



Ballina Shire Council
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 BALLINA NSW 2478

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 BALLINA NSW 2478

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 council@ballina.nsw.gov.au
 www.ballina.nsw.gov.au



DA 2016/148 - Locality Plan

ballina shire council
 geographical information system

Projection: GDA94 / MGA zone 56
 Date: 14/08/2017

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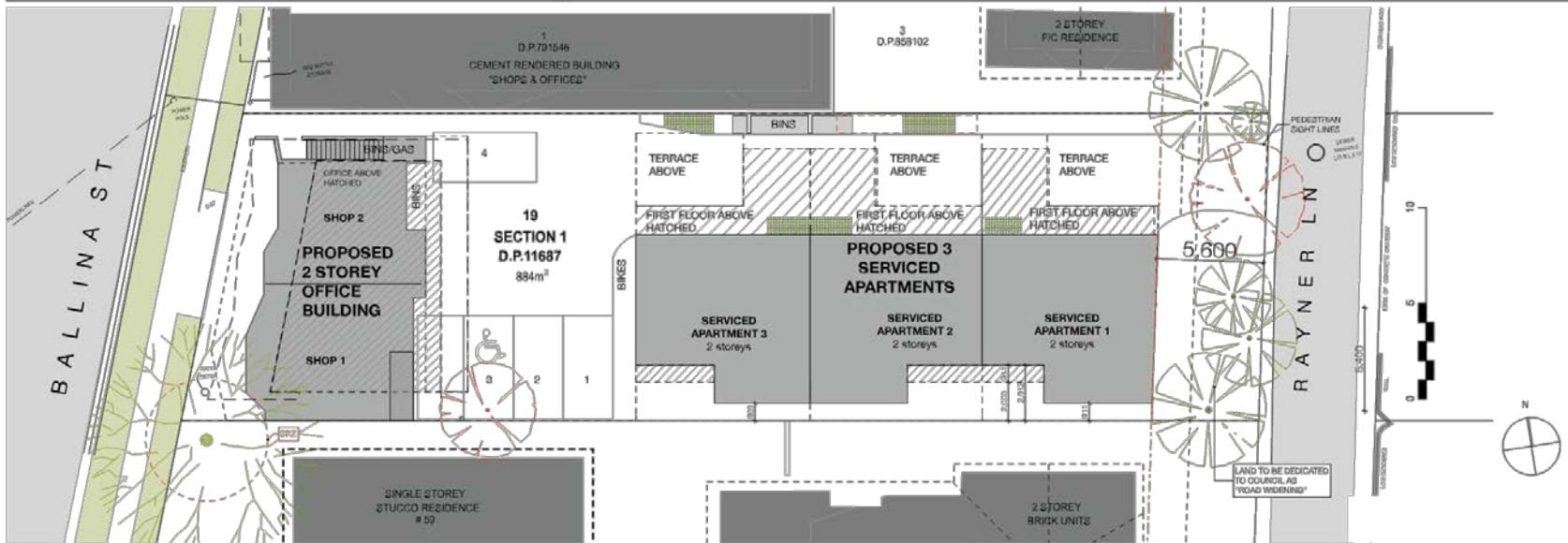
61 BALLINA STREET
 LENNOX HEAD, NSW 2478
 PROPOSED OFFICES & 3 SERVICED APARTMENTS



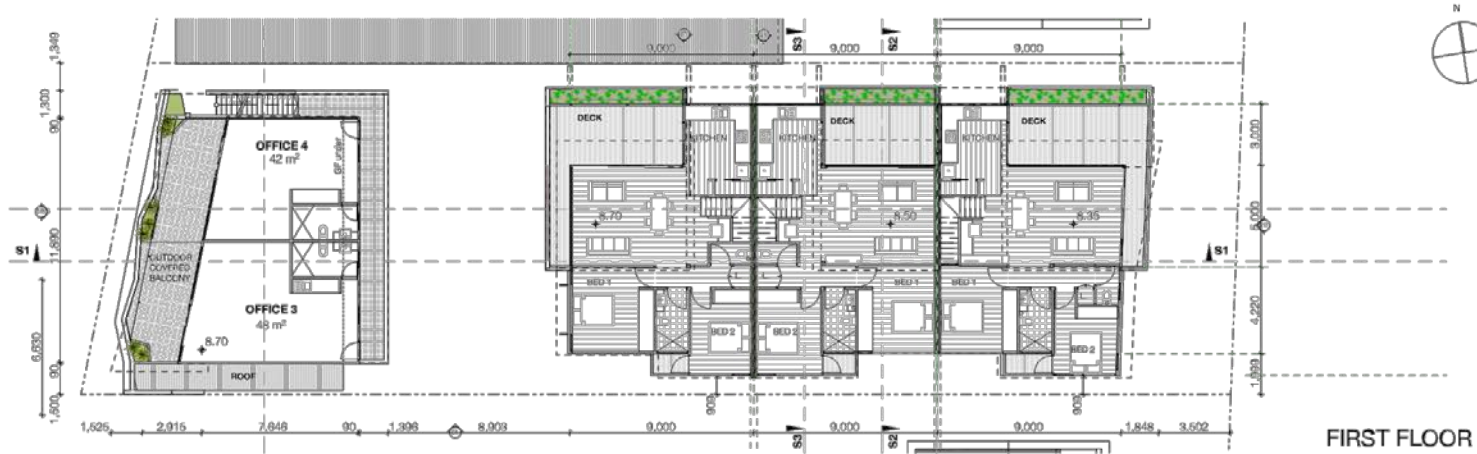
DRAWING SCHEDULE			SCALE
ISSUE	No	NAME	
1		SITE PLAN	1:2000/1:200
2		PLANS	1:200
3		SECTIONS	1:200
4		ELEVATIONS	1:200
5		LANDSCAPE PLAN	1:200

