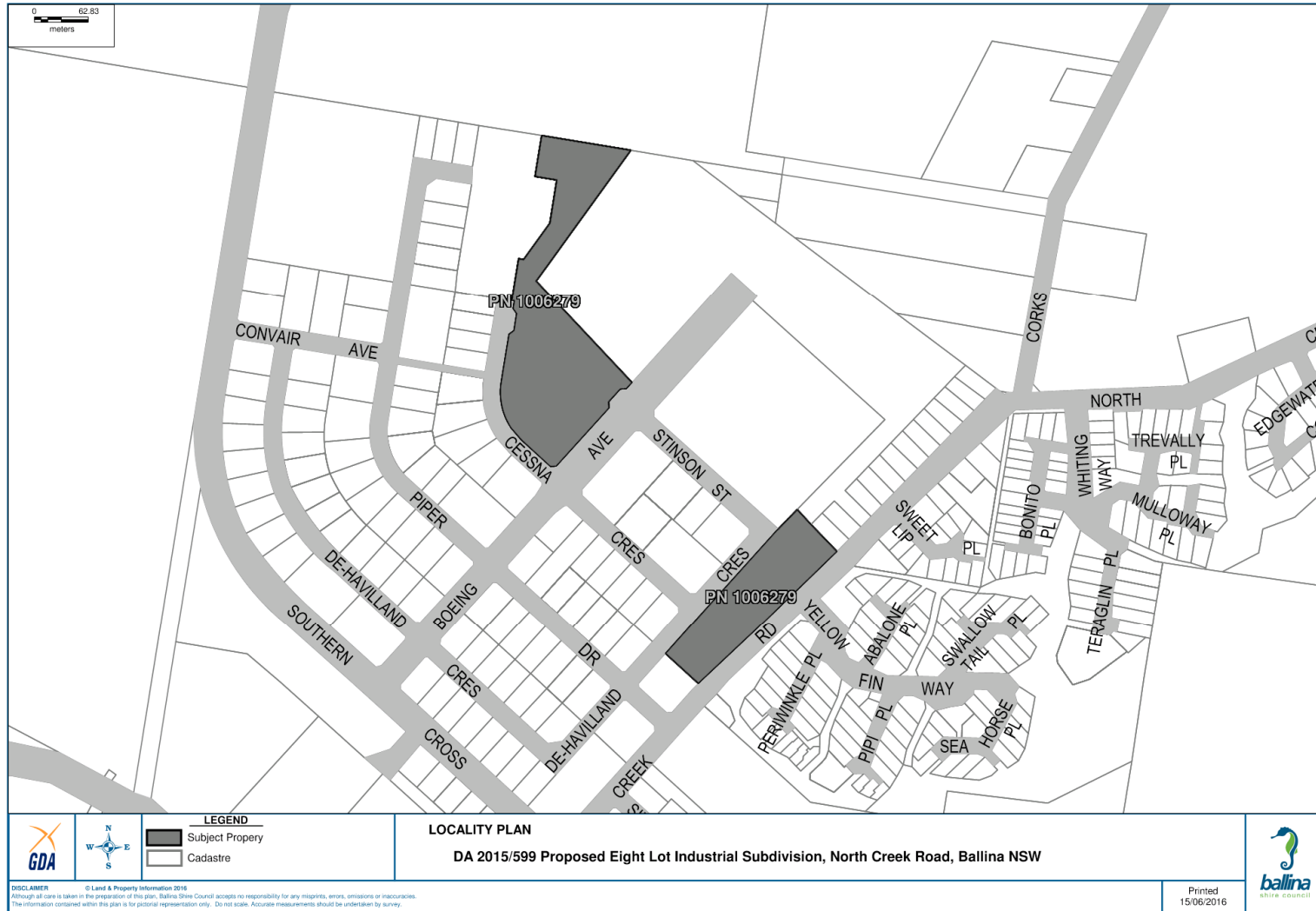
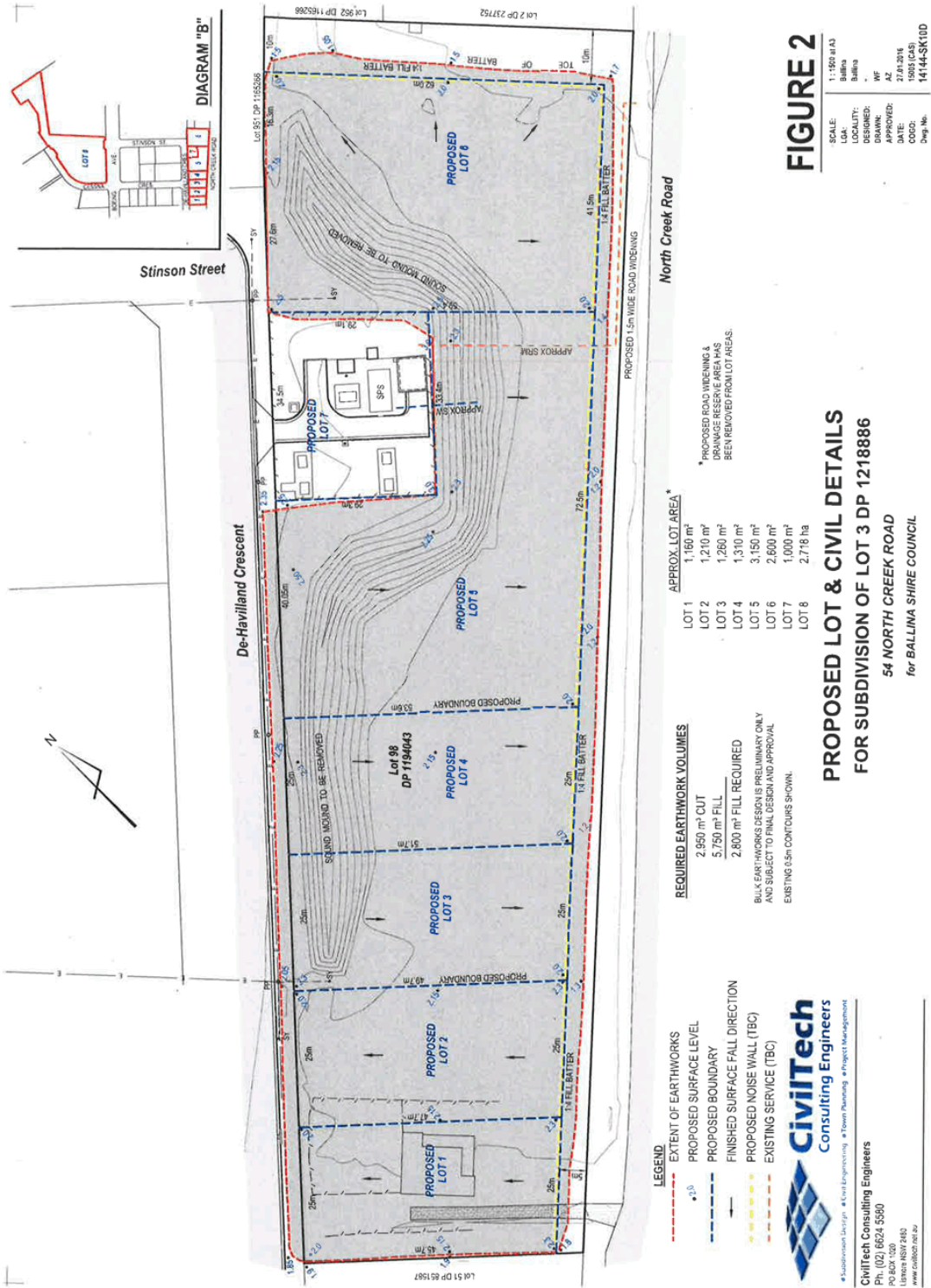


