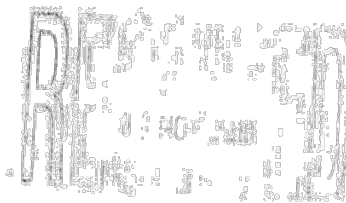


Ballina Shire Council
 General Manager
 Re DA 2018/603 70 Shelly Beach Rd., East Ballina

6th November 2018



I wish to draw Council's attention to the following matters in relation to this DA. Since this site was sold by the Anglican Church and approved for commercial use there have been a number of occasions when the residents of Shelly Beach were adversely impacted by loud amplified music and chaotic parking of vehicles in Pacific Terrace and Shelly Beach Road at the entrance to the venue site.

Noise

There is mention of **historical** use throughout this DA document to justify future use.

The Church had owned the site since 1961 and it had operated as a quiet youth camp site for at least 40 years, maybe longer.

I do not recall **amplified music** being part of the entertainment when the project area was utilised by the Anglican Church. Historically people were brought onto the site by bus. Activities were generally quiet and acceptable to the surrounding community.

Noise only became a problem when the Church sold the property in November 2010.

After some time the site opened as an events venue. I believe this venue operated for about 4/5 years spasmodically.

During use by the new owners the project site became a commercial enterprise and noise issues and parking chaos occurred.

There is a maximum of 265 people stated in the Document and 365 days for events. I believe the venue owners will want to maximise usage of the site to benefit from "population growth" predictions they made in the withdrawn DA.

So, which historical precedents are being referred to in relation to noise? The forty or more years the Church ran the project site quietly, or the recent chaotic few years the site operated as an "Events Venue"? The recent operation of the centre could be seen as an aberration in the history of the site management of noise and parking. I ask that the 40 years of use of this site be considered as the major relevant historical factor relating to noise.

I have read the noise assessment section of the DA about levels predicted and strategies to deal with such noise. I have the following related questions:

f) strategies to promptly deal with and address noise complaints;

Does this mean I can ring and complain about the noise to the venue and it will be turned down? And stay down for the remainder of the event or What are my options? Whom should I contact when I am disturbed by excess noise? I would like this spelled out in the DA consent document.

h) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts;

Does the word "works" refer to a musical event?

Does this mean I will be impacted anyway and I will just have to deal?

Perhaps by shutting all windows in stifling heat? An alternative option is for the venue to promptly close all windows and doors if a resident requests this.

i) reference to relevant consent conditions

It is recommended that amplified entertainment does not continue after 10pm into the night time period.

Is there any recommendation relating to the frequency of amplified entertainment?

Anyone with sensitive hearing would be adversely affected by amplified music continuing till 10pm on any night let alone on many nights.

18/85863

To be considered.

*** the loudness of the noise, especially compared with other noise in the area * the character of the noise * the time and duration of the noise * whether the noise is typical for the area * how often the noise occurs * the number of people affected by the noise.**

So, we know the noise is NOT typical for the area. Noise typical in the area is birdsong, ocean waves and a low level of traffic.

The time and duration of the noise could be very stressful and the frequency of the noise could be harmful to some people and many creatures. How can a balance be found between the patrons who want it loud and amplified more, or the resident with sensitive hearing who will be traumatised by the bass. I do not believe it is possible unless the music is restricted to acoustic.

I have excellent sensitive hearing and the sound travels to Hindmarsh St. I would ask that noise levels be specified and set at a legally acceptable limit for those with sensitive hearing, the elderly, babies, small children and dogs, at all times in this quite residential area. And that the amplified music events be very limited, if at all.

This bushland reserve is also home to many native fauna. I believe amplified music noise levels could be detrimental to their continued existence. Please consider this factor when assessing this DA.

Visitor /Guest/Worker Parking

The new DA states **"The facility will also utilise bus and taxi services for the transport (of) the majority of guests to the site, to minimise the requirement of driving vehicles onto the property, that will help manage traffic, and will be managed by a proposed traffic management plan."**

I would like the traffic management plan clearly stated and the number of vehicles actually allowed on site specified as part of the DA approval document.

This is, after all, still an application for approval for an event facility "hosting a range of events" with practically no car parking facilities.

Will there be any impact on sensitive vegetation on public land when patrons to the events "miss the bus" and decide to drive and park without showing respect to the designated Aboriginal Place land that surrounds the Site?

Traffic controls to events at this site should be specific, and clearly stated in any condition of consent. Any visitor/worker/service parking should be confined to the grounds of the venue.

When I drive along the Coast Road I have recently noticed risk to the dune. To the east of the road (western boundary of the Project Area), I can see vehicles parked close to the edge of the high dune adjacent to the road. The vegetation along the dune slope in this area (western boundary) has thinned and diminished over a period of time. This is a fragile sand dune and its stabilisation bordering the Coast Road should be vitally important to Council and the land owners. Vehicles should be kept well back from this dune face and stabilising vegetation planted. I am not sure if these vehicles are outside the Project Site boundary. There should be a protection zone to keep the dune stable or ratepayers will foot the bill for re-vegetation and repair.

Storm Water drainage

Storm Water has caused erosion to the east on the Crown Land in wet weather.

Storm Water from the event site should not impact the adjacent Coastal Pathway. I ask that this be addressed.

Aboriginal Cultural Heritage Report.

The Aboriginal Cultural Heritage report states on four occasions that the site was sand-mined. What is meant by sand-mined in this instance? Machinery would not have been involved on a high rear dune. I wonder where this reference is from and could it be verified? From my reading, Angels

Beach was mined with machinery only north from Pontoon Rocks. Shelly Beach was never sand-mined.

There is mention of "historical use" throughout the document to justify future use. I ask that historical issues noted as part of the DA investigation focus on the 40 years historical use of the site by the Anglican Church, not the recent few years of commercial use.

For a small site within protected public land the number of events and allowed visitor numbers stated in the DA Application will have adverse impacts on the local environment and community. **I ask that the frequency of events be limited and specified.**

Additional "Historical Use" information

1. Northern Star 6th November 2010 statement re the Auction of this site.

The 7F zoning means the block has environmental protection, so would be unsuitable for subdivision and development.

However, there is opportunity to turn it into a family home or a private executive-style estate. Pathways from the property to both beaches will be created when a walkway and cycleway are finished.

The property is to auctioned this morning at 10am at the Ballina Beach Resort.

2. And statement after the sale Northern Star 8th November 2010

Advertised as 'one of the best beachside properties on the North Coast', the Gunundi resort overlooking Shelly Beach had been owned by the church since 1961 and was used to host youth camps. However, it closed in August this year as the church was unable to keep up with maintenance and operational costs.

Yours sincerely



9th November 2018.

Fran Byrne
20 Hindmarsh St Shelly Beach
Ballina 2478

Disclosure

I wish to add to my Submission that I donated \$250 to Election funds for Councillor Jeff Johnson on 10th August 2016.

18/86120

~~See Wade~~

From: Kate Lee <lee_kate2000@yahoo.com>
Sent: Monday, 12 November 2018 2:07 PM
To: Ballina Shire Council
Subject: D.A. 2018/603
Attachments: Rob- DA 2018603.pdf; ATT00001.txt

Please find my response to the DA 2018/603 attached.
Kind Regards
Robert House

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit

http://scanmail.trustwave.com/?c=4991&d=5u7o29RUccue8SSc7tj_NWQfcqz_xT2MK53keqd6jQ&u=http%3a%2f%2fwww%2esymanteccloud%2ecom

Robert House
5 Bellevue Ave
East Ballina 2478

10th November 2018

Mr Matthew Wood
Group Manager Development and Environmental Health
Ballina Shire Council
40 Cherry St
Ballina 2478

Dear Mr Wood,

Re: D.A. 2018/603

Firstly, I'd like to say that this development application is outrageous and unacceptable given it's location. I have been living at Angels Beach for 23 of the past 24 years. The developers say that the property will continue to operate as it has for almost 50 years and play host to an array of events including weddings, family reunions, birthday celebrations, corporate events and functions....this is incorrect.

I am a family friend of the Harvison family, caretakers of Gunundi from 1983 to 1996. In that time there were only two weddings in the 13 years and they were for family friends of the Harvisons. The property was mostly used for Christian and school groups, low key corporate groups and open for camping and dormitory accommodation over the Christmas holidays for groups who travelled, usually long distances, from locations such as the far west of NSW. There were no loud bands but with mostly acoustic or only minor amplification of music, being respectful of residents and the environment.

