

From: byroneforms
Sent: Monday, 2 November 2020 3:58 PM
To: council
Subject: 10.2020.513.1 - Submission of Object -

Development Application - Submission notification

Submission ID: BSC-005-224

DA number: 10.2020.513.1

Subject address: 84 Harbour Way Brunswick Heads

Application type: Object

Other details:

Grounds: 1. No shadow diagrams in submission. 9 metre height will impact private property located north and west of proposal. 2. Height of 9 metres and location of windows and balconies will produce substantial erosion of privacy for residential properties to the north, northwest and and west across Fawcett Lane. 3. Question mark over areas not included in the calculation of floor space ratio. Interior hallways/walkways and stairs are deceitfully omitted from FSR 4. Noise Study is anything but satisfactory. It does nothing to indicate/show the impact volume of 50 plus people on the open terrace (and on the booze) as positioned. This will present an intolerable intrusion for all residents within 100 plus metres. 4b. No indication of the acoustics characteristics of the materials to be used in the proposal. 5. Extension above 9 metres should just not be considered. 6. Light Intrusion. Present motel building already is a hindrance with its lighting on the first level. A third level will exacerbate an already unpleasant situation. 7. Traffic and Parking. As the restaurant addition is a NEW feature, and whilst unstated, is obviously to cater for many non-motel guest, the proponent should be required to also provide a commensurate number of onsite parking spaces. The use of the Fawcett Street for parking for a new private development of this size is unacceptable. 7b. The lane, Fawcett 'Lane' which is the extension of Fawcett St is a 'no thru road'. It already sees a volume of traffic, and not just on market weekends, that finds itself in the difficult position of attempting to turn about. This only achieved by entering private property. 8. Public land (Fawcett Street) has been used by the proponent/motel for private purposes. That land which is to the north of Fawcett St and presently appearing to be part of the motel should have a barrier or fence constructed, along the motel's southern boundary. And thus form an extension of the shaded walkway that links Pandanus Court and Fawcett St. 9. The present stand of trees in Fawcett St must remain untouched.

Holland, Ivan

From:
Sent: Sunday, 22 November 2020 3:41 PM
To: council
Subject: Fw: DA 10.2020.513.1 84 Harbour Way, Brunswick Heads

Please onforward to relevant department - bounced back

Thanks,

----- Forwarded message -----

From:
To: Submissions <submissions@byron.nsw.gov.au>
Cc:
Sent: Sunday, 22 November 2020, 03:09:29 pm AEDT
Subject: DA 10.2020.513.1 84 Harbour Way, Brunswick Heads

DA 10.2020.513.1 84 Harbour Way Brunswick Heads - the motel issue

1. Council's tracker will not open for viewing any of the 7 documents on this DA
2. Of particular concern I have comes from reading the Echo
 - (a) out rightly oppose any variation to take the overall building height for any reason above the 9m limit. Pushing for this reflects badly on the Town Planner involved because she would be very familiar with the issue dating back to 1998!
 - (b) the notion of a 120m2 restaurant is opposed because of the noise impact - evidence from the revamped La Crista ..formerly Ringo's is the basis for the precautionary position on this. Noise contours are a must for any assessment. The noise already from the motel when there are parties is irritating and penetrating across the road way through my house at No 3 Mona Lane Brunswick Heads. At times I have had reason to make complaint directly to management to no effect.
3. The proposed expansion of activity on this site raises a question about the intent of the zoning to B4. Since now named Harbour Way was highway No 1 until the by-pass and subsequent dual carriageway opening in 2007, there was commercial activities were spotted along what was Tweed Street. There was absolutely no intention on the part of the Brunswick Heads Small Settlement Strategy, confirmed by Council in 2004 to change the then zoning from A2 residential i.e. low density residential. The subsequent rezoning to B4 raises questions about the intent of that rezoning. Existing use rights were seen by BSC planners has creating a 'problem'. Rather the major part of then Tweed Street was thus zoned to a mixed use i.e. B4. This would overcome the 'existing use rights'. But it raises another question. Does the B4 zoning invite commercial development right along Tweed Street or does it allow only those legal commercial sites to continue as legally commercial and hold 'existing use'. If this is the case then this DA does not satisfy that because not only is it expanding its motel facility but also changing its use to include a restaurant. This matter needs clarification.

I would add that the aforementioned has come up in discussion and recalling of the history of the zoning to B4. I would add that that intent needs to be honoured today in any assessment. This DA is surrounded by residential development and the impact on those residents will be significant
4. Any notion of a roof top garden is outrightly opposed. Noise carries and it is more than reasonable to anticipate noise from party-goers.
5. Privacy screens are a must
6. If this DA is approved, then it must carry with it
 - (a) en site water storage of stormwater
 - (b) excess storm water is filtered before entering the public drains into the river. This precedent has been set with the filtering process required in the construction of No 5 Mona Lane.



Manentia
Ubicumque

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29 October, 2020

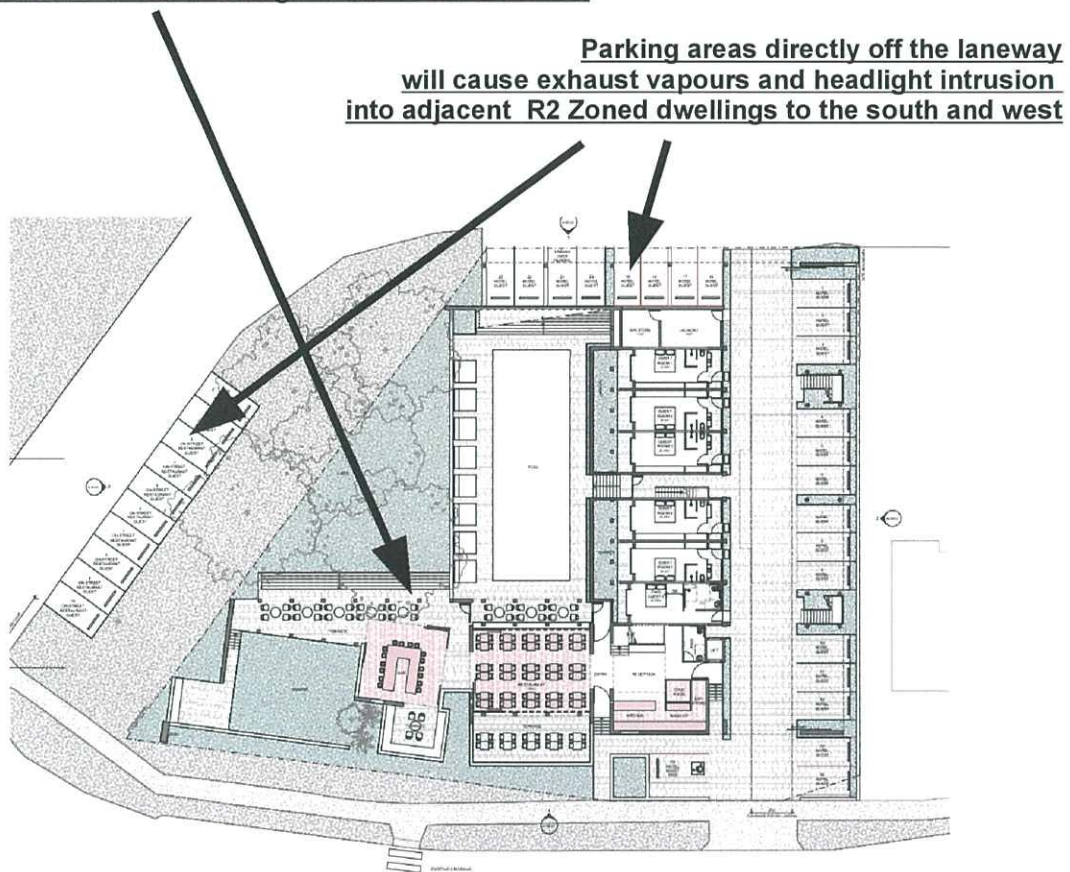
Objection to Alterations and Additions to Existing Motel including Five (5) Additional Guest Rooms, Restaurant/Bar, Swimming Pool and Car Parking Spaces, DA 10.2020.513.1 Lot 10 DP 805193 No. 84 Harbour Way, Brunswick Heads

1 INTRODUCTION

This Objection relates to a Development Application for the proposed construction of Alterations and Additions to an Existing Motel, including Five (5) Additional Guest Rooms, Restaurant/Bar, Swimming Pool and Car Parking Spaces, under DA 10.2020.513.1, on Lot 10 DP 805193 No. 84 Harbour Way, Brunswick Heads.

