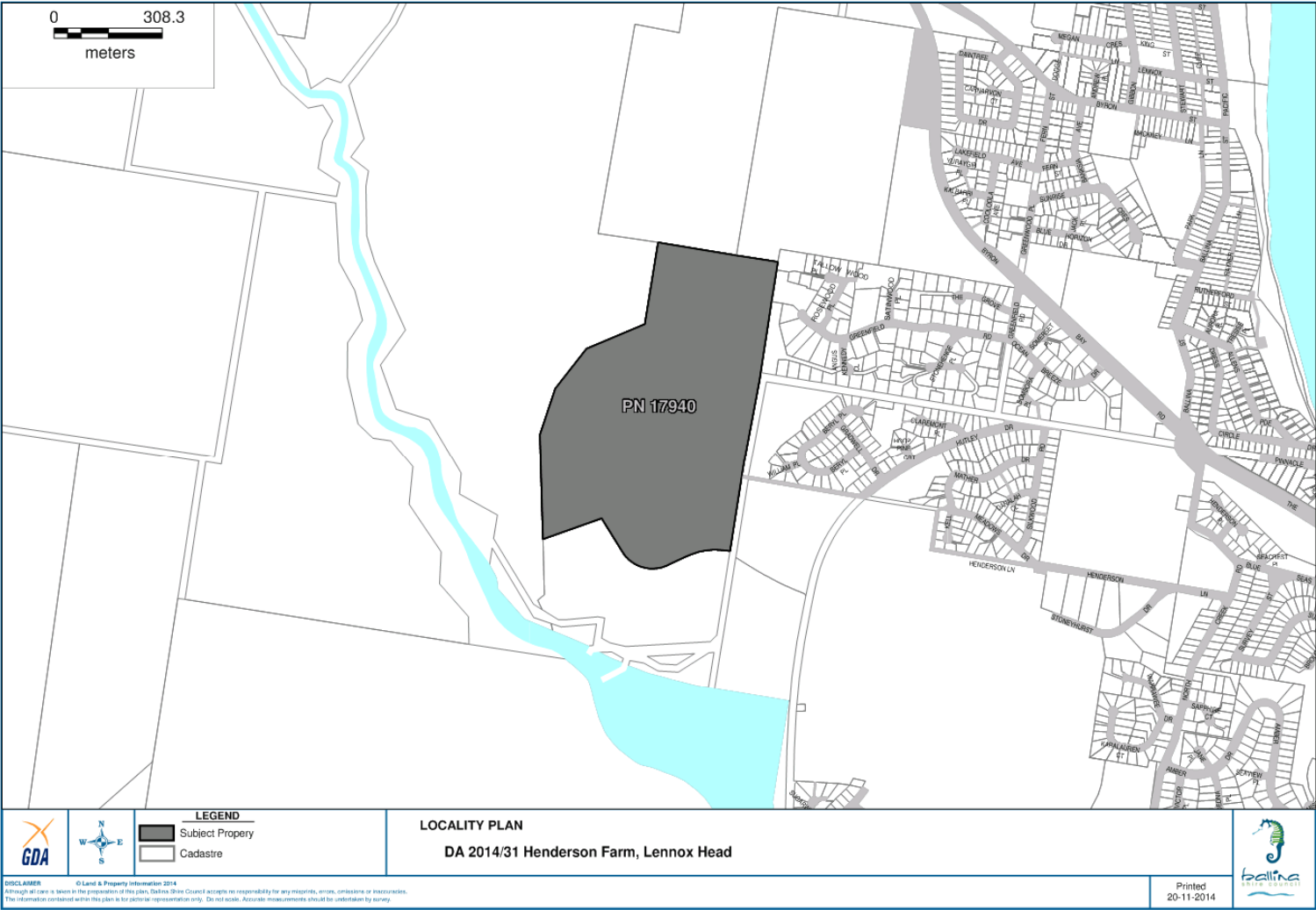
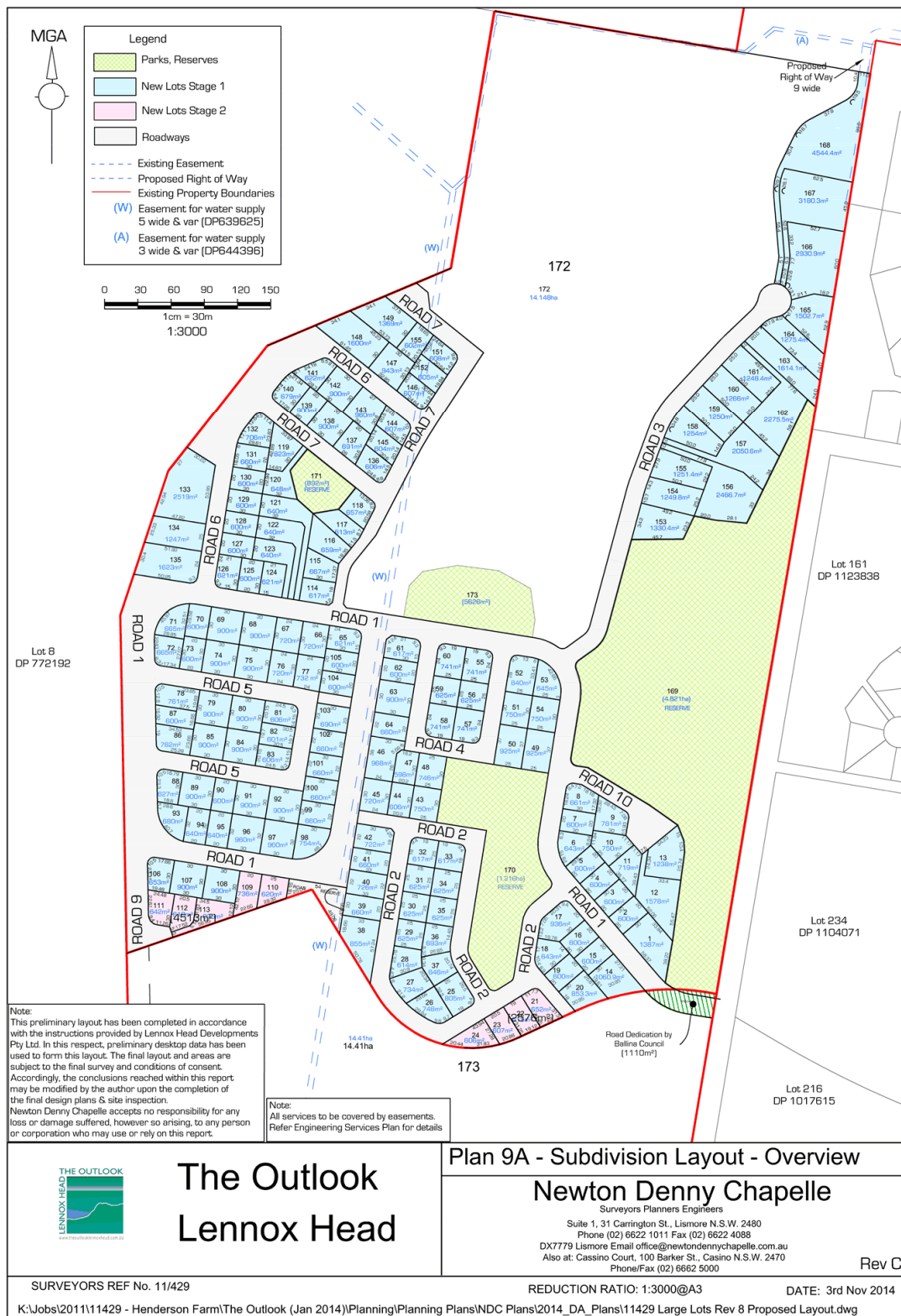


8.2     DA 2014/31 - Residential Subdivision - Henderson Farm, Lennox Head.DOC





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PAGE 01/05

**CROFTAG PTY LTD**

A.B.N. 29 050 336 082  
18 Kanoona Avenue, Homebush 2140  
Telephone: (02) 9746 8970 Facsimile: (02) 9746 8560

19<sup>th</sup> February 2014

The Manager  
Development and Environmental Health  
Ballina Shire Council  
P O Box 450  
Ballina NSW 2478

Attention: Dwayne Roberts

Dear Sir,

Re: Development Application 2014/31

My company owns land on the Byron Bay Road (Lot 103, DP755684) and part of my boundary adjoins the property referred to in the abovementioned DA.

