

Tweed Shire Council

Request

Request Number: ILL19/1624 **Priority:** Medium
Date Received: 08/10/2019 10:36.13 am **Resp Workgroup:** CRCompl
Source: Letter **Raised By:**
Status: Past **User ID:** Zoe Fobian
Group: Illegal Activity
Category: Noise

Sub Categories:

Related AR:

Property Number: 40699
Property Address: 64 Mount Warning Road MOUNT WARNING NSW 2484
Property Description: Lot 3 DP541945 **Land Number:** 8326
Caller Name: [REDACTED] **Home Phone:**
Caller Address: [REDACTED] **Work Phone:**
Mobile:
Email: [REDACTED] **Fax:**

Request Details:

Noise
Dear Zoe,
We are writing to complain about the noise levels from events at Mavis's Kitchen Restaurant at Mount Warning Road.
We [REDACTED] and our property [REDACTED]
During the last year there has been a gradual increase in the number of functions carried out at the Restaurant with wedding celebrations most weekends and some weekdays. Music and PA announcements can be clearly heard on our property to a volume which we find unacceptable.
This situation is becoming intolerable.
We have politely requested that the volume be turned down but have been told that the noise levels are within council approved levels. However we do not believe this is the case .
We have spoken to other neighbours who also have a similar problem and they too have requested the volume to be turned down but to no avail.
We moved to this beautiful area for peace and quiet and are saddened and disturbed by the situation we find ourselves in .
Can the council investigate the

Comments:

<u>Date</u>	<u>Type</u>	<u>Feedback \ Comments</u>
09/10/2019 09:15.05 am	crmComment	DA has been lodged. The Unit has sent the DA back to the owners for further information. Compliance action is currently being withheld. Closing CSR. Follow on ECM via 64 Mount Warning Road. ZF

Event History:

<u>Description</u>	<u>Status</u>	<u>Decision</u>	<u>Commenced</u>	<u>Target Date</u>	<u>Role Name</u>
<u>Notes</u>			<u>Finalised</u>		<u>User</u>
Start event clock			08/10/2019 10:37.47 am		
	Past	Completed	08/10/2019 10:37.47 am		

Tweed Shire Council

Request

<i>Description</i>	<i>Status</i>	<i>Decision</i>	<i>Commenced</i>	<i>Target Date</i>	<i>Role Name</i>
<i>Notes</i>			<i>Finalised</i>		<i>User</i>

Generate acknowledgement letter to caller? 08/10/2019 10:37.00 am

Current

Review priority?

Future

Is this a safety issue?

Future

Is contact with property owner required?

Future

Link Business Name to CRM

Future

Is an inspection required?

Future

Is a contractor required?

Future

Generate work order?

Future

Was there any action taken?

Future

Issue response letter?

Future

Is enforcement action required?

Future

Tweed Shire Council

Request

<i>Description</i>	<i>Status</i>	<i>Decision</i>	<i>Commenced</i>	<i>Target Date</i>	<i>Role Name</i>
			<i>Finalised</i>		<i>User</i>

Notes

Set request as completed

Future

Link subsequent caller to CRM

Future

Kristin-Lee McIntyre

From: Zoe Fobian
Sent: Monday, 2 September 2019 10:32 AM
To: Records Mail
Subject: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032
Attachments: resized.zip; last resize mavis.m4v

Please register.

Thank you

Zoe

Zoe Fobian

Compliance Officer - Development
Assessment and Compliance
Development Assessment and Compliance



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From: [REDACTED]
Sent: Monday, 26 August 2019 11:00 PM
To: Zoe Fobian
Subject: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Hi Zoe

I would like to bring attention to you and the planning department about recent and ongoing events regarding the business of Mavis's.

I am registering a complaint about the size of the events that are being held and requesting info. about the implications of such, with regard to safety and health issues. I am also making another noise complaint and an unapproved building complaint.

