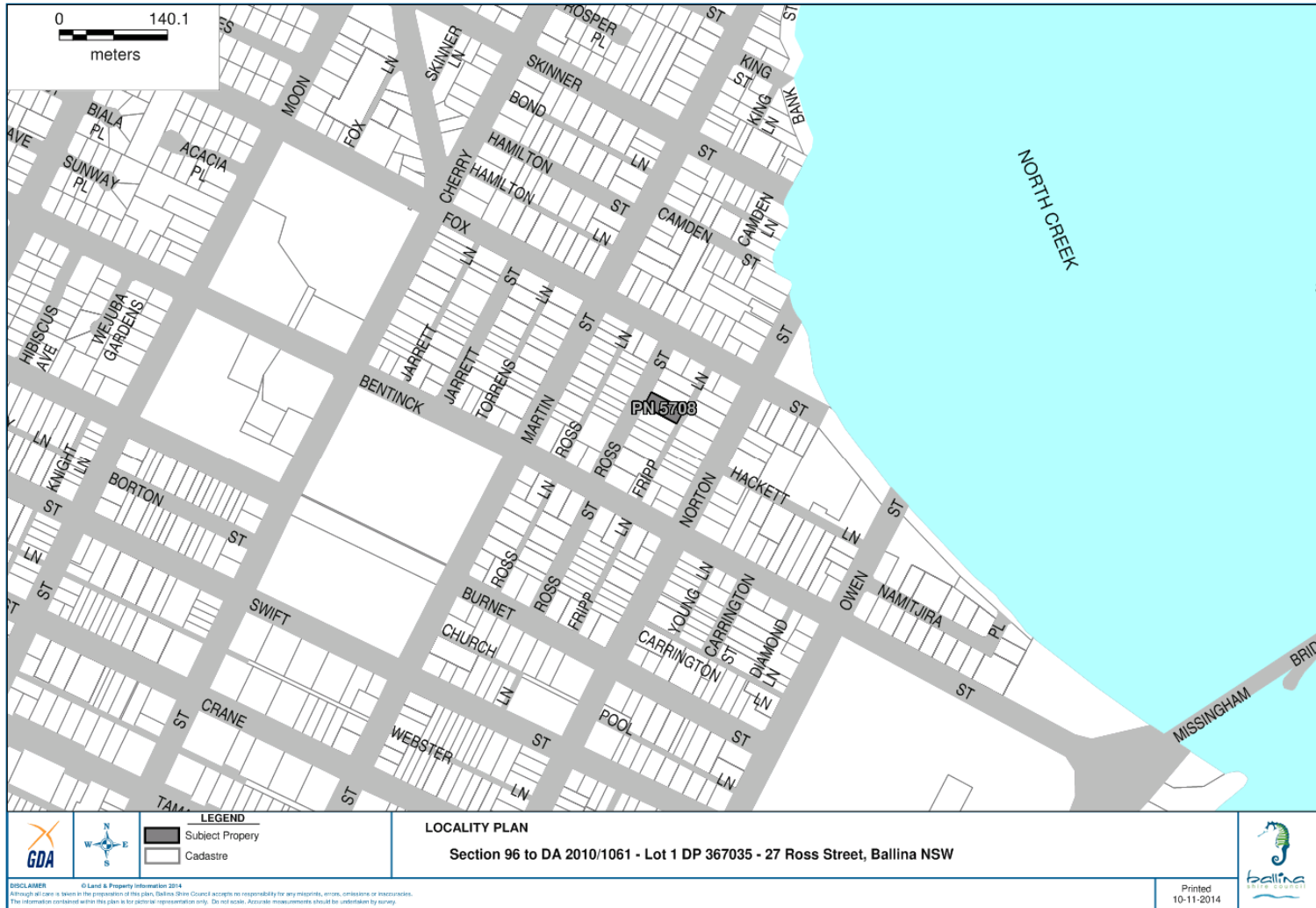
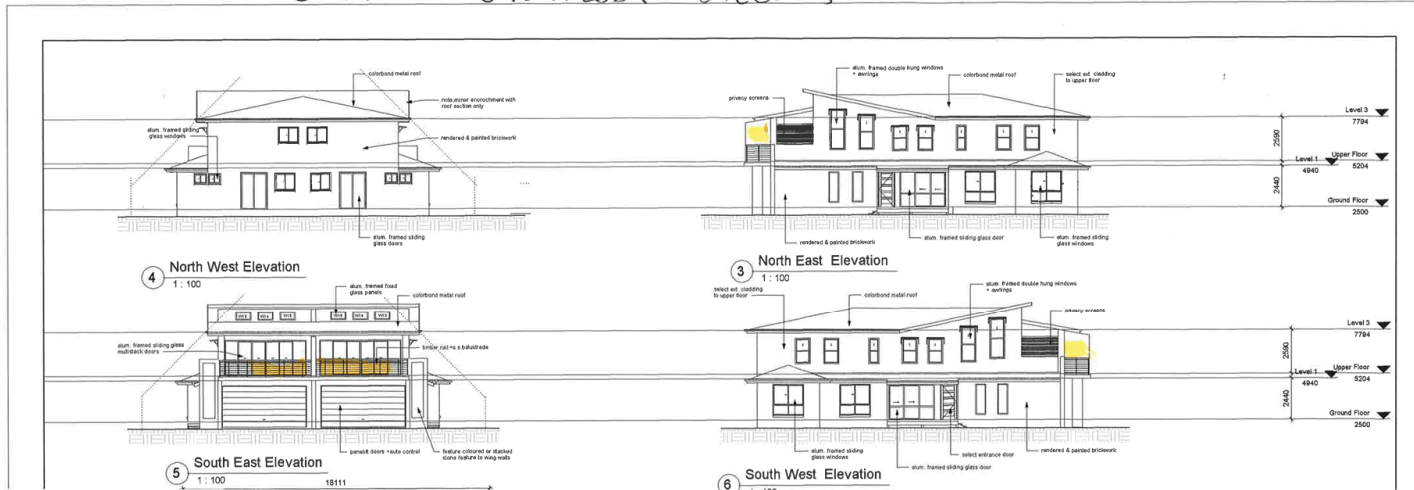


8.1 DA 2010/1061 - Section 96 - 27 Ross Street, Ballina.DOC



8.1 DA 2010/1061 - Section 96 - 27 Ross Street, Ballina.DOC

CHANGES TO UPPER FLOOR BALCONIES



enquiries refer

Ms Jenna McNabb

in reply please quote

DA: 2010/1061

ECM #: 1790429



Mr A E Colledge
PO Box 592
BALLINA NSW 2478

**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

(Issued under Section 81(1)(a) of the Environmental Planning and Assessment Act 1979)

Development Application No: DA 2010/1061

Applicant: Mr A E Colledge

Subject Land: Lot 1 DP 367035, No. 27 Ross Street, Ballina

Development Proposal: To Undertake the following development in two (2) stages:

Stage 1:
To Undertake the Erection and Subsequent Strata Title Subdivision of 2 x Three (3) Bedroom Two (2) Storey Attached Units - Units 3 & 4.

Stage 2:
To Undertake the Demolition of the Existing Dwelling House and the Subsequent Erection and Strata Title Subdivision of 2 x Three (3) Bedroom Two (2) Storey Attached Units - Units 1 & 2.

Determination: The development application has been determined by Ballina Shire Council on 28 April 2011 by way of the **grant of consent** subject to the conditions specified below:

CONDITIONS APPLYING TO STAGE 1

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 Stage 1 (To Undertake the Erection and subsequent Strata Title Subdivision of 2 x Three (3) Bedroom Two (2) Storey Attached Units - Units 3 & 4) of the approved development.

 (initial)
Assessment Officer

cnr tamar & cherry streets, p.o. box 450, ballina nsw 2478 dx 27789, ballina • ph 02 6686 4444 • fax 02 6686 7035
• council@ballina.nsw.gov.au • www.ballina.nsw.gov.au

1. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

The following conditions in this section of the consent must be complied with or addressed prior to commencement of construction works relating to Stage 1 of the approved development.

Civil Works

- 1.1 Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 for the following civil works. Details are to be in accordance with the Northern Rivers Local Government Design and Construction Manuals (as current at the time of construction works commencing). Where details are not addressed in these manuals, the design is to comply with the requirements of Council's *Subdivision Code*.

Shoulder Widening Road Pavement

- At the developer's expense, the pavement of Ross Street shall be widened from the edge of existing seal (inclusive of 300mm reconstruction overlap of existing road pavement) to the existing kerb and gutter for the full length of the property frontage to Ross Street. The pavement profile shall consist of at least 300 mm compacted thicknesses of road base quality material plus a minimum 25mm asphalt wearing surface. Inspection of the road widening is required by Council's Engineer (ph. 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700mm and replace with approved sand fill.

Shoulder Widening Lane Pavement

- At the developer's expense, the pavement of Fripp Lane shall be widened from the edge of existing seal (inclusive of 300mm reconstruction overlap of existing road pavement) to the existing kerb and gutter for the full length of the property frontage to Ross Street. The pavement profile shall consist of at least 300 mm compacted thicknesses of road base quality material plus a minimum 25mm asphalt wearing surface with a concrete dish gutter along the property boundary. Inspection of the road widening is required by Council's Engineer (ph. 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700mm and replace with approved sand fill.

Drainage Lane Frontage

- At the developer's expense, a 300mm diameter rubber ring jointed reinforced concrete pipe (class 4) and approved granular backfill shall be installed for the full frontage of the development to Fripp Lane, inclusive of a concrete dish drain, grated inlet pit at the southern boundary and associated stormwater interceptor trap.

Footpath

- A concrete footpath a minimum of 1.35 metres wide along the Ross Street frontage is to be provided. The footpath is to be designed and constructed in accordance with Standard Drawing R07 of Northern Rivers Local Government Development Design and Construction Manuals.

