

I object to the application 10.2020.142.1 to remove the existing commercial use on the site and to replace it with a much larger commercial building which according to the plans can be subdivided into up to 5 tenancies.

The existing land use is prohibited in the Coastal Zone but can continue under existing use rights". The existing use right is a Real Estate Agency although recently the building has been used as a Pilates studio without approval.

I am the owner of the property next door which I lease to a local business that trades as the Health Cove , specialising in acupuncture, massage and allied health treatments. The construction and size of the proposal will impact my tenants.

The floor plans on display with this DA under consideration show a number of concepts for offices/commercial uses ranging from 2 units to 5 units.ie replacing one existing use with up to 5 new existing uses.

Clause 41 (1) (e) of the Regulations provides in relation to these prohibited uses that a commercial use can be changed to another commercial use .

It does not provide that the one use can be converted to up to 5 prohibited uses.

As well the following clause 41 (2) (b) applies and that one existing use can only be added to by 10 %.

In any event,in this fragile coastal zone, such a large building as now proposed does not meet the objectives of the Coastal Hazard Zone. Council will set an unfortunate and expensive precedent if it approves such a large building in an area that will be subject to coastal erosion within 100 years or sooner if sea levels rise faster due to global warming.

It is negligent for Council to increase the values of sites in the Coastal Hazard Zone when at some time in the future these buildings will need to be removed as the coast recedes.

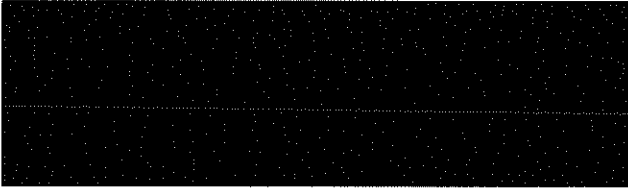
Also of concern

- 1.The shadows caused by the size and height of the proposed building
- 2 Possible additional flooding caused by fill without proper sub drainage
- 3 Not specific on type of commercial use
- 4 Hours of operation for this area
- 5 Fall in carpark should be directed to front instead of toward neighbours
- 6 The skip bin location at the front of the site and the landscaping proposed at the front alignment as this will affect the driveway site distances when exiting our property. This will prove a safety issue for vision to the road when leaving our building

CONCLUSION

This large building proposed should be refused and any increase in the size of the footprint should be limited to an increase of 10%. There is only one existing use right, not some unknown increase of uses as proposed in this application.

Council should ensure that in any approval, the site lines for access from our site no 8 Strand Arcade are not reduced



Scott, Noreen

From: [REDACTED]
Sent: Thursday, 16 April 2020 5:06 PM
To: council
Subject: DA submission

Please find below my response to
Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton
3.1

In the Objectives section of this DA it is stated that this proposal will “serve the needs of the local community”. There is no supporting evidence on which is this claim is based and therefore it is impossible to ascertain how these “needs” have been discovered and formulated.

Further, in the Conclusion section it is stated that the proposed building “can be seen to satisfy a legitimate need”. Whose need and what need it satisfies is not revealed. It also states that approval would be “in the public interest”. What public? What is this claim based on?

As far as I am aware there has been no community consultations. I doubt that there is any evidence of “legitimate need” or “public interest”, otherwise it would be included in the document. I object strongly to our village being used for commercial development in this large scale manner on the basis of spurious claims.

Nowhere does the proposal state what the building is actually for - what tenants are envisaged to be occupying the space and how it may be used.

There is no extant need. Ocean Shores shopping centre is minutes away, and there are plenty of existing commercial leases, with parking, available in that centre to meet this supposed “need”.

The site is in a small oceanside residential village on a riverside block with vehicular access from a narrow road and therefore is not appropriate for this scale of commercial development.

I would request of council zoners that the commercial usage rights that were granted many years ago for the estate agent be rescinded after the current tenancy ceases in order to protect this delicate 7 (2) zone and protect the habitability of New Brighton village.

As a resident I conclude that the proposal warrants rejection for the above reasons.

Please reply to confirm that you have received this email.

Thank you.



Scott, Noreen

From: [REDACTED]
Sent: Monday, 20 April 2020 11:10 AM
To: submissions
Subject: PROPOSED RELOCATION OF EXISTING COMMERCIAL PREMISES AND CONSTRUCTION > OF A NEW COMMERCIAL PREMISES AT LOT 3 SECTION 5 DP6834 NO. 6 STRAND > AVENUE, NEW BRIGHTON [1]

To whom it may concern,

My family and I live behind 6 The Strand, our property backs on to theirs. We absolutely strongly oppose the development of the property to go ahead for commercial uses that involves the building of a huge building and 18 car parks.

This is our family home and we enjoy the sounds of the ocean and wildlife and one of the reasons we chose to build in this sleepy and beautiful little village.

If this building is to go ahead we will be looking directly on to their huge building and it may even extend all the way to our fence line. This will also devalue our property and be extremely disruptive. As it is they have people shining their headlights directly into our kitchen first thing in the morning from the people doing pilates there which I have never bothered to complain to the council about. But this building will be extremely disruptive to both my family, other neighbours and the beautiful wildlife we have in our yard.

Looking at plans it appears that the building will be very close to our fence and after fill is put in the building will tower above our house.

I also noticed they have applied for 24 hour operations. We also strongly oppose this for obvious reasons. Safety, noise and general disruption.

Yours

[REDACTED]

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[REDACTED]

[REDACTED]



Scott, Noreen

From: [REDACTED]
Sent: Sunday, 26 April 2020 1:10 PM
To: council
Subject: Re: Council notice: Demolition and Construction of New Commercial Premises: LOT 3, SEC 5, DP 6834; 6 Strand Str, New Brighton.

Planning Department
Byron Shire Council
PO Box 19
Mullumbimby
NSW 2482

To whom it may concern,

Re: Council notice: Demolition and Construction of New Commercial Premises: LOT 3, SEC 5, DP 6834; 6 Strand Str, New Brighton.

We strongly oppose the development proposal.

New Brighton is a quaint, very rare quiet village, and the only one remaining of its kind in the Byron Shire. Please do not destroy that with the proposed development site. There are numerous commercial sites available at the ocean shores shopping centre, it is not like there is a 'need' for more opportunities for businesses to thrive in the area.

New Brighton is a residential area, home owners have bought in this area due to this. We do not want traffic building up on the narrow road leading into the village, nor do we want noise and over population. This development will devalue properties in this area and turn it into something that we do not want.

Thank you for allowing us to have our say, we really do appreciate it.

Kind regards

[REDACTED]

Scott, Noreen

From: [REDACTED]
Sent: Sunday, 26 April 2020 12:30 PM
To: council
Subject: Expression of concern over DA 10.2020.142.1- Commercial Development of No.6 Strand Avenue, New Brighton

Dear Byron Council,

I am writing to you today as a New Brighton resident who would like to express my opposition to the commercial development of No. 6 Strand Avenue, New Brighton.

The submitted documentation states that "the development can be seen to satisfy a legitimate need". Given that there has been absolutely NO community consultation on this matter, I find it hard to believe that this development will "serve the needs of the local community", since the community needs are not known by the developer. There is already significant, large and varied retail and commercial spaces available in Ocean Shores and Brunswick heads. To that end, the community has never identified a need or desire for further commercial development in our village. This is a small, idyllic seaside town and we would like to keep it that way.

I appreciate your consideration with regards to this matter, and I look forward to hearing from you soon.

Kind regards,

[REDACTED]

24 April 2020

Planning Department
Byron Shire Council
PO Box 19
Mullumbimby, NSW 2482

council@byron.nsw.gov.au

RE: Development Application for the Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton (DA 10.2020.142.1)

To Whom It May Concern,

It has come to my attention that a development application has been submitted to council for a commercial property located on the Strand at New Brighton.

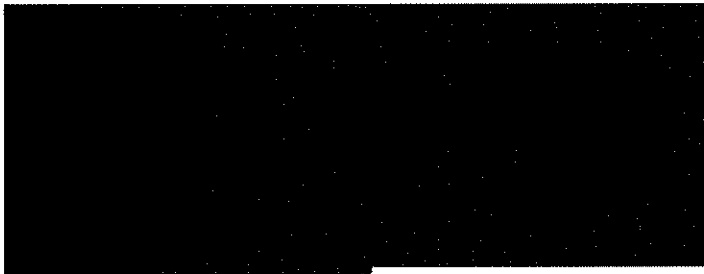
Our village is a small residential enclave that is the original seaside village before the development of Ocean Shores as an "exclusive" golf club community by Pat Boone and others. We are comprised of families, old and new, many of whom have been here for 60 years or more. We like our village small and quiet. We are surrounded by the sprawl of Ocean Shores North and South. There is no need for further commercial development within the boundaries of our village. We are more than adequately serviced by commercial enterprise in the Ocean Shores Shopping Centre which includes the local chemist, Coles, Target and other service concerns including a medical centre. If we have other needs, they are adequately met by the surrounding communities in Billinudgel and Brunswick Heads, all within minutes drive. If we need to go further afield for other services, Mullumbimby and the Byron Industrial Estate are a mere 20 minutes away.

Regarding the site itself, it is located meters up from a blind T intersection at the juncture of the Strand and the Esplanade. The addition of traffic related to a commercial development is not tenable. I would not like to count the numbers of times Council has had to replace the traffic calming bollards

immediately in front of the property site. Accidents will happen and congestion to our already challenged road system will increase beyond what is necessary. Our village does not need and cannot support the addition of a commercial enterprise which will bring more congestion and draw further on our limited services.

I am opposed to the development of a building which, according to the development application, will take up the entire block and provide parking beneath for a significant number of vehicles.

Yours with concern,



CC: NBVA
Councillors

25 April 2020

Planning Department
Byron Shire Council
PO Box 19
Mullumbimby
NSW 2482

To whom it may concern,

Re: Council notice: Demolition and Construction of New Commercial Premises: LOT 3, SEC 5, DP 6834; 6 Strand Str, New Brighton.

The above notice has come to our attention. Having reviewed the supporting documentation on Council's website, there are a number of issues of concern with this proposed commercial development.

Inconsistency w.r.t. *demolition vs relocation* of the existing building: The Council on-site notice states the current building is to be demolished. Documentation on Council's website states the development application is to relocate the existing building 'off-site' and to construct a new commercial building. Which is correct?

Lack of transparency re the '*off-site*' relocation: We have been advised by the current tenants (of the developer) in the existing building that it will simply be relocated to the adjoining Lot (2) - also owned by the developer. The existing building houses a Pilates Studio plus two health practitioner rooms, and is used by a number of locals (including myself). Why is this relocation to the adjoining Lot (2) omitted from the documentation? Consequent implications are relevant.

Lots (3) and (2) currently share a common driveway route, and cars park across both Lots. The documentation shows proposed changes to the driveway for access to Lot (3), but does not mention continued access to Lot (2) once the existing building is relocated. Is the intent for the proposed modified driveway to service both Lots?

Current access to these two Lots from a narrow Strand Street is already difficult, and often dangerous due to the blind bend immediately to the west. The construction of a large commercial building in Lot (3), housing up to 5 commercial tenants, and including 18 car parks, 5 bike parks and a delivery bay, will add substantial traffic and likely congestion to this narrow road. (We note in the documentation that the proposed hours of operation for the new commercial building are stated as: *24 hours a day, 7 days a week!*) Added to this, will be the ongoing traffic to the current building, once relocated to adjoining Lot (2).

Commercial zoning: Lot (3) was previously used as a commercial real estate office (permission granted in 1990 for commercial use), before being converted to a Pilates Studio in 2018. Council documentation currently shows the land zoning of Lot (3) as 'Deferred Matter (DM)'. While I admittedly am not entirely clear as to what DM means,

surely the construction of such a substantial commercial building should require full commercial zoning? Similarly, with respect to Lot (2) – has that been commercially zoned to allow relocation of the ongoing commercial use?

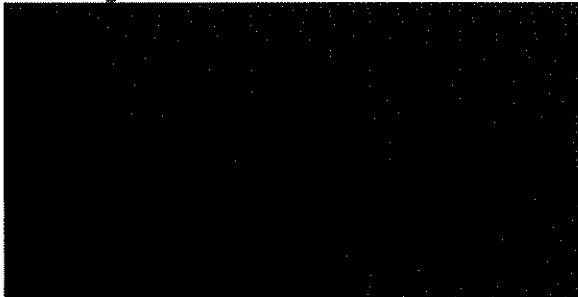
Acid Sulphate test site: note that the Acid Sulphate test site submitted for this Lot (3) commercial development is located on Lot (2), not on Lot (3) (ref Acid Sulphate Report). The relocation by the developer of the existing building to Lot (2), and consequent implications thereof, needs to be jointly considered with this DA Lot (3) proposal – the submitted documentation is already indistinct.

Flooding and storm water drainage: In recent years, New Brighton has been severely impacted by flooding, in particular from Cyclone Debbie (2017) and the severe storms two months ago (Feb 2020). Lots (3) and (2) are directly in the flood zone, and both flooded during these events. The proposal states that an on-site stormwater drainage will connect to an existing Council-owned 375mm diameter stormwater pipe at the front of the site that flows to an existing open drain, then discharges into Marshalls Creek. During the said events, this scenario was clearly inadequate to deal with the discharge rates. As part of the proposed development, it is planned that the site surface will be raised to be above flood levels. This will add further to discharge flow from the property. With climate change, these impacts will intensify. I personally have been in communication with Council over the past 14 months re lack of / inadequate stormwater drainage in our local streets – to no avail thusfar. While acknowledging the issues, Council state they simply do not have the budget to address this. How is it possible then for Council to consider a large commercial development that will further exacerbate this issue?

