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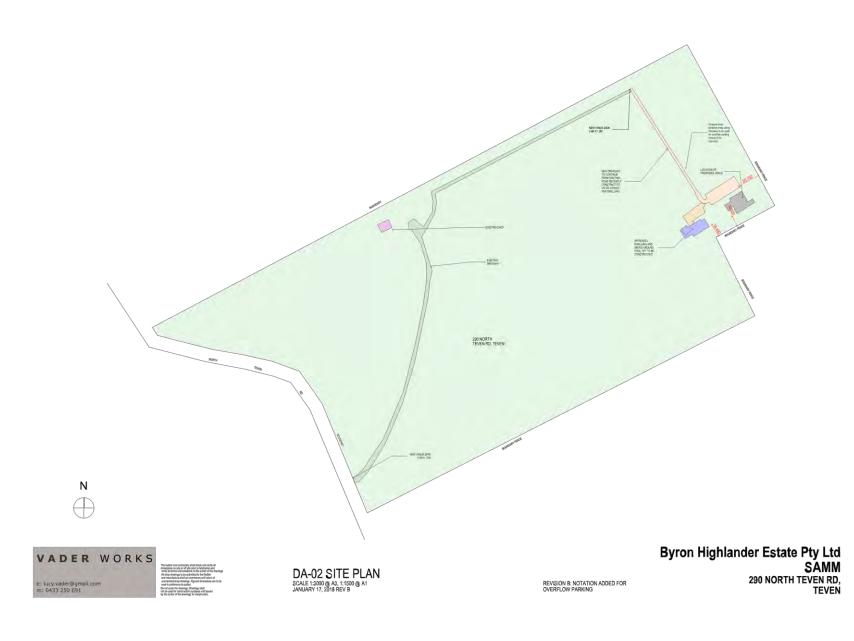


DA 2017/557 Lot 1 DP 204760 North Teven Road, Teven - Locality Map



Date: 15/03/2018

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# PROPOSED EVENT BUILDING

290 NORTH TEVEN RD, TEVEN
PROPOSAL: AN EVENT SPACE FOR WEDDINGS AND FUNCTIONS, WITH DECK AND ANCIALLIARY STORAGE AND STAFF
AMENITY, AND ASSOCIATED PARKING AND ACCESS.



SOUTH-WEST VIEW



SOUTH-EAST VIEW



DA-01 3D VIEWS

DRAWINGS LIST

DA01 - 30 PERSPECTIVES
DA02 - SITE PLAN
DA03 - AERIL PHOTO
DA04 - SITE & ROOF PLAN
DA05 - GROUND FLOOR PLAN
DA05 - GROUND FLOOR PLAN
DA05 - HORTH ELEVATION & SECTION 1
DA06 - SOUTH & PASS TELEVATION S
DA07 - EASY ELEVATION S
DA08 - SOUTH & PASS TELEVATION S
DA08 - SOUTH & PASS TELEVATION S
DA09 - MANAGERS UNIT IN ADJACENT DWELLING

