

A note from

Jeff & Vanessa Stone

P.O.Box 820, (50 Riverview Avenue), BALLINA NSW 2478 02 6686 7222
jvstone61@gmail.com

Rod Willis,
Ballina Shire Council
council@ballina.nsw.gov.au

Monday 16th January, 2017

Re: Proposed development, DA2016/690, Quays Drive, Ballina

As home owners who back onto Quays Reserve, we were disappointed to receive notification from Council that 38 house blocks are to be developed on existing open green space.

When we purchased our home in 1986, we were told that the land had been given to the Education Department for a school site by the developer of Ballina Quays estate. It was common knowledge at the time that there would not be a school built there, and the surrounding neighbourhoods and some sports clubs have used the space for recreation for (as we can attest) the last 30 years.

The amenity of the area was a deciding factor in our decision to purchase and stay in this location.

So we were very disappointed some months ago to see a Real Estate agent's sign erected, offering the blocks for sale and now recently to receive your letter. It would appear that the agents are confident of the outcome of the DA process.

We feel it is unethical for land which was gifted for the benefit of the community, to be used to generate profit for developers who clearly have no regard for those who have lived in, and enjoyed, the area for many years.

Will the council stand up for the quality of life enjoyed by the rate payers in this area? There is land available in planned estates which include open green space for the benefit of the families who choose to purchase there.

The other major concern is the drastic effect that this development will have on storm water and flooding. This area is very low and over the last 30 years we have had many problems with inundation due to storm water backing up, unable to escape due to large rain events, and/or high tides. On a number of occasions we have had water through our garage and back yard, and our pool has been filled with filthy stormwater / flood run-off on countless occasions. This is already a major problem and will obviously be dramatically worsened by adding 38 house lots of hard surfaces eg roofing, driveways roads etc thereby removing the absorbency of large areas of natural ground.

What measures has Council stipulated that will guarantee that existing owners will not be more badly affected than they currently are?

We have also experienced many problems due to the existing drains not being maintained. What processes will be implemented to ensure that drains are accessible and who will maintain them?

Our belief is that on this occasion Council should stand with those who effectively employ them - the ratepayers of the area - and reject this, and any other development, which benefits only a select few developers - at the expense of people who live in the area they are downgrading.

Whilst we can understand the desire of absentee bureaucrats to capitalise on free land, we strongly believe that the land should be re-gifted to Council to preserve some open green space for our community.

Are any of the people who will profit financially from this proposal directly affected by its consequences? Do any of them live in this area? If not, should their desire for profit be given more weight than the wishes of the long-term residents who are opposed to this development?

Regards,

JR & VM Stone

Attention Rod Willis /Anthony Peters
Group Manager
Development & Environmental Health.
10/1/2017

Dear Sir,

We wish to lodge our objection to the development application (DA 2016 /690)
Quays Drive West Ballina.

This beautiful green space has been used for several years by schools in the Ballina shire for sporting events, and although other facilities have now been made available to these schools this area is still used by many. The adjoining Ballina football club do their weekly training in the season and warm ups pre games. People exercise or walk their dogs, and kids just play and run free. As your department should know green space is important for general health and wellbeing, sadly all too soon vacant land is swallowed up by developers who just want to make money

We have viewed the plan of the development of 38 lots. No consideration has been given to say a small area of this land to be retained as say community parkland which can be used for the enjoyment of all... just wall to wall houses.

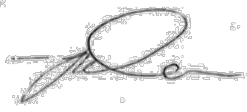
We trust the council will now construct footpaths on both sides of Quays Drive to enable safe pedestrian walkways, as the traffic will be greatly increased once the houses are built and occupied. (Ballina shire notice of increased rates may pay for this)

So sad this development was kept under wraps and not disclosed to surrounding residents until the online auction this was obviously a " done deal "

In retrospect look what people power achieved in Suffolk Park (Byron shire)when the Baird gov, tried to do a similar thing. – having notice the residents along with council who purchased and saved their parkland... sadly not so here !

Yours Sincerely,
Jan & Noel Warr.


26 Quays Drive
Ballina 2478.





25 Howard Crescent
WEST BALLINA NSW 2478
19 January 2017

Group Manager, Development & Environmental Health,
Ballina Shire Council
PO Box 450
BALLINA NSW 2478
Attention: Anthony Peters



Dear Sir:

Re: DA2016/690

This is in reply to your letter dated 4 January 2017 (which was received 11 January 2017). Although we have no reason to formally object to the proposal, listed below are a few issues we request clarification from the Council on.

Would a Council officer please come out and physically sight the area as it is today. At the moment it is an absolute disgrace encouraging snakes, dead rabbits etc. Can we have Council assurance that the developers in the short term will adequately maintain the area on a regular basis. This is important as we believe the developers plan to "stage" the development and the area adjoining our home is not in the first "stage".

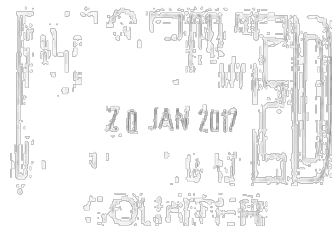
Quays Reserve (as is) is quite a flood plain after heavy rain and we assume the developer will have to raise the level of the development. We require Council assurance that the drainage will be suitably designed to ensure there will be no flooding to adjoining properties.

Your early answers to the above concerns will be appreciated.

