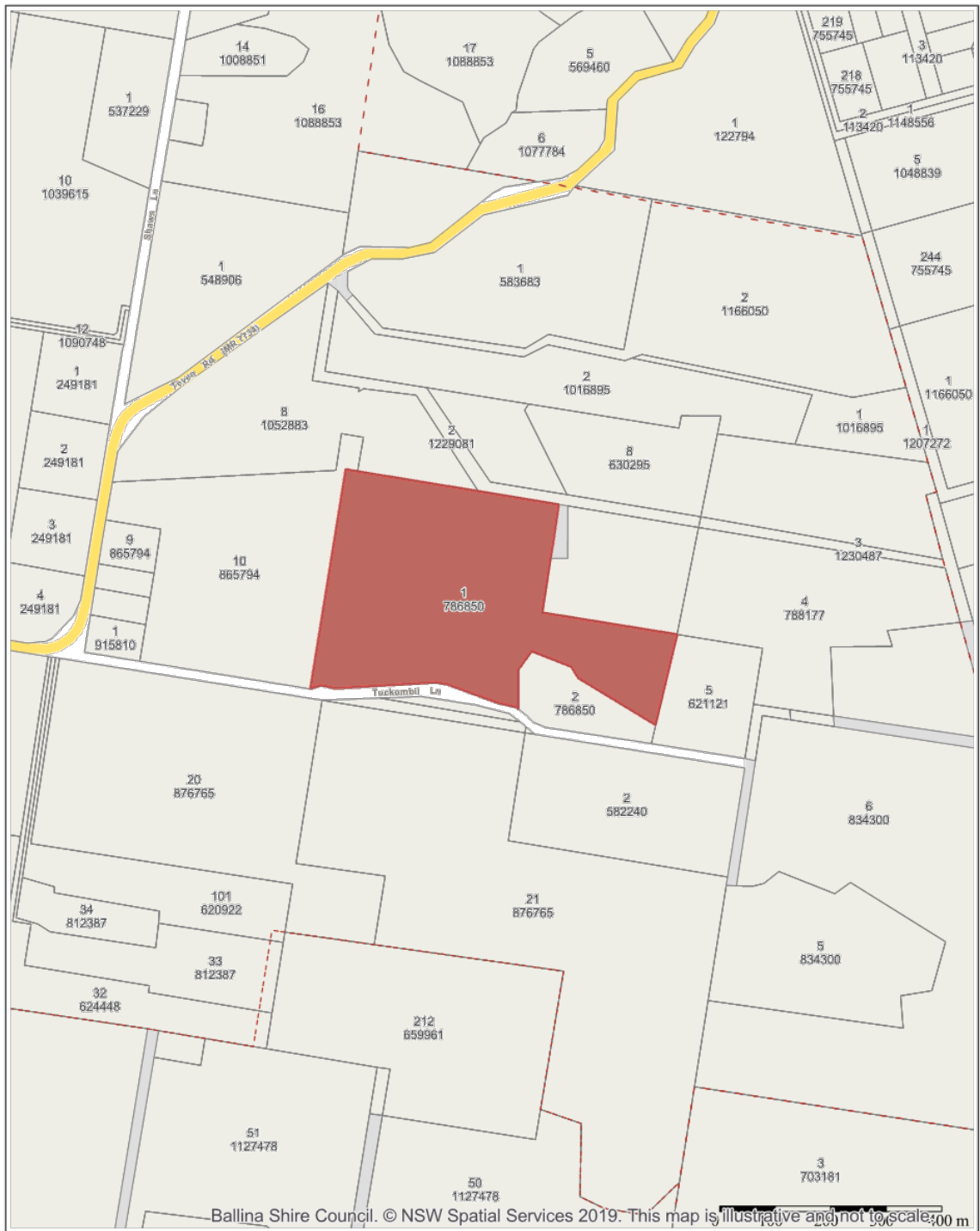


8.1 **DA 2019/30 - 43 Tuckombil Lane, Tuckombil.DOC**



Ballina Shire Council
 40 Cherry Street
 BALLINA NSW 2478

 PO Box 450
 BALLINA NSW 2478

 1300 864 444
 council@ballina.nsw.gov.au
 www.ballina.nsw.gov.au

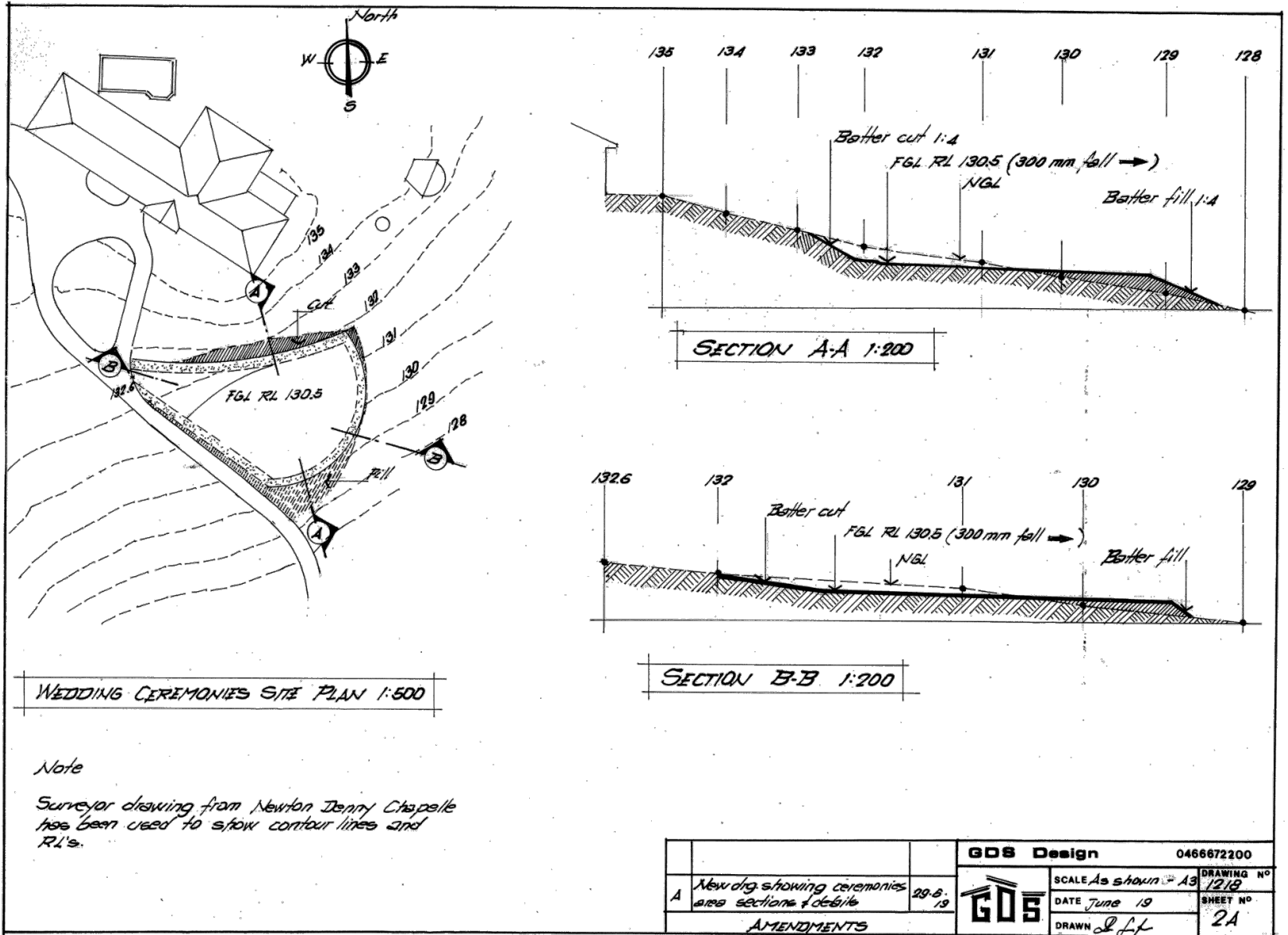


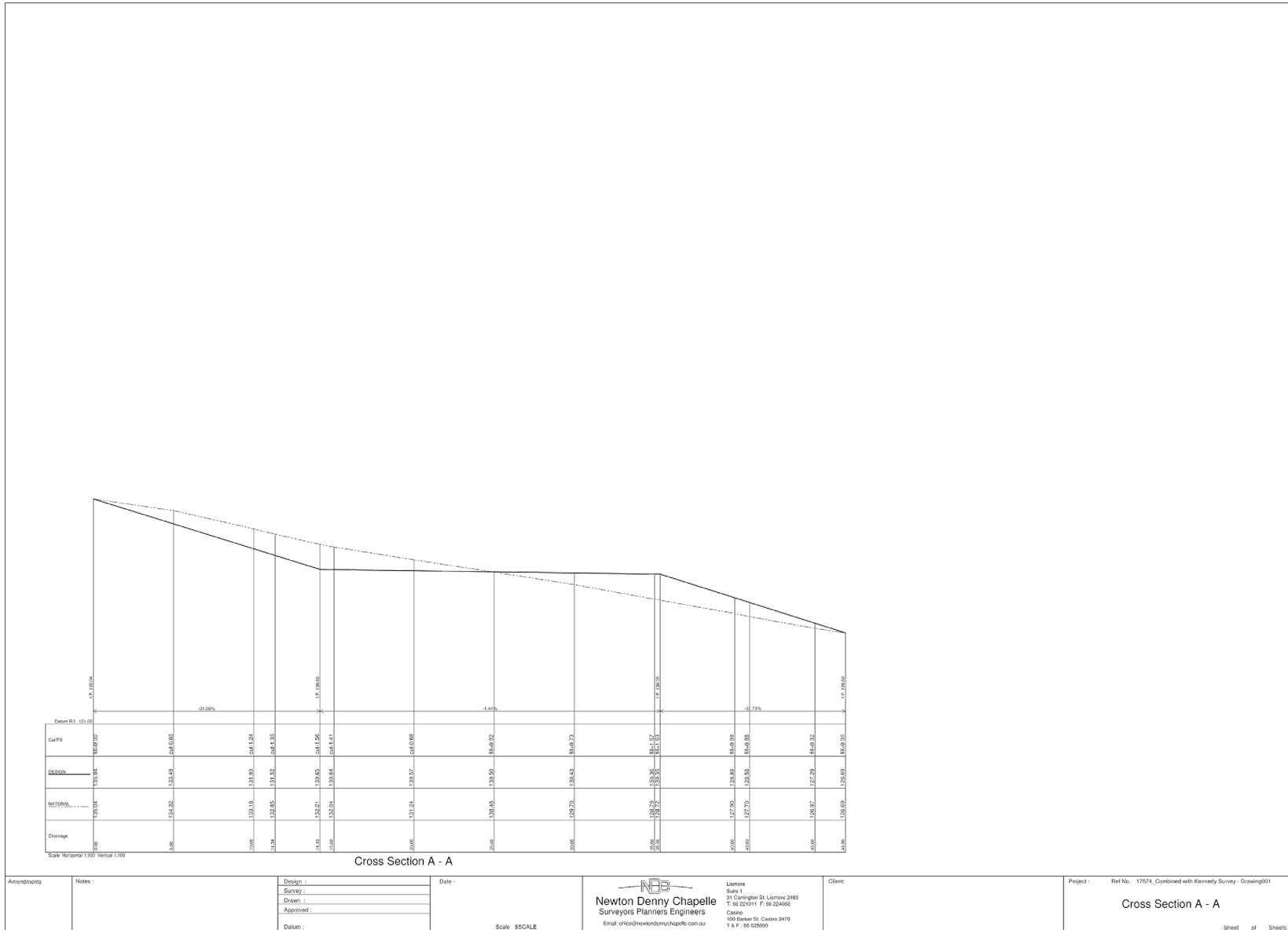
DA 2019/30 - Lot 1 DP 786850, No. 43 Tuckombil Lane, Tuckombil

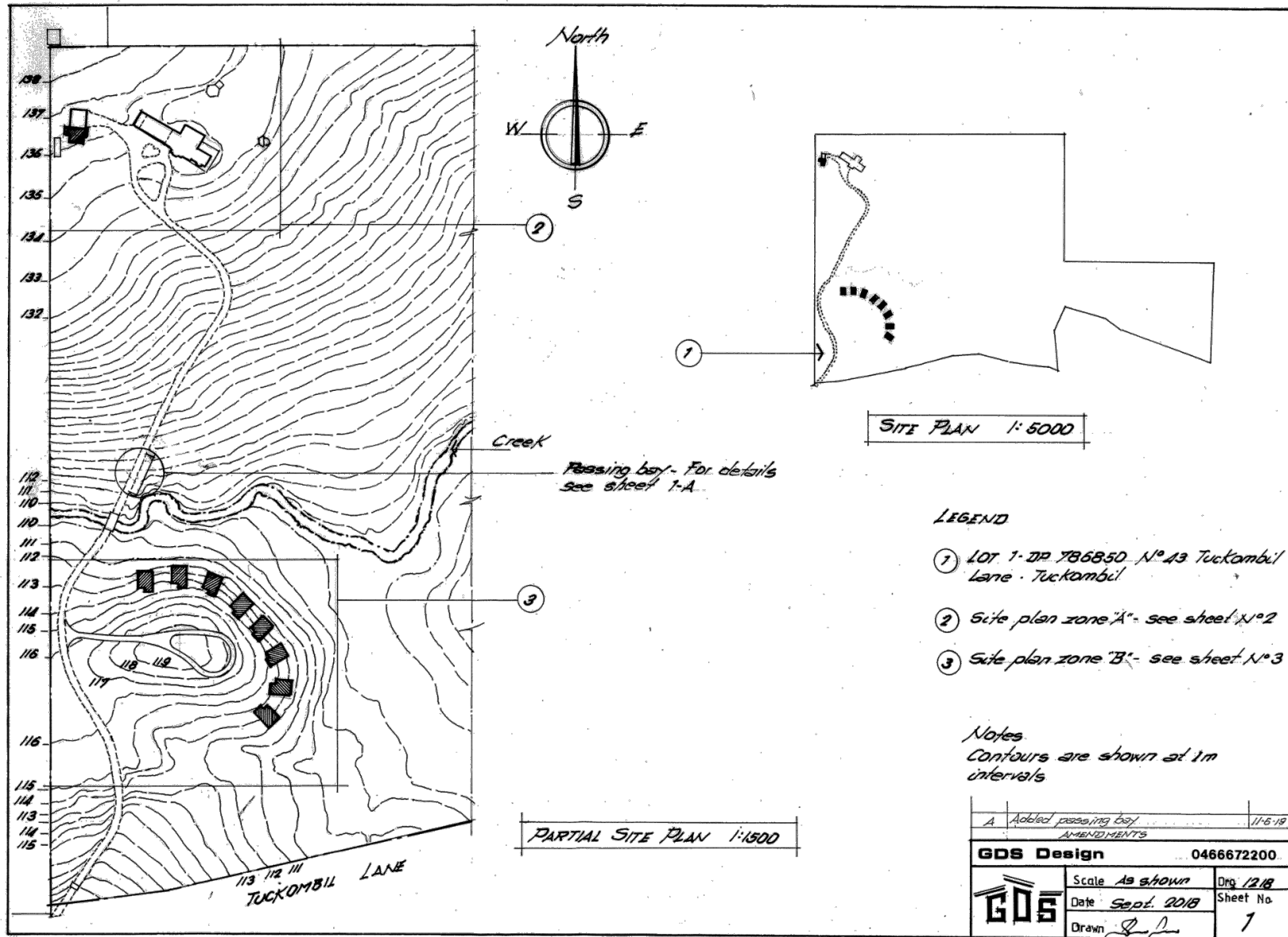
ballina shire council
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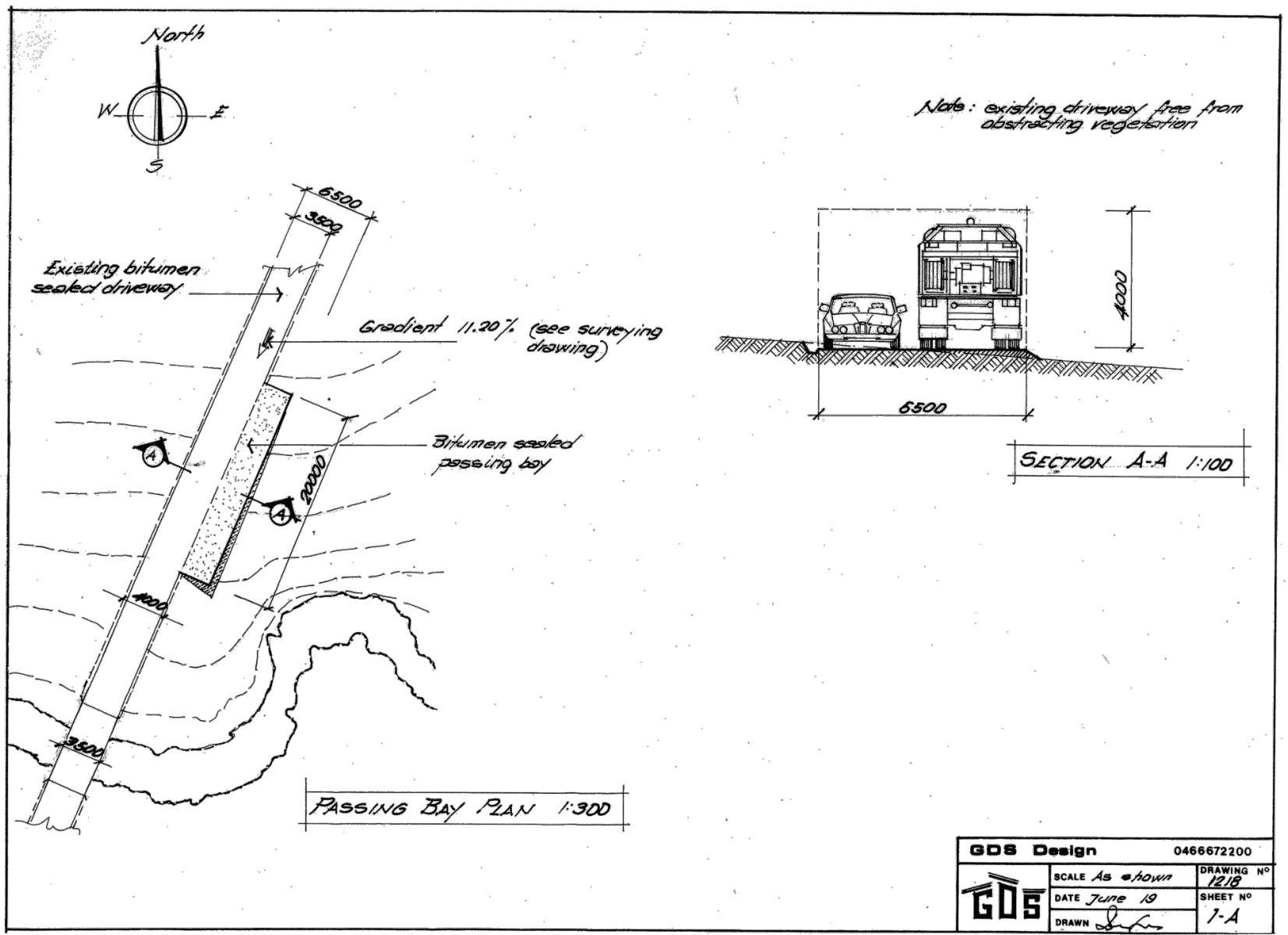
Projection: GDA94 / MGA zone 56
 Date: 6/12/2019

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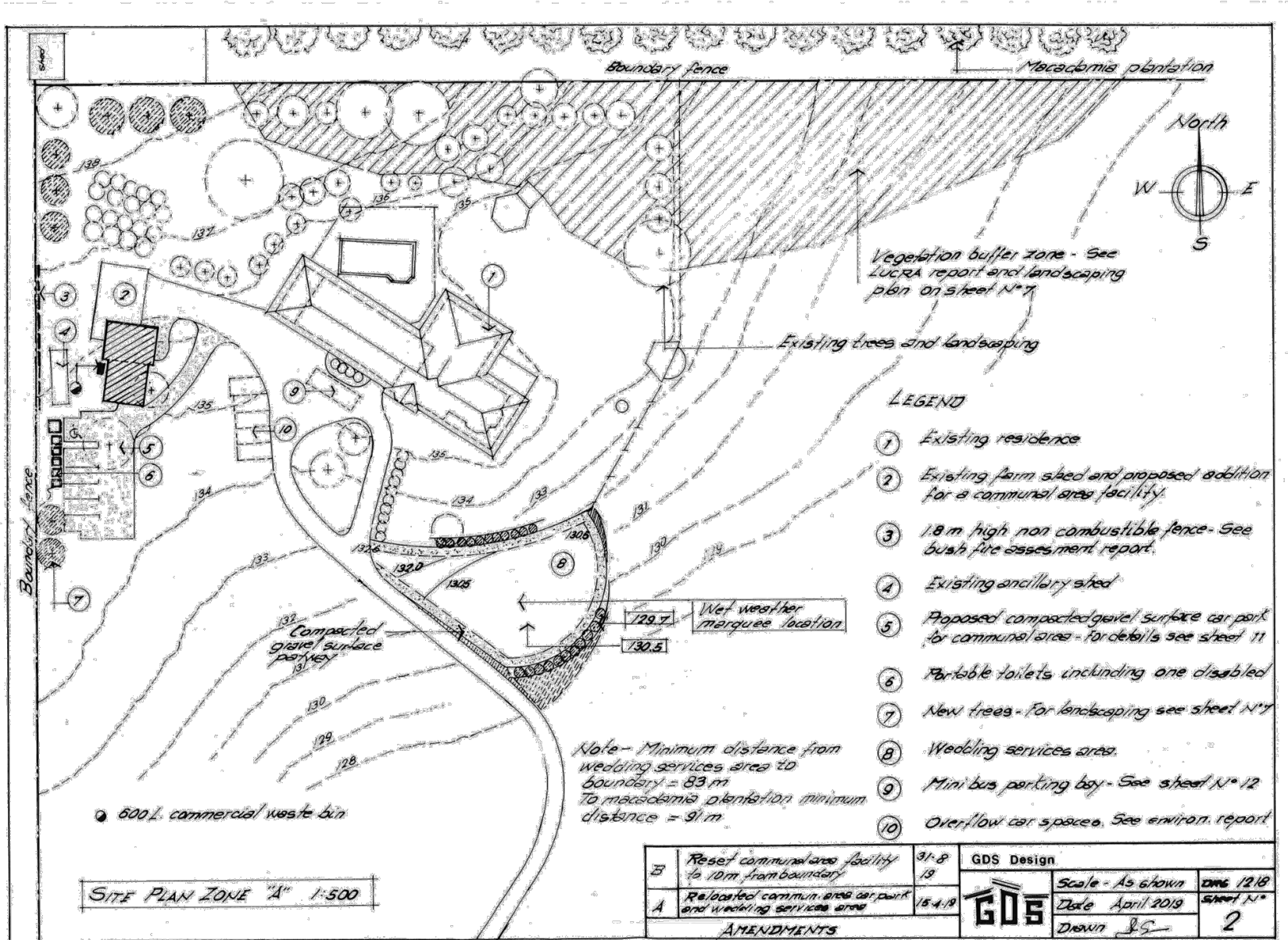