 (initial)
Assessment Officer

Flooding & Stormwater

- 1.2 The applicant shall provide a stormwater management plan for the site in accordance with Water Sensitive Design requirements of Council's Combined Development Control Plan Chapter 13 – Stormwater Management. This is to include the shaping of driveways and paved areas to drain to landscaped/vegetated areas. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate. **NOTE: The stormwater management plan shall specifically address the proximity of any building structure on the adjoining land to the north. A clear cavity between the proposed retaining wall and buildings on adjoining land is to be provided for ventilation and drainage, having particular regard to drainage paths and functions of the cavity.**
- 1.3 The whole of the allotment for proposed Stage 1 (Units 3 & 4) must be filled to a minimum level of RL 2.1 metres AHD. Masonry retaining walls and dish gutters shall be constructed, and wholly contained, within side and rear boundaries such that no stormwater is discharged from the site onto the adjoining properties. In addition, the adjoining properties shall be drained at the common boundary within the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. The stormwater drainage shall be discharged to Council's drainage system. Details of such are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

Developer Contributions

- 1.4 **Developer Contributions**
Prior to issue of a Construction Certificate for Stage 1 of the development where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 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
The Council of the Shire of Ballina Section 94 Contributions Plan: Heavy Vehicle Traffic Generating Development - Maintenance and Construction of Roads	9 February 1996

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).

 (initial)
Assessment Officer

- 1.5 Prior to issue of a Construction Certificate of Stage 1 of the development where building work is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2002. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2002 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

The charges are currently guided by the following development servicing plans:

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Council	Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 May 2004
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 May 2004
Rous Water	Rous Water Development Servicing Plan	April 2009

The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the charges set by the water supply authorities at the time payment is made. Copies of the Development Servicing Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

It should be noted that Ballina Shire Council acts a Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.

The charges applicable at the time this consent is issued are included in Schedule 1 (**attached**).

Water Tanks

- 1.6 Final details of the rainwater tanks location and size shall be submitted to and approved by Council prior to issue of the Construction Certificate for Stage 1 of the proposed development.
2. **PRIOR TO OCCUPATION OR USE**
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 of Stage 1 of the Development.

 (initial)
 Assessment Officer

Pathway

- 2.1 Prior to the issue of the Occupation Certificate for Stage 1 of the Development, a pathway for mail and garbage provision shall be constructed in accordance with the approved construction plans.

CONDITIONS APPLYING TO STAGE 2

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 Stage 2 (To Undertake the Demolition of the Existing Dwelling House and subsequent Erection and Strata Title Subdivision of 2 x Three (3) Bedroom Two (2) Storey Attached Units - Units 1 & 2) of the approved development.

3. GENERAL CONDITIONS

Demolition Works

- 3.1 All plant and vehicles associated with the demolition works must enter the site via Ross Street. The demolition process must be undertaken in such a way so as to minimise the time required to load demolition material within the adjoining street system. Where possible the loading of vehicles is to be carried out off-street and wholly within the site. Details in this regard are to be submitted to and approved by Council within the Demolition Plan (refer to Condition 4.3).
- 3.2 All excavations and backfilling associated with the demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

4. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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 Stage 2 of the approved development.

Developer Contributions

4.1 Developer Contributions

Prior to issue of a Construction Certificate for Stage 2 of the development where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979:

 (initial)
Assessment Officer

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
The Council of the Shire of Ballina Section 94 Contributions Plan: Heavy Vehicle Traffic Generating Development - Maintenance and Construction of Roads	9 February 1996

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

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


- 4.2 Prior to issue of a Construction Certificate for Stage 2 of the development where building work is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2002. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2002 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

The charges are currently guided by the following development servicing plans:

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
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Rous Water	Rous Water Development Servicing Plan	April 2009

The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the charges set by the water supply authorities at the time payment is made. Copies of the Development Servicing Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

 (initial)
Assessment Officer

It should be noted that Ballina Shire Council acts a Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.

The charges applicable at the time this consent is issued are included in Schedule 2 (**attached**).

Demolition Plan

- 4.3 Prior to the issue of the Construction Certificate, a Demolition Plan must be submitted to and approved by Council. The demolition plan must include but not be limited to the following:
- Contractor details
 - Public Liability Insurance details
 - Proposed method of demolition
 - Proposed closures or works within any adjoining road/footpath
 - Machinery used in demolition
 - Timetable and duration of works and any proposed closures of roads/footpaths
 - Protection of the public and adjoining buildings/property
 - Prevention of all amenity and environmental issues
 - Traffic control
 - Disposal of demolition material.

Flooding & Stormwater

- 4.4 The whole of the allotment for proposed Stage 2 (Units 1 & 2) must be filled to a minimum level of RL 2.1 metres AHD. Masonry retaining walls and dish gutters shall be constructed, and wholly contained, within side and rear boundaries such that no stormwater is discharged from the site onto the adjoining properties. In addition, the adjoining properties shall be drained at the common boundary within the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. The stormwater drainage shall be discharged to Council's drainage system. Details of such are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

5. 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.

General

- 5.1 **Demolition**
All demolition work is to be carried out in accordance with the WorkCover Authority and Council guidelines for the removal of asbestos and lead based products. The sewer, water and electrical services from the building are to be disconnected by licensed tradespersons.



(initial)
Assessment Officer

6. 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.

Disconnection of existing sewer connection

- 6.1 The applicant shall be responsible for the disconnection of works associated with the sites existing connection to Council's sewer main for the existing dwelling. The existing sewer connection must be capped at the junction/property boundary. Council's Plumbing Inspector must be contacted on telephone 6686 4444 to inspect the disconnection prior to backfilling.

Civil Works

- 6.2 Council's Engineer must inspect and approve works associated with the construction of the footpath on Ross Street. Council's Engineer must be contacted on telephone 6686 4444 at the time of excavation and at least 24 hours prior to the concrete pour.

7. PRIOR TO OCCUPATION OR USE

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.

Gutter Crossing

- 7.1 The provision of a footpath and gutter crossing for the development. Details are to be in accordance with the Northern Rivers Local Government *Design and Construction Manuals* (as current at the time of construction works commencing). All works are to be completed and approved by Council prior to issue of the Occupation Certificate.
- 7.2 The existing kerb and gutter crossing in Ross Street shall be reinstated to upright kerb and gutter in accordance with Section 8.4 of Council's Subdivision Code (as current at the time of construction works commencing).
- 7.3 The provision of the footpath along the entire Ross Street frontage. All works are to be completed and approved by Council prior to issue of the Occupation Certificate.

CONDITIONS APPLYING TO BOTH STAGES 1 & 2

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 Stage 1 & 2 (To Undertake the Demolition of the Existing Dwelling House and subsequent Erection and Strata Title Subdivision of 4 x Three (3) Bedroom Two (2) Storey Attached Units – Units 1, 2, 3 & 4) of the approved development.

 (initial)
Assessment Officer

8. GENERAL CONDITIONSGeneral

- 8.1 Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including plans prepared by Arthur Colledge Building Design Draftsman, Project No. RVT 3623, Sheets 1, 2, 3 and 4 of 4, Amendment No. 2, Dated 02/02/2011, except as modified by any condition in this consent.
- 8.2 **Commencement of occupation or use**
Occupation or use of the site/premises for the purposes authorized by this consent shall not commence until all conditions of this consent have been complied with, unless alternative arrangements have been made with Council.

Building Construction Requirements8.3 **Inspections**

Forty-Eight (48) hours notice is to be given to enable the following building works to be inspected during construction by the Council where Council is the Principal Certifying Authority. NOTE: All required sewer and water service plumbing and drainage inspections are to be carried out by Council.

- a) At the commencement of building work including the erection of builder's sign, site fencing builder's sheds, erosion barriers and portable toilet facilities where required.
- b) Excavation for pier-hole foundations prior to concrete pour.
- c) Prior to the pouring of any in-situ reinforced concrete building element.
- d) When the foundation trenches are open, the steel reinforcement in position before the concrete is poured.
- e) When the internal sewer drainage pipelines beneath the building have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
- f) When the steel is in position before any concrete floor slabs including the patio and garage are poured.
- g) When the external sewer drainage lines have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
- h) When the external stormwater drainage lines have been laid and connected by a licensed plumber prior to backfilling.
- i) On completion of the framework with the roof covering and external wall cladding in position before the internal walls and ceilings are fixed.
- j) Prior to the covering of waterproofing flashings to any wet areas.
- k) On completion of the water supply "rough in" and/or plumbing stackwork prior to the internal lining of the building.
- l) On completion of the building before occupation and the issue of any occupation certificate.

NOTE: These inspections are considered to be critical stage inspections required during construction. Failure to carry out these inspections is a breach of the *Environmental Planning and Assessment Act 1979* and may jeopardize the issue of an Occupation Certificate.

 (initial)
Assessment Officer

8.4 BCA Compliance

The buildings are to comply with the requirements of the *Building Code of Australia* and relevant Australian Standards.

Access & Car Parking**8.5 Concrete or similar parking areas**

The driveways and parking bays within the development are to be constructed of reinforced concrete or similar paved material. All driveway areas are to be adequately graded and drained to the stormwater system to ensure that stormwater is not directed onto adjoining properties.

8.6 The driveway cross at the kerb shall be a maximum width of 7 metres.

9 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 Stages 1 & 2 of the approved development.

Fees & Bonds**9.1 Civil Inspection Fee, Construction Certificate Fee & Construction Bond**

Prior to the issue of a Construction Certificate, the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary at the actual time of payment:

- Civil Construction Certificate Fee: Refer to Council's Schedule of Fees and Charges
- Civil Inspection Fee: Equal to 3% of the estimated cost of the civil works (min \$185)
- Civil Construction Bond: Equal to 5% of the estimated cost of civil works (min \$1000)

NOTE: For driveways/accesses that do not become a Council asset and do not require multiple inspections, only the minimum civil inspection fee is required.

The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (e.g. sewer systems, footpaths, kerb and guttering etc) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur.

Long Service Levy

9.2 In accordance with Section 109F of the EP & A Act (Section 109F) 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.