In the early 2000's for several years it was also a meeting point for Alcoholics Anonymous. Being owned by AngliCaré, I can only conclude that for most of the past 50 years, the property was used for education, reflection and relaxation in a calming environment or in other words a retreat.

Secondly, the lack of any noise abatement walls, inadequate parking on site forcing patrons to park outside residential homes and the de-vegetation along the western side of the property will only increase noise levels at late hours to an unacceptable level, all compounded by the proposed intensified use.

Council, police and residents should remember how many complaints were made during "Dunes" functions. Having even more functions will increase the likelihood of anxiety and disruption to the lives of the nearby residents. Any existing use rights that may exist allowing such activities, where amplified music is played, must be limited to few in number and low in volume to previous residents' experiences.

Thirdly, I understand that extensive unapproved construction has taken place, disregarding council regulations and the environment.

In conclusion, I argue that this D.A. does not have the existing use rights it claims. The developer shows a total disregard for residents, environment and council regulations. This cavalier attitude does not deserve to be rewarded but deserves the full force of any maximum penalties that council can impose, including the demolition the of unauthorised constructions, court action and the denial of this inappropriate development application.

Yours Sincerely

Robert House

18/86126

Peter Drew
Ballina Shire Council
40 Cherry Street
Ballina 2478
12 / 11 / 2018

Re: **DA 2018/603**

Property: **Lot: 1 DP: 781525, 70 Shelley Beach Road EAST BALLINA**

The use of 8170 square metres of our precious foreshore must be of great concern for the history and the future of all Australians and, particularly, Ballina Council.

This is the site where "30 men women and children were shot"? (see the Ballina *Advocate*, 4 July 2018). A terrible massacre took place near this site between 1853 and 1854. Turning the site into a 'Party' place does not sit well with me.

* 'The proposal is seeking approval under existing use provisions', however I understand the existing use conditions were set for an Anglican Conference and Family Camping Area, not primarily a business operation. Children were given holidays there. That was a different use than an expensive wedding reception and 'party' place serving food, alcohol and loud music, presumably, to adults. They are not seeking approval for 'existing' uses. They are seeking altogether different uses. They will not be in bed, asleep, at 7.30pm.

Converting 70 Shelley Beach Road into a commercial function and wedding centre that could service 300-400 people, seven days a week, will compromise the fragile coastline leaving a precedent allowing further DA approvals to go through. Parking for workers, deliveries, guests and money collectors would choke the roads in surrounding areas. Our roads will be clogged with weekend visitors. This will be detrimental to the area if the DA goes through..

I have recently come to live in East Ballina. I am not far from this proposed development. I have lived the last 14 years in Byron Bay and have seen what happens when these developments get passed by Council or given to Independent Assessors. How long does it take to drive through town in Byron today? If this DA is allowed to proceed, how long will it take to drive through Shelley Beach Road, or the Coast Road, for that matter, in the future?

* "The subject site is located entirely within a Deferred Matter area of the Ballina LEP 2012, which in the interim is zoned 7{f) Environmental Protection (coastal lands) Zone under the Ballina LEP 1987." Many trees have been removed from this very large 2 acre building site to allow for more car-parking on the site. This would have been the habitat of many animals and birds. The trees would have also muffled the noise of the new guests and also protected the land from the very strong winds that come from the ocean, but so many have gone. These trees should be replaced by Rainforest species not Palm tree species that do not belong here.

Most importantly the area along Shelley Beach Road and the Coast Road is declared High Bush Fire Danger. One careless cigarette butt could cause a catastrophic

Bush fire affecting many homes across the Coast Road and Shelley Beach Road. The proposal to commercialise the sensitive foreshore, 70 Shelley Beach Road, ignores the heritage significance of a piece of beautiful land (8170 sq. metres of it) that we pass by on the walking/bicycling track that goes from Lennox to Ballina on that very same foreshore.

The sand dunes on the foreshores between the Coast Road and the ocean must be protected, not compromised, for future generations.

Once permission is granted it's impossible to take it back.

Hilary Kerr
East Ballina

● *Two small quotes have been taken from the DA document*

18/86540

Maxene A Hosie
4 Bellevue Avenue
East Ballina 2478
maxenehosie@gmail.com

8 November 2018

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

Attention: Peter Drew And Matthew Wood.

Dear Sir,

Re: Development Application 2018/603

A. Introduction.

I am the owner of No.2 and 4 Bellevue Avenue, East Ballina.
I wrote a letter of objection dated 22 May 2018 in respect of DA 2018/216 (copy attached) which related to the same site.
DA 2018/603 seeks consent for building and earthworks that have already been largely completed without consent.

These unapproved works, particularly;

- * the addition of the covered outside terrace on the western and northern side of the building significantly increases the noise from those 2 areas and roughly doubles the seating capacity of the building.
- * the provision of onsite parking and the associated removal of landscaping on the western edge of the property will greatly increase the noise from the site.
- * the installation of a doorway opening on the western wall of the building will allow noise from inside the building to travel in a westerly direction.
- * the lack of any sound attenuation walls immediately adjacent to the western and northern walls of the building and along the western boundary of the property (even though the Applicant's own Noise Impact Assessment recommends the installation of the first mentioned wall).
- * the increased traffic issues which will arise now that the DA proposes that some parking for patrons will be available onsite which will result in overflow parking on Shelly Beach Drive, Pacific Terrace , Bellevue Avenue and The Coast Road;

will adversely impact my property and the surrounding residential neighbourhood more significantly than the works proposed in DA 2018/216.

B. Specific Concerns

1. Use of the site.

The Applicant's DA and Statement of Environmental Effects ("SEE") states Development Consent is sought for the "existing use " of the site.

This is untrue.

A check of their website (www.thebeachhouseeastcoast.com) states the primary uses proposed are corporate functions and weddings.

1 of 4

Before Council can assess the DA, the types of events and the frequency of such events that are permissible on the site under any "existing use rights", needs to be ascertained because the Applicant is not entitled to intensify any "existing use" without Consent.

The Applicant is required to provide to Council details of events previously held on the site up to the date that any "existing use rights" commenced.
This will require obtaining information from The Anglican Diocese of Grafton, on-site managers and long term local residents detailing the previous use of the site.
This information should be included in the SEE so that local residents can provide comment prior to Council considering the DA.

I point out that;

- * the Applicant's solicitors (McCartney Young in their letter of 31 July 2018 in respect of DA 2018/216) acknowledge that the number of "event frequencies" is limited to the same number that existed when any "existing use rights" commenced and that any intensification of such "event frequencies" would require a further DA which would then require Council to consider the issues referred to in Regulation 41(2) of Part 5 Existing Uses of the EPA Regulation 2000; and,
- * the SEE for the current DA states that it is not seeking consent to "expand ..or add.. onto any existing approved uses" (para 2.P3)

Council should also identify the date that any "existing use rights" commenced.
I note that McCartney Young are of the view that the date is 22 February 1987 being the date of the introduction of the Ballina Local Environment Plan when the land was zoned 7 (f) Environmental Protection (Coastal Lands) Zone.

2. Noise

Should Council agree to support the DA, I suggest Conditions of Consent be included to mitigate the impact of noise from the site including;

a. Proposed building and landscaping alterations.

* I suggest Council require the installation of the sound attenuation wall as referred to para. 3.4.7 of the Noise Impact Assessment (NIA) of Tim Fitzroy & Associates dated 24 October 2018 , subject to it being at least 2.4 m in height from the top of the previously erected retaining wall.

* I suggest the removal of the covered outside terrace areas on the western and northern sides of the building and the reinstatement of the retaining wall, grassed and paved areas as depicted on the survey plan of the original building as shown on page8 of the SEE.

* I suggest the reinstatement of the fixed wall on the northern end of the building , the removal of the doorway installed on the western wall and the reinstatement of the previous fixed wall.

* I suggest the installation of a sound attenuation wall and reinstatement of the recently removed vegetation on the western boundary of the site to limit the noise from patrons and their vehicles when arriving and leaving the site.

b. Noise Management Plan

I raise the same suggestions as referred to under the heading " b) Proposed Noise management Plan " in my letter of 22 May 2018;

c. limitation of number of events using amplified sound.

I suggest these events be limited to Fridays and Saturdays.

d. Conditional Consent.

I suggest that any Development Consent be limited to a 12 month period only and that consent be subject to a 6 monthly review so as to ensure all consent conditions are complied with. Such a condition is consistent with the statement in the SEE that one of the primary aims is " to ensure that the environmental impacts are minimised, in particular those impacts on the coastal amenity of the local residential neighbourhood " and is a reasonable condition in view of the Applicant's actions to date in proceeding with unapproved works without Council Consent.

e. Issues relating to the NIA.

