Madam,

Please accept this review by external acoustic consultant as an additional submission in regard to the noise impacts of proposed Newrybar Downs development.

Regards,
-Nick Repin
25 Boormans Road, Newrybar 2479

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From: **James Heddle** acousticdesign@gmail.com
Subject: Newrybar Downs proposed Outdoor Functions Centre - Review of Noise Impacts
Date: 16 July 2015 09:24
To: nickrepin@gmail.com



Nick,

I have reviewed the Tim Fitzroy & Associates Noise Impact Assessment relating to this proposal and discussed the noise impact issues with Ballina Shire Council Environmental Health Officer Kristy Beard.

The main issues that I see in relation to noise impacts from the proposal are:

- The Outdoor Function Centre is closer in operation to an outdoor music venue and the octave band based noise criteria of the NSW Office of Liquor Gaming and Racing is more appropriate than those given in the Industrial Noise Policy.

As discussed, the principal of the noise criteria is to submerge the introduced noise source into the ambient noise prevailing at a receiver location, the introduced noise is at a level where the existing ambient noise provide adequate masking.

Octave band criteria provide a tighter control of difference in the frequency spectrum levels between the prevailing ambient noise character and that due to the Function Centre (music and attendees) and so improve the masking provided by the ambient noise. In particular, it is often the bass content, 125 Hertz octave band, that causes disturbance to receivers because of its more marked difference in level to that of the ambient noise in this octave band. This is not well controlled by a dBA based criteria and is the reason the octave band criteria was developed for music venues. Sound propagation analysis based on dBA also tend to obscure the lower degree of shielding, reduced sound attenuation, provided by physical obstacles. This behaviour acts in effect like a low pass filter and the receiver hears more bass, in relative terms of spectral content, behind a barrier such as a house.

- Absence of a Noise Management Plan. The Noise Impact Assessment mentions this but does not provide one.

There needs to be a clear mechanism for a response by Newrybar Downs in the event that the operation of the Outdoor Function Centre is causing disturbance to surrounding residents. This will generally require:

1. a Newrybar Downs contact phone number for residents to ring
2. someone at Newrybar Downs with a duty to respond to calls during functions and to respond to the issue
3. an installed noise monitor at some reference location so that Newrybar Downs can have visual feedback of their sound levels being generated by functions and when these are excessive.
4. a means of overriding control to reduce amplified sound levels if these are causing disturbance.
5. in the event that disturbance is being caused on a regular basis the implementation of further noise mitigation measures and/or the reduction of the allowable number of functions per year.

Trust this of assistance. Please let me know if you need further clarification or input.

Regards

James Heddle
Principal / Managing Director

James Heddle Pty Ltd
Acoustical Consultants



a Unit 34, 11 Manning Street SOUTH BRISBANE QLD Australia 4101
e jheddle@jhacousticdesign.com
p 3844 1020
m 0411 220 764





**Acoustic Design Old Government House Conservation and Adaptation:
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2010 John Dalton Award for Building of the Year
2010 Regional Commendation - Brisbane - Heritage**

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Thank you.

From: "Fred" <firetrax2@bigpond.com>
Sent: Fri, 10 Jul 2015 10:21:48 +1000
To: "Ballina Shire Council" <council@ballina.nsw.gov.au>
Subject: DA No 010.2015.00000300.01

Attention General Manager

From Fred and Pauline Ranscombe of 49, Brooklet Road, Newrybar, NSW 2479.

We are opposed to the DA APPLICATION FOR LOT 5 DP: 606566 No: 010.2015.00000300.01 for the following reasons:-

ZONING

Zoning for the land is RUI, therefore, an Events Centre on rural land, that is primarily to hold weddings, cannot conceivably have anything to do with primary production.

NOISE

If 52 events a year are held, this will cause a huge disturbance to our rural way of life.

Shouting from guests was not taken into account. However, with drunken guests – up to 150 people - shouting is inevitable, particularly when there is also loud music they have to talk over. The proposed functions will involve alcohol, so there will be drunken behaviour.

Page 39 Table 3.9 in the application.

Noise levels cannot be assessed according to the prevailing weather at Ballina Airport since Newrybar Downs is 123 meters above sea-level.

The weather is completely different in Ballina. Paradise Radio will often report weather conditions current in Ballina that are totally opposite to those of Newrybar. Therefore, I would say that any data regarding the weather as in Newton Denny Chapelle's submission is questionable.

SAFETY

People attending functions will be wandering around the area, in which case we fear for the safety of our property and ourselves.

Pedestrian traffic will increase as guests make their way to the village. There are no footpaths to accommodate them. Brooklet Road is a narrow country road with blind corners from Newrybar Downs.

Local children ride their bikes, skateboards and scooters along local roads and visiting motorists will be totally unaware of the dangers. These children are country children and not street-wise or traffic wise. Visitors won't be on the look-out and could have accidents.

Newrybar Downs website encourages guests to wander around. Guests attending the weddings that have already been held there, have been found wandering on

neighbouring properties. If they wander onto a property with livestock and don't shut the gate, then there will be farm stock on the road.

TRAFFIC –

This will increase with caterers, mini-buses and guests who will be staying in local bed and breakfast places. Compliance on the number of cars allowed in the submission would have to be policed. Who will police it?

Road degradation will occur, meaning that Ballina Council will have to undertake repairs, ultimately it is the ratepayers of Ballina who will be footing the bill for one property.

WASTE DISPOSAL

Any function means plenty of litter dropped on the ground. With the strong westerly winds experienced at Newrybar Downs, it is inevitable that some litter will be blown across the paddocks and onto other rural properties which have livestock. Plastic in particular will prove harmful or fatal to livestock and wildlife that eat it. The litter could end up on the western side of Newrybar Downs and pollute Ballina's water catchment.

CONCLUSION

Newrybar is a designated hamlet in a rural area. With an operation such as Newrybar Downs, this will fast disappear. Extra noise, traffic and people will be the norm, rather than the rural lifestyle that made us choose to live here 37 years ago. Developments for profit are not progress in a rural setting. We value our way of life and do not want it to be disturbed by such a development. Long term resident's wishes should be taken into account.

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The General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478
10 July 2015

24 Boormans Rd
Newrybar 2479
mi.jones@bigpond.com

Dear Sir,

Re/ Development Application DA 2015/300 Newrybar Downs

I am writing in objection to the above application for a wedding reception / function centre in our Neighbourhood.

The main reason the DA has been submitted to Council is because of complaints from neighbours about loud amplified music and party revellers.

This is Rural Zone RU1 that does not permit such functions.

The noise that has been generated by Wedding Receptions in the past has been very disturbing; even after consultation and an assurance from the owners that noise would be kept down. Council compliance officers have spoken to the owners regarding the noise. I live 400 meters from Newrybar Downs, when functions are being held we are unable to sleep or have a normal evening because of the noise. This is not a neighbour having a 21st, 50th or celebration, this is a full commercial venture that should be held in a proper function centre, not in a back yard. Licensed premises / function centres have strict conditions on noise coming from there premises.

Newrybar Downs has a minimum 3-day hire, usually the party starts on Friday, the Weddings usually start at Lunch on Saturday and then the After Party is on the Sunday. The owners do not live on site so have no idea of the noise. Could this be considered as 3 functions? The Venue advertises that they have the latest and best Sound Systems for the guests to use as they wish.

Most Weddings have had a live Band with amplified music; this cannot be contained in a sound shell. Trees do not stop sound. Newrybar Downs is on top of a hill so on a clear night the noise travels. We have driven several kilometres away on a function night and were still able to hear music playing, speeches and cheering.

Having 150 guests with amplified music possibly every weekend is not in keeping with the quite rural lifestyle that Newrybar is known for.

Parking for cars is very under estimated, I believe that at least 50% of guests will come by private vehicle, this puts greater pressure on the road system. 50 parking spaces should a minimum allowed for.

The Driveway into Newrybar Downs I believe is too narrow for Fire Service Vehicle to negotiate.

Newrybar has long been known as the place to come for a quiet weekend away, this is where Newrybar Downs should be looking for their client base. This would be a win for the local business and would be in keeping with the beautiful area that we live.

I note that submissions have been made in favour for a Function Centre, I am sure that Council will also consider that some submissions are from people who do not live in the vicinity of Newrybar Downs and therefore would not be considered to be adversely affected by the noise generated by a Function Centre.

Other considerations must be the farming operations 140 meters west of Newrybar Downs; a Macadamia farm. A Lime and Custard Apple farm 140 meters North, most farmers can't stop their activities because there is a wedding taking place next door, possibly every weekend. The smell from chicken litter, the dust from Lime spreading, the noise from air blast sprayers all need to be considered.

I would be in favour of a B&B operating from the site. This would be more aligned with other businesses in the area.

Sincerely

Mark Jones

Peter & Robyn Porritt
26 Boormans Road
Newrybar NSW 2479

14 July 2015

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



15147863

Re: DA 2015/300 Function Centre at 1 Johnston Road Newrybar.