 (initial)
Assessment Officer

Building Construction Requirements

- 9.3 **Footing/Slab Design**
The footings and/or slab are to be designed by a qualified practicing Structural Engineer in accordance with *Australian Standard 2870 – Residential Slabs and Footing Code*. Such design is to address both the soil classification and adequate bearing capacities of the foundation material. The details are to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.
- 9.4 **Engineer's Structural Detail**
Structural Engineer's details for all structural steel, reinforced concrete work and required wall bracing and method of tie-down are to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.
- 9.5 **Structural Engineer's Design**
The Structural Engineer's design of the building must be based upon a geotechnical report from a reputable soil testing engineering consultant. The Structural Engineer is to identify on the design plan the company and date of the geotechnical report on which the design is based.
- 9.6 If Council is determining the Construction Certificate Application, details of the method of achieving the Building Code of Australia required Fire Resistance Levels and Sound Transmission/Insulation must be submitted to and approved by Council prior to the issue of the Construction Certificate.

Standard Sewer Connection


- 9.7 The applicant shall be responsible for all costs associated with the connection of Council's sewer system to the development in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing). Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.

Standard Water Connection

- 9.8 The applicant shall be responsible for all costs associated with the connection of Council's reticulated water supply system to the development in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing). Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.

Water Meters – Duplex & 3 Unit Residential Developments

- 9.9 Prior to the issue of the Construction Certificate, the applicant is required to submit an "Application for Water Service" to Council in accordance with Council's Water Metering Policy (as current at the time of construction works commencing). Each tenancy is to be fitted with a water meter of a minimum size of 20mm depending on the nature and size of the development. The applicant shall be responsible for all costs associated with water meter installations.

 (initial)
Assessment Officer

10 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.

General**10.1 Issue of Construction Certificate**

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

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

Sediment & Erosion Control


- 10.2 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 on site and 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 are to be backfilled as soon as practical.
- c) Downpipes are to be connected as soon as practical or otherwise temporary downpipes are to be used.
- d) Buffer vegetation zones are to be 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.

Building & Construction Requirements

- 10.3 Prior to the commencement of construction, the contractor must submit a copy of their \$10M Public Liability Insurance Policy and a completed copy of the "Notice of Commencement of Civil Development Work" form to Council. Copies of the form are available from Council's website www.ballina.nsw.gov.au

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Assessment Officer

- 10.4 **Builder's sign**
A suitable sign is to be provided on the building site in a prominent location, indicating the builder's name, licence number and contact telephone numbers (including after hours numbers).
- 10.5 **Builder's Toilet**
A suitable builder's toilet is to be provided on-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.
- 10.6 **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.
- 10.7 **Hoarding/Fencing**
If the work involved in the erection or demolition of a building is likely to obstruct or inconvenience pedestrian or vehicular traffic in a public place or involves enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected sufficient to prevent any substance from or in connection with the work, falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- 10.8 **Surveyor Setout**
A survey peg-out is to be carried out by a Surveyor to establish the correct position of the boundaries of the allotment before any building work commences, unless all existing survey pegs can be located.

Traffic Control

- 10.9 All traffic control during construction shall be in accordance with the Roads and Traffic Authority – Traffic Control at Work Sites. Details are to be submitted to and approved by Council prior to the commencement of construction.

11. 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.

Civil Construction Works

- 11.1 All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government *Development Construction Manuals* (as current at the time of construction works commencing). Where details are not addressed in these manuals, the works are to comply with the requirements of Council's *Subdivision Code*.

 (initial)
Assessment Officer

- 11.2 All traffic control during construction shall be in accordance with the Roads and Traffic Authority – Traffic Control at Work Sites and the approved plans.
- 11.3 Inspection and approval of the road and drainage works approved within the road reserve is required by Council's Engineer (ph. 6686 4444) at the time of excavation and prior to the sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700mm and replace with approved sand fill.

Filling & Floor Height

- 11.4 All site filling shall be to a minimum fill level of RL 2.1m AHD and shall be in compliance with the requirements of Level 1 geotechnical testing for:

AS 2870 – 1996	Residential Slabs and Footings Code
AS 3798 – 1996	Guidelines on Earthworks for Commercial and Residential Developments

- 11.5 The finished floor height of the building is to be constructed at a minimum RL of 2.6 metres AHD. A Surveyors Certificate verifying compliance with this height is to be submitted to Council at completion of slab formwork stage, prior to concrete pouring, or upon completion of the timber floor prior to work proceeding beyond this stage. Where filling is utilised to raise the slab level and extends to the outside of the building, such filling is to be adequately retained and drained to the stormwater drainage system, to ensure stormwater is not directed onto adjoining properties.

Building Construction Requirements

- 11.6 **Hours of building work**
Any building work involving the use of noisy mechanical plant or noisy equipment must only be carried out within the following hours:

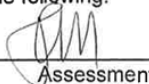
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

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

- 11.7 **No storage of materials on Council land**
There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without the prior consent of Council.

- 11.8 **Termite Protection**
Termite protection is to be provided to the building in accordance with Part 3.1.3 of the Building code of Australia (*Housing Provisions*) and *Australian Standard 3660 – Protection of Buildings from Subterranean Termites*. Council permits the use of both chemical spray and physical barrier systems. A register of accredited physical barrier systems permitted to be used within the Shire is maintained by Council. Where monolithic slabs are part of a termite barrier system, the slab is to be constructed in accordance with AS 2870.1 or engineer designed, being mechanically vibrated to achieve maximum compaction.

A durable notice is to be fixed inside the meter box detailing the following:

 (initial)
Assessment Officer

- a) The method of termite protection used/
- b) The date of installation.
- c) The life expectancy of any termiticide used as per the NRA label/
- d) The installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

NOTICE TO OWNERS & OCCUPIERS – Maintenance of termite barriers

As well as inspecting for termite activity, it is advisable where practical, to check the condition of the termite barrier to assess its continued effectiveness. This may involve introducing remedial work, including refurbishment of barriers. Household activities such as landscaping, paving etc, will also need to be considered carefully and designed so that they do not interfere with the barrier system. Maintenance, including the keeping of accurate records of application is particularly important for chemical barriers that have established life expectancy.

11.9 Glazing Requirements

Glazing materials used in the building are to comply with the following:

- i) Part 3.6 of the Building Code of Australia (Housing Provisions)
- ii) Australian Standard 122 – 1994 Glass in Buildings – Selection and Installation
- iii) Australian Standard 1170.2 – Wind Loads
- iv) Australian Standard 2047 – 1999 – Windows in Buildings – Selection and Installation

The windows used within the building are to have the minimum following design ratings:

- i) 700 pascals permissible street pressure
- ii) 150 pascals water penetration resistance

NB: The required pascal ratings are to be determined by the consulting engineer to Principal certifying Authority. Window manufacturers must label their windows with their identification mark, structural rating and water penetration resistance. Each panel of safety glazing shall be legibly marked in accordance with AS 2208.

Prior to occupation of the building, manufacturer's certification for any glazing used within the building, including required Pascal ratings (stress pressure/water penetration) and compliance with relevant Australian Standards is to be submitted to the Council or other accredited Certifier.

11.10 Hot Water Outlets – Domestic

All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C.

Hot water temperatures at 50°C or higher are still acceptable at all other fixtures e.g. laundry tub and kitchen sink. Temperature control devices or equipment used to achieve maximum hot water temperatures shall ensure continuous flow and shall be fail safe in design.

Temperature control devices shall be installed in a location that minimises any opportunity for being interfered or tampered with.

 (initial)
Assessment Officer

Existing installations where there is any significant change of existing pipework shall require the installation of a hot water temperature limiting device to deliver tempered water at all sanitary fixtures used primarily for personal hygiene at a temperature not exceeding 50°C.

11.11 **Water Meters**

Each unit is to be fitted with a 20mm water meter in addition to the main meter supplied by Council to allow individual unit owners to check their own water consumption. These meters are to be provided by the plumber and fitted in a convenient position to facilitate reading.

11.12 **Hot Water System**

The internal hot water system is to be provided with a stainless steel safe tray, being drained to the building exterior.

11.13 **Sanitary Compartment Doors**

In accordance with Part 3.8.3 of the *Building Code of Australia (Housing Provisions)*, a door must:

- a) open outwards; or
- b) slide; or
- c) be readily removable from the outside of the sanitary compartments, unless there is a clear space of at least 1.2 meters between the closet pan within the sanitary compartment and the nearest part of the doorway.

Acid Sulfate Soils

- 11.14 Any Acid Sulphate Soils (ASS) disturbed during construction shall be managed appropriately on site. The subject soil should be tested for the presence of ASS and treated accordingly.

Essential Fire Services

11.15 **Smoke Alarms**

The building shall be provided with an automatic fire detection and alarm system in accordance with the following requirements:

- a) A smoke alarm system complying with Part 3.7.2 of the *Building Code of Australia (Housing Provisions)* or;
- b) Smoke alarms – complying with AS 3786 or listed in the *SLL Register of Accredited Products*, being connected to the 240V mains electrical power and have a standby power supply, and be installed in the following locations:
 - In any storey containing bedrooms – between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms or in each bedroom; and
 - In any storey not containing bedrooms.
- c) Where multi-unit installations are required, the alarm mode of the detectors shall be interconnected.

12. **PRIOR TO OCCUPATION OR USE**

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 of Units 1, 2, 3 & 4.

 (initial)
Assessment Officer

General12.1 **Occupation Certificate**

Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.

Civil Works

- 12.2 All civil works approved under Section 138 of the Roads Act 1993 with the Construction Certificate 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* (as current at the time of construction works commencing).

Works-as-Executed Drawings

- 12.3 Prior to the release of the Occupation Certificate, the applicant shall submit to Council a hard copy of a "Works as Executed" (WAE) drawing at scale of 1:500 in addition to a computer disk copy of the WAE information. Separate drawings shall be provided for sewer and stormwater drainage. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.
- 12.4 In connection with the "Works-As-Executed" drawings, the proponent shall submit an electronic listing of all road, stormwater and sewer assets generated by the development. The developer shall be required to contact Council's Engineer on telephone 6686 4444 to obtain an electronic copy of the lists required.

Car Parking & Vehicular Access

- 12.5 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 completed prior to issue of the Occupation Certificate.
- 12.6 **Visitor Car Parking**
The proposed visitor car parking spaces shall be paved to an equivalent standard as the driveway pavement and be readily distinguishable as visitor car parking (including appropriate sign posting and/or linemarking).


Stormwater Management

- 12.7 All stormwater management works within the site are to be completed in accordance with the approved Construction Plans prior to issue of the Occupation Certificate.