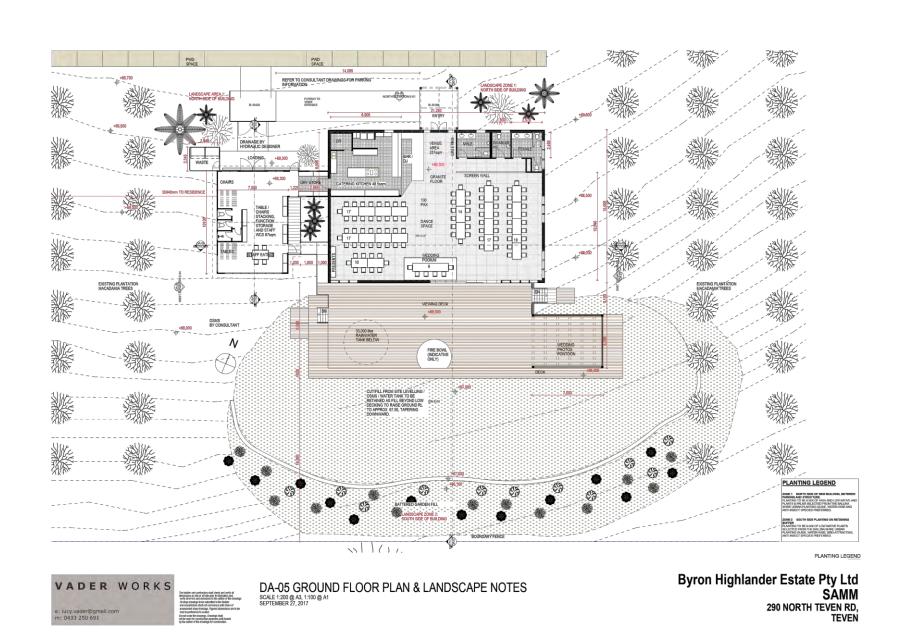


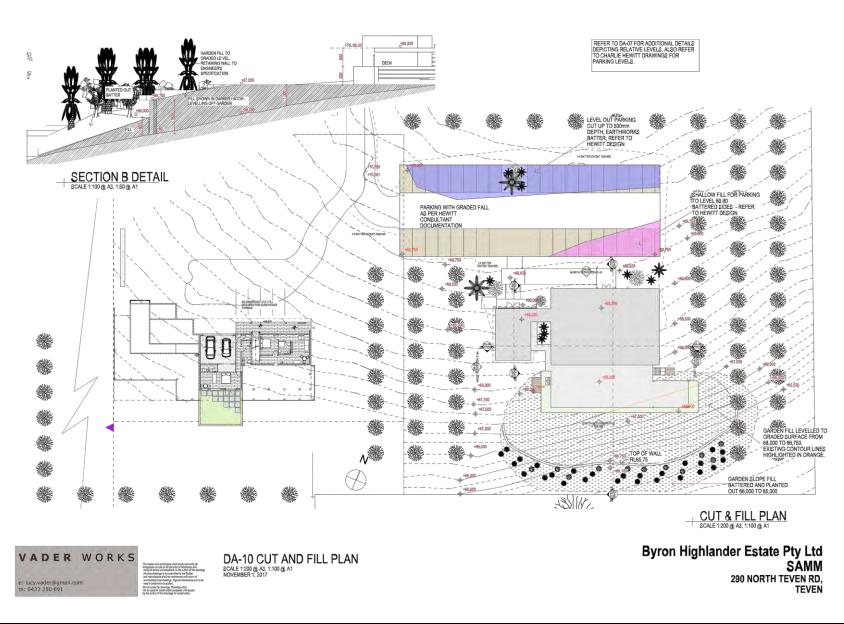
NORTH-WEST VIEW

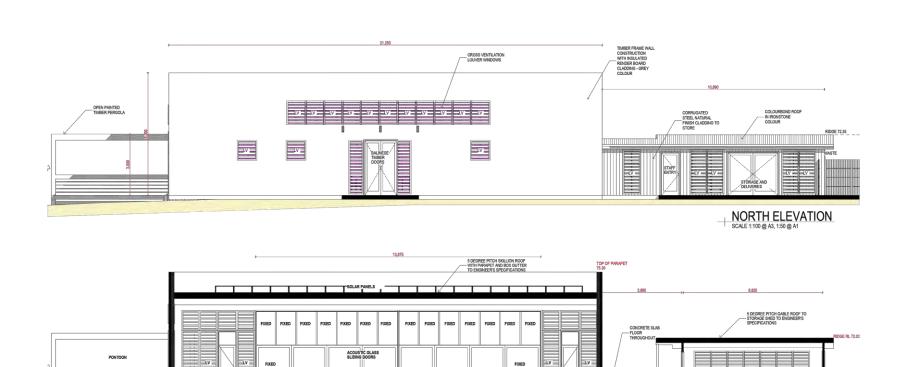


NORTH-EAST VIEW

Byron Highlander Estate Pty Ltd SÁMM 290 NORTH TEVEN RD, TEVEN



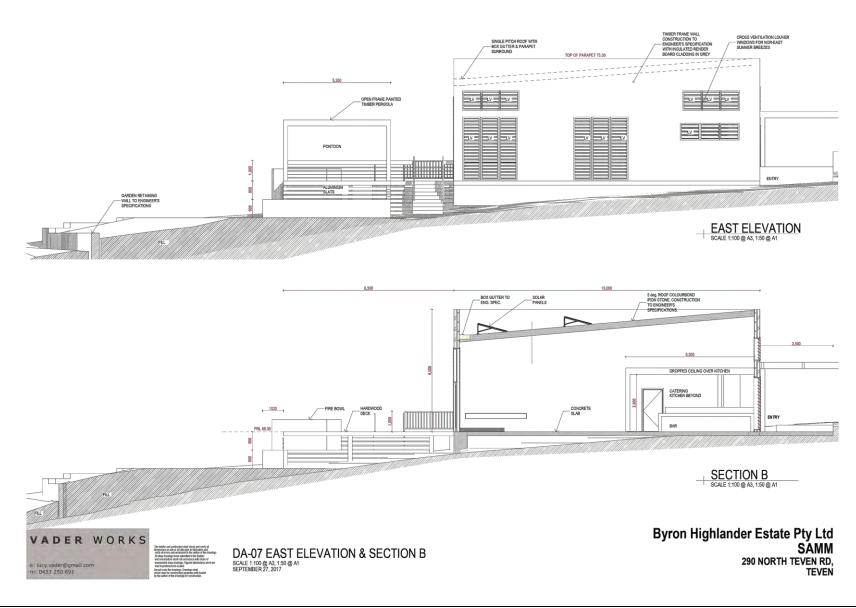








Byron Highlander Estate Pty Ltd SAMM 290 NORTH TEVEN RD, TEVEN

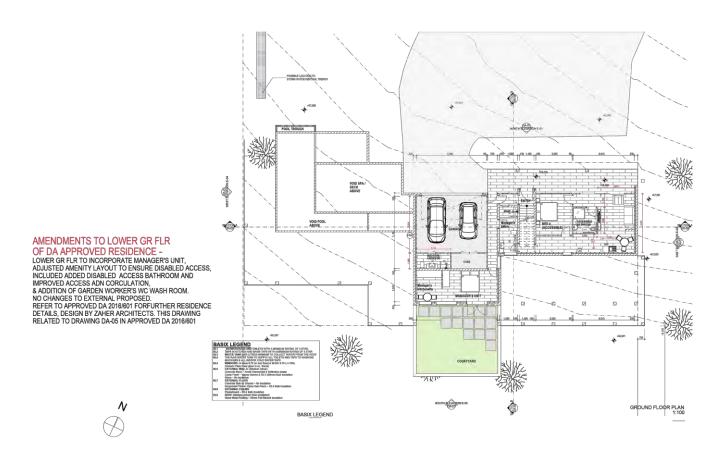




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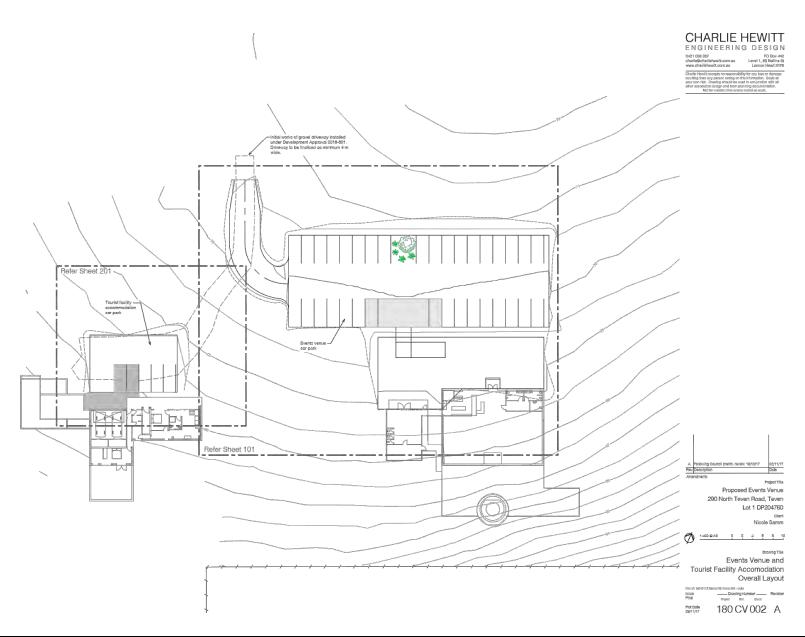
Byron Highlander Estate Pty Ltd SAMM 290 NORTH TEVEN RD, TEVEN

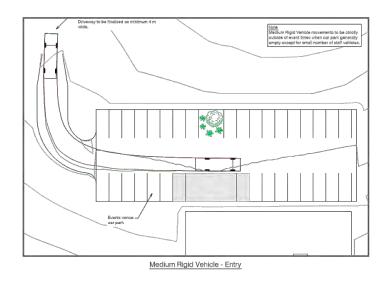


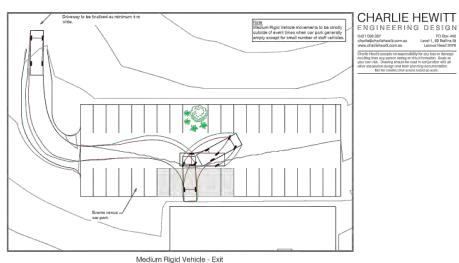
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E: lucy/vader@gmail.com
m: 0433 250 691

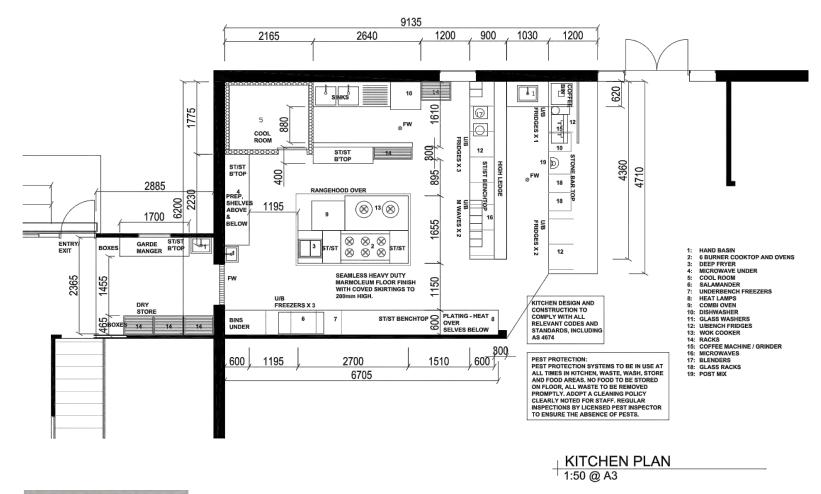
DA-09 LOWER GR FLR RESIDENCE -MANAGER'S UNIT SCALE 1:100 @ A3, 1:50 @ A1 SEPTEMBER 27, 2017 Byron Highlander Estate Pty Ltd SAMM 290 NORTH TEVEN RD TEVEN







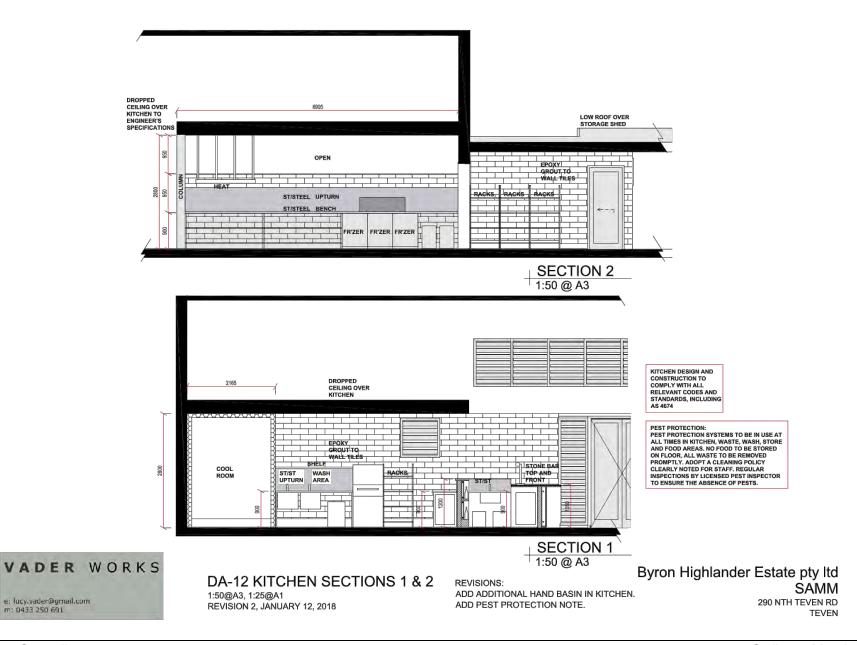
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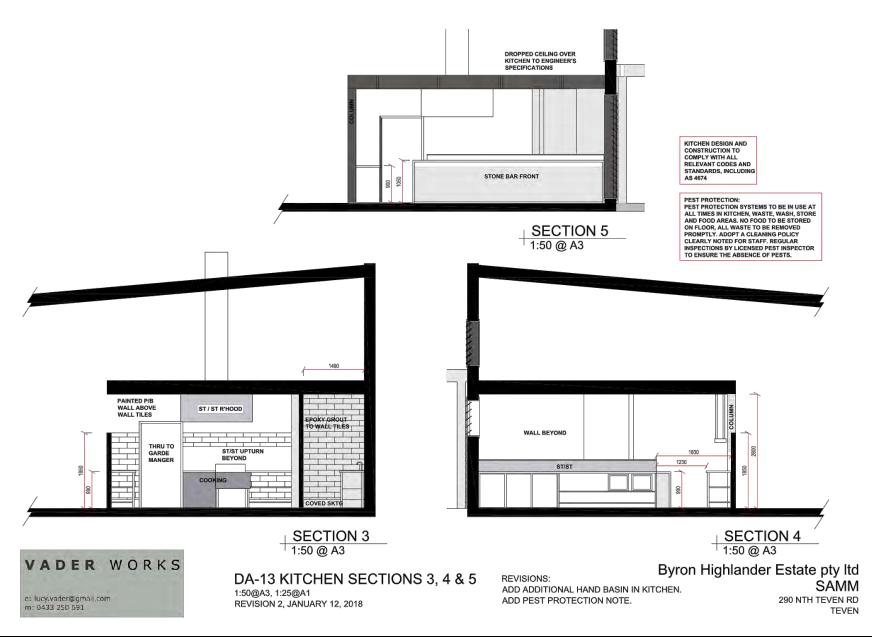
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e; lucy,vader@gmail.com
m: 0433 250 691

