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Ballina Shire Council
 40 Cherry Street
 BALLINA NSW 2478

 PO Box 450
 BALLINA NSW 2478

 02 6686 4444
 council@ballina.nsw.gov.au
 www.ballina.nsw.gov.au

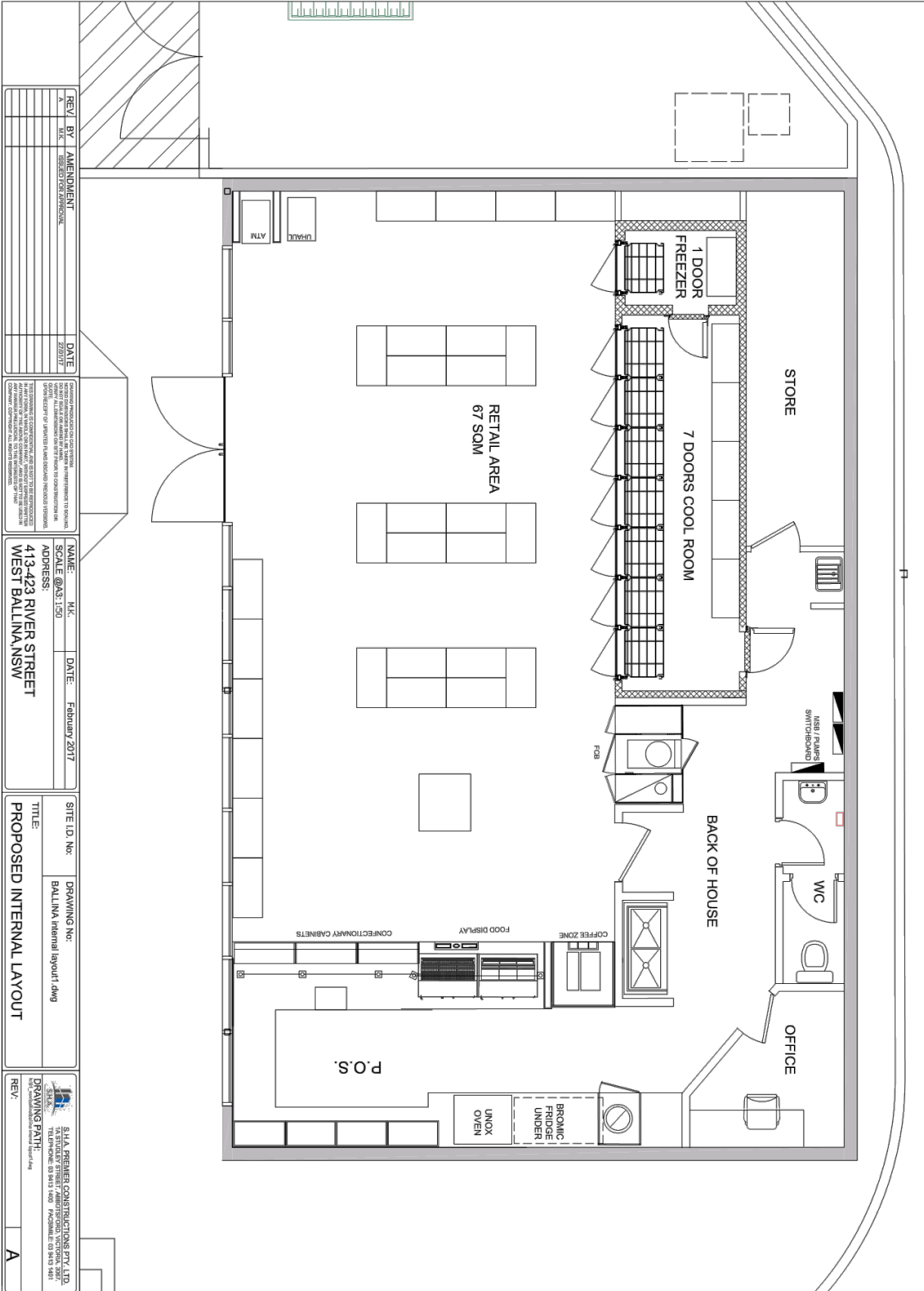


Locality Plan - DA 2017/7

ballina shire council
 geographical information system

Projection: GDA94 / MGA zone 56
 Date: 29/08/2017

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From: Katie Lee-Ann Green <ktgreen73@hotmail.com>
Sent: Thursday, 2 February 2017 10:09 AM
To: Ballina Shire Council
Subject: 010.2017.00000007.001

Dear Ballina Council

I would like to say no to the new proposed petrol station at 413-417 River Street, West Ballina. This DA is currently before council for consideration.