Yours faithfully,

G & H Matthews Helen Matthews

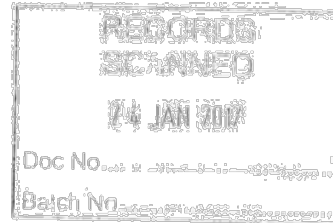
G & H MATTHEWS



PO Box 1309
BALLINA NSW 2478

18th January 2017

Mr A Peters
Ballina Shire Council
PO Box 450
BALLINA NSW 2478



Dear Sir

**Re: DA 2016/690
Lot 71 Quays Drive West Ballina**

As I have stated in a previous letter to the Council that I am not opposed to the development of this land and my view still remains the same.

However, I do have some concerns and they are as follows:

Stormwater Drainage:

If the allotments are to the boundary of the homes in Riverview Avenue West Ballina will the owners of these allotments be able to erect a fence over the stormwater drain? This may cause some problems when we have a lot of rain and high tides (as we did in June 2016) as this would increase the volume of water in the drain to build up and not be able to flow properly. Also who will maintain and keep this easement clean?

Can the Council give me 100% guarantee that there will be no impact on my property from the water that may cause some damage.

Pedestrian Walkway:

I have noticed that the walkway/pedestrian link from Howard Crescent West Ballina has not been extended through to the new subdivision. Could this one be made possible? Thankfully the one in Riverview Avenue West Ballina has been extended through. If the walkway is not extended it could become a haven for anti- social behaviour and also could become overgrown and used as a dumping area.

Overlooking and Loss of Privacy:

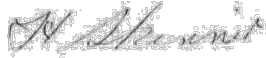
With the subdivision being much higher than my property I would like to see a solid construction (like a fence) installed to give us the privacy as we require. A vegetation buffer can cause problems if not kept in a neat and tidy manner.

Public Open Space:

I also noticed that there was no open space provided and would like to see some provision being made for this.

At no time have I ever made a political donation or gifts to any Councillor or employee of this Council.

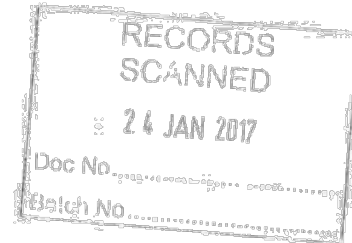
Yours faithfully



Helen Skinner
34 Riverview Avenue
WEST BALLINA.

44-46 Riverview Ave,
Ballina NSW 2478
22nd January, 2017

Mayor of Ballina, Mr David Wright,
The General Manager,
The Person In Charge of Building Development and Applications,
Ballina Shire Council,
Cherry Street,
Ballina NSW 2478



To all of the above mentioned parties,

Re: Redevelopment Quays Reserve

I am a home owner and have been a resident in Riverview Ave since August 1979. I know the impact that storms and tides have on my property and to Riverview Avenue. I have concerns regarding storm water drainage and privacy loss caused from the proposed Quays reserve development. These concerns not only relate directly to my property, but also neighbouring properties.

In regard to the recent DA for the redevelopment, I would like to draw your attention to my concerns as a landowner whose property adjoins this proposed development.

1. The current public walkway access for Howards Crescent residents has not been included or continued in the new development plans.
2. There is a proposed 4 metre easement between the properties of Riverview Avenue and the proposed development. Looking at proposed plans for the development, it appears the easement is included in the new allotments. Storm water drains and underground concrete pipes run behind the properties of Riverview Avenue. Including this drain as an easement in the proposed land allotments of the development, it will make access for maintenance by council difficult.
3. The land of the proposed development is required to be increased in height. This adds to the concern that properties existing in Riverview Avenue and Howards Crescent will be overlooked by the new development. This will cause a loss of privacy to our homes. The previous response from Council on this matter was that a green space would have to be allocated. However, after talking to the writer of that letter, this idea has been scrapped and is now of little and no concern to him.
4. The stormwater drains as referred to above struggle to cope in high and king tides to date. When high tides and King tides occur, a backup of rainwater flows into our property (up to 30 cms on our back fence line) due to the existing infrastructure being inadequate. By increasing land height and a higher run off into the existing storm water drain system as per the proposed development state, this will cause additional storm water to be directed into the existing drains. This will then cause even more storm water to backup to occur on my property. Added to this issue, when the new owners fence their properties to keep it either

child or dog friendly, they will in fact semi dam the dish drain and make the water backup onto the properties in Riverview Ave.

5. To solve the problem of rainwater runoff/privacy issue, why not create a retaining wall on the proposed development land be built at the 4m easement line? With proposed land development filled to the required level height. A fence can be constructed on top of the retaining wall, giving back accessibility to council and privacy and no water run-off into the storm water dish drains and pipes and no daming of the drain. I am concerned deeply that our property will become a thoroughfare of stormwater run-off into Riverview Ave.
6. Is any storm water run-off from the allotments to be built on the proposed development have stormwater drained into that drain?
7. When the development land is filled, what implementations will be in place, so we get no excess fill filtering onto our land and swimming pool which is situated at the back of our property. I am concerned that I will have a major cleanup and be a costly project on our behalf on pool maintenance and make our pool unusable and who is responsible for the cleanup? I have had had 2 recent surgeries (July 2016 and January 2017) for complications of sinuses, I do not feel that I should be exposed to excessive dust at this time of my recovery and near future that may impact on my quality of recovery.

I would appreciate my concerns looked into and thoroughly investigated before any development approvals proceed that will impact on my property. If my land is impacted to any degree, I will be seeking compensation from Council.

