



Ballina Shire Council. © NSW Spatial Services 2018. This map is illustrative and not to scale.

**Ballina Shire Council**  
 40 Cherry Street  
 BALLINA NSW 2478

PO Box 450  
 BALLINA NSW 2478

02 6686 4444  
 council@ballina.nsw.gov.au  
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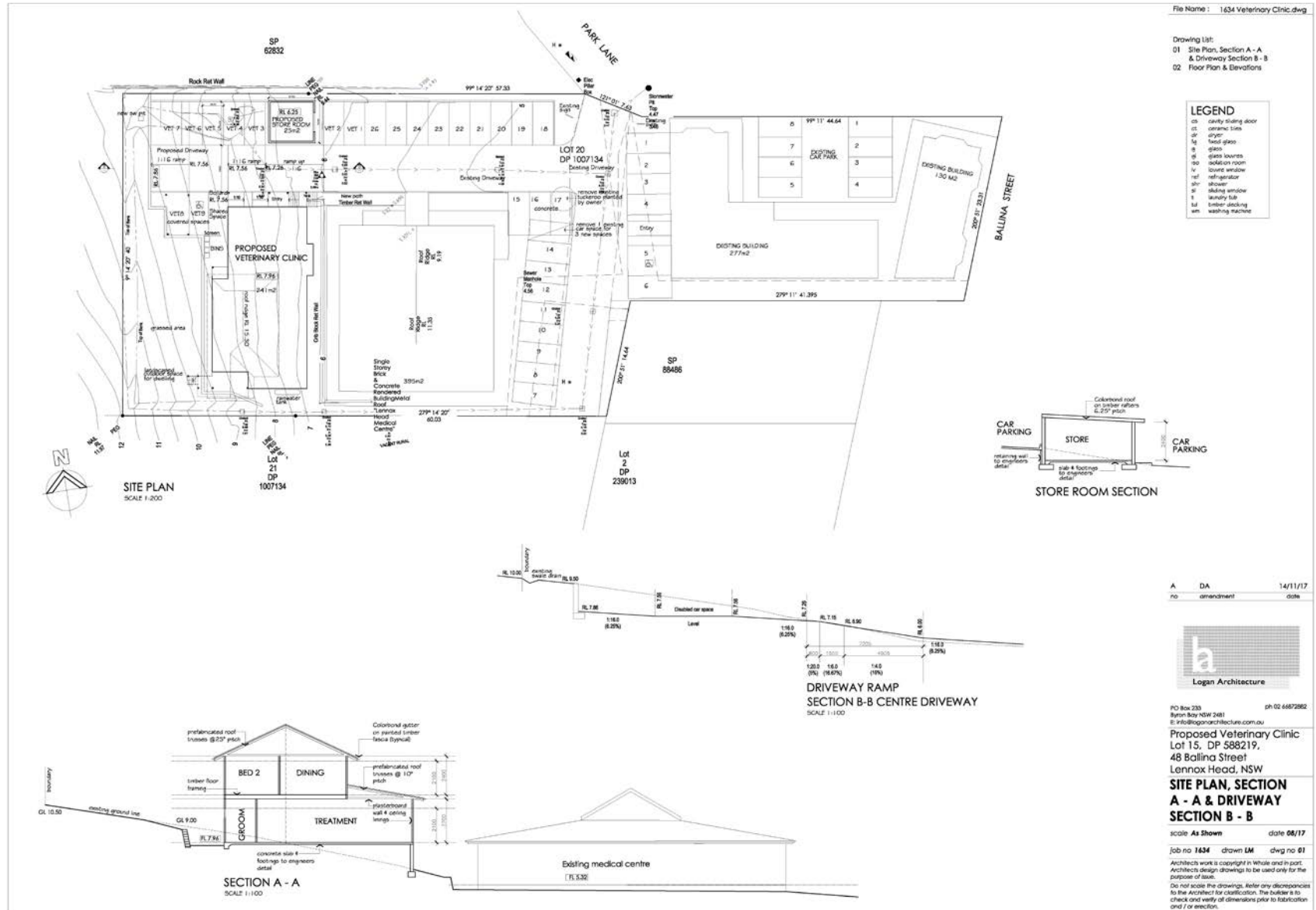


**DA 2017/647 - Locality Plan**



Projection: GDA94 / MGA zone 56  
 Date: 12/02/2018

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File Name : 1634 Veterinary Clinic.dwg

Drawing List:  
 01 Site Plan, Section A - A & Driveway Section B - B  
 02 Floor Plan & Elevations

- LEGEND**
- cs cavity sliding door
  - ct ceramic tiles
  - gl glass
  - lg lead glass
  - g glass
  - glv glass louvers
  - ns nook room
  - lv lounge window
  - nl nullifier
  - shr shower
  - sl sliding window
  - slv sliding door
  - tbl timber cladding
  - wt washing machine

A DA 14/11/17  
 No amendment date



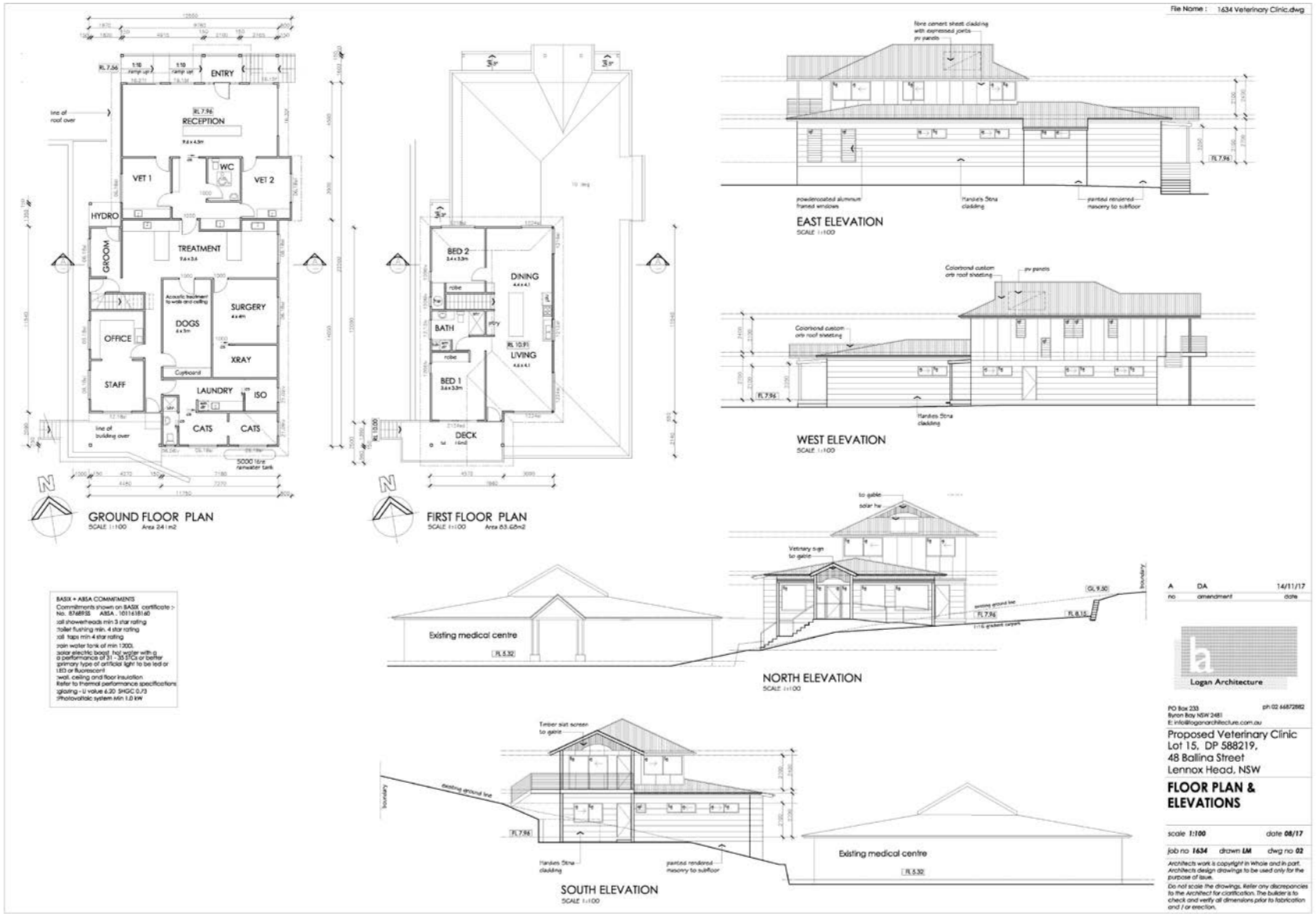
PO Box 233  
 Byron Bay NSW 2481  
 E: info@loganarchitecture.com.au  
 P: 02 6682892