Is Mavis's required to submit a D.A. for a function centre? I have not heard anything in writing for 3 months and request confirmation of proceedings with Mavis's planning consultants. Which planning staff

member is familiar with this issue? I would like to schedule a meeting with the planning department to discuss the issues and inform myself on current planning laws, before emailing a preliminary submission.

At the recent market function on the 4th August, over 1500 people were in attendance throughout the day.

The parking consequences resulted in a safety hazard in my opinion. As the car park was full, generally both sides of Mt Warning Rd. were lined with cars, on a bend, for several hundred metres, allowing only one lane traffic and requiring reversing on a blind corner, to facilitate passing. Visibility on exit from the full car park was also blocked. This also occurred at the dog day function on 30th June when, once again, the car park overflowed onto the road for several hundred metres. I have attached photos and a brief video of the cars parked on that day.

Do the current restaurant's conditions of consent allow this many people at an event with regard to the impact on the septic system, parking and safety?

Will this intensive activity be allowed to continue if a function centre is approved?

Does council have a policy for function centres in rural zonings? If so, where can I find this information?

<https://maviseskitchen.com.au/dog-day-afternoon-sunday-30th-june/>

Dog Day Afternoon Sunday 30th June | Mavis's Kitchen

Another instalment of Fortunate Events at Mavis' Kitchen! Calling all four-legged friends to bring their humans for a day of fun, food and music.. Natural Therapies for pets; Gold coin donation per person for Animal rescue (Friends of the pound)

maviseskitchen.com.au

According to Mavis's social media and web page booking schedule, there is one or more functions to be held every week until Christmas. Below is a link to the websites weddings booking schedule. These are generally held external to the restaurant. As the weather warms up, these events will be more frequent. I would like confirmation on the number of events per year that are allowed without permit, external to the restaurant.

I was informed that 12 events were allowed without an events permit. Is this correct?

<https://maviseskitchen.com.au/weddings/wedding-enquiries/>

In the next three months alone more than 30 events are planned, which most of these, I assume from past history, will be outdoors. This frequency every weekend and concomitant noise is totally unreasonable for residents to be expected to endure.

Is this currently allowable? Will council allow this frequency of functions if a function centre D.A. is approved? What residential rights do I have for peace and quiet compared to a business ventures rights in a rural zoning? What compliance measures are council willing and able to undertake to protect residential rights or does business privilege rule over residential rights?

As I understand it, council will not require compliance until a D.A. is submitted to remedy the non compliance. Is that correct? It seems an odd way to conduct compliance and endorses non compliance. Once a D.A. is submitted how likely is it that the offenders will be significantly fined or fined at all? One wedding at Mavis's with accommodation can gross \$100,000. Council does not seem to have the resources or will to prosecute.

Around 10.15pm Saturday 24th Aug. raucous guest noises culminated in the extreme intentional amplification of a car revving . I have included photos of two P. A. 's that are on \$200 hire from Mavis's, for function holders to do what they like with it seems. The owners are unable or unwilling to control their guests noise on site. **What are the allowable decibel levels and relevant requirements for submission as evidence of non compliance?** I will purchase a decibel meter.

I am also writing to report a recently constructed unapproved cabin that is part of the accommodation offered by Mavis's. No D.A. was submitted. It is located up the bitumen driveway off Mt Warning Rd just before the newly constructed causeway and immediately after the turn off to Solomons Rd on the right, at the oval shaped Mavis's sign.

There is an obvious disregard for regulations and the rural amenity, in running this business.

I will send a preliminary submission with regard to the upcoming D.A. for a function centre, opposing it, as even if conditions of consent reflect respect for residential living, compliance and enforcement, I fear, will not be forthcoming. Even when the function centre business doesn't have approval, the business continues to act with impunity.

What email address should I use for my preliminary submissions? I would appreciate any information and advise to assist in my effective interaction and communication with council and my neighbourhood.

Kind regards

From: Zoe Fobian <ZFobian@tweed.nsw.gov.au>

Sent: Wednesday, 29 May 2019 8:56 AM

To: [REDACTED]

Subject: RE: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Morning [REDACTED]

Investigations are still being undertaken. The owners of Mavis's kitchen attended Council recently and Council have requested certain information from them in relation to the site and as to what is been undertaken on the property.