Maintenance Bond

- 12.8 Prior to the issue of an Occupation Certificate, the following maintenance bond must be paid to Council which includes the amount of Goods and Services Tax payable. The bond is subject to review and may vary at the actual time of payment:

- Maintenance Bond: Equal to 5% of the estimated cost of the civil works (min \$1000).

 (initial)
Assessment Officer

A maintenance period of 12 months will apply from the date of issue of the Occupation Certificate. The bond may be used by Council to maintain, repair or rectify works that are failing. The bond will be refunded upon completion of the 12 month period should no such failure occur.

Landscaping

12.9 **Landscaping to be completed**

Prior to Occupation, the site is to be landscaped in accordance with the approved landscape plan, including the turfing of the site and the undertaking of appropriate plantings generally in accordance with Policy Statement No. 6 of *Ballina Shire Combined Development Control Plan* and the *Ballina Shire Urban Garden Guide*.

Certification

12.10 The following certificates of compliance are to be submitted to Council prior to issue of an Occupation Certificate:

- Smoke detectors
- Waterproofing of wet areas
- Compliance with BASIX
- Termite Protection
- Glazing
- Roof Trusses
- Fire Rating of walls dividing sole occupancy units
- Sound attenuation of walls dividing sole occupancy units.

12.11 Prior to occupation of the building, a certificate verifying the method of termite protection in accordance with *Australian Standard 3660* is to be submitted to the Council or other accredited Certifier.

12.12 The applicant shall submit written certification from the licensed electrical contractor that the automatic fire detection and alarm system has been installed in accordance with *AS 3786*. Such certification shall be submitted to the Principal Certifying Authority prior to occupation of the building.

Completion of Construction Tasks

12.13 **Repair Damaged Infrastructure**

Kerb and guttering, footpaths, utility services or roadworks damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.

12.14 Any hoarding or similar barrier erected to protect a public place is to be removed from the site prior to use of the development.

12.15 All temporary soil and erosion controls employed during construction are to be removed and other permanent measures put in place as necessary.

12.16 All temporary builder's signs and other information signs, temporary toilet facilities, waste storage bins and the like are to be removed upon completion of site works.

 (initial)
Assessment Officer

13. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of a Subdivision Certificate relating to the approved subdivision.

General**13.1 Application for Subdivision Certificate**

A completed Subdivision Certificate application form accompanied by final plans of subdivision, together with the requisite processing fee, shall be submitted to Council for approval at the completion of Stage 1 and the completion of Stage 2.

13.2 All common service lines must be located within a common property lot.

13.3 All conditions contained within this consent are to be complied with prior to issue of the Subdivision Certificate for Stage 1 and Stage 2.

REASONS FOR CONDITIONS

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 1987;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.


ADVISORY MATTERS**1. Disability Discrimination Act 1992**

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

Compliance with the BCA does not guarantee compliance with the DDA. The BCA provides important access provisions however:

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

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

 (initial)
Assessment Officer

2. Protection of the Environment

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

3. Noise control

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

4. WorkCover requirements

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

5. Wastewater management advice

All work carried out in connection with this approval must comply with any applicable standard established by the *Local Government (Approvals) Regulation 1993*, the *Local Government (Water, Sewerage and Drainage) Regulation 1993*, or by or under the Act.

Advisory Note:

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

You are advised to contact the following:

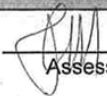
- Council - for information on sewer, water supply & stormwater
- Rous Water - Water Supply for Rous Water Authority controlled areas
- "Dial Before You Dig" - for other service infrastructure

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

 (initial)
Assessment Officer

**SCHEDULE 1
DEVELOPER CONTRIBUTIONS
STAGE 1 – UNITS 3 & 4
PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

Contribution	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Ballina Island Local Parks	equivalent residential allotment	\$207.00	2.0000	\$414.00
Ballina District Parks	equivalent residential allotment	\$832.00	2.0000	\$1,664.00
Ballina Playing Fields	equivalent residential allotment	\$1,084.00	2.0000	\$2,168.00
Regional Open Space Facilities	equivalent residential allotment	\$800.00	2.0000	\$1,600.00
Open Space Administration	equivalent residential allotment	\$31.00	2.0000	\$62.00
Ballina District Community Facilities	equivalent residential allotment	\$1,578.00	2.0000	\$3,156.00
Regional Community Facilities - Amend 1	equivalent residential allotment	\$3,575.00	2.0000	\$7,150.00
Community Facilities Administration	equivalent residential allotment	\$66.00	2.0000	\$132.00
Ballina Island Roads 2010	equivalent residential allotment	\$10,123.00	2.0000	\$20,246.00
Roads Administration 2010	equivalent residential allotment	\$154.00	2.0000	\$308.00
Ballina Island Sewerage (DSP Area B)	equivalent tenement	\$6,886.00	1.3400	\$9,227.24
Ballina Island Water (DSP Area B)	equivalent tenement	\$3,179.00	1.3400	\$4,259.86
Rous Water 2009	equivalent tenement	\$8,149.00	1.3400	\$10,919.66
No Car Parking Contribution Applicable				
TOTAL				\$61,306.76

 (initial)
Assessment Officer

**SCHEDULE 2
DEVELOPER CONTRIBUTIONS
STAGE 2 – UNITS 1 & 2
PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

Contribution	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Ballina Island Local Parks	equivalent residential allotment	\$207.00	1.0000	\$207.00
Ballina District Parks	equivalent residential allotment	\$832.00	1.0000	\$832.00
Ballina Playing Fields	equivalent residential allotment	\$1,084.00	1.0000	\$1,084.00
Regional Open Space Facilities	equivalent residential allotment	\$800.00	1.0000	\$800.00
Open Space Administration	equivalent residential allotment	\$31.00	1.0000	\$31.00
Ballina District Community Facilities	equivalent residential allotment	\$1,578.00	1.0000	\$1,578.00
Regional Community Facilities - Amend 1	equivalent residential allotment	\$3,575.00	1.0000	\$3,575.00
Community Facilities Administration	equivalent residential allotment	\$66.00	1.0000	\$66.00
Ballina Island Roads 2010	equivalent residential allotment	\$10,123.00	1.0000	\$10,123.00
Roads Administration 2010	equivalent residential allotment	\$154.00	1.0000	\$154.00
Ballina Island Sewerage (DSP Area B)	equivalent tenement	\$6,886.00	0.3400	\$2,341.24
Ballina Island Water (DSP Area B)	equivalent tenement	\$3,179.00	0.3400	\$1,080.86
Rous Water 2009	equivalent tenement	\$8,149.00	0.3400	\$2,770.66
No Car Parking Contribution Applicable				
TOTAL				\$24,642.76

 (initial)
Assessment Officer

The consent shall lapse on **28 April 2016** unless the development has commenced in accordance with the provisions of section 95 of the Act.

Other Approvals: The following is a list of general terms of other approvals and their general terms which are integrated as part of the consent:

None applicable.

Signed:  on 12 May 2011

Rod Willis
Group Manager
Regulatory Services

On behalf of Ballina Shire Council

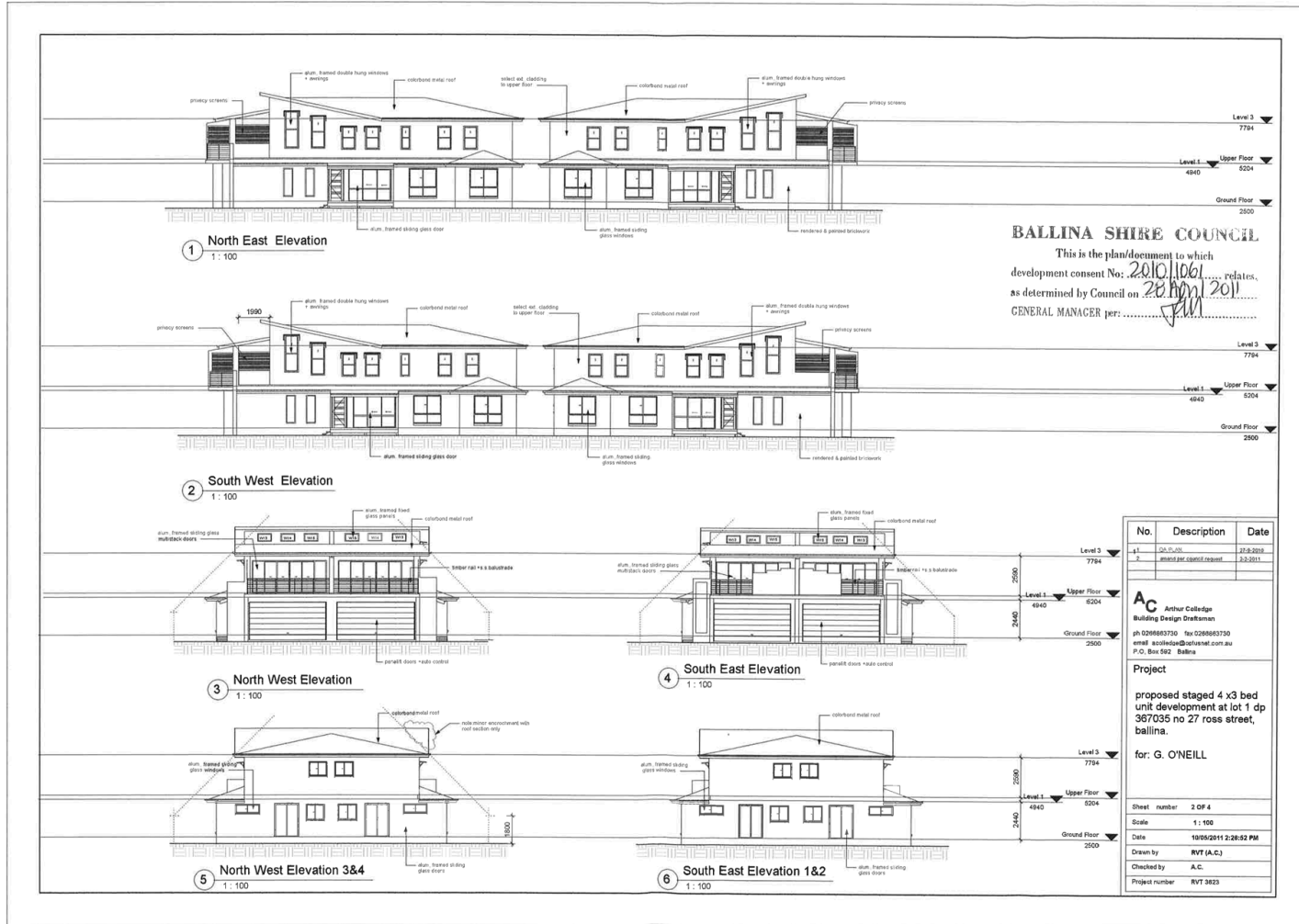
Right of Appeal: If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice or the date on which the application is taken to have been determined under Section 82(1).

