



ASSESSMENT OF THE APPLICATION UNDER SECTION 4.15 (1) OF THE EP& A ACT 1979**4.15 (1) (a) (i) - the provisions of any environmental planning instrument****Local Environmental Plans (LEPs)**

Relevant LEP	Applies YES/NO
Ballina Local Environmental Plan 2012	Yes
Ballina Local Environmental Plan 1987 (Note: BLEP 1987 only applies to land identified as "Deferred Matter" on the Land Application Map accompanying the BLEP 2012)	No

Ballina LEP 2012 – Zoning, Permissibility and Relevant Clauses	Comments/Is consistency with these provisions achieved?
Aims, objectives of BLEP (Clause 1.2)	The proposal is generally consistent with the aims and objectives of the BLEP.
Land use definition (Clause 1.4)	recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major). "Registered Club" means a club that holds a club licence under the Liquor Act 2007.
Zoning under BLEP 2012, permissibility within zone and regard for zone objectives (Clause 2.3)	The subject property is zoned RE1 Public Recreation. The objectives of the zone are: <ul style="list-style-type: none"> • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. • To provide for a diversity of development that meets the social and cultural needs of the community. • To provide for public access to open space and natural recreation areas. • To protect and conserve landscapes in environmentally sensitive areas, particularly in foreshore and visually prominent locations. • To provide for development that is consistent with any applicable plan of management. • To encourage development that achieves the efficient use of resources such as energy and water.

	<p>Recreation facilities (outdoor) and Registered Clubs are permissible in the RE1 zone.</p> <p>The proposed development is considered to be generally consistent with the zone objectives in that it provides an alternate activity and recreational setting while providing a more diverse use of the recreation space which meets the social and cultural needs of the community.</p>
Height of buildings (Clause 4.3)	The maximum height of buildings is 8.5m. No new buildings are proposed as a result of this application.
Acid sulfate soils (Clause 7.1)	The subject land is mapped as Class 5 Acid Sulfate Soils. There will be no disturbance of soils and thus no issues are raised.
Earthworks (Clause 7.2)	There will be no disturbance of soils and thus no issues are raised.
Essential services (Clause 7.7)	All services including water, electricity, sewerage, stormwater, vehicular access and telecommunication services are available to the subject land. No changes as a result of this development.

State Environmental Planning Policies (SEPPs)

Relevant SEPPs	Comments/Is consistency with these provisions achieved?
SEPP 55 – Remediation of Land	Council's Environmental Health Officer reviewed the application and is satisfied that the proposed activity does not affect the existing situation in relation to potential land contamination or exposure routes. There is no building works to be undertaken and no soil disturbance proposed. No further assessment of land contamination is therefore required as a result of this application.
SEPP (Coastal Management) 2017	<p>The subject land is mapped within the Coastal Use Area. As such Clause 14 of the SEPP is applicable:</p> <p>14 Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <ul style="list-style-type: none"> (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

	<p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that:</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p> <p>Comment: The proposed development will not adversely impact access to the foreshore, beach, headlands or rock platforms. The proposed development will not cause any overshadowing, wind funnelling or loss of views from public places to foreshores. The proposed development will not cause any adverse impact to the visual amenity and scenic qualities of the coast or headlands. The proposed development will not cause any adverse impact on Aboriginal cultural heritage, practices and places; or any cultural or built environmental heritage.</p> <p>It is considered that the site is removed from the beach and coastal headlands such that no adverse impacts will result.</p> <p>The bulk, scale and size of the existing club building is considered to be such that the surrounding coastal and built environment is not impacted. The proposed development, being the use of the outdoor area is not considered to produce any adverse impacts to the coastal or built environment.</p>
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4.15 (1) (a) (ii) – any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft EPI/Planning Proposal	Comments/Is consistency with these provisions achieved?
Draft State Environmental Planning Policy - Remediation of Land.	None of the draft SEPPs are applicable.

Draft Amendment to State Environmental Planning Policy (Short-term Accommodation) 2019.	
Draft Amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.	

4.15 (1) (a) (iii) – any development control plan (DCP)

DCPs currently in force:	
Ballina Shire Development Control Plan 2012	<input checked="" type="checkbox"/>

Ballina Shire DCP 2012	Comments/Assessment of proposal against provisions of DCP
Chapter 2 – General and Environmental Considerations	The overarching objectives of Chapter 2 are to: <ol style="list-style-type: none"> a. <i>Ensure that applicable considerations are taken into account in the siting and design of development.</i> b. <i>Ensure that development is undertaken in a manner that is compatible with the physical and environmental characteristics of land;</i> c. <i>Ensure that development is undertaken with regard for applicable public health standards; and</i> d. <i>Minimise the potential for land use conflict.</i> <p>It is considered that the proposed development is generally consistent with these objectives.</p>
	3.4 Potentially Contaminated Land Council’s Environmental Health Officer is satisfied that there are no further investigations required as a result of this application, as there are no building works proposed and no disturbance of soil.
	3.7 Waste Management Waste produced as a result of the proposed development will be managed as per the Club’s existing services. Should the application be approved, the consent will be conditioned accordingly.
	3.11 Provision of Services All services including water, electricity, sewerage, drainage, road and telecommunications are available to the existing club. No further issues as a result of this application.

	<p>3.15 Crime Prevention through Environmental Design</p> <p>Patron behaviour was raised as an issue by submitters.</p> <p>CPTED was not addressed by the applicant, however the proposal was referred to the NSW Police who provided the following response (CM 20/21367):</p> <p><i>“On reviewing the Planners North Statement of Environmental Effects dated 23.1.20, and agree that the very limited 3 hours in question (4-7pm on Sundays during daylight savings), will not have an unreasonable impact on surrounding residential land uses.</i></p> <p><i>The recommendations made by Mr Tim Fitzroy & Associates, dated 18.12.19, are fair and will provide further guidance to Council as to the impacts of the provisional licence conditions that were afforded to Club Lennox over the 2019/2020 Summer period. (i.e. noise monitoring, neighbourhood survey with neighbours within 500mts of premises, and have results provided to BSC in consideration of assessing the DA application).</i></p> <p><i>After having read through the attached documentation, Police support the decision made by Mr Sean Goodchild, Director Compliance Operations (Liquor & Gaming NSW).</i></p> <p><i>From a Police standpoint, I can confirm that Club Lennox is acting in accordance with their Liquor Licence and there are nil recorded incidents relating to excessive noise or disturbances at the location. Police have also attended the location on 3 occasions between December 2019 and March 2020 to conduct general business inspections with nil adverse findings.”</i></p> <p>In terms of CPTED, the following principles are considered:</p> <p><u>Surveillance</u></p> <ul style="list-style-type: none"> • The area proposed to be used is highly visible from the club house and surrounding residences • The area can be clearly seen from adjoining streets • Public footpath and the street network extend around the subject site <p><u>Lighting</u></p> <ul style="list-style-type: none"> • The entry/exits from the proposed area are well lit. <p><u>Access control and space management</u></p> <ul style="list-style-type: none"> • The site is surrounded by car parks which are well lit • There are clear entry and exit points to the Club and the proposed area of use. <p>The applicant has indicated that the proposed use does not create greater capacity and that seating will be relocated from the interior of the club for the outdoor dining and seating area. It is not clearly defined how this capacity will be managed, and should the application be approved a detailed Patron Management Plan will be required to be submitted to Council for approval prior to commencement of use.</p>
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	<p>3.19 Car Parking and Access</p> <p>Council's Development Services Engineer provided the following comments:</p> <p>Council has previously granted a number of development consents for alterations and additions to the club facilities since its original construction in 1960. Under these approvals, car parking for the development has been approved within the King Street, Gibbon Street and Stewart Street road reserves in addition to the on-site car park located adjacent to the western boundary of the site.</p> <p>Under the most recent consent where significant alterations and additions to the club were approved (DA 1991/266), the following car park arrangements were approved by Council:</p> <ul style="list-style-type: none"> - 39 spaces provided within King Street along the sites Northern frontage - 14 spaces provided within Stewart Street along the sites eastern frontage - 30 spaces provided in the onsite carpark located adjacent to Gibbon Street <p>This equated to a total of 83 spaces. These spaces were not however all constructed as per the plan approved under DA 1991/266.</p> <p>The current parking provision for the site consists of the following:</p> <ul style="list-style-type: none"> - 39 spaces provided within King Street along the sites Northern frontage - 14 spaces provided within Stewart Street along the sites eastern frontage - 22 spaces provided in the onsite carpark located adjacent to Gibbon Street. <p>The combination of these spaces equates to a total car parking provision for the development of 75 spaces.</p> <p>The current application states the following <i>"no additional seating will be provided for the proposal with tables and chairs relocated from the main lounge, function room and bistro. This ensures there is no requirement for additional parking"</i>.</p> <p>Council's parking requirements are described in DCP Chapter 2, Section 3.19 Car Parking and Access.</p> <p>The following requirements apply.</p>
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Council Requirement		Proposed Gross Floor Areas	Required Number of Parking Spaces
Use	Rate		
Registered Club (Internal GFA)	1 spaces per 25m ² gross floor area	1,420 m ²	56.8
External Alfresco	1 spaces per 15m ² GFA or 1 per 3 seats (whichever is greater)	279 m ² or 108 seats	11.16 or 36
		Total required	93 spaces

The current car parking provided for the development does not therefore technically comply with the minimum car parking requirements of Council's DCP with a deficiency of 18 spaces below the minimum DCP requirement.

This assessment is however based on both the internal and external areas of the development operating at full capacity at the same time. Given that no additional seating will be provided for the proposal, with tables and chairs relocated from the main lounge, function room and bistro to operate the alfresco area, the internal area of the development and external alfresco area of the development will not operate at full capacity at the same time. The proposed development is therefore not expected to generate a demand for the 93 car parking spaces as per the DCP requirements nominated in the table above.

Should there ever be occasions where the development does generate this car parking demand, there is additional on street parking available within the direct street frontage of the site, with approximately 13 spaces available in Lennox Street and 6 spaces in Gibbon Street. Should Council wish to consider this additional on street parking along the sites direct frontages, the total parking capacity available for the site is 94 spaces being one space in excess of the minimum car parking requirements of Council's DCP. It is therefore recommended that the car parking capacity available for the development is sufficient to meet the demands of the development.