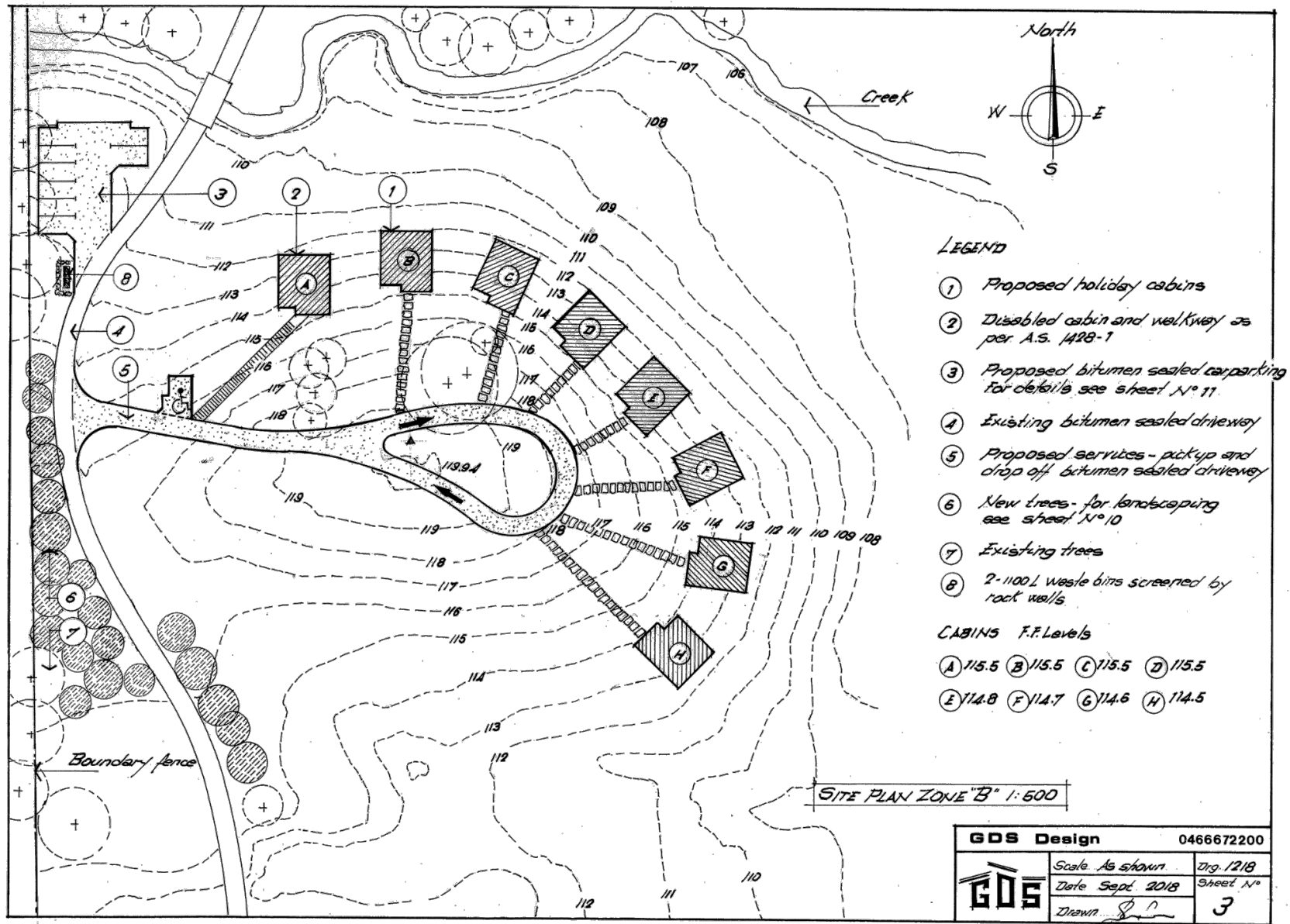


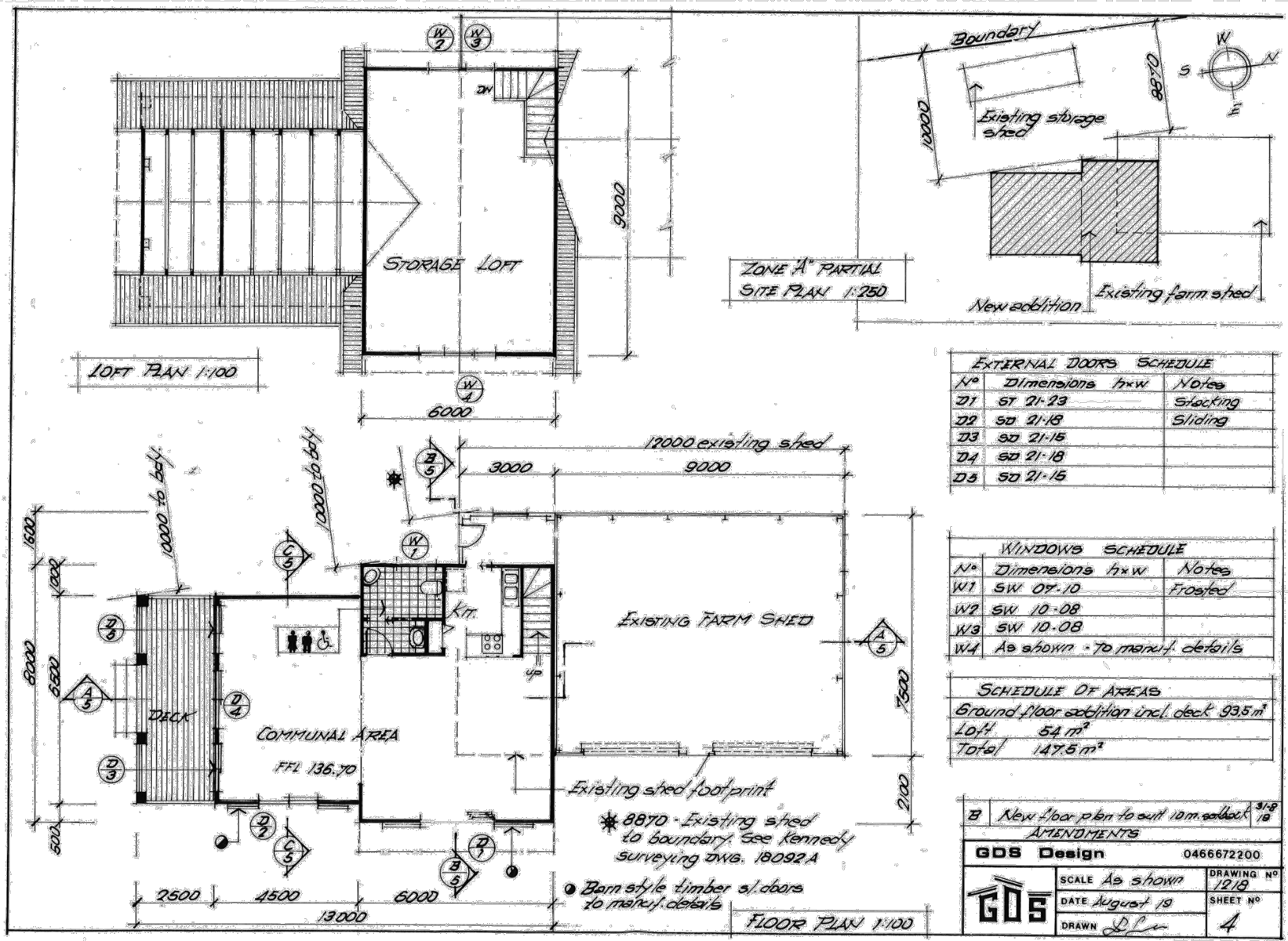


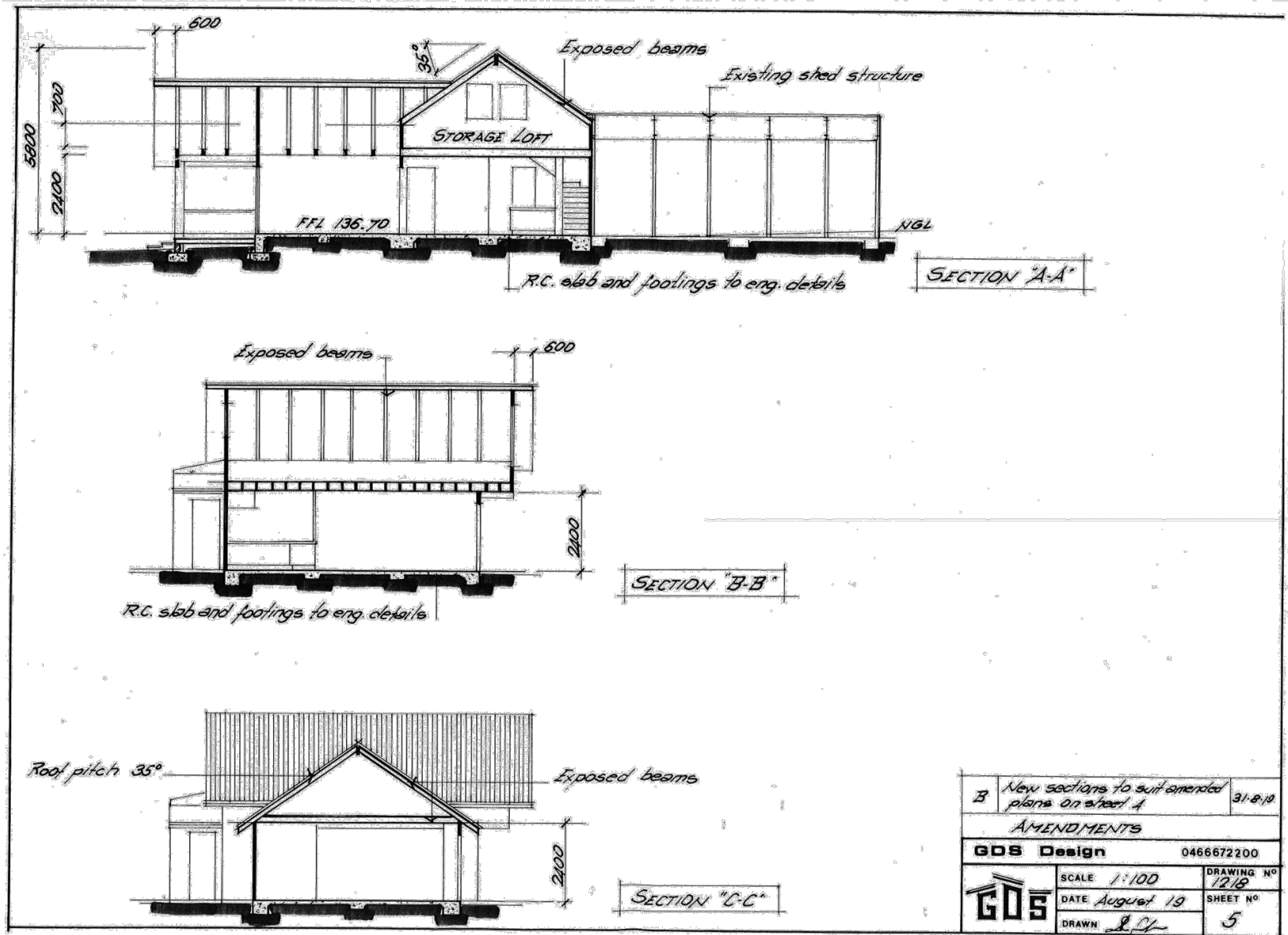


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	DATE June 19	SHEET NO
	DRAWN [Signature]	1-A

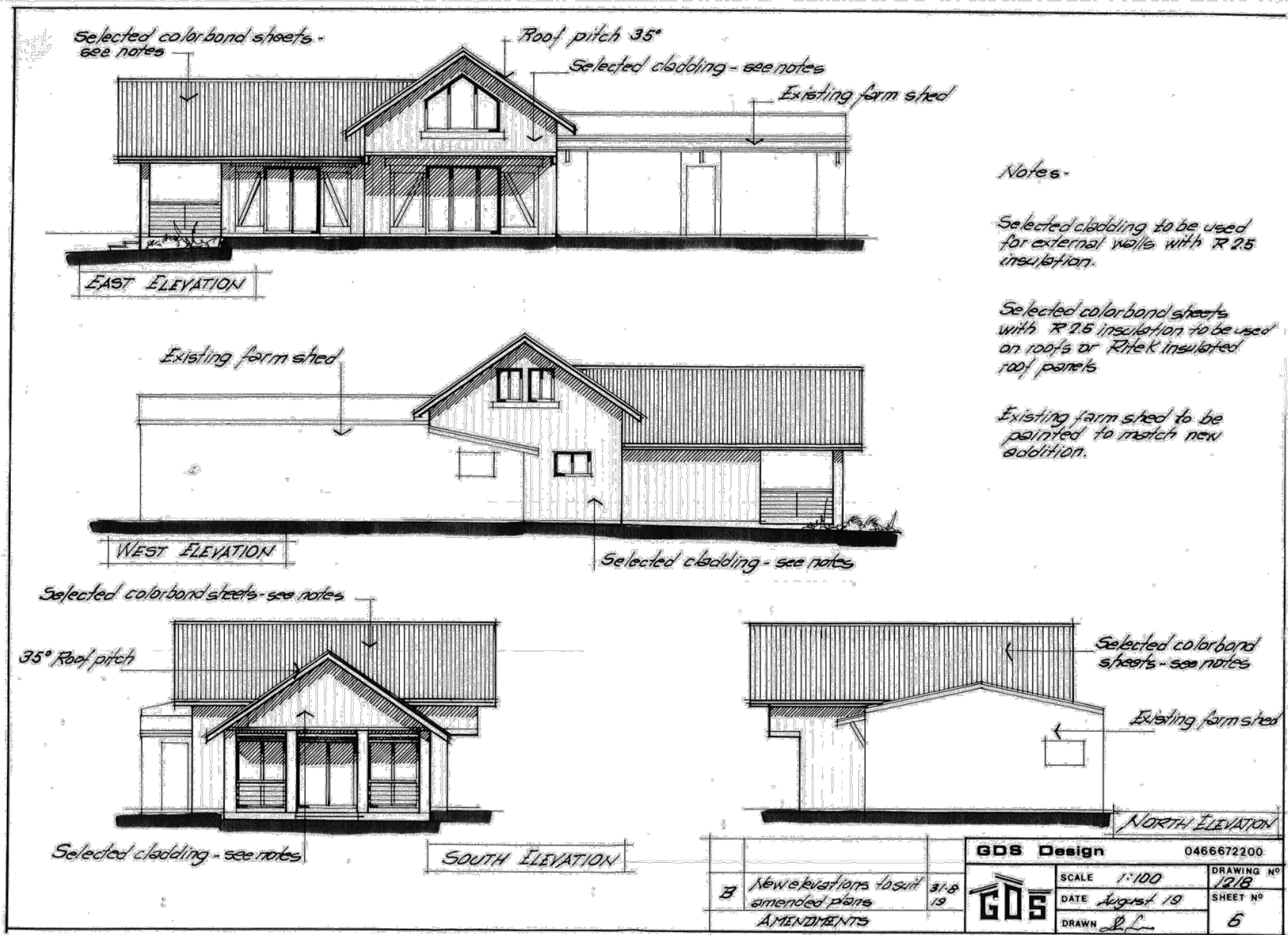








B	New sections to suit amended plans on sheet 4	31.8.19
AMENDMENTS		
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	DATE August 19	SHEET NO
	DRAWN <i>J.P.</i>	5

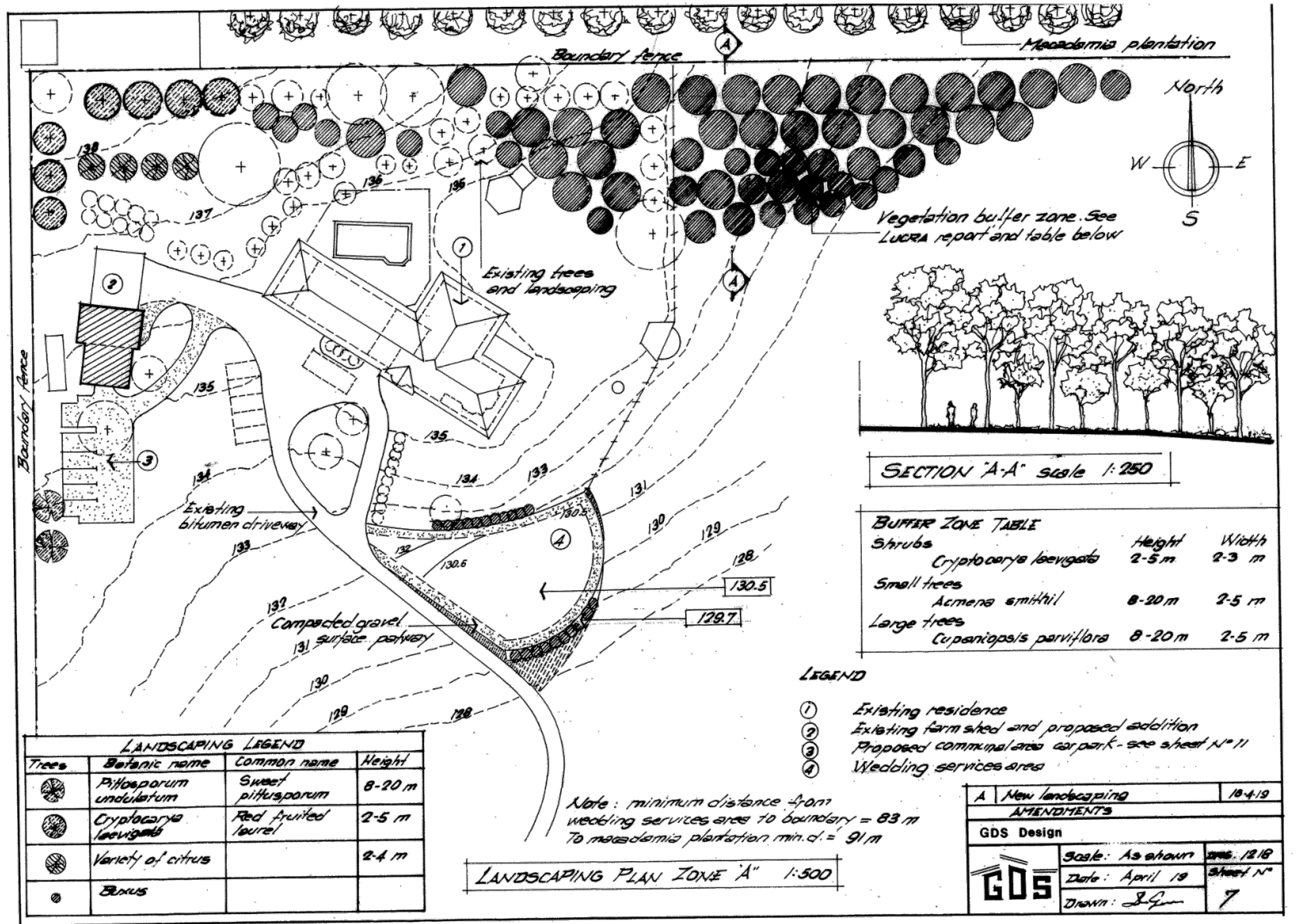


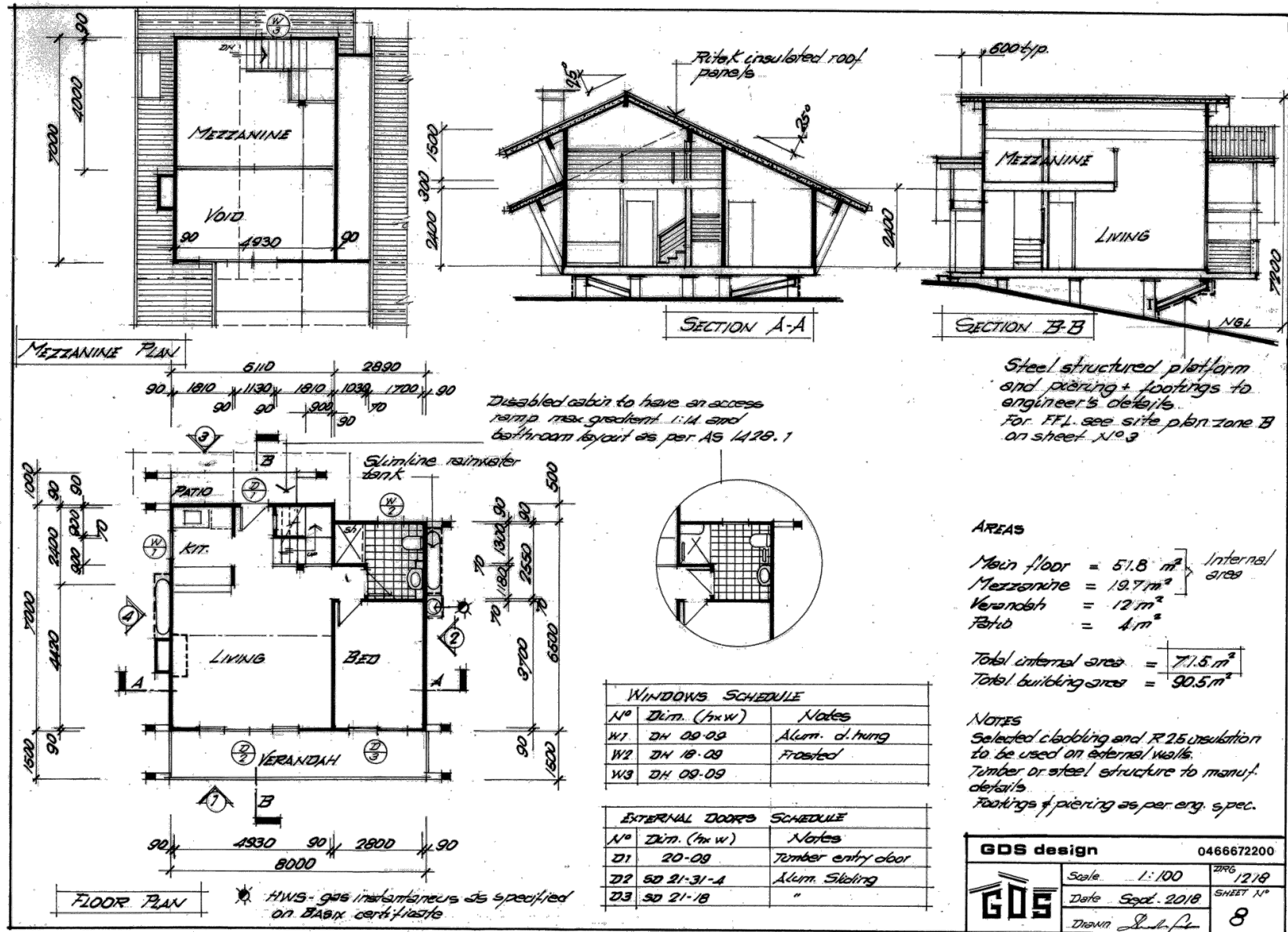
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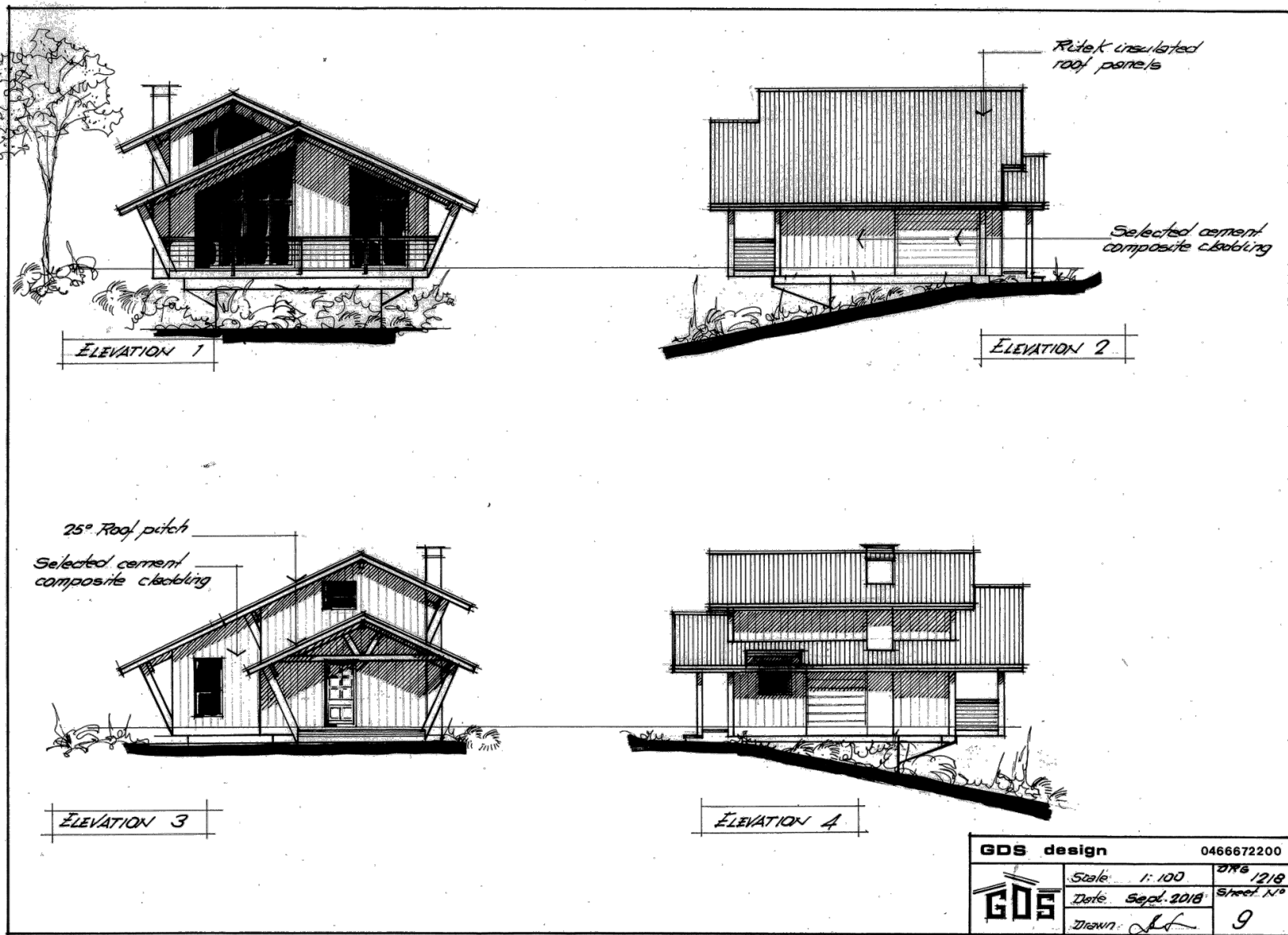
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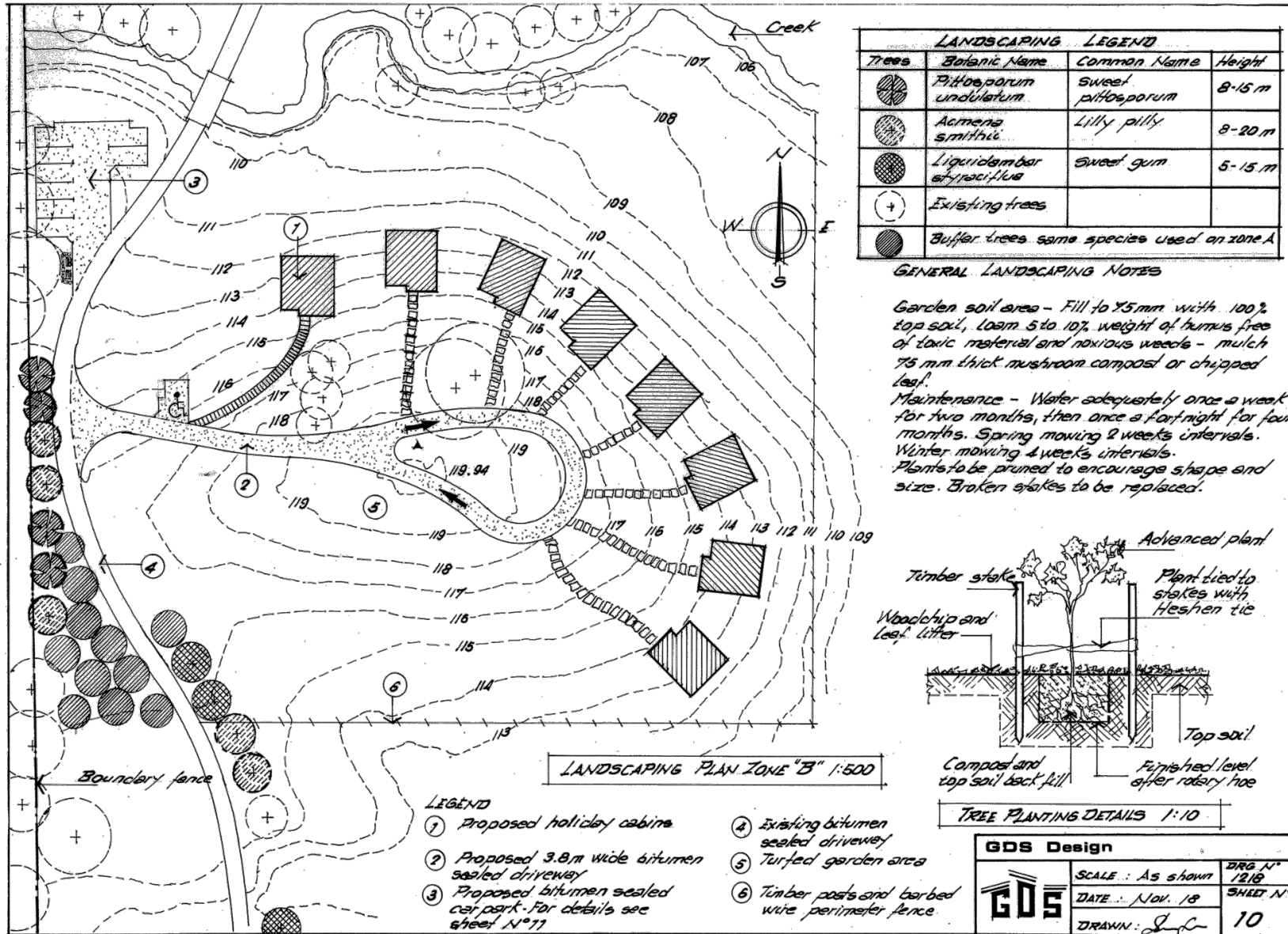
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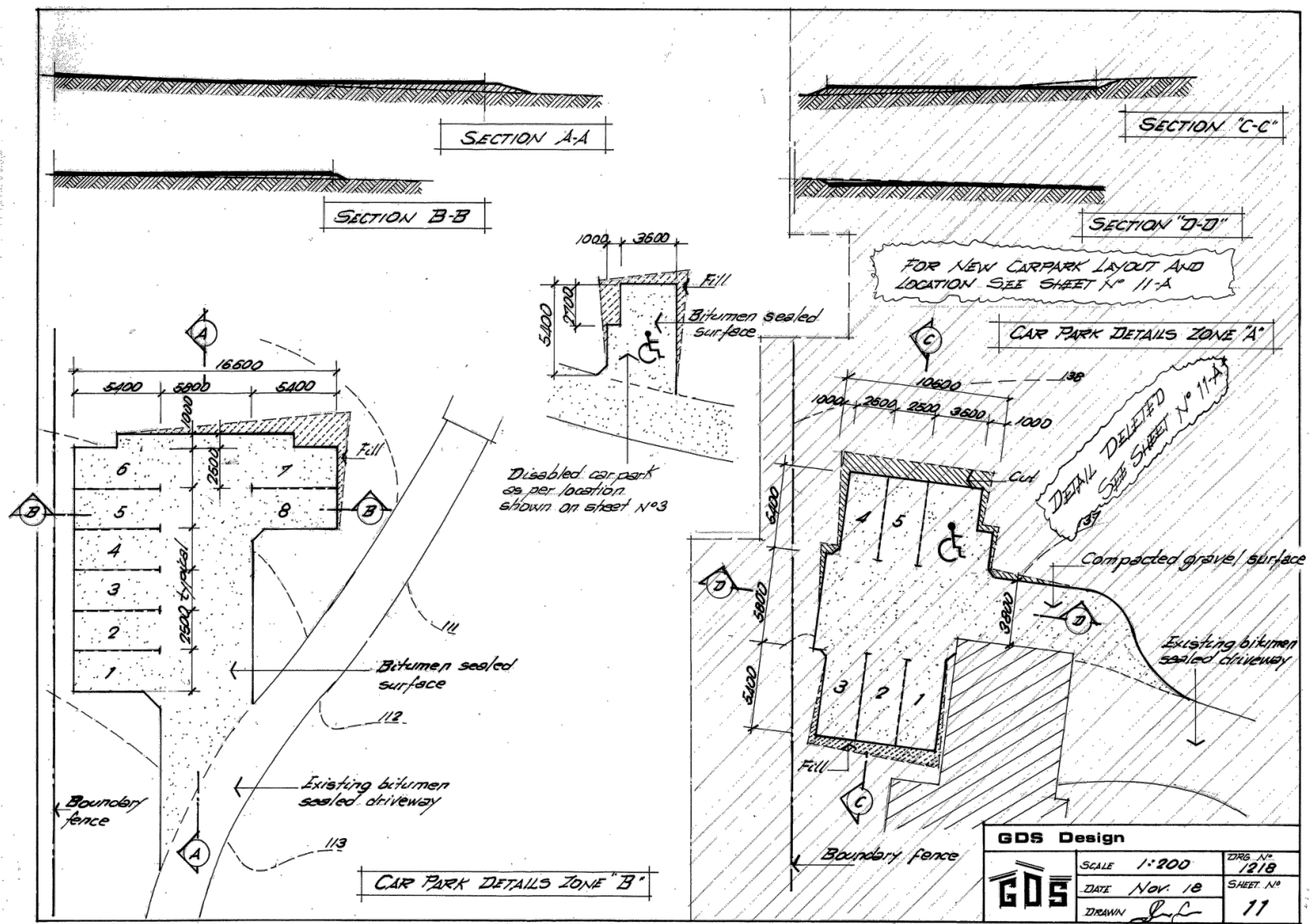
Existing farm shed to be painted to match new addition.