DA-11 KITCHEN PLAN

1:50@A3, 1:25@A1 REVISION 2, JANUARY 12, 2018 REVISIONS: ADD ADDITIONAL HAND BASIN IN KITCHEN. ADD PEST PROTECTION NOTE. Byron Highlander Estate pty ltd SAMM 290 NTH TEVEN RD TEVEN



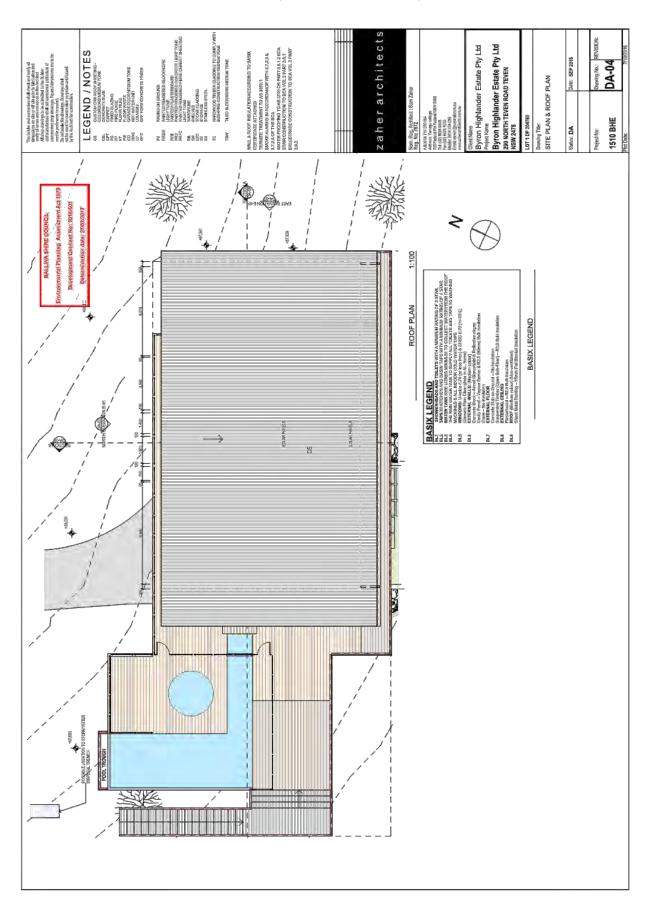
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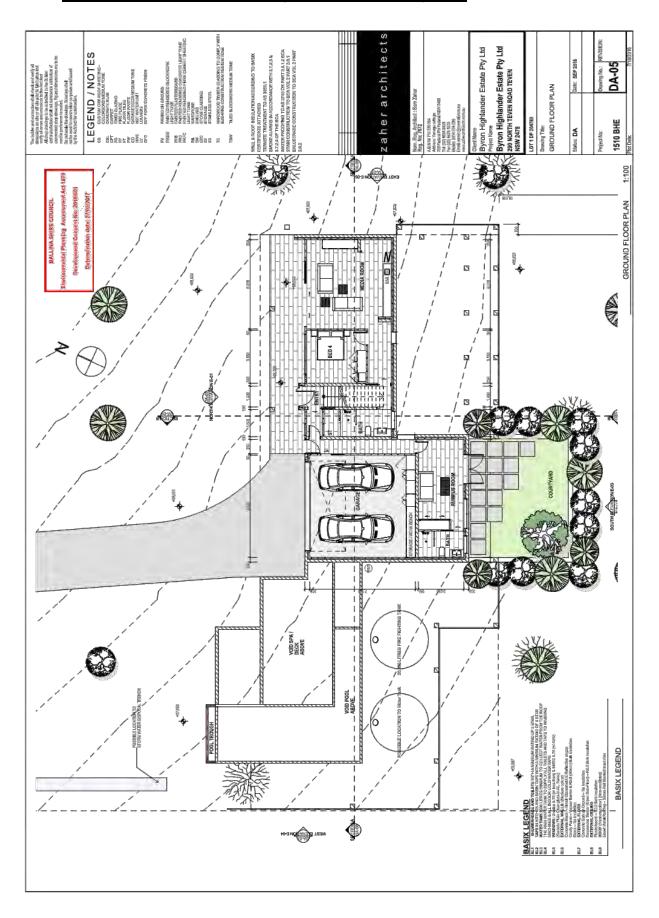


