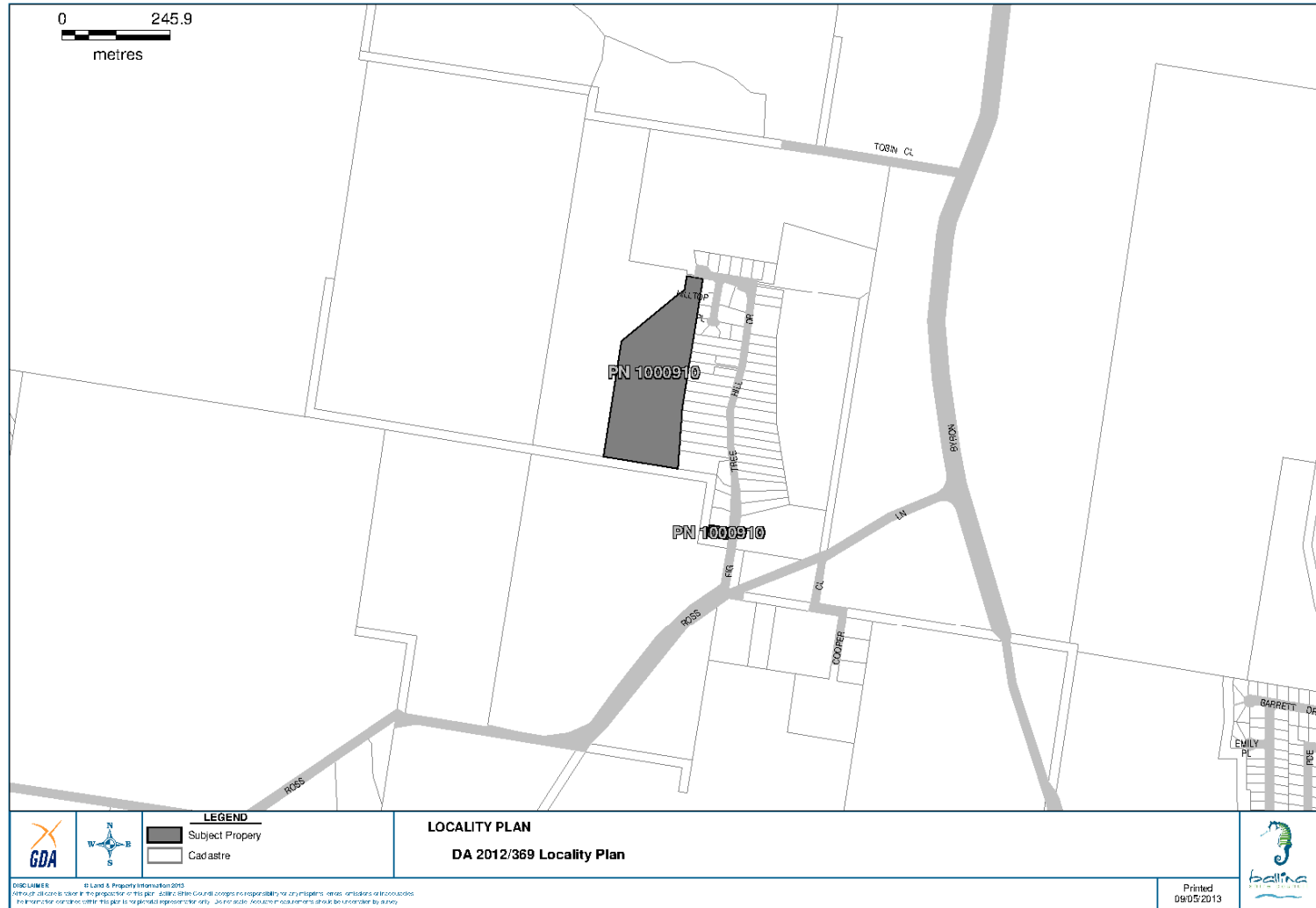
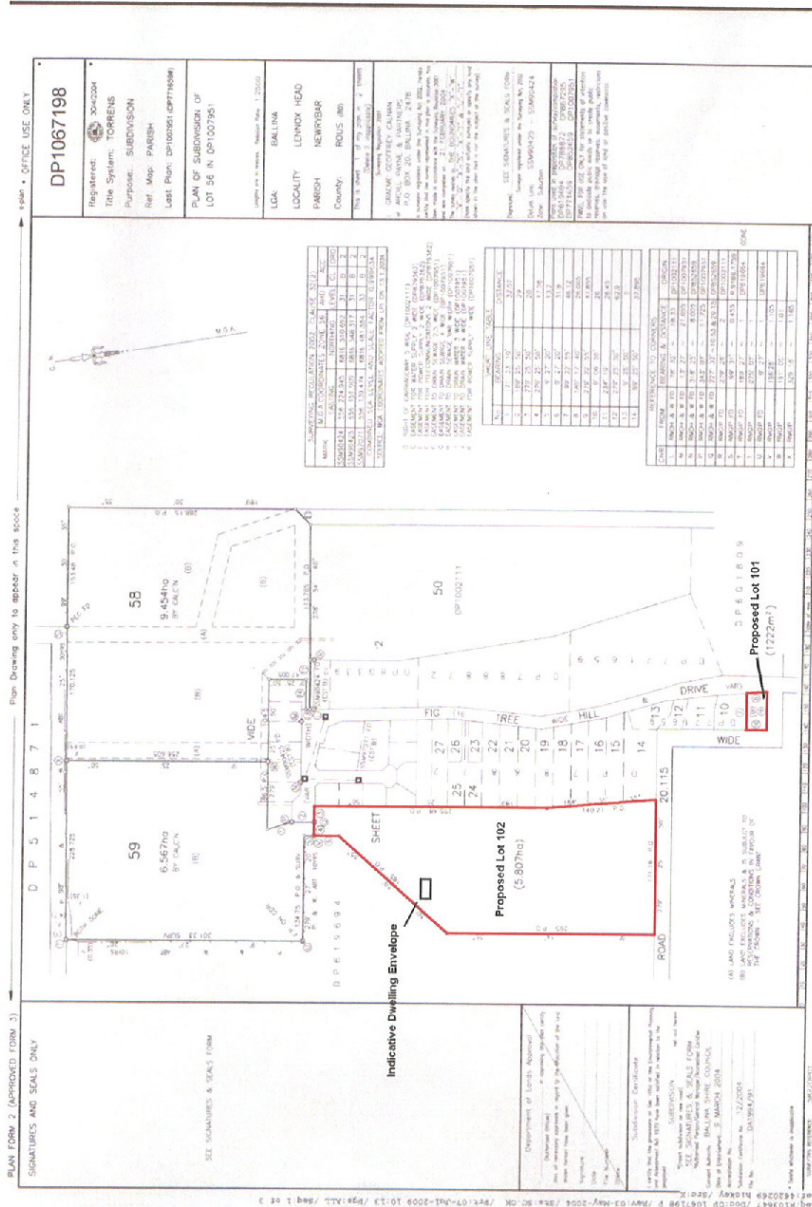