The owners have engaged in a Planning Consultant who recently contacted me and advised that we will have something in writing shortly.

I can appreciate your frustration on the matter and I appreciate your patience.

Yours faithfully,

Zoe

Zoe Fobian

Compliance Officer - Development



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NATIONAL RECONCILIATION WEEK 2019 27 MAY - 3 JUNE

GROUNDED *in* **TRUTH**

WALK TOGETHER WITH COURAGE

#NRW2019 #GroundedinTruth

reconciliation.org.au

Your actions matter: print less to save more

From: [REDACTED]

Sent: Tuesday, 28 May 2019 1:17 PM

To: Zoe Fobian

Subject: Re: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Dear Zoe

I would appreciate some feed back about your investigations so far, regarding Mavis's functions and venue.

Since my last email over 3 weeks ago, there has been overly noisy weekends, at my [REDACTED] residence... Two nights of it on the weekend of the 18th 19th May. On the 25th May, the evenings loud music from the wedding function, went till 11 pm not 10.30pm. Then there was a short break and resumed quieter, till 11.30 pm, probably in the accommodation, with INXS song "Never tear us apart" at 11.15pm and concomitant sing alongs. There has been no change in behaviour and a disregard for council regulations.

Please advise me of any other course of action I could take, to further this complaint as it is regularly impacting on the peaceful enjoyment of my [REDACTED]

Kind regards

[REDACTED]

From: Zoe Fobian <ZFobian@tweed.nsw.gov.au>

Sent: Friday, 3 May 2019 10:44 AM

To: [REDACTED]

Subject: RE: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Dear [REDACTED]

Thank you for your email.

I can assure you that the matter is being investigated. I will respond to you in due course.

Yours faithfully,

Zoe Fobian

Zoe Fobian

Compliance Officer
Development Assessment and Compliance



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From: [REDACTED]

Sent: Thursday, 2 May 2019 8:44 PM

To: Zoe Fobian

Subject: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Dear Zoe

I look forward to council's response regarding the illegal function facility and entertainment venue that is currently operating under council approval as a restaurant. Loud music is predominantly generated when there is a function. A restaurant does not generate this sort of amplification and type of music. When it is functioning as a restaurant it isn't a problem.

A calendar of bookings listed as **Functions** is on their web page at <https://maviseskitchen.com.au/weddings/wedding-enquiries/> This may assist council in comprehending the frequency of functions and evidence that Mavis's is operating as a function centre as well as a restaurant. On this calendar, in April there were 10 bookings including the one on Saturday 13th April which I complained about. I dispute that the music ceased at 10.30pm. It was 11pm. However, the main issue is volume. In May there are 8 listed functions so far.

With regard to "no outdoor music was played on Saturday 13th April". This a matter of semantics. The volume from their powerful sound system is excessive at times. I contend that some decibel levels exceed what is acceptable and legal, even if the sound system hardware is on the restaurant premises. I am not privy to the exact sound systems and locations that are in play, as they vary and I am not on site. Either way, the noise levels are often offensive and events are frequent and loud eg 25th, 27th April, 2nd May. The doof level ie bass, at the moment, 2nd May 8.30pm is really disturbing and has been going since 5.30pm. This type of music is the most disturbing as it is penetrating and travels further. This is a week night. I hope council can investigate all aspects of Mavis's business effectively.

I appreciate that compliance issues are difficult. Thank you for your efforts so far. If I can be of further assistance please let me know.

Kind regards

From: Zoe Fobian <ZFobian@tweed.nsw.gov.au>

Sent: Monday, 29 April 2019 11:32 AM

To: [REDACTED]

Subject: RE: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

[REDACTED]

Thankyou for your email.

We have received a response from the owners advising that no outdoor music was played on Saturday 13 April and that the business closed at 10.30pm. Council were advised that they had some issues with the people onsite on the 13th April, however they are managing those issues.

