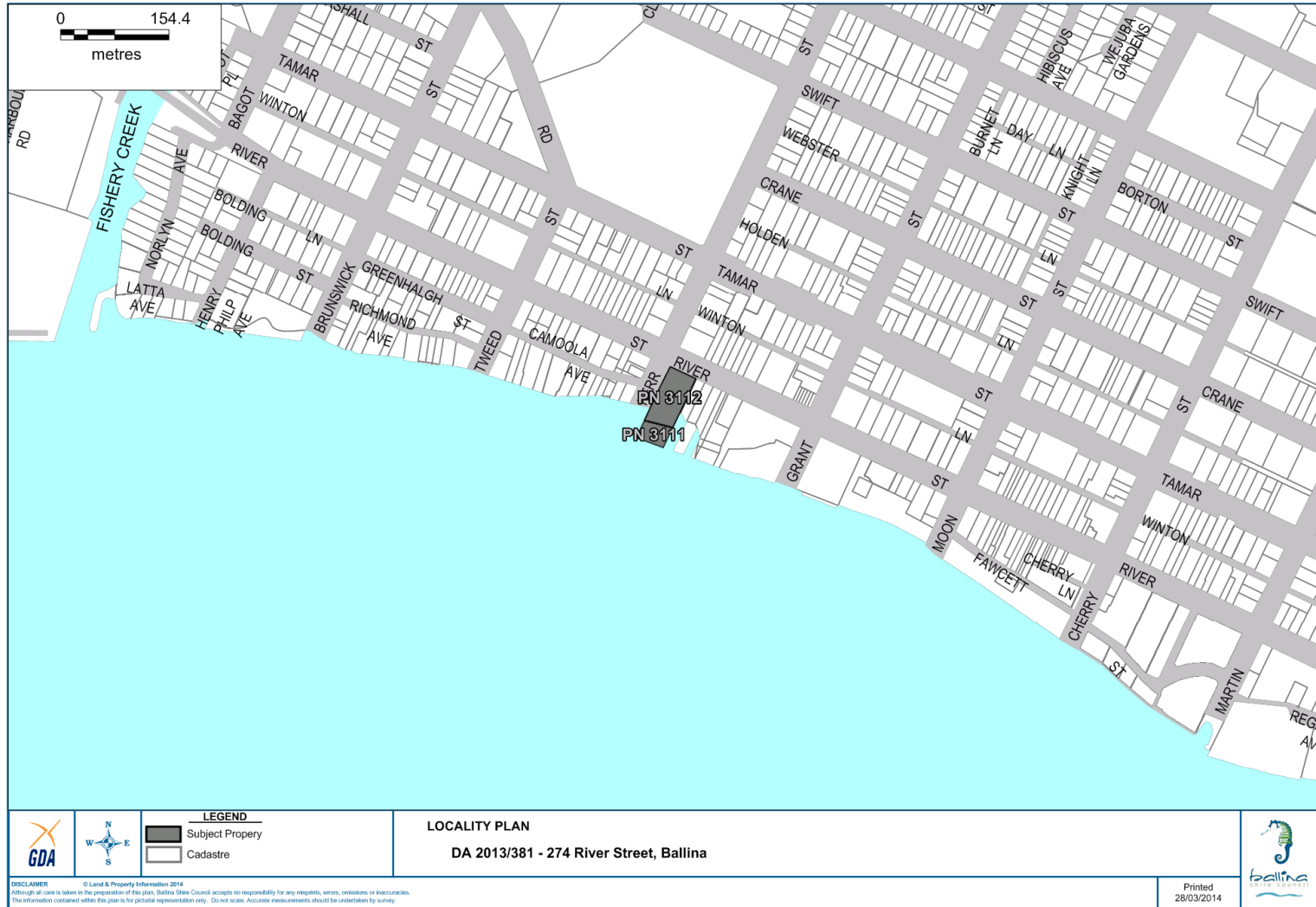
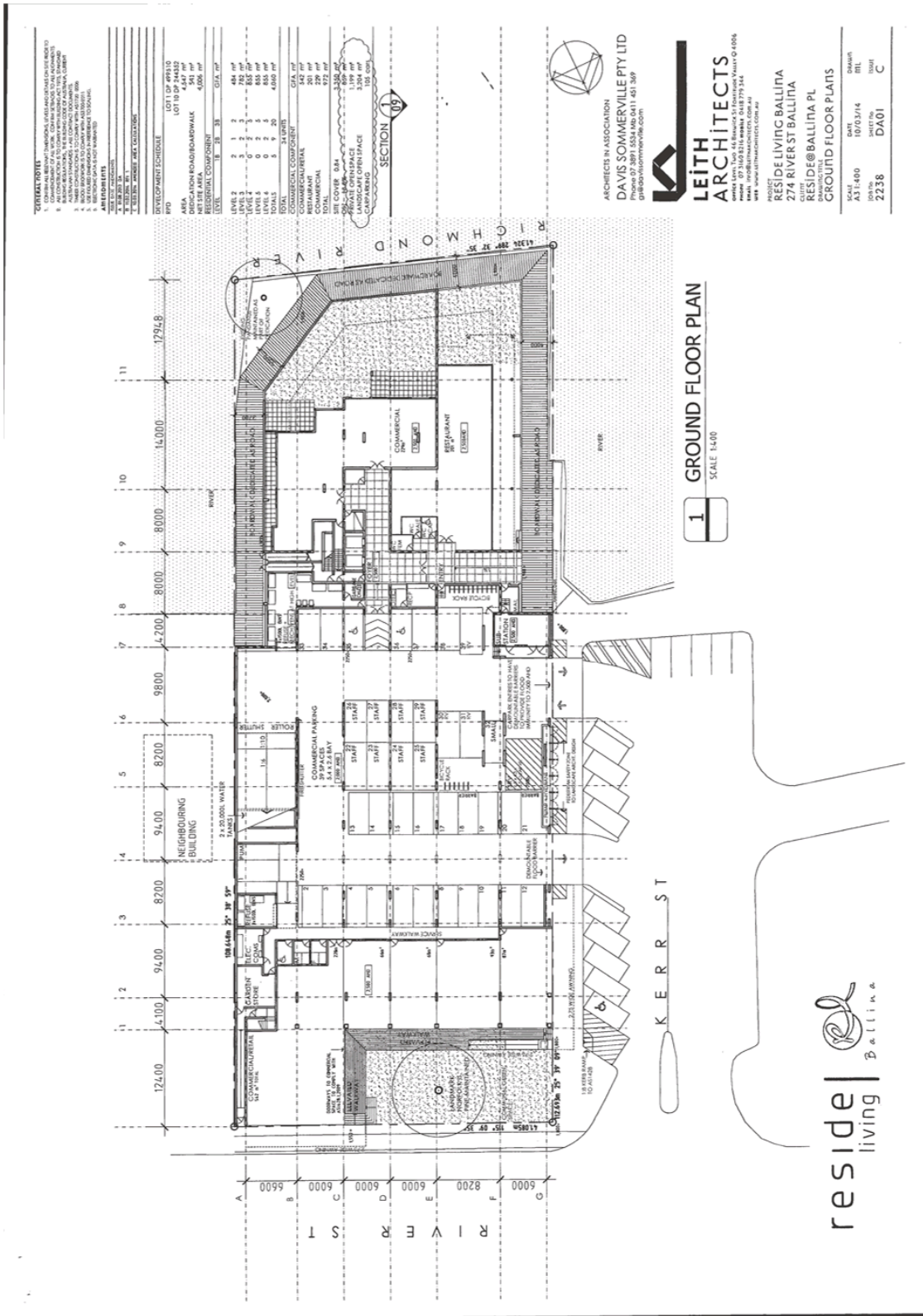
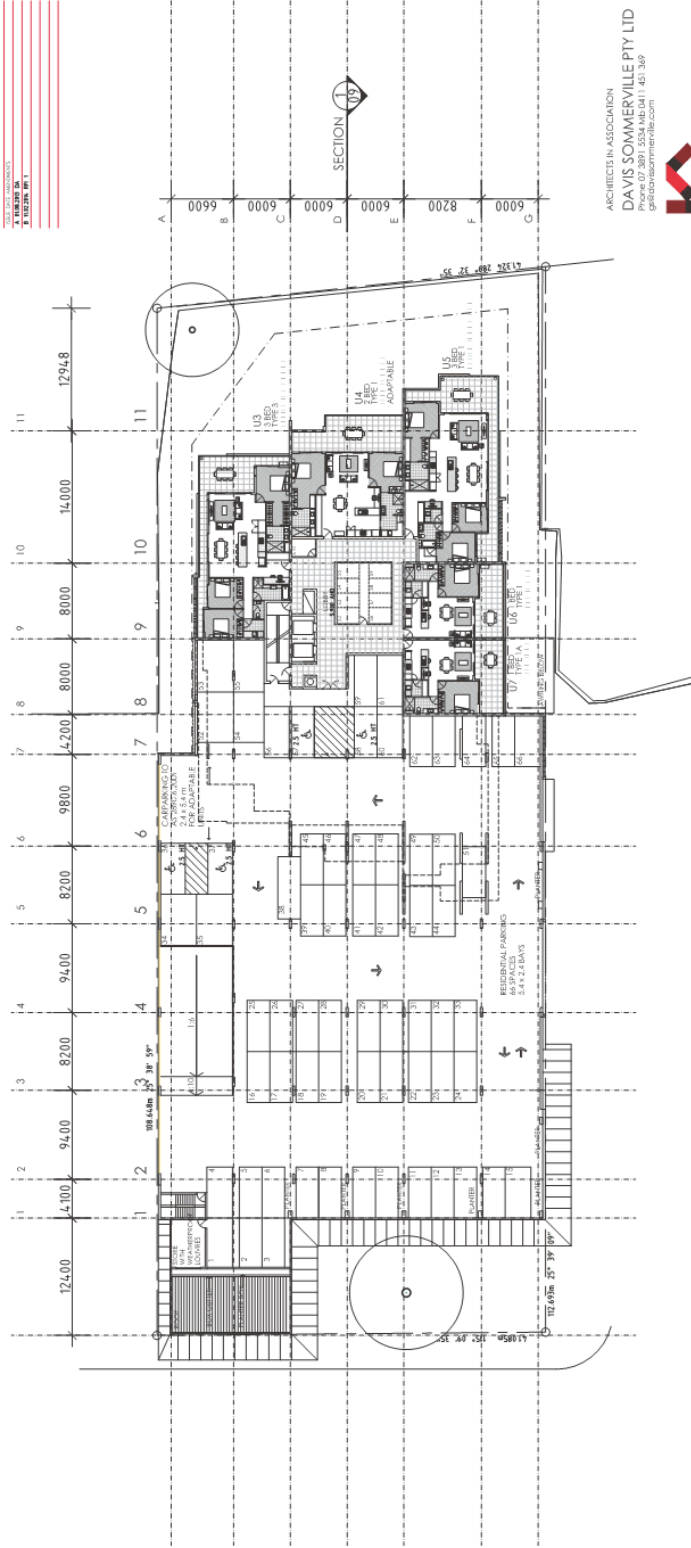


8.1 **DA 2013/381 - Shop Top Housing (Reside Living), River Street, Ballina.DOC**





- CONCRETE NOTES**
1. CONCRETE SHALL BE SUPPLIED AND PLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL STANDARD AS 3600-2009.
 2. ALL CONCRETE SHALL BE COMPACTED BY BEATERS AND VIBRATORS.
 3. ALL CONCRETE SHALL BE CURED BY COVERING WITH POLYETHYLENE SHEETING AND WATERING FREQUENTLY TO PREVENT CRACKING.
 4. ALL CONCRETE SHALL BE TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL STANDARD AS 3600-2009.
 5. ALL CONCRETE SHALL BE TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL STANDARD AS 3600-2009.
 6. ALL CONCRETE SHALL BE TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL STANDARD AS 3600-2009.
- SIZE AND DIMENSIONS**
- 1. DIMENSIONS IN METERS
 - 2. DIMENSIONS IN MILLIMETERS



1 LEVEL 2 FLOOR PLAN
SCALE 1:400



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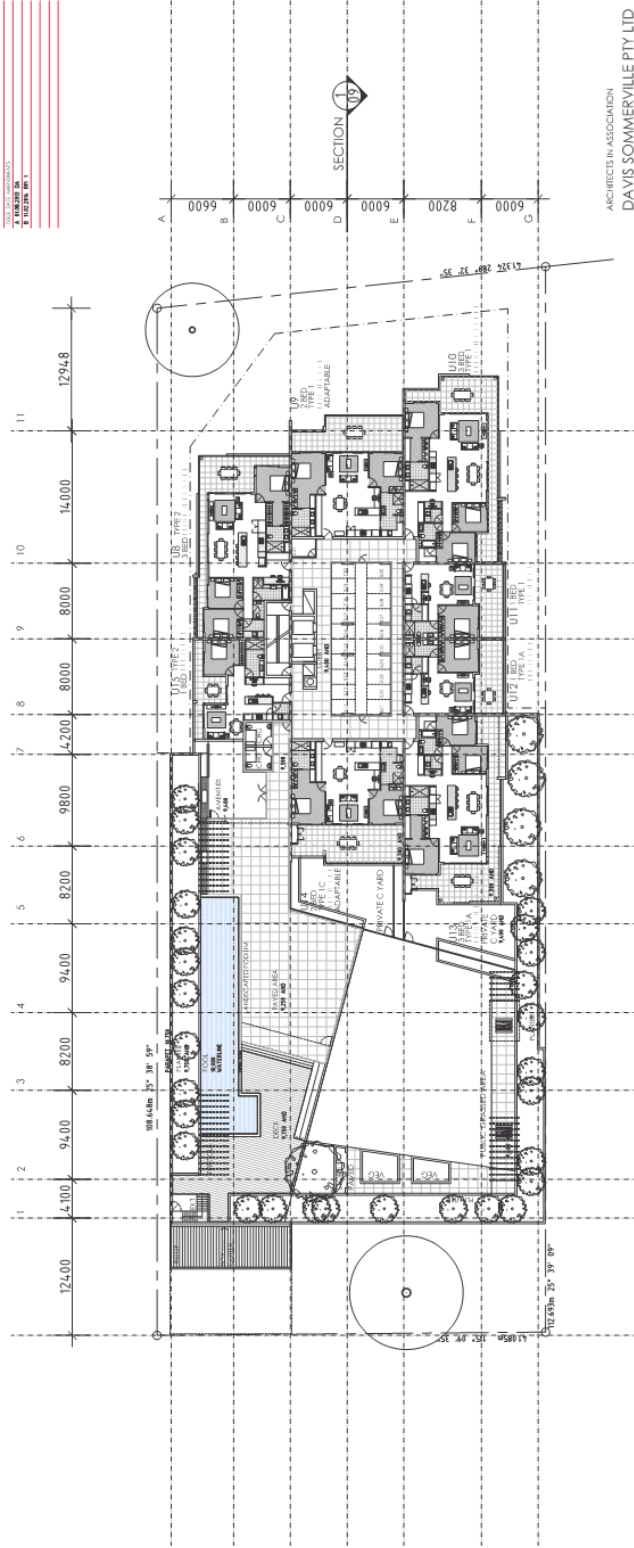
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PROJECT
RESIDE LIVING BALLINA
 274 RIVER ST BALLINA
 BALLINA NSW 2460
 DRAWING TITLE
RESIDE@BALLINA PL
 LEVEL 2 FLOOR PLATS

SCALE A3 1:400 DATE 11/02/14 DRAWN RIL
 100% 1:400 CHECKED DA03
 2238 100% 1:400



- CONCRETE NOTES**
1. CONCRETE SHALL BE SUPPLIED AND PLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT EDITIONS OF THE SYDNEY CONCRETE CODE OF PRACTICE (AS 3600) AND THE CURRENT EDITIONS OF THE SYDNEY CONCRETE CODE OF PRACTICE (AS 3600) AND THE CURRENT EDITIONS OF THE SYDNEY CONCRETE CODE OF PRACTICE (AS 3600).
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- SIZE AND DIMENSIONS**
- UNIT: METRE**