As a West Ballina resident I feel that this petrol station is wrong for several reasons:

Did we learn nothing from the big prawn petrol station leak where petrol was running into our waterways and had to be cleaned up? Ballina Council Shire was the regulatory body responsible for investigating at the time.

<http://www.northernstar.com.au/news/apn-smell-sparks-fears-of-petrol/18504/>



Smell sparks fears of petrol contamination

www.northernstar.com.au

PETROL may be contaminating the Richmond River at Ballina following a large spill two weeks ago.

This site is sitting directly onto fishery creek and has the potential to effect the waterways behind by having fuel in such close proximity, by petrol run off when raining not to mention the litter created from people in the area. I would hate to see our beautiful waterway contaminated again.

Traffic congestion is another issue, it is already a very busy area, getting onto the island using the one lane bridge is a nightmare already and having this petrol station in this location will not help traffic flow and people will start to do stupid things trying to get out onto River Street (left/right).

The safety of residents in the area and their children is another issue, people cannot cross River Street already but many will try, especially children going to the shop to buy lollies, chips, frozen cokes etc it would be awful if a child were hurt or killed.

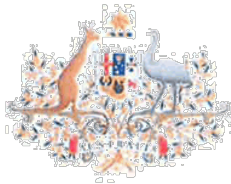
We already have a petrol station on River Street in West Ballina and the new Super Centre is also with the Council for DA consideration why do we need another petrol station selling overpriced petrol in an unsuitable site and increasing the potential risk of accidents waiting to happen.

Yours sincerely

Katie Green

Sent from Outlook.

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Justine Elliot MP
Federal Member for Richmond

sw

Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Via email: council@ballina.nsw.gov.au

6 March 2017

Dear  General Manager,

Mr Les Hume and Ms Sharon Gregory of Ballina, NSW, have contacted my office regarding a Development Application, and I enclose their correspondence.

Could you please respond in writing to Mr Hume and Ms Gregory via this office?

Regards,

Justine Elliot MP
Federal Member for Richmond

Encl

CC David Wright, Mayor, Ballina Shire Council

Mail: PO Box 6996 Tweed Heads South NSW 2486
Email: justine.elliott.mp@aph.gov.au **Phone:** (07) 5523 4371
Office: 107 Minjungbal Drive Tweed Heads South NSW 2486



From: Les Hovell [mailto:hovell17@hotmail.com]
Sent: Wednesday, 1 March 2017 4:15 PM
To: Elliot, Justine (MP)
Subject: Proposed Service Station DA Ballina

Hi Justine

We are asking if you could register our concerns about this DA with the Ballina Council on our behalf.

As this proposal is on a flood plane and beside Fishery Creek, a tidal tributary into the Richmond River, it is a recipe for disaster for the ecology, water birds, residents and health of the River.

Within 500mts of this stream is a breeding rookery for Egrets.

Taking into consideration the the health Richmond river is at this critical point at this time, this development will only further add to this problem.

Also this part of Rivers street is on a curve in a narrowing section of dual lane and opposite a turn-in for the street opposite.

Traffic will cause a dangerous blending of traffic that is already very congested as is.