Chapter 8 – Other Uses	Part 2 – Chapter Planning Objectives
	<p>The objectives of this chapter are as follows:</p> <ul style="list-style-type: none"> a. <i>Ensure that development is compatible with the established or planned amenity and character of the area in which it occurs;</i> b. <i>Minimise the potential for land use conflict;</i> c. <i>Ensure that development is suitably serviced;</i> d. <i>Provide opportunities for different types of development to occur in neighbourhoods in an integrated manner;</i> e. <i>Support diversity and innovation in development; and</i> f. <i>Provide for the integration of services, facilities and economic activity within neighbourhoods.</i>

	<p>Comment: The proposed development appears compatible with the established bowling club facility, and it provides opportunity for a different type of development to occur, and it is considered to be providing diversity and innovation in so much as the Club is diversifying its use and undertaking innovative ideas to attract a different clientele and to become a family friendly venue.</p> <p>However, it is clear from some objectors that the amenity of the neighbourhood is compromised during events held on the greens and there is a definite potential for adverse impact from noise.</p>
	<p>Part 3 General Controls</p> <p>3.1 Temporary Use of Land Temporary use is interpreted by Council as an infrequent use of land or a time limited use of land. A time limited arrangement may arise where a trial period is proposed for a land use or an activity is undertaken for several months but on a one off basis. While the application seeks consent for the ongoing use of the outdoor area as a dining area, the "Sundays on the Green" component is only for Sundays during daylight savings. It is also considered that should the application be approved, the consent will be time limited to allow for a trial period.</p> <p>3.1.2 Planning Objectives</p> <ul style="list-style-type: none"> a. <i>Minimise environmental and social impacts of any temporary use of land;</i> b. <i>Ensure that temporary uses of land are conducted in a manner that is safe and minimises public risk;</i> c. <i>Ensure that temporary uses of land are compatible with local amenity and character; and</i> d. <i>Ensure that temporary uses do not create adverse cumulative impacts on adjoining properties.</i>
	<p>3.1.3 Development Controls The following controls are applicable:</p> <ul style="list-style-type: none"> iii. Development must not create ongoing cumulative impacts on adjoining properties having particular regard for noise, amenity, odour, lighting, hydrology and traffic considerations in relation to the size and frequency of a temporary use of land; <p>Objections received identified noise, traffic, amenity and lighting as issues.</p> <p>In terms of noise, the proposed development is not able to comply with the relevant noise limit criteria (typical license conditions set by Liquor and Gaming NSW), and there is the potential for adjoining properties to be adversely impacted by noise.</p> <p>In terms of traffic, Council's Development Services Engineers are satisfied that the external road network is constructed to a suitable standard to service the proposed development. The applicant has indicated that the proposed development is generally aimed at attracting the local Lennox Head community, many of whom live within walking distance of the Club. This view is supported in the submissions of support.</p>

	<p>Submissions have raised lighting as an issue, however lighting does not form part of this application. There are no issues in terms of odour or hydrology as a result of this application.</p> <p>v. Car parking must comply with standards for comparable land uses where specified in the DCP or based on relevant guidelines published by the NSW Roads and Maritime Services. Car parking must be sufficient to meet demand generated by staff and visitors.</p> <p>See previous discussion in relation to Car Parking and Access (Section 3.19 of Chapter 2 of the DCP).</p>
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4.15 (1) (a) (iia) – any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Planning Agreement (or draft)	Comments
	None applicable.

If the DA is for the demolition of a building, consider the provisions of AS 2601-1991: The demolition of structures (as in force 1 July 1993):	Not applicable.
If the DA is only for a change of use or the use of an existing building as a place of public entertainment, is the fire protection and structural capacity of the building appropriate to the building's proposed use?	The use is external to the building.
If the DA involves the rebuilding/alteration/enlargement/extension of an existing building, is the existing building required to be brought into total or partial conformity with the Building Code of Australia (BCA)?	<p>Council's Building Surveyor provided the following comments:</p> <p>There are no building works or temporary structures proposed.</p> <p>The sanitary facilities of the existing clubhouse would be sufficient to cater for the proposed development in that the number of people associated with the outdoor use would be similar to that using the clubhouse and greens for bowling activities.</p>
If the DA is for the erection of a temporary structure, is the fire protection and structural capacity of the structure appropriate to the proposed use of the structure?, and is the ground or other surface, on which the structure is to be erected, sufficiently firm and level to sustain the structure while in use?	<p>Council's Building Surveyor provided the following comments:</p> <p>There are no building works or temporary structures proposed.</p> <p>The following standard condition to be included in the consent should the application be approved.</p>

	<p>1. No temporary stages or platforms are to be installed other than as permitted as Exempt Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
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4.15 (1) (b) – the likely impacts of that development

	Discuss whether or not the impact is acceptable or not? If not, then describe the adverse impacts and the steps taken to mitigate the impacts
Urban and Building Design	
i) Context and Settings	<p>The site is zoned RE1 Public Recreation. The club and bowling greens are bounded by Lennox, Gibbon, King and Stewart Streets. Parking is located on Stewart, King and Gibbon Streets. The immediate vicinity is characterised by one and two storey residential developments with a mix of older fibro beach cottages and newer brick and tile constructions.</p> <p>The club has traditionally been utilised as a bowling club, however many clubs have had to diversify in recent years to remain economically viable. Club Lennox (as have other clubs across the region) have held other activities, including food truck events, music events on their greens and installed a children's playground to attract a younger family clientele.</p> <p>Club Lennox however is surrounded by residences and the acoustic privacy of some residents has been impacted by the events that have been held to date.</p>
ii) Site Design and Internal Design	<p>The club has two bowling greens between the club house and King Street.</p> <p>The club has a bar area, bowlers area, offices, poker machine areas, dining area, kitchen and alfresco/outdoor dining area and children's playground.</p> <p>The area proposed to be used for outdoor seating and dining is the area adjacent to bowling green No. 2 (the eastern green closer to Stewart Street).</p> <p>The Club currently has 320 internal seats with 40 seats in the existing approved alfresco dining area. There is also approximately 100 seats which surround the perimeter of the bowling green area (bench type seating).</p> <p>It is the intention of the Club to relocate indoor seating so that the capacity of the venue does not increase. The application proposes to relocate 108 seats during</p>

	<p>“Sundays on the Green” events and at other times (i.e. during Club opening hours) 80 seats, dependent on demand.</p> <p>Due to the location of Club Lennox and surrounding residences it would be difficult to reposition the event in the outdoor space such that no adverse impact was experienced by adjoining owners.</p>
<p>iii) Ecologically Sustainable Building Design</p>	<p>The building is existing. No further issues.</p>
<p>iv) Access, Transport and Traffic</p>	<p><u>Access</u> There is suitable provision of service and delivery vehicles to access the proposed development from the existing car park and the approved loading bay at the rear of the facility in Lennox Street.</p> <p>There are informal areas of the subject site available for bicycle and scooter parking. There is no requirement for formal facilities to be installed as a result of this application.</p> <p>The application does not trigger the requirement to upgrade facilities, however the sanitary facilities of the existing clubhouse are sufficient to cater for the proposed development.</p> <p><u>Transport and Traffic</u> The application states that the expected maximum number of patrons is 150. An indicative seating plan provided shows 108 seats, which are to be relocated from the Club to the outdoor area proposed. The club currently has 320 internal seats and 40 approved alfresco seats. It is proposed to relocate internal seating and thus there is to be no increase in the capacity of the Club.</p> <p>The proposed development, when calculated on the GFA as per the development controls of the DCP, would require 93 car parking spaces. There is 75 spaces available and thus a shortfall of 18 spaces. However, given that there is to be no increase in the capacity of the Club, it is not expected to generate a demand for the 93 spaces. There is an additional 19 on-street parking spaces available in Lennox Street and Gibbon Street which could service the shortfall if required.</p> <p>The club and bowling greens are bounded by Lennox, Gibbon, King and Stewart Streets, which are of a suitable standard to service the proposed development. . The club has pedestrian access available from King and Stewart Streets.</p>

v)	Public Domain	A formalised footpath exists on the western side of Gibbon Street. Club Lennox is located in close proximity to Pacific Parade and the beachfront which has extensive pedestrian linkages. No adverse impacts to the public domain as a result of this application.
vi)	Utilities	No impact on utilities supply as a result of this application.
vii)	Heritage	No impact on any heritage items as a result of this application.
viii)	Construction	No construction as a result of this application.
Environmental Impacts		
ix)	Other Land Resources	No impact as a result of this application.
x)	Water	No impact as a result of this application.
xi)	Soils	No disturbance to soils. No impact as a result of this application.
xii)	Air and Microclimate	No adverse impacts as a result of this application.
xiii)	Flora and Fauna	No removal of vegetation required. No further issues.
xiv)	Waste	Waste produced will be disposed of in accordance with the Club existing waste procedures. Should the application be approved, the consent will be conditioned to ensure waste is disposed of appropriately.
xv)	Energy	The building is existing and is fitted with external lighting. Should the application be approved, the consent will be conditioned to ensure no adverse impacts as a result of external lighting.
Hazards		
xvi)	Noise and Vibration	<p>The application is supported by a Noise Impact Assessment and Noise Management Plan. This documentation was also peer reviewed. The proposed development is not able to comply with noise limit criteria. Council's Environmental Health Officer is not supportive of the application, particularly as any approval which provides a deviation from the noise limit criteria will provide potential compliance burden for Council. Should an approval be issued, Council's EHO would be supportive of a time limited consent (12 months) which is conditioned to ensure ongoing noise monitoring and results are provided to Council.</p> <p>No construction is required. No vibration issues as a result of this application.</p>
xvii)	Natural Hazards	It is not considered that the proposed development will create risk to people, property and/or the biophysical environment as the site is not subject to flooding, bush fire or soil instability.
xviii)	Technological Hazards	No technological risk are anticipated to people, property or the biophysical environment as a result of this application.
xix)	Safety, Security and Crime Prevention (CPTED)	CPTED was not addressed in the application.

	<p>The location of the outdoor eating and dining area is highly visible from within Club Lennox and from surrounding residences.</p> <p>The application was referred to NSW Police who raised no issues with the application.</p> <p>It is considered that there is no greater risk of crime (over usual club activities) as a result of the proposed development. Should the application be approved, a detailed Patron Management Plan will be required to be submitted to Council for approval prior to commencement of use.</p>
Social and Economic Impacts	
xx) Social Impacts in the Locality	<p>The proposed development is considered to provide positive social impact for the local community as it provides an alternate location for community to gather and socialise. The club is well supported by the community, as is evident by the 41 submissions of support. The events have been well attended throughout the previous summer months.</p> <p>However, six objections were received which identified noise, traffic, lighting, and patron behaviour as issues.</p> <p>Refer to previous discussion and the Council report for further comments.</p>
xxi) Economic Impact in the Locality	<p>The purpose of the proposed development is for the Club to attract a more diverse clientele in an effort to remain financially viable. It is anticipated that the proposed development will provide a positive economic impact and provide some employment in the local community.</p>
Cumulative Impacts	
xxii) Cumulative Impacts	<p>The proposed development is not able to comply with noise limit criteria (NSW Liquor and Gaming licence conditions) and should the application be approved with such a deviation, there will be potential ongoing impacts for Council's Environmental Health staff should complaints regarding noise arise. While only six objections were received, the amenity for these residents is potentially eroded and it is anticipated that should the application be approved, objections will continue creating a negative cumulative impact.</p>

4.15 (1) (c) – The suitability of the site for the development

	Comments
i) Does the proposal fit in the locality?	<p>The site contains an existing recreation facility (bowling greens and club). The proposal utilises an existing space adjacent to the eastern green. It is not intended to increase the capacity of the Club, rather to relocate existing internal seating for the purpose of outdoor dining and for "Sundays on the Green" events which include music.</p> <p>The subject land is flat and surrounded by residential properties with limited ability to provide screening or separation from the proposed development, and potential impacts from noise.</p> <p>Given the close proximity to residences and the inability for the proposal to comply with noise criteria limits it is not considered that the proposed development fits in the locality.</p>
ii) Are the site attributes conducive to development?	<p>The site is not subject to any natural hazards including flooding, tidal inundation, subsidence, slip, mass movement or bush fires. There are no heritage or contaminated land issues.</p> <p>The proposed development effectively provides for a change of use (from bowling green to outdoor dining) of an area of the site.</p> <p>It is considered that the site attributes are conducive to the proposed development, given that the use can be returned to a former bowling green should it be required.</p>

4.15 (1) (d) Any submission made in accordance with this Act or the Regulations?