Ground Floor

Pool & Bar Area amenity impacts on adjacent R2 Zoned dwellings to the south and west

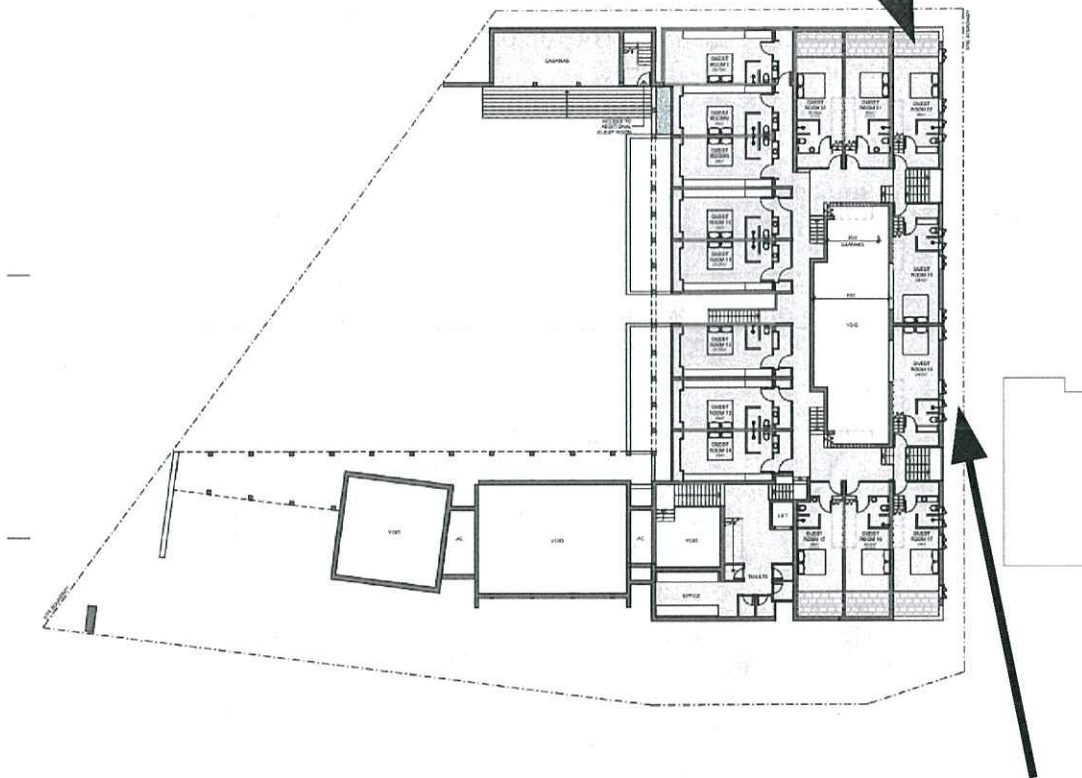




First Floor

- Proposed First Floor Windows, and Private Patios sit directly adjacent to the residential buildings on the adjacent R2 Residential Zoned sites to the west.

This results in loss of privacy and significant amenity and overlooking impacts which also exacerbate noise transmission over a very short distance. This does not meet the Zone objective that Development in the B4 Zone should achieve **"compatible land uses"**.



- Proposed First Floor Windows, and Private Patios sit directly adjacent to the residential building and their private yard on the adjacent R3 Residential Zoned site to the north.

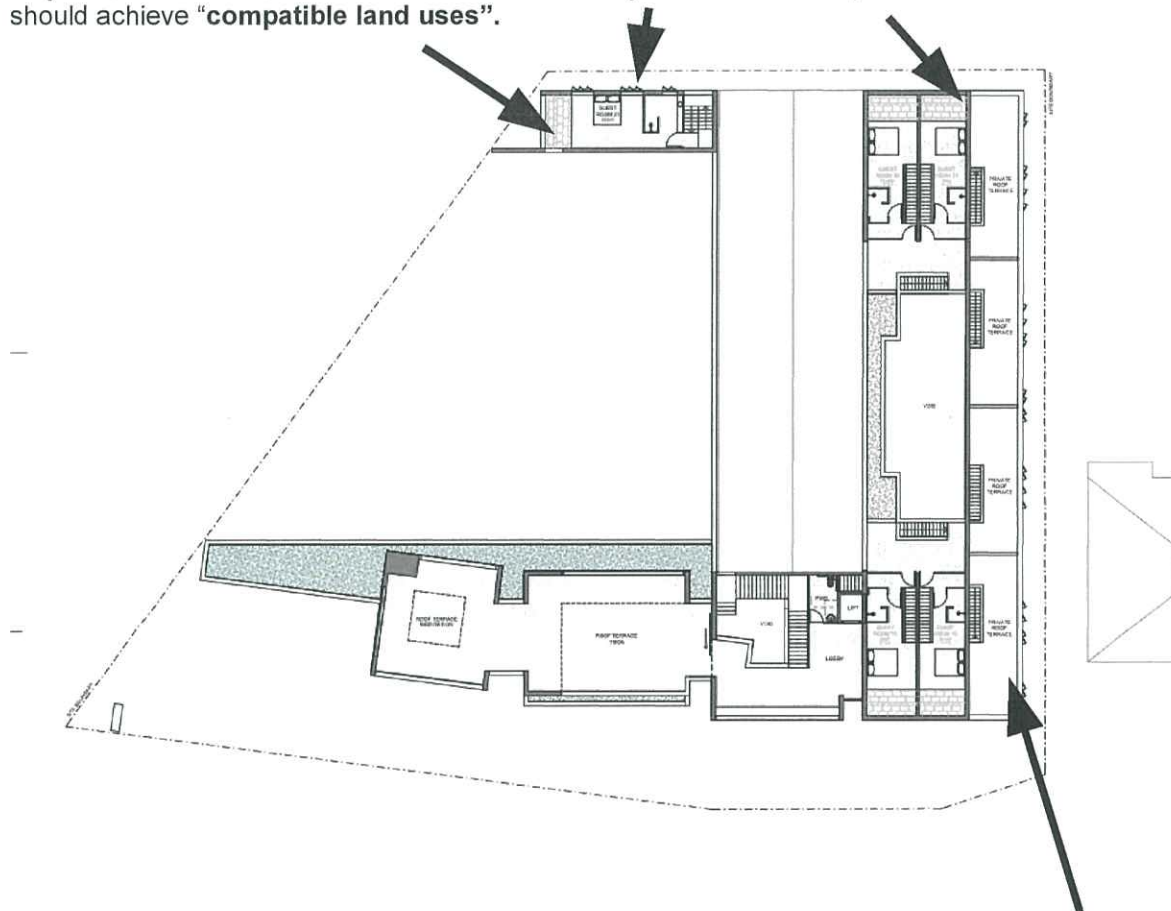
This results in loss of privacy and significant amenity impacts relating to noise transmission over a very short distance, as well as overlooking. This does not meet the Zone objective that Development in the B4 Zone should achieve **"compatible land uses"**.



Second Floor

- Proposed First Floor Windows, and Private Patios sit directly adjacent to the residential buildings on the adjacent R2 Residential Zoned sites to the west, south west, and south

This results in loss of privacy and significant amenity impacts relating to noise transmission over a very short distance. This does not meet the Zone objective that Development in the B4 Zone should achieve “**compatible land uses**”.



- Proposed First Floor Windows, and Private Patios sit directly adjacent to the residential building on the adjacent R3 Residential Zoned site to the north.

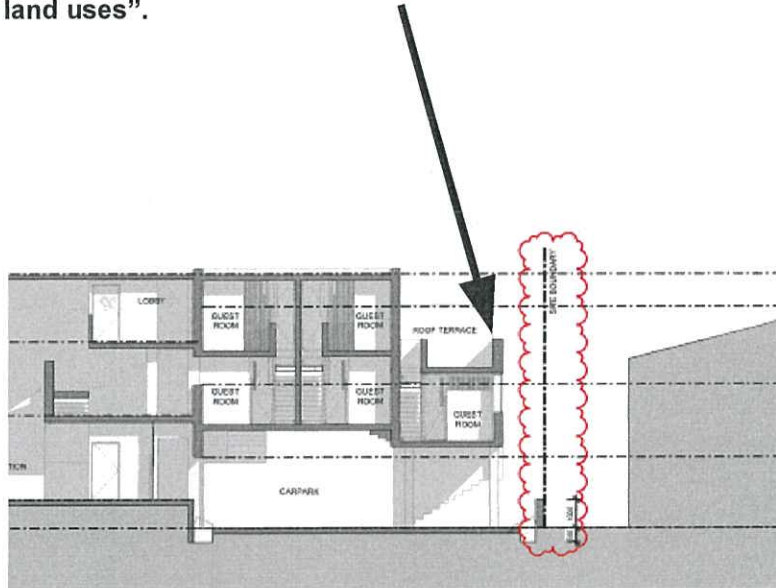
This results in loss of privacy and significant amenity impacts relating to noise transmission over a very short distance. This does not meet the Zone objective that Development in the B4 Zone should achieve “**compatible land uses**”.

My clients have strong objections in relation to the loss of residential amenity, and solar access in relation to this non complementary building, adjacent to Low and Medium Density Residential areas.

The plans do not contain setback dimensions, making assessment difficult, and as such they Fail to meet plan presentation requirements of Schedule 1 of the EPA Act Regulations. As such they are impossible to accurately interpret, and fail the detail requirements of the EPA Act Regulations. On this basis alone the application should be rejected as being incomplete.



Overlooking and Sound Transmission from 1st Flr. Windows and 2nd Flr. Terraces and Balconies, to adjacent residential building to the north.
This does not meet the Zone objective that Development in the B4 Zone should achieve "compatible land uses".



Therefore the increased intensity, bulk, scale and poor design of the proposal, represents a complete overdevelopment of this site which sits on the fringe of adjacent residential zones. As such, it does not meet the Zone objective that Development in the B4 Zone should achieve "compatible land uses", and on this basis it must be refused by Council.

In summary the objections of the adjoining residential property owners are :-

1. NOISE LEVELS: * given Restaurant and Bar proposal and extension of the pool in a western direction closer to the neighbouring homes, the impacts could be catastrophic. Lifestyle and peace gone!