In essence, New Brighton comprises a small residential village, with a local general store and community café. There is significant, large and varied retail and commercial space (some empty) in neighbouring Ocean Shores and Brunswick Heads. Our Village Association (NBVA) meets regularly / runs workshops to identify any current issues or foci for the future. We have never identified a need or desire for further commercial development in our village. The submitted documentation states that “the development can be seen to satisfy a legitimate need”, and to “serve the needs of the local community”. Where is the basis for this? There has been absolutely zero community consultation in this process.

We look forward to hearing from Council re this matter.

Kind regards



CC: NBVA; Byron Councillors

Scott, Noreen

From: [REDACTED]
Sent: Tuesday, 28 April 2020 7:49 AM
To: council
Subject: DA (10.2020.142.1) Objection

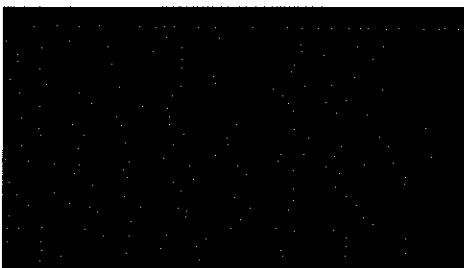
From: [REDACTED]
Date: 2 [REDACTED]
Subject: [REDACTED]

“This submission is in response to the DA for the Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton (DA 10.2020.142.1)

We object to this proposal for the following reasons :

1. We are a small village and do not need more commercial development .There is already much infrastructure in Ocean Shores , Billinudgel and Brunswick Heads catering for all our commercial needs
2. There are empty shops already in Ocean Shores that could be utilised for any more commercial businesses without increasing more commercial development in New Brighton
3. Our roads are narrow and already have a lot of traffic so any more would lead to possible problems . Due to the amount of traffic at particular times , and speeding , it is often difficult to cross roads leading to the beach especially with small children, dogs or for an elderly person as there are no safe pedestrian crossings . Increasing traffic in the area would make the problem worse .
4. Access to both buildings presently on the block, is difficult and dangerous due to blind spots , narrow roads , speeding vehicles and difficulty getting over the steep driveway . Adding more traffic movement in and out of this area would increase danger .
5. No consultation has happened . No one seems to know what this extended commercial development is to be used foran 'open 'commercial development in such a small village is not in keeping with the village needs .

6. We are on a flood plane with more flooding likely due to building developments that have occurred with no planning for the water run off . Any extra water runs to Marshalls Creek which then floods and causes residence to be flooded .Any more development will lead to more flooding effects when we get our wet weather which is often a lot of rain . No new commercial developments should be allowed on flood prone areas



Scott, Noreen

From: [REDACTED]
Sent: Monday, 27 April 2020 4:07 PM
To: council
Subject: Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton

[REDACTED]

I am a resident of 7 years in New Brighton.

In the past year, I have had the honour of facilitating two significant community events which were intended to raise ALL issues of significance to the community and to develop plans accordingly. Approximately 50 residents attended and contributed – a very significant number based on the tiny population of New Brighton.

Not once was a shortage of any sort of commercial activity raised, nor am I aware informally of any such interest in the six years preceding these events. On the contrary there was a common interest in maintaining the unique village nature of New Brighton.

In the Objectives section of this DA it is stated that this proposal will “serve the needs of the local community”. From my experience this claim is blatantly untrue.

I am a member of the New Brighton Village Association and as far as I am aware there has been no community consultation. As a professional facilitator I would be happy to provide my services for this purpose.

The site is in a small oceanside residential village on a riverside block with vehicular access from a narrow road and therefore is not appropriate for this scale of commercial development.

I object strongly to our village being used for commercial development in this large scale manner on the basis of false claims and contrary to the interests of the community.

Please reply to confirm that you have received this email.

Thank you.

[REDACTED]

Scott, Noreen

From: [REDACTED]
Sent: Monday, 27 April 2020 2:19 PM
To: council
Cc: Cr. Simon Richardson; basil.cameron@cr.byron.nsw.gov.au; Cr. Paul Spooner; Cr. Alan Hunter; Cr. Sarah Ndiaye; michael.lyon@cr.byron.gov.au; Via Crociferi / Catania Center; coorey@cr.byron.nsw.gov.au; ian.hackett@cr.byron.nsw.gov.au; jeanette.martin@cr.byron.nsw.gov.au; Ann Morgan
Subject: OPPOSITION SUBMISSION TO D.A. 10.2020.142.1 at 6 Strand Street, New Brighton (Lot 3, Sec 5, DP6834)

Dear Byron Council and Councillors

As long term permanent residents of New Brighton we have concerns about the proposed commercial development stated above. WE ask the Council to reject this DA.

PARKING AND ACCESS

The DA states there will be 18 car spaces plus bike bays. This will put considerable strain and safety hazards on an already dangerous section of Strand Street which is narrow and has the additional complications of the speed mitigation bumps and pedestrian crossing. Current entry and exit from the driveway at Lot 3 is dangerous to the west as it is a blind corner and to the east is the intersection of North Head Road.

Currently cars parked on Lot 2 enter and exit via Lot 3 - is this still to be the case?? If so, this further compounds the traffic flow from Lot 3.

New Brighton already suffers from a disproportionate amount of traffic as it is only a small residential village but a shortcut from Ocean Shores to South Golden Beach. The 40k speed limit is constantly abused.

PROPOSED DEMOLITION OR RELOCATION OF EXISTING BUILDING ON LOT 3

The DA notice board on the property states Demolition of existing building however, the DA submitted quotes removal and relocation?? It is our understanding that the current building will be relocated to Lot 2. Is this to be another Commercial Development which will attract additional vehicle access and is Lot 2 zoned Commercial because of existing use?? - I do not think so?? The current tenant of Lot 3 has indicated the existing building will be moved next door and his tenancy will continue with said developer, however, there is no mention in the submitted DA of this intention.

FLOODING and DRAINAGE

As resident since 2001 we have experienced extreme flooding in 2005 and more recently in 2017 with Cyclone Debbie also February this year. This is more than likely to increase with Global warming. This DA is sited near the river and this lower area floods regularly. No amount of drainage pipe will help when the pipes will be underwater during a flood event. The DA states they will raise the ground level above flood levels but this will only impact neighbouring properties.

It is well known that Byron Council is unable to maintain or rectify drainage problems in New Brighton and in the whole Shire to a large extent - SO why would Council consider a larger commercial development in New Brighton.

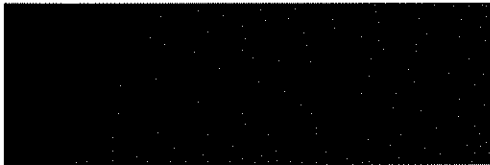
NEW BRIGHTON VILLAGE ASSOCIATION

NBVA has surveyed local needs several times and at no time has the need for further commercial development been raised. There is currently numbers of commercial properties available to lease in both Ocean Shores and Brunswick Heads. We do not need more in New Brighton.

COMMUNITY CONSULTATION

There has been no community consultation and a total lack of transparency regarding the Developer intentions in this DA.

We look forward to hearing further from Council



Scott, Noreen

From: [REDACTED]
Sent: Monday, 27 April 2020 1:10 PM
To: council
Subject: DA in New Brighton nsw

Hi to whom it may concern I'm a resident & business owner in New Brighton Nsw. I have just seen the request to demolish & rebuild 6 strand Street New Brighton. We oppose this DA completely & everyone in our direct & non direct community think the same thing. To ruin what business income we have already lost from Covid19 to another cafe is appalling this isn't Byron bay, we like our life simple & don't need people trying to capitalise on it. We are wanting more time for community to have a voice on this as it seems rushed through this already strange time. We do not believe this will benefit our small flood zoned community at all!! We DO NOT WANT NEW BRIGHTON, NSW 2481 to be brought out by non locals & ruined by TRAFFIC on already struggling roads. This is our livelihood we have already struggled to run a business here with floods & now covid19 shut downs. Please tell these people that they cannot ruin our small town/rural flood zones life. [REDACTED]

Sent from my iPhone

Scott, Noreen

From: [REDACTED]
Sent: Tuesday, 28 April 2020 5:04 PM
To: council
Subject: Proposed building in 6 Strand Ave New Brighton Lot3sec;5DP.6834

To Whom it May Concern

I would like to oppose the application for development of 6 Strand Ave New Brighton Lot3sec;5DP.6834. I have been a resident and property owner in New Brighton for over 30 years and my concern is for the fragile eco-system in the area.

A three story commercial established will bring in more traffic and add more pressure to an environment that needs to be protected. We are already seeing irreparable damage to the river and local ecosystem and the council's role should be to protect and maintain the integrity of this small, unique village that is New Brighton.

Please contact me via email if you require any further information regarding this.

Thank you for your time.

[REDACTED]

28th April 2020

Planning Department
Byron Shire Council
PO Box 19
Mullumbimby NSW 2482

Re: DEVELOPMENT APPLICATION
Proposed Relocation of Existing Premises and Construction of a New Commercial Premises
at Lot 3 Section 5 DP6834
No. 6 Strand Avenue, New Brighton

To Whom it May Concern

I wish to strongly oppose this application for a New Commercial Premises in an environment so completely and so obviously unsuitable for such development; the seriously negative impact on the amenity of this village community would be dramatic indeed.

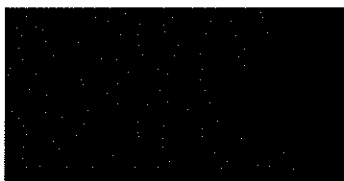
Such a commercial encroachment as that proposed is glaringly incompatible with a quiet seaside village. The fact that the development will simply replace "presently utilized commercial premises" is misleading and should certainly not substantiate an argument for further development. The two existing "commercial" buildings, which although inappropriate for the area, are unobtrusive, low impact and retain a residential feel in appearance – the dwelling to the immediate east more so. To replace these buildings with a larger construction, complete with underground parking and elevator, can hardly be construed as "maintain(ing) the visual integrity of the Coastal Village of New Brighton". How many other buildings in this seaside village are of such scale with an underground carpark for 18 cars and elevator?

New Brighton villagers are fortunate to be well-served by the many nearby facilities in Ocean Shores, Billinudgel and Brunswick Heads - all with established commercial areas that would be much more appropriate for any new development such as the one proposed.

The Proposed Development would clearly encourage more cars into our area, with the resulting traffic issues, pedestrian perils and so on. The very soul of New Brighton would be unequivocally compromised.

I do hope that Byron Council preserves the amenity of this unique community by rejecting this Commercial Development Application.

Yours truly



This submission is in response to the DA for 6 Strand Avenue, New Brighton (DA 10.2020.142.1). I urge Council to reject this Development Application based on the following issues:

1. No need for more commercial premises in the village
2. Inappropriate scale of development for the site
3. Site access
4. Parking

1. No need for more commercial premises in the village.

The development proposal states the primary objective of the development is to serve the needs of the local community. The community has discussed village needs at community workshops, New Brighton Village Association meetings, and on-line, and the need for additional commercial premises in the village has never been valued by the New Brighton residents.

Historically, the only widespread commerce in the village has been holiday letting and various home-based services.

The main commercial centre of the village is the post office/ convenience store and café that services the local community and visitors. In contrast to this DA, that commercial premise is located close to the open space and swimming areas near Village Green/ Market site/ children's playground/ soccer oval. The surrounding area to it is flat, has substantial areas for parking adjacent to it and services both the residential and recreational needs of the village. The village is small and doesn't need another commercial centre of this type.

The two converted older-style buildings on and adjacent to the subject site have been comparatively quieter operations in the past which fits with the residential nature of the neighbourhood.

There are existing commercial facilities in the general area that are not utilised and suggest that there are already adequate commercial premises in the area. The shop at Ocean Shores next to Target has been empty for very long time. The commercial spaces in the Coles shopping centre frequently become available for businesses to operate from, and there are some that are vacant now.

2. Inappropriate scale of development for the site

The development is located in an area that is predominantly residential. The current commercial operations at the development site and its neighbour are small and fit with the character of the neighbourhood. The current commercial premise on the subject site has a small footprint on its own land parcel, and uses the space of the vacant block adjoining for overflow parking.

The DA provides for a building that would take up most of the land on the block and would expand capacity of building to be used for much larger scale business operations. No specific uses are specified, and if there were, would probably not be binding should the development go ahead, or could be more easily changed once the building was established.

If the premise is used for the same purpose as it is currently (Pilates studio), the increased floor space would allow for much larger classes or multiple classes to operate concurrently, and would greatly increase the number of people coming and going to the site. This would impact on the parking and traffic discussed later.

3. Site Access

The Strand is the main connecting road between the eastern sectors of South and North Ocean Shores. Traffic from New Brighton and North Ocean Shores use this road to go to the Coles complex. Traffic from South Ocean Shores use this road to go to the school or the beach.

The site is substantially lower than the road. To exit the site requires drivers to negotiate a relatively steep driveway and turn tightly onto the road to avoid going over the median line. When exiting, vision is severely limited to the west by a blind corner that has native vegetation on the road verge. Drivers exiting the site toward the east are under pressure due to the limited vision to the west, and have to negotiate the incline of the driveway.

4. Parking

If the premise is used for the same purpose as it is currently, the parking provided on-site would be inadequate given that it would need to cater for the transport of two times the full capacity of the operations during the period as patrons arriving for their classes will overlap with the departing classes.

There are no options for on-street parking should the on-site parking become full.

The Strand is only just adequate for the volume of traffic. It is curbed and channelled and offers no potential for off-road parking. At the end of the Strand is a common entry point for the beach. Parking is often difficult here and cars spread out onto the Strand and onto North Head Road. This causes issues with passing foot and road traffic.

North Head Road is the only other close road. It is only just wide enough for two cars and does not have enough verge to allow off-road parking. Cars negotiating North Head Road currently must stop to filter past oncoming traffic when cars are parked onto the road.

As highlighted previously, if the premise is used for a Pilates studio and health services as it is currently, except with a vastly expanded floor space, 15 car parking spaces would be woefully inadequate. There are no suggestions of what the premise will be used for, and once built, nothing to stop it from being used inappropriately and causing parking issues.