8.1 DA 2012/369 - Erection of Store and Special Purpose Subdivision.DOC

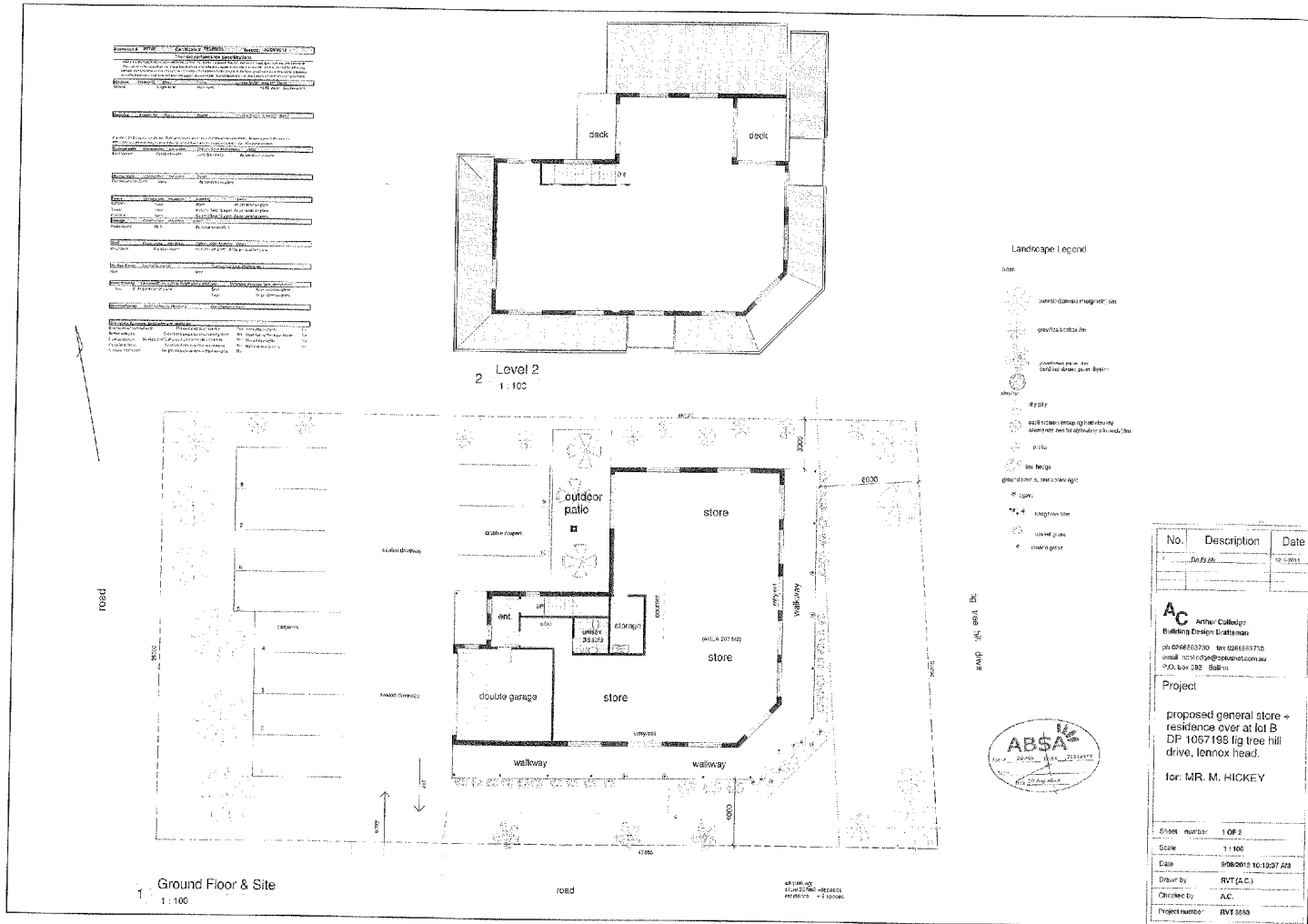


1-35

DP 1067198 OVERLAYEN WITH THE PROPOSED PLAN OF SUBDIVISION



8.1 DA 2012/369 - Erection of Store and Special Purpose Subdivision.DOC



8.1 **DA 2012/369 - Erection of Store and Special Purpose Subdivision.DOC**



12/42879

ACKNOWLEDGED

RECORDS
SCANNED

12 OCT 2012

Doc No. 12/42772

Batch No.

10.10.12

Mr Rod, Willis
Group Manager, Regulatory Services
Ballina Shire Council

DA 2012/369

Applicant: Mt MJ Hickey & Ma M Harley
Property: Lot:60DP:1067198, 13 Fig Tree Hill Drive, Lennox Head
Proposal: Erection of a General Store and associated Residence and special purpose subdivision.

OBJECTION to the Development Application: DA 2012/369

I am concerned about the DA and have some objections I would like to raise.

