

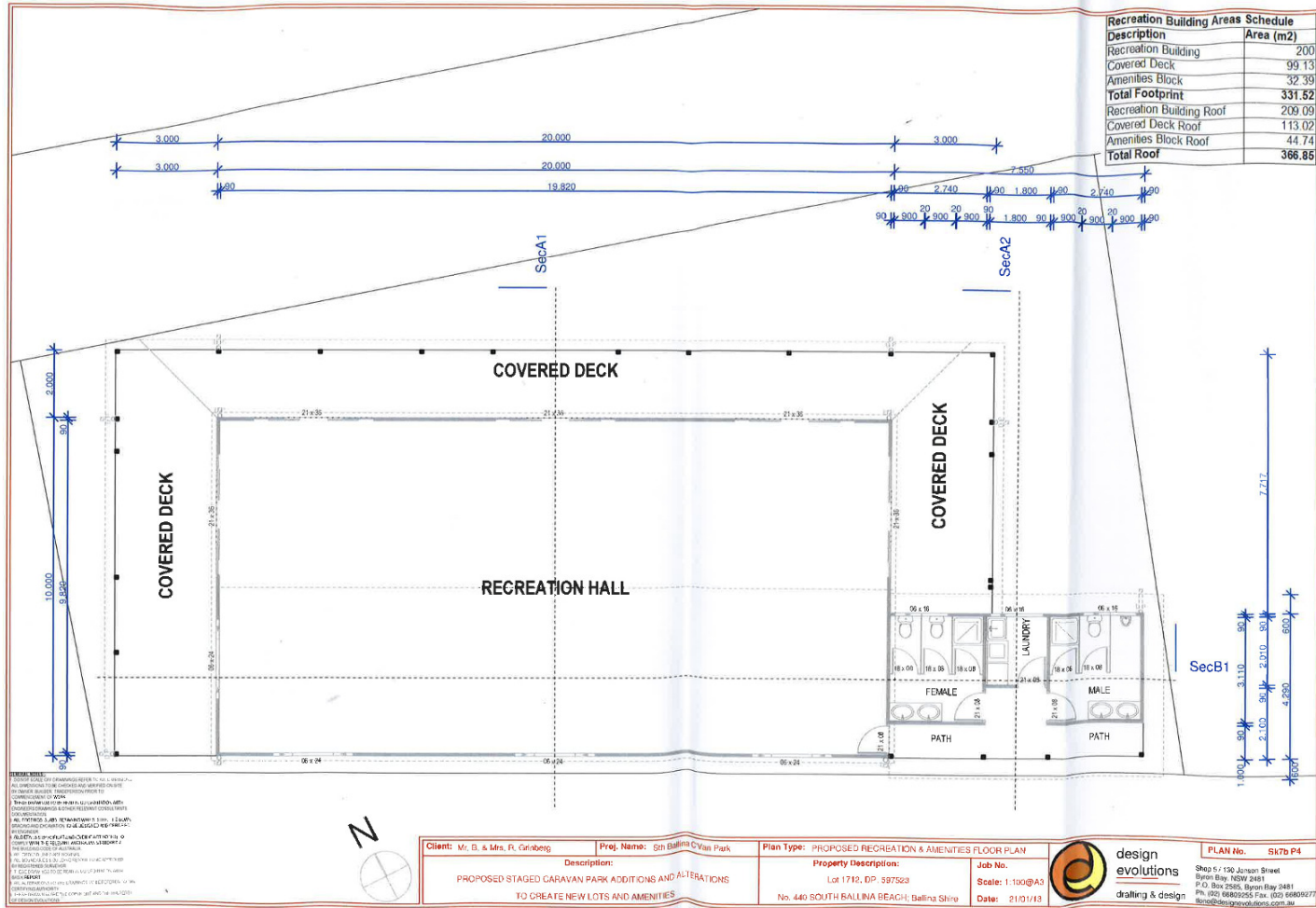


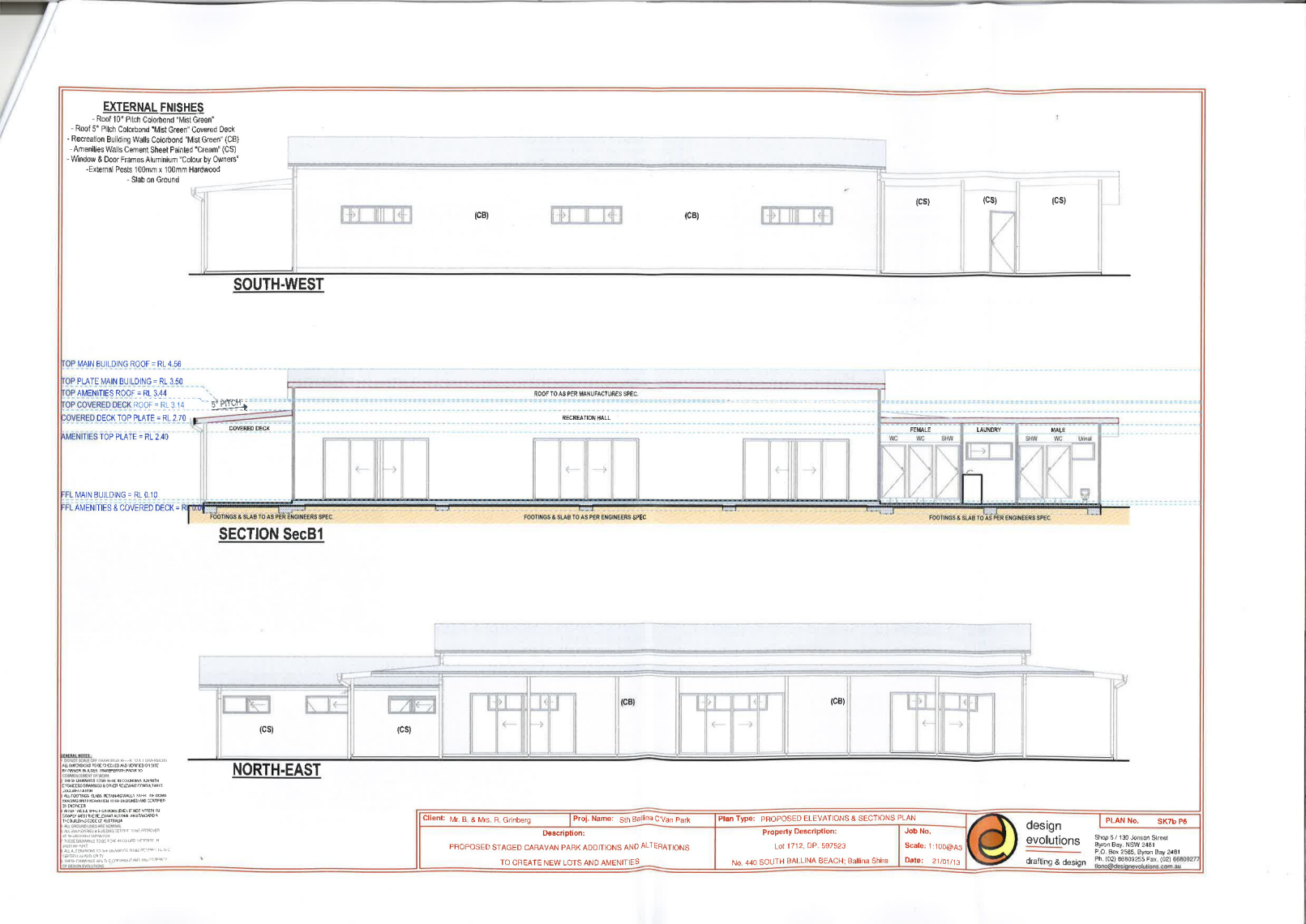
Figure 1. The location of feed trees T1 – T12 are shown relative to the surrounding campsite layout and the location of the trees to be planted are shown as yellow triangles

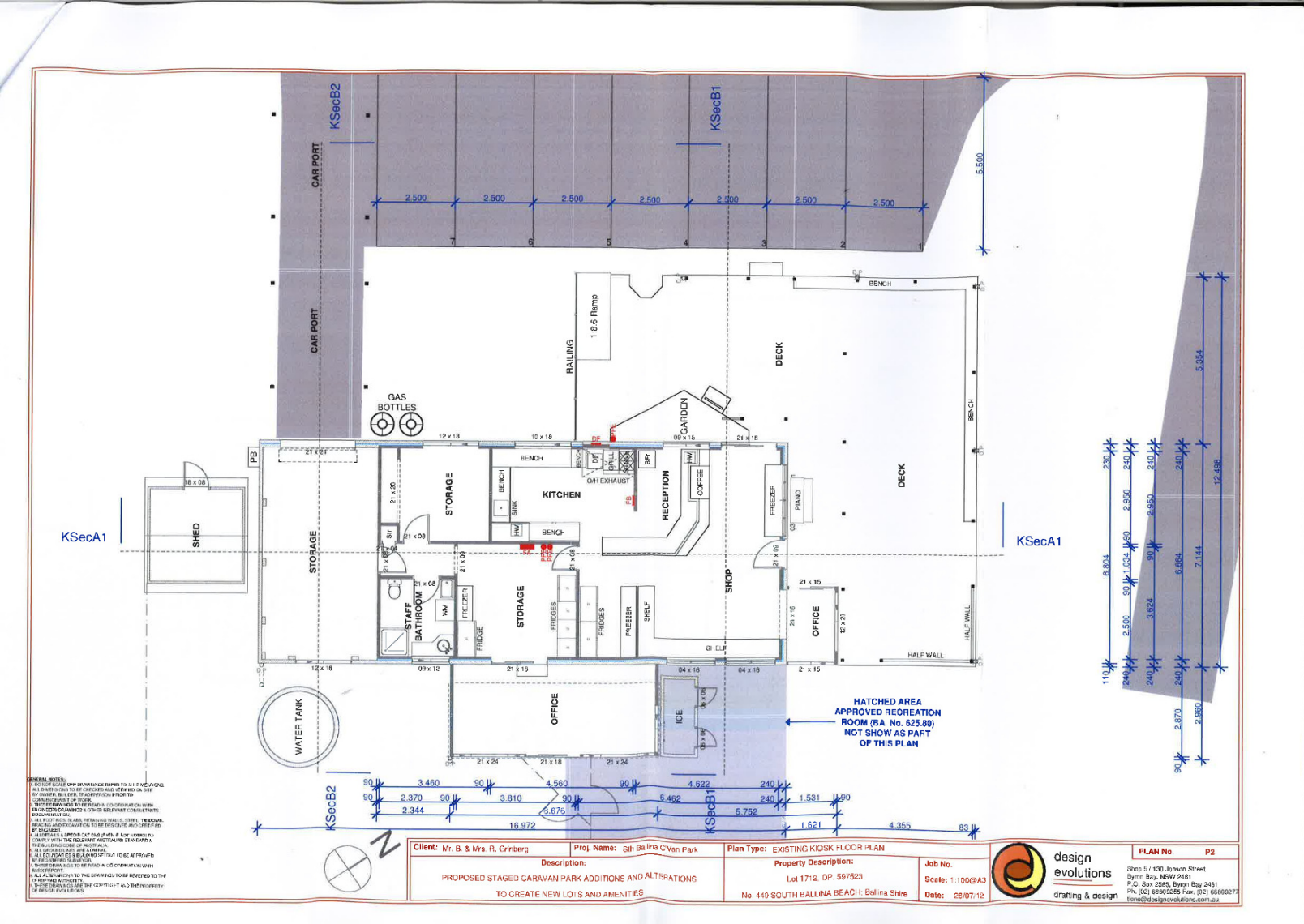
Land & Fire Assessments Pty Ltd

- Environmental Impact Assessments – Project Management –
- Compliance & Monitoring – Bushfire Planning & Design –

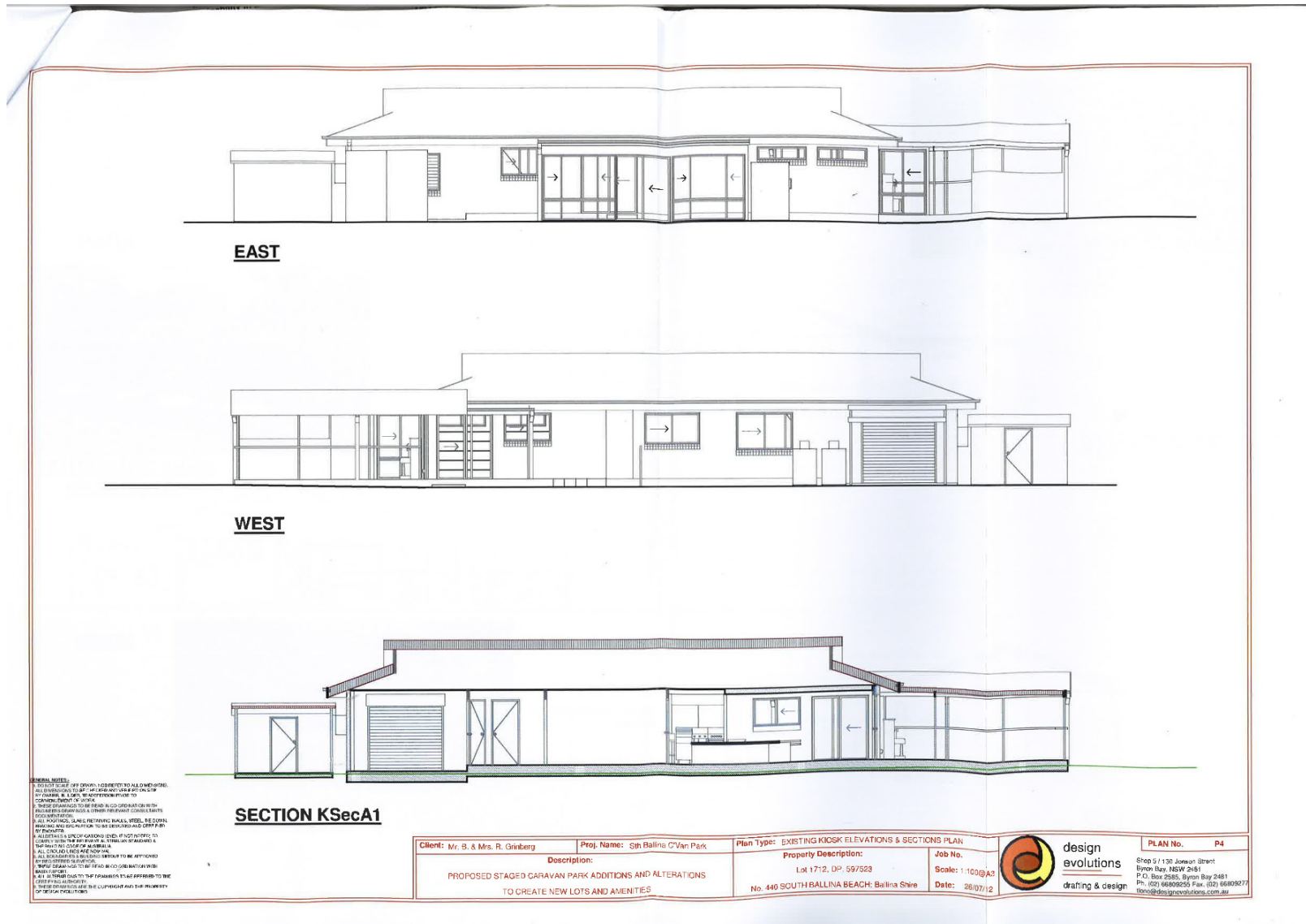
DA 2011/506 - South Ballina Beach Caravan Park.DOC