Thank you



Trish Holmes

Patricia Holmes (Part owner of land known as 44-46 Riverview Ave, Ballina)

On a personal note, I had a conversation prior to the local elections regarding this very matter noting my concerns with Mr David Wright, I spoke in depth with him and he assured me that he would be helping the residents and having a development that did not affect the residents.. To date I have had no reply, both by my mail or telephone and would greatly appreciate if he could make time to meet with the residents to clear up concerns and issues and where he stands on this very matter.

113 Riverside Drive
Ballina NSW 2478
22nd January 2017



Attn: Anthony Peters
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Dear Sir

Re: DA 2016/690 38 lot Residential Subdivision @ Quays Drive West Ballina

We **OBJECT** to the above residential subdivision as it has been presented. This Development Application involves **TOO MANY** lots being built and **NO** Community Space being allocated.

This area is already regularly subjected to stormwater runoff problems and tidal flooding which has required sandbagging and road closures to be necessary in the past. This development would involve considerable "FILL" to raise the building level, as per Council's requirements and if this total area was raised, **ALL** the surrounding properties would have **HUGE** additional water runoff problems.

There is also only **ONE** access road to this proposed estate and the increased traffic as a result of this significant proposed development would cause considerable, unnecessary traffic congestion in this area.

Also, when Council allocated a large section of Porter Park to build the Aboriginal Childcare Centre (thereby making it unsuitable for a range of sports, such as the cricket which was being played there), it was stated that West Ballina had sufficient parkland and green space. This lot on Quays Drive was used to support the Council argument at that time, as it was being used by many sporting groups.

Since Council chose **NOT** to purchase the land for the Community, it is now beholden to the Community to ensure that a significant amount of this subdivision be quarantined for the Community as open space. It is **NOT** good enough for Council to ask the Developer for a financial contribution in lieu of parkland, West Ballina **NEEDS** the actual parkland.

Please consider these issues when evaluating this proposal, for the benefit of **ALL** West Ballina ratepayers.

Yours sincerely

Pam & Brian Maxwell

Janelle Snellgrove

From: Wes Smith <wes.smith47@bigpond.com>
Sent: Tuesday, 24 January 2017 7:24 PM
To: Anthony Peters
Subject: DA 2016/690

Dear Sir,

Re. development in Quays Drive...

1. With regard to the exposed easement backing on to houses in Riverview Drive & Howard Crescent is this going to be re-done/ covered or what?
2. With the building up of the estate ...how many feet/metres will it be built up? Will there be new fences built on the estate?
If there are new fences will they be built over the existing exposed easement or will there be a gap between the existing fence line & new fence line (if there is a new fence line).
3. What if existing fences are damaged?

Wes Smith & Glenda Rix.

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For more information please visit <http://www.symanteccloud.com>

Mr. Rod Willis
Group Manager
Development & Environmental Health
Ballina Shire Council.



B. W. & F Morris
15 Howard Cr.
Ballina
N.S.W.2478

Dear Sir,

Re DA 2016/690
Property lot 71 DP.628164, Quays Drive West Ballina.

Our objection to the above development application is made on the following grounds. Currently there are two cement open drains, one running behind the houses facing Howard Cr. and the second running behind the houses facing Riverview Av. During a king or high tide and heavy rain these drains cannot cope with the volume of water that has to go through the outlet to the River, therefore causing a back up and numerous properties are flooded including ours. **WHAT IS GOING TO HAPPEN WITH THE ADDITIONAL VOLUME OF WATER COMING FROM SOME OF THE PROPOSED RESIDENTIAL SIGHTS IN DA2016/690 THAT WILL BE FED INTO THESE DRAINS?** We also have a man hole in our back yard this also overflows when we have excess rain which is not very healthy and also very smelly. **AGAIN WHAT IS GOING TO HAPPEN WHEN MORE WATER IS FED INTO THE LINE.?** If the land that is going to be developed is raised, which I believe is going to happen, this will surely raise a major flooding crisis to a lot of houses that already exist. **WHO IS GOING TO BE RESPONSIBLE WHEN THIS OCCURS.?** We have seen an agent on the proposed development sight, more than once, we presume selling blocks, how can this occur before the D.A. is approved? We have, on a number of occasions tried to contact the Millner Property Group to no avail. We have left a message but have not received a reply. Our question to them would have been "why can't a laneway be left backing onto the properties of Howard Cr. and Riverview Avenue. for the cleaning and maintenance of the open drains. **WHO IS GOING TO BE RESPONSIBLE FOR THE MAINTENENCE OF THE DRAINS? AS OF NOW MOST PROPERTY OWNERS BACKING ONTO THESE DRAINS KEEP THEM CLEAN AND MAINTAINED.**

Yours Faithfully

FAY MORRIS & BARRY MORRIS

Two handwritten signatures in black ink. The first signature is "Fay Morris" and the second is "Barry Morris".

ROBERT SMARK
42 Riverview Avenue
Ballina NSW 2478
0411352373

Ballina Shire Council
40 Cherry Street
Ballina NSW 2478

ATTN: Anthony Peters

RE: DA 2016/690

Dear Anthony,

I am writing in relation to the above mentioned DA for Lot 71 DP 628164, Quays Drive West Ballina. I am a homeowner on Riverview Avenue and the following are concerns about the development.