The applicants (Newton Denny Chapelle) have indicated in their Stormwater Management Plan that they intend to direct stormwater from the north eastern section of their subdivision towards the boundary of our property.

I am very concerned as to the possible ramifications of stormwater and the pollutants associated with residential housing and motor vehicles etc. being directed onto our property where there is no real drainage to speak of.

Yours faithfully,



Andrew Barrett.  
Director.

*Patricia W Barrett  
98 Redmyre Road  
Strathfield NSW 2135*

*Telephone 02 97641224  
Mobile 0414 764122*

19<sup>th</sup> February 2014

The Manager  
Development and Environmental Health  
Ballina Shire Council  
P O Box 450  
Ballina NSW 2478

Attention: Dwayne Roberts

Dear Sir,

Re: Development Application 2014/31  
Henderson Lane, Lennox Head.

I own the property at 480 Ross Lane, Lennox Head ( Lot 8, DP 772192 ) and part of my boundary adjoins the property referred to in the above mentioned Development Application. (See my letter dated 27<sup>th</sup> May 2013 and Council's reply TRIM 13/30530.)

The owners of the Henderson Lane property, Lennox Head Development Pty Ltd, via their agents, Newton Denny Chapelle have applied to direct the stormwater from their proposed 168 plus block development over our common boundary and into an open drain that runs on my property approximately 100 meters from, and parallel too that common boundary, thence into North Creek, via my floodgates.

Presently, the Henderson Lane property is in pasture feeding cattle and during rain the soil absorbs a lot of the water. My drain was installed decades ago when my property was a sugar cane farm and while it does receive some natural run off, its not enough to cause any damage.

The prospect of stormwater and its associated pollution from 168 plus house roofs and hectares of street drainage all being directed through my property and into North Creek is of major concern to me, particularly considering the permanently ongoing cost and responsibility of maintenance of the drain and floodgates and the potential responsibility for pollution entering both my property and North Creek.

*Patricia W Barrett  
98 Redmyre Road  
Strathfield NSW 2135*

*Telephone 02 97641224  
Mobile 0414 764122*

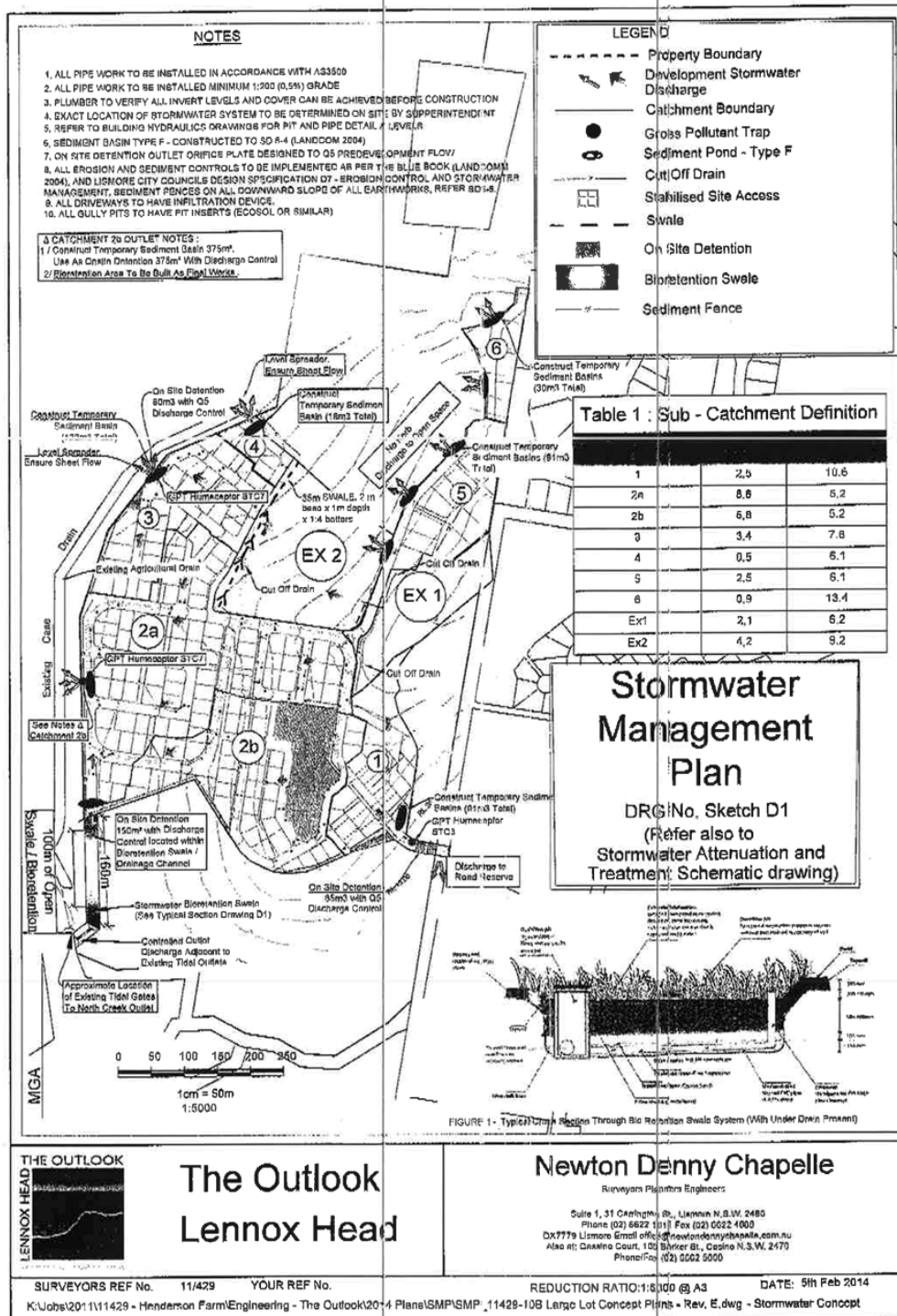
I strenuously object too the stormwater management proposal set out in the DA and deny permission to use my property as the applicants storm water drain.