The only way that adequate parking is contained on-site is through restriction of the space being used. Thus expansion of the floor space on the existing site, and potential use of the adjacent vacant block should not be approved.

Summary

Claims by the proponent that this development will service a need in the community are totally unfounded, as there are already locations with appropriate zoning for commercial premises that are vacant.

The consequences of the approval of this DA will cause local issues that range from inconvenience and loss of amenity to surrounding residents, to dangerous road conditions that may result in accidents and casualties.

I urge Council to reject this DA.

Regards



Scott, Noreen

From: [REDACTED]
Sent: Wednesday, 29 April 2020 9:44 PM
To: council
Cc: Cr. Basil Cameron
Subject: Expression of oppositon re DA 10.2020.142.1 - Commercial development of No 6 Strand Avenue, New Brighton

I trust you will sincerely consider the concerns of New Brighton residents.

I would like to formally register my expression of opposition to the proposed DA.

My concerns include the impact on the environment (wildlife) due to the increase in traffic, light and noise pollution. Further to that using landfill for the site will adversely impact the properties in the area during natural disasters and flooding events.

The approval of a 24/7 operating commercial premises will adversely impact the neighbouring properties and wildlife in the area.

Please hold a community consultation meeting to discuss this DA before progressing.

Thank you

[REDACTED]

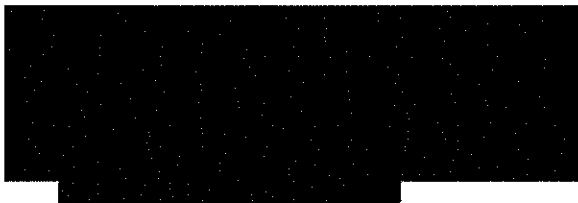
29 April 2020

Submission to Byron Shire Council
Development Application (D.A) Number 10.2020.142.1
Land Details - 6 Strand Ave, New Brighton 2483 NSW (LOT: 3 SEC: 5 DP: 6834)

We would like to raise the following objections to the proposed development:

1. The DA represents a significant expansion of commercial use, compared to existing use rights (about 3.5 times bigger on our estimate). The limitations to expansion of existing use should be a maximum of 10%! Why should those limitations not apply? We ask that Council seeks legal advice as to whether development of the scale proposed is in fact permitted under the existing use provisions.
2. The bulk and scale of the proposal is incompatible with the zone objectives and surrounding residential homes.
3. In our view, there is no need, or even desire for any commercial use at the site. A return to normal residential use would be much more in line with the original zoning, and in character with the surrounding residential houses. The existing commercial areas at Ocean Shores, Billinudgel and Brunswick Heads are much more appropriate and more than adequate.
4. Traffic would be significantly increased to an already busy stretch of road, with increased risk of accidents, particularly when leaving the property.
5. If the DA is approved, what type of commercial activity is to be allowed at the site, and what operating hours? There should be severe restrictions on these activities to appropriately reflect the residential area, with regards to noise, traffic, or any unsuitable activities.
6. Likewise, why is there only provision for parking 5 bikes but 18 car parking spaces? Shouldn't Council encourage the use of bikes rather than cars?

Yours faithfully

A large black rectangular redaction box covering the signature and name of the sender.

Scott, Noreen

From: [REDACTED]
Sent: Monday, 4 May 2020 10:57 AM
To: council
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.

Hello,

I am writing this email as a show of support for this DA application. The DA is asking for much needed small business space in Ocean Shores and has done so in a very positive and clever way. As someone who has lived around the corner for 20 years I see no difference whatsoever in the social impact from the current design as opposed to its use as a real estate for many years before it was a yoga studio. The current hours of operation are requested from 7am to 7pm, there is very little traffic impact as they are not “shops” and the building has been designed to suit the area and if anything is improving the current aesthetic.

I am also a director of one of the building companies looking at doing the job. The owners are committed to using local tradespeople and are supporting the local economy. They have engaged an excellent local architectural company, Space Studios, who have done a great job on design incorporating a holistic approach to the needs of the community and the local surroundings.

Some of the ideas I have heard on the rumour mill are as fanciful as they are ignorant. Anyone can make up facts and get false support however looking at the full details of the submission, and being familiar with what the concept of the overall project is and its positive impact on the community I wholeheartedly support this proposal.

Should you have any questions or require further information, please contact me.



Scott, Noreen

From: [REDACTED]
Sent: Tuesday, 5 May 2020 8:11 PM
To: council
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.

To whom it may concern,

I am writing in support of a good friend Zachary Goodman (known as 'Zack') regarding a proposed DA submission for the vacant land adjoining his property at 6 Strand ave New Brighton NSW 2483.

As I understand, a complaint has been made by a nearby resident as to the nature of the development Zack has submitted for approval.

I have had many conversations with Zack as to what his goals are for the site.

The focus from the start has been to provide small scale services to the local community as well as a source of revenue for small business owners.

This is reflected by the current Pilates studio located on the adjoining block that has now been in operation for over 2 years, providing local jobs as well as health and wellness to its members.

Prior to that business inception, Zack had approached the neighbouring business "The Habitat" to ensure that a Pilates studio would not disrupt any part of their diverse health care clinic, to which all parties agreed it would not.


I believe this reflects the genuine nature and integrity of Zack in his approach to the community he is a part of.

The proposed DA is for a structure containing small scale business spaces adjoining by a parking area. I myself have seen the plans and as a member of this community strongly approve.

Kind Regards,

[REDACTED]

Scott, Noreen

From: no-reply-da-tracking@byron.nsw.gov.au
Sent: Wednesday, 29 April 2020 8:23 AM
To: submissions
Subject: 10 2020 142 1 Submission and Acknowledgement Oppose grant-


Description: Demolition and Construction of New Commercial Premises

Properties: 6 Strand Ave, New Brighton 2483 NSW (LOT: 3 SEC: 5 DP: 6834)

Council acknowledges receipt of your submission in relation to the above Development Application. Your participation in the assessment process is greatly appreciated.

The comments outlined in your submission will assist in Council's consideration of the matter. Council will inform you of its decision once the Development Application has been finally determined.

For your convenience Council's Application Tracker provides you the opportunity to follow the details and progress of applications online.

If you have any enquiries in relation to the application please contact Patricia Docherty of Council's Planning and Environment Department on 02 6626 7000.

Summary of Submission details.



Submission: Oppose

Grounds For Objection or Support: I feel this is an inappropriate commercial development for what is really a residential area. The building is too big for the block and too tall for the locality. Also increased traffic is a concern as is the creating of a precedent allowing even more commercial development in our quiet and peaceful village. Please don't allow this to be built on such a grand scale, sincerely James Robertson

Yours faithfully,
Byron Shire Council

70 Station Street
PO Box 219
Mullumbimby NSW 2482
02 6626 7000

Web <https://www.byron.nsw.gov.au/>

All formal correspondence to submissions@byron.nsw.gov.au

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loss, damage or injury is possible. Verified information should be obtained in writing directly from the authorised Council officers.

This submission is from [REDACTED] a New Brighton resident, in response to the DA for the Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton (DA 10.2020.142.1). I urge Council to reject this Development Application based on the following issues:

1. No need for more commercial premises in the village
2. Inappropriate scale of development for the site
3. Extending the spirit of existing use entitlements
4. Site access
5. Drainage from North Head Road
6. Parking

No need for more commercial premises in the village.

The development proposal states that the primary objective of the development is to serve the needs of the local community. The community has discussed village needs at community workshops, New Brighton Village Association meetings, and on-line, and the need for additional commercial premises in the village has never been valued by the New Brighton residents.

Historically, the only widespread commerce in the village has been holiday letting and various home-based services.

The main commercial centre of the village is the post office/ convenience store and café that services the local community and visitors. In contrast to this DA, that commercial premise is located close to the open space and swimming areas near Village Green/ Market site/ children's playground/ soccer oval. The surrounding area to it is flat, has substantial areas for parking adjacent to it and services both the residential and recreational needs of the village. The village is small and doesn't need another commercial centre of this type.

The two converted older-style buildings on and adjacent to the subject site have been comparatively quieter operations in the past which fits with the residential nature of the neighbourhood.

There are existing commercial facilities in the general area that are not utilised and suggest that there are already adequate commercial premises in the area. The shop at Ocean Shores next to Target has been empty for a very long time. The commercial spaces in the Coles shopping centre frequently become available for businesses to operate from, and there are some that are vacant now. Vacant land is still available at Billinudgel Industrial Estate, which is zoned appropriately for commercial premises.

Inappropriate scale of development for the site

The development is located in an area that is predominantly residential. The current commercial operations at the development site and its neighbour are small and fit with the character of the neighbourhood. The current commercial premise on the subject site has a small footprint on its own land parcel, and uses the space of the vacant block adjoining for overflow parking.

The DA provides for a building that would take up most of the land on the block and would expand the capacity of the building to be used for much larger scale business operations. No uses are specified, and if there were, would probably not be binding should the development go ahead, or could be more easily changed once the building was established.

If the premise is used for the same purpose as it is currently (Pilates studio), the increased floor space would allow for much larger classes or multiple classes to operate concurrently, and would

greatly increase the number of people coming and going to the site. This would impact on the parking and traffic discussed later.

Extending the spirit of existing use entitlements

As the Application states, commercial premises in the Urban Coastal Land Zone are prohibited, and the only reason that commercial activities are allowed on the site is that it enjoys existing use exemption. However, when the commercial rezoning was originally permitted, the adjacent blocks were vacant and were owned by associated entities to the proponent. Further, the purpose of the commercial premise was to service the holiday letting that is an integral part of the village life.

Currently at the site, there is an average sized, residential style building that was converted to office space originally, and has since been converted to operate as a small Pilates studio. This one building is sited on one of two adjoining blocks that are used to service this one business. The second block of land is used only for overflow parking. Surely the intent of this exemption is not to provide an opportunity to redevelop that land to massively expand the premise for a non-compliant use.

Furthermore, in regards to the currently vacant block, moving a building used for commercial purposes to the vacant block should not confer as of right commercial zone to the vacant block as well as the existing block. The existing use of this vacant block is overflow car parking for the current commercial premise and is generally empty. It is unclear what is intended for this block, but the movement of the dwelling on the site subject to the DA onto this block should explicitly not confer any future existing rights to use the vacant land for commercial purposes.

Site Access

The Strand is the main connecting road between the eastern sectors of South and North Ocean Shores. Traffic from New Brighton and North Ocean Shores use this road to go to the Coles complex. Traffic from South Ocean Shores use this road to go to the school or the beach.

The site is substantially lower than the road. To exit the site requires drivers to negotiate a relatively steep driveway and turn tightly onto the road to avoid going over the median line. When exiting, vision is severely limited to the west by a blind corner that has native vegetation on the road verge. Drivers exiting the site toward the east are under pressure due to the limited vision to the west, and have to negotiate the incline of the driveway.

There has been at least one accident on this stretch of road where the driver's foot slipped when trying to exit a driveway from these properties, and the car shot across the road, over the pedestrian path and into the fence beyond. It is simply not appropriate to increase the traffic exiting this location.

Drainage from North Head Road

The footpath on the southern side of the Strand in front of the subject site currently acts as one of the main drainage surface flows for water from North Head Road into Marshals Creek.

Any attempt to lessen the gradient of the driveway will impede water discharging from North Head Road and the eastern part of the Strand into Marshalls Creek, or make usability of the footpath in front of the site difficult. This will exacerbate the already poor drainage in the area that has water stagnating after periods of heavy rain.

Parking

If the premise is used for the same purpose as it is currently, the parking provided on-site would be inadequate given that it would need to cater for the transport of two times the full capacity of the operations during the period as patrons arriving for their classes will overlap with the departing classes.

There are no options for on-street parking should the on-site parking become full.

The Strand is only just adequate for the present volume of traffic. It is curbed and channelled and offers no potential for off-road parking. At the end of the Strand is a common entry point for the beach. Parking is often difficult here and cars spread out onto the Strand and onto North Head Road. This causes issues with passing foot and road traffic.

North Head Road is the only other close road. It is only just wide enough for two cars and does not have enough verge to allow off-road parking. Cars negotiating North Head Road currently must stop to filter past oncoming traffic when cars are parked onto the road.

As highlighted previously, if the premise is used for a Pilates studio and health services as it is currently, except with a vastly expanded floor space, 15 car parking spaces would be woefully inadequate. There are no suggestions of what the premise will be used for, and once built, nothing to stop it from being used inappropriately and causing parking issues.

The only way that adequate parking is contained on-site is through restriction of the space being used. Thus expansion of the floor space on the existing site, and potential use of the adjacent vacant block should not be approved.

Summary

The Development Application appears to be a classic case of using a clause in a zoning scheme that was intended to protect existing use rights but is then stretched to get approval for an inappropriate development.

Claims by the proponent that this development will service a need in the community are totally unfounded, as there are already locations with appropriate zoning for commercial premises that are vacant.

The consequences of the approval of this DA will cause local issues that range from inconvenience and loss of amenity to surrounding residents, to dangerous road conditions that may result in accidents and casualties.

I urge Council to reject this DA.

Regards



Submission from New Brighton Village Association for DA 10.2020.142.1

This submission is in response from the New Brighton Village Association (NBVA) for the Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton (DA 10.2020.142.1)

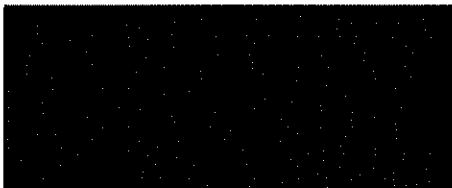
Many residents have expressed concerns about this development in regards to amenity, traffic, parking, character or need of this development. Based on the responses to this DA in our internal email list, the membership of the NBVA overwhelmingly object to this development for a variety of reasons. However, rather than the Association try to express these concerns collectively, we will allow them to be expressed by individual submissions from those most affected or concerned.