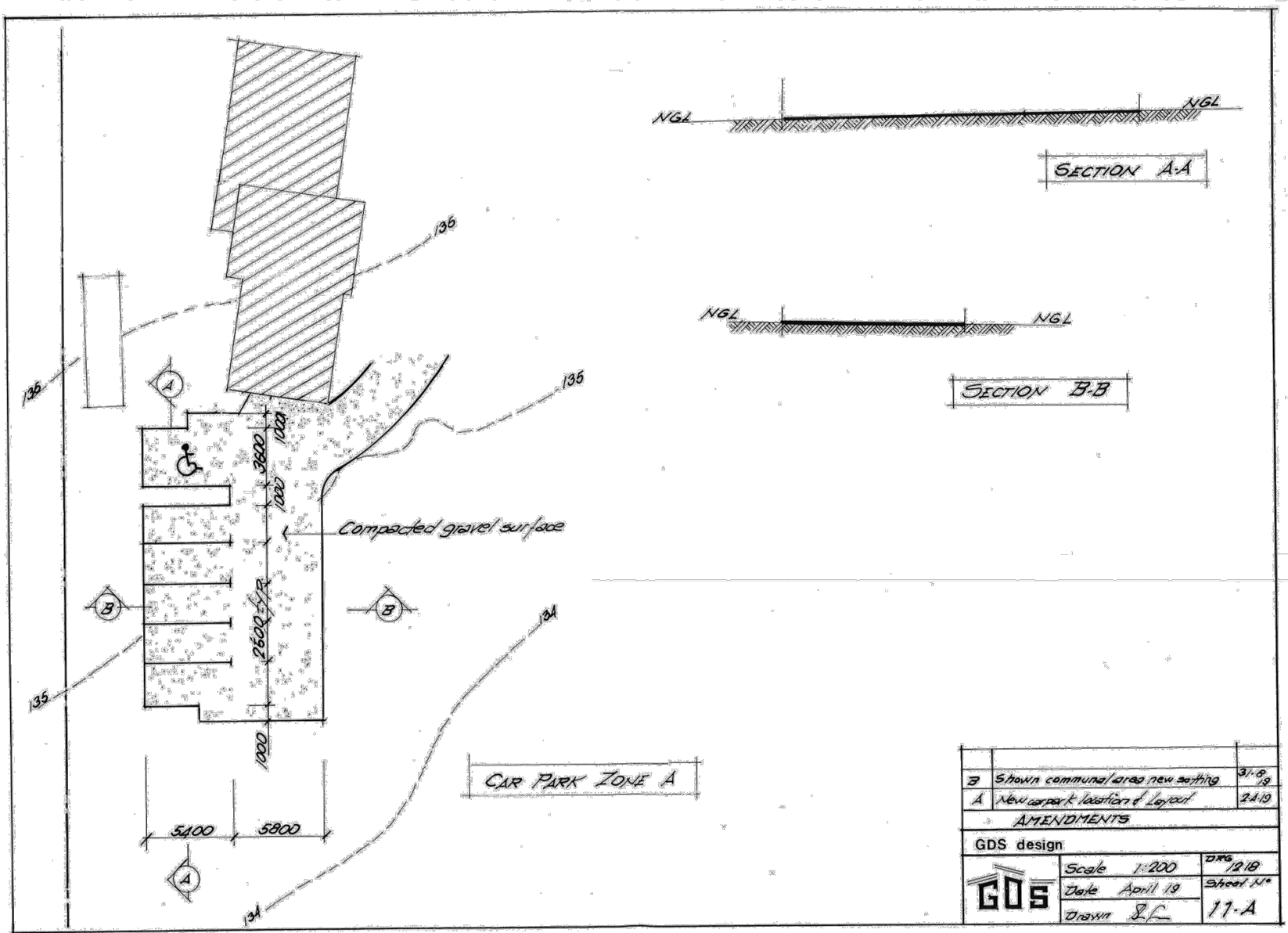


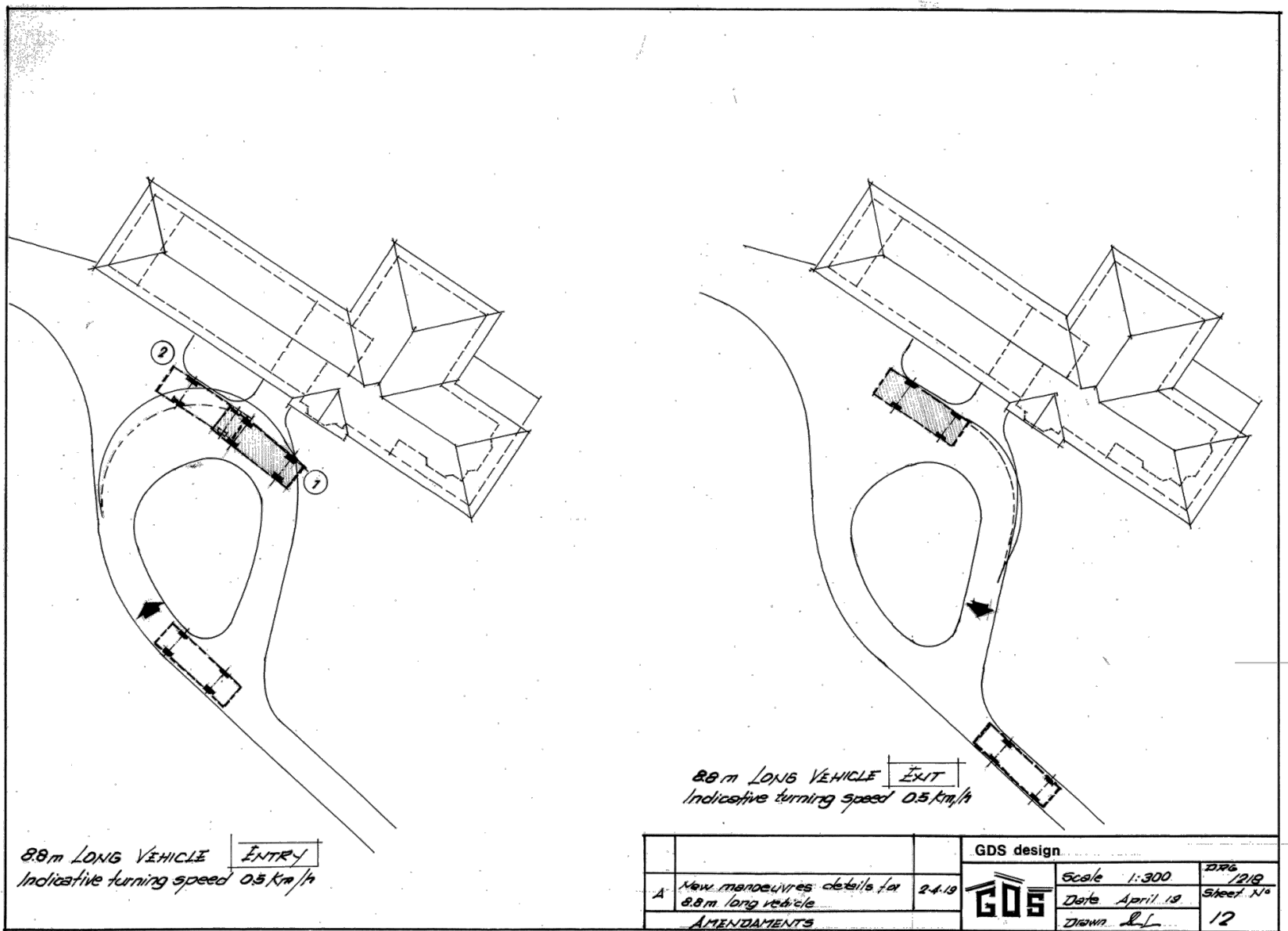


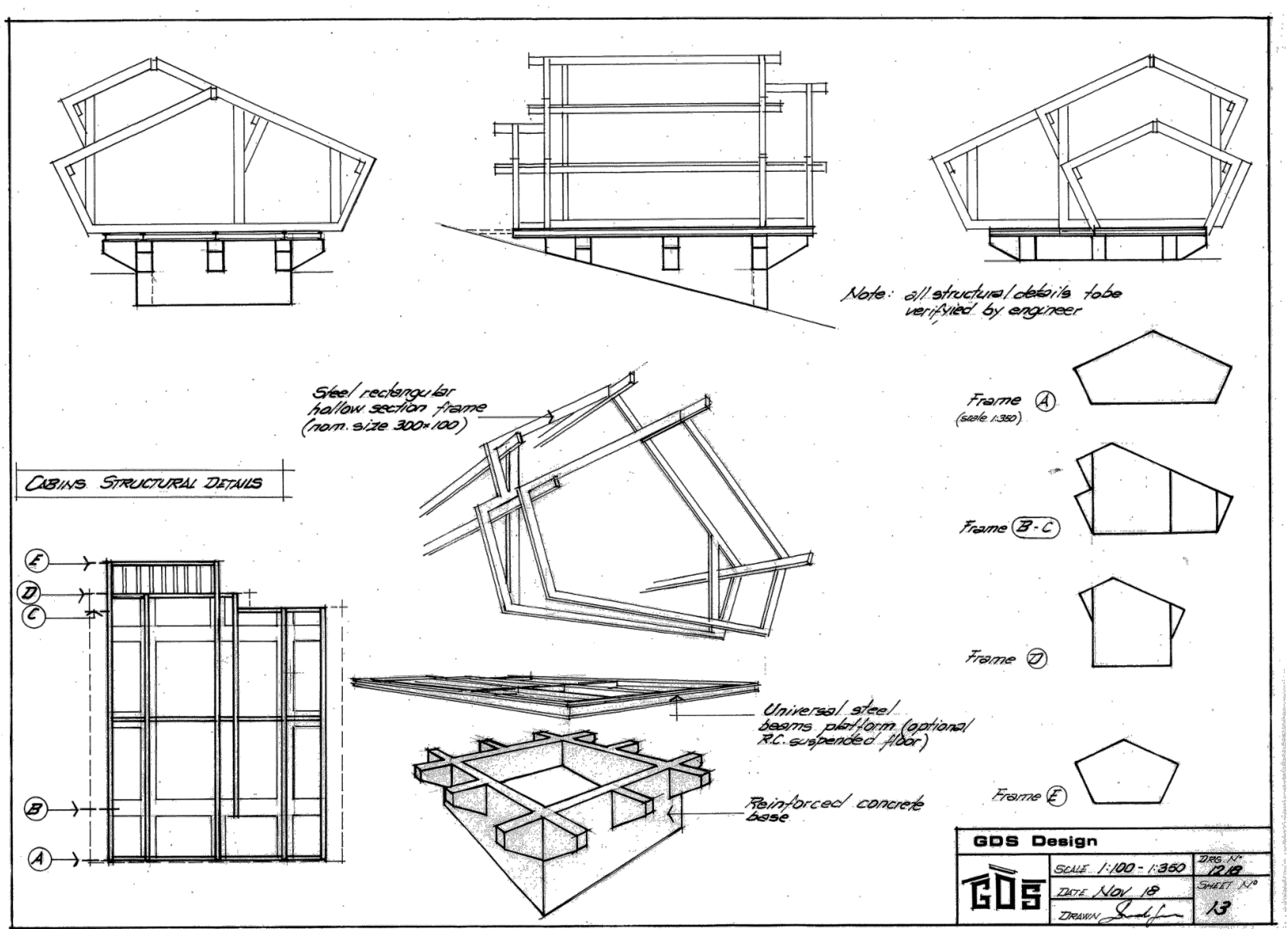


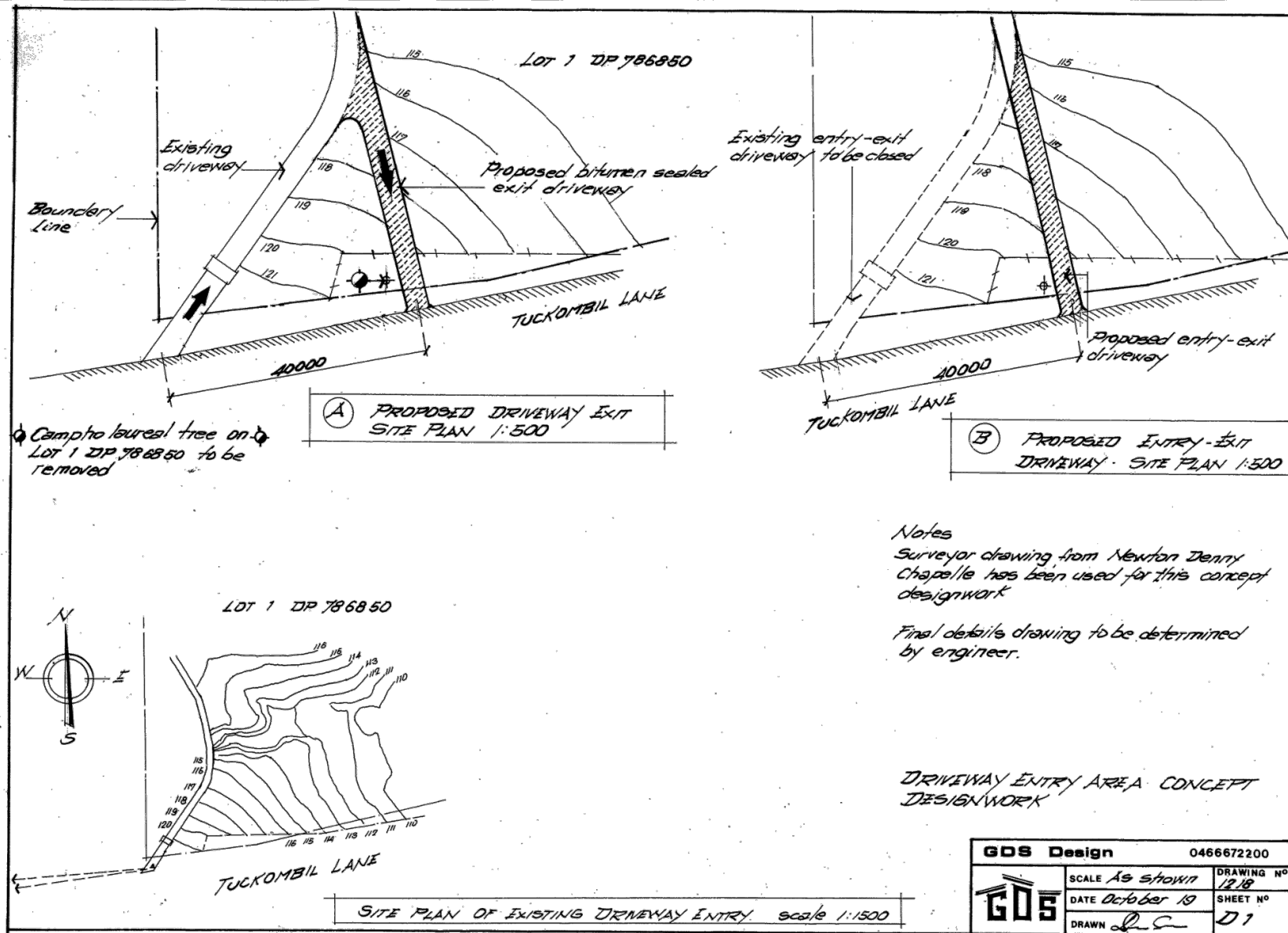












BALLINA SHIRE COUNCIL Attention; Ms Lucy Bennett,
Development and Environmental Health Group

Development Proposal (DA 2019/30) for Wedding Venue and Holiday Cabins

Lot: 1 DP: 786850, 43 Tuckombil Lane, TUCKOMBIL.

We wish to oppose, in the strongest possible terms, the proposal to develop a wedding venue and construct 8 holiday cabins on the property at Lot: 1 DP: 786850, 43 Tuckombil Lane, TUCKOMBIL (DA 2019/30).

Tuckombil Lane is a narrow, single lane roadway with sections that have difficult visibility and steep drop-off sides. This is particularly the case at the approaches to the property at no. 43. Significantly increased traffic flow, especially at the time of wedding receptions, will create substantial risks to both guests arriving and leaving AND to local residents.

Local residents originally contributed to the upgrading to bitumen sealing of Tuckombil Lane and the modest amount of traffic that uses the Lane has seen the need for a recent reseal. The increased level of traffic on the Lane will undoubtedly result in the requirement for a much higher level of maintenance.

There is no doubt that wedding receptions create a high level of noise, whether that be from music or just the noise created by up to 120 people. On the few occasions over the past 20 years that parties have been held in our vicinity, whether birthdays, Christmas or New Year we have heard loud music reverberating around the area. If 20 (on average nearly one ever two weeks) weddings per year were to be held at that venue the constant noise in this peaceful rural environment would be completely unacceptable.

Obviously, owners are able to carry out many activities on their own land within the guidelines/regulations set down by Council. However, clearly there will be an impact on the environment in terms of additional roads, water supplies/runoff, septic requirements/runoff, etc., from the infrastructure that would be required for such a venture. It should also be mentioned the potential impact on the KOALA HABITAT that is designated very close to the proposed development.

We acquired our property more than 20 years ago after an exhaustive search and built our house here because of the tranquillity and peacefulness of the area. Tuckombil Lane is unique, we do not want this tranquillity compromised, nor do we want to see property values negatively impacted, as they surely will be, by developments in the nature of those proposed.

On the grounds mentioned above, we categorically oppose this Development Application.

David & Robyn Hughes

44 Tuckombil Lane, Tuckombil. 2477

The Ballina Shire Council

Attention: Ms Lucy Bennett

Dear Ms Bennett,

Ref. DA 2019/30

Further to our Objection to the DA which was lodged on February 15th 2019, we would like to express further concerns regarding the Proposal.

It seems to be agreed that the subject land is Zoned as Primary Production Land and the Objectives of the Zoning are set out in Clause 4.2.3 of the Proposal.

Further, the Proposal states that Function Centres are identified as a "PROHIBITED" land use in Primary Production Zones. However, OPPORTUNITY is provided for development consent to be granted...on a TEMPORARY basis.

The Proposal then suggests that because development consent may be granted for TEMPORARY use for a maximum period of 52 days in any year (whether consecutive or not) justification is therefore sought to operate the Function Centre for a 5 year period (TEMPORARY?) operating for up to (only) 20 days in any 1 year period.

We believe that there are a number of aspects here that need clarification.

The first is the definition of and indeed the intent of the use of the word TEMPORARY in the context of land use in a Primary Production Zone.

Given the clear "Objectives of the Zone" being 1. "To encourage sustainable primary production etc., etc.," and that Function Centres are a PROHIBITED land use, it is inconceivable to us that five (5) years could be considered TEMPORARY in this context.

Secondly, the building (Function Centre) to be constructed as an attachment to the existing shed appears anything but a TEMPORARY structure. It is stated that a kitchen in this building will be for the use of visitors staying in the cottages, but the cottages all appear to have their own kitchens. Why is it necessary for this building to have a second story (loft)? The design appears much more akin to a dual occupancy than a Function Centre and certainly does not appear to be TEMPORARY.

While on the subject of height, why are the cabins built with 2 stories? Again this is contrary to Zone objectives "To maintain the rural, cultural and LANDSCAPE character of the locality" and these are not being proposed as TEMPORARY as far as we can tell.

The Proposal suggests that there will be minimal impact on the existing Primary Production activity which involves a relatively small number of cattle.

The Primary Production activity on the property could however be enhanced if it were turned over to horticulture thereby meeting the first objective of the Zone and this Proposal will compromise

future opportunities in this regard by reducing the available primary production land with the construction of holiday cabins.

Finally, we would like to make a further comment about the road and the entry to the property. While we understand that Council engineers have inspected the road and are satisfied with it, we still consider the depth of the culvert and the limited visibility approaching the entry to the subject property to be a very high risk factor and of primary concern.

Thank you for your further consideration.

Yours faithfully,

DG & RJ Hughes

44 Tuckombil Lane,

Tuckombil.

March 11th, 2019.

Lucy Bennett, Ballina Shire Council
Development and Environment Health Group

W J Gorton
89 Tuckombil Lane
Tuckombil 2477

18 February 2019

Subject: Development Proposal (DA 2019/30) for Wedding Venue and Holiday Cabins

43 Tuckombil Lane, Tuckombil, Lot 1 DP: 786850

I strongly oppose the above Development Proposal for a function centre and holiday cabins at 43 Tuckombil Lane, Tuckombil 2477, Lot 1 DP: 786850.

This property adjoins my 89 Tuckombil Lane property and is in partial view and I will certainly be affected by noise from any weddings, functions and cabin stays.

I purchased here 18 years ago for it's quiet, pristine, nature filled environment and fear that wont be the case if next door there are 20 odd "functions" each year plus 8 cabins of tourists all year round with stay access for them within metres of my home.

How will water and sewerage be accommodated for all these people and what will be the effect on us and others downstream on this spring only fed creek?

The Tuckombil Lane residents paid contributions for the upgrading and tar sealing of our hilly and some steep sections of single vehicle, no through road lane, which still maintains deep gutters and drop-offs, thus requiring local knowledge and very cautious, careful driving behaviour. This will substantially increase traffic risk to us locals as well as "the clients"

Finally I can only envisage the change to a much higher traffic and noise level to our immediate area will be detrimental to our natures environment, current quiet way of life and devalue somewhat local properties

I therefore strongly oppose this Development Proposal

Yours faithfully,

W J GORTON



Lucy Bennett. Ballina Shire Council
Development and Environment Health Group

W J Gorton
89 Tuckombil Lane
Tuckombil 2477

16 March 2019

Subject: DA 2019/30

I wish to comment further on my previous submission allocated document number 19/13548 objecting to DA 2019/30.

Further research of this matter has shown that the whole Tuckombil Lane area, including the said No.43 is zoned Primary Production Land, and as such, Function Centres are prohibited, except for the possible granting of TEMPORARY use?

I fail to see what is temporary about a building which includes a kitchen and loft, plus 8 fully fitted out, independent holiday cottages.

One must rightfully only view this proposal as permanent, with the wording TEMPORARY inserted to enhance the chances of approval.

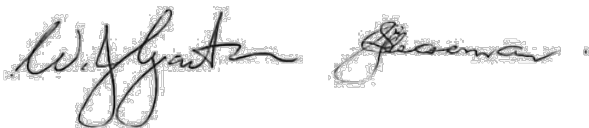
This Tuckombil Lane area is in total, a quiet primary production area, where all owners employ a rural pursuit and life style which must remain so.

This proposal will be much more than a simple minimal impact to the surrounding farms and their residents as indicated in DA.

We continue strong opposition to this Proposal.

Yours faithfully

Warren Gorton and Glenda Shearman
0449 168 987



BALLINA SHIRE COUNCIL Attention; Ms Lucy Bennett,

Development and Environment Health Group

Development Proposal (2019/30) for Wedding Venue and Holiday Cabins.

Lot 1 DP: 786850, 43 Tuckombil lane, Tuckombil.

I wish to oppose any development for a wedding venue and the construction of holiday units at 43 Tuckombil lane Tuckombil.

As I walk this Lane most days during daylight hours I find I must wear a fluorescent vest for my safety as the road is extremely narrow and Busy being only one lane wide enough for one vehicle being able to travel on the main road surface with any oncoming traffic having to pull to the verge which in most cases is non-existent and is dangerous to all that travel this narrow lane. This road is an accident waiting to happen that is if you survive turning into lane off the main road that is a very dangerous intersection and then being alert to what maybe or maybe not coming as you turn and then at the first crest before descending a very steep narrow cutting long and dangerous incline that does not need extra traffic it is already a very busy NO THROUGH ROAD (lane)

It is a gem of an area to live we do not need extra vehicles traveling this beautiful and peaceful area. There must be better locations for this type of Business activity.

Mr Colin Simpson and Mrs Jacqueline Simpson

Residential address, 9 Tuckombil lane, Tuckombil 2477.

20 February 2019

BALLINA SHIRE COUNCIL Attention; Ms Lucy Bennett,

Development and Environmental Health Group

Development Proposal (DA 2019/30) for Wedding Venue and Holiday Cabins

Lot: 1DP: 786850, 43 Tuckombil Lane, TUCKOMBIL.

I strongly oppose, the proposal to develop a wedding venue and construct 8 holiday cabins on the property at lot: 1 DP: 786850, 43 Tuckombil Lane, TUCKOMBIL (DA 2019/30).

My main concern is the road especially the intersection off Teven Rd. turning into Tuckombil Lane needs extra caution at the best of times, with the extra traffic this proposal will create, will make it very dangerous indeed. Recently I have witnessed near misses or vehicles through my fence during wet weather. Then the lane is very narrow especially on the crest and the steep drop off sides near the approaches to the property at No. 43. Increased flow of traffic at the time of wedding receptions will create substantial risk to both guests arriving and leaving the venue and to local residents.

Local residents originally contributed to the upgrading and bitumen sealing of the Tuckombil Lane and the modest amount of traffic that uses the Lane has already needed resealing. The increased traffic will certainly result in the Lane requiring more frequent maintenance.

There will be a certain amount of noise from 120 people at a wedding reception plus the music. We have often heard loud noise from the few Birthday, Christmas and New Year Eve parties around the local area. Frequent noise from Wedding receptions on an average every 2 weeks is quite unacceptable.

We live in this area for its quiet, peaceful and tranquil surrounds with the abundance of birds and wildlife. This would be lost with the clearing to make way for buildings and infrastructure required for this venture.

There will be an impact on other infrastructure, such as water supply, is of great concern, as at the moment we are experiencing a very dry season. Electricity will also be affected with extra requirements will cause low voltage at times for other local residents.

I categorically oppose this Development Application on the grounds mentioned above.

Denise Fenwick



9 Tuckombil Lane, Tuckombil 2477

20 February 2019

Ballina Shire Council.
P O Box 450
BALLINA. NSW 2478

ATTENTION: Ms L Bennett

Dear Sir/Madam

re: Development Proposal 2019/30 ... Lot 1. DP 786850
@ 43 Tuckombil Lane TUCKOMBIL

I write to you to object to the Development Proposal referred to above.

My partner of 20 years, Warren Gorton, owns the property adjoining 43 Tuckombil Lane and has lived there since 2001. I spend the majority of my time with him. We enjoy the tranquility and rural ambience of the area and if the Proposal was to go ahead this atmosphere would be lost I am sure. We have a full view of the said property, and having space around him and not being too close to neighbours is a large part of the reason he purchased the property. I feel sure if a function centre and eight holiday cabins were to be established at No. 43 Tuckombil Lane it would be detrimental to Warren's wellbeing.

The demand that would be put on essential services would be large, especially with water, sewerage (septic in this area), and waste removal. Tuckombil Lane is essentially a single lane road, which the owners of properties in the Lane paid to have sealed. The demand put on the Lane by extra traffic, coming and going, would be detrimental and would lead to Council having to maintain the Lane more often. Parking when functions were held would also be a concern. The holiday cabins would create even more congestion in the Lane, with people coming and going any hour of the day.

../2.

Page 2

Ballina Shire Council.

Re: Development Proposal 2019/30 Lot 1 DP 786850
43 Tuckombil Lane TUCKOMBIL

A speed limit is in place for the lane but is seldom adhered to, plus the lane is narrow, hilly and at night very dark. Wildlife are often seen then, or very early in mornings.

The noise created by functions proposed to be held at the venue and holidaymakers using the cabins would carry across the area and disturb the environment and the residents on neighbouring properties and beyond.

Please consider my objections and do not let this Development go ahead.

Yours faithfully

Glenda Shearman



PO Box 1074

BALLINA NSW 2478

'Phone 0415 712 536

Assessment No. 161092



From: Michelle Fisher seamisthorsestud@yahoo.com.au
Subject: Objections to proposed DA 2019/30
Date: 18 Feb 2019 at 12:02:34 pm
To: seamisthorsestud@yahoo.com.au

Michelle Fisher
981 Teven Road
Tuckombil NSW 2477

And

979 Teven Road
Tuckombil NSW 2477

RE: Objections to the proposed DA 2019/30 made by Newton Denny Chapelle. Lot 1 43 Tuckombil Lane Tuckombil.