Council have arranged a meeting with the property owners to discuss the wedding functions and as to what is taking place.

Thank you for your patience on the matter.

Yours faithfully,

Zoe Fobian

Zoe Fobian

Compliance Officer

Development Assessment and Compliance



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From: [REDACTED]
Sent: Wednesday, 17 April 2019 3:14 PM
To: Zoe Fobian
Subject: Fw: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Hi Zoe

Sorry that I didn't clearly inform you as to the specifics of the venues.

Many of the functions like wedding parties and music events are held in the long open sided unlined colour bond shed as shown in the photos and videos. Wedding functions appear to be the worst noise offenders. There is no containment of sound. Other events have been held on various makeshift outdoor stages. When in party mode the amplification can be very loud and disturbing to the neighbourhood, far and wide

Here are some photos(above) and videos (below) of a few of the outdoor events and venues that I have been referring to. You will find evidence of many more and lists of past outdoor functions and events if you go to Mavis's facebook pages ie https://www.facebook.com/pg/mavis.s.kitchen/events/?ref=page_internal and web pages ie <https://maviseskitchen.com.au/events/>.

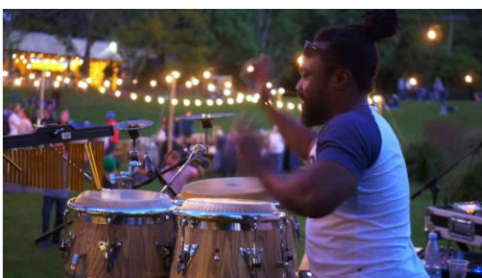
I have not yet canvassed many in the neighbourhood but will do so, if this will help to bring about a satisfactory outcome. I will forward your email to some of the other complainants to encourage them to formally register their complaints.

I hope this information gives you a better understanding and appreciation of our complaints and facilitates changes.

Kind Regards

[REDACTED]

[REDACTED]



"Scottish Voodoo" @ Mavis Kitchen & Cabins

Jamie Porteous' new Australian project "Scottish Voodoo" making some noise in the boutique festival circuit 2018 Video by Allan Campbell

youtu.be

<https://www.facebook.com/mavis.s.kitchen/videos/1841609185873164/?t=2>

<https://www.facebook.com/mavis.s.kitchen/videos/275064916453965/?t=0>
<https://www.facebook.com/mavis.s.kitchen/videos/272637763356366/?t=8>

From: Zoe Fobian <ZFobian@tweed.nsw.gov.au>

Sent: Wednesday, 17 April 2019 10:04 AM

Subject: RE: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Should anyone else in the area wish to submit a formal complaint please ensure that it is sent to the corporate email so that it can be formally registered. Corporate Email tsc@tweed.nsw.gov.au

Furthermore, Hayley and I have spoken and it has been confirmed that should the music be operating within the restaurant or on the deck it will be ancillary to the restaurant and will not require approval.

We kindly ask that should you contact the Duty Officers on Duty, please provide all the details of the complaint and your previous communications with any Council Staff so that there is no confusion in the matter.

Hayley did mention that you believe there is a stage on the property. As you have not mentioned this information to me before, I kindly ask that you provide further evidence and details on this matter.

Zoe

Zoe Fobian

Compliance Officer

Development Assessment and Compliance



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From: [REDACTED]

Sent: Tuesday, 16 April 2019 12:56 PM

To: Zoe Fobian

Subject: Re: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Dear Zoe

Thanks for your email.

I will suggest to other complainants that they submit individual complaints and provide diary entries to you directly.

Further to the previous Saturday, last Saturday 13th April, loud live music from a wedding function finalized at 11 pm with Jonny Farnhams "You are the voice". The revellery and yahooing continued till after 12 midnight. I am unsure whether the raucus after the last song at 11pm was in the restaurant or the accommodation.