Is advertising required because the development is designated or "advertised" development?	No
If YES, how many submissions were received?	N/A
Is advertising required in accordance with established Council policy and practice?	Yes
If YES, how many submissions were received?	47 submissions (6 objections)

Document general terms of issues raised in any submission and how they are being considered/ assessed:

Public Submissions:	47 submissions received (6 objections)
Public Authority Submissions:	NSW Police

4.15 (1) (e) The public interest

Federal, State & Local Government interests and Community interests	The application is considered to be in the interests of Federal, State & Local Government and the Community.
Section 64 Contributions and Section 7.4 Contributions	<p>Contributions</p> <p>Contributions calculated based on the area proposed would equate to \$96,729.18.</p> <p>However, the Club currently has 320 internal seats and 40 existing approved alfresco seats. The Club intends to relocate internal seating to the proposed outdoor dining area and thus contributions are therefore not applicable on the basis that the proposal is not expanding the operation of the site; it is simply using an alternate area for the same use as previously approved.</p> <p>Should the application be approved, the consent will be conditioned to ensure that the capacity of the Club is not increased and that internal seating is relocated for the proposed outdoor dining area.</p>

Ballina Shire Council
40 Cherry St
Ballina, NSW 2478

4/3/2020

Dear Sir / Madam

Re: DA 2020/33

Property: 10 Stewart St Lennox Head


I own a property at 3/2 Megan Crescent Lennox Head which is diagonally opposite Club Lennox. I live at 27 Pacific Pde Lennox Head which is within 100 metres of Club Lennox.

I wish to support the application as the hours with amplified music are minimal and are at a time of day that is not going to affect the majority of the residents close by. The use of this area for outdoor seating, dining and music has been a great addition to the Clubs entertainment and having attended on a number of occasions I can say that it is well attended by families and I have never seen a single incident of poor behaviour on the part of any patron.

Lennox Head needs this type of venue where both adults and children can be entertained in a friendly and relaxed environment as no other such venue currently exists within the town.

I would encourage the Councillors to support the application.

Yours Sincerely



Peter Carmont

From: [Georgia Rose Dale](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Thursday, 5 March 2020 3:03:45 PM

CYBER SECURITY WARNING - This message is from an **external sender** - be **cautious**, particularly with links embedded within the message and/or attachments.

Hi, I support this proposal.

Kind regards, Georgia

Sent from my Samsung Galaxy smartphone.

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For more information please visit <http://www.symanteccloud.com>

From: [Craig | Craig Parry Photography](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Thursday, 5 March 2020 3:05:32 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

To whom it may concern,

The development of the outdoor area is a asset to the Lennox head community we lack function areas and venues such as this for large numbers of people here in Lennox.

Best Wishes Craig Parry

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From: [Col Rodrick](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Thursday, 5 March 2020 4:25:58 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

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

Dear Sir

I write to support the above DA, in relation to the uniquely family-oriented club in the village, 'Club Lennox'.

The Club is just a short stroll from my home, and is within eyesight, and very occasionally, within hearing range when pleasant music is sometimes played there. I have never witnessed nor heard of any trouble at the Club over more than 2 decades.

I have been a member of the Club for many years, visiting from the time I bought my home in Lennox Head in the mid 1990s. The Club has always been an active community participant, supporting sporting and community organisations, financially and in kind for as long as I can remember. In other ways, as well, the Club has performed a central role in keeping the community informed and supported during times of need. Our own family was the recipient of such support after the tornado seriously damaged our home in 2010.

Council cannot be unaware of the important role the Club plays in Lennox Head social life, since Council provided much needed financial support after the unfortunate Ramsgate debacle. In its new incarnation, the Club is, if anything, more important than it was previously. The family friendly premises, and the sensible proposals to ensure that the Club remains financially viable into the future are precisely what Lennox Head requires.

My wife and I have travelled widely around Australia since I retired a few years ago. We've seen a lot of venues that families are attracted in other small towns, but Club Lennox is one of the best. And the proposal for some outdoor music once a week during summer months is just another improvement for Lennox Head families to gather at, and which I believe is much in demand. Indeed, there is no other venue I am aware of that offers so much for the community every day and I doubt there would be any problems with gatherings which stop so early in the evening.

I encourage Councillors to support this DA and the Club which is so important to us all.

Regards

Col Rodrick
Unit 3 28 Pacific Parade
Lennox Head NSW 2478

Tel 0439 463 909

From: [Sally Lowry](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - John Lowry
Date: Friday, 6 March 2020 7:44:45 AM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

I fully support Club Lennox DA 2020/33 . John Lowry . 3/23 Namitjira Pl Ballina .
Sent from my iPad

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From: [kia trainer](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Kia Trainer
Date: Thursday, 5 March 2020 9:16:06 PM

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To whom it may concern I wish to support Club Lennox's DA 2020/33 submission.
Please add me to your list.

Kia Trainer
Club Member
5 The Grove
Lennox Head
0404173037

--

Sent from Outlook Email App for Android

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From: [Dave Hulm](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - David Hulm
Date: Thursday, 5 March 2020 9:05:43 PM

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David Hulm supports the above DA 2020/33

Sent from my iPhone

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From: [Wayne Booth](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Wayne Booth
Date: Thursday, 5 March 2020 7:51:47 PM

CYBER SECURITY WARNING - This message is from an **external sender** - **be cautious**, particularly with links embedded within the message and/or attachments.

To Ballina Council ,
Support this DA for Club Lennox.
Regards
Wayne Booth Mob - 0423139559
41 Henderson Drive , Lennox Head, 2478 NSW

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From: [Robyn MacRae](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Robyn and Paul MacRae
Date: Thursday, 5 March 2020 7:33:30 PM

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Dear General Manager,

We write in support of the application by Club Lennox, specifically DA 2020/33.

My husband and I, as well as family and friends currently utilize the eating area near the playground. We believe an extension of the outdoor eating area would be very welcome for families of Lennox Head.

Regards Robyn and Paul MacRae
Club Lennox Members

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From: nataley.bush@hotmail.com
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Nataley Bush
Date: Thursday, 5 March 2020 7:12:09 PM

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I would like to add my voice in supporting the Club Lennox submission. Looking over the submission the changes are minor and do not vary much from what is currently on offer to patrons. The club has good reason to make the changes and being a rate payer it is nice to have somewhere to go that supports many sporting and recreational clubs in the area.

Kind regards,

Nataley Bush

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From: [Karen Greely](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Karen and Guy Greely
Date: Thursday, 5 March 2020 7:08:32 PM

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We support the DA great idea. Karen and Guy Greely 1/13 sunrise crescent Lennox Head

Sent from my iPad

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From: [George](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - George and Penny Leslie
Date: Thursday, 5 March 2020 5:31:33 PM

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My wife, myself and family 100% support DV 2020/33 lodged with Council for the use of part of bowling green No.2 for outdoor seating and dining during club operation hours and including every Sunday during daylight savings hours between 4.00pm and 7.00pm with amplified music.

It is an absolute joy to dine outside of the club house, as we have done for the last 2 Saturday nights, and currently it has made a massive impact on the number of patrons, family groups and clientele for Club Lennox which in reality is much more the heart of Lennox than the hotel. It has turned around the vibe at the Club which should be allowed to continue this program.

I cannot see how possible complaints from 4 or 5 or whatever number of local residents should have a bearing on this activity. Anyone who purchases a property close to an operation such as Club Lennox or the Hotel or Williams Reserve who then complains about normal noise possibly should have considered those issues before purchasing. In most cases the clubs etc have been there a lot longer than complaining residents.

George & Penny Leslie
Lennox Head
Members of Club Lennox

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From: [annie](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Annie McCabe
Date: Thursday, 5 March 2020 5:12:25 PM

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Hi,

As a resident of Lennox I heartily support their DA ref: 2020/33.

They are a fantastic community club & should be endorsed by both Council & Community for the great service & space they provide in Lennox.

Regards

Annie McCabe

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From: [Jason Dwyer](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Jason Dwyer
Date: Thursday, 5 March 2020 4:48:25 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

Good afternoon,

My name is Jason Dwyer, I am a resident of Lennox Head and a ratepayer. I would like to express my support for the Development application 2020/33.

I firmly believe that the modernized operations of the club has been a revelation for the town, It is the only location in the area which provides a regular, safe family friendly location, and provides for good quality, cost effective meals for locals and visitors alike.

It would be a travesty if the club was not allowed to continue this fantastic community benefit.

Jason Dwyer

Sent from [Mail](#) for Windows 10

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From: [Noel McKinnon](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Noel McKinnon
Date: Thursday, 5 March 2020 4:43:17 PM

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I support this application.
Club Lennox is a vital part of the local community
Ross McKinnon

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From: [Christine Stores](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Christine Stores
Date: Friday, 6 March 2020 11:25:04 AM

CYBER SECURITY WARNING - This message is from an **external sender** - **be cautious**, particularly with links embedded within the message and/or attachments.

In support of DA 2020/33. Club Lennox.

I fully support this DA with no reservations.

Christine Stores
3/55 Stewart St
Lennox Head
2478

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From: [Kevin Nicol](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Kevin and Sylvia Nicol
Date: Friday, 6 March 2020 11:03:44 AM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

Good morning,

As active bowlers, members of Lennox Head Probus Club and concerned citizens, we wish to support this Development Application.

It is imperative that the future of Club Lennox be assured both as a sporting facility and a central meeting place for the numerous organizations who are catered for on an almost daily basis.

Approval of this application will certainly help in the longer term financial viability of Club Lennox, which will be mutually beneficial to Council as well as the local community.

Kevin and Sylvia Nicol

17 Castle Drive,

LENNOX HEAD - 66876132

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From: [Lorraine Opperman](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Friday, 6 March 2020 1:36:35 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

As members of Club Lennox for over 3 years we are very much in support of DA2020/33
We know what an asset the Club is for Lennox and applaud the clubs progressive attitude
Visitors both nationally and internationally expect and appreciate social events that they
can participate in and get to know each other
Lennox and neighbouring towns love the interaction and enjoyment that Club Lennox is
providing
We hope that Council is able to listen to the public and this application will be passed

Ian Opperman
Lorraine Opperman
141/35 Skennars HD Rd
Skennars Head NSW 2478

0408 283078

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For more information please visit <http://www.symanteccloud.com>

<BR

From: [Kym Lawler](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Kym Lawler
Date: Friday, 6 March 2020 12:10:11 PM
Attachments: [image001.png](#)
[Facebook_a4e4b676-c1df-494c-83cc-a6ddbd41fc4f.png](#)
[LinkedIn_d375c631-b47b-47d5-be37-708e545ef0fb.png](#)
[AelMutual2020_f3cdab40-9ec6-45b8-9552-10cbac3d733f.jpg](#)
[green_bdf6fbd9-1da7-48be-9588-6212a481aa2b.jpg](#)

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To Ballina Shire Council

I am writing in support of DA 2020/33, in relation to 'Club Lennox'.