I wish to submit two formal objects from both titles I own to the above mentioned for the following reasons:

20 Ceremonies per year with 8 holiday cabins pose a direct and significant reduction in privacy for both the 979 and 981 Teven Road properties. 981 Teven Road holds three boarders in common with the property in question, it is an established macadamia orchard and production property with a three bedroom house currently rented to a single parent and her sons one of which is in high school and one of which is undertaking further education.

While 20 ceremonies a year is just under one every second week this will mean noise, including crowd noise, music noise, well into the night and with the cabins, likely on consecutive nights, traffic noise and density with significant disruption to a quiet rural area. Not only to affecting myself, my animals and my family but also for my tenant and her young family, especially for a huge number, 120 people, likely also intoxicated or at the very least drinking.

Fencing is inadequate between the two properties and public access for the cabins and function centre will no doubt result in significant and common place trespass on mine and other neighbouring properties from the public.

The disruption to the macadamia orchard and production will significantly reduce productivity and incur higher costs due to large numbers of extra cars/traffic and noise/work considerations.

The rainforest remnants of the Big Scrub that remain, such as a large native fig, blue quondong, and other species, such as the fauna, that remain will be affected negatively. Some of the animals sighted on the properties, such as the; Endangered Richmond Birdwing butterfly, threatened Squirrel Gliders, barking owl, pretty face wallabies, echidna's, the crested Baza will also be affected by noise and direct human interference.

Not only will the character of the rural community be negatively affected, traffic in and out of Tuckombil Lane will increase both in danger and significant damage to a small local laneway.

The original heritage of the house on the proposed da property is also of concern as I believe it may well be over 100 years old and is of high cultural value, being the original farm house of the area. I believe this proposed will over develop the site, have unacceptably high density and will not be in keeping with the rural community, character or the current aspect of the neighbourhood or property itself.

Should you have any questions please don't hesitate to contact me on [0414 285 727](tel:0414285727)

Yours faithfully

A handwritten signature in black ink, appearing to be a stylized name, possibly 'M. ...', written over a horizontal line.

Attn: Lucy Bennett. Ballina Shire Council
Development and Environment Health Group

18th February 2019
Troy and Jo Mainprize
129 Tuckombil Lane
Tuckombil NSW 2477
PH. 0407066065

Subject: Development Proposal { DA 2019/30 } for Wedding Venue and Holiday Cabins
43 Tuckombil Lane, Tuckombil, Lot 1 DP: 786850

I am writing to strongly oppose the proposed development application put forward by the owner of 43 Tuckombil Lane Tuckombil, of a Wedding Venue and 8 Holiday Cabins.

We purchased this block of land in June 2017, because it was at the end of this narrow little country lane, and because of the peace and quiet that this property could offer us.

Since then, we have poured much of our savings into this property, building a house and improving the land for our personal enjoyment.

I fear that the Wedding Venue will cause a lot of noise disturbance and ruin the very thing that we have come here to enjoy, the peace and quiet.

The lane itself is not designed to cater for a lot of traffic. In some places, there is barely room for two vehicles to pass without one vehicle having to move off the bitumen and onto the grass. The lane between Teven Road and 43 Tuckombil Lane is the worst section, with a steep drop off on one side of the road, and a bank on the other, making it impossible to move off the road in that area.

All the residents in this lane have come here for the same reason, for a quiet lifestyle, away from the hustle and bustle of the township, and we all help in taking care of the lane, by mowing sections near our properties, weed spraying, and organizing for the council to fix sections of the road when it is needed.

Bringing tourists into this lane will not only be detrimental to the road and the lane itself, but also to the lifestyles of all the residents here.

The entrance to 43 Tuckombil Lane also poses a problem, as it is on a slight bend in the lane, and when travelling from Teven Road down the lane, it is very hard to see vehicles exiting this property until they are already out in the lane.

On these grounds, we strongly oppose this development.

Regards

Troy and Jo Mainprize



25 February 2019

BALLINA SHIRE COUNCIL Attention: Ms Lucy Bennett

Development and Environmental Health Group

Development Proposal (DA 2019/30) for Wedding Venue and Holiday Cabins

Lot 1 DP:786850, 43 Tuckombil Lane, TUCKOMBIL.

We wish to oppose the proposal to develop a New Recreation Facility which includes a Wedding Venue, 8 holiday cabins and associated amenities and infrastructure on the property at Lot 1 DP: 786850, 43 Tuckombil Lane, TUCKOMBIL (DA 2019/30).

Tuckombil Lane was a great example of our community coming together in 2008 and paying Ballina Shire Council to have our lane sealed. However it is still only a laneway and not designed to handle large amounts of traffic.

There are two quite dangerous sections, one of these is the cutting 300 metres from the intersection that all vehicles travelling to 43 Tuckombil Lane must travel through. It is quite narrow, 4.3 metres of bitumen seal as you drive through the cutting and in one section has a very steep drop off. As you enter the cutting and are on a rather steep grade it makes braking in time to pass difficult. The locals know this and drive accordingly with one vehicle usually stopping and moving over into the table drain to allow the other vehicle to pass or else one reverses if it is a larger vehicle.

Our concern is that there are nine property owners who use this section of the lane and if the proposed development is approved and there will be eight cabins over time, that potentially doubles traffic as well as the associated traffic with wedding ceremonies, that will create a considerable increase in traffic volume, with the potential to make the cutting in Tuckombil Lane quite busy and dangerous. The speed limit is 80k/h which is excessive however none of these visitors will have any idea of the potential danger.

We have enjoyed living here for over 14 years and like all the other residents came here for the natural beauty and tranquility of country living.

This is a unique part of Ballina Shire Council on The Far North Coast and it would be very sad to see development of this nature approved when the reason that we moved here was for the serenity.

Garry & Helen Spencer
42 Tuckombil Lane, Tuckombil. 2477

The General Manager

Ballina Shire Council

ATTENTION: Lucy Bennett

DA 2019/30 LOT 1 DP 786850

43 Tuckombil Lane, Tuckombil

Dear Sir

I write on behalf of my father, Robert Hosie who owns a Macadamia farm on Tuckombil Lane. Development Application 2019/30 submitted by Newton Denny Chappelle requests Council approval for a temporary function centre (wedding ceremonies), 8 tourist cabins and "table to plate" cooking lessons at 43 Tuckombil Lane.

I have the following concerns regarding the non- rural nature of the proposal:

1. The nearby Macadamia farms have associated agricultural activity such as fertilising, pest control, harvesting, machinery and equipment noise. It would be very disturbing if the Development Application was approved and then the Proponents or their clients complained about the normal agricultural activities being carried out on neighbouring properties.
2. The proposed operation of the wedding "ceremony" proposal and the tourist cabins is too intensive. The potential noise and traffic associated with the proposal is more akin to urban environments and would impact the rural character and safety of the area. Vehicle numbers may exceed the predicted numbers in the Statement of Environmental Effects as there is likely to be many "exceptions" to use of the minibus.
3. It is also likely that wedding guests would stay in the cabins so the celebrations could continue well beyond the "ceremony".
4. Eight x 2 bedroom cabins could accommodate 32 people. This seems a lot of people with all their associated noise, waste, traffic at all times during the year. Does this comply with the density controls of Council's DCP?

Overall the scale of the proposal and its non- rural nature is not supported and is an unacceptable intrusion to the area.

Yours faithfully

Jane Hosie (on behalf of Robert C Hosie)

Email: sgobrien@bigpond.com

27/2/2019

28 February 2019

Lucy Bennett
Development and Environmental Health
Ballina Shire Council

Dear Lucy,

RE: DA 2019/30

After careful consideration of the proposal to develop 43 Tuckombil Lane, my wife and I have strong reservations regarding a number of issues as outlined below:

1. Rural Area - we moved here with our family of four young children so that they might enjoy a rural lifestyle. The development of a wedding facility and holiday cabins will introduce tourists, and no doubt intoxicated wedding guests at times, to our quiet neighbourhood. As direct neighbours, with a proximity of 100m to the proposed ceremony site, and 50m to the education facility we will be directly impacted by the noise and disturbances caused. The use of a 2100mm fence to reduce noise does not fit into a rural setting.
2. Frequency of Events - whilst the proposal limits the number of ceremonies to "a maximum of 20 ceremonies in any 12 month period" this does not mean they will be averaged over the whole year. Most weddings are held in Spring. This could mean a wedding every weekend, if not two per weekend, for the entire Spring season. I did not see a limitation to weekends. This coincides with the final assessment period of our children's school year.
3. Proposed Education Facility - this building will be placed directly along our fence line (see Attachment 1) with close proximity to our house. The purpose of the "Education Facility" is described as a communal kitchen area. This indicates daily activity. Having increased building density and stranger presence is completely contradictory to the reasons we moved to a rural area.
4. Traffic Risk - it has only been 8 months since we moved to the Ballina Shire, and three since moving in next door to the proposed development site. During this time I have seen two accidents on the Tuckombil Lane turnoff. In the three months living here I have had three events where traffic coming around the bend on Teven Road have cut the corner and come into the turning lane for Tuckombil Lane. As our driveway is before the narrow cutting I have not experienced passing other vehicles whilst driving further down Tuckombil Lane. The few times I have though, it has been with caution as the visibility and manoeuvrability are very limited. Increased tourist traffic will lead to increased accidents.
5. Lack of Consultation - as their closest neighbours I am disappointed in the consultation process. This development has not been discussed with us at any point, despite regular interactions. Furthermore, the signage outlining the proposal was found in the long grass by a contractor I hired to slash our fence line. It is clear it was never properly installed (see Attachment 2).

We would like to maintain a cordial relationship with our neighbours. Due to the above issues though, we strongly object to the proposed development.

Sincerely,



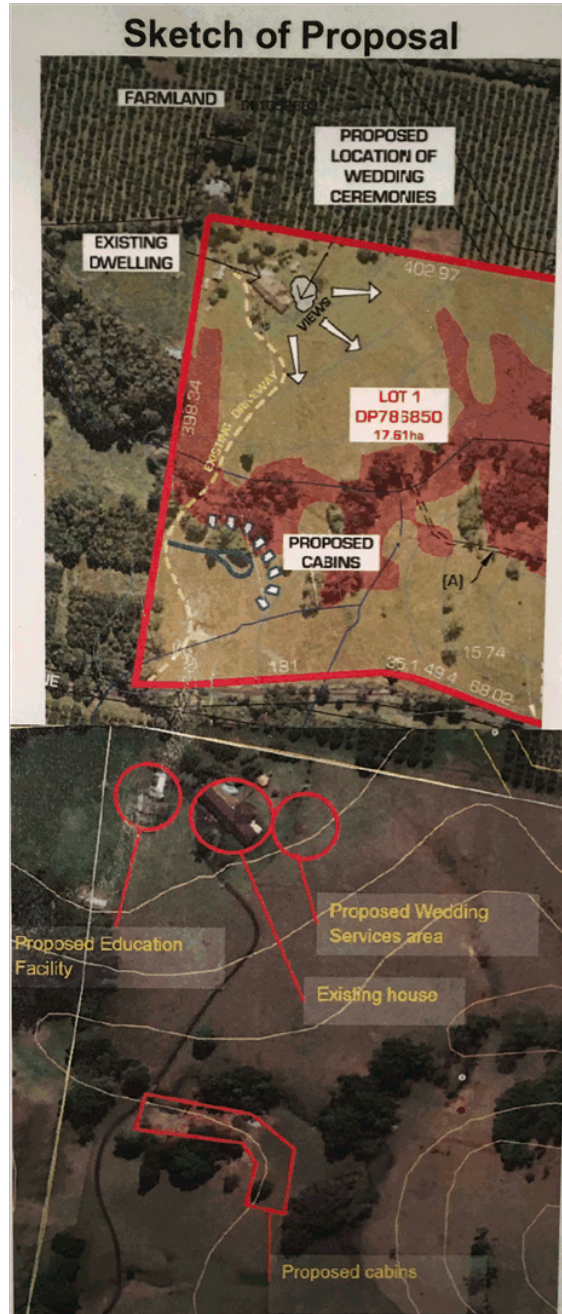
Dr Stephen Strahan



Dr Anika Strahan

17 Tuckombil Lane, Tuckombil NSW 2477

Attachment 1 - Photo from Development Signage at Lot 1 DP786850



Attachment 2 - Photo of Proposal Signage



68 Shaws Lane
Tuckombil NSW 2477

The General Manager,
Ballina Shire Council
PO Box 450 BALLINA NSW 2478

26 February 2019

Dear Sir,

Development Application 2019/30.1
Lot: 1 DP:786850: 43 Tuckombil Lane, Tuckombil 2477 NSW

We write to object to the above development application (DA) and the proposed wedding facility and cottages businesses. The basis of our objection is environmental impact as included below.

Effluent discharge management: 120 people plus cottage occupation in the concentrated area proposed will generate a high waste water effluent discharge. Irrespective of the waste treatment system there will be a peak flow injection of nutrient rich effluent into the nearby water course potentially interfering with the natural biological balance of the stream.

Temporary period of operation: I find reference to "temporary" in the DA misleading and likely a ploy by the developer to soften opinion of nearby residents and potential objectors to the proposal. Once the facility and cottages are place, with investment made, 'temporary' will almost certainly become 'permanent'. Council will be aware of such 'temporary' proposals and how they end up over time.

Incompatibility with rural potential: The Lot of land on which the proposal is located is relatively large in area at 17.6 Ha. This parcel is highly valuable rural land viable for a range of agriculture as reflected by its zoning designation. By any measure this is a beautiful and rare rural block with permanent water and undulating topography.

While the zoning does allow for development of the kind proposed if it proceeds the agricultural potential of the Lot will be severely impacted and diminished by the presence and proximity of the development to farming activity, particularly orchard operations. The potentially productive farm will be changed 'forever'.

Noise: Noise generation is a commonly known accompaniment to such intense social gatherings with loud music, microphones, the many human voices, and motor vehicles. Noise impact will be greater and seemingly amplified given the almost silent ambience of the lane and properties. It can be expected the sound will travel kilometres from the source disturbing nearby residents.

Road traffic dangers: With 120 guests and other service personnel, likely to occur in intense periods, many additional cars and trucks will travel along the narrow sealed Tuckombil Lane. The First point of descent on entering the Lane from Teven Road begins with a 'blind' crest that is currently quite dangerous for meeting vehicles because of the lack of sight distance. It is safe enough provided it is approached slowly and local users are well aware of this.

Page 1 of 2

The many and infrequent guest and facility service vehicles and unaware drivers attending the proposed facility will present a hazard to passing vehicles at this point and as vehicles progress down the steep narrow hill. The entry into the subject property appears quickly on the left very shortly after another corner. The need for rapid braking to stop in time to turn-in is potentially hazardous. The exit trip (on leaving the facility) will encounter and create the same hazards. The road is simply too steep and narrow to accommodate traffic of this nature and was not constructed for this purpose.

Tuckombil Lane natural values: Tuckombil Lane winds through beautiful undulating hilly land for almost 1 km. It is a sparsely settled lane offering high value pretty visual amenity changing with light conditions. It is a very quiet, a rare and picturesque rural lane, created to serve the few properties it fronts. The lane is frequented by local walkers and bird and fauna watchers who enjoy a rare beautiful natural ambience.

It would be totally inappropriate and irresponsible for the beautiful subject Lot to be sacrificed for what is a highly incompatible commercial intrusion and whim. The proposed facility will be highly visible from the lane and like many residents we find this proposed intrusion highly inappropriate for this location. It adds nothing to the lane but takes much.

We encourage Council staff and officials to walk the lane and appreciate what a rare and beautiful asset Council has. The whole lane and adjacent land parcels are worthy of a special 'High Value Rural Character zoning' to ensure commercial proposals such as at the subject should never occur.

In closing we re-state our strong objection to the DA proposal and thank you for the opportunity to comment.

Yours faithfully,

(sgd JJ Taylor and MA Taylor)

Ian and Marg TAYLOR

8.1 DA 2019/30 - 43 Tuckombil Lane, Tuckombil.DOC

From: Lauren Moore <lozza0007@hotmail.com>
Sent: Thursday, 28 February 2019 5:13 PM
To: Ballina Shire Council
Subject: Fw: Submission re: DA 2019/30 at 43 Tuckombil Lane, Tuckombil (Alstonvale)

General Manager
Ballina Council
PO Box 450
Ballina 2478

28.02.19

Attention: Lucy Bennett (DA 2019/30)

Dear Sir/Madam,

Re: DA 2019/30 - 43 Tuckombil Lane, Tuckombil

The DA application form (DA 2019/30) is for:

4. Description of Development to be Carried Out
Briefly describe all components of your proposal, including signs, use of the land/building, subdivision, demolition etc. You may need to attach further information to adequately describe your development.

Type: Changing the use of land or building or the classification of a building under the BCA Advertising Signage
 Demolition Subdivision (including boundary adjustments, Torrens & Strata)
 Erecting, Altering or Adding to a Building or Structure Other Works (infrastructure, earthworks, swimming pools etc)

- TEMPORARY USE OF THE LAND FOR 5 YEARS AS A FUNCTION CENTRE FOR THE PURPOSE OF HOSTING WEDDING CEREMONIES.
- TOURIST AND VISITOR ACCOMMODATION COMPRISING OF 8 CABINS. IN ASSOCIATION WITH THE CABINS, A NEW BUILDING IS PROPOSED TO EXTEND FROM THE EXISTING SHED FOR A COMMUNAL AREA WITH A KITCHEN FOR USE BY VISITORS STAYING IN THE CABINS.

Erection of a new building
Please complete this schedule. The information will be sent to the Australian Bureau of Statistics.

All new buildings (please complete the following):

Number of storeys (including underground floors)	2
Gross floor area of new building (m ²)	734.75 m ²
Gross site area (m ²)	17.61 m ²

The Council notification stated:

Staged development involving the temporary use of the land for five years as a function centre for the purpose of hosting wedding ceremonies. It is proposed to host a maximum of 20 ceremonies in any 12 month period catering for a maximum of 120 people. The proposal also involves staged development of eight holiday cabins and associated amenities and infrastructure.

The DA Statement of Environmental Effects describes the proposed use in Section 3 of the statement (refer page 11) it describes the wedding ceremonies in detail - but neglects to describe the full use of the 8 cabins or the "Paddock to Plate" tutorials described in the Land Use Conflict Assessment Report dated Dec 2018 by Greg Alderson & Associates (which forms part of the DA) and states the proposed use as:

8.1 DA 2019/30 - 43 Tuckombil Lane, Tuckombil.DOC

1.2. Proposed Development

The proposed development consists of a mixed-use development, including the following components, which are spatially separated:

- Tourist cabins
- Wedding Services
- 'Farm to Table' cooking classes, being permaculture and organic gardening educational courses for the use of clients using the cabins

1.2.1. Tourist Cabins

Eight tourist cabins are proposed to be constructed towards the southern boundary, to the north of a small knoll which will form a natural screen to the cabins from the road. The cabins will have a northerly aspect and will be located above the creek which dissects the property. The proposed cabins will be located on the northern slope of a small knoll towards the south western extent of the property. The cabins will overlook a small creek. The plantations nearest the cabins are the pecans on the western property Lot 10 DP 865794, which are down slope and separated by the existing access driveway into the subject site. The pecans are located at the closest point to the proposed cabins at about 116 m AHD, and extend further to the south, being obscured from view of the proposed cabins from the knoll. There are two macadamia plantations to the south of the site, located to the south of Tuckombil Lane, at Lot 20 and Lot 21 DP 876765. The plantations are located uphill at approximately 127m AHD and the knoll of the hill approximately 119m AHD and the cabins about 114 m AHD. The plantations are separated from the subject site by Tuckombil Lane and there is existing vegetation along the road reserve boundary, and two small lots which are heavily vegetated being Lot 1 DP 248266 and Lot 2 DP 582240 which would act as a buffer from this plantation. There is no limited direct line of sight between the macadamia plantation to the south and the cabins proposed on the subject site, with only a very minor opening within the existing vegetation along the road reserve. The vegetation is dense and together with the majority of cabins located on the northern side of the knoll, the majority of the view from the proposed cabins to the south is obscured.

1.2.2. Educational Facilities

The proposed educational facilities will consist of a kitchen to be used for 'paddock to plate' cooking classes and a communal area that will be accessed by the tourists using the cabins. The kitchen will allow for 'paddock to the plate' discussions and will be within a new building to be extended onto the existing shed located towards the western boundary near the dwelling. There is a direct line of site to the property to the west, being Lot 10 DP 865794. There is no plantation in the area directly to the west of the proposed facility nor to the north of the facility. The nearest macadamia plantation is located to the north east of the facility, being Lot 8 DP 1052883.

1.2.3. Wedding Services

Wedding Services are proposed to be held to the east of the existing dwelling. The services will be 'temporary event' and will be only held up to 20 times a year, and only on a weekend. The services will consist of temporary structures, such as a gazebo and portable facilities. The services will be held over a few hours during the day time. The Wedding Services area will be in direct line of sight to the neighbouring macadamias to the north, on property Lot 8 DP 1052883. Some planting has occurred along the northern boundary of the subject property.

COMMENT: It would be good to know exactly what DA2019/30 is for..... as the site is zoned RU1 - Primary Production, which is a Rural Zoning and the area is pristine agricultural area.

The permitted uses within the RU1 zone are:

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Car parks; Cellar door premises; Cemeteries; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Jetties; Markets; Mooring pens; Moorings; Open cut mining; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Turf farming; Water recreation structures; Water supply systems

The prohibited uses in the RU1 zone are:

4 Prohibited

Advertising structures; Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

COMMENT:

Please note that Backpackers' accommodation, Hotel or motel accommodation and Serviced apartments are PROHIBITED, this is important to note when understanding the definition of Tourist and Visitor accommodation (see below). And "**Function Centres**" are defined as a **specified use** in the BLEP and therefore would be in the category of "Any other development not specified in item 2 or 3", i.e. PROHIBITED in the RU1 zoning.

The definition of **Information and Education Facilities** is:

8.1 DA 2019/30 - 43 Tuckombil Lane, Tuckombil.DOC

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

COMMENT: The proposed use describes the proposed "**educational facilities**" and this is the definition from the BLEP:

The proposed educational facilities will consist of a kitchen to be used for 'paddock to plate' cooking classes and a communal area that will be accessed by the tourists using the cabins. The kitchen will allow for 'paddock to the plate' discussions and will be within a new building to be extended onto the existing shed located towards the western boundary near the dwelling. There is a direct line of site to the property to the west, being Lot 10 DP 865794. There is no plantation in the area directly to the west of the proposed facility nor to the north of the facility. The nearest macadamia plantation is located to the north east of the facility, being Lot 8 DP 1052883.

As the proposed use - as described above, incorporates food preparation etc - it does not meet the terms of the above definition of **Information and education facility** in the BLEP.

The definition of Tourist and visitor accommodation is:

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

COMMENT:

The zone RU1 specifically prohibits (a) backpackers' accommodation; (d) hotel or motel accommodation; (e) serviced apartments - and that only leaves (b) bed and breakfast accommodation, (c) farm stay accommodation.

The application for the 8 cabins is neither bed and breakfast accommodation or farm stay accommodation with respect to the definition in the BLEP2013 (see definitions below):

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note.

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note.

See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

Both definitions refer to Clause 5.4 of the BLEP

*Ballina Local Environmental Plan 2012
Current version for 8 February 2019 to date (accessed 28 February 2019 at 12:41)*

*[Land Use Table Zone RU1](#)
Zone RU1 Primary Production
1 Objectives of zone*

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural, cultural and landscape character of the locality.
- To enable development that is compatible with the rural and environmental nature of the land.
- To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.

COMMENT:

The proposed development is for 8 x 2 bedroom cabins = 16 bedrooms. As such, the proposal for 8 cabins (16 bedrooms) does not meet the definition of **Tourist and Visitor Accommodation** and is therefore not a use permitted in the RU1 zone, due to increase density, bedrooms, scale, traffic generation etc. it makes sense that a larger tourist and visitor type of accommodation - as proposed - is not permissible in the rural zone.

The proposed use "Wedding Services" would come under the definition of Function Centre contained in the BLEP.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

COMMENT:

Function centres are **not** permissible in the RU1 zone and therefore would be prohibited.

The application makes reference to Clause

Ballina Local Environmental Plan 2012

Current version for 8 February 2019 to date (accessed 28 February 2019 at 12:56)

[Part 2](#) Clause 2.8

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

COMMENT:

The proposed Wedding Services use is for 20 days per year for 5 years (that's 100 Saturdays that the neighbouring Rural Farms will have anywhere from 20 - 120 wedding attendees in the area). It should be noted, that the wedding service industry is quite seasonal and the best months are between Spring to Autumn, which could come down to 20 days per year are the best days for weddings. The proposed use, a commercial use is proposing 20 Saturdays - 20 weekends. However, the development application does not make reference to the DCP requirements: Part 3 General Controls 31. Temporary Use of Land. The proposal does not comply with the DCP and should not be considered as "Temporary". The SEE makes reference to two LEC judgements - however it should be noted that in those two cases the proposed use was a permissible use - contrary to this instance where the proposed use is prohibited.



Part 3 General Controls

3.1 Temporary Use of Land

3.1.1 Application

Applies to:	
Location/s:	All zones.
Development Type/s:	All development.

3.1.2 Planning Objectives

- a. Minimise environmental and social impacts of any temporary use of land;
- b. Ensure that temporary uses of land are conducted in a manner that is safe and minimises public risk;
- c. Ensure that temporary uses of land are compatible with local amenity and character; and
- d. Ensure that temporary uses do not create adverse cumulative impacts on adjoining properties

3.1.3 Development Controls

- i. Development must comply with the relevant requirements documented in Council's Special Events Policy;
- ii. Development must be consistent with the character of surrounding development, particularly in relation to the height, bulk and scale or be an infrequent use for a short duration such that any inconsistency with character has minimal environmental, social and/or cumulative impacts;
- iii. Development must not create ongoing cumulative impacts on adjoining properties having particular regard for noise, amenity, odour, lighting, hydrology and traffic considerations in relation to the size and frequency of a temporary use of land;
- iv. Site coverage of buildings must not exceed 60% of the total site area;
- v. Car parking must comply with standards for comparable land uses where specified in the DCP or based on relevant guidelines published by the NSW Roads and Maritime Services. Car parking must be sufficient to meet demand generated by staff and visitors;
- vi. Development must actively address the primary street frontage.



or an activity is undertaken for several months but on a one off basis.
It is recommended that proposals for temporary use of land be discussed with Council's Regulatory Services Group prior to preparation of a development application.

The DA totally neglects **Ballina's DCP Part 3 General Controls - Temporary Use of Land**.

The "temporary use" proposed in DA 2019/30 is not considered a "temporary use" in accordance with Clause 2.8 of BLEP with respect to Part 3 General Controls - Temporary Use of Land for the following reasons:

- (1) If the DA for the alterations to the shed cost in excess of \$100k - are approved - Council would have to attach a condition requiring its demolition in 5 years. More than likely, in five years time and after a successful five years in operation, the applicant is not going to be willing to demolish the shed that cost \$100k, therefore the future development of the land is compromised, and the objectives of the Zone not met, neither will the aims of the Environmental Planning and Assessment Act - and after five years the applicant will not want to demolish the extension - this creates detrimental economic, social, amenity and environmental effects on the land and associated waste.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months. The proposal is for 5 years and 20 days - but the days proposed are SATURDAYS - so in actual fact - the applicant is applying for the actual days of the function centre will be in action - it would be like saying a shop that operates 9am - 5pm is temporary because it doesn't operate 6pm - 8am each day... which doesn't happen because the shop is still a shop. The proposal states it is for "wedding services" but the extension to the shed is for the Canapés and Cocktails - and the applicant is trying to void stating how many seats there will be because a Function centre needs to provide 1 car space per three seats.
- (3) Development consent must not be granted unless the consent authority is satisfied that the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood. However the proposal for the temporary use will compromise the rural activities on the adjoining site as the plan of management mentions that the applicant will negotiate with the adjoining rural areas not to spray the days of the wedding ceremonies - that is a direct impact on the adjoining rural uses.

COMMENT:

The proposal for the temporary use will compromise the rural activities on the adjoining site as mentioned in the accompanying plan of management which mentions that the applicant will negotiate with the adjoining rural areas not to spray the days of the wedding ceremonies - that is a direct impact on the adjoining rural uses. Council must take into consideration the Objects of the EP&A Act and the objectives of the RU1 - Primary Production zone - refer below.