As a neighbour affected by this business we make the following submission and objection to the above application which has been submitted to legalize the current use. A function centre is an inappropriate development for this site in Newrybar given the number of close residences and the way noise travels from the top of the hill.

As Council is aware, there have been a number of complaints about noise from the existing function centre since it commenced some 12 months ago. On a number of occasions the music and the ceremony could be heard all around the Skinners Creek basin. The last loud event was coincidentally the weekend before Newton Denny & Chapelle had their May "Public Meeting" in Newrybar. The music was so loud that we could hear it 720 metres away inside our house above the TV with all our windows closed. We consider our amenity is being adversely affected when we have to wear ear plugs to bed.

At a neighbourhood meeting with the owners in February this year, it was agreed that there was a major issue with noise. Following that meeting, the owners advised that management procedures would be put in place to minimize noise. Self regulation has failed badly, possibly because the owners are not on site during a function.

Page 37 of the SEE also states *"Tractor noise - associated with rural activities such as harvesting, spraying and slashing. Whilst acknowledging that activities on working farms are not exclusively limited to 'week days' or 'standard working hours', it is reasonable to assume that the majority of such activities occur during the working week and during daylight hours. The proposed Temporary Function Centre will predominately operate on weekends, with the typical function occurring on a Saturday afternoon and evening. As such, it is expected that these activities will be able to satisfactorily co-exist."*

What does this mean? Is it acceptable for noise from the function centre to intrude on our quiet time (Friday night and the weekend)?

The owners in their "Terms & Conditions" at point 9 Noise state *"Newrybar Downs is about peace and tranquility and therefore loud noise is not tolerated."* Obviously one of the draw cards for holiday letting, and the neighbours living where we do, is the amenity of the area and the lack of noise.

The application does not provide details of the "sound shell", making it difficult to comment on this item. Plans are required showing how the marquee and sound shell are positioned. If the sound shell faces the house, does the marquee face Johnston Road? If the marquee faces the sound shell it means there will be patron noise, in excess of the music noise, as patrons shout over the music to be heard.

This noise will be directed due north to the residents in Boormans Road. This has not been discussed/assessed in the report.

Noise from 150 persons at a function is considerable (table 3.9 specifies 88dB(A)), and it is like living next door to the MCG. Without placing the patrons inside a "sound shell", the numbers should be reduced to at least 100 to minimize this noise.

There is no Noise Management Plan submitted for comment with the application.

All amplification should be through a "Noise Limiting Device" set so that the amenity of the area is not adversely affected. Noise recorders/monitors should be required for all functions and connected to the noise limiting device at the amplifier to control the volume of the music at its source. If Council is going to approve this application, Council must impose a condition limiting the noise to 5 dB(A) above background at the property line.

In this rural area, where noise travels more than in a residential area, Council should, as a minimum, impose the same condition that the Liquor Administration Board imposes on licensed premises close to residential areas. A Function Centre is a similar use to licensed premises as far as noise generation is concerned.

The application is silent on the method of arriving at the 26 functions per year applied for. Clause 2.8 of the LEP allows, subject to Council approval, the temporary use of land for up to 52 days per year. The current use of the site as a function centre involves setup, function/accommodation and take down. Similar function centres require a minimum hire of 3 nights to 5 days. Newrybar Downs advertising for weddings required a minimum hire of 3 nights (4 days) and there was no separate use of the house during weddings except for the wedding party. Set up usually commences on the Wednesday for a weekend wedding, with takedown on the Monday. As the setup, accommodation and take down are ancillary use to the function centre, the total days per function are 5 to 6. This gives a total number of functions of 52/say 5.5 days = 9.5 functions per year not the 26 applied for.

The application is for 5 years. This is an application under LEP clause 2.8 Temporary Land Use and the owners do not have a record of enforcing agreed noise issues with the people using their function centre. Loud noise is the worst affect on the amenity of the area, and if Council is considering approving this application then it should only be approved for a maximum of 2 years.

If Council is considering approving this application then we request that conditions of consent be imposed to address the following matters:

- The L_{A10} noise level emitted from the function centre shall not exceed the background noise level in any Octave Band Centre Frequency (31.Hz-8kHz inclusive) by more than 5dB between 7am and 12 midnight at the boundary of any affected residence.
- All amplified music and MCing must go through a "Noise Limiting Device" which cannot be adjusted by patrons.
- Music should cease by 10 pm and all vehicles off site by 11 pm
- Any approval should be provisional on the "sound shell" and operating procedures meeting the Council specified noise limits.
- Noise recording should be undertaken for each function and results submitted to Council and be publicly available.
- The approval should lapse if the noise exceeds the Council approved levels twice in any 12 month period.

8.1 **DA 2015/300 - Dwelling House and Facilities, 1 Johnston Road.DOC**

- The maximum number of Persons at a function (patrons and staff) should be limited to 100.
- The number of events should be limited to 10 per year not the 26 applied for.
- The approval should be limited to 2 years not the 5 applied for.

Yours faithfully

Handwritten signatures in blue ink, appearing to be 'P. Porritt' and 'R. Porritt'.

Peter & Robyn Porritt

Attached for information

Minutes of meeting held between neighbours and Pip & Greg Rooke
Copy of Newrybar Downs web advertising

Notes from meeting held at Newrybar Downs held on Sunday 15th February 2015 to discuss the impact of the wedding venue.

Present:

Greg and Pip Rooke
Nick and Kerry Repin
Chris and Mark Jones
Frauke Huhn
Robyn Porritt

1. Greg and Pip assured those present that while they are keen to continue running Newrybar Downs as a wedding venue, they want to avoid any negative impact on the neighbours. They are in the process of preparing a DA to submit to council.
2. It was understood that the noise from both live bands and recorded music is at such a high volume as to be offensive to the surrounding neighbours. It was noted that 5DB above background noise is the limit acceptable within council regulations. Greg and Pip have employed an acoustic consultant to prepare a report for the DA. Greg said that they are considering both sound walls and a noise limiting device for the amplifier. In addition Pip suggested that they could consider holding smaller weddings.
3. It was also understood that, as a result of the topography of the environment, the noise is louder in some neighbouring properties than others.
4. The duration of the noise was discussed, with the most recent celebration continuing for around 10 hours on the Saturday and starting again late morning on the Sunday. The possibility of finishing earlier was discussed.
5. Police were called to followup on the noise complaint however no action was taken.
6. Greg and Pip were surprised to learn that the wedding ceremony itself is audible at the neighbouring properties.
7. The adverse impact of the helicopter was discussed. While it is not a frequent occurrence, it impacts on the neighbours privacy and would mean that none of the surrounding properties could have any cattle or horses, as they would be disturbed by the helicopter. Greg said that, while they want to use this as a means to value add to the property, it is not necessary for the bride to fly in to the venue.
8. Greg and Pip informed the meeting that a wedding planner and property manager were on site to monitor the event. The manager always ensures that the amplifier is turned off at 10:30, however the volume at which music is played is not monitored. The departure of patrons is also extremely noisy and this is very difficult for one or two people to control, due to the large number of patrons and possibly their state of intoxication. Greg and Pip suggested that they could have an extra person on site to oversee the function. As Greg and Pip are not present during a function, they will also give us the mobile number of the on site manager so that we can discuss any noise issues with her at the time of the function.
9. Rubbish (glass bottles) thrown into a neighbouring paddock was discussed. Greg and Pip said that they would ensure their gardener/ handyman would check the area for rubbish the morning after an event. In addition they are considering electronic gates for the main driveway which would dissuade guests from leaving the property.



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Newrybar Downs

AT A GLANCE

Location: Newrybar

Capacity (stand-up): 150

Capacity (sit-down): 150

Price: \$2,000 - \$11,000

Accommodation: Yes

Curfew: 11.30pm

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Newrybar Downs is a totally enclosed sanctuary ensuring your privacy. Housed within the property surrounded by beautiful gardens and fruit trees is a swimming pool, cabana area, bowling green and enough room to land a helicopter!

Newrybar Downs is a private estate nestled on 10 acres of beautiful gardens and sweeping lawns. This property offers five star resort style generous bedrooms, three bathrooms, two dining rooms plus two sitting rooms with entertainer's kitchen.

The property is **only** short stroll to the fascinating shops and cafes at Newrybar Village, a five minute drive to internationally acclaimed Gia Spa, centrally located to popular Bangalow Village as well as a short drive to the dynamic Byron Bay. It's also only a short drive to the pristine beaches of Broken Head, Byron Bay and Wategos.

Airports are close at hand with Ballina being a 10 minute away and the Gold Coast – Coolangata Airport 40 minutes' drive.

Newrybar Downs is a fabulous wedding venue option that is worth considering if you are looking for an impressive, private estate in a superb location.



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The Finer Details

VENUE HIRE:

Ceremony Only

- \$2,000 – for ceremony only of up to 60 guests*
- \$3,500 - for ceremony only of over 60 guests*
- * plus a minimum of 3 x nights accommodation

Venue & Accommodation Hire For 2014 & 2015

- (This rate applies for weddings up to 60 people.)
- \$5,500 venue hire plus three nights accommodation at \$1,000 per night (sleeps 10)
- Ceremony on the property included.
- There will also be an exit clean and linen charge of \$450.