The issue is more importantly about the function centre and live outdoor music venue. I have spoken to Hayley in the planning department and she confirmed that they have no approval for that and require a separate DA and acoustic report. She will liaise with you.

Kind regards



From: Zoe Fobian <ZFobian@tweed.nsw.gov.au>

Sent: Monday, 15 April 2019 4:40 PM

To: 

Subject: RE: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032



Thank you for your email.

We will need confirmation that the music was taking place at Mavis's kitchen till 11pm. We have spoken with the property owners and they have advised that music was being played in the area, however they do not believe it is coming from their site.

The helicopter that attended site on Sunday has already been bought to Councils attention. However we thank you for letting us know.

The music that they do have onsite will not require consent as this would be ancillary to the restaurant.

Should people in the area also have noise complaints with the restaurant, it is strongly suggested that they submit individual complaints and provide the diary entries as they will be beneficial.

Yours faithfully,

Zoe Fobian

Zoe Fobian

Compliance Officer

Development Assessment and Compliance



Your actions matter: print less to save more

From [REDACTED]

Sent: Thursday, 11 April 2019 7:49 PM

To: Zoe Fobian

Subject: Re: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Dear Zoe

Thanks for your email and suggestion for conflict resolution through the Lets Chat program. Under a normal neighbourhood setting it probably would be helpful. Some residents and business have already raised the noise issue many times with Mavis's but to no avail. Considering this, we think that the Lets Chat program would be ineffectual. Peter and Charlie from Mavis's are not residential neighbours as they do not live there. It is solely a business venue and that is their main concern. There won't be a good relationship with Mavis's while the very loud music and helicopter traffic continues.

We had yet another weekend (6-7th April) of disturbances to our world heritage valley. On Saturday from early afternoon until 11pm live band music dominated the neighbourhood. On Sunday, a helicopter visit disrupted the tranquility at 12.30 and 3.06pm, impacting on the wildlife as well, including dispersing a large flock of black cockatoos which are currently in their breeding season. Many residents and some businesses have given me approval to advance this noise complaint after showing them this email. Would you prefer individual letters of complaint from those whom I am advocating for, or would a petition be effective at this stage. I will keep a noise diary as requested to advance our noise complaint. Other residents are already keeping noise diaries as well.

Furthermore, the restaurant DA and conditions of consent are applicable to a restaurant. It is apparent that this development is much more than a restaurant. It is frequently operating as a function centre with a live outdoor music venue as well. As such, does it not require its own DA and conditions of consent, in due process? We were not advised that this would be the case in their original DA and therefore we have had no chance of objection in the approval process, in line with community expectations. Council also has had no opportunity to consider the real impacts of this development, as one would expect. We would appreciate advice on this important distinction. Also, under the current status of Mavis's, do live outdoor music events of this nature require at least, a temporary event permit ?

Thanks for your consideration.

Kind regards

[REDACTED]

From: Zoe Fobian <ZFobian@tweed.nsw.gov.au>

Sent: Monday, 1 April 2019 10:26 AM

To: [REDACTED]

Subject: RE: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

[REDACTED]

Thank you for your email.

There should be no further helicopter bookings.

In relation to the noise, there are no conditions on the consent stating that music should or should not be played, therefore if there is music being played it would have to be in the hours of operation.

We understand the impact that offensive noise can have on our lifestyles and how important it is to keep noise to a minimum in our neighbourhoods. In our experience, working out problems together brings better and longer lasting solutions.

We have seen that neighbours can find it difficult to recover good relationships after a noise complaint is escalated to Council. Even if people ask to be anonymous, their neighbour usually suspects who has complained and the relationship is impacted.

Some ideas for resolving noise issues

We understand that you may have tried speaking to the person, or maybe you are yet to chat with them for a range of reasons. To help you work things out with your neighbour, we are rolling out a program called Let's Chat.

We have attached an Information Pack called Dealing with Noise. The Information Pack is part of the Let's Chat program and is designed to give you the tools and information you need to help you find a solution to your noise issue.

You can find out more about Let's Chat by visiting www.tweed.nsw.gov.au/letschat.