Environmental Planning and Assessment Act 1979 No 203

Current version for 15 February 2019 to date (accessed 28 February 2019 at 15:20)

[Part 1 Section 1.3](#)

1.3 Objects of Act

(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

8.1 DA 2019/30 - 43 Tuckombil Lane, Tuckombil.DOC

The RU1 Primary Production Zone objectives are as follows:

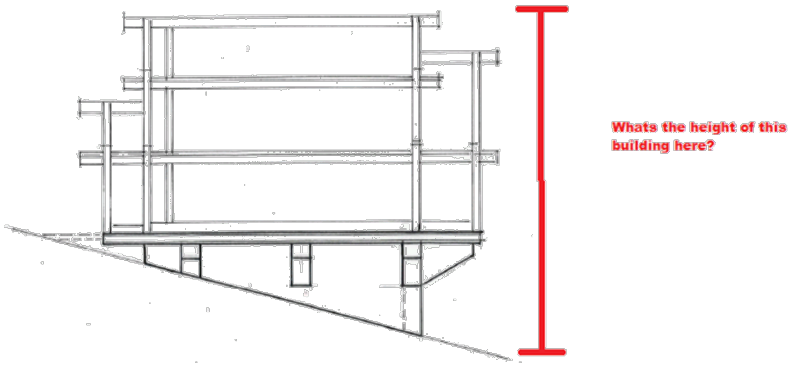
Ballina Local Environmental Plan 2012
 Current version for 8 February 2019 to date (accessed 28 February 2019 at 12:41)
Land Use Table Zone RU1
 Zone RU1 Primary Production
1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural, cultural and landscape character of the locality.
- To enable development that is compatible with the rural and environmental nature of the land.
- To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.

Land Use Table Zone RU1 Primary Production

1 Objectives of zone	COMMENT:	Complies?
• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	No the DA does not encourage primary industry	NO
• To encourage diversity in primary industry enterprises and systems appropriate for the area.	No the DA does not encourage primary industry	NO
• To minimise the fragmentation and	No the DA does not minimise fragmentation and it does alienate rural lands	NO

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alienation of resource lands.		
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	No - the DA maximises conflicts with its neighbours in the RU1 -Primary Production (rural) zone No to mention the proposed uses are PROHIBITED in the Zone	NO
• To maintain the rural, cultural and landscape character of the locality.	NO the application by scale, traffic generation, noise, waste generation and requirement for better infrastructure - doe NOT maintain the rural, cultural or landscape character of the locality. The heights are not shown on the proposed cabins - but some may have a height in excess of 8.5 m which is the maximum height allowed - and No Clause 4.6 Variation application has been attached - but it is difficult to know because there is insufficient information 	NO
• To enable development that is	The proposed uses are prohibited in the zone and not compatible with the rural and environmental nature of the land with respect to scale, traffic generation, noise and waste generation.	NO

13

<p>compatible with the rural and environmental nature of the land.</p>																																																										
<p>• To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.</p>	<p>It is envisaged that the proposed use will generate traffic and car parking generation for 94 guest and 42 vehicle trips per function including the requirement for 5 mini buses x 20 wedding ceremonies x 2 (there and back) for five years..... the traffic generation will put pressure on Council's roads - public infrastructure in the local area.</p> <p style="text-align: center;">Table 3.1 - Function Centre Carparking and Trip Generation</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Description</th> <th>Vehicles</th> <th>On-site During Function</th> <th>Trips</th> </tr> </thead> <tbody> <tr> <td>Portaloos Delivery</td> <td>1</td> <td>-</td> <td>2</td> </tr> <tr> <td>Catering (Drinks & Canape Service)</td> <td>2</td> <td>1</td> <td>4</td> </tr> <tr> <td>Wedding Planner</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td>Proponent Representative</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td>Hair & Makeup</td> <td>1</td> <td>-</td> <td>2</td> </tr> <tr> <td>Florist</td> <td>1</td> <td>-</td> <td>2</td> </tr> <tr> <td>Celebrant</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td>Photographer</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td>Musician/s</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td>Overflow Wedding Guest Parking*</td> <td>5</td> <td>5</td> <td>10</td> </tr> <tr> <td>Buses**</td> <td>5</td> <td>-</td> <td>10</td> </tr> <tr> <td>Portaloos Pick-up</td> <td>1</td> <td>-</td> <td>2</td> </tr> <tr> <td style="text-align: right;">Total</td> <td>29</td> <td>11</td> <td>42</td> </tr> </tbody> </table> <p>* 10 guests in up to 5 cars</p> <p>** Assuming 94 guests arriving by a nominal 20 seater bus (120 - 26 = 94). 26 not arriving by minibus comprising 10 arriving by private vehicle and 16 guests staying in cabins.</p>	Description	Vehicles	On-site During Function	Trips	Portaloos Delivery	1	-	2	Catering (Drinks & Canape Service)	2	1	4	Wedding Planner	1	1	2	Proponent Representative	1	1	2	Hair & Makeup	1	-	2	Florist	1	-	2	Celebrant	1	1	2	Photographer	1	1	2	Musician/s	1	1	2	Overflow Wedding Guest Parking*	5	5	10	Buses**	5	-	10	Portaloos Pick-up	1	-	2	Total	29	11	42	<p style="text-align: center;">NO</p>
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Buses**	5	-	10																																																							
Portaloos Pick-up	1	-	2																																																							
Total	29	11	42																																																							



Ballina Development Control Plan 2012
**CHAPTER 2 - GENERAL AND ENVIRONMENTAL
 CONSIDERATIONS**

Table 2.3 – General Car Parking Requirements	
Land Use	Car Parking
	<p>improvement of public lands for car parking purposes.</p> <ul style="list-style-type: none"> • A minimum of 75% of total required spaces to be available for customer accessible parking. • Where additional car parking is required in relation to applications to legitimise existing alfresco dining activities on public land, and where it is not possible to physically accommodate such parking on the subject site, Council may consider a monetary contribution for the provision of such parking in accordance with the adopted Parking Contributions Plan. <p>Lennox Head Precinct D</p> <ul style="list-style-type: none"> • 1 space per 25m² GFA. • A minimum of 75% of total required spaces to be available for customer accessible parking.
<i>Function centre</i>	1 space per 3 seats or 15 per 100m ² GFA, whichever is the greater.
<i>Funeral home</i>	2 spaces plus either 1 space per 30m ² GFA or 1 per 5 seats in chapel, whichever is greater.
<i>Garden centre</i>	1 space per 70m ² display area (including accessories). Where landscape supplies are included an additional 1 space per employee plus 2 visitor spaces and adequate loading/unloading area is to be provided.
<i>Group home</i>	Refer SEPP (Affordable Rental Housing) 2009
<i>Hardware and building supplies</i>	1 space for 40m ² GFA.
<i>Health consulting rooms</i>	3 spaces per consulting room plus 1 space per 2 employees

16



Land Use	Urban residential areas	Dwelling-house, Dual occupancy or Rural workers dwelling	Rural tourist facilities
<i>Agricultural produce industry (including macadamia de-husking)</i>	300 m	150 m	300 m



COMMENT:

The proposed cabins do not meet the required setbacks in the DCP.

CONCLUSION:

In consideration of the above, I wish to lodge an objection to DA 2019/30 for the key reasons:

1) The proposed 8 Cabins do not meet the criteria with respect to "**Tourist and Visitor Accommodation**" definition in the BLEP dictionary. The proposal is not of the intended low scale density, number of bedrooms, generation of traffic, noise or waste - and would be a prohibited use.

17

2) The proposed "**Educational Facility**" described in the LUCRA report dated Dec 2018 and accompanying the DA does not meet the "Education and Information Facility" definition, and would be considered a prohibited use in the RU1 zone, due to the preparation of food. Also the details on the management of this proposed use are limited in the report.

3) The "**Function Centre**" is not a permissible use in the zone. the proposed 20 functions x 5 years - should not be considered as a temporary use under the intention of Clause 2.8 of the BLEP. It should be noted that the SEE makes reference to two Court Judgements - with regards to Temporary Use - in those applications the proposed use was permissible in the zone, which is different to this case. The proposed use is not permissible in the zone.

Therefore the proposed commercial use of the site known as 43 Tuckmobil Lane, Tuckmobil is prohibited within the RU1 zone and the application should be refused on that basis.

If the application is further scrutinised - some of the huts looks to be over the maximum height of building allowable in the zone (8.5m) and no Clause 4.6 Variation/Justification was attached to the application.

- 4) The scale of the proposal and traffic generation does not maintain or enhance the local rural area.
- 5) The proposed use's scale and traffic generation is not appropriate for the area.
- 6) The proposed use's scale, noise and traffic generation will fragment and alienate the adjoining rural areas.
- 7) The proposed use's scale and traffic generation and noise will create conflict between land uses within this zone and land uses within adjoining zones.
- 8) The proposed use's scale, noise and traffic generation does not maintain the rural, cultural and landscape character of the locality.
- 9) The proposed use's scale, noise and traffic generation is not compatible with the rural and environmental nature of the land.
- 10) The proposed use's scale, waste and traffic generation will result in unreasonable or uneconomic demands for the provision of improved roads and public infrastructure.
- 11) The proposed cabins do not meet the required setbacks in the DCP.

In summary the proposed use is prohibited within the RU1 zone and is contrary to the objectives of the RU1 - Primary Production zone.

18

I've also read the many of the other submissions/objections to this DA - which include concerns on road safety, traffic generation, noise, loss of privacy, loss of tranquil setting, impact on views etc etc - which can be summaries as the application is not being in the public interest.

Yours faithfully,
L Moore (BTP)
Po Box 114,
Cammeray 2062

General Manager
Ballina Council
PO Box 450
Ballina 2478

11.03.19

Attention: Lucy Bennett (DA 2019/30)

Dear Ms Bennett,

Re: DA 2019/30 - 43 Tuckombil Lane, Tuckombil

In addition to my submission 28/02/19, I feel compelled to comment:

1. The Ballina Local Environmental Plan (BLEP) is legislation – i.e. it is the law.
2. **BLEP Clause 5.4 Controls relating to miscellaneous permissible uses** – stipulates the number of bedrooms permissible for bed and breakfast accommodation and farm stay accommodation – it is no more than 3 bedrooms. The proposal is for 8 self-contained two bedroom cabins, that's 16 bedrooms. More than 5 times that which is permissible.
3. **BLEP Part 7 Clause 7.9 (3) Rural and nature-based tourism development states that** Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and
 - (b) the development is small scale and low impact, and
 - (c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and
 - (d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.

8 cabins x 2 bedrooms = 16 bedrooms (this is well over the scale of a Bed & Breakfast or Farm Stay – the proposal would come under the definition of hotel or motel or serviced apartment definitions – but they are specifically prohibited.)

Public sentiment in the local area is that the development is not small scale, the vehicular access is not adequate, the development is not complementary to the rural area and surrounds

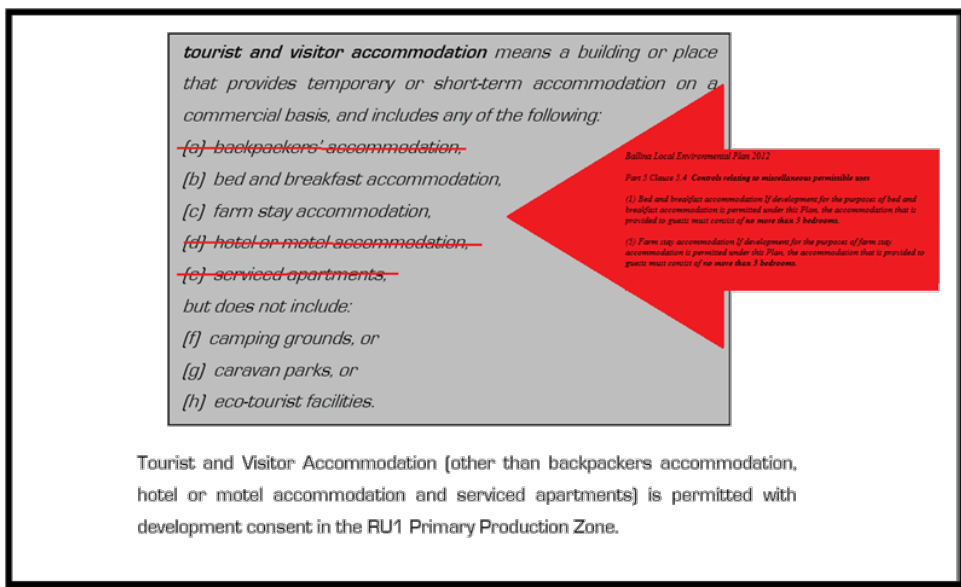


Figure 1: Extract from DA 2019/30 SEE

Ballina Local Environmental Plan 2012

Part 5 Clause 5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation

*If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of **no more than 3 bedrooms**.*

Note: Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.

(5) Farm stay accommodation

*If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of **no more than 3 bedrooms**.*

Ballina Local Environmental Plan 2012

Part 7 Clause 7.9 Rural and nature-based tourism development

(1) The objective of this clause is to ensure that services and facilities provided for tourists in rural and natural areas do not adversely impact on the agricultural production, scenic or environmental values of the land.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape.*

(3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that:

- (a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and*
- (b) the development is small scale and low impact, and*
- (c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and*
- (d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.*
- (4) Development consent must not be granted to development for the purpose of tourist and visitor accommodation on a lot that is land to which this clause applies unless:*
 - (a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the lot, or*
 - (b) a dwelling house may be erected on the lot under this Plan.*
- (5) Development consent must not be granted to development under subclause (4) if the development:*
 - (a) includes an ancillary caretaker's or manager's residence, or*
 - (b) is for the purpose of more than 1 bed and breakfast accommodation.*

(6) In this clause:

small scale means a scale that corresponds to that of residential uses in a rural or environmental locality.

tourism development means development for any of the following purposes:

- (a) caravan parks,*
- (b) cellar door premises,*
- (c) charter and tourism boating facilities,*
- (d) home industries that provide services, or the sale of goods, on site to visitors,*
- (e) information and education facilities,*
- (f) kiosks,*
- (g) markets,*
- (h) recreation facilities (major),*
- (i) recreation facilities (outdoor),*
- (j) rural industries that provide services, or the sale of goods, on site to visitors,*
- (k) tourist and visitor accommodation.*

2. The Ballina DCP 2012 Chapter 4 – Residential & Tourist Development, does NOT apply to the RU1 Zone.

**Ballina Shire Development Control Plan 2012
CHAPTER 4 - RESIDENTIAL & TOURIST
DEVELOPMENT**

Part 3 General Controls

3.1 General Controls applying to residential and tourist development

3.1.1 Application

Applies to:	
Location/s:	Zones B1, B2, B3, B4, B6, R2 & R3
Development Type/s:	<i>Residential accommodation (excluding secondary dwellings unless specifically stated) and Tourist and visitor accommodation</i>

The subject site is zoned RU1 - PRIMARY PRODUCTION

Figure 2: Extract from The Ballina DCP 2012 Chapter 4 – Residential & Tourist Development, which does NOT apply to the RU1 Zone

Two scenarios were modelled using Sound Plan B to determine the potential impact of development related noise, and are as follows:

- Scenario 1 – Noise emissions from wedding ceremonies (patron and celebrant emissions, etc.).
- Scenario 2 – Noise emissions from on-site vehicles.

The modelled scenarios were shown to be within the negligible range above the specified noise criteria at neighbouring receivers (in particular 17 Tuckombil Lane). As such, it is recommended that the construction of a noise fence should be included within the subject property noise management plan as a potential future management measure if required as part of compliance monitoring.

Noise wall

Based on the recommendations outlined in this report (see Section 8), the proposed development is not expected to adversely impact on any adjoining land or the existing noise amenity of the neighbourhood.

Greg Aldersons & Associates have recommended that construction of a noise fence be included within the subject property noise management plan as a potential future management measure if required as part of compliance monitoring.

Figure 3: What does the proposed Noise look like? No details provided

20th February 2019

Ms Lucy Bennett
Ballina Shire Council
Development and Environment Health Group
Development Application; DA 2019/30

Dear Ms Bennett,

I wish to lodge my objection to the proposal for the staged development of a wedding venue as well as the construction of eight holiday cabins at 43 Tuckombil Lane, Tuckombil.

My family have lived in this area for 3 generations, and I have lived here all my life. This is a rural area, and this proposal is not in keeping with the quiet and peaceful nature of the area.

While I live in Alstonville, I work on my farm at 90 Tuckombil Lane every day. I spend the morning at the farm and return home for lunch. After lunch, I drive back out to the farm, so I know what it is like to drive up and down the lane every day.

One of my greatest concerns about this proposal is about the increase in traffic that this venue will create and the danger associated with it. Tuckombil Lane is only 1 vehicle wide, and visibility is very limited in some places - particularly near the entrance to number 43. There is also a steep drop off the road at this point, and the chance of a serious accident is very high if 2 vehicles were to pass here at the same time.

Aside from the dangers associated with multiple vehicles utilising the laneway, I feel that this venue will have many negative environmental impacts, such as impacts on sewage, water and wildlife, not to mention the noise that would be created as a result of this development.

All of the residents that I have spoken to are opposed to this proposal and so am I.

Yours faithfully,

Bill Davis
29 Commercial Rd
Alstonville, NSW 2477

July 5 2019

Ballina Shire Council

40 Cherry Street

BALLINA NSW 2478

ATTENTION: Lucy Bennett, Development & Environmental Health

Dear Lucy

Subject: DA2019/30.1 43 Tuckombil Lane Tuckombil

I wish to comment further on my previous submissions dated February 18 2019 and March 16 2019 re the above Development Application.

I have studied the additional information documents AD2019/022453 and continue to find this proposal totally unsuited to this small quiet lane in this rural environment. Thankfully, some of our concerns have been addressed in regard to Wedding Ceremonies, and the deletion of Wedding Receptions, on site.

The term "Temporary Use" is obviously being used to overcome Zoning RU1 use laws.

The 8 Tourist Cabins with a continual influx of up to 24 strangers, of city and town origin, is certainly a major concern to all those living nearby with tourists, backpackers and 'farm stayers' wandering around our boundaries with no sense of country discipline or trespass law. WHAT NEXT? Will we have to put up with Trail bikes and quad bikes for the entertainment of the farm stayers? (NOISE IMPACT!)

The term 'Temporary Development' is a contradiction of the planned future use of the proposed Development Application. What Financial Management Plan would incorporate spending such a large amount of money building a Function Centre plus associated infrastructure only to remove them all after 5 years and return the land to its original condition. None of this is plausible! What then happens to the Function Centre, IS IT REMOVED? I DO NOT THINK SO!

If there are no 'functions' to be held, why is there a 'Function Centre' to be built.

Please give my concerns, as expressed, your due consideration. Thank you for your time and I look forward to a positive outcome for the residents of Tuckombil Lane and environs.

I continue to strongly oppose the above Development Proposal.

Yours faithfully

Warren J Gorton (Concerned Resident)

89 Tuckombil Lane,

TUCKOMBIL NSW 2478



From: [Garry & Helen Spencer](#)
To: [Ballina Shire Council](#)
Subject: Submission for application (2019/30.1)
Date: Sunday, 21 July 2019 9:28:29 PM

The General Manager
Ballina Shire Council

Attention: Ms Lucy Bennett

Dear Ms Bennett

Ref. DA 2019/30

Further to our Objections to the DA which were lodged on February 25th 2019 we have read the additional information dated June 21st 2019 however the proposed changes have not lessened our previous concerns which are that Tuckombil Lane is quite narrow and not safe for 2 vehicles to pass. When 2 vehicles do meet it is necessary for one car to move over into the table drain and completely stop to allow the other car to continue. The local traffic is fully aware of this safety measure. However strangers to the area who are unfamiliar with our narrow laneway do not realise this and there is the potential for accidents to occur as a result.

In addition, the traffic monitoring process recorded usage predominately of the local residents who are very familiar with the road conditions and does not satisfactorily take into account the potential of greatly increased traffic flow associated with the wedding ceremonies as well as from the guests staying in the proposed holiday cabins. Particularly on the day prior to and on the day of weddings there would be a huge increase in traffic flow due to deliveries as well as well as cars and buses that the wedding party and guests would travel in.

Another significant issue that seems to have been overlooked also is that Tuckombil Lane is a very popular walking / jogging route for many of its residents, ourselves included, as well as those from nearby. Our safety will be jeopardised especially when walking through the narrow cutting as there is absolutely no alternative path for us to take when cars are coming from both directions. Until now this hasn't been a concern. Traffic Monitoring does not count pedestrians! Surely the safety of the local residents should be considered.

Consequently, we continue to object to the Development Application.

Yours faithfully

GW & HF Spencer

42 Tuckombil Lane, Tuckombil

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Ballina Shire Council

July 7 2019

BALLINA NSW 2478

Dear Sir/Madam

FOR THE ATTENTION OF: Lucy Bennett – Planning & Environmental Health
Re: DA2019/30.1 43 Tuckombil Lane, TUCKOMBIL

For the last 18+ years I have spent about 85% of my time at 89 Tuckombil Lane, enjoying a quiet and peaceful rural lifestyle. I don't want it to change due the proposed development. I write now to lodge further objections to the development proposed for the above named property.

In Clause 2.8 – what are the provisions in wet/bad weather, e.g. parking for the elderly, actual ceremony being held outdoors, where to then? ALSO who will be licensed and responsible to serve champagne after the ceremony. I understand if the ceremony were to take place in a Church no alcohol (or canapés) would be served. AND if the newlyweds go elsewhere for photos, what then for the guests?

WITH regard to 'at the conclusion of each event and temporary use period the land will revert to its previous state, namely landscaped grounds with associated approved dwelling etc'. Is the "approved dwelling" the existing house or the 'Function Centre'.

As most of the proposed functions would be held in the afternoon has anyone considered when leaving the site on a sunny afternoon the sun can be almost blinding when driving to the west.

Why the need for a kitchen if the site is to be used only for the Wedding Ceremony? And guests are then transported to the Reception venue. AND can we be more specific please with the meaning of a Function Centre as the developer's response is a VERY BROAD DESCRIPTION of what it could be used for.

As the proposal is for 'function centre and staged cabins' can I assume that, if the function centre is approved "no further application will be necessary regardless of how long the "staged" cabins take to be erected". Can this be clarified please for those residents who are really concerned about this development.

The development, in my opinion, is NOT 'small scale' by any means. How can there be no adverse impacts on the land when you have up to 120 people coming on to the property on up to 20 occasions in 12 months, plus 'cabin users'. Our wildlife will be disturbed, as will much of the vegetation.

Please read carefully my objections, and those of other concerned residents, and give them very careful consideration. It is becoming obvious that we do not want this proposal to go ahead. Thank you for your time,

Yours faithfully

Glenda Shearman 

Phone: 0415 712 536

18th., July 2019

BALLINA SHIRE COUNCIL

Attention; Ms Lucy Bennett, Development & Environmental Health.

Subject: Development Proposal DA2019/30
43 Tuckombil Lane Tuckombil 2477

Dear Ms. Bennett,

Thank you for providing an additional opportunity to make a submission on the proposed development.

I wish to comment further on my previous submission dated 20th., February 2019. The most significant impact of this proposed development is the intersection of Teven Road and Tuckombil Lane, which has not been addressed by the engineer in his report.

The intersection of Tuckombil Lane and Teven Road is a particularly dangerous intersection. It is very difficult entering the intersection from either the Western or Northern direction, with the blind bend and heavy traffic often travelling over the speed limit of 80klm. This dangerous intersection design combined with numerous speeding vehicles is just a serious accident waiting to happen.

The influx of visiting guests attending the site of the proposed development who would be unfamiliar with the risk posed at the Tuckombil Lane and Teven Road intersection, the likelihood of a serious possible fatal accident occurring would increase significantly. Based on the applicants' failure to address the concerns, regarding the safety of the intersection of Tuckombil Lane and Teven Road, I continue to object to the proposed development.

My main concern of this proposed development remains the serious issue with intersection of Tuckombil Lane and Teven Road. I do believe that if this development proceeds with the current dangerous intersection, someone will be seriously hurt or killed in a vehicle accident.

I continue to oppose the Proposed Development due to traffic problems at the Tuckombil Lane and Teven Road intersection, as outlined above.

Yours faithfully



Denise Fenwick

9 Tuckombil Lane
Tuckombil 2477

18 July, 2019

Attention: Lucy Bennett
Ballina Shire Council
Development and Environmental Health Group

Development Proposal (DA 2019/30) for Wedding Venue and Holiday Cabins

Lot 1 DP:786850, 43 Tuckombil Lane, TUCKOMBIL 2477

We wish to oppose the proposal to develop a Wedding Venue and construct eight holiday cabins at 43 Tuckombil Lane, Tuckombil.

We have lived here for 25 years and regularly walk the full length of Tuckombil Lane. It is and always has been a quiet peaceful country road. It is a lovely area and we both feel that the development will spoil this.

Problems with noise, especially at night, extra traffic on basically a single lane road with barely room for two cars to pass. An intersection leading into the Lane which is known for cars spinning out due to people not driving to the conditions or to speed.

We both thoroughly agree with each of the other residents objections. We really don't think that this is the appropriate area for such a development and strongly oppose the application.



Gary and Christine Watts

1037 Teven Road,
Tuckombil NSW 2477

Lucy Bennett.Ballina Shire Council.

July 7th 2019

Subject: Development proposal (DA2019/30)

43 Tuckombil Lane, Tuckombil, lot 1 DP:786850

Thankyou for providing an additional opportunity to make a submission on the proposed development. We understand that the applicant has submitted an amended application in response to comunity concern regarding the proposal however we continue to object to the proposed development based on the applicants failure to address our concerns regarding safety at the intersection of Tuckombil Lane and Teven Road.

The intersection of Tuckombil Lane and Teven Road is a particularly dangerous intersection and we have personally witnessed a number of vehicle accidents over the last 4 years. Teven Road has an 80km/hr speed limit and Tuckombil lane intersects Teven Road on a blind bend. This inherently dangerous intersection design combined with numerous speeding vehicle drivers is basically a serious accident waiting to happen.

Being that many of the guests attending the site of the proposed development would be unfamiliar with the risk posed at the Tuckombil Lane / Teven Road intersection, the likelihood of a serious, possibly fatal accident, occuring could increase significantly. Upon examining the traffic report made by Greg Alderson, which was impossible to read due to bluriness, it appears as though the engineer has failed to address the impacts of the proposed development at the intersection of Teven Road / Tuckombil Lane. All traffic coming and going from the proposed development would need to negotiate this intersection so why has this not been addressed?

The intersection of Tuckombil Lane with Teven Road is without doubt the most serious issue with the proposed development. We truely believe that if this development proceeds with the current dangerous intersection, someone will be seriously hurt or killed in a vehicle accident.

It is our view that the proposed development should not proceed in its current form as the traffic report fails to consider the Tuckombil Lane and Teven Road Intesection.

Your Truely Colin and Jacquéline Simpson



1

9TUCKOMBIL LANE
TUCKOMBIL
2477

Stephen & Anika Strahan
17 Tuckombil Lane
TUCKOMBIL NSW 2477

22 July 2019

Lucy Bennett
Development and Environment Health
Ballina Shire Council

Dear Lucy,

RE: AMENDED APPLICATION BY NEWTON DENNY CHAPELLE (DA 2019/30)

We write to strongly object to the amended application. Whilst there are a number of factors we have summarised our concerns to the following points:

1. Location of cabins does not enable management of people entering and exiting the property. DCP states:

"The manager's residence must be in a location suitable to facilitate on site management of the accommodation units"

2. Clause 7.9 of BLEP 2012 requires rural tourism to be small scale which is defined as:

"Small scale means a scale that corresponds to that of residential uses in a rural or environmental locality."

Eight cabins and an information / education facility fail to adequately or reasonably correspond to what would be considered residential uses.

3. Clause 2.8 of BLEP 2012 relates to temporary use of land with the following areas of non-compliance:

"(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months."

(3)(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood,”

You will note that (3)(b) above states that the use will not adversely impact on any adjoining land or the amenity of the neighbourhood. This is not a subjective statement and ANY amenity impact would make the proposal prohibited. Given the number of objections and those of ourselves we feel this development would have a strong adverse impact on the amenity of the neighbourhood.

4. Uses in a rural area should be ancillary to the primary objectives of the zone. The land is zoned RU1 primary production with the primary objectives of the zone listed below:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural, cultural and landscape character of the locality.*
- *To enable development that is compatible with the rural and environmental nature of the land.*
- *To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure*

The land is not proposed to be primarily used for the primary objectives of the zone.

5. The maneuvering and manipulation of terminology is affronting. The term “Temporary”, the “Acoustic Impacts & Mitigation”, the “Reduction in Privacy Response”, the “Vegetation Buffer Zone” all reference the wedding site. None of these have addressed the Information / Education Facility (which has now been rebadged as “Communal Area Facility”). As direct neighbours, this is our greater concern.