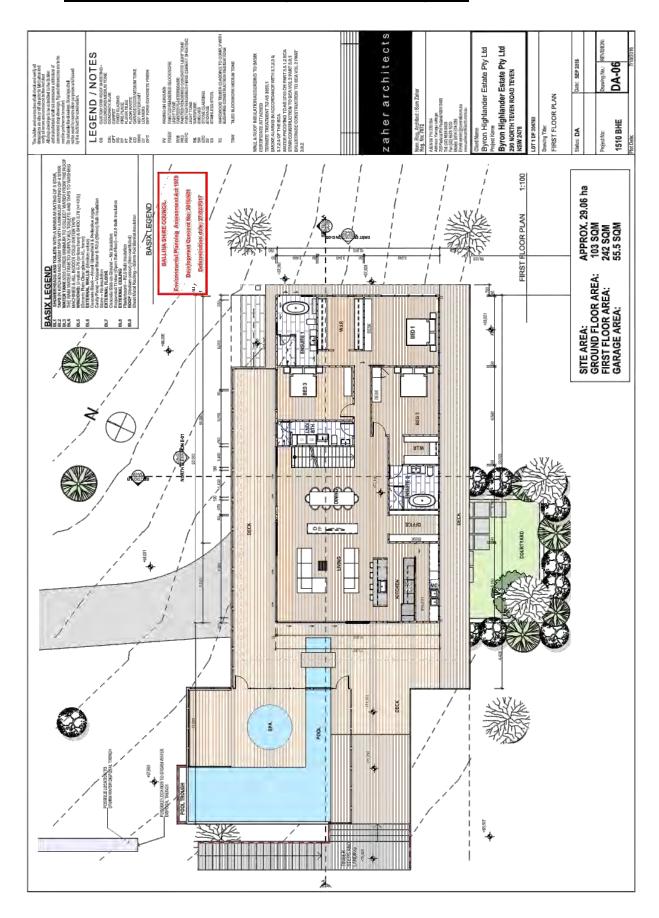


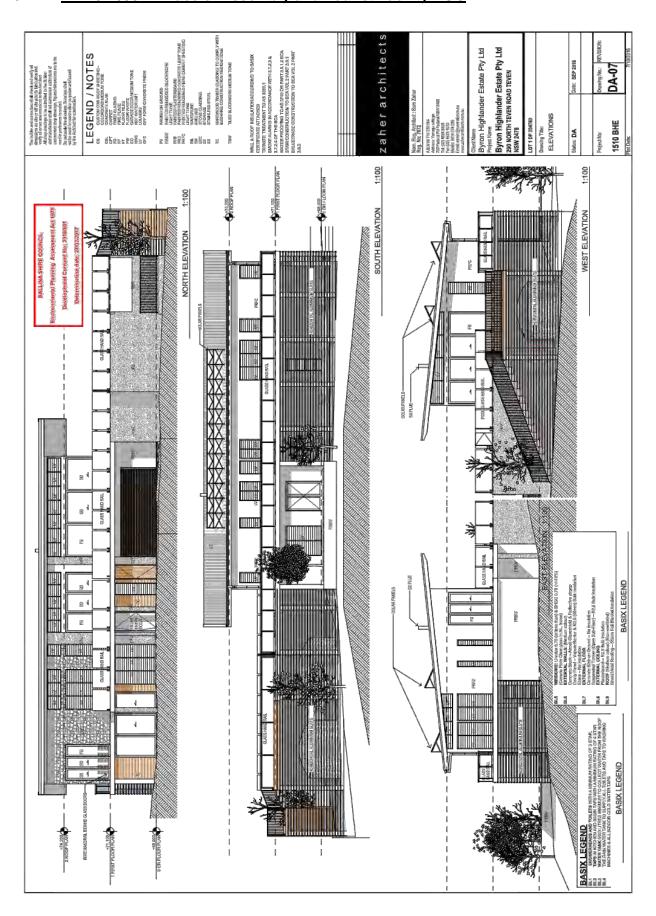
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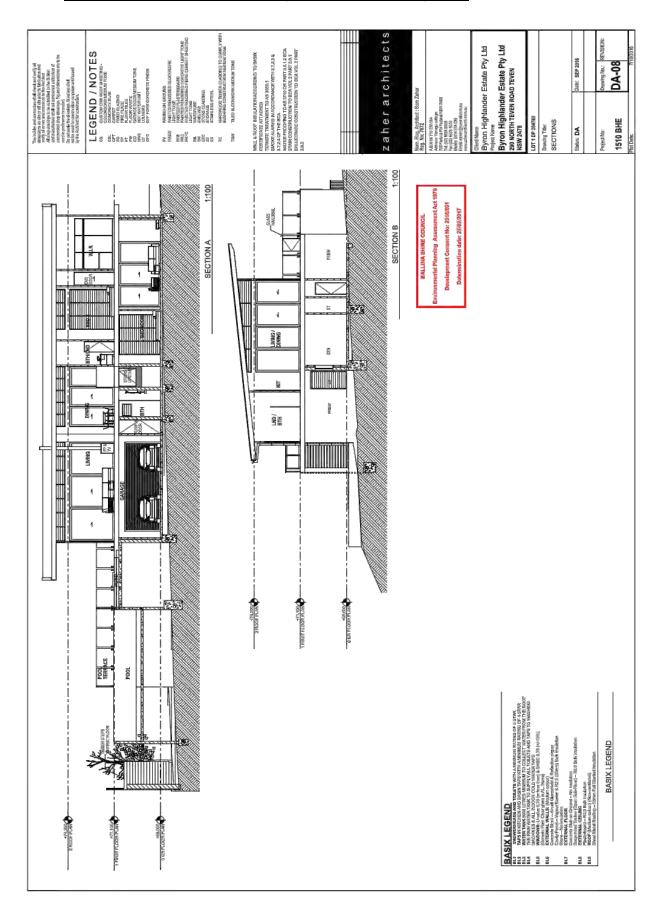


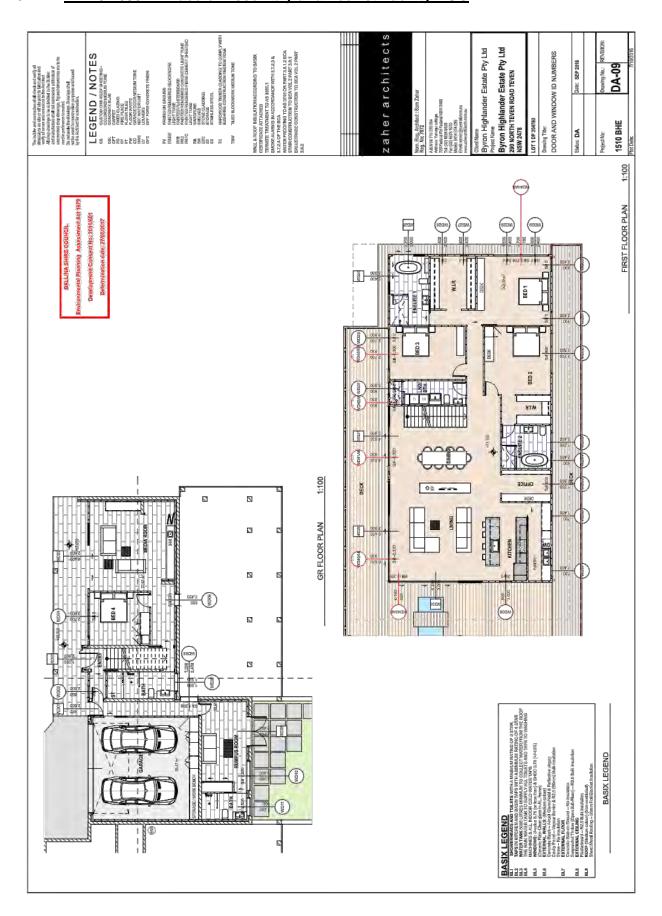












#### Naomi McCarthy

From:

David Anderson <davoanderson74@gmail.com>

Sent:

Monday, 12 March 2018 8:09 PM

To:

Ballina Shire Council

Subject:

DA 2017/557.1 - LOT 1 DP 204760 NORTH TEVEN ROAD TEVEN

#### Hello Naomi

Further to our email of 4 November 2017 we would like to make further objections to the position of the proposed development of the above property.

The Applicants attempt to stay out of the 1000 meter range of the blasting activities of the quarry has pushed the dwelling envelope right towards the boundary of our property.

The Applicants proposed function centre boarders our property on both their eastern and southern side giving us the full impact visually, noise and also for any anticipated hazards.

The fencing around our property is currently barb wire being suitable for rural fencing for cattle. We cannot foresee this barb wire fence being suitable for the nature of the function centre. To pay half of a suitable fence is not appropriate for us especially the length that would be required from the function site to the car parking area which we foresee problems arising. As it stands, the clientele could easily injure themselves if they walk within metres of the function centre to our boundary fence. This also leads to our concerns with our insurance if any one does injure themselves or our cattle after entering our property. Will there be a fence (not payable by us) that will be erected to keep trespassers off our property? What security will be in place to stop trespassing by their clientele onto our property?

In the development application plans it clearly shows the closeness of the proposed function assembly area to our boundary. It is so close to our property, the Plans show the few trees on our property as being used for their buffer zone. Surely the Applicant should be responsible for providing their own buffer zone on their own property so we have a buffer from the noise they will be creating. We strongly appose to the use of our trees for their buffer zone.

There seems to be inconsistencies with the DA's 3D view drawings and the DA. From the proposed drawings it appears that the function centre is made of a lot of glass. (Not that you can see this in the actual DA where it asks for the materials used and they have listed fibre cement and steel being a very vague description of the main walls)... The reflection, as indicated in the drawings, could be hazardous and will be very unsightly.

Further inconsistencies are where they have indicated in a report that all macadamia trees are to be removed from around the dwelling yet in the drawings the rows of macadamia trees are shown around the function centre and the tourist dwelling. Will the dwellings have the 100 metres clearance of all macadamia trees as required by Council?

The lighting projected at night from the inside of the dwelling that consists of so much glass is going to be astronomical. Even outside with the lighting for the decking area etc and for the car parking the area is going to be lit up like the Ballina Heights subdivision which we now look at facing to the east. We will now be looking at lights to the east and west of our rural property,

Our family has lived on this rural property for four generations and have seen many changes however to change the usage for continual partying has taken away the lifestyle we are accustom. The area is rural and we have our cattle on the land and the noise it will bring to the area will not be good for the cattle. Especially if fire works are used at the function centre.

Again the amount of functions per year and how this is regulated is of great concern. The functions and also the change of use to tourist accommodation will mean with no doubt that the quietness of the rural area will be finished. We would image that functions will be both inside and outside with outside noise being a major problem. The

acoustic consulting document has conveniently put the "approximate location of the proposed venue" wording over our property and our mothers dwelling so you can not see the closeness of our location. Security and Liquor Licences are a further concern for us.