BASIX CERTIFICATE N°: 709712M
NATHERS CERTIFICATE N°: KNVSRI0CF6

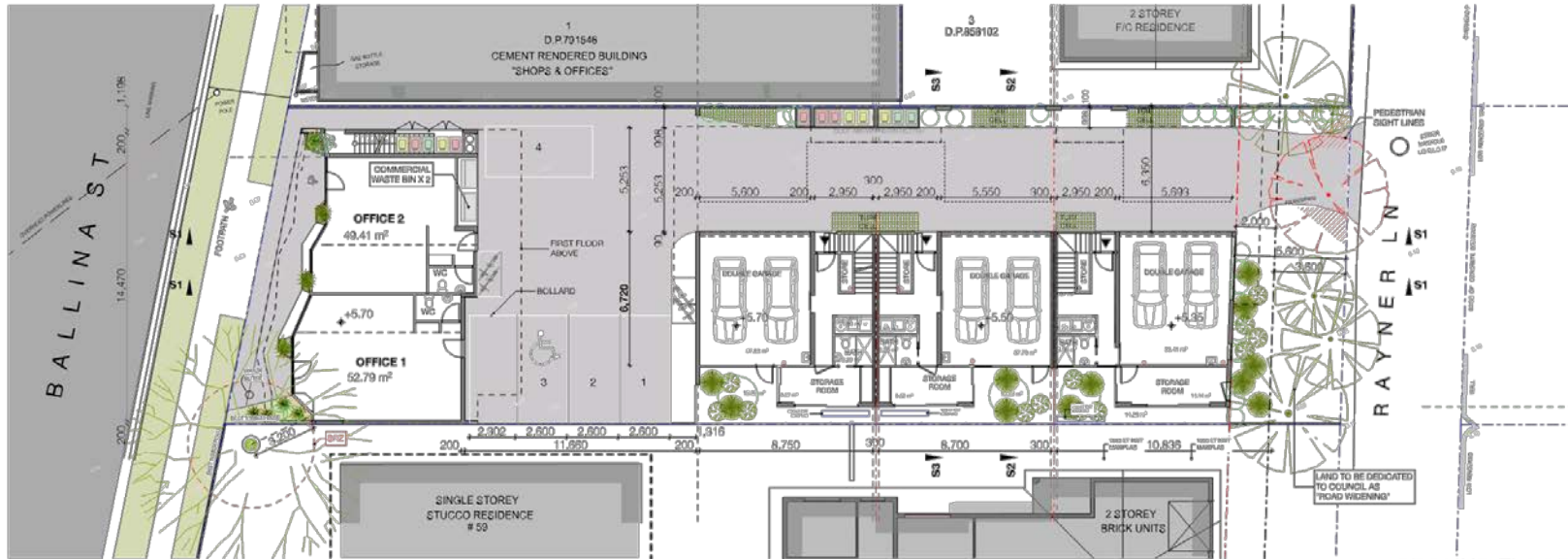
FLOOR SPACE RATIO AREAS			
ZONE NAME	AREA	SITE AREA	FSR
COMMERCIAL	205m ²	884m ²	23%
SERVICED APARTMENTS	350m ²	884m ²	40%
TOTAL	555m²	884m²	63%



HARLEY GRAHAM ARCHITECTS 70 BUTLER STREET BYRON BAY PO BOX 1285 NSW 2481 P: 02 98909800 F: 02 98909800 E: office@harleygraham.com ABR: 85198240003 NSW 7892		All building works to be carried out in accordance with the Building Code of Australia (BCA) and to the satisfaction of the principal certifying authority. Builders/Contractors are to verify all dimensions prior to commencement of site work or off-site fabrication. Figured dimensions take precedence - do not scale. © Copyright HARLEY GRAHAM ARCHITECTS	<table border="1"> <thead> <tr> <th colspan="2">ISSUE/REVISIONS</th> <th>CLIENT</th> <th>ADDRESS</th> <th>APPROVED: HG</th> <th>JCB NO: H04128</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>DA</td> <td>20.09.16</td> <td>F AM DA</td> <td>24.10.16</td> <td></td> </tr> <tr> <td>B</td> <td>AM DA</td> <td>01.06.16</td> <td>G AM DA</td> <td>06.02.17</td> <td></td> </tr> <tr> <td>C</td> <td>AM DA</td> <td>11.07.16</td> <td>H AM DA</td> <td>20.03.17</td> <td></td> </tr> <tr> <td>D</td> <td>AM DA</td> <td>18.09.16</td> <td>I AM DA</td> <td>19.04.17</td> <td></td> </tr> <tr> <td>E</td> <td>AM DA</td> <td>14.10.16</td> <td>J AM DA</td> <td>08.08.17</td> <td></td> </tr> </tbody> </table>	ISSUE/REVISIONS		CLIENT	ADDRESS	APPROVED: HG	JCB NO: H04128	A	DA	20.09.16	F AM DA	24.10.16		B	AM DA	01.06.16	G AM DA	06.02.17		C	AM DA	11.07.16	H AM DA	20.03.17		D	AM DA	18.09.16	I AM DA	19.04.17		E	AM DA	14.10.16	J AM DA	08.08.17		<table border="1"> <thead> <tr> <th>CLIENT</th> <th>JOB NAME</th> <th>LOT = DP</th> <th>SCALE</th> <th>PAPER</th> <th>ISSUE</th> <th>DWG NO</th> <th>REV</th> </tr> </thead> <tbody> <tr> <td>SKINNOX PTY Ltd</td> <td>PROPOSED RESIDENTIAL/COMMERCIAL</td> <td>LOT 19</td> <td>1:2000 1:200</td> <td>A3</td> <td>DA</td> <td>1</td> <td>J</td> </tr> </tbody> </table>	CLIENT	JOB NAME	LOT = DP	SCALE	PAPER	ISSUE	DWG NO	REV	SKINNOX PTY Ltd	PROPOSED RESIDENTIAL/COMMERCIAL	LOT 19	1:2000 1:200	A3	DA	1	J
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FIRST FLOOR