6. Whilst the “Communal Area Facility” building title is evolving, we simply refer to it as “The Restaurant”. It will have over 170sm floor space, a toilet, a large kitchen area, an unnecessary 550L grease trap, floor to ceiling east facing windows (including the “Storage Loft”) and will be

six metres from our boundary fence. Without room for a vegetation buffer there will be a 1.8m high non-combustible fence (refer to point 3).

7. The 8 cabins have a capacity greater than 20 people. How do they propose to limit the capacity of the "The Restaurant" to 20 per day?

8. The "Vegetation Buffer Zone" was planted last week. Whilst the design shows them to be 2-5m in height, they are currently 0.5m.

9. Attachment 4 - Traffic Response Letter has been uploaded at such a low quality as to make it unreadable. Other than to note the "Sight Distance to East" photo has a point somewhere amongst the trees, we can only imagine the report wriggles and weaves like a drunken wedding guest. The concerns of our local neighbours would state that it is a dangerous country lane.

Taking these points into account we feel strongly that the application should be denied.

Sincerely,



Dr Stephen Strahan



Dr Anika Strahan

Ballina Shire Council

Attn: Ms Lucy Bennett

20th July 2019

Dear Ms Bennett,

Ref. DA 2019/30

Further to our objections lodged on 18th February 2019, regarding the development application by the owner of 43 Tuckombil Lane Tuckombil for the wedding venue and 8 holiday cabins.

Having read the additional information put forward, we still have concerns regarding this proposal.

Prior to moving to this lane in 2017, we searched the surrounding areas for some time, looking for a property that would guarantee us the privacy and quiet country life that we had always dreamed of. We found that perfect spot right here at the end of this lovely quiet country lane.

We have invested a lot of money into this property to achieve this lifestyle, and our greatest fear is that this proposal will bring a constant stream of visitors to this lane that do not understand the importance of this way of life for not only us, but all of our neighbours in the lane.

The 8 holiday cabins clustered together, with the separate communal kitchen area is sure to attract large family groups, getting together for a good time. Noise travels over long distances here as this is normally a very peaceful neighborhood. Our concern is these groups partying into the night, playing their music loudly and disrupting this peace.

We also have concerns about the increased traffic in the lane, and also the buses that it is proposed they will use for the wedding functions. This lane is very narrow, and when vehicles pass in the lane, one vehicle will have two wheels off the bitumen to allow room. There are even some spots that two cars cannot safely pass at all and there is no room for one to pull off the road, such as the area from Teven Road down to the gate of the proposed development.

Tuckombil Lane is known in this area for its peace and beauty, and people from neighbouring streets will come to this lane to enjoy a quiet stroll to the end and back, because there is minimal traffic, and they can feel safe. There are not many places like this left anymore, and it would be a shame to ruin the tranquility of this lane.

Therefore, we strongly object to this proposal due to the impact that it will have on our peaceful way of life, and also the safety of the vehicles in the lane.

Regards Troy and Jo Mainprize

129 Tuckombil Lane

Tuckombil NSW 2477



To,

Ms Lucy Bennett
Ballina Shire Council
40 Cherry St
Ballina NSW 2478

21/7/19

From,
Dr Rohit Singh and Dr Swee Cham
1027 Teven Road,
Tuckombil 2477

Dear Sir/madam,

Re: Development application Lot: 1 DP: 786850, DA 2019/30

We wish to make a submission regarding the above.

We have resided in the area for 13 years. Our reason for moving to the area was the pristine tranquillity that was, and remains evident, to this day. We have been blessed with fine neighbours, and we count our blessings to have been so lucky.

The Proposal of a Staged commercial development, in what is a quintessential residential area, is of significant concern. The aim of a commercial enterprise is to maximise profits – in this instance, it would mean maximising efforts to ensure maximal occupancy by paying visitors all year round, supplemented by the maximal number of gatherings allowed, attended by the largest number of people allowed by law. This would all occur after significant building involving commercial facilities (that is, non-traditional family homes, which are what the entire area currently has).

While not all change is bad, the Proposal would very obviously change the character of the area, for the benefit of the Applicant, but to the detriment of all remaining occupants.

1. ROAD ACCESS

If all cabins are occupied, and a gathering/event of 120 people is to take place, even conservatively, this would mean presence of 70 – 80 extra cars in the area. This residential area is unable to cope with this kind of traffic, having never previously planned for this influx.

These revellers will require provision of food, liquor, music, sound and stage equipment, photographers, drivers, personnel from wedding event providers etc. – all these people will have to travel to the area by motor vehicle, as there is no local public transport.

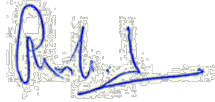
If buses are to be involved, it goes without saying that Tuckombil Lane is not designed for such large vehicles. These vehicles would have to negotiate the 90 degree turn off from Teven Road onto Tuckombil Lane. As we know, Tuckombil Lane is a single vehicle laneway. How will this narrow road cope with this volume of traffic and still keep everyone safe?

2. NOISE

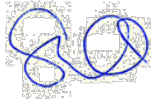
We have had the experience of what it might be like during one of these gatherings recently. Unfortunately, our previous philosophy of 'live and let live' has undergone a change because of the experience. The distorted, insistent thumping of bass up to midnight was a very unpleasant sensation, interfering with sleep and study. No doubt, it is an uplifting experience for the attendees. They have a right to be boisterous – after all, they are celebrating something that is clearly an uplifting and important event in their lives. However, it belongs in an area designed to enhance these events – clubs, hotels, urban or commercial settings, where such activities are positively encouraged.

Trying to supplant these revels into a rural residential neighbourhood down a small lane, surrounded by quiet neighbours, farm land and animals is totally inappropriate.

Yours sincerely,



Dr R Singh, FRANZCR, MBBS, B Sc(Med)



Dr S Cham, FACEM, MBBS

1030 Teven Road,
TUCKOMBIL 2477

18th July 2019

The General Manager

Ballina Shire Council

PO Box 450

BALLINA NSW 2478

ATTENTION: LUCY BENNETT (Planning and Environmental Health Division)

Dear Sir/Madam

RE: DA 2019/30 – LOT 1, DP 786850, 43 TUCKOMBIL LANE, TUCKOMBIL

We write to Council to strongly object to the above Development Application for a Function Centre for the purpose of hosting weddings and construction of holiday cabins.

Over 15 years ago we moved here from the Gold Coast to escape the over development, noise, traffic and to seek a peaceful, nature filled, environmental friendly, quieter slower lifestyle and we found our piece of paradise in Tuckombil to enjoy our retirement.

The basis for the objection is:-

Noise

Whilst the proposal limits the number of ceremonies to a maximum of 20 ceremonies in any 12 month period, this does not mean that an event could be happening every weekend in the spring and summer, which is the most popular time given our climate. The noise level alone from 120 people, together with the music, microphone and party mode goers, let alone the traffic from such events would very much impact on the quiet ambience of all living in the directly affected properties and other neighbouring residents. The week leading up to such events would mean an increase in traffic flow from set-up vehicles, trucks for catering supplies etc.

Given the laws for "no drinking and driving", this would possibly mean that buses carrying wedding guests to and after functions is probable. Tuckombil Lane was sealed by residents for purpose use of property owners that reside in Tuckombil Lane.

The proposed development of a Function Centre and holiday cabins would not only impact on the aesthetics of our beautiful pristine rural land, but would be visible from Tuckombil Lane. This beautiful landscape will no longer be a tranquil picturesque setting. What then happens after 5 years ??? "temporary" use of the land. No developer will cease operation after such a huge investment.

Road Traffic

Tuckombil Lane is a narrow and steep Lane. Tuckombil Lane is a unique country lane with many species of bird life, picturesque views and enjoyed by local walkers.

Another main concern is the intersection of Teven Road and Tuckombil Lane. This intersection over many years has been dangerous and waiting for accidents to happen. In the past 6 months alone there have been 6 accidents in 1 week. Council has endeavoured to fix the slippery corner, however this has only made the cars travel faster and made it even more dangerous to the local residents. Trying to exit Tuckombil Lane at any time is dangerous. The increase in traffic flow will be escalated during function times and Teven Road "a tourist drive" would be impacted greatly. Our property is only one Lot from this dangerous corner and entering and exiting our driveway, given the speed in which vehicles travel, is very dangerous and difficult.

Valuation

We feel that the development would have a negative impact on our property valuations given this type of development, or any other type of development, should it be allowed to proceed.

We strongly object to this proposal.

Yours faithfully

Peter & Lyn Whitaker

Handwritten signatures of Peter and Lyn Whitaker in black ink. The signatures are cursive and appear to be written over a light grey background.

Ballina Shire Council

Attention: Lucy Bennett

Re: DA 2019/30 - 43 Tuckombil Lane, Tuckombil

Dear Ms Bennett,

I refer to the additional information provided by Newton Denny Chapelle dated 21st June 2019. Although some changes have been made to the original proposal, I still do not believe that these plans are in keeping with council regulations.

I believe that if the proposed structures are to be kept intact for 5 years, this does not constitute a "temporary" structure. I also understand that this type of development is prohibited within the RU1 zone.

I feel that, despite attempts to decrease traffic and sound, the area will still be adversely impacted. Although wedding receptions will no longer be held at the site, I feel that that the one day set up and pack up proposed is unrealistic and that, when a ceremony is to be held, that there will more than likely be heavily increased traffic on Tuckombil Lane for days leading up to, and after, an event. Structures such as marquees and temporary toilets will also, more than likely, be in place for days rather than just the day of the ceremony.

I am still also concerned that there will be increased noise from the accommodation. If there does happen to be a wedding, and all of the 8, 2 bedroom cabins are allocated to people who are attending the wedding, who is to say that there won't be excessive noise when they all return from the wedding reception? Will there be anyone to police this?

Due to all of these concerns, I am still opposed to the Development Proposal 2019/30 - 43 Tuckombil Lane, Tuckombil

Yours faithfully,

Arthur William Davis
90 Tuckombil Lane
Tuckombil NSW 2478

From: [Lauren Moore](#)
To: [Ballina Shire Council](#)
Subject: Fw: DA 2019/30 - 43 Tuckombil Lane, Tuckombil - Submission - this application is not a permissible use in the RU1 Zone and does NOT meet the temporary definition
Date: Tuesday, 23 July 2019 5:12:10 PM
Attachments: [ss Newrybar Downs.png](#)
[ss Newrybar Downs 2 Highlighted.png](#)

From: Lauren Moore
Sent: Tuesday, 23 July 2019 5:10 PM
To: Planning and Environmental Health Support Staff
Subject: DA 2019/30 - 43 Tuckombil Lane, Tuckombil - Submission - this application is not a permissible use in the RU1 Zone and does NOT meet the temporary definition
General Manager
Ballina Council
PO Box 450
Ballina 2478
23/07/2019
Attention: Lucy Bennett (DA 2019/30)
Dear Ms Bennett,
Re: DA 2019/30 - 43 Tuckombil Lane, Tuckombil

Subject: DA 2019/30 - 43 Tuckombil Lane, Tuckombil - Submission - this application is not a permissible use in the RU1 Zone and does NOT meet the "temporary use" definition

The additional DA information letter dated 21 June 2019 paragraph 1 by Newton Denny Chapelle states that the application is for:

"proposed hosting of wedding ceremonies and tourist and visitor accommodation"

Proposed Hosting of Wedding Ceremonies – is not a use defined in the Ballina Local Environmental Plan 2012 (hereafter referred to as BLEP), and therefore comes under (4) Prohibited Uses. Notwithstanding, the applicant is applying for this use under Clause 2.8 Temporary Use of Land. The applicant does NOT consider Clause 2.8 (2) "in any period of 12 months." They are applying for 5 years. This should be enough to refuse DA 2019/30. The second reason it should be refused is because it does NOT comply with Clause 2.8 (3) (b) because the temporary use WILL adversely impact on the adjoining amenity of the neighbourhood (refer to the many OBJECTIONS received to DA2019/30).
Tourist and visitor accommodation – is a use defined in the BLEP – check it out – because 8 x 2 bedroom "holiday cabins" are NOT part of the definition.....

Ballina Local Environmental Plan 2012

Current version for 28 June 2019 to date (accessed 23 July 2019 at 16:19)

Part 2 Clause 2.8

2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does

not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that:

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Ballina Local Environmental Plan 2012

Current version for 28 June 2019 to date (accessed 23 July 2019 at 15:47)

[Land Use Table](#) Zone RU1

Zone RUI Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural, cultural and landscape character of the locality.*
- *To enable development that is compatible with the rural and environmental nature of the land.*
- *To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.*

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Car parks; Cellar door premises; Cemeteries; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Jetties; Markets; Mooring pens; Moorings; Open cut mining; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Turf farming; Water recreation structures; Water supply systems

4 Prohibited

*Advertising structures; Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; **Any other development not specified in item 2 or 3***

NOTE: Prohibited in this Zone is Backpackers, Hotel or Motel or Serviced Apartments – that only leaves Bed & Breakfast and Farm Stay – refer definitions in BLEP.

Ballina Local Environmental Plan 2012

Current version for 28 June 2019 to date (accessed 23 July 2019 at 15:49)

[Part 2 Clause 2.8](#)

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(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

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(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Definitions:

Ballina Local Environmental Plan 2012

Current version for 28 June 2019 to date (accessed 23 July 2019 at 15:55)

Dictionary

Dictionary

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

(a) backpackers' accommodation,

(b) bed and breakfast accommodation,

(c) farm stay accommodation,

(d) hotel or motel accommodation,

(e) serviced apartments,

but does not include:

(f) camping grounds, or

(g) caravan parks, or

(h) eco-tourist facilities.

COMMENT: Prohibited in the zone are: (a) Backpackers' accommodation; (d) Hotel or motel accommodation; (e) Serviced apartments – SO THAT ONLY LEAVES (b) and (c)
(b) bed and breakfast accommodation,
(c) farm stay accommodation,

These are the relevant definitions contained in the BLEP:

bed and breakfast accommodation means an existing dwelling in which temporary or

short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note.

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note.

See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note.

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

COMMENT: the proposed number of bedrooms, which is 2 bedroom in 8 cabins, i.e. 16 bedrooms is NOT permitted in the RU1 zone.

- Reference to Newrybar Downs – Wedding Function Centre (See attached screenshots)
- The proposed use at 43 Tuckombil Lane, Tuckombil is confusing and not straightforward and I believe there will be adverse impacts – traffic and noise, not to mention the nuisance to neighbouring properties – when the applicant does not comply with the plan of management.
- Temporary use – It is NOT a temporary use – it is proposed for 5 years.
- Communal Area – it's a large kitchen area for the weddings/ function centre
- Existing Dwelling House – will be part of the “use”, if not just the backdrop for wedding photo etc.
- On-site wastewater – a temporary use and/or a permissible tourist and visitor accommodation – which complies with the definition, with only three additional bedrooms – would not need to protest as much this application has – they have provided contradictory information.
- Land Use Conflict Management – its not permissible and should be refused
- Acoustic Impacts and Mitigation – the very fact that sound walls and acoustic management is necessary indicates that the application does not comply with the

Zoning Objectives of the RU1 Zone. The applicant will have no control over the noise Wedding attendees make – they have the potential to cause adverse impacts , 20 times a year – for 5 years.... Also it is a falsehood to say everything for the wedding ceremonies will happen on the day. There are many deliveries including hired furniture set ups and rehearsal required.....

- Waste Bins – the minimal use (if it complied with the objectives of the RU1 zine) would not require a 600L bin..... but a 600L bin is what is being proposed.
- Site Access – Tuckombil Lane is narrow and the applicant will have no control the number of vehicles attending the site. The surrounding country roads are narrow and not well lit. The Traffic assessment states that there will be (pg 5) an estimate extra 42 vehicles per day – which they have averaged out to be 2 vehicles per day – but that is a falsehood as all the extra vehicle movements will be on the same day, so averaging the vehicles per day is as useful as “tits on a bull”.

The traffic assessment Attachment 4 submitted with the referenced additional information letter states;

- *“Wedding events will increase traffic flows for a concentrated period of time increasing the likelihood of having to pass a vehicle on Tuckombil Lane. To account for additional traffic flows above general operation during wedding services event, it is recommended that event warning signage is placed along Tuckombil Lane to increase driver awareness of the changed conditions”*

(pg 5 Traffic Assessment Letter Dated 21/05/2019 signed Hayden Kress.

Thereby reinforcing the fact that this application will have **adverse impacts** contrary to BLEP Clause 2.8 Temporary use of Land (3) (b):
(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

The application does not comply with the permissible use in the RU1 Zone and does not comply with Clause 2.8(3)(b). this application should be REFUSED.

Yours faithfully,
Lauren Moore (BTP)
0416 057 993

From: [Lauren Moore](#)
To: [Planning and Environmental Health Support Staff](#)
Subject: DA 2019/30 - 43 Tuckombil Lane, Tuckombil - Submission - this application is not a permissible use in the RU1 Zone and does NOT meet the temporary definition
Date: Tuesday, 23 July 2019 5:11:44 PM
Attachments: [ss Newrybar Downs.png](#)
[ss Newrybar Downs 2 Highlighted.png](#)

General Manager
Ballina Council
PO Box 450
Ballina 2478

23/07/2019

Attention: Lucy Bennett (DA 2019/30)

Dear Ms Bennett,

Re: DA 2019/30 - 43 Tuckombil Lane, Tuckombil

Subject: DA 2019/30 - 43 Tuckombil Lane, Tuckombil - Submission - this application is not a permissible use in the RU1 Zone and does NOT meet the "temporary use" definition

The additional DA information letter dated 21 June 2019 paragraph 1 by Newton Denny Chapelle states that the application is for:

"proposed hosting of wedding ceremonies and tourist and visitor accommodation"

Proposed Hosting of Wedding Ceremonies – is not a use defined in the Ballina Local Environmental Plan 2012 (hereafter referred to as BLEP), and therefore comes under (4) Prohibited Uses. Notwithstanding, the applicant is applying for this use under Clause 2.8 Temporary Use of Land. The applicant does NOT consider Clause 2.8 (2) "in any period of 12 months." They are applying for 5 years. This should be enough to refuse DA 2019/30. The second reason it should be refused is because it does NOT comply with Clause 2.8 (3) (b) because the temporary use WILL adversely impact on the adjoining amenity of the neighbourhood (refer to the many OBJECTIONS received to DA2019/30).

Tourist and visitor accommodation – is a use defined in the BLEP – check it out – because 8 x 2 bedroom "holiday cabins" are NOT part of the definition.....

Ballina Local Environmental Plan 2012

Current version for 28 June 2019 to date (accessed 23 July 2019 at 16:19)

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(1) *The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.*

(2) *Despite any other provision of this Plan, development consent may be*

granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that:

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and

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(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Ballina Local Environmental Plan 2012

Current version for 28 June 2019 to date (accessed 23 July 2019 at 15:47)

[Land Use Table Zone RU1](#)

Zone RU1 Primary Production

1 Objectives of zone

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- To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- To minimise the fragmentation and alienation of resource lands.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- To maintain the rural, cultural and landscape character of the locality.*
- To enable development that is compatible with the rural and environmental nature of the land.*
- To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.*

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Boat

launching ramps; Boat sheds; Car parks; Cellar door premises; Cemeteries; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Jetties; Markets; Mooring pens; Moorings; Open cut mining; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Turf farming; Water recreation structures; Water supply systems

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Advertising structures; *Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3*

NOTE: Prohibited in this Zone is Backpackers, Hotel or Motel or Serviced Apartments – that only leaves Bed & Breakfast and Farm Stay – refer definitions in BLEP.

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It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

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(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

The application does not comply with the permissible use in the RU1 Zone and does not comply with Clause 2.8(3)(b). this application should be REFUSED.

Yours faithfully,

Lauren Moore (BTP)

0416 057 993

From: [Lauren Moore](#)
To: [Planning and Environmental Health Support Staff](#)
Subject: Sent to Lucy e: URGENT request RE: Amended DA and Additional Information
Date: Tuesday, 23 July 2019 4:14:50 PM

Thank you, Ms Bennett.

Please let me know if I need to submit a GIPA for the Pre DA minutes and I will, as I would like to have that information.

Your comment below: "*With regard to Clause 5.4 of the BLEP, the applicant is not applying for any of these Land Uses, and as so is not applicable.*"

What is the applicant applying for - if not what they say in their submission which is stated in paragraph 1 as "tourist and visitor accommodation"?

The 8 proposed cabins are not temporary and as I understand reading the additional information they are applying for "tourist and visitor accommodation" and if you read the definition in accordance with the RU1 Zone - the BLEP only allows "Bed and Breakfast" and "Farm Stay" both definitions refer to Clause 5.4 and restrict bedrooms to 3 - which would make sense given the zone. So I believe Clause 5.4 is very much applicable - if not, please let me know why not. Thanks.

thanks again for assistance today. Please let me know if I need to submit a GIPA for the pre DA minutes.

Lauren Moore
0416 057 993

68 Shaws Lane
Tuckombil NSW 2477

The General Manager,
Ballina Shire Council
PO Box 450 BALLINA NSW 2478
24 July 2019

Attention: Lucy Bennett

Dear Sir,

Development Application 2019/30
Lot: 1 DP:786850: 43 Tuckombil Lane, Tuckombil NSW 2477

Thank you for Council's letter of 25 June 2019 advising lodgement of additional information regarding the subject Development Application. Please note, as Council's website was not functioning on the 23 July, we request a one-day extension to the comments closure date in replying to the 25 June letter. In so doing we wish to maintain our objection to the subject DA on the following grounds.

Temporary Land Use for wedding ceremonies:

The wedding ceremonies proposal does not satisfy Clauses 2.8 (3)(b) that require: *the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and (3)(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land...*, as discussed below.

1. The proposal intends all equipment following each wedding ceremony will be totally removed. Such equipment may include marquee tents, mobile toilets, and other which are costly and time consuming to remove. It is easily foreseeable that much of the wedding ceremony equipment, marquees, toilets, can remain in place from week to week despite the stated intention. We object to the uncertainty around this.
2. The application "...seeks consent solely for the hosting of the wedding service/ceremony". However, we note the intention to provide food and alcohol for guests following the ceremony. In our view it is unrealistic to propose that a celebratory wedding occasion can be swiftly terminated and kept 'dry' by the venue management. Given the normal practice of taking wedding photographs after the ceremony which may takes hours, it can be expected that guests, some waiting for buses etc, can migrate back to their accommodation for celebratory drinks or to the common area and kitchen also available on-site.

3. If the wedding reception is held off-site, wedding guests staying in the cabins may wish to return to their cabins and continue celebrating into the early hours. In this sense there is a possibility that commotion often associated with wedding receptions may still take place at some level. Issues of this kind are difficult to manage and control and have clear potential to intrude into the normally quiet and peaceful nature of this unique location.
4. There is considerable uncertainty around operational aspects of the wedding venue proposal with potential to affect the local environment and properties nearby. To remove this uncertainty operations will need to be strictly controlled but how can they be controlled and by whom? For example, how will the following be controlled: The 20 days per year for 5 years, the no wedding receptions on-site or partial receptions, BYO mini receptions or informal in-cabin receptions, removal of all wedding ceremony equipment after each event, and behaviour of guests?

The current owner/management may not have the desire or ability to control operations and this will place greater 'policing' burden on Council. If operations are not adequately controlled the wedding venue operation may quickly become a different operation to that approved by Council.

Over the proposal's planned 5-year life, for various reasons, controls on operations may be progressively relaxed or not policed as the operation settles in year after year, thereby increasing detriment to the location and neighbourhood.

5. Given the uncertainties above and the fragility of the setting, it is our view Council should not approve the wedding operations under LEP Clause 2.8, irrespective of how Council viewed a similar application at Newrybar Downs. The wedding operations are likely to have impacts on the adjoining land, the lane amenity, be worrying to neighbouring communities, all as indicated in the many objections received Council for this DA.
6. We understand Clause 2.8 (2) can prevail over the RU1 Primary Production zone. However, the intent under RU1 must surely still be considered. The RU1 zoning does not permit the subject wedding operations and this speaks to the original important intentions of the zoning which aims to preserve and foster sustainable primary industry, and maintain the rural landscape for compatible rural pursuits. Application of Clause 2.8 in the RU1 zone is worrying to us as it appears to be a 'back door' way of overcoming and undermining the well-conceived terms of the governing RU1 zoning.

Cabins:

The cabins proposal conflicts with several of the RU1 zone objectives including:

To encourage sustainable primary industry production by maintaining and enhancing the natural resource base and; To minimise the fragmentation and alienation of resource lands:

- The introduction of 8 cabins will clearly alienate and fragment the rural resource by removing it from future use for agriculture. Once in place, the cabins will be fixtures

forever and, importantly, this non-rural investment (cabins cost) will drive up the value of the whole property further diminishing its agricultural potential.

To maintain the rural, cultural and landscape character of the locality:

- The cabins will certainly detract from these values visually and potentially by introducing guests who may have no understanding or interest in the need to respect the high value landscape and environment. It cannot be reasonably argued cabins will maintain the rural *cultural and landscape character* and other attributes.

As previously stated, Tuckombil Lane winds through beautiful undulating hilly land for almost 1 km. It is a sparsely settled lane offering high value visual amenity changing with light conditions. It is a very quiet, a rare and picturesque rural lane, created to serve the few properties it fronts. The lane is frequented by local walkers and bird and fauna watchers who enjoy a rare beautiful natural ambience.

Like many residents, we find the intrusion posed by the DA incompatible and inappropriate. While we fully understand the desire to create an income producing enterprise on this land, we believe this should occur strictly through agricultural activities.

Yours faithfully,

(sgd IJ Taylor and MA Taylor)

Ian and Marg TAYLOR

20th July 2019

Ballina Shire Council

PO Box 450

BALLINA NSW 2478

ATTENTION: MS LUCY BENNETT (Planning and Environmental Health Division)

Dear Sir/Madam

RE: DA 2019/30 – LOT 1, DP 786850, 43 TUCKOMBIL LANE, TUCKOMBIL

I strongly object to this proposal.

The noise impact from such a development would be very intrusive to our beautiful quiet rural lifestyle. The noise level from music and the large amount of guests attending functions would echo through the valley and spoil the aesthetics of this beautiful valley.

My property is on the bend of Teven Road and opposite Tuckombil Lane. The exit from Tuckombil Lane is very dangerous given the speed vehicles travel around the bend on Teven Road. The traffic flow from events would increase dramatically. This corner has experienced many accidents in recent and passed years. A disaster waiting to happen.

I strongly object to this development proposal.

Yours faithfully

BOB CAMPBELL

1060 TEVEN ROAD, TUCKOMBIL



The Ballina Shire Council

Attention: Ms Lucy Bennett

Dear Ms Bennett,

Ref. DA 2019/30

Further to our Objections to the DA which were lodged on February 15th 2019 and March 11th 2019. We have now read the additional information letter from the Proponents dated June 21st 2019 and while some attempt has been made to ameliorate our concerns we do not believe that the definitions of "Prohibited" use and "Temporary" activity have been convincingly addressed (not least because of the proposal to construct a permanent building (second house?) to carry on a "Temporary" activity).

In addition, the traffic monitoring process was short term and accounts for current local traffic flows only. There will be a significant increase in traffic flow resulting not only from guests at the Wedding Ceremonies but also from the occupation of the cabins which will result in increased risk because of the single lane nature of the Lane.

Once again our concerns about noise are not satisfied. This is a very quiet neighbourhood and noise travels over long distances so there is no question that there will be noise disruption.

For these reasons we continue to object to the Development Application and attach as part of this letter our previous Letter of Objection dated March 11th2019 the content of which remains valid in our opinion.

Yours Faithfully,

DG & RJ Hughes

44 Tuckombil Lane, Tuckombil

June 28th 2019

enquiries refer
Lucy Bennett
In reply please quote
DA: 2019/30



Newton Denny Chapelle
PO Box 1138
LISMORE NSW 2480

Notice to Applicant of Determination of a Development Application

Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No: DA 2019/30

Applicant: Newton Denny Chapelle

Subject Land: Lot 1 DP 786850,
No. 43 Tuckombil Lane, Tuckombil

Development Proposal:

1. Temporary Use of Land for **Three** Years as a Function Centre for the Purpose of Hosting Wedding Ceremonies. It is proposed to host a maximum of 20 ceremonies in any 12 month period catering for a maximum of 120 people.
2. Staged Development of Eight Holiday Cabins and Associated Amenities, Infrastructure and Earthworks for landscaping purposes in association with the existing dwelling house.