Yours faithfully,

Zoe Fobian

Zoe Fobian

Compliance Officer

Development Assessment and Compliance



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From [REDACTED]
Sent: Sunday, 24 March 2019 12:47 PM
To: Zoe Fobian
Subject: Noise Complaint and follow up of ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 NO 64 MOUNT WARNING ROAD - REF NO POL19/0032

Hi Zoe

Thanks for your correspondence and advice.

We will await notification of an application for a helipad and will respond accordingly. Meanwhile it would be helpful if you could inform us of the last booked date for helicopters.

Most of us now wish to make another complaint about the inappropriate loud noises from bands, amplified music and P.A. announcements, that has become more frequent and invasive.

Just as with the helicopters, there appears to be no approval for an outdoor music venue, associated with the restaurant. One of the conditions of consent for the restaurant specifies that the amenity of the area should not be impacted by noise. We contend that the rural amenity, which is why most of us live here, is significantly impacted by events such as "Ibiza on the Mountain" with international DJs pumping out doof music. Mavises social media and web page promotes and publicizes some of these varied events. We do not expect a free reign for bands and DJs at weddings and the like, either. Documentation of many of these events is evident and can be compiled if necessary. We note that the regular 3 monthly markets with live amplified music probably do not have approval either.

The local residents have been very tolerant of the noise to date, but the increasing disturbance to our tranquility on weekends especially, has led many of us to unify in opposition to the unlawful activities of the owners, Peter and Charlie. If a petition is called for, the majority indicate that they will support it.

This valley of Wollumbin is a natural amphitheatre and inappropriate loud music not only affects residents but also wildlife in our neighbourhood, world heritage values and the recreational experience. The bass and drums carries clearly for several kilometres. I am a great supporter of music, live or otherwise, but in an appropriate venue with legal approvals.

We wish to support compliance action by council, to protect the amenity of this quiet and peaceful rural environment. Please advise us how we can assist in protecting our valued rural residential amenity. There are many residents in this Mt Warning cluster of houses that are affected.

Looking forward to your advice. At this stage, we would like to remain anonymous.

Yours sincerely

[REDACTED]

From: Zoe Fobian <ZFobian@tweed.nsw.gov.au>
Sent: Monday, 4 March 2019 2:04 PM
To: [REDACTED]

Subject: RE: ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 [NO 64 MOUNT WARNING ROAD](#) - REF NO POL19/0032

██████████

Thank you very much for your detailed email.

Council have had the chance to meet with one of the property owners and have explained in detail that they do not have an approvals for helicopters to use the site.

I have received confirmed from the property owner that no further bookings will be taken and they have also advised that they are going to engage in the services of a Town Planner to provide them with advice in submitting a Development Application for the use of a Helipad.

Should they submit an application to Council the matter will be addressed on its merits and surrounding neighbours will be notified, providing you and other neighbours to lodge a submission.

Furthermore, I have checked the approved hours of operation at the property and they are as follows:-

Hours of operation of the business are restricted to the following hours: -

- * 9am to 6pm - Mondays to Thursday
- * 9am to 10.30pm Fridays - Saturdays
- * 9am to 5 pm Sundays and Public Holidays
- * All deliveries and pickups relating to the business are to occur within the approved hours

I will remind the property owners of the conditions.

I will monitor the property as best as I can, however as I cannot be out onsite over the weekends, I kindly ask that should there be any more breaches please emails me with the details.

Your assistance and patience on the matter is appreciated.

Yours faithfully,

Zoe Fobian

Zoe Fobian

Compliance Officer
Development Assessment and Compliance



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Your actions matter: print less to save more

From: [REDACTED]
Sent: Monday, 4 March 2019 12:05 PM
To: Zoe Fobian
Subject: Re: ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 [NO 64 MOUNT WARNING ROAD](#) - REF NO POL19/0032

Hi Zoe

Thanks for your investigation.

I think that the noise from helicopters does not comply with the D. A. conditions of consent.

