ATTACHMENT TO LETTER SUBMITTED BY P. ANDREWS, 25 BRUNSWICK STREET, BALLINA IN OPPOSITION TO THE PROPOSED COLES EXPRESS SERVICE STATION AT 323 RIVER STREET (CORNER BRUNSWICK STREET) - DA 2016/25. WE, THE UNDERSIGNED HAVE READ THE LETTER AND CONCUR WITH THE POINTS RAISED WITHIN. BY SIGNING BELOW, WE INDICATE OUR OPPOSITION TO THE PROPOSED SERVICE STATION.

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JS.

Peter Hickey General Manager Ballina Shire Council PO Box 450 Ballina NSW 2478

Via: email

15 April 2016

Peter

Dear General Manager,

Mrs Pamela Andres has contacted my office regarding DA2016/25 -Proposed Service Station Development, 323 River Street (onr. Brunswick Street), Ballina and Lenclose her correspondence.

Could you please respond in writing to Mrs Andrews via this office directly

Regards,

Ællid

Justine Elliot MP Federal Member for Richmond

Enc.

cc. Ballina Shire Gouncil Mayor, Cr David Wright

Electorate Office: 107 Minjungbal Drive Tweed Heads South Mail: PO Box 6996" Tweed Heads South NSW 2486
Email: justine.ell.ot.mp@aph.gov.au Phone: (07) 5523 4371 or 1300 720 675 Fax: (07) 5523 4379

From: "John and Pam Andrews" <u><[andpandrews@bigpoud.com</u>> To: "Elliot, Justine (MP)" <u><[astine.Elliot.MF@aph.gov.au</u>> Subject: DA 2016/25 - Proposed Service Station Development, 323 River Street (enr. Brunswick Street), Ballina

Good Morning Justine,

Yesterday, you spake with my husband John regarding the above proposed development. He asked me to email you detailing actions to date.

Our major issue is with traffic implications to Brunswick Street and its immediate surrounds. On Wednesday 13 April 2016 this was discussed at a Traffic Development Committee meeting (the sole item on the agenda). I had submitted a letter to be tabled at that meeting (copy attached). I subsequently telephoned Mr Patrick Knight at Ballina Council who informed me that the RMS representative at the meeting had also voiced the same concerns in that the developers had "understated" the effect on traffic, as well as problems with ingress and egress off River Street to the proposed development. He advised that the committee had recommended that the proponent of the DA be asked to respond to these concerns and to justify why River Street ingress and egress should be allowed.

The above letter addresses the issues regarding marked traffic increase in the area surrounding Bruaswick Street (north).

Initially, I sent a formal submission objecting to the proposed development to Mr Anthony Peters (the Ballinn Shire Council officer overseeing the DA) which contained most of the information in the traffic meeting letter. Below is an extract from the submission advising other concerns. Copies of the formal submission have also been emailed to all Councillors.

quote

2) Health Impact through noise, dust, antisocial behaviour and loss of amenity. The additional traffic and fuel tankers (probably late night and early morning) or will produce high levels of dust, noise, etc. As this development will be highly visible and operating 24 hours, local residences will experience a much higher level of late night anti social behaviour. All of the this will create a significant loss of amenity to residents in the surrounding vicinity.

3) Environmental

What level of fill will be required to bring the site up to the required 2.35 metres AHD level for the kicsk and 2.15 metres AHD for the forecourt? How will this level of fill affect the flooding pattern for the area? During times of heavy rain, flash flooding occurs in the vicinity of Tamar and Branswick Streets, at times extending over the council strip onto properties.

What will happen to the two long standing date palm trees which have stood, according to anecdotal evidence, for many decades? They deserve to be preserved in their present position and not be cut down (or indeed relocated) for the sake of commercial development. Council has been active over recent times with various plantings to beautify Ballina - it can demonstrate how serious it is by helping to preserve these two beautiful specimens.