* currently the motel runs with a remote night time manager. Over the weekend adjoining owners were calling the office in an attempt to shut down the noise around the pool after 11 and 12pm. They found out by calling during office hours there is no presence on the property at night, even on the weekends when it is busiest. No social conscience!

* Will amplified music be an ongoing possibility? Any live music and outdoor entertainment will impact the area exponentially.

2. CAR PARKING: * Concerns of removal of grassed areas and trees to create sterile looking car park, ruining the natural landscape which is what Brunswick Heads is loved for.

* Extra noise associated with car park surface.

* Currently our neighbourhood children ride bikes and play safely around this area. With such a large scale development this will no longer be a safe privilege.

3. FLOODING: * The proposed car park area is often flooded during heavy rain. Storm water and sewage combine together and sit in the basin of the motel.

* During Cyclone Debbie adjacent residences did not flood, however a lake of water half way up car doors surrounded and engulfed the motel grounds.

4. HEIGHT LIMIT:

* We are opposed to the height of the new structure on the northern side of the property. This is a violation of privacy to the family that live on the boundary. This also indicates the lack of respect and community spirit that the developers have.

5. COMMUNITY * We are a community of peaceful and loving families and this development shows little concern to the lifestyle and wellbeing of the neighbourhood.

6. WESTERN NORTHERN AND SOUTHERN ASPECTS There doesn't appear to be any attempt to protect the neighbours of the southern western and northern aspects of the building.



- Proposed First Floor Windows, and Private Patios sit directly adjacent to the residential buildings on the adjacent R2 & R3 Residential Zoned sites to the north, west, south west, and south.

Pool & Bar Area amenity impacts on adjacent R2 Zone dwellings to the south and west

Parking areas directly off the laneway will cause exhaust vapours and headlight intrusion into adjacent R2 Zoned dwellings to the south and west

This results in loss of privacy and significant amenity impacts relating to noise transmission over a very short distance. This does not meet the Zone objective that Development in the B4 Zone should achieve “**compatible land uses**”.



In addition to this, the new large roofed and paved areas are unable to adequately accommodate the amount of stormwater runoff created.

Already this site had car parking areas covered by water during recent large rain events, and there are inadequate details as to how this increased run off is to be detained, attenuated, and then released into the local drainage system without aggravating local flooding.

The stormwater report which accompanies the application does not reference this historic flooding relating to the site, nor how the small detention tank proposed will cope with large rainwater events, and the flooding the site already experiences.



In its current form, the design has a significant adverse impact on the adjacent dwellings to the north, south, south west and west, and the additional uses (Restaurant and Bar, Large Pool and entertainment area, and overlooking windows and balconies), increases this adverse impact to an intolerable level.

This is compounded by the fact that there is now such inadequate area for onsite parking, that parking directly off two road frontages is proposed, with vehicles reversing out into the lane at multiple points, which increases the risk of traffic conflict, and the fact that these spaces will be directing exhaust fumes, and or headlights and engine noise, directly into adjacent residential properties is contrary to Council design requirements.

This is unacceptable and is further proof that the development is an over development of the site, which should be reduced in scale and redesigned such that all required parking is provided within the site and that all vehicle manoeuvring occurs within the site.

This would not be so critical if this B4 Zoned site backed onto other commercial sites.

The fact is however that this property backs onto residential lands, and therefore this adverse impact does not meet the Zone objective that Development in the B4 Zone should achieve **“compatible land uses”**. **On this basis this application must be refused.**

Due to the dramatic adverse impact the additions and its associated over development impacts will have, particularly as there is no sound attenuation about the parking or outdoor activity areas, or prevention of overlooking from openable windows, or overlooking balcony and private patio spaces, then the proposal should be refused on the basis that it will have an unacceptable impact in the residential amenity of adjacent R2 and R3 Zoned Residential properties.

Added to this adverse impact, is the non-complimentary nature of the building additions and their lack of architectural compatibility with adjacent hipped and gable roofed urban development. The development results in adverse impacts via the shadowing, and shading of the adjacent yards, general residential amenity loss, overlooking, and loss of amenity and privacy for the adjacent residential properties to the north, south, west and south west.

Thus, this submission strongly objects to this massive overdevelopment adjacent to Low and Medium Density Residential Character areas, which again is contrary to the Zone objective, that Development in the B4 Zone should achieve **“compatible land uses”**.

The proposed inadequate incongruous design, not only offends the amenity of the area as a result of its bulk and scale, but the design also causes a significant loss of amenity to the adjacent residences, with noise from the overflow dining / lounge / entertainment areas, overlooking balconies and openable first floor windows, and proximate laneway parking, all forcing the occupants of adjacent residential properties to retreat into their houses, and close all of their doors and windows.

This is an unacceptable design outcome adjacent to these Low and Medium Density Residential Character areas.

Further to this no details have been provided of the lighting of the parking areas or the outdoor entertainment areas, or of this large stark box of a building.

These factors alone would also destroy the amenity and character of the adjacent Low and Medium Density Residential areas, which again is contrary to the Zone objective, that Development in the B4 Zone should achieve **“compatible land uses”**.

It is thus imperative that Council refuse this application.

The design is at odds with not only the existing streetscape, parking, and design guidelines set within DCP 2014 and the Byron LEP 2014, but the loss of natural sunlight to the west, and the dominant and harsh lines of this imposing structure, and significant building height plane breaches (although technically not applicable to B4 Zoned land, despite being located adjacent to urban development), will create a design totally at odds within the LEP 2014 and DCP 2014 provisions for urban development. Again, this is contrary to the Zone objective, that Development in the B4 Zone should achieve **“compatible land uses”**.



For these reasons, this objection is made in the strongest terms as it is evident, following our assessment of the proposal, that the resultant development will totally and adversely detract from the amenity of this residential areas to the north, south, south west and west.

As Council is aware, the specific objectives of the B4 Zone, within which the site is located, require that any proposed development be tested against its ability to achieve **a mixture of compatible land uses**. This design results in a significant loss of urban character, through its inappropriate scale, size and design, which is thus at odds with the Zone Objective Requirement . As such this proposal is contrary to the statutory objectives of the Byron LEP 2014.

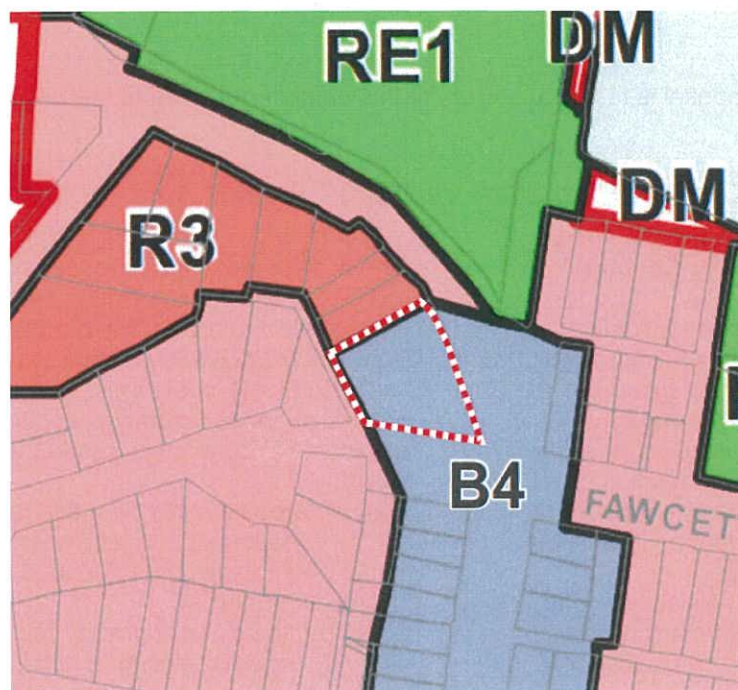
2. Sec. 4.15(1)(a) ZONING - Zone B4 Mixed Use

Although the Motel additions are a permissible landuse within the B4 Zone, the preceding assessment clearly demonstrates that the proposed design is contrary to the Zone objective, that Development in the B4 Zone should achieve “**compatible land uses**”.

It thus fails to meet LEP 2014 requirements, and as such it must be refused by Council.

As previously stated, the plans do not contain setback dimensions, and as such Fail to meet plan presentation requirements of **Schedule 1 of the EPA Act Regulations**. As such they are impossible to accurately interpret, and fail the detail requirements of the EPA Act.

On this basis alone the application should be rejected as being incomplete.



2.1

Objectives of zone

*** To provide a mixture of compatible land uses.**

- Proposed First Floor Windows, and Private Patios sit directly adjacent to the residential buildings on the adjacent R2 & R3 Residential Zoned sites to the north, west, south west, and south. Pool & Bar Area amenity impacts on adjacent R2 Zone dwellings to the south and west. The Parking areas directly off the laneway will cause exhaust vapours and headlight intrusion into adjacent R2 Zoned dwellings to the south and west.

This results in loss of privacy and significant amenity impacts relating to noise transmission over a very short distance.

This does not meet the Zone objective that Development in the B4 Zone should achieve “**compatible land uses**”.



This position is only reinforced by the need for the application to be accompanied by a Clause 4.6 Development Standard Objection, relating to the applications desire to breach the maximum height permitted within this area of Brunswick Heads. This reinforces the fact that the overall proposal is deemed to be a significant departure from a development that could be considered a **"compatible land use"**.