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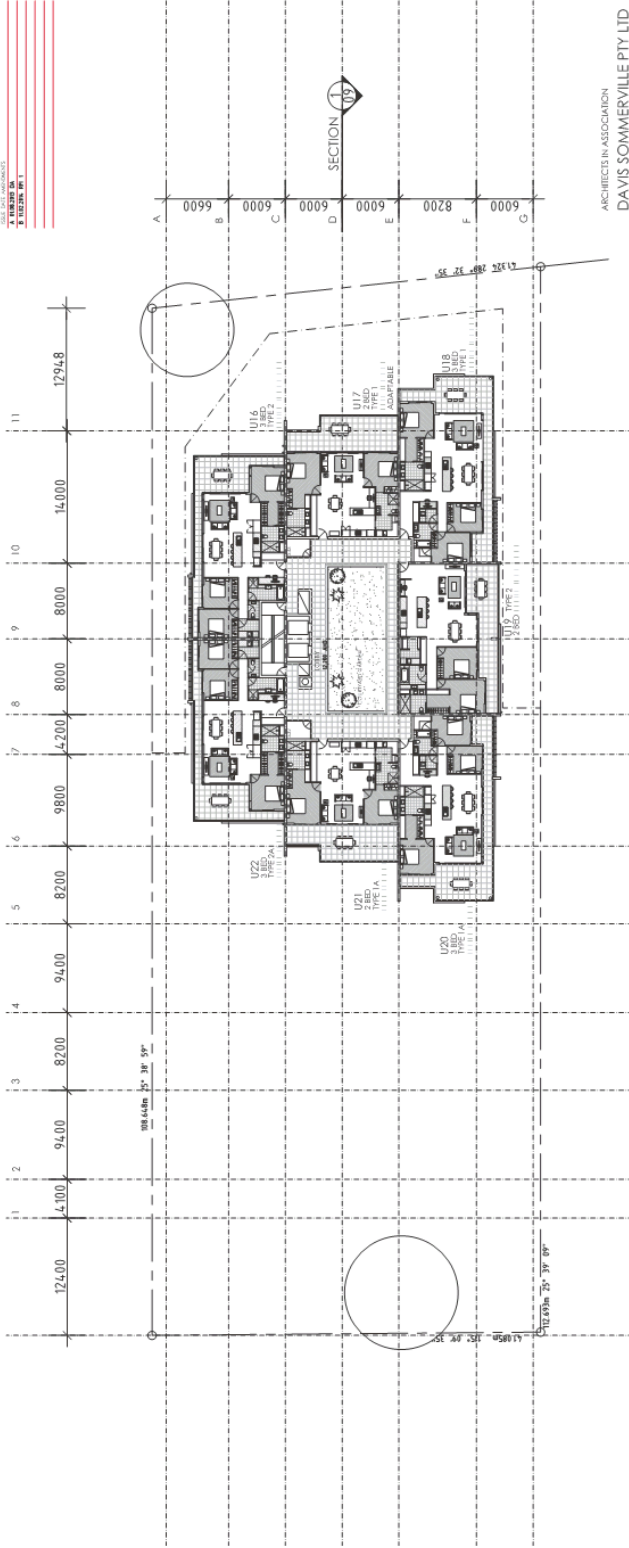
PROJECT
RESIDE LIVING BALLINA
 274 RIVER ST BALLINA
 BALLINA NSW 2463
 RESIDE@BALLINA.PL

DATE: 11/02/14
 DRAWING NO: DA04
 SCALE: A3:1:400
 SHEET NO: 2238
 OF SHEETS: B

1 LEVEL 3 FLOOR PLAN
 SCALE 1:400



- CONCRETE NOTES**
1. CONCRETE SHALL BE SUPPLIED AND PLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT EDITIONS OF THE SYDNEY CONCRETE DESIGN AND CONSTRUCTION MANUAL.
 2. ALL CONCRETE SHALL BE CAST AND CURED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT EDITIONS OF THE SYDNEY CONCRETE DESIGN AND CONSTRUCTION MANUAL.
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- STEEL FIXING NOTES**
1. ALL STEEL FIXING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT EDITIONS OF THE SYDNEY CONCRETE DESIGN AND CONSTRUCTION MANUAL.
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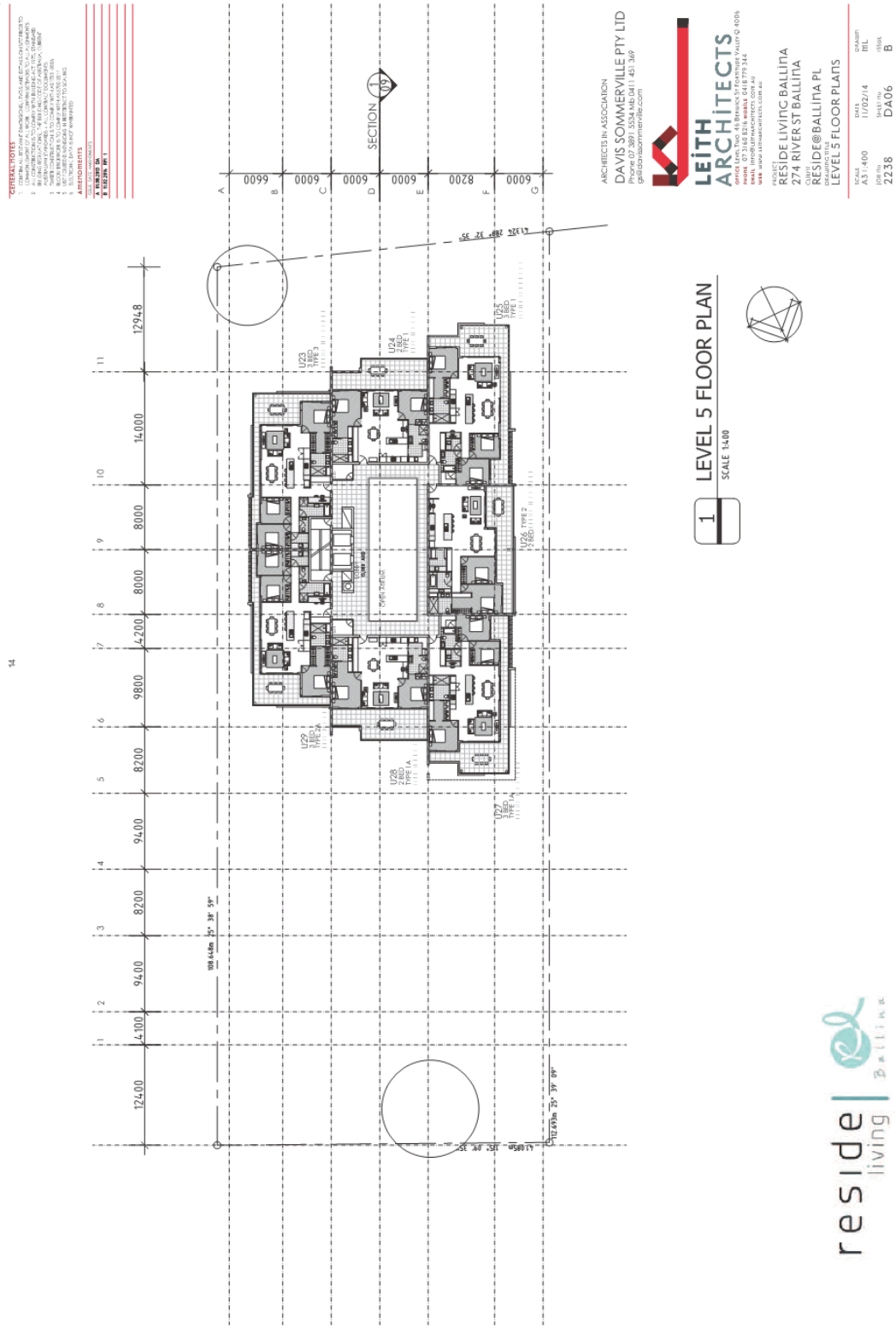
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PROJECT
RESIDE LIVING BALLINA
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 DRAWING TITLE
RESIDE@BALLINA PL
 LEVEL 4 FLOOR PLANS

SCALE	DATE	BY	CHECKED
A3:1:400	11/02/14	ML	ML
2238		DA05	B

1 LEVEL 4 FLOOR PLAN
 SCALE 1:400





- CONSTRUCTION NOTES**
1. REFER TO ALL DRAWINGS FOR DIMENSIONS AND FINISHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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DATE
 11/02/14

SCALE
 A3:1:400

DATE
 22/38

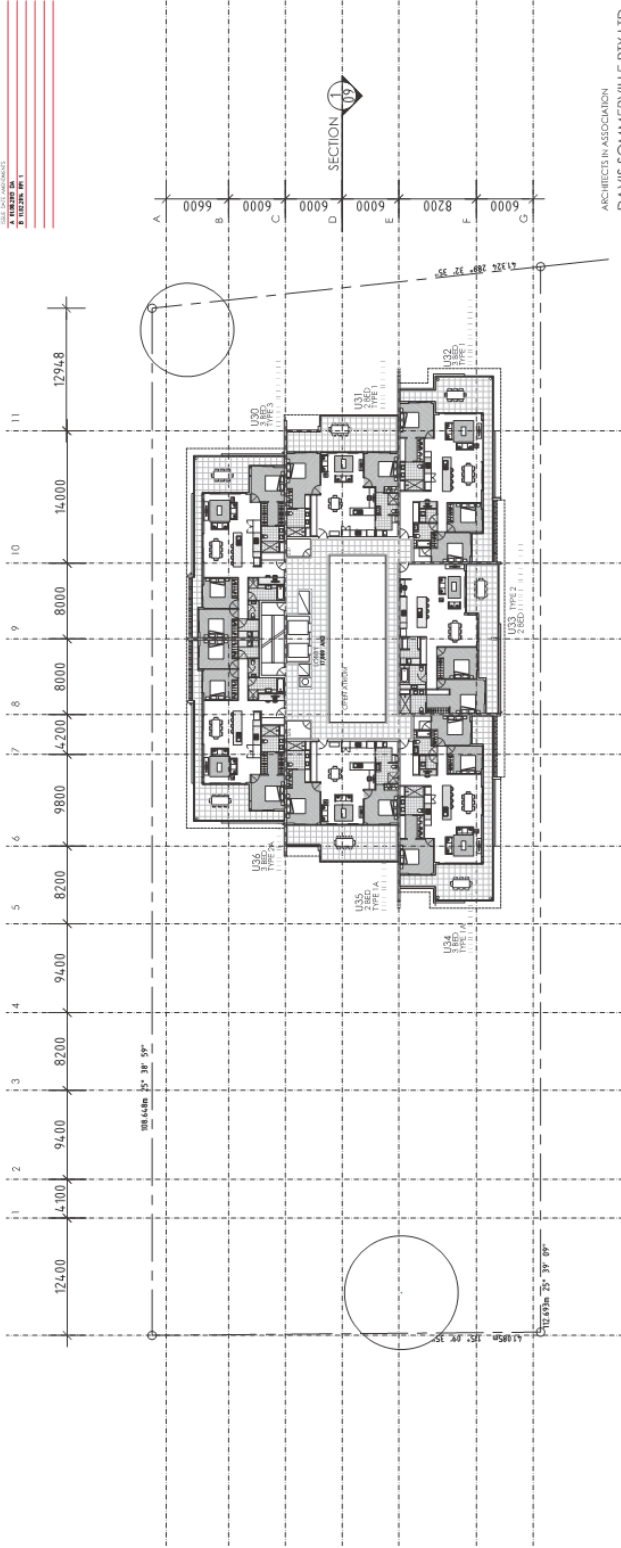
BY
 ML

CHKD BY
 ML

APP'D BY
 B



- CONCRETE NOTES**
1. CONCRETE SHALL BE SUPPLIED AND PLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT EDITIONS OF THE SYDNEY CONCRETE DESIGN CODE AND THE SYDNEY CONCRETE CONSTRUCTION CODE.
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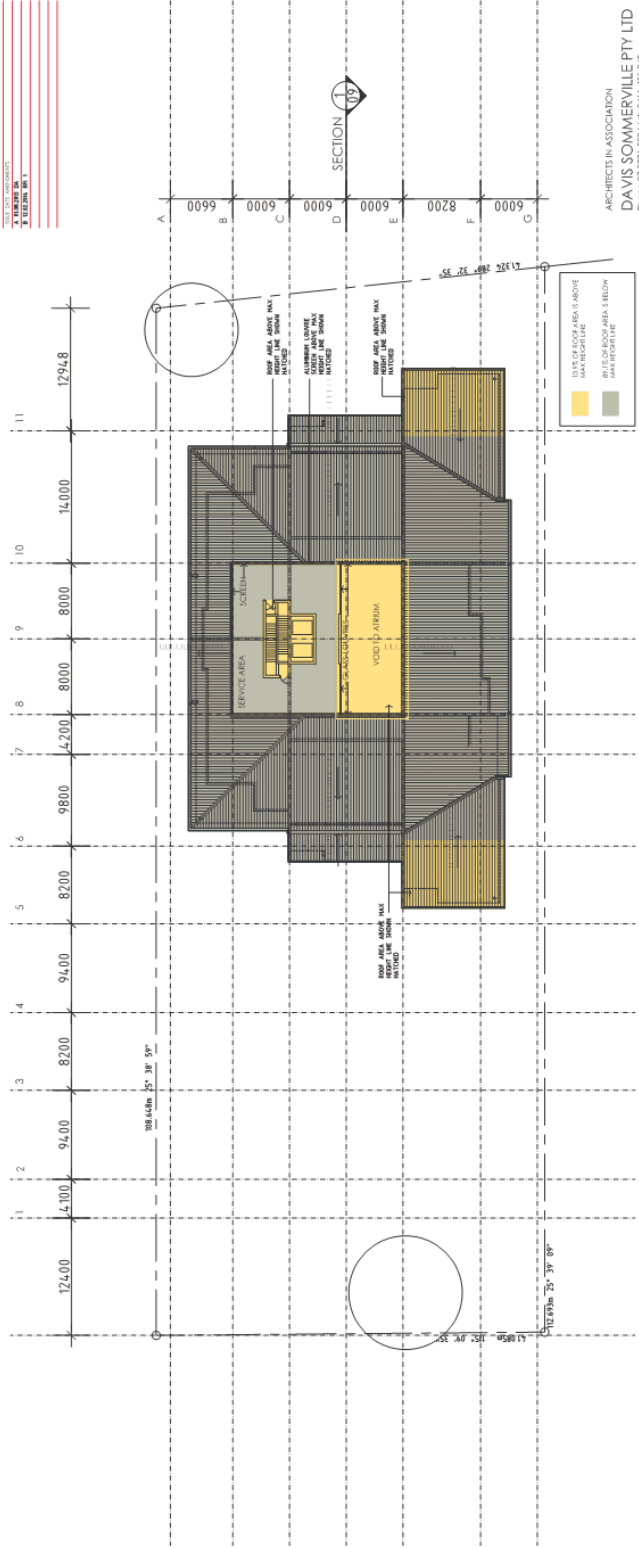
PROJECT
 RESIDE LIVING BALLINA
 274 RIVER ST BALLINA
 BALLINA NSW 2463
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 RESIDE@BALLINA.PL

SCALE	DATE	STATUS
A3:1400	11/02/14	RFL
2238		DRK
		DA07
		B

1 LEVEL 6 FLOOR PLAN
 SCALE 1:400



- GENERAL NOTES**
1. CONSULT THE SHIRE OF BALLINA DEVELOPMENT CONTROL OFFICER FOR ALL RELEVANT REGULATIONS AND REQUIREMENTS.
 2. THIS DRAWING IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
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 19. THIS DRAWING IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
 20. THIS DRAWING IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
- APPENDICES**
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B VOLUME 02
C VOLUME 03
D VOLUME 04
E VOLUME 05
F VOLUME 06
G VOLUME 07
H VOLUME 08
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1 ROOF PLAN
SCALE 1:400