- The proposed raising of the land to build the houses on top of will create more aggressive drainage from the 38 new houses. The stormwater drains and underground concrete pipes that run behind the properties on Riverview already struggle to cope during heavy rain and high and king tides. The added drainage load from the additional houses will create more severe flooding in the low lying areas. The existing infrastructure is already inadequate demonstrated by the flooding that occurs on my property annually. The increase in land height of the development and the higher volume of runoff will over load the system and cause even more flooding.
- It is not clear whether or not the proposed properties will adjoin directly to my property's back fence. If there is no lane or causeway between the properties it will make access limited and maintenance by council difficult. Council will not be able to easily access and service the stormwater drains mentioned above to avoid flooding. If the proposed properties do adjoin directly to my back fence, considerations and modifications are going to have to be made that allow the water to drain unhindered to the southeast.
- The proposed raising of the land to build the houses on top of will raises a privacy issue for our property. The height of the proposed houses will allow the occupants to see directly into our backyard and the back of our house. Consideration for the privacy of the properties along the north eastern boundary need to be taken into account as the existing fences are only approximately 6ft high but will be effectively 4ft high after raising the land. Screen walls or higher fences should be financed by the developer.

Thank you for carefully and comprehensively investigating the above concerns before approving the development.

I have never given any gifts to any local Councillors or Council employees nor have I made any donations to any local Councillor.

Sincerely,

Robert Smark

Ballina Council
GM-Paul Hickey.
6-2-17

Hi Paul,
Is the enclosed a sample of what we home owners can expect at Quays Drive ?

Thirty eight houses lots taking up all the land space available.

We ask council in their D-A, please make a green park area for kids Mums and Dads

Yours Sincerely



Noel Warr



SMALLER BLOCKS KEEP THE PRICES DOWN FOR

LIVING ON SQUEEZY STREET



New suburbs such as Jordan Springs feature small blocks of land, making them more affordable, in response to skyrocketing Sydney real estate prices. Pictures: Sam Rutty

EXCLUSIVE

ANNABEL HENNESSY
REAL ESTATE REPORTER

IT could be right out of *The Truman Show*, the satirical movie comedy set in a television-generated community where the houses are all alike, crammed into well-ordered neighbourhoods - organised around treeless streets.

Except this is real and only 60km west of Sydney's CBD.

New aerial photos reveal the extent of Sydney's development boom with entire suburbs springing up on Western Sydney's fringes.

But while development approvals are at their highest in a decade - with 57,073 dwellings approved in the past year - prices have also risen by 50 per

cent since 2010. According to Urban Development Institute of Australia figures, the average block of land in Sydney now sells for \$440,725.

In 2015, lot prices jumped by 30 per cent, up from an average \$745 per sq m to \$973 per sq m.

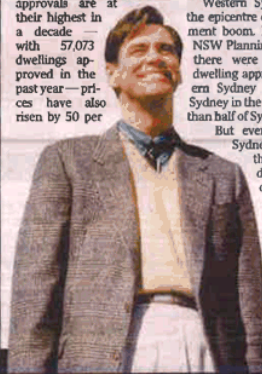
At the same time, as these photos of Jordan Springs, near Penrith, and Oran Park in Sydney's southwest, reveal lot sizes have shrunk drastically.

The average lot sold is now only 454sq m, down from 524sq m in 2010. The 70sq m drop is the same area as the average inner city one-bedroom apartment.

Western Sydney remains the epicentre of the development boom. Department of NSW Planning figures show there were about 29,500 dwelling approvals in Western Sydney and southwest Sydney in the past year, more than half of Sydney's total.

But even on Western Sydney's outskirts, the boom is doing little to offset prices.

In newly built estate Jordan Springs, developers are selling land for more than \$1000 per sq m. A lot of



Genetic speech study

RESEARCHERS are giving children the gift of speech after discovering that genetics can cause childhood language problems.

A \$2.5 million research program by The Murdoch Childrens Research Institute is aiming to uncover the genetics behind stuttering, speech apraxia and language difficulties.

Researchers want to find more genes responsible for speech and target treatments that tackle the underlying causes of disorders, and not just symptoms as current speech therapy does.



Part of Church St was closed by the fire.

Tyre factory wrecked in blaze

MORE than 80 firefighters and 20 fire trucks battled a massive fire that left a tyre factory in Sydney's west a smouldering wreck.

Emergency services were called to the site on Church St, North Parramatta about 8.40pm on Friday. More than 25 officers were

still working yesterday to fully extinguish the fire.

The cause of the fire is not yet known but is being treated as suspicious.

NSW Fire and Rescue inspector Philip Vaicurgis said firefighters had worked hard to stop the fire spreading to other shops and outlets.

"Tyres retain a lot of heat," he said. "They're a good fuel source and this property had about 1500 of them. Firefighters did an extremely good job to protect the local premises."

"Half of the building has structurally collapsed and the front half needs to be inspected by an engineer."

TEL:0220244 - V2

SUNDAY JANUARY 15 2017

NEWS 27

BUYERS, AND THE PROFITS UP FOR DEVELOPERS



Jordan Springs will be home to a bustling community of 6500 residents.

HOME SWEET HOME

Land price per m ²	
2010	\$560
2011	\$592
2012	\$580
2013	\$636
2014	\$745
2015	\$973

Median price per lot	
2010	\$293,250
2011	\$294,625
2012	\$294,875
2013	\$323,475
2014	\$339,750
2015	\$440,725

NSW median land price vs. the rest of the country	
Sydney	\$440,725
Melbourne	\$211,500
Perth	\$352,875
Brisbane	255,750
Adelaide	\$159,156

Source: UREA

Dwelling approvals in NSW	
Past 12 months	
Detached	16,822
Multi-unit	40,251
Total	57,073
One year ago	
Detached	16,307
Multi-unit	35,732
Total	52,039
Five year average	
Detached	11,848
Multi-unit	25,205
Total	37,054

Source: NSW Department of Planning

just 319sq m is advertised for \$362,000, or about \$1135 per sq m. Houses are being built closer together, with developers putting as many lots as possible on each parcel of land.