I raise the same issues as referred to on p. 3 paras. (a) - (d) of my letter of 22 May 2018 and to the letters of objection from other residents in respect of DA 2016/216.

I also note the revised NIA ;

- * does not take into account the noise of patrons and vehicle movements in the carpark area near the western boundary of the property and the loss of the sound attenuation because of the unapproved removal of the vegetation on the boundary with The Coast Road.
- * does refer to the specific noise requirements imposed by The Liquor and Gaming Authority in respect of licensed premises (including making reference to " the proposed restaurant " - there is no consent sought for a restaurant) . Table 3.6 shows non compliance with the requirement that " the LA10 noise level ..not exceed the background level in any Octave Band Centre Frequency (31.5 Hz - 8kHz inclusive) by more than 5 dbL between 7 am and midnight at the boundary of the affected residence " .

3. Traffic Management Issues .

The SEE for DA 2018/603 provides (insufficient) onsite parking for the number of patrons its website states it can cater for. The SEE states the Applicant will " utilise bus and Taxi services for the transport of the majority of guests to the site , to minimise the requirement of driving vehicles on to the property.." but no detail of how this is proposed is provided. The previous DA 2018/216 acknowledged the limitation of car parking and proposed that all guests would be bussed to and from the site.

If the DA is approved there will be large numbers of cars parking in Pacific Terrace and Shelly Beach Drive also along the Coast Road , Bellevue Avenue and Bayview Drive.

In view of this significant change, I suggest a detailed Traffic Management Plan be prepared by an independent Traffic Management consultant and be advertised for the comment of the local Shelly Beach and Angels Beach residents before any approval issues.

4. Landscaping

I suggest the Applicant be required to replant the recently removed vegetation particularly along the western boundary .

The SEE states " The aim to protect and enhance ecological values on and surrounding the site is a high priority and appropriate management of native vegetation and coastal ecosystems during construction and ongoing use phases will be implemented in accordance with all requirements.." and the Applicant has erected signs stating " native regeneration is in progress " .

The recent undertaking by the Applicant of the unapproved building works and particularly the removal of the vegetation along the western boundary is totally at odds with the above.

My view is that the erection of the signage and the reference to " Coastal Ambassadors " and an "Environmental Trust " in the SEE is nothing more than an attempt to win Council and community support for what is in fact an intensive commercial venture on a totally inappropriate site.

Enquires of members of Ballina Coastcare who were formerly involved with Angel's Beach Dunecare , including Shirley White who founded the first Dunecare group nearly 30 years ago , indicate number of them are strongly opposed to the works recently undertaken, the proposed future use of the site and the use of the Ballina Coastcare connection.

5. Indigenous Cultural heritage.

Despite the SEE for DA 2018/216 stating " there are not any additional impacts on indigenous heritage " (p. 26) , the SEE for DA 2018/603 now acknowledges that the site is a declared site of aboriginal significance.

I suggest the report of Everick Heritage Consultants dated October 2018 is inadequate.

The extent of consultation with the local aboriginal community comprised a single email to Mick Smith of Jali L C on 1 June 2018 attaching " design documents " (which presumably differed from the plans attached the report and to the SEE which are dated 21 September 2018) and one onsite inspection with Grant Rhodes on 7 June 2018.

This limited consultation varies markedly from the methodology used by Davies Heritage Consultants P/L in the Cultural Heritage Review dated September 2008 in respect of the shared pathway which immediately adjoins the site. In particular no attempt appears to have been made to contact the aboriginal groups (other than Jali) or individuals involved in the preparation of the Davies document specifically Douglas, Susan and Troy Anderson who Council will be aware have been directly involved with Indigenous matters in East Ballina for decades.

Council may wish to consider obtaining its own cultural report in view of the ;

- * methodology used in the Davies document, and
- * public funds expended on the construction of the shared pathway, and
- * the monument to the aboriginal massacre located adjacent to the stairs at the entrance to the site

6. Conclusion,

In DA 2018 / 603 the Applicant seeks consent for for works that have already largely been completed without approval.

It is important that Council require compliance with the Environmental Planning & Assessment Act and related statutory requirements by any landowner and not to "reward " a party who builds first and seeks consent later.

The Applicant sent a letter to local residents advising they were " working closely with Council to ensure that the necessary approvals are in place for all works being undertaken on site ".

This statement is untrue but has had the effect that many local residents believe that Council has given consent to all the recently completed works.

It is for this reason that Council may not get the numbers of submissions as were received in respect to DA 2018/216.

Council has been required to commence Court proceedings in respect of the unapproved works but this has not been widely reported.

It is important to recognise that before these unapproved works were undertaken the site was used primarily for church and school retreats , some group holiday accomodation and, more recently, intermittent daytime functions.

The site is a unique coastal position, identified in the Ballina LEP as zone 7 (f) Environmental Protection (Coastal Lands), surrounded by suburban residences and coastal bushland.

It is not a site for an intensive commercial Byron Bay theme park styled business similar to "The Farm" where largely out of town visitors are seduced into believing they are assisting the natural environment by their attendance in a totally inappropriately located wedding and corporate function centre.

I disclose that I have not made any reportable political donations or gifts.

Yours Faithfully,

Maxene A Hosie.

18/87116

Robert House
5 Bellevue Ave
East Ballina 2478

10th November 2018

Mr Matthew Wood
Group Manager Development and Environmental Health
Ballina Shire Council
40 Cherry St
Ballina 2478

Dear Mr Wood,

Re: D.A. 2018/603

Firstly, I'd like to say that this development application is outrageous and unacceptable given it's location. I have been living at Angels Beach for 23 of the past 24 years. The developers say that the property will continue to operate as it has for almost 50 years and play host to an array of events including weddings, family reunions, birthday celebrations, corporate events and functions....this is incorrect.

I am a family friend of the Harvison family, caretakers of Gunundi from 1983 to 1996. In that time there were only two weddings in the 13 years and they were for family friends of the Harvisons. The property was mostly used for Christian and school groups, low key corporate groups and open for camping and dormitory accommodation over the Christmas holidays for groups who travelled, usually long distances, from locations such as the far west of NSW. There were no loud bands but with mostly acoustic or only minor amplification of music, being respectful of residents and the environment.

In the early 2000's for several years it was also a meeting point for Alcoholics Anonymous. Being owned by AngliCare, I can only conclude that for most of the past 50 years, the property was used for education, reflection and relaxation in a calming environment or in other words a retreat.

Secondly, the lack of any noise abatement walls, inadequate parking on site forcing patrons to park outside residential homes and the de-vegetation along the western side of the property will only increase noise levels at late hours to an unacceptable level, all compounded by the proposed intensified use.

Council, police and residents should remember how many complaints were made during "Dunes" functions. Having even more functions will increase the likelihood of anxiety and disruption to the lives of the nearby residents. Any existing use rights that may exist allowing such activities, where amplified music is played, must be limited to few in number and low in volume to previous residents' experiences.

Thirdly, I understand that extensive unapproved construction has taken place, disregarding council regulations and the environment.

In conclusion, I argue that this D.A. does not have the existing use rights it claims. The developer shows a total disregard for residents, environment and council regulations. This cavalier attitude does not deserve to be rewarded but deserves the full force of any maximum penalties that council can impose, including the demolition the of unauthorised constructions, court action and the denial of this inappropriate development application.

Yours Sincerely



Robert House

18/87116

Chris Speed

6 Ocean Avenue,

East Ballina, 2478

christianspeed@hotmail.com

14 November 2018

**RE: Development Application (2018/603)
70 Shelly Beach Rd, East Ballina 2478 NSW (Lot 1 DP 781525)**

Dear Sir/Madam,

Regarding the above proposed development application, I wish to raise objections based on several points.

But before doing this, I would like to express how disappointed I am with proceedings to date.

So far, the developer has

- Lodged a DA
- Withdrawn a DA
- Decided to build, extend and re-develop anyway
- Received a Stop Work order from Council
- Ignored the order and continued to build, clear and landscape

The developer has clearly treated both Council and also residents with contempt, and DA 2018/603 seeks consent for building and earthworks that have already been largely completed without consent.

In any case, I wish to object to the most recent DA based on the following:

- the addition of the covered outside terrace on the western and northern side of the building. These additions significantly increase the noise from those two areas and roughly double the seating capacity of the building.
- the provision of onsite parking and the associated removal of landscaping on the western edge of the property. This parking will greatly increase the noise from the site.