This is particularly so when a more sensitive design could easily be achieved through a better and more sensitive placement of development, tapered in from the boundaries, with design elements that prevent overlooking and noise impacts, and which locate all parking within the site so as to minimise, rather than maximise impacts on adjacent residential amenity.

Again it is concluded that this massive overdevelopment as proposed, adjacent to Low and Medium Density Residential Character areas, is contrary to the Zone objective, that Development in the B4 Zone should achieve **"compatible land uses"**.

As this site sits at the interface between B4 Lands and Residential Zones, then maximum development cannot be expected, and to the contrary, a development that tapers into the adjacent residential areas is expected by the LEP and DCP provisions, as detailed in this objection, then Council has no option but to refuse this application.

- **To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.**

Appears to comply.

On this basis, as the proposal is totally at odds with this primary objective of the B4 Zone, and as such it must be refused.

2.2 Development Control Plan 2014 Part "D3" Tourist Accommodation

PRESCRIPTIVE MEASURES	PROPOSALS COMPLIANCE WITH D.C.P.
Part D.3.1.1 Aims of this Chapter 1. To provide development guidelines and controls for various forms of sustainable tourist accommodation development across the Shire. 2. To promote a high standard of environmentally sustainable and responsive design for tourist accommodation development that is sensitive to and enhances the natural and physical environment and the social fabric particular to Byron Shire. 3. To promote energy efficiency and to ensure consideration of the Shire's ecological characteristics and sub-tropical climate in the design process. 4. <u>To minimise conflict arising from development, including conflict with the amenity of local residents and residential precincts,</u> commercial areas and agricultural activities on farming lands. 5. To give effect to the objectives of the 'Byron Shire Tourism Management Plan 2008 to 2018' through the development process.	The over development proposes First Floor Windows, and Private Patios that sit directly adjacent to the residential buildings on the adjacent R2 & R3 Residential Zoned sites to the north, west, south west, and south. Pool & Bar Area amenity impacts on adjacent R2 Zone dwellings to the south and west. Parking areas directly off the laneway will cause exhaust vapours and headlight intrusion into adjacent R2 Zoned dwellings to the south and west. This results in loss of privacy and significant amenity impacts relating to noise transmission over a very short distance. This does not meet this DCP objective, as it increases conflict rather than Minimising it.
D3.2.1 Location & Siting 1. To ensure that the siting and design of tourist accommodation does not conflict with important ecological characteristics or conservation values of the site or the Shire,	The overlooking, and dominating box style of this Motel addition and redevelopment, totally breaches the building height plane, which is significant when it adjoins residential development areas.



<p>and respects the natural systems and values of its location and surrounds.</p> <p>2. To ensure that decisions relating to siting of development are consistent with the Objectives and provisions of Chapter B6 Buffers and Minimising Land Use Conflict.</p> <p>Performance Criteria</p> <p>1. The siting, design and operation of tourist accommodation and associated development must not adversely affect important conservation values, ecological systems or characteristics of the site or the Shire. Development must respect and contribute to the natural environmental systems and values of its location and surrounds.</p> <p>2. Development applications for proposals located in or near ecologically sensitive areas, areas of high environmental values and/ or important natural features or sites must include a full description of those ecological, conservation and natural values and systems, together with a comprehensive, professional assessment of the impact of the proposed development thereon. The impact assessment must include an evaluation of the effectiveness and sustainability of any proposed amelioration and management measures.</p> <p>3. Determination of the siting, extent and nature of development must be consistent with the provisions of Chapter B6 Buffers and Minimising Land Use Conflict.</p> <p>Prescriptive Measures - Nil</p>	<p>It will by its lack of considerate design, significantly detract from the residential amenity of the adjoining R2 and R3 areas. As stated, the over development proposes First Floor Windows, and Private Patios that sit directly adjacent to the residential buildings on the adjacent R2 & R3 Residential Zoned sites to the north, west, south west, and south.</p> <p>The Pool & Bar Area amenity impacts on adjacent R2 Zone dwellings to the south and west.</p> <p>Parking areas directly off the laneway will cause exhaust vapours and headlight intrusion into adjacent R2 Zone dwellings to the south and west.</p> <p>This results in loss of privacy and significant amenity impacts relating to noise transmission over a very short distance. This does not meet these DCP objectives.</p> <p>A lack of acceptable setbacks to residential development also significantly increases amenity loss to adjoining properties as previously detailed.</p> <p>Lack of details on lighting proposed for parking, pool, entertainment, and activity areas, in addition to any up lighting proposed about the building, are significant factors that could further reduce residential amenity on adjoining properties.</p> <p>This is significant as the site is surrounded on three sides by dwellings, and lighting can significantly add to the already large list of design faults which will destroy the residential amenity of the surround area, and which therefore adds to the case that this proposal does not meet the Zone objective that Development in the B4 Zone should achieve "compatible land uses"</p>
<p>D3.2.4 Character and Design in Business and Mixed Use Zones</p> <p>Objectives</p> <p>1. To ensure that tourist accommodation in Business and Mixed Use Zones is compatible with the character and amenity of development in the locality.</p> <p>Performance Criteria</p> <p>Tourist accommodation in Zones B1, B2 and B4 must be compatible in character and amenity with development in the locality. The provisions of the following Sections in Chapter D4 Commercial and Retail Development apply to all tourist accommodation development in Zones B1, B2 and B4 in the same way they apply to commercial and retail development in Business and Mixed Use zones: a) Section</p>	<p>Again, the over development proposed, with First Floor Windows, and Private Patios sitting directly adjacent to the residential buildings on the adjacent R2 & R3 Residential Zoned sites to the north, west, south west, and south.</p> <p>Pool & Bar Area amenity impacts on adjacent R2 Zone dwellings to the south and west.</p> <p>Parking areas directly off the laneway will cause exhaust vapours and headlight intrusion into adjacent R2 Zone dwellings to the south and west.</p> <p>This results in loss of privacy and significant amenity impacts relating to noise transmission over a very short distance.</p>



<p>D4.2.1 – Design Character of Retail and Business Areas. b) Section D4.2.2 – Design Detail and Appearance. Prescriptive Measures No Prescriptive Measures.</p>	<p>Lack of details of the impacts of Lighting on surrounding dwellings. All of these do not meet this DCP objective that Development <u>is compatible with the character and amenity of development in the locality.</u></p>
<p>D3.3.6 Hotel or Motel Accommodation Objectives 1. To ensure that hotel or motel accommodation development <u>is compatible with the character and amenity of development in the locality.</u> 2. To ensure that establishment of hotel or motel accommodation development does not adversely affect the social and economic robustness, diversity and vitality of retail, business and community areas and precincts. Performance Criteria 1. The design and operation of hotel or motel accommodation <u>must be compatible with the streetscape and character of development in the locality.</u> 2. Development applications must demonstrate that the proposed development will be appropriately designed and landscaped consistent with the requirements of Chapters B11 Planning for Crime Prevention and B9 Landscaping. 3. <u>Hotel or motel accommodation development must not adversely affect the amenity of the precinct in which it is located.</u> Development applications may need to be accompanied by a Social Impact Assessment prepared pursuant to Chapter B12 Social Impact Assessment, where applicable. 4. External pedestrian access must be provided between accommodation units and other facilities associated with the development, including car parking. The access must comprise covered connecting pathways or access balconies with an all-weather surface and must be integrated with the overall landscape plan for the development. 5. Motels must incorporate eating and living areas and facilities, together with outdoor recreation/ living areas with access to winter sun and summer shade. They may also include self-contained cooking facilities. 6. <u>Development must be designed and constructed to minimise noise and vibration impacts on occupants of adjoining or nearby dwellings or buildings.</u> Prescriptive Measures There are no Prescriptive Measures.</p>	<p>The over development proposes First Floor Windows, and Private Patios that sit directly adjacent to the residential buildings on the adjacent R2 & R3 Residential Zoned sites to the north, west, south west, and south. Pool & Bar Area amenity impacts on adjacent R2 Zone dwellings to the south and west Parking areas directly off the laneway will cause exhaust vapours and headlight intrusion into adjacent R2 Zone dwellings to the south and west. This results in loss of privacy and significant amenity impacts relating to noise transmission over a very short distance. The development does not meet these DCP requirements, and as such it must be refused. As this site sits at the interface between B4 Lands and Residential Zones, then maximum development cannot be expected, and to the contrary, a development that tapers into the adjacent residential areas is expected by the LEP and DCP provisions, as detailed in this objection, then Council has no option but to refuse this application.</p>
<p>Chapter D4 Commercial and Retail Development D4.2.1 Design and Character of Retail and Business Areas Objectives</p>	<p>In its current form, the design has a significant adverse impact on the adjacent dwellings to the north, south, south west and west, and the additional uses (Restaurant</p>



