

# Appendix

---

# F

## Consultation with Neighbours

27 August 2009  
Our Ref: SJC1210-363

Mr Mike Baldwin  
Ballina Highway Alliance  
Roads & Traffic Authority  
31 Victoria Street  
Grafton NSW 2450

and

Mr Shane Higgins/Steve Tyler  
Teven Road Compound  
Cnr Teven Road & Pacific Highway  
Teven NSW 2478

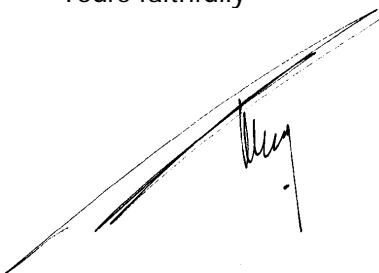
Dear Sir,

**Re: Proposed West Ballina Highway Service Centre Project**

I refer to my letter of 14 July 2009 enclosing updated Traffic Engineering Reports. In that letter I advised that I would forward to you confirmation in relation to alternative arrangements for access to the Ellis Farm with approval of the subject Development Application. Please find attached a copy of advice received from the owners of the project site (Ballina Waterways Pty Ltd) and solicitors acting on behalf of Mr Tony Ellis.

Thank you for the opportunity to work constructively in the preparation of plans and documentation for the subject project. We will now proceed to lodge with Council the revised documentation and you will shortly be contacted by Council, in the normal statutory referral process, to provide your technical advice in relation to this matter.

Yours faithfully



Stephen J Connelly FPIA  
Certified Practising Planner

**S J CONNELLY CPP** PTY LTD  
email: [steve@connelly.com.au](mailto:steve@connelly.com.au)  
mobile: 0419 237 982

Encl Advice from Ballina Waterway Pty Ltd (SJC ID 105075)  
Advice from Solicitors acting on behalf of Mr Ellis (SJC ID 105074).

CC Mr Chris Condon

6 Byron Street  
LENNOX HEAD NSW 2478  
PO BOX 538

Telephone  
02 6687 7171  
Facsimile  
02 6687 7067  
Voice Message  
02 9475 0889  
Email Facsimile  
02 9475 0889

**CPP**  
CERTIFIED PRACTISING PLANNER  
[www.connelly.com.au](http://www.connelly.com.au)  
ABN 40 125 970 783

# BALLINA WATERWAYS PTY LTD

ACN 000 745 782

ABN 93 000 745 782

46 Evan Street  
PENRITH NSW 2750  
(02) 4721-2289

24 August 2009

## TO WHOM IT MAY CONCERN

Ballina Waterways Pty Ltd is the owner of Lot 11 DP1011575 being land situate at the corner of the Pacific Highway and Teven Road BALLINA.

Mr Tony Ellis is the owner of Lot 14 DP1011575 being land to the north of Lot 11 DP1011575 owned by Ballina Waterways Pty Ltd.

Ballina Waterways Pty Ltd has a Development Application before Ballina Shire Council being DA2007/685 and wishes to advise that it is prepared to give legal access to Lot 14 DP1011575 by means of an access way which will be replaced by a public road in the position generally shown on Roads & Traffic Authority plan dated 7 February 2006, shown as Plan 1 Proposed Alternative Access. This access is conditional to Ballina Shire Council's approval to the Development Application for the service centre.

Yours faithfully  
Ballina Waterways Pty Ltd



---

S FREEBURN  
Director

# SOMERVILLE LAUNDRY LOMAX

## S O L I C I T O R S

### LISMORE

1 Carrington Street  
Lismore NSW 2480  
PO Box 26  
DX 7716 Lismore  
Phone: **02 6621 2481**  
Fax: 02 6621 6837

*Established 1888*

**Web:**  
www.sll.com.au  
**Email:**  
advice@sll.com.au

### BALLINA

Suite 1, 144 River Street  
Ballina NSW 2478  
PO Box 147  
DX 27717 Ballina  
Phone: **02 6686 2522**  
Fax: 02 6686 3115

Our Ref: **CMH:JG:75815 (Ballina Office)**

25 August 2009

Your Ref:

Mr C Condon  
Burns Point Properties Pty Limited  
PO Box 65  
**LENNOX HEAD NSW 2478**

Dear Sir

**Re: BALLINA SHIRE COUNCIL DA 2007/685**

We act for and on behalf of Mr Tony Ellis being the registered proprietor of land immediately east of the Pacific Highway Bypass of Ballina being Lot 226 in DP 1121079 ('farm').

We understand you have requested our client's consent to relocate his RTA granted access to facilitate the development of your proposal to develop a Highway Service centre (detailed in the abovementioned Development Application currently before the Ballina Shire Council).

As you are aware, part of our client's negotiated property settlement with the RTA was a 2 lane bitumen access road to his boundary and an all weather road to the cane loading pad in the middle of the farm. This was to be implemented prior to the existing access off Teven Road being closed.

The access proposed by you is shown on the attached plan. Our client will agree to your proposed access upon receipt of and subject to:

1. RTA irrevocable agreement in writing to the new location of the all weather road to the cane loading pad;



Liability limited by a  
scheme approved  
under Professional  
Standards legislation.

**Partners:** Colin Brown Dan McOmish Robert Warren Ben Crawford  
Guy Latham Sean Radburn

**Consultants:** Paul Starkey Tony Porter **Associates:** David Hunter Carolyn Hunt  
Ben Robin Andrew McCarthy Adam Gibbs



Accredited  
Specialists  
Family Law  
Personal Injury

2. RTA irrevocable agreement in writing to the new location of the access point onto the highway;
3. Written agreement from Ballina Waterways Pty Ltd as the current registered proprietor of land over which a right of way is to be registered to provide our client with unhindered access to the farm property;
4. Approval of the abovementioned Development Application; and
5. Registration at LPI of the right of way across Ballina Waterways land.

We acknowledge a copy of this letter is to be forwarded to the RTA to illustrate our client's conditional consent to your proposed access way as shown on the attached plan.

Yours faithfully

**SOMERVILLE LAUNDRY LOMAX**



**Carolyn Hunt**

[carolyn.hunt@sll.com.au](mailto:carolyn.hunt@sll.com.au)