8.1 **DA 2015/599 - Industrial Subdivision, North Creek Road, Ballina.DOC**





Kathryn Searle
9 Abalone Place
BALLINA NSW 2478
4 April 2016

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

Dear Sir / Madam

Re: DA 2015/599 – Industrial Subdivision of Property at Lot 98 DP 1194043, 54 North Creek Road, Ballina

I wish to lodge a submission by way of objection to the proposed 8 Lot Industrial Subdivision at the above address. My objections are as follows:

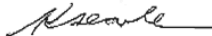
1. The subject land is adjacent to and directly opposite many residential properties in Periwinkle Place, Abalone Place and North Creek Road. Many of these homes, including my own, have living room and bedroom windows directly facing this land. Both noise and dust pollution generated by these proposed works will significantly affect the lives of the occupants of these homes.
2. The placing of industrial sheds and proposed noise wall in direct vision of and in such immediate proximity to residential housing will significantly reduce the value of existing residential property in the area.
3. There is a probability that the proposed noise wall, while purporting to block noise from industrial sheds, will in fact magnify and reflect traffic noise from North Creek Road back into North Lakes estate opposite. This has the potential to cause stress & sleeping problems with those affected.
4. The existing vegetation on this land, although currently in a neglected state, is refuge and habitat to a variety of birdlife, including Eastern Whipbirds, Blackfaced Cuckoo Shrikes, Pheasant Coucal, Blue Faced Honeyeaters and others.
5. Removal of all of this vegetation will not only impact on its wildlife inhabitants, but will also impact the atmosphere of the "bushiness" of the North Lakes area, which I'm sure the North Lakes population greatly values.

I ask Council to not approve the above development application.

As an alternative to approving this industrial subdivision, I ask Council to consider rezoning this parcel of land to residential.

The addition of houses instead of large sheds would better blend visually into the surrounding landscape and environment, would create the least impact on the existing neighbourhood and population, allow some vegetation to remain and additional vegetation to be planted by new residents.

Yours faithfully



DA 2015/599
RECEIVED
01 APR 2016
COUNCIL

29th March 2016

To : Ballina Council

Subject : Proposed Development 54 North Creek Road

Dear Sir / Madam,

On reply to your proposed development site at 54 North Creek Road. I am the owner of the property that backs onto the reserve opposite the proposed site.

It is in my opinion that the proposal would be to close not only to my property but to the left of the reserve there are two cottages who already have to contend with the vacant block behind them which currently has out of control long grass bringing vermin, also storm water flooding occurs regularly at their fence line.

In addition, opposite them they have the noisy car wash facility with machinery gushing water late into the evening. These residents in the two cottages have children impacted by this !!!

Other issues with industrial sites near residential area include residents in the surrounding area continually getting cement dust carried by strong winds on roofs and inside their houses from the cement works only one block away.

The proposed site has been left abandoned for at least six months with no maintenance carried out. Grass is at least one metre tall with people also seen sleeping on the veranda. So in my opinion the residents have enough to contend with without an additional ugly brick building for the graffiti artists to paint on and more importantly forklift horns and other noisy machinery sounding away from early morning and into the evening.

In conclusion the situation we believe is, are eight additional sets of rates worth making the area more unattractive for local residents as well as making their home life more of a misery than it currently is ???

Yours Sincerely

Mr. Edward Byrne
14 Periwinkle Place
Ballina 2478

RECORDS
SCANNED
1 - APR 2016
Doc No. 16/23501
Batch No. 16/23509 web

ACKNOWLEDGED

16/23551

Petition

For the Disapproval Of Erecting Eight Industrial Sheds
on the site of 54 North Creek Road.

- { A.E. & R.J. KING - 18 PERIWINKLE PLACE BALLINA
{ A.E. King Lauren King King
- T & M Manning - 9 Periwinkle place, Ballina 2478.
- Geoff HUNGERFORD 1/11 Periwinkle place Ballina 2478
- P & S AMERY 2/11 PERIWINKLE PL BALLINA 2478
- Robert Colman 5/11 PERIWINKLE PLACE BALLINA 2478
- Bruce Riches 2/47 North Creek Rd. Be Riches.
- Billie- Sean Riches 2/47 North Creek Rd. BJRiches 2478
- Scott Skinner 6 periwinkle place Ballina
- Tracey Pate 3 Periwinkle PI Ballina 2478
- Rob Watson 3 Periwinkle PI Ballina 2478
- Kim Fowler 4 Periwinkle PL BALLINA 2478
- ROBERT ARENA 7 PERIWINKLE PLACE BALLINA 2478
- Danielle BLACKMAN 5 Abalone PI. BALLINA 2478
- Garth Buckmaster 1 Abalone Place 2478
- Cheryl Buckmaster 1 Abalone Place 2478.
- Lynnette Foster 16 Periwinkle Place Ballina 2478
- RONARD BYRNE 14 PERIWINKLE PL BALLINA
- DALE BIRNE 14 PERIWINKLE PL BALLINA 2478

12 Periwinkle Place
Ballina NSW 2478
31 March 2016

The General Manager
Ballina Shire Council
40 Cherry Street
Ballina NSW 2478

16/23558
ACKNOWLEDGED

RECORDS SCANNED
1 - APR 2016
Doc No. 16/23512
Batch No.

Reference: DA 2015/599

Dear Sir,

I refer to the letter from Mr Rod Willis, Group Manager, Development and Environmental Health dated 18 March 2016 concerning a proposed development on Lot 98 (DP1194043) 54 North Creek Road, Ballina.

I note this application was received by Council in 2015 yet the advice to residents, regarding this proposal, was delayed for more than two-and-a-half months!