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

Review of Determination: Section 82A of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within the time prescribed by Section 82A(2A) and be accompanied by the fee prescribed by Section 257 of the EP & A Regulation 2000. Review provisions do not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or
- (c) a determination in respect of integrated development, or
- (d) a determination made by the Council under Section 116E in respect of an application by the Crown.

 (initial)
Assessment Officer



1 Ground Floor Area
1:200

Open space: 403 m² (25m x 16m) (Open parking) (500m² required)

Technical Details:
 Schedule of BSB2 connections unit 1
 FIRE PROTECTION: ...
 STRUCTURE: ...
 FINISHES: ...
 MISC. SERVICES: ...
 CLIMATE CONTROL: ...
 SPECIALTIES: ...
 GENERAL: ...

Item No.	Description	Unit	Quantity	Value	Material	Notes
1	Concrete slab on ground (100mm)	m ²	150	1500	Concrete (100mm)	100mm concrete slab on ground
2	Concrete slab on ground (150mm)	m ²	150	2250	Concrete (150mm)	150mm concrete slab on ground
3	Concrete slab on ground (200mm)	m ²	150	3000	Concrete (200mm)	200mm concrete slab on ground
4	Concrete slab on ground (250mm)	m ²	150	3750	Concrete (250mm)	250mm concrete slab on ground
5	Concrete slab on ground (300mm)	m ²	150	4500	Concrete (300mm)	300mm concrete slab on ground
6	Concrete slab on ground (350mm)	m ²	150	5250	Concrete (350mm)	350mm concrete slab on ground
7	Concrete slab on ground (400mm)	m ²	150	6000	Concrete (400mm)	400mm concrete slab on ground
8	Concrete slab on ground (450mm)	m ²	150	6750	Concrete (450mm)	450mm concrete slab on ground
9	Concrete slab on ground (500mm)	m ²	150	7500	Concrete (500mm)	500mm concrete slab on ground
10	Concrete slab on ground (550mm)	m ²	150	8250	Concrete (550mm)	550mm concrete slab on ground
11	Concrete slab on ground (600mm)	m ²	150	9000	Concrete (600mm)	600mm concrete slab on ground
12	Concrete slab on ground (650mm)	m ²	150	9750	Concrete (650mm)	650mm concrete slab on ground
13	Concrete slab on ground (700mm)	m ²	150	10500	Concrete (700mm)	700mm concrete slab on ground
14	Concrete slab on ground (750mm)	m ²	150	11250	Concrete (750mm)	750mm concrete slab on ground
15	Concrete slab on ground (800mm)	m ²	150	12000	Concrete (800mm)	800mm concrete slab on ground
16	Concrete slab on ground (850mm)	m ²	150	12750	Concrete (850mm)	850mm concrete slab on ground
17	Concrete slab on ground (900mm)	m ²	150	13500	Concrete (900mm)	900mm concrete slab on ground
18	Concrete slab on ground (950mm)	m ²	150	14250	Concrete (950mm)	950mm concrete slab on ground
19	Concrete slab on ground (1000mm)	m ²	150	15000	Concrete (1000mm)	1000mm concrete slab on ground

2 Upper Floor Area
1:200

Technical Details:
 Schedule of BSB2 connections unit 2
 FIRE PROTECTION: ...
 STRUCTURE: ...
 FINISHES: ...
 MISC. SERVICES: ...
 CLIMATE CONTROL: ...
 SPECIALTIES: ...
 GENERAL: ...

Item No.	Description	Unit	Quantity	Value	Material	Notes
1	Concrete slab on ground (100mm)	m ²	150	1500	Concrete (100mm)	100mm concrete slab on ground
2	Concrete slab on ground (150mm)	m ²	150	2250	Concrete (150mm)	150mm concrete slab on ground
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8	Concrete slab on ground (450mm)	m ²	150	6750	Concrete (450mm)	450mm concrete slab on ground
9	Concrete slab on ground (500mm)	m ²	150	7500	Concrete (500mm)	500mm concrete slab on ground
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19	Concrete slab on ground (1000mm)	m ²	150	15000	Concrete (1000mm)	1000mm concrete slab on ground

3 (3D)

BALLINA SHIRE COUNCIL
 This is the plan/document to which
 development consent No: DA 2010/1061 relates,
 as determined by Council on: 28 Nov 2011
 GENERAL MANAGER per: _____

No.	Description	Date
1	DA PLAN	27.0.2010
2	amend per council request	2.2.2011

A.C. Arthur Colledge
 Building Design Draftsman
 ph 026866370 fax 026866370
 email acolledge@optusnet.com.au
 P.O. Box 892 Ballina

Project
 proposed staged 4 x 3 bed
 unit development at lot 1 dp
 387035 on 27 ross street,
 ballina.
 for: G. O'NEILL

Sheet number	4 OF 4
Scale	1:200
Date	19/06/2014 2:28:26 PM
Drawn by	RVT (A.C.)
Checked by	A.C.
Project number	RVT 3833

MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
28/04/11 AT 9.00 AM

8.3 DA 2010/1061 - Residential Flat - Ross Street / Fripp Lane, Ballina

File Reference	DA 2010/1061
Applicant	A E Colledge
Property	Lot 1 DP 367035, No. 27 Ross Street, Ballina
Proposal	To Undertake the Staged Erection and Strata Title Subdivision of a Residential Flat Building comprising four (4) x Two Storey three (3) Bedroom Dwellings and the Demolition of the Existing Dwelling House.
Effect of Planning Instrument	The land is zoned 2(a) – Living Area under the provisions of the Ballina LEP

280411/ 4 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council **APPROVE** DA 2010/1061 for the Staged Erection and Strata Title Subdivision of a Residential Flat Building comprising four (4) x Two Storey Three (3) Bedroom Dwellings and the Demolition of the Existing Dwelling House subject to the normal conditions for such a development in this locality.

FOR VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Cadwallader, Cr J Johnson

10.5 Community Donations

280411/ 5 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council donate \$1,000 from the General Fund to the Quota International Alstonville-Wollongbar Club for their 24th District Quota Conference 2011 and that the 2011/12 Donations Budget be reduced accordingly.

FOR VOTE - All Councillors voted unanimously.

8.1 DA 2010/1061 - Section 96 - 27 Ross Street, Ballina.DOC

8.3 DA 2010/1061 - Residential Flat - Ross Street / Fripp Lane, Ballina

8.3 **DA 2010/1061 - Residential Flat - Ross Street / Fripp Lane, Ballina**

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Effect of Planning Instrument	The land is zoned 2(a) – Living Area under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

Council is in receipt of a development application for the staged erection of a residential flat building containing 4 dwelling units.

The proposed development comprises the following:

STAGE 1:

- Erection of Units 3 & 4 – 2 x 3 bedroom dwelling units (accessed via Fripp Lane); and
- Strata Title Subdivision of Units 3 & 4.

STAGE 2:

- Demolition of existing dwelling;
- Erection of Units 1 & 2 – 2 X 3 bedroom dwelling units (accessed via Ross Street); and
- Strata Title Subdivision of Units 1 & 2.

Each dwelling unit will contain 3 bedrooms, laundry, 2 living areas, a kitchen, and a bathroom and ensuite. Each unit is also provided with a minimum of 50m² of private open space, and a covered alfresco area on the ground floor. Each unit is also provided with a double garage. One (1) visitor car parking space has also been provided for units fronting Fripp Lane.

Refer to the **attached** plans that detail the proposed development.

During the assessment process a number of objections to the proposed development were received by Council. Consequently this application is being reported to the Council for determination.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The proposed development was placed on exhibition in accordance with Council's policy. Due to the timing of the application being received and exhibited during the Christmas/New Year holiday period, the exhibition period was doubled in length. The proposal was therefore on exhibition from 22 December 2010 to 21 January 2011. During this exhibition period, four (4) submissions were received from surrounding landowners and residents.

Following the receipt of additional information, Council advised the original four (4) submitters that new information was available. Council then received a further submission from each original submitter and an additional five (5) submissions from nearby residents.

A total of 13 submissions were received from surrounding residents/landowners. A copy of each submission is attached.

The main grounds of objections can be summarised as follows:

- Inconsistencies within the Statement of Environmental Effects
- Density & Suitability of the site
- Car Parking and Access
- Stormwater Management
- Building Height and Overshadowing
- Privacy
- Building Setbacks
- Private Open Space & Landscaping
- Number of Occupants in Dwelling
- Building Design
- Concerns that Building will be on-sold to Social Housing Provider
- Timing of Application Lodgement
- Consistency with the BLEP 1987
- Tree Removal

These will be discussed in further detail below.

Applicable Planning Instruments

The proposed development has been assessed under the heads of consideration in Section 79(C) of the Environmental Planning and Assessment Act 1979, with the following being particularly relevant in Council's determination of the application.

Ballina Local Environmental Plan 1987

The subject property is located within the 2(a) – Living Area Zone.

The objectives of the 2(a) – Living Area Zone are:

- A. *The primary objectives are –*
- a) *To regulate the subdivision and use of land to permit housing and ancillary development where the scale, type and traffic generating characteristics of the ancillary development are compatible with the character and amenity of the surrounding residential area;*
 - b) *To permit development which is considered by the council to be an essential land use within the urban living area, but not including a shop (other than a general store); and*
 - c) *To allow detailed provision to be made, by means of a development control plan, to set aside specific areas within the zone for varying housing densities as well as other associated urban tourist facilities.*
- B. *The secondary objective is to allow a variety of housing types and designs and to encourage greater visual amenity by requiring site landscaping.*
- C. *The exception to these objectives is development of land within this zone for public works and services, outside the parameters specified in the primary objectives.*

The proposed development involves the erection of a 4 unit residential flat development, being a permissible development in the 2(a) zone.