- the installation of a doorway opening on the western wall of the building which will allow noise from inside the building to travel in a westerly direction.
- The lack of any sound attenuation walls immediately adjacent to the western and northern walls of the building and along the western boundary of the property (even though the Applicant's own Noise Impact Assessment recommends the installation of the first mentioned wall).
- the increased traffic issues which will arise now that the DA proposes that some parking for patrons will be available onsite which will result in overflow parking on Shelly Beach Drive, Pacific Terrace , Bellevue Avenue and The Coast Road;
- the issue of noise as outlined below.

Noise Impact Assessments modelling as done by Tim Fitzroy and Associates predict a sound level of 90db for inside the function room and 86db on the deck adjacent to the function room.

According to websites such as Memtech Acoustical (<http://memtechacoustical.com/noise-overview/>) and Noisehelp (<http://www.noisehelp.com/noise-level-chart.html>) the noise level of amplified music generally appears to be about 110db.

A noise level of 110db is *four times* louder than a noise level of 90db.

Importantly, the issue of "impact noise" or bass noise as opposed to airborne noise (Yourhome.gov.au) does not seem to have been taken into consideration.

General noise levels are one thing but impact noise from amplified music will be constant, monotonous and penetrating.

In addition, modelling has provided for prevailing weather conditions of up to 5 m/s or about 10 knots. Wind strength along the coast regularly reaches speeds of 15-20 knots and above, for extended periods of time.

The prevailing southerly and south-easterly direction carries noise directly from the site to suburban areas, as evidenced by previous functions held at the venue.

As such, I do not accept the Noise Impact Assessments as presented by Tim Fitzroy and Associates.

- The issue of "existing use" as outlined below.

The developer states that the primary uses proposed are corporate functions and weddings. I request Council now obtain legal advice as to whether;

- i) the "existing use" rights extend to allow weddings and corporate functions to be held on the site, and , if so ;
- ii) the frequency these types of events can be held.

In addition, a distinction needs to be made between wedding ceremonies and wedding receptions or parties.

Finally, the developer's DA states that they intend to "maintain all existing uses on the site without enlargement, expansion or intensification of continuing lawful uses".

Clearly, the applicant intends to greatly intensify uses of the facility.

I hope these points are taken into account and I look forward to future correspondence regarding these issues.

Yours faithfully

Chris Speed

18/87785

C RC and H L Hosie
2/2 Bayview Drive
East Ballina, 2478
9 November, 2018

**RE: Development Application (DA) 2018/603
Lot: 1 DP: 781525, 70 Shelly Beach Road, East Ballina**

Dear Sir/Madam,

We acknowledge receipt of your letter of 24 October, 2018 advising of the submission of the above mentioned DA and inviting submissions to council.

In respect to the proposed development application we wish to raise objections based on four critical concerns; what constitutes 'existing use'; noise mitigation; traffic management issues and the commencement of unauthorised works.

'Existing Use'

The Applicant's website (<https://www.thebeachhouseeastcoast.com/celebrations/>) states that the intended use of the site is for corporate functions and weddings that can cater up to 250 guests.

We do not believe that these types of functions constitute 'existing rights' particularly with consideration to the zoning of the site; 7 (f) Environmental Protection (Coastal Lands) Zone.

On the grounds of 'existing rights' we also object to the intended frequency and size of the events clearly anticipated by the Applicants.

With consideration to the zoning of this site, any future development should aim to protect and enhance the ecological values on and surrounding the site, rather than see the removal of existing vegetation, as has already been carried out on the site.

This application is clearly an intensive commercial venture, which seeks to go far beyond any previous activities or events witnessed on this site.

For these reasons we believe the application does not meet 'existing rights' criteria.

Noise Mitigation

We continue to hold the same concerns that we expressed with regards to DA 2018/216; which related to the same site.

We remain alarmed at the noise that will emanate from the site if the current DA is approved and the site is used in the various ways outlined on the Applicant's website.

We previously noted that a Noise Impact Assessment presented by Tim Fitzroy and Associates in relation to DA 2018/216 classified noise at and above 110db as *extremely noisy to intolerable*. We also pointed out that numerous sources state that the noise of amplified music is generally around 110db or higher.

We also noted in our previous objection that previous functions held at this site where amplified music was playing resulted in noise that we considered intrusive and was significantly louder compared to the other noises in this area. With the site approximately 200m from our residence the noise emanating from these functions interfered with the sleep of our young family.

Should the Council agree to support the DA we suggest Conditions of Consent be included to mitigate the impact of noise from the site:

- Council should require the installation of the sound attenuation wall measuring at least 2.4 m in height from the top of the previously erected retaining wall; as referred to in the Noise Impact Statement of Tim Fitzroy and Associates dated 24 October 2018 (para 3.4.7);
- Council should require the reinstatement of the fixed wall on the northern end of the building, the removal of the doorway installed on the western wall and the reinstatement of the previous fixed wall;
- We suggest the installation of a sound attenuation wall and reinstatement of the recently removed vegetation on the western boundary of the site to limit the noise from patrons and their vehicles when arriving and leaving the site late at night;
- We also suggest the removal of the terrace areas on the western and northern sides of the building and the reinstatement on the retaining wall, grassed and paved areas as depicted on the survey plan of the original building as shown on page 8 of the Statement of Environmental Effects (SEE), and;
- Functions should be limited to Fridays and Saturdays only.

Traffic Management

The SEE for DA 2018/603 provides inadequate onsite parking for the number of patrons its website says it can cater for (250 guests, not including staff).

We cannot accept that a site that can accommodate 250 guests will not have a significant impact on the local area and local residents.

The previous DA 2018/216 acknowledged the limited car parking available and proposed all guests be bussed to and from the site. The current SEE also suggests that the Applicant will, "utilise bus and Taxi services for the transport of the majority of guests to the site, to minimise the requirement of driving vehicles on to the property."

We suggest a detailed Traffic Management Plan should be developed that should identify details of the proposed private bus service pick up and drop off zone, taxi pick up and drop off zone and any parking for guests' vehicles. This plan should be publicly advertised and feedback sought from local residents of Shelly Beach and Angels Beach.

As previously stated in our objection to the previous DA on this site, even if the majority of guests are transported by bus, there is very limited parking available on Shelly Beach Road and no direct access from The Coast Road. Guests would be forced to park on Shelly Beach Road, The Coast Road, Bellevue Avenue, Beachfront Parade and Bayview Drive, which will greatly impact the amenity of local residents.

We are particularly concerned that many guests will park on Beachfront Parade, Bayview Drive and the Coast Road, use the underpass under the Coast Road and access the site from the eastern side via the Coastal Recreation Path. The traffic and noise problems that would arise from this situation would be extremely undesirable for the residents of Angels Beach.

A large increase in traffic using the Shelly Beach Road/Coast Road intersection also presents significant safety issues with consideration of the crest of the hill to the north of the intersection. The inevitability of guests parking on the shoulders of the surrounding roads also presents a significant safety concern.

Works Completed Without Consent

DA 2018/603 seeks consent for building and earthworks that have already largely been completed without consent.

These unapproved works will adversely impact my property and the surrounding residential neighbourhood, and include:

- The addition of the covered outside terrace on the western and northern side of the building significantly increases the noise from those 2 areas and roughly doubles the seating capacity of the building;
- The provision of onsite parking and the associated removal of landscaping on the western edge of the property will greatly increase the noise from the site;
- The installation of a doorway opening on the western wall of the building will allow noise from inside the building to travel in a westerly direction.

The Council should pursue all penalties against the Applicant in the Land and Environment Court for the works completed without consent. This should include the demolition of all building and earthworks completed without the appropriate consent.

The importance of ensuring that everyone is held accountable to the Development Application process cannot be understated.

Conclusion

We thank you for the opportunity to comment on the proposed DA 2018/603. We trust that the concerns we have raised will be addressed and we look forward to future correspondence regarding this proposal.

Kind regards,

C RC and H L Hosie

18/88740

8 Bellevue Avenue
East Ballina
13th November 2018
shirleyawhite@bigpond.com

Mr P Hickey
General Manager
Ballina Shire Council
40 Cherry Street
Ballina NSW 2478

Attention: Mr. Peter Drew

Dear Sir

Re: DA 2018/603
70 Shelly Beach East Ballina DP 781525

Thank you for your letter dated 24th October 2018 re the above proposed Development Application.