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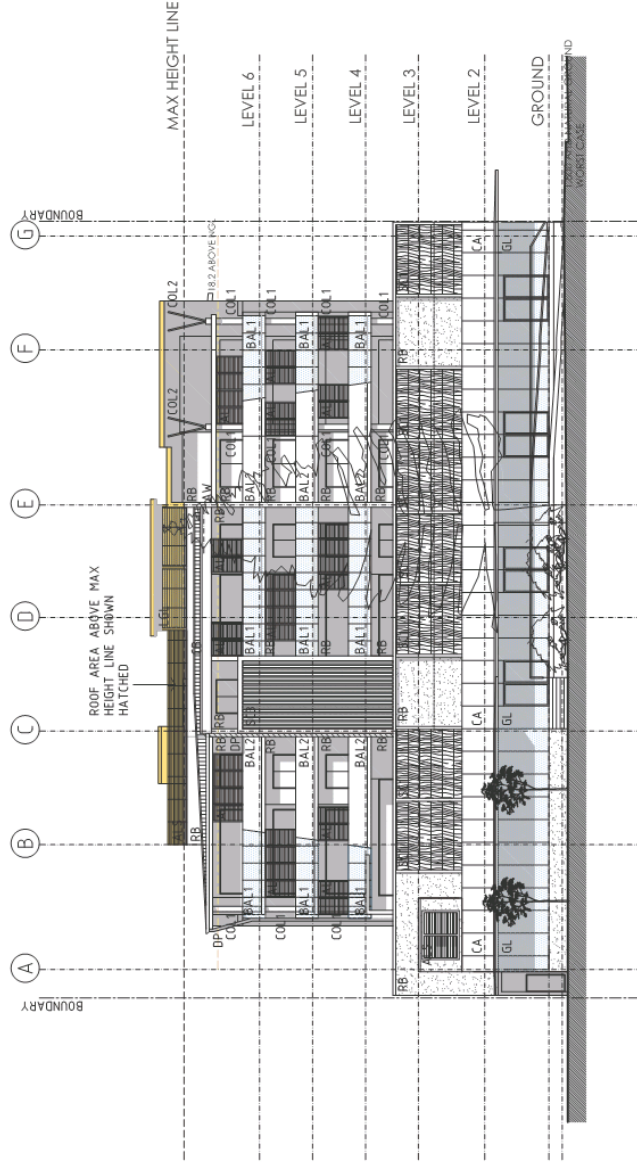
PROJECT: RESIDE LIVING BALLINA
 277 RIVER STREET BALLINA
 CLIENT: RESIDE@BALLINA.PL
 DRAWING: ROOF PLANS

SCALE	DATE	DRAWN
1:400	2/02/14	PL
PROJECT NO	NO	REV
2238	DA08	B



- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
 2. ALL CONSTRUCTION SHALL BE TO THE SATISFACTION OF THE LOCAL COUNCIL.
 3. ALL MATERIALS AND FINISHES TO BE USED SHALL BE APPROVED BY THE LOCAL COUNCIL.
 4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED BUDGET.
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22



LEGEND

BAL1	GLASS BALUSTRADE 1000mm HIGH	RB	QUICKWALL TRADITIONAL RENDER SPONGE FINISHED ON BLOCKWORK WITH 'V' JOINT RULED IN
SS	VERTICAL SUPPORTS ALUM HANDRAIL AT 900mm HIGH	GL	ALUMINIUM FRAMED GLAZING
BAL2	RENDERED & PAINTED BLOCKWORK BALUSTRADE	AL	TOP HUNG SLIDING ALUMINIUM ADJ. SHUTTERS WITH GUIDE SITTING ON SS HANDRAIL. REFER TO DETAIL
CB	COLORBOND ROOF COLOUR TBA	CA	PRE-CAST CONCRETE AWNING PANELS
COL1	RENDERED CONCRETE COLUMN	AW	STEEL FRAMED AWNING WITH CB ROOF
COL2	POWERCOATED STEEL COLUMN	ALS	ALUMINIUM FIXED LOUVER SCREEN
DP	SS DOWNPIPES COLOUR TBA		
FC	9MM THK CORTEX PANEL OVER VAPOUR BARRIER. PAINT FINISH		
CP	PRE-CAST CONCRETE PANELS - SMOOTH		
RCP	PRE-CAST CONCRETE PANELS - ROUGH		
SC1	STEEL MESH SCREEN		
SC2	SPUN REPEPER FINISH SCREENING - PRINTED FABRIC		
SC3	VERTICAL FIKED SCREEN 200x38 P.C. ALUM SECTIONS WITH MAX 125mm OPENING		
LGL	LOW E GLASS LOUVRES ALUM. FRAMED		

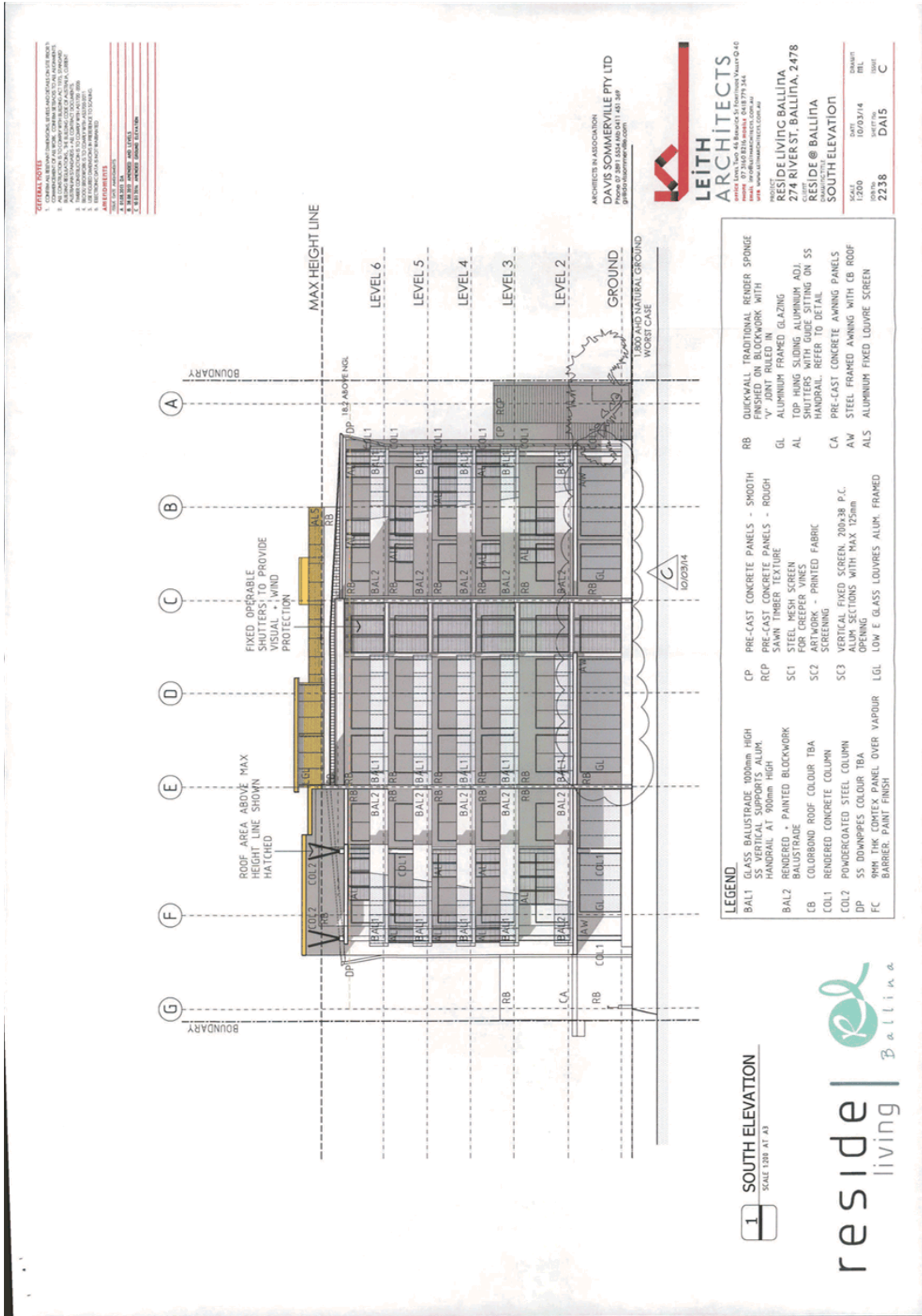
1 NORTH ELEVATION - RIVER STREET
SCALE 1:200 AT A3

ARCHITECTS IN ASSOCIATION
DAVIS SOMERVILLE PTY LTD
Phone 02 3801 5534 Mob 0911 463 549
davis@somerville.com.au

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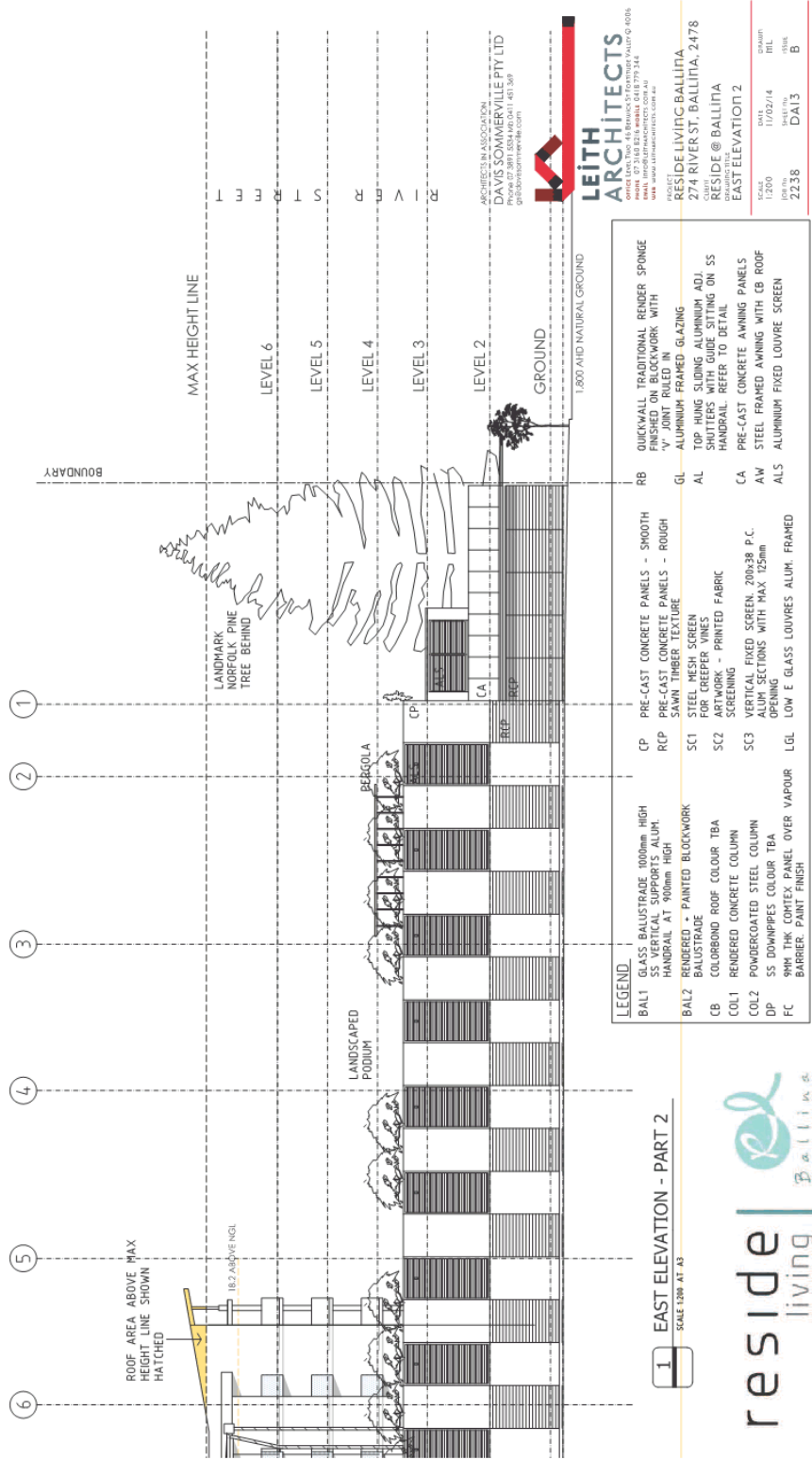
PROJECT
RESIDE LIVING BALLINA
274 RIVER ST. BALLINA, 2478
RESIDE @ BALLINA
NORTH ELEVATION

SCALE 1:200
DATE 11/02/14
JOB NO 2238
DRAWN BY DA14
CHK B



- CONCRETE NOTES**
1. CONCRETE SHALL BE SUPPLIED AND PLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL STANDARD AS 3600-2009.
 2. ALL CONCRETE SHALL BE SUPPLIED AND PLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL STANDARD AS 3600-2009.
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- FINISHES**
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- GENERAL NOTES**
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21



ARCHITECTS IN ASSOCIATION
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PROJECT
RESIDE LIVING BALLINA
 274 RIVER ST, BALLINA, 2478
 DRAWING TITLE
RESIDE @ BALLINA
 EAST ELEVATION 2

SCALE
 1:200

DATE
 11/02/14

ISSUE NO
 01/14

DATE
 11/02/14

ISSUE NO
 01/14

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ISSUE NO
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DATE
 11/02/14

ISSUE NO
 01/14



**OVERSHADOWING ADJOINING PROPERTY 9AM June 21
DIRECT SUNLIGHT ENTERING WINDOWS TO LIVING AREA**



**OVERSHADOWING ADJOINING PROPERTY 12PM June 21
DIRECT SUNLIGHT ENTERING WINDOWS TO LIVING AREA**

PROJECT
 RESIDE LIVING BALLINA 274 RIVER ST, BALLINA
 RESIDE AT BALLINA PTY LTD.
 ADJOINING NEIGHBOUR SHADOWING STUDY

LEITH ARCHITECTS
 office Level Two 48 Berwick St Fortitude Valley Q-4006
 phone 07 3160 8211 mobile 0418 779 344
 email info@leitharchitects.com.au web leitharchitects.com.au

SCALE	DATE	DRAWN
N.A.	02.08.13	MJL
NO. IN SET	SHEET	ISSUE
2338	DA22	A

8.1 DA 2013/381 - Shop Top Housing (Reside Living), River Street, Ballina.DOC



8.1 DA 2013/381 - Shop Top Housing (Reside Living), River Street, Ballina.DOC



8.1 DA 2013/381 - Shop Top Housing (Reside Living), River Street, Ballina.DOC



8.1 DA 2013/381 - Shop Top Housing (Reside Living), River Street, Ballina.DOC



The General Manager
Ballina Shire Council
Cnr. Tamar & Cherry Sts
Ballina N.S.W 2478