Proposed Veterinary Clinic  
 Lot 15, DP 588219,  
 48 Ballina Street  
 Lennox Head, NSW  
**SITE PLAN, SECTION  
 A - A & DRIVEWAY  
 SECTION B - B**

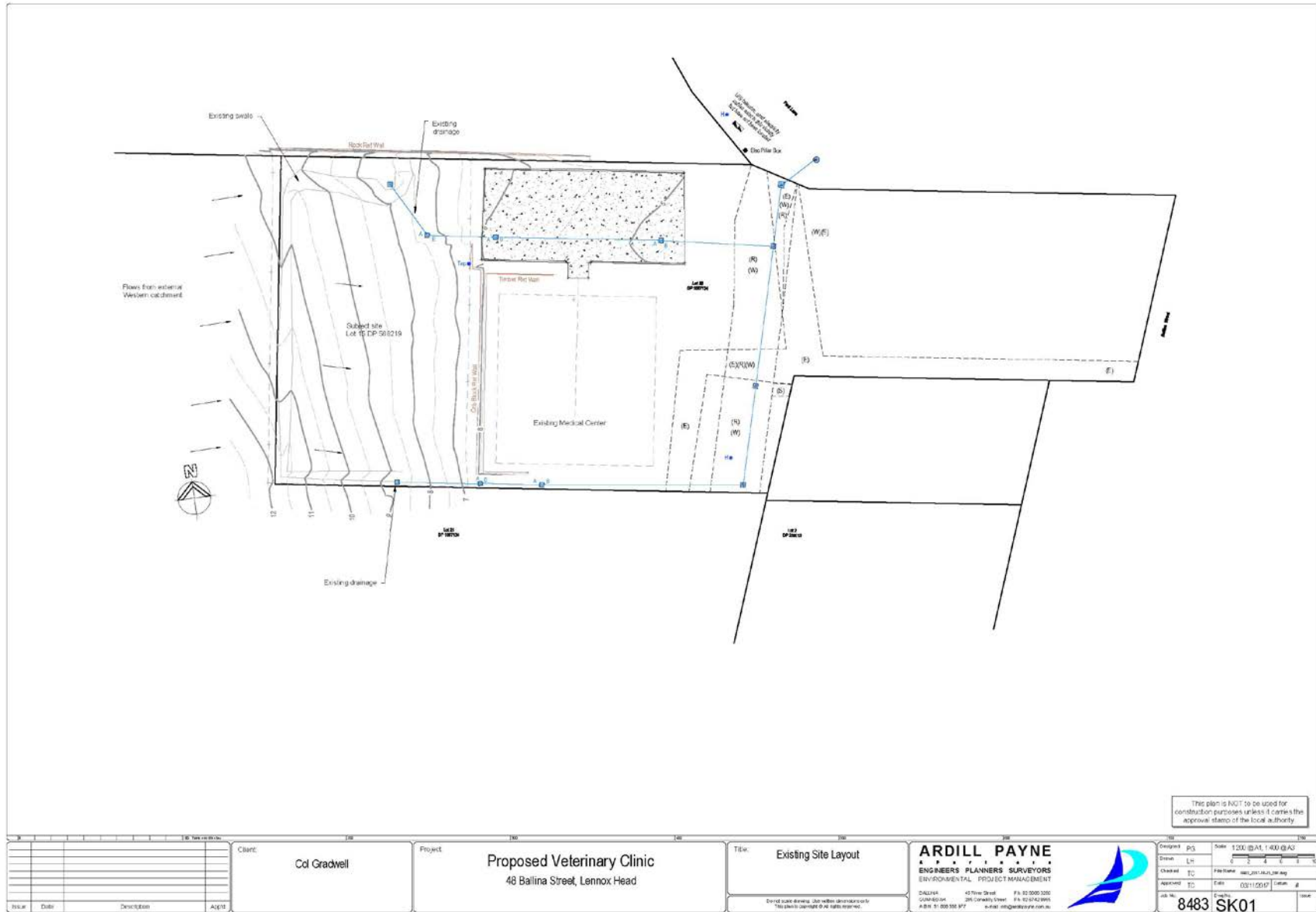
scale As Shown date 08/17

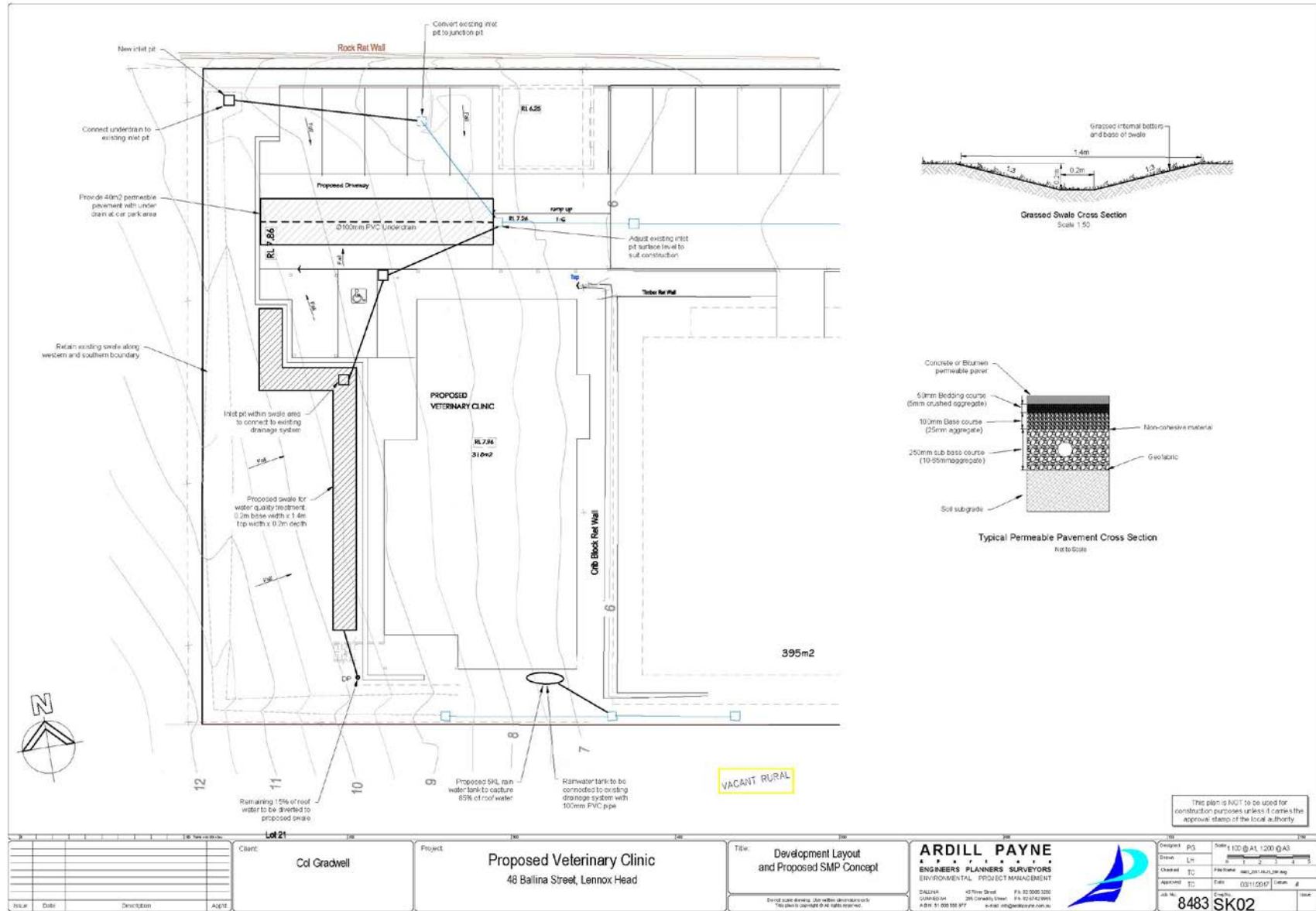
Job no 1634 drawn UM dwg no 01

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 Do not scale the drawings. Refer any discrepancies to the Architect for clarification. The builder is to check and verify all dimensions prior to fabrication and / or erection.



8.2 DA 2017/647 - Veterinary Clinic - 48 Ballina Street, Lennox Head.DOC





**Georgia Lee**

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**Subject:** FW: Attention: Kerri Watts, re: DA 2017/647

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**From:** Hamish Dunlop [mailto:hamish.dunlop@bigpond.com]

**Sent:** Monday, 15 January 2018 1:23 PM

**To:** Ballina Shire Council

**Subject:** Attention: Kerri Watts, re: DA 2017/647

To: Kerri Watts, Acting Group Manager Development and Environmental Health

I am writing in relation to Development Application 2017/647 for the Erection of a Two Storey Building for the Purposes of a Veterinary Clinic.

I own Lot 19 in Strata Plan 62832 at 7 Park Lane Lennox Head. I am also a member of the of the Executive Committee of the Owners Corporation for this Stata Plan. I did not support the submission relating to DA 2017/647 that has been lodged on behalf of this Executive Committee.

I fully support the Development Application and I recommend that Planning staff and Councillors approve the proposal.

The development is appropriate for the site and the business to be conducted there is beneficial to the community.

If you have any questions relating to my submission please contact me via email.

Regards,  
Hamish Dunlop

Sent from Mail for Windows 10

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**Georgia Lee**

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**From:** Colin Joyce <colin.j.joyce@live.com>  
**Sent:** Wednesday, 13 December 2017 2:58 PM  
**To:** Ballina Shire Council  
**Cc:** Christine Young  
**Subject:** Submission on Development Application DA 2917/647 concerning Lot 20 DP: 1007134, 48 Ballina Street, LENNOX HEAD

As adjoining owners (Unit 2, Lennox Head Resort, 7 Park Lane, Lennox Head), we wish to make a submission (not objection) in relation to the above mentioned development application.