This rate applies for weddings of 61 - 100 people

- \$8,000 venue hire plus three nights accommodation at \$1,000 per night (sleeps 10)
- Ceremony on the property included.
- There will also be an exit clean and linen charge of \$450.

This rate applies for weddings of 101 - 150 people.

- \$11,000 venue hire plus three nights accommodation at \$1,000 per night (sleeps 10)
- Ceremony on the property included.

Please Note:

- *Weddings over 150 people are by negotiation.*
- *The price stated above does not include the required \$5,000 bond which is held in Accountants Trust Account and refundable seven days after departure.*

CAPACITY:

150 Guests*

*Guest numbers above 150 are by negotiation

8.1 DA 2015/300 - Dwelling House and Facilities, 1 Johnston Road.DOC

- CEREMONY:** There are a variety of ceremony locations to choose from on the property
- CURFEW:** 11.30pm
- CATERING:** We provide a third garage attached to the house which has a water tap on the outside wall. The room is bare other than a water cylinder. There is also a large flat area outside this garage for catering trucks and tents to be set up which is a flat walk to the pool area and marquee.
- MUSIC:**
- A Sonis sound system is installed in the house and cabana, which allows guests to plug their phones and portable devices into, so that their music can play via this system.
 - Live acoustic and amplified music is accepted, in compliance with the terms and conditions.
- PARKING:** Parking available for cars of vendors, staff and guests staying on the property.
- TRANSPORT:** Transportation to be arranged for majority of guests.
- DRINKS:** BYO
- ACCOMMODATION:**
- Newrybar Downs can accommodate 10 guests within its 5 bedrooms and three bathrooms.
 - We have four queen bedrooms and one with two singles (which can be changed to a queen if necessary)
- OTHER DETAILS:** Newrybar Downs retains the right to have our own representative attending on the night of the wedding to take care of any issues arising related to the property.

Image Gallery

View the embedded image gallery online at:

<http://www.byronbayweddings.com.au/index.php/venues/newrybar-downs#sigProGalleria2cc1e6c40a>

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Website & Marketing
elissa@byronbayweddings.com.au

General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478
Attention - Naomi McCarthy
21 September, 2015

125 Brooklet Road
Newrybar 2479

Dear Sir/Madam,

Re/ Development Application No. 2015/300

Newrybar Downs - Proposed Tourist and Visitor Accommodation & Temporary Function Centre

I refer to Council's agreement for further submissions regarding the above matter, due to additional information as requested by Council to the applicant and the opportunity for affected residents to respond to the applicants now completed application.

To begin with, my initial submission was in opposition to this proposed development, and I would like to see that noted on the Council's website.

On page 2 of the applicants submission for approval under heading 3/ Tourist and Visitor Accommodation it is stated that the owners of Newrybar Downs "permanent" home is Johnson Rd, Newrybar - Newrybar Downs. From a legal and obviously from a planning perspective for approval the applicant has made this point for approval by Council. However, in this case it has been stated that the owners reside at Johnson Rd, Newrybar as their "permanent" residence. The owners purchased Newrybar Downs and have decided to establish an upmarket accommodation and Function Centre business. Based on the application as a "upmarket accommodation and function centre" I fail to see how the owners can realistically say they will occupy the residence in any meaningful way, particularly as how the frequency of functions- 2 functions in any 4 week period, up to 13 in a 12 month period. I sincerely question the legitimacy of the applicant's claim that the residence is their "permanent residence" in that regard.

The owners have indicated a site manager will be employed, and will not live on site, and will be the contact person to manage the events, and lives 20minutes from Newrybar Downs. I consider this highly undesirable, given as past experience has shown when excessive noise and loud music from the venue at evenings impacted on adjoining residents with no satisfactory resolution forthcoming.

The applicant then goes on to state " Newrybar Downs is somewhat of a "test case" for Council". This statement acknowledges by the applicant the much broader planning implications and may set precedents for Council should Council approve this application for the whole of Ballina Shire.

My question is, because it may have Shire wide implications for affected residents of these types of developments, who may I add in this instance were not all consulted, should this not be a part of Council's brief as far as the resident consultative process be part of any democratic decision making by Council as part of the Ballina Regional Strategy for Ballina Shire? This issue clearly fits within this debate, and must be seen in that context.

Continuing on, under the heading **Issue A: Definition** it lists a subset of permissible Tourist and Visitor Accommodation facilities. At the bottom of page 2, last paragraph the first sentence states " the above definition is an "open definition" [as listed in the application] then proceeds to argue they are not exhaustive, based on technical planning terms, and so on, so as to include as what is proposed by the applicant for approval of Newrybar Downs. It appears the applicant is using every planning and legal means available to circumvent current zoning, and planning legislation to gain Council approval.

I wish to make a few points regarding the overall application.

Given the considerable costs invested by the owners of Newrybar Downs in engaging professional consultants, technical consultants and legal advice to gain approval by Council, it shows that there are high financial stakes at play here for this development application to be approved. The applicant has used every technical, legislative, legal argument to convince Council, and circumvent planning legislation to gain approval, and dare I say has entertained using higher authorities should Council not approve this application.

- Many references are made that these events and functions would have "minimal effects on nearby residents". Of course you would expect the applicant to make these assertions, when in fact for the unapproved functions, events already held, loud music and crowd noise were clearly above acceptable levels and adjoining residents complained to Council and police were notified. It gives me no further assurance and confidence that even after reading the development application with the noise consultant's technical report. This development application if approved will change the night time ambience of the area, from a quiet country village atmosphere, to a party, music atmosphere, in my opinion better suited to a city, higher density living environment. No amount of "noise management", as proposed, will maintain the current quiet country atmosphere. Reading the report from Tim Fitzroy, as you would expect produced a document to argue on technical grounds the feasibility of managing noise levels during events/functions. What was not noted in his report was how noise is carried by the prevailing winds, weather conditions. In that regard different adjoining residents will be affected subject to the winds, weather. Can it be explained how these modelling scenarios can be tested in there effectiveness prior to Council approval?

As far as the public submissions go supporting the development application, let me make the following points - there is no doubt that some were solicited and supported the development application based on perceived economic self-interest,

bringing more business and economic activity into the area, when in fact it is transforming the area into their ideas and values, which have more in common with a city, high density environment. Some of the supporters were businesses who stood to gain financially, directly or indirectly. Their arguments in terms of stating the so called multiplier effects of these this business are very subjective are not supported by any evidence. The development application is for "up market events and temporary up market accommodation", a niche market, not the usual everyday business. Many of the letters of support were from people who did not reside in the locality.

- Quality of Life. Nearby residents are proud of their places and respect, and appreciate the quality of life that so many of us have grown to enjoy. It must be apparent that this proposed development application threatens the quality of life for many of the nearby residents.

In conclusion let me say I am implacably opposed to this application as I see it not only for myself, but the future sustainability of Ballina Shire, should this application be approved based on the economic arguments this will irreversibly change the character and ambience of the quality of life in the quiet country village of Newrybar.

Yours Sincerely,

Boyd Kellner

From: "Frauke Huhn" <greenart@live.de>
Sent: Wed, 16 Sep 2015 09:32:15 +1000
To: "Ballina Shire Council" <council@ballina.nsw.gov.au>
Subject: RE: DA Newrybar Downs

Dear Ballina Shire Council,

Greg and Pip seem like wonderful people and they have done fantastic renovations on their property, but we reject the proposed DA for a temporary function centre. We believe that not enough action has been taken to reduce the noise problems due to amplified music and number of people. One of our concerns is that some of the functions will continue to play R-rated music and the lyrics are clearly audible in our house and childrens bedrooms.

Sincerely yours,
Joseph Azad & Frauke Huhn

21 Boormans Road,
Newrybar

From: greenart@live.de
To: council@ballina.nsw.gov.au
Subject: DA Newrybar Downs
Date: Tue, 7 Jul 2015 11:54:32 +0200

To the General Manager

Dear Ballina Shire Council,

We hereby make a submission to council to reject the proposed DA NO: 2015/300 for a function centre at Newrybar in 1 Johnston Road. We **do not** object to the use of existing Dwelling for tourist and visitor accommodation, we **do** object to temporary use of the Land for a Function Centre and Associated Works in a rural zone. You find our full submission in the attachment.

Sincerely yours,

Joseph Azad & Frauke Huhn

21 Boormans Road

25 Boormans Road
Newrybar
NSW 2479

15/9/2015

Re: DA No.2015/300

Attn: General Manager
Ballina Shire Council

Dear Sir,

I am writing in response to the amended application for an outdoor function centre at Newrybar Downs. Noise issues have still not been adequately addressed. While the letter from environmental scientist, Tim Fitzroy, states that noise mitigation measures include the establishment and maintenance of a noise management plan, no such plan has been provided. My understanding is that, at a minimum, this should include a contact number for someone at Newrybar Downs who is responsible for noise management during a function, an installed noise monitor with visual feedback of sound levels, a means of reducing the amplified sound if the levels are above the agreed decibel limit and a system for monitoring adherence to the plan.