Attention: Mr D. Roberts
Reference: Development Proposal 2013/381

Dear Sir,

1. On behalf of my wife and I, we wish to lodge a formal objection to the Development Proposal 2013/381 lodged to Ballina Shire Council by the applicants Planners North.
2. My wife and I are ratepayers within the Ballina Shire Council and Owners of the Property No. 276 to 278 River Street, adjacent to the Sundowner Motel.
3. We have previously lodged a development application to Ballina Shire Council, the application was duly considered and granted approval on 16th May, 2013. Our selection of Country Mode Living, the specific location, subsequent planning, and design to blend with the surrounds being of paramount consideration. Not only for self interest, but a design to enhance the locality, fitting in with neighbouring structures, whilst extending that Country Style Hospitality through our business, and remaining environmentally friendly. Our philosophy was in Design, to give to the community an aesthetically pleasing moderate building whilst remaining open and transparent, modern, but befitting the surrounds, of the Ballina Township.
4. We consider this proposal now before Council to be a crucial decision for the Elected Councillors in deciding how Ballina is to future develop. The foreshore should not be allowed to be smothered by high rise building - irrespective of setbacks. The foreshores are the main attraction and should be preserved. Foreign Investment is eating up our prime sites with High-rise Buildings. Some coastal townships, whilst chasing the dollar have fallen victim because of bad management and planning decisions.
5. In relation to disclosure decisions, we have been frank and forthright in regard to our disclosure, obligations in respect to gifts and donations to councillors, employees of such council and to politicians. That being a matter of record, filed as "NIL" with Ballina Shire Council.
6. The grounds for objection to this particular development proposal are many. A number of those are obviously a matter not only for persons employed as Town Planners, but for the elected Councillors who represent The People of The Community. It is therefore intended, to restrict our submission to the issues affecting our location, and touch only some relevant issues that most Councillors with more and better local knowledge are better able to make a more appropriate and informed decision upon.
7. Accordingly, are the following issues upon which we form our objection. (The issues are by no means exhaustive.)
 - a) Concept;
Firstly the concept of a strata titled multi-level mixed commercial and residential high rise building extending to an "APPROXIMATE" height of 23m. (and we note the word 'approximate') Should very simply and for obvious reasons be "Out of the Question"
To permit such a structure on the very edge of such a busy intersection is ridiculous to say the least. The reason being the infrastructure for the increased proposed residents and vehicles at that particular location, and we refer to existing infrastructure, can not cope.
 - b) Irrespective of what signs, lines or additions to traffic lights might be imposed the locality simply will not cope, creating a much worse situation for existing or proposed occupants than exists presently.
 - c) Certainly it may have been considered and passed previously. However times have changed since the Gateway Development, particularly in respect of deliberations, at that particular time.

d) HEIGHT;

The height as set out in the proposal is not only unclear, but is completely outside council policy. It brings to my mind that by using the word "Approximate" in their application, Planners North, have a hidden agenda to extend the height beyond, not only the "CAP" imposed by Council Policy, but beyond the stated 23m. We were obliged to comply with Council Policy of 6.4 maximum height, we DID. There have been no changes to the Council cap of 18m in any case (Crystal Clear) that remained the situation from my inquiries up to and including the date of submitting this OBJECTION.

e) Irrespective of any argument to the contrary. Policies are thought through and formulated for compliance for not one or the other. But for all, to comply.

8. MERE IMPACT ON LOCATION

a) To allow a structure of this height, consisting 36 Units combined with Commercial, on such a Major Intersection and Prime Junction would defy logic.

When assessing the particular location, Kerr Street, Camoola Avenue, and the problems that obviously already exist on a major thoroughfare such as River Street. The obvious reaction would be to step back, rather than invite havoc.

There are few other locations in Ballina where such a development of this height would have greater impact, to the detriment of the Community.

b) Travellers & local members of the public, passing this particular location relate to "Ballina on The Richmond River", an instant memory of Ballina.

If managed correctly this location will become even more an Iconic Location in Ballina.

Building a High Rise Residential reaching size or seven stories is not, is not, the answer.

We are not objecting to progress, but as ratepayers and business people to be in the Community, it is reassuring to see sensible planning put into place, unlike the Gold Coast.

c) It might certainly be argued, in some instances new for old is possibly better. Considering the present outlook, one might readily agree. However with residential occupancy, the calibre of the occupants can not be, by any means, guaranteed. This readily brings to mind the long term effect on such a showcase location, not only to neighbouring establishments but to travellers and the general passing public within the community. Do we need more vacant retail premises?

Do we need High-rise Residential Units on such a major intersection? In considering the impact on this location, we think not.

d) Again, we are not anti-progress, providing any such proposal is reasonable. Simply the impact this structure will have on our location, our outlook, designed to blend with the surrounds leaves no choice but to object in the STRONGEST TERMS, to the Councillors and employees of Ballina Council who determine these proposals. The impact upon our business and outlook will be significant if this proposal is adopted.

9. OVERSHADOWING (Blocking of the Sun)

a) All that can be said, is all High-rise Buildings do create problems with overshadow, particularly in Winter months. Not only in the morning, but also later in the afternoon. Many guidelines fail to address the problem. Our property was designed to capture Early morning sun for guests. Should this proposal be adopted the design is pointless, for obvious reasons in relation to early morning sun, in Winter months.

b) Summer Breeze

Every effort has been made with our building design to make use of nature's attributes. Unfortunately a building of higher than 23m or 18m for that matter, located adjacent will completely block any Summer breeze from the Ocean. Obviously the result will be an increase in temperature again, the expenditure and time to obtain an environmentally friendly design is simply LOST should the proposal be accepted.

10. PRIVACY - An absolute/ Major concern

Permitting a high-rise building to overlook from a height of 18m down into units, residence and swimming pool, requires little more explanation when it comes to privacy.

Irrespective of any consideration in relation to resolution, progress, is part of life, Bad Planning Management is Not.

In respect to actual privacy issues, we were advised with our development application to forgo balconies on our units to the North in order to avoid a privacy issue in respect to the two residents to our North. This doesn't seem to be an issue with the Plan that is submitted by Northern Planners in regard to their Westerly aspect.

11. **NOISE**
(We close our business at 9pm - there can be no restriction on high rise living)
Introducing 36 units within High Rise will cause considerable concern. This concern will only worsen with occupants, visitors, coming and going at all hours of the night and day 24-7. It will have a major impact, not only upon our business but to us personally, and definitely upon the comfort of our guests. Bad behaviour and parties in High Rise are very difficult to manage.
12. **TRAFFIC & INFRASTRUCTURE**
- a) Again, a significant problem that currently exists, without the added impact of a high rise building at this location is traffic conditions.
 - b) We refer to Camoola Avenue, as we are fully conversant with this long standing issue. By injecting a further 60, 80 residents and vehicles into a dead end Street, namely Kerr Street, giving traffic flow either to or accepting traffic flow from, Camoola Ave, would be not only ludicrous but irresponsible and indicating a complete lack of understanding.
 - c) Obviously, these days, particularly in high rise units the number of bedrooms does not limit the number of occupants. This is occurring throughout, not only Cities but Coastal Townships. This puts unwanted stress upon the Infrastructure not to mention neighbouring inhabitants. Once such proposals are in fact passed there is instant loss of control.
 - d) Council or RMS are unable to alter this situation painting lines, erecting signs, changing traffic flow/direction, altering traffic lights, can not and will not provide the appropriate facilities for the effective management of traffic that will without any doubt impact upon that area, we are speaking here of residents, not to mention visitors, tradesmen, and vehicle outside parking.
 - e) The traffic in this particular location remains manageable, for Kerr Street South and Camoola Avenue. There simply is no provision to provide appropriate solution to the impact evident with the introduction of this High-rise Proposal, consisting such a massive impactation of people and vehicles, into such a restricted venue this invites congestion and danger for road users.
13. **FLOODING**
In closing it would be remiss of me not to mention the added problem that would be experienced in the event of flooding. Resolutions may well be put forward, obviously water will find its way to the more open susceptible area, rather than an area of occupied space.
Councils deny and reject High-rise proposals frequently in order to preserve the Integrity of their Township, and Country Style Amenities, because of various problems that some proposals present or could well present in future.

SUMMARY

Not only personal considerations are involved with our objection but we have our business to consider.

On a personal note, it is not our intention, to disrupt other persons plans. Selling off Ballina's Foreshore is probably an election issue.

However, on the other hand, my wife & I have expended considerable effort and monies, not to mention time & travel to firstly procure our properties. The expense has escalated since that time. The Proposal now placed before Council, Impacts upon our plans considerably in that, such a High-rise Structure of "Approximately" 23 metres obviously effects, many areas of our design, an may well have a damaging effect on our business, should access and egress because of traffic become a problem, or simply because of noise that will be introduced by the Extra High Residential.

We have been obliged to take various measures to protect our Clientele from noise, it is difficult however to prevent vehicles coming and going, 24-7 to High-rise adjacent units.

I would urge Council with respect, to give this matter careful consideration please.

Yours faithfully,

E. & A. BUDD

22 Poinciana Pde

GREYSTANES N.S.W 2145

DA 2013/381 - Notification of Objection to Development Application

Mrs T Sheather
Mr J Sheather
272 River Street
Ballina NSW 2478



Rod Willis
Group Manager
Development and Environmental Health

Ballina Shire Council
PO Box 450
Ballina NSW 2478
council@ballina.nsw.gov.au

Attention: Dwayne Roberts

ADJOINING OWNER OBJECTION TO: DA 2013/381

Dear Sir/Madam

In response to your document dated 10 October, we wish to advise that we object to the following development proceeding in its current form based on but not limited to the following factors detailed in this document: The proposed building design and mass creates direct and significant negative impacts on the adjoining property 272 River Street Ballina. It appears that no consideration has been given to this existing adjoining property.

DA NO: DA 2013/381
APPLICANT: Planners North
PROPERTY: Lot: 10 DP: 244352, Lot: 1 DP: 499510, 274 River Street BALLINA
PROPOSAL: To Demolish the Existing Sundowner Motel and Restaurant and to Erect and Strata Title a Multi-level Mixed Commercial and Residential Building with an Overall Height of Approximately 23 metres. The Development Comprises Commercial Premises at Ground Level Fronting River Street and a Restaurant Fronting the River with 36 Residential Apartments above. The Proposal Seeks to Dedicate Land for Foreshore Public Access, Retain Two Existing Trees, Comprising One Norfolk Island Pine and One Pandanus and Incorporate Two Levels of Car Parking Within the Building.

DA 2013/381 - Notification of Objection to Development Application

Points of Objection and negative impact due to proposed building design and mass

- Building mass and negative visual impact
- Cross visual and significant loss of privacy
- Significant shadowing
- Acoustic
- Chemical and ventilation from proposed car park and service area vents
- Service operation noise
- Service road vehicle noise , privacy and visual impact
- Air flow, reduction in light and warmth
- SE water views restriction

Objection to other areas of concern creating negative impact to the adjoining property

Massive scale wall on the majority of the site boundary alignment in excess of 10metres in height.

Lack of setbacks, adjoining wall recesses, landscaping buffer.

Lack of detail in finishes and construction products to be used.

Large amount of balconies facing subject property and high level of cross visual impact and privacy intrusion.

Service entry from River Street is some 5 metres in height and then steps up higher (with a pergola area on top) This ceiling height of around 5 metres appears excessive for pedestrian access and service store area accommodation. This wall extends a considerable length along the adjoining boundary with no relief or buffering.

The majority of service equipment is placed in close proximity to the adjoining dwelling. it appears obvious that the plan is to limit exposure to the proposed development and negatively impact the adjoining.

It appears the footprint on the lower levels in particular the area on the boundary alignment is to significantly increase car parking to enable maximum size and mass of the proposed development however this is to the detriment of existing dwelling and local home owner and resident of some 70 years.

Questions Raised and Objections

Is there car park ventilation and chemicals being directed onto the adjoining property. Why is there not mechanical ventilation and redirection and treatment of chemical waste?

What is the negative impact on property value and the amenity of lifestyle for the property and elderly resident?

What is the impact on the future development potential and future design restrictions that may be imposed on the subject property due to the lack of setbacks, building design and mass from the proposed development?

We request a full copy of the development plans and DA documents to be provided.

DA 2013/381 - Notification of Objection to Development Application

Due to the time frame of the objection process being extremely limited, we request to reserve the right to have the opportunity to engage professional planning, development, design and legal advice.

Until further notice please address all further correspondence to;

Jeff Sheather

Mail: 3 Yachtsman Crescent

Salamander Bay

NSW 2317

Email: jeff_sheather@yahoo.com.au

Phone: 0414 343 862

#####

yours faithfully

Jeff Sheather

A handwritten signature in black ink that reads "Jeff Sheather" followed by the date "29/10/13". The signature is written in a cursive style.

RECORDS
SCANNED
30 OCT 2013
Doc No.....
Batch No.....

*R.O. & J. Fenton
8 Camoola Avenue
Ballina NSW 2478
Telephone (02) 6686 6116*

27th October 2013
The C.E.O.,
Ballina Shire Council
Cherry Street
Ballina 2478
Dear Sir,

Development of Lot10 DP 244352/ Lot DP 499510/274 River Street Ballina

We refer to the above Development Application.

What concerns us is the size of the development, particularly in relation to the site on which it stands. Can we be guaranteed that occupying an area that was once a river, can produce foundations capable of meeting all the criteria necessary to ensure its permanence

The second concern we have in relation to the site is the removal of the two pine trees. Ballina is not endowed with trees of the calibre of those to be removed from the site on which the proposed building will stand. I urge Council to consider any course within the construction, which leaves these impressive giants in situ.

Council must concede that if the proposal is given the green light to proceed the DA presently under consideration will increase, the traffic in Kerr Street. Not only that, the already approved 10 unit mote feeding into that same street will have a marked impact.. How could this not exacerbate that street's traffic problems.

There is no doubt that Camoola Avenue, must, because of the width of its pavement be concentered a one way street.

Closing entry to it ,at its junction with Kerr Street we believe would go a long way to solving a problem of long standing.

Whilst it would preclude residents of Camoola Avenue from entering from Kerr Sreet, and using instead the next street to the left along River Street, the extra distance would make the change worth while. This action would eliminate the speed and disregard for traffic laws including cutting corners and eliminating the high speeds travelled

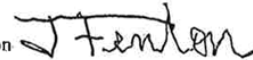
Action to adopt this procedure would increase their driving time minimally, but we believe would result in allowing those residents a much safer entrance and egress to their garages.

Yours faithfully.

R.O. Fenton.



J Fenton





G.M. & J.B Doust
4 Camoola Avenue
Ballina NSW 2478
Telephone (02) 6686 6015

28th October 2013
The C.E.O.,
Ballina Shire Council
Cherry Street
Ballina 2478

Dear Sir,

Development of Lot10 DP 244352/ Lot DP 499510/274 River Street Ballina
We were surprised when we realised the enormity of the proposed structure which is disclosed in the above development application.

It is a very ambitious project, but if it turns out to be as portayed in the architects drawing will certainly add substance.to this western end of River Street.

What disappoints us however is the loss of two magnificent pine trees amid all that cement. Those trees are depended upon by a wide species of birds, which have hitherto added to the beauty and diversity of that area. It is hard to believe that the architects of today cannot dream up something in which they are included..

Being used to looking at the existing building it is hard to comprehend the sheer height and bulk of the proposal, as we believe it will be equivalent to the height of the pine trees which are are subject to demolition

In every development application which has come before Council we have continued to harp on the traffic aspect in the southern end of Kerr Street.

Once again we take up cudgels to make Camoola Avenue a one way street, from west to east. This would prohibit the entry of traffic from Kerr Street into Camoola Avenue

Whilst this means in effec, that the residents of Camoola Avenue would need to continue west past Kerr Street for one block before turning left off Ballina Street, That they would be prepared to do,, rather than having to look both right and left when entering and exiting their garages.

Road marking and speed limits have not stopped the constant breaches of driving laws.. One day a fatal accident will occur and it will lthen be too late to "shut the gate after the horse has bolted".

Please consider all aspects raised in this submission./

Yours faithfully,

G.M. Doust

J.B Doust.

RECEIVED
29 OCT 2013

COUNTER

Submission DA2013/381

RECORDS
SCANNED
30 OCT 2013
Doc No.....
Batch No.....