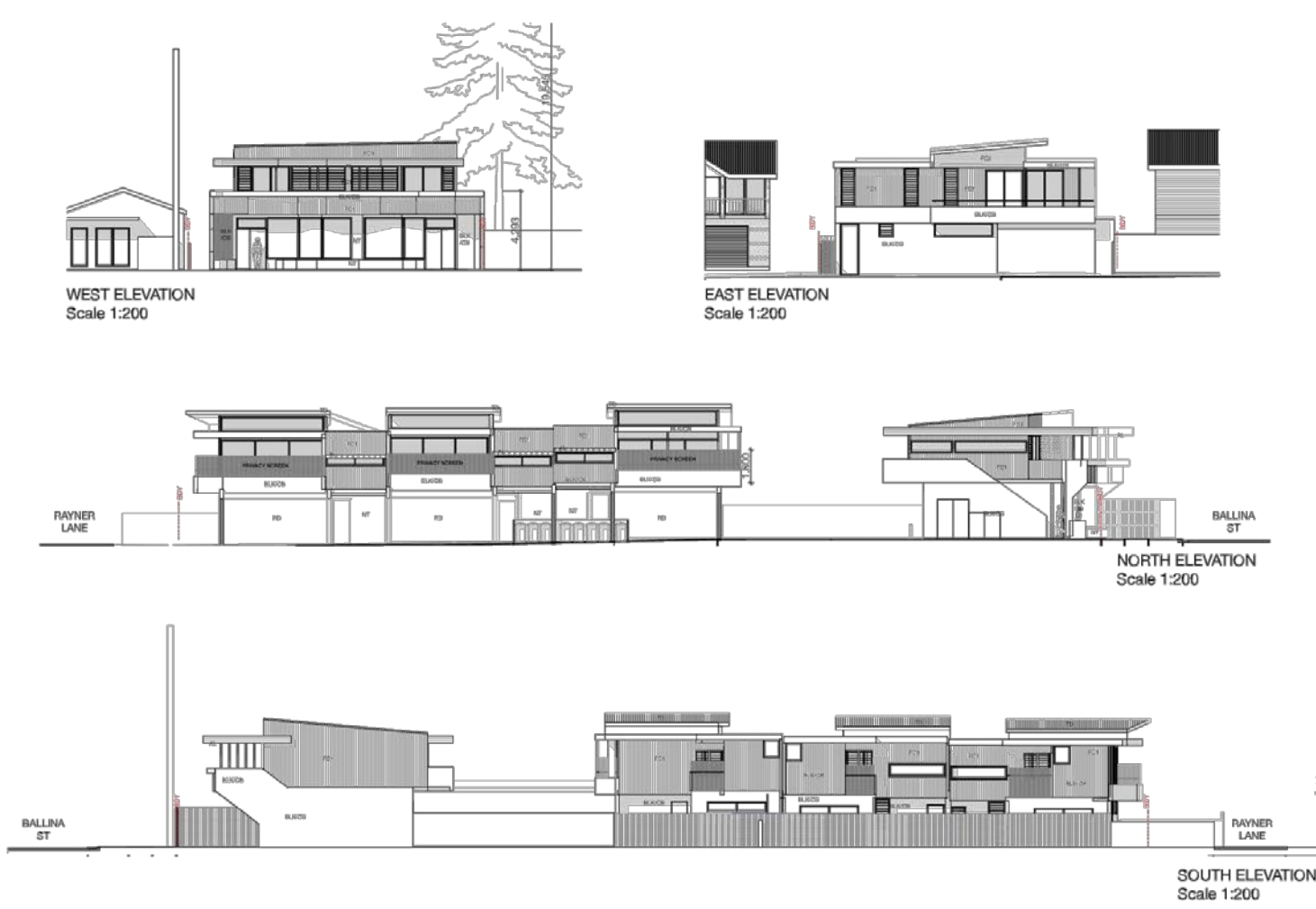
GROUND FLOOR

HARLEY GRAHAM ARCHITECTS

70 HUTTEN STREET BATHURST NSW | PHONE 02 6996 1234 | FAX 02 6996 1235
 F: 02 6996 1234 | T: 02 6996 1235 | E: office@hgrarch.com.au
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All building works to be carried out in accordance with the Building Code of Australia (BCA) and to the satisfaction of the relevant controlling authority. Builders/Contractors are to verify all dimensions prior to commencement of site work or off-site fabrication. Figured dimensions take precedence - do not scale.
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ISSUE/REVISIONS				CLIENT	SKINNOX PTY LTD	ADDRESS	61 BALLINA ST	APPROVED: HG	JOB NO: HQA189		
A	DA	08.08.16	F	AM DA	04.10.16						
B	AM DA	09.08.16	G	AM DA	08.02.17						
C	AM DA	11.07.16	H	AM DA	20.03.17						
D	AM DA	18.09.16	I	AM DA	19.04.17						
E	AM DA	14.10.16	J	AM DA	08.05.17						
				DRAWING	PLANS			SCALE: 1:200	PAPER: A3	DATE: 2	REV: J



LEGEND

- AFD Aluminium Framed Door
- AFW Aluminium Framed Window
- AL Aluminium
- BAL Balustrade
- BF BiFold Door
- BLK Blockwork
- BS Basin
- CP Concrete Paving
- CT Ceramic Tiles
- CB Concrete Block
- CFC Compressed fibrous cement
- DP Downpipe
- ETB External timber blind
- FC Fibre Cement
- FW Floor Waste
- FG Feed Glazing
- G Gage Raffle
- GCS Grass
- GRV Gravel
- GLS Glass
- HWS Hot Water System
- INS Insulation
- LV Louvre
- MB Meter Box
- MS Powdercoated Metal Sheet
- NT Natural Timber
- O Obscure Glass
- PB Plasterboard
- PP Permeable Paving
- PC Polycarbonate
- PCC Pre Cast Concrete
- PLY Plywood
- RWT Rain Water Tank
- RC Reinforced Concrete
- RD Roller Door
- RND Render
- RL Reduced Level
- RW Retaining Wall
- RT Recycled Timber
- SC Steel Column
- SQAR Scler HW panel
- SKL Skylight
- ST Stone
- SD Sliding Door
- TB Timber Buttens
- TD Trimtek R100 Sheeting
- TEFR Terrace
- TFD Timber Framed Door
- TFW Timber Framed Window
- TPS Timber Privacy Screen
- WB Weatherboard
- WC Water Closet/Cubicle

- COLOURS:**
 FC1 = BLACK
 FC2= OFF White
 BLK and CB =NATURAL
 NT = TIMBER NATURAL
 TD = IRONSTONE
 AL= IRONSTONE

HARLEY GRAHAM ARCHITECTS <small>70 HUTTEN STREET BATHURST NSW 2591 P: 02 69929820 T: 02 69929890 E: office@hgrarch.com.au ABN: 65198245023 NSW 7830</small>			<small>All building works to be carried out in accordance with the Building Code of Australia (BCA) and to the satisfaction of the private certifying authority. Builders/Contractors are to verify all dimensions prior to commencement of site work or off-site fabrication. Figured dimensions take precedence - do not scale.</small> © Copyright HARLEY GRAHAM ARCHITECTS			ISSUE/REVISIONS		CLIENT: SKINNOX PTY Ltd ADDRESS: 61 BALLINA ST JOB NAME: PROPOSED RESIDENTIAL/COMMERCIAL LOT = DP LOT 19 DP 11667 DRAWING: ELEVATIONS		APPROVED: HG JOB NO: HQA189 SCALE: PAPER: ISSUE: DWG NO: REV:	
A	DA	09.03.16	F	AM DA	24.10.16						
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TURNING MANOEUVRES
1:200

B99 Vehicle
B85 Vehicle

1:200

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24 April 2017

Kay Johnson
1/12 Rayner Lane
Lennox Head NSW 2478



Re: DA 2016/148 – Mixed Use Development Comprising the Erection of a Two Storey Business Premises (four tenancies) and Three x Two Storey Serviced Apartments and Associated Works at Lot 19 Sec 1 DP 11687, 61 Ballina Street Lennox Head

I refer to the abovementioned Development Application for the redevelopment of the subject land, and provide the following comment by way of objection to the proposed development.