The proposal is expressly consistent with Objective A (a) in that the development proposes the erection of additional housing which is set at a density that is consistent with the density permitted by the development control plan that was adopted by Council and referenced in Objective A(c).

Clause 17 of the BLEP is also applicable in the assessment of the proposal.

17. Limitation on building height

- (1) *In this clause "height", in relation to a building the topmost floor of which has a ceiling, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*
- (2) *Except as provided by subclauses 2(A) and (4), a person shall not, on any land to which this plan applies, erect a building taller than 6.4 metres in height unless the council is satisfied that the building will not –*
 - a) *Adversely affect the existing or future amenity of adjoining properties by overshadowing or causing loss of privacy;*
 - b) *Significantly obstruct views from adjacent buildings and public places;*
 - c) *Have an adverse impact on the scenic or landscape quality of the locality; or*
 - d) *Exceed 2 storeys.*

Submitted plans indicate the proposed building height from finished ground level to top plate of ceiling is 5.8.

The proposal complies with the 6.4m height limit.

State Environmental Planning Policy 71 – Coastal Protection

The subject site is located within the coastal zone and is thus subject to the provisions of SEPP 71.

The proposed development has been assessed against the provisions of Clause 8 of this SEPP which contains matters for consideration for development proposals on land within the coastal zone.

The proposed development is within an established urban area on land currently containing a residential dwelling. It is considered that the proposed development is generally in accordance with the aims of the Policy and the desired outcomes detailed in the Clause 8 matters for consideration.

The proposed development will have no direct effect on the coastline or estuary and will not impact on access to foreshore areas. The compatibility of the development with surrounding uses and its suitability for the site is addressed elsewhere in this assessment. If the development is approved, it will be subject to relevant and applicable land use and construction conditions to regulate the impacts of the construction on the surrounding residential precinct located within the coastal zone.

North Coast Regional Environmental Plan (State Environmental Planning Policy – North Coast Regional Environmental Plan)

Clause 32B of this plan regulates development on coastal lands. The proposed development, while located on land within the coastal zone, will not impact on the visual quality of the coastal environment and will have no direct impacts on coastal foreshores. The site is not affected by coastal processes. The proposed development can be sufficiently regulated to minimise any impacts on coastal water quality from stormwater discharge.

Clause 43(1)(A) is also applicable to the proposed development.

43(1) The Council shall not grant consent to development for residential purposes unless:

- a) It is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land.*

The proposed development is expressly consistent with this clause, as it is consistent with the Medium Density designation of the site and surrounding locality as identified within the Combined Development Control Plan. The proposed development is compliant with the development standards applying to the site as outlined in Council's adopted DCP.

Draft Ballina Local Environmental Plan 2010

The subject land is proposed to be zoned R3 – Medium Density Residential under the certified and exhibited Draft BLEP 2010.

8.3 DA 2010/1061 - Residential Flat - Ross Street / Fripp Lane, Ballina

The proposal would be defined as "multi dwelling housing" which means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

The proposal would be permissible with development consent under the Draft Ballina Local Environmental Plan 2010.

The proposed objectives of the R3 zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide development compatible with the character and amenity of the surrounding neighbourhood.
- To encourage housing and infrastructure that supports the ageing population.
- To provide for development that meets the social and cultural needs of the community.
- To encourage development that achieves the efficient use of resources such as energy and water.

The proposal is considered to be consistent with these objectives.

Ballina Shire Combined Development Control Plan

The subject land is designated M1 – Medium Density under the provisions of Chapter No. 1 – Urban Land.

Preferred land uses within the M1 control plan area include Residential Flat Buildings and duplex developments. The proposed development is consistent with the preferred land uses.

The objectives of the M1 area are:

- To encourage the introduction and infill of medium density development into residential areas whilst minimising the impact on the residential amenity of neighbourhoods.
- To enable the development of non-residential activities which would complement the amenity of the residential neighbourhood.
- To encourage the amalgamation of small allotments where medium density development is proposed.

The proposed development is considered to be consistent with the objectives of the M1 area, particularly as the proposed development is compliant with the long established development standards that apply to residential flat developments and as outlined in Council's DCP.

The applicable development standards guiding residential flat development as contained in the Ballina Shire Combined Development Control Plan are set out below.

Policy Statement No. 1 – Multiple Dwellings

Development Standards	DCP Requirements	Proposed	Comments
Maximum Density	Ballina Island 200m ² /unit	Size of lot is 996.6m ² 4 units proposed at 1 unit per 249m ²	Complies
Landscaped Open Space	500m ² for 4 units	491.7m ²	Considered Satisfactory. See comments below
Private Open Space	Minimum of 50m ² /unit – may be provided in more than 1 part having a minimum area of 40m ² and a minimum dimension of 4m and be contiguous with living area.	Unit 1 – 58.88m ² Unit 2 – 62.28m ² Unit 3 – 56.23m ² Unit 4 – 75.45m ² All units have in excess of the required 50m ² of private open space including the patios on ground floor with a minimum dimension of 4.0m. Private open space is accessed via living areas on the ground floor.	Complies
Building Height	Maximum of 2 storeys	All buildings 2 storeys in height	Complies
	Maximum 6.4m in height	5.794m to top plate. Site required to be filled to 2.1m AHD and floor level 2.6m AHD.	Complies
	No part of residential building below top-most ceiling to encroach building height plane	All areas below the top-most ceiling are enclosed within the building height plane.	Complies

Setbacks	<p>Side and rear setbacks to be an average of 4m with a maximum encroachment of 1.3m (subject to off-set area equal to encroached area)</p> <p>Encroachment from side boundaries by 1.3m provided length of encroached wall face will be a maximum of 20% of total wall length which faces encroached boundary, and encroached area is equally off-set by an unbuilt area directly inside the setback</p>	<p>Average side setbacks achieved. Bedroom 3 of all units encroach the side setback by the allowable limit of 1.3 metres.</p> <p>The total length of the encroachment is approximately 3m for each unit. This is offset by a building length of approximately 4m to allow for private open space for each unit.</p> <p>The encroaching section of wall for each unit is approximately 3.2m in length. The total length of wall facing the encroached boundary on each unit is approximately 18m in length. This is within the permissible 20% maximum and therefore considered satisfactory.</p>	Complies
Building Line	<p>Front building line per Policy Statement No. 3 – 4.6m setback required. Rear lane setback = 5.5m</p> <p>Cantilevered Balconies may encroach up to 1.8m but be set back 2.7m from side and rear boundaries.</p>	<p>Ross Street Setback = 4.6m</p> <p>Fripp Lane Setback = 5.5m</p> <p>All units are provided with cantilevered balconies which extend over the building line, encroaching by less than 1.8m each.</p> <p>All balconies are setback 4m from side boundaries.</p>	Complies

8.1 **DA 2010/1061 - Section 96 - 27 Ross Street, Ballina.DOC**

8.3 DA 2010/1061 - Residential Flat - Ross Street / Fripp Lane, Ballina

On site car parking	1.5 spaces/3 bedroom unit 1 visitor space/5 units No. of car parking spaces required $4 \times 1.5 + 1 = 7$	All units have been provided with a double garage. One (1) space has also been provided for the use of the resident and visitors. This is to be accessed by Fripp Lane. Number of car parking spaces provided = 9.	Complies
Access	Communal driveways and pedestrian thoroughfares not to be within 3.5m of a ground floor bedroom window unless screened by 1.8m high masonry wall	No driveways are located within 3.5m of a ground floor bedroom window.	Complies
	Pedestrian access to be provide from each unit to the street (for access to mail/garbage services and public footpath system)	Pedestrian access to Ross Street will be available to Units 3 & 4 via a 1.2m wide pathway on the northern boundary of the site for Unit 3 and the southern boundary of the site for Unit 4.	Complies
Continuous Walls and Ridgelines	External walls and ridgelines shall not extend to a greater length than 25m without a maximum horizontal shift of 1.5m.	The maximum continuous external wall length being the first floor of the proposed development is approximately 16m on both buildings.	Complies

Landscaped Open Space

Council's calculations of the identified landscaped open space areas on the site plan (not including driveways or pathways) show that 491.7m² of landscaped open space is proposed to be provided.

It is considered that the small area of non-compliance in landscaped open space is not considered to be detrimental to the proposal. The proposed development has provided a significant private open space area for each unit. In this regard, the departure from the landscaped open space guideline is considered satisfactory in this circumstance.

Report

As outlined above, the proposed development is consistent with the relevant statutory controls and particularly the provisions of the Ballina Local Environmental Plan and the Ballina Shire Combined Development Control Plan.

During the exhibition, a number of objections were received from surrounding landowners. Discussions on the issues are provided below:

Inconsistencies within the Statement of Environmental Effects (prepared by BASIX Services)

A number of inconsistencies were contained within the Statement of Environmental Effects (SEE). Following a request by Council, these have since been corrected and a revised SEE was submitted to Council on 21 February 2011.

Density & Suitability of the Site

Objectors have raised concerns regarding the suitability of the proposed development on the site and that the erection of 4 x 2-storey units on the site is overdevelopment for the site, and no other developments are similar in the area.

The subject site is designated M1 – Medium Density under the provisions of the DCP. The allowable maximum density within the M1 area is 1 unit per 200m². As the site has an area of 996.6m², the proposed 4 unit development is well within the allowable maximum density.

The Ross Street locality which is all within the M1 – Medium Density designation is characterised by a predominance of older-style dwellings but there are a number of medium density developments established in the street. The proposed development complies with the density provisions of the DCP and is development that could reasonably be anticipated in this M1 area.

Car Parking & Access

Concerns have been raised by the submitters regarding traffic and access to Fripp Lane. Fripp Lane is essentially of single-lane width but allows for two-way traffic. A dish drain also runs partly along either side of the lane, which prevents the opportunity for vehicles to park in the lane. The proposed development will provide access to Units 3 & 4 from Fripp Lane. A visitor's car parking space is also provided on-site accessed from Fripp Lane.