In one case, a 13,000sqm lot cut into 18 parcels of land, ranging from 275sq m to 1299sq m, resulted in a \$5 million profit.

Sources said in some cases Western Sydney councils were having issues with roads being too narrow for parking or for large vehicles because

Western Sydney is growing at such a rate that it will be a city the size of Adelaide by 2030

UDIA NSW CHIEF EXECUTIVE STEPHEN ALBIN

too many houses had been crammed in.

UDIA NSW chief executive Stephen Albin said the shrinking lot sizes were a response to Sydney's affordability crisis.

"Five years ago we were still building 750sq m lots with pretty houses on them," he said. "But now Western Sydney is growing at such a rate that it will be a city the size of Adelaide by 2030."

"Something had to change and smaller lot sizes allow developers bigger yields, which means more affordable houses and more supply."

Mr Albin said most of the people critical of the smaller lots were those who lived outside of Western Sydney.

Housing Industry Association NSW executive director David Bare agreed that smaller lot sizes were being driven by demand.

"They wouldn't be being produced if there wasn't a market for them," he said.

"People's attitudes have shifted so that they no longer necessarily want a big yard."

"They're time poor and it is becoming more desirable to have a smaller lot."

Planning Institute of Australia NSW president Jenny Rudolph also defended the smaller lot sizes: "If you look at an inner-city suburb like Paddington a lot of the houses there are smaller and built closely together, yet it's still a very popular and desirable place to live."

"The important thing

when creating these greenfield estates is there's the infrastructure to support them."

University of Sydney urban planning professor Nicole Gurrin said it was likely the trend for smaller lots would continue.

"For a big city, Sydney does not have a lot of density. London, for example, is eight times more dense," she said.

"In terms of affordability it is a more efficient way of utilising land, when those savings from developers are passed on."



An offender paints out graffiti.

Work scheme gives young crims \$2m clean start

LIA HARRIS

YOUNG criminals across NSW have worked off almost \$2 million in debts to the state in a bid to start adulthood with a clean slate.

Juvenile offenders have repaid more than \$1.9 million in fines through unpaid work, including graffiti and rubbish removal, main-

tenance of community halls, hospitals and art galleries.

The NSW government's Work and Development Order scheme gives youths the opportunity to repay their debts accumulated through breaking the law by working on small government maintenance projects, repaying about \$30 an hour. The scheme also allows some elig-

ible young offenders to work off the debt by participating in counselling programs to help curb issues leading to criminal activity.

Those taking advantage of the scheme include 17-year-old James, who could not be identified, who is working towards paying off \$3000 in fines for various offences.

Detainees at Frank Baxter Juven-

ile Justice Centre have also repaid their debt by participating in Surf Life Saving programs and site maintenance for the NSW Rural Fire Service and National Parks and Wildlife Service.

"This scheme has given detainees 1.9 million reasons to turn their life around," Corrections Minister David Elliott said.

West Ballina Open Space Assessment
16/2/2011

The overall provision of open space in West Ballina is below the traditional standard of 2.83 ha per 1000 persons. There is currently 8.36 ha of open space in West Ballina, which is a shortfall of 3.63 ha on the traditional standard.

Council's adopted Open Space Strategy is however directed towards assessing different types of open space and the appropriate corresponding catchment sizes. Local parks are the only form of open space that is assessed at a local level i.e. West Ballina, Ballina Island, East Ballina etc. The table below indicates that the provision of local open space in West Ballina meets Council's adopted standard.

The level of provision of District Parks and Playing Fields are assessed at a district level i.e. Ballina, Lennox Head, Alstonville Plateau, Wardell and Cumbalum.

The Ballina Open Space Strategy is also directed towards the centralizing of playing fields to provide greater flexibility for sporting events, and to achieve economies of scale in respect to the maintenance and the provision of facilities. Single field facilities are increasingly becoming redundant for organized sports. It is accepted that people travel some distance to attend "home ground" playing fields.

The area of playing fields in the Ballina District (which includes West Ballina) meets Council's adopted standard of 1.7 ha per 1000 persons. These fields are provided largely in centralized locations and as such, if an assessment is made at a local level there will be a shortfall in some parts of the District Catchment. i.e. West Ballina where there is a 3.07 hectare localized shortage of playing fields.

The provision of open space based on area is not always the best indicator of a satisfactory level of provision, with the number of winter and summer playing fields sometimes a better indicator.

There is a 3.1 field surplus of cricket fields in the Ballina District where the Porter Park cricket field is retained. Notwithstanding that there is an overall shortage of 4.7 winter playing fields in the Ballina District, there will be no change in the number of winter playing fields if the Aboriginal Child and Family Centre is located on Porter Park, as one field will still be able to be provided.

The shortfall in the winter playing fields in the Ballina District is currently reduced from 4.7 to 2.7 by the provision of 2 playing fields on the West Ballina Primary School site. These fields are available at the discretion of the Department of Education while ever it has no firm plans for the site.

The deficit of winter playing fields is also overcome by a more efficient use of fields in centralized locations.