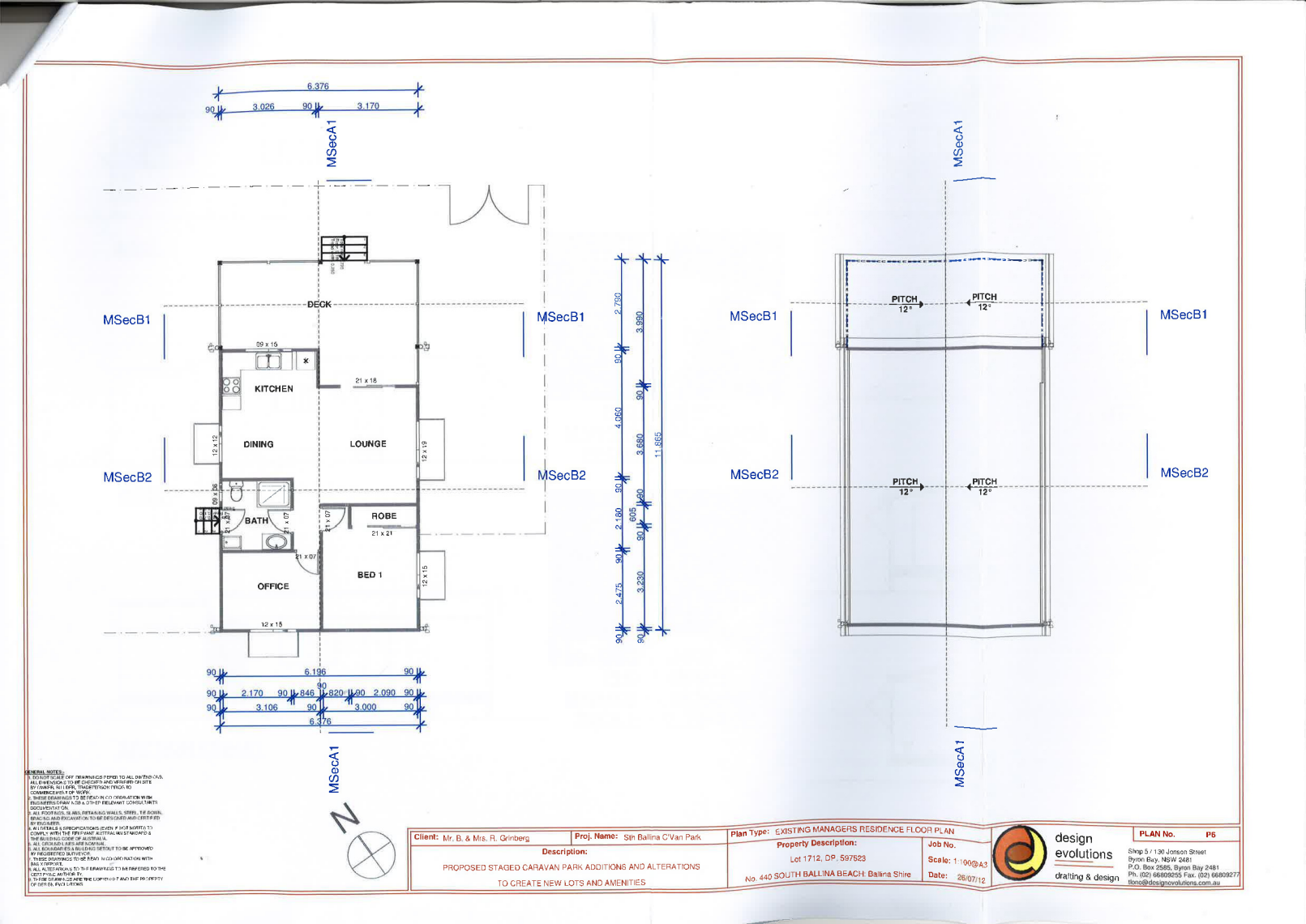




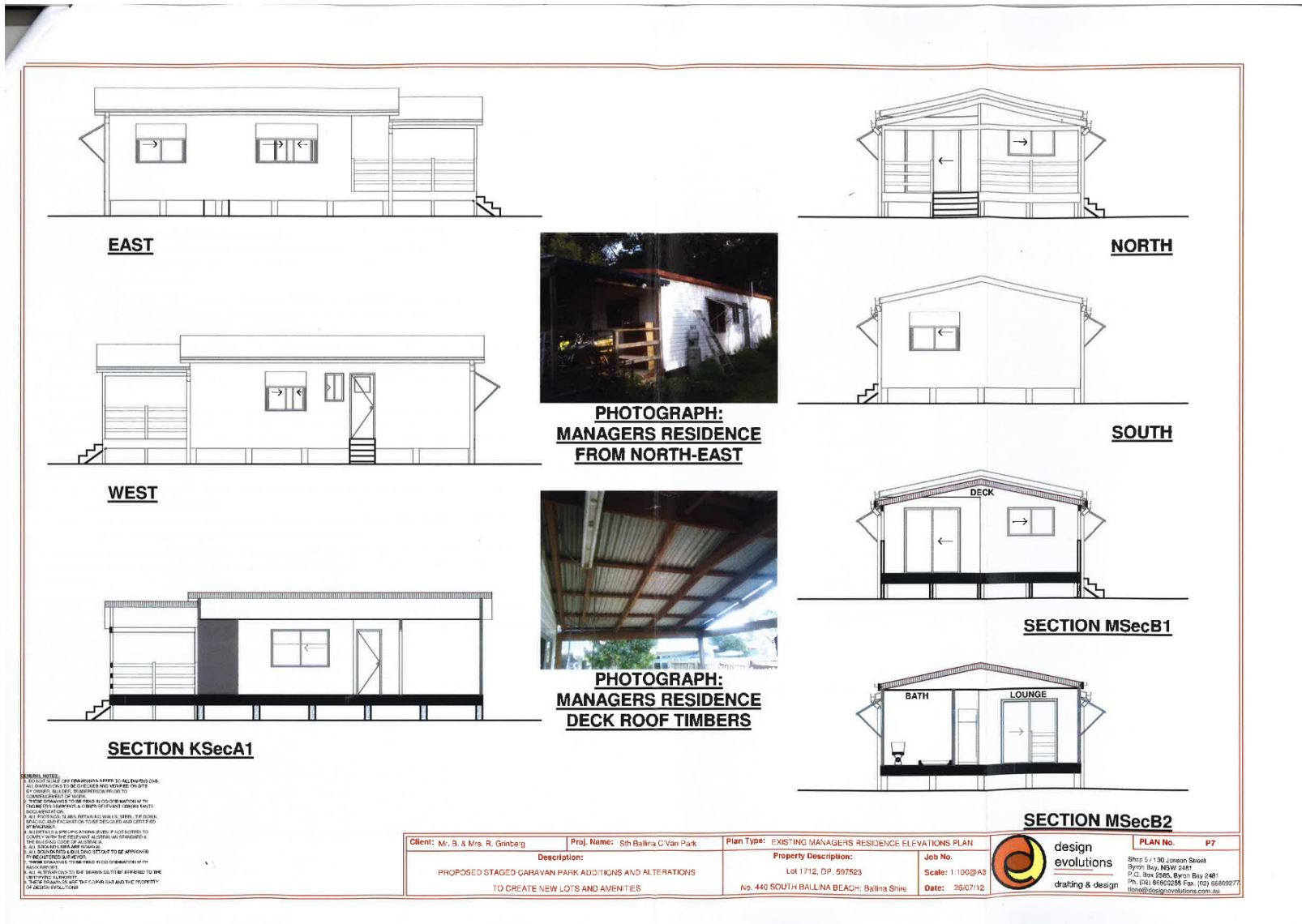


8.1 DA 2011/506 - South Ballina Beach Caravan Park.DOC





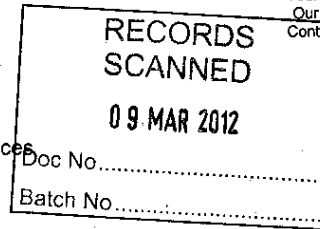
8.1 DA 2011/506 - South Ballina Beach Caravan Park.DOC





Office of
Environment
& Heritage

Your ref: DA2011/506
Our ref: FIL07/10799-04; DOC12/9519
Contact: Adrian Deville - 66402511



Mr Rod Willis
Group Manager, Regulatory Services
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

8 MAR 2012

Dear Mr Willis

Re: DA 2011/506, Expansion of Caravan Park Sites, Construction of Amenities/Recreation Buildings, Lot 1712 DP 597523, 440 South Ballina Beach Road, Ballina

I refer to the above development proposal upon property which borders the Richmond River Nature Reserve (RRNR) on the eastern and southern sides. The Office of Environment and Heritage (OEH) appreciates the opportunity to make a submission on the development application (DA).

While direct impacts associated with the development appear likely to be contained within existing largely cleared areas, there are a number of potential indirect impacts associated with increased intensity of usage of the site that do not appear to be fully considered in the documentation accompanying this proposal. OEH notes that the Statement of Environmental Effects (SEE) submitted to Council makes no reference to the adjoining Nature Reserve or its Management Plan. Access to the ocean beach 300 metres from the nearest caravan park boundary requires visitors to walk or drive through the nature reserve on a 4WD access track on the eastern side of the caravan park maintained by the National Parks and Wildlife Service (NPWS), (part of OEH).

Should this DA be approved, conditions of approval should ensure that management objectives in OEH's Plan of Management for RRNR are recognised and not compromised, and that no other resource cost impositions are placed upon NPWS in managing the Nature Reserve (NR) as a result of increased site usage and consequently increased visitation to and access through the nature reserve. Attachment 1 details OEH's specific concerns in regard to access, as well as potential impacts on migratory and nesting shorebirds in the vicinity and in terms of fire management and sewerage capacity. In addition to these specific issues, OEH also provides the general comments below to assist Council with its assessment of the proposal.

1. Council should be satisfied that this proposal will not result in any significant impacts upon threatened species or their habitats as scheduled under the NSW Threatened Species Conservation Act, or upon scheduled Endangered Ecological Communities (EECs). Should Council determine that significant impacts are likely to result from this proposal, it is requested that the matter be referred to OEH for further assessment.

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2. Prior to determining the application, Council should also be satisfied that:
- The proposal is consistent with the provisions of the Protection of the Environment Operations Act, 1997.
 - The proposal is not likely to cause impacts on areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities.
 - The proposed development is consistent with the threatened species provisions of the Environment Planning and Assessment Act, 1979, State Environmental Planning Policy (SEPP) 71 - Coastal Protection and the Native Vegetation Act, 2003.
 - An appropriate level of Aboriginal cultural heritage assessment has been undertaken, and that the proposal is not likely to impact on areas of cultural significance to the Aboriginal community. Also, it is important that the views of Aboriginal community groups be sought in regard to the proposed development.
 - Any rezoning or development is in accordance with the NSW Government Flood Prone Land Policy which aims to reduce the impact of flooding and flood liability on individual owners and occupiers, and reduce private and public losses resulting from flooding. These objectives are set out in the NSW Government Floodplain Development Manual.
 - The proposal is consistent with:
 - i) The NSW Coastal Policy 1987, which has as its central focus the ecologically sustainable development of the NSW coast;
 - ii) The Estuary Management Policy, with the general goal to achieve an integrated, balanced, responsible and ecologically sustainable use of the State's estuaries, which form a key component of coastal catchments;
 - iii) The Coastline Hazard Policy 1988, with the primary objective to reduce the impact of coastal hazards on individual owners and occupiers, and to reduce private and public losses resulting from natural coastal forces; and
 - iv) Relevant Coastal Zone and /or Estuary Management Plans.
3. Your attention is also drawn to the Commonwealth legislation, the Environment Protection and Biodiversity Conservation Act 1999. If the proposal affects any species requiring consideration under this legislation then approval may be required from the Commonwealth Department of Sustainability, Environment, Water, Population and Communities.

Should there be any other matters, or should Council be in possession of information that suggests the interests of the OEI may be further affected by the proposal, please contact Adrian Deville on (02) 66402511.

Yours sincerely



JON KEATS
Head, Biodiversity Management Unit North
Conservation and Regulation Division
Office of Environment and Heritage
Department of Premier and Cabinet

ATTACHMENT 1: ASSESSMENT OF PROPOSAL**Overview of Richmond River Nature Reserve and its Values**

Richmond River Nature Reserve (RRNR) is approximately 254 hectares in size, located on the southern bank of the lower Richmond River at South Ballina. The reserve was gazetted in 1986 with additions in 1987, 1998 and 1999. The reserve includes Burns Point to the west, the eastern part of Mobbs Bay and part of the South Ballina Beach including the intertidal zone south of the break-wall of the Richmond River. The ocean beach part of the reserve is gazetted to mean low water. In the estuary at Mobbs Bay the reserve includes areas which are part of the waterway (ie NPWS has jurisdiction over the land underneath the waterway).

