

Scott, Noreen

From: byroneforms <byroneforms@byron.nsw.gov.au>
Sent: Thursday, 4 January 2018 4:31 PM
Subject: FW: Submission from I Objection DA 10.2017.715.1
Attachments: form.xml; receipt.pdf; 1745396-Objection.doc

From: byroneforms
Sent: Thursday, 4 January 2018 4:31:01 PM (UTC+10:00) Canberra, Melbourne, Sydney
To: byroneforms
Subject: Submission from Objection DA 10.2017.715.1

Form Name: Submission lodgement form
Submission ID: SUB10120

Submission -
Type of submission: Objection
Submission: null

Objection to DA 10.2017.715.1 regarding 252 Middle Pocket Road

Objection

I wish to object to the above DA for several reasons :

Degradation of Chinaman's Hill Road

In the 14 years of my residence at 36 Chinaman's Hill Road since 2003, there have been multiple costs (tens of thousands of dollars) incurred by the residents in terms of many flood events which have eroded the road. Lacks Creek is one of the first to flood in the area. Additional traffic (inevitable if the application is approved) is the last thing we need. There are also safety concerns for tourists who may be affected by floods or fire, since emergency services would be severely challenged.

Impact from noisy holiday tenants

I have chosen to live at my address because it is a rural property where quiet can be enjoyed as a life style. If the 26th December, 2016 is an indication (when loud noise was heard by neighbours), guests to the proposed site are likely to make a huge and unwelcome impact.

Safety and security

There are safety and security concerns when large numbers of strangers visit a small rural community.

Sewerage system

There are concerns about the long term waste disposal issues - how will this be addressed sustainably and ecologically?

Discrepancies in application

The applicant states that the location is her home, inaccurate as she lives in Kangaroo Point, Brisbane where she manages a number of properties. It has been expressed that the property was bought for the purpose of holiday letting.

The applicant states that sheds are for storage only but in fact one shed has been converted to accommodate the caretaker.

The property is ALREADY being let as a Holiday Let (without consent) and has been for the past year or more.

The property is available 12 months of the year. When the property has been let in the past, the owner is nowhere to be seen!

Scott, Noreen

From: byroneforms <byroneforms@byron.nsw.gov.au>
Sent: Wednesday, 10 January 2018 12:11 AM
Subject: FW: Submission from | / Objection 10.2017.715.1
Attachments: form.xml; receipt.pdf

From: byroneforms
Sent: Wednesday, 10 January 2018 12:11:09 AM (UTC+10:00) Canberra, Melbourne, Sydney
To: byroneforms
Subject: Submission from | / Objection 10.2017.715.1

Form Name: Submission lodgement form
Submission ID: SUB10134

Submission -

Type of submission: Objection

Submission: I live across the road from the property and am often working in and around my shed at night and in the day. They have a blinding silver roof under the flight path of the westpac rescue chopper which is not allowed, i see a spot light left on constantly on most nights, causing light pollution, annoying out in the country, i have my lights in my shed i can close. I heard them filling their so called spring fed dam from the creek and dried it up last summer, as i visit my friends property behind her, she built the pump close to my friends house and ran it noisily for hours each day and left it to my friend to build a noise barrier himself after she ignored him on many occasions. We also received a letter that said certain untruths about two of our neighbours/business owners who help the community here in times of flooding, one even maintains the very road she wishes her customers to gain access to her property. And verbal threats have been made to other neighbours. We don't want or need those people here, especially when she seems to think she could "Buy all of us out!". I also restore classic cars, everyone on the roads here have a passing system as two cars cannot be on the paved road at a time. Some areas can be negotiated by mild allowance from both drivers, other areas, one way must pull off the road as the other side has a massive ditch, or pot holes. The visiting vehicles wont know that and will cause damage to other people and their vehicles, my cars are not cheap and i would chase compensation for damages to my vehicles. As the road stands now it has already cracked my windscreen with the poor conditions, which i think should be replaced by the council? Anyway, thankyou for your time. Regards

Scott, Noreen

From: byroneforms <byroneforms@byron.nsw.gov.au>
Sent: Wednesday, 10 January 2018 12:44 AM
Subject: FW: Submission from | Objection 10.2017.715.1
Attachments: form.xml; receipt.pdf

From: byroneforms
Sent: Wednesday, 10 January 2018 12:44:09 AM (UTC+10:00) Canberra, Melbourne, Sydney
To: byroneforms
Subject: Submission from | Objection 10.2017.715.1