We believe that the development and the Lennox Head Resort would both benefit by landscaping treatments between the rock retaining wall of the Resort and the proposed car parking to screen the development from the Resort.

Regards

Colin Joyce & Christine Young  
Co-owners  
Unit 2, Lennox Head Resort  
7 Park Lane, Lennox Head

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**Georgia Lee**

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**From:** Andrew Mulcahy <mulcahy@atlaw.com.au>  
**Sent:** Friday, 12 January 2018 3:17 PM  
**To:** Georgia Lee  
**Cc:** 'Tracey Hamilton'  
**Subject:** FW: DA 2017/647 Lot 20 DP 1007134 , 48 Ballina St. Lennox Head- objection

Dear Town Planners,

Tracey and I are the Directors of Hamul Properties Pty.Ltd. the owners of Unit 31/7 Park Lane and object to the proposed Veterinary Hospital submitted to Council as a Veterinary clinic and associated dwelling immediately adjacent to a large holiday resort complex.

We have read the objections of J&S Woodfield and G& L Clarke and support those objections. We are aware that the time for objections has been extended until Sunday 14 January 2018.

We submit that the proposed development is not consistent with zoning B2 Local Centre which prohibits potential noisy night time activities such as "animal boarding" which is clearly the proposed use as stated by the intended tenant. A clinic by definition is a place for outpatients only.

Further paragraph 7.3 of the DA Application states that the building is to be of lightweight construction and there is no evidence of sound proofing for the "dog room" or other areas of the proposed facility and we submit that the DA not be further considered without evidence of noise level testing and noise containment planning.

In the age of Trip Adviser and other social media, noise complaints of barking dogs at night can have devastating consequences for future holiday bookings at the whole of Lennox Beach Resort regardless of the specific location of the noise affected holiday units.

We request that DA 2017/647 be rejected as unsuitable.

Please acknowledge this objection.