West Ballina Open Space Assessment

Assumes that a cricket field will be maintained on Porter Park

	West Ballina 4,234				Ballina District Catchment 26,450					
Estimated population 2007	Existing (ha)	Required as per Council standards (ha)	Shortfall / surplus	additional unsecured facilities - West Ballina Primary School	Existing (ha)	proposed addition to Sanders Oval	TOTAL	Required as per Council standards (ha)	surplus/s hortfall	additional unsecured facilities - West Ballina Primary School
Passive Buffer Access	0.09	1.00								
Local parks	1.39	1.40	-0.01							
district parks	1.43	2.12	-0.69		21.04		21.04	13.23	7.82	
Playing Fields	4.13	7.20	-3.07	3.04	43.1	1.8	44.9	44.97	-0.07	3.04
regional open space	0.00	1.27								
TOTAL	8.36	11.99	-3.63							
No. of Winter Playing Fields	2.0	5.1	-3.1	2.0	25.0	2.0	27.0	31.7	-4.7	2.00
No of Summer Playing Fields	1.0	1.3	-0.3	1.0	11.0		11.0	7.9	3.1	1.00

NOTE The Ballina Open Space Strategy is predicated on the demand for playing fields & district parks being assessed and provided on a district basis

Proposed Consent Conditions - DA 2016/690 (if approved)

1. **Deferred Commencement**

The operation of this consent being deferred, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, until:

A noise impact assessment prepared by a suitably qualified and experienced acoustic consultant is submitted to and approved by Council to ensure noise generated by the use of the Rugby Clubhouse and sportsground do not detrimentally impact on future residents. The noise impact assessment must be carried out in accordance with the NSW EPA Industrial Noise Policy.

Detailed plans and specifications of proposed noise mitigation measures must be submitted to and approved by Council if the approved noise impact assessment identifies exceedances of accepted project specific noise goals.

This notice of consent does not commence until the noise impact assessment and details of any required noise mitigation measures are submitted to and approved by Council.

This deferred commencement consent will lapse if the above requirements are not complied with prior to 25 September 2017 to the satisfaction of Council.

GENERAL

2. 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,

(a) Ardill Payne and Partners Stormwater Management Layout Plan, Job No. 8208, Drawing No. C07 Issue C Dated 19 April 2017

except as modified by any condition in this consent.

3. **Development of the site** for the residential purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final plan of subdivision has been issued by Council, unless alternative arrangements have been made with Council.

4. Each proposed residential allotment is to have a minimum land area of 600m² or greater.

5. **Pedestrian Connection**

The existing pedestrian linkages connecting the site to Riverview Avenue and Howard Crescent shall be extended into the development site to the proposed road and dedicated to Council as road reserve at the same width of the existing linkage.

6. **Electricity**

All power reticulation within the development shall be provided underground.

7. **Local Government Act Approval**

Pursuant to Section 78A(3) of the Environmental Planning & Assessment Act 1979, this development consent authorises the following activities listed under Section 68 of the Local Government Act 1993, subject to full compliance with all other relevant

conditions of this approval:

- (i) Carry out water supply work.
- (ii) Draw water from a Council water supply or a standpipe or selling water so drawn.
- (iii) Install, alter, disconnect or remove a meter connected to a service pipe.
- (iv) Carry out sewerage work.
- (v) Carry out stormwater drainage work.
- (vi) Connect a private drain or sewer with a public drain or sewer under the control of Council or with a drain connected to such device or facility.
- (vii) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
- (viii) This approval expires upon completion of the building works on the land.

As provided for in Section 78A(6) of the Act, the abovementioned approvals are granted only to the applicant and do not attach to or run with the subject land.

PRIOR TO ISSUE OF CIVIL CONSTRUCTION CERTIFICATE

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

8. Civil Works

Prior to the issue of the Construction Certificate, engineering design drawings and a completed certification Report as set out in Annexure DQS-A of the manuals shall be submitted to and approved by Council for civil/subdivision works required by this consent. The 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.

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".

9. Shared Footpath/Cycleway

A 2.0 metre wide concrete shared path shall be constructed for the full frontage of the development with Quays Drive to the shared path connection on the corner of Kalinga Street and Quays Drive.

The shared path shall be designed and constructed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 Bicycles and Standard Drawing R-07 of Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by The Principal Certifying Authority prior to the issue of the Construction Certificate.

10. **Road Naming**

Prior to the issue of a Construction Certificate, the applicant must submit for Council's approval a list of proposed and alternative road names for the new road created as a result of the development. The applicant must give consideration to the requirements of Council's policy for the 'Naming of Roads, Bridges & Places' and be in accordance with the Geographical Names Board of New South Wales document, "NSW Road Naming Policy".

11. **Pathway Corridors**

Bollards or similar devices shall be required within the corridor connecting the development to Riverview Avenue and Howard Crescent that prevents unauthorised vehicular traffic utilising the corridor to the satisfaction of the Principal Certifying Authority. Details are to be submitted to and approved by The Principal Certifying Authority prior to issue of the Construction Certificate.

12. **Stormwater Management Plan**

The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 - Stormwater Management and generally in accordance with the concept Site Stormwater Management Plan prepared by Ardill Payne and Partners, dated May 2017. Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not be impeded by structures or landscaping. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

The detailed design must not rely upon retaining walls for the battered slopes and the stormwater basin must be fully contained within its own lot (other than for the grassed berm that extends to the south).

13. **Stormwater Treatment Assets**

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

14. **Stormwater**

At the expense of the applicant, an inter-allotment drainage system, with a pit in each connected lot, 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 the site specific stormwater management plan prepared by Ardill Payne and Partners dated May 2017. Engineering design drawings must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

15. **Bio Retention Cells and Kerb Stormwater Outlet**

The applicant is responsible for the construction and connection to the street network of the on-lot bio retention cells. Steel RHS Kerb and gutter drainage adaptors are to be installed where necessary in accordance with Standard Drawing R08 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.