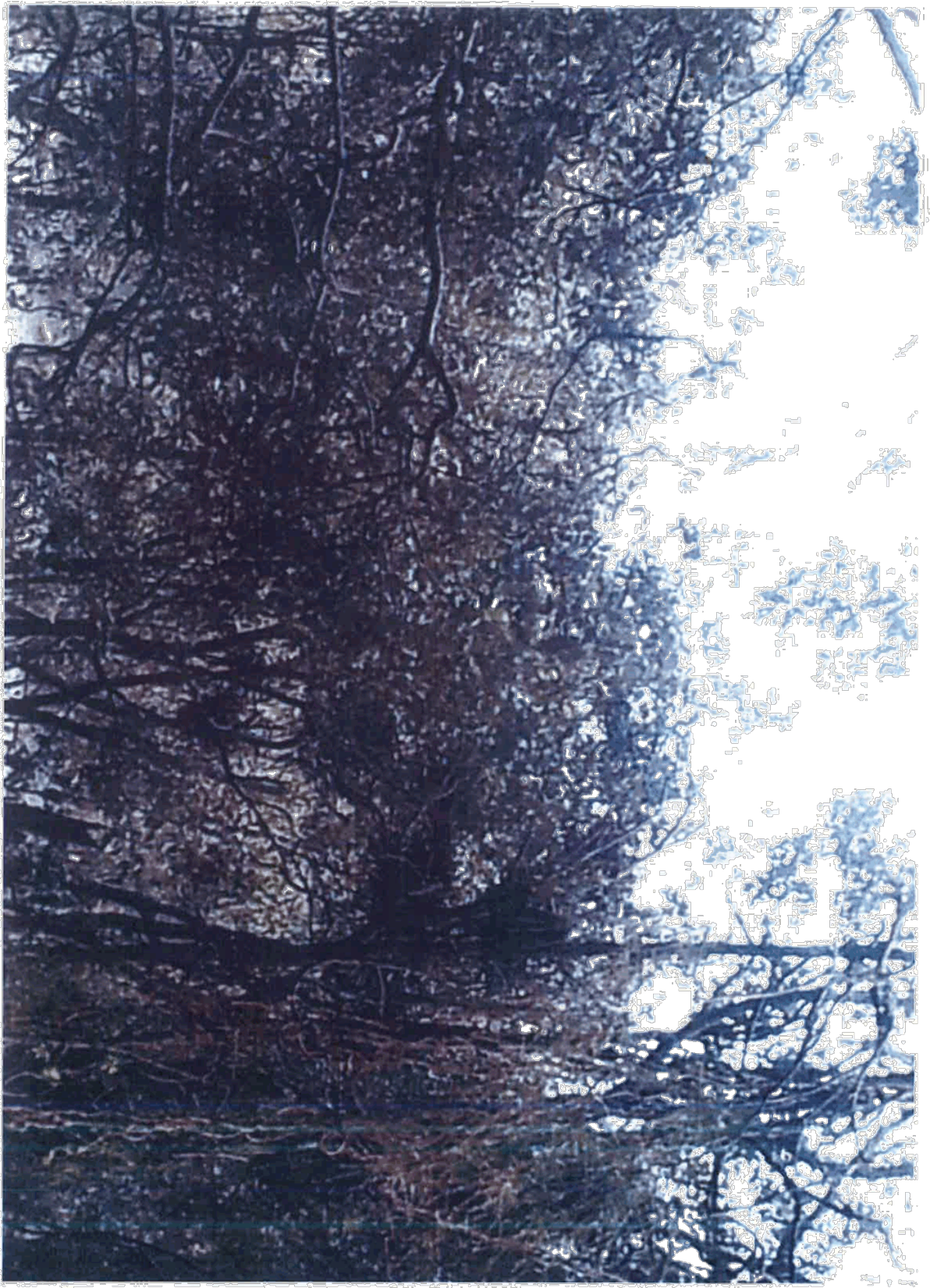
With other service stations already within half of a kilometer and the new site for the big service centre near the Freeway at the Ballina/Lismore intersection, this DA is unnecessary and impractical.

Enclosed are photos of recent tide water heights and proximity to the river, houses and rookery.

Thank you again for your time with our concerns at the recent meeting with you in Ballina.

Yours Sincerely,

Les Hume
P.O Box 213
Ballina NSW
2478









Submission on DA 2017/7 by the RPS Group.

Submission authored by Brenton Bill, 25 Daydream Ave., West Ballina, NSW 2483

Date 20/01/2017

I object to the construction of a service centre as per DA 2017/7 for the following reasons;

1 Saturation of like businesses.
The construction of this service station would result in 5 fuel outlets within 3.5 k on River St. Two of these, the proposed new service centre adjacent to the highway (DA 2016/93 and 2016/391) and DA 2017/7 will provide 24 hour service. Ballina and particularly, Ballina West, does not require this.

2 Negative aspects of 24 hr service.
Parts of Ballina West have a young population who will take utilize this servise, resulting in noise heard by local residents thru the night and rubbish pollution from takeaway food strewn over the area.

3 Traffic congestion.
Vehicles entering the service station will impede

the flow of traffic heading east towards the bridge particularly in peak periods in the morning when both lanes are busy.