<p>1. To promote pedestrian and cycle usage, together with reduced vehicle dependency in the Shire's business, commercial and retail areas.</p> <p>2. To encourage safety, accessibility and human scale in the Shire's business, commercial and retail areas.</p> <p>3. To encourage diverse, multi-functional business, commercial and retail centres that provide a compatible range of commercial, recreational and community activities appropriate to the Shire's climate, environment, social fabric and scenic character.</p> <p>4. To ensure that development reinforces the role of centres within the Shire's commercial centres hierarchy.</p> <p>5. To ensure that establishment and operation of new development contributes to and does not detract from the social and economic robustness, diversity and vitality of retail, business and community areas and precincts.</p> <p>Performance Criteria</p> <p>1. Business, commercial and retail development must be designed to promote and encourage safe, convenient pedestrian and cycle access to and from the development itself and the surrounding precinct. Development must be designed to integrate well with the locality's pedestrian and cycle network and to contribute to the aesthetics, landscape design and usage of adjoining streets.</p> <p>2. <u>The design of development must be compatible with the diversity and multi-functional character of its locality.</u> In retail areas development must be designed to promote visual interest, to maximise shopfront window access, and to minimise blank walls along street frontages.</p> <p>3. Design of development must respect the Shire's subtropical climatic conditions and must make provision for winter sunlight, summer shade and weather protection in adjoining streets and pedestrian areas.</p> <p>4. Development must be compatible with and reinforce the role of the centre in the commercial centres hierarchy. Development within coastal centres <u>must reflect a lowscale, tourist-beach image.</u> Development in rural centres or localities must be compatible with the atmosphere and character of the centre or locality.</p> <p>5. Pedestrian areas, community spaces, vehicle parking and manoeuvring areas must be paved, furnished and landscaped in accordance with the provisions of Chapter B9 Landscaping, and with any landscape and streetscape themes adopted by Council for the</p>	<p>and Bar, Large Pool and entertainment area, and overlooking windows and balconies), increases this adverse impact to an intolerable level.</p> <p>This is compounded by the fact that there is now such inadequate area for onsite parking, that parking directly off two road frontages is proposed, with vehicles reversing out into the lane at multiple points, which increases the risk of traffic conflict, and the fact that these spaces will be directing exhaust fumes, and or headlights and engine noise, directly into adjacent residential properties.</p> <p>This is unacceptable and is further proof that the development is an over development of the site, which should be reduced in scale and redesigned such that all required parking is provided within the site and that all vehicle manoeuvring occurs within the site. This would not be so critical if this B4 Zoned site backed onto other commercial sites. The fact is however that it backs onto residential lands, and therefore this adverse impact does not meet the Zone objective that Development in the B4 Zone should achieve "compatible land uses". On this basis this application must be refused.</p> <p>Further, the development does not meet these DCP requirements, and as such it must be refused.</p>
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<p>locality.</p> <p>6. Development applications must demonstrate that the <u>establishment and operation of the proposed development will not adversely affect:</u></p> <p>a) The social and economic robustness, diversity and vitality of retail, business and community areas and precincts.</p> <p>b) <u>The social amenity of the precinct in which it is located.</u></p> <p>7. Development applications must demonstrate that the proposed development will be consistent with the requirements of this DCP, including (but not limited to) Chapter B4 <u>Traffic Planning, Vehicle Parking, Circulation and Access</u>, B8 Waste Minimisation and Management, B10 Signage and B11 Planning for Crime Prevention.</p> <p>Prescriptive Measures - Nil</p>	
<p>D4.2.2 Design Detail & Appearance Objectives</p> <p>1. To ensure that development is compatible with the design and amenity of development in the locality.</p> <p>Performance Criteria</p> <p>1. The design of new buildings must reflect and enhance the existing character of the precinct. The design, scale, bulk, design and operation of business, commercial and retail development must be compatible with the streetscape and with the aesthetics, function and amenity of development in the locality.</p> <p>2. Building design, roof profile, detailing, colours, materials and the like that are visible from the street and from adjoining properties must be compatible with any dominant design themes in the surrounding locality.</p> <p>3. The pattern of windows in retail areas must provide visual interest and variation and must relate to those of adjacent buildings. Building materials must relate to the context of buildings within the area to achieve continuity and harmony. Contrasting materials may be used to provide diversity, however materials and colour must not be used so that they dominate the streetscape.</p> <p>4. Special emphasis must be given to the design of corner buildings, including consideration of:</p> <p>a) How the building addresses neighbouring buildings, its dual frontage and its turning of the corner.</p> <p>b) Stepping up at the corner and creating a perceived height greater than neighbouring buildings.</p> <p>c) Incorporation of distinctive features to enhance the streetscape, e.g. stepped parapet, turrets, towers, clocks or the like.</p>	<p>The inadequate incongruous design, not only offends the amenity of the area as a result of its bulk and scale, but the design also causes a significant loss of amenity to the adjacent residences, with noise, overlooking, parking, exhaust, pool and entertainment area noise, and lighting, all forcing the occupants of adjacent residential properties to retreat into their houses, and close all of their doors and windows.</p> <p>This is unacceptable adjacent to these Low and Medium Density Residential Character areas, and is contrary to a tapering of commercial intensity as it approaches a Residential Interface.</p> <p>Further to this no details have been provided of the lighting of the parking areas or the outdoor entertainment areas, or this large stark box of a building.</p> <p>These factors alone would also destroy the amenity and character of the adjacent Low and Medium Density Residential areas, which again is contrary to the Zone objective, that Development in the B4 Zone should achieve “compatible land uses”.</p> <p>It is thus imperative that Council refuse this application.</p> <p>The design is at odds with not only the existing streetscape, parking, and design guidelines set within DCP 2014, but the loss of natural sunlight to the west, and the dominant and harsh lines of this imposing structure, and significant building height plane breaches (although technically not applicable to B4 Zoned land, despite being located adjacent to urban development), will create a design totally at odds with these</p>



<p>d) Creating a splayed or recessed treatment of the corner in a way that gives form to the intersection and provides more circulation space for pedestrians.</p> <p>Prescriptive measures - Nil</p>	<p>DCP 2014 provisions.</p>
<p>E4.2.1 Character, Bulk & Scale of Development</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure that all development is consistent with, and will maintain and enhance the low-key, family-friendly, coastal village character, streetscape and scale of Brunswick Heads. 2. To ensure that business, office and retail development in the B2 and B4 zone contributes to a unified and recognisable town centre character and applies sustainable development principles that further enhance the centre's role as a dynamic local business sector. 3. To ensure that residential development in Brunswick Heads will complement, support and strengthen the town's unique character, living amenity and tourist potential. <p>Performance Criteria</p> <p>The existing and desired future character of Brunswick Heads is defined by the following characteristics:</p> <ol style="list-style-type: none"> 1. Natural Environment The Brunswick Heads Urban Area is bounded and strongly influenced by natural elements including the sea, the Brunswick River, wetlands, remnant forests, bushland and parklands. Development within the Brunswick Heads Urban Area is located, designed and oriented to support, complement and foster community access to and understanding of those natural elements. Development is designed to protect and enhance their integrity and to respect their natural edges. Where feasible, development allows and encourages the natural elements to expand into the development site. 2. Residential Areas <ol style="list-style-type: none"> a) The residential areas of Brunswick Heads contain a varied and compatible range of architectural styles, materials, landscapes and streetscapes. Housing comprises mainly low density, low rise single and attached dwellings with low-impact bulk and scale. New development is designed to respect the integrity and character of heritage items, consistent with Chapter C1 Non-Indigenous Heritage. b) New residential development is consistent with the requirements of Chapter D1 Residential Development in Urban and Special Purpose Zones. Development is designed to enhance the low key, family-friendly, coastal village character, streetscape and scale of 	<p>Again, the inadequate incongruous design, not only offends the amenity of the area as a result of its bulk and scale, but the design also causes a significant loss of amenity to the adjacent residences, with noise from the overflow dining / lounge / entertainment areas, overlooking balconies and openable first floor windows, forcing the occupants of adjacent residential properties to retreat into their houses, and close all of their doors and windows.</p> <p>This is unacceptable adjacent to these Low and Medium Density Residential Character areas.</p> <p>Further to this no details have been provided of the lighting of the parking areas or the outdoor entertainment areas, or this large stark box of a building.</p> <p>These factors alone would also destroy the amenity and character of the adjacent Low and Medium Density Residential areas, which again is contrary to the Zone objective, that Development in the B4 Zone should achieve "compatible land uses".</p> <p>It is thus imperative that Council refuse this application.</p> <p>The design is at odds with not only the existing streetscape, parking, and design guidelines set within DCP 2014, but the loss of natural sunlight to the west, and the dominant and harsh lines of this imposing structure, and significant building height plane breaches (although technically not applicable to B4 Zoned land, despite being located adjacent to urban development), will create a design totally at odds with these DCP 2014 provisions.</p>



Brunswick Heads. Landscaping is provided in accordance with the requirements of Chapter B9 Landscaping.