In May 2018 I lodged an objection to DA 2018/216, which was later withdrawn by the owners. The above DA 2018/603, addresses work proposed, which was listed in the previous DA and I understand has been completed since, **without permission being granted.**

I therefore wish to lodge an objection to DA 2018/603 on the following grounds. I would like to point out some myths and misconceptions also.

Myths and Misconceptions

2018/603 DA states that the site is surrounded by "bushland" (1.4.3) when in fact, the surrounding area is EEC (Ecologically Endangered Communities) **Littoral Rainforest (LRF)**, of which only 1% remains in NSW. The Aboriginal Cultural Heritage Report photo in the above DA Appendix C, shows "Rainforest" surrounding the site.

The writer stated the trees were "young." This is correct along *part* of the eastern boundary, as in the late 90s the Anglican Diocese (Grafton) purchased additional land, created a retaining wall approximately 2 metres high, with disused motor tyres, filled it with red soil and rocks and made a level lawn on the eastern side of the dormitory block. *Part* of the area along the southern border was used as a dumping ground for building waste and some indigenous trees were planted in both places in 2001 by the Angels Beach Dune Care & Reafforestation Group (ABDC&R) members. These trees were obviously regarded as "young." More mature Littoral Forest grew on the northern and western boundaries and merged with existing LRF on the Crown Reserve. (Gunundi Floristic List, 2008 by Phil Redpath, Government Ecologist on ABDC&R files).

There are over 100 different LRF species listed on the ABDC&R Group's Floristic List in its Management Plan. Species have been verified either by the NSW or Queensland Royal Botanical Herbariums' staff and/or suitably qualified staff from EnviTe, Lismore. In the early days of Dune Care, Dr Alec Floyd listed many LRF species and some which should have been present. Most of those were later identified north of Black Head, as the Group worked northwards (Floristic List ABDC&R files).

In the late eighteen hundreds the area was probably a mix of heathland and rainforest. In 1995 when Council created the Bicycle Track, now known as the Coastal Recreational Pathway (CRP), LRF trees were removed. This obviously led to the assumption that the boundaries on the eastern side had been graded for the CRP. Some LRF trees and edging plants were planted and have merged with much older growth. A similar statement was made in the Aboriginal Cultural Heritage Report about grading when the Coast Road was constructed. I did not live here then, so cannot comment re that.

Since 1989, when I founded the ABDC&R Group and in 1995, with permission from the Native Title holders, we began work on Black Head, the whole area has evolved, which is a natural process.

Heath species have died out, as the LRF trees have increased in height since the strangling "Bitou Bush" weed, up to 3 metres high, has been removed. Several Threatened Species and some rare terrestrial orchids have been discovered on Black Head, some very close to the proponents' boundaries.

Throughout DA2018/603, "sand mining" is stated as being a disturbance to the area and it is implied that the site would not have any value because of such disturbance. This is a myth. Disturbance to the site has been only from the development of buildings past and present.

In the early 2000s I completed several years of research locally and in Sydney at the NSW State Library, into the Gold Mining (1870-1934) and Sand Mining (1934-1966) on Angels Beach, then called Sharpes Beach and Black Head to Flat Rock (Sand Point). I searched through all the bound volumes of NSW Mining Reports covering 60 years. All sites were reported on every year. Nowhere was there any mention of sand mining on Black Head.

I have on file a statement from the late Phil Blackman made when he visited the Flat Rock area in 2005. "All beach sand mining took place from the HWM to 100 yards west and the HWM then was at least 50 metres east." He was foreman at Flat Rock (Sand Point) for a number of years until 1966, when mining ceased on Angels Beach.

Henry Faulks, related to Gary, who was Town Clerk when I came to Ballina in 1987, told me that he prospected manually from Pontoon Rocks to Black Head, but that area was **never mined**. A photograph of Pontoon Rocks, dated 1932, in the book "Black Sands" by Ian Morley, recommended to me by an officer of the Department of Land & Water, which department administered Crown Lands until Councils were asked to take control from the early 2000s, shows cement works which were connected to the gold mining days. These remains can be seen at low tide.

Shelly Beach was never sand-mined, as the community strongly protested against it. Only a small section at the north end of Shelly Beach was mined for basalt pebbles used as roadbase for the mining track from Angels Beach to Byron Bay

I also have statements made by owners and workers on the beach sand mining, a map showing the lease sites for Gold and Beach Sand Mining (all along the High Water Mark) on privately owned land as the 40acre blocks then extended to the HWM. (Dr. Stewart's land, originally owned by the Sharpe family, still does extend that far, as Council would know).

Many leases overlapped, causing disputes, some lapsed and some were never worked. A photograph taken in the early 1900s, of the Gold Mining site on the beach at the foot of Black Head, shows a small hole (shaft), a wheelbarrow, pick and shovel a piece of carpet, 2 workers and the owners (Ainsworth family). This represented a very small disturbance and was nowhere near the site of the above mentioned DA. All the sand mining for zircon and rutile took place south of Flat Rock to Pontoon Rocks and was done manually until the late 1950s.

Aboriginal Cultural Heritage

In 2012 East Ballina Aboriginal Place was gazetted. Its area includes The Beach House site (DP781525), even though it is privately owned land. This is clearly shown on the Government Gazette web page (Gazette 78, 27 July 2012, 3591). (I have a copy on file). DA2018/603 states wrongly that the site is merely close to An Aboriginal Place when it is actually part of it.

In June 2018 after the withdrawal of DA2018/216, which stated "the proponents have no knowledge of Aboriginal Heritage in connection with the site," the proponents commissioned an Aboriginal Cultural Heritage Report.

The following is an extract from the NP&W Act 1974.

"The Aboriginal Place provisions of 1974 extended the Act to give protection to the intangible, social and spiritual heritage of Aboriginal people in NSW. Places that did not contain archaeological remains, but were culturally and socially important to Aboriginal people could now be protected under the legislation. These included sacred sites as well as fringe camps and Aboriginal reserves from

the 19th and 20th centuries.

The 1974 provisions acknowledged that Aboriginal culture and heritage was a living thing in NSW, challenging the widely-believed notion that the Aboriginal people of NSW had 'lost' their culture and their connection to sacred sites. It was part of a growing recognition that Aboriginal culture was more than archaeological relics. In the early 1970s, the idea of 'sacred sites' had entered popular discourse through the Aboriginal land rights movement in the Northern Territory in which Aboriginal people described their links to Country in terms of belonging to Dreamtime sacred sites. These sites mostly took the form of natural landscape features such as waterholes and rock outcrops."

Representatives from Jali LALC, OEH and archaeologist Laura Bates carried out the report in Appendix C, which details looking for artefacts (not expected to be present), as the Aboriginal Place is a sacred site and important to the Aboriginal community culturally and socially because of the massacre which took place in 1853/4. (See 2001 dedicated plaque & wooden cross at foot of steps leading from eastern boundary of the Beach House site to the CRP, which was installed in 1995).

The survey states that it was not possible to carry out extensive investigations due to disturbance caused by the building work being done at the time.

The requirements of the above mentioned Act, have not been met because an Aboriginal Place has nothing to do with finding archaeological relics, therefore **nothing has been resolved**.

The *NSW Native Parks & Wildlife Act 1974*, states that on privately owned land within an Aboriginal Place, a meeting should be held with "the owners, Jali LALC, native title holders, the Aboriginal community and OEH". It also sets out *Guidelines for a Management Plan* which should be set up before or within 12 months after gazettal of an Aboriginal Place. Does a Management Plan exist? A review should take place every five years. As the East Ballina Aboriginal Place covers a wide area and has many houses built on it, perhaps the MOP on the whole area was considered unworkable? It should be possible to consult with the Aboriginal Native Title holders and others mentioned above, so that a MOP can be established for the Beach House site.

It is therefore submitted that a condition of the redevelopment be that a Plan of Management is set up if one is not already in existence, involving the proponents, Jali LALC, native title claimants, Aboriginal community and OEH as stated in the NSW National Parks & Wildlife Act 1974, and that the Heritage status of the site is clearly and conspicuously displayed on the building and/or at the entrance to the grounds.

Proposed development 1.5 & page 3

The DA states that the proposal retains the "existing building footprint" and then proposes to set a "new retaining wall further to the west", which would entail considerable digging and contradicts the previous statement. (See Appendix A & B re Development Plans).