16. **Filling of the Site (minimum level)**

The whole of the development site (excluding the roads) 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 of RL 2.2 metres AHD. Details of bulk earthworks, road levels and associated drainage are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate.

17. **Water Connection (dual reticulation)**

The applicant shall be responsible for the design and construction of a dual water supply system for both drinking water and recycled water that services each lot within the proposed development and complies with Ballina Shire Council's 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 approved by Council prior to the issue of the Construction Certificate.

18. **Sewer (reticulation)**

Council's sewer reticulation network shall be extended to service each lot within the proposed development. The design shall comply with the minimum requirements of the Northern Rivers Local Government *Development Design and Construction Manuals*. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate.

19. **Sewer (pump station)**

The applicant shall undertake an assessment of the receiving pump station to determine if it has sufficient capacity. Should the assessment reveal the pump station requires upgrading to accommodate the additional flows the applicant will be responsible for the cost of the works. The assessment shall be provided to Council prior to the issue of the Construction Certificate.

20. **Landscape Plan**

A landscape plan, prepared by a person competent in the field is to be submitted to and approved by Council 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. The batters at the rear of the allotments are to be planted with mature species that will provide suitable visual amenity/privacy screening via non-deciduous foliage for a minimum of two metres from the top of the filled batter.

21. **Non Mowable Batters**

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 land 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.

22. **Street Lighting**

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 light emitting diode street lights for category P areas. 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.

23. **Electricity Supply**

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 submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

24. **Civil Inspection Fee, Civil Construction Certificate Fee & Construction Bond**

Prior to the issue of a Civil Construction Certificate, a Civil Construction Certificate application is to be made including payment of the following fees and bond to Council which include the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent until time of payment; see the Council's schedule of Fees and Charges for the current rates:

- (a) Civil Construction Certificate 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.

25. **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.

26. **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 uncontrolled fill, 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 removal, 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.

27. Construction Management Plan

A Construction Management Plan shall be submitted to and approved by the Principal Certifying Authority (PCA). The Plan shall address, but not be limited to, the following matters where relevant:

- (a) Hours of work
- (b) Contact details of site manager
- (c) Complaints register
- (d) The location of existing services
- (e) Traffic Management (Vehicles, pedestrians and cyclists)
- (f) Noise, dust and vibration
- (g) Materials storage and waste management
- (h) Soil & water management (including erosion and sediment control)
- (i) Flora & fauna management
- (j) Construction staging plan (where the works will be completed in stages)
- (k) Restoration of damage to public assets

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

28. Dilapidation Report

Prior to the issue of a Construction Certificate, the applicant shall engage a practising professional in the field to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing adjoining buildings, infrastructure and roads. The report shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report must also be forwarded to Council

29. Schedule of Compliance

Prior to the issue of a construction certificate a Schedule of Compliance detailing how each "Prior to the Issue of a Construction Certificate" condition of consent has been complied with shall be submitted to Council for approval at each stage of the development.

30. Developer Contributions

Prior to issue of a Subdivision Certificate, 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
Cumalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan 2015	24 September 2015
Ballina Shire Open Spaces and Community Facilities Contributions Plan 2008	1 November 2008
Ballina Shire Carparking Contributions Plan 2014	14 May 2014

Ballina Shire Heavy Haulage Contribution Plan	27 October 2011
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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**).

31. Developer Charges

Prior to issue of a Subdivision Certificate, 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 2000. 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 2000 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

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

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Council	Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 February 2015
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 February 2015
Rous Water	Development Servicing Plan for Bulk Water Supply	15 June 2016

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**).

PRIOR TO CONSTRUCTION WORK COMMENCING

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

- 32. **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.
- 33. **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 designer's Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.
- 34. **Soil Erosion and Sediment Control Measures**
Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater - Soils and Construction, LANDCOM, March 2004.

DURING CONSTRUCTION

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

- 35. **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.
- 36. Any suspected acid sulfate soil encountered during works shall be managed in accordance with the Preliminary Contaminated Site Investigation (SEPP 55) & Acid Sulfate Soil Investigation, prepared by Ardill Payne & Partners, dated November 2016.
- 37. Any pump used during the dewatering of the site shall be suitably attenuated to prevent a noise nuisance being caused to nearby residential properties, particularly when used outside of the approved construction hours.
- 38. Clean up equipment including suitable absorbent material shall be available on site to effectively deal with liquid contaminates such as oil and fuel spills.
- 39. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.

40. To prevent the pollution of waterways, the applicant/contractor is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works. These are to be regularly inspected, repaired and maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:
 - (a) The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land;
 - (b) Trenches being backfilled as soon as practical;
 - (c) Buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses;
 - (d) Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.
41. A single all weather access way is to be provided on site. All construction vehicles are to enter and exit the site via this access way so as to minimise erosion on site and prevent the movement of soil onto surrounding roadways. When necessary roadways shall be swept and all drains and gutters cleaned of soil material.
42. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
43. When necessary dust control measures such as wetting down, covering stockpiles, physical barriers and halting works on site in extreme wind events shall be used to control and prevent a dust nuisance to surrounding properties.
44. All work, including demolition, excavation and building work must 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).
45. If dewatering is required a management plan for all dewatering activities on site shall be submitted to and be approved by the Principal 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.
46. All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption. If alternative disposal methods are to be sought, written approval is to be granted by the Principal Certifying Authority (PCA). **It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.**
47. Waste arising from the construction activities must be removed and/or transported in accordance with the requirements of NSW EPA and Safework NSW pursuant to the provisions of the following:
 - (a) Protection of the Environment Operations Act 1997;
 - (b) Protection of the Environment Operations (Waste) Regulation 2014;

- (c) Waste Avoidance and Resource Recovery Act 2001;
- (d) New South Wales Work Health & Safety Act 2011; and
- (e) The Work Health & Safety Regulation 2011.