In addition, while the volume of amplified music can be easily turned down, the noise made by up to 150 people cannot. It is not feasible to expect the function centre manager to be able to persuade 150 people to be quiet at a party at 10pm on a Saturday night. The maximum number of guests allowed should therefore be reduced.

As it is likely that there will be further applications for approval of function centres within the Ballina Shire, the procedures put in place for this DA will almost certainly have wider implications, therefore very careful consideration should be given to this proposal.

Yours faithfully,

Kerry Goldstone

The General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478
18 Sept 2015

Dear Council,

Re / DA 2015/300 Newrybar Downs

The amended application for Newrybar Downs does not give any indication on how they intend to deal with the noise from amplified music or the noise from 150 guests. The amplified music and chatter from 150 guests cannot be contained in a sound shell. There is no mention of how big the sound shell will be or the materials it will be made from.

As recent as Saturday 12/9 there was a function at Newrybar Downs, the noise from this function was extremely loud. The owners are either unable or are unwilling to hold functions at a reasonable sound level.

Council must be pro active and refuse this application for a function centre in a rural neighbourhood. Do not open the floodgates for more Function Centres and more unhappy Ratepayers. There is a place for Function Centres and it's not in some ones backyard.

Please refuse this application so we can enjoy our weekends in a quiet and peaceful manner.

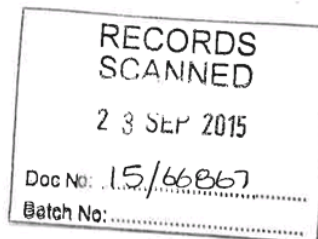
Yours Sincerely

Mark and Christine Jones

24 Boormans Rd

Newrybar

Anna E Rolfes
14 Boorman's Road
NEWRYBAR NSW 2479
email: annarolfes@gmail.com
ph 0414303750



To the General Manager
Ballina City Council
40 Cherry St
Ballina NSW 2478

Attention: Mrs Naomi McCarthy

ACKNOWLEDGED

#15/66931

Newrybar 22.Sept.15

Re: Submission regarding Newrybar Downs revised DA 2015/300

I refer to Naomi McCarthy's e-mail of 31.8. with the revised DA of Newrybar Downs.

Being a resident of Boorman's Rd I must repeat my objection to the "Temporary Function Centre" included in the DA.

Regretfully I must state, that the last event was held on the 12.9.15 and **again** the music and partying was very audible from inside my house with windows shut. I know that the marquee is still in the same place but have serious doubts that the move to another place will contain the noise that is generated from up to a 150 people partying outside with outdoor amplified music. In operation, the suggested "Temporary Function Centre" resembles more an Outdoor Event Facility.

I object to the facts that

The new application still asks for 150 people being allowed as participants of the events.

The new application still asks for outdoor amplified music.

Operating a "Temporary Function Centre" as proposed in the DA resembles an Outdoor Music Event Facility. This will change our fairly quiet rural character specifically during the evening hours for good. As a resident I object to such a change.

Although the new DA application has reduced the events to 13 per year it can be concluded that during the peak season from September - January an event is likely to happen every second weekend. (Currently the next event after the 12.9. one is on the 26.9.) Thus the mathematics applied in the DA are playing down the impact the approval of this application will have on residents:

Summer is the time of the year when evenings and nights are hot and we have our windows preferably open. It is the time of the year we have holidays too and want to relax in our gardens.

The promise that moving the marquee will fix the problem of acoustic impact on us neighbours is for me more wishful thinking than reality. As the DA wants to operate

Anna letterhead.doc

outdoor events with amplified music a credible Noise Management Plan is essential. It ought not be dependent on complaint calls from affected neighbours. Having a manager on site for taking calls is not enough for noise management.

The recommendations of the DA's sound consultant are based on a modelling scheme that is questionable. The criteria set by law for outdoor music events should be applied.

This brings me to an additional point of objection. I do object to the five year time frame of approval.

In case the Council will permit this "Temporary Function Centre" I would like to ask that it is only allowed to operate as a trial for 1 year. In that year the real noise impact has to be monitored at all times of operation to assure that it stays in the limit allowed by law.

I ask the Council to object to the proposed "Temporary Function Centre" as there is no credible Noise Management Plan for the proposed outdoor events with amplified music.

If the Council also looks carefully at **the facts** of what has been happening in the last 2 years in Newrybar Downs illegally - until we neighbours had enough after being made believe by the owners that all is legal and low key - I do urge the Council to be careful of not setting a precedence for more DAs from "Wolfs in Lambs Clothing".

Does the Council want that the character of Newrybar, that makes our area special, to be "developed" out of existence for the sake of money and jobs?

There are better options to develop Newrybar in a way that all residents will benefit from. Newrybar has a historic hall that is fully renovated with a complete equipped kitchen and plenty of space for holding functions up to 150 people.

The proposed operation of the Newrybar Downs "Temporary Function Centre" conflicts with the style of living many people enjoy here. (Please note that the owner of one property next door voting for the DA is not living there and has only recently inherited the property which has tenants in it.)

Yours sincerely


Anna E Rolfes

Anna letterhead.doc



Peter & Robyn Porritt
26 Boormans Road
Newrybar NSW 2479

22 September 2015

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



**Re: DA 2015/300 Function Centre at 1 Johnston Road Newrybar.
Newton Denny Chapelle additional information 31 August 2015**

As a neighbour affected by this business we make the following submission and objection to the above application which has been submitted to legalize the current use. We reiterate that a function centre is an inappropriate development for this site in Newrybar given the number of close residences and the unpredictability of noise in the area, due to the topography and weather conditions.

Tourist and Visitor Accommodation

Introduction

The supplementary information states that the existing dwelling at Newrybar Downs is the "permanent home of our clients." This maybe so for taxation purposes, but does not appear to be relevant to this application. In the original application, the owners were prepared to rent their permanent home for at least 6 months of the year. (26 weddings a year and say 1 week a month visitor accommodation)

We note that as part of the visitor accommodation proposal the submission specifies that a "noise limited sound system" will be installed for use by the guests and we welcome this addition.

This application requests Council provide their clients "with 9 months from the date of any future consent to complete these works. This will allow our clients to "stagger" the costs associated with complying with any future development issued for the site." This business has already been operating for in excess of 12 months without complying with Council requirements. Agreeing to this request would be setting a precedent that most businesses complying with Council requirements would also be applying for. Any consent conditions issued by Council must ensure that all works associated with the noise attenuation from the Temporary Function Centre must be in place and operational before the first function and that the noise attenuation measures, access and parking comply with the consent conditions.

Temporary use of land – Function Centre

Number and size of events

We note that the number of functions has been reduced to comply with the 52 days specified in clause 2.8 of the LEP but that the maximum number of patrons has not been reduced.

Other similar rural wedding function centres in the North Coast have limits in the order of 100 persons, including staff. The noise from 150 persons is considerable and considered unacceptable given the adverse affect on our amenity and we request that, if Council approve this application, the numbers be limited to 100 persons.

Timeframe of approval.

The submission states "Our clients advise that they require a 5 year approval for the function centre in order to make the project viable." The works required for the Function Centre, over and above those required for

the Tourist and Visitor Accommodation, would appear to be minimal earthworks to provide car parking and a Marquee site. Given that this is a temporary use, viability should not be a planning consideration. If the applicants want a viable business, then maybe they should construct a function centre on land zoned for that use and they could use it 24/7, subject to Council approval.

We are not sure of the relevance of the sentence *"We note also that the revised proposal substantially reduces the number of events in any given year from that possible via the original application."* This current submission demonstrates that the number of functions initially applied for did not comply with clause 2.8 of the LEP.

Amenity Impacts of 150 guests.

The revised submission still does not provide plan details of the sound shell to demonstrate and how it is proposed to fit 150 patrons inside the sound shell to limit the noise from 150 persons shouting to be heard above the 86dBa music.

The submission specifies that the *"off-site impacts will be fully compliant with applicable Australian Standards"* but does not specify which standards.

"Given the proposed 50% reduction in frequency of events and the combination of measures documented in the Operational and Noise Management Plans, it is considered that offsite impacts will be suitably managed to ensure the ongoing amenity of the locality." The latest wedding on the 12 September certainly did not comply with the "ongoing amenity of the locality". While the marquee site was not the site proposed in this application, the wedding once again had unacceptable noise levels with the music blasting around the area. It is difficult to see how the Operational and Noise Management Plan will alter the current noise problem, if the same people are responsible for implementing it.

Public Submissions

Letters of support.

Many of the letters of support are from people/businesses supplying services and/or materials for weddings held at Newrybar Downs. Most of these people would probably support the function centre where ever it was located.