The proposed development is considered to be an overdevelopment of the subject land in relation to the following matters:

- On site car parking and compliance with AS 2890 Parking Facilities
- Amenity impacts upon adjoining owners The construction of a 4 metre deck (setback 1.8m from the boundary) on the northern side each of the proposed short term accommodation units
- Access to and from Rayner Lane
- Garbage pick-up from the site, and
- Impacts upon the existing Norfolk Pine tree located on 59 Ballina Street.
- Increased traffic in Rayner Lane and safety issues

These issues will be further expanded upon within the body of the submission.

On-site Parking/Access

The development requires the provision of 15 car parking spaces. The development provides 10 spaces (one uncovered disabled space and six covered spaces and three spaces for the commercial development).

The Rayner Lane road widening generates a credit of 3 spaces. The development proposal has a deficit of two parking spaces. It is considered that this shortfall, when taking into account the credit for the road widening in Rayner Lane is a significant shortfall in catering for the actual car parking generated by this development.

The proposed requirement for the payment of the Section 94 contributions for the car parking deficit does not satisfactorily address the car parking problems that this development will create. The credit given for the road widening will not address the parking problems that are evident as a result of this development. This is predicated on the fact that the moneys collected for the parking shortfall will not be spent on the provision of additional public parking spaces in close proximity to the development (that will be used in association with this development).

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Submission

Rayner Lane has a "no parking" restriction for the full length of the western side of the lane. The proposed access to Rayner Lane from the development site is directly opposite two on street parking spots. The proposed road widening does not extend to No. 12A Rayner Lane and hence the southern boundary fence to this dwelling remains. In this regard any vehicle attempting to access the proposed development site will be constrained due to lawfully parked vehicles in Rayner Lane.

The proposed double garage parking for the units is 5.6m in width which in practice cannot cater for two medium size vehicles and associated parking manoeuvring. Further to this the manoeuvring template that has been used is for a small- medium size passenger vehicle (B85 Sedan). The revised plans do not comply with the manoeuvring template due to the location of the bin areas and car parking space No. 4.

The proposed layout is for short term tourist & visitor accommodation (Serviced Apartments). The majority of families that will be using the apartments will use vehicles that do not comply with the B85 classification as they are Sports Utility Vehicles (SUV) or the like.

Surely it would be good planning to design the development to cater for the type of vehicles that would most likely be used, as opposed to the minimum standard that the developer can fit on the land.

The problem with designing a site that does not cater for all types of vehicles that are most commonly used will result in a development that cannot cater for the traffic that will be generated to the development. This creates a problem for the surrounding residents/users of the Lane, as future users of the site may have to reverse on to or off the site which would not be a good planning outcome. Once the development is established it cannot be changed.

Amenity impacts upon adjoining owners

The proposal includes the construction of a 4 metre open balcony on the northern side of each of the serviced apartments with a 1.8 m setback from the adjoining neighbour's boundary.

Ballina Shire DCP 2012 Chapter 4 Residential & Tourist Development – Part 3.1 – Element I Overlooking and Privacy, requires the provision of a screen. It is considered that the use of this area by holiday makers (restricted by noise abatement laws) to 12 Midnight will have a significant impact upon the neighbours. Any proposed condition that may restrict the noise impact to a set time i.e. no later than 10:00pm, will be unenforceable and require neighbours to ensure that the conditions are enforced. Surely it would be better to reduce the size of the balconies to discourage the use of the large entertaining area from noisy activities.

Garbage pick-up from the site

The proposed development identifies the collection of waste from the Rayner Lane frontage. This will result in six residential bins being placed on the eastern side of Rayners Lane for Tuesday morning collection.

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The only place for the bins for this development will be across the private driveways of the residents on the eastern side of the Lane (due to the on street parking on the eastern side of the lane in front of the development. This is not an acceptable situation. It is considered that as the existing pickup for 61 Ballina Street is via the Ballina Street frontage, that this should be conditioned to continue.

This is considered the same for the commercial pickup. The proposed method of pickup for the commercial bin is that it picked up for collection in Rayner Lane where the truck will have to stop in the lane (blocking traffic) and the driver will have to wheel the large skip style bin down the driveway (from behind the Commercial units fronting Ballina Street) for loading. Should the development proceed, it is requested that all garbage bins, including the commercial bin for the site, be serviced from the Ballina Street frontage of the development as existing. This has been achieved with the development of 57 Ballina Street Lennox Head.

Potential impacts on the Norfolk Pine tree on 59 Ballina Street.

The proposed development will have a significant impact on the Norfolk Pine tree located on the adjoining property being 59 Ballina Street Lennox Head. This tree is a significant tree within the context of Lennox Head Commercial centre. The tree has recently had the branches that overhang the development site lopped without Council consent or the consent of the owner of the land. It is considered that the proposed footings for development will impact upon approximately 25% of the root zone which will cause significant harm to the tree and will adversely affect the longevity of the tree.

Increased traffic in Rayner Lane and safety issues

The additional traffic generated in Rayner Lane as a result of this development exacerbates the safety problems that are have been experienced in the lane. Rayners Lane has become a "rat run" for people who are travelling south along Ballina Street using the Lane to avoid delays in Ballina Street. The result is vehicles travelling at excessive speeds along Rayner Lane creating pedestrian and other lane users concerns in relation to safety in the lane. Currently the lane is heavily used for pedestrian traffic, dog walkers and joggers. The additional traffic on this road will only exacerbate this conflict between people and cars. Should the development be supported, it is requested that an additional speed hump be placed halfway along the lane to alleviate the conflict.

I am not opposed to the development of the land that achieves an appropriate density and minimises the impact on adjoining owners and surrounding residents. The development at 57 Ballina Street (9A Rayner Lane) Lennox Head is a good example of a more appropriate development of the land.

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Submission

In conclusion it is considered that the development as proposed represents an overdevelopment of the site for the reasons mentioned within the body of this submission and should not be supported.

It would be appreciated if Council would take into consideration the abovementioned issues when they are deliberating over the proposed development.

Yours sincerely

Kay Johnson

The General Manager
Ballina Shire Council
PO Box 450
Ballina 2478

25th April 2017

Re: Development Application # 2016/148.