Staging of the development is proposed as follows:

- Stage 1 – Earthworks for landscaping purposes in association with the existing dwelling house
- Stage 2 – Function Centre (Wedding Ceremonies)
- Stage 3 – Tourist and Visitor Accommodation x three cabins and Communal Area
- Stage 4 – Tourist and Visitor Accommodation x five cabins.

Development Type: Integrated

Determination: The development application has been determined by Ballina Shire Council on 19 December 2019 by way of the grant of consent subject to the conditions specified in this notice:

This consent operates from: 19 December 2019

40 cherry street, po box 450, ballina nsw 2478
t 1300 864 444 e council@ballina.nsw.gov.au w ballina.nsw.gov.au abn 539 29 887 369

CONDITIONS APPLYING TO STAGE 1 – Earthworks for Landscaping Purposes**GENERAL (Stage 1)**

1. Development works (i.e. Earthworks for Landscaping Purposes) being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:

Plans prepared by	Drawing No.	Drawing Title	Dated
GDS Design	1218 Sheet 2-A	Wedding Ceremonies Site Plan	June 19
Newton Denny Chapelle	Ref No. 17574	Cross Section A-A	June 19

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Civil) (Stage 1)

The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.

2. **Civil Construction Certificate Fee**
Prior to the issue of a Civil Construction Certificate, a Civil Construction Certificate application is to be made and the following fee paid to Council which includes the amount of Goods and Services Tax payable. Fees are subject to review and may vary from the time of consent till time of payment see Councils schedule of Fees and Charges for the current rates:
 - Civil Construction Certificate Fee
3. **Erosion and Sediment Control Plan**
An Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 and approved by the must be submitted to and approved by Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate .

DURING CONSTRUCTION (Stage 1)

The following conditions in this section of the consent must be complied with during the course of carrying out the construction works relating to the approved development.

4. **Fill material**
The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to the Principal Certifying Authority (PCA) at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.
5. **Resource recovery exemption**
Any material that is the subject of a resource recovery exemption and order received at the development site shall be accompanied by documentation as to the material's compliance with the exemption and order conditions and shall be provided to the Principal Certifying Authority or the Council upon request.

6. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 and approved by the Principal Certifying Authority (PCA) must be implemented in full during the construction period.

CONDITIONS APPLYING TO STAGES 2, 3 & 4**GENERAL (Stages 2, 3 & 4)**

7. Staging is to be undertaken in sequential order as outlined in this consent, unless otherwise authorised by Council.
8. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:

Plans prepared by	Drawing No.	Drawing Title	Dated
GDS Design	1218 Sheet No. 1 Issue A	Partial Site Plan 1:1500	11-6-19
GDS Design	1218 Sheet No. 1-A	Passing Bay Plan 1:300 (Stage 2)	June 19
GDS Design	1218 Sheet No. 2 Issue B	Site Plan Zone "A" 1:500 (Stage 2 & 3)	31-8-19
GDS Design	1218 Sheet No. 3	Site Plan Zone "B" 1:500 (Stage 3)	Sept. 2018
GDS Design	1218 Sheet No. 4 Issue B	Communal Area (Stage 3) Loft Plan 1:100 Floor Plan 1:100 Zone "A" Partial Site Plan 1:250	31-8-19
GDS	1218 Sheet No. 5 Issue B	Communal Area (Stage 3) Section A-A Section B-B Section C-C	31-8-19
GDS Design	1218 Sheet No. 6 Issue B	Communal Area (Stage 3) East Elevation West Elevation South Elevation North Elevation	31-8-19
GDS Design	1218 Sheet No. 7 Issue A	Landscaping Plan Zone "A" 1:500 (Stage 1, 2 & 3)	18-4-19
GDS Design	1218 Sheet No. 8	Mezzanine, Floor, Section AA & Section	Sept. 2018

		B-B Plans (Stages 3 & 4)	
GDS Design	1218 Sheet No. 9	Elevation 1, 2, 3 & 4 (Stages 3 & 4)	Sept. 2018
GDS Design	1218 Sheet No. 10	Landscaping Plan Zone "B" 1:500 (Stage 3)	Nov. 18
GDS Design	1218 Sheet No. 11	Car Park Details Zone "A" & "B" (Stage 3)	Nov. 18
GDS Design	1218 Sheet No. 11-A Issue B	Car Park Zone "A" (Stage 3)	31-8-19
GDS Design	1218 Sheet No. 12 Issue A	8.8m Long Vehicle Entry & Exit (Stage 2))	2-4-19
GDS Design	1218 Sheet No. 13	Cabins Structural Details (Stages 3 & 4)	Nov. 18
GDS Design	1218 Sheet D-1	Driveway Entry Area Concept Design Work (Stage 3)	October 19

except as modified by any condition in this consent.

CONDITIONS APPLYING TO STAGE 2 – Function Centre (Wedding Ceremonies)

GENERAL (Stage 2)

9. **Commencement of occupation or use**
Occupation or use of the site via Stage 2 (Function Centre – Wedding Ceremonies) for the purposes authorised by this consent shall not commence until all relevant conditions of this consent (applying to Stage 1 and 2) have been complied with and a final occupation certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.
10. The Temporary Use of the Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies is limited to a three year time period. The Proponent shall provide a written compliance statement to Council demonstrating compliance with all relevant Stage 2 Conditions a minimum of 14 days prior to the first wedding service. The three year consent period shall commence from the date of receipt of the compliance statement by Council. Should it be intended to continue the approved use beyond the nominated date, a new development application shall be lodged with Council. Council will consider the new development application on its merits, having regard to the performance of the development over the initial operating period and the applicable environmental planning instruments and local development plans at the time.
11. No more than 20 wedding ceremonies may occur at the subject site in a 12 month period, with the first 12 month period commencing at the date of this consent.
12. No more than 120 guests are to attend any wedding ceremony function at the subject site.

13. As detailed in the additional information submitted by Newton Denny Chappelle, dated 21 June 2019, the existing dwelling house is to continue to be used as a private residence. The existing dwelling is not to be used by any wedding participant, guest or service provider to provide any function in association with the Function Centre (Wedding Ceremonies) use of the land, unless the prior written consent from Council has been obtained.
14. As detailed in the additional information submitted by Newton Denny Chappelle, dated 21 June 2019, the communal area is for the use of the guests of the tourist and visitor accommodation cabins only. The communal area is not to be used by any wedding participant, guest or service provider for any wedding preparations.
15. **No Signs Without Approval**
No advertising sign(s) is to be erected or displayed without prior submission of a development application to, and approval from, Council, unless the proposed signage is consistent with the terms and conditions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
16. The development is to be carried out in accordance with the NSW Rural Fire Service General Terms of Approval requirements as outlined in Schedule 4 (**attached**).

PRIOR TO THE COMMENCEMENT OF USE (Stage 2)

Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to use.

17. Prior to the use of the property for a function centre (wedding ceremonies), the owner must ensure that appropriate sanitary facilities, car parking and access from the car parking and drop off areas to the wedding ceremony location be provided in accordance with Australian Standards 1428 and 2890.
18. Prior to the use of the property for a function centre (wedding ceremonies), the applicant must submit certification from a suitably qualified bush fire consultant demonstrating that the requirements of the Bush Fire Safety Authority granted by the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997 on 31 July 2019 (refer to Schedule 4 – **attached**) have been addressed and complied with.
19. **Section 138 Approval**
Prior to the use of the property for a function centre (wedding ceremonies), a Section 138 application is to be made to Council and the following fee paid. The fees are subject to review and may vary from the time of consent until time of payment. See Council's Schedule of Fees and Charges for the current rates:
 - Section 138 Fee
20. **Sight distance**
The vegetation identified as inhibiting sight distance to the west of the existing driveway entrance in the Newton Denny Chappelle response dated 18 October shall be removed at the applicant's cost and in accordance with Council's Urban Vegetation on Public land policy.

21. **Property access (rural)**
The design and construction of the access driveway shall be in accordance with AS 2890, Standard Drawings R14 and R15 of the Northern Rivers Local Government Development Design and Construction Manuals and located in accordance with the GDS Design Plan Drawing No. 1218 Sheet No. D1 dated October 2019. Details are to be submitted to and approved by Council prior to the commencement of the use of the property for a function centre (wedding ceremonies).
22. **Traffic control**
All traffic control shall be in accordance with the Roads and Maritime Services "Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.
23. **Notice of commencement of civil works**
Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$20M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.
24. **Civil Works**
All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals (as current at the time of construction works commencing) and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified. Inspections and approval of the road, drainage, water & sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual.
25. **Developer Contributions (Stage 2)**
Prior to commencement of the proposed use as a function centre (wedding ceremonies), payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 7.11 of the Environmental Planning & Assessment Act 1979:

Contribution Plan/Development Servicing Plan	Adopted
Cumalun Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan Version 4.1	26 July 2018
Ballina Shire Open Spaces and Community Facilities Contributions Plan 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 (**attached**).

26. Prior to commencement of the proposed use as a function centre (wedding ceremonies), the construction of all car parking and associated vehicular accesses, are to be completed to the satisfaction of Council, in accordance with the GDS Design Car Park Details Zone "A", Drg No. 1218 Sheet 11-A, dated 2-4-19 and GDS Design Entry/Exit Drg No. 1218 Sheet 12 dated 2-4-19.
27. **Vegetated Buffer**
Prior to commencement of the proposed use as a function centre (wedding ceremonies), the approved vegetated buffer is to be completed to the satisfaction of Council, in accordance with the **Landscaping Plan Zone "A" Drg No. 1218** Sheet 7 Issue A, dated 18-4-19 prepared by GDS Design. The vegetated buffer shall be installed and maintained in perpetuity to reduce the potential for airborne conflict such as chemical spray drift and dust and should also be established to ensure compliance with Condition 2 of the NSW Rural Fire Service General Terms of Approval as per Schedule 4 (**attached**).
28. **Noise Management Plan (Function Centre – Wedding Ceremonies)**
A Noise Management Plan (NMP) prepared by a suitably qualified person shall be submitted to and approved by the Private Certifying Authority prior to the operation of the function centre – wedding ceremonies use. The NMP shall have consideration for the recommendations in the Noise Impact Assessment prepared by Greg Alderson & Associates, undated, Reference 19073_NIA_1 and the Noise Assessment Letter – Amended Noise Modelling prepared by Greg Alderson Associates and dated 3 June 2019 and shall address, but not be limited to, the following matters:
- Limits to operating hours including:
 - Noise generation shall be minimised during the set up and pack down periods to minimise any potential impacts on nearby rural residential premises. Hours of noise generating set up and pack down activities (for wedding ceremonies) shall be limited to between 7.00 am and 6.00 pm on weekend days and public holidays.
 - Wedding ceremonies shall be limited to between 12 noon and 5.30pm weekend days and public holidays
 - If amplification of voices is used speakers shall be located to minimise the impact on adjoining properties and shall be limited to achieve 35 dB(A) leq (15mins) at the property boundary (or location as specified by the NSW EPA guidelines)
 - Any live music to be acoustic only (i.e. no amplification)
 - Bus drop off and pick up shall be limited to the round-about area adjacent to the dwelling house
 - Hours of delivery and servicing (including waste collection)
 - Project specific noise targets at sensitive receivers
 - Specific physical and managerial measures for controlling noise
 - Noise monitoring and reporting procedures
 - Measures for dealing with exceedances

- Arrangements to inform residents of noisy activities likely to affect their amenity, including provision of a 24 hour contact point for residents
- Establishment of a system to handle and respond to complaints.

A copy of the approved NMP is to be submitted to Council a minimum of 14 days prior to commencement of the function centre – wedding ceremony use.

29. Operational Management Plan (Function Centre – Wedding Ceremonies)

An Operational Management Plan (OMP) shall be submitted to and approved by the Private Certifying Authority prior to the operation of the function centre – wedding ceremonies use. The OMP shall be based on the information provided in the Statement of Environmental Effects, prepared by Newton Denny Chapelle, Ref. 17/574, dated January 2019, and recommendations of the Noise Impact Assessment prepared by Greg Alderson & Associates, undated, Reference 19073_NIA_1, the Noise Assessment Letter – Amended Noise Modelling prepared by Greg Alderson Associates, dated 3 June 2019 and the Noise Management Plan required by this consent.

The OMP shall address, but not be limited to, the following matters:

- Compliance with the relevant conditions of development consent 2019/30
- The engagement of an agreed wedding or function planner to oversee the event and ensure compliance with the OMP
- Requirement for a representative of the proponent/landowner to be on-site throughout the event. Contact details (name, phone contact etc.) for this representative will be provided to neighbouring property owners and to visitors/guests
- The on-site manager is to provide all guests with an on-site induction
- Requirement for 14 days notice to be provided to the three properties noted as a “sensitive receivers” in the Noise Impact Assessment, prepared by Greg Alderson & Associates, Ref 19073_NIA_1, prior to a wedding ceremony being held at the subject site. Details to be included in the notice are the date of the ceremony, hours of the ceremony, number of guests and the function number in that 12 month period (i.e. Function 1 of 20)
- Requirement for all wedding ceremony guests to arrive by mini bus (apart from elderly, families with young children and people with a disability)
- Limitations on function times and noise generation in accordance with the terms and conditions of development consent 2019/30
- Waste management arrangements;
- A requirement for all future clients (bride and groom) to sign contracts linked to compliance with the OMP.

A copy of the approved OMP is to be submitted to Council a minimum of 14 days prior to commencement of the function centre – wedding ceremonies use.

CONDITIONS OF USE (Stage 2)

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

Food safety

30. The caterer that provides food and beverages for wedding guests shall demonstrate to the applicant that they have appropriate skills and knowledge in food safety and food

hygiene as required under the Australian Food Standards Code, Chapter 3, Standard 3.2.2.

31. If unpackaged potentially hazardous, ready-to-eat foods are provided to wedding guests the caterer shall hold a current NSW Food Safety Supervisor certificate.
32. The caterer shall have the relevant permits and approvals for the mobile catering vehicle from the resident council where it is usually garaged.
33. On-site food preparation is only permitted from the mobile catering vehicle. The preparation of food in any other area of the property for the purpose of wedding receptions is not permitted without prior written permission from Council.

Waste

34. All waste generated on site is to be disposed to and stored in the nominated waste area/s. Bins shall remain in the bin enclosure at all times, except during waste collection.
35. Waste collection must occur as required to prevent the creation of an odour or pest nuisance.
36. Waste storage area/s shall be screened from the street frontage and located behind the building line or set back.

Operational Noise

37. The use and occupation of the proposed development, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to any offensive noise within the meaning of The Protection of the Environment Operations Act, 1997. Offensive Noise means noise:
 1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances;
 - a. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted;
 - b. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
 2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
38. The operation of the function centre – wedding ceremonies use at the site shall be in accordance with the Noise Management Plan and Operational Management Plan which have been approved by the Private Certifying Authority. A copy of the approved management plans shall be made available at the premises and details provided to staff and users of the facility.
39. No bottle, can or garbage disposal shall take place between the hours of 8.00pm and 7.00am daily.

-
40. The development shall not cause a noise nuisance to any other person. Following commencement of use, should complaints of a noise nuisance be substantiated by Council, an acoustic assessment shall be conducted by a qualified consultant and report provided to Council. The applicant shall then implement all recommendations provided under the assessment within a timeframe set by Council, to the satisfaction of Council and comply with any additional direction given by Council.
41. Noise generation shall be minimised during the set up and pack down periods to minimise any potential impacts on nearby rural residential premises. Hours of noise generating set up and pack down activities (for wedding ceremonies) shall be limited to between 7.00 am and 6.00 pm on weekends and public holidays.
42. Noise caused by the approved use, including music and all other noisy activities, must comply with the following criteria:
- (a) The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
 - (b) The LAeq noise level emitted from the use must not exceed 35dBA between the hours of 7.00 am and 6.00 pm (Mondays – Saturdays) and or 8.00 am to 6.00pm (Sundays) when assessed at the boundary of affected properties (or within 30 metres of the dwelling if the dwelling is remote from the boundary).
 - (c) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any rural residential property between the hours of 7.00 pm and 7.00 am (Mondays to Saturdays) or 8.00 am (Sundays).

Water

43. Water used for any activities involved in the preparation of food, personal hygiene, cleaning and sanitising shall be of a potable standard. Non potable water may be used for cleaning and similar uses, only where it will not compromise the safety of food on the premises.
44. All Private Water Supplies must be managed in accordance with NSW Health's Private Water Supply Guidelines 2014 and a Council approved Quality Assurance Program.

CONDITIONS APPLYING TO STAGE 3 – Tourist and Visitor Accommodation – 3 cabins & associated civil works (driveway & car park) and Communal Area**GENERAL (Stage 3)**

45. **Commencement of occupation or use**
Occupation or use of the site via Stage 3 (Tourist and Visitor Accommodation x Three Cabins and Communal Area) for the purposes authorised by this consent shall not commence until all relevant conditions of this consent (applying to Stage 1, 2 and 3) have been complied with and a final occupation certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.

-
46. The existing dwelling house is to be occupied at all times as the manager's residence for the tourist and visitor accommodation cabins and at no time is to be utilised for tourist and visitor accommodation.
47. An on-site manager is to be present and residing within the manager's residence at all times whilst ever the tourist and visitor accommodation cabins are occupied.
48. **Change of use (fire safety)**
A building in respect of which there is a change of building use (communal area) must comply with the Category 1 Fire Safety provisions applicable to the proposed new use.
Note: In order to comply with the Category 1 fire safety provisions building work may be necessary even though none is proposed or required in the relevant Development Consent.
49. **Building to comply with BCA**
All aspects of the building design shall comply with the performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural efficiency, safety, health, and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions,
 - (b) formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision.
 - (c) combination of (a) and (b).
- Details are to be included with the plans and specification accompanying a Construction Certificate application.
50. **Operational Management Plan**
Any future owners of the subject property must submit to Council an Operational Management Plan (OMP)/Terms and Conditions for the Tourist and Visitor Accommodation and Communal Area. This plan must be prepared in accordance with the requirements of relevant consent conditions including those referring to the Noise Management Plan and Operational Management Plan. The OMP is to be submitted to Council by each and every subsequent owner of the property, prior to their first use as Tourist and Visitor Accommodation.
51. **Vegetated buffer**
Prior to commencement of the proposed use as Tourist and Visitor Accommodation, the approved vegetated buffer is to be completed to the satisfaction of Council, in accordance with the Landscaping Plan Zone "B" Drg No. 1218 Sheet 10, dated Nov. 18 prepared by GDS Design. The vegetated buffer shall be installed and maintained in perpetuity to reduce the potential for airborne conflict such as chemical spray drift and dust.
52. **BASIX Certificate**
The development is to be constructed in accordance with the BASIX commitments as depicted in the approved BASIX Certificate 982533S, 983738S, 983769S, 983782S, 983795S, 983807S, 983812S, 983819S, or as amended, that has accompanied the development application.
53. The development is to be carried out in accordance with the NSW Rural Fire Service General Terms of Approval requirements as outlined in Schedule 4 (**attached**).

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building) (Stage 3)

The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.

54. Construction Certificate

Prior to construction of the approved development it is necessary to obtain a Construction Certificate. Either Council or an appropriately accredited certifier may issue a Construction Certificate. A separate application, complete with detailed plans and specifications, must be made to the Principal Certifying Authority for a Construction Certificate.

55. Structural engineer's design

The Structural Engineer's design of the buildings must be based upon a geotechnical report from a reputable soil testing engineering consultant. The Structural Engineer is to identify on the design plan the company and date of the geotechnical report on which the design is based, prior to issue of a Construction Certificate.

56. Geotechnical report

A geotechnical report for the proposed development, prepared by a suitably qualified and experienced Geotechnical Engineer shall be submitted to Council prior to the issue of any Construction Certificate or commencement of construction. The report is to state that a property site investigation has been made; that the site is capable of accommodating the proposed development; that the buildings will not be affected by landslip or subsidence above or below the site when the buildings are erected, and that adequate design allowance has been made for drainage.

57. Long Service Levy

In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

58. Section 68 Application - Plumbing and drainage

Prior to issue of the Construction Certificate, an application under Section 68 of the Local Government Act is to be lodged with Council for the carrying out of all plumbing and drainage work associated with the buildings (communal area/ tourist cabins). Payment is also to be made of the application fee and inspection fees for the proposed work.

Prior to issue of the Construction Certificate an Approval to Install all plumbing and drainage work must be obtained from Council.

59. Section 68 Application – On site sewage management system

Prior to issue of a Construction Certificate, an application under Section 68 of the Local Government Act is to be lodged with Council for the installation of an On Site Sewage Management System. The application is to refer to the Greg Alderson & Associates report dated November 2018 and amended plans. Details are to include the size of any proposed tank facility and irrigation method and field area (m²) location. Payment is also to be made of the appropriate application and inspection fees.

Prior to issue of the Construction Certificate an Approval to Install an On Site Sewage Management System must be obtained from Council.

60. The effluent land application area is to be protected from damage due to tractor slashing, livestock or pedestrian access. Appropriate signage shall be installed to indicate the location and purpose of the area.
61. **Construction Management Plan**
Prior to issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by Council. The plan shall address but not be limited to the following matters where applicable:
- Hours of operation
 - Contact details of the site manager
 - Traffic management
 - Noise, dust and vibration management
 - Waste management
 - Erosion and sediment control.
62. **Design plans**
Design plans are to indicate all plumbing fixtures and outlets, location and type of services, grade, invert, finished floor and ground levels, location of inspection openings, surcharge gullies and levels, vents, water meters, hot water heaters, hot water temperature control devices, etc. Design plans are to also indicate details of any pre-treatment of trade waste prior to discharge to the sewerage system and pre-treatment as necessary of any stormwater prior to discharge to the environment. Additional details may be requested as directed by Council.
63. **Developer Contributions (Stage 3)**
Prior to issue of a Construction Certificate where building works are proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 7.11 of the Environmental Planning & Assessment Act, 1979 :

Contribution Plan/Development Servicing Plan	Adopted
Cumalalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan Version 4.1	26 July 2018
Ballina Shire Open Spaces and Community Facilities Contributions Plan 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 2 (**attached**).

64. Car parking & vehicular access

All on-site car parking and vehicular accesses shall be provided in accordance with GDS Design Plan 1218 Sheet 11. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZ 2890.1:2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

PRIOR TO CONSTRUCTION WORK COMMENCING (Stage 3)

The following conditions in this section of the consent must be complied with prior to commencement of construction works relating to the approved development.

65. Issue of Construction Certificate

The erection of any buildings under the terms and conditions of this Development Consent must not be commenced until:

- (a) Detailed plans and specifications of the buildings have been endorsed with a Construction Certificate by:
 - (i) The Council; or
 - (ii) An accredited certifier; and
- (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority has notified the Council (if Council is not the principal certifying authority) of the appointment; and
- (c) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.

66. Notice of Commencement and Appointment of Principal Certifying Authority

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit to Council the following information:

- Written notification of the name and details of the Principal Certifying Authority (PCA); and
- The date of commencement and details of the Development Consent and associated Construction Certificate.

The above information is to be submitted at least two days prior to the commencement of any works, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

DURING CONSTRUCTION (Stage 3)

The following conditions in this section of the consent must be complied with during the course of carrying out the construction works relating to the approved development.

67. No storage of materials on Council land

There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without the prior written consent of Council.

68. **Revegetation of disturbed areas**
All disturbed and exposed areas are to be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.
69. **Protection of existing vegetation**
Any trees or shrubs existing on the site and nominated for retention on the approved development application plan are to be protected during construction works.
70. **Disabled facilities**
Disabled toilet facilities must be unisex.
71. **Resource recovery exemption**
Any material that is the subject of a resource recovery exemption and order received at the development site shall be accompanied by documentation as to the material's compliance with the exemption and order conditions and shall be provided to the Principal Certifying Authority or the Council upon request.
72. **Erosion and Sediment Control Plan**
An Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 and approved by the Principal Certifying Authority (PCA) must be implemented in full during the construction period.
73. **Construction noise**
The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:
- | | |
|------------------|------------------|
| Monday to Friday | 7.00am to 6.00pm |
| Saturday | 8.00am to 1.00pm |
- No noise generating construction activities are to take place on Sundays or public holidays.
74. **Building waste**
For the control of litter, a suitable waste container for holding lightweight building materials must be made available on the building site during the course of the building work. Building waste such as paper, plastic, cardboard sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the local environment.
75. **Builder's toilet**
For the purposes of health and amenity, a temporary builder's toilet is to be provided on site before building work commences. Such facility is to be either connected to Council's sewer or a suitable approved portable chemical closet is to be provided.

Food safety

76. Separate storage areas shall be provided on the premises for clothing, personal belongings, paperwork, soiled laundry, cleaning equipment and chemicals so there is no likelihood of stored items contaminating food and food contact surfaces.

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77. Toilet facilities to which food handlers have access must have hand washing facilities that are:
- immediately adjacent to the toilet cubicle;
 - connected to a potable supply of warm running water dispensed from a single spout or mixer set;
 - of a size that allows easy and effective hand washing; and;
 - provided with a waste paper bin adjacent to the hand washing facilities.
78. The design and construction of the communal kitchen must permit the premises to be effectively cleaned, not permit the entry of pests and not provide for the harborage of pests.
79. A portable probe type thermometer is to be provided to measure the temperature of foods that are required to be stored at a temperature of 5oC or less, or at 60oC or more.
80. Provision shall be made for dispensing liquid soap or detergent and for single use towelling (preferably from wall mounted dispensers) at each designated hand wash basin provided in the food preparation area/s
81. The communal kitchen must have hand washing facilities that are:
- located where they can be easily accessed by food handlers so that they need not travel more than 5 metres from any place where exposed food is handled;
 - connected to a supply of warm running potable water dispensed from a single spout or mixer set;
 - of a size that allows easy and effective hand washing; and
 - clearly designated for the sole purpose of washing hands, arms and face,
 - be distinct from sinks used for washing and sanitising equipment and utensils.
82. **Site contamination**
Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.
83. **Demolition/construction waste**
All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption. If alternative disposal methods are to be sought, written approval is to be granted by the Principal Certifying Authority (PCA). **It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.**

Soil erosion and sediment control

84. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

85. To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works. These are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:

- The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land
- Service trenches being backfilled as soon as practical
- Downpipes being connected as soon as practical or the use of temporary downpipes
- Buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses
- Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

86. The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the Protection of the Environment Operations Act 1997.

87. Fill material

The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to the Principal Certifying Authority (PCA) at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE (Stage 3)

Unless otherwise stated all conditions referred to in other sections of this consent must be complied with together with the following conditions prior to occupation or use.

88. All relevant conditions of consent relating to Stage 3 are to be complied with prior to the issue of the Final Occupation Certificate for Stage 3.

89. Car parking & vehicular access

The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1:2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate

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90. **Landscaping to be completed**
Prior to occupation of Stage 3 (Tourist and Visitor Accommodation & Communal Area) the site is to be landscaped in accordance with the approved landscape plan, including the turfing of the site and the undertaking of appropriate plantings generally in accordance with Policy Statement No. 6 of Ballina Shire Council Development Control Plan No. 1 – Urban Land and the Bushland Friendly Nursery Scheme Environmental Weeds and Native Alternatives.
91. **Occupation certificate**
An Occupation Certificate is to be obtained prior to commencement of use or occupation of the premises. Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.
92. **Sewage system to be approved**
The buildings (cabins / communal area) are not to be occupied nor is the onsite sewage management system to become operational, until such time as an "Approval to Operate" has been granted by Council which has approved the onsite sewage management system.
93. **Trade waste**
Prior to occupation, a Trade Waste application is to be submitted to and approved by Council.
94. A final inspection of the commercial premises fit-out by Council's Environmental Health Officer is to be conducted and the appropriate professional services fee is to be paid prior to the issuing of any Occupation Certificate.
95. Trading must not commence until the premise has been inspected and approved by Council's Environmental Health Officer and an application has been made to Council to register the business on Council's "Commercial Premises Register" and the appropriate fee paid.
96. Written evidence shall be provided to Council's Environmental Health Officer that a pest control program has been implemented throughout the communal kitchen prior to the introduction of foods into the premises.
97. In accordance with Ballina DCP 2012 Chapter 2 Section 3.6 'Mosquito Management' all windows, external doors and other openings to the holiday cabins must be provided with effective insect screening and any rainwater tanks shall be fitted with screening of a durable material to prevent mosquito breeding and insect entry. Tanks should be fitted with a 'first flush diversion' device installed by a licenced plumber.
98. **Noise Management Plan (Tourist and Visitor Accommodation)**
A Noise Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Private Certifying Authority prior to the issue of any Occupation Certificate. The Plan shall have consideration for the recommendations in the Noise Impact Assessment prepared by Greg Alderson & Associates, undated, Reference 19073_NIA_1 and the Noise Assessment Letter – Amended Noise Modelling prepared by Greg Alderson Associates and dated 3 June 2019 and shall address, but not be limited to, the following matters:

- Limits to operating hours
- Hours of delivery and servicing (including waste collection)
- Project specific noise targets at sensitive receivers
- Specific physical and managerial measures for controlling noise
- Noise monitoring and reporting procedures
- Measures for dealing with exceedances
- Arrangements to inform residents of noisy activities likely to affect their amenity, including provision of a 24 hour contact point for residents
- Establishment of a system to handle and respond to complaints.