Form Name: Submission lodgement form
Submission ID: SUB10135

Submission -

Type of submission: Objection

Submission: Please disregard my previous submission as it sent before i finished completing it. I live accross the road from the Farmstay Accommodation. I have been managing motels and accommodation properties for over 8 years and am well aware of the fact that the property has already been operating as a farm stay and has been occupied more times than the owner is admitting. And there has been loud guests and loud parties. The lights are always on most of the night and their outside spotlight is hideously bright. Im also aware of the dam with pootoon and the owner mentioning to a neighbour how lovely a wedding would be there. In my experience all owners of accommodation properties only care about profit and i believe events were advertised previous to this da application. The owner says there will be no parties because her clientele will be paying \$1500 per night. After searching the various websites where the property is listed the cheapest is \$500-\$600 per night, and in my experience the more a guest pays the more they think they are entitled to break things, steal things, have loud parties and are generally not aware of neighbours or rules or dont even care. The chance of drink driving is raised by wealthy clientele and having events at the property. The property regularly pumps the creek, and advertises the property has a creek full all year with 5 swimming holes, which actually border neighbours properties, are they going to be notified strangers will be swimming in the creeks right near their houses and making noise. The creek is not full all year, especially with the amount pumped out by the property. Our road isnt adequate for the current residents, has huge pot holes, and extremely long grass on either side of the rd and most places each car when passing each other have to have two wheels off the rd each to pass. Tourists arent aware of this and will cause an accident by not moving over to allow another car to pass. Also the roof of the building shines glare all day,

Scott, Noreen

From: byroneforms <byroneforms@byron.nsw.gov.au>
Sent: Tuesday, 9 January 2018 11:28 PM
Subject: FW: Submission from | ; Objection 10.2017.715.1
Attachments: form.xml; receipt.pdf

From: byroneforms
Sent: Tuesday, 9 January 2018 11:28:09 PM (UTC+10:00) Canberra, Melbourne, Sydney
To: byroneforms
Subject: Submission from | Objection 10.2017.715.1

Form Name: Submission lodgement form
Submission ID: SUB10133

Submission -

Type of submission: Objection

Submission: I live directly accross the rd and have owned my property for almost 20 years from the proposed Farm Stay Accommodation that is already running as a farmstay and has been previously advertised as a function and Event place. The roof of the current building there constantly blinds me when the sun is on it. On Christmas day, we had to face away from the view as the glare from the roof was unbearable. There has been guests stay there numerous times, i can hear them often outside especially when there was campers there. The lights of the building are constantly on and many times a big spot light outside creating light all night that my daughter, her partner and myself can all see through our windows at night. This property has also been pumping from the creek on a regular basis and i believe they filled their man made dam with, although on the properties website it says it is spring fed. It also states that the property has a creek with water all year around with 5 swimming holes. The creek isnt full all year around, especially with the property pumping out of the creek so often. Middle Pocket Rd is not equipped to have event traffic or even tourist traffic as it is completely inadequate for the current residents, is dangerous, with massive pot holes and grass on either side of the rd that is taller than most people. I didnt move to the country to listen to people having parties and events and driving dangerously on a rd they dont know, where they dont understand give way signs at creek crossings, they dont know where the pot holes are and dont understand they need to pull off the rd a bit if they are passing other cars. Thank you, kind regards,

Scott, Noreen

From: byroneforms <byroneforms@byron.nsw.gov.au>
Sent: Tuesday, 9 January 2018 4:24 PM
Subject: FW: Submission from | Objection 10.2017.715.1
Attachments: form.xml; receipt.pdf

From: byroneforms
Sent: Tuesday, 9 January 2018 4:24:08 PM (UTC+10:00) Canberra, Melbourne, Sydney
To: byroneforms
Subject: Submission from | : Objection 10.2017.715.1

Form Name: Submission lodgement form
Submission ID: SUB10128

Submission -

Type of submission: Objection

Submission: I wish to object to the above DA. This is simply a Holiday Let under another name. It is well known in the community (the owner has told a number of people) that the property was purchased as a holiday letting business opportunity as she lives in Brisbane and is hardly in the area. I don't understand how someone can still be letting over this Christmas holiday period and yet not have council permission to do so. This seems very brazen and underhand. We cannot have Middle Pocket turning into a holiday letting centre with the associated problems this brings to such things as housing affordability, traffic, reduction in quality of life for permanent residents etc. An ongoing influx of large numbers of holiday letters in a small rural community could lead to problems such as theft, loud parties and other anti-social behaviour that we hear so much about in the local papers. It is also common knowledge at the local pub that Jason (the caretaker) lives onsite full time. He lives in one of the sheds and I am wondering if the property has Dual Occupancy to allow this use and also, is the shed a safe and proper place for someone to live full time ? The property is already being let as a Holiday Let and can be seen on the internet at a number of sites for let. Farm Stays are never mentioned.