Dear Sir,

This correspondence relates to the proposed development at 61 Ballina Street Lennox Head, referenced above, involving the demolition of the existing dwelling along with construction of a two story shop and office complex, plus three serviced apartments. The development proposes full vehicle access via Rayner Lane rather than the existing access to the current dwelling off Ballina Street.

Having examined the proposal I am forwarding this submission on behalf of the owners of Units 1 and 2, No 11 Rayner Lane. These two units are situated on the Eastern side of Rayner Lane, directly opposite the proposed development. The grounds for our objection are outlined below:

Traffic

Lennox Head has experienced rapid development over the past decade or so. Businesses in Lennox Head are benefitting enormously as a result. However, along with the sharp lift in visitor numbers the town is seeing an enormous increase in traffic flow. Due to its proximity to local shops, cafes and restaurants Rayner Lane has become for much of the year simply a parking lot. Parking is only allowed along the Eastern side of the Lane and the number of parking spaces is very limited. Over the summer months and during school holidays, parking in the street is at a premium and it is not uncommon to find cars parked part-way across resident's driveways. From time to time illegal parking occurs on the western side of the Lane resulting in traffic gridlock. As long-time residents of Rayner Lane we are very familiar with the deteriorating traffic conditions in the Lane and the resulting inconvenience.

Council has claimed part of the land along Rayner Lane, on the western side, as part of its road widening plan. However, there are multiple existing premises along this side of the lane, which conform to old building lines. Therefore, it will be decades before the lane is able to be widened along its entire length. As it is the Lane badly needs to be curbed and guttered, which it should be based on water drainage issues and current traffic flows –let alone projected flows. In the meantime, Rayner Lane will remain a narrow pot holed thoroughfare which is poorly drained, has extremely limited parking and struggles to cope with existing traffic flows.

The Lane has no footpath. Pedestrian movement along the Lane has also increased dramatically in recent years. Due to conditions in the Lane, parents and their children are routinely forced to seek safety in driveways as traffic traverses the Lane. There is no footpath along Rayner Lane and again, it will be decades before one is likely to be constructed given the width of the Lane.

Specific Traffic Issues Associated with Proposed Development

- All vehicle access is to be via the Lane. This would include commercial vehicles servicing the shops and offices. Given the narrowness of the Lane along with cars parked opposite the proposed entrance to the development, large vehicles will experience significant difficulties entering and exiting the proposed development. Small trucks e.g. refrigerated vehicles and

other light commercial will have no alternative but to back blindly into the Lane when exiting the premises. This would only compound the existing problems in the Lane. All other shops and offices along Ballina Street are serviced from Ballina Street.

- For each of the three proposed two bedroom apartments, there is only one garage. It is reasonable to expect that at any one time there might be 6 vehicles belonging to visitors renting the three apartments and hence three of these vehicles would be forced to attempt to park in the Lane. Given the size of the garages and the turning area allowed for each in the proposed development, it is highly likely that only small cars will be able to park in them. Larger 4 wheel drive vehicles will also therefore be forced to find parking in the Lane, further exacerbating traffic issues in the Lane.
- It appears that the set-back area required by Council, as part of its long term road widening plan, is being claimed by the developer in order to meet the minimum requirement for car parking space in accordance with the Council's DCP. Even if in the short-term Council were to allow this; what happens once Rayner Lane is widened? The Lane can only ever be one-way with parking down one side and so where then do the vehicles park?
- There are four parking spaces shown on the plan which are intended to service the proposed shops and offices at the front of the development. If parking space number 4 is occupied it would appear that cars occupying spaces 1 to 3 might have considerable difficulty exiting the complex.

Location of Waste Collection Bins

Units 1 and 2, No 11 Rayner Lane, situated directly opposite the proposed development, have "low rendered walls" facing onto the Lane as identified on the Site Plan –Drawing No 1, either side of the driveways. A similar wall configuration exists along the Lane in front of residential units to the north and south of the Units at No 11 Rayner lane. For much of the year, the area adjacent to these walls is occupied by two parked vehicles, night and day, seven days a week. The proposed development, were it to go ahead, would force all non-garaged vehicles into the Lane only further compounding an existing problem for permanent residents regarding placement of waste bins.

For much of the year and most certainly during peak periods, this parking congestion leaves residents along the Eastern side of the Lane, no alternative other than to place rubbish collection bins in their own driveways. We, the owner/occupiers of both Units 1 and 2, No 11 Rayner Lane are professional people requiring twenty four access to our driveways. Under no circumstance would it be acceptable for residents and business operators from the proposed development to place bins in our driveways. Given the scale of the proposed development there would be a need to place up to fourteen bins in the Lane. Even half this number –a minimum requirement, would create an intolerable situation for existing residents. This is an issue that clearly has not been addressed by the developers in their DA. It is though, an issue which must be addressed by Council. As existing residents in the Lane, we simply will not allow our driveways to be blocked by other resident's waste collection bins. Conflict between residents is inevitable if Council were to allow this development to proceed in its current form. Clearly that is unacceptable and must not be allowed to happen.

Were it to go ahead, it seems most likely the development would attract a cafe or food retail outlet. The DA provides no clarity on whether a waste skip bin would be required, since there is no indicative site for it on the plans. Further then if one were to be required; exactly where would it be located? Clearly a collection truck would be required to access it via the Lane. Accordingly, it would need to be permanently sited close to the Lane. Since this is a residential area that would have a significant negative impact on nearby residents. Also negatively impacting local residents and traffic flow in general would be the very large waste collection truck needed to empty the skip. The process

of removing waste from the site would totally block all traffic in the Lane for at least a 5 minute period. Again, this is a very narrow Lane meant to service a residential area –not a commercial strip.

Floor Space Ratio (FSR)

Within the existing LEP/DCP framework for the Ballina Shire, an FSR of 0.5:1 applies to all residential development. Placing to one side the commercial component of this development, the FSR for the residential area is way higher than 0.5:1 and certainly does not meet existing Council regulations. Furthermore, the FSR being sought by the developer for the three serviced apartments is totally unreasonable, in terms of the adverse impact it will have on the owner/occupiers of the existing dwellings adjoining the proposed development. The top floor balconies, in order to comply with Council regulations, should be at least 3 metres from the side boundary. This does not appear to be the case. Given that these are to be serviced apartments and hence would be regular “party houses” throughout the year, how could that in anyway be fair to the residents in 12A Rayner Lane.

In Conclusion

We object strongly to the proposed development. The developer, as is his right, clearly wishes to profit from this development. However, it is unreasonable and completely unacceptable that this should be done at the expense of existing residents. This is clearly the case. Significant traffic issues and waste disposal problems have clearly not been assessed in the proposal. There is simply no way that Rayner Lane, a small one way thoroughfare, is capable of catering for a development of this size and footprint. In summary, the DA as submitted is a manifest over-development of the site.