In terms of Aboriginal cultural heritage in the reserve, middens and open campsites remain in despite disturbance from sandmining and other former land uses and changing geomorphology of the mouth of the Richmond River.

The RRNR contains wetlands of State significance and Endangered Ecological Communities (EECs) of coastal vegetation in the reserve including Littoral Rainforest, Coastal Saltmarsh and Swamp Sclerophyll Forest on Coastal Floodplain.

160 bird species have been identified in the reserve and surrounding area, with 22 shorebird species protected under international conservation agreements. A plan of management (PoM) for the reserve was adopted in 2005, seeking to manage vital breeding habitat for Beach Stone-curlew (listed as Critically Endangered under the NSW Threatened Species Conservation (TSC) Act) Pied Oystercatcher (Endangered under the NSW TSC Act) and Osprey (Vulnerable under the NSW TSC Act). The NSW threatened species Atlas also indicates that the immediate vicinity provides habitat for the Greater Sand-plover (*Charadrius leschenaultii*), Sanderling (*Calidris alba*), Great Knot (*Calidris tenuirostris*), Terek Sandpiper (*Xenus cinereus*) and Little Tern (*Sterna albibrons*).

Given its habitat significance for threatened beach-nesting shorebirds, the RRNR is a priority site under the NSW Fox Threat Abatement Plan (FoxTAP). As part of the FoxTAP program, fox control is undertaken in the reserve during the shorebird breeding season from July to December each year, including 1080 ground baiting, the use of sniffer dogs to help locate active fox dens, and fox den fumigation.

Potential Impacts of the Proposal upon RRNR

The proposed development may impact upon the adjoining nature reserve and its ecological values in relation to the following issues:

- Threatened species
- erosion and sediment control
- stormwater runoff
- wastewater
- management implications relating to pests, weeds and edge effects
- fire and the location of asset protection zones

In general terms, OEH recommends that this development proposal be assessed and conditioned to ensure its consistency with our *Guidelines for developments adjoining Department of Environment and Climate Change Land (May 2008)*¹.

¹ <http://www.environment.nsw.gov.au/resources/protectedareas/080290devadjoindecc.pdf>

Threatened Species

As indicated, the RRNR provides habitat for numerous migratory and NSW listed threatened shorebirds. Bird species that make use of beach, dunal or estuarine areas for nesting and other aspects of reproduction are at particular risk from conflict with recreational uses of such areas. Wading and shore bird nests and eggs can be difficult to recognise and are easily destroyed by unaware pedestrians, vehicles and motorbikes. Breeding and nesting parent birds are readily disturbed by vehicles, walkers and domestic dogs, which can compromise the viability of eggs or nestlings exposed to birds of prey and/or the sun. It is unfortunately commonplace that despite signage and temporary fencing, human disturbance and impacts occur in marked exclusion areas, particularly in popular coastal beaches and estuaries.

OEH notes that peak holiday times in October and December/January school holidays largely coincides with the breeding season of a number of threatened shorebirds. In October, Pied Oystercatcher and Beach Stone-curlew chicks have just hatched, and many nests are lost on the east coast of NSW at this time of year from disturbance related to human activities. A declining breeding success rate in recent years among the local population of Pied Oystercatchers on South Ballina beach in particular has been observed by NPWS, thought to be a result of a number of factors including: adverse weather and coastal conditions related to storm and flood events; declining food resources due to unknown causes; increasing disturbance from human recreation on the beach; predation by cats and foxes; disturbance from domestic dogs and disturbance from water-based recreation in the estuaries. The widely endorsed Threatened Species (Pied Oystercatcher) Management Strategy (Department of Lands 2007) proposes a number of actions to arrest these declines which are relevant to numerous stakeholders.

The documentation provided in regard to this development proposal offers no acknowledgement of indirect impacts (outlined above) that may be connected to the activities of current or future visitors. It must be noted that access to and use of ocean beach and estuarine areas by people and pets are a key part of the promotion of the caravan park and that an increase in the number of sites proposed could as much as triple the number of people staying at peak periods. Taking the above discussion into account, any activity that might exacerbate pressures upon threatened shorebirds should be given significantly closer consideration than that provided.

In addition, despite any rules the caravan park may impose, the presence of straying domestic dogs within the RRNR represents a significant impediment to the FoxTAP program, which has been designed specifically to enhance prospects for shorebird breeding at critical times. Note that no fox baiting stations are placed within one kilometre of the adjacent caravan park, to minimise the risk to domestic dogs of sickness or death from 1080 fox baits, while statutory signage and public notification for the fox control program comply with the requirements of the Pesticides Act 1999. However, these signs and general regulatory signs are subject to frequent vandalism in the reserve and require regular replacement by NPWS staff. Again, the documentation provided in support of this proposal makes no mention of this aspect of reserve management and the possibility that the proposal may contribute to impacts upon the threatened shorebird conservation program.

In view of inadequate consideration of potential or likely impacts on threatened and migratory species management within NPWS/OEH Estate, OEH recommends that any conditions of approval for this proposal (if it is to be approved) must at minimum reflect a recognition of and ensure complementarity with the existing Plan of Management for the Richmond River Nature Reserve. Similarly, the proposal should be conditioned to ensure that it reflects a relevant degree of awareness of and complementarity with the Department of Lands Threatened Species (Pied Oystercatcher) Management Strategy (February 2007).

OEH also recommends that the proponent be required to consult with OEH/NPWS to facilitate the provision of a mutually agreeable strategy for the production and provision of clear educative signage within the caravan park at all relevant access points to prevent pedestrian and vehicular

entry to advise visitors of regulations within the Nature Reserve and to the sensitivity of key habitat areas.

Erosion and sediment control

Council should ensure no detrimental change to hydrological regimes or impacts of erosion and movement of sediment onto NPWS land. Erosion and sedimentation can potentially impact on habitats for fauna and flora and cultural values within the nature reserve.

Erosion can affect the landscape values assigned to a location by Aboriginal people and impact on any Aboriginal objects present through the removal and subsequent displacement of sediments. Changes to an Aboriginal site caused by erosion will affect the site's setting in the landscape which is important to Aboriginal people. The setting of a place is often as important as the objects the place may contain.

Furthermore, erosion can affect any Aboriginal objects, including stone objects, shells and rock art that may be present. It can expose objects to increased weathering and other impacts, resulting in a greater chance of displacement from the original location. Sediment accumulation over Aboriginal objects can also result in further damage if the objects are in contact with acidic soils.

OEH recommends that appropriate erosion and sedimentation control measures be implemented prior to works commencing and maintained for the duration of construction and until soil is stabilised after construction. In some cases it will be necessary to prepare detailed sediment and erosion control plans (soil and water management plans) for the proposed development. Disturbed areas must be rehabilitated and appropriately stabilised as soon as possible following construction (this includes removal of control measures, such as sediment fences, when they are no longer required).

Stormwater runoff

Potential impacts related to stormwater from the development include erosion, sedimentation, weeds and tree dieback. OEH recommend that the proposal include stormwater retention and water quality systems with appropriately managed buffer areas within the development site. Nutrient levels, stormwater flow regimes and patterns should mimic natural levels before stormwater reaches the nature reserve.

Wastewater

Detailed consideration should be given to the potential for adverse impacts on NPWS land due to wastewater generated by increases in the number of visitors during peak holiday periods. The onsite effluent disposal field is right on the boundary of the Nature Reserve, and littoral rainforest vegetation occurs within two to three metres of the heath on sand vegetation bordering this area of the caravan park. It is unclear whether treated effluent is to be discharged into the nature reserve through the coastal dune system, however, bearing the above circumstances in mind, OEH does not support the discharge of wastewater to NPWS land, including nutrient or pathogen export from effluent disposal areas.

OEH recommends that the on-site sewage treatment system, including the disposal field, be designed and installed in such a way as to prevent the migration of any effluent beyond the property boundary of the development site. In addition the proponent should consider the implementation of a protective buffer zone between the effluent disposal field and adjacent property boundaries to ensure nil effluent impacts to neighbouring properties, including the adjacent NPWS Nature Reserve. The provisions detailed in the Ballina Shire Council On-site Sewage and Waste Water Management Strategy should be closely adhered to by the proponent to ensure the Nature Reserve is not impacted by this proposal.

If any effluent pollution impacts were to occur to the NPWS Nature Reserve, the Environment Protection Authority (EPA) is likely to view this as a breach of the provisions of the Protection of the Environment Operations Act 1997.

Management implications relating to pests, weeds and edge effects

In accordance with OEH guidelines for developments adjacent to NPWS Estate, it is important to ensure that the proposed development does not have adverse effects such as:

- increased impacts from invasive species (weeds and pest animals) and domestic pets;
- unmanaged visitation, including informal tracks, resulting in negative impacts on cultural or natural heritage values;
- impacts associated with changes to the nature of the vegetation surrounding the reserve; or
- impeding NPWS access for management purposes, including inappropriate fencing.

NPWS encourages and supports the sustainable management and development of adjoining land, particularly where it is sympathetic to the protection of conservation values in parks and reserves. The Conservation Partners Program provides support for landowners interested in voluntarily protecting the conservation values of their land, and the Backyard Buddies program provides advice on how to attract and maintain native animals and plants.

The management of companion animals, such as cats and dogs is a particular challenge for developments adjoining NPWS land. OEH recommends that the consent authority investigate all available options for minimising the risks from domestic pets that may arise from the proposed development. This includes educational tools (such as signage), compliance (such as regular council patrols), physical controls (such as fencing), and other options (such as restrictive covenants where legally possible).

NPWS also encourages consideration of an appropriate buffer, vegetated where possible, or set-back between any development and NPWS land. Where managed effectively, a buffer may minimise the impact to the natural and cultural values of OEH/NPWS land, and increase the resilience of the area to counter potential impacts of climate change. Given the differences between sites and development types, it is not possible to specify a standard buffer; each development will need to be assessed on its merits. Developments that are designed to be sympathetic to adjoining lands, and to integrate with the landscape, are likely to require less need for buffers or set-backs.

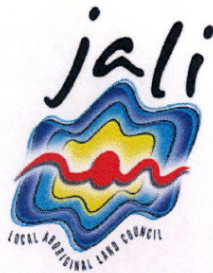
Where there is no buffer, consideration should be given to developing appropriate conditions or land management practices that minimise the potential edge effects from development. This might mean requiring the retention of areas of vegetation, locating a building back from a NPWS boundary, or recommending a suitable boundary fence to contain domestic pets. OEH acknowledges that in some situations clearing of vegetation on neighbouring land is required to manage risks associated with bushfire. OEH nevertheless recommends the retention of existing native vegetation where appropriate.

Fire and the location of asset protection zones

In relation to fire management and the location of APZs, OEH recommends that Council and other planning authorities ensure that:

- approvals are not granted that involve the undertaking of bush fire hazard reduction works within NPWS land, including the establishment of asset protection zones, or include conditions requiring such an outcome.
- all asset protection measures are within the development area and that there is no implicit expectation for NPWS to change its fire management regime for the land it manages.

- any fencing to be erected between the boundary of the property and NPWS land be of non-combustible material and designed for the intended purpose.
- disruption to wildlife movements and impacts on fire suppression activities (including the ability of fire-fighting personnel to safely evacuate an area) always be taken into account.



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RECORDS
SCANNED

12 DEC 2012

Doc No.....

Batch No.....

Our Ref: J371

5th December 2012

Mr Paul Hickey
General Manager
PO Box 450
Ballina NSW 2478

Dear Mr Hickey

Re: DA 506/2011

The Jali Local Aboriginal Land Council has read the proposed Development Application 506/2011.

The Jali Local Aboriginal Land Council recommends that our Cultural and Heritage officer, Mr Marcus Ferguson be on site when works commence and an 1x3 metre midden was found on the south boundary near middle of the track.

It is a role of Jali LALC to minimize the risk, damage or destruction to heritage sites and limit the environmental impact within our boundaries. During excavation if human remains are located at any stage during earthworks within the project work is to cease immediately and all relevant parties to be notified.

The NSW Aboriginal Land Council has designated Local Aboriginal Land Council boundaries based on traditional parish boundaries. Jali Local Aboriginal Land Council is the incorporated body responsible for Aboriginal issues within the survey area.

Please note however should there be any alterations to the proposal as defined in your report Jali LALC expects that these proposed changes be formally communicated with us for our assessment and comment.

I am contactable on 66867055 should you have any queries.

Yours Sincerely,

C. Wola
Cilli Wola

Per

Veronica Williams
Jali LALC CEO



NATIONAL PARKS ASSOCIATION OF NSW
protecting nature through community action

Far North Coast Branch

317 Pimlico Road, Pimlico, NSW 2477
fncoast@npansw.org.au

Mr Rod Willis

Group Manager, Regulatory Services

Ballina Shire Council

PO Box 450

BALLINA NSW 2478

RECORDS
SCANNED

09 MAR 2012

Doc No.....
Batch No.....

Dear Mr Willis

Re: DA 2011/506, Expansion of Caravan Park Sites, Construction of Amenities/Recreation Buildings,
Lot 1712 DP 597523, 440 South Ballina Beach Road, Ballina

I am writing on behalf of the Far North Coast Branch of the National Parks Association of New South Wales to comment on the above proposal and to register our concerns with regard to the above proposal

We are concerned that this proposal will directly impact on the adjacent Richmond River Nature Reserve, including the resident and migratory shorebirds which depend on this area for breeding and seasonal visitation.

The increase in numbers of people which this development will allow will exacerbate the issue of domestic dogs being brought onto the South Ballina Beach, a problem which already exists in defiance of existing laws, and with apparently little or no attempt by park management to educate visitors to abide by regulations concerning dogs on the beach and within the Nature Reserve

People, people and dogs, and people in their 4WDs and in their boats and jet skis all cause disturbance to the migratory and resident birds. The park management actively encourage visitors with dogs fully aware that the caravan park is adjacent to a Nature Reserve and a beach on which dogs are not legally allowed in an effort to protect endangered shorebirds.

The additional sewage generated by the prospective tripling of numbers of visitors (and their dogs) to the caravan park will generate more treated effluent which ends up in the on-site field which is positioned right on the boundary of the Nature Reserve. Added to this effluent would be that which is 'dumped' from caravans etc. on arrival. There is a high quality littoral rainforest (an endangered ecological community) within the Nature Reserve which is adjacent to the disposal site. It is questionable that the sewage system is able to cope with the additional numbers of caravan park visitors during peak periods.