It is noted the land owner closest to the property supports the proposal. What was not identified is that the owner is an absentee land lord and Council has a duty of care to ensure that the amenity of this property is adequately protected, as the property could change hands at any time.

While the submission notes the business and personal credentials of the owners it does not articulate that any planning approval goes with the land. The current owners could on sell the land once they have gained approval.

Letters of objection

Offsite Noise impacts Associated with the Wedding Ceremony.

The Supplementary letter from Tim Fitzroy & Associates concludes by stating *'The pragmatic application of common sense management principles ought to allow the operation of the proposed Outdoor Function Centre Whilst minimising noise impacts on residents in the locale'*

We are uncertain what this means, as local residents have been subjected to unacceptable noise from the function centre to date. No one appears to drive around the area to see how bad the noise is while a wedding is in progress.

Need for monitoring of Noise Impacts.

We welcome the offer of providing public noise readings to Council after each event and request that any approval require this as a condition of consent.

If a "noise limited sound system" can be installed for the house, it is requested that, if Council approves this application, a "noise limited sound system" be conditioned to be installed in the "Sound Shell" and mandate it's use as part of the terms and conditions.

Conclusion

"With Respect to the Temporary Function Centre, our clients have listened to the concerns of Council and the community and have reduced the proposed number of events to 13 in any calendar year, with a maximum of 2 events in any 4 week period. Of these events, offsite impacts (predominantly associated with noise being audible off site) will occur on only one day (ie 13 occasions per year or 3.56% of the year), with amplified music limited to post-dinner (maximum 4 hours). Importantly, noise generated by the facility will be compliant with the applicable Australian Standards at the property boundary and therefore does not represent unreasonable impost on the locality."

The figure of 3.56% is misleading because, in fact, we will be having up to 50% of our weekends (when we are having our down time) affect by noise being audible off site.

We are pleased to see that noise generated will be compliant with the applicable Australian Standards and that it will apply at the property boundary and request that Council's Environmental Health Officers impose any consent conditions accordingly. Given the legal argument adopted early on in the submission, I assume the applicable noise level will be 5dBa above background at the property boundary, as agreed between local residents and the owners in January and as generally held by the courts.

If Council is considering approving this application we request, as a minimum, that the following conditions be included:

- The L_{A10} noise level emitted from the function centre shall not exceed the background noise level in any Octave Band Centre Frequency (31.Hz-8kHz inclusive) by more than 5dB between 7am and 12 midnight at the boundary (as stated in the applicant's latest submission) of any affected residence.
- All amplified music and MCing must go through a "Noise Limiting Device" which cannot be adjusted by patrons.
- Music should cease by 10 pm and all vehicles off site by 11 pm
- Any approval should be provisional on the "sound shell" and operating procedures meeting the Council specified noise limits.
- Noise recording should be undertaken at the property line for each function and results submitted to Council and be publicly available.
- The approval should lapse if the noise exceeds the Council approved levels twice in any 12 month period.
- The maximum number of Persons at a function (patrons and staff) should be limited to 100.
- The approval should be limited to 2 years not the 5 applied for.

Yours sincerely



Peter & Robyn Porritt



Nick Repin
25 Boormans Road
Newrybar NSW 2479

24 September 2015

The General Manager, Ballina Shire Council

RE: Development Application - DA/2015/300 Newrybar Downs – 1 Johnston Rd. Newrybar.

Dear Sir/Madam,

As an adjacent resident I thank you for the invitation to respond to additional information received by Council in relation to this Development Application.

The issues outlined in my submission of 14 July 2015 stand unchanged.

Noise effect on adjacent residents remains probably the single most significant issue, and the need for a Noise Management Plan is reinforced in Mr Fitzroy's letter of 20 August 2015. It therefore is disappointing and surprising that a Noise Management Plan has not yet been submitted in advance to Council. There would be more considerably more confidence in the process and potentially less objection if a published plan was available prior to Council deliberation and consent.

There are many precedents for effective Noise Management Plans available, and an outline was presented in the original Noise Impact Assessment by Mr Fitzroy. The failure to provide a full plan in this case remains difficult to understand. Relying on development of an effective plan after Consent appears to be risky and unnecessary.

Additional information supplied continues to fail to address several issues including:

- What is the process for affected residents when disturbance is being experienced?
- What is the contact number for the operators/organisers?
- What response should happen?
- What will be the system/protocol in place to have final control of amplification/sound levels and reduction if necessary?
- Are the operators/organisers required to liaise with the surrounding community when events are proposed to be held?
- A defined monitoring/review process.

The affected residents appear to be continuing to bear the noise risk while deriving no direct benefit. Once again I ask that Council be scrupulous in requirement for and implementation of fully specified Noise Management Plan prior to consent.

If consent is granted then more similar applications are likely to follow. Establishing good Noise Management planning up front will benefit all of Council in the long run.

Yours faithfully,



Nick Repin

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



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

Your Ref: 2015/300
Our Ref: D15/1869
DA15070397544 WS

ATTENTION: Naomi McCarthy

9 September 2015

Dear Ms McCarthy

Integrated Development for 5//606566 - 1 Johnston Road Newrybar 2479

I refer to your letter dated 22 June 2015 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The proposed development is to comply with Plan 5 - Proposed Site Layout, prepared by Newton Denny Chapelle, reference 15/022, revision 'D' and dated 19 February 2015, except where modified by conditions of this Bush Fire Safety Authority.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of works and in perpetuity the property around the existing dwelling and the Temporary structure for a distance of 50 metres, or to the property boundary (whichever is the lesser) shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access roads shall comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
 - a) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
 - b) Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius. A reversing bay may be provided in lieu of a loop road around the dwelling or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. An Emergency/Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan and comply with Australian Standard AS 3745 -2010 'Emergency Control Organisation and Procedures for Buildings Structures and Workplaces for Residential Accommodation'.

For any queries regarding this correspondence please contact Wayne Sketchley on 1300 NSW RFS.

Yours sincerely



Paul Creenaune
Acting Team Leader, Development Assessment & Planning

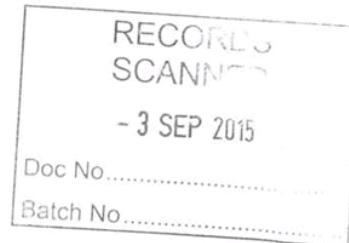
The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006' , visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.



Date: 31 August 2015

Our Ref: 15/022

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



Attention: Mrs Naomi McCarthy

Dear Madam,

**Re: Development Application No. 2015/300
Newrybar Downs - Proposed Tourist and Visitor Accommodation & Temporary Function Centre**

1. INTRODUCTION

We refer to Council's letters dated 20 July 2015 and 6 August 2015 concerning the above application. We refer also to the meeting between Council's Ms McCarthy and Mr Smith and NDC's Mr Chapelle and Ms Vikstrom concerning this project. Please find below our responses to the issues raised via the above communications.

2. EXISTING DWELLING HOUSE

As Council is aware, the unauthorised works to convert the approved dual occupancy on the land to a dwelling house occurred prior to our client's purchase of the property.

Our clients intend to rectify this matter by clarifying that the application involves three elements:

1. Use of the existing building as a dwelling house;
2. Use of the dwelling house for the purpose of Tourist and Visitor Accommodation;
and
3. Temporary use of the land for the purpose of a 'Function Centre'.

Furthermore, our clients will be obtaining a building certificate for the unauthorised works. In this regard, our clients have engaged Tecton Pty Ltd to assist with this process and it is expected that the required BCA Report will be submitted to Council in the near future.

Page 1 of 14

JOHN NEWTON B. Surv. M.I.S. Aust. TONY DENNY B. Surv. (Home) M.I.S. Aust. DAMIAN CHAPELLE BTP CPP
Office: Suite 1, 31 Carrington Street, Lismore, Postal Address: PO Box 1138 Lismore NSW 2480
Phone (02) 6622 1011 Fax (02) 6622 4088 Email office@newtondennychapelle.com.au
Also at: Cassino Court, 100 Barker Street, Casino NSW 2470 Phone/Fax (02) 6662 5000
ABN 86 220 045 469

3. TOURIST AND VISITOR ACCOMMODATION

Introduction

The existing dwelling at Newrybar Downs is the permanent home of our clients. However, from time to time the dwelling will be let, in its entirety, to a single group for the purpose of short term holiday accommodation. Occasional holiday letting in this manner is common and widespread throughout Ballina Shire (and indeed the entire State), including in rural areas. NDC is not aware of any other property which has sought to obtain development consent for tourist and visitor accommodation in the form of holiday letting and, as such, we appreciate that Newrybar Downs is somewhat of a 'test case' for Council.

It is understood that Council's concerns relate to:

- A. Whether or not 'holiday letting' fits the BLEP definition of 'Tourist and Visitor Accommodation';
- B. Permissibility of the 'dual use' of the building (when not being used for 'tourist and visitor accommodation', the building will be used as a dwelling);
- C. The presence or absence of a manager's residence; and
- D. Requirement for disabled access upgrades.