4) Property Devaluation

What impact will this proposed development have on the value of residential properties in the area. One can certainly assume it will NOT be positive.

5) Existing Service Stations

How many service stations do we need or want? Presently, there are two service stations on the northern side of River Street within a 600 metre distance, barnely Liberty within the same block and Shell 500 metres east on corner River/Kerr Sts. Additionally, there is a BP Service Station 1.5 west on River Street, a Caltex Service Station 1.8 kms north at Ballina Central, and another BP Service Station 2.4 kms in North Ballina. Only the Liberty Service Station is mentioned in the DA when describing local businesses in the surrounding locality (though it does include the distance to the Council building!!)

I am attaching a list of 162 concerned neighbours from Brunswick Street, Tamar Street, Winton Lane and Tweed Street (with signatures) who are equally appalled and distressed at the prospect of having such a development so close to our homes. I know there would have been many more signatories but the area was canvassed during business hours when a good proportion of residents were absent from their dwellings.

I hope sanity will prevail and that Council will listen to the residents it represents, unquote

The RMS (local) were also been provided with a copy of my original submission some time prior to the traffic meeting, so they were already aware of our concerns.

We have also enlisted the help of Tamara Smith who has already made representations on this matter to Council on our behalf. She has been copied on both letters to Council as well as copies of the "petition" from the surrounding area. Camille Keenan from Tamara's Office requested that either Tamara or herself be present at the Traffic Development Meeting but this was declined. Her Office has indicated that, if development consent is issued, Tamara will lobby the State Minister for Planning.

Council have advised that the decision will not be a "tick and flick" and that it will go to a full Council Meeting (at the earliest on 24 May 2016), so I will copy the traffic meeting letter to all Councillors and also lobby for support to deny consent when the DA comes up before Council.

There are quite a number of submissions of opposition to this proposed development which can be viewed on line at Cauncil's website. Also, Liberty Service Station which is located 100 metres from the proposed development and is the only service station in Ballina offering driveway service have submitted a petition opposing the proposed development to Council containing more than 1,000 signatories.

Justine, thank you for taking the time to look at this matter. Any advice or help you are able to offer would be most appreciated.

Regards

PAMELA ANDREWS

25 Brunswick Street BALLINA NSW 2478

5 April 2016

The General Manager BALLINA SHIRE COUNCIL Attention: Patrick Knight, Civil Services

Dear Sir

DA 010.2016.00000025.001

New Commercial Bldg (retail/wholesale trade) Demolition of Existing Buildings and Construction of Service Station and Ancillary Klosk

Further to our recent telephone conversation, I wish to submit this letter for tabling at the upcoming Traffic Meeting on 13 April 2016 where the above Development Application will be discussed.

I have a number of objections to this DA which I have addressed in a formal submission dated 16 March 2016 addressed to Mr Anthony Peters.

However, my main objection is based on major increased traffic implications for Brunswick Street, (north), Tamar Street, Winton Lane, and Marshall Street with flowon effects to Bagot Street, Canal Road and Fox Street.

The reduction from two lanes into one lane for vehicles travelling east at Fishery Creek tringe creates a "busier" flow of traffic on River Street with vehicles spaced much closer together. This, coupled with an almost continuous flow of traffic from the Kerr Street lights, makes it almost impossible to turn right onto River Street from Brunswick Street (north) and difficult at most times of the day to turn left from Brunswick Street (north). I would expect similar difficulties would be experienced turning from Brunswick Street (south).

Fifteen years ago when we purchased our property, Brunswick Street (north) was a quiet side street. Since closing Bagot Street to traffic making a left hand turn off River Street (eastbound) some years ago, Brunswick Street (north) has become a "mini Ballina bypass", providing access to the RSL Bowling Club and Ballina Fair/ Ballina Central for vehicles travelling from West Ballina.