Residents of Camoola Avenue
C/- G.M. & J. B. Doust
"Bo'suns Cottage"
4 Camoola Avenue
Ballina NSW 2478
Telephone (02) 6686 6015
E-mail: gmdoust@lis.com.au

AGENDA FOR MEETING WITH DWAYNE ROBERTS ON 24/10/2013
AT 2 CAMOOLA AVENUE - BALLINA. 24/10/2013

SUBJECT

Development of Lot 10 DP 244352/ Lot DP 499510/ 274 River Street Ballina

1. Report from Dwayne on the progress (if any) of the Traffic Committee
2. Establish the height limitation of the project
3. When the proposed "Gateway Development" as submitted for public comment the two pine trees on the southern side of the land were to be retained. Why has this apparently changed?
4. As the foundations of the proposed site will need to be extremely strong to support the project, has this matter been resolved to the satisfaction of the structural engineer?
5. Where is it proposed to provide parking for the customers using the shops facing River Street?
6. To enter the proposed motel from the east using River Street, roadworks would need to be constructed either down the centre of Kerr Street on the southern side of River Street, or a roundabout provided to allow the movement of travellers access to the motel via Kerr Street.
- 7.
8. Access of the waste disposal trucks to either the existing motel site or to collect the garbage from the units would require thoughtful consideration because of their size/ Trucks cannot access the present motel without travelling to the southern end of Kerr Street before returning to enter from the western side of Kerr Street
- 9.
10. Consideration needs to be given to shadowing of existing premises as well as to loss of the views they presently enjoy
11. Because Camoola has always attracted an unfair share of traffic because of location at the set of lights, the project will only compound the already untenable situation.

RECEIVED
28 OCT 2013

T.C. & N Jacobson
2 Camoola Avenue
Ballina NSW 2478
Telephone (02) 6686 8383

RECORDS
COUNTER
SCANNED
28 OCT 2013
Doc No.....
Batch No.....

26th October 2013

The General Manager
Ballina Shire Council
Cherry Street
Ballina 2478

Dear Sir,

Development of Lot10 DP 244352/ Lot DP 499510/274 River Street Ballina

We have studied the proposed development referred to above.

This was facilitated by Council staff who came to our home to discuss the project which is directly opposite the site of the proposed project. In addition Simon Green of "reside living" who we understand is either owner or part owner of the proposed development provided detailed plans of the development, and answered questions. We asked why the plans could not be altered to include the two "land mark pine trees" as trees in that area are sparse..

We pointed out that the traffic in Kerr Street would be increased substantially by the development coupled with the proposed 10 room motel especially with the addition of the proposed motel on the eastern corner of Kerr Street.

We, as residents of Camoola Avenue find the traffic flow in Camoola Avenue is dangerous, because of the width of the pavement approaching Kerr Street. We have said in our responses to previous development submissions that there problem is rectified before a fatal accident occurs

Council is always short of funds for the work it must undertake, and so we once again make the suggestion that Camoola Avenue be made a "one way only" street, to where it meets Kerr Street.

Every time we and our neighbours back from our garages on to that street we find that it is virtually impossible to be certain that we can, make a clear exit.

Cars from Kerr Street into Camoola Avenue constantly abuse that entry. High speed is abused constantly, as is the cutting the corner.

The project has our support subject to Camoola Avenue being made a one way street., and additional consideration is given to to the project befoore the pne trees are remov#d .

Yours faithfully.

T.C. Jacobson



N. Jacobson



Ballina Locksmiths
269 River Street
BALLINA NSW 2478



RECORDS SCANNED 1 NOV 2013
Doc No.....
Batch No.....

Mr Rod Willis
Group Manager
Development & Environmental Health
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Sir,

RE: Letter of Support for Development Application 2013/381

Ballina Locksmiths is a longstanding business located at the western end of River Street proximate to the proposed new redevelopment of the Sundowner Motel. We vigorously support this application.

In our opinion Ballina has in recent times lost its way a little in terms of fostering commercial activity. This application represents a shot in the arm for Ballina in terms of jobs and commercial activity.

The new plans look good and we think it is appropriate that the development retains the restaurant usage adjacent to the Richmond River but provides for residential apartment living above.

We urge you and the Council to support this fantastic initiative.

Yours Faithfully

A handwritten signature in black ink, appearing to be "Rachel Rushton".

Rachel Rushton
Manager
Ballina Locksmiths

Shell Service Station – 273 River Street, Ballina NSW 2478

The General Manager
Ballina Shire Council
Council Chambers
Ballina NSW 2478



Dear Sir

RE: Sundowner site Redevelopment

I write as a local business owner near to the Sundowner Motel site in Ballina to support the redevelopment of the Sundowner Motel and restaurant as a commercial and residential building.

I have seen the plans and feel that this building will help Ballina greatly. The corner of Kerr and River Streets is a very important intersection in terms of the feeling a traveller passing through Ballina perceives of the town. The proposed building will be an excellent addition to this intersection.

I am really pleased to see the retention of the pine tree at the front and the proposed installation of the boardwalk adjacent to the Richmond River.

Ballina needs an urgent injection of confidence. Councillors, please give this building your rapid support.

Yours Faithfully,

A handwritten signature in black ink, appearing to read "John Percy".

John Percy.



Anne and Geoff Brown 274 River Street Ballina NSW 2478

The Councillors
Ballina Shire Council
PO Box 450
Ballina NSW 2478



Dear Councillors

We write as long term occupants of the Sundowner Motel at Ballina. The proposed mixed commercial and residential building proposed by Reside will be a major shot in the arm for Ballina. We support this endeavour, because we've come to know and respect the new developers, but also because we think the proposed new development will boost greatly the morale of business people in Ballina.

Councillors you will be aware that in recent times there have been a lot of shop closures in Ballina and businesses have been struggling. It will be great for "fresh blood" to come to town and breathe a new sense of confidence into the locality.

Please support this project.

Yours sincerely

Anne and Geoff Brown

A handwritten signature in cursive script, appearing to read "Anne and Geoff Brown".

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

RECORDS SCANNED . 1 NOV 2013 Doc No..... Batch No.....
--

LJ Hooker

Ballina

89 River Street
Ballina NSW 2478
P O Box 234
Ballina NSW 2478
t 02 6686 2711
f 02 6686 7609

Dear Sir

RE Development Application No 2013/381 – 274 River Street Ballina

I write to support this first serious Development Application made under Council's new Local Environmental Plan. Congratulations on producing a plan which has the effect of promoting great architecture and orderly redevelopment of our town centre.

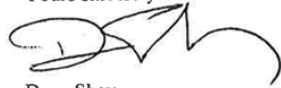
My work is at the 'coal face' of commercial life in Ballina and I see regularly the need to boost Ballina in terms of both jobs and economic activity.

This new project which provides:

- striking architecture,
- the retention of some important trees,
- high quality permanent residential units in the Town Centre,
- an active commercial frontage to River Street,
- the retention of the restaurant at ground floor and
- the provision of foreshore open space

as being a magnificent solution for this key Kerr and River Street site.

Yours sincerely



Dean Shay

3/10/13

ballina.ljhooker.com.au

JETOGROVE PTY LTD
ABN 97 605 148 960

OUR REF: RSH:KM:N13709



30 October 2013

RECORDS
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. 1 NOV 2013
Doc No.....
Batch No.....

SOLICITORS
160 River Street, Ballina
PO Box 550, Ballina NSW 2478
DX 27780
PH: 02 6686 5455
Fax: 02 6686 7881
Email: hosie@bigpond.net.au
ABN 14 003 092 241

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

Dear Sir,

**RE: DA 2013/381 REDEVELOPMENT OF THE SUNDOWNER MOTEL SITE –
RIVER ST BALLINA**

I have been a legal practitioner in Ballina for 30 years. In that time I have rarely written to Council in support of a development application. I write on this occasion because I feel it is most important to Ballina at this time to have the proposed new development constructed at the important intersection of Kerr and River Streets.

This intersection is the gateway to our town and the proposal by Reside will provide a building of strikingly contemporary architecture/ streetscape and housing options.

I have taken the opportunity to review the plans and support the architectural style of the development. I also support the retention of the pine tree at the front and the dedication (free of cost) to Council of a foreshore walkway.

I respectfully urge staff and Councillors to support this development application.

Yours faithfully,

Robert S Hosie

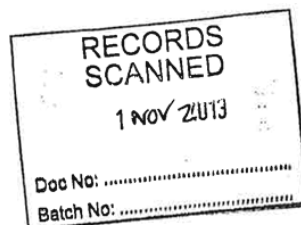
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31 OCT 2013
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PARTNERS Robert Hosie Colin Simmons **ASSOCIATE** Luke Harrison

Liability limited by a scheme approved under Professional Standards Legislation

N137091215402.doc

Nathan Mills – PO Box 910 Ballina 2478



To: Ballina Shire Council

RE: DA 2013/381

This is a letter in support of the redevelopment of the Sundowner motel.

I apologise that this letter is only short, but please do not see the conciseness of this letter as any reflection on my keenness for this site to be developed.

- I like the architecture
- I like the height and spaciousness of the building
- I like that the proposal has some shops facing River st
- I think it is fantastic to keep the restaurant more or less in its same place
- I support the retention of one of the landmark Norfolk island pines
- I think the boardwalk is an excellent idea

Giving consideration to the above points, I think Council must approve this application.

Warm regards

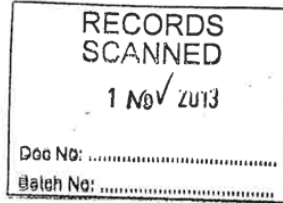
A handwritten signature in black ink that reads "N. Mills".

Nathan Mills.
31/10/13



Jamie Marshall.
2/58 Martin Street
Ballina nsw 2478

31st October, 2013



Ballina Shire Council
PO Box 450
Ballina NSW 2478

Dear Sir

Re Development Application 2013/318 for 274 River St Ballina

It is very rare for me to write in support of any particular development application. However I feel compelled in relation to this project to write a brief note to Council to let you know that I think it is very important that this application be approved.

Ballina is struggling at the moment in terms of its place in the world and in terms of employing people and encouraging commercial activity. I would like Council to approve this project because it will tell the Northern NSW that Council supports the growth and development of the town in a positive way.

Thank you for giving me the chance to make a submission in support of this application.

Regards,

A handwritten signature in black ink, appearing to be "JM", written over a horizontal line.

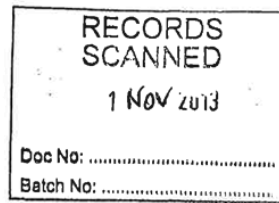
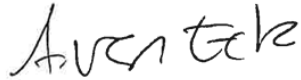


31/10/2013

Ballina Shire

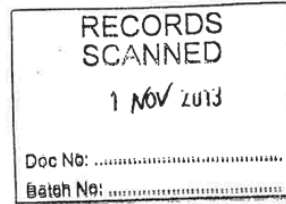
I write to let Council know that I have spoken to many people in and around Ballina Shire who support the idea of redeveloping the Sundowner Motel – your development application number 2013/381, but do not have time to write in support. I write on behalf of all those do not have time to jot down a quick note to Council to urge the Council to quickly and efficiently approve this application.

Yours faithfully,
Adrian Van Eck



A VAN ECK - 3 Gardie Place Coolgardie NSW 2477

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



Attn: Mr Rod Willis

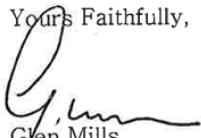
Dear Sir

I have had a long involvement with the Sundowner Motel site and have been keen to see it redeveloped as a showcase for Ballina. As such, I am a vehement supporter of the application by Reside Living to redevelop the site providing 5 new shop occupancies, a restaurant and 36 apartments.

I particularly like the architecture of the proposal and think it will provide a striking gateway to the Ballina Town Centre. I also like the idea of the apartments catering for a different range of people with 5 one bedroom, 10 two bedroom and 21 three bedroom apartments – this will provide an excellent opportunity for people of different types to live in the Central Business District.

Policies of Council and the State Government actively seek to promote the orderly development of land zoned for business purposes. I urge Council to approve this application.

Yours Faithfully,


Glen Mills
305/35 Fawcett Street
Ballina NSW 2478



Lexie Hooker - 62 Shirley St, BYRON BAY NSW 2478

To: Ballina Shire Council, 31/10/2013

I live in the Byron Shire at Byron Bay. However, I have a lot to do with Ballina and the business area of Ballina. Accordingly, despite not being a resident - I feel I have a strong opinion to offer in terms of what is good for the commercial area of Ballina. I think this project by Reside Living to redevelop the sundowner motel site is good for Ballina. I believe that the idea of keeping a landmark Norfolk pine at the front of the project is good for Ballina. I consider that the dedication of a walk way alongside the river is good for Ballina. I think having a brand new developer come to Ballina Shire and boldly propose a high quality redevelopment of an existing, older style motel is very very good for Ballina.

Even better than all the above, I believe it will be excellent for Ballina if Council approves this application.

Best Wishes

Lexie

Ms Lexie Hooker.



31/10/13

The General Manager
Ballina Shire Council
Cherry St, Ballina

Dear Mr Hickey

RE: 274 River St Ballina

I reside at Coolgardie. I travel regularly into Ballina and its CBD. Council have done a fantastic job in their street scape works in the centre of the business district and more recently in the eastern part of the area around the Woolworths supermarket. However, the western part of the business part of town is very tired looking and needs to be spruced up.

I think proposed redevelopment of the Sundowner Motel site will give this part of town a facelift. I like the retention of the Norfolk Island Pine and I think the idea of the board walk is also excellent.

Yours sincerely
Jodie Bush



34 Coolgardie Rd COOLGARDIE 2477.

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31st October 2013

The Councillors of Ballina Shire

Dear Councillors

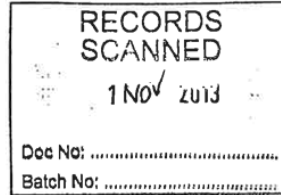
Thank you for the opportunity to make a written submission in relation to development application 2013/381. I see that PLANNERS NORTH has been engaged to prepare and lodge with the Council the development application concerning the Sundowner Motel site at 274 River St, Ballina.

I understand that the proposal involves the demolition of the existing motel and restaurant and removal of 2 existing Norfolk Island pine trees. In their place I understand that the developer proposes to erect a mixed use development comprising 5 shops, a restaurant and 5 one bedroom, 10 two bedroom and 21 three bedroom apartments. I also see that the proposal has been designed to address the prominent intersection of Kerr and River street and preserve an existing Norfolk Island pine. The building is contemporary in its design and is worthy of support.

Kind Regards,
Kristie.



Kristie Windle
12 Sugarwharf Place,
Lennox Head nsw 2478



Anna & Garry Marshall:
16 Dehnga Plc
SUFOLK PARK
2478

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

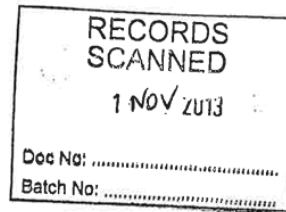
We live outside the Ballina Shire in Suffolk Park. However, we are greatly interested in how the northern rivers region of NSW prospers and it is because of our interest in the region generally, that we write to you in support of development application No. 2013/381.

We would like to see 274 River St Ballina redeveloped in the form proposed by Reside Living. The architecture of the project looks fantastic. We believe that the boardwalk proposed by Reside will eventually link up with the other boardwalks on the Northern side of the River to provide one long connection from the beach all the way through to Kerr Street.

Please support this project.



Anna & Garry Marshall.
31st October, 2013



16 Dehnga Place, Suffolk Park 2481

31/10/13

Christine Harvey
3 Wendy St
EAST BALLINA NSW 2478

Mr Rod Willis
Chief Town Planner
Ballina Shire Council
Council Chambers
Ballina NSW 2478

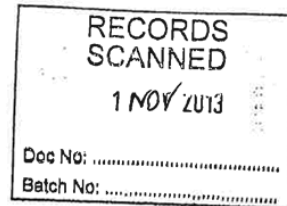
Dear Sir,

Re - Development application 2013/381 - 274 River Street, Ballina

The land the subject of application 2013/381 has been zoned for decades for commercial development. I write in support of the proposal by Reside Living - Ballina for a mixed use development comprising commercial floor space and shop top housing. This project is very much in the public interest. The public needs:

- + a feeling that Ballina is indeed moving forward and not languishing.
- + a sign of confidence that its CBD will grow and prosper
- + a new entry statement to the CBD to show that the place is alive and functioning.
- + money invested in the town to spur employment and give others confidence to risk their money in the town as well and
- + you to support this application.