Issue A: Definition

BLEP2012 defines Tourist and Visitor Accommodation as follows:

*tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, **and includes any of the following:***
[emphasis added]

- (a) backpackers' accommodation,*
 - (b) bed and breakfast accommodation,*
 - (c) farm stay accommodation,*
 - (d) hotel or motel accommodation,*
 - (e) serviced apartments,*
- but does not include:*
- (f) camping grounds, or*
 - (g) caravan parks, or*
 - (h) eco-tourist facilities.*

The above definition is an 'open definition'. That is, the examples that follow the opening clause ("*... and includes any of the following...*") demonstrate how a particular use might satisfy the elements of the definition. The examples are not an exhaustive list of how land might be used for the purposes of "tourist and visitor accommodation". Characterising the proposed use as 'holiday letting' is to identify and provide another example of what can constitute 'tourist and visitor accommodation'. As such, the proposed land use is able to receive development consent from Council (subject to merit assessment).

Issue B: Dual Use

It is not unlawful, or impermissible, to seek consent for particular premises on the basis that it be used for one purpose at a particular time and for another purpose at another time. More specifically, the LEP definition of 'mixed use development' specifically relates to a building or place comprising 2 or more different land uses'. Reference is also made to the definition of 'bed-and-breakfast accommodation' which provides both short-term accommodation (for guests) and permanent accommodation (for the residents) within the same building. Note: As outlined in the SEE the current application does not meet the definition of a 'Bed and Breakfast' as the owners of the dwelling will not be residing in the premises when the Tourist and Visitor Accommodation is provided.

Issue C: Manager's Residence

Ballina Local Environmental Plan 2012

Council advises in its letter that it is of the view that *"it is not the intention of [clause 7.9 of BLEP2012] to enable the establishment of tourist and visitor accommodation where no manager's residence exists on the property or to allow a change of use of the entire dwelling house for tourist and visitor accommodation"*.

It is an established legal principal that legislation 'says what it says':

"It is only by considering the meaning of the words used by legislature that the court can ascertain its intention. And it is not unduly pedantic to begin with the assumption that words mean what they say ..."

*[Cooper Brookes (Wollongong) Pty Ltd v Commissioner of Taxation (1981) 147 CLR 297
Gibbs CJ at 304]*

This principal also applies to Environmental Planning Instruments (such as the LEP). If Clause 7.9 is 'intended' to do anything, that intention is expressed in the objectives in clause 7.9(1) which states as follows:

(1) The objective of this clause is to ensure that services and facilities provided for tourists in rural and natural areas do not adversely impact on the agricultural production, scenic or environmental values of the land.

The proposed tourist and visitor accommodation is entirely consistent with this objective, as it will not result in any adverse impacts on agricultural production (either on the site or in the locality) or on the scenic or environmental values of the land.

With respect to the requirement or otherwise for a manager's residence, Clauses 7.9(4) states as follows:

*(4) Development consent must not be granted to development for the purpose of tourist and visitor accommodation on a lot that is land to which this clause applies unless:
(a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the lot, or
(b) a dwelling house may be erected on the lot under this Plan.*

The effect of subclause 7.9(4) is to ensure that tourist and visitor accommodation can only occur on an allotment which has a 'dwelling entitlement'. Council has confirmed that the land has a 'dwelling entitlement' and accordingly the application is consistent with Clause 7.9(4).

Clause 7.9(5) of the LEP is reproduced below:

(5) Development consent must not be granted to development under subclause (4) if the development:

- (a) includes an ancillary caretaker's or manager's residence, or*
- (b) is for the purpose of more than 1 bed and breakfast accommodation.*

Contrary to the position stated in Council's letter of 20 July 2015, Clause 7.9(5)(a) does not require the provision of a caretaker or manager's residence. Rather the clause prohibits the provision of an 'ancillary caretaker's or manager's residence' associated with the accommodation.

In addition, the definition of 'tourist and visitor accommodation' in the LEP is silent with respect to a caretaker or manager's residence or a caretaker or manager being 'on-site'. Accordingly, the characterisation of the development as being for the purpose of 'tourist and visitor accommodation' does not require a consideration as to whether a caretaker or manager will be on site. To directly address Council's letter of 6 August 2015, the presence or otherwise of a manager's residence has no bearing on whether development for the purposes of "tourist and visitor accommodation" is permissible.

Ballina Development Control Plan 2012

Chapter 7 DCP Introduction

Chapter 7 of the Ballina DCP provides a series of planning controls relating to tourist and visitor accommodation in rural areas. The introduction to Chapter 7 advises as follows:

Planning Objectives and Development Controls:

The general provisions of this chapter are categorised in relation to a series of land uses and topics. For each land use planning objectives and development controls are specified. There are also special provisions relating to particular areas. Development proposals must be consistent with the planning objectives for the chapter and in relation to each identified land use. Such consistency is typically demonstrated by compliance with the identified development controls, although there may be circumstances where an alternative to the application of a development control is consistent with the planning objectives.

DCP Planning Objectives

As outlined in the above DCP extract, the first step in the application of the DCP is to review the applicable planning objectives, which in this instance are as follows:

3.3.2 Planning Objectives

- a. Provide for the establishment and operation of diverse small scale *tourist and visitor accommodation* within rural and environmental protection zones within Ballina Shire;
- b. Ensure that facilities are designed and constructed so as to maintain rural character and amenity, productive agricultural use of land and environmental values;
- c. Encourage visitor interaction with the rural and natural environment;
- d. Ensure the provision of a satisfactory level of service to guests and that such premises meet acceptable access, community health and fire safety standards; and
- e. Encourage environmental repair, restoration and management activities in conjunction with rural tourist development.

The SEE and the information provided herewith demonstrates that the proposed occasional holiday letting of an existing dwelling meets with planning objectives 'a', 'b', 'c' and 'e'.

Objective 'd' refers to ensuring that there is a "satisfactory level of service to guests". As outlined below, Newrybar Downs is a luxury dwelling and guests are treated to a personalised 'check-in' and 'check-out' service by the property manager and 24 hour telephone access to the same person for the duration of their stay at Newrybar Downs. This arrangement provides Council with a level of confidence that a 'satisfactory level of service' is available to guests at the premises.

DCP Planning Controls

The second step in the DCP process then requires consideration of the applicable planning controls. One of these controls states as follows:

- v. Tourist and visitor accommodation must include a manager's residence on the site, comprised of either the primary residential dwelling or one dwelling in a dual occupancy arrangement. The manager's residence must be in a location suitable to facilitate on site management of the accommodation units;**

As indicated above, the DCP specifically enables Council to approve an application which complies with the planning objectives, even though it does not meet all particular development standards. Such an approach is consistent with the way in which courts direct consent authorities to apply the provisions of the DCP. That is, the DCP is a focal point of the decision-making process but its provisions - and compliance with those provisions - are not determinative of the application (*Zhang v Canterbury City Council* [(2001) 115 LGERA 37; [2001] NSWCA 167 [75]; *Al v The Council of the City of Newcastle* [126 LGERA 194; [2003] NSWLEC 123 [62]]).

As such, the issue of whether or not a manager's residence is required needs to be considered in the context of the type of development proposed and a merit assessment of the project. In this instance, the following comments are made:

- When the existing dwelling is used for tourist and visitor accommodation without an associated function, it is being used by a small group of people in a manner that is similar, if not identical, to its use as a residential dwelling. The only aspect of its use that characterises it as being 'tourist and visitor accommodation' is its short-term use – say a weekend or a 'holiday week'.
- Guests are screened by our clients prior to a booking being accepted. Clear rules are established for guests upon booking, with all guests aware of the management structure for the premises when signing and agreeing to the Terms and Conditions. The Terms and Conditions include a requirement to pay a security deposit.
- At no time is the property let to more than one party at a time. The guests typically comprise extended family groups. Unlike a B&B or holiday cabin scenario, there is only ever one group using the premises and as such there are no 'competing interests' requiring resolution with respect to separate groups utilising the premises.
- Unlike many 'holiday rentals' (where guests pick up keys from a real estate agent) the Newrybar Downs property manager greets each group of guests on site. The property manager then provides a tour of the house and grounds explaining matters such as TV operation, kitchen, toilets, swimming pool etc prior to providing guests with a list of 'Need To Knows' for the property.