My name is Kym Lawler and I am a current serving board member of Club Lennox.

My parents lived in close proximity to the Club for over 20 years in Gibbon Street and myself and my family visited several times a year since 1990. A visit to the 'Bowlo' on a Friday night or Saturday night was the highlight of the week for all the family. It was always children friendly and had lots of music for holiday visitors. Noise was never an issue and the only restriction was that there wasn't any allocated outdoor area specifically for families in those days.

My children and I have now lived in Lennox for over seven years and I have my own property in Lem's Lane, a short stroll from the Club. I am a business woman who works in Ballina and I am involved in the local community. The Club has always been an active community participant, supporting sporting and community organisations, financially and in kind for as long as I can remember and continues to do so now.

The decision to undertake the use of an outdoor area adjacent to bowling green no. 2 for outdoor seating and dining wasn't one we as a Board took lightly but we saw a need in the local community for somewhere for families, friends and visitors to meet and sit outside in our beautiful weather rather than indoors and most definitely a change in direction was needed by the Club to ensure that it remained financially viable into the future. The decision has been very beneficial to the Club's financial viability and the local community and we hope for it to become a permanent fixture re the outcome of this DA Application.

The family friendly additions on the premises have proved to be a hit with visitors, giving them somewhere to take their families as no other venue in Lennox caters for them in this way.

This also helps support Lennox Head as a tourist destination and surprisingly it's our locals that have loved the outdoor arrangements and Sunday afternoons so much that we have a lot of Ballina residents coming out to Lennox to visit regularly.

As mentioned music has always been a part of the Club and the proposal for outdoor music once a week on a Sunday afternoon during summer months from 4-7pm (while the sun is still out) is for our members and visitors to continue to enjoy.

It also generates much needed revenue for the Club to continue to operate and improve and update our facilities for its members and visitors.

I don't think anyone forgets the three years that the Club was closed, but due to overwhelming community support and support from our members re changes we have made in the last two years it is back to being an integral part of the Lennox community and without this approval by Council it will place the Club in an ongoing unstable financial position.

I encourage Councillors to support this DA and Club Lennox which is so important to us all and I thank all our subsidiary clubs and members of Club Lennox for their continuing support of the Club.

Regards,



Kym Lawler

Kym Lawler | Financial Service Centre Manager



From: [Stephen Henderson](#)
To: [Ballina Shire Council](#)
Subject: DA 2020/33 Submission - Stephen Henderson
Date: Friday, 6 March 2020 11:52:10 AM

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I am in favour of the Development Application submitted by Club Lennox. DA 2020/33.

I live across the road from the bowling club in Gibbon Street and have no objection to the music at the times suggested.

Regards,

Stephen Henderson.

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March 6, 2020

Ballina Shire Council
40 Cherry Street
Ballina NSW 2478

Re: DA 2020/33

Property: 10 Stewart Street, Lennox Head, NSW 2478

Dear Sir/Madam

As a property owner in Lennox Head, I fully support the application submitted by Club Lennox.

This is the type of development Lennox needs.

The Club is fully supportive of Social Groups, Sporting Groups and Youth in general.

Where else do these Groups get donations/support to help them survive and function.

Great for the kids as a family time together and with others. (The hours are more than reasonable)

Keep in mind - we were all kids once.

I hope that ALL Councillors see the value of the support Club Lennox is offering to the Community and approve their application.

Regards



Greg Burgess

From: [Sue's Email](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Friday, 6 March 2020 2:48:49 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

We are aware that Club Lennox has submitted a DA regarding outdoor seating and social area adjacent to Green 2 at their facility.

We are residents of the shire and also spend our holidays at Lennox, frequently spending time at the club. We fully support this application and can see no reason why it would have a negative impact on the local area. The Club plays a vital part of the total attraction of Lennox and this outdoor area lends itself to family activities, and casual gatherings.

Regards
Col & Sue Martin
660 Dalwood Road
Rous Mill 2477

Cheerio from *Sue Martin*

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From: [andrew murray](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Saturday, 7 March 2020 8:21:50 AM

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To whom it may concern,

I support Club Lennox's proposal as per DA 2020/33.

Thank you for your consideration.

Sincerely,

Andrew Murray
Lennox Head

Sent on the go with Vodafone

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From: [Ed Yates](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Sunday, 8 March 2020 5:13:36 PM

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8/03/2020

Dear Sir/ Madam,

Application from "Club Lennox" of 10 Stewart Street Lennox Head.

My wife and i reside at 40/35 Skennars Head Road, Lennox Head and are both active members of "Club Lennox".

We wish to support the application as the hours relative to amplified music are minimal and are at a time of day that should not affect the majority of nearby residents.

This club and what it offers to members and visitors alike is a vital part of the overall community and needs to be able to use planned activities to stay financial.

Lennox Head needs this type of venue where both adults and children can be entertained in a safe relaxed environment.

On the occasions we have enjoyed "Club Lennox" we have never experienced any type of improper behavior or seen evidence of bad management or customer service.

This type of activity is not available any where else in the township.

Yours Sincerely

E & C Yates

Ed & Chris Yates

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From: [JOHN BIRD](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Monday, 9 March 2020 9:11:50 AM

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Hi,
Im fully supporting the above DA
John Bird

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Bruce & Jan Beesley
29 Sunrise Crescent
LENNOX HEAD NSW 2478

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

Dear Sir

Re: Club Lennox Development Application # 2020/33.

We are landowners in the village of Lennox Head and ware of the contents of the Development Application number 2020/33, lodged on behalf of Club Lennox and offer our support for this application.

Club Lennox provides entertainment for the local community in a family friendly environment and this development will enhance that experience.

We encourage Councillors to also support this application.

Yours sincerely



Bruce & Jan Beesley

From: [Loren McGarrity](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Monday, 9 March 2020 8:48:35 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

To whom it may concern,

I am in full support of the DA 2020/33 application for Club Lennox and very excited about the future it will bring to the club. I also live opposite the club and have NO issues with club noise at all because there isn't any.

Kind regards,
Loren McGarrity

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From: mjmarrs01@bigpond.com
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Tuesday, 10 March 2020 11:32:14 AM
Attachments: [image001.jpg](#)

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

The General Manager
Ballina Shire Council
BALLINA NSW 2478

Dear Sir, I support the development application – ‘Club Lennox DA 2020/33’ as the hours relative to amplified music are minimal and are at a time of day that should not affect the majority of nearby residents.

My wife and I have been members of the club now known as Club Lennox since 1997. It is a uniquely family-oriented club in the village and it offers a safe place for families with young children to relax and play in the lovely outdoor settings.

The Club and its members have always been an active community participant, supporting sporting and community organisations, financially and in many other ways. The Club has performed a central role in keeping the community informed and supported during times of need. The family friendly premises, and the sensible proposals to ensure that the Club remains financially viable into the future are precisely what Lennox Head requires.

Yours sincerely, Mick Marrs.

Mr Michael J Marrs



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From: [Kevin Durkin](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Tuesday, 10 March 2020 12:11:47 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

I support this application. Club Lennox is the only place in the village that you can really take children to see live music on a regular basis.

I have been a member of the club since 2004 and in the time I have never seen any offensive or unruly behaviour. The club is very well managed and these days security people are employed on a Sunday.

Kevin Durkin

Sent from my iPad

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From: [sonya coleman](#)
To: [Ballina Shire Council](#)
Subject: Re: DA2020/33 Club Lennox Proposal
Date: Tuesday, 10 March 2020 12:39:19 PM

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From: sonya coleman
Sent: Tuesday, 10 March 2020 12:35 PM
To: council@ballina.nsw.gov.au <council@ballina.nsw.gov.au>
Subject: DA2020/33 Club Lennox Proposal

I am writing to show my support for the above development proposal.

Club Lennox is a family and community club. A source of entertainment for locals.
In regards to Sunday afternoon music outdoors, I fully support the club.
The music is finished by 7pm. After that customers have a meal or go home.
I've been at the club many, many times on a Sunday afternoon.
The atmosphere is laid back and relaxed.
As a member since 2013, a local, and frequent patron I can see no problem with going ahead with DA2020/33.

Kind regards
Sonya Coleman

PS Pls disregard previous email with incorrect DA

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From: [Deanne Ward](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Tuesday, 10 March 2020 5:28:09 PM

CYBER SECURITY WARNING - This message is from an **external sender - be cautious**, particularly with links embedded within the message and/or attachments.

To Ballina Shire Council

I am writing in support of the DA for Club Lennox.

I live directly across the road from Club Lennox and I have been a member of the club ever since i have moved to the area.

The music program on Sundays have been awesome and really should continue as it really has brought a fantastic community feeling to the area and to the street and downtown lennox. The sunday events have been a great way to see some local talent and i hope it continues to keep live music going.

Club Lennox is a part of Lennox Head that brings the community together in a really enjoyable space. Please don't stop the music, the events, the kids playing or people just enjoying their weekends is really important and Lennox doesn't have a outdoor venue that brings people together

Feel free to contact me for any further comments.

Thanks

Deanne Ward
0409641115

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From: [Watty](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Thursday, 12 March 2020 9:09:47 AM

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14 Kings Court
Lennox Head NSW 2478

The General Manager
Ballina Shire Council
Ballina NSW 2478

REFERENCE: DA 2020/33

Dear Sir,

I write to give my full support for Club Lennox in its submission to use outdoor dining adjacent to bowling green 2 as described in the above reference DA 2020/33.

I have been a resident of Lennox Head since 1987 and am a current member of Club Lennox.

The proposed outdoor entertainment will ensure the long term viability of the club and provide a much needed asset for the Lennox community.

Regards,
Ian Watt

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From: [Don Hurley](#)
To: [Ballina Shire Council](#)
Date: Thursday, 12 March 2020 9:53:52 AM

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18 Dress Circle Dr
LENNOX HEAD 2478
12th March 2020
The General Manager
Ballina Shire Council
Ballina NSW 2478 REFERENCE: DA 2020/33

Dear Sir,

I write to give my full support for Club Lennox in its submission to use outdoor dining adjacent to bowling green 2 as described in the above reference DA 2020/33.

I have been a resident of Lennox Head since 1991 and am a current member of Club Lennox.

The proposed outdoor entertainment will ensure the long term viability of the club and provide a much needed asset for the Lennox community.

Regards,
Don Hurley
Sent from [Mail](#) for Windows 10

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From: [Meg Kay](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Thursday, 12 March 2020 1:04:39 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

To whom it may concern,

I am writing to you concerning the DA 2020/33 submitted by Club Lennox concerning their right to use their own land on Sunday afternoons, during daylight saving time, to entertain people from Lennox Head and tourists. The club needs this right to survive financially, and we all know it is because of the complaints of one neighbour, that you have asked them to put in a DA. As I said to you in my last letter it is ridiculous to move in next to a club which serves alcohol, and entertains people, and expect no noise. The club was there long before this resident and has entertained and fed the people of this area for many years.