WE WERE UNABLE TO EMAIL AS COUNCIL WEBSITE IS
DOWN !!

From: [REDACTED]
Sent: 15 February 2018 13:41
To: 'council@byron.nsw.gov.au'
Cc:
Subject:

Dear Compliance and Councillors,

Please read the attached letter from [REDACTED] regarding an outstand DA (2017/715) and the ongoing developments relating to 252 Middle Pocket Road, Middle Pocket.

This letter related to continued unauthorised holiday letting (even though an un approved DA application has already been made for 'Farm Stay Accommodation'); the continued arrival of a number of ablution and accommodation style buildings that have been located on the property without any DA approval; the lack of any sewerage/waste water treatment; the ongoing dual occupancy of the site (again seemingly without DA approval or suitable sewerage treatment); and finally the recent (last week) location of an ugly accommodation block within 5m of a northern boundary. These additional recent activities have been carried out AFTER the submission of DA2107/715 and despite the DA application stating the '....development is complete' !!

We are all at a loss how the applicant can be so brazen and cavalier in their attitude to [REDACTED] and Councils due process.

We are requesting that a Councillor take up these issues as a matter of urgency as it appears preparations are being made for further building to be sited at the property.

Please either call or email us for further information.

Please note: we intended to email the letter to Councillors but your website has been down continually for the past few days. We have therefor printed off the letter and they will be hand delivered to Council today.

Regards,

14th February 2018

Dear Byron Shire Councillor,

As residents, we are seeking your assistance. We are at a loss to understand how a new land owner in the community can seemingly get away with so much.

The owner has submitted a DA (2017/715) to use the property as a Farm Stay even though the owner is hardly staying there. This is simply a Holiday Let under another name. It is well known in the community (the owner has told a number of people) that the property was purchased as a holiday letting business opportunity as she lives in Brisbane and is hardly in the area. All the signatories object to this DA approval.

Further, the property was let over the 2017/2018 holiday period despite having no DA approval for a Holiday Letting business. We don't understand how someone can still be letting over this Christmas holiday period and yet not have council permission to do so. This seems very brazen and underhand.

We do not want Middle Pocket turning into a holiday letting centre with the associated problems this brings, such as housing affordability, traffic, reduction in quality of life for permanent residents etc. An ongoing influx of large numbers of holiday letters in a small rural community could lead to problems such as theft, loud parties and other anti-social behaviour that we hear so much about in the local papers.

It is also common knowledge that the owner lives onsite fulltime. lives in one of the sheds and we are wondering if the property has Dual Occupancy to allow this use and also, is the shed a safe and proper place for someone to live full time? Where is his sewerage being treated?

We appeal to Council to look at:

- 1- Why the property was let as a holiday let over the Christmas period in advance of any conclusion to the current DA and without Council Permission to let as Holiday Let?
- 2- The property's access is situated over a narrow bridge that floods and Chlnaman's Hill Road is a Crown Road, the new owner has so far failed to contribute to maintenance costs of the road, we doubt the applicant will either, when lots of additional traffic is generated if the DA is approved.
- 3- Two (2) additional toilet blocks have been installed (one in December 2017 and another in January 2018 together with additional accommodation blocks) in the property since the DA was submitted yet the applicant clearly states on the DA application Item 6 "The development is complete. There is NO further development". This is clearly a lie.
- 4- Regarding the 2 additional new toilet blocks, how is the sewage being treated and disposed of? One block is close to an event creek that would wash direct into Lacks Creek thus causing serious pollution problems in a creek where some people still draw domestic water from.

5- An additional accommodation block along with air conditioning has also been added in February to the site on the northern boundary. This latest accommodation block (Approx 10m x 3m) is within 4m to 5m of the southern boundary of one of the co-signatories, surely larger set-backs apply in these circumstances?

6- It is our understanding that buildings of this nature require a DA, yet none have been applied for.

7- Does the property have permission for dual occupancy? The permanent caretaker lives in a shed close to the property's northern boundary, how is his effluent disposed of, or treated?

Please provide information as to the legality of this continued development and the ongoing addition to many portable building and their use on the property.

The owner seems to think they can do what they like and ;
We have asked BSC staff for some answers and made online submissions, but so far we have not heard back.