A number of properties that front Ross Street and Norton Street also have direct access from Fripp Lane. Council's Development Engineer has advised that Fripp Lane is capable of handling the additional traffic flows but will require upgrading for the width of the subject property.

Stormwater Management

Objectors have raised concerns regarding the additional stormwater run-off that will be created by the proposed development, and the evidence of poor drainage in Fripp Lane. The site is required to be filled to 2.1m AHD prior to development commencing, for flood mitigation purposes. Council's Development Engineer has conditioned that a stormwater management plan be submitted to and approved by Council prior to the issue of a construction certificate to ensure that appropriate stormwater management controls are provided on site, to meet the objectives of Council's Stormwater Management provisions of Chapter 16 of the DCP. Upgrading of drainage along the property's Fripp Lane frontage will also be a condition of any consent granted.

Building Height and Overshadowing

Concerns were raised in submissions regarding the suitability of a two-storey development on the site, and overshadowing impacts on adjoining properties.

The building is of two-storey construction. In accordance with Council's flood policy, the site is to be filled to 2.1m AHD. The height of the proposed building measured from this filled ground level is 5.8m. This is well below the 6.4m height reference within the BLEP.

The proposed development is within the building height plane and complies with the requirements of Policy Statement No. 3 – Building Lines and Setbacks of the DCP. It is not considered that its height and overall footprint will detrimentally affect the surrounding area. It can be reasonably anticipated that a two-storey residential flat building that complies with the DCP would be development that is approved within the long established M1 – Medium Density area of Ballina Island.

In regards to overshadowing, adjoining properties adjacent to the southern boundary of the proposed development have highlighted concerns. Shadow diagrams have been requested from the applicant to demonstrate the extent of overshadowing of the proposed development onto adjoining properties.

The shadow diagrams reveal that at 9am during the winter solstice, a significant shadow is placed over the adjoining property on the southern boundary (25 Ross Street). However, from 11am this shadow is significantly reduced allowing continuous sunlight across the majority of the adjoining site.

The provisions of Chapter 16 – Lennox Head of the Combined DCP, whilst not applicable to this site, do provide a reference in relation to overshadowing considerations. Chapter 16 - Lennox Head requires that 4 hours of continuous sunlight is available to the adjoining southern properties between the hours of 9am – 3pm during winter (22 June). The proposed development generally complies with this requirement.

It should also be noted that, under the provisions of State Environmental Planning Policy – Exempt and Complying Development (Codes SEPP), a two-storey dwelling up to 8.4m in height with a closer setback to the boundary than a residential flat building may be constructed on the site, without notifying neighbouring properties. As the dwelling would be closer to the boundaries, it is considered that there may be a more significant overshadowing impact in this situation.

Privacy

Due to the height and orientation of the proposed development, objections have raised privacy concerns with the design of the dwellings and the location of living areas within the proposed dwellings, particularly Units 3 & 4 whose balconies overlook Fripp Lane. Privacy concerns were originally raised with the applicant following the submission of the application as Council was concerned that inadequate screening was proposed for the balconies of Units 3 & 4. Following a request for additional information, revised plans were received from the applicant, showing additional screening on the sides of the balconies. The configuration of the double-hung windows in the living room reduces opportunity for overlooking onto adjoining properties.

The balconies of Units 3 & 4 are accessed from the main living area of the units, and directly overlook Fripp Lane. All balconies comply with the required building line setbacks, as detailed above.

Properties in Fripp Lane are unlikely to be adversely impacted in regards to privacy. The configuration of properties within the lane is such that living areas are not visible due to distance, landscaping and structures such as garages fronting the lane.

Number of Occupants in Dwellings

One submission raised concerns regarding the potential number of occupants in the dwellings and the impact it may have on the surrounding amenity in regards to noise. The proposed development contains 4 x 3 bedroom dwellings. Council does not impose restrictions on the number of persons occupying a dwelling, nor can council speculate on the number of persons who may occupy each dwelling.

In regards to noise from the dwelling, it is expected that appropriate domestic noise will be contained within the dwellings. Living areas on the ground floor of the dwellings are located approximately 5m from the adjoining boundaries. Dining and Living areas located on the first floor of the dwellings are also located approximately 4m from the adjoining boundary. The balconies of all units comply with the building setbacks, being a minimum of 4m from the adjoining boundaries.

Building Design

The design of the proposed development has also been raised as an issue. The proposed development is of a modern contemporary design, constructed of rendered masonry and a colourbond metal roof. Concerns have been raised that the proposed development is not in keeping with the existing style of developments in the Ross and Norton Streets area. One submitter has identified that Norton Street, which adjoins the proposed development to the east, is a heritage area, and opposes the design of the building. Norton Street contains a number of older buildings, and 3 heritage items listed within Schedule 1 of the BLEP 1987 are located in Norton Street (Ballina Manor, Anglican Church and Brundah Guest House). The closest of these items is approximately 300m south-east of the subject site.

Concerns that Building will be on-sold to Social Housing Provider

The applicant has not conveyed to Council that they wish to on-sell the dwellings to a social housing provider. In any event it is considered that this is not a relevant consideration.

Timing of Lodgement of Application

Various submitters raised concerns regarding the timing of lodgement of the application, and that as it was lodged close to Christmas, that not all surrounding residents had an opportunity to provide a submission.

The application was received by Council on 16 December 2010, and placed on exhibition from 22 December 2010 to 21 January 2011. The exhibition period was extended to 4 weeks, instead of the usual 2 weeks, given the Christmas and New Year Holiday period. During the initial exhibition period, Council received 4 submissions to the proposed development. Following the receipt of additional information, the original submitters were advised of the new information and the opportunity to view the changes was provided. Council then received a further 9 submissions, bringing the total number of submissions to 13.

The timing of lodgement of an application is not something that Council has control of, and the extension of the exhibition period by two weeks is considered to be reasonable and adequate.

Conclusion

The proposed development seeks Council consent for the erection of a residential flat building on the site. The assessment of the development against the regulatory provisions for the site has revealed that the proposed development is consistent with the applicable provisions of the BLEP 1987 and the DCP. Despite the objections received, it should reasonably be expected that such a development in the M1 area that complies with Council's DCP provisions would be approved.

RECOMMENDATIONS

That Council **APPROVE** DA 2010/¹⁰⁶¹~~1050~~ for the Staged Erection and Strata Title Subdivision of a Residential Flat Building comprising four (4) x Two Storey Three (3) Bedroom Dwellings and the Demolition of the Existing Dwelling House subject to the normal conditions for such a development in this locality.

Attachment(s)

1. Locality Plan
2. Site Plan, Floor Plan and Elevations
3. Copies of Submissions received during public exhibition (note one submission is confidential and has been distributed to Councillors under separate cover)

Naomi McCarthy

From: Marc Lyndon <opie1@aapt.net.au>
Sent: Thursday, 16 October 2014 9:59 AM
To: Naomi McCarthy
Subject: TRIM: Re: DA 2010/1061 27 Ross Street Ballina

HP TRIM Record Number: 14/77393

Naomi,

Thanks for that.

By the way I spoke to the Builder on site on Tuesday and he agreed about the noise. He told me that speaking voices coming from our place were clearly audible from where they were working on the first floor. It seems that the Solid Privacy Screens as approved to the first floor balconies are necessary for the future occupants of the units as well as those residents surrounding the development to reduce the noise and retain some privacy so we are looking directly into each others living and kitchen areas.

The units will be sold. The developer lives on an acreage out of town. New occupants will not object to the privacy screens being present as that is how they will purchase the units and in fact appreciate the reduction in noise. We certainly will.

Many thank again,

Marc Lyndon

On 14/10/2014, at 3:05 PM, Naomi McCarthy wrote:

> Hi Marc,
>
> Yes thank you, I received your submission.
>
> I will now consider your submission and finalise my assessment. I will let you know the outcome and whether the matter will be reported to Council.
>
> Thank you
>
> Regards,
>
> Naomi McCarthy
> Acting Manager Development Services
> Development and Environmental Health Group
>
>
> ballina.nsw.gov.au |
> http://scanmail.trustwave.com/?c=4991&d=s_y-1A6TlpRJm6zTntGgzAluqbySA
> SIwesyZi9Tw&u=http%3a%2f%2fdiscoverballina%2ecom
> p: 66861254 | f: 0266811375
> The environment thanks you for not printing this message. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have

From: "Hazel Clough" <hazed@tpg.com.au>
Sent: Fri, 10 Oct 2014 12:09:17 +1100
To: "Development and Environmental Health Group Support Staff" <reghelpdesk@ballina.nsw.gov.au>
Subject: Fw: DA NO 2010/1061.

----- Original Message ----- **From:** Hazel Clough
To: naomim@ballina.nsw.gov.au
Sent: Friday, October 10, 2014 12:06 PM
Subject: DA NO 2010/1061.

Dear Ms. Macarthy,

Reference - Property - Lot 1 DP 367035, 27 Ross Street, Ballina. - See letter to residents - 25th September, 2014.

This e-mail is an objection to the removal of the privacy screens on the above DA. I have real concerns for the privacy and noise impact on myself and surrounding neighbours. The front of the building is very close to the laneway (Fripp Lane) therefore there is a necessity to have the privacy screens put back in place so residents in the new building will not be overlooking my ground level townhouse at 49 Fripp Lane.

The original plans, Privacy Screens included, were approved by the majority of Councillors when this DA first went to Council. Neighbours accepted the original decision - with Privacy Screens. I ask that the Council reconsider and not allow the Privacy Screens to be deleted from this development.

Regards,

Hazel Clough, 74A Norton Street.

Naomi McCarthy

From: valpin@internode.on.net
Sent: Friday, 10 October 2014 9:51 AM
To: Naomi McCarthy
Subject: DA 2010/1061

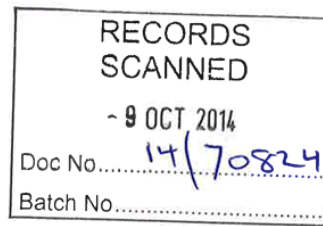
Naomi McCarthy,

I would like to lodge my objection to the modifications that G.O'Neil is seeking on DA 2012/1061.