1. The site is an old cattledip with contaminated soils. I have reviewed the DA and believe the remediation work submitted to cover/cap the sheep dip is a quick fix repair at minimal cost to the applicant. 2012 experienced increased rainfall in the Northern Rivers with increased rain volumes flowing down the hill towards number 13 Figtree Hill at the bottom of the hill. I would ask that another inspection for site contamination be carried out to soil samples on the site and on the council land to ensure the contaminated levels recorded are similar. The property is located at the bottom of a hill where the council has a water pump station located in the side road of Fig Tree Hill Drive road which is the main motor vehicle and pedestrian entrance to the site.
2. Pedestrian / Traffic Plan has minimal details for the surrounding residents who use the Fig Tree roadway to provide a safe environment for all residents who reside in the street. The increase in traffic volume is another my concern as the Ross Lane road motor vehicle turning points at the bus stop would require additional risk/safety assessment to student/public at the School Bus stop to monitor timing and numbers of parents and children each morning and afternoon. Parking in this area is a hazard at the two times of the day and would increase the risk of potential traffic fatalities in the future with liability issues in compensation claims. Parts of Fig Tree Hill have kerb and guttering at the top of the hill. The DA site and surrounds at the bottom of the street do have kerb and guttering infrastructure in place and increases the risk for fatalities and vehicle accident due to the proposed business being at the bottom of a crest in the road at it's narrowest point. I have been advised that approximately 60+ children live on the Fig Tree Hill estate. I do not see any Duty of Care in the current DA to eliminate these exposures and provide other safe alternatives for families who live in the street.
3. Loss of Amenity to the locally and the likelihood of loss of business in the current client. Lennox Head shopping centre is a short drive away at a improved roadway with superior safety features in place to reduce vehicle accidents and support the local businesses in operations.
4. Does a proposed commercial business/dwelling have the appropriate council/planning permission to operate in the classification RURAL1(b) zone? This is not consistent with the objectives of rural zoning guidelines. Prior to this application a general store was opened for business a couple of years prior at Sanctuary Village opposite Fig Tree Hill Drive and closed with in six months of operation. The location of a shop in a residential street is setting a precedent for new subdivisions in the area. This DA is not suited to a residential neighbourhood.
5. The current title (two seperate parts to the land) would have one dwelling entitlement. This proposal increases that to two contrary to rural zone planning.
6. The current water pump station located in the entry road area to the commercial business has reached it's maximum capacity. Will the current facilities be upgraded by Ballina Council to accommodate the additional application for water and sewage at the DA site?

In summary

It is my concern that the six points listed above have not met the current DA guidelines in planning with identified exposures which requiring better risk management study and plan to eliminate the exposures before a decision is made by the Northcoast Planning Department on the **Development Application: 2012/369**.

Regards,



G.SOLOMON
15 Fig Tree Hill Drive
Lennox Head 2478

12/42880
ACKNOWLEDGED

RECORDS
 SCANNED
 12 OCT 2012
 Doc No.....12/4273.....
 Batch No.....

Mr Rod, Willis
 Group Manager, Regulatory Services
 Ballina Shire Council

10.10.12

DA 2012/369

Applicant: Mt MJ Hickey & Ma M Harley
Property: Lot:60DP:1067198, 13 Fig Tree Hill Drive, Lennox Head
Proposal: Erection of a General Store and associated Residence and special purpose subdivision.

OBJECTION to the Development Application: DA 2012/369

I am concerned about the DA and have some objections I would like to raise.

1. The site is an old cattledip with contaminated soils. I have reviewed the DA and believe the remediation work submitted to cover/cap the sheep dip is a quick fix repair at minimal cost to the applicant. 2012 experienced increased rainfall in the Northern Rivers with increased rain volumes flowing down the hill towards number 13 Figtree Hill at the bottom of the hill. I would ask that another inspection for site contamination be carried out to soil samples on the site and on the council land to ensure the contaminated levels recorded are similar. The property is located at the bottom of a hill where the council has a water pump station located in the side road of Fig Tree Hill Drive road which is the main motor vehicle and pedestrian entrance to the site.
2. Pedestrian / Traffic Plan has minimal details for the surrounding residents who use the Fig Tree roadway to provide a safe environment for all residents who reside in the street. The increase in traffic volume is another my concern as the Ross Lane road motor vehicle turning points at the bus stop would require additional risk/safety assessment to student/public at the School Bus stop to monitor timing and numbers of parents and children each morning and afternoon. Parking in this area is a hazard at the two times of the day and would increase the risk of potential traffic fatalities in the future with liability issues in compensation claims. Parts of Fig Tree Hill have kerb and guttering at the top of the hill. The DA site and surrounds at the bottom of the street do have kerb and guttering infrastructure in place an increases the risk for fatalities and vehicle accident due to the proposed business being at the bottom of a crest in the road at it's narrowest point. I have been advised that approximately 60+ children live on the Fig Tree Hill estate. I do not see any Duty of Care in the current DA to eliminate these exposures and provide other safe alternatives for families who live in the street.
3. Loss of Amenity to the locally and the likelihood of loss of business in the current client. Lennox Head shopping centre is a short drive away at a improved roadway with superior safety features in place to reduce vehicle accidents and support the local businesses in operations.
4. Does a proposed commercial business/dwelling have the appropriate council/planning permission to operate in the classification RURAL1(b) zone? This is not consistent with the objectives of rural zoning guidelines. Prior to this application a general store was opened for business a couple of years prior at Sanctuary Village opposite Fig Tree Hill Drive and closed with in six months of operation. The location of a shop in a residential street is setting a precedent for new subdivisions in the area. This DA is not suited to a residential neighbourhood.
5. The current title (two seperate parts to the land) would have one dwelling entitlement. This proposal increases that to two contrary to rural zone planning.
6. The current water pump station located in the entry road area to the commercial business has reached it's maximum capacity. Will the current facilities be upgraded by Ballina Council to accommodate the additional application for water and sewage at the DA site?

In summary

It is my concern that the six points listed above have not met the current DA guidelines in planning with identified exposures which requiring better risk management study and plan to eliminate the exposures before a decision is made by the Northcoast Planning Department on the **Development Application: 2012/369**.

Regards,


S.SOLOMON
15 Fig Tree Hill Drive
Lennox Head 2478

2012/369



8th October 2012

Attention Mr Rod Willis

Group Manager, Regulatory Services – Ballina Shire Council.

I am writing to object to the DA proposal by Mr M.J Hickey and Ms M Harley at 13 Fig Tree Hill Drive Lennox Head.

The submission not only breaches the 200 metre buffer zone around contaminated soil sites (cattle grate), but it is also a commercial development in a rural residential area. There are major inconsistencies with the objectives of the zoning if a general store were to be erected.

Another major concern is potential increased traffic in a narrow street with no gutters or footpaths. The access point from the northern end is over a rise, whilst the southern end is only 100m from a school bus stop and a 100km zone. As the street has no footpaths, children are forced to walk down to the bus stop hugging the edge of this very narrow street.

Ballina Council has also proposed that the road at the southern end of Fig Tree Hill Drive (Ross Lane), be developed into a four lane carriageway connecting the town of Lennox Head to the Ballina Heights development that will link with Cumbalum.

If the proposal were to go ahead, street widening, gutters and footpaths would have to be built to make it safe for children and pedestrians with the increased traffic flow. The speed limit on Ross Lane should also be considered.

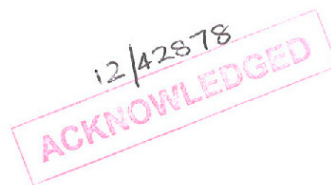
Regards

A handwritten signature in black ink, appearing to read "Scott Wisemantel".