48. **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.

49. **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).

50. **Implement Stormwater Management Plan**

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.

51. **Filling of the Site**

The whole of the allotment not including road infrastructure is to be filled to a minimum level of RL 2.2m AHD. A Surveyor's certificate verifying compliance with this minimum fill level is to be submitted to the Principal Certifying Authority.

52. **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.

53. **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.

54. **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.

55. **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.

56. **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.
57. **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.
58. **Excavation on Public Land**
All excavations and backfilling on public land associated with the development must be executed in accordance with the appropriate safety standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life and property.
59. **Equipment Storage**
There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without prior written consent of Council.
60. **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 prior to the issue of a Subdivision Certificate relating to the approved development.

61. 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.
62. **Evidence of Completion of Subdivision Works**
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 or relevant standards, 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.

63. **Road Signage**

The applicant shall be responsible for the installation of all road signage including street name signs. All road name signs must comply with the requirements of Australian Standards 1742, 1753 & 1744. All road name signs must be approved by Council's Development Engineer on telephone 6686 4444 prior to their manufacture and installation.

64. **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 and the approved Stormwater Management Plan. Overland flow paths must not to 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.

65. **Stormwater Management Plan**

Prior to the issue of a Subdivision Certificate, Council is to be provided with a comprehensive Maintenance and Management Plan for all stormwater works and controls to be inherited by Council. This Management Plan is to be prepared by a suitably qualified registered practicing Engineer experienced in stormwater management addressing all maintenance requirements of the assets, life expectancy, special training required and approximate annual costings.

66. **Filling of the Site**

Prior to the issue of the Subdivision Certificate, certification must be submitted from a suitably qualified practicing geotechnical engineer verifying that the site filling was 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.

67. **Dual Water Supply**

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:

- (a) No plumbing may be installed on the Lot burdened 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
- (b) 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.

68. **Dry Weather Flow**
Certification shall be provided by a suitably qualified engineering consultant confirming that the development's sewer infrastructure was designed and constructed to prevent dry weather sewage overflows under all operating conditions.
69. **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.
70. **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.
71. **Public Lighting**
Prior to the issue of a Subdivision Certificate, certification is to be provided to the Principal Certifying Authority that installation of public street lighting within the development has been completed and commissioned to the satisfaction of the relevant authorities.
72. **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.
73. **Landscape Bond**
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 Subdivision 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 verifies that the objectives described in the landscape plan have been achieved Council will refund the landscaping bond.
74. **Works as Executed (drawings)**
The applicant shall submit to Council an electronic copy of the WAE information in AutoCAD and PDF format. All data is to be on MGA zone 56 coordinates and AHD for levels. 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.

75. **Works as Executed (asset listing)**

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.

76. **Easements**

Easements shall be created prohibiting the erection of buildings or structures over or adjacent to Council assets (i.e.: 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.

77. **Restriction on Use**

A restriction on use to the benefit of Council shall be placed on all lots containing a bio-retention cell. The restriction shall prevent any alteration to the land form and ground levels approved in the construction certificate design plans and prohibit the erection of any structures, including driveways, over the cell.

78. **Pedestrian Connection**

The pedestrian linkage connecting the development to Riverview Avenue and Howard Crescent shall be dedicated to Council as road reserve.

79. **Survey Markers**

Where permanent survey marks have been placed or existing survey marks have been connected to the Australian Height Datum under the requirements of the Spatial Information Regulation 2012, those values are to be provided to Council and shown on the Works-as-Executed drawings.

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.

80. In the event of a pollution incident on the premises, that has caused, is causing, or is likely to cause harm to the environment, the incident shall be reported in accordance with the requirements of section 148 of the Protection of the Environment Operations Act 1997.

SCHEDULE 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
West Ballina Local Parks	4020	equivalent residential allotment	\$239.00	33.0391	\$7,896.35
Ballina District Parks	4008	equivalent residential allotment	\$960.00	33.0391	\$31,717.56
Ballina Playing Fields	4027	equivalent residential allotment	\$1,250.00	33.0391	\$41,298.91
Regional Open Space Facilities	4016	equivalent residential allotment	\$922.00	33.0391	\$30,462.08
Open Space Administration	4017	equivalent residential allotment	\$37.00	33.0391	\$1,222.45
Ballina District Community Facilities	4209	equivalent residential allotment	\$1,818.00	33.0391	\$60,065.13
Regional Community Facilities - Amend 1	4213	equivalent residential allotment	\$4,119.00	33.0391	\$136,088.17
Community Facilities Administration	4214	equivalent residential allotment	\$75.00	33.0391	\$2,477.93
Roads Contribution Plan V4.0 (2015)	5204	equivalent residential allotment	\$11,593.00	33.0391	\$383,022.61
Roads Administration V4.0 (2015)	5205	equivalent residential allotment	\$174.00	33.0391	\$5,748.81
West Ballina Wastewater Services (DSP Area B)	3003	equivalent tenement	\$4,929.00	35.0000	\$172,515.00
West Ballina Water Supply (DSP Area B)	2003	equivalent tenement	\$3,221.00	34.8000	\$112,090.80
Rous Water 2009	5001	equivalent tenement	\$8,256.00	34.8000	\$287,308.80
TOTAL					\$1,271,914.60