Yours faithfully,



31st Oct, 2013

S Wilson of
9 Palisade Way
LENNOX HEAD NSW 2478

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

Dear Mr Hickey,

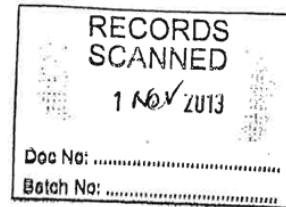
Re DA 2013-381, CONCERNING PROPERTY 274 RIVER ST BALLINA

I have seen in the newspaper that your Mr Willis has 'some issues' which apparently relate to the height of the proposed Reside Living building. I draw your attention to the fact that this building is proposed to be 6 storeys in height. The Ramada Hotel at the most eastern end of the CBD is also 6 storeys in height.

Please do not shilly shally with this project. Ballina needs a urgent new impetus and this high quality apartment and commercial ground floor building will give it that impetus.

Yours faithfully,

S. Wilson



31/10/13
Kristy Elvery
270 Cooks Lane
Dalwood 2477

The General Manager
Ballina Shire

Dear General Manager

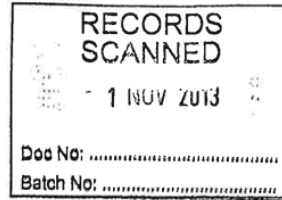
I am a resident of Ballina Shire and I write to express my earnest support for the demolition of the sundowner motel and its replacement with a contemporary mixed use development involving shops and restaurant at ground floor and various bedroom sized apartments above the commercial floor area.

The intersection of Kerr and River Streets Ballina is a very important intersection in terms of signally the start of the business precinct in Ballina. I think redevelopment of the type proposed will signal to persons coming to Ballina that the town is 'open for business' and for this reason alone I believe that the project warrants support by the Councillors.

Warm Regards,

K Elvery

Kristy.



Sharen Carruthers –
35 Grant Street, Ballina.

The General Manager
Ballina Council

Dear Sir

I reside in Grant Street Ballina and I am a supporter of the Ballina Shire and the Ballina Central Business District. I'd like to place on record that I support development application 2013/381. I support it because it will bring to town new construction industry jobs and it will bring to town a new 'gateway' to the Central Business Area of the town of Ballina. For a long time now the western part of the Central Business Area has been looking more and more tired and the closure of the Ballina Hotel has really set a poor tone for the commercial characteristics of this part of the town.

Development as proposed by Reside living will give new life to this area and it is for this reason I am a strong supporter of the project.

Regards,



Sharen Carruthers - 35 Grant Street, Ballina.
31/10/13



The Town Planning Department
Ballina Council
Cherry St Ballina

Dear Sir or Madam

I drop this note to you in relation to your DA 2013/381. I have reviewed the material available in relation to this project and see that with the demolition of the existing motel, the new developer proposes five shops and a restaurant on the ground floor and a number of apartments above the ground floor area.

I think this is an excellent project. I like the look of the architecture of the project and I think the idea of keeping a land mark Norfolk Island pine and providing a boardwalk along the Richmond River foreshore is a fantastic concept.

Regards,



V Elphick.
31/10/13

9 Hickey Plc Ballina

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1 NOV 2013
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59 TOOHEYS MILL ROAD NASUA 2479

Ballina Shire Council
PO Box 450
Ballina NSW
2478

My name is Lynne Yaldwyn and I write to comprehensively support development application 2013-381. This application has my support because it involves good architecture and some good planning principles.

I like the principle where they have decided to keep one of the pines at the front. The principle where they have decided to put a foreshore boardwalk is also excellent. I support the shops fronting River Street and I support the principle of there being a mix of bedroom sizes in the apartments.

Yours faithfully
L Yaldwyn.
31/10/13



305/35 Fawcett Street, Ballina NSW 2478

To:
Ballina Shire Council
Cheery Street
BALLINA

Dear Mr Hicky and staff

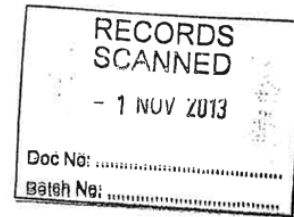
My letter is in support of development application 2013/381. I see that the proposed development has been designed to address the prominent intersection of Kerr and River Street while keeping a landmark Norfolk Island Pinetree. I like the contemporary design of the building and its use of a variety of materials. I also like the proposal for dedicated public boardwalk along the south western and south eastern boundaries of the site.

I think the Reside Living @ Ballina Pty Ltd people have done an excellent job in presenting this mixed use development to the shire. Please support this endeavour.

Yours truly,



Shirley Mills.
31/10/13



M.Fletcher - 12 Camburt Street, Ballina 2478
31/10/13

I live on Ballina Island and I support projects that add life to the Ballina town centre. This project will not just provide residential accommodation but it will keep a restaurant in this location and it will provide five new shops fronting River St.

The boardwalk is a great idea and keeping one of the Norfolk Island pines at the front is also a great idea.

I see in the newspaper comments regarding the height of the building. The structure will be quite a bit lower in height than the RSL Club and accordingly, I think its proposed height is fine.

Please pass this submission to Councillors.

Yours in moving Ballina forward,
Mathew Fletcher

M. Fletcher



12 Newport Street
East Ballina nsw 2478
31st October, 2013

The Town Planning Staff
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Planners,

I work in the main part of Ballina but my work also involves keeping an eye on other areas of the Shire, particularly the Lennox Head area.

In recent times, Lennox Head has really gone ahead in terms of its vibrancy and appeal. Ballina and particularly the western part of the CBD of Ballina has lagged behind for many years. The application by Reside living for the old Sundowner Site provides an opportunity to really engender a boost of confidence in the western part of town.

I sincerely wish for you to be supportive of the application to redevelop the Sundowner Motel site.



Yours sincerely,
Elise Benson



a & m gaiter
18 wharf street
broadwater nsw 2472

RE: Support for DA 2013/381 - River St Ballina.

We urge council to vigorously support this application. The proposal by Reside Living Pty Ltd is an exciting one for the town. The proposal will involve the loss of a motel - but the town has good quality tourist accommodation in places like Ramada etc and this aspect will not be missed too much.

The important thing here is that redevelopment of the motel will allow for new apartments to be built in the town, the existing restaurant to be redeveloped and 5 new shops to be provided that front onto River Street.

This will be a real shot in the arm for the western part of Ballina and Council needs to get on board and support this application in as much as it humanly can.

Regards,



Adam & Maxine Gaiter.



E Hollman: 2/35 Adele St,
Altonville nsw 2477

31/10/13

General Manager
Ballina Council
Cherry St Ballina
2478

Dear Mr Hickey,

Re; 274 River street Ballina – DA 2013-381

The architects for this project have done a fantastic job in capturing the essence of Ballina. They have kept the shops at Ballina street frontage low rise and have proposed some excellent architecture in relation to the home units which are located more to the south of the property.

I understand that an arborist has been retained to look after the Norfolk Island pine proposed to be retained at the frontage of the development.

The building is set back a good distance from the Richmond River and this allows for some open space are and a wide walkway adjacent to the Richmond river. I think this is a really good outcome for the Richmond river frontage.

In some ways the building has a similar character to the Ramada Hotel. The Ramada looks good, is 6 stories in height and this building being 6 stories in height will book end the western part of the town.

Yours sincerely,



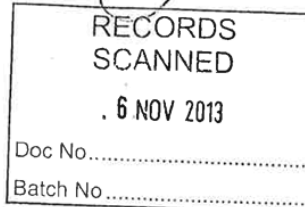
Elizabeth Hollman





4 November 2013

The General Manager
Ballina Shire Council
40 Cherry Street,
Ballina NSW 2478



Dear Sir

RE Development Application 2013/381 – Commercial & Shop Top Housing Development 274 River Street, Ballina

As you will be aware, the Ballina RSL Club is the major land owner in the western part of the Ballina Central Business District. Accordingly, we have taken it upon ourselves to carefully review the plans prepared by Reside Living for the old Sundowner Motel premises at 274 River Street, Ballina.

We write to advise that we are very pleased with plans. The scale and character of the development fits our desires for the western part of the Ballina CBD and appears to be consistent with Council's planning for the locality. Given the clubs previous commitment to providing foreshore accessibility we are particularly delighted to see the proponents provide a wide pedestrian boardwalk alongside the foreshore.

Overall, we are of the opinion that the proposal will provide an excellent built result for the Kerr and River Street intersection – part of the gateway to the business district of Ballina generally.

By way of further comment, our club has day to day contact with a wide range of professional and non-professional members within the Ballina community and we have observed over the last 12 months or so a concern on the part of our membership in relation to the lack of trade jobs and commercial activity generally in the Shire. We see much evidence of this within the CBD precinct. Accordingly, the club is eager to support projects like this which will not only add to the workforce capacity of the town but importantly provide much needed stimulus to the economic activity and generally present a vibrant view of Ballina to the many visitors to the region.

We urge Council to support this project.

Yours faithfully

WG Coulter
General Manager

240 River Street (PO Box 449) Ballina NSW 2478 p 02 6686 2544 f 02 6686 7843 • admin@ballinarsl.com.au • www.ballinarsl.com.au
winner, gold medal 2007 clubsnsw chef's table awards • winner, gold medal 2006 clubsnsw chef's table awards • winner, gold medal 2005 clubsnsw chef's table awards • winner, best service club 2007 ballina shire business excellence awards • winner, best service club 2006 ballina shire business excellence awards • winner, food & beverage 5+ employees 2005 ballina shire business excellence awards • winner, tourism 5+ employees 2005 ballina shire business excellence awards
ABN 62 001 040 839

The General Manager
Ballina Shire Council
Post Office Box 450
Ballina. 2478. N.S.W.

RECORDS
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14 MAR 2014
Doc No.....
Batch No.....

Attention : Mr R. Willis Wednesday 12 March, 2014.

Dear Sir,

Reference : Development Application 2013/ 381

1. We are in receipt of your correspondence dated 3 March, 2014 having received it on Monday 10 March, 2014. It is therefore, our reply will be limited in order to meet the closing date, indicated as the 14th March, 2014. Friday next.

2. Having perused the revised plans of the proposed Development, we adhere to our initial objection in relation to the numerous issues with this particular proposal. The selected site for a structure of such magnitude is just not viable, and little has changed in regard to the revised plans.

3. We also note there is no obligation to comment further, however we consider we should make every effort to bring to the fore, the pending problems, should this Proposal be granted. Further, we are also aware of Councils limited staff resources, and regard time management as a factor, we do not wish to consume Councils staff time unnecessarily, however this is a matter that has the potential to have significant burdening impact on the particular locality concerned. An impact that will further affect and cause among other variables, "congestion"

4. Whilst new for old attracts income for Councils, it can become very much a case of shooting ones self in the foot, the fallout, lingering on.

5. Firstly, the Proponent categorises the objection we lodged as serious, others mild etc. we feel that any objection lodged should be regarded as a serious attempt, to voice concerns to the best of their respective abilities, should any persons be interested enough in Community activity.

6. Secondly, but by no means last, we refer to page No. 5 Paragraph 2 of the Proponents reply: States; Inter Alia. "It would seem that the Objector wishes the zoning and Planning Rules, applicable to their property to also apply to the proposed "Reside" Development site. Clearly that is erroneous."

The Statement is obviously ridiculous, more so if the actual objection is read and comprehended in relation to the issues. There is nothing whatsoever erroneous in respect of our objection, no axe to grind, very simply considering the matter as it presents, and not only impacts upon us personally, but the locality generally. Accordingly, we will mention again some facts, to ensure there is a crystal clear, comprehension of the issues:

7. Building Height.

There are obviously, Government, State, Local Acts, Plans, Maps and compliance codes that regulate various structures, as we are aware. The regulatory legislation governing these structures is there for a reason

BUILDING HEIGHT.Contd..

7/ and sets out the building heights that applicants must abide by, in order to achieve the approvals being sort.

The proposed Development Application before Council for consideration, is presented with a built in breach of those regulations. It is in our view a presumptuous attempt to side step, the height restrictions that have been introduced into Regulations by paid Consultants, who have been paid by Tax payers in the past to introduce a sensible, level playing field, based on founded principles. Part being the B.S.C.D.C.P. Needless to say, if the height restrictions are ignored, then it will reveal a wort on the Streetscape, as it is certainly not a structure that will settle with the surrounds. It obscures the water views, introduces urban living, it is invasive, upon numerous items environmentally. Again, we emphasise, this is a typical test of the Shire Council to preserve the foreshores.

We would be remiss, not to mention, that any flat roofed building is, reasonably capable of being modified to include floor space use, whether sundeck, or entertainment, the purpose is for the view. Usually, and sadly captured from other residents. The decorative feature, is not required to exceed building height restrictions. It is described by the Developers as, a 'landmark' thus giving an implied Public awareness by indirectly advertising the existence. Should advertising not be an issue, there would be little requirement to elevate such a roof feature. Should that remain a requirement, then the building could always be reduced by one level, that may reduce some of the overshadow obviously evident.

Overshadowing.

8/. The regulations as to overshadowing, although applied can be avoided either by complying with the regulations or attempting to circumvent the requirements. Our building was designed to capture early morning sun into the majority of rooms in the early mornings, particularly during winter months. The mass of the proposed structure across the road, impacts upon our site, not only in relation to height, but other environmental issues.

9/. On page 5 paragraph 2-The Proponent refers to previous studies, in relation to Tall Buildings. Architects have fequently been shown to be wrong, they were yesterday, and will be tomorrow. To trawl back over studies commissioned some 50 years ago is grasping at straws. We feel sure that those charged and employed with the responsibility back in the 60's had no thought of a lane being formed called "Camoola Avenue". Perhaps that is the reason COUNCILS have reference material called, Development Control Plans.

Further on page 5 paragraph 5, the Proponent suggests that Council, MUST err in favour of zone, when considering the Height proposals, outside the regulations. To suggest Council Officers, should stray from their duty of Office, by addressing such matters the right way, and by so doing, commit a mistake-on-purpose, is absolutely improper, and moreso, the suggestion comes as a matter of record.

PRIVACY.

10/. There will be no privacy on our site unless blinds remain drawn, and doors closed. The units of the proposed building complex have a clear line of vision. Obviously this will impact on our own private residence not to mention on our business model. The proposal is in conflict with our site, giving occupants a birds eye view of our buildings and swimming pool. (Persons relaxing in a pool don't wish to be under constant surveillance, from an adjoining high rise building. We have considered alternatives, unfortunately there are none.)

11. Infastructure.

We urge Council to consider carefully the fallout from over development. The number of units illustrated on a plan may not indicate sufficiently the burden that will be introduced upon the existing infastructure.

The influx of people, traffic, and activity on the ground will cause major problems. Vehicles passing, exiting, entering, parking coupled with pedestrians, children on bikes, or otherwise, delivery vehicles unloading, buses, resident movements, all in Kerr Street, south of the traffic lights. Vehicles traversing Kerr Street, or Camoola Avenue, will pass by at the junction of Kerr and Camoola Avenue. (An intersection set on a curve.) Most drivers, look to the right, and left, at an intersection, not so much on curves. Now if we add, parked vehicles in Kerr Street, nose to kerb, if we consider these vehicles, possibly attempting to reverse into the oncoming traffic, from River or Kerr Streets, - Add a disabled person the helper of whom, is attempting to remove a wheel chair from the boot, or rear, of the parked vehicle, and almost on the corner of River and Kerr St. All this possible activity outside - a Commercial shopping area. is beyond comprehension.