Noise & Amenity

The Noise Study commissioned by the proponents is somewhat overwhelming to the unqualified. I concur with Mr Robert Hosie's opinions on this matter, as he has studied the proposal at length and is able to interpret the findings far better than I. A commercial development of this magnitude should not be allowed in a quiet residential area. Many of the residents have relocated from busy towns and cities to this area, to enjoy a peaceful, quiet and relaxed lifestyle, not to have to endure an intensification of traffic, people and loud amplified music day and night.

The problem did not arise when the Anglican Church owned the property, as it was operated for 50 years, as a low key development and retreat. Hence no loud, amplified music was ever played. It is only in the last five years, since the property was sold, that noise has become a problem, now that an Events Function has become the focus for a commercial development.

Thinned vegetation on the western boundary in the last five years has allowed amplified sound to escape from the site and the visible amenity has deteriorated considerably, as some buildings and cars parked on the property, can now be seen from the Coast Road.

If the proposed DA2018/603 is passed it would appear that, with an upgraded development, together with the expected increase in numbers of people living in Ballina, nearby towns and villages, an escalation of the problems already mentioned will occur.

It is therefore submitted that a condition of the redevelopment take into account that the first 50 years of operation was acceptable to local residents and was never a problem with noise generation. A condition should also be that amenity be restored with suitable native vegetation, particularly on the western boundary, taking into account any Fire Hazard regulations.

Sediment & Erosion Control

These matters appear to have been left in abeyance until the DA has been approved. No plans appear to be in place.

It is therefore submitted that a condition of the redevelopment be that a detailed plan be submitted covering stormwater run-off, sediment and erosion control before any further development takes place. The proponents have carried out alterations and renovations without prior approval so remediation may be required if damage has already occurred.

Parking

The idea of clients arriving by bus and taxi may work, but who will be responsible for ensuring that this takes place? It appears that there is insufficient parking available on site for the proposed escalated use of the property as a Function/Event/Conference Centre. A traffic hazard survey from the Police Department may be required.

It is therefore submitted that a condition of the redevelopment be that a Traffic Management Plan be submitted before any DA approval is given.

Landscaping

The President of ABDC&R now incorporated in Ballina Coastcare Inc. was asked for advice re local indigenous plants. He supplied a list and shortly afterwards a non-indigenous large Palm Tree was seen arriving at the property. The advice given was obviously ignored which does not augur well for the environment. Suitable native heath plants could be chosen, similar to those which grow on the *Allawah Bushland Reserve* which was part of the dunal system before the Coast Road bisected the area.

It is therefore submitted that a condition of the redevelopment before any approval of the DA occurs. should be that a suitable list of indigenous heath plants and shrubs be submitted so that plants will be excluded which could spread into the Crown Reserve and cause weed problems, ,

Stormwater & Used Tyre Retaining Wall

I understand these matters, first raised in 2001, which were mentioned in my previous submission in May this year, have been under discussion and I will be pleased to hear of actions being taken in due course. The Department of Primary Industries who, I believe are responsible now for administering Crown Lands, also submitted re the above, stating that Stormwater draining on to Crown Lands is not permitted.

Yours sincerely,


S.A. White

PS . I disclose that I made a small political donation of \$200 to Cr. Jeff Johnson in 2016 when he stood for the Ballina Shire Council, but no gifts have been made at any time.

18/38746

02 66 86 85
JOHN & SUE WEINGA

5 BANKSIA LANE

SHELLY BEACH

14-11-18

THE GENERAL MANAGER
BALLINA SHIRE COUNCIL
CHERRY STREET
BALLINA
ATTN. PETER DREW

Dear Sir,
We write again to object to the proposed development application for 70 Shelly Beach road - the old gunnuda site

Firstly we would like to point out that this second D.A. appears to make a mockery of Council processes. It seems strange to us that someone can lodge a D.A., withdraw it when there are significant objections and then to proceed to carry out much of the work including vegetation clearing and then re-submit the D.A. essentially unchanged.

Our main objection is the disruption that will be caused to those of us living in close proximity to the proposed function centre." On 14/10/18 Ballina Shire Council wrote to Ardell Payne & Partners saying the development "will require careful management to ensure the centre does not unreasonably impact the surrounding neighbourhood."

When the centre was run by "The Dunes" there were many occasions on which the noise and the impact of parking in nearby streets caused serious concern to neighbours. Pacific Terrace is quite a narrow street and when cars pass on both sides of the road, it reduces it to one lane and there is a crest which makes it impossible to see oncoming traffic. This makes it very difficult for us to access our property via Pacific Terrace. Also on some occasions

patrons decided not to drive home, leaving their cars parked in nearby streets, occasionally for several days.

In addressing the issue the D.A. Section 3.15 CAR PARKING AND ACCESS states in part:

"Adequate parking will be provided on site as detailed in the plan set". There appear to be 44 car parking spaces shown on the plan, but many of these appear to be "nominal" spaces and could be further reduced by the Rural Fire Service need for turning bays and access. This number of parking spaces seems totally inadequate since it is obvious that staff and resident guests will require parking and the Centre intends to cater for up to 265 guests at a time.

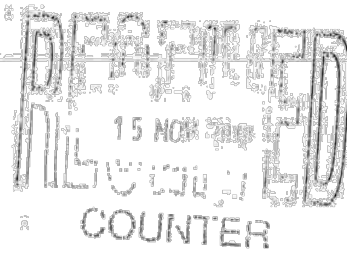
The D.A. also states "There is no intention of car parking on the street or within nearby public road reserves." We cannot see how the centre management would be able to prevent their patrons from parking in the street.

There is no doubt that if this was a new proposal it could not be approved by Council. We cannot see how the owners can claim "existing use rights" as the camp / conference centre / school run by the Anglican Church at Yerrandi was never used for the type of activities envisaged now.

We appreciate that this is not an easy issue for Council to deal with and we are not opposed to the concept of the development but we are extremely concerned about our existing rights and amenity and ask that Council insist on the provision of increased parking.

Yours Sincerely
John & Sue Weingart

18/88752



C RC and H L Hosie
2/2 Bayview Drive
East Ballina, 2478
9 November, 2018

**RE: Development Application (DA) 2018/603
Lot: 1 DP: 781525, 70 Shelly Beach Road, East Ballina**

Dear Sir/Madam,

We acknowledge receipt of your letter of 24 October, 2018 advising of the submission of the above mentioned DA and inviting submissions to council.

In respect to the proposed development application we wish to raise objections based on four critical concerns: what constitutes 'existing use'; noise mitigation; traffic management issues and the commencement of unauthorised works.

'Existing Use'

The Applicant's website (<https://www.thebeachhouseeastcoast.com/celebrations/>) states that the intended use of the site is for corporate functions and weddings that can cater up to 250 guests.

We do not believe that these types of functions constitute 'existing rights' particularly with consideration to the zoning of the site; 7 (f) Environmental Protection (Coastal Lands) Zone.

On the grounds of 'existing rights' we also object to the intended frequency and size of the events clearly anticipated by the Applicants.

With consideration to the zoning of this site, any future development should aim to protect and enhance the ecological values on and surrounding the site, rather than see the removal of existing vegetation, as has already been carried out on the site.

This application is clearly an intensive commercial venture, which seeks to go far beyond any previous activities or events witnessed on this site.

For these reasons we believe the application does not meet 'existing rights' criteria.

Noise Mitigation

We continue to hold the same concerns that we expressed with regards to DA 2018/216; which related to the same site.

We remain alarmed at the noise that will emanate from the site if the current DA is approved and the site is used in the various ways outlined on the Applicant's website.

We previously noted that a Noise Impact Assessment presented by Tim Fitzroy and Associates in relation to DA 2018/216 classified noise at and above 110db as *extremely noisy to intolerable*. We also pointed out that numerous sources state that the noise of amplified music is generally around 110db or higher.

We also noted in our previous objection that previous functions held at this site where amplified music was playing resulted in noise that we considered intrusive and was significantly louder compared to the other noises in this area. With the site approximately 200m from our residence the noise emanating from these functions interfered with the sleep of our young family.

Should the Council agree to support the DA we suggest Conditions of Consent be included to mitigate the impact of noise from the site:

- Council should require the installation of the sound attenuation wall measuring at least 2.4 m in height from the top of the previously erected retaining wall; as referred to in the Noise Impact Statement of Tim Fitzroy and Associates dated 24 October 2018 (para 3.4.7);
- Council should require the reinstatement of the fixed wall on the northern end of the building, the removal of the doorway installed on the western wall and the reinstatement of the previous fixed wall;
- We suggest the installation of a sound attenuation wall and reinstatement of the recently removed vegetation on the western boundary of the site to limit the noise from patrons and their vehicles when arriving and leaving the site late at night;
- We also suggest the removal of the terrace areas on the western and northern sides of the building and the reinstatement on the retaining wall, grassed and paved areas as depicted on the survey plan of the original building as shown on page 8 of the Statement of Environmental Effects (SEE), and;
- Functions should be limited to Fridays and Saturdays only.