General Manager, Council is well aware of the issues relating to the management and control of stormwater reticulation affecting *all* the residential properties in the immediate vicinity of Lot 98, North Creek Road, Ballina.

Council has, over the past three (3) months, wilfully permitted the owner/developer to 'back-fill' the site to a level more than 600mm above the nature ground level of the adjoining property.

As a consequence, polluted water is now forcibly retained in the 'created' gully and an objectionable stench has resulted with mosquitoes in plague proportions, right on the boundary of these existing resident's properties.

Vegetation is more than one metre high and it is impossible to imagine that any councillor would knowingly disregard these issues if the site was adjacent to their own home and council staff drive past this site twenty (20) or more times each day.

My principal concerns with this proposed industrial development relate to the management and control of the probable increase in noise and the provision of an adequate stormwater control to ensure the existing problems are not further exacerbated.

This information is submitted for your consideration and discussion, thank you.

Yours sincerely,

Ms. Fonthong Charoensil

RECEIVED
31 MAR 2016
RECEIVED
COUNTER

Russell Pilgrim
77 North Creek Road,
Ballina
4th April, 2016
General Manager
Ballina Shire Council
P.O. Box 450
BALLINA N.S.W. 2478

SCANNED
- 5 APR 2016
RECORDS

16/24481 (not published)
16/24493 (DA online)

16/24570.
ACKNOWLEDGED

Attention ; Anthony Peters

Re; Proposed Industrial Subdivision, 54 North Creek Road, Ballina / DA 2015/599

Anthony,

Attached please find a submission prepared on my behalf by Greg Alderson & Associates.

I would also like to register my objection to this proposal on a number of grounds

1... This section of North Creek Road is the entry to the entire estate, housing thousands of families, many, many children, a whole new crowd of senior people and is destined to become the main road to the Airport
there is no other entry other than this

The proposed sound walls which face North Creek Road approximately 3.7 metres high will look unsightly alone, however with entry to these blocks being from de- Havilland Cr. one would assume the rear factory walls will also face North Creek Rd inside the sound walls and will obviously be considerably higher again
How can Council inflict such a hideous concrete eyesore on a community that is so proud of it's lovely amenity, landscape and environment.

Council also refers to landscaping to screen the walls, it is our observations that Council's upkeep of such landscaping in other locations is negligible, an inspection of the old house on this said land is a good example of such.

To have the main entry to a housing estate with high concrete walls adjacent to the roadway is simply unacceptable

Once built in such a prominent position these walls will ultimately be enhanced with graffiti just adding to an already unsightly situation.

2... Council states there is "no conflict with public interest" the local people are shocked and outraged at this.....

Due to lack of Council's advertising or lack of information being made available, most people have been unaware of this development, but now as people are made aware, anger and objection is growing rapidly **ATTACHED TO THIS LETTER ARE PAGES OF SIGNATURES** of people objecting to this development.....**Due to the short time span Council allowed for submissions these pages of signatures are limited, given sufficient time the amount of signatures would be much greater.**

3... These pages of signatures "objecting to factories being erected on this land" are also seeking Council to have the land rezoned residential. Surely new houses on this land at the entrance to this estate instead of concrete monstrosities would have a pleasing visual effect, would almost certainly calm a hostile neighbourhood, create a significantly higher confidence in Council and quite possibly return a higher sale price for Council other than industrial land would. If Council accepted this proposal it would also negate Council any further noise studies, noise wall construction etc.

4... The noise issue is highly significant, we currently have noise issues and on some occasions with APN it is in the early hours of the morning. Harvey Norman also creates a degree of early morning noise. It is my observation and in talking with neighbours find that while most don't like the noise issues accept it as part of life and in order to keep peace, don't complain, however whilst the neighbourhood has accepted this co-

operative approach because we have not complained Council interprets this as “there are no noise problems” and our reward is to have factories shoved even closer.

- 5... **North Creek Road Floods!**.....During heavy rain North Creek Road floods quickly and excessively with very slow recovery, on many occasions in the last five years traffic has been totally stopped until the water has receded to a safe level, this usually takes up to several hours. On more than one occasion water has been within inches of entering houses. This is now creating a serious health threat as with the new senior peoples facilities being developed further along North Creek Rd. emergency ambulance access could very possibly be hampered due to the flooding.

Whilst this flooding is in progress the entire low lying portion of proposed lots 1 through to 6 becomes a lake absorbing a massive amount of the flood waters until it can slowly dissipate. If this portion of ground is subsequently raised to the specified DA plan levels, where will all the excess flood water go? Surely if this is allowed to happen there will be houses flooded, cars flooded, people land locked and as stated possible medical tragedies if ambulance access is not available.

- 6... I have recently built my home nearly directly opposite this proposed development and prior to building was advised by Council that this land was set aside for a “nature reserve” as it was necessary to have a buffer for sound between the then industrial section and the housing sector hence the sound berm erected on the land and believing Council had given me reliable information I invested a lot of time and money in building my home.

I have had professional advice as to the adverse effect this development would have on the value of my property and would pursue Council for compensation.

Yours faithfully



Russell Piggin

GREG ALDERSON & ASSOCIATES.

A.B.N. 58 594 160 785

CHARTERED PROFESSIONAL ENGINEERS & SCIENTISTS

Our Ref: 16280_letter_4_4_2016

Your Ref:

4 April, 2016

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Anthony Peters



**Re: Proposed Industrial Subdivision, 54 North Creek Road Ballina
DA2015/599**

Anthony,

We act on behalf of Mr Russell Pilgrim of 77 North Creek Road, an immediate neighbour of the proposed subdivision. He has asked us to assist him in lodging a submission following receipt of a letter from Council dated 18th March 2016, received on 23rd March 2016, giving less than two weeks to respond.

Firstly on behalf of Mr Pilgrim we object to the short time frame to allow a submission to be made.

Submission Report:

1. It is unclear which Council staff held discussions and presumably gave direction to CivilTech, in the preparation of the Development Application. Our client is concerned that there is no clear definition between the commercial arm of Council and the Statuary Development arm. As a result he feels that the development assessment may have already been clouded, if the briefing to CivilTech was by the Statuary Planners. See Section 1 of the SEE report, page 2, where employees names and or titles are not mentioned.
2. It is noted that an "acoustic berm" is located on the land.
3. The land is to be filled to between 2.0 and 2.6m AHD, with approximately 2800m3 of filling. This will reduce the flood storage in this locality and potentially raise flood levels on neighbouring land. The impact of this filling in a flood plain is not specifically addressed in the SEE. Nor is there a reference to any other flood study or Flood Impact Assessment. The plans attached to the SEE show fill of up to 0.7m and a batter of 1:4. There is no detail on the width of the landscaping.
4. There are also arrows shown on the plans, which seem to indicate that the fill will fall towards the acoustic wall. The plans do not indicate how the stormwater drainage will then be accommodated, as it will bank up behind the wall without piped drainage. It looks like more than half the land will fall towards North Creek Road, and we are uncertain whether the North Creek Road stormwater drainage can

133 Scarrabelottis Road NASHUA NSW 2479

Telephone. (02) 6629 1552 & Facsimile. (02) 6629 1566, E-Mail: office@aldersonassociates.com.au
MEMBER OF THE CIVIL COLLEGE, NATIONAL REGISTERED CIVIL ENGINEER, RPEQ 4907

accommodate this amount of stormwater without impact on that existing drainage system.


