

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Dear Sir

RE: SUBMISSION - DEVELOPMENT APPLICATION NO. 10.2018.288

As an adjoining owner to 111 Burnetts Road, Nashua (DA288/2018) and also running a beef cattle business (our property having been in our family for over 120 years) I would submit the following concerns:

Extra dust problems (especially to our tank water supply and house at 2 Burnetts Road) from the extra generated traffic from Burnetts Road (narrow gravel road). Previously another neighbour was told they would have to upgrade Burnetts Road to a bitumen road if they wanted to have a farm-stay approved.

Bushfire conditions not being met (contradiction regarding vegetation removal with wanting 2 access driveways) to a detached dual occupancy over 100metres apart.

Noise is generated from an adjoining macadamia farm business as well as our cattle business/farm implements (both long established businesses in an RU1 zone). Will the approval of an extra dwelling (built illegally) as well as a B & B (writer's studio/yoga participation which would both require peace and quiet) if approved, cause problems for both our adjoining businesses. Should we wish to expand/intensify our land-use in the future will we be guaranteed there will be no affect on our business?

Our properties also have extra dwelling entitlements (in the near future extra houses/detached dual occupancies maybe placed on our land in Burnetts Road). Is there a Council guarantee if this DA is approved that we will be granted the same approvals as a precedent will have already been set? Will the other four neighbours on Burnetts Road also be granted the same assurances if DA288/2018 is approved?

If Council sets a precedent for this DA then consistency with any new development applications in RU1/RU2 zones should apply.

I attach a copy of a letter sent to Council in September 2015 on my mother's behalf in regards to the above developments. It would be appreciated if Council could check its records in regards to DA185/1999 - as I don't recall my parents receiving any neighbour notification of the additions to the dwelling and shed on the southern boundary.

Yours faithfully

Mari

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY 2482

Dear Sir

RE: 111 BURNETTS ROAD, NASHUA

I have been advised recently that the property at 111 Burnetts Road, Nashua is being advertised on the internet as a 'retreat'. As my mother (C James) is an adjoining owner to this land, she has not received adjoining owner advice of any development application, hence would you please advise the following:

When was a development application approved for this proposal (retreat)? (the home was originally built as a small mud brick dwelling house approx. 30 years ago)

When was approval given for a second dwelling on the 5 acre block? (It is noted under Byron Shire Council's LEP that approval can only be for a dual occupancy attached)

Does the first dwelling at the beginning of the block require a Contaminated Land report as it has been built on an old piggery site?

Has the on-site effluent systems been approved?

Is there a bushfire buffer zone in place for the property?

Is there a buffer zone for this type of development as the 5 acre block is adjoining my mother's at present cattle grazing property (in the future we may intensify the land use to macadamia growing – an adjoining property to us is already producing macadamias).

Has the studio on the boundary been approved? The boundary where the studio, carport and tanks is to be re-surveyed in the near future as it is 1 metre into my mother's property, thus making all structures directly on the boundary (not the required 1 metre building setback)

As there is continual dust problems from the gravel road, an increase in traffic will only add to the problem. What are Council's regulations for 'No-Through' gravel roads having extra traffic flow? Will this development require a Traffic Management Plan and will the road have to be bitumenised?

Does the proposal require registration as a Commercial Premise?

Does a new development proposal cater for People with Disabilities?

Do the structures, seating, signage on Council road reserve require approval?

Are Building Certificates required for all illegal building works?

I have also noted building works taking place on the property known as 180 Flowers Road which is also adjoining my mother's property also. Please advise what approvals have been given for this.

Your written reply would be appreciated within 30 days.

You are advised that

M C

de la Motte, Emily

From: Wendy McClusky <wmccclusky@hotmail.com>
Sent: Friday, 6 July 2018 10:18 AM

de la Motte, Emily

From: Wendy McClusky <wmccclusky@hotmail.com>
Sent: Friday, 6 July 2018 10:18 AM
To: submissions
Subject: Fw: Submission to DA Application number 288/2018 (111 Burnetts Road Nashua)

Good morning

I have only just been made aware of the DA application 288/2018 for 111 Burnetts Road Nashua. We live at 151 Burnetts Road Nashua and are a neighbouring macadamia farm (our property is within approx 300m of the boundary of 111 Burnetts Road Nashua).

Our understanding is that the applicants, Michael and Jayne Douglas, are requesting changes to an existing building to become a Bed and Breakfast 'Writer's Retreat and Dual Occupancy.

Given that we are an established macadamia orchard we carry out agricultural practises such as harvesting, pruning and chipping of trees, spraying (fertilisers, herbicides and pesticides) and also dehusk our macadamias on site. Most of this practise occurs during day time hours but we also spray at night time (for best practise reasons) and also dehusk at night time as required.

We are making this submission to the fact that we do not want the owners to lodge any complaints against noise from our macadamia farm given that the proposed buildings are becoming a 'writer's retreat' and is stated in Greg Alderson & Associates Statement of Environmental Affects (section 3) that :

'It is envisaged that this accommodation will be utilised as a 'writers' retreat' that will be a space where writers can progress their respective works in quiet and with focus. There may be a writer in residence for certain periods of time to assist guests with their works and it is expected that guests may wish to discuss their work with other guests in the evenings.'

We would appreciate a reply from the council with regard to our submission at your earliest convenience. Please feel free to call us to discuss this further on either

Wendy McClusky 0408 365 212
or Rob Keen 0428 0180 578

Kind
Wendy