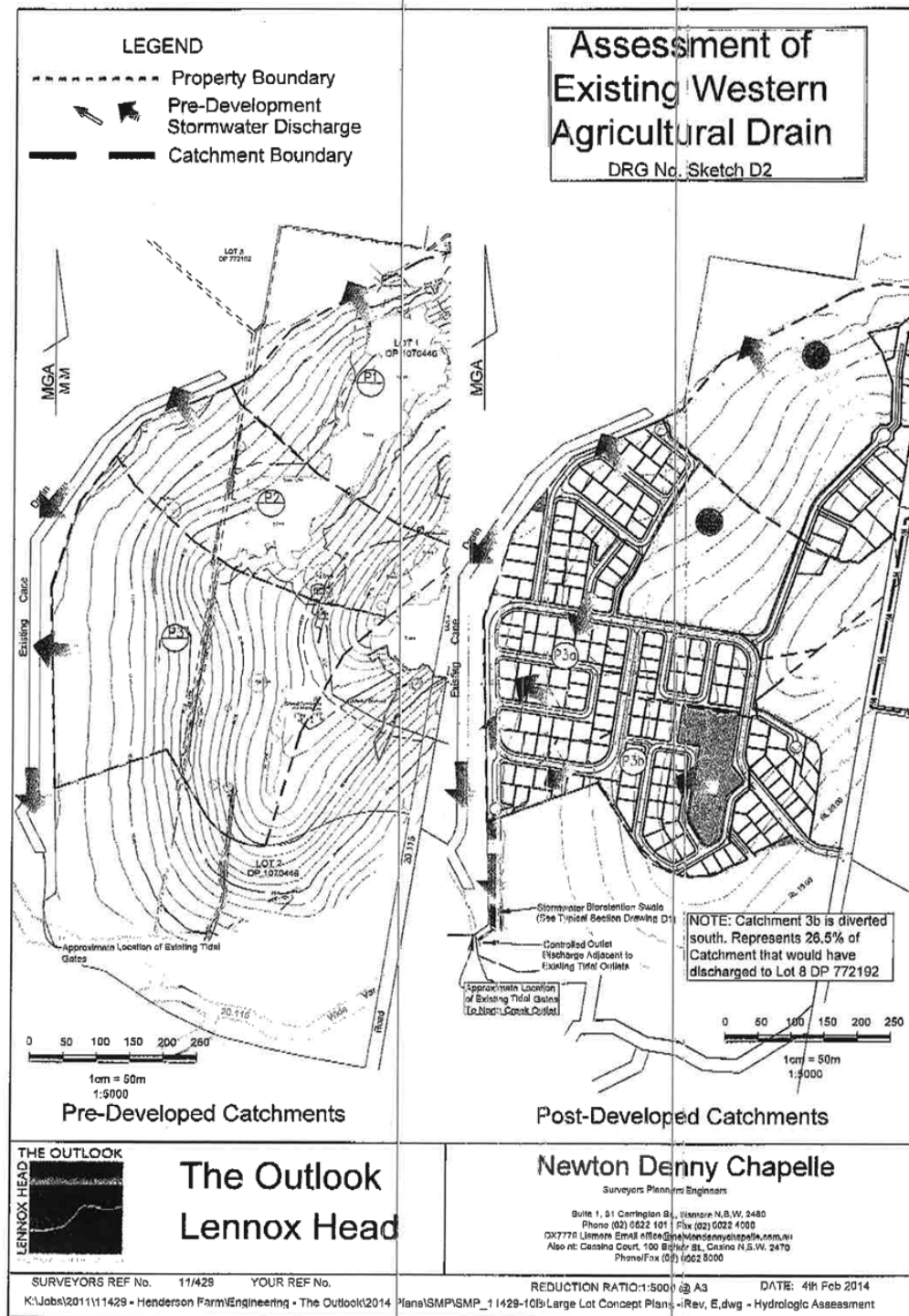
Please direct any correspondence to my business address, 18 Kanooka Avenue, Homebush NSW 2140, for the attention of my son, Andrew Barrett. ( Telephone 02 9746 8970 )

Yours faithfully,



Patricia W Barrett.







The Royal Bank of Scotland plc  
AFS Licence No. 241114  
ABN 30 101 464 528  
RBS Tower  
88 Phillip Street  
Sydney NSW 2000  
GPO Box 4675 Sydney NSW 2001  
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Facsimile: +61 2 8259 5444  
[www.rbs.com/mib](http://www.rbs.com/mib)

March 4, 2014

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

Dear Sir,

**Development Application 2014/31 Subdivision, Henderson Lane,  
Lennox Head**

As owners of the adjoining land, known as Pacific Pines, we make the following submission regarding the development application seeking approval for the subdivision known as "The Outlook".

**1. Site Access**

The proposed subdivision relies on an as yet unconstructed road for access, and the applicant has requested a 'deferred commencement' approval in this regard.

Based on our experience with the NSW Planning system, we question whether this is appropriate.

Part 3A approval exists for the Pacific Pines development, and this includes the dedication of 'the western access road' as part of our Stage 1B development. I note, however, that civil design of this stage has not yet completed.

We have applied to Council for a Construction Certificate for Stage 1A, which would be constructed prior to Stage 1B. The timing of dedication for Stage 1B is, therefore, unknown at this time.

Further, while the Stage 1B approval shows the dedication of this road to the western boundary, we are only required to construct the road to the point of access to the proposed sports fields. At the completion of Stage 1B, therefore, there will not be a physical road connecting to the western boundary.



Ballina Shire Council  
March 4, 2014  
Page 2

## **2. Capacity of Surrounding Road Network**

We cannot see that the applicants have provided a detailed traffic network assessment to support their application.

Detailed assessment was required and undertaken for the Pacific Pines approval, and the assessment noted the limitations of the existing road network, particularly in relation to Hutley Drive and its connection to North Creek Road.

The assessment, undertaken by Cardno Eppell Olsen, noted that, following development of the approved Pacific Pines Estate, the 'spare capacity' of the external road network would be limited to:

- Montwood Drive – 190 vehicle trips per day; and
- Silkwood/ Henderson Drive – 279 vehicles per day.

Cardno Eppell Olsen concluded that, while on strict numbers the Pacific Pines traffic generation would be within the capacity of the road system, for efficiency and safety reasons, the full development should be restricted. Condition B7A of the Pacific Pines Concept Approval therefore restricts the development of residential lots, such that no construction certificate may be issued for stages beyond Stage 5 until such time as Hutley Drive is extended north to connect to North Creek Road.

This would suggest that the existing Pacific Pines approval accounts for all 'spare capacity' that exists within the local road network. On that basis, we do not believe that it is appropriate for Council to issue further approvals until the required road upgrades are in place.

## **3. Hairy Joint Grass**

We note from the documentation submitted with the application that Hairy Joint Grass was not found anywhere within the area proposed for development.

We have learned a great deal about this species during the Pacific Pines assessment and are surprised that it does not occur along the western boundary of the development site, where the topography and aspect are very similar to other locations where the species is found.

Ballina Shire Council  
March 4, 2014  
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### **Conclusion**

We do not wish to oppose development in this area. We expect, however, that all applications would be dealt with equally.

In our case, Council insisted that the Pacific Pines application was supported by detailed traffic assessment to demonstrate that sufficient capacity existed within the existing road network before approval could be given.

Given the findings of that assessment, we submit that there are very real traffic issues associated with approval of further residential lots in this location prior to there being absolute certainty regarding planned and/or proposed network updates.

Sincerely,



Mathew Morahan  
Director  
Royal Bank of Scotland  
[Mathew.morahan@rbs.com](mailto:Mathew.morahan@rbs.com)  
Ph – 0437861694

Ballina Shire Council  
Development and Environmental Health

Attn: Dwayne Roberts  
4 March 2014

**RE: DA 2014/31**

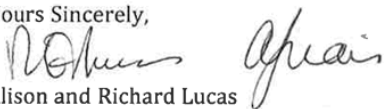
We refer to the development application for a 159 lot residential subdivision. This land shares our western boundary.

We are not opposed to the development of the above land that adjoins our property. We do however expect Ballina Council to be consistent with vegetation setbacks that were imposed on our land when we submitted our D.A. The Australian Standard guidelines were used to justify limiting our subdivision from 5 lots to 3 lots, each more than 2500m<sup>2</sup>. Setbacks of between 14-20 metres were imposed despite 2 different environmental experts advising differently.

The trees on our land are smaller than the trees on the above mentioned land. Therefore, if the same guidelines are used (and we would expect this), the setbacks on the above mentioned land would be much further than ours.

We look forward to hearing your response to the above.