There is one issue that is directly relevant to NBVA business, however. The DA states in Section 3.1 that "The primary objective of this proposal is to rebuild the existing premises located on the site and provide for a contemporary building which will serve the needs of the local community whilst complementing the surrounding environment".

The NBVA has run a few workshops in the past and more recently to identify the main issues that the village needs to focus on in the future. Based on this consultation, the issues that the residents consider that we need to collectively act on includes:

1. flooding,
2. drainage,
3. beach/ dune protection,
4. traffic,
5. recreational use of the river and oval,
6. holiday letting,
7. festival impacts and issues with dogs on the beach.

The need for more commercial space in the village has never been mentioned in any of these workshops or in NBVA business, and I stress never, by anybody. If this is the primary objective of the proposal, then the whole proposal is baseless and should be rejected.



Scott, Noreen

From: no-reply-da-tracking@byron.nsw.gov.au
Sent: Friday, 24 April 2020 9:07 AM
To: submissions
Subject: [REDACTED]

Description: Demolition and Construction of New Commercial Premises

Properties: 6 Strand Ave, New Brighton 2483 NSW (LOT: 3 SEC: 5 DP: 6834)

Council acknowledges receipt of your submission in relation to the above Development Application. Your participation in the assessment process is greatly appreciated.

The comments outlined in your submission will assist in Council's consideration of the matter. Council will inform you of its decision once the Development Application has been finally determined.

For your convenience Council's Application Tracker provides you the opportunity to follow the details and progress of applications online.

If you have any enquiries in relation to the application please contact Patricia Docherty of Council's Planning and Environment Department on 02 6626 7000.

Summary of Submission details.

[REDACTED]

Submission: Oppose

Grounds For Objection or Support: The size of this building proposed will impact neighbouring residents with shading and possible drainage and flooding problems. The zoning is residential with existing rights for Real estate. There are already vacant commercial properties close by in Ocean shores. The proposal for operating 24hr 7days a week is of great concern, increased traffic on a already congested road will contribute to more noise and pollution. The speed bump opposite the property already causes noise and pollution with numerous break downs and tire blowouts, this will only increase. The Pilates studio that is in operation in the existing building, operates from 6.00am to 8.00pm and already has an impact on the neighbours due to noise of traffic and operation.

Yours faithfully,
Byron Shire Council

70 Station Street
PO Box 219
Mullumbimby NSW 2482
02 6626 7000

Web <https://www.byron.nsw.gov.au/>

All formal correspondence to submissions@byron.nsw.gov.au

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Scott, Noreen

From: no-reply-da-tracking@byron.nsw.gov.au
Sent: Thursday, 23 April 2020 8:54 AM
To: submissions
Subject: 10.2020.142.1_Submission and Acknowledgement_Oppose [REDACTED]

Description: Demolition and Construction of New Commercial Premises

Properties: 6 Strand Ave, New Brighton 2483 NSW (LOT: 3 SEC: 5 DP: 6834)

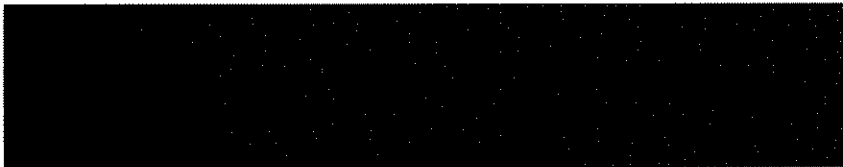
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The comments outlined in your submission will assist in Council's consideration of the matter. Council will inform you of its decision once the Development Application has been finally determined.

For your convenience Council's Application Tracker provides you the opportunity to follow the details and progress of applications online.

If you have any enquiries in relation to the application please contact Patricia Docherty of Council's Planning and Environment Department on 02 6626 7000.

Summary of Submission details.



Submission: Oppose

Grounds For Objection or Support: New Brighton Village does not need or want a commercial building of this magnitude. The size and height will look like a commercial building amongst residential housing, causing shading and possible flooding and draining issues. The proposal for 18 car parks means constant traffic causing noise, pollution, safety issues and congestion on a already congested street impacting on our lives. I have great concerns on the proposal of 24hr 7days a week trading, concerning noise, pollution, security problems etc. with no mention of what commercial business this will be used for. The land is not commercial it is residential with existing use rights, originally real estate which was granted over 25yrs ago when there was little housing in the immediate area which had minimal impact then. The real estate ceased operation in March 2017. This land should revert back to residential only use. Could you please email me to confirm that you have received my submission.

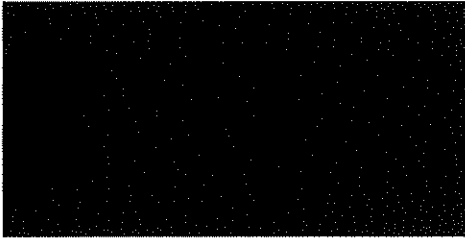
Yours faithfully,
Byron Shire Council

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7 May 2020

Dear Byron Shire Council,

 & I have lived in South Golden Beach coming up 5 years with my partner, 2 children and recent new member to the family pet dog. I wanted to write to you in support of the proposed development at #6 Strand Ave.

The lot has always been a commercial site and we look forward to it becoming a place for local small businesses to have premises near our home. We think the design is in keeping with our neighbourhood, and we hope that council understands that those of us who have and continue to call Ocean Shores/New Brighton/South Golden home are strongly in favour of this project.

Thank you and have a wonderful day.

Cheers



Scott, Noreen

From: [REDACTED]
Sent: Thursday, 7 May 2020 1:03 PM
To: council
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.

Dear Council,

My name is [REDACTED] & I have lived in New Brighton for 3 years with my growing family.

I wanted to write to you in support of the proposed development at #6 Strand ave.

The lot has always been a commercial site and we look forward to it becoming a place for local small businesses to have premises near home. I am very hopeful that some sort of co-working space is available on completion.

We think the design is in keeping with our neighbourhood, and we hope that council understands that my family and I are strongly in favour of this project.

Kind regards



Scott, Noreen

From: [REDACTED]
Sent: Friday, 8 May 2020 12:02 PM
To: council
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.

DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.

Dear Council,

My name is [REDACTED] I work for New South Wales Fire & Rescue & have lived in the shire for 14 Years. 8 of those years have specifically been in New Brighton.

I am reaching out as i heard someone was acting in opposition to the proposed development at # 6 Strand ave.

I just wanted to say that I, my family and my close mates have all been aware and excited about the prospect of having a place for small business in the neighbourhood. That site have always been a place of business, and we hope it remains to be so.

Thank you very much and have a wonderful day.



Scott, Noreen

From: [REDACTED]
Sent: Monday, 11 May 2020 1:41 PM
To: council
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.

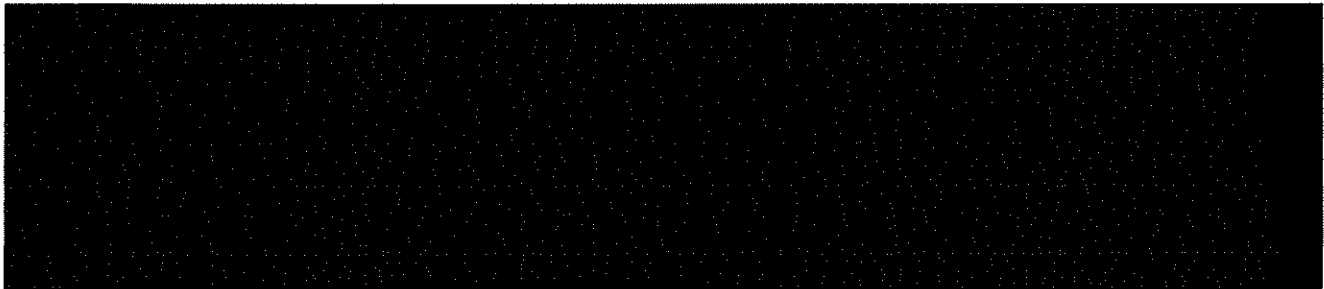
Hey there, hope you are having a great day.

I am a homeowner in the area and love calling North Byron shire home.

My partner and I just wish to write an email saying we are all for the development at 6 Strand Ave.

This space is a step in the right direction to create a strong community for the people who are seeking an office space and wanting to connect with each other without driving the 20 mins to the Byron Bay industrial estate. It will be an asset for many of the professionals who wish to call the North Byron shire home.

Thank you and have a good one.



10.2020.142.1

28th April 2020

Planning Department
Byron Shire Council
PO Box 19
Mullumbimby NSW 2482

PN: 86440
SHIRE COUNCIL
DOC
REQ: 29 APR 2020
FILE NO: A80685
ASSIGNEE: P. Dachev

Re: DEVELOPMENT APPLICATION
Proposed Relocation of Existing Premises and Construction of a New Commercial Premises
at Lot 3 Section 5 DP6834
No. 6 Strand Avenue, New Brighton

To Whom it May Concern

I wish to strongly oppose this application for a New Commercial Premises in an environment so completely and so obviously unsuitable for such development; the seriously negative impact on the amenity of this village community would be dramatic indeed.

Such a commercial encroachment as that proposed is glaringly incompatible with a quiet seaside village. The fact that the development will simply replace "presently utilized commercial premises" is misleading and should certainly not substantiate an argument for further development. The two existing "commercial" buildings, which although inappropriate for the area, are unobtrusive, low impact and retain a residential feel in appearance – the dwelling to the immediate east more so. To replace these buildings with a larger construction, complete with underground parking and elevator, can hardly be construed as "maintain(ing) the visual integrity of the Coastal Village of New Brighton". How many other buildings in this seaside village are of such scale with an underground carpark for 18 cars and elevator?

New Brighton villagers are fortunate to be well-served by the many nearby facilities in Ocean Shores, Billinudgel and Brunswick Heads - all with established commercial areas that would be much more appropriate for any new development such as the one proposed.

The Proposed Development would clearly encourage more cars into our area, with the resulting traffic issues, pedestrian perils and so on. The very sole of New Brighton would be unequivocally compromised.

I do hope that Byron Council preserves the amenity of this unique community by rejecting this Commercial Development Application.



24 April 2020

BYRON SHIRE COUNCIL
DOC NO:
REC'D: 30 APR 2020
FILE NO: A80685
ASSIGNEE: P. Docherty
PN 86440

Planning Department
Byron Shire Council
PO Box 19
Mullumbimby, NSW 2482

council@byron.nsw.gov.au

RE: Development Application for the Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton (DA 10.2020.142.1)

To Whom It May Concern,

It has come to my attention that a development application has been submitted to council for a commercial property located on the Strand at New Brighton.

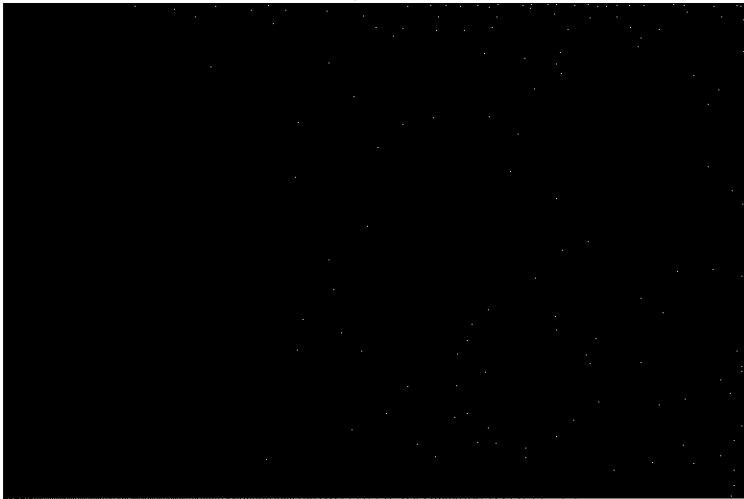
Our village is a small residential enclave that is the original seaside village before the development of Ocean Shores as an "exclusive" golf club community by Pat Boone and others. We are comprised of families, old and new, many of whom have been here for 60 years or more. We like our village small and quiet. We are surrounded by the sprawl of Ocean Shores North and South. There is no need for further commercial development within the boundaries of our village. We are more than adequately serviced by commercial enterprise in the Ocean Shores Shopping Centre which includes the local chemist, Coles, Target and other service concerns including a medical centre. If we have other needs, they are adequately met by the surrounding communities in Billinudgel and Brunswick Heads, all within minutes drive. If we need to go further afield for other services, Mullumbimby and the Byron Industrial Estate are a mere 20 minutes away.

Regarding the site itself, it is located meters up from a blind T intersection at the juncture of the Strand and the Esplanade. The addition of traffic related to a commercial development is not tenable. I would not like to count the numbers of times Council has had to replace the traffic calming bollards

immediately in front of the property site. Accidents will happen and congestion to our already challenged road system will increase beyond what is necessary. Our village does not need and cannot support the addition of a commercial enterprise which will bring more congestion and draw further on our limited services.

I am opposed to the development of a building which, according to the development application, will take up the entire block and provide parking beneath for a significant number of vehicles.

Yours with concern,



From:

[REDACTED]

[REDACTED]

[REDACTED]

) Objection

Date:

Tuesday, 28 April 2020 7:49:01 AM

[REDACTED]
Subject: DA (10.2020.142.1) Objection

“This submission is in response to the DA for the Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton (DA 10.2020.142.1)

We object to this proposal for the following reasons :

1. We are a small village and do not need more commercial development .There is already much infrastructure in Ocean Shores , Billinudgel and Brunswick Heads catering for all our commercial needs
2. There are empty shops already in Ocean Shores that could be utilised for any more commercial businesses without increasing more commercial development in New Brighton
3. Our roads are narrow and already have a lot of traffic so any more would lead to possible problems . Due to the amount of traffic at particular times , and speeding , it is often difficult to cross roads leading to the beach especially with small children, dogs or for an elderly person as there are no safe pedestrian crossings . Increasing traffic in the area would make the problem worse .
4. Access to both buildings presently on the block, is difficult and dangerous due to blind spots , narrow roads , speeding vehicles and difficulty getting over the steep driveway . Adding more traffic movement in and out of this area would increase danger .
5. No consultation has happened . No one seems to know what this extended commercial development is to be used foran 'open 'commercial development in such a small village is not in keeping with the village needs .