5. The batter on the northern and eastern end of the land seems to be directing stormwater towards the neighbours land, shown as Lot 2 DP237752, without any swale or pipe. The surveyed ground levels on the subject land show that the stormwater at the base of the batter will fall to a low point at the northern corner of the land, and then onto the neighbours land.
6. The proposed road widening of 1.5m along the whole frontage of North Creek Road suggests there is an upgrading of North Creek Road pavement, which is described in the SEE.
7. The acoustic barrier between the proposed development and the residential properties is to now being provided by a “3m high noise wall” and landscaping to screen the wall. The details of the landscaping are to be provided at the Construction Certificate stage, which means our client and other residents have no real idea of how much of the acoustic wall will actually be visible from the public road and their residences. The plan with the SEE seems to indicate the acoustic wall is on top of the fill, so the top of the wall will effectively be up to 3.7m higher than the natural ground. But this is on the plans (TBC) we presume to be confirmed, which seems to indicate it is a variable inclusion.
8. Section 4.1.4.10 describes the proposed development as being “essentially an infill development of an existing industrial allotment”. It is our submission that the subject land has a rural residential use, similar to the land immediately to the north of the land, and as such a residential component matching land on the eastern side of North Creek Road. Our clients land is approximately 30m from the north eastern corn of the subject lands. “Infill” lands suggests that the land is surrounded by similar land uses. It is accepted that the lands are zoned industrial, but the residents were expecting a more residential like component to the north creek frontage. It appears now that the North Creek frontage will be a 3m high concrete wall, with some landscaping, the degree of which is unknown. The landscaping is mentioned again in Section 4.3.3.
9. The control of access to only De-Havilland Crescent, is not discussed in the SEE. We have seen this controlled by an easement in the subdivision plan under Section 88. This option does not seem to be being suggested in this application.
10. Section 4.8 refers to “appropriate mitigation measures” as the means of satisfying the “Public Interest” component of the development application. We are left to determine what issues are raised in the SEE assessment. The comment is made “there is no conflict with public interest”, when the assessment does not elaborate in any way as what may be a point of conflict. There is also no reference to public consultation with immediate neighbours. These finding are disputed by our client.
11. The Conclusions of the SEE, do not even reference that “appropriate mitigation measures” are required to move the proposed development to a level where it is then “not likely” to create any conflicts, or “not likely” to create any impact on the amenity of the area. These finding are disputed by our client.
12. The available time does not allow a thorough assessment of the Noise Impact Report.

13. The Noise Impact Assessment at page 6, references that there have been no noise complaints. It is our clients recollection that complaints by other neighbours have been made, and in particular about the APN building which loads it trucks early in the morning, interrupting the neighbourhood.
14. It is agreed that an Acoustic Impact will occur for the neighbouring residential properties. An acoustic wall would be an industry standard method of addressing such impacts. Our client would like to see what the wall would look like, rather than have a list of seven different wall types.
15. The acoustic controls at the source, and industrial operations management, to be included in the subdivision as best practice, are a good idea, but how are they to be implemented and controlled. See Recommendation of Acoustic Assessment Section 5, Item 3. If our client could see how this is to be implemented and policed, this may go some way to resolving the potential noise impacts.
16. The SEE does not seem to require the other conditions or recommendation of the Acoustic Report, as conditions of the development.
17. We would have expected a Buffer to be a minimum of 40m to any residential zone from a General Industrial zone. With a densely planted buffer, minimum mounded height of 1.5m outside or in addition to the 40m.

Time does not permit a thorough assessment of the remaining reports

For further clarification please contact the writer.

Yours Faithfully
Greg Alderson


Greg Alderson
Chartered Professional Engineer

8.1 DA 2015/599 - Industrial Subdivision, North Creek Road, Ballina.DOC

OBJECTION TO FACTORIES BEING ERECTED ON NORTH CREEK ROAD AND REQUEST FOR CHANGE OF LAND USAGE OF PROPOSED LOTS 1 TO 6 (subdivision of lot 98 DP 1194043) To RESIDENTIAL USE

signature	address	date
	3 Periwinkle Place	2-4-16
	3 Periwinkle Place	2-4-16
	2/2 PIPi PLACE	2-4-16
	2/2 PIPi PLACE	2-4-16
Kelly Moran	2/2 PIPi PLACE	2-4-16
ELIZABETH MORRISSEY	1/2 PIPi PLACE BALLINA	2-4-16
Kate Barton	4 PIPi PLACE	2-4-16
Jared Osborne	6 PIPi PLACE Ballina	2-4-16
Kaylen & Keatin	8 PIPi PLACE Ballina	2-4-16
PAUL KEARON	5 PIPi PLACE Ballina	2-4-16
R. SOUVIKES	10 PIPi PLACE BALLINA	2-4-16
D. BIZYANT	2/2 PIPi PLACE BALLINA	2-4-16
S. Murphy	17 PIPi PLACE Ballina	2-4-16
	13 PIPi PLACE BALLINA	2-4-16
	17 PIPi PLACE BALLINA	2-4-16
D. Green	11 PIPi PLACE BALLINA	2-4-16
DESI GREEN	11 PIPi PLACE BALLINA	2-4-16
Doianne Jeffrey	11 PIPi PI Ballina	2/4/16
Darran Moran	9 PIPi PI Ballina	2/4/16
TODD MCGERRIN	2 PIPi P	2/4/16
MEANS & MCGERRIN	2 PIPi P	2/4/16
	3 PIPi Place Ballina	2/4/16
	3 PIPi Place Ballina (vs 18)	2/4/16
Cherry C. Brubaker	1 Abalone Place Ballina	2/4/16
Lee Bumble	1 Abalone Place Ballina	2/4/16
Kristen Riches	13 Sweetlip place	2/4/16
Pam Condon	13 Sweetlip place	2/4/16
SNANE RANKIN	2 Sweetlip place	3/4/16
Bruce Heid	8 Sweetlip place	3/4/16
Hollie Cooper	6 Sweetlip Pl Ballina	3/4/16
Craig Fitcher	10 Sweetlip Pl Ballina	3/4/16
R. V. Papp	12 Sweetlip Pl Ballina	3/4/16
S. Papp	11 Sweetlip Pl Ballina	3/4/16
Alan Papp	7 Sweetlip Pl Ballina	3/4/16
Graham Papp	7 Sweetlip place Ballina	3/4/16
Lee Forsyth	11 SWEETLIP PL BALLINA	3/4/16
Kim PALLING	11 SWEETLIP PL Ballina	3/4/16
Lauren Hennessey	11 ABALONE PLACE BALLINA	4/4/16
Matt Bern	78 North Creek Rd Ballina	4/4/16
	78 North Creek Rd Ballina	4/4/16
	30 more driveway contains	4/4/16