Scott Wisemantel

Owner and Rate Payer.

51 Fig Tree Hill Dr, Lennox Head 2478.



DA 2012/369

RECORDS
SCANNED
12 OCT 2012
Doc No. 12/42761
Batch No.

11th October 2012

Attention Mr Rod Willis
Group Manager, Regulatory Services - Ballina Shire Council.

Dear Mr Willis,

I am writing to object to the DA proposal by Mr M.J Hickey and Ms M Harley at 13 Fig Tree Hill Drive Lennox Head.

Currently the street/drive has enough traffic and pedestrian's up and down the hill without the proposal of a general store. A general store would mean more traffic, more cars, more pedestrians and already the hill is under enough 'pressure'.

The location on the base of the hill is also of a major concern. Drivers drive quickly down the hill and cars parking and entering and exiting could be catastrophic.

Before even considering a general store (especially when Lennox Village is 3min away), as a rate payer we would like to see a bike path from Sanctuary Village and Fig Tree Hill into town. The Ross Lane speed reduced to 80km/hr until the junction has been passed - not the current 100km/hr speed limit.

I have three children and unless you're there to collect off the bus - the current road situation and the fact that there is no footpath makes the proposal of a general store seem ridiculous. I'd propose we address some of the other issues mentioned above.

Thank you for your time.

Kind Regards



Gabriel Wisemantel

Owner and Rate Payer.

51 Fig Tree Hill Dr, Lennox Head 2478.

12/42873
ACKNOWLEDGED

Crowley

10 October 2012
38 Fig Tree Hill Drive
Lennox Head
NSW 2478

RECORDS SCANNED
15 OCT 2012
Doc No..... <i>12/4302b</i>
Batch No.....

12/43072
ACKNOWLEDGED

Dear Sir / Madam

I would like to express my opposition to the proposed construction of a general store / residence and the special purpose subdivision outlined in in DA NO: DA2012/369 outlined in a letter from Ballina Shire Council sent to my home dated 18 September 2012.

The whole proposal seems completely out of tune with the community atmosphere of Fig Tree Hill and I believe that the DA is an attempt to slowly erode the rural atmosphere of our community in an attempt to change zoning levels so that future DAs will be looked on favourably.

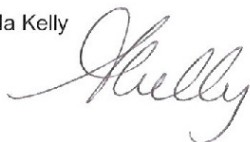
The concept of a "General Store" in the location specified is extremely dangerous as it is at the base of a hill with restricted vision issues. Even with the current amount of traffic all the local inhabitants recognise this as a "black spot" and this will only become far more serious with delivery trucks and customers coming and going throughout the day. The location of a school bus stop only 100m from the site on Ross Lane makes this "General Store" a very dangerous concept. Other issues include:

- The road is very tight and cannot handle the increased traffic volume and increased size of vehicles that would be required to stock a "General Store" – once again compounding the dangerous aspect of this location. Vehicles turning from both directions from the 100 km hour zone on Ross Lane clearly makes this site for a "General Store" a highly risky proposition.
- I have been informed that the site is an old cattle dip and I understand the developer intends to simply concrete over the area. Apparently this is the least expensive option and the most risky. I have great concerns about the toxic nature of the site and risk of contamination that may result from this development.
- The "General Store" site is currently zoned rural and this DA will not be in keeping with this. Local residents overwhelmingly believe that the "Store" is not a viable business proposition and thus will add nothing to the amenity of our community.
- There is a lot of confusion about what constitutes a "General Store" under Local and State planning guidelines and laws. I would appreciate some clarification of this as I do not understand what this will entail the developer to be able to eventually do on the site.

I want to make it very clear to the Ballina Shire Council and the State Planning Authority that the proposed DA is not a safe proposal and is not in line with the rural community atmosphere that currently exists in Fig Tree Hill.

Regards

Amanda Kelly



Todd Maguire
55 Fig Tree Hill Drive
Lennox Head NSW 2478

12 October 2012

Mr. Rod Willis

Group Manager, Regulatory Services
Ballina Shire Council
PO Box 450
Ballina NSW 2478



RE: DA 2012/369 Erection of a General Store and associated residence and special purpose subdivision

As a resident of Fig Tree Hill Drive I strongly object to the above development application for the erection of a general store and associated residence and special purpose subdivision.

I believe the proposed development is not in keeping with the character of Fig Tree Hill. Fig Tree Hill drive is a unique development; essentially one isolated street in a semi-rural area. A general store in the street is unwarranted and not in keeping with the designated zoning as well as the feel and amenity of the area.

The location of the proposed general store and associated residence is on a former cattle dip site that is contaminated with chemicals including arsenic. I believe that any disturbance of these soils for development could contaminate nearby waterways and could pose health risks to the residents of Fig Tree Hill Drive.

The street has not been designed to cater for such a development. There are no footpaths on Fig Tree Hill, with pedestrians (mainly students catching school buses), forced to walk on the road. There is no capacity for the road to cater for heavy vehicles required to service a general store and the increase in traffic would pose safety risks to pedestrians, particularly children, and other drivers.

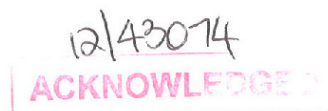
To build a general store and residence on a former cattle dip in a narrow, isolated, residential street which already has limited capacity for traffic is not appropriate. The potential health and environmental risks associated with the disturbance of contaminated soils on the cattle dip site are concerning for all residents.

I believe the majority of residents of Fig Tree Hill oppose DA 2012/369. This application has dramatic negative effects to amenity and has serious environmental issues.

Yours faithfully

A handwritten signature in blue ink that reads "Todd Maguire".

Todd Maguire



Lee Maguire
55 Fig Tree Hill Drive
Lennox Head NSW 2478

12 October 2012

Mr. Rod Willis
Group Manager, Regulatory Services
Ballina Shire Council
PO Box 450
Ballina NSW 2478

SCANNED

15 OCT 2012

12/43031

RE: DA 2012/369 Erection of a General Store and associated residence and special purpose subdivision

As a resident of Fig Tree Hill Drive I strongly object to the above development application for the erection of a general store and associated residence and special purpose subdivision.

I believe the proposed development is not in keeping with the character of Fig Tree Hill. Fig Tree Hill drive is a unique development; essentially one isolated street in a semi-rural area. A general store in the street is unwarranted and not in keeping with the designated zoning as well as the feel and amenity of the area.