Kind Regards,

Andrew Mulcahy  
Hamul Properties Pty.Ltd  
60 Ballina Street  
(PO Box 28)  
LENNOX HEAD NSW 2478  
Tel: 02 6687 7055  
Fax: 02 6687 6788

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Georgia Lee

**From:** steve@lennoxbeachresort.com.au  
**Sent:** Sunday, 14 January 2018 5:45 PM  
**To:** Georgia Lee  
**Subject:** objections to DA2017/647  
**Attachments:** 20170330\_121552\_resized.jpg; 20170330\_121630\_resized.jpg; 20170330\_121638\_resized.jpg; 20170330\_121724\_resized.jpg

Ballina Shire Council  
Attn: Town Planning  
RE: DA 2017 / 647 attn: Georgia Lee  
5<sup>th</sup> December 2017

Dear Sirs,

Lennox Beach Resort (formerly known as Headlands Beach Resort) comprises the largest tourist accommodation apartment complex in Lennox Head with 39 x 1, 2 & 3 bedroom apartments and an on-site restaurant providing holiday accommodation for up to 200 people. The Lennox Beach Resort directly adjoins the proposed development DA 2017 / 647 with a common boundary along the entire Northern Boundary of the proponent's property. We are the resident managers of Lennox Beach Resort and operate a Management Rights business from premises we own and live in permanently on the site at 41/7 Park Lane, Lennox Head, NSW 2478.

We manage apartments for 38 of the 39 owners and also have a maintenance agreement with the Owner's Corporation of Strata Plan 62832 which involves among other things, maintaining the common areas and grounds. In all, 14 apartments plus the manager's residence (over 40% of the resort) are located in a direct line of sight to the common boundary with the subject property at distances ranging from as little as 6 metres to 40 metres from the apartment boundaries.

Should the proposal proceed, we have concerns about the effects the following matters will have on our "Management Rights" business due to the likely detrimental effect on the returns from various affected properties in our resort. Our manager's residence is located only 9 metres from the subject property boundary and we are also concerned about the potential adverse effect on the peaceful and quiet enjoyment of our premises.

- 1) The operation of the proposed veterinary clinic appears to be quite different in scale and scope to the operation of the existing business in the nearby property. The existing business does not keep animals overnight however the new proposal includes an emergency service which will entail 24 / 7 after hours operation and the keeping on site of sick, injured or animals "under observation". The proponents refer to a "dog room" on the plans however in their reference to acoustic considerations there is no mention of the noise levels that are likely or the levels to be contained and alarmingly for us state in their proposal: "**Note - Due to the fact that there are no near neighbours, noise from the proposal should not be an issue**". The statement that the proposal will create noise which they do not believe to be an issue is of great concern. To ignore the presence of their "near neighbours" occupying the residences immediately on the other side of the boundary fence and situated as little as 6 metres away in a direct line of sight from the subject property indicates a poorly conceived proposal and application. Noise from the "dog room" is not the only consideration as noise is likely to be emanating from all parts of the business premises as well as the car-park. It appears the proposed development may include the undesirable element of animal noise at any time of the day and night and it appears by their own admission this factor and the effect on neighbours has not been given due consideration by the proponent. In our opinion the prospect of injured and possibly noisy animals arriving in close proximity to our property boundary and residences for a 24/7 emergency service is incompatible with the operation of a nearby residential tourist resort. If the development proceeds and the obvious risk of the animal noise factor as well as that from accompanying people and vehicles, has not been totally eliminated by suitable town planning prescription, we would expect an extremely deleterious effect on our holiday letting business, on the returns to the owners in our resort as well as the right of all occupants of our resort to the peaceful and quiet enjoyment of our residences and property. We enjoy high levels of occupancy, year round, and there is every likelihood that over 100 guests at any time could be directly adversely affected by the operation of this proposed business should these

potential issues not be fully resolved. The bedroom of our Manager's residence is situated only 9 metres from their boundary fence and we are concerned about the potential issues.

- 2) It is notable that the Ballina Local Environment Plan 2012 prohibits "Animal Boarding and Training establishments" within this zoning. Whilst this is not precisely the purpose the proponent is requesting, it is not unreasonable to draw a close comparison between these similar uses considering the proposal includes 24/7 operation and 24/7 animal accommodation. We believe this "24 /7 emergency operation" aspect of the application should be closely examined by council and if approved suitably conditioned to ensure it cannot interfere with the rights of the occupants of neighbouring properties such as ours.
- 3) Storm-water run-off and overland flows. The report by Ardill Payne mentions the use of an existing swale at the top (Western end) of the property to divert flows to the Northern and Southern boundaries and to then be collected in the existing storm-water drains on the property. There was no mention in their report that even during moderate rain events, the existing arrangements are entirely inadequate to suppress the overland flows and resultant uncontrolled storm-water directed onto our adjoining property. There is a rock retaining wall on the common boundary between our properties that was constructed by the owners of the subject property at the time they created the subdivision between our properties. During rain, the overland flow of water runs over and through the wall and demonstrates that the sub-soil drainage infrastructure, if provided, is inadequate whilst the wall appears to have no effective "Terra Firma" or similar material to suppress the transfer of soil particles. Every rain event of even a light to moderate nature results in storm-water run-off over and through the retaining wall onto our driveway. This water is invariably loaded with soil and silt which is then deposited upon our driveway requiring many hours of time in pressure washing to clean up. Please see the attached images taken in a recent storm which illustrate the water flows through and over the wall resulting in a large pool of water at the bottom end of our driveway and leaf matter and other detritus washing into the grated storm-water drain at the bottom of our property. Please note that it can be seen that the collection of rainwater on our driveway is not the reason for the pooling at the bottom as there are drain grates that pick it up before it gets to the bottom. The problem water is clearly visible in the attached images along the top and base of the retaining wall. We should not be subject to the problems caused by the uncontrolled storm-water run-off onto our property from an adjoining lot and request that the consulting engineers re-examine both the suitability of the existing infrastructure on the property and the storm-water drainage plans and that council conditions ensure the complete and permanent rectification of this problem before approving the proposal. As a concrete driveway and parking lot is proposed perhaps it should be suitably designed with a gutter style lip along the entire Northern boundary so that any overflows are prevented from being directed towards our neighbouring driveway as it now does and is contained upon the applicants property.
- 4) The purpose and material construction of the storage shed located very near the boundary of the car-park and our property has not been described. What is it for and why is it located so near to our property line. Is it for use after normal business hours and will it's use create noise or other nuisance affecting the nearby residences.
- 5) The car parking arrangements are also a cause for concern. At present our properties are separated by a chain wire fence which by it's nature presents no acoustic reduction of vehicle and pedestrian noise nor light barrier from car headlights. The proposed car-park is elevated and at a similar level to some of the apartments in our complex and situated as little as 6 metres away in a direct line of sight. With the proposed operation there can be no doubt that vehicle noise and the flash of headlights at night from turning vehicles will create an ongoing nuisance for ourselves in our residence as well as our guests staying in apartments on our Southern boundary. Should the development proceed we request it be conditioned to include erection of an acoustic barrier wall of sufficient height and density to eliminate vehicle and pedestrian sound and headlight beams crossing the boundary to our property.
- 6) Noise and dust during construction is another major concern for us and should council approve this development I request they take special interest in controlling the hours of operation and conditioning suitable work practices so as to minimize the interference with the normal running of the holiday resort. Should our property be affected by further run-off causing silt and soil to be deposited upon our driveway or

air-blown dust to blown over our residences I propose the proponent be conditioned to be responsible for arranging prompt, immediate and suitable clean up at their own expense.