He seeks to delete the privacy screens which were voted on by council & only now he wants it changed. If this is so it should go back to council.

I believe the reasons I do not want the original plan changed has been set out in detail by my neighbours Marc Lyndon & Margaret Opie & I completely agree.

Margaret Pinney
2/29 Ross St (Fripp Lane)
Ballina



70 Norton Street
Ballina
NSW 2478
7/10/2014

Naomi McCartney
Ballina Shire Council
Cherry St Ballina 2478

Dear Naomi

Re: DA 2010/1061 Applicant; Mr GM O'Neill Lot1 DP:367035 27 Ross St, building on Fripp Lane

Mr O'Neill has applied for a section 96 Application to modify consent to change construction materials for 1st floor balcony privacy screens on units 3 & 4 from solid screens to wire and balustrade

We strongly object to this change and ask Council to endorse the original DA for the following reasons;

- These units look directly across the lane into our Lounge room, Family room, Verandah, outdoor entertaining area, and Granny flat See enclosed photos The proposed wire & balustrades instead of solid screens as directed in the DA would destroy what is left of our privacy
- We are already having a problem with noise We can hear every word the builders say also their music, radios and machinery The first floor living area in such a tall building [which dwarfs surrounding houses] seems to amplify the sound. This noise, hopefully, will be lessened by a *solid* balcony privacy screens
- The height and size of this project is intrusive and anything which can be done to ameliorate it's impact should be done Our neighbours both sides of the lane are also concerned and I believe will also be writing to Council

These units are a profit making exercise and no doubt there will not be a backward glance from Mr O'Neill once they are sold We residents will be left with the problems and to

14/71001
ACKNOWLEDGED

reduce these problems we ask that Council enforce the DA condition of solid privacy screens on all balconies to limit the unit's residents direct view into our homes and reduce the noise

We have enclosed some photos taken from inside our lounge room, verandah, outdoor entertainment area and from the kitchen window of my granny flat which is on Fripp Lane

We would welcome an inspection by Council and/or Councillors

Yours Faithfully



for
Heather, Simon and Lidija Cleverley

jhcleverley@optusnet.com.au

Long time ratepayers on houses- in Chikiba Drive & 2 properties in Norton St









Naomi McCarthy

From: Marc Lyndon <opie1@aapt.net.au>
Sent: Thursday, 9 October 2014 11:54 AM
To: Development and Environmental Health Group Support Staff
Cc: Naomi McCarthy
Subject: DA 2010/1061 -RE: Application to modify consent

Naomi McCarthy,

I wish to lodge my objection to granting of the Section 96 Application to Modify Consent.

Changes to construction materials for first floor privacy screens.

The privacy screens were added by the Applicant, Mr G O'Neill after concerns were raised by residents during the initial Development Application process.

What the applicant now seeks to do is **not** to change the construction materials, but **delete the privacy screens**. He intends to replace the **1.8m high and 2.7m wide, solid privacy screens looking into my property and my neighbour's properties from both balconies, with a wire balustrade at handrail height, and no privacy screen**. As the building itself has not been changed there is no valid reason to delete the sound and privacy screens at this late stage. The screens were added by the Developer, along with other modifications, prior to the DA being voted on by Councillors at a Council Meeting. The Development was approved because the applicant added these items.

Myself and other residents are still concerned with how the first floor living and entertaining areas of the development overlook our respective private properties. As construction has continued we have realised the height of the building is now even higher than Council staff had indicated it would be at a Council meeting to determine the development.

The construction method of the first floor with a large entertainment room leading to a balcony built in front of the building line, is like a **loud speaker**. We can hear the speaking voices of the builders and tradesmen as loud as if it were occurring **in** our house now. (In addition to the louder noise of radios and the construction noise from the building site) .

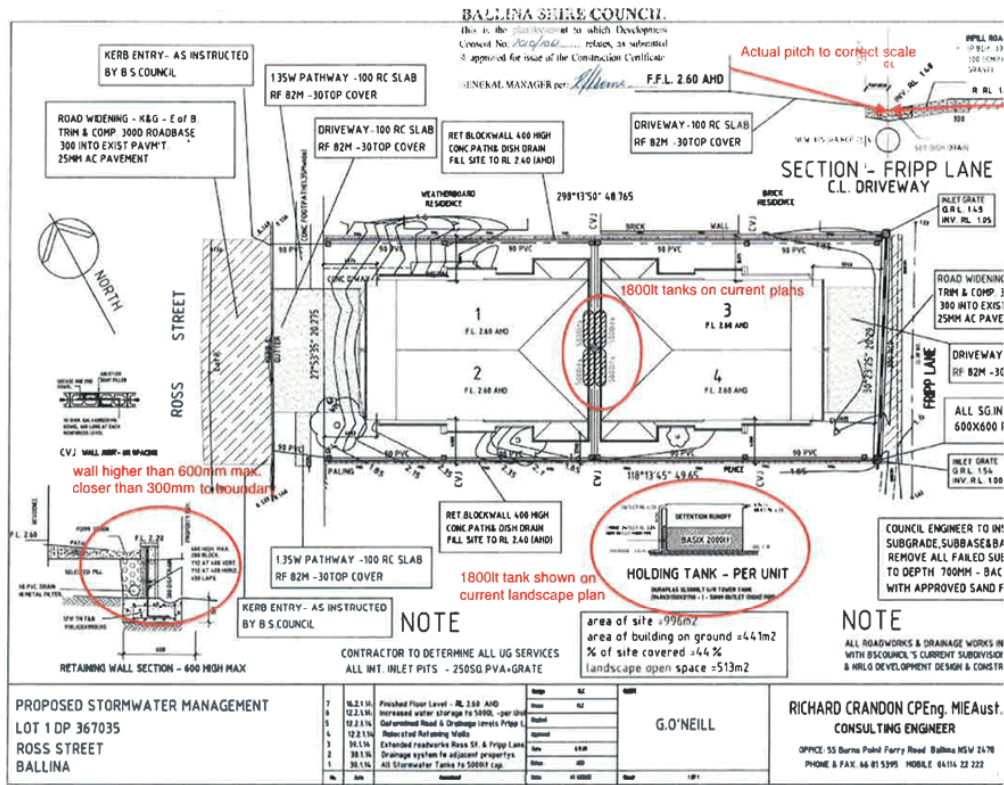
Any music and TV devices in the front lounge area overlooking our house will be audible when completed. We will be able to hear everything that happens when residents move in, only louder, as the design of the building (low ceiling at rear with rendered block walls opening out with very high ceiling towards our property, like a loud speaker) will amplify the noise. There appears to be gas outlets at the front of the balconies for outdoor BBQ's. What the applicant is now proposing in this Section 96 to Modify Consent of using only a handrail height wire balustrade gives no privacy. **The solid privacy screen as detailed in the stamped and approved plans are the only measure that may abate some of the noise we will have to endure continually.**

The addition of privacy screens to this development was a necessary compromise. The screens as approved only cover around 20% of the area of the first floor balcony overlooking my property. We believe there is no valid case to delete them now.

The applicant appears to have little regard for the privacy and amenity of the residents surrounding the development. The applicant has tiled the front decks and is painting the outside of the building, thus has pre-empted any decision by Council staff and assumes he will be able to proceed with his intentions despite only now lodging the amendment.

Once the development is completed and sold we, the neighbours remain, and some consideration to our amenity is required and an adherence to the DA approval process under which the development was originally granted.

Marc Lyndon and Margaret Opie





Naomi McCarthy

From: Gerard O'Neill <gerio3@bigpond.com>
Sent: Monday, 27 October 2014 8:11 PM
To: Naomi McCarthy
Subject: TRIM: Fw: 27 Ross sT PRIVACY SCREENS -Gerard O'Neill
Attachments: photo 1.JPG; photo 2.JPG; photo 3.JPG

HP TRIM Record Number: 14/77391

----- Original Message -----

From: Gerard O'Neill
To: naomim@ballina.nsw.gov.au
Sent: Sunday, October 19, 2014 8:02 PM
Subject: 27 Ross sT PRIVACY SCREENS -Gerard O'Neill

Dear Naomi

As the owner and developer of the townhouses at 27 Ross St /Fripp lane . I would like to respond to the objections to our desire to have the privacy screens removed, and glass balustrading installed.

Noise.

The issue of noise has been raised and as I understand noise was not a factor in the original consent. Our development is no closer to Fripp lane than our adjacent dwellings are and the folks across the road who are concerned are actually closer to there adjacent neighbours than to our units. Noise issue for the them would more likely come from there existing next door neighbours. The Clough residents being especially close to there subdivided block neighbours on Norton St

Eight or ten tradesmen working with radios on and powertools in operation make substantially more noise than a middle aged couple living in residence or a small family which will be the type of occupants to reside in these units most likely.

Further to that our intention is to provide glass panel balustrading to the entire balconies which does block sound. The original consent allowed for 2/3 rds of the balconies to be open wire balustrading and only one third in blockwork, so making them entirely of glass will reduce noise and certainly not increase it from the original construction.

Privacy.

The blockwork sections of the balustrading in the original consent do not prevent any view of the neighbours who objected. Please see the attached photos from the our units 3and 4 and you will notice that the block walls if to be in place would not prevent any view of the Cleverly's residence from unit 4 that exists without the walls. The same is for the Clough's place as viewed from unit 3. The Cleverlies house fronts Norton St and they have a two level separate habitable dwelling at the rear of there block which backs on to Fripp Lane . This dwelling blocks out a lot of there backyard and the section of there main residence that can be seen would not be prevented by the privacy screens. See photo 3.

The same situation applies to the Clough's place , the privacy screens with or without do not change what view of there place is seen with or without the screens. See photo 2 . Any view from our balconies of the residence between the Cloughs and the Cleverlies which fronts Norton St is obstructed by a shed /garage and a treeline all of which is at the Fripp Lane end of there block. See all photos . Again privacy screens achive nothing.

Ascetically and functionally glass balustrading will make for a more contemporary finish to what are contemporary townhouses.

If you or any of the objecting neighbours would like to see for themselves the facts regarding the view from our units etc please feel free to contact me.

Sincerely Gerard O'Neill
0418 832693