6. We are on a flood plane with more flooding likely due to building developments that have occurred with no planning for the water run off . Any extra water runs to Marshalls Creek which then floods and causes residence to be flooded .Any more development will lead to more flooding effects when we get our wet weather which is often a lot of rain . No new commercial developments should be allowed on flood prone areas

[REDACTED]

From:

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

of Existing Commercial Premises and Construction of a New Commercial Premises at
Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton

Date:

Monday, 27 April 2020 4:08:45 PM

Peter Wallman Response

I am a resident of 7 years in New Brighton.

In the past year, I have had the honour of facilitating two significant community events which were intended to raise ALL issues of significance to the community and to develop plans accordingly. Approximately 50 residents attended and contributed – a very significant number based on the tiny population of New Brighton.

Not once was a shortage of any sort of commercial activity raised, nor am I aware informally of any such interest in the six years preceding these events. On the contrary there was a common interest in maintaining the unique village nature of New Brighton.

In the Objectives section of this DA it is stated that this proposal will “serve the needs of the local community”. From my experience this claim is blatantly untrue.

I am a member of the New Brighton Village Association and as far as I am aware there has been no community consultation. As a professional facilitator I would be happy to provide my services for this purpose.

The site is in a small oceanside residential village on a riverside block with vehicular access from a narrow road and therefore is not appropriate for this scale of commercial development.

I object strongly to our village being used for commercial development in this large scale manner on the basis of false claims and contrary to the interests of the community.

Please reply to confirm that you have received this email.

Thank you.

[REDACTED]

[REDACTED]

[REDACTED]



From: [REDACTED]
To: council
Cc: Cr. Simon Richardson; basil.cameron@cr.byron.nsw.gov.au; Cr. Paul Spooner; Cr. Alan Hunter; Cr. Sarah Ndiaye; michael.lyon@cr.byron.gov.au; Via Crociferi / Catania Center; coorev@cr.byron.nsw.gov.au; jan.hackett@cr.byron.nsw.gov.au; jeanette.martin@cr.byron.nsw.gov.au; Ann Morgan
Subject: OPPOSITION SUBMISSION TO D.A. 10.2020.142.1 at 6 Strand Street, New Brighton (Lot 3, Sec 5, DP6834)
Date: Monday, 27 April 2020 2:19:40 PM

Dear Byron Council and Councillors

As long term permanent residents of New Brighton we have concerns about the proposed commercial development stated above. WE ask the Council to reject this DA.

PARKING AND ACCESS

The DA states there will be 18 car spaces plus bike bays. This will put considerable strain and safety hazards on an already dangerous section of Strand Street which is narrow and has the additional complications of the speed mitigation bumps and pedestrian crossing. Current entry and exit from the driveway at **Lot 3** is dangerous to the west as it is a blind corner and to the east is the intersection of North Head Road.

Currently cars parked on **Lot 2** enter and exit via Lot 3 - is this still to be the case?? If so, this further compounds the traffic flow from Lot 3.

New Brighton already suffers from a disproportionate amount of traffic as it is only a small residential village but a shortcut from Ocean Shores to South Golden Beach. The 40k speed limit is constantly abused.

PROPOSED DEMOLITION OR RELOCATION OF EXISTING BUILDING ON LOT 3

The DA notice board on the property states Demolition of existing building however, the DA submitted quotes removal and relocation?? It is our understanding that the current building will be relocated to Lot 2. Is this to be another Commercial Development which will attract additional vehicle access and is Lot 2 zoned Commercial because of existing use?? - I do not think so?? The current tenant of Lot 3 has indicated the existing building will be moved next door and his tenancy will continue with said developer, however, there is no mention in the submitted DA of this intention.

FLOODING and DRAINAGE

As resident since 2001 we have experienced extreme flooding in 2005 and more recently in 2017 with Cyclone Debbie also February this year. This is more than likely to increase with Global warming. This DA is sited near the river and this lower area floods regularly. No amount of drainage pipe will help when the pipes will be underwater during a flood event. The DA states they will raise the ground level above flood levels but this will only impact neighbouring properties.

It is well known that Byron Council is unable to maintain or rectify drainage problems in New Brighton and in the whole Shire to a large extent - SO why would Council consider a larger commercial development in New Brighton.

NEW BRIGHTON VILLAGE ASSOCIATION

NBVA has surveyed local needs several times and at no time has the need for further commercial development been raised. There is currently numbers of commercial properties available to lease in both Ocean Shores and Brunswick Heads. We do not need more in New Brighton.

COMMUNITY CONSULTATION

There has been no community consultation and a total lack of transparency regarding the Developer intentions in this DA.

We look forward to hearing further from Council

Kind regards

A black rectangular redaction box covering the signature of the sender.

From: [REDACTED]
To: [council](#)
Subject: DA in New Brighton nsw
Date: Monday, 27 April 2020 1:15:19 PM

Hi to whom it may concern I'm a resident & business owner in New Brighton Nsw. I have just seen the request to demolish & rebuild 6 strand Street New Brighton. We oppose this DA completely & everyone in our direct & non direct community think the same thing. To ruin what business income we have already lost from Covid19 to another cafe is appalling this isn't Byron bay, we like our life simple & don't need people trying to capitalise on it. We are wanting more time for community to have a voice on this as it seems rushed through this already strange time. We do not believe this will benefit our small flood zoned community at all!! We DO NOT WANT NEW BRIGHTON, NSW 2481 to be brought out by non locals & ruined by TRAFFIC on already struggling roads. This is our livelihood we have already struggled to run a business here with floods & now covid19 shut downs. Please tell these people that they cannot ruin our small town/rural flood zones life. Kind regards Reanna Tonnet 14 Casons Lane, New Brighton NSW 2481 0435710169
Sent from my iPhone

From:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Demolition and Construction of New Commercial Premises: LOT 3, SEC 5, DP 6834; 6 Strand Str, New Brighton.

Date:

Sunday, 26 April 2020 1:10:13 PM

Planning Department
Byron Shire Council
PO Box 19
Mullumbimby
NSW 2482

To whom it may concern,

Re: Council notice: Demolition and Construction of New Commercial Premises: LOT 3, SEC 5, DP 6834; 6 Strand Str, New Brighton.

We strongly oppose the development proposal.

New Brighton is a quaint, very rare quiet village, and the only one remaining of its kind in the Byron Shire. Please do not destroy that with the proposed development site. There are numerous commercial sites available at the ocean shores shopping centre, it is not like there is a 'need' for more opportunities for businesses to thrive in the area.

New Brighton is a residential area, home owners have bought in this area due to this. We do not want traffic building up on the narrow road leading into the village, nor do we want noise and over population. This development will devalue properties in this area and turn it into something that we do not want.

Thank you for allowing us to have our say, we really do appreciate it.

Kind regards

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Expression of concern over DA 10.2020.142.1- Commercial Development of No.6 Strand Avenue, New Brighton
Date: Sunday, 26 April 2020 12:11:20 PM

Dear Byron Council,

I am writing to you today as a New Brighton resident who would like to express my opposition to the commercial development of No. 6 Strand Avenue, New Brighton.

The submitted documentation states that "the development can be seen to satisfy a legitimate need". Given that there has been absolutely NO community consultation on this matter, I find it hard to believe that this development will "serve the needs of the local community", since the community needs are not known by the developer. There is already significant, large and varied retail and commercial spaces available in Ocean Shores and Brunswick heads. To that end, the community has never identified a need or desire for further commercial development in our village. This is a small, idyllic seaside town and we would like to keep it that way.

I appreciate your consideration with regards to this matter, and I look forward to hearing from you soon.

Kind regards,

[REDACTED]

From: [REDACTED]
To: [archive_submissions](#)
Subject: PROPOSED RELOCATION OF EXISTING COMMERCIAL PREMISES AND CONSTRUCTION > OF A NEW COMMERCIAL PREMISES AT LOT 3 SECTION 5 DP6834 NO. 6 STRAND > AVENUE, NEW BRIGHTON [1]
Date: Monday, 20 April 2020 11:09:13 AM

To whom it may concern,

My family and I live behind 6 The Strand, our property backs on to theirs. We absolutely strongly oppose the development of the property to go ahead for commercial uses that involves the building of a huge building and 18 car parks.

This is our family home and we enjoy the sounds of the ocean and wildlife and one of the reasons we chose to build in this sleepy and beautiful little village.

If this building is to go ahead we will be looking directly on to their huge building and it may even extend all the way to our fence line. This will also devalue our property and be extremely disruptive. As it is they have people shining their headlights directly into our kitchen first thing in the morning from the people doing pilates there which I have never bothered to complain to the council about. But this building will be extremely disruptive to both my family, other neighbours and the beautiful wildlife we have in our yard.

Looking at plans it appears that the building will be very close to our fence and after fill is put in the building will tower above our house.

I also noticed they have applied for 24 hour operations. We also strongly oppose this for obvious reasons. Safety, noise and general disruption.

[REDACTED]

[REDACTED]

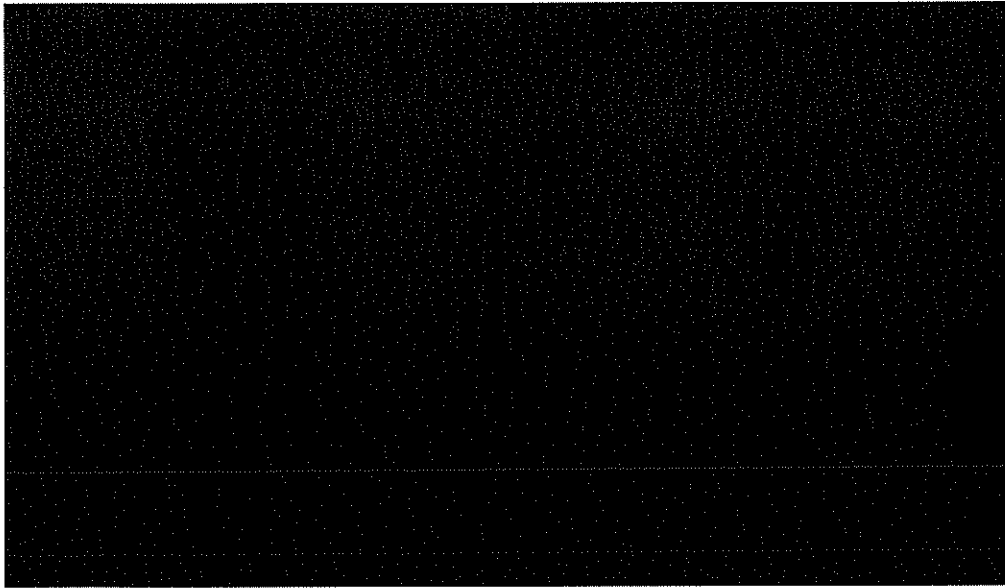
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



From: [REDACTED]
To: [Docherty, Patricia](#)
Subject: > PROPOSED RELOCATION OF EXISTING COMMERCIAL PREMISES AND CONSTRUCTION > OF A NEW COMMERCIAL PREMISES AT LOT 3 SECTION 5 DP6834 NO. 6 STRAND > AVENUE, NEW BRIGHTON [1]
Date: Friday, 17 April 2020 4:37:49 PM

Hi Patricia ,
Thanks so much for all of your information.
It is very difficult to find but was able to get some more information from The New Brighton Community Village group.
I am not sure if this email will be formal enough but please let me know how I go about submitting it.

My family and I live behind 6 The Strand, our property backs on to theirs. We absolutely strongly oppose the development of the property to go ahead for commercial uses that involves the building of a huge building and 18 car parks.
This is our family home and we enjoy the sounds of the ocean and wildlife and one of the reasons we chose to build in this sleepy and beautiful little village.
If this building is to go ahead we will be looking directly on to their huge building and it may even extend all the way to our fence line. This will also devalue our property and be extremely disruptive. As it is they have people shining their headlights directly into our kitchen first thing in the morning from the people doing pilates there which I have never bothered to complain to the council about. But this building will be extremely disruptive to both my family, other neighbours and the beautiful wildlife we have in our yard.
If there is any way we can make a formal complaint about this going ahead?

Yours

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

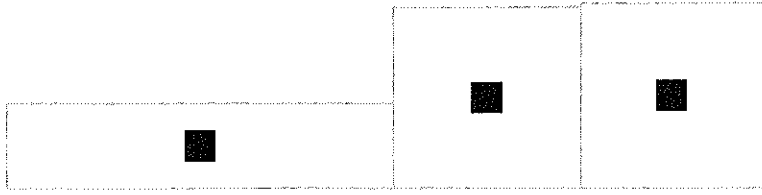
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



From: [REDACTED]
To: council
Subject: DA submission
Date: Thursday, 16 April 2020 5:05:39 PM

Please find below my response to
Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton 3.1

In the Objectives section of this DA it is stated that this proposal will “serve the needs of the local community”. There is no supporting evidence on which this claim is based and therefore it is impossible to ascertain how these “needs” have been discovered and formulated.

Further, in the Conclusion section it is stated that the proposed building “can be seen to satisfy a legitimate need”. Whose need and what need it satisfies is not revealed. It also states that approval would be “in the public interest”. What public? What is this claim based on?

As far as I am aware there has been no community consultations. I doubt that there is any evidence of “legitimate need” or “public interest”, otherwise it would be included in the document. I object strongly to our village being used for commercial development in this large scale manner on the basis of spurious claims.