The location of the proposed general store and associated residence is on a former cattle dip site that is contaminated with chemicals including arsenic. I believe that any disturbance of these soils for development could contaminate nearby waterways and could pose health risks to the residents of Fig Tree Hill Drive.

The street has not been designed to cater for such a development. There are no footpaths on Fig Tree Hill, with pedestrians (mainly students catching school buses), forced to walk on the road. There is no capacity for the road to cater for heavy vehicles required to service a general store and the increase in traffic would pose safety risks to pedestrians, particularly children, and other drivers.

To build a general store and residence on a former cattle dip in a narrow, isolated, residential street which already has limited capacity for traffic is not appropriate. The potential health and environmental risks associated with the disturbance of contaminated soils on the cattle dip site are concerning for all residents.

I believe the majority of residents of Fig Tree Hill oppose DA 2012/369. This application has dramatic negative effects to amenity and has serious environmental issues.

Yours faithfully



Lee Maguire

12/43075
ACKNOWLEDGED

8.1 **DA 2012/369 - Erection of Store and Special Purpose Subdivision.DOC**

11 October 2012 ~~10:14~~

12/43225
ACKNOWLEDGED

Mr Rod Willis
Group Manager, Regulatory Services
Ballina Shire Council
BALLINA NSW 2478

RECORDS
SCANNED
15 OCT 2012
Doc No..... P/43197
Batch No.....

Trenna Gillott
52 Fig Tree Hill Drive
Lennox Head NSW 24784

Dear Mr Willis,

I'm writing to stress my objection to the proposed DA of a general store/residence and the special purpose subdivision DA No: DA2012/369.

I believe as a long term resident of over 12 years you would be interested in the concerns I have regarding this DA and potential safety issues.

My concerns are stated below:

- If you have ever taken the time to drive up Fig Tree Hill, you will notice the narrow hilly road which is loved and respected by residents who know this road well. However, with the proposed General Store we will see increased foreign traffic and in the position proposed would **cause havoc** in the street. Children/pedestrians walking to and from the bus would be in **danger** in this area as the road does not offer a safe edge for the children to retreat too if busy traffic will be frequenting the local store. It also concerns me that this general store will be built in the location proposed and when the roads need upgrading due to the increased traffic we will not be a high needs priority. For this site to be deemed safe the council will need to spend a lot more time and money on continual upgrades in this area.
- It also concerns me that the term 'general store' could mean any type of store. With any general store it will mean the delivery of goods by heavy vehicles etc. which will then create another **traffic hazard and noise hazard**. The commercial nature of the store contradicts the rural residential zoning which residents have chosen to live in.
- The proposed general store will be disturbing the old cattle dip, which brings about concerns regarding the toxicity levels and how that might be dealt with safely.
- On what grounds is the General Store a local necessity? It seems absurd with many local businesses shutting in town and vacant shops posted around that this would be a priority for the council. As far as I know this is a rural zoned area yet we will have a general store which I feel is more of a ploy to change our zoning to residential for future development. Mr Hickey states in his application:

"I understood that because I had read Council's new DCP for the Lennox Head locality that the bulk of the subject land would be developed for residential purposes at some stage in the future. Council appears to have changed its mind on this matter and accordingly now I am proposing an alternative approach which provides for adding some amenity to the locality by way of a general store and setting aside the bulk of the land for rural purposes"

This statement indicates that Mr Hickey hasn't considered what the local community wants. He has never resided in this area to establish the real needs for the area and clearly wants to build a store purely to make up for his bad investment. He does not understand the traffic concerns for our children/residents and has no reason to want to preserve this area as the rural zoning it is.

8.1 DA 2012/369 - Erection of Store and Special Purpose Subdivision.DOC

We also bought our land and homes for a reason: Rural residential without commercial shops etc.

Thank you for your time and consideration to my strong objection to the above proposal.

A handwritten signature in black ink, appearing to read 'Trena Gillott', written over the typed name.

Trena Gillott

12/43228
ACKNOWLEDGED

11 October 2012

Mr Rod Willis
Group Manager, Regulatory Services
Ballina Shire Council
BALLINA NSW 2478

RECORDS
SCANNED
15 OCT, 2012
Doc No.
Batch No.
12/43199

Andrew Gillott
52 Fig Tree Hill Drive
Lennox Head NSW 24784

Dear Rod,

I'm writing to stress my objection to the proposed DA of a general store/residence and the special purpose subdivision DA No: DA2012/369.

My concerns are stated below:

- The proposed building site is in a dangerous position for both pedestrians and local traffic with the rise of the hill being less than 100m from the turn off into the shop. The road is narrow and will prove to be hazardous with increased traffic of both patrons and heavy vehicles supplying goods to the shop.
- The block of land being developed is home to the old cattle dip, and it is questionable to how this will be dealt with safely.
- There is absolutely no need for a general store in this area with Lennox being only 3km away with ample supplies. Residents in the area are not requesting a general store or any further residential development or any commercialisation of the street seeing it is zoned rural/residential. Mr Hickey may have purchased the land under the impression that he would be able to develop it to become a residential zone, however the residents on the hill purchased their land knowing full well that the land is rural residential and would like it to stay that way.
- The site is also home to many well established trees and wildlife.

Thank you for your time and consideration to my strong objection to the above proposal.



Andrew Gillott

DA 2012/369

38 Fig Tree Hill Drive
Lennox Head
NSW

RECORDS SCANNED
15 OCT 2012
Doc No.....12/43192
Batch No.....

Dear Sir/Madam

My name is Hannah Kelly, my friends and I do play alot where the shop is going to be built. If the shop gets built it would be very dangerous to play in that area, because there would be alot more cars and trucks. We don't even need a shop in our street. My friends and I do not want the shop to be built.

We like supporting the shops in Lennox Head.

Dusty Gillott
Ellie McFadden,
Jack Kelly
Isla Ewald

12/43222
ACKNOWLEDGED

Sally Gillott

ROB WILLIS
GROUP MANAGER
REGULATORY SERVICES
BALLINA COUNCIL

12/12/369
SCANNED
11 OCT 2012

MR P. R. SNOOK
50 FIG TREE HILL DRV
LENNOX HEAD.
NSW 2478

10th Oct. 2012.

ACKNOWLEDGED

12/42421

Dear Sir, Regarding D.A proposal 2012/369

LOT 60 DP 1067198 - 13 FIG TREE HILL DRIVE
LENNOX HEAD.

I wish to state my objections to this proposal as follows.