Vehicles exiting from the property will cause the same problems, as well as hindering vehicles on the merging lane coming out of Brampton Ave.

4 Petroleum pollution/ environment
The fuel service station is proposed to be built on a sensitive mangrove area with a tidal creek flowing along the boundary into a wetlands area. If a petroleum based spillage occurred this environment (home of marine animals, bats and birds found in mangrove swamps) could be destroyed. This possibility appears to be against Ballina Shire policy on clean waterways!

Please note;
I am submitting this objection as a private resident of Ballina and have no affiliation or made any donation to a Ballina councillor or employee.

Brenton Bill
[0428338022](tel:0428338022)

From: Frank Gehrmann <frankgehrmann62@gmail.com>
Sent: Wednesday, 1 February 2017 10:10 AM
To: Ballina Shire Council
Subject: DA 2017/7

Dear Ballina Shire Council,

DA2017/7

We do not support this development.

1. Environmentally it has dubious credentials
2. Ballina already has adequate petrol stations
3. Egress will disrupt current road facilities

We believe that these facilities are best located on the highway and not near sensitive wetlands and dormitory suburbs.

Reject this DA.

Should you require any further information or explanation, kindly let us know.

Sincerely,
Jan & Frank Gehrmann
8 Dolphin Drive, Ballina Quays NSW 2478

+61407687966

go@pobox.com

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From: noreply@ballina.nsw.gov.au
Sent: Wednesday, 1 February 2017 9:22 AM
To: Ballina Shire Council
Subject: DA 2017/7 Submission Objection - Kenneth Jones

My Feedback Is:

I strongly oppose the development application DA 2017/7 of a service station at West Ballina . This is a highly sensitive environmenta area.

My Contact Details

Name: Kenneth Jones
Email: kenj1515@bigpond.net.au
Phone: 0429441828
Fax:
Address: 15 Clavan St Ballina 2478
Preferred Contact Method: Email
Reason for Feedback

Suggestion: on

Development Applications: on

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From: Ballina Shire Council <BallinaShireCouncil@ballina.nsw.gov.au>
Sent: Friday, 20 January 2017 4:11 PM
To: Development and Environmental Health Group Support Staff
Subject: Feedback Received Friday, January 20 2017 at 3:08:19 PM

Categories: Planning

From: noreply@ballina.nsw.gov.au [<mailto:noreply@ballina.nsw.gov.au>]
Sent: Friday, 20 January 2017 3:08 PM
To: Ballina Shire Council
Subject: Feedback Received Friday, January 20 2017 at 3:08:19 PM

My Feedback Is:

I would like to object to the DA by the RPS Group , building a service station with convenience store , my objections are as follows. The site is by the creek which requires the felling of mangroves and other vegetation. Leading to loss of habitat.

Any spills of petroleum could go into the creek.

Ballina council has put forward a cleaner waterways , this development will not add to that , as there is bound to be will be more litter , and oil drops from cars there. 24 hrs open only increases problem behaviour. Also not needed . There is one service station open less than a kilometre away , on the same side of the road ,another less than a kilometre on the other side of the road, is it realistic to have another . The exit and entry will be very unsatisfactory due to the narrow road . Please consider the points raised .
Beverley Bill