Nowhere does the proposal state what the building is actually for - what tenants are envisaged to be occupying the space and how it may be used.

There is no extant need. Ocean Shores shopping centre is minutes away, and there are plenty of existing commercial leases, with parking, available in that centre to meet this supposed “need”.

The site is in a small oceanside residential village on a riverside block with vehicular access from a narrow road and therefore is not appropriate for this scale of commercial development.

I would request of council zoners that the commercial usage rights that were granted many years ago for the estate agent be rescinded after the current tenancy ceases in order to protect this delicate 7 (2) zone and protect the habitability of New Brighton village.

As a resident I conclude that the proposal warrants rejection for the above reasons.

Please reply to confirm that you have received this email.

Thank you.

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Proposed building in 6 Strand Ave New Brighton Lot3sec;5DP.6834
Date: Tuesday, 28 April 2020 5:04:34 PM

To Whom it May Concern

I would like to oppose the application for development of 6 Strand Ave New Brighton Lot3sec;5DP.6834.

I have been a resident and property owner in New Brighton for over 30 years and my concern is for the fragile eco-system in the area.

A three story commercial established will bring in more traffic and add more pressure to an environment that needs to be protected. We are already seeing irreparable damage to the river and local ecosystem and the council's role should be to protect and maintain the integrity of this small, unique village that is New Brighton.

Please contact me via email if you require any further information regarding this.

Thank you for your time.

[REDACTED]

From: [REDACTED]
To: [council](#)
Cc: [Cr. Basil Cameron](#)
Subject: Expression of oppositon re DA 10.2020.142.1 - Commercial development of No 6 Strand Avenue, New Brighton
Date: Wednesday, 29 April 2020 9:44:05 PM

I trust you will sincerely consider the concerns of New Brighton residents.

I would like to formally register my expression of opposition to the proposed DA.

My concerns include the impact on the environment (wildlife) due to the increase in traffic, light and noise pollution. Further to that using landfill for the site will adversely impact the properties in the area during natural disasters and flooding events. The approval of a 24/7 operating commercial premises will adversely impact the neighbouring properties and wildlife in the area.

Please hold a community consultation meeting to discuss this DA before progressing.

Thank you

[REDACTED]

From: [REDACTED]
To: council
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.
Date: Tuesday, 5 May 2020 8:10:44 PM

To whom it may concern,

I am writing in support of a good friend Zachary Goodman (known as 'Zack') regarding a proposed DA submission for the vacant land adjoining his property at 6 Strand ave New Brighton NSW 2483. As I understand, a complaint has been made by a nearby resident as to the nature of the development Zack has submitted for approval.

I have had many conversations with zack as to what his goals are for the site. The focus from the start has been to provide small scale services to the local community as well as a source of revenue for small business owners. This is reflected by the current Pilates studio located on the adjoining block that has now been in operation for over 2 years, providing local jobs as well as health and wellness to its members. Prior to that businesses inception, Zack had approached the neighbouring business "The Habitat" to ensure that a Pilates studio would not disrupt any part of their diverse health care clinic, to which all parties agreed it would not. I believe this reflects the genuine nature and integrity of Zack in his approach to the community he is a part of. The proposed DA is for a structure containing small scale business spaces adjoined by a parking area. I myself have seen the plans and as a member of this community strongly approve.

Kind Regards,

[REDACTED]

From: [REDACTED]
To: council
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.
Date: Thursday, 7 May 2020 1:03:11 PM

Dear Council,

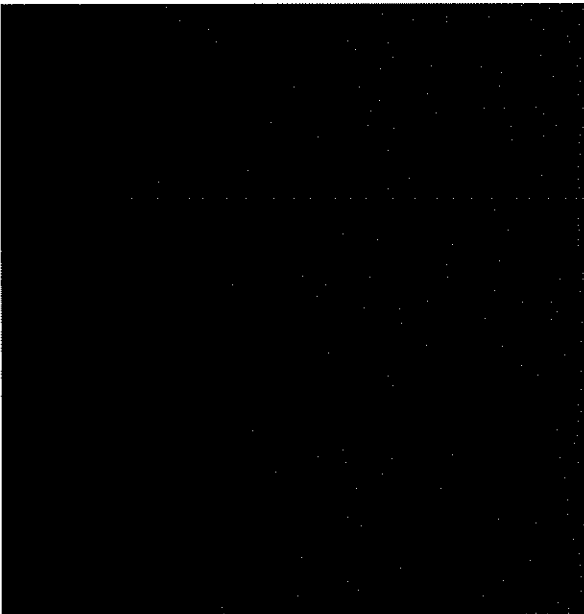
My name is [REDACTED] & I have lived in New Brighton for 3 years with my growing family.

I wanted to write to you in support of the proposed development at #6 Strand ave.

The lot has always been a commercial site and we look forward to it becoming a place for local small businesses to have premises near home. I am very hopeful that some sort of co-working space is available on completion.

We think the design is in keeping with our neighbourhood, and we hope that council understands that my family and I are strongly in favour of this project.

Kind regards



From: [REDACTED]
To: [council](#)
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.
Date: Friday, 8 May 2020 12:01:55 PM

DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.

Dear Council,

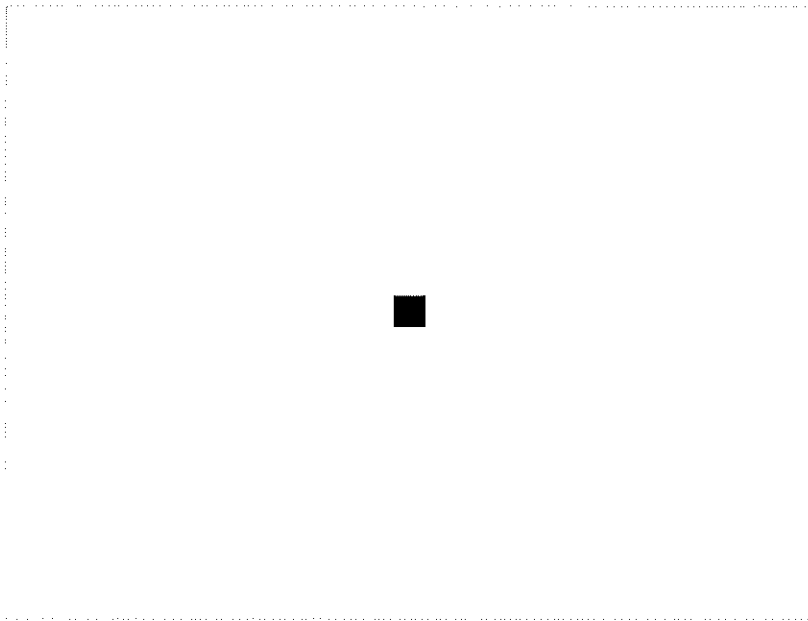
My name is [REDACTED] I work for New South Wales Fire & Rescue & have lived in the shire for 14 Years. 8 of those years have specifically been in New Brighton.

I am reaching out as i heard someone was acting in opposition to the proposed development at # 6 Strand ave.

I just wanted to say that I, my family and my close mates have all been aware and excited about the prospect of having a place for small business in the neighbourhood. That site have always been a place of business, and we hope it remains to be so.

Thank you very much and have a wonderful day.

[REDACTED]



From: [REDACTED]
To: [council](#)
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.
Date: Monday, 11 May 2020 1:41:36 PM

Hey there, hope you are having a great day.

I am a homeowner in the area and love calling North Byron shire home.

My partner and I just wish to write an email saying we are all for the development at 6 Strand Ave.

This space is a step in the right direction to create a strong community for the people who are seeking an office space and wanting to connect with each other without driving the 20 mins to the Byron Bay industrial estate. It will be an asset for many of the professionals who wish to call the North Byron shire home.

Thank you and have a good one.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] the earth, don't print this email if you don't have to, this is the only planet with beer!

From: [REDACTED]
To: council
Subject: 10.2020.142.1 - Submission of Object [REDACTED]
Date: Thursday, 26 November 2020 8:44:46 AM
Importance: Low

Development Application - Submission notification

Submission ID: BSC-005-265

DA number: 10.2020.142.1

Subject address: 6 Strand Ave., New Brighton

Application type: Object

Other details:

Grounds: I object to the application 10.2020.142.1 to remove the existing commercial use on the site and to replace it with a much larger commercial building which according to the plans can be subdivided into up to 5 tenancies even though they are stating part to be used as public recreation The existing land use is prohibited in the Coastal Zone but can continue under existing use rights". The existing use right is a Real Estate Agency although recently the building has been used as a Pilates studio without approval. I am the owner of the property next door which I lease to a local business that trades as the Health Cove , specialising in acupuncture, massage and allied health treatments. The construction and size of the proposal will impact my tenants. The floor plans on display with this DA under consideration show a number of concepts for offices/commercial uses ranging from 2 units (1 being public recreation to allow size increase) to 5 units (with no public recreation).ie replacing one existing use with up to 5 new undisclosed uses. Clause 41 (1) (e) of the Regulations provides in relation to these prohibited uses that a commercial use can be changed to another commercial use . It does not provide that the one use can be converted to up to 5 prohibited uses. As well the following clause 41 (2) (b) applies and that one existing use can only be added to by 10 %.as stated in the application but using the guise of public recreation to allow a substantial increase in the size of the foot print. In any event,in this fragile coastal zone, such a large building as now proposed does not meet the objectives of the Coastal Hazard Zone. Council will set an unfortunate and expensive precedent if it approves such a large building in an area that will be subject to coastal erosion within 100 years or sooner if sea levels rise faster due to global warming. It is negligent for Council to increase the values of sites in the Coastal Hazard Zone when at some time in the future these buildings will need to be removed as the coast recedes. I also have concern with the site being filled and falling to adjoining properties and not to the table drain (piped) in front of property This large building proposed should be refused, and and increase in the size of the footprint should be limited to an increase of 10% including the recreation area as per the plans this area is included in alternative layout for other uses . There is only one existing use right, not some unknown increase of uses as proposed in this application. Council should ensure that in any approval , the site lines for access from our site no 8 Strand Arcade are not reduced [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [byroneforms](#)
To: [council](#)
Subject: 10.2020.142.1 - Submission of Object - [REDACTED]
Date: Wednesday, 2 December 2020 8:49:11 PM
Importance: Low

Development Application - Submission notification

Submission ID: BSC-005-287

DA number: 10.2020.142.1

Subject address: 6 Strand Avenue New Brighton

Application type: Object

Other details:

Grounds: To whom it may concern, As a born and bred resident of New Brighton and now a home owner in our small and quiet little suburb, I wish to make a formal objection against the proposal of 6 Strand Avenue, New Brighton NSW 2483. My main points of concern are illustrated below: - Being a homeowner in close proximity of this proposal, I am seriously concerned with the rise in foot traffic in a zone that does not accommodate footpaths on the side of the proposal, plus increased traffic in an area that simply could not handle such a rise in cars. I am also concerned about noise and disrespect to closer neighbours. - The person lodging this proposal, in my own knowledge, does not even live in the Shire and in fact lives in NEW YORK! This person is clearly set out to make money with no actual understanding of the close knit community that is New Brighton and with a 1.1 million dollar proposal clearly wishes to simply make profit and not even inject it back into our community. A 1.1 million dollar extension shows that this is going to be a large scale project which may also affect the business next door which has been running for almost 20 years! - Also, to my knowledge he currently has two illegal borders in the current site who are both backpackers and working for a minimum wage. This may or may not be correct, however this is something that has been spoken about in our already worried and small community. - His handwritten letter that sits on his fence regarding this proposal is because this initial proposal was already rejected. It is clear this community is not interested in having an extension of this business which is not even community minded in the first place. If he was involved in our community he could be given an array of ideas of what would truly benefit our area instead of trying to win people over with false words. A good example of this could be something such as a community garden that would truly serve the community and give back as a common meeting place for our precious little suburb. I wish to formally state that: - I object to the application 10.2020.142.1 to remove the existing commercial use on the site and to replace it with a much larger commercial building which according to the plans can be subdivided into up to 5 tenancies. - "Construct a new business premises" even though this site has existing use rights as a commercial premises already - The site currently operates as a yoga/pilates studio which is defined (Byron LEP2014) as a recreation facility (indoor). This use has existed for in excess of 12 months. - The site has no existing use rights as a recreation facility (indoor) and is not a commercial use by definition in LEP. - Clause A1 (1)(e) of the regulations allows one prohibited use to be changed to another commercial use - It does not allow for a change of use to 5 commercial uses. - Clause 4I (2)(b) does apply. The use can only expand by 10% -

The expansion to 5 commercial uses is not minor 2 (a), involves a rebuilding 2(c) - The building will be subject to coastal hazards precinct 3. The enlargement of the building results in a building that is too large in a coastal zone, a council could be negligent if erosion occurs in the future. The site is subject to flooding, and evacuation from up to 5 tenancies will be a problem. Perhaps a greater focus of the Byron Shire council could be focusing on the very forgotten about aspects of New Brighton that include cleaning up of your strips along streets that often mean we are flooded because of your lack of care. Another fabulous idea could be including actual guttering and piping so that when it does flood, we are not as inundated with water in the first place! Our potholes could also do with some fixing as well! I wholeheartedly disagree with this proposal of extension at 6 Strand Avenue and it will be extremely unfortunate if this proposal goes ahead for the integrity of our quiet little village. Thank you [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

damage or injury is possible. Verified information should be obtained in writing directly from the authorised Council officers.

From: [REDACTED]
To: [council](#)
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.
Date: Thursday, 7 May 2020 1:03:11 PM

Dear Council,

My name is [REDACTED] & I have lived in New Brighton for 3 years with my growing family.

I wanted to write to you in support of the proposed development at #6 Strand ave.

The lot has always been a commercial site and we look forward to it becoming a place for local small businesses to have premises near home. I am very hopeful that some sort of co-working space is available on completion.