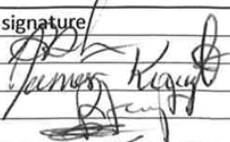
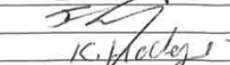
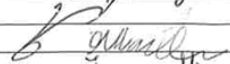
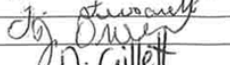
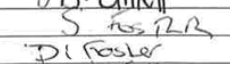
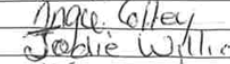
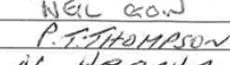
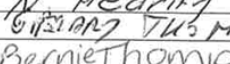
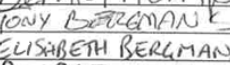
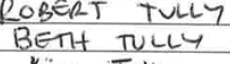
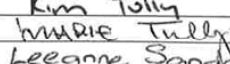
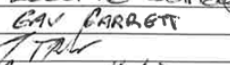
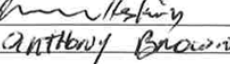
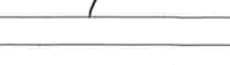

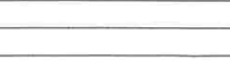

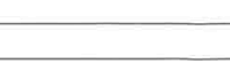

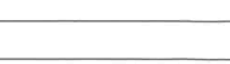
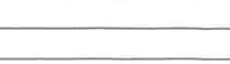






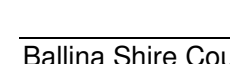
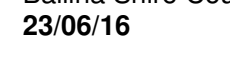

8.1 DA 2015/599 - Industrial Subdivision, North Creek Road, Ballina.DOC

OBJECTION TO FACTORIES BEING ERECTED ON NORTH CREEK ROAD AND REQUEST FOR CHANGE OF LAND USAGE OF PROPOSED LOTS 1 TO 6 (subdivision of lot 98 DP 1194043) To RESIDENTIAL USE

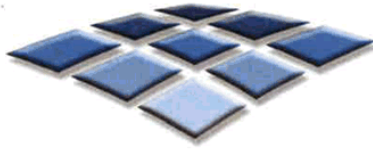
signature	address	date
GILIAN O'NEILL	84 North Creek Rd Ballina	6/6/86654
Gilian O'Neill	84 North Creek Road Ballina	6/6/86654
Wanda	55 North Creek Road	0490 495 266
Wanda	88 North Creek Rd BALLINA	0418108998
Wanda	88 North Creek Rd BALLINA	0419120779
Wanda	90 North Creek Rd Ballina	0432041412
Hardner	90 North Creek Rd Ballina	0423375824
Scott Skiner	92 North Creek Rd Ballina	28-3-16
Nathan Toole	92 North Creek Rd Ballina	0403587998
Camron Fox	87 North Creek Road Ballina	041358826
TANIA JACIEL	94 North Creek Rd Ballina	0412616506
Scott Skiner	6 Perrywinkle Place Ballina	0423868197
Ryan Johnson	96 North Creek Road	66814554
Ryan Johnson	98 North Creek Rd	28-3-16
Kylie Faish	102 North Creek Rd Ballina	0422010648
Sean Smith	102 " " " "	0482694720
Cory Buckley	100 North Creek Rd BALLINA	0402481580
Cory Buckley	95 North Creek Rd Ballina	0438830186
Cory Buckley	95 North Creek Rd Ballina	0458058473
D. Phillips	77 North Creek Rd Ballina	0438973725
Wendy McCall	North Creek Rd Ballina	0422860731
Wendy McCall	North Creek Rd Ballina	0428257063
Wendy McCall	40/40 SCD Ballina	0412764653
Wendy McCall	1/15 Chilcott Dr. Coonellabah	0432180014
Wendy McCall	Barton Rd, Tullera, NSW	0410511275
Wendy McCall	Barton Rd, Tullera	29/3/16
Wendy McCall	446 Ballina Rd Coonellabah	29/03/16
Wendy McCall	39 North Creek Rd Ballina	29/03/16
Wendy McCall	31 Lindsay Ave Cumbalum	30/03/16
Wendy McCall	14 Swallowtail place, Ballina	1/4/16
Wendy McCall	16 COAKS LA Ballina	1/4/16
Wendy McCall	14 North Creek Rd	2/4/16
Wendy McCall	1/120 N/CREEK RD BALLINA	2/4/16
Wendy McCall	7 North Creek Rd	2/4/16
Wendy McCall	76 North Creek Rd BALLINA	66864676
Wendy McCall	9 Almonte Place Ballina	66815165
Wendy McCall	2 PERRYWINKLE PL.	2-4-16
Wendy McCall	4 PERRYWINKLE PL.	2-4-16
Wendy McCall	8 Perrywinkle place Ballina	2-4-16
Wendy McCall	8 Perrywinkle Place Ballina	2/4/16
Wendy McCall	18 PERRYWINKLE PL BALLINA	2/4/16
Wendy McCall	14 Perrywinkle Pl Ballina	2/4/16
Wendy McCall	1/11 Perrywinkle Pl Ballina	2/4/16
Wendy McCall	4/11 PERRYWINKLE PL BALLINA	2/4/16
Wendy McCall	5/11 PERRYWINKLE PLACE BALLINA	2/4/16
Wendy McCall	9 Perrywinkle Place, Ballina	2/4-16
Wendy McCall	5 Perrywinkle Pl, Ballina	2/4/16
Wendy McCall	5 Perrywinkle Pl Ballina	2/4/16
Wendy McCall	3 Perrywinkle Pl	2/4/16