Recently, Council installed righthand turn lanes both ways on River Street into Brunswick Street and also continued the median strip across the Tweed Street intersection, with the following results:

On the northern side of River Street, all vehicles from Tweed Street, Marshall Street, Brunswick Street, Tamar Street and Winton Lane wishing to turn right to travel westwards have to - a) exit left from Brunswick Street (north), travel east to the Kerr Street lights, then turn right, right again, right again and then left back onto River Street and proceed westwards;

b) exit left from Bagot Street, turn right at the righthand turn into Brunswick St (south) and then turn right, then right again, then left back onto River Street to travel westwards; or

c) exit left from Tamar Street onto Kerr Street, turn right into Crane Street, then right at Grant Street, then right at River Street proceeding through the Kerr Street traffic lights and then westwards.

Additionally, traffic travelling west along River Street which previously would have turned right into Tweed Street, now turns right into Brunswick Street (north) then right into Tamar Street then right into Tweed Street.

When travelling westwards along River Street and using the new righthand turn lane into Brunswick Street (north), if there is traffic in the opposing righthand turn lane, it is very difficult to see oncoming eastbound traffic on River Street. This creates a situation where, in order to turn safely, it is necessary to wait for the opposing righthand turn traffic on River Street to turn into Brunswick Street (south) before turning right into Brunswick Street (north).

This situation will be greatly exacerbated if the proposed development is approved.

The DA states that the proposed service station customers will be "opportunistic" passing trade and mainly eastbound (as it will be difficult for them to turn right into Brunswick St then left into the proposed development). I DISPUTE THIS.

The proposed development will be a "Coles Express" 24 hr service station. I strongly believe that a large proportion of customers will be "dedicated", i.e. Coles oustomers with fuel discount vouchers. They will travel from various directions, as well as along River Street and, as it will be difficult when travelling west to turn right from River Street into Brunswick Street (north) then into the service Station, they will approach via Fox Street, travelling into Canal Road, then Bagot Street into Marshall Street, then into Brunswick Street (north) and finally into the service station. When exiting the service station iney will travel back the same way, though some will turn right into Tamar Street then left into Kerr Street. It would be dangerous to exit the proposed development right into Brunswick Street (north) in order to turn left back to travel eastwards on River Street as vehicles would need to cut across traffic travelling east on River Street which are turning left into Brunswick Street (north).

IN ALL, THERE WILL BE A MARKED INCREASE IN TRAFFIC FROM ALL. DIRECTIONS. I am attaching copy of a list which accompanied my official submission addressed to Mr Anthony Peters, from 101 concerned neighbours from Brunswick Street, Tamar Street, Winton Lane and Tweed Street (with signatures) (all north of River Street) who are equally appailed and disfressed at the prospect of having such a development so close to our homes. Without fail, they all commented on the marked increase in traffic exposure in the area currently being experienced with the ensuing loss of amenity which without doubt will be further exacerbated if the proposed DA were approved. Please note: There would have been many more signatories but the area was canvassed during business hours when a good proportion of residents were absent from their dwellings.

I appreciate the opportunity given to table this letter at the upcoming Traffic Meeting on 13 April 2016. Thank you.

Yours sincerely, PAMELA ANDREWS

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From:	
Sent:	
To:	
Subject	

John and Pam Andrews <jandpandrews@bigpond.com> Monday, 6 June 2016 10:29 AM Anthony Peters DA2016/25 - PROPOSED SERVICE STATION, ANCILLARY KIOSK AND ASSOCIATED WORKS - 323 RIVER ST, BALLINA

Good Morning Anthony,

With reference to Ballina Council's letter to the proponent dated 18 April 2016 and the reply from de Groot & Benson Pty Ltd dated 6 May 2016, I would like to make the following comments.

In keeping with the aforementioned letters, I have addressed the relevant points in order.