We appreciate your consideration of our objections to this proposal

**Yours Faithfully**

**Judy and Steve Woodfield**

**Resort Managers  
Lennox Beach Resort**

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G+L Clarke

9/7 Park Lane  
Lennox Head, NSW  
0407804108

2 January 2018

To whom it may concern,

I wish to submit my objection to the development application (DA 2018/647).

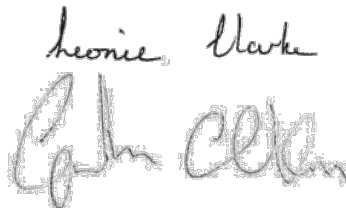
We are owners of 9/7 Park Lane, which you are aware is a holiday resort and is available for short term holiday rental and private stays by ourselves. We feel that a facility available to the public 24/7 would be detrimental to our apartment due to the ambient light and sound emanating from these 24 hour facility for the care of animals.

We have inspected the application and have no concern about the disruption of view as we overlook the site and are aware that interval sound and light barrier can be installed internally (soundproofing double or triple glazing blinds etc) it is the ambient light and sound of people arriving and departing as is the nature of a 24hr service. A service which is currently being provided by two veterinary clinics in Ballina according to Yellow Pages.

So in closing please accept our formal objection to DA 2017/647

Regards

Graham & Leonie Clarke  
PO Box 2638  
Cheltenham, Victoria  
3192



10 January 2018

Acting Group Manager

Development and Environmental Health

Ballina Shire Council

P.O. Box 450,

Ballina, NSW, 2478

Att: Kerri Watts

**Re: DA No: DA 2017/647 Erection of a 2 storey Building for the Purpose of a Veterinary Clinic with Associated Veterinary Dwelling, Car Parking and Associated Works, 48 Ballina Street Lennox Head**

This submission consists of 6 pages including accompanying photographs.

The Strata Committee of SP 62832 at the adjacent Headland Beach Resort (T/A Lennox Beach Resort) contend that the proposed development in its current form will have some detrimental impact on the Resort. Having reviewed the application and associated plans and documentation we do have a number of important comments that we would like taken into consideration by council whilst deliberating the application. In particular the words, "Generally" and "Should" are used throughout the submission one would ask that specifics and not generalisations are used so that as adjoining neighbours we know exactly what is proposed and what the effect may be on not only the resort guests but also on the investment returns and property values.

1. It is noted that in the documentation accompanying the application the issue of stormwater management is detailed in numerous areas, including the 1999 report by Col Jenkins and Associates related to the original development. Para 6.3 of the Shaw Urquhart report states: ***"The inground cut off drain described in Section 6.1 will intercept and convey any groundwater flow from the up slope area to the existing stormwater system"*** Please be assured this does not presently happen and there is a considerable amount of stormwater runoff onto the driveway at Lennox Beach Resort from the adjoining vacant site where the proposed Veterinary Clinic is to be located. Despite a request to the owner some years ago to rectify the problem, his response was ***"there's a Swale Drain to take care of it"*** and nothing was done. When council were approached about this problem with groundwater flowing freely into the Lennox Beach Resort from the adjacent property which is the subject of the proposed development the answer was the drainage met the requirements of the original DA. The groundwater deposited from the adjacent property is not only a nuisance to all guests using the driveway for vehicular and pedestrian access it leaves copious amounts of silt on the driveway which obviously has a detrimental aesthetic affect on the complex and the apartment owners bear the cost of cleanup. (Photos Attached)

2. Whilst it is understood that construction sites can be quite dusty and noisy there are serious concerns that the Resort will suffer loss of income during the construction phase. It should be noted that Apartments 1 & 2 which are directly adjacent to the property are the only apartments in the complex without stairs and as there are no lifts in the complex these are specifically set up to cater for guests with mobility problems. One would trust that should approval be granted there is a condition referring to the quiet amenity of guests staying at the resort and that there will be no nuisance caused during this period.
  
3. It is noted in the Ardill Payne attachment item 6 "**Soil and Water Management During Construction**" "..... **all erosion and sediment control measures should be installed and operational**" dot point 2 "**Minimise the number of site access points and provide stabilised access**" **Stabilised site access to be provided to shake down all vehicles entering and leaving the site.....**" firstly the contractor **must** be compelled **not should** put in place all the requirements as detailed in this attachment prior to any work commencing and secondly will the shakedown device be such that when a vehicle and in particular heavy equipment that a level of noise and dust will be emitted such that it would spoil the guests quiet amenity and enjoyment at the resort and not only cause undue angst with guests but be an added impost on owners in so far as cleaning costs of apartments and balconies. In so far as the installation of sediment barriers the attachment only mentions prevention of runoff into the downstream receiving environment, we have concerns that parts of the resort complex will be downstream and given the history of groundwater runoff from the existing vacant land adjacent currently experienced that there is a good possibility the current situation will be exacerbated.
  
4. The proposed clinic has a residence and the application states there will be a person in attendance at all times when pets are staying overnight. This gives us cause for concern as one would assume that the opening hours will be the same as the existing premises. However, the existing clinic offers an after hours emergency service and advice has been given by the clinic that currently no animals are left in the clinic overnight. In the current proposal they refer to a dog room on the plans but there is no reference to the limitation of noise with the installation of sound deadening acoustic materials thus we have no idea how much sound will be emitted from the building, to top it off there is a comment that states "**due to the fact that there are no near neighbours, noise from the proposal should not be an issue**". This is obviously incorrect considering the proposal details in a number of areas the adjacent resort. The admission that the proposed Veterinary Clinic will create noise which they do not believe to be an issue is a major concern. Will the proposed clinic be opened after hours for emergency's, if so not only is there the probability of noise from vehicles and animals there is also the issue of headlights shining into the apartments directly adjacent as it is noted that the existing fence is to remain, this fence is constructed of post and wire and although the application states that it meets council requirements as the access and parking are on the North side and adjacent to the Lennox Beach Resort there is no doubt there will be a detrimental effect on the guests at the resort.

5. Furthermore in relation to the proposed complex including the store room on the northern boundary adjacent to the Resort, it is once again noted that in the submission from Logan Architecture under the heading: ***"3. THE PROPOSED DEVELOPMENT "3.1 the proposed building*** in the last sentence ***"Due to the fact that there are no near neighbours, noise from the proposal should not be an issue"*** again we must point out the Lennox Beach Resort are near neighbours and secondly It is noted that the words should not are used, there will either be an issue with noise or there won't be please refer to our previous comments. Additionally one must take into account the following: ***Any Matters Prescribed by the Regulations" clause 50 of the Environmental Planning and Assessment Regulations makes reference to the following matters on which the development should be considered*** two points in contention are: ***"Acknowledgement of views, outlook and solar access and the rights of neighbours to enjoy the same"*** and ***"General Compliance with Ballina Shire Councils planning controls and regulations"*** What does General compliance mean, it either complies or it doesn't, firstly the views from the resort will be affected and secondly on the Floor Plan and Elevations the store room is not shown, the only detail is shown on the Site Plan, the exact location and aesthetics are difficult to comprehend when relating this to the resort layout. Given the current issues with groundwater runoff into the resort should the store room be constructed in the proposed location one trusts that the stormwater runoff from the storeroom will be correctly plumbed into the stormwater system. Furthermore ***"Section 79 (C) (1) (b) the likely impacts of that development, including environmental impacts on both the natural and built environment, and social and economic impacts in the locality" .....******The proposed veterinary clinic and ancillary dwelling is generally consistent with relevant statutory and policy provisions contained in BLEP 2012 and the development control plan.*** It is either consistent with BLEP 2012 or it's not it can't be generally consistent, this indicates that there may be some issues that are not in accordance with BLEP 2012 in particular the statement ***".....is not likely to result in significant adverse social or economic impacts"*** given the facts already put forward in this submission we would dispute this statement.