If they require your permission to do so, then I think you should give it to them. I have been a local and a ratepayer in this region for a long time and would like to support Club Lennox with this DA.

Yours Sincerely,
Meg Kay.

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42 Dress Circle Drive
LENNOX HEAD N S W 2478
Email: harg1rob@gmail.com
Phone: 0412 660 994
12 March 2020

The General Manager
Ballina Shire Council
Cherry Street
BALLINA N S W 2478
Email: council@ballina.nsw.gov.au

Dear Sir

DA 2020/33.1 Club Lennox, 10 Stewart Street, Lennox Head

This correspondence is to support the application by Club Lennox to utilise an outdoor area adjacent to bowling green 2 for outdoor seating and dining during Club opening hours and including every Sunday during daylight saving hours between 4 and 7pm with amplified music.

This is the only venue in Lennox Head with family friendly facilities where children are safely able to play and interact with their peers under the supervision of parents while having a meal and a drink in a relaxed environment.

We have made good use of the events held in this manner and believe the advance notice given by the Club to nearby residents and the very reasonable finish time of the music is realistic in a residential area.

Club Lennox is mindful of appropriate measures to ensure children are adequately supervised and departing patrons do so in a respectful manner.

We look forward to many more Sundays on the greens during the summer months.

Sincerely



Robyn Hargrave

From: [Denni Pearson](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Thursday, 12 March 2020 6:34:13 PM

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I was involved with getting Club Lennox up and running. To survive they have to have opportunity to offer the community what it wants. The outdoor events have been well patronised and successful.

I urge the Council to consider the development proposal favourably and take into account what the community wants. This is a community club.

Regards

Denni Pearson

Sent from my iPhone

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From: [Derek Audus](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Thursday, 12 March 2020 4:37:28 PM

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Date: 12 March 2020

The General Manager
Ballina Shire Council
Ballina NSW 2478 REFERENCE: DA 2020/33

Dear Sir,

I write to give my full support for Club Lennox in its submission to use outdoor dining adjacent to bowling green 2 as described in the above reference DA 2020/33.

I have been a resident of Lennox Head since 2010 more recently at Ballina and am a current member of Club Lennox. Club Lennox is a great supporter of community organisations such as Lennox Head Lions Club of which I am a past president. Club Lennox provides free use of facilities for our meetings and sponsors some of our major fund raisers. I am well aware of other community groups which receive similar support.

The proposed outdoor entertainment will ensure the long term viability of the club and provide a much needed asset for the Lennox community both as a community meeting place as well as in supporting not for profit groups.

Regards,
Derek Audus

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From: [Garry Somerville](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Friday, 13 March 2020 5:56:38 PM

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To Ballina Shire Council,
I am writing to support DA 2020/33 in regard to the outdoor area and its' use at Club Lennox.

The area in question is the only outdoor grassed venue in Lennox Head and it provides a great area for people to meet and enjoy a social time together.

I have personally enjoyed using the area along with a wide range of ages. I feel it is particularly useful for young families and have often seen families sitting on a blanket and enjoying the space.

I would like to strongly support this Development Application.
Garry Somerville
37 Gibbon Street
Lennox Head 2478

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From: [Ken Jones](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Tuesday, 17 March 2020 10:01:24 AM

CYBER SECURITY WARNING - This message is from an **external sender - be cautious**, particularly with links embedded within the message and/or attachments.

I wish to advise that I support the above application by Lennox Head Bowling Club to increase their entertainment program for members. This will be a valuable amenity for members and guests.

Thanks,

Ken
Ken Jones

164 Lavender Boulevard
BALLINA NSW 2478

0417 672 616

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From: [Karl Hill](#)
To: [Ballina Shire Council](#)
Subject: Supporting Club Lennox DA 2020/33
Date: Friday, 20 March 2020 9:52:21 AM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

Hi

I support the Club Lennox DA application.

The club is frequented by a lot of locals in Lennox Head.

It has been very disappointing that the complaints of a limited number of people have had such a significant impact on the activities of the club.

The club makes a very significant contribution to the community.

Regards

Karl

Sent from [Mail](#) for Windows 10

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~~Andrew Smith~~

From: balibob <balibob@bigpond.com>
Sent: Monday, 9 March 2020 2:24 PM
To: Ballina Shire Council
Subject: Submission re DA 2020/33

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

The General Manager
Ballina Shire Council

Submission re DA 2020/33 Extension of Seating outside with amplified music on Sundays 4pm until 7pm

Firstly, I will iterate as a Club Lennox member I support the club as a vital part of the Lennox Head community, however as I have previously asked Councillors (25/09/19) that they support motions that ensure that ***Club Lennox remains this vital part of the community whilst being accountable and professional.***

Accountability

This DA is a scant document which hinges its arguments on absent evidence, as a consequence the community is not making fully informed submissions.

This DA needs sending back to fill the gaps that any other NFP organisation or business with a similar DA would be expected to complete. Such as:

- Traffic report

The aim is to increase patronage therefore what are the Club's plans to address this increased traffic & parking?

- Lighting plans

Yes even with daylight saving it will get dim.

What's with the recently installed Brisbane Valley nightclub lighting in a residential area?

We have special lighting along the coastline so as not disrupt marine life in their habitats – why not human life in their habitats?

- Security plans

Addressing patron behaviour in what amounts to a beer garden with porous boundaries. No hotel would be allowed to have this on basic security and safety grounds alone.

Additionally- I am personally concerned with all those unsupervised kids running around & the potential for being grabbed virtually off the greens.

- Sound monitoring in real time

4-7pm, 1st & 3rd Sundays of the month during 2019/2020 daylight saving period and when there is no amplified music.

- Neighbours surveying

Independent qualified researcher to determine the impact of noise that does not meet Liquor & Gaming NSW standards.

• **Designated smokers' area plan**

While we are here- let's address this issue, the current situation is non-smoking patrons have to plough through smoke to enter and exit the premises.

This DA has bundled two matters together but the DA gaps I have identified are quite pertinent to both issues.

1) **Extension of seating outside**

But there seems to be a gap in process prior this approval whereby the subject site changes from "Green 2" to "adjacent to Green 2."

Correct me if I am wrong, although the DA claims the subject site is in a Recreation Zone, where is the DA or Landlord approval for annexing this portion of Bowling Green 2 for another recreation purpose?

2) **Event approval**

This DA notes the Council's temporary approval for *Sunday Sessions/Sundays on the Green* (whatever its being called these days) on the 1st & 3rd Sunday of the month during daylight saving months, under its *Council Events and Public Land Policy*. Whereby, amplified music is permissible between 4-7pm on the subject site.

Now, without providing appropriate quality evidence, this DA is asking to extend this event approval to weekly events over the daylight savings period, on a Sunday afternoon.

This disregards the amenity and quality of life of other members of the Lennox Head community- the Club's neighbours EVERY Sunday.

I find it difficult to reconcile the idea that a community club of which I am a member of, claims to identify strongly with Lennox Head community whilst actively discounting (ostracism, ungracious gossiping & sexism) the wellbeing needs of a section of our community. This is unfair.

Local bowling clubs fiscal survival rates.

This DA argues the Club's financial survival is reliant on these weekly events during the daylight saving period because Club Lennox does not want to be like "many local bowling Clubs" which have been forced to close down on financial reasons.

More gaps:

- a) No financial documentation to demonstrate the profitable benefits of the temporarily approved *Sundays on the Green* events to Club Lennox.

A professional organisation would have this analysis and facts available for scrutiny if it is a key argument for DA approval.

- b) Where are these local Clubs forced to close because of financial reasons?.

I am struggling to recall any local clubs, apart from the Ballina's RSL Bowls Club which was a convoluted closure plot.

Whilst bowling clubs in Bangalow, Kingscliffe, Evans Head, Byron Bay, Yamba, Urunga, Cherry St Ballina to name a few, have revitalized whilst being responsive to their impact on their neighbours and compliant with their Licensed Premises requirements.

For example: Cherry St, Ballina, has a semi-outdoor area which is located on the south side of the Club building as far from neighbouring residents as possible and facing other community org facilities. I've observed a covered area so voices are contained and the entertainment is low key amplified music facing the club building.

In comparison, this DA makes no such efforts.

The noise

The Tim Fitzroy & Associates' *Noise Impact Assessment* dated 18 December 2019.

1. The report references the temporarily approved *Sundays on the Green* events, on 1st & 3rd Sundays of the month (**not weekly**) as a Council discretionary decision when Liquor & Gaming standards cannot be met, like this DA.
2. Sound data collected is from 17-23 September 2019 and there is **NO real time data collected** from any *Sundays on the Green*, with amplified music and non-amplified periods, to support this DA.
3. Therefore the report contains merely noise **predictions** about these events and these noise predictions exceed the criteria 45 by 15.
4. This report concludes that Club Lennox takes advantage of the temporary approval of the *Sundays on the Green* events on 1st & 3rd Sunday of the month, during 2019/2020 daylight saving period.
 - a) *Club Lennox undertake noise monitoring in accordance with approved Noise Management Plan (TFA 22 October 2019)*
 - b) *At conclusion of 2019/2020 summer undertake a survey of neighbouring residents within 500m of the subject site to ascertain their opinions and any concerns on the outdoor activities.*
 - c) *Provide the results of noise monitors and residents survey to BSC for their consideration when assessing the DA for the ongoing use of the outdoor area for amplified music.*

A robust review of the temporary approval over the coming summer will allow Club Lennox to review and refine (as necessary) their operations and provide BSC the opportunity to assess the feasibility of the subject Development Application. 19/12/19

Professionalism

Astoundingly, it appears that Club Lennox and Planners North have ignored Tim Fitzroy & Associates' expert opinion "robust review" on the very issue they claim is most relevant to this DA-noise.

Then there's the Club's *Help* email (5/3/20) which is relying on the fall back position of stirring up the community division *again* with populist unsupported claims.

This is not fair to our entire Lennox Head community.

Conclusion

It is most disappointing because there are requirements and due processes which nobody or organisation is above, including a community Club I am a member of.

This DA must go back to the drawing board and return with an accountable and professional document before any member of the community can have any say – yay or nay.

Regards

Monica Wilcox

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[REDACTED]
To: [Ballina Shire Council](#)
Subject: D.A. 220/33
Date: Tuesday, 10 March 2020 11:19:37 AM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

Greetings,

I am advised that submissions in respect oath above Development Application, by Planners North close today.

As the resident at [REDACTED], and a member of the Lennox Community Club, I would like to make this submission in SUPPORT of the application.

The Management of the Club have shown considerable foresight, in planning and preparing what is a very functional, and Community outlook for residents of Lennox Head.

We have attended a number of functions at the Club, and found the environment and ambience of the club to be first rate. We have not been disturbed by any events of the club, which has proved to be a very family oriented club.