3. Business and Mixed Use Areas

a) Land zoned B2 and B4 (along Tweed Street between Mullumbimbi and Booyun Streets) provides a safe, low traffic speed, pedestrian/cycle friendly environment that encourages outdoor dining and community activity in the street. Land zoned B4 along Tweed Street north of Mullumbimbi Street and south of Booyun Street **provides a transition area between town centre business zones and residential areas.** Development in this area uses setbacks, planting and design elements to contribute positively to village amenity and create a pedestrian/cycle friendly streetscape.

b) **New commercial and retail development is consistent with the requirements of Chapter D4 Commercial and Retail Development. Development is designed to enhance the low key, family-friendly, coastal village character, streetscape and scale of Brunswick Heads.** Shop-top housing is encouraged. c) New development respects the north coast climatic conditions and adopts sustainable design principles. It incorporates footpath awnings and sun and rain protection for pedestrians. Landscaping is provided in accordance with the requirements of Chapter B9 Landscaping. Development respects heritage items and where relevant is consistent with Chapter C1 NonIndigenous Heritage. It is compatible in design and character with its neighbours.

d) No excavated parking basements will be permitted and additional vehicle footpath crossings will be discouraged in the B2 zone.

e) **Development applications must demonstrate that:**

i) **the character, bulk, scale, density, streetscape and landscape treatment of proposed development will be compatible with and will enhance the low-key, familyfriendly, coastal village character, scale and streetscape of Brunswick Heads, its built environment and its surrounds;**

ii) the proposed development will be consistent and compatible with the relevant characteristics and criteria described above in: 1. Natural Environment, 2. **Residential Areas** and 3. Business and Mixed Use areas inclusive.

iii) building materials, textures, finishes and colours will be compatible with and enhance the coastal village character and scale of Brunswick Heads, its built environment and its



<p>surrounds;</p> <p>iv) where applicable the proposed development is consistent with the requirements of other provisions of this DCP, including but not limited to Chapters B9 Landscaping, C1 Non-Indigenous Heritage, D1 Residential Development in Urban and Special Purpose Zones and D4 Commercial and Retail Development.</p> <p>Prescriptive Measures - Nil</p>	
<p>E4.2.2 Development in Tweed Street Objectives</p> <p>1. To promote integration of the character of the former Pacific Highway precinct with the remainder of the town.</p> <p>2. To implement the adopted Tweed Street Masterplan</p> <p>Performance Criteria - Development applications that include land with frontage to Tweed Street, or that adjoin land with frontage to Tweed Street, must demonstrate:</p> <p>a) that the development is consistent with and/or complementary to the Tweed Street Masterplan;</p> <p>b) that the design of the project will contribute to the unified design, streetscape and landscape themes set out in the Tweed Street Masterplan; and</p> <p>c) that the development addresses and, where relevant, incorporates changes in the public realm set out in the Tweed Street Masterplan .</p> <p>Prescriptive Measures - Nil</p>	<p>Adverse amenity and parking impacts are compounded by the fact that there is now such inadequate area for onsite parking, that parking directly off two road frontages is proposed, with vehicles reversing out into the lane at multiple points, which increases the risk of traffic conflict, and the fact that these spaces will be directing exhaust fumes, and or headlights and engine noise, directly into adjacent residential properties.</p> <p>This is unacceptable and is further proof that the development is an over development of the site, which should be reduced in scale and redesigned such that all required parking is provided within the site and that all vehicle manoeuvring occurs within the site. This would not be so critical if this B4 Zoned site backed onto other commercial sites. The fact is however that it backs onto residential lands, and therefore this adverse impact does not meet the Zone objective that Development in the B4 Zone should achieve “compatible land uses”. On this basis this application must be refused.</p>

3. Sec. 4.15(1)(c) SUITABILITY OF THE SITE

As stated previously in the Statutory assessment of the proposal, this inadequate and incongruous design, not only offends the amenity of the area as a result of its bulk and scale, but the design also causes a significant loss of amenity to the adjacent residences, with noise from the overflow dining / lounge / entertainment areas, overlooking balconies and openable first floor windows, forcing the occupants of adjacent residential properties to retreat into their houses, and close all of their doors and windows.

This is unacceptable adjacent to these Low and Medium Density Residential Character areas.

Further to this no details have been provided of the lighting of the parking areas or the outdoor entertainment areas, or this large stark box of a building.

These factors alone would also destroy the amenity and character of the adjacent Low and Medium Density Residential areas, which again is contrary to the Zone objective, that Development in the B4 Zone should achieve “**compatible land uses**”.

It is thus imperative that Council refuse this application.

The design is at odds with not only the existing streetscape, parking, and design guidelines set within DCP 2014, but the loss of natural sunlight to the west, and the dominant and harsh lines of this imposing structure, and significant building height plane breaches (although technically not applicable to B4 Zoned land, despite being located adjacent to urban development), **will create a design totally at odds with LEP 2014 and DCP 2014 provisions.**



This position is only reinforced by the need for the application to be accompanied by a Clause 4.6 Development Standard Objection, relating to the applications desire to breach the maximum height permitted within this area of Brunswick Heads. This reinforces the fact that this is an inadequate design, which results in an overdevelopment of a site on the Residential Interface, and therefore, all of these significant departures add to the conclusion that no variation of the development should be approved, as none can be shown to meet the primary Zone Objective that any development on this needs to be a **“compatible land use”**.

This is particularly so when a more sensitive design could easily be achieved through a better and more sensitive placement of development, tapered in from the boundaries, with design elements that prevent overlooking and noise impacts incorporated, and which locates all parking within the site so as to minimise, rather than maximise impacts on adjacent residential amenity.

These factors take the proposal beyond acceptable development limits in terms of visual impact, aural, social impact, and environmental impact.

It is thus inconsistent with the character of the area in terms of its scale, design, and lack of consideration for the precautionary principle.

As such, the proposed use will detract from the character of the area, and represents an inappropriate over development of the site.

This is compounded by the fact that there is now such inadequate area for onsite parking, that parking directly off two road frontages is proposed, with vehicles reversing out into the lane at multiple points, which increases the risk of traffic conflict, and the fact that these spaces will be directing exhaust fumes, and or headlights and engine noise, directly into adjacent residential properties, is the worst of design outcomes.

This is unacceptable and is further proof that the development is an over development of the site, which should be reduced in scale and redesigned such that all required parking is provided within the site and that all vehicle manoeuvring occurs within the site.

Again, this would not be so critical if this B4 Zoned site backed onto other commercial sites.

The fact is however that it backs onto residential lands, and therefore this adverse impact does not meet the Statutory Zone objective that Development in the B4 Zone should achieve **“compatible land uses”**. **On this basis this application must be refused.**

4. Sec. 4.15(1)(e) PUBLIC INTEREST

Due to the fundamental design problems raised by this submission, my clients urge Council to refuse this application.

The outcome from this proposal as presented is not only a massive overdevelopment which creates problems for adjoining residents and the locality, but the combination of all the preceding factors, will result in a significant loss of amenity due to overshadowing, bulk and scale, and loss of amenity, privacy, and low noise levels, thus being totally at odds with the adjacent Low and Medium Density Residential Character planned for the adjoining areas to the North, West, South West and South. On this basis there can be no other conclusion that than the proposal fails to meet the First B4 Zone Statutory Objective, which requires - **a mixture of compatible land uses**.

As stated, the design makes it impossible for the current over development to meet Statutory LEP requirements in relation to compliance with objectives, Statutory provisions relating to Height, and DCP provisions relating to privacy, amenity, solar access, bulk and scale, parking, noise, and lighting outcomes.

As such this proposal is not in the public interest.

5. CONCLUSIONS

As stated, my clients have strong objections to the loss of privacy, and amenity, which results from the adjacent overdevelopment. A development which is contrary to that expected, being for **“compatible land uses” as required by the Objectives of the B4 Zone**.



The design not only results in general non compliance with Councils design criteria, but it will detract significantly from the visual and environmental integrity of the adjacent residential area, and reduces the residential amenity of all adjacent dwellings.

As this site sits at the interface between B4 Lands and Residential Zones, then maximum development cannot be expected, and to the contrary, a development that tapers into the adjacent residential areas is expected by the LEP and DCP provisions, as detailed in the preceding sections of this objection.

On this basis, Council has no option but to refuse the application.

For these reasons, this objection is made in the strongest terms as it is evident, following our assessment of the proposal, that the resultant building and its associated parking, overlooking, bulk and scale and amenity impacts, totally and adversely detract from the amenity of the adjacent residential areas.

CHRIS LONERGAN. B.A. (Town Planning UNE)
29th. October 2020.

Dear GM, My letter concerns the Harbour View Motel DA. I would like to request that either I could make a late submission to the Harbour View Motel DA, or that the proposal be readvertised for submissions. I was unaware of the street name change to Harbour View and therefore did not know the location of the proposal. I don't believe there are any road signs to announce the name change. Thankyou for your consideration.
Yours truly

Dunswick Heads

2483

10-2010-513-1

PR 65950

BYRON SHIRE COUNCIL
DOC NO:
REC'D: - 8 FEB 2021
FILE NO: A82623
ASSIGNEE: S. Burt

The General Manager,
Byron Shire Council.

P.O. Box 219
Mullumbimby
N.S.W. 2483



Brunswick Heads
N.S.W. 2483

Attention: Ivan Holland,
Assessment Planner.

We refer to Development Application - NO 10.2020.513.1 which is currently on exhibition. We are writing this submission to express our strong disapproval of this development. We live in the lane that runs behind the Motel. You need to know how often this area floods with sea water that comes from flooded storm water drains, sewerage that comes from damaged sewerage pipe that is clogged up with sand and storm water that can't get away because the storm water pipes are already flooded with sea water. On a high tide and heavy rain our toilets back up, every pipe is gurgling and filling the house with the smell of sewerage. Council is aware of this issue and after much prompting they came and unclogged the sewerage pipe (which is not maintained) so it will clog up with sand again. Our home has been flooded twice with sewerage, sea water and flood water.

The restaurant and the extra rooms are seriously going to impact on an already dysfunctional system. This will impact on our lane which is only used by the people that live here and children riding their bikes. The Motel now has 16 guest rooms and 14 on site parking spaces. The redeveloped Motel will have 23 guest rooms and 33 parking

spaces plus a restaurant bar area of 160 square metres. The proposed three story development goes against the 2 story limit that we have in Bruns. The Owner is from Brisbane City and has already cut down 6 rainforest Old Growth trees which I informed Council about and he was given permission by our Green Council under the name of beautification. The trees were food for our Flying Fox and Birds.