Yours Sincerely,

  
Alison and Richard Lucas

**DEFERRED COMMENCEMENT CONDITIONS*****Deferred Commencement***

The operation of this consent being deferred, pursuant to Section 80(3) of the Environmental Planning & Assessment Act until:

- A. Adequate legal access is to be provided to the development. Access must cater for a minimum carriageway width of nine metres.
- B. The Environmental Rehabilitation Plan (ERP) is to be amended to comply with Schedule 1 of the Voluntary Planning Agreement (VPA) and approved by Council. The amendments shall include, but are not limited to, the following:
  - a) The western portion of proposed Lot 172 is to be rehabilitated as was committed to as part of the rezoning of the land.
  - b) The ERP is to be amended to include consideration of the proposed stormwater infrastructure within proposed Lot 172.
  - c) Identification of how all lands subjected to rehabilitation will be protected in perpetuity
  - d) Inclusion of all areas that are required to be rehabilitated.
  - e) Address how Hairy Joint Grass (HJG) will be protected in perpetuity.
  - f) In accordance with the VPA, the ERP is to be expanded to include, all land zoned for environmental purposes on Lot 1 DP 829277 and Lot 99, DP 75568.
  - g) Section 1 of the ERP is to include, the nine "Rehabilitation Objectives" and the five "Plan Requirements" contained within Schedules 1 Part A and B of the VPA. Section 3 of the ERP should then describe how each of the Rehabilitation Objectives" and "Plan Requirements" are to be achieved.
  - h) Inclusion of measures to protect and enhance all areas (Hairy-joint Grass) *Arthraxon hispidus* habitat (Lots 1 and 99) in perpetuity. In addressing this matter specific consideration needs to concentrate on the practicalities of the proposed management strategies.
  - i) The identification of measurable restorations goals for all vegetation communities. All forested areas will be required to achieve an 80% closed native vegetation coverage within a five year time period. All vegetation stratas are to be free of all environmental and noxious weeds.
  - j) Provision for monitoring reports to be furnished to Council (Refer Section 11.4 of VPA). In accordance with Section 11.4, the ERP needs to clearly describe the information to be included into each monitoring report.
  - k) The requirements of Sections 18.1 and 18.2 are to be incorporated into any submitted Vegetation Management Plan (VMP).
  - l) Identify contingency plans if proposed revegetation works do not respond to proposed treatment works e.g. feral animal browsing.
  - m) Provision of permanent educational signage and educations brochures explaining the environmental importance of the rehabilitation areas.
  - n) Management actions to eradicate feral pigs and other invasive species from the rehabilitation areas.
  - o) Provision for a 4m wide no planting area to be established adjacent to the proposed sewer gravity main.

This deferred commencement consent will lapse if the above requirements are not complied with to the satisfaction of Council by 27 November 2016.

**GENERAL**

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:
  - Newton Denny Chapelle, Plan 9A – Subdivision Layout, Rev C, Dated 03/11/2014 Slater Architects, Job Number 13828, Site Plan, Sheet No A01, Rev 6, Dated 12 September 2012
  - Design team ink, Landscape Concept Plan, Active Park Concept dated 13 January 2014
2. All stormwater control devices shall be designed and constructed to ensure they do not act as mosquito breeding sites.
3. Stage 2 works are to be subject to a separate development application.
4. All power reticulation within the development shall be provided underground.
5. Council shall accept the stormwater management system (per watershed catchment) 'on maintenance' only once the system is complete in its entirety and demonstrated to be functionally operating as designed to the satisfaction of Council's Engineer.
6. Any asset that will be dedicated to Council which contains a lock must be fitted with locks consistent with Council's master lock system. Council's Engineer must be contacted on telephone 6686 4444 for further information.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Subdivision)**

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

7. Prior to the issue of a Construction Certificate, a Conservation Management Plan (CMP) is to be prepared by an adequately qualified and accredited Heritage Consultant and submitted to and approved by Council. The CMP is to provide details regarding the restoration works required to Heritage Item 'Wall B' and what works are required to be undertaken to ensure the ongoing conservation of the Heritage Item. The CMP is to address the following at a minimum:
  - Safe removal of the two 'strangling fig trees' located within the wall and adjacent to proposed Lots 40, 41 and 42
  - Reuse of the rocks removed to facilitate the construction of Proposed Road 1
  - The impact of the demolition works associated with Proposed Road 1
  - Rebuilding the wall to its original construction
  - Ongoing maintenance and management of the wall
  - How the wall will be protected and maintained once it is placed into multiple private ownerships
8. Prior to the issue of a Construction Certificate, the applicant must make connection to the constructed public road network. The access road width shall have a minimum carriageway width of 9m. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate.

9. Prior to the issue of a Construction Certificate, it is to be demonstrated how the engineering design will comply with Section 4.1.3 (3) of the Planning for Bushfire Guidelines for the fire trail, whilst having a minimal impact on the environment. Engineering diagrams should include, all cut and fill requirements. The fire access track is also to be positioned so that it has minimal impact on Hairy-joint Grass (HJG) habitat.
10. Prior to the issue of a Construction Certificate, an Open Spaces and Reserves Handover Plan is to be prepared and approved by the Manager of Open Spaces and Resource Recovery. The plan is to address the following at a minimum:
  - Works proposed to all land that is to be handed over to Council;
  - All grass areas are to be de-rocked and smoothed;
  - A 4m buffer between the required rehabilitation area of proposed Lot 169, private land and roads 1, 3, and 10. The buffer is to be de-rocked and smoothed so that it is to be suitable for mowing;
  - Proposed Lots 170 and 171 are to be de-rocked and smoothed ;
  - Proposed Lot 173 is to be fenced and all proposed works as shown on the Landscape Concept Plan, Active Park Concept prepared by design team ink dated 13 January 2014 are to be completed.
11. An easement to drain and treat stormwater shall be created over proposed Lot 2, 20m wide and generally in accordance with Newton Denny Chapelle, Proposed Easement and Access Plan, EM2 Rev A, June 2014. Details are to be submitted to and approved by Council prior to the issue of a Construction Certificate.
12. In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.
13. Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council for civil/subdivision works required by this consent. These drawings shall also include associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993.

Designs and details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals (NRLGDDCM). Where civil/subdivision works are not covered by the NRLGDDCM or where specifically specified, designs shall be in accordance with appropriate design requirements from Austroads, Australian Standards, Roads & Maritime Services or other recognised authority acceptable to Council. For any civil/subdivision works not covered by the requirements of the NRLGDDCM, the construction certificate drawings for these works must be accompanied by a design report referencing design standards relied on, and a construction specification which must include construction inspection milestones, testing requirements/acceptance criteria and acceptable construction dimensional tolerances.
14. The submitted engineering design drawings must be accompanied by a Safety in Design Report in accordance with Clause 295 of the Work Health and Safety

Regulation 2011 that also addresses Clauses 61 and 64 of the regulation and the Safe Work Australia "Safe Design of Structures Code of Practice - July 2012".

15. Prior to the submission of a construction certificate application and in connection with the design drawings the proponent shall submit an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website. The Asset Spreadsheet is used to calculate the Civil Construction Certificate fee sheet.
16. Temporary turnaround facilities shall be provided at the appropriate stage boundaries of the road network. Such turnaround facilities shall include a single coat spray seal or otherwise approved by the Principal Certifying Authority. Details are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
17. The applicant shall be responsible for all costs associated with the connection of underground reticulated electricity to each lot within the development. Design plans are to be approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
18. At the expense of the applicant and in accordance with the Federal Government's National Broadband Network (NBN) initiatives, the applicant is required to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN Co's specifications to allow for the installation of 'fibre to the home' (FTTH) broadband services. Certified design drawings must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
19. The applicant shall be responsible for all costs associated with the connection of Council's sewer system to each lot within the development in accordance with the Northern Rivers Local Government Development Design & Construction Manuals. Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.
20. Sewage pump station designs must comply with the requirements of the Northern Rivers Local Government Development Design and Construction Manuals and also the following minimum requirements:
  - Be designed for a well capacity of 8 hours ADWF including temporary pump station locations.
  - Be controlled by multistroke level controls with cabinet details to the requirements of Council's Development Engineer.
  - Include monetary payment to Council for the installation of telemetry to the requirements of Council's Sewerage Engineer (this payment is based on Council's current installation cost and is reviewed annually by Council's Sewer Engineer).
  - Be supplied with dual pumps installed in the pump station of which one is a standby pump prior to the release of the Subdivision Certificate.
  - Be provided with an access and turnaround area consisting of a minimum standard of 300 mm DGB20 gravel pavement with a 25 mm AC10 wearing surface.