8.1 **DA 2015/599 - Industrial Subdivision, North Creek Road, Ballina.DOC**

OBJECTION TO FACTORIES BEING ERECTED ON NORTH CREEK ROAD AND REQUEST FOR CHANGE OF LAND USAGE OF PROPOSED LOTS 1 TO 6 (subdivision of lot 98 DP 1194043) To RESIDENTIAL USE

signature	address	date
	79 North CR RD River ST BALLINA	30/3/16. 3-4-16
	304 River ST Ballina	3-4-16
	304 River St Ballina	3-4-16
	Day Dream Avenue	3-4-16
	4/172 TAMAR ST	4/4/16
	5 Swift st	3/4/16
	41 water view cat	3/4/16
	16 James St	3-4-16
	Myant st	3-4-16
	Doug Gillett BALLINA.	3-4-16
	LINDERMEN ST Ballina	3-4-16
	Lindermen St Ballina	3-4-16
	TUMAC ST	3-4-16
	Phoenix Park Tintenbar	3-4-16
	19 ACACIA ST WOLLONGABAR	3-4-16
	318 RIVER ST BALLINA.	3-4-16
	99 SWIFT ST Ballina	3-4-16
	6 TITINA ST BALLINA	3-4-16
	6 Easter Pde Ballina	3-4-16
	101 TAMAR ST	3-4-16
	101 TAMAR ST BALLINA	3-4-16
	CATHERINE CRES BALLINA	3-4-16
	CATHERINE CRES BALLINA	3-4-16
	79 North creek Road	3-4-16
	4/51 Catherine Dr. Ballina	3-4-16
	10 Kipari Ave Gonnellabah	4-4-16
	23 GRANT ST BALLINA	4-4-16
	21 TRINITY DR. Gonnellabah	4-4-16
	121 Cherry St Ballina	4-4-16
	19 Bayview Ballina	4-4-16

16/40570



CivilTech
Consulting Engineers

● Subdivision Design ● Civil Engineering ● Town Planning ● Project Management

Our Ref: 14144
Your ref: DA2015/599

19 April 2016

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

ATTENTION: Anthony Peters

Dear Sir,

RE: DA2015/599 Proposed Industrial Development – Lot 98 DP1194043 – 54 North Creek Road, Ballina

I refer to the abovementioned Development Application and Councils request for additional information in relation to Ecology matters.

Please find attached three (3) copies of an Addendum to the Ecological Assessment.

A response to the submissions received by Council is provided below. The issues raised within the submissions have been summarised under appropriate headings.

Noise Wall Unsightly and Landscaping

The noise wall will be constructed out of appropriate materials and will be landscaped with a 5 metre landscaped buffer between the wall and North Creek Road. A Landscape Plan will be provided at the Construction Certificate stage of the development which will detail the species to be planted to minimise the visual impact of the noise wall.

Lack of Consultation and timeframe for submission to be made

It is understood that Ballina Shire Council have followed correct procedure and notified the development in accordance with relevant legislation.

Land should be Residential

A number of the submissions state that the land should be zoned for residential purposes (with one then also commenting that there should be a 40 metre buffer between residential and industrial land so it contradicts itself somewhat). This request is not considered feasible or appropriate.

ABN 21 026 548 150 | Ph: 6624 5580 | PO Box 1020 | LISMORE NSW 2480
e-mail: admin@civiltech.net.au | www.civiltech.net.au

Noise Issues

An appropriately designed acoustic wall along with other restrictions to be placed on the future buildings will alleviate noise issues. A number of submissions raised issues from existing development in the area (including the carwash and Harvey Norman) which are not part of this application and therefore cannot be dealt with under this application.

Dust Issues

Appropriate sediment and erosion control measures will be installed and appropriately maintained during construction phases of the development to minimise any potential dust issues. One submission raised the nearby concrete works as creating a dust nuisance which once again is not part of this application and cannot be dealt with under this application. The acoustic wall and landscaped buffer will minimise dust from the future lots leaving the site.

Any future uses likely to generate excessive dust will be required to adhere to best practice procedures to ensure dust generation does not cause nuisance to adjoining properties. This issue, should it arise, will be dealt with at the DA stage for the possible future use.

Stormwater Issues

A Stormwater Management Plan has been prepared and submitted to Councils engineers to address the issues raised in the submissions. The current concept stormwater management plan provides a lot and road drainage network to discharge these flows to the existing drain behind Harvey Norman in line with the current stormwater flows.

Future buildings will be required to provide adequate stormwater detention and treatment, the detention will ensure that existing runoff volumes are not increased.

Flood Issues

As discussed in the submitted SEE, the land requires filling to be raised to the required flood planning level. The development is considered to be infill development (as advised by Councils regulatory staff), with a majority of the land surrounding the site almost entirely filled or proposed to be filled.

Council Advice

The meeting referred to in the submission by Mr Alderson was undertaken with Councils regulatory staff that provided independent advice on the requirements of the development. The names of these staff members can be provided to Council if required. At no point have these staff members provided any commercial advice on the development and have at all times acted independently to Councils commercial arm.

Illegal Filling of the Site that creates stormwater issues

No filling of the site has been undertaken and it is assumed the submissions refer to land adjacent to the residential area across from the subject site. Therefore these comments should have no relevance on the subject application.



Road Widening

Road widening of North Creek Road has been suggested to provide a consistent pavement through from Tamarind Drive past the site. This section of North Creek Road is the last section to have kerb and gutter along the western edge.

Controlled of Access to De-Havilland Crescent

One submission raises this point that it is not discussed in the SEE which is incorrect. This issue is discussed on Page 9 of the SEE which states that access to the proposed lots will be via De-Havilland Crescent. It is also evident from the plans that access to North Creek Road is not possible due to the erection of the acoustic wall and landscaping. This issue is also governed by Councils DCP.

If you have any queries, please contact 6624 5580 or email: adrian@civiltech.net.au

Yours faithfully,
CivilTech Consulting Engineers



Adrian Zakaras
Town Planner



PROPOSED DRAFT CONDITIONS DA 2015/599

GENERAL

Approved Plans

Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including the plan prepared by CivilTech Consulting Engineers, Proposed Lot & Civil Details Figure 2, Drawing No. 14144-SK10D, Dated 27 January 2016, except as modified by any condition in this consent.

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.

Where demolition work involves disturbance, removal or repair of friable or non-friable (bonded) asbestos the following applies:

- a) Work involving asbestos removal work (inclusive of repair or disturbance) that involves any amount of friable asbestos or non-friable asbestos (formerly known as bonded asbestos) that exceeds 10 square metres, must be undertaken only by a person who carries on a business of such removal work in accordance with the appropriate licence under Part 8.10 Division 1 of the Work Health and Safety Regulation 2011.
- b) The person having the benefit of this consent must provide the Principal Certifying Authority (PCA) and/or consent authority with a copy of a signed contract with such a person before release of the Construction Certificate and or commencement of works; and
- c) Any such contract must indicate whether any friable or non-friable asbestos will be removed, and if so, must specify the approximate amount (m²) and the landfill site (that may lawfully receive asbestos) to which the friable or non-asbestos material is to be delivered. Note: Ballina Shire Council's Waste Facility is NOT currently licenced to receive any material containing asbestos.
- d) A suitably qualified person is to undertake a clearance inspection following the asbestos removal work and have a clearance certificate issued in accordance with the requirements of section 473 and 474 of the Work Health & Safety Regulation 2011. A copy of the clearance certificate is to be provided to Public and Environmental Health Section of Council.