We trust Council will take into consideration this submission and should the application be approved that council will ensure there will be no detrimental affect on Lennox Beach Resort or individual owners during construction and following completion of the project when the existing clinic is re-located and operational. Please note, this submission has been approved by the Strata Committee,

Kind Regards,

Robert O'Toole

Chairman

Headland Beach Resort T/A Lennox Beach Resort)

SP 62832, Suite 5/317 River Street, Ballina, N.S.W. 2478

4

**Driveway Flooding**





Groundwater Coming From Adjacent Property Detailed in DA 2017/647



**Driveway Silted Up Requiring Cleaning as a Result of Groundwater from adjacent property detailed in DA 2017/647**



12 January 2018

Acting Group Manager

Development and Environmental Health

Ballina Shire Council

P.O. Box 450,

Ballina, NSW, 2478

Att: Kerri Watts

**Re: DA No: DA 2017/647 Erection of a 2 storey Building for the Purpose of a Veterinary Clinic with Associated Veterinary Dwelling, Car Parking and Associated Works, 48 Ballina Street Lennox Head**

As the owner of Apartment 1 at the adjacent Headland Beach Resort (T/A Lennox Beach Resort) and having been for many years, the impact of the proposed development on our unit is possibly more than some others in the complex. Notwithstanding this please be assured a number of other units will also be directly affected. Having reviewed the application and associated plans and documentation my husband and I do have a number of important comments that we would like taken into consideration by council whilst deliberating the application. In particular the words, "Generally" and "Should" are used throughout the submission one would ask that specifics and not generalisations are used so that as adjoining neighbours we know exactly what is proposed and what the effect will be on not only on our guests but also on my investment return and property value.

1. It is noted that in the documentation accompanying the application the issue of stormwater management is detailed in numerous areas, including the 1999 report by Col Jenkins and Associates related to the original development. Para 6.3 of the Shaw Urquhart report states: ***"The inground cut off drain described in Section 6.1 will intercept and convey any groundwater flow from the up slope area to the existing stormwater system"*** Please be assured this does not presently happen. There is a considerable amount of stormwater runoff onto the driveway at Lennox Beach Resort from the adjoining vacant site where the proposed Veterinary Clinic is to be located. The groundwater deposited from the adjacent property is not only a nuisance to all guests using the driveway for vehicular and pedestrian access it leaves copious amounts of silt on the driveway which obviously has a detrimental aesthetic affect on the complex and the apartment owners bear the cost of cleanup.
2. Whilst it is understood that construction sites can be quite dusty and noisy there are serious concerns that my apartment and others may suffer loss of income during the construction phase. It should be noted that Apartments 1 & 2 which are adjacent to the property are the only apartments in the complex without stairs and as there are no lifts in the complex these are specifically set up to cater for guests with mobility problems. One would trust that should approval be granted there is a condition referring to the quiet amenity of guests staying at the resort and that there will be no nuisance caused during this period.

3. It is noted in the Ardill Payne attachment item 6 "Soil and Water Management During Construction" "..... all erosion and sediment control measures should be installed and operational" dot point 2 "Minimise the number of site access points and provide stabilised access" Stabilised site access to be provided to shake down all vehicles entering and leaving the site....." firstly the contractor **must** be compelled **not should** put in place all the requirements as detailed in this attachment prior to any work commencing and secondly will the shakedown device be such that when a vehicle and in particular heavy equipment that a level of noise and dust will be emitted such that it would spoil the guests quiet amenity and enjoyment at the resort and not only cause undue angst with guests but be an added impost on owners in so far as cleaning costs of apartments and balconies. In so far as the installation of sediment barriers the attachment only mentions prevention of runoff into the downstream receiving environment, we have concerns that the parts of the resort complex will be downstream and given the history of groundwater runoff from the existing vacant land adjacent currently experienced that there is a good possibility the current situation will be exacerbated.
4. The proposed clinic has a residence and the application states there will be a person in attendance at all times when pets are staying overnight. This gives us cause for concern as one would assume that the opening hours will be the same as the existing premises. However, the existing clinic offers an after hours emergency service and advice has been given by the clinic that currently no animals are left in the clinic overnight. In the current proposal they refer to a dog room on the plans but there is no reference to the limitation of noise with the installation of sound deadening acoustic materials thus we have no idea how much sound will be emitted from the building, to top it off there is a comment that states "due to the fact that there are no near neighbours, noise from the proposal should not be an issue". This is totally incorrect considering the proposal details in a number of areas the adjacent resort. The admission that the proposed Veterinary Clinic will create noise which they do not believe to be an issue is a major concern. Will the proposed clinic be opened after hours for emergency's, if so not only is there the probability of noise from vehicles and animals there is also the issue of headlights shining into the apartments directly adjacent as it is noted that the existing fence is to remain, this fence is constructed of post and wire and although the application states that it meets council requirements as the access and parking are on the North side and adjacent to the Lennox Beach Resort there is no doubt there will be a detrimental effect on the guests at the resort.
5. Furthermore in relation to the proposed complex including the store room on the northern boundary adjacent to the Resort, it is once again noted that in the submission from Logan Architecture under the heading: "**3. THE PROPOSED DEVELOPMENT**" **3.1 the proposed building** in the last sentence "Due to the fact that there are no near neighbours, noise from the proposal should not be an issue" again we must point out the Lennox Beach Resort are near neighbours and secondly It is noted that the words should not are used, there will either be an issue with noise or there won't be please refer to our previous comments. Additionally one must take into account the following: Any Matters Prescribed by the Regulations" clause 50 of the Environmental Planning and Assessment Regulations makes reference to the following matters on which the development should be considered two points in contention are: "Acknowledgement of views, outlook and solar access and the

*rights of neighbours to enjoy the same” and “General Compliance with Ballina Shire Councils planning controls and regulations” firstly does it comply or not “General Compliance” indicates that there may be areas that do not comply, there is no doubt based on the information to hand the views from the resort will be affected and secondly on the Floor Plan and Elevations the store room is not shown, the only detail is shown on the Site Plan, the exact location and aesthetics are difficult to comprehend when relating this to the resort layout. Given the current issues with groundwater runoff into the resort should the store room be constructed in the proposed location one trusts that the stormwater runoff from the storeroom will be correctly plumbed into the stormwater system. Furthermore “Section 79 (C) (1) (b) the likely impacts of that development, including environmental impacts on both the natural and built environment, and social and economic impacts in the locality” .....The proposed veterinary clinic and ancillary dwelling is generally consistent with relevant statutory and policy provisions contained in BLEP 2012 and the development control plan. It is either consistent with BLEP 2012 or it’s not it can’t be generally consistent, this indicates that there may be some issues that are not in accordance with BLEP 2012 in particular the statement “.....is not likely to result in significant adverse social or economic impacts” given the facts already put forward in this submission we would dispute this statement.*

Thankyou for giving us the opportunity to put forward our comments, again, we trust that they will be taken into account by Council when considering the Development Application, please don’t hesitate to contact my husband or myself should you have any queries.