- Be provided with a water service including water meter and back flow prevention.
- Be designed such that a minimum freeboard of 150 mm is provided at the well entry point to prevent infiltration from the surrounding catchment.

Details are to be provided to Council prior to the issue of a Construction certificate.

21. The applicant shall be responsible for the design and construction of a dual water supply system for both drinking water and recycled water complying with Ballina Shire Councils Dual water Supply Plumbing Policy. The design shall comply with the minimum requirements of the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction commencing). Design plans are to be submitted and approved by Council prior to the issue of the Construction Certificate.
22. The applicant shall demonstrate to the satisfaction of the Principal Certifying Authority that the project has been designed such that the flood protection measures for the site (as it relates to the relevant stage of the project) are capable of excluding up to and including the 1 in 100 year ARI flood event, as determined by Councils flood policy as in force at the time of issue of the construction certificate for that stage.
23. A landscape plan for all road reserves, prepared by a person competent in the field is to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The plan shall show the mature height, location, quantity and species of all plantings and should also give details of soil conditions and the planting and maintenance program. The landscape plan and selection of appropriate plants shall be made generally in accordance with the Council's Development Control Plan Chapter 3 – Urban Subdivision and the Ballina Shire Urban Garden Guide.
24. A landscaping bond equal to the value of the landscaping works plus 30% contingency factor, shall be lodged with Council prior to the issue of a Construction Certificate. Upon written advice that the approved site landscaping plan has been implemented and established Council will conduct a practical completion inspection. If Council is satisfied that the landscaping is well established the 12 month landscaping bond period shall commence. The developer is still responsible for the ongoing landscaping maintenance during this period. After the 12 months period has finished the applicant shall notify Council that the final inspection is due to take place. If the final inspection proves satisfactory Council will refund the landscaping bond.
25. Prior to the issue of a Civil Construction Certificate, a Civil Construction Certificate application is to be made as well as 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 from the time of consent till time of payment:
  - Civil Construction Certificate Fee: Refer to Council's Schedule of Fees & Charges



- Civil Inspection Fee: Equal to 3% of the estimated cost of the civil works generated by Councils Asset Spreadsheet (Refer to Council's Schedule of Fees & Charges for minimum fees)
- Civil Construction Bond: Equal to 5% of the estimated cost of civil works generated by Councils Asset Spreadsheet (Refer to Council's Schedule of Fees & Charges for minimum fees)

The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (eg 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.

26. Footpaths for the development are to be designed and constructed in accordance with Standard Drawing R07 of the Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.
27. No filling is to be placed on the site that will cause surface water flooding of any adjoining property. The development shall make due provision for the diversion of the existing stormwater quantities that discharge onto the site via adjacent properties. The development shall be required to provide a suitable drainage system and demonstrate that the pre-development performance of the existing stormwater and overland drainage system is maintained. Details are to be included in the stormwater designs and submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for the first stage of the development.
28. Sewer gravity mains are not to exceed a final design depth of 3.0 m unless otherwise approved by Council's Engineer.
29. At the expense of the applicant, the inter-allotment drainage system shall be provided within the proposed development in accordance with the minimum requirements of the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction works commencing). Engineering design drawings must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
30. The existing water trunk main traversing the site shall be relocated from Proposed Lots 146, 151, 152 and 155 to the road reserve. Details are to be submitted and approved by Council prior to the issue of the Construction Certificate.
31. The applicant shall be required to submit a Construction Management Plan that will include, but not be limited to, the following information:
  - Traffic Management Plan
  - Vehicle Movement Plan
  - Environmental Management Plan
  - Construction Staging Plan

Details must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate for each stage of the development.

32. The applicant shall be required to submit a Stormwater Management Plan detailing the provision of onsite stormwater controls in accordance with Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 - Stormwater Management and generally in accordance with the Preliminary Stormwater Management Plan, prepared by NDC, Dated 17 June 2014. The Stormwater Management Plan shall need to consider both the construction and operational phases of the development. The plan shall include but not be limited to the following:

- o The water quality performance targets to be achieved.
- o The proposed treatment system for each stage of the development.
- o The proposed water quality testing regime and frequency of site inspections.
- o The reporting requirements to Council.

A detailed report and computer modelled design must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate

33. Stormwater treatment assets shall be designed and constructed to the approval of the Principal Certifying Authority and make provision for all weather access and vehicle turning facilities. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

34. Overland flow paths shall be provided within the subdivision such that these flow paths are contained within a minimum 5m wide pathway corridor, reserve or other open space to the approval of the Principal Certifying Authority. Bollards or similar devices shall be required within these corridors to prevent unauthorised vehicular traffic. Details are to be included in the stormwater designs and submitted to and approved by The Principal Certifying Authority prior to issue of the Construction Certificate.

35. Retaining Wall Design and Certification

- Retaining walls to be designed in accordance with AS 4678-2002.
- Designs are to consider all the applicable limit states defined in Section 3 of AS 4678-2002. Design loads are to be in accordance with Section 4 of the standard. Earthquake loads are to be provided for in accordance with Appendix I of the standard.
- Definition - "combined height" is defined in this condition as the sum of the heights of retaining walls that are individually horizontally staggered by less than 3.0m between top of lower wall and bottom of higher wall
- Structure Classification AS 4678 - 2002, Table 1.1. - Retaining walls with combined height of >1.5m and < 2.5m are, as a minimum, are to be designed as Class B; Retaining walls with combined height of >1.0m and < 1.5m that support services are, as a minimum, to be designed as Class B; Retaining walls with combined height equal to or >2.5m are, as a minimum, to be designed as Class C.
- Site investigation is to be in accordance with Section 2 of AS 4678-2002.
- The retaining wall design is to have regard to the informative *Appendix G Drainage of Earth-Retaining Structures* of AS 4678-2002.

- The design and associated drawings are to specify maximum loads (at specified distance from walls) that may be placed on land supported by the retaining walls and/or whether there need to be restrictions on loads that would preclude placement of swimming pools or other structures in the vicinity.
  - The design and associated drawings are to specify the limits of future excavation forward (i.e. on the low side) of retaining wall footings that could compromise the structural integrity of the retaining walls.
  - Fully detailed (position, levels, dimensions, alignment, drainage) and notated drawings are to be provided for each individual retaining wall and retaining wall group. Drawing details are also to comply with Section 6.3 of AS 4678. A specification is to be provided with the Construction Certificate application for materials to be used and construction details (including foundation preparation, backfilling, drainage etc.) of the retaining walls.
  - A retaining wall design report must accompany the Construction Certificate Application. The design report is to address AS 4678-2002 and the matters referred to in this condition.
  - Certification is required with the Construction Certificate application, from a registered certified practicing engineer, competent in the field of retaining wall design and familiar with the geotechnical aspects of the project; that the retaining walls depicted in the Construction Certificate drawings and the associated Design Report, comply with the requirements of AS 4678-2002 and the design requirements of this condition.
36. The retaining wall and drainage swale on the eastern side of road 7 and western side of road 3 is to be wholly located on the private residual proposed Lot 172. A positive covenant is to be placed on the title of proposed Lot 166 for the ongoing maintenance and renewal of the retaining wall and drainage swale. Details are to be provided to and approved by Council prior to the issue of the Construction Certificate.
37. The developer is responsible for the installation of the driveway soakage pits described in the Stormwater Management Plan. The soakage pits shall be situated in a suitable location on each lot. Details are to be provided to and approved by Principal Certifying Authority prior to the issue of the Construction Certificate.
38. Ground slopes and batters within public land must be no steeper than 1V:4H unless otherwise approved by Council. Where approved, all batters and slopes proposed in any Council reserves that are greater than 1V:4H shall be densely planted with a groundcover approved by Council. Council will not accept the handover of the reserve until a 90% coverage is achieved that is weed free. The Plant species, densities, and maintenance program shall be included in the landscape plan and approved by Council prior to the issue of the Construction Certificate.
39. A 24m radius from the centre of the Fig Trees on lots 170 and 171 shall be dedicated to Council as public reserve. Where a road frontage is adjacent to the fig tree the projected canopy of 20m can extend over the verge to the back of kerb.
40. The Coast Road/North Creek Road roundabout shall be linemarked in accordance with the proposed upgraded layout identified in the Cardno Eppell Olsen, Lennox Head – Henderson Farm Development, Traffic Impact Assessment, February 2012,

and the Austroad Guide to Road Design, Part 4B: Roundabouts. Details are to be provided to and approved by Council prior to the issue of the Construction Certificate.