Also another concern is the run off, sewerage and drainage. From how we see it with the proposed site area and the contour of the ridge it will all run down onto our property during cleaning etc. From the On Site Sewage Management System Design Report it appears the 6100L tank they refer to does not seem like they are taking into consideration the maximum function and tourist accommodation capacity together. The smell of the cleaning and pumping of the tank after every function will sour the smell of the valley. The system proposed does not seem to have the capacity to be able to cope with the amount of people using the function / tourist accommodation areas. Also the road used to bring in and out the trucks to pump the tanks will become even more hazardous.

Any earthworks that will be undertaken so close to our boundary is another major concern. Especially if there is any sort of retaining walls built or any structures that take away the rural serenity of the area.

The height and over all size of the proposed building located on the top of the ridge line will be visible to us along with other neighbouring properties. Does this fall within the zoning? These buildings will ruin the overall character of the rural land.

In conclusion we will be very disappointed if the Council allows this commercial monstrosity to be erected on top of the rural ridge which we will have to endure as farming neighbours.

Yours sincerely,

David Anderson Tony Anderson Monica Anderson

103 & 101 Cumbalum road Cumbalum 2478 NSW

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Naomi McCarthy David Anderson <davoanderson74@gmail.com> From: Sent: Saturday, 4 November 2017 8:35 AM To: Ballina Shire Council Subject: Fwd: DA 2017/557 - Submission by way of objection - Lot 1 DP 204760, North Teven Road Teven > Dear Naomi. > Further to our telephone conversation we would like to make a > submission by way of objection to the above mentioned DA because of > the following reasons:-> 1. The position of the function centre and dwellings are too close to > the western boundary line of 103 Cumbalum Road. I believe there will > be major problems to our property because of:- (a) Sewer issues; > (b)Noise problems, especially with the amount of people there > celebrating which could be as often as every second weekend with up to > 150 people at a time (including staff, bands etc) -> - this is going to take the serenity away from the peaceful lifestyle > which we have endured over the last 4 generations; and > - the live stock and fauna on our farm will become stressed with the > sporadic noise; (c)There is no buffer zone; (d)Due to the celebratory > nature of weddings, alcohol consumption will be an issue. This will > no doubt lead to people wandering from one property to the next; > 2.The proximity of the building to my boundary line will limit the options of where we can build a house in the future. > 3. The fact that the area is currently zoned Rural we can not see that this DA ensures the privacy I am currently experiencing. > 4. The visual effect on them looking at me and me looking back at them is not something that should be endured in > 5. Although the application is for weddings at this stage I am concerned that in the future it could progress to more regular functions of different nature. > 6.The dwelling use is of concern if used as a short term occupancy as this usually involves non-stop noise, music, drinking and loud voices. > I am not objecting to the DA itself, it is the proposal of the position on their property of the dwellings and function centre that I object to. Having a party every weekend in my back yard is not an option for me. > If the position of the dwellings could be more centrally located on their property where by it would not greatly impact our property or other neighbouring properties I would reconsider my objection. > Regards > David Anderson & Tony Anderson

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> 103 Cumbalum Road > Cumbalum NSW 2478 Geoff & Susan Harris Krangadoo pty ltd 114 Beacon Rd, Teven NSW 2478

Naomi McCarthy
Development and Environmental Health Group
Ballina Shire Council.
40 Cherry St,
Ballina NSW 2478.

Naomi,

Re DA 2017/557

We would like to make comment and place an objection to the development on Lot 1 DP 204760. Teven.

Firstly, we would like to know how you can change the use of an existing dwelling house when the property has no existing house, and only a small workers hut not located within the DA precinct, and how this home and facility can be built within the 1000m range of the Boral Quarry.

We were also under the impression that this land is zoned Rural.

We would like to point out some of council's own rules. (underlined)

The objectives of the council for rural living and activities states in Part 2

Chapter Planning Objectives.

The overarching objectives of this chapter are to:

- A. Protect agricultural land from inappropriate development. This is a working Macadamia farm we would have considered this to be significant farm land.
- B. Preserve rural resources by ensuring that land is not effectively sterilized by being developed or encroached upon by urban or other incompatible uses.

With this development it will ensure that this rural block can no longer be sold as a Macadamia farm without council subdivision of the venue.

- C. Encourage and provide quality rural development within the shire.
- D. Encourage development of a scale and nature which will not impact on the existing amenity of the area.
- E. Maintain or improve cultural and environmental values of the rural land.

In part 3.

General Controls.

3.1.2

b. Ensure dwellings are sited to reduce conflict between adjoining agricultural land uses and

c. Ensure that new dwellings are located to minimize intrusion on the privacy and amenity of existing dwellings.

This is clearly not being done as the plans indicate that the development is extremely close to the southern boundary, and the entry to and from the development is located parallel to the northern boundary, causing concerns for both adjoining neighbors, of which we are one, this intrusion will include:

- noise pollution, we are used to regular farming activities and noise this is
  part of being farmers, occasional family parties are all part of living but to
  have this on a regular basis and continuing after midnight which will occur
  as the venue is asking to trade until then, patrons leaving will continue the
  noise till well after midnight when serenity and stillness for which we paid
  for is expected.
- dust from road when cars and delivery vehicles come and go.
- disturbance of livestock when large numbers of vehicles enter and leave the site especially late at night.

There is also the concerns of traffic flow on North Teven road, as the DA does not identify what days the venue will be used it is probable that these events could fall on days during working hours, if this is the case the extra vehicle load combined with the already heavy traffic from the quarry is of concern, the North Teven road is narrow and considerably windy south towards Ballina and the surface is already starting to breakup, if this development is to progress a widening of North Teven road in the area of concern should be a council priority.

Yours Sincerely Geoff & Susan Harris Owners/Directors Krangadoo Pty Ltd 8th November 2017

**Ballina Shire Council** 

40 Cherry Street

**BALLINA NSW 2478** 

Ref: DA 2017/557

Applicant Byron Highlander Estate Pty Ltd

Lot 1 DP: 204760 North Teven Road TEVEN

Proposal: Establishment of a place of assembly (function room and refreshment room)

To: The General MANAGER

As per my phone call of last week with Naomi McCarthy I have no objection to the building of the above DA. Our concern comes with the amount of traffic that will be arriving and leaving this property.

North Teven Road has been a major concern of ours for many years. This road cannot cope with this amount of traffic. As residents travelling this road on a daily basis we know how dangerous this road can be. We have spent many a night or weekend helping people that have had accidents on the corners at the quarry, our bottom corner and the one at Ron and Jutta Dorey's place. The southern part of the road is not wide enough to cope with this amount of traffic especially with the amount of vehicles leaving all at the same time. With trucks travelling this road daily the road suffers a large amount of damage on a regular basis and is constantly needing repair to maintain it. With this amount of traffic on top of this, North Teven Road could become a real danger for us as residents. There is no line markings to any of North Teven Road and the speed limit is 80k which could become a real problem with people travelling an unfamiliar road late of a night. Over the years we have experienced burnouts by cars on a regular basis and if you travel the road you will see constant reminders of this.

We have a son who travels this road late of a night please do something to ensure his and our safety.  $^{\omega}$ 

Regards

Kevin and Vicki Nelson

297 North Teven Road

TEVEN, NSW, 2478

54 Beacon Road TEVEN NSW 2478

Email: peterjblackwood@bigpend.com

7 November 2017

Mr Andrew Smith
Acting Group Manager
Development and Environmental Health
Ballina Shire Council
P O Box 450
BALLINA NSW 2478

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

Dear Mr Smith

#### Development Application: DA 2017/557

We refer to your letter of 19 October 2017 advising of Development Application DA 2017/557 and request that you consider the following submission in regard to that Development Application (DA).

#### General

As residents on a property adjoining the property subject to the DA our principal concern is that we be allowed to retain the quiet enjoyment of our property. That is, we are concerned that matters relating to noise and general security arising from the operation of the proposed development are sufficiently addressed to ensure that the peaceful rural surrounds are preserved.

#### Noise

It is noted that a report by consultants TTM concludes that "(p)rovided the recommendations presented in Section 8 are implemented, the development is predicted to comply with the noise requirements outlined in Section 5." The noise requirements would seem to be based on regulatory requirements and are stated to be no more than 37 dB(A) during the day (7am to 6pm) and evening (6pm to 10pm) and no more than 35 dB(A) during the night (10pm to midnight). By way of comparison, typical noise levels in a "quiet countryside" setting would be in the vicinity of 30 dB(A). Therefore, if the quiet enjoyment of our property were to be maintained, the noise levels arising from functions at the proposed development should be approximately 30 dB(A) and no more than 35/37 dB(A), depending on the time of day.