Receipts for disposal of asbestos shall be retained and provided to Council.

Road widening land dedication

The applicant shall be required to dedicate a 1.5m wide strip of land along the full length of the sites North Creek Road frontage.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building or Civil)

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.

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.

Civil works

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 for the following civil works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards and/or Roads & Maritime Services where specified.

(a) Road pavement widening - At the developer's expense, the pavement of North Creek Road shall be widened, with associated drainage, from the edge of existing seal (inclusive of 300mm reconstruction overlap of existing road pavement) for the full length of the property frontage to North Creek Road in accordance with CivilTech Concept Stormwater Management Plan, 14144-SK13A dated 14/03/2016. The pavement profile shall consist of at least 300 mm compacted thickness of roadbase 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. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

Stormwater

At the expense of the applicant, an inter-allotment drainage and street stormwater 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 and CivilTech Concept Stormwater Management Plan, 14144-SK13A dated 14/03/2016. Engineering design drawings must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Filling of the site (minimum level)

The whole of the development site shall be filled with a suitable foundation material in accordance with the requirements of the Northern Rivers Local Government Development Design and Construction Manuals to a minimum level or RL 2.0 metres AHD. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Sewer Connection (pressure)

Each lot within the development shall be connected to Council's sewer system. Given that this development is unable to be serviced by Council's gravity sewer system the development shall be serviced using a pressure sewer system in accordance with Council's "Pressure Sewer Policy". Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.

Water connection (standard)

The applicant shall be responsible for all costs associated with the connection of Council's reticulated water supply system and recycled water supply 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.

Civil Inspection Fee, Section 138 Approval Fee & Construction Bond

Prior to the issue of a Construction Certificate, a Section 138 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 see Council's schedule of Fees and Charges for the current rates:

- (a) Section 138 Fee
- (b) Civil Inspection Fee
- (c) Civil Construction Bond: Equal to 5% of the estimated cost of civil works (min \$1,000)

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.

Asset listing

The Construction Certificate application for subdivision works shall be accompanied by 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.

Geotechnical investigation

Prior to the issue of a Construction Certificate, a Detailed Geotechnical Investigation shall be undertaken by an appropriately qualified practising professional Geotechnical Engineer.

The investigation shall identify any areas of compressible clay materials, loose sands, landslip, subsidence or reactive soil profiles which may impact on construction or building activities. If unsuitable materials are identified, the investigation shall provide recommendations such as a preloading or other forms of treatment necessary to achieve surface movement (ys) rates consistent with a site classification "M" as defined by AS 2870 (current version). All consolidation resulting from preloading shall be monitored by settlement plates or detailed survey to determine consolidation/settlement characteristics.

Where the Geotechnical Investigation identifies that settlement will occur at the site, the applicant shall provide a Construction Report detailing the anticipated extent of settlement, the period over which this settlement shall occur and the measures to prevent the settlement impacting on any future buildings, public assets or services proposed to be constructed within the development. Details must be submitted to and approved by Council prior to the issue of a Subdivision Civil Works Construction Certificate.

Vehicular Access

A swept path analysis shall be provided demonstrating how a medium rigid vehicle can safely access proposed lot 6. If adequate access cannot be achieved an alternate means of supporting the power pole constraining the lot will be required. Detail shall be submitted to and approved by the Principal Certifying Authority Prior to the issue of the Construction Certificate.

Acoustic Wall/Barrier

The final design and location of the acoustic barrier shall be submitted to and approved by Council prior to the issue of the Construction Certificate. Details shall include, but not be limited to, the following:

- (a) The acoustic barrier shall be erected to a height of 3 metres from filled ground level and shall be located entirely within the subject property including footings;
- (b) Should the acoustic barrier include the provision of an earthen plantation mound, it is to be of a 1 in 4 batter slope and is to be vegetated to visually screen the noise attenuation device. The base or toe of the mound shall not encroach on the verge area and shall be designed accordingly;
- (c) The acoustic barrier shall be of masonry construction (or equivalent) that achieves a fifty year design life and included a basic pattern finish to the approval of Council's Engineer;
- (d) The face of the acoustic barrier shall be of a diffuse nature such that sound waves are not reflected;
- (e) Demonstrate that the width of the verge is adequate to provide 3 metres width of landscaping treatment and services in accordance with the requirements of the northern rivers design guide; and
- (f) Adequately screened with a minimum of 3 metres of landscaping treatment. Specifications for the landscaping treatment (i.e. width, species (which shall be those specified in the Ballina Shire Urban Garden Guide), quantity, locations etc.) of the acoustic barrier must be provided to the satisfaction of Council's Open Spaces and Reserves Section.

The identified acoustic barrier, as specified in recommendations of the Noise Impact Assessment report dated 15 October 2015 prepared by Tim Fitzroy & Associates, shall be incorporated into the final construction plans. Certification shall be provided by the acoustic consultant that the acoustic barrier has been incorporated into the final construction plans and submitted to Council prior to the issue of the Construction Certificate.

Rehabilitation Plan/Offset

Prior to the issue of the Construction Certificate, a rehabilitation plan shall be submitted to and approved by Council, outlining the following requirements:

- (a) Provision of offsets totalling 1.17ha.
- (b) Preparation a Rehabilitation Plan for the offset area. This includes a detailed site assessment, a program of rehabilitation works and staging, provision for monitoring reports and the identification of precise restoration goals.
- (c) Provision of funding for a minimum of five years.
- (d) Provision of three individual quotes from qualified bush regenerators for cost of undertaking the required work.

- (e) The written approval from Open Spaces and Resource Recovery (OSRR) that they accept the costings provided and that upon the handover of the money OSRR will implement the restoration program.

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.

Notice of commencement of civil works

Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$20M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.

Traffic control

All traffic control shall be in accordance with the Roads and Maritime Services "Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.

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.

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.

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.

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 shall be implemented in full during the construction period.

The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval

conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the Protection of the Environment Operations Act 1997.

Sediment and erosion control measures shall be installed and effectively maintained to control stormwater runoff. All disturbed areas shall be immediately stabilised and revegetated on completion of earthworks.

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.

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.**

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).

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

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

If dewatering is required a management plan for all dewatering activities on site shall be submitted to and be approved by the Principle Certifying Authority (PCA) 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 may require a license issued by the NSW Office of Water.

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.

Civil Works

All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals (as current at the time of construction works commencing) and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified. Inspections and approval of the road, drainage, water & sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual.

Traffic Control

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).

Inspection (road and drainage)

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 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 700 mm and replace with approved sand fill.