- ① A general store + Residence is not consistent with the objectives of rural zoning.
- ② The impact of traffic to pedestrians and local street traffic would require major road works including curbing + pavements, roundabout not to mention acquiring land from surrounding land owners to enable this construction. All of which would be an enormous cost to the local council
- ③ The current title has one dwelling entitlement - this proposal increases that to two, contrary to the zoning
- ④ I see no reason for a general store in our street as no one I have spoken to sees reason to use one.

Hoping for your urgent consideration
in the very near future

Yours sincerely



P.R. SNOOK

ACKNOWLEDGED

To Mr Rod Willis
Group Manager, Regulatory Services
Ballina Shire Council.

12/42310
SCANNED
11 OCT 2012

Mrs K. Snook
50 Fig Tree Hill Dr
Lennox Head
2478

10th October/
2012.

12/42423

ACKNOWLEDGED

Dear Sir,

I am a concerned resident of Fig Tree Hill Dr
& as so I wish to voice my objections to this
proposed development in our street.

My objections are as follows:

- 1/ This site is to be placed on the site of an old cattle dip which has contaminated soils. What has been done to address the problem of further contamination when it comes to excavation & construction of this proposed general store.
- 2/ The traffic plan that would impact the movement of vehicles & the pedestrian movements of children who walk down the street to & from the school bus.
- 3/ There are no traffic plans regarding

entry, exits & turn arounds.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that tapers to the right.

Kathy Snook

31 Fig Tree Hill Drive
Lennox Head 2478

10th October 2012

SCANNED

11 OCT 2012
12/42368

Mr Rod Willis
Group Manager
Regulatory Services
Ballina Shire Council
P O Box 450
Ballina 2478

Dear Sir

RE: D.A. 2012/369

I write to express my concerns over the proposed development at No. 13 Fig Tree Hill Drive.

I have lived on Fig Tree Hill Drive for 17 years and the block where the proposed General Store and Residence is to be situated has always been known as the 'Dip Yard block'. It surprises me that a former dip yard with its capacity to spread contamination into waterways, should be disturbed.

I also note that a 'special purpose subdivision' is being sought. We currently have rural residential zoning and if a business is approved, this could change our status and I am not in favour of that happening.

Yours faithfully



Enid Noble

12/42412
ACKNOWLEDGED

12/42465
ACKNOWLEDGED

JM & DL McGregor Constructions Pty LTD

12-16 Fig Tree Hill Drive

LENNOX HEAD NSW 2478

Phone/Fax 02 66877469

Mobile: 0427 200 940

Licence No: 81368C

RECORDS
SCANNED
11 OCT 2012
Doc No. 12/42445
Batch No.

27th September, 2012

The Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Sir

Re: DA 2012/369 –Fig Tree Hill Drive, Lennox Head

We would like to offer this submission to the proposed development DA 2012/369.

We ask Council to consider the following list of queries that we have about the proposed subdivision.

- 1 The erection of a general store is not consistent with the Council's land use of this area.
- 2 Previously Council has stated that the sewerage capacity is now at its peak, and any further buildings would need an upgrade of the pump station.
- 3 The road directly in front of the proposed general store slopes uphill at a severe angle, therefore cars coming down the hill have no long vision of any cars pulling in or out of the store property.
- 4 There is no sidewalk for school children, who always use the road to walk to and from the bus stop. The increase in traffic could cause accidents if the road was not upgraded and sidewalks for school children added for safety.
- 5 The old dip site is now covered with vegetation, which stabilizes the soil. Any building project will disturb the soil and contaminates. When it rains heavily, the rain runoff from Fig Tree Hill ends up at the bottom of the road, it flows down the hill and when it reaches the house driveway above the proposed development it washes down into the dip site area. This

would be a concern during and after building. It is of great concern that the vegetation will have to be removed, which has become well established over the last 20 years.

6 The ruling to not build within 200 metres of a dip site will be put at risk, needless to say, on top of a dip site? There is a house (ours) across the road and a house above the dip site. Both these houses were built before the dip site was decommissioned, and therefore were not under that ruling. However, the rain run off does not effect them from contaminates, both being above the dipsite.

7 The slope of the land of the dip site goes from flat on the southern boundary to about a 1 metre rise to the northern boundary, causing run off to go through the dip site and further to the south.

8 Has there been a precedent where building has occurred on or close to a dip site, to ascertain if there will be any long term health effects from disturbing the area?

Hoping you will take these points into consideration when the application is put before Council.

Regards



Deb McGregor

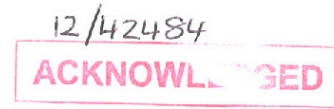
7 October 2012

38 Fig Tree Hill Drive

Lennox Head

NSW 2478

RECORDS SCANNED
11 OCT 2012
Doc No. 12/42450
Batch No.



Dear Sir / Madam

I wish to lodge my strong objection to the proposed erection of a general store / residence and the special purpose subdivision outlined in DA NO: DA2012/369 outlined in a letter from Ballina Shire Council sent to my home dated 18 September 2012.

While I am not really up to date on local planning laws and requirements the proposals seem quite absurd for our community. I have been a resident of Fig Tree Hill for over 10 years and cannot see any merit in the DA at all.

In regards the "General Store", quite apart from the lack of business sense behind the proposal, there is a range of issues that need to be raised:

1. The location of a "general store" at the base of a hill where the road is quite narrow is a major concern – as it is, I take great caution when driving or walking near this spot and have stressed the road safety dangers of this spot with my primary school aged children on a regular basis. From my 11 years driving this street I can recall numerous occasions where I have gone over the crest of the hill to see a car coming from the driveways or walkers / bike riders and have had to exercise great caution to ensure the safety of those people. I believe that a "general store" in this spot could be lethal. This is exacerbated by the location of a school bus stop 50m down the road.
2. It is common knowledge that the "general store" site is the old cattle dip for Fig Tree Hill. I cannot imagine that it is sound environmental practice to disturb the toxic soils to build a "general store" let alone a residence. I cannot believe that the proposal is within stated environmental safeguards for old cattle dips with other residences so close to the site.
3. It is apparent that the "general store" is not a feasible business option. I suspect the proposal is an attempt to alter the residential nature of Fig Tree Hill in attempt to influence future developments. There is a limited number of residents as potential customers and it is highly unlikely that customers would be willing to risk the turn into Fig Tree Hill in a 100km zone. Furthermore, the elderly residents of Sanctuary Village on Ross Lane are not going to cross the 100km zone to visit the "general store".
4. The land, like ours, is zoned rural and the proposal would seem to conflict with the nature, intent and objectives of rural zoning.
5. There are some magnificent trees on the site and their loss would be significant for the amenity of Fig Tree Hill.