Yours Sincerely

Dr John Griffiths

For John and Suzie Griffiths, Unit 2/11 Rayner Lane
Dr Peter Johnson Unit 1/11 Rayner Lane

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

Att: Mr Peter Drew

By email: council@ballina.nsw.gov.au

Dear Sir,

Re: Development Application 2016/148 – Mixed Use Development Proposal

The abovementioned development application seeks approval for a mixed-use development on a parcel of land, which extends from Ballina Street, Lennox Head to Rayner Lane, Lennox Head in an east-west configuration. The frontage to Ballina Street is known as 61 Ballina Street, Lennox Head, and the frontage to Rayner Lane is known as 11A Rayner Lane, Lennox Head.

The amended proposal seeks to establish two shopfronts (2) and two (2) shop top offices to Ballina Street as well as three (3) two storey serviced apartments to Rayner Lane.

Site Context

As the name suggests Rayner Lane, Lennox Head is a very narrow carriageway, which has compelled the implementation of single directional traffic flow in a north/south direction.

Rayner Lane has no gutters, or footpaths. The road surface is degraded and infrastructure including stormwater and sewerage mains have both suffered major failures in the last twelve months requiring substantial remediation works by Council. The current stormwater installation within Rayner Lane is comprised of open grates located along the roadway and on casual observation is non functional.

Council has sought to widen Rayner Lane by the implementation of a land dedication scheme, but whilst this has had some success with the larger sites, which extend from Ballina Street to Rayner Lane, it has no practical application for the smaller blocks with a single frontage to Rayner Lane, which has traditionally, and remain, largely single residential dwelling homes.

Notwithstanding these context issues Rayner Lane is extensively used as the primary conduit by pedestrians, bike riders, mothers with prams and small children, joggers etc to access the town centre from south Lennox, and to access the very popular walking/bike path to The Point from north Lennox.

Overlaid on this high level of pedestrian activity is a significant vehicular traffic volume which having entered Rayner Lane from the northern end to either access the children's playground, the Point Café, or the beach are then compelled to negotiate the full length of Rayner Lane to comply with the single directional requirements

Clearly the continued approval of high-density non-DCP/LEP compliant developments, which can only be accessed from Rayner Lane, will exacerbate pedestrian vulnerability and place additional strain on an already failing infrastructure.

Floor Space Ratio – Serviced Apartments

In addition to the four (4) commercial components of the proposed development, the proposal also seeks the development of three (3) serviced apartments on the Rayner Lane boundary. The current application whilst not substantially varying the previous design now seeks to utilise the previously named “residential townhouse dwellings” as “serviced apartments”.

The reality from a planning perspective is that the western side of Rayner Lane is exclusively a residential precinct comprising single dwelling houses, with some limited residential flat development.

Amenity Issues – (10A & 12A Rayner Lane) - Serviced Apartments

Whilst it is noted that it was a condition of Council before lodgement of the current application to set back the serviced apartment component of the proposal 900mm from the northern boundary of 10A Rayner Lane, this setback provides negligible improvement to the amenity issues of overshadowing, reduction of privacy, and acoustic control. As noted previously the existing side setbacks for the western side of Rayner Lane range between two and three metres and consistency of planning suggests that this should be retained for this development.

The density levels sought by the developer have meant that the serviced apartments extend effectively from the southern boundary to the northern boundary creating significant overshadowing and amenity issues for the owners of the adjoining premises.

Significant amenity issues arise in respect to the overly large cantilevered verandahs to the northern side of the development and their impact on 12A Rayner Lane. As currently proposed the verandahs dimensions (four (4) metres deep) virtually mimic the size of the internal living spaces and on any assessment are overly large in relation to the apartments themselves.

When it is noted that these verandahs coupled with driveway access below provide access to the totality of the development, including garaging to the residential component, commercial component and delivery vehicles the amenity issues (as outlined below) imposed on 12A Rayner Lane will be completely inconsistent with BLEP.

It is noted that the developer is not proposing any design mitigation in respect to line of site (overlooking) into bedrooms and bathroom, or backyard areas of 12A Rayner Lane. The scale of the verandahs allowing utilisation by large groups of holiday makers (notwithstanding noise abatement laws) will create untenable and unmanageable noise control issues when coupled with traffic movements on the northern boundary driveway and garages.

Currently the design shows a planter box configuration with low level planting to the extremities of the three large verandahs. This planting will provide no noise abatement benefit nor resolve line of site issues in respect to bedroom, bathroom and recreational backyard areas of 12A Rayner Lane. The number, configuration and scale of the verandahs would need to be significantly amended in order to prevent serious noise and other amenity issues inconsistent with the BLEP.

Landscaping & Impervious Areas.

Significantly the site currently accommodates a variety of mature tree specimens, in particular two significant trees toward the Ballina Street elevation. In addition a large Norfolk Pine is located immediately on the boundary of 59 Ballina Street and it is noted that no attempt has been made across the entirety of the site to preserve any of the existing specimens.

Whilst the Norfolk Pine is not on the subject property this tree species forming part of the iconic character of Lennox Head is a significant example within the Lennox Head Commercial Zone. It is inevitable given the current design of the commercial component of the development that the footings will impact on a significant component of the tree root zone ultimately leading to the demise of the tree.

The revised drawings whilst not reducing the footprint of the built form have been amended to include two car parking spaces as "turf cells" in what can only be described as a cynical attempt to reduce the previous astonishing 95% non pervious coverage of the site. Rayner Lane which as noted previously has no controlled stormwater provision by way of road gutters and the existing provision of random road grates has suffered significant infra structure failure within the last twelve months. It is also noted that the existing stormwater system suffers back charging through the street grates during moderate rainfall, suggesting a system designed to accommodate much smaller run off or further infra structure failure of stormwater mains.

In this respect the development proposal clearly does not meet Clause 7.7 (d) Stormwater Management of the BLEP. Similarly the proposal does not provide any on site conservation of storm water runoff.

Off Street Parking and Vehicular Access

The proposed development has a current five (5) car parking spaces shortfall as required by the DCP and given the design densities of the current proposal these additional spaces have sought to be achieved by either a parking levy payment or reliance on dedicated land which is intended not for parking but for road widening purposes.

The developer seeks a three car credit by utilising the dedicated space to Rayner Lane however the most cursory examination of this proposal demonstrates that three medium sized cars could not realistically be accommodated within this space.