Inspection (water and sewer)

Council's Engineer must inspect and approve construction works associated with the connection of the development to Council's water and sewer mains. Council's Engineer must be contacted on telephone 6686 4444 at the time of the excavation and connection.

Damage to Council infrastructure

Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 6686 4444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

Shake Down Grid

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.

Dust suppression

Exposed surfaces and access pads at the site shall be regularly wetted to suppress dust generation. As a minimum at least one water truck must be available at the site at all times however additional dust suppression equipment must be provided as

necessary to prevent dust generation at the site. Other equipment or methods of dust suppress must be approved by The Principal Certifying Authority prior their use.

Stockpile protection

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.

Revegetation

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.

Earthworks and filling

All earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1.

The earthworks and filling shall also be undertaken in accordance with the Geotechnical Investigation approved with the Construction Certificate and monitored by a Registered Geotechnical Testing Consultant.

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.

Application for subdivision certificate

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.

Rehabilitation Plan/Offset

Confirmation of the payment of monies required for the rehabilitation/offset works for a minimum of five years is to be provided to Council's satisfaction prior to the release of the Subdivision Certificate.

Civil works

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

Stormwater

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 approved Construction Plan. 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.

Services (electricity and communication)

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 installed and commissioned to each lot to the satisfaction of the relevant authorities.

Services (Greenfield site)

The certification by a Registered Surveyor that all utilities, services and domestic drainage lines are wholly contained within the respective lots or within specified easements.

Maintenance bond

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:

- (a) Civil maintenance Bond: Equal to 5% of the estimated cost of the civil works (Refer to Council's Schedule of Fees & Charges for minimum fees)

A maintenance period of 12 months will apply from the date of registration of the subdivision plan. 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.

Works as executed (drawings)

Prior to the issue of the Subdivision Certificate. The applicant shall submit to Council an electronic copy of the WAE information in AutoCAD and PDF format. All AutoCAD data is to be on MGA zone 56 coordinates and AHD for levels with separate layouts within the drawing for roads, water, sewer and stormwater drainage. Separate PDF 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.

Earthworks and filling

Prior to the issue of the Subdivision Certificate, an appropriately qualified practising professional Geotechnical Engineer shall provide Engineering Certification that clearly states the following;

- (a) All earthworks and filling have been inspected to a Level 1 standard in accordance with AS 3798 (current version) and in accordance with the recommendations of the detailed Geotechnical Investigation approved with the Construction Certificate.
- (b) All surface movement (ys) has achieved rates that are consistent with a site classification M as defined by AS 2870 (current version). If expected surface movement (ys) for the proposed allotments are likely to exceed a site classification of M, all affected allotments shall be burdened by a Restriction on

Use pursuant to Section 88B of the Conveyancing Act advising future owners of the site classification.

- (c) All works have been completed in accordance with the approved Construction Report.

Access restriction

Prior to the release of the Subdivision Certificate, a restriction on use preventing direct access to North Creek Road shall be recorded on the Land Title for each lot in the development. Details are to be submitted to and approved by Council prior to the issue of the Subdivision Certificate.

Following the demolition of the existing dwelling house and associated infrastructure 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) to determine the nature, extent and degree of contamination present; to assess potential risks posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required, to be submitted to and approved by Council. Particular attention should be paid to contaminants associated with dwellings (heavy metals, termite treatment and hazardous products such as asbestos) and any historic septic tanks and or trenches. The report shall be submitted to and approved by Principle Certifying Authority (PCA) prior to the issue of the Subdivision Certificate.

A Stage 3 Remedial Action Plan, if required, must be submitted to and approved by the Principle Certifying Authority (PCA) prior to the issue of the Subdivision Certificate.

If required the site must be remediated in accordance with the Stage 3 Remedial Action Plan as approved prior to the issue of the Subdivision Certificate.

If required a Stage 4 Validation and Monitoring Report must be submitted to Council together with notice of completion of remediation pursuant to clause 18 of SEPP 55 prior to the issue of the Subdivision Certificate.

Proposed Lots 1 to 6 (inclusive) of the industrial subdivision shall be classified as areas for only light industrial, low noise and odour generating operations. Any heavy or noisy industries wanting to locate on these allotments must include an adequate acoustic assessment report with a development application to ensure noise levels at the sensitive receivers are acceptable. Details of the Section 88B restricting the use to light industry, inclusive of Council being the party to release, vary or modify, are to be provided to and approved by the Principle Certifying Authority prior to the issue of the Subdivision Certificate.

The final plan of subdivision and an instrument pursuant to Section 88B of the Conveyancing Act 1919 shall establish an easement and restriction on use over the lots containing the acoustic barrier and shall be of sufficient width to protect and preserve the integrity of the acoustic barrier (including any mound and footings) and to ensure the entire barrier and adjacent land is not moved, reshaped or altered. Details shall be submitted to and approved by Council prior to the issue of a Subdivision Certificate.

Prior to the issue of the Subdivision Certificate, the acoustic consultant shall provide Council with certification that the constructed acoustic barrier complies with the acoustic specification identified in the Noise Impact Assessment report dated 15 October 2015 prepared by Tim Fitzroy & Associates or as amended.

The landscaping provided to the acoustic wall shall be established to provide 95% ground cover and mature stage trees prior to the issue of the Subdivision Certificate.

Developer Contributions

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:

Contribution Plan/Development Servicing Plan	Adopted
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.

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

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:

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Council	Ballina Shire Council Water Supply	27 February

	Infrastructure Development Servicing Plans	2015
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 February 2015
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 as 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**).

CONDITIONS OF USE/DURING OCCUPATION

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

The acoustic barrier shall be maintained in good serviceable condition and shall not be altered, removed or damaged for perpetuity.

Operation of the site shall be in accordance with recommendations included in the Noise Impact Assessment report dated 15 October 2015 prepared by Tim Fitzroy & Associates, as outlined below:

- Noise levels generated shall not exceed 42 dB(A)L_{Aeq} when measured at the nearby residential premise, and
- Noisy plant and equipment shall be positioned to maximise the benefit provided by the acoustic wall.

SCHEDULE 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Roads Contribution Plan V4.0 (2015)	5204	equivalent residential allotment	\$11,369.00	8.0000	\$90,952.00
Roads Administration V4.0 (2015)	5205	equivalent residential allotment	\$171.00	8.0000	\$1,368.00
North Ballina Wastewater Services (DSP Area B)	3001	equivalent tenement	\$4,834.00	26.2080	\$126,689.47
North Ballina Water Supply (DSP Area B)	2001	equivalent tenement	\$3,159.00	26.2080	\$82,791.07
Rous Water 2009	5001	equivalent tenement	\$9,246.00	26.2080	\$242,319.17
TOTAL					\$544,119.71