Signed:

Scott, Noreen

From: byroneforms <byroneforms@byron.nsw.gov.au>
Sent: Tuesday, 2 January 2018 8:41 PM
Subject: FW: Submission from ; Objection 2017/715
Attachments: form.xml; receipt.pdf; 1742982-Response to DA 2017-715.docx

From: byroneforms
Sent: Tuesday, 2 January 2018 8:40:58 PM (UTC+10:00) Canberra, Melbourne, Sydney
To: byroneforms
Subject: Submission from ; Objection 2017/715

Form Name: Submission lodgement form
Submission ID: SUB10117

Submission -

Type of submission: Objection

Submission: We object to this Holiday Letting DA masquerading as a Farm Stay due to the impact on our rural lifestyle and reduction in amenity as has been caused by many Holiday Lets throughout the Shire. There are many inaccuracies in the DA and there are a number of other issues relating to the use of this property regarding Dual Occupancy etc.

Objection to DA 2017/715 regarding 252 Middle Pocket Road

Objection

to object to the above DA on the grounds that this is a Holiday Let masquerading as a Farm Stay application. We understand Holiday Letting is illegal under current planning legislation, Byron LEP 1988 included. Further, the application is full of falsehoods, contradictions and wild claims against neighbours who have had the temerity to stand up to the applicant's bullying.

Detail

Development Application Form comments:

Page 1 Step 3:

The applicant states that this is her home. This is inaccurate as she lives in Kangaroo Point, Brisbane where she manages a number of properties. This property was bought with the express purpose of holiday letting as we were told this first hand by an ex-employee of the applicant.

Page 7 Step 6:

The plan of the existing building is inaccurate as a new bathroom has been added to the rear of the property that is not shown and was presumably built without consent.

Page 7 Step 9:

As this is really a Holiday Let, then surely Fire Safety factors need to be considered. N/A has been ticked.

Page 7 Step 11:

Does the existing sewerage system capable of dealing with 10 people, when the house was built by a couple without children?

Given (according the website for the holiday let) there is room for 10 guests, how will the extra human waste be dealt with?

DA Farm Stay Section Comments:

Item 2:

The applicant states that the property is her home. This is false. She visits, but does not reside there full time. The applicant states there is some flooding along Lacks Creek, in fact during large rain events the property is cut off and would not be accessible by the emergency services. Is this safe for a Holiday Let?

Item 3:

The applicant falsely claims that the farm is her only source of income....this is incorrect.

The applicant states that visitors will want to stay at the location to get away from the noise and stress of the City....yet both web sites list a number of things for visitors to do and places to eat. Contradictory.

Item 5:

States a number of sheds are for storage only, false. In fact the caretaker lives in one shed that has been converted to accommodation.

Item 6:

A new bathroom has been added that contradicts the building plan submitted by the applicant. A new fixed toilet block has been added to the site. Does this need permission, where is the waste going? Why is this needed?

Item 8:

Contradicts the claims made on the websites. There would be a significant increase in traffic both from holiday letters as well as their visitors.

Item 11:

Contrary to the applicant claims, there is considerable impact to : This is in the form of additional waste bins (now 3 recycling and 3 waste), traffic impact on Middle Pocket Road and Chinamans Hill Road; noise from loud holiday tenants (as experienced by neighbours on 26th December 2016) from loud paying guests playing karaoke and singing loudly.

There is also the safety and security impact of large numbers of strangers coming to a small rural community during which thefts, damage and anti-social behaviour are likely.

Summary:

The property is ALREADY being let as a Holiday Let (without consent) and has been for the past year or more.

The applicant states this is a Farm Stay Application but if you check the websites, it is plain to see that this is holiday let. The property is available 12 months of the year. The facts are when the property has been let in the past, the owner is nowhere to be seen!

<https://www.thevaleaustralia.com/>

<https://www.stayz.com.au/accommodation/nsw/northern-rivers-byron-bay/byron-bay-hinterland/196777>

<https://www.homeaway.com/vacation-rental/p9196777>

There is no additional room for the owner to reside on the property when let, so this is clearly not a Farm Stay but a Holiday Let. and object strongly to this DA being approved due to the likely disruption to quiet rural lifestyle and amenity that we have enjoyed since 2004. Holiday Letting, we understand, is also illegal in the Shire.

Questions to Council:

Is there Dual Occupancy on this site as the applicant admits on the website (and we can confirm) a full time worker resides on the property?

Is the building in which the full time worker lives approved by council?

Where is the sewerage from this full time worker dealt with?

Is the sewerage system able to cope with 10 people at a time throughout the year?

Does the new fixed toilet block (delivered on 7/12/17) require a DA and associated sewerage system? Why is the Toilet Block on site?