Yours Sincerely,

Jennifer O’Toole

Apartment Owner Unit 1/7 Park Lane

Lennox Head.

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18 January 2018  
The General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Attention Ms Georgia Lee

**Re; DA 2017/647  
Proposed veterinary clinic and associated veterinary dwelling  
At Lot 20, DP 1007134, No. 48 Ballina Street Lennox Head**

Dear Georgia

We note there has been a number of submissions made to council during the advertising period regarding the above development.

We have studied the submissions and rather than addressing each individual submission we will address the main issues raised.

**Groundwater and stormwater.**

Lennox Beach resort was constructed in 1999 and I was the architect for the project. The driveway and rock retaining wall adjacent to the southern boundary and on the resort property was constructed as part of that project.

It is to be expected that water and sediment from time to time would pass through an excavated rock wall, and clearly be that properties responsibility as it is on their land. Water ingress through the wall is not caused by the adjoining owner but the fact that the design of the driveway access and rock wall required the excavation.

It is evident from the photos that the falls on the driveway are not constructed correctly and the water is not running to the centre of the driveway and into the drainage pit. We believe the photos taken of the driveway and water ponding would have been taken after a major weather event.

To overcome this their driveway and their wall would need to be fixed.

We are advised that there is a similar problem in the rock wall and driveway adjacent to the seaview building car park entry which is well away from the boundary and above the proposed development site.

Regarding ground water stormwater and overland flow, as mentioned in our development submission, the development site has incorporated in it a subsoil drainage system to intercept groundwater as well as a surface swale system with drainage pits to pick up stormwater.

Once the new driveway and carpark is in place it will be lower than the existing rock wall and could only help to overcome the resorts problems.

**Nuisance noise and light from the proposed car park and driveway.**

The driveway and car park for the medical centre has been in place for the past 17 years, and is directly in line with the existing managers unit of the resort.

The proposed development is well above and to the west of the managers residence.

The veterinary clinic and medical centre have both had after hours services for all of that time.

To our knowledge there has never been a complaint in relation to after hours noise or light.

We also enclose a response from the vet which addresses this issue.

We would submit there would be far more chance of resort guests and the manager being disturbed by the operation of the resort itself.

There are 53 cars that access the driveway to enter the seaview and oceanic car parks. This happens 24 hours a day.

As noted in one of the submissions there are 39 units and up to 200 people in the resort, so that in itself creates its own noise issues.

As the proposal involves excavation for the proposed carpark, it will place the proposed carpark level below the top of the existing rock boundary wall.

This will help provide screening to the resort from car headlights together with proposed screen planting adjacent to the wall. There is a one metre wide planting area at the end of the car spaces.

Directly adjacent to this at the back of the rock wall is a one metre wide strip in the resort property that originally was landscaped.

This area has not been maintained and now has no planting at all.

The resort could landscape this area if they felt it necessary

#### **Building acoustics**

The proposal is for a purpose built veterinary clinic and associated dwelling.

Acoustics is something that will form an integral part of the building.

As stated in the development application, it is proposed to include acoustic insulation in the walls and ceiling of the dog room, which along with its internal location with no external windows will provide good acoustic separation

Given that the closest unit in the resort is some 33 metres from the dog room, it is not considered that noise from the dog room will be an issue.

#### **Storage Shed**

The proposed storage shed will be constructed of appropriate materials and finished to be in keeping with the proposed veterinary clinic building.

It is intended for storage of garden, cleaning and maintenance items for the whole complex.

We also enclose a response from Evan Kosak, the veterinarian, that further addresses the operation of the existing and proposed veterinary clinic.

Please contact this office should you require any further information.

Yours Sincerely

Alan Logan & Colin Gradwell



**Lennox Head Veterinary Clinic**  
**Shop 5/48 Ballina Street**  
**LENNOX HEAD NSW 2478**  
**Ph: 02 6687 5123 Fax: 02 6687 5129**  
**ABN: 39614751612**

Evan. M. Kosack BVSc (Syd Uni)  
M.R.C.V.S

Here are some responses to the concerns raised relating directly to the Veterinary Clinics operation .

**1) The Clinics hours** are currently Monday-Friday 8.30am to 6.00pm and Saturdays 8.30am to Noon. The new Clinics hours will be the same except for two weeknights a week opening till 6.30pm.

**2) Current Afterhours services are Monday nights only.** The other weeknights are dealt with by the other three Ballina and Alstonville clinics on the roster. Fridays, weekends and public holidays are dealt with by a dedicated Ballina Emergency Vet Service. This means that Lennox Vet clinic is on-call about 45 nights a year. Of these, only about 30 nights on average would necessitate a vet actually coming in to see a patient. On the nights this occurs, the vast majority of call-outs are before 9.30pm.

**The proposed clinic would maintain the same on-call arrangements.** The Vet living above the clinic would only attend animals on the assigned nights on call. The afterhours service in Ballina will maintain its service in River Street, and future business decisions by them may mean this service operates 7 days a week out of the Ballina site, which would mean no after-hours call-outs at the new facility at all.

Monitoring of sick animals in hospital would be by the in-residence vet, resulting in even fewer afterhours visits than is currently the case.

It should be noted that the Medical centre is on call 5 nights a week ,and as well as Patients vehicles there are occasional Ambulances arriving after hours.

**3) The current Vet Clinic doesn't board any animals.** However, animals are **sometimes hospitalised overnight** if they are severely debilitated, moribund or intensive care cases that cannot be sent home. These animals are either on pain-relief and sedation, usually on intravenous fluids, or very unwell and lethargic due to disease. They are checked regularly afterhours. This has been the case for the last 16 years at Lennox Head Vet Clinic. The current next-door neighbours are less than 4.5 metres away from the external wall of the canine recovery kennel room on the south side of the existing clinic , and neither the current owners, nor the previous, have made any complaints about animal or vehicle noise during the day or night ( this includes any complaints about the outside walking area which is on the property boundary and less than 2.5 metres from the house next door).





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Similarly, no noise concerns have been expressed by the Physiotherapists next door sharing an internal stud wall with the waiting room of the vets, or the Dental technician sharing a wall with our treatment and surgery rooms.

**The proposed clinic will maintain the same policy.** The only animals that may be boarded short-term would be cats ( a facility for 6 to 8) and small birds and exotic pets such as reptiles. None of these will produce any disturbance.

