

Ballina Shire Council

Ballina

Dear Sirs,



15 Mainsail Place

BALLINA 12/02/2018

## Appeal on Refusal to approve DA 2017/569.

There are 2 parts to this request:

1. To ask the full council to review the regulations that led to the refusal of the application.

I can not see that dredging is the reason for having a blanket ban on piles associated with pontoons, especially when those rules want the pontoon to be so far out into the canal. I can not see how it is in any way "against the public interest". I have had considerable experience over the years, not just with boating but also with pontoon ownership. An examination of pontoons throughout Australia and New Zealand will show that almost all of these are associated with a jetty or piles, usually both.

I look over the canal at exactly the type of pontoon that I really need. That pontoon, I believe, was built following the owner losing a boat attached to the common pontoon arrangement that was in place earlier on. I can see no reason why that arrangement interferes with dredging. If it does then it is the contractor that should have been changed and not to policy. A precedent has therefore been set.

Council should therefore re examine the policy.

2. To appeal the application.

I believe that due consideration of all the facts was not satisfactory. I believe that a full council should review a D/A that is refused. I believe that staff should have delegated authority to approve any D/A that is compliant only. I suggest that council should review this policy. I should not have to appeal which incurs another cost to me as well as a lot of work in making the appeal. I believe that I should only appeal a decision made by the full council and if I am not satisfied with that decision then my appeal should be made direct to the relative government agency.

That said I now lodge this appeal, by letter as there is no application form, with the fee attached.

I also renew my invitation to all councillors to make a visit and make themselves familiar with the situation. There is no way that anyone can claim to make an informed decision without an on site inspection.

It follows that if the policy is changed then the original application should be approved, making an appeal not necessary and the appeal fee should be refunded.

Yours Faithfully

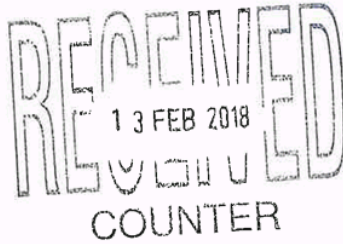
Neil Hargreaves

A handwritten signature in black ink, appearing to read 'Neil Hargreaves', written over a horizontal line of small dots.



Ballina Shire Council  
 PO Box 450  
 Ballina NSW 2478

p. (02) 6686 4444  
 f. (02) 6686 7035



**Quotation**

Quote No. : 12,625  
 Quote Date : 8/02/2018  
 Expiry Date : 30 June 2018  
 Officer : Bernadette Arundell

**Description** Neil Hargreaves - 15 Mainsail Place West Ballina  
 DA 2017/569 - Review of Determination

Fee Code	Fee Description	GST	Amt Inc. GST
41	S82A Fee - Building		\$113.50



Please ensure a copy of this quote is enclosed when lodging your Development Application. All DAs lodged should be accompanied by an estimated cost of work schedule in accordance with Council's Fact Sheet "Estimating Cost of Work for Development and Construction".

Quoted figures subject to change  
 Civil Inspection Fees may apply

<b>Quote Total</b>	<b>\$0.00</b>	<b>\$113.50</b>
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Ballina shire Council  
PO Box 450  
Ballina 2478

20<sup>th</sup> April 2008  
15 Mainsail Place  
Ballina 2478

Dear Sirs,

RE DA2017/569 Your letter 16 April 2018

As there is now a community consultative group representing canal front property owners in discussions with council I will put my application on hold pending a new policy that I expect will eventuate from meaningful negotiation between those that have a vested interest in proper canal management and council.

I do not believe it is up to me to provide engineering evidence to show why I need what I want but rather it is up to the shire engineers to prove that they can't manage the canal with piles where I want them. The fact that they can manage to dredge around the pontoon erected straight across the canal from me where exactly what I wish to have is installed means that my request is reasonable.

Nor should I have to provide the details of the vessel I wish to berth. I will eventually choose a vessel that can safely navigate the canal and the Ballina bar. That is none of your business at this stage. I suggest that these requests are only a bureaucratic delaying tactic.

I also ask if you can provide me with a copy of the original agreement made with the developer of these canal estates entered into with the council. This document would set out council's obligations and owner's rights and expectations. It may be that councillors are also made aware of its content.

Yours faithfully,

  
Neil Hargreaves

Ballina Shire council  
PO Box450 Ballina 2478

15 Mainsail Place  
Ballina 2478.

Dear Sirs,

Re determination DA2o17/569

Thank you for your letter of 21 May regarding our application.

I wish the application to remain on hold at this stage pending a review of the council policy. With the formation of a committee to represent canal owners in negotiating with councillors regarding the policy review I will take no immediate action. I await news from that quarter.

If policy remains as it is I will take my application to the state planning authority, pointing out the situation and ask them that they over rule councils refusal. I will be asking that I be allowed to construct similar facilities to that mentioned across the canal from me. The arguments I will use will be that this facility does not impede dredging, which seems to be the only reason why I am not allowed to replicate it on my side.

I note also that the information, letter DA3/74, 30<sup>th</sup> July 79 mentions the "councils dredge". I assume that is the dredge handed to the council by the developer. Does council still have the dredge ?. I understand the dredge was given to council by the developer.

I ask that a copy of this correspondence be given to elected councillors and to the mayor prior to the matter going before council on 28<sup>th</sup> June.

Yours faithfully,



Neil Hargreaves.