- Guests are provided with telephone contact details for the property manager, who is then 'on call' 24 hrs a day for any issues or requests that may arise. The property manager lives within a 20 minute drive of Newrybar Downs.
- Upon departure, the client is then checked out of the property by the property manager and a quick inspection walk through is completed. A more detailed inspection occurs after the guests have departed prior to refund of the security deposit.
- The premises are provided with two Onsite Wastewater Management Systems which collectively have significantly greater capacity that is required to service 10 guests. In addition commercial sanitary bins are provided in each room containing a toilet. These facilities are maintained on a regular basis in accordance with manufacturer's specifications. The 'welcome tour' of the property includes advice with respect to the use of these bins. An added incentive for guests to appropriately dispose of sanitary items is a lease condition that any plumbers costs associated with failure due to blockages, will be charged at full cost to the responsible party.
- The premises are located a short distance from the village of Newrybar, which includes a corner store for basic supplies for guests as well as dining opportunities. Guests arrive by motor vehicle and have ready access to nearby towns and attractions.
- When the existing dwelling is used for tourist and visitor accommodation associated function, both the bridal party and the property owners will separately retain managers/planners and security (respectively) to ensure that the function is conducted with regard to the amenity of the neighbourhood, that any operational management plan is observed and the conditions of any consent are also observed. The land will be used for the purposes authorised by the consent and appropriately managed. That is, the necessary "managers" will be appointed to ensure that the land is used in a lawful manner and any issue that arises can be promptly addressed.

Conclusion

Given the above, it is reasonable to assume that a single group of responsible adults (and associated children) is fully capable of 'managing' their stay within a self contained dwelling. As such, it is considered that there is no legitimate reason to require a manager's residence as part of the tourist and visitor accommodation proposed in the current application.

Furthermore, we note that the public submissions to the Development Application have raised only one concern with respect to the proposed tourist and visitor accommodation, being an issue associated with music emanating from the house. In response to this, our clients advise that they will install a noise limited sound system for use by future holiday guests and mandate use of this system by guests as part of the Terms and Conditions. In addition, nearby residents will be provided with contact details for the Newrybar Downs manager, in the unlikely event that future disturbance occurs. As the premises have been used for holiday letting on multiple occasions over the past two years, it is reasonable to assume that no undue disturbance to the neighbourhood has occurred.

Please note, our clients have obtained legal advice which has assisted in drafting parts of the above advice. NDC is able to provide Council with a copy of this advice upon request.

Issue 4 – Disabled Access

With respect to tourist and visitor accommodation in urban areas, Council's DCP applies the same design requirements that are applied to permanent residential accommodation. The planning objective for this control is to enable the ready conversion between permanent and temporary accommodation. These urban DCP controls do not require compliance with disabled access provisions in the BCA. Given this, it would appear inconsistent that Council's DCP requires disabled access upgrades for a rural property when such requirements are not also applied to urban areas.

Notwithstanding the above, our clients have received technical advice from Tecton Pty Ltd that the premises are readily able to be upgraded to a 1B standard by way of providing a disability access compliant bathroom, bedroom and car parking space. These works will all occur within the southern 'wing' of the house. Plans illustrating the proposed upgrades will be submitted to Council in due course.

Our clients request, however, that Council provide for flexibility with respect to the timing of these upgrades. In this regard, our clients request that they be provided with 9 months from the date of any future development consent to complete these works. This will enable our clients to 'stagger' the costs associated with complying with any future development consent issued for the site. In the event that this arrangement is not satisfactory to Council, it is requested that this matter be appropriately conditioned, rather than being treated as a grounds for refusal of the application.

4. TEMPORARY USE OF LAND – FUNCTION CENTRE


Upon review of Council's correspondence, together with the public submissions to the exhibition of the application, our clients have reviewed the operational requirements of the facility and advise as follows.

Number and Size of Events

Our clients wish to amend the application to clarify that they are seeking to hold up to 13 functions in any 12 month period, with not more than 2 functions in any 4 week period. Each function will involve up to 4 days of activity as outlined in **Table 1**. With reference to the criteria specified in Clause 2.8 of the LEP, we note that this arrangement will result in the premises being modified to enable its use as a Function Centre for not more than 52 days per year (13 events x 4 days = 52 days). Of these events, offsite impacts (predominantly associated with noise being audible off site) will occur on only one day (ie 13 occasions per year), with amplified music limited to post-dinner (maximum 4 hours).

Each wedding would have up to 150 people in attendance. Please note, that this is a maximum number of guests who may be in attendance at any event. It is our client's experience that many functions are considerably smaller than this number, with 100 guests being the average on site to date. However, our clients seek flexibility to provide for up to 150 guests on the site.

Table 1 provides a break-down of set up and pack up activities on the site associated with the use of the premises as a function centre. The breakdown of other activities on the day of the function (Day 3) is provided within the SEE.

Table 1- Set Up and Pack Up Activities	
DAY 1: SET UP (Typically Thursday)	
Delivery and set up of marquee, caterers tent, generator, and lighting.	1 x pantech (small covered) truck 
Delivery of chairs, tables, styling items, glassware	1 x pantech truck
Delivery and placement of portaloos and waste bins	1 x ute with trailers
Delivery and placement of cool room	1 x ute with trailer
<i>By the end of Day 1, the marquee and caterers tents are set up, tables and chairs are in place, lighting in marquee is set, generator, cool rooms and portaloos are in their designated spot.</i>	
DAY 2: SET UP (Typically Friday)	
Delivery and setup of flowers for marquee and ceremony site	1 x car or van
Music entertainment set up	1 x car or van
Set up and Styling	1 x car
<i>By the end of Day 2, the marquee is fully setup and decorated</i>	
DAY 3: WEDDING DAY (Typically Saturday)	
Makeup artist (morning)	1 x car
Catering & waiting staff – Set up and pack up on day of wedding.	1 x van 2 x cars
Musicians – Take away their equipment on the night of the wedding.	1 x car or van
<i>By end of Day 3, All caterers musicians equipment and caterers equipment (including plates etc) removed.</i>	
DAY 4: PACK UP (Typically Sunday)	
Marquee and catering tent packed away and removed along with generator and waste bins.	1 x Pantech truck
All hired furniture removed	1 x Pantech truck
Portaloos , Cool room removed	2 x Utes with trailers

Newrybar Downs have written confirmation from their approved suppliers that pack down and removal of marquee and other equipment can occur on a Sunday.

With respect to off-site impacts associated with the set-up and pack up activities, these are considered to be minimal and would be barely noticeable to any nearby resident. In this regard, the following comments are made:

- In 2001 BSC Traffic Counts recorded 636 vehicle per day using Brooklet Road. This includes a range of heavy vehicles (such as trucks and buses) associated with rural activities in the locality. The 2014 Strategic Modelling Update records 1177 vehicles using Brooklet Road in the vicinity of Boormans Road. The inclusion of a small number of additional traffic movements associated with Newrybar Downs will not noticeably increase the noise already generated by this road or impact on the flow of traffic.

- The setup/ pack up activities are completed by the various party hire contractors. These tasks are completed manually and do not involve noisy equipment or machinery.
- The marquee, caterers tent, cold room etc are all located in areas screened from public roads by existing vegetation. These temporary structures will be barely visible (if at all) from locations external to the site.
- A pan-tech truck can be driven by a person holding a 'standard' drivers licence and is not regarded as a 'heavy vehicle'.

In support of the above conclusion, we note that the public submissions concerning the application do not raise concerns with respect to the amenity impacts associated with set up or pick up activities.

Timeframe of Approval

Council has indicated that it is somewhat reticent to agree to a 5 year approval for the temporary use. Our client's advise that they require a 5 year approval for the function centre in order to make the project viable. Council will appreciate that there are a range of works required to upgrade the premises to the required standards, including the provision of the new driveway access and various other works. The need to pay for these works, combined with the extended lead time for wedding bookings mean that a 5 year approval is required. We note also that the revised proposal substantially reduces the number of events in any given year from that possible via the original application. Given the above it is considered that the granting of a five year consent is reasonable.

Amenity Impacts of Having 150 Guests On-Site

The key off-site amenity impact associated with the hosting of weddings on site relates to noise, particularly with respect to amplified music. As outlined in the SEE, the initial noise modelling completed by Tim Fitzroy and Associates concluded that the location on-which the marquee has been erected to date (ie the 'bowling green') was not the most suitable location for the marquee. In this regard, the noise modelling indicated that the off-site impacts (particularly for the dwelling immediately to the south of the site) were such that significant limitations would need to be applied to the use of amplified music associated with functions.

As such, an alternate marquee location has been selected (to the north of the house) and design and management protocols proposed to ensure that off-site impacts are fully compliant with the applicable Australian Standards. The modelling includes expected patron noise (talking, laughter etc) as well as the cold room, generator, amplified music and plant noise.

We note that whilst a number of weddings have occurred on site in recent months, these functions have occurred on the 'old' marquee pad and have not incorporated the range of noise management measures included within the current application. As such, they do not provide an accurate indication of the offsite impacts following the implementation of the measures recommended by the Noise Impact Assessment.

We note also that Council's Environmental Health Officers have not queried the noise modelling methodology or outcomes, and accordingly, it is assumed that these professional officers are satisfied with the technical approach to assessing these matters.

Other offsite amenity impacts identified in the public submissions relate to rural character, safety and rubbish. These issues are all addressed below.

Given the proposed 50% reduction in the frequency of events and the combination of measures documented in the Operational and Noise Management Plans, it is considered that offsite impacts will be suitably managed to ensure the ongoing amenity of the locality.