**4) The current Canine room** has an exterior brick wall with an In-Wall air conditioner placed in it. In spite of its not being purpose built It has not been a cause for any complaints since the clinics inception 16 years ago, either for dog noise or air-conditioner noise, and in spite of the next door neighbours being only 4.5 metres away.

**The proposed clinics Dog Room** is within the centre-rear of the building ( to the south end) with **no external walls and no external openings** to the surrounding rooms and corridor beyond **heavy solid-core doors**. Its design emphasises **sound insulated walls and ceiling** for noise reduction to allow working in a low-stress environment and to minimise anxiety for animals preparing for surgical or medical procedures .

Additionally, since the **upper storey** will be a residence for vets or other staff and is directly over the Dog Room, it is important that any noise , night or day, be minimised for the occupants comfort.

Furthermore, the Waiting room of the new facility will be sound-insulated from the work areas in the rear 2/3 of the building. Little, if any, sound from the interior of the building will be audible in the waiting room day or night , let alone outside.

**5) Sound from arriving patents** will be less than current levels since the waiting room will be approximately three times the size of the current clinic. This means that patients will be able to be admitted immediately to the building. At present, many canine patients have to wait outside the clinic as there is too little room in the current Clinics waiting area.

**6) All illuminated low-wattage signage and exterior lighting** will be oriented facing away from the Resort so it is visible from the Eastern approach , with pathways and building illumination directed downwards and avoiding any use of floodlights or harsh lighting. Night lighting in the waiting room will be dimmable LEDs.



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Vehicles, on the infrequent times they arrive after-hours, will have their **headlights blocked** by landscaping as needed to ensure privacy for Resort residents.

I feel this addresses the concerns relating to the running of the actual Vet Clinic. Please contact me if you require any further details.

Sincerely,  
Evan Kosack ( Lennox Head Vet Clinic)

**DA 2017/647 – Proposed Non-standard Conditions**

(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. A detailed Noise Assessment Report prepared by a suitably qualified acoustic consultant shall be submitted to and approved by Council prior to the issue of the Construction Certificate. The report shall address but not be limited to;

- The design and location of all external plant and equipment (including the dog hydro bath motor, air-conditioning units etc), noise level emissions and if required, design of noise mitigation measures
- The design details of the required acoustic treatments to the 'dog room'

The acoustic consultant is to provide certification prior to the release of the Construction Certificate, that the recommended acoustic treatments have been incorporated into the construction plan.

**2. 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:

<b>Contribution Plan/Development Servicing Plan</b>	<b>Adopted</b>
Cumbalum 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](http://www.ballina.nsw.gov.au).

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

**3. 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](http://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**).

4. All engineered footings and slab designs are to be designed in accordance with the recommendations contained within the Shaw Urquhart report dated 6 September 2017.
5. A suitable impervious surface water interceptor drain is to be provided at the rear of the retaining wall, connected to the stormwater drainage system, in order to divert surface waters around the building. Details are to be provided on the stormwater management plans for the development prior to the issue of a Construction Certificate.
6. **Structural engineer's design**  
The Structural Engineer's design of the building must be based upon a geotechnical report from a reputable soil testing engineering consultant. The Structural Engineer is to identify on the design plan the company and date of the geotechnical report on which the design is based, prior to issue of a Construction Certificate.
7. **Stormwater management plan**  
The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 - Stormwater Management and in accordance with the Site Stormwater Management Plan by Ardill Payne, titled *Proposed Veterinary Clinic 48 Ballina Street*,

*Lennox Head Stormwater Management Plan*, dated 7/11/17. Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not be impeded by structures or landscaping. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

**8. Stormwater**

Prior to the issue of a Construction Certificate details shall be provided to the Principal Certifying Authority demonstrating the proposed new inlet pit to be located at the north western boundary of the site has a designated overflow path which directs all bypass stormwater into the development and away from the Lot's northern boundary for all storm events up to and including the 1 in 100 year event.

**DURING CONSTRUCTION**

9. All construction works, including site earthworks excavations, retaining wall and footing construction to the buildings are to be carried out in accordance with the recommendations contained within the geotechnical report prepared by Shaw Urquhart dated 6 September 2017. These works are to be supervised by the consultant engineer during construction. Written certification from such engineer, verifying their supervision and satisfaction with these works is to be submitted to Council and the appointed Principal Certifying Authority (PCA) on completion of these works prior to construction works proceeding further.
10. All excavations are to be immediately retained in accordance with the report prepared by Shaw Urquhart report dated 6 September 2017. This may involve the staging and protection of excavations as recommended by the consultant engineer having regard to the Shaw Urquhart geotechnical report.
11. All excavated material is to be removed from the site.

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

12. The acoustic consultant shall provide the Principal Certifying Authority (PCA) with certification that the development complies with the acoustic specifications identified in the Noise Assessment Report required by condition X, prior to the release of the Interim and or Final Occupation Certificate.

**DURING OCCUPATION OR USE**

**13. Prescribed hours of operation**

Activities carried out on the land pursuant to this consent (not including initial construction works) shall only be undertaken between the hours of 8.30am and 6.30pm, Monday to Friday and 8.30am to 12 noon on Saturdays. Genuine after hours emergencies are exempt for complying with these hours of operation.

**SCHEDULE 1**

<b>Contribution</b>	<b>Receipt Code</b>	<b>Contribution Unit</b>	<b>Rate per contribution Unit</b>	<b>Total Contribution Units Payable</b>	<b>TOTAL COST</b>
Lennox Head Local Parks 2016	4301	equivalent residential allotment	\$249.00	0.6296	\$156.77
Lennox Head District Parks 2016	4302	equivalent residential allotment	\$1,103.00	0.6296	\$694.45
Lennox Head Playing Fields 2016	4303	equivalent residential allotment	\$2,485.00	0.6296	\$1,564.56
Regional Level Recreational Facilities (SHIRE) 2016	4304	equivalent residential allotment	\$1,805.00	0.6296	\$1,136.43
Lennox Head District Community Centres & Meeting Halls 2016	4305	equivalent residential allotment	\$1,076.00	0.6296	\$677.45
Regional Level Community Facilities (SHIRE) 2016	4306	equivalent residential allotment	\$1,059.00	0.6296	\$666.75
OS & CF Plan Administration (SHIRE) 2016	4307	equivalent residential allotment	\$107.00	0.6296	\$67.37
Roads Contribution Plan V4.0 (2015)	5204	equivalent residential allotment	\$11,806.00	2.6884	\$31,739.25
Roads Administration V4.0 (2015)	5205	equivalent residential allotment	\$177.00	2.6884	\$475.85
Lennox Head Wastewater Services (DSP Area B)	3004	equivalent tenement	\$5,020.00	3.0600	\$15,361.20
Lennox Head Water Supply (DSP Area B)	2004	equivalent tenement	\$3,280.00	2.9100	\$9,544.80
Rous Water 2016	5001	equivalent tenement	\$8,404.00	2.9100	\$24,455.64
<b>TOTAL</b>					<b>\$86,540.50</b>