We have suffered no excess noise, or disruption to our (retired) lifestyle.

It is a pleasure to enjoy the facilities of the club, say, on a Sunday afternoon, with numerous families, and a number of children in attendance. At no stage have we been disturbed by the actions of the patrons, particularly the children who have all been well behaved. We enjoy the sight of them running around, playing, and generally having fun.

I have never observed any rowdiness by members, or guests during the hours the club is open. There has been no evidence of excessive consumption of alcohol. We have not been disturbed by members exiting the premises at the end of the evening.

The club is a boon to the residents of Lennox Head, and it is an appropriate request for this development application it should not be thwarted by some who may have their own selfish agenda.

We need the Lennox Community Club to be able to function in a family friendly environment.

Thank you.

Yours faithfully,

[REDACTED]

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[REDACTED]

[REDACTED]



[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: Club Lennox DA

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

To whom it may concern,

I have been advised that Club Lennox is undertaking an application to extend its trading, Sundays Sessions to every Sunday 4pm to 7pm live music period while daylight savings

Club Lennox to have music played outside every Sunday afternoon till 7pm totally unacceptable, this is clearly going to disturb our home.

Yesterday was a clear example (Sunday 2nd Feb), live music played outside and only a handful of patrons. Local residents clearly outnumbered that number and had to endure live music through their homes.

Sunday afternoon is the one day of the week that we absolute peace in our home.

[REDACTED] Virtually 7 days week there is ground staff continually pampering the bowling greens and surround's with lawn mowers, brush cutters, leaf blowers!

Please show some sympathy and reject this application

[REDACTED]

[REDACTED]

[REDACTED]

To: [Redacted]
Subject: [Planning and Environmental Health Support Staff](#)
Date: Re: DA 2020/33 - Acknowledgment to submission 20/8078
Wednesday, 12 February 2020 4:56:04 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

Keep my submission confidential please

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

To: [REDACTED]
Subject: [Planning and Environmental Health Support Staff](#)
Date: Re: DA 2020/33 - Acknowledgment to submission 20/8078
Thursday, 13 February 2020 4:36:58 AM

CYBER SECURITY WARNING - This message is from an **external sender - be cautious**, particularly with links embedded within the message and/or attachments.

To whom it may concern
I request confidentiality in my submission please

[REDACTED]

----- Original Message -----

From: "Planning and Environmental Health Support Staff"

[REDACTED]

[REDACTED]

Subject:
DA 2020/33 - Acknowledgment to submission 20/8078

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: Club Lennox DA 2020/33

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

To whom it may concern

Adding to what I have already stated

Yesterday I received in the mail the formal DA application. Firstly I a was very distressed by the full worded contents of the application.

That to remain confidential could make my disapproval to DA may have no effect.

The excessive demands of DA,

Every Sunday

Amplified music

3 till 7pm

Totally no consideration of past complaints.

Just to make aware over the weekend Friday and Saturday (22&23 Feb) evenings late the outside area was very noisy coming from patrons and disturbing through my bedroom.

In genneral the outside beer garden has become quite noisy particularly Friday Saturday and Sunday mostly late afternoons and into the evening, disturbing through our home.

[REDACTED]

Beer garden has no DA to be there.

There should be no outside music in any form.
Beer garden hours of use should be regulated not to disturb local residents.

This DA is totally unacceptable and strongly oppose it.

[REDACTED]

[REDACTED]

[REDACTED]

To whom it may concern,

I have been advised that Club Lennox is undertaking an application to extend its trading, Sundays Sessions to every Sunday 4pm to 7pm live music period while daylight savings

Club Lennox to have music played outside every Sunday afternoon til 7pm totally unacceptable, this is clearly going to disturb our home more!

Yesterday was a clear example (Sunday 2nd Feb), live music played outside and only a handful of patrons. Local residents clearly outnumbered that number and had to endure live music through their homes.

Sunday afternoon is the one day of the week that we enjoy absolute peace in our home.

Living next to a bowling club is a very noisy affair. Virtually 7 days week there is ground staff continually pampering the bowling greens and surround's with lawn mowers, brush cutters, leaf blowers!

Please show some sympathy and reject this application

[REDACTED]

[REDACTED]

[REDACTED]

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[Redacted]

[Redacted]

[Redacted]



[Redacted]



[Redacted]

[Redacted]

[Redacted]

Subject: Club Lennox

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1. To whom it may concern

Just some further points re DA 2020/33.1

The temporary approval allows Club Lennox:

- to operate on the first and third Sunday during December, January and February, commencing at 4pm and concluding at 7pm;
- Hold events in the southern section of the eastern bowling green;
- Up to 150 people and staff are expected to attend;
- Live amplified music (solo/duo) will be used for entertainment.

This exercise has been very noisy through our home.

Most times observed small numbers of patrons, cannot see how it is

viable.

As well as most the local residents outnumber patrons by a large proportion that have to endure disturbance

There are now more places in Lennox competing for Sunday afternoon entertainment. (Shelter , Willam St , Shortys, Qartro , Lennox Hotel upstairs , lennox Surf Club)

All meet strict planning requirements

Following an assessment of the background noise levels, attended noise measurements and noise modelling it is clear, as foreseen, that the use of outdoor entertainment and patrons in close proximity to residential development will exceed the Liquor Administration standard noise criteria

1.5 Proposed Development

The purpose of this application is to attain approval for the use of the outdoor area for amplified music and patrons. The outdoor area is located to the north of the existing bar and adjacent to Bowling Green No 2. Club Lennox enjoys amplified music (which we are instructed is either a solo or duo acoustic guitar-based music that is amplified) on Sunday afternoons during daylight savings (between 4pm and 7pm).

We understand that the function:

- Be held in the southern section of the eastern bowling green;
- Up to 150 people and staff are expected to attend;
- Live amplified music (solo/duo) will be used for entertainment;

1.2.2 Intrusive Noise

Noise is identified as 'intrusive' if it is noticeably louder than the background noise and considered likely to disturb or interfere with those who can hear it.

1.2.3 Sleep disturbance

Specific provisions relate to sleep disturbance and the World Health Organization recommends that a maximum level of 45 dB (A) should not be exceeded inside a bedroom. For practical purposes this is equivalent to a maximum level of 55 dB (A) outside a residence, with an open window to the bedroom (Guidelines for Community Noise WHO 1999).

1.2.4 NSW Independent Liquor & Gaming Authority

The Liquor & Gaming Authority standard noise conditions are the most appropriate best practice criteria to which amplified background music and patron noise applies from the proposed development should comply.

The Liquor and Gaming Authority imposes specific noise requirements on licensed venues. The noise limits require that:

Following an assessment of the background noise levels, attended noise measurements and noise modelling it is clear, as foreseen, that the use of outdoor entertainment and patrons in close proximity to residential development will exceed the Liquor Administration standard noise criteria.

Noise modelling has concluded that

- A noise model has been constructed to predict the propagation of noise from the outdoor entertainment area at Club Lennox. The model includes shielding effects from topography and existing structures. Topography information included in the model was sourced from the NSW Government.
- Noise levels from patrons and entertainment noise at a level of 85dBA @ 3m from the speakers are predicted to exceed relevant criteria by up to 25 dB (at 2kHz).
- Noise levels from patrons and entertainment noise at a level of 75dBA @ 3m from the speakers are predicted to exceed relevant criteria by up to 21 dB (at 2kHz).
- The addition of a 2m high acoustic barrier as presented in Section 3.4.7 is not shown to provide significant noise reductions at the receivers, and in some cases noise levels are increased with the barriers in place.

As acknowledged in the *Noise Guide for Local Government (2010)* it is unlikely that compliance with intrusive noise criteria will be achieved when live entertainment/sporting events occur outdoors within close proximity to residential dwellings or a residential precinct. In NSW various local council's allow outdoor activities to occur under controlled conditions and for limited durations. These approvals allow for gatherings, activities and community engagement with an acknowledged noise impact for intermittent period over a short timeframe. The proposed development at Club Lennox utilising a small window of time 4pm to 7pm on a Sunday afternoon during daylight savings is an opportunity for Council to allow such an activity.

Clearly states that this doesn't comply and DA should not be approved

[REDACTED]

[REDACTED]

[REDACTED]

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RE - DA 2020/33

Dear Sir/madam,

I live on [REDACTED] Street, Lennox Head. This is all I am willing to provide, because I know what the managers of the club have done to the people that live across the road.

Unfortunately, there is a part of the Lennox Head community that do not like other people, to voice an opinion that differs to their own. When they do, they are vilified. There are some members of the Lennox Head community, that also seem to enjoy getting involved in issues that do not directly affect them.

I notice the club have enlisted their members to support their DA. I have read the letters on the Council website. And I notice the club supporters that write to Council, do not live across the road from the club. Or even particularly close to the club?

So, this Development Application does not directly affect them. When you don't live close to the club, how can you be affected by the outcome of the DA? The letters are written from club members that support the club events, but they are not directly affected by them. Therefore, why would Council even consider these opinions?

The people that live across the road would be disturbed by the noise of the music outside, because these events are noisy! I can hear the music in my home and I don't live directly across the road. I can also hear the noise of patrons and children, and when alcohol is involved outside in the sun, it gets very noisy.

I often walk by the club, and comment to my partner, "I am so glad I don't live across the road from that. Imagine how loud it would be?" Has Council visited on a Sunday to hear it? I am pretty sure the Councillors would not appreciate living across the road and having their Sunday afternoons disturbed.

The club claims they must have music outdoors on Sundays as they will not survive financially. But, if the club relies on Sunday music for ½ of the year, then things must be dire. Perhaps the management are just bad managers?

It looks to me, like this has become more about fighting the neighbours that live across the road (who are also a part of the Lennox Community), than getting on with running a successful venue for the community.

If the community and club members, are so passionate about visiting the club on Sundays, then I am sure they will still support the club and attend their Sunday events, whether the music is held inside the venue or outside it.

I object to this DA of amplified music and dining outside on the bowling green's every week. The club is in the middle of a residential area, the extra traffic, extra noise and the loud music each week is disturbing, and I think that Council should consider the peaceful enjoyment of the other part of the Lennox Head community.

I think the club is good for the community, but I just do not understand why the club needs to have their music events outside on the greens in the middle of a residential area? If the events are held inside the club, they will not disturb the entire neighbourhood.

Kind regards,

■

[REDACTED]
To: [Ballina Shire Council](#)
Subject: Fwd: DA 2020/33 Club LENNOX
Date: Monday, 9 March 2020 10:23:05 AM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

[REDACTED]
[REDACTED]
[REDACTED]

Subject: DA 2020/33 Club LENNOX

The General Manager
Ballina Shire Council
Submission re DA 2020/33 Extension of Seating outside with amplified music on Sundays 4pm until 7pm

I oppose the Club Lennox DA provision for amplified music outside. It does not report conforming to Environmental Impact requirements Section 4.15(1) (b) or Section 14.15(1) (c). There is no mention of the proposed development being on an existing Council lease as a bowling club with restrictions. There is so little detail to support the DA that I suspect Club LENNOX Board, having relied upon popularity and the idea of the threat to its survival to obtain the right to submit a DA and to a temporary permission, has used the same technique hoping thereby to avoid proper examination. For example the Board has again appealed to all members, with attached pre addressed email to Council, to support the Club and thereby help it to survive. It has done this despite a background of donations of increasing amounts given to the Sports Clubs that it supports. I believe that there is evidence that this appeal for survival support is in the order of "fake news" whereby members have been misled. Councillors accepted this idea when the application for right to submit a DA was discussed on the basis that most clubs were struggling. it is no longer satisfactory for Councillors to do so again when there is data, or ought to be data that can be produced. Comparative data should also have been gathered during the temporary period. If it was, it has not been reported.