41. At the developers expense, advisory signs shall be erected at the entry points to all public reserves. A risk/user assessment of all public reserve shall be completed in consultation with Council's Open Spaces and Reserves group to determine the appropriate signage.
42. The construction waste component of the Site Waste Minimisation and Management Plan (SWMMP) shall be provided to and approved by Council prior to the issue of the Construction Certificate in accordance with the requirements of Council's DCP 2012 Chapter 2 section 3.7.3.

**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.*

43. Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$20M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.
44. Prior to the commencement of work, a Project Manager is to be appointed, whose name and contact details are to be provided to the Development and Environmental Health Group. The Project Manager is to be responsible for ensuring the development is carried out in accordance with the required Construction Management Plan (CMP) and all requirements of approval outlined within this consent. Prior to the work commencing, the Project Manager is to inform the Development and Environmental Health Group in writing of the date of commencement of works on site.
45. All traffic control shall be in accordance with the NSW Roads and Traffic Authority "Traffic Control at Works Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.
46. SEPP 14 Wetland Monitoring  
The applicant is to prepare and submit to Council a SEPP 14 Stormwater Discharge Monitoring and Maintenance Program (SDMMP). The SDMMP is to be prepared by qualified personnel to demonstrate the constructed stormwater infrastructure complies with the design criteria and flow rate calculations as detailed in the information submitted to Council by Newton Denny Chappelle and dated 15 September 2014.
  - The SDMMP is to include, but not be limited to the following;
  - Survey accurate information that clearly demonstrates all stormwater infrastructure is located outside SEPP14 Wetland No. 88

- Survey accurate information to measures the morphology features of the existing drainage channel and surrounding vegetation communities
- A defined monitoring program that is designed to record the velocity of all storm events greater than a one year event
- A monitoring program that will clearly identify any changes to the hydrology and/or morphology of the drainage channel.
- A series of remedial actions should the above monitoring program identify environmental damage
- Provisions of monitoring reports to be furnished to Council
- A long-term drainage channel maintenance program undertaken without triggering the requirements of the SEPP 14 Wetland legislation.

The SDMMMP is to submitted and approved by Council prior to works commencing at the site. The applicant is to implement the actions of the approved SDMMMP. The monitoring requirements of the SDMMMP are to commence upon the operation of the stormwater system and be maintained until 24months after the catchment has been fully developed.

#### **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.*

47. A Soil and Water Management Plan (SWMP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 must be implemented in full during the construction period.
48. Construction  
The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:
 

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

No noise generating construction activities are to take place on Sundays or public holidays.
49. All works shall comply will the requirements of the Acid Sulfate Management Plan prepared by Newton Denny Chapelle, Engineering Services Report, Dated January 2014.
50. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principle Certifying Authority.
51. All demolition work is to be carried out in accordance with the WorkCover Authority guidelines, Australian Standard 2601:2001 'The demolition of structures', the NSW

Work Health and Safety Act and Regulations 2011 and 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 trade persons.

52. All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility. If alternative disposal methods are to be sought, written approval is to be granted by Council. It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.
53. The export of waste (including fill or soil) from the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Department of Environment and Climate Change's (DECC) 'Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes', which will require laboratory testing in accordance with EPA and Council requirements.
54. Hazardous and/or industrial waste arising from the construction activities must be removed and/or transported in accordance with the requirements of NSW EPA and the NSW Work Cover Authority pursuant to the provisions of the following:
  - (a) Protection of the Environment Operations Act 1997
  - (b) Protection of the Environment Operations (Waste) Regulation 2005
  - (c) Waste Avoidance and Resource Recovery Act 2001
  - (d) New South Wales Work Health & Safety Act 2011
  - (e) The Work Health & Safety Regulation 2011
55. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
56. A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation until such time that construction is completed and areas have been revegetated. All disturbed areas shall be revegetated immediately they are completed.
57. If necessary dust control measures such as wetting down, covering stockpiles and physical barriers shall be used to control and prevent a dust nuisance to surrounding properties.
58. All work, including demolition, excavation and building work must generally comply with Australian Standard AS 2436:1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites and NSW Interim Construction Noise Guidelines (DECC 2009).
59. The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to Council at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

60. If dewatering is required a management plan for all dewatering activities on site shall be submitted to and be approved by Council prior to the release of extracted water. The plan is to give consideration to the acid sulfate soils issues on site and the impact this may have on groundwater and dewatering activities proposed. Prior to the release of any water extracted during dewatering operations the test results and interpretation of results are to be submitted to and approved by Council. Note: Dewatering activities require a license issued by the NSW Office of Water.
61. No burning of cleared vegetation or other waste material shall occur on site prior to or during the construction phase of the development. Council has a No Burn Policy which aims to minimise air pollution by prohibiting the burning of any waste in residential areas. All vegetation waste should be removed to a licenced waste management facility. If an alternative method of disposal is sought written approval of Council is required.
62. A single all weather accessway is to be provided on site that extends from the kerb to the building construction site. All construction vehicles are to enter and exit the site via this accessway so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways (if required provide a 'shake down' grid area for truck wheel washing). When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material. Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.
63. 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). Inspections and approval of the road, drainage, water & sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual.
64. The applicant shall be required to implement the approved Stormwater Management Plan to ensure that the stormwater system maintains a nil pollutant load increase during the construction phase. Detailed reporting must be submitted to The Principal Certifying Authority during the construction phase to demonstrate compliance with the requirements of the approved Stormwater Management Plan.
65. All traffic control during construction shall be in accordance with the Roads and Maritime Services - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified to "Apply Traffic Control Plans" (Yellow Card).
66. The construction access to the site shall have a shake-down grid or equivalent to minimise the transportation of material onto the road network via vehicular movements from the site. Exposed surfaces and access pads at the site shall be regularly wetted to suppress dust generation. Suitable covering and protection must be provided to all stockpiles to ensure that no material is removed by wind from the site, causing a nuisance to neighbouring properties
67. All disturbed and exposed areas shall be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.

68. The whole of the proposed Lots 148 and 149 are to be filled to a minimum level of RL 2.3m AHD. A Surveyor's certificate verifying compliance with this minimum fill level is to be submitted to the Principal Certifying Authority.

**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 development.*

69. Developer Contributions Stage One and Two  
Prior to issue of a Subdivision Certificate where subdivision 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 :

<b>Contribution Plan/Development Servicing Plan</b>	<b>Adopted</b>
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Shire Roads Contribution Plan 2010	25 February 2010
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

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

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

70. Developer Charges  
Prior to issue of a Subdivision Certificate where subdivision 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:



<b>Water Supply Authority</b>	<b>Contribution Plan/Development Servicing Plan</b>	<b>Adopted</b>
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](http://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**).