Indeed payment of the parking space levy equally does not meet the requirements for this type of substitute provision, which is intended to provide additional parking by Council within reasonable proximity of the site. This is not achievable as Rayner Lane, again due to its constraints, allows parking on only the eastern side, and available parking in Ballina Street is fully utilised.

The vehicle swept path analysis submitted by the developer shows on close analysis that medium sized passenger vehicles and small rigid type delivery vehicles seeking to service the commercial component of the development will not be able to turn within the site and exit in a forward direction unless parking space No. 4 is vacant.

Disappointingly, the single disabled car space is not covered as required by AS as this structurally would further impede the outcome of the swept path analysis. The suggestion in the Updated Statement of Environmental Effects that the garages associated with the serviced apartments may somehow meet the requirement for disabled parking demonstrates a lack of understanding of this important matter. If the applicant is serious in this respect the width of the garages at 5.6 metres will require the reduction to one parking space within each garage to meet the AS dimensions for disabled parking.

Similarly the analysis does not assess the capacity of vehicles to enter the driveway without reversing back into traffic from Rayner Lane noting that the boundary of the adjacent property 12A remains 3.6metres further forward into Rayner Lane than the proposed boundary to 11A.

No general traffic analysis of the impact on the aforementioned existing uses of Rayner Lane has been undertaken.

Rubbish Removal

Under current Council protocols there will be a total of 21 bins servicing the proposed development. Based on the current weekly collection arrangements there will be a requirement for the collection of an additional 14 bins by Council each week. Given that Rayner Lane is a one directional thoroughfare and that Council collection vehicles only load from the on side all fourteen (14) additional bins will need to be located for collection on the eastern side of Rayner Lane.

A cursory view of the location confirms that due to requirements for driveway access to residences on the eastern side no space exists for the placement of such bins.

Current locations for these bins include an area immediately adjacent to the backyard of 12A Rayner Lane, without any apparent safe system for removal and delivery, or consideration of noise/odour implications for adjoining landowners.

Contamination Issues

It is extremely disappointing to note that whilst a contamination report has been undertaken it has been restricted to soil samples where clearly no industrial activity has ever occurred on this site.

It is apparent that the developer has constructively avoided asbestos testing notwithstanding obvious examples of the use of Super 6 asbestos for boundary fencing to the full extent of Rayner Lane and asbestos to eaves and gutters and, inevitably, for internal sheeting.

It is widely known that Super 6 asbestos corrugated sheeting was manufactured using blue asbestos being the most serious of all asbestos carcinogens.

It is hoped that Council will impose stringent removal control processes for these items, as it is apparent that the developer has sought to avoid his obligations in this matter.

Serviced Apartments – Ground Floor Design and Uses.

Having noted the inability of the garages within the serviced apartment to accommodate two medium sized vehicles it is also noted that the ground floor design incorporates a large storage room for each apartment. These storage rooms each have individual bathroom facilities linked to the room, separate internal access, and glazed external window elements.

It is requested that Council give specific consideration to this design and impose conditions on any proposed approval preventing this storage facility from being used as additional accommodation in the future.

Conclusion

Whilst the above matters are indicative of the inability to meet in an adequate way many DCP/LEP controls where higher than appropriate design densities are sought within the constraints of the site and the broader community amenity issues, it is also apparent that they can not be resolved by simply imposing conditions on consent which in practical terms can not be met in the final instance.

It is noted that Council has established an appropriate precedent at 9A Rayner Lane where on a similar sized block, Council approved a scheme that provided two shops, two shop top offices, and **two residential townhouses** with substantial screening to 10A Rayner Lane, which allowed compliance in most respects with Council's DCP/LEP. Interestingly the developer himself in their Updated Statement of Environmental Effects describes at Page 12, 9A Rayner Lane as an "example of successful development in the precinct with commercial frontage to Ballina Street and residential accommodation adjacent to Rayner Lane"

It would be appreciated if you would give consideration to these matters as well as others raised by Council planners in your assessment of this application.

Yours sincerely

Robert Collins

On behalf of: -
Robert Collins, Kim Collins, Patricia Bakker, Mollie Henda, Stewart Henda, Dr Clare Collins,
Dr Hamish Lunn.

DA 2016/148 – Proposed Non-standard Conditions

(in accordance with Option One)

(Note: in addition to this list of conditions, a number of standard building, planning, environmental and engineering conditions would be applied to the consent)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. Civil works

Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council for civil works required by this consent. These drawings shall also include associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993 for the following civil works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards and/or Roads & Maritime Services where specified.

• **Lane pavement widening**

At the developer's expense, the pavement of Rayner Lane shall be widened from the edge of existing seal (inclusive of 300mm reconstruction overlap of existing road pavement) to the property boundary for the full length of the property frontage to the Rayner Lane in accordance with Council's Standard Plan SDRP527. The pavement profile shall consist of at least 300mm compacted thickness of roadbase quality material plus a minimum 25mm asphalt wearing surface with a concrete dish gutter. Inspection of the road widening is required by Council's Engineer (Ph 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700mm and replace with approved sand fill. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

• **Drainage lane frontage**

At the developer's expense, a 375mm diameter slotted Class 4 pipe or an equivalent and approved granular backfill shall be installed for the full frontage of the development to the laneway inclusive of a concrete dish drain, grated inlet pit and associated gross pollutant trap in accordance with Council's Standard Plan SDRP527 and draft longsection SR30_031_01. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

• **Footpath**

The provision of a concrete footpath 1.30 metre wide along the Rayner Lane frontage. The footpath is to be designed and constructed in accordance with Council Standard Plan SDRP and Drawing R07 of the Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

2. The waste storage/disposal areas must be designed in accordance with Chapter 6, Element J of the Ballina Shire Development Control Plan 2012. Details shall be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

3. Developer Contributions

Prior to issue of a Construction Certificate where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979 :

Contribution Plan/Development Servicing Plan	Adopted
Cumalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan 2015	24 September 2015
Ballina Shire Open Spaces and Community Facilities Contributions Plan 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 (**attached**).

4. Developer Charges

Prior to issue of a Construction Certificate where building work is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2000. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2000 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

The charges are currently guided by the following development servicing plans:

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Council	Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 February 2015
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 February 2015
Rous Water	Development Servicing Plan for Bulk Water Supply	15 June 2016

The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the charges set by the water supply authorities at the time payment is made. Copies of the Development Servicing Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

It should be noted that Ballina Shire Council acts as Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.

The charges applicable at the time this consent is issued are included in Schedule 1 (**attached**).