The TTM report predicts that the total noise level from the proposed development [i.e., patron noise, amplified music noise, etc., at our residence would be no more than 30 dB(A). For the following reasons we find this difficult to accept:

- Typical noise levels in a "quiet countryside" setting would be in the vicinity of 30 dB(A) therefore, the TTM report is predicting the proposed development would have no impact on the otherwise "quiet countryside" noise levels already enjoyed at our-residence;
- The influence of wind effects would likely increase any noise levels from the proposed development. That is, the prevailing winds in the evening/night hours are commonly North East/South East and given our residence is located to the North. East of the proposed development, it should be expected that noise will be carried by the prevailing winds from the proposed development to our residence. Further, we dispute the finding in the TTM report that "corrections for wind effects is (sic) not applicable...". This finding seems to have been made based on wind speeds at Ballina airport. We would argue that wind speeds at our location on the hill at Teven are typically greater than those at Ballina airport.
- Noise is commonly known to "travel up" and given our residence is at a higher elevation than the proposed development, we would expect the noise from the proposed development to travel up to our residence. This has already been experienced on numerous occasions. For example, on several occasions in the past machinery has been employed during the evening hours to spray the macadamia trees in and around the area of the proposed development. That machinery noise has been very audible at our residence and has been significantly in excess of the noise levels of a "quiet countryside". We did not object to those excessive levels of noise at the relevant times because of the relative infrequent occurrences, and because we wished to maintain a good neighbour arrangement. However, those occasions cause us to now similarly expect the noise from the proposed development to travel up to our residence and be very audible.
- The noise from vehicles (referred to in the report as "car bypass") is predicted to be 24 dB(A) based on vehicles travelling at 5 kmh. This noise would occur early during a scheduled function or at the conclusion of the function - presumably, this would be at or after midnight. The expectation that vehicles leaving a function at or after midnight would be travelling at 54mh is unrealistic and a more realistic scenario should have been adopted. Such a scenario should have contemplated speeds much greater than 5 kmh and with the possibility of car horns being blown not uncommon for persons in celebratory moods and in an unfamiliar rural setting). Moreover, greater consideration should have been given to the scenario of a large number of vehicles (approximately 45 vehicles) leaving the proposed development site at or after midnight and travelling towards the direction of our property. We are of the view that vehicle noise would be substantially greater than the 24 dB(A). predicted by the TTM report and would likely occur after midnight and at a time when our peace and quiet should not be disrupted. This is particularly of concern having regard to the frequency of events to be scheduled at the proposed development.

The TTM report also recommends various management strategies to minimise noise annoyance that in our view are both inadequate and impractical. For example, the recommended limitation of noise levels for microphones and amplified speakers, while specified in dB(A)s, is impractical for those operating the equipment. It needs to be specified that operators of the equipment have noise monitoring equipment that is capable of accurately measuring the noise levels so that, if needed, appropriate adjustments can be made at the time of an event.

A further recommendation in the TTM report is that the use of the venue should be between the hours of 7pm and midnight. This does not consider the arrangements we understand are in place in the adjoining Byron Shire where venues in rural locations hosting events such as wedding receptions are required to cease music at 10pm and be cleared by 10.30pm. Any management strategy should be clear as to when amplified music is to cease and when the venue is to be cleared of its patrons. Also, additional strategies need to be adopted to ensure noise levels from any "after party" activity in the guest accommodation facility are minimised, and that appropriate directions are given for the removal of vehicles from the area after the conclusion of an event.

#### Use of pyrotechnics

We did not see any mention in the DA documentation about the use of pyrotechnics at any of the celebratory functions at the proposed development. Given that we graze cattle on our property, as do several other neighbours of the proposed development site, we would like to see Gouncil place a prohibition on the use of pyrotechnics at any functions at the proposed development. Pyrotechnics typically cause cattle and other animals to panic and could result in injuries to the cattle or damage to property if cattle were to stampede in an effort to escape a pyrotechnic display. Alternatively, appropriate management controls should be stipulated if any pyrotechnics are used.

#### Conclusion

If the Council is to approve the current DA we would expect that issues concerning noise and the possible use of pyrotechnics are thoroughly addressed. The rural settings in this area are particularly attractive for events such as wedding receptions. Noise from an occasional event, while atypical for this area, is to be expected and is tolerable because of the infrequent occurrence of such an event. On the other hand, where events are staged on a regular basis as part of a commercial undertaking it is important that any atypical noise does not become offensive to surrounding neighbours. In the event it does become offensive we would hold the Council responsible and consider bringing the matter to the attention of the Environment Protection Authority.

Your sincerely

Peter and Paulene Blackwood

### Submission on DA 2017/557.1 at Lot 1 DP:204760 North Teven Road, Teven

Cory Hill & Sonja Dorey 287 North Teven Rd Teven, NSW, 2478 Mobile: 0413 901 653

8 November 2017

To the General Manager,

We are opposed to the proposed change of the use of the existing dwelling to a tourist facility and function centre as part of DA 2017/557.1 at Lot 1 DP:204760, North Teven Road, Teven.

We are opposed to the development application based on the following points:

- When cars leave the proposed function centre their headlights will shine directly into our bedroom as they exit. This is going to occur during every event held at night and the more vehicles that will be used to attend the function centre the worse this problem will be. Although this is our greatest concern, we do not know what the solution would be to address this issue and will look to council for guidance.
- 2. The traffic along North Teven Road will dramatically increase in a function centre with a capacity for 100 people is constructed. The road in its current state is not suitable for the increase in traffic. There are a number of dangerous blind corners with some of them causing a number of accidents in the past, which is more than likely to occur once more if the road is left in its current state. Appropriate line marking and signage would provide drivers with adequate warning of the upcoming road conditions and reduce the potential of accidents occurring.
- 3. The driveway for the proposed function centre is in close proximity to a number of residential houses. The noise of vehicles leaving will impact all of these residents. The current environmental noise assessment for the application has not considered the noise levels of vehicles leaving the venue. All the vehicles will be exiting from the same location and none of the houses close to the exit are considered in the noise assessment.
- 4. The proposed function centre will also increase the level of noise in the area. Although the environmental noise impact has suggested that microphones and speakers will be limited to noise levels of 81 Db(A) at 3m or 91Db(A) at 1m, who is responsible for monitoring these noise levels to ensure that this is the case. It can only be expected that some functions will want the volume turned up and the music made louder.
- 5. The environmental noise assessment also mentions that amplified music is proposed to occur inside only however it is noted on the plans that there is a large outdoor deck area and it is likely that guests would be outside talking at all hours of the night. The deck also appears to be suited to outdoor receptions which would require outdoor microphones and speakers. The recommended management controls of the environmental noise assessment do not sufficiently address these issues.

- - 6. As per the lodgement plan there will be 34 car parking spaces for the function centre. We feel that this is not sufficient car or bus parking for a centre that may hold up to 100 guests which does not include any of the staff. There also doesn't appear to be enough room for a bus to adequately manoeuvre in the carpark, from the plans 12.5m is provided for a turn however a typical medium rigid bus is approximately 13 m in length. This may cause a number of issues in the carpark.
  - The submitted Land use conflict risk assessment (LUCRA) is only relating to the dwelling and has not considered the proposed function centre.
  - 8. As the predominant use of the function centre would be for weddings it is presumed that alcohol would be involved in most functions however there appears to be no details relating to liquor licencing in the application which would assume that the venue will be BYO. This raises the question as to who is responsible for the responsible service of alcohol at the function centre.

We believe that the following recommendations should be considered in relation to the development application at a bare minimum:

- An environmental noise assessment be conducted to include the impacts on the residential dwellings in close proximity to the exit of the venue as well as the impacts of potential outdoor noise if the deck is utilised for functions. Signage should also be erected at the exit of the property to remind guests to keep the noise to a minimum on their departure.
- A traffic impact assessment be completed for the adequacy of North Teven Road as well as
  the access point to the venue. This is particularly relevant due to the lack of signage and line
  markings on the road currently.
- Additional car parking space be added to the development with some provision for overflow parking or bus parking and the amount of space available for medium rigid vehicles to turn should be increased.
- The Land use conflict risk assessment be completed in relation to the proposed function centre

Thank you for considering our submission.

Cory Hill & Sonja Dorey

### Submission on DA 2017/557.1 at Lot 1 DP:204760 North Teven Road, Teven

Ron & Jutta Dorey 287 North Teven Rd Teven, NSW, 2478

Mobile: 0427 878 575

8 November 2017

To the General Manager,

We are against the proposed change of use of the existing dwelling to a tourist facility and function centre as part of DA 2017/557.1 at Lot 1 DP:204760, North Teven Road, Teven.