We strongly say NO to this development as it will have too much impact on our neighborhood. Please consider our situation.

Yours Sincerely..

PN: 65950

BYRON SHIRE COUNCIL	
DOC NO:
REC'D:	30 OCT 2020
FILE NO:	A82623
ASSIGNEE:	J. Holland

Brunswick Head
30th October ²⁴⁸³

I wish to place an
objection to the Development
No 1020205-13.1

Proposed Motel Development
84 Harbour Way Brunswick Heads

This is a privacy concern
and this development is too
high and too close to neighbors
and of course it does
Hood in this area

The lane is very narrow
and is already very busy
and noisy at times

yours

Byron Shire Council

council@byron.nsw.gov.au

Attention **Ivan Holland**

Re: **Opposition to DA 2020 – 513 for 84 Harbour Way, Brunswick Heads**

Hi Ivan

I am hoping that any relevant comments I make can be considered in the judgement of the above DA.

CONFUSION OVER THE DA ADDRESS

I had great difficulty finding this DA due to its new address, as a result of renaming the Old Pacific Hwy as Harbour Way. Consequently, I was unable to submit my views on the above DA within the exhibition period. I was also not the only one who had this problem and many locals are unaware of this DA. This DA is listed at the new address of 84 Harbour Way, but the address of this business is still listed online as 2-6 Old Pacific Highway and the number displayed on the business is still 2 and not 84. This made tracking this DA down using the address of the business impossible. I would like to see this major DA reexhibited again under both the old and new address.

EXCEEDS HEIGHT LIMITS

The Bulk and scale of this development far exceeds any other development in the residential areas of Brunswick Heads. The DA is proposed for land that is very visible on the main thoroughfare into Brunswick Heads and overdevelopment will negatively impact the low-key village feel of the town. Development above the 9m height level should not be permitted. All roof top decks and apartment on "Level 2" of this DA, which in fact is a third storey, should not be permitted.

STYLE AND DESIGN OUT OF CHARACTER

The design and style of this DA do not reflect the coastal architecture or nostalgic 1950s feel of the rest of Brunswick Heads. Reducing DA approval to a two-storey building will maintain the existing village streetscape. All three motels in Brunswick Head have adopted a mid-century design in their establishments which works well with the towns unique character. Images provided with this DA seems to show a resort enclosed behind huge 4m rock walls and a bar and restaurant also behind 2m rock walls. As you will see from data provided regarding the lack of fences in Brunswick Heads below, the idea of an exclusive resort, for a privileged few, is not what Brunswick Heads is about. Brunswick Heads is a town that is open to all and its natural beauty and resources are there for all that visit to enjoy. It really is an insult to Brunswick Heads that this development is called 'The Brunswick' as there is nothing simple or like Brunswick Heads about it.

FENCES TOO HIGH

I like the choice of natural stone for fencing but reject the proposed 2m height of fences in the front of the restaurant and bar, or other huge fencing. All fences should be kept low in keeping with most dwellings in Brunswick Heads which have low or no front fencing. A survey of 405 dwellings in Brunswick Heads showed that 52% have no fence, 18% have very low fences under half a metre, 20% have fences up to 1.2 metres and 10% have high fences over 1.2metres. These stats show that high front fences are out of character for Brunswick Head. Privacy if desired should be achieved through high plantings rather than fencing thereby retaining the village streetscape and enhancing the natural beauty of the town. I would like to see the bar and restaurant open to the street, so they become part of the town, as opposed to part of an exclusive compound hidden by 2m-4m rock walls.

TRAFFIC MANAGEMENT AND PARKING

Tweed St / Harbour Way is the main road into and out of Brunswick Heads. The impact of traffic and parking from a new restaurant and bar on Tweeds St, near Final St, is obvious. The area is fully parked out right up the side streets, all day, every day. There are many car movements happening which negatively impact the free flow of traffic along Tweed St / Harbour Way. What will the impact of this DA on parking and traffic flow? The position of the DA driveway on the curve of the road may also impact line of sight, possibly leading to collisions, particularly with increased parking outside the business. Will increased parking on the side streets, Fawcett St and Newberry Parade, also cause traffic problems? I feel all parking should be provided on site by the developer as this will reduce the bulk and scale of the development. If they are permitted to use public road reserves for their parking it enables inappropriate bulk and scale of the development that is not in keeping with the streetscape of the village of Brunswick Heads.

DRAINAGE AND SEWAGE

I am aware of a small cottage about two doors down from this DA being flooded and inundated with raw sewage in the past! What will be the impact on flooding from the major increase of hard surfaces in this DA? Paved areas should not be allowed to have concrete under them but should remain porous. Where will the storm water be directed if rain tanks are full and what will be the impact of king tides of storm water runoff. 100-year flood areas are all around this development. How will they be impacted?

NOISE

If the rooftops proposed in this DA are used for large functions, the impact of noise on the surrounding residents and local wildlife would be unacceptable particularly after dark.

Thank you for the opportunity to comment.

From: byroneforms
Sent: Tuesday, 3 November 2020 8:58 AM
To: council
Subject: 10.2020.513.1 - Submission of Object

Development Application - Submission notification

Submission ID: BSC-005-226

DA number: 10.2020.513.1

Subject address: 84 Harbour Way Brunswick Heads

Application type: Object

Other details:

Grounds: Further to submission number BSC-005-224. Particular circumstances at the time did not permit its completion prior to submitting this. Thus if this could be considered as part of BSC-005-224 submission it would be appreciated. As such I will continue at point 10. 10. The inclusion of, and footprint of the Bar and Restaurant area is so much greater than what this motel currently operates. As such it must itself be completely examined as to its affect on the amenity of the residential neighbourhood. 11. The substantial extra seating, particularly outside on what is shown as a terrace operating till 10pm will have enormous detrimental impact on the residents for quite some distance. Patrons will not suddenly go quiet at 10pm. But leave over any period of time after this. The noise of either patrons leaving as pedestrian or worse, in vehicles, for any amount of time post 10pm will be unacceptable. (I have already commented on the the absence of on site parking for the bar restaurant.) 12. The new and expanded Bar licence should not be supported due to its operation in and effect on the residential area it would be located within. 13. This is an inappropriate development of the present facility. Even the DA itself is completely lacking and unprofessional.

Brunswick Heads NSW 2483

28 October 2020

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

Attention: Ivan Holland – Assessment Planner

RE: Development Application No. 10.2020.513.1
Proposed Motel Development
84 Harbour Way, Brunswick Heads

We refer to Development Application No. 10.2020.513.1 which is currently on public exhibition. Please accept this correspondence as a formal submission in objection to the Development Application. We are the owners/residents of 1

We make this submission as the owners of the property that is the most affected by the proposal. We have reviewed the Development Application documentation on-line and submit the following major concerns regarding the development:

1. Privacy Impacts

The development plans include two stairwells adjacent to our common property. The stairwells lead from the ground level car park to the guest rooms within Level 1 of the building. The northern elevation plan shows openings from these stairwells that will allow guests to look directly into our property from elevated positions. The floor plans show landings that are just 1.5 metres from our common boundary.

The proposal includes four separate rooftop terraces above Guest Rooms 17-20. These are all within 2 metres of our common boundary.

The northern elevation plan shows a total of 24 windows facing our property. The Floor Plans show that these windows are openable.

The above features of the design will result in significant impacts on the privacy of our residential property. Our private open space area, which includes an inground swimming pool, deck and yard area, will be exposed to overlooking and reduced amenity. When we purchased our property the motel site was located within a 2(a) Residential Zone. We had a reasonable expectation that any future development would be subject to the same development controls that apply to our property. We do not feel that a change in zoning allows a developer to disregard our privacy and put forward a proposal with windows, stairwells and rooftop terraces that look directly into our home and yard areas.

2. Noise Impacts

The elements of the proposed building that will impact on our privacy will also create adverse noise impacts on our home. Concrete stairwells and corridors typically create echoes which amplify noise from foot traffic and conversations. The openable windows will allow noise from within Guest Rooms 17-20 to be focused directly towards the upper floor living, study and bedroom spaces within our home. The proposed rooftop terraces are unenclosed spaces which will allow unrestricted noise spill.

We note that the existing parking area adjacent to our common property boundary will be reconfigured and covered by new guest accommodation. The concrete construction of the carpark ceiling will create increased noise impacts on our property from vehicle movements. The proposed parking area remains open to the north, allowing echoes from engines, car doors and turning tires to be directed towards our home.

In early 2019 we worked with a Architect to design a renovation to our home with careful consideration of reducing noise from the adjacent public roadway whilst maintaining our private open space area within the rear of our home. With our renovation now completed, the proposed motel redevelopment will compromise our significant capital investment and exposes us to excessive noise impacts for this residential location.

3. Public safety / NSW Police reaction time

The motel currently operates with no night manager on site especially on the weekends when the motel is at its full capacity.

This has left ourselves to deal with the adverse effects of Loud music around the pool area, offensive language and behaviour emanating from the property at all hours of the morning.

We have on number of occasions had to call police for noise complaints and for more serious matters such as Domestic violence, Assaults and other drug related matters.

As direct neighbours we are often woken up during the night especially on weekends to loud altercation that are emanating from the property.

Brunswick Heads Police Station is not 24 hour maned. This means that after 2am in the morning we rely on the Byron Bay Police to cover Brunswick Heads, Ocean Shores and Mullumbimby area.