1 & 6. RIVER STREET INGRESS AND EGRESS IN CONTRAVENTION OF CLAUSE 101 OF STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

101 Development with frontage to classified road

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

 (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that;
(a) where practicable valuation access to the long is provided by a road other than the

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and angoing operation of the classified road will not be advorsely affected by the development as a result of:

the design of the vehicular access to the land, or
the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The proposed ingress and egress to the River Street frontage to the proposed development appears to contravene the requirements of Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 in most respects. Existing traffic numbers on River Street and the prospect of significant traffic increase as outlined in 3. and 4. & 7. below, I believe, warrants serious consideration for declining Development Consent.

2. GRADE CHANGE BETWEEN TRAVEL LANE AND PROPOSED ACCESS ON RIVER STREET

Although the grade change could possibly be addressed by the proposed works suggested by the proponent, the traffic problems and delays would only be "moved" eastwards on River Street.

Unless all vehicles in the proposed kerbside lane turn left at the Kerr Street lights it will be necessary for vehicles in the kerbside lane to change lanes and move into the middle lane, with vehicles accessing the righthand turn lane to turn right at the Kerr Street lights (who actually want to travel westbound), a stressful feat which would be possible during non-peak periods but could be very problematic during peak periods, with kerbside lane traffic "banking" back and around the corner into Brunswick Street.

This situation would be greatly exacerbated with the existence of even a "moderately" busy service station on the corner of Brunswick and River Streets.

3. UNDERESTIMATION OF TRAFFIC IMPACTS

The proponent's assertion that the proposed service station will not have any "pull factors" over its surrounding competition and that most customers will be "passing trade" is, I helieve, a total misrepresentation of what will be the reality. How can a service station which will be offering fuel discounts to 100% of its customers fail to have a significant "pull factor" over its surrounding competition? (Currently, the proposed development will be an independently owned "Freedom" service station). And further, customers will not only access the service station from River Street and Brunswick Street, but will travel by more circuitous routes from the north, negatively impacting not only Brunswick Street but having a flow effect on surrounding streets.

Currently, 1355 vehicles daily travel on Brunswick Street to or from River Street (according to Conneil's own recent traffic count) which could increase substantially if the development proceeds, resulting in further loss of amenity to residents in the immediate locality.

4. & 7. EXISTING LEFT AND RIGHT TURNS FROM BRUNSWICK STREET AND IMPACT ON EASTBOUND TRAFFIC LEVELS

The proponent has stated the existing and future problems and suggests that Council consider making the intersection left hand turn only from Brunswick Street north. The proponent does not address the provision of the existing crash history around the proposal.

Further, most vehicles, wishing to turn right of Brunswick Street north to travel west DO NOT. They turn left onto River Street, turn right at the Kerr Street lights, then turn right again, then right again, then left onto River Street and then proceed westwards. This affects all vehicles emanating from all streets north of River Street between Kerr Street and Fishery Creek Bridge. (Brunswick Street north is the only street with the possibility of making a right hand turn).

It is also almost impossible for vehicles to turn right out of Brunswick Street south and proceed east on River Street. Vehicles emanating from all streets south of River Street between Kerr Street and Fishery Creek Bridge have to travel eastwards via Greenhalgh and Camioola Streets, then turn left into Kerr Street and then right at the Kerr Street lights. (Brunswick Street south is the only street with the possibility of making a right hand turn).

Recently I have witnessed the following worrying trends since the recent installation of the two righthand turn lanes from River Street into Brunswick Street (north and south):

a) Some vehicles are attempting to turn right out of Brunswick Street north to travel west on River Street by "resting" in the middle of the road between the right hand turn lanes and waiting for a gap to occur in the westbound lane before completing their turn right. A dangerous act.

b) Vehicles travelling west on River Street are making "U" turns at the right hand turn lane at the corner of Brunswick Street and then turning left into Tweed Street.

d) Vehicles travelling west on River Street and attempting to turn right into Brunswick Street encounter difficulties if there is a vehicle in the opposing right hand turn lane as it is very hard to see oncoming traffic uavelling eastwards. This has happened to me, me, resulting in an impasse, made worse by a vehicle attempting to turn right from Brunswick north.