5. DRIVEWAY UPGRADE

Council has advised that it will be seeking to require the permanent closure of the existing driveway access to Johnston Road. Our clients are of the view that this would reduce the visual appeal of the entrance to the property. As such, our clients respectfully suggest that an alternate approach could involve closing and locking the existing gates to the property and marking them "For Emergency Use Only". This would provide emergency vehicles such as fire trucks/ ambulances and the like unobstructed alternative entry to the venue, whilst retaining the existing visual presence of Newrybar Downs in the landscape.

6. PUBLIC SUBMISSIONS

29 submissions were received in response to the exhibition of the development application. Of these 19 comprised letters of support and 9 were letters of objection.

Letters of Support

With respect to the letters of support, these submissions highlight the following:

- The employment and economic benefits of the 'destination' wedding industry, both to the village of Newrybar and the wider region.
- The employment opportunities for local contractors associated with the ongoing maintenance and upgrade of the premises.
- Support for low impact, high quality tourist and visitor accommodation such as that provided at Newrybar Downs.
- The need to attract additional people to the village of Newrybar following the completion of the Pacific Highway upgrade.
- Support for increase in tourism numbers and associated flow-on economic impacts.
- The demand for high quality facilities such as that provided by Newrybar Downs;
- The business and personal credentials of the proponents, Mr and Mrs Rooke, and the extent to which they are willing to modify the proposal to address community concerns.
- That the proposed Operational Management Plan includes a range of initiatives to ensure that offsite impacts are managed in a way to minimise disturbance on the surrounding locality.

Of particular relevance, we note that the owner of the dwelling located closest to Newrybar Downs (being the house immediately to the south of site and potentially most impacted by noise associated

associated by events) is included amongst those supporting the proposed development. In addition, the rural properties located to the west of the premises are also in full support of the proposal as are several other residents located in close proximity to Newrybar Downs. Local business owners in Newrybar are also supportive of the proposal as a desirable and compatible form of commercial development in the locality.

Letters of Objection

Issues raised in the letters of objection are summarised as follows:

- Inconsistency with RU1 Primary Production Zoning

Comment: As outlined in the SEE, the application for the Temporary Function Centre is being lodged pursuant to Clause 2.8 of BLEP2012. Clause 2.8(2) enables such development to be approved 'despite any other provisions of' the LEP. It is a clause that enables development to occur in certain circumstances - that is, it is a clause the purpose for which is to permit any development subject to satisfactory assessment. Clause 2.8 does not require or empower the consent authority to consider the objectives of the underlying zone in the assessment of a development application that is lodged pursuant to this clause.

- Number and frequency of events

Comment: As indicated above, the application is now seeking to provide for up to 13 events per year with not more than 2 events in any 4 week period. This is a 50% reduction from that which was initially applied for in the development application.

- Term of Approval

Comment: As outlined above, our clients advise that in order to achieve a reasonable financial return on the project, it is necessary that a 5 year approval be obtained. This is particularly relevant given the extended timeframe for wedding bookings, with many brides seeking to secure a venue up to 12 - 18 months in advance.

- Impact on 'Rural Character and Amenity'

Comment: The locality surrounding Newrybar Downs includes a variety of agricultural and rural residential uses, Newrybar Village (inclusive of shops, restaurant and community hall) and various premises providing tourist and visitor accommodation. As such, a range of non-rural land uses are currently provided within the immediate locality.

The proposed approach to managing noise associated with future functions (ie the relocation of the marquee, provision of sound shell for bands and adoption of detailed Operational and Noise Management Plans) will ensure that the facility operates in accordance with applicable Australian Standards associated with noise management.

The Noise Impact Assessment emphasises matters such as ensuring the responsible service of alcohol as a way to manage offsite impacts associated with voices. This requirement will be incorporated into the Operational Management Plan for the premises.

- Off-site Noise Impacts Associated with the Wedding Reception
Comment: Refer to comments above (under heading 'Amenity Impacts of Having 150 Guests On-Site').
- Accuracy of Noise Assessment
Comment: Tim Fitzroy and Associates are reputable acoustic consultants who have completed the noise impact modelling in accordance with applicable industry standards.
- Off-site Noise Impacts Associated with the Wedding Ceremony
Comment: Tim Fitzroy and Associates have provided a supplementary letter report with respect to the use of amplifiers during wedding receptions (see attached). This report recommends the adoption of maximum noise levels (as measured 3m from the noise source) as a way of ensuring compliance with applicable standards at the property boundaries.

- Location of Sound Shell
Comment: The sound shell will be located within the marquee structure.
- Noise Management Plan Not Submitted With The Application
Comment: In the event that Council approves the application, it is envisaged that a Noise Management Plan will be a condition of consent. This plan would include the range of management measures documented within the Noise Impact Assessment by Tim Fitzroy and Associates and contained within Attachment 7 of the SEE as well as any particular conditions applied by Council.
- Need for Monitoring of Noise Impacts
Comment: The Management Plan for the facility includes a requirement that the security contractor complete regular noise monitoring during each event and is provided with authority to adjust volumes to ensure compliance with the Noise Management Plan. The contractor will be supplied with a calibrated noise monitoring machine and will receive training with respect to the correct use of the equipment. Our clients do not object to a condition of consent requiring the lodgement of the noise readings to be submitted to Council after each event.
- Management of Guest Behaviour – Singing, shouting etc
Comment: As advised above, the noise modelling includes patron noise (talking, laughter etc). Whilst some noise will be audible to surrounding areas, the acoustic assessment indicates that this will be compliant with applicable standards. The Operational Management Plan and Noise Management Plan will both incorporate clear requirements with respect to the responsible service of alcohol.

- 'Closing Time' of Function

Comment: Our clients advise that they do not wish to amend the proposed closing time for functions.

- Safety concerns associated with wedding guests leaving the premises

Comment: Newrybar Downs has engaged a security contractor to be present on site for the duration of each event. This contractor routinely patrols both the premises and the perimeter of the site. Any guests found off-site will be instructed to immediately return to the function.

- Future Compliance with Conditions of Consent

Comment: Should development consent be issued, the Function Centre will be required to operate in accordance with applicable conditions of development consent. In the event that such conditions are not complied with, Council is able to take compliance action in accordance with the provisions of the EP&A Act.

- Litter resulting from events

Comment: On the day following the function, Newrybar Downs Management will inspect the perimeter of the site and remove any rubbish that may be present.

- Traffic, Number of Cars and Road Maintenance

Comment: The Engineering Services Report confirms that Brooklet Road has the capacity to accommodate additional vehicles associated with the proposed facility. The Operational Management Plan includes strict requirements with respect to wedding guests accessing the site via mini-bus and accordingly it is submitted that adequate parking is provided on site.

- Conflict with Rural Land uses

Comment: The SEE includes a detailed assessment with respect to the relationship of the site to nearby agricultural activities and concludes that a satisfactory physical separation is in place.

7. CONCLUSION

The proposed use of Newrybar Downs for tourist and visitor accommodation in the form of holiday letting will provide for small scale, low impact holiday accommodation to meet the demand for 'high-end' self catering holiday accommodation in Ballina Shire. Our clients are committed to providing a luxury holiday experience to guests and have established a range of management protocols to ensure that guests have a comfortable stay whilst respecting the rural and environmental characteristics of the surrounding locality.

As demonstrated above, Council is able to approve the application without a manager's residence where it can be demonstrated that the project meets the application planning objectives in the Development Control Plan. In this instance, the proposal is considered to be directly compatible

with the DCP objectives and therefore represents a suitable and desirable development outcome on the land.

With respect to the Temporary Function Centre, our client's have listened to the concerns of Council and the community and have reduced the proposed number of events to 13 in any calendar year, with a maximum of 2 events in any 4 week period. Of these events, offsite impacts (predominantly associated with noise being audible off site) will occur on only one day (ie 13 occasions per year or 3.56% of the year), with amplified music limited to post-dinner (maximum 4 hours). Importantly, noise generated by the facility will be compliant with the applicable Australian Standards at the property boundary and therefore does not represent un-unreasonable impost on the locality.

The 'Destination Wedding' industry is an important and growing sector of the tourism market and delivers a significant multiplier effect. As outlined in the SEE, these functions largely comprise scenarios where the wedding party and all guests reside outside of the local area. A significant proportion of these guests will incorporate attendance at the wedding into a 'mini break' staying for a few nights in the Northern Rivers region. As such, these events provide for additional tourism spending within the local area. We note also that a typical function provides employment for a range of local businesses including caterers, wedding planners, party supplies, security, transport, music, decorators, photographers etc thereby providing economic benefits to the local business community.

We trust that the above is satisfactory to Council and look forward to Council now proceeding to favourably determine the application subject to the application of suitable conditions of consent. Our clients would welcome the opportunity to provide the elected Council with a tour of Newrybar Downs prior to its determination of the application.

Should you have any queries regarding the above, please do not hesitate to contact either Damian Chapelle or Karina Vikstrom of this office.

Yours sincerely,

NEWTON DENNY CHAPELLE



DAMIAN CHAPELLE
Town Planner, BTP, CPP.