71. All civil works approved with the Construction Certificate under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to issue of a Subdivision Certificate. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals.
72. An application for Subdivision Certificate accompanied by final plans of subdivision together with the requisite processing fee, shall be submitted to Council for approval. In addition, a written statement confirming how each condition of consent has been complied with is also to accompany the Subdivision Certificate application.
73. Prior to the issue of the Subdivision Certificate, certification prepared by an appropriately qualified and accredited bushfire consultant is to be submitted to Council confirming that the conditions of the NSW Rural Fire Service Bushfire Safety Authority have been complied with.
74. The applicant shall be responsible for the design and installation of public street lighting. All street lighting within the development must be designed in accordance with AS / NZS 1158 and based on the installation of Country Energy Style 1 lanterns fitted with compact fluorescent lighting. Engineering design plans and specifications must be submitted to and approved by the Principal Certifying Authority. All works must be completed and commissioned prior to the release of the Subdivision Certificate.
75. A Subdivision Certificate will not be issued until evidence satisfactory to Council is submitted, that the subdivision works, as approved by Construction Certificate(s),

have been completed or that other arrangements satisfactory to the consent authority, in accordance with Section 109J(2) (b) or (c), have been made.

In this regard "evidence satisfactory to Council" is to consist of certification by Council or issue of a Part 4A Compliance Certificate (Environmental Planning and Assessment Act 1979) by a Category B1 - Accredited Certifier - Subdivision Certification (Building Professionals Regulation 2007) that:

- (a) Works as executed plans have been submitted and assessed to demonstrate that the subdivision works designated in the Construction Certificate have been provided and that they comply, within the tolerances permitted in the Northern Rivers Local Government Development Design and Construction Manuals, with the dimensions on the Construction Certificate plans; and
  - (b) All tests and inspections specified in Ballina Shire Council, Subdivision Works Inspection Form (available on Council's website) have been conducted and that the results comply with the requirements of the construction certificate and associated specifications in the Northern Rivers Local Government Development Design and Construction Manuals.
76. The completion of all water supply and sewer works in accordance with the approved Construction Plans and in accordance with the Northern Rivers Local Government Development Design and Construction Manuals. All works are to be completed and approved by Council prior to issue of the Subdivision Certificate.
77. Prior to the issue of a Subdivision Certificate, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the Construction Plan and Stormwater Management Plan approved with the Construction Certificate. Overland flow paths must not be impeded through structures or landscaping and must direct stormwater flows to the public drainage system and not onto adjoining properties. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.
78. Prior to the issue of the Subdivision Certificate, the following information must be submitted to and approved by the Principal Certifying Authority:
- o Written advice from the Ministry of Transport acknowledging that the Ministry has been provided sufficient information in regards to the subdivision to allow for the future planning of public transport services within the estate.
  - o A design identifying the proposed location of bus shelters and bus stops within the development. Bus stops shall be provided at the applicants cost, at approximately 400 m intervals or as otherwise approved by the Principal Certifying Authority with one bus shelter to be provided. Installation of the approved bus stops and shelter must be completed prior to the release of the Subdivision Certificate.
79. Prior to the issue of a Subdivision Certificate, certification is to be provided to the Principal Certifying Authority that electricity and communication/telephone services have been provided to each lot to the satisfaction of the relevant authorities.

80. Prior to the issue of the Subdivision Certificate, certification must be submitted from a suitably qualified practicing geotechnical engineer verifying that the site filling has been completed in accordance with Level 1 geotechnical testing under AS 2870 & AS 3798 and has adequate bearing capacity for building construction. In addition, the certification shall also verify that any fill material imported to the site is free of contaminants being natural or otherwise, and was obtained from an approved fill source with quality assurance testing.
81. Prior to issue of a Subdivision Certificate, Certification by a Registered Surveyor is to be provided to Council certifying that all utilities, services and domestic drainage lines are wholly contained within the respective lots or within specified easements.
82. Prior to the issue of a Subdivision Certificate, the following maintenance bond must be paid to Council which provides the amount of Goods and Services Tax (GST) payable. The bond is subject to review and may vary at the actual time of payment:  
  
Civil maintenance Bond: Equal to 5% of the estimated cost of the civil works (min \$1,000)  
  
A maintenance period of 12 months will apply from the date Subdivision Plan has been registered. 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.
83. Prior to the release of the Subdivision 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 an electronic copy of the WAE information in AutoCAD and PDF format. Separate drawings shall be provided for roads, water, 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.
84. Prior to the release of the Subdivision Certificate and in connection with the 'Works-as Executed' drawings the proponent shall submit an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.
85. Easements shall be created prohibiting the erection of buildings or structures over or adjacent to Council assets (ie: water, sewer and stormwater pipelines). The prohibition on the erection of buildings or structures shall extend horizontally on each side of the pipeline for a distance equal to the depth of the pipeline from the pipe invert level to finished surface level. The minimum width of such easement shall be 3.0 metres. Easements are to be in accordance with the "Building over Council's Assets" policy and approved prior to issue of the Subdivision Certificate.
86. The applicant shall be responsible for the design and installation of public street lighting within the development. All street lighting must be designed in accordance with AS/NZS 1158 and based on the installation of Country Energy Style 1 lanterns fitted with compact fluorescent lighting. Engineering design plans and specifications must be submitted to and approved by the Principal Certifying Authority. All works must be completed and commissioned in accordance with the approved plans, prior to the release of the Subdivision Certificate.

87. The applicant shall be responsible for obtaining written approval from Council for road names proposed to be used within the development prior to the release of the subdivision certificate.
88. The applicant shall be responsible for the installation of all road signage including street name signs. All road signs must comply with the requirements of Australian Standards 1742, 1753 & 1744. All road signs must be approved by Council's Development Engineer on telephone 6686 4444 prior to their manufacture and installation. All signage works are to be completed prior to issue of the Subdivision Certificate.
89. Where permanent survey marks have been placed or existing survey marks have been connected to the Australian Height Datum under the requirements of the Surveying Regulation 2006, those values are to be provided to Council and shown on the Works-as-Executed drawings
90. Easements are to be provided, benefiting the land or allotment being supported, over the footprints of the retaining walls (or retaining wall group, where there are multiple retaining walls) supporting adjoining allotments. Restrictions to user are to be created above and below retaining walls, restricting excavation forward of walls (on the low side) and restriction placement of superimposed loads rear of the walls (on the high side). The location, dimensions and terms of the restriction to user are to be in accordance with the requirements of the retaining wall design report.
91. A positive covenant is to be placed on the titles of all lots requiring the provision of a 5 kL rainwater detention tank in accordance with the approved stormwater management plan. Details of a standard rainwater tank including orifice control and the positive covenant are to be submitted to and approved by Council prior to the issue of the subdivision certificate.
92. A bond covering the total cost of construction of the playground required within this condition shall be submitted to Council prior to the release of the Subdivision Certificate for the first stage of the development. The playground shall be constructed at the applicant's expense and be operational six months after the release of the Subdivision Certificate for the first stage of the development. The playground shall include but not be limited to the following minimum requirements to the satisfaction of the Principal Certifying Authority:
  - The play equipment type and style shall be to the satisfaction of the Manager Open Spaces & Resource Recovery.
  - An approved shade structure shall be required to cover the play equipment.
  - The playground / equipment area shall have a rubberised compound soft fall.
  - Play equipment to facilitate use for a range of age groups
  - The adjoining park area shall be fitted with two sheltered picnic tables.
  - An amenities building that services both the playground and the playing field.
93. In accordance with the recommendations of the Preliminary Environmental Study prepared by Coffey Geosciences Pty Ltd dated 12 November 2003 a Stage 2 Detailed Investigation must be completed in accordance with Clause 3.4.1 of the SEPP 55 and the Office of Environment and Heritage Guidelines for Consultants

Reporting on Contaminated Sites (2011) where existing sheds, cattle yards and dwelling houses are located on the site. The detailed investigation must be submitted to and approved by Council prior to the issue of the Subdivision Certificate

Depending on the outcome of the stage 2 investigation a stage 3 Remedial Action Plan and stage 4 Validation and Monitoring Report may be required to be submitted to and approved by Council prior to the issue of the Subdivision Certificate.