The increased visitation generated by this proposal will impact on endangered ecological communities within the Nature Reserve. These communities include endangered migratory shorebirds and endangered breeding shorebirds within the Nature Reserve and on South Ballina

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ABN 67 694 961 955

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Beach which will be at risk from increased visitors, their 4WDs and their domestic dogs and on the water from increased boat and jet ski traffic.

Consideration should also include, when assessing this proposal, the additional risk of fire, the additional likelihood of rubbish dumping within the Nature Reserve and the risk of increased impact from invasive species, both weeds and pest animals in addition to the risks associated by domestic pets. 4WDs accessing the beach via the track which is within the Nature Reserve are likely to be travelling with and distributing weeds and/or weed seeds as they traverse the Nature Reserve.

Council must be satisfied that this proposal will not result in any significant impacts upon threatened species or their habitats before allowing this development to proceed

Yours sincerely

Neil Denison

Sec. National Parks Association, Far North Coast

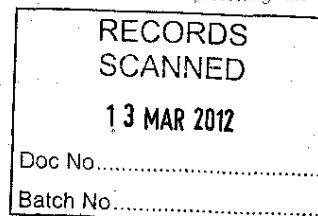
317 Pimlico Road

Pimlico 2478

Email – fnccost@npansw.org.au



Mr Rod Willis
Group Manager, Regulatory Services
Ballina Shire Council
PO Box 450
Ballina
NSW 2578



March 8 2012

Dear Mr Willis,

Re: DA 2011/506, Expansion of Caravan Park Sites, Construction of Amenities/Recreation Buildings, Lot 1712 DP 597523, 440 South Ballina Beach Road, Ballina

I refer to the above development proposal upon property which borders the Richmond River Nature Reserve (RRNR) on the eastern and southern sides. The National Parks Association of NSW wishes to make a submission in relation to this DA.

NPA is concerned that there are a number of potential indirect impacts associated with increased intensity of usage of the site that do not appear to be fully considered in the documentation accompanying this proposal. The Statement of Environmental Effects (SEE) submitted to Council makes no reference to the adjoining Nature Reserve or its Management Plan. Access to the ocean beach 300 metres from the nearest caravan park boundary requires visitors to walk or drive through the nature reserve on a 4WD access track on the eastern side of the caravan park maintained by the National Parks and Wildlife Service (NPWS), (part of OEH).

Should this DA be approved, conditions of approval should ensure that management objectives in OEH's Plan of Management for RRNR are recognised and not compromised, and that no other resource cost impositions are placed upon NPWS in managing the Nature Reserve (NR) as a result of increased site usage and consequently increased visitation to and access through the nature reserve. We note and support the OEH which has made known its specific concerns in regard to access, as well as potential impacts on migratory and nesting shorebirds in the vicinity and in terms of fire management and sewerage capacity.

In addition to these specific issues, NPA also provides the general comments below to assist Council with its assessment of the proposal.

1. Council should be satisfied that this proposal will not result in any significant impacts upon threatened species or their habitats as scheduled under the NSW Threatened Species Conservation Act, or upon scheduled Endangered Ecological Communities (EECs). Should Council determine that significant impacts are likely to result from this proposal, it is requested that the matter be referred to OEH for further assessment.

Head Office: PO Box 337, Newtown NSW 2042 Ph 02 9299 0000 Fax 02 9290 2525 npansw@npansw.org.au www.npansw.org.au
ABN 67 694 961 955

2. Prior to determining the application, Council should also be satisfied that:

- 2.1 The proposal is consistent with the provisions of the Protection of the Environment Operations Act, 1997.
- 2.2 The proposal is not likely to cause impacts on areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities.
- 2.3 The proposed development is consistent with the threatened species provisions of the Environment Planning and Assessment Act, 1979, State Environmental Planning Policy (SEPP) 71 - Coastal Protection and the Native Vegetation Act, 2003.
- 2.4 An appropriate level of Aboriginal cultural heritage assessment has been undertaken, and that the proposal is not likely to impact on areas of cultural significance to the Aboriginal community. Also, it is important that the views of Aboriginal community groups be sought in regard to the proposed development.
- 2.5 Any rezoning or development is in accordance with the NSW Government Flood Prone Land Policy which aims to reduce the impact of flooding and flood liability on individual owners and occupiers, and reduce private and public losses resulting from flooding. These objectives are set out in the NSW Government Floodplain Development Manual.

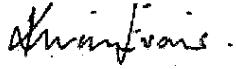
The proposal is consistent with:

- i) The NSW Coastal Policy 1987, which has as its central focus the ecologically sustainable development of the NSW coast;
- ii) The Estuary Management Policy, with the general goal to achieve an integrated, balanced, responsible and ecologically sustainable use of the State's estuaries, which form a key component of coastal catchments;
- iii) The Coastline Hazard Policy 1988, with the primary objective to reduce the impact of coastal hazards on individual owners and occupiers, and to reduce private and public losses resulting from natural coastal forces; and
- iv) Relevant Coastal Zone and /or Estuary Management Plans.

3. Your attention is also drawn to the Commonwealth legislation, the Environment Protection and Biodiversity Conservation Act 1999. If the proposal affects any species requiring consideration under this legislation then

approval may be required from the Commonwealth Department of Sustainability, Environment, Water, Population and Communities.

Yours sincerely



Kevin Evans
Chief Executive Officer
National Parks Association of NSW

Attention: Anthony Peters

Glen Wright
LLCP Pty Ltd
Trading As
Seabreeze Holiday Park
344 South Ballina Beach Road
South Ballina 2478
Phone: 02 66863900
Mobile: 0428863900
Fax: (Ring First) 02 66863900
Email: glen.seabreeze@bigpond.com
Website: www.ballinaseabreeze.com.au
ACN: 105040613
ABN: 15766176597
19 February 2012
DA 2011/506



Thank you for your letter dated 15 February 2012 concerning the proposed development of the nearby Ballina Beach Village.

With such a large increase in sites proposed as well as the current owner's policy of permitting more than one vehicle per site even in peak times whether they park on site or out on the road there are a number of issues in my opinion that require some consideration.

There is an existing 60kmh speed limit extending from the western side of Mosquito Creek (adjacent to the western boundary of the Seabreeze Holiday Park) up to Ballina Beach Village.

This speed limit is rarely observed by people as it is with numerous vehicles travelling at or around 100kmh past the entrance to the Seabreeze Holiday Park. With such a proposed large increase in site numbers things will obviously not improve but will no doubt get worse. The installation of some type of traffic calming devices at Mosquito Creek, at the entrance to the Seabreeze Holiday Park and on the eastern side of the houses fronting South Ballina Beach Road before the Ballina Beach Village will in my opinion be a necessity for vehicle and pedestrian safety.

There have also been numerous incidents to date concerning sand trucks coming to and exiting the South Ballina Sand Quarry running vehicles off the road and one incident last year when a sand truck ran the Kirklands School bus off the road. The Sand Quarry Manager has been contacted a number of times concerning these incidents however they keep occurring and it is only a matter of time before a serious injury or fatality results on South Ballina Beach Road. The trucks travelling at speed regularly cut corners leaving oncoming vehicles travelling in the opposite direction nowhere to go but off the road. Consideration should be given to widening the bends on South Ballina Beach Road from the corner of River Drive and South Ballina Beach Road up to the entrance to the Sand Quarry should this development be permitted to proceed.

The 4WD access point at South Ballina Beach is also immediately adjacent to the South Ballina Beach Village Park. The 4WD track is physically closer to the park than the nearby sign posted walking track. This results in large numbers of people staying at South Ballina Beach Village walking down the 4WD track instead of using the walking track. People regularly take no notice of signs and use the 4WD track purely because it is the shortest route from South Ballina Beach Village to the ocean.

1 | Page

Attention: Anthony Peters

If the proposed development is to proceed then consideration should be given to relocating the 4WD vehicle access track further away from South Ballina Beach Village to remove the current incentive for guests of the park to walk down the 4WD track. Due to varying conditions on the beach there are occasions when 4WD owners have to drive aggressively to be able to get on and off the beach and the presence of these pedestrians and especially young children on the track does not constitute a safe situation.

Regards,

A handwritten signature in black ink, appearing to read 'Glen Wright', is written over the 'Regards,' text.

Glen Wright

The General Manager,
Ballina Shire Council
Ballina NSW.

Dear Sir,

Below is my submission to the expansion of sites at the South Ballina Caravan Park.

Submission to the expansion of 55 to 178 Camping sites at the South Ballina Caravan Park. - DA 010.2011.0000506.001.

The proposed development is adjacent to the Richmond River Nature Reserve (RRNR). The RRNR is also home to 2 roosting and nesting sites of resident and migratory shorebirds. Many are endangered and one being critically endangered.

Ballina is home to over 1000 migratory shorebirds and many resident nesting shorebirds. These birds have 5 major roosting sites in Ballina. Flat Rock, Lake Chickiba (Roosting site goes under at higher tides), North Creek sandbars, Mobbs Bay and South Ballina beach.

Ballina also meets the criteria of an 'Important Bird Habitat' under the EPBC Act, with more than 15 migratory species and 0.1% of the Australasian East Asian Flyway.

The migratory adult breeding birds leave Australia in autumn to travel to the Arctic tundra, Siberia and Alaska, and the older birds and juveniles under 4 years old remain. They return again in the following August / September. Some species on their return journey fly a 9 day non-stop journey of 11500 kilometers. Loosing half their body weight these birds arrive back in Australia exhausted. It is critical to these birds survival to not be disturbed and to put weight back on. Migratory shorebirds cannot swim or land on water, they do not go into bush-land but roost on sandbars or beaches.

Over the holidays these birds suffer huge disturbance at their roosting sites. South Ballina beach is the site that these birds prefer as a roosting site over the Christmas Holidays as it gets the least disturbance.

Ballina Council has obligations under the EPBC Act and the NSW Threatened Species Act to protect habitat for these species. These birds can live next to development if their roosting and nesting sites are free from disturbance. An example is the very successful Towra Point in the heavily developed Botany Bay, Sydney.

I would recommend Ballina Council work with National Parks to make South Ballina beach between the Richmond River south rock wall and the 4wd track an exclusion zone and if this cannot be done refuse the application.

This Park is a dog friendly Park and one of the biggest threats to these beach nesting and roosting birds behind foxes is domestic dogs. Much of the public and many in government agencies are unaware of the needs of these birds and the legislation in place to protect them. As their numbers have dropped by 73%

over the last 20 years it is important for Ballina Council to support education programs and also not to propose land adjacent to roosting sites for development.

Yours sincerely

Heather Harford
888 Binnaburra Road
Federal NSW 2480
Shorebird monitor and educator.

Migratory waders - Ballina Shire**Status**

Bar-tailed Godwit	<i>Limosa lapponica</i>	
Common Greenshank	<i>Tringa nebularia</i>	
Common Sandpiper	<i>Actitis hypoleucos</i>	
Curlew Sandpiper	<i>Calidris ferruginea</i>	vulnerable nsw
Double-banded Plover	<i>Charadrius bicinctus</i>	
Eastern Curlew	<i>Numenius Madagascariensis</i>	vulnerable internationally
Great Knot	<i>Calidris tenuirostris</i>	vulnerable internationally
Greater Sand Plover	<i>Charadrius leschenaultii</i>	vulnerable nsw
Grey-tailed Tattler	<i>Tringa brevipes</i>	
Lesser Sand Plover	<i>Charadrius mongolus</i>	vulnerable nsw
Marsh Sandpiper	<i>Tringa Stagnatilis</i>	
Pacific Golden Plover	<i>Pluvialis fulva</i>	
Red Knot	<i>Calidris canutus</i>	
Red-necked Stint	<i>Calidris ruficollis</i>	
Ruddy Turnstone	<i>Arenaria interpres</i>	
Sanderling	<i>Callidris alba</i>	vulnerable nsw
Sharp-tailed Sandpiper	<i>Calidris acuminata</i>	
Terek Sandpiper	<i>Xenus cinereus</i>	vulnerable nsw
Whimbrel	<i>Numenius phaeopus</i>	
Wandering Tattler	<i>Tringa incana</i>	

Resident waders - Ballina Shire

Pied Oystercatcher	<i>Haematopus longirostris</i>	endangered nsw
Red-capped Plover	<i>Charadrius ruficapillus</i>	
Beach Stone Curlew	<i>Esacus magnirostris</i>	critically endangered nsw
Black-fronted Dotterel	<i>Elsyornis melanops</i>	
Black-winged Stilts	<i>Himantopus himantopus</i>	
Masked Lapwing	<i>Vanellus miles</i>	
Sooty Oystercatcher	<i>Haematopus fuliginosus</i>	endangered nsw

Migratory shorebirds – Ballina Shire

Little Tern	<i>Sterna Albifrons</i>	endangered nsw
Sooty Tern	<i>Sterna fuscata</i>	vulnerable nsw

8.1 **DA 2011/506 - South Ballina Beach Caravan Park.DOC**

Sent: Monday, 12 March 2012 8:03:38 AM

To: Ballina Shire Council

Subject: South Ballina development proposal -Submission to DA

I am interested in making a submission for Development Application 2011/506 for the expansion of the South Ballina Caravan Park.

I oppose the application as I believe it will have negative environmental impacts for the South Ballina area as well as negative impacts for the South Ballina Community. Considering the Caravan Park borders the Richmond River Nature Reserve the management of the Caravan Park should be in keeping with the management of the Nature Reserve. Currently, This seems to be the opposite as the Park encourages dogs stay within the park but does not adequately inform their clientele that their dogs are not able to access the beach (see Caravan Park signage within the park or information on their website). The closest access point is 18km away from the park at Patchs Beach. The expansion of the park should perhaps be set aside to preserve the natural bush land and incorporate walking tracks for the clients and their dogs. Extending the park so dramatically will put unsustainable pressures on the area and is not a suitable development for the area.

Thank you.