The above issues are becoming more commonplace, however, I actually witnessed the following dangerous manoeuvre:

(e) A B-Double attempting to turn right from Brunswick Street north onto River Street, after waiting approximately 15 minutes (not in peak time) drove halfway across the River Street intersection, blocking all eastbound traffic, and waited for a gap to occur in the westbound lane (at least a 30 second wait) before proceeding westwards. It is not uncommon for B-Doubles to travel down Brunswick Street (avoiding the Kerr St lights) then Marshall St, Canal Road and Fox Street en route to and from Ballina Fair/Ballina Central (vehicles from West Ballina also travel this route when travelling to the RSL Bowling Club, Ballina Fair and Ballina Central).

The current situation is bad enough but cannot fail to get even worse if the proposed development proceeds.

5. TRAFFIC LIGHTS

I believe the proponent makes valid comments in the main regarding the installation of traffic lights. However, whether or not the proposal warrants or justifies the installation of traffic lights is a most point.

In my opinion, the installation of traffic lights would only be viable in conjunction with full dual lanes easthound and westbound and a 2nd bridge over Fishery Creek.

7. ANALYSIS OF IMPACT OF DEPARTING VEHICLES ON EASTBOUND RIVER STREET TRAFFIC STREAM

Not only will the traffic stream during peak periods have to slow but there is a probability it could come to a grinding halt, especially during holiday periods (vehicles towing trailers, caravans, boats, etc). Currently, it is not unusual during holiday periods for traffic to be banked back as far west as the Big Prawn. This will be further exacerbated by traffic turning left out of Brunswick Street north onto River Street which would incorporate vehicles which have exited the proposed development.

8. LEVEL OF SERVICE TO BRUNSWICK ST/RIVER ST INTERSECTION (LEFT FROM BRUNSWICK TO RIVER STREET)

Refer to first paragraph of 2. above and 5. above. I do not accept that the proposed works suggested by the proponent would improve the existing situation at all. It could in fact have a negative effect, especially in peak times, with vehicles attempting to change into the middle lane to proceed eastwards or turn right (to then head back westward) at the Kerr Street lights.

9. DETAILED SITE SURVEY AND CONCEPT DESIGN

I believe that this needs to be thoroughly addressed by the proponent as requested by Council.

Anthony, I represent the residents contained in the petition submitted with my letter of objection dated 16 March 2016 and cannot emphasise enough how strongly we object to the proposed development. The proponent's proposed extension of the kerbside lane to approximately 60 metres west of the proposed development is, at best, a "bandaid" solution and is hardly better than no solution. The current traffic issues outlined above, with Brunswick Street north and south being the only street where, if it were possible, a righthand turn could be made in the quadrant between Kerr Street and Fishery Creek bridge, would be significantly exacerbated with the extra traffic (still under estimated by the proponent) which would be generated by the proposed development.

We strongly entreat that Council decline Development Consent.

Regards²

PAMELA ANDREWS

PS Just a reminder - the RMS letter dated 17 March 2016 (referenced in Council's letter to the proponent dated 18 April 2016) has not been uploaded to Council's website.

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This email has been scanned by the Symantec Email Security.cloud service. For more information please visit <u>http://www.symanteccloud.com</u> Anthony Peters

Ballina Shire Council

RE:- DA 2016/25

Lot: 12 DP: 1086670, 323 River Street, Ballina

Dear Sir,

I wish to submit an objection to the above development.

I believe this development will have a negative impact on nearby residents & similar businesses in close proximity to said development.

This is a relatively quiet neighbourhood with many older residents all concerned with the noise, lights of a night time and the extra traffic in Brunswick St, Tamar St & the very narrow Winton Lane.

Please find attached signed pages of a petition of objection. I started this petition at the request of many residents in the area.

Regards

Ofland

Veda Dorrough 337 River Street Ballina