We think the design is in keeping with our neighbourhood, and we hope that council understands that my family and I are strongly in favour of this project.

Kind regards



From: no-reply-da-tracking@byron.nsw.gov.au
To: [submissions](mailto:submissions@byron.nsw.gov.au)
Subject: 10.2020.142.1_Submission and Acknowledgement [REDACTED]
Date: Friday, 24 April 2020 9:07:27 AM

Description: Demolition and Construction of New Commercial Premises

Properties: 6 Strand Ave, New Brighton 2483 NSW (LOT: 3 SEC: 5 DP: 6834)

Council acknowledges receipt of your submission in relation to the above Development Application. Your participation in the assessment process is greatly appreciated.

The comments outlined in your submission will assist in Council's consideration of the matter. Council will inform you of its decision once the Development Application has been finally determined.

For your convenience Council's Application Tracker provides you the opportunity to follow the details and progress of applications online.

If you have any enquiries in relation to the application please contact Patricia Docherty of Council's Planning and Environment Department on 02 6626 7000.

Summary of Submission details.

[REDACTED]

Submission: Oppose

Grounds For Objection or Support: The size of this building proposed will impact neighbouring residents with shading and possible drainage and flooding problems. The zoning is residential with existing rights for Real estate. There are already vacant commercial properties close by in Ocean shores. The proposal for operating 24hr 7days a week is of great concern, increased traffic on a already congested road will contribute to more noise and pollution. The speed bump opposite the property already causes noise and pollution with numerous break downs and tire blowouts, this will only increase. The Pilates studio that is in operation in the existing building, operates from 6.00am to 8.00pm and already has an impact on the neighbours due to noise of traffic and operation.

Yours faithfully,
Byron Shire Council

70 Station Street
PO Box 219
Mullumbimby NSW 2482
02 6626 7000

Web <https://www.byron.nsw.gov.au/>

All formal correspondence to submissions@byron.nsw.gov.au

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From:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Proposed demolition of existing commercial building and construction of new commercial building.

Date:

Friday, 8 May 2020 12:01:55 PM

DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.

Dear Council,

My name is [REDACTED] I work for New South Wales Fire & Rescue & have lived in the shire for 14 Years. 8 of those years have specifically been in New Brighton.

I am reaching out as i heard someone was acting in opposition to the proposed development at # 6 Strand ave.

I just wanted to say that I, my family and my close mates have all been aware and excited about the prospect of having a place for small business in the neighbourhood. That site have always been a place of business, and we hope it remains to be so.

Thank you very much and have a wonderful day.

[REDACTED]

■

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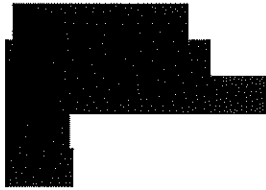
From: [REDACTED]
To: council
Subject: DA 10.2020.142.1 Proposed demolition of existing commercial building and construction of new commercial building.
Date: Thursday, 7 May 2020 6: [REDACTED]
[REDACTED]

Hi There,

Please find attached a letter of support for an active DA,


Cheers for your time

[REDACTED]



7 May 2020


Dear Byron Shire Council,

My name is  & I have lived in South Golden Beach coming up 5 years with my partner, 2 children and recent new member to the family pet dog. I wanted to write to you in support of the proposed development at #6 Strand Ave.

The lot has always been a commercial site and we look forward to it becoming a place for local small businesses to have premises near our home. We think the design is in keeping with our neighbourhood, and we hope that council understands that those of us who have and continue to call Ocean Shores/New Brighton/South Golden home are strongly in favour of this project.

Thank you and have a wonderful day.

Cheers



From: [REDACTED]
To: council
Subject: Fw: Expression of oppositon re DA 10.2020.142.1 - Commercial development of No 6 Strand Avenue, New Brighton
Date: Saturday, 25 April 2020 5:41:12 PM
Attachments: [Expression of opposition - DA for Lot 3, 6 Strand Avenue.pdf](#)
[DA for 6 The Strand - commercial premises April 2020.pdf](#)

Subject: Expression of oppositon re DA 10.2020.142.1 - Commercial development of No 6 Strand Avenue, New Brighton

Please find attached my expression of opposition to the proposed commercial development. There has been no consultation by the developer with the village association and the residents of this community regarding this matter.

With sincere concern,

[REDACTED]
[REDACTED]
[REDACTED]

cc: Councillors
NBVA

24 April 2020

Planning Department
Byron Shire Council
PO Box 19
Mullumbimby, NSW 2482

council@byron.nsw.gov.au

RE: Development Application for the Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton (DA 10.2020.142.1)

To Whom It May Concern,

It has come to my attention that a development application has been submitted to council for a commercial property located on the Strand at New Brighton.

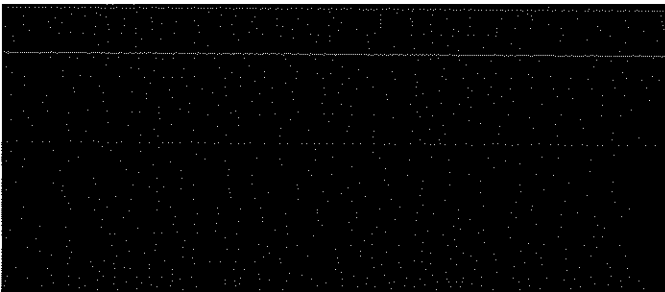
Our village is a small residential enclave that is the original seaside village before the development of Ocean Shores as an "exclusive" golf club community by Pat Boone and others. We are comprised of families, old and new, many of whom have been here for 60 years or more. We like our village small and quiet. We are surrounded by the sprawl of Ocean Shores North and South. There is no need for further commercial development within the boundaries of our village. We are more than adequately serviced by commercial enterprise in the Ocean Shores Shopping Centre which includes the local chemist, Coles, Target and other service concerns including a medical centre. If we have other needs, they are adequately met by the surrounding communities in Billinudgel and Brunswick Heads, all within minutes drive. If we need to go further afield for other services, Mullumbimby and the Byron Industrial Estate are a mere 20 minutes away.

Regarding the site itself, it is located meters up from a blind T intersection at the juncture of the Strand and the Esplanade. The addition of traffic related to a commercial development is not tenable. I would not like to count the numbers of times Council has had to replace the traffic calming bollards

immediately in front of the property site. Accidents will happen and congestion to our already challenged road system will increase beyond what is necessary. Our village does not need and cannot support the addition of a commercial enterprise which will bring more congestion and draw further on our limited services.

I am opposed to the development of a building which, according to the development application, will take up the entire block and provide parking beneath for a significant number of vehicles.

Yours with concern,



CC: NBVA
Councillors

From: [REDACTED]
To: [council](#)
Subject: DA 10.2020.142.1 - Commercial development of No 6 Strand Avenue, New Brighton,
Date: Tuesday, 28 April 2020 8:14:49 AM
Attachments: [DA Submission Strand Avenue New Brighton.pdf](#)

Please find attached my objection to the Strand Avenue DA

Regards,

[REDACTED]

[REDACTED]

This submission is in response to the DA for 6 Strand Avenue, New Brighton (DA 10.2020.142.1). I urge Council to reject this Development Application based on the following issues:

1. No need for more commercial premises in the village
2. Inappropriate scale of development for the site
3. Site access
4. Parking

1. No need for more commercial premises in the village.

The development proposal states the primary objective of the development is to serve the needs of the local community. The community has discussed village needs at community workshops, New Brighton Village Association meetings, and on-line, and the need for additional commercial premises in the village has never been valued by the New Brighton residents.

Historically, the only widespread commerce in the village has been holiday letting and various home-based services.

The main commercial centre of the village is the post office/ convenience store and café that services the local community and visitors. In contrast to this DA, that commercial premise is located close to the open space and swimming areas near Village Green/ Market site/ children's playground/ soccer oval. The surrounding area to it is flat, has substantial areas for parking adjacent to it and services both the residential and recreational needs of the village. The village is small and doesn't need another commercial centre of this type.

The two converted older-style buildings on and adjacent to the subject site have been comparatively quieter operations in the past which fits with the residential nature of the neighbourhood.

There are existing commercial facilities in the general area that are not utilised and suggest that there are already adequate commercial premises in the area. The shop at Ocean Shores next to Target has been empty for very long time. The commercial spaces in the Coles shopping centre frequently become available for businesses to operate from, and there are some that are vacant now.

2. Inappropriate scale of development for the site

The development is located in an area that is predominantly residential. The current commercial operations at the development site and its neighbour are small and fit with the character of the neighbourhood. The current commercial premise on the subject site has a small footprint on its own land parcel, and uses the space of the vacant block adjoining for overflow parking.

The DA provides for a building that would take up most of the land on the block and would expand capacity of building to be used for much larger scale business operations. No specific uses are specified, and if there were, would probably not be binding should the development go ahead, or could be more easily changed once the building was established.

If the premise is used for the same purpose as it is currently (Pilates studio), the increased floor space would allow for much larger classes or multiple classes to operate concurrently, and would greatly increase the number of people coming and going to the site. This would impact on the parking and traffic discussed later.

3. Site Access

The Strand is the main connecting road between the eastern sectors of South and North Ocean Shores. Traffic from New Brighton and North Ocean Shores use this road to go to the Coles complex. Traffic from South Ocean Shores use this road to go to the school or the beach.

The site is substantially lower than the road. To exit the site requires drivers to negotiate a relatively steep driveway and turn tightly onto the road to avoid going over the median line. When exiting, vision is severely limited to the west by a blind corner that has native vegetation on the road verge. Drivers exiting the site toward the east are under pressure due to the limited vision to the west, and have to negotiate the incline of the driveway.

4. Parking

If the premise is used for the same purpose as it is currently, the parking provided on-site would be inadequate given that it would need to cater for the transport of two times the full capacity of the operations during the period as patrons arriving for their classes will overlap with the departing classes.

There are no options for on-street parking should the on-site parking become full.

The Strand is only just adequate for the volume of traffic. It is curbed and channelled and offers no potential for off-road parking. At the end of the Strand is a common entry point for the beach. Parking is often difficult here and cars spread out onto the Strand and onto North Head Road. This causes issues with passing foot and road traffic.

North Head Road is the only other close road. It is only just wide enough for two cars and does not have enough verge to allow off-road parking. Cars negotiating North Head Road currently must stop to filter past oncoming traffic when cars are parked onto the road.

As highlighted previously, if the premise is used for a Pilates studio and health services as it is currently, except with a vastly expanded floor space, 15 car parking spaces would be woefully inadequate. There are no suggestions of what the premise will be used for, and once built, nothing to stop it from being used inappropriately and causing parking issues.

The only way that adequate parking is contained on-site is through restriction of the space being used. Thus expansion of the floor space on the existing site, and potential use of the adjacent vacant block should not be approved.

Summary

Claims by the proponent that this development will service a need in the community are totally unfounded, as there are already locations with appropriate zoning for commercial premises that are vacant.

The consequences of the approval of this DA will cause local issues that range from inconvenience and loss of amenity to surrounding residents, to dangerous road conditions that may result in accidents and casualties.

I urge Council to reject this DA.

Regards



From: [REDACTED]
To: [council](#)
Subject: Objection to DA Number 10.2020.142.1
Date: Wednesday, 29 April 2020 3:59:33 PM
Attachments: [Objection to DA at New Brighton.docx](#)

Please find a submission in relation to the DA at 6 Strand Avenue attached, on behalf of my parents-in-law.
Regards

From: [REDACTED]
Cc: new-brighton-village-association@googlegroups.com
Subject: Submissions for DA 10.2020.142.1 - 6 Strand Av New Brighton
Date: Monday, 27 April 2020 4:55:55 PM
Attachments: [Submission from New Brighton Village Association for DA 10.pdf](#)
[DA Submission Strand Av.pdf](#)

Please find attached two submissions for the DA above. Note one is personal and the other is on behalf of the New Brighton Village Association.

Regards

[REDACTED]

[REDACTED]

Submission from New Brighton Village Association for DA 10.2020.142.1

This submission is in response from the New Brighton Village Association (NBVA) for the Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton (DA 10.2020.142.1)

Many residents have expressed concerns about this development in regards to amenity, traffic, parking, character or need of this development. Based on the responses to this DA in our internal email list, the membership of the NBVA overwhelmingly object to this development for a variety of reasons. However, rather than the Association try to express these concerns collectively, we will allow them to be expressed by individual submissions from those most affected or concerned.

There is one issue that is directly relevant to NBVA business, however. The DA states in Section 3.1 that "The primary objective of this proposal is to rebuild the existing premises located on the site and provide for a contemporary building which will serve the needs of the local community whilst complementing the surrounding environment".

The NBVA has run a few workshops in the past and more recently to identify the main issues that the village needs to focus on in the future. Based on this consultation, the issues that the residents consider that we need to collective act on includes:

1. flooding,
2. drainage,
3. beach/ dune protection,
4. traffic,
5. recreational use of the river and oval,
6. holiday letting,
7. festival impacts and issues with dogs on the beach.

The need for more commercial space in the village has never been mentioned in any of these workshops or in NBVA business, and I stress never, by anybody. If this is the primary objective of the proposal, then the whole proposal is baseless and should be rejected.



This submission is from [REDACTED] a New Brighton resident, in response to the DA for the Proposed Relocation of Existing Commercial Premises and Construction of a New Commercial Premises at Lot 3 Section 5 DP6834 No. 6 Strand Avenue, New Brighton (DA 10.2020.142.1). I urge Council to reject this Development Application based on the following issues:

1. No need for more commercial premises in the village
2. Inappropriate scale of development for the site
3. Extending the spirit of existing use entitlements
4. Site access
5. Drainage from North Head Road
6. Parking

No need for more commercial premises in the village.