I question the DA description of the zoning. When last I looked it was zoned R3 fro medium density housing. If i am mistaken about this now it is also relevant to point out that the Club is completely surrounded by a medium density housing zone. It is not in the same position of the entertainment/food venues it compares itself to in the submission to The NSW Independent

Liquor and Gaming Authority.

The personal attacks on social media and print media against those who opposed the right to submit a DA for change of lease was excessive and despite its protest to the contrary, stimulated by the Club Board. It would take a much more favourable environment for many people to invoke that sort of attack by opposing the DA.

The presumption when changing the conditions of lease should be in favour of the status quo unless evidence to change is explicit, backed by evidence and socially and economically compelling.

Detailed Reasons

1. The rationale for the DA is confused between essential for survival and raising money (to give to sports clubs). there have now been periods of no outside music. the notion that an entity can overcome guidelines in order to raise more money is dangerous..
- 2 No economic data is given to establish the survival case in particular and the need for more money in general.
3. The amplified music as proposed clearly does not fit within the Liquor and Gaming guidelines.
- 4.The suggestions from the noise report were not done (or it they were, not reported in the DA) that is;
to robustly survey the neighboring residents
to hold a full summer amplified event as a test of noise under different conditions from when the existing measurements were taken.
- 5.The offer by the Club to use its temporary status grant as a test for the DA was not followed through. For the most part outside music ceased. No numbers attending or financial comparisons were made. Why not?
6. the intention given in the DA to continue with noise mitigation measures is exploded by the facts - there was no possibility of mitigation of amplified noise outside according to the noise report and the Club has no intention of following through with inside, non amplified music with doors closed as given as mitigation to the L&G inquiry. In fact [REDACTED] the Board of this undertaking in writing the response was to dismiss, and assert unequivocally that the L&G inquiry allows Clubs to make noise - not one hint of the guideline limits to such. Note, the DA does not try to explain what mitigation measures it was going to continue with given the noise report.
7. Over guideline noise from 4pm to 7pm EVERY summer Sunday afternoon is an unacceptable imposition and if one looks at the report closely it is not what has been recommended. Even that recommendation of twice a month I think is unwarranted if somewhat better than every one. At that time the permission was for twice a month. Summer Sunday evenings are a time, maybe the only time for families to be together and to relax outside if its cool enough and perhaps quietly listen to their own music. Ironically, the Club DA classisms exclusive right to this. There appears to be no threat to the Club's survival. Infrequent events, which I would support, should mean maybe twice a year for special fundraising?
8. there is no attempt to measure traffic and parking impacts.

In conclusion, there is no reason to approve the DA.
The Club DA has made no attempt to quantify or qualify its requests with real

data.

It has in all likelihood mislead members about the need for their support thus creating an atmosphere of fear of reprisals to those who oppose the DA and artificially increased its support.

The intention re outside amplified music has not been justified by the noise measurements.

The Club should evaluate how much outside seating it actually can reasonable use.

Sincerely

[Redacted signature]

[Redacted text]

[Redacted text]

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[REDACTED]
To: [Ballina Shire Council](#)
Subject: Submission on DA 2020/33 - Club Lennox
Date: Wednesday, 11 March 2020 6:27:48 PM

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

To Council,

I am objecting to this DA application [REDACTED]
[REDACTED]

I have two concerns –

1. There is no limit on noise levels associated with “amplified music”.
2. There are no restrictions on the noise from patrons after the completion of each musical performance.

My concerns would be alleviated by an appropriate noise decibel limit on amplified music and a requirement on the club to strictly control noisy behavior of drunken patrons and their children into the night.

I also point out that most of the submissions in favor of the proposal are from people that have not provided their address details and who presumably are able to leave the club their quieter environs at will.

Thank you,
[REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED]

[REDACTED]

19 February 2020

Mr Matt Wood
Director of Planning
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Copy to:

General Manager
Mayor
Ballina Shire Council
PO BOX 450
BALLINA NSW 2478

POST & EMAIL council@ballina.nsw.gov.au

Dear Sirs

10 Stewart Street Lennox Head, Lot 31/11905, (the Site) - Letter of objection, DA2020/33

Club Lennox – Change of Use Application

Introduction

We refer to the land described above and, on behalf of [REDACTED], we provide the following letter of objection to the development application DA2020/33.

There are a number of legal and merit issues that we raise in relation to the existing and proposed use of the bowling club at the Site all of which arise in respect of the application now before council. It maybe that one or several of the issues disappear because certain documents might prove that council has a legal right to permit the use of land which we presume does not exist. However, until council produces that evidence, which we have asked for on more than one occasion, but which has not been provided to us, we can only assume that our presumption is correct. It is a matter for council to demonstrate its reliance on the presumption of regularity, it is not the burden of the objector.

As the council's position has serious ramifications, including the ultimate step of the objectors commencing legal proceedings, it is important that the Council consider its position very carefully, because our clients will rely upon this correspondence in any legal proceedings in relation to issues of costs.

[REDACTED]

Summary of Legal and Merit issues upon which objection is based

The objectors raise the following issues in relation to the DA/2020/33, which are more fully described in the sections below.

1 Classification of Land

The certificate of title 31/11905 indicates the land is recreation area, which would preclude the land being operational land. The classification would potentially prohibit council using the land or indeed permitting the use of the land for commercial gain. If the land is not community land, please identify where it has been legally classified as operational land.

2 Trust Deed

It is presumed that the land is vested in Council pursuant to a trust deed which is most likely one that only permits the use of the Site for a bowling club, as opposed to a general club and one that would not permit the alienation of the bowling greens for purposes other than bowling. In any event, live music performed on the greens would most likely not be a purpose listed in the trust deed, nor one that could be assumed or implied into the grant of trust.

If Council seeks to rely upon a power in the trust deed to lease the land for non-bowling purposes please provide evidence of the legal document upon which council relies.

3 Lease

The only lease that currently exists is registered on title as dealing number AB337933N. If there is a new lease to the current occupiers, Council should make that publicly available for interrogation. The previous lease restricted the purposes of the use of the Site to bowling, which likely reflects the extent of the Council's power and reflected the extent of its obligations, in leasing the land (and likely also its classification as community recreation area). The current lease should be provided to us so that it can be confirmed what uses the Council has approved under the lease. If the uses permitted are not consistent with the terms of the trust, or the DA is not consistent with the lease, the council cannot approve the DA/2020/33.

4 Zone table and Objectives

- (a) Beer garden/outdoor seating

This use is inconsistent with recreation area.

- (b) Live music

This use is prohibited in recreation area RE1.

- (c) Playground

This use is may be permissible within community facilities, however, the offering in this case appears to be prohibited. In addition when the development application was made, there was no notification and there was no noise report provided in support of the intensification of the activity.

This could be overcome with enclosure of the playground facing Stewart St and the elevation perpendicular to Stewart St, as well as a solid sheet roof. Outdoor activities should look inwards to the club so that noise is internalised. Nevertheless, none of this has occurred, and our clients reserve their rights to challenge the lawfulness of this activity.

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5 Merit Issues

- (a) **Noise**, the noise report confirms the use will create constant exceedance of noise criteria.
- (b) **Lighting**, no lighting report has been commissioned. The intensification of lighting, caused by the occupier's unilateral upgrade of lights without consent should be a matter of enforcement action by council under s121 of the EPA Act.
- (c) **Traffic**, no traffic report has been provided in the application to deal with the significant increase in patronage to the club. The operators expect some 150 additional patrons to the venue on weekends but there is only parking for 50 cars.
- (d) **Playground**, the applicant should make a proper application for the playground, accompanied with a noise report, if the use is indeed permissible.

Detailed submissions**Trust Deed**

It is presumed that the land is vested in Council pursuant to a trust deed which is most likely one that only permits the use of the Site for a bowling club, as opposed to a general club and one that would not permit the alienation of the bowling greens for purposes other than bowling. In any event, live music performed on the greens would most likely not be a purpose listed in the trust deed, nor one that could be assumed or implied into the grant of trust.

If Council seeks to rely upon a power in the trust deed to lease the land for non- bowling purposes please provide evidence of the legal document upon which council relies.

Land Classification

The land, lot 31/11905 is not listed as either community or operational and in the Ballina LEP 2012. Accordingly by virtue of the provisions in the Local Government Act 1993, the land is deemed to be community land and as such, the regulation of that land is via a plan of management. We cannot find a plan of management that permits the Site to be used for the commercial purposes that it is currently used for nor for those that it is proposed to be used for. If we are wrong about that please provide the relevant documents that prove the error.

The Lease

We note that the lease (registered dealing AB337933N) seems to be still in effect, although this may not be the case as we understand the lessee was wound-up, but nevertheless the current occupiers may have stepped into the old tenant's shoes. It would be useful if council could clarify this.

In any event, we anticipate that the uses to which the premises can be put pursuant to cl.6 of the lease are:

"6.01 ..**only for the purposes** of a bowls and sports club"

"6.02 To conduct its activities in a reputable and proper manner and **not to carry on in any part of the Premises any annoying**, noxious, offensive or illegal business...and the Lessee shall in the course of its permitted use **keep the noise, odours, vibration, or otherwise to a minimum** so as to not be of annoyance, nuisance, grievance damage or disturbance to surrounding occupiers."

"6.05 **not to use** any radio, gramophone, television or other like **equipment likely to be heard** or seen from **outside the premises**."

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If the Council has granted permission to use the premises for a non-bowls or sporting use under the lease, please provide confirmation of that as well as evidence that the trust deed permits council to so permit that activity.

If the above lease provisions are also currently required to be observed by the current tenants, please explain how it is that our clients monitoring of noise, evident in the [REDACTED] that has been emailed separately to Council is not in violation of the above referred to clauses. Specifically, please provide evidence that the current activities of music events, food (tuck truck events), child care services, all of which the applicants own noise consultant agrees exceed the relevant appropriate standards for noise, and which several residents have previously complained of are permitted to continue unabated, despite the contractual obligation on the tenant to prevent such annoyance or disturbance.

While these issues may provide grounds for a separate cause of action in nuisance, it also supports a cause of action against the council for closing its eyes to its own statutory duty to manage community and operational land in compliance with a plan of management as well as the contract that it has with the tenants. The Council is failing to monitor the activities at the location which it owns and controls in a way that is on any standard, likely to be defined as "reasonable" or appropriate.