We express our opposing opinion due to the following points:

- Our house is located directly opposite the driveway of the proposed function centre. If
  functions are held of a night time it will lead to a large number car lights shining straight
  through our bedroom at all times of the night. This is going to significantly impact on our
  sleep the nights that event are held. Although we do not know what the solution is for this
  issue is, it is our greatest concern.
- 2. A function centre with a capacity for 100 people will dramatically increase the traffic along North Teven Road. In its current state North Teven Road is not appropriately signed or line marked to provide people who have never travelled on the road with sufficient warning of the sharp and dangerous corners. There is one corner in particular that has caused multiple accidents over the years as there is no signs or warnings on the approach to the corner. From our experience being residents on North Teven road for over 28 years it is nearly guaranteed if there is an increase of cars on the road that when it rains cars will spin out.
- 3. The noise from the additional traffic, in particular the noise from vehicles exiting the property will also impact us greatly. The exit of the function centre is in close proximity to a number of houses, those of which have not been considered in the current environmental noise assessment. Our house in particular will be impacted by the lights and the noise of the vehicles exiting the function centre at all times of night.
- 4. The additional noise from the function centre is also a concern. The development application mentions that amplified music will only occur inside, however there is a large deck area that we presume would also be used for functions. The recommended management controls from the environmental noise assessment suggest that amplified music will be inside only and that the volume should not be increase past the recommended levels. This raises the question as to who is responsible for ensuring these controls are applied to.

Recommendations from the points above

 We are not sure what the solution to this issue is, however we believe that this issue needs to be addressed.

- A traffic impact assessment should be completed for the impact on North Teven Road and the current access point for the venue. The road should also be line marked and appropriately signed.
- The houses in close proximity to the exit should be considered in the environmental noise assessment of the application.
- If functions will be held outside the environmental noise assessment should be updated to also include noise from outside functions.

Julla Doey

Thank you for considering our submission.

Ron & Jutta Dorey

# 8.1 DA 2017/557 - Place of Assembly and Tourist Facility.DOC

## Naomi McCarthy

From: Sent: Tim Keirle <keirle@advatel.net.au> Friday, 10 November 2017 6:10 PM

To:

Ballina Shire Council

Subject:

Submission for application (2017/557.1). Objection Due Traffic and Noise

The General Manager, Ballina Shire Council.

Dear General Manager,

We are concerned about the Increased traffic this DA will bring and the unintended traffic we will have to deal with as people use GPS to navigate to this proposed facility.

Our other concern would be the increase of noise with the proposed facility.

Yours Sincerely,

Tim and Lisa Keirle 225 Cumbalum Rd., Cumbalum, NSW,2478.

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118 Beacon Rd

Teven NSW 2478

10th November 2017

The General Manager,
Ballina Shire Council
Attn: Naomi McCarthy/ Andrew Smith
Development and Environmental Health Group.
PO Box 450
Ballina NSW 2478.
By email: council@ballina.nsw.gov.au

Dear Naomi and Andrew.

Re: DA 2017/557 - Change of use Existing Dwelling to Tourist Facility & Function Centre Establishment of a Place of Assembly (Function Centre and Refreshment Room) and a Change of Use of an Existing Dwelling House to a Tourist Facility (Accommodation)

We refer to the aforementioned development application and provide the following comments to Council:

- a) Contaminated Land Assessment: The Contamination Assessment report completed prepared by Charlie Hewitt Engineering Design did not collect samples as per Australian Standards (AS 4482.1-2005) nor is the report written as per NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. More importantly, the report is for the proposed residence and not the Place of Assembly and thereby assesses a different area of the site. While the results may by indicative of no soil contamination within the area for the Place of Assembly, no surety of this can be provided until an adequate assessment is completed.
- b) Onsite Wastewater Management: The Onsite Wastewater proposal prepared by Charlie Hewitt Engineering Design recommends off-site disposal of wastewater generated by the proposal. This is in direct contravention of Council's Wastewater management policies. All wastewater generated by the proposal must be treated and disposed of on-site.

With regard to onsite wastewater disposal, of note is a groundwater bore on an adjoining land that is registered for domestic use and is likely to be within the 250m buffer zone of any Land Application Area. Additionally, an unnamed tributary of Emigrant creek traverses the site and a 100m setback is required to the Land Application Area. As such a full assessment of the impacts needs to be assessed, especially given the buffer requirements and the large volume of wastewater that will be generated by the proposal.

c) Landuse Conflicts: The LUCRA report prepared by Tim Fitzroy and Associates is for a dwelling only. An updated LUCRA report is required for this proposal. d) Agricultural Lands: There has been no assessment on the impact of Agricultural Lands. The site is mapped as Regionally Significant Agricultural Land. The site is an operating Macadamia Plantation. As such the proposal in direct conflict to the remainder of the property and further to surrounding properties. As a further (related) concern, the operation of the Macadamia Plantation requires the use of chemicals. There are no documents provided that demonstrate how the existing plantation will continue to operate while also providing safe drinking water to tourists and patrons of the facility.

e) Traffic: North Teven Road is a relatively narrow country road that already is, in our view, at its limit with the volume and type of traffic. Trucks from the Quarry travel along this road in its entirety and several near misses have been experienced on sharp corners. A traffic assessment has not been completed. Traffic generated by the proposal will occur throughout the day and well into the nights. Traffic will be generated by management for cleaning and preparation of the venue, deliveries and caterers along with patrons themselves. The latter group in particular will have little to nil experience with the peculiarities of driving on North Teven Road. Additional traffic movements during the daytime will directly conflict with current traffic and road conditions. Traffic generated during the evening will have a increased impact on a number of residents along North Teven Road, particularly those in close proximity to the entrance to the site where they dwellings are located near the road. As no traffic report has been prepared, no assessment of these impacts can been considered.

In addition to this, Google Maps is frequently used by members of the public to access directions to addresses. Within the past two years many general road users have utilised private property driveways to traverse between Beacon Road and Cumbalum Road. That is, if travelling from the north-east to south-west in this locality, Google Maps will direct users to travel via Tamarind Drive and Roseville Lane onto Cumbalum Road, via private lands to Beacon Road and North Teven Road (or in reverse order). In attempting to do this, they use our private driveway along with our neighbours. Grids, closed gates and 'private property' signs do not deter the actions of these people. Locked gates are the only option which is an inconvenience. The proposal will attract a number of non-locals who will continue to make use of Google Maps, our driveways and become an increasing concern for residents on Beacon Road which traverses very steep land, tight corners, is of poor condition and is of very narrow width (i.e. one lane for both directions).

f) Noise, dust and other nuisances: The proposal does not outline appropriately the impacts of noise, dust and other nuisances. The Environmental Noise Assessment Report prepared by TTM is considered subjective at best. The assessment involved only recordings for a single night (23 August 2017). As such the assessment is considered deficit in providing meaningful data for current conditions that could be used to assessed the impact of noise on adjoining properties and residents. Further, the topography and conditions of the site along with general human nature has not been given considered. For example, it is considered unlikely vehicles would only travel at 5km/hr traversing a gravel driveway given the topography of the subject property. Much higher speeds would be anticipated and thereby increased noise levels.

Dust considerations of the use of the driveway have not been addressed in any documentation. The topography of the area is hilly as such, high wind speeds are recorded for the majority of the day (and night). As such dust suppression measures should be addressed. Lack of such measures can impact on surrounding land holders who rely on roofwater harvesting and thereby quality impacts to

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their drinking water. Especially given the site is also used as a Macadamia Plantation, there is a risk of chemicals travelling on the dust the surrounding roofs.

Other nuisances such as disturbance to livestock has not been considered. Cattle and horses are particularly at risk as are large (heavy) animals that can take fright and become injured either through tripping while in flight or through attempting to escape through fences. Further considerations are required to assess the suitability of such a proposal at the location nominated along with provision of sufficient management actions to limit impacts on adjoining landholders and those in the locality.

In summary, if Council is to approve the proposal in its current format we would expect to see various issues raised here to be thoroughly addressed.

Yours sincerely,

Drs Melissa and Lukas Van Zwieten

M. A. Kan Zanden John Van T. An

## 8.1 DA 2017/557 - Place of Assembly and Tourist Facility.DOC

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22 November 2017

The General Manager Ballina Shire Council PO Box 450 BALLINA NSW 2478 Boral Property Group Triniti - T2, 39 Delhi Road PO Box 6041 North Ryde NSW 2113

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www.boral.com.au

Emailed to: council@ballina.nsw.gov.au, naomi.mccarthy@ballina.nsw.gov.au

Dear Mr Hickey,

### Objection - Proposed Function Centre, 290 North Teven Road, Teven (DA 2017/557.1)

Please find below an objection to the proposed Function Centre (hereafter 'Function Centre'), 290 North Teven Road (DA 2017/557.1).