A list of recent helicopter dates and times is listed below. This is not a complete list as records have been made only when at home. Only a few residents have some records.

2018

Saturday 4 August (Bank Holiday Long Weekend)

Black Helicopter

1.10pm Landed, 2.30pm Departed

Sunday 23 September

Time not recorded

Sunday 4 November

1.13pm Landed, 2.36pm Departed

Sunday 25 November

3.40pm

Saturday 1 November

Black Helicopter

2.20pm

Friday 7 December

Three Helicopters - one blue, one yellow and one black, all three arriving and leaving together and flying very low over houses along this road.

1.30pm Landed, 2.30pm Departed

Thursday 27 December

Black Helicopter

1.13pm Landed, 3pm Departed

Friday 28 December

Black Helicopter flying very low above the road and near the house

1.35pm Landed

Saturday 29 December

Two Helicopters

Arrivals and Departures: 2.20pm, 2.46pm, 3.01pm, 4.30pm

Saturday 12 January 2019 - Helicopter landed 1.30pm and departed 1.35pm

Sunday 20 January 3 helicopters

3.10pm Helicopter landed, left motor running and departed 3.15pm

3.25pm Landed, 3.30pm Departed

3.38pm Landed, 4.04pm Departed

Wednesday 13 February

1.40pm Landed, 3.49pm Departed

Saturday 2nd March

11.52 Landed 1.14 Departed

Extra dates from another diary in 2018

15th September - 9:35 am

22th September 8:56 am

22th September 12:35 pm

3rd October 3:44 pm

Apart from the two tour operators ABC helicopters and Rotor Wing helicopters , private helicopters also fly in.

I would like to correct my previous correspondence with Marte Blaker ie

"I speculate that mini tours on 20th Jan were organized from Mavises at the Sunday market day, at the end of the market day ie 3pm to 4pm."

I have since found out that the flights by the 3 helicopters on 20th Jan, were part of a wedding promotion day and not the market day.

List of resident objectors that I know of and are co complainants. There are probably others as well. I have not contacted residents that I do not know or do not know their opinion, in fear of a confidentiality breach.

9 HOUSEHOLD NAMES DELETED FOR CONFIDENTIALITY

I appreciate that your current investigation will only deal with helicopter flights. We would also like to make a further complaint about the frequency and volume of function noise from bands, amplified music and P.A. announcements. One resident has directly complained more than a dozen times to Peter Clarke, one of the co owners of Mavis's. He often has responded by turning the music down after 11pm , when he is there. We would appreciate any advice on what is permitted before that time, as we believe that a rural residential environment is an inappropriate location for frequent outside amplification.

Kind Regards

From: Zoe Fobian <ZFobian@tweed.nsw.gov.au>

Sent: Friday, 1 March 2019 9:37 AM

To: [REDACTED]

Subject: RE: ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 [NO 64 MOUNT WARNING ROAD](#) - REF NO POL19/0032

[REDACTED]

I won't need a petition at this stage.

Yours faithfully,

Zoe Fobian

Zoe Fobian

Compliance Officer

Development Assessment and Compliance



p (02) 6670 2688

[contact us](#) | [website](#) | [your say tweed](#) | [our values](#)



Your actions matter: print less to save more

From: [REDACTED]
Sent: Friday, 1 March 2019 9:33 AM
To: Zoe Fobian
Subject: Re: ALLEGATIONS OF ILLEGAL LAND USE AT LOT 3 DP 541945 [NO 64 MOUNT WARNING ROAD](#) - REF NO POL19/0032

Thanks for your confidentiality assurance Zoe.

Here is an email from one complainant who has approved me using [REDACTED] info, with some dates and times. Some other dates and times from another complainant are also included. I will send some names of other objectors and other dates and times when I have compiled them.

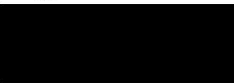
Would it be helpful for our case if I have a petition or would a list of names and addresses of complainants be sufficient at this stage?