Traffic Management

The SEE for DA 2018/603 provides inadequate onsite parking for the number of patrons its website says it can cater for (250 guests, not including staff).

We cannot accept that a site that can accommodate 250 guests will not have a significant impact on the local area and local residents.

The previous DA 2018/216 acknowledged the limited car parking available and proposed all guests be bussed to and from the site. The current SEE also suggests that the Applicant will, "utilise bus and Taxi services for the transport of the majority of guests to the site, to minimise the requirement of driving vehicles on to the property."

We suggest a detailed Traffic Management Plan should be developed that should identify details of the proposed private bus service pick up and drop off zone, taxi pick up and drop off zone and any parking for guests' vehicles. This plan should be publicly advertised and feedback sought from local residents of Shelly Beach and Angels Beach.

As previously stated in our objection to the previous DA on this site, even if the majority of guests are transported by bus, there is very limited parking available on Shelly Beach Road and no direct access from The Coast Road. Guests would be forced to park on Shelly Beach Road, The Coast Road, Bellevue Avenue, Beachfront Parade and Bayview Drive, which will greatly impact the amenity of local residents.

We are particularly concerned that many guests will park on Beachfront Parade, Bayview Drive and the Coast Road, use the underpass under the Coast Road and access the site from the eastern side via the Coastal Recreation Path. The traffic and noise problems that would arise from this situation would be extremely undesirable for the residents of Angels Beach.

A large increase in traffic using the Shelly Beach Road/Coast Road intersection also presents significant safety issues with consideration of the crest of the hill to the north of the intersection. The inevitability of guests parking on the shoulders of the surrounding roads also presents a significant safety concern.

Works Completed Without Consent

DA 2018/603 seeks consent for building and earthworks that have already largely been completed without consent.

These unapproved works will adversely impact my property and the surrounding residential neighbourhood, and include:

- The addition of the covered outside terrace on the western and northern side of the building significantly increases the noise from those 2 areas and roughly doubles the seating capacity of the building;
- The provision of onsite parking and the associated removal of landscaping on the western edge of the property will greatly increase the noise from the site;
- The installation of a doorway opening on the western wall of the building will allow noise from inside the building to travel in a westerly direction.

The Council should pursue all penalties against the Applicant in the Land and Environment Court for the works completed without consent. This should include the demolition of all building and earthworks completed without the appropriate consent.

The importance of ensuring that everyone is held accountable to the Development Application process cannot be understated.

Conclusion

We thank you for the opportunity to comment on the proposed DA 2018/603. We trust that the concerns we have raised will be addressed and we look forward to future correspondence regarding this proposal.

Kind regards,


CRC and H L Hosie

18/89462

1 Bellevue Avenue
EAST BALLINA NSW 2478

12 November, 2018

Ballina Shire Council
40 Cherry Street
BALLINA NSW 2478

ATTENTION: Matthew Wood

Dear Matthew

Re: DA2018/216 – Applicant: Balanced Systems Planning Consultants

Further to our previous objection:

We object to the DA on the following grounds: **EXCESSIVE NOISE and EXCESSIVE AND UNCONTROLLED TRAFFIC and LANDSCAPING**

EXCESSIVE NOISE

We have noted that there has been clearing of vegetation along the Coast Road – we can now see through what is left of the vegetation from the road as we drive into town.

How was this allowed and why?

The vegetation formed a natural barrier for noise – its removal will allow more noise to interfere with our peaceful way of life.

And who wants to see cars or buildings when previously there has been gorgeous native vegetation which catered for a plethora of native birds, animals, reptiles and insects.

It seems that the “noise wall” will be insufficient to contain the noise with a “gate” included in it.

EXCESSIVE AND UNCONTROLLED TRAFFIC

Similarly, the noise generated from buses and cars coming and going, in particular, late at night will be excessive in our opinion.

The ignition, revving of motors, acceleration of cars and buses along the Coast Road late at night will disturb sleep and again the peaceful ambience of our chosen way of life.

It seems that the native vegetation along the Coast Road has been cleared to allow for the construction of a large number of car parks – we understood that buses would be used to convey people to and from the venue.

LANDSCAPING

Still insufficient information on what landscaping will occur.

If the current "landscaping", ie, large scale removal of native vegetation is any indication, then this is totally unacceptable. How and why has Council allowed this to occur?

Ours is the first home to be affected by whatever events are held on the parcel of land currently covered in the present DA. We have lived in our home for almost 20 years and believe that the Council needs to listen to the residents who have and are lodging objections to this particular DA.

This DA is obviously very contentious!

Why doesn't Council have a meeting with those of us who are objecting to listen to us and to answer any questions we might have for you.

As stated in our previous objection, we have, on occasion, had to resort to calling the police because of excessive noise generated late at night by functions held by the previous owners.

It seems to us that there will be more disruption caused by excessive noise from functions, as well as from more and uncontrolled buses and cars leaving the venue late at night.

Yours faithfully

Denis and Ann Hartley



18/96676

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

5 December 2018

Paul
Dear Mr Hickey,

Please find *enclosed* a copy of correspondence I have received from my constituent, Mr Robert Hosie of East Ballina. Mr Hosie has written to me regarding objections to DA 2018/603.

Mr Hosie has raised concerns with my office regarding the old Gunundi site at Black Head between Shelly Beach and Angels Beach. Mr Hosie believes that the land is zoned 7(f) for environment protection, yet the new owners have begun new building work without Council approval. Mr Hosie believes that they intend to operate a commercial wedding and function centre and that this will destroy the amenity of the local neighbourhood with significant noise and traffic issues.

I encourage you to examine Mr Williams's concerns and suggestions as set out in the *enclosed* correspondence.

I look forward to receiving your response.

Thank you for your time.

Sincerely,

Tamara Smith MP
Member for Ballina

Encl. Correspondence from Mr Robert (Bob) Hosie of East Ballina

From: Maxenehosie [mailto:maxenehosie@gmail.com]

To: ElectorateOffice Ballina

Hi Tamara, I think that the most important issue in Ballina at moment is the protection the old Gunundi site at Black Head between Shelly Beach and Angels Beach.

The land is zoned 7(f) environment protection yet the new owners have built new building work without Council approval. They intend to operate a commercial wedding centre and function centre.

This will destroy the amenity of the local neighbourhood with significant noise and traffic issues.

The new owners have now lodged a DA with Council. See DA 2018/603.

I suggest you read the letters of objections.

I am happy to speak with you if you wish . My number is 0421114541.

Regards Bob Hosie



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

18 December 2018

Paul
Dear Mr Hickey,

Please find *enclosed* a copy of correspondence I have received from my constituent, Mr Robert House, of East Ballina. Mr House has written to me regarding Shelly Beach Development Application 2018/603.

Mr House outlines his objection to the development and his disappointment at not having his objection displayed on council's website. I encourage you to examine these concerns as set out in the *enclosed* correspondence.

Mr House has asked me to make representations on his behalf to you as the General Manager of Ballina Shire Council.

I look forward to receiving your response.

Thank you for your time.

Sincerely,

Tamara Smith
Tamara Smith MP
Member for Ballina

Encl. Correspondence from Mr House.

13.12.2018

Robert House
5 Bellevue Ave
East Ballina
NSW 2478

Tamara Smith MP
Member for Ballina
1/7 Moon St
Ballina
NSW 2478

Dear Tamara

I am writing this letter in regard to a development application at Shelly Beach, D.A. 2018/603. The property is zoned TF surrounded by a residential area. Considering its zoning and location, one would think that council would limit its use. However, when I speak with council I get the impression of the opposite.

I have asked council to put my letter of objection to this D.A. on the council's website. They have so far refused without giving me any good reason. I feel like my voice isn't being heard at a time when my home feels like it is being threatened. I also feel privileged to live here and it will be a paradise lost if this D.A. goes ahead as the developers intend.