Development is fine, provided it has been thought through, and the actual infastructure exits, to cater for the intended useage. Should there be an issue of infastructure, not being sufficient, then it is not the Council, responsible. The issue reverts back to the Planners or Architects. Council, being expected to approve a massive structure on the busiest intersection in the Township, is ludicrous, to say the least. It is, a serious matter, to be carefully, considered by the Council. Accordingly as such, infastructure, does fall within the provience of the Application.

12. Noise and Vehicle emissions have always been a problem for the Environment Officer attached to Councils when "dealing with carparks of such a scale. In our particular case we are faced with vehicles coming and going 24/7 from the proposed building. Rather hard on the person's constitution, having to rise of a morning 7 days a week at 5am, when the activities adjacent are opposite your bedroom window..

13. Camoola Avenue, is simply too narrow, (after all it is a laneway.) and on todays standards, in relation to traffic is 'dangerous'. It will matter not changing the direction of traffic flow. During busy periods the surveillance of the intersections of Tweed and River Streets, Brunswick and River Streets, indicate excessive delays, for residents motoring from south Ballina to cross River Streets. Neither are controlled. Should another 36 units and vehicles, to that locality congestion, caused by the traffic along Camoola Avenue, (either direction) will be intollerable.

14. Parking/Restrictive signage.

It has been proven many times over, where over development is permitted to occur most residents suffering the problem became aggitated and complain to Councils, the Council has to Manage the Complaints. People will park anywhere and everywhere, visiting, attending parties, socialising, The locality is too constrained to cope 'presently', The proponent has not addressed fully, the anticipated impact of Traffic, or the method of mitigating the adverse affect upon the locality to justify the fair consideration by Council, because all that are involved have Realised, the infastructure isn't there to cope with the proposal.

There are also considerable minor issues that will not readily surface. Many of the would be residents to occupy the proposed units will be employed, many will have Company vehicles beside their own private vehicles. These vehicles will have to be parked, again, into the already contrained area. The impact will result in congestion, will cause very much, considerable safety concerns. The issues are numerous, Building Height problems, views being obscured, Privacy matters, Noise issues 24/7 Overshadowing, to name but a few, there are numerous others. Matters, assuming the size of vehicles frequenting the facility, issues that are impossible to assume.

14. /

Planners North have agreed with our objections as being serious, as they have categorised them in their correspondence in reply dated 3 March, 2014

In mentioning obstructed views it has in the past and will continue to be a bone of contention. It not only, impacts upon us personally, but to the long existing view by persons travelling south along Kerr Street, that the 'view' of the Richmond River from that particular location is iconic. In fact we as other travellers have done being attracted to that view, have turned left to the C.B.D. It would be unfortunate to lose such a 'view' to Urban Highrise. The mention also of new Shops, new shops are an asset provided they are occupied. The mere movement of a business from an old shop to new, can cause a business to fold. The fallout also will extend to the older unoccupied shops. This in turn affects the Landlord and so on it goes. In a community of limited resources, and limited population some occupancies will not be better off, empty shops detract from a C.B.D.

There is opportunity for the decision makers to preserve the existing foreshores of this quaint community, rather than losing the site to an urban highrise.

15. It is our opinion, if plans have to be revised, then it is in the interests of the community to be advised of the revision, and also given the opportunity for further comment. It may be unfortunate that the revised plan has not altered much. The building height does not blend into the localities Streetscape, there has been minimal alteration.

16. In closing, we have reiterated the problems we see with the proposal, Matters introduced such as angle parking in Kerr Street, is only really aggravating the plan (Referring Kerr Street, east side, adjacent to the building proposed.) Disabled persons reversing from that position will result in an accident. The parking facility is dangerous. Parked vehicles will obscure the egress of vehicle leaving the building. Then of course there are the double unbroken separation lines. Reverse exit from the car parks into oncoming traffic is not the answer to traffic management. (I note that Ballina has adopted a front nose to kerb parking system.) The close proximity to the corner of River Street also detracts from the idea. In consideration of the average length of a motor vehicle the allowable reversing space and the width of Kerr Street, centre to kerb, simply will not be viable, the infrastructure will not support the activity.

17. Lastly, it is not the number of testimonials or letters of support verses the objections in these issues. It is the acts and regulations, backed by the weight of evidence that determines the matter. The evidence here is more than obvious, the infrastructure is not there. the locality reveals the obvious. At the end of the day the COUNCIL has a duty of care to ensure a safe and workable environment to the Community. To allow this proposal would in fact jeopardise that care, impact the living standards of present residents, and all citizens obliged to frequent that locality. There are other issues with the proposal, those are matters for others.

18. Please advise if the use of these units that are proposed is strata Title or intended as holiday accommodation, or leased occupancy.

Yours Faithfully,



E. Budd
Owner 276-278 River Street,
Ballina. 2478. N.S.W.

DA 2013/381 – Proposed Non-standard Conditions

(in accordance with Option 2 – inclusion of on-street loading/unloading bay in Kerr Street)

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

GENERAL

1. The applicant shall be required to dedicate the 541m² area of land along the Richmond River frontage of the subject site (around the sites southern perimeter) in accordance with the plans prepared by Leith Architects, Job No: 2238, Sheet No DA01, Issue C, Dated 10/03/14.
2. The applicant shall be responsible for all costs associated with removing the existing jetty structure currently located in the Richmond River adjacent to the sites southern boundary.
3. This development consent does not grant approval to the use of the north-eastern commercial tenancy for a 24 hour Convenience Store, as detailed in the Environmental Noise Impact Report dated 27 September 2013.
4. A separate development application is required to be submitted to and approved by Council for the fit-out and construction of any commercial food premises. Plans (including sections and elevations) and specifications showing details of all food preparation and storage areas, layout, construction and method of installation of all fittings, fixtures, together with floor, wall and ceiling finishes, are to be submitted to and approved by Council. The applicant shall construct and fit-out the premises in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.

PRIOR TO DEMOLITION WORKS COMMENCING

5. Prior to the commencement of demolition works, a Demolition Plan must be submitted to and approved by Council. The demolition plan must include but not be limited to the following:
 - (i) Contractors details;
 - (ii) Public Liability Insurance details;
 - (iii) The proposed method of demolition;
 - (iv) Proposed closures or works within any adjoining road/footpath;
 - (v) Machinery used in demolition;
 - (vi) Timetable and duration of works and any proposed closures of roads/footpath;
 - (vii) Protection of the public and adjoining buildings/property;
 - (viii) Protection of the trees identified as being retained as part of the future development of the site;
 - (ix) Prevention of all amenity and environmental issues;
 - (x) Traffic control; and
 - (xi) Disposal of demolition material.
6. All plant and vehicles associated with the demolition works must enter and exit the site via Kerr Street. Plant and vehicles must not access or egress the site via the River Street frontage. The demolition and loading of vehicles is to be carried out off-street and wholly within the site. Details in this regard are required to be submitted to and approved by Council within the Demolition Plan, prior to the commencement of demolition works.
7. If the work involved in the demolition of a building is likely to obstruct or inconvenience pedestrian or vehicular traffic in a public place or involves enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected sufficient to prevent any substance from or in connection with the work, falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public

place. Any such hoarding, fence or awning is to be removed when the work has been completed. Details are to be submitted to and approved by Council prior to the commencement of demolition works including a section 138 application and payment of the associated fees as per Council's Fees and charges.

8. Prior to the commencement of demolition works, the applicant shall engage a certified practising Structural Engineer to prepare and endorse a Pre-Construction Dilapidation Report detailing the current structural condition of all existing adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the commencement of demolition works. A copy of the report must also be forwarded to Council.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development.

9. A revised BASIX Certificate is to be prepared and submitted to Council which references the changes made to the proposed development (i.e. revised number of residential apartments) as shown on the plans prepared by Leith Architects, Job No: 2238, Sheet No.'s DA01, DA12 & DA15, Issue: C, Dated 10/03/14, Sheet No.'s DA03 – DA11 & DA13 - DA14, Issue B, Dated 11/02/14.
10. The location of all proposed signage panels (for both the commercial and restaurant tenancies and for any building identification signage) is to be incorporated into the design of the proposed development. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.
11. Details (including elevational plans) of the proposed solid 1.8m high balustrade to be provided along the northern elevation of the Level Three Communal Open Space Area, as identified in the Environmental Noise Impact Report, prepared by CRG Acoustical Consultants, Dated 27 September 2013, are to be submitted to and approved by Council prior to the issue of the Construction Certificate.
12. Details (including elevational plans) of any acoustical screening to be provided at the roof top level around the proposed air conditioning plant as identified in the Environmental Noise Impact Report, prepared by CRG Acoustical Consultants, Dated 27 September 2013, are to be submitted to and approved by Council prior to the issue of the Construction Certificate.
13. The identified acoustic treatments listed in Section 6.2 of the Environmental Noise Impact Report, prepared by CRG Acoustical Consultants, Dated 27 September 2013 are to be incorporated into the design of the proposed development. Details of such are required to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
14. Revised landscaping plans for the development (as amended) are required to be submitted to and approved by Council prior to the issue of the Construction Certificate. The revised landscaping plans must be based on the landscaping concept plans submitted with the development application (as prepared by designteamink, Sheets 1 to 5, Dated 10 September 2013) (and provide the same level of detail as those previously submitted) and consider the requirements of any conditions of this consent in relation to the land to be dedicated to Council.

The plans must also:

- (i) address the treatment of the landscaped area adjacent to the restaurant and south facing commercial tenancies; and
- (ii) Revise the planting details for the atrium, given the depths provided in this area may not allow for the planting of large tree species.

15. A Section 68 Application, under the provisions of the Local Government Act 1993, must be submitted to and approved by Council prior to the issue of the Construction Certificate. This application must be accompanied by following documentation to meet all relevant Australian Standards and NSW legislative requirements.

The Section 68 application is to address, but not be limited to the following matters:

- (i) Hydraulic plans specifications and design;
 - (ii) Water supply;
 - (iii) Drainage – Sewerage;
 - (iv) Drainage – Stormwater; and
 - (v) Trade waste.
16. An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the Acid Sulphate Soil Assessment Soil Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to an approved by Council prior to the issue of the Construction Certificate.
17. Prior to the issue of a Construction Certificate, amended plans of the proposed development are to be prepared deleting the vents as shown on the eastern boundary of the Level Two Car Parking Area. Alternate vents and/or a ventilation system is to be provided as part of the development to ensure compliance with the Building Code of Australia. The plans and specifications for either the mechanical or natural ventilation are to be accompanied by calculations, noise level emissions and if required, design of noise control measures and are to be submitted to and approved by Council prior to the issue of a Construction Certificate.
18. Prior to the issue of a Construction Certificate, amended plans are to be submitted to and approved by Council demonstrating compliance with the following requirement of the NSW Police:
- (i) The walls of the southern bin area on the ground floor are to be provided with a type of transparent material to enhance casual surveillance into the area.
19. Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993 for the following civil works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads and/or Roads & Maritime Services where specified.
- (i) **Shoulder Parking**
At the developer's expense, Kerr Street shall be line marked to provide shoulder parking along the full length of the sites property frontage in addition to the full width of the southern termination of Kerr Street.
 - (ii) **Medium Rigid Loading Bay**
The applicant shall be responsible for all costs associated with the design and construction of a medium rigid service vehicle loading bay within the road reserve along the sites Kerr Street frontage.
 - (iii) **Stormwater pit modifications**
The applicant shall be responsible for all costs associated with the design and construction of the modification to the existing kerb inlet pit within Kerr Street to a v-grated pit to allow construction of the proposed southern driveway crossing.
 - (iv) **Shared Footpath / Cycleway**
The provision of a concrete footpath a minimum of 2.5 metres wide along the Kerr Street frontage of the site. The footpath is to be designed and constructed

in accordance with Standard Drawing R07 of Northern Rivers Local Government *Development Design and Construction Manuals*.

- (v) Footpath and Gutter Crossing
The provision of the footpath and gutter crossings for the development. Details are to be in accordance with Standard Drawing R06 of Northern Rivers Local Government *Development Design and Construction Manuals*.
 - (vi) Power Pole Relocation
The applicant shall be responsible for any costs associated with the relocation of any existing power poles or services required as a result of the development.
 - (vii) Reinstatement of existing driveway crossing
Any existing redundant kerb and gutter crossings in River & Kerr shall be reinstated to upright kerb and gutter in accordance with the Northern Rivers Local Government *Development Design and Construction Manuals* (as current at the time of construction works commencing).
20. Prior to the issue of a Construction Certificate, the applicant shall be required to undertake a geotechnical assessment to investigate how the stability of the riverfront will be maintained during and after construction of the development. The report must be prepared by a certified practising geotechnical Engineer and submitted to Council.
- The assessment shall include but not be limited to:
- (i) a pre-construction survey of the riverbank frontage of the site;
 - (ii) the loads associated with the required site filling and proposed new building;
 - (iii) any settlement likely to occur as a result of the development;
 - (iv) the hydraulic flood forces associated with a probable maximum flood event; and
 - (v) the retaining wall\revetment structure requirements to ensure riverbank stability.
21. Prior to the issue of a Construction Certificate, the applicant is required to submit to Council, a design from a certified practising Engineer for a retaining wall\revetment structure along the sites Richmond River frontage that meets the following minimum requirements:
- (i) the retaining wall\revetment structure must provide a minimum anticipated service life of 50 years.
 - (ii) the retaining wall\revetment structure must extend up to a minimum height of RL 2.1m AHD.
 - (iii) the retaining wall\revetment structure must adequately support the proposed adjoining building and site filling.
 - (iv) The retaining wall\revetment structure must be able to withstand the hydraulic flood forces associated with a probable maximum flood event.
22. Prior to the issue of a Construction Certificate, the applicant shall provide a draft Floodplain Risk Management Plan, which demonstrates a process for installation, preparedness and failsafe management/activation of the "Floodgate" system and/or other mitigation measures. The aforementioned plan should identify key building design requirements associated with the flood mitigation measures. The plan must be submitted to and approved by the Principal Certifying Authority.
23. Provision shall be made in the design of the building for the permanent installation and storage of the "Floodgate" system in purposely designed storage bays or cupboards. These storage bays shall be designed and located so as to facilitate the required implementation of the system in a flood event. Details are to be included in the designs and submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for the development.

24. The "Floodgate" mechanism shall effectively seal the ground floor and provide flood protection to a minimum level of RL 2.6m AHD. This level accords to the flood planning level requirements within the Ballina Shire Development Control Plan 2012 for a minimum fill level of 2.1m AHD and a minimum floor level of 2.6m AHD. Details are to be included in the designs and submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for the development.
25. The development shall provide a minimum of 107 car parking spaces. Stacked parking for the commercial components of the development are not permitted therefore spaces 22 to 25 inclusive, as shown on the plans prepared by Leith Architects, Job No: 2238, Sheet No: DA01, Issue: C, Dated 10/03/14 are not approved. The development shall therefore be required to provide car parking as follows:
- 35 approved spaces shall be provided on the ground floor as shown on the plans prepared by Leith Architects, Job No: 2238, Sheet No: DA01, Issue: C, Dated 10/03/14. These spaces shall be allocated to the commercial tenancies of the development as common property.
 - 66 approved spaces shall be provided on Level Two as shown on the plans prepared by Leith Architects, Job No: 2238, Sheet No: DA03, Issue: B, Dated 11/02/14. These spaces shall be allocated to the residential apartments of the development.
 - 10 off site spaces (being six spaces as generated by the proposed development and four spaces for the provision of the Medium Rigid Vehicle loading bay design in Kerr Street) shall be provided via the payment of Section 94 Developer Contributions to Council, in accordance with the Ballina CBD Car Parking Contribution Plan, adopted 25 November 2004.