The development proposal states that the primary objective of the development is to serve the needs of the local community. The community has discussed village needs at community workshops, New Brighton Village Association meetings, and on-line, and the need for additional commercial premises in the village has never been valued by the New Brighton residents.

Historically, the only widespread commerce in the village has been holiday letting and various home-based services.

The main commercial centre of the village is the post office/ convenience store and café that services the local community and visitors. In contrast to this DA, that commercial premise is located close to the open space and swimming areas near Village Green/ Market site/ children's playground/ soccer oval. The surrounding area to it is flat, has substantial areas for parking adjacent to it and services both the residential and recreational needs of the village. The village is small and doesn't need another commercial centre of this type.

The two converted older-style buildings on and adjacent to the subject site have been comparatively quieter operations in the past which fits with the residential nature of the neighbourhood.

There are existing commercial facilities in the general area that are not utilised and suggest that there are already adequate commercial premises in the area. The shop at Ocean Shores next to Target has been empty for a very long time. The commercial spaces in the Coles shopping centre frequently become available for businesses to operate from, and there are some that are vacant now. Vacant land is still available at Billinudgel Industrial Estate, which is zoned appropriately for commercial premises.

Inappropriate scale of development for the site

The development is located in an area that is predominantly residential. The current commercial operations at the development site and its neighbour are small and fit with the character of the neighbourhood. The current commercial premise on the subject site has a small footprint on its own land parcel, and uses the space of the vacant block adjoining for overflow parking.

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Extending the spirit of existing use entitlements

As the Application states, commercial premises in the Urban Coastal Land Zone are prohibited, and the only reason that commercial activities are allowed on the site is that it enjoys existing use exemption. However, when the commercial rezoning was originally permitted, the adjacent blocks were vacant and were owned by associated entities to the proponent. Further, the purpose of the commercial premise was to service the holiday letting that is an integral part of the village life.

Currently at the site, there is an average sized, residential style building that was converted to office space originally, and has since been converted to operate as a small Pilates studio. This one building is sited on one of two adjoining blocks that are used to service this one business. The second block of land is used only for overflow parking. Surely the intent of this exemption is not to provide an opportunity to redevelop that land to massively expand the premise for a non-compliant use.

Furthermore, in regards to the currently vacant block, moving a building used for commercial purposes to the vacant block should not confer as of right commercial zone to the vacant block as well as the existing block. The existing use of this vacant block is overflow car parking for the current commercial premise and is generally empty. It is unclear what is intended for this block, but the movement of the dwelling on the site subject to the DA onto this block should explicitly not confer any future existing rights to use the vacant land for commercial purposes.

Site Access

The Strand is the main connecting road between the eastern sectors of South and North Ocean Shores. Traffic from New Brighton and North Ocean Shores use this road to go to the Coles complex. Traffic from South Ocean Shores use this road to go to the school or the beach.

The site is substantially lower than the road. To exit the site requires drivers to negotiate a relatively steep driveway and turn tightly onto the road to avoid going over the median line. When exiting, vision is severely limited to the west by a blind corner that has native vegetation on the road verge. Drivers exiting the site toward the east are under pressure due to the limited vision to the west, and have to negotiate the incline of the driveway.

There has been at least one accident on this stretch of road where the driver's foot slipped when trying to exit a driveway from these properties, and the car shot across the road, over the pedestrian path and into the fence beyond. It is simply not appropriate to increase the traffic exiting this location.

Drainage from North Head Road

The footpath on the southern side of the Strand in front of the subject site currently acts as one of the main drainage surface flows for water from North Head Road into Marshals Creek.

Any attempt to lessen the gradient of the driveway will impede water discharging from North Head Road and the eastern part of the Strand into Marshalls Creek, or make usability of the footpath in front of the site difficult. This will exacerbate the already poor drainage in the area that has water stagnating after periods of heavy rain.

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Summary

The Development Application appears to be a classic case of using a clause in a zoning scheme that was intended to protect existing use rights but is then stretched to get approval for an inappropriate development.

Claims by the proponent that this development will service a need in the community are totally unfounded, as there are already locations with appropriate zoning for commercial premises that are vacant.

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Regards

A black rectangular redaction box covering the signature of the sender.

From: [REDACTED]
[REDACTED]
[REDACTED]association@googlegroups.com
Subject: Submissions for DA 10.2020.142.1 - 6 Strand Av New Brighton
Date: Monday, 27 April 2020 4:55:55 PM
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[REDACTED]
[REDACTED]

[REDACTED]

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I urge Council to reject this DA.

Regards

A black rectangular redaction box covering the signature of the sender.

From: Docherty, Patricia
To: Development Support Officer
Subject: Submission Objection Barry Cason FW: DA 10.2020.142.1
Date: Tuesday, 28 April 2020 8:06:24 AM

Please register and acknowledge this objection.
Thanks

Patricia Docherty
Byron Shire Council | P: 02 6626 7035

CONTACTING YOUR PLANNER If you have any questions regarding an application that I am currently assessing, I can be contacted by phone to discuss.

[REDACTED]
[REDACTED]
[REDACTED] au>
Subject: DA 10.2020.142.1

Hi Patrica,

My name is [REDACTED] and I own 8 Stand Ave and would Like to object to the proposal for 6 Stand Ave. Please find enclosed my submission

Thank you [REDACTED]

I object to the application 10.2020.142.1 to remove the existing commercial use on the site and to replace it with a much larger commercial building which according to the plans can be subdivided into up to 5 tenancies.

The existing land use is prohibited in the Coastal Zone but can continue under existing use rights". The existing use right is a Real Estate Agency although recently the building has been used as a Pilates studio without approval.

I am the owner of the property next door which I lease to a local business that trades as the Health Cove , specialising in acupuncture, massage and allied health treatments. The construction and size of the proposal will impact my tenants.

The floor plans on display with this DA under consideration show a number of concepts for offices/commercial uses ranging from 2 units to 5 units.ie replacing one existing use with up to 5 new existing uses.

Clause 41 (1) (e) of the Regulations provides in relation to these prohibited uses that a commercial use can be changed to another commercial use .

It does not provide that the one use can be converted to up to 5 prohibited uses.

As well the following clause 41 (2) (b) applies and that one existing use can only be added to by 10 %.

In any event,in this fragile coastal zone, such a large building as now proposed does not meet the objectives of the Coastal Hazard Zone. Council will set an unfortunate and expensive precedent if it approves such a large building in an area that will be subject to coastal erosion within 100 years or sooner if sea levels rise faster due to global warming.

It is negligent for Council to increase the values of sites in the Coastal Hazard Zone when at some time in the future these buildings will need to be removed as the coast recedes.

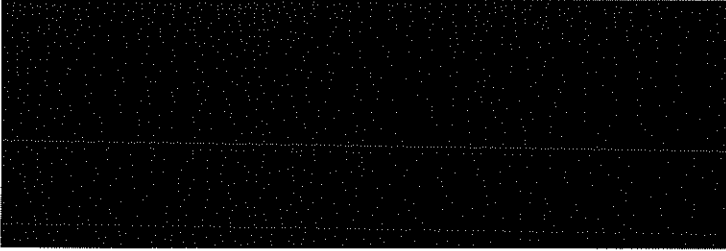
Also of concern

- 1.The shadows caused by the size and height of the proposed building
- 2 Possible additional flooding caused by fill without proper sub drainage
- 3 Not specific on type of commercial use
- 4 Hours of operation for this area
- 5 Fall in carpark should be diirected to front instead of toward neighbours
- 6 The skip bin location at the front of the site and the landscaping proposed at the front alignment as this will affect the driveway site distances when exiting our property. This will prove a safety issue for vision to the road when leaving our building

CONCLUSION

This large building proposed should be refused, and and increase in the size of the footprint should be limited to an increase of 10%. There is only one existing use right, not some unknown increase of uses as proposed in this application.

Council should ensure that in any approval , the site lines for access from our site no 8 Strand Arcade are not reduced



SUBMISSIONS RECEIVED IN THE 2ND EXHIBITION 19/11/20
TO 2/12/20

Scott, Noreen

From: byroneforms
Sent: Thursday, 26 November 2020 8:45 AM
To: council
Subject: 10.2020.142.1 - Submission of Object -
Importance: Low

Development Application - Submission notification

Submission ID: BSC-005-265

DA number: 10.2020.142.1

Subject address: 6 Strand Ave., New Brighton

Application type: Object

1

Other details:

Grounds: I object to the application 10.2020.142.1 to remove the existing commercial use on the site and to replace it with a much larger commercial building which according to the plans can be subdivided into up to 5 tenancies even though they are stating part to be used as public recreation The existing land use is prohibited in the Coastal Zone but can continue under existing use rights". The existing use right is a Real Estate Agency although recently the building has been used as a Pilates studio without approval. I am the owner of business that trades as

The construction and size of the proposal will impact
The floor plans on display with this DA under consideration show a number of concepts for offices/commercial uses ranging from 2 units (1 being public recreation to allow size increase) to 5 units (with no public recreation).ie replacing one existing use with up to 5 new undisclosed uses. Clause 41 (1) (e) of the Regulations provides in relation to these prohibited uses that a commercial use can be changed to another commercial use . It does not provide that the one use can be converted to up to 5 prohibited uses. As well the following clause 41 (2) (b) applies and that one existing use can only be added to by 10 %.as stated in the application but using the guise of public recreation to allow a substantial increase in the size of the foot print. In any event,in this fragile coastal zone, such a large building as now proposed does not meet the objectives of the Coastal Hazard Zone. Council will set an unfortunate

2

and expensive precedent if it approves such a large building in an area that will be subject to coastal erosion within 100 years or sooner if sea levels rise faster due to global warming. It is negligent for Council to increase the values of sites in the Coastal Hazard Zone when at some time in the future these buildings will need to be removed as the coast recedes. I also have concern with the site being filled and falling to adjoining properties and not to the table drain (piped) in front of property This large building proposed should be refused, and and increase in the size of the footprint should be limited to an increase of 10% including the recreation area as per the plans this area is included in alternative layout for other uses . There is only one existing use right, not some unknown increase of uses as proposed in this application. Council should ensure that in any approval , the site lines for access from our site no 8 Strand Arcade are not reduced Yours Barry Cason

Applicant name:

Contact phone:

Contact email address:

Contact address:



Scott, Noreen

From: byroneforms
Sent: Wednesday, 2 December 2020 8:49 PM
To: council
Subject: 10.2020.142.1 - Submission of Object

Importance: Low

Development Application - Submission notification

Submission ID: BSC-005-287

DA number: 10.2020.142.1

Subject address: 6 Strand Avenue New Brighton

Application type: Object

1

Other details:

Grounds: To whom it may concern, As a born and bred resident of New Brighton and now a home owner in our small and quiet little suburb, I wish to make a formal objection against the proposal of 6 Strand Avenue, New Brighton NSW 2483. My main points of concern are illustrated below: - Being a homeowner in close proximity of this proposal, I am seriously concerned with the rise in foot traffic in a zone that does not accomodate footpaths on the side of the proposal, plus increased traffic in an area that simply could not handle such a rise in cars. I am also concerned about noise and disrespect to closer neighbours. - The person lodging this proposal, in my own knowledge, does not even live in the Shire and infact lives in NEW YORK! This person is clearly set out to make money with no actual understanding of the close knit community that is New Brighton and with a 1.1 million dollar proposal clearly wishes to simply make profit and not even inject it back into our community. A 1.1 million dollar extension shows that this is going to be a large scale project which may also effect the business next door which has been running for almost 20 years! - Also, to my knowledge he currently has two illegal borders in the current site who are both backpackers and working for a minimum wage. This may or may not be correct, however this is something that has been spoken about in our already worried and small community. - His handwritten letter that sits on his fence regarding this proposal is because this initial proposal was already rejected. It is clear this community is not interested in having an extension of this business which is not even community

2

minded in the first place. If he was involved in our community he could be given an array of ideas of what would truly benefit our area instead of trying to win people over with false words. A good example of this could be something such as a community garden that would truly serve the community and give back as a common meeting place for our precious little suburb. I wish to formally state that: - I object to the application 10.2020.142.1 to remove the existing commercial use on the site and to replace it with a much larger commercial building which according to the plans can be subdivided into up to 5 tenancies. - "Construct a new business premises" even though this site has existing use rights as a commercial premises already - The site currently operates as a yoga/pilates studio which is defined (Byron LEP2014) as a recreation facility (indoor). This use has existed for in excess of 12months. - The site has no existing use rights as a recreation facility (indoor) and is not a commercial use by definition in LEP. - Clause A1 (1)(e) of the regulations allows one prohibited use to be changed to another commercial use - It does not allow for a change of use to 5 commercial uses. - Clause 4I (2)(b) does apply. The use can only expand by 10% - The expansion to 5 commercial uses is not minor 2 (a), involves a rebuilding 2(c) - The building will be subject to coastal hazards precinct 3. The enlargement of the building results in a building that is too large in a coastal zone, a council could be negligent if erosion occurs in the future. The site is subject to flooding, and evacuation from up to 5 tenancies will be a problem. Perhaps a greater focus of the Byron Shire council could be focusing on the very forgotten about aspects of New Brighton that include cleaning up of your strips along streets that often mean we are flooded

3

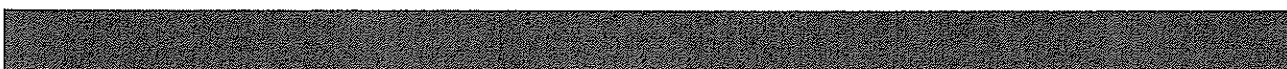
because of your lack of care. Another fabulous idea could be including actual guttering and piping so that when it does flood, we are not as inundated with water in the first place! Our potholes could also do with some fixing as well! I wholeheartedly disagree with this proposal of extension at 6 Strand Avenue and it will be extremely unfortunate if this proposal goes ahead for the integrity of our quiet little village. Thank you

Applicant name:

Contact phone:

Contact email address:

Contact address:



4