Lee Middleton
20 Ridgeview Crescent
Lennox Head

Ballina Environment Society Inc
PO Box 166 Ballina
NSW 2478 Australia
bes66@westnet.com.au



8th March 2012

The General Manager
Ballina Shire Council

Submission:

DA: 010.2011.00000506.001

Alterations/Additions to Camping Grounds/ Regularise and Expand existing Caravan
Park from 55 Sites to 178 Sites/ construct new Amenities Block and Recreation
Building at 440 South Ballina Beach Road SOUTH BALLINA NSW 2478

We submit notice of our strong and emphatic opposition to this development, on a number of grounds: :

- (i) its direct, present, and future damaging impact on the ecological values of the Richmond River Nature Reserve;
- (ii) the lack of consistency across Council's regulation of commercial operations located in enclaves (such as this one) lying within ecologically sensitive public land and the need to set public, verifiable usage standards for all such operations including this one;
- (iii) the Developer's evident neglect of incorporating sea level rise predictions in the proponent's Environmental Effects Statement in relation to the operational security of in-ground on-site sewage treatment, together with what appear to be false claims regarding the sewage system's location
- (iv) the failure of Council's compliance system in not having recognised and addressed the illegal developments already undertaken on this site which have led to this retrospective DA being lodged.
- (v) the current and intended uses of the site involving a number of unauthorized and prohibited uses which are nowhere mentioned in the Application
- (vi) questions that may need answering regarding the usage of a Crown Road within the site as part of the commercial operation, and the role of LPMA in assessing this DA

These grounds are elaborated below. In our concluding pages we strongly recommend constraints and conditions we feel must be imposed in the event of this application being conditionally approved.

We thank Council for this opportunity of making our views known in regard to this particularly significant Development Application. The matters with which it is concerned fall within the direct ambit of our Association's constitution and our group's environmental values and commitments.

Lee W Andresen
Vice-President

Submission details

(i) The proposed development's direct existing impact, and its potential ongoing and increasing impact on the Richmond River Nature Reserve

We take serious issue with claims made in the proponent's Statement of Environmental Effects, viz.:

2.6 ECOLOGICALLY SUSTAINABLE DEVELOPMENT ASSESSMENT

a) PRECAUTIONARY PRINCIPLE:-

"no habitat impact" (P.11) and

3 Sec. 79(1)(b) IMPACT ON ENVIRONMENT

"The minor and conceptual nature of the proposed changes will thus have no impact, either directly or indirectly, on the adjacent Coastal Habitat areas."

"The minor changes to existing approved development, will have no impact upon the environment of the area due to the nature of the development remaining constant, and will not detract from the integrity of off site habitat areas." (P.53)

We consider these claims to be demonstrably false and misleading. This is the most important of all our objections, and its grounds lie not in the legislation applying to the site *as such* (and dealt with in the proponent's Statement of Environmental Effects) but reside rather in Council's more general legal obligation towards the surrounding environment.

We understand that "off-site habitat areas" are already being impacted adversely by the existing development, and that this impact will only increase if this DA is approved. That is our primary and strongest reason for opposing this DA.

The "surrounding environment" obligation on Council, we believe, follows from a raft of applicable legislation including the NSW National Parks and Wildlife Act, the NSW Threatened Species Conservation Act, the Commonwealth Government's Environmental Protection and Biodiversity Conservation Act, and Ballina Shire Council's own documented commitment to Ecologically Sustainable Development.

We acknowledge, as the Developer argues, that no impact *within the site itself* is likely to trigger any of that legislation, since the site has been used in the proposed fashion and for the proposed purposes for a long time.

We submit that there nevertheless exists a demonstrably close and intimate connection between the site and the immediate surrounding environment. And we submit that this surrounding environment would unquestionably be impacted by the proposed development. The evidence for that assertion begins with the fact that significant impact is already being felt under the site's present level of development.

We submit that under these special circumstances, where this site in question is a totally enclosed enclave (see further in Section (ii) below) located almost entirely within land zoned 7(f) and potentially zoned E2 in new LEP/2011 and sharing a boundary with part of the National Estate (a Nature Reserve), Council is obliged to take the extended zone of impact (viz. impact on surrounding properties) into account in determining this DA.

Sufficient grounds for that extended obligation lie, we believe, under

- (a) Council's general commitment to Ecologically Sustainable Development, and
- (b) Council's obligation to conserve and not obstruct, and to contribute wherever possible to, the conservation of endangered species and ecological communities scheduled under each of the abovementioned Acts and which are known to be located within or which regularly frequent the adjacent environmentally sensitive surrounds.

We also note, and fully concur with, the highly critical OEH assessment that Council has on file regarding this DA:

"While direct impacts associated with the development appear likely to be contained within existing largely cleared areas, there are a number of potential indirect impacts associated with increased intensity of usage of the site that do not appear to be fully considered in the documentation accompanying this proposal. OEH notes that the Statement of Environmental Effects (SEE) submitted to Council makes no reference to the adjoining Nature Reserve or its Management Plan. Access to the ocean beach 300 metres from the nearest caravan park boundary requires visitors to walk or drive through the nature reserve on a 4WD access track on the eastern side of the caravan park maintained by the National Parks and Wildlife Service (NPWS), (part of OEH).

Should this DA be approved, conditions of approval should ensure that management objectives in OEH's Plan of Management for RRNR are recognised and not compromised ..."

While direct impacts associated with the development appear likely to be contained within existing largely cleared areas, there are a number of potential indirect impacts associated with increased intensity of usage of the site that do not appear to be fully considered in the documentation accompanying this proposal. OEH notes that the Statement of Environmental Effects (SEE) submitted to Council makes no reference to the adjoining Nature Reserve or its Management Plan. Access to the ocean beach 300 metres from the nearest caravan park boundary requires visitors to walk or drive through the nature reserve on a 4WD access track on the eastern side of the caravan park maintained by the National Parks and Wildlife Service (NPWS), (part of OEH).

We submit that the nature of Council's obligation includes:

- (a) size: a consideration of the size and density of the proposed development (number of sites, potential residential numbers) and
- (b) usage: consideration of the consequences of the kinds of activities able to be engaged in *with consent* on the property. These activities, whilst they may not impact upon any environmental assets of the property *as such*, would (as they demonstrably already do) impact most damagingly on the environmental assets of the surrounding National Estate and Ballina LEP-zoned properties.

Those surrounding environmental assets, as is publicly already known, have long been impacted upon by the previous scale of development and usage (ie prior to the most recent intensification to which this DA applies). These assets will naturally suffer increasingly as the development's size, density and diversification of usage increases following the possible approval of this DA.

We take pains to articulate below these documented impacts, although they are probably well known to any informed observers. They include:

- (a) disturbance to the resident endangered and migrant shorebirds which depend on this area for breeding, and disturbance to migratory birds which use the reserve seasonally.

This disturbance is the result of:

- (i) increased numbers of domestic dogs being brought into the nature reserve (given that the operation advertises itself as Australia's most "dog friendly" campsite)
- (ii) off-road 4WD vehicles, motor bikes and unlicensed trail-bikes whose use is actively encouraged at the resort
- (iii) powered boats and jet skis whose use is also encouraged at the resort.

(b) the effect of additional sewage, even if it lies within legally permissible limits. This sewage impact is already being generated by the tripling of numbers of visitors generating high levels of treated effluent in the onsite disposal field which lies on the very boundary of the nature reserve and in close proximity to the Richmond River estuary. This high-nutrient level sewage effluent will eventually impact on the high quality littoral rainforest (a critically endangered ecological community) lying nearby in the nature reserve adjacent to the disposal field.

We question the application's untested (and still hypothetical) claims regarding the ability of the existing sewerage treatment system to cope in the long run with the multiplication in numbers of caravan park visitors during peak periods.

(i) To take just one example we note that the sewage system's limits were set in the years prior to the scheduling of the surrounding Littoral Rainforest as an Endangered Ecological Community, hence they were set in ignorance of that future EEC scheduling and of the potential impact of nutrient levels on this adjacent forest.

(ii) We question whether these limits are in fact ever reliably monitored, given the potential for increased input from emptying stored effluent from motor homes.

(iii) We further express our concern that the "additional information" sent to Council by Town Planner Chris Lonergan states, incorrectly we believe, that the effluent disposal field is not located on coastal dunes. We are reliably informed that this is not the case. The disposal field has been independently described to us as being a "bulldozed bund or sand hill, grassed over, and located on top of coastal sand dunes" and "The dunes stretch back west to where the sand quarry is". In addition we are aware that Council, in communication with Mr. Lonergan, expressed the view that this is a designated development on account of its dunal location. We fully support Council's view on the matter, despite Mr Lonergan's attempt to refute the proposition.

We believe that these above concerns are fully and supported by repeated public appeals by personnel of the National Parks and Wildlife Service and bird conservation groups. NPWS Rangers as well as local bird watchers regularly monitor this outstandingly significant and sensitive ecological system. They watch on a daily basis exactly what is happening there, and they see and report what is causing that destruction. Although their concerns are being documented in separate submissions, we find it important to support them here by reiterating their concerns, since they fully coincide with our own, independently reached concerns.

The facts reported to us by NPWS and bird conservation groups as underlying their concerns include:

- (i) the impacts of increased visitation on endangered ecological communities and endangered avian species particularly the resident population of Pied Oystercatchers on South Ballina Beach, within the Nature Reserve.

(ii) the impacts of increased visitation on endangered migratory shorebirds and endangered breeding shorebirds within the Nature Reserve including increased numbers of domestic dogs in and near the Nature Reserve. It is reliably reported that the bulk of all dog problems is from people staying at the two South Ballina Beach caravan parks.

(iii) The facility in question is reliably reported to refuse to inform caravan park visitors that their dogs are not allowed in the nature reserve which includes the beach (to low water mark) in front of the caravan park. Domestic dog impact on the Nature Reserve is known to have greatly increased over recent years. Approval of this DA will only exacerbate that standing threat. It is not, we repeat, a hypothetical threat - it is real and it is occurring at present.

(iv) direct impact on the sandy "island" at Mobbs Bay (part of the peninsula which was cut off by flooding during the cyclonic event in May 2009). That "island" has recently been home to 2 Pied Oystercatchers with 2 chicks, and also to a critically endangered Beach Stone-curlew breeding pair with one chick.

It is clear to us that this island needs to be declared a temporary exclusion zone when these birds are nesting. Visitors from the Caravan Park are among the major disturbing factors threatening their survival. Migratory shorebirds travel up to 25,000 km return from their breeding grounds to feed in the Richmond River estuary and ocean beaches at South Ballina and must double their weight before migrating back to breeding areas. Every time they are disturbed it is one step closer to a death sentence. Many are listed as threatened species in NSW. This again is not, we repeat, a hypothetical threat - it is real and it is operating at present. It will only grow as visitors to and residents in this site increase, which is what the DA proposes.

(ii) We submit that there exists a disturbing lack of consistency in the way Council regulates commercial operations located (as this one is) within small private enclaves surrounded by ecologically sensitive public land, and that this inconsistency needs to be dealt with before adequate development conditions can ever be determined in the event of the DA receiving conditional approval.

We are aware of three particular sites where relevantly similar commercial operations are run within enclaves surrounded by ecologically sensitive public land: Flat Rock Tent Park, Dunes at Shelly (previously Gunundi) and this site at 440 South Ballina Beach. The following comparison, we believe, is instructive and directly relevant to this submission:

Site	Operator/ land-owner	Nature of adjacent public land	Steps currently taken by owner/proprietor to limit impact on highly sensitive surrounding environment
Flat Rock Tent Park	Ballina Shire Council (Tent Park usage)	Littoral Rainforest EEC, Critically Endangered. BSC Operational Land	Large warning sign at entrance informing of sensitive surrounding habitat and ecosystems; Smaller signs on fence lines warning of ecologically sensitive forest beyond; Signage on entrance/exit gates warning that user is now leaving the tent park and entering sensitive habitat. Dogs and domestic animals are prohibited.
Dunes at Shelly (previously Gunundi)	Loosemore & McGarry (Function Centre/residen- tial usage)	Littoral Rainforest EEC, Critically Endangered Crown Land Trust Managed by BSC	No fencing. No warning or advisory signage. No prohibitions.
440 South Ballina Beach Rd.	Merkat (Camping, Caravan Park and Function Centre usage)	Littoral Rainforest EEC, Critically endangered; Endangered Pied Oystercatcher Dune Habitat; Critically endangered Beach Stone-Curlew habitat; Endangered migratory shorebird island/bay habitat	Generic NPWS leaflets said to be available to campers. There are no signs, brochures or maps specific to this property's critical juxtaposition within the Richmond River Nature Reserve

This rough comparison indicates that Council deserves praise for setting a high standard at Flat Rock Tent Park. There, Council's approach to protecting the surrounding sensitive ecosystems and habitats from the impact of visitors deserves to be a model for the minimum any proprietor/owner should be doing in similar circumstances. The same standard must be an absolute minimum to be expected for all relevantly similar sites, including the site which is subject to this DA.

Of the three listed above, this 440 South Ballina Beach Road site is in fact uniquely sensitive in being located adjacent to an abundance of threatened and rare species and ecosystems, and therefore to an even greater extent in need of these conditions.

We submit that it is Council's responsibility under its commitment to Ecologically Sustainable Development to set, as conditions for developments on all relevantly similar sites, a standard of adjacent habitat protection that is at least equal to that which Council itself sets at Flat Rock Tent Park.

The appropriate place for setting that standard lies here, in the conditions Council sets for the development approval.

Hence we look for such conditions to be clearly placed upon this development, if approved, stipulating (a) that the surrounding habitat and ecosystems must be protected, (b) how that protection should be achieved by the proprietor, and (c) what reporting and compliance protocols will be required so that Council can be confident the protection is ongoing, consistent, and adequate.

(iii) We submit that the NSW Government's current sea level rise predictions have not been taken into account in the proponent's Environmental Effects Statement relating to the operational security of in-ground on-site sewage treatment ("Wisconsin Mound" structure)

61.1 THE SITE

"The property is situated on the southern side South Ballina Beach Road at South Ballina. The development area ... is elevated flood free and cleared land" (P6)

It is our view that before approval is given to this on-site sewage system being given consent for a substantially increased number of patrons, the proponent should be required to undertake a professional assessment of its capacity to resist leaching into the surrounding area under the sea level rise and consequent flooding conditions anticipated under the NSW Government's current predictions. (See our Item 6 (6) in proposals below).