Note: Should at the construction certificate stage, any of the above on-site spaces not comply with Australian Standard AS/NZS 2890.1: 2004, including the column location spacing requirements, these spaces shall need to be provided via the payment of Section 94 Developer Contributions to Council, in accordance with the Ballina CBD Car Parking Contribution Plan. These Contributions are required to be paid prior to the issue of the Construction Certificate.

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

Details of the required car parking spaces are to be included in the design plans and submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for the development.

26. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1: 2004. This includes modifying the design to ensure that all car parking spaces comply with the column location spacing requirements of AS2890.1: 2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
27. The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. A minimum height clearance of 2.5m must be maintained from the entry driveway through to all disabled car parking spaces. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

28. Stormwater controls shall be provided on site in accordance with the Water Sensitive Design requirements of Council's Combined Development Control Plan Chapter 2 – Section 3.9 – Stormwater Management. This is to include the shaping of driveways and paved areas to drain to landscaped/vegetated areas. Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not be impeded by structures or landscaping. A Stormwater Management Plan and detailed design, prepared by a suitably qualified Hydraulics Consultant and/or Engineer, must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
29. Bicycle racks must be provided on the ground floor of the proposed development capable of servicing at least five bicycles. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
30. The whole of the allotment shall be filled to a minimum level of RL 2.1m AHD except for the landscaped area adjacent to the existing Norfolk pine in the north-western corner of the site and the landscaped area immediately surrounding the Pandanus tree in the south-eastern corner of the site. Masonry retaining walls shall be constructed, and wholly contained, within side and rear boundaries such that no stormwater is discharged from the site onto the adjoining properties. In addition, the adjoining properties shall be drained at the common boundary with the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. The stormwater drainage shall be discharged to Council's drainage system. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
31. The applicant shall be responsible for all costs associated with the connection of Council's dual reticulated water supply system to the development in accordance with the Northern Rivers Local Government Development Design & Construction Manuals. Water supply plumbing to the building must be provided for both the drinking and recycled water supplies including separate piping and connections within and outside the building. The applicant shall be required to contact Council prior to commencing the construction certificate design to ensure reticulated recycled water will be available to the development. If it is determined by Council that reticulated recycled water is not able to be provided dual plumbing shall not be required. Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.
32. The applicant shall be responsible for all costs associated with the design and construction of a concrete footpath, a minimum of 2.5 metres wide along the Richmond River frontage of the site along the alignment shown as boardwalk on the plans prepared by Leith Architects, Job No: 2238, Sheet No: DA01, Issue: C, Dated 10/03/14. This shall include signage requiring cyclists to dismount as per the existing signs to the east of the site. The footpath is to be designed and constructed in accordance with Standard Drawing R07 of Northern Rivers Local Government Development Design and Construction Manuals. Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.
33. Prior to the issue of a Construction Certificate, the applicant shall undertake an assessment in consultation with Essential Energy to ensure that the proposed development does not encroach on the minimum safe distance requirements specified by Essential Energy for buildings and overhead power lines. Should it be determined that there is an encroachment, the applicant shall be required to modify the design to ensure compliance with the Essential Energy minimum safe distance requirements. Details are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
34. A management plan for all dewatering activities shall be submitted to and be approved by Council prior to the issue of the Construction Certificate.

35. Dewatering activities require a license issued by the NSW Office of Water. If required a copy of the license is to be provided to the Principle Certifying Authority prior to the issue of the Construction Certificate.
36. The operational waste management plan must be updated to ensure that all garbage collection is carried out within the designated on-street Medium Rigid Vehicle loading bay. Details are required to be submitted to and approved by Council prior to the issue of the Construction Certificate.
37. Prior to issue of a Construction Certificate, a Construction Management Plan shall be submitted to and be approved by the Council. The Plan shall address, but not be limited to, the following matters where relevant:
 - (i) Hours of work;
 - (ii) Contact details of site manager;
 - (iii) Complaints register;
 - (iv) Waste management;
 - (v) Demolition and Asbestos management;
 - (vi) Protection of the trees to be retained;
 - (vii) The management principles and treatments identified in Section 6.3 of the Environmental Noise Impact Report prepared by CRG Acoustical Consultants, Dated 27 September 2013;
 - (viii) Details of on-site parking for tradespersons vehicles; and
 - (ix) Erosion and sediment control.
38. A Stage 2 Detailed Investigation must be completed in accordance with Clause 3.4.1 of the SEPP 55 and the Office of Environment and Heritage Guidelines for Consultants Reporting on Contaminated Sites (2011) to define the nature, extent and degree of contamination; to assess potential risks posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required. The investigation is to address both the subject site and the revetment wall and is to be submitted to and approved by Council prior to the issue of the Construction Certificate. Should remedial action works be necessary, then these works are to be certified as satisfactorily completed in accordance with the approved RAP, prior to issue of the construction certificate.
39. The design and location of all external plant and equipment, noise level emissions and if required, design of noise control measures are to be submitted to and approved by Council prior to the issue of the Construction Certificate.
40. Prior to issue of a Construction Certificate where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979 :

Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Shire Roads Contribution Plan 2010	25 February 2010
Ballina CBD Car Parking Contribution Plan	25 November 2004
Lennox Head Village Centre Car Parking Contribution Plan	12 February 2004
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

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

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

41. Prior to issue of a Construction Certificate where building work is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2002. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2002 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

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

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Council	Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 May 2004
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 May 2004
Rous Water	Rous Water Development Servicing Plan	April 2009

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

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

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

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with or addressed prior to commencement of construction works relating to the approved development.

42. The trees existing on site as nominated for retention as part of the proposed development, i.e. the Norfolk Island Pine tree located adjacent to River Street and the Pandanus tree located adjacent to the Richmond River are to be protected in accordance with the Tree Report prepared by Northern Tree Care, Dated 17 September 2013.

DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the construction works relating to the approved development.

43. The nominated restaurant tenancy is required to be constructed and fitted out with the acoustic building shell treatments as detailed in the Environmental Noise Impact Report prepared by CRG Acoustical Consultants, Dated 27 September 2013.

44. The Acid Sulfate Soil Management Plan approved by Council must be implemented in full during the construction period.
45. If dewatering is required, a management plan for all dewatering activities on site shall be submitted to and be approved by Council prior to the release of extracted water. The plan is to give consideration to the acid sulfate soils issues on site and the impact this may have on groundwater and dewatering activities proposed. Prior to the release of any water extracted during dewatering operations the test results and interpretation of results are to be submitted to and approved by Council. Note: Dewatering activities require a license issued by the NSW Office of Water.
46. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principle Certifying Authority.
47. The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to Council at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.
48. All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals.
49. The whole of the allotment shall be filled to a minimum level of RL 2.1m AHD other than the landscaped area adjacent to the existing Norfolk pine in the north-western corner of the site and the landscaped area immediately surrounding the Pandanus tree in the south-eastern corner of the site. The minimum floor level of the building shall be RL 2.6m AHD, other than ground floor car park area. A Surveyor's certificate verifying compliance with these levels must be submitted to the Principal Certifying Authority.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to occupation or use.

50. The development is to be constructed in accordance with the BASIX design requirements as depicted in the BASIX Certificate that has been amended as part of the Construction Certificate process. Certification from the relevant builder, owner builder and/or contractor, certifying that the development has been built in accordance with the submitted BASIX Certificate, is to be submitted to the Principal Certifying Authority (PCA) on completion of the building prior to occupation of the building.
51. Prior to the issue of the Occupation Certificate, provision shall have been made within the residential component of the development for an on-site manager. Details are required to be submitted to Council as to which residential apartment is to be designated as the on-site manager's residence.
52. The acoustic consultant shall provide Council with certification that the development complies with the acoustic specifications identified in the Environmental Noise Impact Report dated 27 September 2013 or as amended, prior to the issue of the Interim and or Final Occupation Certificate.
53. The waste disposal and storage area located on the ground floor is to be graded and drained to the sewer via a pre-treatment device.
54. All civil works approved with the Construction Certificate under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be

completed to the satisfaction of Council prior to issue of an Occupation Certificate. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals.

55. Prior to the issue of the Occupation Certificate, the applicant shall have dedicated the 541m² area of land along the southern perimeter of the site in accordance with the plan prepared by Leith Architects, Job No: 2238, Sheet No. DA01, Issue C, Dated 10/03/14.
56. Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifying Authority that all works associated with the retaining wall/revetment structure along the sites Richmond River frontage have been completed in accordance with the approved Construction Certificate plan. This shall include a post-construction survey of the riverbank to confirm the effects of the works. This certification must be provided by a certified practicing Engineer competent in the field.
57. Prior to the issue of an Occupation Certificate, the applicant shall engage a suitably qualified person to prepare a Post-Construction Dilapidation Report at the completion of construction works for the development. This report must ascertain whether the construction works created any structural damage to all existing adjoining buildings, infrastructure and roads and should be compared with the earlier report to ascertain any change has occurred. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate for the development. A copy of the report must also be forwarded to Council. Any structural damage identified under the dilapidation report as being caused by the development must be repaired by the applicant to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate.
58. Prior to the issue of an Occupation Certificate, bicycle racks must be provided on the ground floor of the proposed development as per the approved design plans.
59. Prior to the issue of an Occupation Certificate, the applicant/owners/on-site manager/shop tenants shall provide a Floodplain Risk Management Plan, which demonstrates a process for installation, preparedness and failsafe management/activation of the "Floodgate" system and other mitigation measures. The aforementioned plan should identify key directives to activate the "Floodgate" mechanism in major flood events and include at what point in time the "Floodgates" will be activated.
60. All works associated with the removal of the existing jetty structure within the Richmond River adjacent to the southern boundary of the site must be completed and approved by Council prior to issue of the Occupation Certificate.
61. The ground floor car parking area of the proposed development has not been constructed in accordance with the minimum freeboard requirement of Council's flood policy and relies on the mitigation measures provided under the Floodplain Risk Management Plan prepared for the site. A positive covenant shall be registered on the title of the subject site requiring compliance with the Floodplain Risk Management Plan and the conditions of this development consent. This covenant must be registered prior to the issue of an Occupation Certificate to the satisfaction of Council.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of a Subdivision Certificate relating to the approved development.

62. Prior to the issue of the subdivision certificate, the applicant shall submit a strata plan identifying the allocation of all car parking spaces. The car parking spaces on the ground level must be nominated as common property under the commercial tenancy strata plan. Details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Subdivision Certificate for the development.

63. All investigation (including any remediation works), construction and landscaping works required to be undertaken to the 541m² area of land to be dedicated to Council (as shown along the southern perimeter of the site on the approved plans) in accordance with the conditions of this consent are to be completed prior to the issue of the Subdivision Certificate for the dedication of that land.

CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

64. External alfresco dining associated with the restaurant is not permitted at the site as part of this development consent. This includes the external balcony, paved and grassed areas along the site's Richmond River frontage.
65. The proposed flood mitigation measures for the development shall be implemented during flood events as per the requirements of the "Flood Risk Management Plan". All appropriate staff must be trained in the requirements of the "Flood Risk Management Plan".
66. The installation of boom gates, roller doors or other controls at the ground level car park entry is not permitted. All spaces within the ground floor car park must remain open and available to customers and visitors of the commercial premises at all times.
67. Ground floor roller shutters are to be secured at all times to restrict unauthorised vehicular access. Residents are to be provided with a security pass/key that enables access into restricted areas.
68. Clear signage regarding public and private areas is to be placed in all prudent areas.
69. The foyer entrance is to be locked and secured at all times. A security buzzer with facial identification is to be installed so residents can identify visitors before allowing access.
70. Even and uniform illumination of car parking areas and pedestrian routes is to be provided for the car parking areas to the commercial tenancies (including the restaurant) at all times.
71. Lighting must be provided to the public walkway at all times (lighting must not spill onto surrounding areas).
72. Monitored security alarms are to be installed in all business premises with key-holders information to be passed onto local police upon new leases/ownerships.
73. CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
- (i) Principal entrance/s and exits;
 - (ii) All of the areas within the premises occupied by the public (excluding the toilets but including the retail outlets, restaurants and public car parking area); and
 - (iii) The area within a 50 metre radius external to the public entrance(s) to the premises.
74. A visual monitor shall be located at the principal entrance alerting patrons to the use of CCTV facilities.
75. Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premises, in lettering not less than 50mm in height with the words "Closed Circuit Television is in use on these premises". The same signage is to be attached in a prominent position on the bulkhead on each respective level of the premises.

76. All CCTV recording equipment and cameras is to be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. Sufficient security lighting that enhances the impacts and enables quality footage to be captured is to be installed.
77. A fixed digital video surveillance camera is to be located at the principal entrance. Suitable signage is to be appended to the entrance, alerting potential patrons that the facility exists and will be utilised if required.
78. CCTV recording equipment video tapes, discs or hard drive recordings shall be retained for 30 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the video tape, disc or hard drive. Video tapes and/or discs must be handed to Council, Police or Special Inspectors upon request.
79. The CCTV recording equipment shall be able to immediately reproduce a CD copy of the recorded footage on demand of Council or Police Officers, or within 12 hours of the request being made.
80. All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee of any Licensed Premises within the development shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council.
81. All CCTV recording devices and cameras shall be in operation at all times.
82. The CCTV recording devices shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.
83. No vehicles, including motorbikes, shall be washed on site unless a Council approved wash bay and wastewater interceptor have been provided within the premises.
84. Vehicles servicing the development shall not park and or wait in the loading docks or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Fridays and prior to 8.00am or after 1.00pm Saturdays. No servicing Sunday or public holidays.
85. Operational
The hours of operation for any noise generating activity, including waste collection and delivery activities on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating operational activities are to take place on Sundays or Public Holidays.
86. Noise – Licensed Premise (Restaurant)
Noise caused by the approved use including music and other activities (but not fixed plant) must comply with the following criteria:
 - (a) The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
 - (b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am and 12.00 midnight when

assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.

- (c) The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
 - (d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
87. Operation of the site shall be in accordance with recommendations included in the Environmental Noise Impact Assessment, dated 27 September 2013 prepared by CRG Acoustical Consultants, and any subsequent approved noise assessment reports.
88. All waste shall be disposed of appropriately to the designated waste disposal area, in accordance with the approved operational waste management plan.

SCHEDULE 1

There are car parking contributions associated with provision of a loading bay within the Kerr Street frontage of the site, in which case an additional four car parking spaces would be required via contributions to compensate for the loss of these spaces within the street system. (Total therefore of 10 spaces)

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Ballina Island Local Parks	4008	equivalent residential allotment	\$224.00	22.9426	\$5,139.14
Ballina District Parks	4008	equivalent residential allotment	\$901.00	22.9426	\$20,671.28
Ballina Playing Fields	4008	equivalent residential allotment	\$1,174.00	22.9426	\$26,934.61
Regional Open Space Facilities	4016	equivalent residential allotment	\$866.00	22.9426	\$19,868.29
Open Space Administration	4017	equivalent residential allotment	\$34.00	22.9426	\$780.05
Ballina District Community Facilities	4209	equivalent residential allotment	\$1,708.00	22.9426	\$39,185.96
Regional Community Facilities - Amend 1	4213	equivalent residential allotment	\$3,870.00	22.9426	\$88,787.86
Community Facilities Administration	4214	equivalent residential allotment	\$71.00	22.9426	\$1,628.92
Ballina Island Roads 2010	5202	equivalent residential allotment	\$10,874.00	33.9216	\$368,863.48
Roads Administration 2010	5203	equivalent residential allotment	\$165.00	33.9216	\$5,597.06
Ballina Island Sewerage (DSP Area B)	3001	equivalent tenement	\$7,474.00	17.4420	\$130,361.51
Ballina Island Water (DSP Area B)	2001	equivalent tenement	\$3,450.00	16.8560	\$58,153.20
Rous Water 2009	5001	equivalent tenement	\$8,861.00	16.8560	\$149,361.02
Ballina CBD Car Parking Contribution	4601	per car park	\$28,071.00	10.0000	\$280,710.00
TOTAL					\$1,196,042.39