### Background

Boral owns and operates Teven Quarry, located north of Maquires Creek on North Teven Road, Teven. The quarry extracts hard rock to make aggregates and manufactured sand for concrete, asphalt and other construction related applications on the NSW North Coast. Boral has owned the site since 1985, however, the site has been quarried since the 1950's. The quarry is currently approved to produce and transport up to 500,000 tonnes of quarry products per year, and currently employs 11 people full time along with 15 contractors.

The quarry operates under a development consent issued by the NSW Land & Environment Court in 1996. The consent was modified in 2016, in consultation with the local Teven community to set an end date for the consent (June 2026), cease processing on Saturdays and to operate a mobile processing plant under strict conditions.

As part of the consent, Boral runs a community consultative committee (CCC) twice a year, which has been meeting regularly since 2010. The CCC is comprised of adjoining neighbours, a representative of Ballina Environmental Protection Society and representatives of Boral.

The CCC met on the evening of Wednesday 15 November 2017. Amongst regular updates and a review of the quarry's recent environmental performance, the proposed Function Centre was also discussed. A number of key issues were raised by adjoining neighbours at the meeting. The committee agreed that the issues raised about the proposed Function Centre could be shared in conjunction with Boral's issues in a submission.

The following represents objections raised by Boral and the Teven Quarry CCC.

## Quiet enjoyment of neighbours

During Boral's engagement with the local community, including with the CCC over the last 7 years, it has been apparent that the quiet enjoyment of neighbours properties, particularly on weekends, was a key factor in them deciding to live and remain in the Teven valley. As a result of that feedback, Boral made an unprecedented decision to give up processing activities (a major noise source on site) on Saturday's, and included this in the consent modification in 2016.

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At the CCC meeting on 15 November, it was again reiterated by the members, the significance of the quiet enjoyment of their properties. However, now that they have had their quiet enjoyment enhanced by Boral's decision to cease processing on Saturday's, they are now concerned the proposed Function Centre, if approved, could introduce intrusive noise, traffic and light pollution and reduce that quiet enjoyment further. This would not only be on weekends, but throughout the whole week.

The issue of the community impacts from function centers in rural areas is not a new one, as evidenced by the adjoining Byron Shire to the north (http://www.byron.nsw.gov.au/function-centres-in-rural-areas). It would appear that as a result of restrictions within the Byron Shire, these developments are moving south into the Ballina local government area.

Boral objects to the proposed Function Centre and requests that the quiet enjoyment of adjoining neighbours not be reduced, particularly after their successful collaboration with Boral to enhance it.

#### Traffic on North Teven Road

This is a key issue for both Boral and CCC members.

North Teven Road, along with Teven Road is a principal haulage route for delivery of quarry products from Teven Quarry. Boral works very hard to ensure the traffic impacts from the quarry are reduced as much as possible, and are evenly spread over both haulage routes, seeking not to concentrate impacts on one particular road (or one set of residents). Boral and the CCC are concerned about the road safety if the proposed Function Centre was approved and concentrations of function attenders interacting with quarry traffic on an unfamiliar road. CCC members are very concerned about the additional traffic particularly on weekends.

Boral also pays a road maintenance levy for each tonne of product dispatched from the quarry, which over the last 20 years has contributed over \$1.5 million to Council for this purpose. However, this money has often been approved by Council for other road works in the Ballina Shire, or even public carparks in Ballina. Boral is already concerned that this levy money is not directed back to the road that it is intended for. The proposed Function Centre will place more traffic on North Teven Road which is an existing heavy haulage route and in need of further maintenance, even with Boral contributions.

The development application lacks sufficient information to adequately assess traffic and road safety impacts.

## Compatibility with adjoining extractive industry

In 2007, the NSW Government introduced State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (hereafter 'Mining SEPP') to, amongst other things, facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources.

Clause 13 of the Mining SEPP states:

- '13 Compatibility of proposed development with mining, petroleum production or extractive industry (1) This clause applies to an application for consent for development on land that is, immediately before the application is determined:
  - in the vicinity of an existing mine, petroleum production facility or extractive industry,.....

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(2) Before determining an application to which this clause applies, the consent authority must:

(a) consider:

the existing uses and approved uses of land in the vicinity of the development, and

whether or not the development is likely to have a significant impact on (ii) current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and

any ways in which the development may be incompatible with any of those (iii) existing or approved uses or that current or future extraction or recovery, and

(b) evaluate and compare the respective public benefits of the development and the

uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and evaluate any measures proposed by the applicant to avoid or minimise any (C) incompatibility, as referred to in paragraph (a) (iii).

The Land Use Conflict Risk Assessment (LUCRA) is for the approved dwelling house, and does not assess the impacts of the proposed Function Centre on the adjoining Teven Quarry. The LUCRA is also inaccurate, and does not use correct distances from the approved quarry extraction area (where blasting occurs) to either the approved dwelling or the proposed Function Centre.

Section 2.1 in the Statement of Environmental Effects (SEE) quotes distances from the quarry of 890 metres to the approved dwelling and 970 metres to the proposed Function Centre. This was based on a distance from the buildings to the current quarry extraction area. However, the approved extraction area for Teven Quarry extends further to the west (as shown on Page 10 of the LUCRA) and the approved dwelling is actually around 700 metres away from blasting, and the proposed Function Centre, 780 metres from blasting (See Figure 1). Accordingly, the SEE and LUCRA are misleading and have miscalculated distances by almost 200 metres.



Figure 1: Distance from Teven Quarry's approved extraction area

The hard rock resource at Teven Quarry is important for the growth of the North Coast region. Clause 13 of the Mining SEPP exists to ensure consent authorities adequately assess the impacts of developments that are incompatible to the extraction of approved and future extractive resources. The hard rock resource within Boral's landholding at Teven Quarry will last beyond the current consent (lapses in 2026) under a future development application. Council needs to assess whether the proposed Function Centre will impede the assessment of this important future resource.

In the absence of an adequate or accurate assessment of potential land use conflicts, Council should assess the proposed Function Centre against the relevant Development Control Plan buffer of 1,000 metres from blasting activities, and refuse the application.

### Development by stealth

The already approved dwelling at 290 North Teven Road was issued development consent by Council on 22 February 2017. The development application was not notified to any adjoining neighbours, and although a LUCRA was completed, there was no notification or engagement with Boral in regard to these potential conflicts with the adjoining Teven Quarry.

On 6 October 2017, the applicant lodged the development application for the proposed Function Centre. The Function Centre development application heavily relies on the justification and assessment provided for the already approved dwelling house. In fact, the LUCRA doesn't even contemplate the proposed Function Centre. This is completely inadequate as they are very different developments. If the proposed Function Centre is approved, Boral is extremely concerned what other incompatible development will be proposed to expand or increase the site further.

Ballina Shire Council has approved the construction of a number of dwelling houses within close proximity (within 1,000 metres) of Teven Quarry over the last 20 years. Boral submits that the dwelling house at 290 North Teven Road, along with other dwelling houses adjoining Teven Quarry should never have been issued consent due to potential land use conflicts and inappropriate planning buffers.

The proposed Function Centre is not compatible with extractive industry and should not be allowed to be the 'thin end of the wedge' and make way for further incompatible development adjoining Teven Quarry.

# Other inaccuracies within the application

In addition to the miscalculations of distances in the LUCRA, the SEE quotes two different figures . for the provision of car parking at the proposed Function Centre. Some sections say 34 car parking spaces, other parts say 45 spaces.

Thank you for the opportunity to provide a submission. Please contact me if you require any further information or clarification.

Yours sincerely

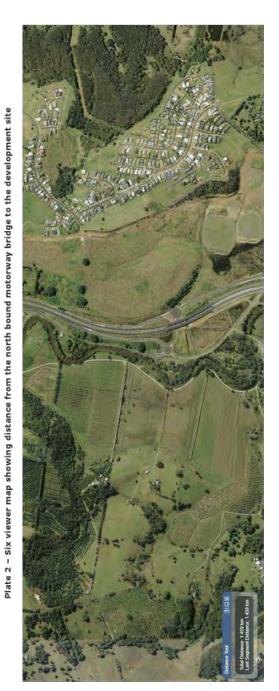
Rod Wallace

Planning & Development Manager (NSW/ACT)

Boral Property Group

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Ballina Shire Council 22/03/18



Plate 3 - Photo from northern end of north bound motorway bridge towards the development site