Please find and read my letter of objection to this D.A. and decide for yourself if you think it is unreasonable. Any help in this matter will be

greatly appreciated

Kind Regards

Robert Mounie

CP: 0406550104

email: rhouse@y7mail.com

Robert House
5 Bellevue Ave
East Ballina 2478

10th November 2018

Mr Matthew Wood
Group Manager Development and Environmental Health
Ballina Shire Council
40 Cherry St
Ballina 2478

Dear Mr Wood,

Re: D.A. 2018/603

Firstly, I'd like to say that this development application is outrageous and unacceptable given it's location. I have been living at Angels Beach for 23 of the past 24 years. The developers say that the property will continue to operate as it has for almost 50 years and play host to an array of events including weddings, family reunions, birthday celebrations, corporate events and functions.....this is incorrect.

I am a family friend of the Harvison family, caretakers of Gunundi from 1983 to 1996. In that time there were only two weddings in the 13 years and they were for family friends of the Harvisons. The property was mostly used for Christian and school groups, low key corporate groups and open for camping and dormitory accommodation over the Christmas holidays for groups who travelled, usually long distances, from locations such as the far west of NSW. There were no loud bands but with mostly acoustic or only minor amplification of music, being respectful of residents and the environment.

In the early 2000's for several years it was also a meeting point for Alcoholics Anonymous. Being owned by AngliCare, I can only conclude that for most of the past 50 years, the property was used for education, reflection and relaxation in a calming environment or in other words a retreat.

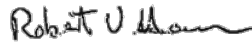
Secondly, the lack of any noise abatement walls, inadequate parking on site forcing patrons to park outside residential homes and the de-vegetation along the western side of the property will only increase noise levels at late hours to an unacceptable level, all compounded by the proposed intensified use.

Council, police and residents should remember how many complaints were made during "Dunes" functions. Having even more functions will increase the likelihood of anxiety and disruption to the lives of the nearby residents. Any existing use rights that may exist allowing such activities, where amplified music is played, must be limited to few in number and low in volume to previous residents' experiences.

Thirdly, I understand that extensive unapproved construction has taken place, disregarding council regulations and the environment.

In conclusion, I argue that this D.A. does not have the existing use rights it claims. The developer shows a total disregard for residents, environment and council regulations. This cavalier attitude does not deserve to be rewarded but deserves the full force of any maximum penalties that council can impose, including the demolition the of unauthorised constructions, court action and the denial of this inappropriate development application.

Yours Sincerely



Robert House

Sue Wade

19/9499

From: Megan Hoult <handmadehire@gmail.com>
Sent: Wednesday, 6 February 2019 1:17 PM
To: Ballina Shire Council
Subject: DA 2018/603 and DA 2018/781

To The General Manager,

DA 2018/603 and 2018/781

I am writing to you in reference to the Development Applications that have been with your Council from last year.

The Site

Having been in the region for almost 20 years, I have certainly witnessed considerable change and growth. Some of this has seemed questionable, and other developments have contributed so much value culturally, environmentally, commercially and socially.

The Beach House development is one which I firmly believe contributes to this Shire on all four areas:

Culturally, The Beach House is another fine addition to the incredibly successful Wedding and Event Industry on the Northern Rivers. Not only does this provide fabulous employment and training opportunities for locals, it helps to showcase our region to visitors. Given that so many of our local High Schools offer Hospitality as an HSC subject, it is clear that this industry is here to stay in our Shire, and is one that should be supported.

The Beach House is a development where celebrating events can contribute so much to the Ballina Shire. Where Byron Bay and the Hinterland has always been "The Place" to get married, now Ballina has a fabulous opportunity to assert itself equally.

Environmentally, this site has not expanded the existing buildings - simply updated them to be a truly beautiful stylish and understated site. Where dead trees have been removed, there has been considerable planting of new vegetation. Faulty and worn out retaining walls and the entrance fencing has also been improved and replaced without encroaching on the existing vegetation. Furthermore, the Environmental Trust stands to gain from donations from bookings at The Beach House. In my experience in the industry in the region, this is a unique offering.

Commercially, the old site, whilst having served its purpose in the past, had become a stagnant business. The Beach House Team has done an incredible job of turning the existing buildings and the well-established purpose of the site into a relevant and marketable product. Our region is in need of more professionally operated Event and Conference sites that reflect the areas respect and care for the environment. The Beach House has the potential to be hugely successful attraction for the Ballina Shire as well as supporting local environmental projects.

Socially, The Beach House will be a destination Wedding and Event Venue for the Ballina Shire. It will potentially take a lot of business from the Byron Shire in doing so, will expose more and more people to the beauty of Ballina and its beaches. With the airport so close, the Ramada Hotel nearby, and the developments along River Street, including the Public Pool, there will be an injection of tourist dollars, which will create a buzz and energy that Ballina is so ready for.

The Team

I have know Tom and Emma Lane since they relocated to the area and undertook the impressive development of The Farm. This has become a wonderful showcase of what our region stands for - a perfect balance of commercial, environmental, social and cultural elements.
When my business partner and I first heard about the development of the site at Angel's Beach we, as were many other people in the industry, were ecstatic. Who better to create a beautiful yet respectful Venue than the Lanes.

Furthermore, after meeting the Onsite Manager, Sally Richardson, we knew they had struck gold. With her Hotel Management background and her professionalism, we could not wait to do business with the Team.

The work that has been carried out is just so impressive - the site has shifted from a tired outdated building suitable for scout groups, to a beautiful set of buildings that are incredibly luxurious whilst being so understated and sit within the natural environment so seamlessly.

Our Response to the Delay of Approval for both DAs

Both personally and professionally, Zani and I have been so disappointed and frustrated at the delays The Beach House has endured. It is our understanding that all changes, modifications, and compliance requirements have been met each time. Concerns about vehicles accessing the site, noise and disturbance for the local residents have all been carefully thought out and well and truly accommodated with their self-imposed requirements for their guests.

We hope that the Ballina Shire Council will reconsider the current situation and understand that there is a lot of community and commercial support for this development

DA 2018/78

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2 Ocean Avenue
EAST Ballina NSW 2478
15 November 2018

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

Ref: DA2018/603

Dear Sir/Madam,

I object to the proposed development application DA2018/603 regarding Lot 1 DP:781525, 70 Shelly Beach Road, East Ballina, on the grounds of the intensification and expanded use of the site, excessive noise and inadequate parking. This proposal will adversely impact the health and wellbeing of the residents.

The historical use of the site was as an Anglican Church youth centre and more recently as a low-level conference centre. The proposal states that Ballina Council's assessment and characterisation of the existing use in 2016 was: *"Consequently, it is considered that the approved conference centre use is quite specific, however, the use of the centre and associated dormitory accommodation for sporting groups, professional, school, religious or family reunions (including wedding or wakes), would be considered generally consistent with the approved use of the site. The use of the associated facilities including the dormitory accommodation, amenities, outdoor chapel, caretaker's dwelling, storage etc. are only authorised for use directly in conjunction with the use of the conference centre."*

As evidenced by the developer's website ([The Beach House](#)), they are proposing multiple different uses for the property including weddings, gala dinners, board meetings, charity events, conferences, incentive groups, team building retreats, educational workshops, birthdays, reunions, special gatherings, product launches, wakes/memorials, end of year celebrations, fashion shoots/shows, community group events, Christmas parties *and much more*. This list of purposes represents an increase in intensity and expanded use of the site.

The developer's website also provides the following information about alcohol use: *"The Beach House is a licensed venue and it is a requirement that hirers select from one of our carefully designed alcohol packages. Prices for our 4 hour packages are \$70, \$85 or \$100 per person. Additional hourly rates apply for extra hours. Drinks are not permitted to be served before 11.00am and last drinks will be served by 10.00pm."*

Considering the nature of the expanded list of events on the developer's website (e.g., gala dinners, birthdays, end of year celebrations, fashion shoots/shows, product launches, Christmas parties *and much more*); the requirement to purchase alcohol packages for all events; the allowance of amplified music until at 10pm for 365 days of the year; and guests being permitted to remain at the venue until 11pm; it is reasonable to expect a high level of noise from the amplified music and from guests leaving events. This noise will adversely impact the health and wellbeing of residents who will not be able to sleep at these late hours of the night.

The development proposal states that *"The facility will also utilise bus and taxi services for the transport the majority of guests to the site, to minimise the requirement of driving vehicles onto the property, that will help manage traffic, and will be managed by a proposed traffic management plan."* The venue has no control on the number of guests who will opt to drive their own vehicles to the event. Guests who drive to the event will be forced to park in the residential areas near the entrance to the venue and also on Bellevue Avenue and Ocean Avenue. The presence of additional vehicles on these streets will be a continual disruption to the amenity of residents living there. The noise generated when these guests leave the venue late at night will be extremely disruptive.

Kind regards

A.G. Yabsley