A copy of the approved Noise Management Plan is to be submitted to Council prior to the issue of the Occupation Certificate.

99. Operational Management Plan (Tourist and Visitor Accommodation)

An Operational Management Plan (OMP) or Terms and Conditions for the letting of the Tourist and Visitor Accommodation is required to be prepared, submitted to and approved by the Private Certifying Authority prior to the issue of the Occupation Certificate. The OMP/Terms and Conditions must address, as a minimum, the following matters:

- a) Details (name, phone contact etc.) of the on-site manager, with these details to be provided to both the visitors/guests and also to neighbouring properties.
- b) The on-site manager is to provide all guests with an on-site induction, including a tour of the Tourist and Visitor Accommodation and property grounds.
- c) Waste management arrangements for the Tourist and Visitor Accommodation.

A copy of the approved Operational Management Plan is to be submitted to Council prior to the issue of the Occupation Certificate.

Water supply

100. Prior to the issue of the Occupation Certificate the water supply is to be sampled and analysed by a NATA certified laboratory for chemical, physical and microbiological parameters in order to verify suitability of supply. The water sampling results are to be submitted to Council within 14 days of receipt of results. Further assistance can be sought by referring to the NSW Health Department's "Private Water Supply Guidelines" – copies are available from Council's Environmental Health Section.
101. All Private Water Supplies must be managed in accordance with NSW Health's Private Water Supply Guidelines (2014). The potable water shall generally meet the Australian Drinking Water Guideline's requirements. A water quality assurance program (QAP) shall be developed and submitted to NSW Health. A copy of the QAP and NSW Health cover letter shall be submitted to and approved by Council prior to the issue of any Occupation Certificate.

102. Civil works

All civil works approved with the Construction Certificate and under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to issue of an Occupation Certificate, unless already completed in earlier stages. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified.

103. Prior to the issue of the Occupation Certificate, the applicant must submit certification from a suitably qualified bush fire consultant demonstrating that the requirements of the Bush Fire Safety Authority granted by the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997 on 31 July 2019 (refer to Schedule 4 – **attached**) have been addressed and complied with.

CONDITIONS OF USE/DURING OCCUPATION (Stage 3)

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

104. Occupation Certificate

The buildings are not to be occupied until a final occupation or interim occupation certificate has been issued by the principal certifying authority.

105. General Amenity

The building, constructed works and activities carried out on the site shall not cause injury to, or prejudicially affect the amenity of the locality by reason of the appearance of the buildings, works, materials or goods on the site, traffic movements, on-street parking, the emission of smell, noise, vibration, dust, waste products, oil, lights and the like.

106. Landscaping to Accord with Plan

All landscaping shall be permanently maintained in a good condition in accordance with the intent of the landscaping plan.

Waste

107. All waste generated on site is to be disposed to and stored in the nominated waste area/s. Bins shall remain in the bin enclosure at all times, except during waste collection.
108. Waste collection must occur as required to prevent the creation of an odour or pest nuisance.
109. Waste storage area/s shall be screened from the street frontage and located behind the building line or set back.

Operational Noise

110. The use and occupation of the proposed development, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to any offensive noise within the meaning of The Protection of the Environment Operations Act, 1997. Offensive Noise means noise:
1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances;
 - a. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted;
 - b. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
 2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
111. The Tourist and Visitor Accommodation use at the site shall be in accordance with the Noise Management Plan and Operational Management Plan which have been approved by the Private Certifying Authority. A copy of the approved management plans shall be made available at the premises and details provided to staff and users of the facility.
112. The development shall not cause a noise nuisance to any other person. Following occupation, should complaints of a noise nuisance be substantiated by Council, an acoustic assessment shall be conducted by a qualified consultant and report provided to Council. The applicant shall then implement all recommendations provided under the assessment within a timeframe set by Council, to the satisfaction of Council and comply with any additional direction given by Council.

Water

113. Water used for any activities involved in the preparation of food, personal hygiene, cleaning and sanitising shall be of a potable standard. Non potable water may be used for cleaning and similar uses, only where it will not compromise the safety of food on the premises.
114. All Private Water Supplies must be managed in accordance with NSW Health's Private Water Supply Guidelines 2014 and a Council approved Quality Assurance Program.
115. **External lighting**
All external lighting to be installed and operated on site shall comply with the AS 4282:2019 "Control of the obtrusive effects of outdoor lighting".

CONDITIONS APPLYING TO STAGE 4 - Tourist and Visitor Accommodation - 5 Cabins**GENERAL (Stage 4)****116. Commencement of occupation or use**

Occupation or use of the site via Stage 4 (Tourist and Visitor Accommodation x Five Cabins) for the purposes authorised by this consent shall not commence until all relevant conditions of this consent (applying to Stages 3 & 4) have been complied with and a final occupation certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.

117. The existing dwelling house is to be occupied at all times as the manager's residence for the tourist and visitor accommodation cabins and at no time is to be utilised for tourist and visitor accommodation.

118. An on-site manager is to be present and residing within the manager's residence at all times whilst ever the tourist and visitor accommodation cabins are occupied.

119. Building to comply with BCA

All aspects of the building design shall comply with the performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural efficiency, safety, health, and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions,
- (b) formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision.
- (c) combination of (a) and (b).

Details are to be included with the plans and specification accompanying a Construction Certificate application.

120. Operational Management Plan

Any future owners of the subject property must submit to Council an Operational Management Plan (OMP)/Terms and Conditions for the Tourist and Visitor Accommodation and Communal Area. This plan must be prepared in accordance with the requirements of relevant consent conditions, including those referring to the Noise Management Plan and Operational Management Plan. The OMP is to be submitted to Council by each and every subsequent owner of the property, prior to their first use as Tourist and Visitor Accommodation.

121. Vegetated buffer

Prior to commencement of the proposed use as Tourist and Visitor Accommodation, the approved vegetated buffer is to be completed to the satisfaction of Council, in accordance with the **Landscaping Plan Zone "B"** Drg No. 1218 Sheet 10, dated Nov. 18 prepared by GDS Design. The vegetated buffer shall be installed and maintained in perpetuity to reduce the potential for airborne conflict such as chemical spray drift and dust.

122. BASIX Certificate

The development is to be constructed in accordance with the BASIX commitments as depicted in the approved BASIX Certificate 982533S, 983738S, 983769S, 983782S, 983795S, 983807S, 983812S, 983819S, or as amended, that has accompanied the development application.

123. The development is to be carried out in accordance with the NSW Rural Fire Service General Terms of Approval requirements as outlined in Schedule 4 (**attached**).

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building) (Stage 4)

The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.

124. Construction Certificate

Prior to construction of the approved development it is necessary to obtain a Construction Certificate. Either Council or an appropriately accredited certifier may issue a Construction Certificate. A separate application, complete with detailed plans and specifications, must be made to the Principal Certifying Authority for a Construction Certificate.

125. Structural engineer's design

The Structural Engineer's design of the buildings must be based upon a geotechnical report from a reputable soil testing engineering consultant. The Structural Engineer is to identify on the design plan the company and date of the geotechnical report on which the design is based, prior to issue of a Construction Certificate.

126. Geotechnical report

A geotechnical report for the proposed development, prepared by a suitably qualified and experienced Geotechnical Engineer shall be submitted to Council prior to the issue of any Construction Certificate or commencement of construction. The report is to state that a property site investigation has been made; that the site is capable of accommodating the proposed development; that the buildings will not be affected by landslip or subsidence above or below the site when the buildings are erected, and that adequate design allowance has been made for drainage.

127. Long Service Levy

In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

128. Section 68 Application - Plumbing and drainage

Prior to issue of the Construction Certificate, an application under Section 68 of the Local Government Act is to be lodged with Council for the carrying out of all plumbing and drainage work associated with the buildings (communal area/ tourist cabins). Payment is also to be made of the application fee and inspection fees for the proposed work.

Prior to issue of the Construction Certificate an Approval to Install all plumbing and drainage work must be obtained from Council.

129. Section 68 Application – On site sewage management system

Prior to issue of a Construction Certificate, an application under Section 68 of the Local Government Act is to be lodged with Council for the installation of an On Site Sewage Management System. The application is to refer to the Greg Alderson & Associates report dated November 2018 and amended plans. Details are to include the size of any proposed tank facility and irrigation method and field area (m²) location. Payment is also to be made of the appropriate application and inspection fees.

Prior to issue of the Construction Certificate an Approval to Install an On Site Sewage Management System must be obtained from Council.

130. The effluent land application area is to be protected from damage due to tractor slashing, livestock or pedestrian access. Appropriate signage shall be installed to indicate the location and purpose of the area.

131. Construction Management Plan

Prior to issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by Council. The plan shall address but not be limited to the following matters where applicable:

- Hours of operation
- Contact details of the site manager
- Traffic management
- Noise, dust and vibration management
- Waste management
- Erosion and sediment control.

132. Design plans

Design plans are to indicate all plumbing fixtures and outlets, location and type of services, grade, invert, finished floor and ground levels, location of inspection openings, surcharge gullies and levels, vents, water meters, hot water heaters, hot water temperature control devices, etc. Design plans are to also indicate details of any pre-treatment of trade waste prior to discharge to the sewerage system and pre-treatment as necessary of any stormwater prior to discharge to the environment. Additional details may be requested as directed by Council.

133. Developer Contributions (Stage 4)

Prior to issue of a Construction Certificate where building works are proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 7.11 of the Environmental Planning & Assessment Act, 1979 :

Contribution Plan/Development Servicing Plan	Adopted
Cumalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
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Ballina Shire Open Spaces and Community Facilities Contributions Plan 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 3 (**attached**).

134. Car parking & vehicular access

All on-site car parking and vehicular accesses shall be provided in accordance with GDS Design Plan 1218 Sheet 11. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZ 2890.1:2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

PRIOR TO CONSTRUCTION WORK COMMENCING (Stage 4)

The following conditions in this section of the consent must be complied with prior to commencement of construction works relating to the approved development.

135. Issue of Construction Certificate

The erection of any buildings under the terms and conditions of this Development Consent must not be commenced until:

- (a) Detailed plans and specifications of the buildings have been endorsed with a Construction Certificate by:
 - (i) The Council; or
 - (ii) An accredited certifier; and
- (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority has notified the Council (if Council is not the principal certifying authority) of the appointment; and
- (c) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.

136. Notice of Commencement and Appointment of Principal Certifying Authority

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit to Council the following information:

- Written notification of the name and details of the Principal Certifying Authority (PCA); and
- The date of commencement and details of the Development Consent and associated Construction Certificate.

The above information is to be submitted at least two days prior to the commencement of any works, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

DURING CONSTRUCTION (Stage 4)

The following conditions in this section of the consent must be complied with during the course of carrying out the construction works relating to the approved development.

137. No storage of materials on Council land

There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without the prior written consent of Council.

138. Revegetation of disturbed areas

All disturbed and exposed areas are to be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.

139. Protection of existing vegetation

Any trees or shrubs existing on the site and nominated for retention on the approved development application plan are to be protected during construction works.

140. Resource recovery exemption

Any material that is the subject of a resource recovery exemption and order received at the development site shall be accompanied by documentation as to the material's compliance with the exemption and order conditions and shall be provided to the Principal Certifying Authority or the Council upon request.

141. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 and approved by the Principal Certifying Authority (PCA) must be implemented in full during the construction period.

142. Construction noise

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

143. Building waste

For the control of litter, a suitable waste container for holding lightweight building materials must be made available on the building site during the course of the building work. Building waste such as paper, plastic, cardboard sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the local environment.

144. Builder's toilet

For the purposes of health and amenity, a temporary builder's toilet is to be provided on site before building work commences. Such facility is to be either connected to Council's sewer or a suitable approved portable chemical closet is to be provided.

145. Site contamination

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.

146. Demolition/construction waste

All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption. If alternative disposal methods are to be sought, written approval is to be granted by the Principal Certifying Authority (PCA). **It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.**

Soil erosion and sediment control

147. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

148. To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works. These are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:

- The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land
- Service trenches being backfilled as soon as practical
- Downpipes being connected as soon as practical or the use of temporary downpipes
- Buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses
- Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

149. The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the Protection of the Environment Operations Act 1997.

150. Fill material

The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to the Principal Certifying Authority (PCA) at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE (Stage 4)

Unless otherwise stated all conditions referred to in other sections of this consent must be complied with together with the following conditions prior to occupation or use.

151. All conditions of consent relating to Stages 3 and 4 are to be complied with prior to the issue of the Final Occupation Certificate for Stage 4.
152. **Car parking**
The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1:2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate
153. **Landscaping to be completed**
Prior to occupation of Stage 4 (Tourist and Visitor Accommodation) the site is to be landscaped in accordance with the approved landscape plan, including the turfing of the site and the undertaking of appropriate plantings generally in accordance with Policy Statement No. 6 of Ballina Shire Council Development Control Plan No. 1 – Urban Land and the Bushland Friendly Nursery Scheme Environmental Weeds and Native Alternatives.
154. **Occupation certificate**
An Occupation Certificate is to be obtained prior to commencement of use or occupation of the premises. Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.
155. **Sewage system to be approved**
The buildings are not to be occupied nor is the onsite sewage management system to become operational, until such time as an "Approval to Operate" has been granted by Council which has approved the onsite sewage management system.
156. In accordance with Ballina DCP 2012 Chapter 2 Section 3.6 'Mosquito Management' all windows, external doors and other openings to the holiday cabins must be provided with effective insect screening and any rainwater tanks shall be fitted with screening of a durable material to prevent mosquito breeding and insect entry. Tanks should be fitted with a 'first flush diversion' device installed by a licenced plumber.
157. **Noise Management Plan (Tourist and Visitor Accommodation)**
A Noise Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Private Certifying Authority prior to the issue of any Occupation Certificate. The Plan shall have consideration for the recommendations in the Noise Impact Assessment prepared by Greg Alderson & Associates, undated, Reference 19073_NIA_1 and the Noise Assessment Letter – Amended Noise Modelling prepared by Greg Alderson Associates and dated 3 June 2019 and shall address, but not be limited to, the following matters:
 - Limits to operating hours
 - Hours of delivery and servicing (including waste collection)
 - Project specific noise targets at sensitive receivers
 - Specific physical and managerial measures for controlling noise
 - Noise monitoring and reporting procedures
 - Measures for dealing with exceedances

- Arrangements to inform residents of noisy activities likely to affect their amenity, including provision of a 24 hour contact point for residents
- Establishment of a system to handle and respond to complaints.

A copy of the approved Noise Management Plan is to be submitted to Council prior to the issue of the Occupation Certificate.

158. Operational Management Plan (Tourist and Visitor Accommodation)

An Operational Management Plan (OMP) or Terms and Conditions for the letting of the Tourist and Visitor Accommodation is required to be prepared, submitted to and approved by the Private Certifying Authority prior to the issue of the Occupation Certificate. The OMP/Terms and Conditions must address, as a minimum, the following matters:

- d) Details (name, phone contact etc.) of the on-site manager, with these details to be provided to both the visitors/guests and also to neighbouring properties.
- e) The on-site manager is to provide all guests with an on-site induction, including a tour of the Tourist and Visitor Accommodation and property grounds.
- f) Waste management arrangements for the Tourist and Visitor Accommodation.

A copy of the approved Operational Management Plan is to be submitted to Council prior to the issue of the Occupation Certificate.

Water supply

159. Prior to the issue of the Occupation Certificate the water supply is to be sampled and analysed by a NATA certified laboratory for chemical, physical and microbiological parameters in order to verify suitability of supply. The water sampling results are to be submitted to Council within 14 days of receipt of results. Further assistance can be sought by referring to the NSW Health Department's "Private Water Supply Guidelines" – copies are available from Council's Environmental Health Section.
160. All Private Water Supplies must be managed in accordance with NSW Health's Private Water Supply Guidelines (2014). The potable water shall generally meet the Australian Drinking Water Guideline's requirements. A water quality assurance program (QAP) shall be developed and submitted to NSW Health. A copy of the QAP and NSW Health cover letter shall be submitted to and approved by Council prior to the issue of any Occupation Certificate.
- 161. Civil works**
All civil works approved with the Construction Certificate and under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to issue of an Occupation Certificate, unless already completed in earlier stages. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified.

162. Prior to the issue of the Occupation Certificate, the applicant must submit certification from a suitably qualified bush fire consultant demonstrating that the requirements of the Bush Fire Safety Authority granted by the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997 on 31 July 2019 (refer to Schedule 4 – attached) have been addressed and complied with.

CONDITIONS OF USE/DURING OCCUPATION (Stage 4)

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

163. **Occupation Certificate**
The buildings are not to be occupied until a final occupation or interim occupation certificate has been issued by the Principal Certifying Authority.
164. **General Amenity**
The building, constructed works and activities carried out on the site shall not cause injury to, or prejudicially affect the amenity of the locality by reason of the appearance of the buildings, works, materials or goods on the site, traffic movements, on-street parking, the emission of smell, noise, vibration, dust, waste products, oil, lights and the like.
165. **Landscaping to Accord with Plan**
All landscaping shall be permanently maintained in a good condition in accordance with the intent of the landscaping plan.

Waste

166. All waste generated on site is to be disposed to and stored in the nominated waste area/s. Bins shall remain in the bin enclosure at all times, except during waste collection.
167. Waste collection must occur as required to prevent the creation of an odour or pest nuisance.
168. Waste storage area/s shall be screened from the street frontage and located behind the building line or set back.

Operational Noise

169. The use and occupation of the proposed development, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to any offensive noise within the meaning of The Protection of the Environment Operations Act, 1997. Offensive Noise means noise:
1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances;
 - a. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted;
 - b. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or

2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
170. The Tourist and Visitor Accommodation use at the site shall be in accordance with the Noise Management Plan and Operational Management Plan which have been approved by the Private Certifying Authority. A copy of the approved management plans shall be made available at the premises and details provided to staff and users of the facility.
171. The development shall not cause a noise nuisance to any other person. Following occupation, should complaints of a noise nuisance be substantiated by Council, an acoustic assessment shall be conducted by a qualified consultant and report provided to Council. The applicant shall then implement all recommendations provided under the assessment within a timeframe set by Council, to the satisfaction of Council and comply with any additional direction given by Council.

Water

172. All Private Water Supplies must be managed in accordance with NSW Health's Private Water Supply Guidelines 2014 and a Council approved Quality Assurance Program.
173. **External lighting**
All external lighting to be installed and operated on site shall comply with the AS 4282:2019 "Control of the obtrusive effects of outdoor lighting".

STATEMENT OF REASONS FOR DECISION AND IMPOSITION OF CONDITIONS

(include statement of reasons for decision and imposition of conditions – from officers assessment)

ADVISORY MATTERS

1. **Disability Discrimination Act 1992**
The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992 (DDA). The applicant is advised to investigate any liability that may apply under that Act. Australian Standard AS 1428 – Design for Access and Mobility should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

Compliance with the BCA does not guarantee compliance with the DDA. The BCA provides important access provisions however:
 - (a) it does not cover all developments that are subject to the provisions of the DDA;
 - (b) it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities; and
 - (c) while it mandates improved access for people with disabilities, it is not framed in terms of "equality of access".

You are therefore advised to investigate your liability under the DDA with respect to any existing and proposed future works.

2. Protection of the Environment

The development is to be operated in accordance with the provisions of the Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and wastewater quality.

3. Noise Control

Use of the premises/services/equipment/ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment & Operations Act 1997.

4. WorkCover Requirements

The premises shall be operated in accordance with the requirements of the WorkCover Authority.

5. Wastewater Management Advice

All work carried out in connection with this approval must comply with any applicable standard established by the Local Government (Approvals) Regulation 1999, the Local Government (Water Services) Regulation 1999.

6. Smoke-Free Environment

The applicant and occupier of the premises is alerted to the requirements of the Smoke-Free Environment Act 2000 and the Smoke-Free Environment Regulation 2007 and the guidelines in the Regulation for determining what is an enclosed public place. Enquiries may be directed to the NSW Department of Health. The legislation may be viewed on the following website:
<http://www.legislation.nsw.gov.au>

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Advisory Note:

The applicant is advised to take care in ensuring that no damage is done to or unauthorised modifications are carried out on either Council's or any other organisation's underground infrastructure assets. Any Council sewer, stormwater or water main or other organisation owned electricity supply or telecommunication facility is not to be damaged or altered in any way without the necessary approvals being obtained beforehand from the relevant server.

You are advised to contact the following:

- Council - for information on sewer, water supply & stormwater
- Rous Water - Water Supply for Rous Water Authority controlled areas
- "Dial Before You Dig" - for other service infrastructure

The information relating to your property is to be obtained prior to any works commencing.

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SCHEDULE 1**Stage 2 – Function Centre (Wedding Ceremonies)**

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Roads Contribution Plan V4.1 (2018)	5206	equivalent residential allotment	\$12,498.00	0.0713	\$891.33
Roads Administration V4.1 (2018)	5207	equivalent residential allotment	\$187.00	0.0713	\$13.34
TOTAL					\$904.67

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SCHEDULE 2**Stage 3 – Tourist and Visitor Accommodation x 3 Cabins, Communal Area**

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Plateau District Parks 2016	4302	equivalent residential allotment	\$1,146.00	0.6233	\$714.31
Plateau Playing Fields 2016	4303	equivalent residential allotment	\$2,582.00	0.6233	\$1,609.37
Regional Level Recreational Facilities (SHIRE) 2016	4304	equivalent residential allotment	\$1,875.00	0.6233	\$1,168.70
Plateau District Community Centres & Meeting Halls 2016	4305	equivalent residential allotment	\$1,117.00	0.6233	\$696.23
Regional Level Community Facilities (SHIRE) 2016	4306	equivalent residential allotment	\$1,100.00	0.6233	\$685.63
OS & CF Plan Administration (SHIRE) 2016	4307	equivalent residential allotment	\$111.00	0.6233	\$69.19
Roads Contribution Plan V4.1 (2018)	5206	equivalent residential allotment	\$12,498.00	1.0698	\$13,369.95
Roads Administration V4.1 (2018)	5207	equivalent residential allotment	\$187.00	1.0698	\$200.05
TOTAL					\$18,513.42

SCHEDULE 3**Stage 4 – Tourist and Visitor Accommodation x 5 Cabins**

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
No Local Park Contribution Applicable					
Plateau District Parks 2016	4302	equivalent residential allotment	\$1,146.00	1.0388	\$1,190.51
Plateau Playing Fields 2016	4303	equivalent residential allotment	\$2,582.00	1.0388	\$2,682.28
Regional Level Recreational Facilities (SHIRE) 2016	4304	equivalent residential allotment	\$1,875.00	1.0388	\$1,947.83
Plateau District Community Centres & Meeting Halls 2016	4305	equivalent residential allotment	\$1,117.00	1.0388	\$1,160.38
Regional Level Community Facilities (SHIRE) 2016	4306	equivalent residential allotment	\$1,100.00	1.0388	\$1,142.72
OS & CF Plan Administration (SHIRE) 2016	4307	equivalent residential allotment	\$111.00	1.0388	\$115.31
Roads Contribution Plan V4.1 (2018)	5206	equivalent residential allotment	\$12,498.00	1.7829	\$22,283.26
Roads Administration V4.1 (2018)	5207	equivalent residential allotment	\$187.00	1.7829	\$333.41
TOTAL					\$30,855.71

SCHEDULE 4*All communications to be addressed to:*

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Your Ref: 2019/30
Our Ref: D19/473
DA19022217478 DC

ATTENTION: Lucy Bennett

31 July 2019

Dear Ms Bennett

Integrated Development Application - 1//786850 - 43 Tuckombil Lane Tuckombil

I refer to your correspondence dated 25 June 2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property around the existing dwelling and proposed communal building to a distance of 50 metres (or to the property boundary), shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones', with the exclusion of the requirements for canopy coverage within the buffer planting adjacent to the northern boundary.
2. Prior to the issue of occupation certificate a vegetation management plan shall be prepared and submitted to Council. The plan shall incorporate the following vegetation management outcomes for the buffer planting adjacent to the northern boundary:

- The buffer must consist of high moisture, smooth bark rainforest species.
 - The vegetation is to be kept pruned for a minimum height of 1.8 metres above ground level.
 - The surface fuels within the buffer must be managed in accordance with the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. At the commencement of building works and in perpetuity the property around the proposed holiday cabins to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
 4. Prior to the issue of occupation certificate a vegetation management plan shall be prepared and submitted to Council. The plan shall incorporate the following vegetation management outcomes for the land surrounding the proposed holiday cabin precinct:
 - any replanting for screening purposes must be at least 20 metres from the cabins, be no greater than 20 metres in width and be capable of managing the surface fuels with no near surface fuels in accordance with the objectives of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
 - any substantial revegetation on the site must be no closer to the cabins than the existing native vegetation and must be rainforest vegetation, unless specifically assessed with an amended bushfire report.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

5. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres fire fighting water supply shall be provided to the holiday cabins for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:
 - a) Fire fighting water supply tank(s) shall be located not less than 5 metres and not more than 20 metres from the approved structure.
 - b) New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
 - c) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
 - d) A 65 mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and accessible for a fire fighting truck.

e) The gate or ball valve, pipes and tank penetration are adequate for the full 50 mm inner diameter water flow through the Storz fitting and are constructed of a metal material.

f) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.

g) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.

h) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply (tank or Storz fitting).

i) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.

j) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.

k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200 mm x 200 mm to allow fire fighting trucks to access water direct from the tank.

l) Fire fighting water supply tank(s) and associated fittings, located within 60 metres of a bushfire hazard and on the hazard side of an approved building, shall be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for fire fighters.

m) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:

i. Markers must be fixed in a suitable location so as to be highly visible; and

ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.

6. Any new electricity and gas supply shall comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

7. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006', except:
- an alternative property access road is not required; and

- a reversing bay may be provided in lieu of a loop road around the holiday cabins or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

8. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to occupation of the holiday cabins.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

9. New construction of the holiday cabins shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
10. New construction of the communal building additions shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'. The additions shall have a setback from the western boundary no closer than 5.7 metres.
11. A minimum 1.8 metres high radiant heat shield (fence) made of non-combustible materials shall be constructed along the western boundary adjacent to the communal building. The fence is only required to extend along the boundary in line with the shed and addition. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

Landscaping

12. Landscaping within the IPA is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

The above conditions are based on the following drawings prepared by GDS Design:

- drawing titled 'Site Plan Zone "A"', numbered 1218, sheet 2, dated April, 2019;

- drawing titled 'Landscaping Plan Zone "A"', numbered 1218, sheet 7, dated 10th April, 2019;
- drawing titled 'Site Plan & Part Site Plan', numbered 1218, sheet 1, dated September, 2018 (amended); and
- drawing titled 'Passing Bay Plan', numbered 1218, sheet 1A and dated June, 2019.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 19 March 2019.

Should you wish to discuss this matter please contact Danette Cook on 1300 NSW RFS.

Yours sincerely



Alan Bawden
Team Leader, Development Assessment & Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au

The consent shall lapse on 19 December 2022 unless the development has commenced in accordance with the provisions of section 4.53 of the Act.

Other Approvals: The following approval bodies have given general terms of approval in relation to the development:

NB. The General Terms of Approval of these approval bodies have been incorporated within the Determination Notice.

(insert electronic signature here)

Signed: _____ on xx

Matthew Wood
Director
Planning and Environmental Health Division
On behalf of Ballina Shire Council

Right of Appeal: If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the NSW Land and Environment Court within six months after the date on which you receive this notice.

Except in the case of designated development, there is no provision within the Environmental Planning and Assessment Act 1979 for a third party (objector) to appeal against the consent issued by the Council.

Review of Determination: Section 8.3 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to request the consent authority to review the determination of your application. This request must be made and the review conducted and completed within the time prescribed by Section 8.3(2). A request must be accompanied by the fee prescribed by Section 257 of the Environmental Planning & Assessment Regulation 2000. Review provisions do not apply to:
(a) a determination in respect of designated development, or
(b) a determination made by the Council under Division 4.6 in respect of an application by or on behalf of the Crown.