This appears not to have been undertaken to date, hence we ask that it be required before approval is issued.

(iv) We deplore the apparent failure of Council's compliance system in not having recognised and addressed the illegal usage already occurring on this site, the vastly multiplied usage which has led to this retrospective DA being needed

We understand that the DA in question is in fact a retrospective one, and that the usage for which consent is now applied has already taken place illegally, without Council either noticing or controlling it until a nearby resident told them about it and complained.

The ongoing operation of the caravan park with no approval for existing development activities have already had a major impact on the surrounding natural values. As evidence for that, we understand that National Park and Wildlife's vitally important fox TAP program has had to be significantly reduced, specifically due to the encroachment of domestic dogs in the reserve.

(v) The current and intended uses of the site allow for a number of unauthorized and prohibited uses none of which are mentioned in the Application

These uses include the operation of the cafe/restaurant, marketing the site for weddings and functions, use of the site for health and fitness classes and the expressed desire and intention to use the site for festivals. All these uses are aimed at the general Ballina public and non-resident visitors, a population that extends considerably beyond merely the patrons of the caravan park.

It is telling that the existing unauthorized and prohibited cafe/restaurant/commercial premises on the site has been conveniently - but conspicuously - ignored in this application. The assessment of this application must therefore address this omission. It represents a matter that, in the event of consent being issued, must be subject to conditions requiring its removal or its usage terminated.

First hand reports indicate to us that these unauthorised activities include: Public restaurant advertised on website as "bring the family for mothers' or fathers' day lunch at Mermaids Cafe"; yoga classes for non-residents, advertised on "Summerland" website.

We believe that the actual impacts of such uses of the site by unauthorised activities presents, arguably, even greater environmental risk than the caravan park use. These activities see high levels of traffic accessing the site, using its facilities and causing multiple direct environmental impacts beyond those of the caravan park use.

It is noted that Council has recommended a special exemption for "caravan park: bistro" in the E2 zone at South Ballina Caravan Park. Council needs to explain whether under the New LEP this particular exemption will in fact cover the full range of existing unauthorized (and prohibited) cafe/restaurant/commercial premises and other uses occurring or planned to occur on this site.

In summation, we submit that the use of this site must be as heavily regulated as legally permissible. Its permitted and actual uses must be comprehensively restricted to remain within the permissible bounds set by the LEP at an appropriately regulated level, so as to ensure environmental impacts are absolutely minimized.

(vi) Questions may need answering regarding the usage of a Crown Road as part of the commercial operation, and the role of LPMA in assessing this DA

Council's attention is drawn to an "enclosure permit" we understand has been issued by the Lands Dept., with the question raised as to whether this permit allows the park operator to rent camping sites on the Crown Road which is the subject of the enclosure permit.

If that is the case, a further question might follow, namely whether this DA been signed and authorised by LPMA as landowner of the Crown Road, since if it has not, this may render that part of the DA invalid and not able to be assessed by Council.

Conclusion: Constructive Proposals

We recommend a number of constructive strategies to be adopted by Council to help in developing an environmentally adequate response to this complex and contentious development application.

1. Ceiling on residential capacity

Should the DA be retrospectively approved, the conditions placed on it should set an absolute ceiling or threshold on the number of persons in residence at any time. That ceiling may need to be significantly below the maximum physical capacity the park would theoretically hold as determined by the number of physical sites. The park's advance booking system would need to accommodate that ceiling and all onsite and internet advertising indicate it clearly, and statistics of daily usage should be required to be submitted annually to Council's Compliance Officer.

2. Unauthorised public (non-resident) usage discontinued and banned

Should the DA be retrospectively approved, the present unauthorised public (non-resident) uses of the site, uses that are non-compliant with existing consents and with the LEP, should be discontinued and their future use be banned.

3. Sewage monitoring

It should be made obligatory for the sewage system to have its nutrient levels tested not merely on-site but also within the adjacent Nature Reserve soil and reported to Council periodically so that its adequacy can be checked, as is the requirement of domestic residences located close to dunal areas in the vicinity. Consistency demands that it be the minimum here in this commercial operation.

In this connection we note that Council charges shire residents an annual CPI-indexed fee for septic systems which are claimed to be inspected annually for leaching, leakages, etc. It follows that this Caravan Park sewerage system should also have an annual inspection with full physical nutrient/effluent testing. This is noted to also be a priority matter raised in the submission being made by National Parks and Wildlife.

4. A domestic pet-free covenant

Should this development be retrospectively approved, a condition of consent should be that a covenant be imposed on the site absolutely prohibiting domestic pets in the caravan park.

5. Stringent conditions of occupancy

In the event that Council either cannot or would not impose such a covenant (as in (4) above) on the site itself, the default position should be that stringent conditions be placed on the use of the site requiring the proprietors/managers to have all incoming residents sign a declaration on arrival to the effect that, as a condition of their occupying campsites, they both understand and agree to comply with the rules pertaining to dogs and 4WD/Motorbike usage in the adjoining Nature Reserves, and a clear warning that non-compliance would lead to being barred from the site.

6. Richmond River Nature Reserve PoM and other OEH compliance

Should this DA be approved, conditions of approval should ensure that management objectives in OEH's Plan of Management for Richmond River Nature Reserve are comprehensively recognised and not in any way compromised, in particular:

1. No significant impacts upon threatened species or their habitats.
2. Consistency with the provisions of the Protection of the Environment Operations Act, 1997.
3. No impact on any areas of native vegetation, especially threatened or regionally significant flora and fauna species, populations and ecological communities.
4. Consistency with the threatened species provisions of the Environment Planning and Assessment Act, 1979, State Environmental Planning Policy (SEPP) 71 - Coastal Protection and the Native Vegetation Act, 2003.
5. That the views of all Aboriginal community groups and land or title claimants be sought in regard to the proposed development.
6. Account being taken of the NSW Government Flood Prone Land Policy as set out in the NSW Government Floodplain Development Manual.

[submission ends]



To whom it may concern.

Submission to
Ballina Shire Council
Re- DA 2011/506

WE object to this development proposal to increase the sites at the Ballina Beach Village Caravan Park from 55 to 178 on the following grounds:

1> The caravan park is situated adjacent to two main shorebird roosting sites within the Richmond River Nature Reserve. Mobbs Bay and South Ballina Beach.

2> Tripling the number of sites would no doubt increase visitations by holiday makers and dogs (which are allowed in this caravan park) to these 2 areas. This presents a major danger and disturbance to protected resident and migratory shorebirds nesting and roosting in this vicinity.

3>Ballina Shire Council has an obligation to protect these birds under the EPBC act. The 2 shorebird sites meet the criteria of "Important Bird Habitat" as they have in excess of 15 migratory shorebird species representing 0.1% of the East Australian Flyway.

Yours faithfully

Hans Lutter
Coordinator for Birdlife Australia
2020 Shorebird Project (Ballina)

9-3-2012.

Page 1 of 1

From:
Sent: Friday, 9 March 2012 6:18:16 PM
To: Ballina Shire Council
Subject: South Ballina Village Proposed Development

CONFIDENTIAL.

To whom it may concern,

I write to express my strong objection to the proposed development at South Ballina Village (application number 010.2011.0000506.001).

I believe that both the scale and nature of the development are not in-keeping with the local community and environment. This area is prime shorebird habitat and must be preserved. NPWS can only ensure protection of a very short strip of the beach and surrounding land. The remaining area is preserved only by default due to its difficult access and remote location.

Increasing visitation to this precious area would massively degrade the local environment to the benefit of only one single commercial operator. I believe that this is unacceptable.

With great concern,



Part 4 – Special Area Controls

4.1 South Ballina

4.1.1 Application

Applies to:	
Location/s:	Land identified on the South Ballina Foreshore Land Map.
Development Type/s:	All development.

4.1.2 Planning Objectives

- a. Minimise impacts of development on threatened species including the Pied Oystercatcher;
- b. Enhance the effectiveness of the South Ballina Regional Wildlife Corridor; and
- c. Minimise risk to humans and domestic animals associated with the use of toxic substances utilised to manage Red Foxes and Bitou Bush.

4.1.3 Development Controls

- i. All areas of habitation shall be setback a minimum of 160m from the dune front as shown on the South Ballina Foreshore Map (see definition of habitation below);
- ii. For the purpose of establishing a dwelling envelope (as opposed to the construction of a dwelling), the edge of the dwelling envelope shall be setback a minimum of 160m from the dune front as shown on the South Ballina Foreshore Land Map;



Notes:

The 160m setback has been applied based on the location of the dune front and known application of 1080 fox baits along the





Ballina Development Control Plan 2012 CHAPTER 7 - RURAL LIVING AND ACTIVITY

beach as at the time of the adoption of this DCP.

The 160m setback for habitable buildings will be measured from the wall, deck, staircase, post, column or patio (not eaves) of the building.

The setback has been applied from the dune front to provide for flexibility in the application of the fox baiting program (i.e. to enable bait stations to be moved north/ south over time). A 160m setback (as opposed to the minimum of 150m under the relevant Pesticide Control Order) has been selected to reflect the potential for the dune system to move landward over time.

The 160m setback is not applied to the area 1km north and south of the beach access point at Patches Beach given that it is identified as an off lead dog exercise area and fox baits are not laid within this area.

- iii. Applications must outline arrangements with respect to pedestrian beach access. New access points must be located away from known Pied Oystercatcher nesting grounds;
- iv. Applications are to include details with respect to boundary and other fencing. All fencing on land within Zone E2 – Environmental Conservation must be constructed as follows:
 - Four (4) strands;
 - All strands must be of plain wire;
 - The top strand of wire must be coated with white plastic;
 - The fence must have a 40cm gap at the bottom and a 40cm gap between the top two (2) strands of wire;
 - Within the dunal wetlands the fence height is to be sufficient to ensure top wire is above water level at all times;
 - Reflectors are to be placed at 5 metre intervals;
- v. Applications are to include details of any weed management or environmental protection works proposed as part of the development. All works are to be undertaken in accordance with the practices and methodologies documented in the Department of Land and Water Conservation document "Coastal Dune Management: A Manual of Coastal Management and Rehabilitation Techniques" (2001) and the Bitou Bush TAP;
- vi. All dwellings must comply with the provisions of the Coastal Design Guidelines for NSW relating to Isolated Coastal Dwellings;
- vii. Applications are to include details with respect an appropriate fenced dog enclosure. The enclosure must be designed in accordance with the following:
 - In reasonable proximity to the dwelling there shall be constructed and maintained a fenced enclosure which is designed and constructed so as to provide a secure enclosure for keeping dogs;
 - Any gate forming part of the fenced enclosure shall be a self-closing gate;



people • place • prosperity

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Ballina Development Control Plan 2012 CHAPTER 7 - RURAL LIVING AND ACTIVITY

- No gate to the fenced enclosure shall be propped open or otherwise kept open other than for the purpose of passing through; and
- viii. Where an applicant does not propose to keep domestic dogs, the applicant must demonstrate that an appropriate location exists on the site for the provision of an enclosure that meets the above requirements.



Notes:

Council discourages the keeping on dogs on lands adjoining the Coastal Reserve due to their recognised potential impact on the Pied Oystercatcher and requirements associated with the fox baiting program undertaken in the locality. Council recommends that restrictions be placed on the title of the land under Section 88E of the *Conveyancing Act 1919* prohibiting the keeping of dogs. In the event that a proponent wishes to keep a dog, the requirements documented under items vii and viii apply.

With respect to pedestrian beach access or access within the Crown Reserve at South Ballina, it should be noted that access arrangements require the authorisation of the Land and Property Management Authority. In this regard, the preferred approach is for provision for shared beach access between adjoining landholders that seeks to minimise adverse impacts on environmental values.

With respect to the Crown Reserve at South Ballina, it should be noted that the Land and Property Management Authority is the manager of the land, not Ballina Shire Council.

Habitation - The *Pesticides Control (1080 Liquid Concentrate and Bait Products) Order 2008* defines "habitation" as meaning a "*dwelling house*" or some other accommodation that is occupied by people and is located on private, crown or public land. It includes but is not limited to domestic dwelling houses, hospitals, shops, schools, pre-schools, kindergartens, childcare and community health centres, factories, nursing homes, public halls, caravan parks and designated camping areas on private, crown or public land. It does not include any caravan, mobile home, vehicle, tent or other structure that is used for the purpose of camping outside a designated camping area. A designated camping area means any Council regulated or privately operated camping and/or caravan area that is sign posted as a camping area on land reserved under part 4 of the *National Parks and Wildlife Act 1974*"

From: David Kelly
Sent: Tuesday, 9 April 2013 2:52 PM
To: 'BALLINA BEACH VILLAGE - Bernard'
Subject: TRIM: DA 2011/506 Request for information re S94 roads contributions for proposed development

TRIM Record Number: 13/19796

Bernard,

In reply to your email dated 3 April 2013, an explanation of how the estimated contributions were derived in accordance with Council's contribution plan is as follows:

Your proposed development DA 2011/506 is for the following:

- an additional 123 sites within the park
- increase in floor area of the restaurant alfresco deck area by 79.16m²
- increase in the office area by 19.76m²

The applicable plan is the Ballina Shire Road Contribution Plan 2010 (the plan).

This plan has identified numerous road upgrades throughout the shire to cater for increases in traffic based on new development within the shire. To help Council meet the additional cost burden of providing and maintaining a safe and convenient road network, and to ensure the overall level of service is maintained throughout the whole road network, contributions are required from developments that generate additional trips.

The new sites are assessed as accommodation development and the office & deck are assessed as employment development in accordance with the plan.

Council uses the trip generation rates for specific development types based on figures obtained from RMS & other Local councils.

Your development contribution will have 3 components for the 3 listed proposed development uses.

- New park sites: These sites are classified as accommodation development and the daily trip rate adopted for a caravan park site is 2 trips per day per site. So for 123 new sites at 2 trips per site = 246 new trips.
This figures is then divided by a common factor of 6.45 (number of daily trips for a typical household) to give the ERA (equivalent residential allotments) for the park sites of $246/6.45 = 38.14$ ERA.
- New restaurant alfresco deck area of 79.16m²: This new area is classified as employment development and the daily trip rate adopted for this area is 60 trips/100m² of floor area. This equates to 47.5 trips per day, again apply the ERA conversion to give $47.5/6.45=7.36$ ERA. For employment development the ERA is adjusted to cater for external trips (20%) so $7.36 \times 20\% = 1.47$ ERA
- New office floor area of 19.76m²: This new area is classified as employment development and the daily trip rate adopted for this floor area 16 trips/100m² of floor area. This equates to (3.16 trips/6.45)x20%=0.1 ERA

The total ERA for the development = $38.14 + 1.47 + 0.1 = 39.71$ ERA

The plan contribution rates are currently \$10,673 per ERA for roads and \$162.00 per ERA for roads plan administration.