Not for Profit

It is claimed in the DA form that Lennox Head Community Sports and Recreation Club is a not for profit organisation. Details of its status do not appear on any search for a so titled "not for profit" entity. Has the council satisfied itself that the current tenants are actually operating a not for profit enterprise, as in one that is exclusively for the members of the club, as opposed to a commercial enterprise that may not make a profit because it is a poorly run business? And if it is so satisfied, what are the sporting and recreational activities of the membership?

Zone and Permissible Uses

The Planning report in support of the outdoor drinking and live music events does not articulate what the permissible use is. The report blithely states that the innominate use described in the development application as "outdoor seating and Sunday Sessions" is permissible as "recreational use".

As the council should be aware, although it seems that it is not familiar with the provisions of the Ballina LEP 2012, there are several categories of recreational uses. It would be helpful if the planner or the applicant was able to identify as to which of those permissible uses the proposed future uses are claimed to fall within. Our reading of the LEP suggests that the music events do not fall within any applicable definition of recreational area, except perhaps for indoor. As Entertainment facility does not apply as the planner notes, the applicant is a registered club, there appears to us that outdoor entertainment of the type proposed is prohibited.

We also note that the playground for which development consent was granted may also be prohibited. Our client reserves its right to include this consent in any challenge that may be brought in relation to that development consent as well as any consent granted for the currently sought development the subject of this objection.

If the Council forms the view that the proposed use is loosely described in the development application, is permissible, then we identify the following merit issues that support a conclusion that this application should be rejected. Any contrary view would be unreasonable.

(a) Beer garden/outdoor seating

This use is inconsistent with recreation area. It seems odd to use the land that is required for recreation facilities ((outdoor) which is what a sports and recreation club that only offers bowling would require) for outdoor seating for dining and listening to live music. The alienation

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of this part of the bowling green is inconsistent with the purpose for which the land was zoned. Further, the use is not consistent with recreation facilities (outdoor). This invites inquiry into what is this building or place. Perhaps what is necessary is a rezoning of the land before the application can be properly made for the change of use described in the development application.

In any event the planner makes no comment as to what exactly the use is nor into which of the permissible uses it falls. This needs to be rectified in order for the application to be considered by Council and that explanation needs to be provided to the community for its consideration.

(b) Live music

This use sought is prohibited in recreation area RE1. Ultimately, there is no avoiding this conclusion. The applicant contends that it is a recreation facility, which definition does not include live music or such entertainment that is the subject of the application. If the applicant contends otherwise then we recommend that Council require it provide legal advice in support of its contention. If none is forthcoming then our client reserves the right to seek a declaration from the Court as to the proper construction of the LEP and the uses sought to be approved.

Playground

The applicant had this use approved pursuant to the DA2018/785. We note that no public notification of this application was given and no noise report was provided to council to explain the intensification of the previously existing use, which we note was fully enclosed. If the use is sought to continue in its intensified state then that activity needs to be enclosed. The current activities are a nuisance as our clients recordings of the noise emanating from the club demonstrate.

We suggest that the council require the applicant to consider the noise of each of the separate activities that are ongoing in order to properly assess the individual and cumulative impacts of the variety of activities that are sought to be carried on in a wholly unregulated manner.

Comments on Planning Report

There is no identification of the use that the club currently falls within nor which uses the activities sought to be approved fall within. This deliberately vague presentation is designed to avoid the obvious requirement to provide specificity to the application so that council can let it pass without interrogation. Any junior planner would be able to conclude that the present application does not fit within the permissible uses and therefore is prohibited.

The analysis of the use of the land within the coastal use area simply ignores the requirement for the applicant to demonstrate how a live music venue fits within the precinct without causing violence to the scenic qualities of the coastal area. The noise report provided by Tim Fitzroy & Associates confirms a "prediction" that the live music will cause noise offence. How the planner, Kate Singleton is unable to appreciate the noise exceedance is a significant issue that warrants such scrutiny, and the offer of suitable amelioration measures, in what is otherwise a relatively quiet, coastal village, is so astounding, it makes one wonder whether she has a grasp of the seriousness of the application. The fact that the noise report does not even provide data or analysis of the actual music events that have been carried out since the council granted temporary approval under s.68 of the Local Government Act 1993, suggests that there is a well of data that that the applicant does not want to let see the light of day.

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If there be any truth to the proposed rigorous assessment of the noise data that was promised by the applicant (in the recent Liquor Licensing Board inquiry), or promised to be interrogated by Council (when it granted temporary permission for live music for the day light savings period), then the time for its illumination is now. Council should immediately call for the applicant to produce all the noise logging that has been carried out for each of the events on the bowling green so that the council and the community can be satisfied that the applicant takes the issue of noise monitoring seriously and so that the council can interrogate that material, which will, if it hasn't been manipulated, will demonstrate that on every occasion the live music exceeds a reasonable level of noise pollution in such an unsatisfactory way that, no live music events should be permitted at this location.

In section 4.15 the planning report completely glosses over the fact that the noise report examines the noise output from the site for **1 week** only and during that week there was no live music. This obfuscation of the most significant of merit issues appears deliberate and it should be of grave concern that the applicant is posturing the evidence in a way that makes it appear trivial.

No other noise data has been assessed. The questions that arise and which are not answered by the applicant are:

1. How exactly does the noise report accord with the Councils direction to the applicant to undertake noise monitoring in accordance with the Noise Management Plan (TFA 22 October 2019)?
2. Where is the survey of residents in relation to their concerns with respect to outdoor music following 4 months of Sunday sessions?
3. Where are all the results of noise monitoring from the Sunday sessions?
4. How is the council to make a robust inquiry as to the appropriateness of the application, especially when their own environmental officer only inspects the site during the week, and never on occasions outside his usual working hours?

Lastly, the claim that the use of the club, despite its environmental impacts is in the greater public interest is totally inadequate to overcome the intrusion in to the surrounding neighbourhood, that the application should be withdrawn.

Noise Report

The report offered in support of the proposed use is so totally inadequate, that the expert should be concerned that it has been used in the manner it has by the applicant.

There is no point responding to the noise report line by line because it is so hopelessly put together that it provides no support for the use sought by the applicant.

The noise report examines one week of background noise and the clubs activities when there was no live music, (which interestingly commenced the week after the noise engineer carried out monitoring of the surrounding lands). How is that useful to council other than establishing a base line of background noise? Where is the assessment of noise for every Sunday Session?

If this noise report is regarded as sufficient evidence for council to approve the application, then a reasonably minded person would be astounded.

This report alone is grounds for refusal.

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Lighting

There is no lighting report provided to support the unilateral replacement of old lights. The new unapproved flood lights now shine directly [REDACTED]

Traffic

There is no traffic report to explain the access and egress for up to 150 patrons to Sunday sessions. Where are they supposed to park? What provisions has the council requested of the applicant in this regard? We note there remains a long outstanding obligation of previous consents to curb and gutter the streets surrounding the club as well as providing additional off street parking. These conditions seem to never have been enforced.

Way Forward

We recommend that the council refuse consent for the application DA/2020/33 for the reasons above. If the council is content to proceed to assessment, then we request provision by the applicant of all the material that should be provided in support of the application and that material being made available to the public for its consideration, before council makes any final determination. Should the council continue in the manner that it has to date, refusing to respond to our communications, then in that vacuum of information, our client will be left with only one remedy, which could be avoided were the council and the club to act reasonably and find satisfactory solutions to the environmental impacts of the proposed activities, assuming that they are in fact permissible activities.

Lastly, would you please provide a response to our previous communications?

[REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

14 August 2020
 Our reference: 1685.3389

RE: Development Application 2020.33, Proposed Use of part of the existing Community Recreation & Sports Club site for Live Music and Outdoor Seating at Lennox Head Community Recreation & Sports Club Ltd, Lot 31 DP 11905, 10 Stuart Street, Lennox Head

The exhibition of the Development Application received 41 letters of support and 6 letters of objection. Of those letters of objection, it is understood that 2 requested to remain confidential. The issues raised in the submissions are summarised as below. Please note however that issues that are not considered “planning issues” within the meaning of the Environmental Planning and Assessment Act have not been specifically addressed. Further, the issues raised in the letters of support are not summarised in the following table.

Issue	Response
<p>Classification of land</p> <p>A Certificate of Title indicates that the land is a recreation area, which would preclude the land being operational land. The classification would potentially prohibit Council using that land or indeed permitting use of land for commercial gain.</p>	<p>The existing and proposed land use is permissible with development consent in the RE1 Public Recreation Zone in accordance with the provisions of Ballina LEP 2012.</p>
<p>The proposed beer garden / outdoor seating and live music are inconsistent with the zone objectives. Live music is prohibited in the RE1 Zone and the playground is prohibited.</p>	<p>The objectives of the RE1 Public Recreation Zone are:</p> <p>Zone RE1 Public Recreation</p> <ul style="list-style-type: none"> • <i>To enable land to be used for public open space or recreational purposes.</i> • <i>To provide a range of recreational settings and activities and compatible land uses.</i> • <i>To protect and enhance the natural environment for recreational purposes.</i> • <i>To provide for a diversity of development that meets the social and cultural needs of the community.</i> • <i>To provide for public access to open space and natural recreation areas.</i> • <i>To protect and conserve landscapes in environmentally sensitive areas, particularly in foreshore and visually prominent locations.</i> • <i>To provide for development that is consistent with any applicable plan of management.</i> • <i>To encourage development that achieves the efficient use of resources such as energy and water</i> <p>The proposal is consistent with providing development that meets the social and cultural needs of the community. The proposed use is ancillary to the Bowling Club use which provides for the recreational needs of the community.</p>



	The proposed land uses provided in the subject application are permissible with development consent. No playground is proposed as part of the subject application.
<p>Noise</p> <p>The noise report confirms the use will create constant exceedance of noise criteria.</p>	The proposal clearly identifies the potential impacts of the use in relation to noise. It is proposed that, having regard for the frequency of the events, the restricted hours and proposed management measures, the potential impacts of the proposal are acceptable in the circumstances. It could be said that the limited number of objections proposed, given the number of residents in the immediate vicinity of the site, indicates that there is generally solid support in the immediate area for the proposed development.
<p>Lighting</p> <p>No lighting report has been commissioned. The intensification of lighting caused by the occupier's unilateral upgrade of lights without consent should be a matter of enforcement action taken by Council.</p>	No additional lighting is proposed in relation to the development.
<p>Traffic</p> <p>No traffic report has been provided to deal with the significant increase in patronage to the club. The operator expects some 150 additional patrons to the venue on weekends but there is only parking for 50 cars.</p>	The proposed Sunday sessions are for a limited period of time and generally aimed to attract the local Lennox Head community, many of whom live within walking distance of the site. It is submitted that the frequency of the events does not require an additional parking or traffic study.
<p>Playground</p> <p>The applicant should make proper application for the playground accompanied by a noise report if the use is indeed permissible.</p>	No playground is proposed as part of the subject application.
<p>Security Plans</p> <p>Addressing patron behaviour in what amounts to a beer garden with porous boundaries – no hotel would be allowed to have this on a basic security and safety grounds alone. Also concerned with unsupervised kids running around and the potential for being grabbed virtually off the greens.</p>	There are numerous examples of outdoor areas that form part of licensed venues within the Shire.