The list of resident complainants so far are :

DELETED FOR CONFIDENTIALITY

This list will grow as I contact those I know who object to the impact of the helicopters. I will do that this weekend. I will collate all the dates this weekend also.

Regards



Helicopter Complaints

deleted

Thu 28/02/2019 2:20 PM

Hello there,

Yes, please use info I send to you previously.

How does it work? Do we contact the same person from the council directly?

Or do we sign a petition???



...

All official correspondence requiring a formal written response should be addressed to the General Manager, PO Box 816, Murwillumbah, 2484; or emailed to tsc@tweed.nsw.gov.au; or faxed to 02 6670 2429.

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Tweed Shire Council

Request

Request Number: POL19/0032 **Priority:** Medium
Date Received: 23/01/2019 12:00.00 am **Resp Workgroup:** CRCompl
Source: eMail **Raised By:** Cynthia Konig
Status: Past **User ID:** Zoe Fobian
Group: Pollution
Category: Noise

Sub Categories:

Related AR:

Property Number: 40699
Property Address: 64 Mount Warning Road MOUNT WARNING NSW 2484
Property Description: Lot 3 DP541945 **Land Number:** 8326
Caller Name: [REDACTED] **Home Phone:** [REDACTED]
Caller Address: [REDACTED] **Work Phone:**
Mobile: [REDACTED]
Email: [REDACTED] **Fax:**

Request Details:

Noise - noise pollution Mavis's Kitchen 64 Mt Warning Road - see attached email

Comments:

<u>Date</u>	<u>Type</u>	<u>Feedback \ Comments</u>
24/01/2019 12:09.06 pm	crmComment	Noise complaints relate to helicopter noise. Referred to Compliance with respect to relevant approvals for this operation. J.Cord 24/1/19
27/02/2019 08:52.11 am	crmComment	Tried to contact the complainant for further information . No answer on mobile or home phone. Left vm. ZFobian
27/02/2019 09:28.06 am	crmComment	Called Mavis's kitchen on 02 6679 5664. Peter and Charles were unavailable. I spoke with Urshala and advised that a helicopter brings people to the property for lunch about once every 2 weeks. Urshala is under the impression that they have consent. I have asked her to have Peter or Charles call me to discuss this matter. ZF
27/02/2019 09:29.31 am	crmComment	Spoke with Lydia regarding consent for heli pad. The property is RU2 and under the LEP Heli pads are permitted with consent. I have sent the owners a letter. See attached. ZFobian
27/02/2019 09:42.11 am	crmComment	Sent the owners a letter asking them to contact me. Sent to complainant an email to advise him that I am investigating the matter. See attached. Closing CSR. Follow on ECM. ZFobian

Event History:

<u>Description</u>	<u>Status</u>	<u>Decision</u>	<u>Commenced</u>	<u>Target Date</u>	<u>Role Name</u>
<u>Notes</u>			<u>Finalised</u>		<u>User</u>
Start event clock			24/01/2019 09:31.11 am		
	Past	Completed	23/01/2019 12:00.00 am		

Tweed Shire Council

Request

<i>Description</i>	<i>Status</i>	<i>Decision</i>	<i>Commenced</i>	<i>Target Date</i>	<i>Role Name</i>
<i>Notes</i>			<i>Finalised</i>		<i>User</i>
Generate acknowledgement letter to caller?	Current		24/01/2019 09:31.00 am		
Generate work order?	Future				
Is an inspection required?	Future				
Is contact with property owner required?	Future				
Is this a safety issue?	Future				
Review priority?	Future				
Is a contractor required?	Future				
Was there any action taken?	Future				
Issue response letter?	Future				
Is enforcement action required?	Future				
Set request as completed	Future				

Tweed Shire Council

Request

<i>Description</i>	<i>Status</i>	<i>Decision</i>	<i>Commenced</i>	<i>Target Date</i>	<i>Role Name</i>
			<i>Finalised</i>		<i>User</i>

Notes

Link subsequent caller to CRM

Future

Link Business Name to CRM

Future