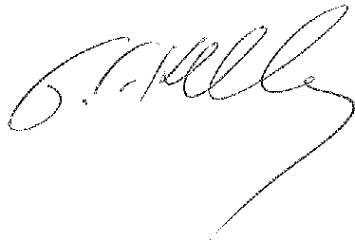
In regards the "special purpose subdivision" on the western side of Fig Tree Hill the notice attached to the fence does not give any clarity about what is proposed. It appears there is an "envelope" for a dwelling and, once again, I suspect this is an attempt to influence future developments. Any proposal that would increase the traffic flow on Fig Tree Hill beyond its present rate would have significant road safety ramifications.

I understand the Ballina Shire Council plays the key role in determining the outcome of such DAs and would like to stress my objection to this proposal in the strongest terms. While I am not familiar with the technical details of what is allowable under Council and State Planning laws the logic of the DA is baffling – it is not logical and there does not seem to any merit whatsoever in the DA.

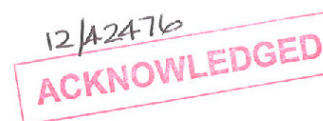
Thanking You

Tim Kelly

tkelly@lism.catholic.edu.au

A handwritten signature in black ink, appearing to read 'T. Kelly', with a long, sweeping underline that extends to the right.

10/10/2012
Attention: Rob Willis
Group Manager, Regulatory Services
Ballina Shire Council
Ballina 2478
Re DA 2012/369
Dear Sir,



I have some serious concerns about the proposed development at 13 Fig Tree Hill Drive, Lennox Head (Lot:60 DP:1067198)- well known as the old dip site.

Traffic issues arise as many motorists do not respect speed zones already in place. The location of the entry to the general store/residence is likely to add to the existing danger , because of poor visibility both up and down the hill. A lot of pedestrians use this narrow road, especially children, who access the bus stop on the corner at Ross Lane. Any increase in traffic to this area is problematic for obvious reasons and is compounded by the 100km T junction where Fig Tree Hill Drive meets Ross Lane.

The introduction of a commercial premise to this site, creates a most unwelcome precedent for this rural residential subdivision. In addition to traffic concerns of safety , noise and loss of the quiet amenity of this street, it is unnecessary to place such a venture here when we are well serviced by facilities in nearby Lennox Head.

Capping the former dip itself is hardly adequate environmental protection as cows dripped the highly toxic residues far beyond the actual dip location. Any disturbance to the soils nearby is a risky action. A 200m buffer is surely a minimum requirement to contain the contaminated soil. Questions arise as to how the dip site would be remediated and how such measures can be adequately supervised by council, given the cement cap on the site is already in need of repair.

Additions to the proposed DA on your council website (post initial notification) have been confusing. Perhaps further formal public consultation with the community will be able to allay some of the fears and issues arising from this proposal.

I consider the proposal to be completely inconsistent with the current rural zoning. It seems inappropriate to submit such a proposal , given the extent of the recent LEP consultation process just finalized by council ,which is clearly in conflict with this submission.

Le-Anne & John Steele

30 Fig Tree Hill Drive

Lennox Head 2478

I have no affiliations with any political party and do not donate to the political process at any level.

12/42457
ACKNOWLEDGED

RECORDS
SCANNED
11 OCT/2012
Doc No.....12/42438
Batch No.....

10/10/2012
Attention:Rod Willis
Group Manager ,Regulatory Services
Ballina Shire Council,
Ballina 2478

Dear Sir,I have some serious concerns about the proposed development at 13 Fig Tree Hill Drive, Lennox Head (Lot:60 DP:1067198)- well known as the old dip site.

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Cheryl Haack

C. Haack

32 Fig Tree Hill Drive

Lennox Head 2478

I have no affiliations with any political party and do not donate to the political process at any level.

05/10/12

L Preston D. Warburton
9 Hilltop Pl
Lennox Head NSW 2478

Craig Bradridge
Ballina Council
Cherry & Tamar Sts
Ballina NSW 2478

Dear Sir
Re: DA NO: 2012/369
Property: Lot 60 1067198 13 Fig Tree Drive Lennox Head NSW 2478

We Wish to submit our letter of OBJECTION to the erection of a General Store and Associated special purpose subdivision.
We object on the grounds that Fig Tree Hill Drive and Hill Top Place are no through Rds. We do not want any undue traffic and noise coming into such a small and narrow Drive, that is always quiet and is normally only limited to its Residents. We do not want unwarranted traffic noise and an invasion of other public members driving up and around – the no through roads.
We like our privacy, quiet lifestyle, we chose to build and live in a Rural/ Residential area, Not a Commercial precinct.
We chose Fig Tree Hill to be away from the shops, traffic and people, if we wanted a General Store near by we would have live in town but we didn't we chose to live here away from the shops etc.
Fig Tree Hill Drive is a one way rd in width no curb and gutter or footpaths either side so people could not even safely walk to such general store in a safe manner. We are lucky to have enough room to drive.
Please no General Store and Special Purposes!! what ever that means For Fig Tree Hill.

Yours faithfully

L Preston D Warburton

12/4/1969
ACKNOWLEDGED

RECORDS
SCANNED
- 9 OCT 2012
12 / 41898
Doc No:
Batch No:

R & K Craike
27 Fig Tree Hill Drive
Lennox Head.

REF DA2012/369

4th October 2012

Dear Mr Bradridge,

I am writing to object to the proposal to build a general store at 13 Fig Tree Hill Drive Lennox Head, DP 1067198.

I object on the grounds that are listed below.

1/ School bus's pull up at the bus stop on the corner of Fig Tree Hill Drive and Ross Lane, picking up and dropping off our streets children. These are primary and high school students.

Our street is extremely narrow and has no kerb or footpath for the safety of our children from trucks delivering goods to the "General Store", let alone the extra non local traffic that will enter our street to visit the store.

2/ Also the safety of the elderly residence of Sanctuary Village that will cross Ross Lane as pedestrians into Fig Tree Hill Drive.

Ross Lane has a speed limit of 100 klm in this section.

3/ This sizable block is heavily treed and must be home to some of the little native animals that we see. Has any study been carried out?

4/ Fig Tree Hill Drive is a short narrow street that is a no through road, with Hilltop Place, which is an even shorter and also a no through road branching from it.

How is this simple narrow hilly street and it's residence going to cope with the extra non local traffic that drives back and forth.

Please pass these 4 objections on to Council and I hope that they will be given serious consideration.