94. **Environmental Buffers**  
The final plan of subdivision and an instrument pursuant to Section 88B of the Conveyancing Act 1919 shall establish restriction on use over the lots containing environmental buffers identified in the Mosquito Buffer Study prepared by Mosquito Consulting Services Pty Ltd and dated January 2006 and Land Use Conflict Risk Assessment prepared by Newton Denny Chapelle and dated January 2014. Details shall be submitted to and approved by Council prior to the issue of a Subdivision Certificate for each relevant stage of the development.
95. Prior to the issue of the Subdivision Certificate, certification prepared by an appropriately qualified and Heritage Consultant is to be submitted to Council confirming that all works required by the approved Conservation Management Plan are completed.
96. An easement to drain stormwater shall be created over Proposed Lot 172 for the benefit of Council. Details are to be submitted to and approved by Council prior to the issue of the Subdivision Certificate.
97. A no-build zone shall be established on the title of Proposed Lots 38-42, 45, 46, 61-64 and 163-168 to provide sufficient separation from the stands of significant vegetation. The no-build zone is to be determined based on reference to AS 2870 – 2011 *Residential Slabs and Footings* and AS 4970 - 2009 *Protection of trees on development sites* to determine a suitable setback (no-build zone) from the vegetation.
98. Proposed Lot 172 is to be consolidated into an adjoining Lot that can provide an adequate building envelope that does not conflict with rehabilitation commitments.
99. Prior to the issue of the Subdivision Certificate, all allotments created by this consent shall include the following positive covenants on the section 88E(3) instrument:
  - i. No plumbing may be installed on the Lot burdened on or after *27 November 2014* unless it has provision for recycled (non-potable) water service plumbing and facilities in accordance with "Ballina Shire Council's Dual Water Supply Plumbing Policy" or any superseding policy; and
  - ii. In the event the Lot burdened has plumbing works installed upon it as at *27 November 2014*, the registered proprietor may not complete any contract for sale of the Lot burdened until a "Dual Water Supply Cross-Connection Audit Certificate of Compliance" (as referred to in Ballina Shire Council's Dual Water Supply Plumbing Policy) in respect of the Lot burdened has been issued by Ballina Shire Council.

**SCHEDULE 1****STAGE 1 Contributions.**

<b>Contribution</b>	<b>Receipt Code</b>	<b>Contribution Unit</b>	<b>Rate per contribution Unit</b>	<b>Total Contribution Units Payable</b>	<b>TOTAL COST</b>
Lennox Head Local Parks	4009	equivalent residential allotment	\$230.00	159.0000	\$0.00
Lennox Head District Parks	4009	equivalent residential allotment	\$960.00	159.0000	\$152,640.00
Lennox Head Playing Fields	4009	equivalent residential allotment	\$1,876.00	159.0000	\$298,284.00
Regional Open Space Facilities	4016	equivalent residential allotment	\$889.00	159.0000	\$141,351.00
Open Space Administration	4017	equivalent residential allotment	\$35.00	159.0000	\$5,565.00
Lennox Head District Community Facilities	4210	equivalent residential allotment	\$1,404.00	159.0000	\$223,236.00
Regional Community Facilities - Amend 1	4213	equivalent residential allotment	\$3,972.00	159.0000	\$631,548.00
Community Facilities Administration	4214	equivalent residential allotment	\$73.00	159.0000	\$11,607.00
Lennox Head Roads 2010	5202	equivalent residential allotment	<b>\$10,622.00</b>	159.0000	\$1,688,898.00
Roads Administration 2010	5203	equivalent residential allotment	\$169.00	159.0000	\$26,871.00
Henderson Land Sewerage (DSP Area D)	3013	equivalent tenement	\$4,813.00	159.0000	\$765,267.00
Lennox Head Water (DSP Area B)	2004	equivalent tenement	\$3,541.00	159.0000	\$563,019.00
Rous Water 2009	5001	equivalent tenement	\$9,091.00	159.0000	\$1,445,469.00
<b>TOTAL</b>					<b>\$5,953,755.00</b>

**STAGE 2 Contributions.**

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Lennox Head Local Parks	4009	equivalent residential allotment	\$230.00	8.0000	\$0.00
Lennox Head District Parks	4009	equivalent residential allotment	\$960.00	8.0000	\$7,680.00
Lennox Head Playing Fields	4009	equivalent residential allotment	\$1,876.00	8.0000	\$15,008.00
Regional Open Space Facilities	4016	equivalent residential allotment	\$889.00	8.0000	\$7,112.00
Open Space Administration	4017	equivalent residential allotment	\$35.00	8.0000	\$280.00
Lennox Head District Community Facilities	4210	equivalent residential allotment	\$1,404.00	8.0000	\$11,232.00
Regional Community Facilities - Amend 1	4213	equivalent residential allotment	\$3,972.00	8.0000	\$31,776.00
Community Facilities Administration	4214	equivalent residential allotment	\$73.00	8.0000	\$584.00
Lennox Head Roads 2010	5202	equivalent residential allotment	\$10,622.00	8.0000	\$84,976.00
Roads Administration 2010	5203	equivalent residential allotment	\$169.00	8.0000	\$1,352.00
Henderson Land Sewerage (DSP Area D)	3013	equivalent tenement	\$4,813.00	8.0000	\$38,504.00
Lennox Head Water (DSP Area B)	2004	equivalent tenement	\$3,541.00	8.0000	\$28,328.00
Rous Water 2009	5001	equivalent tenement	\$9,091.00	8.0000	\$72,728.00
<b>TOTAL</b>					<b>\$299,560.00</b>

## **SCHEDULE 2 – RFS General terms of Approval**

### **RFS Integrated Approval**

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Newton, Denny Chapelle numbered Plan 6 Stage 1 Layout Plan, dated 15 January 2014.

### **Asset Protection Zones**

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

2. At the issue of the subdivision certificate for Stage 1 and then in perpetuity all residential lots identified in Stage 1, except for lots 153, 154, 158 - 164 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. At the issue of the subdivision certificate for Stage 1 and then in perpetuity (or until further subdivided) the lots identified as Part lots 23 (forming part of a residual lot for further development in Stage 2) shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
4. At the issue of the subdivision certificate for Stage 1 and then in perpetuity the reserves identified as lots 15, 121 and 165 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. This management shall be detailed within a Management Plan, specific to the proposed reserves.

### **Water and Utilities**

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

5. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### **Access**

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

6. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', except for the following areas, that have been assessed as being



satisfactory using an Alternative Solution to the specific Performance Criteria, within Planning for Bushfire Protection 2006:

- A perimeter road has not been provided.
- Cul-de-sac heads are permitted with a 10m radius.
- Roads DW1 – DW5 are permitted to be 6.5m in width.
- Roads DW1 (S) and DW1 (N) may be separated by bollards, removable by emergency services.
- An alternative access road has not been provided for road No.9 (exceeds 200m in length), however will utilize a fire trail connecting the Northern end of the cul-de-sac to The Coast Road, located to the North-east.

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

7. Fire trails shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.
8. A restriction to the land use, pursuant to section 88B of the 'Conveyancing Act 1919', shall be placed upon proposed lot 166 (within the subdivision) and Lot 1 DP 829277 providing for the creation of a Right of Way over the proposed Fire Trail, as noted on the plan titled "Plan of Roads with RFS Notation", noted as DWG CIV 2, prepared by Newton Denny Chapelle and dated 21/1/14.