Therefore $39.7103 \text{ ERA} \times (\$10,673 + \$162) = \$430,261$ Roads contribution payable

There was no contribution applicable from the Ballina Shire Contribution Plan for community facilities.

There were no applicable s64 charges for water and sewer as this site is not connected to the reticulation network.

I hope this provides the details about the contribution assessed for your development as it is currently proposed. Any reduction in the number of approved sites would result in the contribution being adjusted accordingly.

Please contact me if you wish to discuss further.

Regards

David Kelly | Infrastructure Planning Manager
Civil Services Group
Ballina Shire Council
www.ballina.nsw.gov.au

RECOMMENDED CONDITIONS OF CONSENT

GENERAL

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:
 - (a) Design Evolutions Site Plan (and aerial overlay) Plan No. SK13P1 & SK13P2 dated 17 May 2013,
 - (b) Design Evolutions Proposed Recreation & Amenities Floor Plan SK7bP4-SK7bP7 (inclusive) dated 21 January 2013,
 - (c) Design Evolutions Existing Kiosk Floor Plan No. P2-P5 (inclusive) dated 26 July 2012,
 - (d) Design Evolutions Existing Managers Residence Floor Plan No. P6-P7 (inclusive) dated 26 July 2012,
 - (e) Chris Lonergan Landscape Plan No. L1 dated 12 February 2013, and
 - (f) Land and Fire Assessments Amendments to Design Evolutions Site Plan (and aerial overlay) Plan No. SK13P2 dated 17 May 2013.

except as modified by any condition in this consent.
2. **Commencement of occupation or use**

Occupation or use of the premises/sites within the caravan park for the purposes authorised by this consent shall not commence until all conditions of this consent relating to the particular components involved have been complied with, unless alternative arrangements have been made with Council.
3. The use of the additional sites is restricted for temporary short term accommodation only. No permanent occupation (other than the manager's residence) is approved on the additional 123 sites. No moveable dwellings (cabins) are to be installed on the new sites. Moveable dwelling does not include a caravan or recreational vehicle for the purposes of this restriction.
 - (a) Short term accommodation is to be defined as 'guests being accommodated for not more than 42 consecutive days with an interval of at least 14 days between occupancies, or for more than a total of 90 days in any 12 month period'.
 - (b) The maximum number of people to be accommodated on-site (including staff/guests and their visitors and including existing sites and those approved by this consent) must not exceed 550 people daily. The caravan parks booking numbers are to be made available to Council at any time upon request.
4. No more than 100 of the sites approved via this consent (ie. both for caravans, recreational vehicles and/or camping) are to be occupied without the provision of the additional amenities associated with the proposed recreational hall.
5. No advertising signage is approved as part of this consent (unless such signage is consistent with relevant exempt development provisions applicable at the time). The existing signage within the South Ballina Beach Road Reserve is to be removed and relocated to be wholly within the site.

6. This consent does not authorise or recognise the guest trapeze identified on the site plan. Separate approval is required for the placement and use of this structure.
7. No public functions/events are to be held on-site or within the approved recreational halls. The buildings and facilities are only to be utilised in conjunction with the use of the caravan park for tourist accommodation and only by guests staying at the caravan park and their visitors. The use of the facilities/buildings by members of the public and people not being accommodated at the caravan park is not authorised.
8. The kiosk and associated deck area approved by this consent is not to be utilised as a refreshment room and is to provide service only to guests staying at the caravan park and their visitors.
9. **Pedestrian Access to Beach**
No pedestrian accessways are to be constructed over any adjoining Crown Lands Reserve Lot 7012 DP 1113905 or Nature Reserve Lot 226 DP 728246 without the written consent of the Department of Lands, National Parks and Wildlife Service (NPWS) or any other approvals required under any relevant legislation.
10. Appropriate signage at the entry points of the walking tracks to the south and north-eastern corner of the development footprint (other than in areas already fenced) are to be erected and maintained to advise guests and their visitors that access is restricted to the existing pathways through the natural environmental areas of the park and surrounding Nature Reserve. Detail of the signs is to be provided to Council for approval prior to erection.
11. A public positive covenant is to be imposed on the land (Lot 1712 DP 597523 and Lot 1 DP 1186674) in favour of the National Parks and Wildlife Service (NPWS) under Section 88E of the Conveyancing Act 1919, requiring the following:
 - (a) That the owner/occupant recognise that a fox baiting program is implemented by the relevant Government Agencies from time to time and the owner/occupant must not raise objection to any fox baiting carried out in accordance with the South Ballina Fox Baiting Program.
 - (b) In the event that dogs registered and/or owned by the manager's are kept on the property, the following fenced dog enclosures and controls are to be established and maintained at all times:
 - i. There shall be constructed and maintained a fenced enclosure immediately adjoining to the manager's residence which is designed and constructed so as to provide a secure enclosure for keeping dogs.
 - ii. Any gate forming part of the fenced enclosure shall be a self-closing gate.
 - iii. No gate to the fenced enclosure shall be propped open or otherwise kept open other than for the purpose of passing through.
 - iv. During a fox baiting program on the subject land or on adjoining Crown land, and/or Nature Reserve, dogs are not permitted on any part of the property outside a fenced dog enclosure (that complies with the provisions outlined above) except under leash.

- (c) No guests are permitted to have dogs on-site between the months of July to December inclusive. This is to enable relevant Government Agencies fox baiting programs to occur when required and due to the impracticalities of containing a number of unrelated dogs within a fenced enclosure.

Revegetation Management Works

12. A Vegetation Management Plan (VMP) is to be prepared for Council's approval.

The VMP is to include:

- (a) Clear and measurable restoration goals for each rehabilitation area (ie. camping sites, Glossy Black Cockatoo habitat, existing approved sites, landscaped areas, and the large areas of native vegetation within the site boundaries but outside the development footprint).
- (b) A description of the vegetation, weed lists and short and long term management requirements for each rehabilitation area.
- (c) Tree planting and maintenance for Glossy Black Cockatoo habitat (Section 4 Land & Fire Assessments Addendum dated 7 October 2013).
- (d) Implementation of the Landscaping Plan prepared by Chris Lonergan L1 dated 12 February 2013.
- (e) Methods of controlling weeds.
- (f) A minimum five year timetable for implementation of all revegetation, rehabilitation and weed control works to achieve the identified rehabilitation goals. Rehabilitation work is to continue beyond the nominated time frame, if necessary, to achieve the identified restoration goals.
- (g) Methods for monitoring the success of the rehabilitation program.
- (h) Qualifications and experience of persons undertaking the work. As a minimum all restoration work shall be undertaken by or be overseen by a qualified bush regenerator. The bush regenerator must hold the Bushland Regeneration Certificate 11 or equivalent and have a minimum of two year's experience regenerating dunal vegetation communities.
- (i) Bitou Bush control consistent with the provisions of the NSW Threat Abatement Plan – Invasion of Native Plant Communities by *Chrysanthemoides monilifera* (Bitou Bush Boneseed) 2006.
- (j) Any requirements of the NSW Rural Fire Service in relation Asset Protection Zones (without any reliance on adjoining lands).

13. All revegetation, rehabilitation and weed control works are to be carried out in accordance with the approved Vegetation Management Plan (VMP).

14. Planting of the 44 *Allocasuarina littoralis* is to be conducted as set out in the VMP, with the addition of the replacement of an additional five *Allocasuarina equisetifolia* with *A. littoralis* in the identified landscaping areas. All plantings should be of stock of local provenance.

15. Feed tree identification

Tree identification tags are to be attached to each of the eight Glossy Black Cockatoo feed trees (T1-8) located within the caravan park as identified by the VMP.

16. VMP Review

The VMP is to be reviewed from time to time and if necessary revised so as to ensure the objectives of the VMP can be achieved at all times. A revised VMP is

to be submitted to and approved by Council whose consent cannot be unreasonably withheld, prior to implementing the revised VMP.

Glossy Black Cockatoo

17. Staff awareness

All caravan park staff are to be made aware of management actions within the approved VMP required to protect Glossy Black Cockatoos and habitat.

18. Guest awareness

A site-specific leaflet regarding the Glossy Black Cockatoo is to be prepared and submitted for Council approval. The leaflet should include identification notes and/or illustration, details of conservation significance, notes regarding the use of feed trees at the caravan park, lists of actions implemented to maintain their use of feed trees at the caravan park and the responsibilities of guests.

The leaflet is to also outline the sensitivities of the migratory and beach nesting shorebirds along South Ballina Beach and estuarine areas and draw attention to conservation programs.

19. Stock/Domestic Animals

No grazing animals/stock are to be kept within the caravan park.

20. Aboriginal relics

Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974, any person responsible for the movement of earth on the site or their supervisors, shall immediately notify the Office of Environment & Heritage and the Jali Local Aboriginal Land Council and shall cease operations within the vicinity thereof until such time as the consent from the Office of Environment & Heritage is obtained for the destruction, removal or protection of the relics.

21. Crown Land/Nature Reserve

All construction work must be undertaken entirely on the subject property and must not:

- (a) Encroach onto the adjoining Crown land and/or Nature Reserve.
- (b) Remove any vegetation from the Crown land and/or Nature Reserve.
- (c) Stockpile materials, equipment or machinery on the Crown land and/or Nature Reserve.
- (d) Use the Crown land and/or Nature Reserve as access.
- (e) Direct stormwater discharge on to the Crown land and/or Nature Reserve.
- (f) Use the Crown land and/or Nature Reserve as an asset protection zone.
- (g) Place any structures/buildings (including the caravans or camping equipment) on the Crown Land and/or Nature Reserve.

22. Size of dwelling sites and camp sites

The 65 caravan/recreational vehicle sites approved by this consent are to have an area of at least 65 square metres. The 58 camping sites are to have an area of at least:

- (a) 40 square metres, in the case of a camp site for which a separate parking space is provided within 30 metres of the camp site, or
- (b) 50 square metres, in any other case.

Detailed plans are to be provided to Council for licensing purposes.

23. Setback distances of community buildings

The setback of the existing amenities building is to be screened, fenced, enclosed or otherwise treated if it is less than 10 metres to the boundary of a camp site and must not be located closer than 5 metres to the boundary of a camp site. Detailed plans are to be provided to Council for licensing purposes.

24. Construction certificate to be consistent with DA

Any Construction Certificate issued in association with this development must ensure that any certified plans are consistent (in terms of site layout, site levels, building location, size, internal/external design, external configuration and appearance) with the approved Development Application plans.

25. Building to comply with BCA

All aspects of the new building design and unapproved building works to be rectified as part of this consent (ie. the kiosk/reception building) 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 provisions, or
- (c) combination of (a) and (b).

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

26. Disabled access to the new building

Disabled access and facilities in accordance with Disability (Access to Premises – Buildings) Standards 2010 are to be provided to the recreational hall and amenities including:

- (a) An accessible car parking space in accordance with AS/NZS 2890.6,
- (b) A continuous accessible path of travel (as defined in, and in accordance with, AS 1428.1) from the disabled carparking space to the principal pedestrian entrance to the building,
- (c) To and within all parts of the building normally used by the occupants and in accordance with AS 1428.1, and
- (d) Accessible sanitary facilities in accordance with AS 1428.1.

27. Disabled access to the existing kiosk and office building

Disabled access and facilities in accordance with the Disability (Access to Premises – Buildings) Standards 2010 are to be provided to the previously unapproved parts of the kiosk and office building including:

- (a) An accessible car parking space in accordance with AS/NZS 2890.6.
- (b) A continuous accessible path of travel (as defined in, and in accordance with, AS 1428.1) from the disabled carparking space to the principle pedestrian entrance to the building and the deck.
- (c) A continuous accessible path of travel (as defined in, and in accordance with, AS 1428.1) from the principle pedestrian entrance to the office.
- (d) The existing sanitary facilities are to be upgraded to meet the requirements for an accessible unisex sanitary facility in accordance with AS 1428.1 including access to the those facilities through the principle pedestrian entrance.

28. Disabled access to the existing separate main amenities building

The existing sanitary facilities being used as accessible facilities are to be upgraded to meet the requirements for an accessible unisex sanitary facility in accordance with AS 1428.1 including access to the those facilities through the principle pedestrian entrance.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

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

Amenity/Visual Impact

29. External Finishes

A schedule of all external building materials and finishes shall be provided to Council prior to issue of the Construction Certificate, compliant with the following:

(a) Roofing

The roof material of the proposed recreation hall shall have low reflective index characteristics and the colour shall not be prominent against the background. As far as practicable, finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off-white and light grey are not acceptable.

(b) Walls

The external finish of the recreation hall shall be of subdued or earthy tones.

30. The recreation hall is to be setback a minimum of 10 metres from the front northern boundary of the caravan park. Details are to be provided prior to issue of the Construction Certificate.

Access/Parking

31. Entrance & Exit Roads

The entrance and exit road servicing the caravan park must be at least 7 metres wide. In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.

32. Car parking & vehicular access

The development shall provide a minimum of 11 designated visitor parking spaces (inclusive of two suitably covered disabled spaces on-site). The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 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. All visitor spaces must be clearly identified as such.

33. Car parking for disabled

The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009 and are to be suitably covered. 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.

34. Developer Contributions

Prior to occupation/use of the additional sites and/or the issue of a Construction Certificate where building work is proposed (whichever occurs first), 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 94 of the Environmental Planning & Assessment Act, 1979:

Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Shire Roads Contribution Plan 2010	25 February 2010
Ballina CBD Car Parking Contribution Plan	25 November 2004
Lennox Head Village Centre Car Parking Contribution Plan	12 February 2004
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**).

PRIOR TO CONSTRUCTION WORK COMMENCING

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

35. 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.