5. Public Art

The approved development must include public art to the value of at least \$15,000 as an integral part of the development. The public art is to be provided in a location on the development site that is freely accessible to members of the public and is to be permanent and durable. Details of the nature of the work/s (e.g. fountain, statue, mosaic etc.) must show its approximate location and size and demonstrate how the proposed public art addresses the following Design Selection Criteria:

- Standards of excellence and innovation;
- Relevance and appropriateness of the work in relation to its site;
- Relevance and appropriateness of the work to Ballina Shire;
- Consistency with current planning, heritage and environmental policies and plans of management;
- Consideration for public safety and the public's use of and access to the public space;
- Consideration of maintenance and durability requirements, including potential for vandalism;
- Evidence of funding sources and satisfactory budget, including an allocation for ongoing maintenance; and
- Evidence of appropriate Public Liability Insurance to cover construction and installation of the work.

Details including plans of the proposed public art are to be submitted to and approved by Council's Development and Environmental Health Group prior to the issue of the Construction Certificate.

6. The kitchen windows of Serviced Apartments One and Two shall be of obscure glass to protect the privacy of the neighbouring residents. Details are to be shown on the Construction Certificate plans and submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

7. Sewer junction extension due to land dedication

Investigation shall be undertaken prior to the issue of a Construction Certificate to confirm whether the sites' existing sewer junction extends at least one metre into the property after the 3.6m wide land dedication along the sites' Rayner Lane frontage has occurred. If it does not, the applicant shall be responsible for all costs associated with the extension of Council's sewer system into the site in accordance with the Northern Rivers Local Government Development Design & Construction Manuals. Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.

8. Operational Plan of Management

An Operational Management Plan (OMP) for the ongoing operation of the development shall be submitted to and approved by Council prior to the issue of Construction Certificate. The OMP must address, as a minimum, the following matters:

- Details (name, phone contact etc.) of the Manager of the Serviced Apartments, with these details to be provided to both the visitors/guests and also to neighbouring properties.
- Measures to be implemented to mitigate potential noise impacts on neighbouring residents from the use of the serviced apartments.
- Details of a waste management strategy for both the business premises and serviced apartments including:
 - Nomination of persons (such as a Manager or caretaker) responsible for arranging the placement of the mobile garbage/recycling/green waste bins at the kerbside and returning them to the approved garbage enclosures after collection.
 - The requirement for mobile garbage/recycling/green waste bins to be placed at the kerbside no earlier than the evening prior to the collection day and returned to the approved waste enclosures as soon as possible after service or no later than midday on collection day.
 - Details of the commercial waste collection arrangement, including nominating persons responsible for bin placement adjacent to the site prior to collection and returning empty bins to the approved garbage enclosures.

PRIOR TO WORKS COMMENCING

9. A Construction and Demolition Site Waste Minimisation and Management Plan (SWMMP) shall be provided to and approved by Principal Certifying Authority (PCA) prior to works commencing in accordance with the requirements of Council's DCP 2012 Chapter 2 section 3.7.3.

DURING CONSTRUCTION

10. The development must be constructed in accordance with the *Noise Impact Assessment (NIA)* prepared by Greg Alderson & Associates, dated 29 January 2016. This includes the construction of acoustic fencing and the location of air conditioning units.

11. The findings and recommendations of the Arboricultural Assessment Report (dated 13 March 2017), prepared by Skinnox Pty Ltd, are to be complied with.

12. Water Efficiency

The following water efficiency features shall be installed in the offices:

- AAA minimum rated shower roses, taps and appliances
- dual flush toilets (six litres or less for a full flush and three litres or less for a half flush), and
- sensor operated taps, or automatic shut-off taps.

13. Water Supply

The water service supplying the property shall be fitted with a suitable Backflow Prevention Devices ("the device") at the owners' expense at the water meter. The Device shall be as a minimum a Reduced Pressure Zone Device (RPZD).

The master meter and each sub meter shall be fitted with remote metering devices at the applicant's expense.

The hose cock to be located at the bin area and for the any GT for the purpose of wash down/cleaning shall be fitted with an RPZD.

Each business premises and serviced apartment shall be fitted with its own individual water meter and each shall be fitted with a suitable backflow prevention device located in an area to permit access for; maintenance and any discharge of water from the device vent if applicable.

All the devices shall be installed by a suitably competent and qualified NSW licensed plumber ("the plumber") who holds a *NSW TAFE Backflow Prevention Accreditation* or equivalent.

14. The waste storage areas relating to the business premises must be roofed, bunded and have a dry bucket trap sump prior to discharging to sewer.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

15. Road widening land dedication (lane)

The applicant shall dedicate a 3.6m wide strip of land along the full length of the sites Rayner Lane frontage in accordance with Council's Development Control Plan Chapter 2 – Section 3.17 – Road Widening prior to the issue of any Occupation Certificate.

16. Certification by a suitable qualified and experience person must be provided to Council confirming the development has been constructed in accordance with the *Noise Impact Assessment (NIA)* prepared by Greg Alderson & Associates, dated 29 January 2016 prior to the issue of Construction Certificate.

CONDITIONS OF USE/DURING OCCUPATION

17. The use of the serviced apartments for the purposes of tourist and visitor accommodation is to consist of short term stays only, being defined as "individual guests must not be accommodated for more than 42 days with an interval of at least 14 days between occupancies, or for more than a total of 90 days in any 12 month period".

18. Vehicles servicing the development (including deliveries and waste collection) shall not park and or wait in the loading docks or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Fridays and prior to 8.00am or after 1.00pm Saturdays. No waste collection is to take place on Sundays.

19. The measures contained in the approved Operational Management Plan (OMP) shall be implemented.

ADVICE

Essential Energy

- a) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with.
- b) Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

- c) Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
- d) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines/Underground Assets*.

SCHEDULE 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST	Actual Contribution Units Payable (residential)	Actual Contribution Units Payable (commercial)
Roads Contribution Plan V4.0 (2015)	5204	equivalent residential allotment	\$11,806.00	1.8285	\$21,587.27	0.0000	1.8285
Roads Administration V4.0 (2015)	5205	equivalent residential allotment	\$177.00	1.8285	\$323.64	0.0000	1.8285
Lennox Head Wastewater Services (DSP Area B)	3004	equivalent tenement	\$5,020.00	3.1532	\$15,829.06	0.0000	3.1532
Lennox Head Water Supply (DSP Area B)	2004	equivalent tenement	\$3,280.00	2.1688	\$7,113.66	0.0000	2.1688
Rous Water 2016	5001	equivalent tenement	\$8,404.00	2.1688	\$18,226.60	0.0000	2.1688
Lennox Head Car Parking Contribution 2014	4604	per car park not provided	\$16,898.00	1.7080	\$28,861.78	0.0000	1.7080
TOTAL					\$91,942.02		