In the past we have had to put our safety at risk to protect others in the motel as the police work load is already at capacity in Byron Bay and surrounding areas they often do not respond within the hour sometimes not at all.

Byron Bay Police will have a number of Events on their system relating to after hour calls and other call outs to the Property.

The neighbours are often left to deal with the situation putting there own lives at risk to protect others. This is greatly impacting all the neighbours well as their mental health.

4. Density & Character

The existing motel comprises a comparatively small scale two storey development with 16 guest rooms and 14 on-site parking spaces. The redeveloped motel proposes 23 guest rooms, 33 parking spaces and a restaurant/bar area of 160 square metres. Residential properties containing single dwellings are located to the immediate north, south and west. The proposed 3 storey development is markedly out of character with the existing built environment. The proposed density will result in a development that will dominate the streetscape and diminish the low scale residential character that Brunswick Heads is known for.

5. Overall Height

We are concerned not only with the proposed three storey configuration of the proposed development (which allows for rooftop terraces that directly impact on our property), but also the fact that the proposal seeks to vary Byron Shire Council's maximum 9 metre height control that applies to the entire town. The height of the proposed development results in a building that is out of character with the established residential and commercial buildings immediately surrounding the property.

6. Parking Shortfall

We are concerned that the commercial development, which proposes a 160 square metre restaurant, seeks to use public land to make up for a shortfall in on-site vehicle parking. The Fawcett Street road reserve should be rightly maintained for public use. The fact that the development relies on on-street parking supports our concerns that the proposal compromises an over-development of the site.

7. Rear Lane Impacts

The rear lane which leads north from Fawcett Street is very narrow and has limited ability to accommodate increased traffic. The proposal includes 8 new on-site parking spaces that are proposed to align with the laneway boundary. We don't believe vehicles will be able to safely manoeuvre in such a narrow laneway. We obtained approval from Byron Shire Council in 2016 for a garage at the rear of our property (facing the same laneway). Byron Shire Council required us to set our garage back 3 metres from the laneway frontage to allow for vehicle manoeuvring. We are concerned that the proposed parking arrangements for the motel may restrict vehicles from established residents using the lane.

8. Flooding

The rear of our property has been impacted by flooding in the past. We would need assurance from Byron Shire Council that the proposed redevelopment of the motel site will not increase flooding within our property, particularly given the extensive renovations we have just completed to our home. The proposed development includes additional site coverage and impervious areas. We are concerned that this could alter the movement of water and create additional stormwater runoff that could impact on our property.

9. Over-development of the site

Considering our concerns above, we would like Byron Shire Council to consider whether the proposal compromises an over-development of the site. The proposal would certainly change the character of the area and will create a precedent for other development within the Brunswick Heads village. We request that Byron Shire Council provide careful consideration of its development controls to ensure that the development does not result in adverse impacts on local residents.

As the only immediately adjacent landowners to the proposed development, please provide full consideration to our key concerns outlined above. Feel free to contact us should you require further comments on our concerns. Further, please notify us should revised plans be submitted for this proposal.

Yours Sincerely

From: byroneforms
Sent: Sunday, 1 November 2020 7:57 PM
To: council
Subject: 10.2020.513.1 - Submission of Object

Development Application - Submission notification

Submission ID: BSC-005-223

DA number: 10.2020.513.1

Subject address: 84 Harbour Way Brunswick Heads

Application type: Object

Other details:

Grounds: We have already participated in a joint submission regarding this development, but I feel that I want to add another objection / comment on behalf of my family, at Street. We think the development is an over-development of the site, and specifically we have concerns about the parking lot that the developer wishes to build on Fawcett street. Concerns include the appearance of the street - a paved or cemented area simply would not fit within the character of the street or within the rest of Brunswick Heads. We wish to see the natural look of the street remain, including trees and greenery along the border of the hotel. Any signage or lighting (for the parking lot) may also detract from the atmosphere and feeling of the street, which is in a residential area even though bordering a mixed use zone. Also, why should the developers be permitted to create a parking lot on council land, instead of within their own property? The fact that there is not enough space supports our view that this is a over-development. We hope that council does take into consideration that families live in this area, and we hope to maintain the natural beauty and low-key feel, and limiting traffic on Fawcett street, where our kids currently enjoy a safe street to play and ride their bikes.

Brunswick Heads NSW 2483

28 October 2020

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

Attention: Ivan Holland – Assessment Planner

RE: Development Application No. 10.2020.513.1
Proposed Motel Development
84 Harbour Way, Brunswick Heads

We refer to Development Application No. 10.2020.513.1 which is currently on public exhibition. Please accept this correspondence as a formal submission in objection to the Development Application.

We make this submission as the owners of the property that is the most affected by the proposal. We have reviewed the Development Application documentation on-line and submit the following major concerns regarding the development:

1. Privacy Impacts

The development plans include two stairwells adjacent to our common property. The stairwells lead from the ground level car park to the guest rooms within Level 1 of the building. The northern elevation plan shows openings from these stairwells that will allow guests to look directly into our property from elevated positions. The floor plans show landings that are just 1.5 metres from our common boundary.

The proposal includes four separate rooftop terraces above Guest Rooms 17-20. These are all within 2 metres of our common boundary.

The northern elevation plan shows a total of 24 windows facing our property. The Floor Plans show that these windows are openable.

The above features of the design will result in significant impacts on the privacy of our residential property. Our private open space area, which includes an inground swimming pool, deck and yard area, will be exposed to overlooking and reduced amenity. When we purchased our property the motel site was located within a 2(a) Residential Zone. We had a reasonable expectation that any future development would be subject to the same development controls that apply to our property. We do not feel that a change in zoning allows a developer to disregard our privacy and put forward a proposal with windows, stairwells and rooftop terraces that look directly into our home and yard areas.

2. Noise Impacts

The elements of the proposed building that will impact on our privacy will also create adverse noise impacts on our home. Concrete stairwells and corridors typically create echoes which amplify noise from foot traffic and conversations. The openable windows will allow noise from within Guest Rooms 17-20 to be focused directly towards the upper floor living, study and bedroom spaces within our home. The proposed rooftop terraces are unenclosed spaces which will allow unrestricted noise spill.

We note that the existing parking area adjacent to our common property boundary will be reconfigured and covered by new guest accommodation. The concrete construction of the carpark ceiling will create increased noise impacts on our property from vehicle movements. The proposed parking area remains open to the north, allowing echoes from engines, car doors and turning tires to be directed towards our home.

In early 2019 we worked with an Architect to design a renovation to our home with careful consideration of reducing noise from the adjacent public roadway whilst maintaining our private open space area within the rear of our home. With our renovation now completed, the proposed motel redevelopment compromises our significant capital investment and exposes us to excessive noise impacts for this residential location.

3. Density & Character

The existing motel comprises a comparatively small scale two storey development with 16 guest rooms and 14 on-site parking spaces. The redeveloped motel proposes 23 guest rooms, 33 parking spaces and a restaurant/bar area of 160 square metres. Residential properties containing single dwellings are located to the immediate north, south and west. The proposed 3 storey development is markedly out of character with the existing built environment. The proposed density will result in a development that will dominate the streetscape and diminish the low scale residential character that Brunswick Heads is known for.

4. Overall Height

We are concerned not only with the proposed three storey configuration of the proposed development (which allows for rooftop terraces that directly impact on our property), but also the fact that the proposal seeks to vary Byron Shire Council's maximum 9 metre height control that applies to the entire town. The height of the proposed development results in a building that is out of character with the established residential and commercial buildings immediately surrounding the property.

5. Parking Shortfall

We are concerned that the commercial development, which proposes a 160 square metre restaurant, seeks to use public land to make up for a shortfall in on-site vehicle parking. The Fawcett Street road reserve should be rightly maintained for public use. The fact that the development relies on on-street parking supports our concerns that the proposal comprises an over-development of the site.

6. Rear Lane Impacts

The rear lane which leads north from Fawcett Street is very narrow and has limited ability to accommodate increased traffic. The proposal includes 8 new on-site parking spaces that are proposed to align with the laneway boundary. We don't believe vehicles will be able to safely manoeuvre in such a narrow laneway. We obtained approval from Byron Shire Council in 2016 for a garage at the rear of our property (facing the same laneway). Byron Shire Council required us to set our garage back 3 metres from the laneway frontage to allow for vehicle manoeuvring. We are concerned that the proposed parking arrangements for the motel may restrict vehicles from established residences using the lane.

7. Flooding

The rear of our property has been impacted by flooding in the past. We would need assurance from Byron Shire Council that the proposed redevelopment of the motel site will not increase flooding within our property, particularly given the extensive renovations we have just completed to our home. The proposed development includes additional site coverage and impervious areas. We are concerned that this could change the movement of water and create additional stormwater runoff that could impact on our property.

8. Over-development of the site

Considering our concerns above, we would like Byron Shire Council to consider whether the proposal comprises an over-development of the site. The proposal would certainly change the character of the area and may create a precedent for other development within the Brunswick Heads village. We request that Byron Shire Council provide careful consideration of its development controls to ensure that the development does not result in adverse impacts on local residents.

As the only immediately adjacent landowners to the proposed development, please provide full consideration to our key concerns outlined above. Feel free to contact us should you require further comments on our concerns. Further, please notify us should revised plans be submitted for this proposal.

Yours Sincerely