36. Individual feed trees that are to be retained are to be fenced off prior to construction. Suitable fences should be erected around the dripline of the trees, be at least 1.2 metres in height, consist of steel wire fencing and orange barrier mesh or similar, and be maintained for the duration of construction works.

37. All temporary builders' signs or other site information signs, builder's sheds, temporary amenities, waste storage bins, builder's power poles and the like are to be removed from the site on completion of the building.

38. Building waste containment

A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. 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 locality.

39. Notice of commencement

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit written notification to Council, at least two (2) days prior to the commencement of any works, giving the date of commencement and details of the Development Consent and associated Construction Certificate, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

40. 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 written notification to Council, at least two (2) days prior to the commencement of any works, giving the name and details of the Principal Certifying Authority, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

41. 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.

42. Administration/inspection fees

Where Council is not chosen as the Principal Certifying Authority, the relevant certificate registration fees are to be paid to Council in accordance with Council's Fee Schedule.

43. Management and/or the owner(s) are to consult with Jali Local Aboriginal Land Council prior to the commencement of any works to facilitate a mutually agreeable strategy for a Jali Cultural and Heritage Officer to be on-site whilst works are being conducted.

DURING CONSTRUCTION

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

44. Construction activities will cease whenever Glossy Black Cockatoos are observed feeding in the adjacent feed tree (road reserve). Construction is not to re-commence until the Glossy Black Cockatoos are no longer observed in the area.
45. The half loop road circling the amenities building (sites 10 to 59) that connects to the existing sealed road is to be sealed with asphaltic concrete and comprise of an all weather seal. This is to be completed prior to use.

46. Construction

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.

47. Acid Sulfate Soils

Acid Sulfate Soils (ASS) may be encountered while excavating beyond 1 metre below ground level therefore monitoring of this excavated material shall occur. Should ASS materials be disturbed, they should be stored separately to non-ASS material, banded, and treated with lime to neutralise any acid production from the oxidation process.

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

49. 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:

- (a) The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land;
- (b) Service trenches being backfilled as soon as practical;
- (c) Downpipes being connected as soon as practical or the use of temporary downpipes;
- (d) Buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses;
- (e) 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.

50. 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.**

51. If necessary dust control measures such as wetting down, covering stockpiles and physical barriers shall be used to control and prevent a dust nuisance during construction.

52. Any exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the Protection of the Environment Operations

Act 1997 and the NSW Environment Protection Authority's (EPA) Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes, which may require laboratory testing in accordance with EPA and Council requirements.

53. Any waste material is to be transported and disposed of to an approved waste facility. If alternative disposal methods are to be sought, written approval is to be granted by Council. **It is an offence to transport waste to a place that can not lawfully be used as a waste facility.**

54. Fill Material

The applicant shall ensure that any fill material imported to the site for the proposed development shall only be obtained from fill sources with approved testing. The supplier of the fill material must certify that the material is free of contaminants, being natural or otherwise.

55. Fire Hose Reels

Fire hose reels must be installed so that each dwelling site or camp site in the caravan park or camping ground can be reached by a fire hose. The fire hose reels must be installed in accordance with AS 2441—2005.

NSW Rural Fire Service – General Terms of Approval (Conditions 56-64 inclusive)

56. At the commencement of building works and in perpetuity, the entire site area to the North of the "35m APZ Buffer Line", (as marked on the plan Sk13 P1, dated 17/5/13 and prepared by Design Evolutions) shall be managed 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'.

57. To allow for emergency service personnel and park management/owners to undertake property protection activities, a defendable space that permits unobstructed pedestrian access is to be provided around the proposed amenities/recreation building.

Asset Protection Zones

58. The short term camping (tent) sites, located adjacent to the internal access road running along the Western boundary (from the North Western corner of the lot to the water treatment compound), are permitted within the required 45m APZ, so long as the following are provided in this area;

- (a) A defendable space,
- (b) Access for a RFS, Category 1 bush fire tanker, and
- (c) Adequate water supply.

Water and Utilities

59. In recognition that no Council "mains reticulated water supply" is available to the development, (it is noted that the electrically powered pumps servicing the caravan park water supply are not guaranteed in a fire event) a minimum of 20,000 litres of fire fighting water supply shall be provided for fire fighting purposes in a suitable area adjacent or near to the proposed recreation building.

This supply could be provided from the existing large water supply tanks located in the compound area adjacent to the Western boundary. 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) 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.
- (c) 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.
- (d) Only non combustible materials (concrete, metal, etc) will be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
- (e) A 65mm metal Storz outlet with a ball valve shall be fitted to any fire fighting water supply tank(s) and accessible for a fire fighting truck. The Storz outlet fitting shall not be located facing the hazard or the approved structure.
- (f) The ball valve, pipes and tank penetration are to be adequate for full 50mm inner diameter water flow through the Storz fitting and are to be constructed of a metal material.
- (g) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
- (h) 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.
- (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 200mm x 200mm 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 minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.

(n) Pumps are to be shielded from the direct impacts of bush fire.

(o) 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: Below ground dedicated fire fighting water supply tank(s) is defined as that no part of the tanks(s) is to be located above natural ground level.

60. The two (2) "above ground" concrete water tanks, located adjacent to the existing amenities building and to the South West of the Office/Reception building, shall be provided with a 65mm Storz fitting to allow RFS vehicles access to fire fighting water in the event of a bush fire. The location and installation requirements of the storz fitting are as per Condition No. 58.

61. Electricity and gas are to comply with Sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

62. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

63. New construction shall comply with Section 3 "Construction General" and Section 5 "Construction for Bushfire Attack Level 12.5" (BAL-12.5) of Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and Section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection, 2006".

Access

64. Internal roads shall comply with Section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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 occupation or use.

65. Occupation Certificate

The new buildings and altered parts of exiting buildings are not to be occupied until a Final Occupation or Interim Occupation Certificate has been issued by the Principal Certifying Authority for the applicable building.

66. Fire safety certificate

On completion of the erection of the building(s), the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the buildings have been inspected and tested by a competent person and were

found to have been designed and installed to be capable of operating to the minimum standard required by the BCA.

67. Landscaping to be completed

Prior to occupation, the site is to be landscaped in accordance with the approved landscape plan.

68. In accordance with Ballina DCP 2012 Chapter 2 Section 3.6 'Mosquito Management' all windows, external doors and other openings must be provided with effective insect screening.

69. All Private Water Supplies must be managed in accordance with NSW Health's Private Water Supply Guidelines (2008). The potable water must consistently meet the Australian Drinking Water Guidelines requirements and be in accordance with the Guidelines. A water supply management plan must be developed, submitted to and approved by Council prior to the release of the Interim and/or Final Occupation Certificate.

Please Note: From 1 September 2014, suppliers of drinking water will be required to establish and adhere to a quality assurance program.

70. Prior to commencement of operations the water supply is to be sampled and analysed 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.

71. Civil works

All civil works approved with the Construction Certificate 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. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals.

72. **Car parking (standard)** - 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.

73. Car parking (disabled)

The construction of all disabled car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS /NZS 2890.6: 2009. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

74. Waste Management Plan

A waste management plan shall be developed for the site. The waste management plan shall detail;

- (a) The type and volume of liquid and solid waste estimated to be generated,
- (b) Whether recycling bins will be provided,
- (c) The frequency of collection,
- (d) The estimated number and size of bins required,
- (e) The storage area size, and
- (f) Any additional details.

The waste management plan shall be submitted to and approved by Council prior to the release of the Interim or Final Occupation Certificate.

75. Compliance with requirements of the NSW Rural Fire Service (RFS)

A report from a suitably qualified consultant is to be submitted to Council, which certifies that all NSW Rural Fire Service General Terms of Approval have been complied with.

On-Site Sewage Management (OSSM)

76. A Validation and Verification effluent quality compliance monitoring program (i.e. raw sewage and effluent quality) is to be undertaken during a peak wastewater load period for the caravan park (e.g. four week Christmas holiday period). The results of this effluent monitoring program are to be submitted to Council by the end of March every year in a report format for review. If the report identifies that effluent quality compliance cannot be achieved then further necessary works will be required to ensure compliance.

CONDITIONS OF USE/DURING OCCUPATION

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.

77. Fire safety statement

The owner of the building(s) must provide Council with a Fire Safety Statement at least once in each twelve month period, certifying that the essential services installed in the building have been inspected and tested by a competent person and at the time of that inspection, were capable of operating at the minimum standard required by the development consent. This certificate is to be kept in the building to which it relates.

78. Fire Hose Reel Certificate

The holder of the approval for the caravan park or camping ground must cause the council to be given a certificate (a fire hose reel certificate) in relation to the fire hose reels (or alternative system) once every calendar year. A fire hose reel certificate is to state, in relation to each fire hose reel installed in the caravan park or camping ground:

- (a) that the fire hose reel has been inspected and tested by a person (chosen by the holder of the approval) who is properly qualified to carry out such an inspection and test, and
- (b) that, as at the date on which the fire hose reel was inspected and tested, the fire hose reel was found to have been capable of performing to a standard not less than that required by the Regulation.

79. Site identification

All dwelling sites or camp sites are to be conspicuously numbered or identified and their site boundaries clearly delineated.

80. Lighting

All access roads must be adequately lit between sunset and sunrise.

81. Clothes dryers

The caravan park must be provided with a minimum of 2 mechanical clothes dryers.

82. Drying areas

The caravan park must be provided with a minimum of 230 metres of clothes line space for the first additional 100 sites and a total of 240 metres for the remaining 23 sites.

83. Ironing facilities

The caravan park must be provided with ironing facilities including a minimum of 2 ironing boards and 2 electric irons and power points available for connection to the electric irons.

84. Site Management

The caravan park must at all times be managed in accordance with the requirements of Part 3, Division 3, Subdivision 7 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

85. Garbage removal

Garbage is to be regularly removed from receptacles and garbage receptacles are to be maintained in a clean and sanitary condition.

86. Waste collection must occur as required to prevent the creation of an odour or pest nuisance.

87. All waste generated at the caravan park is to be disposed to and stored in the nominated waste area/s. Waste management shall comply with the approved waste management plan.

88. All parts of the caravan park must be kept in a clean and healthy condition and free from vermin.

89. Private Water Supply

The following measures are required to protect the water supply and to be inspected by the owner/manager at least on an annual basis following installation:

- (a) Installation of a first flush diversion system to the water supplying the rainwater tank,
- (b) De-sludge the tank,
- (c) Keep roof guttering clean,
- (d) Screen storage tank inlets and overflows with mesh and maintain such in good condition, and
- (e) Development of a Quality Assurance Program (from 1 September 2014).

90. 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.

91. Amenity

The land uses at the caravan park shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, odours, fumes, smoke, vapour, steam, dust, water, waste products and the like.

92. 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, or
 - 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.

93. Activities in the recreation hall are restricted to “low key” activities such as classes/workshops for yoga meditation (for guest use only). Amplified music is not permitted.

94. All guests are to be issued with a copy of the caravan park’s site-specific leaflet regarding the Glossy Black Cockatoos at check in and leaflet copies of the Glossy Black Cockatoo species profile produced by NSW Office of the Environment are to be available at the front office.

95. When Glossy Black Cockatoos are observed feeding:

- (a) Identified feed trees are to be temporarily fenced, and
- (b) Maintenance works in proximity to the feed trees are to be postponed.

For any feed tree (currently identified as Trees 1-8):

- (c) Camp sites surrounding the feed trees will be filled last,
- (d) Pets will not be tied to the tree, or under the tree, and
- (e) Guy ropes will not be attached to the tree.

96. In case of senescence or storm damaged feed trees, evaluation and implementation of reasonable measures to retain and prolong food resources is to be conducted. Any required removal/lopping necessary for safety is to be documented for reporting purposes.

97. Caravan park staff and management are to document Glossy Black Cockatoo sightings within the caravan park. Guests are also to be encouraged to report incidental sightings to management for inclusion into documentation.

All potential feed trees, ie. female trees, are to be monitored every six months for signs that they are continuing to be utilised as feed trees and this monitoring is to be documented by the park management. Any newly utilized trees are to be incorporated into the record system and tagged as for the existing feed trees T1-8.

An annual inventory is to be made of existing feed trees T1-8 and the new plantings documenting height, canopy extent, and condition (including replacement details should trees not survive). The inventory is to document height estimates, canopy extent, sex and feed sign as trees develop and is to be submitted to the Council annually for its review.

98. The park management, in consultation with the NSW NPWS, is to undertake detailed re-assessment of the requirements for management and continued monitoring and reporting of the Glossy Black Cockatoo. Such is to be conducted 10 years from the date of operation of this consent. This is to include re-assessment of the importance of the habitat to the Glossy Black Cockatoo, taking account of observations of birds feeding at the site and any information available for the surrounding area that might become available in the 10 year time frame. This management review is to be submitted to the Council for its records.
99. The current Ballina Beach Village OSSM Operation and Maintenance Plan is to be reviewed by a suitably qualified person, including a site assessment of operations. The OSSM Operation and Maintenance Plan is to be submitted to Council for review annually and is to include details of any necessary amendments to the Plan and/or OSSM rectification works required (if any).

NSW Rural Fire Services – General Terms of Approval (conditions 100-102 inclusive)

Evacuation and Emergency Management

100. An emergency and evacuation plan addressing Section 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the caravan park, or the existing plan is to be amended to include considerations pertaining to the proposed new amenities/recreation building and increased caravan park area. A copy of the plan shall be provided to the consent authority prior to the issuing of an occupation certificate.

Landscaping

101. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
102. A Vegetation Management Plan (VMP) is to be provided to Council, prior to a Final Occupation Certificate being issued for the Caravan Park extension works, that identifies how the Caravan Park's vegetation will be managed in perpetuity in accordance with Condition 55 that requires the Caravan Park to be managed as an Inner Protection Area (IPA). The VMP will need to identify both existing and proposed additional trees and their management.
103. **Manager's Residence**
The existing building on the site, nominated as the manager's residence, must not be used for short term accommodation at any time.
104. **Duration of stay**
Occupancy of the additional 65 caravan/recreational vehicle sites and the 58 camping sites shall be restricted to short term stays only. Short term stays are to be defined as 'Individual guests must not be accommodated for more than 42 consecutive days with an interval of at least 14 days between occupancies, or for more than a total of 90 days in any 12 month period'.