Yours truly
Karen Craike
27 Fig Tree Hill Drive
Lennox Head, 2478
Phone 66876222 or 0427815691

K. Craike

12/4/2012
RECEIVED
COUNCIL

RECORDS
SECTION
4 OCT 2012
Doc No 12/41897

SCANNED

C 5 OCT 2012

10/41224

Mr Dietmar Sobczak and Miss Anne Sexton
18 Fig Tree Hill Drive
Lennox Head NSW
Ph : 66875594

3 October 2012

Mr Rod Willis
Group Manager, Regulatory Services
Ballina Shire Council
PO Box 450
Ballina NSW 2478

DA No: 2012/369
PROPERTY: Lot 60 DP;1067198 13 Fig Tree Hill Drive Lennox Head
PROPOSAL: Erection of General Store and associated residence and special purpose subdivision

Dear Mr Willis,
We would like to object to the proposition of the general store and associated residence and special purpose subdivision stated in DA No. 2012/369 Fig Tree Hill Drive.

We do not believe that the general store is an acceptable development in this location. We believe that Fig Tree Hill does not need a general store as the village of Lennox Head is only 3 minutes drive. We have been a part of the Fig Tree Hill Drive community for the past 15 years and we do not see any reason for a general store to be built. We also prefer to support the local residents of Lennox Head as they give us a full range of commercial goods and services.

The proposed development would also impact on the amenity of the area for local residents by introducing a commercial development into what is currently a rural residential environment with a high natural landscape amenity. Furthermore the General Store would be built on a Dip Site which would only be a hazard to the people living in Fig Tree Hill Drive. Also, regarding the special purpose subdivision this seems to be not necessary to the rural zoning [40ha minimum lot subdivision]. Council's proposal for rural zoning was strongly supported by the majority of residents living in Fig Tree Hill Drive so there is no reason to be subdivision of land proposed.

Yours Sincerely

Anne Sexton and Dietmar Sobczak

12/41317
ACKNOWLEDGED

Gunhild Wichern and Maureen Miller
19 Fig Tree Hill Drive
LENNOX HEAD NSW 2478

Ballina Council
Attn. Rod Willis
Group Manager Regulatory Services



25th September 2012
RE:DA 2012/369

We are writing to you to object to the proposal for Erection of a General Store, associated Residence and special purpose subdivision.

- There is insufficient parking in Fig Tree Hill Drive to allow for a shop and its customers.
- There is no need for a shop with Lennox Head shops less than 2 km away
- The property was used for as a cattle dip and the ground is contaminated.
- There is no commercial property in this street and a shop would contravene the nature of a semi-rural street.
- We love our quite semi-rural amenity and strongly object to any commercial activity in this street.

Kind regards,

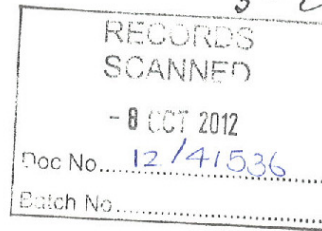

Gunhild Wichern and Maureen Miller

12/41105
ACKNOWLEDGED

Copy

61 Fig Tree Hill Drive,
Lennox Head, 2478
3rd October, 2012

Mr. Rod Willis,
Group Manager,
Regulatory Services,
Ballina Shire Council,
P. O. Box 450,
Ballina.



12/41647

ACKNOWLEDGED

re DA 2012/369

Dear Sir,

I wish to make an objection to an erection of a general store and associated residence together with a special purpose subdivision as stated in DA 2012/369.

Fig Tree Hill Drive and its environs is a unique area as it stands, with complimentary housing in a rural setting, and I strongly feel a shop is out of keeping and is not called for to serve the small number of people living here. It is an area served adequately by Lennox Head shops whom I am sure deserve any business they may receive from Fig Tree Hill residents.

Further Fig Tree Hill is a narrow roadway without footpaths, and I feel any extra traffic, be it for deliveries to a shop, or cars to a new subdivision, could be a dangerous area at the base of a hill, for school children walking home from the bus, or any other pedestrian going to a shop.

I see this application as changing the special environment we have here, and business activity, in the form of a general store, is uncalled for, and could be of great concern with school children, pedestrians and cars moving around from a subdivision development at the base of a hill (and entry off Ross Lane) into a narrow roadway.

Yours sincerely

(Mrs) Marlena Thorpe



06/10/12

D. Warburton
L. Preston
9 Hilltop Place
Lennox Head NSW 2478

Mr. Rod Willis
Group Manager
Ballina Shire Council
P.O Box 450
Ballina NSW 2478

12/42218
ACKNOWLEDGED

State Planning Dept. Reg Off.
Locked Bag 9022
Grafton NSW 2460

Dear Sir/Madam
Re: DA NO: 2012/369
Property: Lot 60 1067198 13 Fig Tree Hill Drive Lennox Head NSW 2478

We wish to submit our letter of Objection to the erection of a General Store and Associated special purpose subdivision and dwelling.
We object on the grounds that Fig Tree Hill Drive and Hill Top Place are no through rds. We do not want any undue traffic and noise coming into such a small narrow Drive, that is always quiet and is normally only limited to its Residents. We do not want unwarranted traffic noise and an invasion of other public members driving up and around – the no through roads.
We like our privacy, quiet lifestyle, we chose to build and live in a Rural/Residential area, Not a commercial precinct.
We chose Fig Tree Hill to be away from the shop, traffic and people, if we wanted a General store near by we would have lived in town but we didn't we chose to live here away from the shops etc.
Fig Tree Hill Drive is a way road in width no curb and gutter or footpaths either side, so people. Pedestrians could not even safely walk to such a general store in a safe manner being on the crest of narrow hill. We are lucky enough to have room to Drive!!
We also believe that the site is an old Cattle Dipping Station with Contaminated Soils. Disturbing the vegetation and soils would pose risk of wider spread of contamination. Including the nearby waterways and canals. Policy is to have a 200m buffer around these sites, Not build a residence and public access store there.

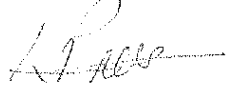
The current title (two separate parts to the land) would have one dwelling entitlement. This proposal increases that to two, again contrary to the zoning.

There would be loss of tall trees on the site with consequent loss of amenity. Wild life is often seen there.

The land is zoned rural (not residential) and a general store and residence is not consistent with the objectives of the rural zoning.

Your faithfully

L. Preston

Handwritten signature of L. Preston in cursive script.

D. Warburton

Handwritten signature of D. Warburton in cursive script.