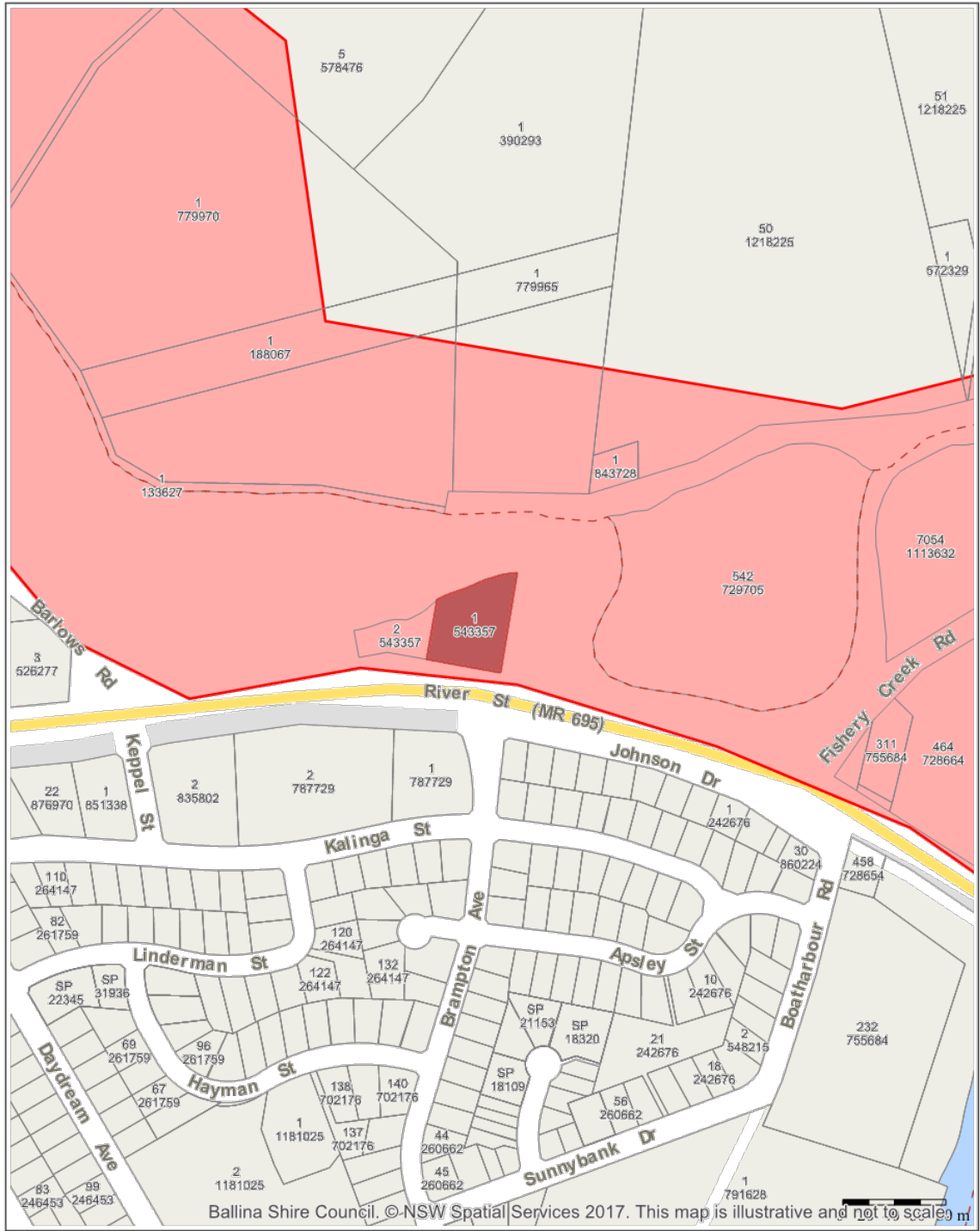
My Contact Details:

Name: Beverley Bill
Email: Beybevers@gmail.com
Phone:
Fax:
Address: 25 Daydream Ave west Ballina
Preferred Contact Method: Email
Reason for Feedback

Compliment:
Suggestion: on
Request:
Complaint:
Feedback Relates To the Council Service(s)

Building Services:
Cemeteries:
Companion Animals:
Council Staff:
Customer Service Centre:
Development Applications: on
Health Services:
Parks and Reserves:
Rates and Charges:
Roads or Traffic:
Sewerage Services:
Sporting Facilities:
Stormwater Services:

Town Planning:
Visitor Information:
Water Supply Services:
Web Site Content:
Other:



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Wildlife Corridor Map

ballina shire council
 geographical information system

Projection: GDA94 / MGA zone 56
 Date: 19/10/2017

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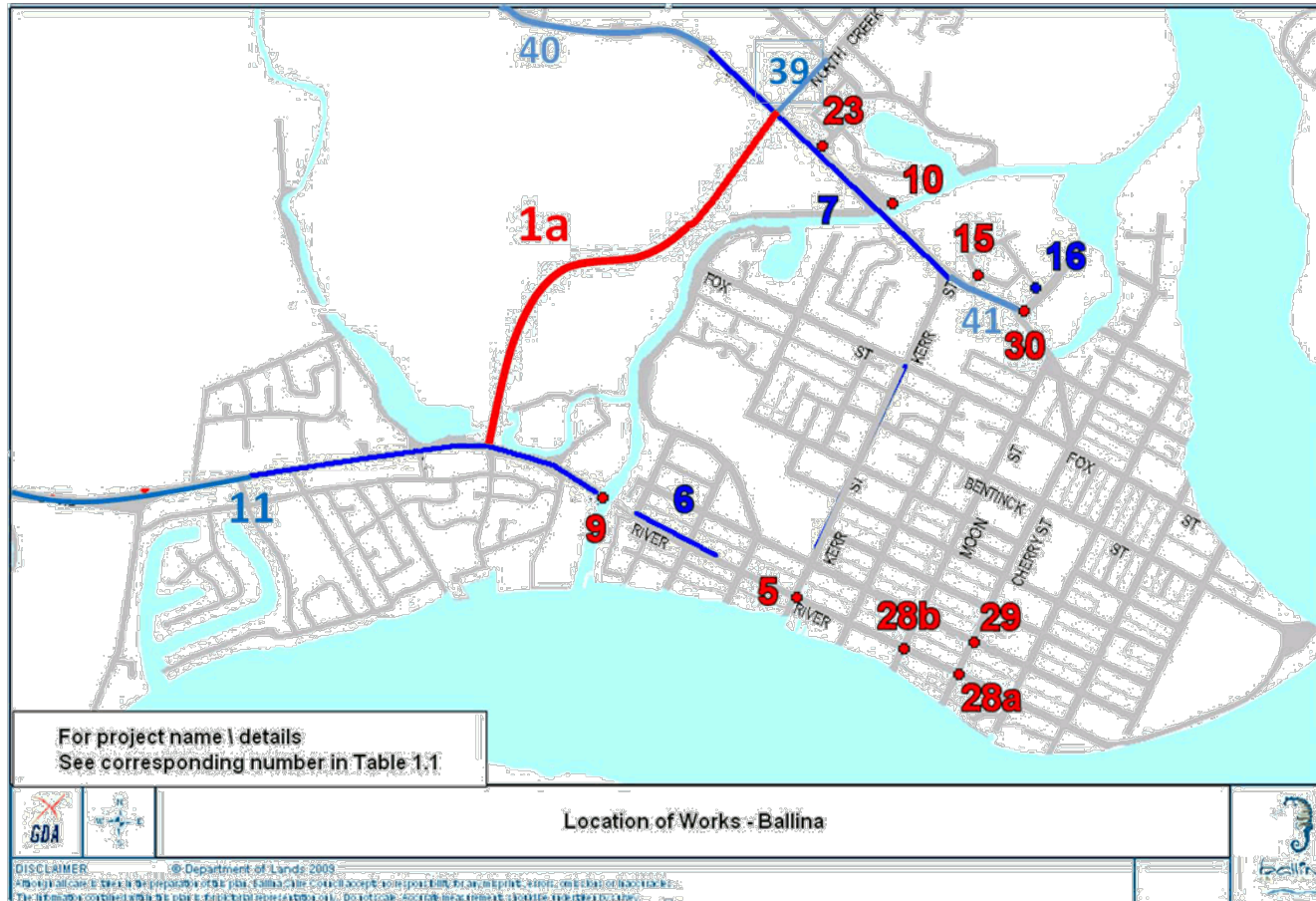
Natural Areas & Habitat Map

ballina shire council
 geographical information system

Projection: GDA94 / MGA zone 56
 Date: 19/10/2017

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Ballina Shire Roads Contribution Plan, Version 4.0





Department of
Primary Industries
Water

Contact: Vanessa Sultmann
Phone: 02 6676 7382
Fax: 02 6676 7388
Email: vanessa.sultmann@dpi.nsw.gov.au
Our ref: 30 ERM2017/0052
Our file: 2017-0013
Your ref: DA2017/7

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

Attention: Peter Drew

10 May 2017

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2017/7
Description of proposed activity: Construction of a Service Station
Site location: 413-423 River Street, West Ballina

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

www.water.nsw.gov.au

Room 2, 135 Murwillumbah Street MURWILLUMBAH 2484 : PO Box 798 MURWILLUMBAH NSW 2484
t + 61 2 66767380 | f + 61 2 66767388 | e water.enquiries@dpi.nsw.gov.au

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by DPI Water) and proof of Council's development consent.

In addition, the application must be accompanied by an Acid Sulfate Soil Assessment and Management Plan which has been amended to reflect the recommendations in the attached paper numbered 30ERM2017/0052.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > [Controlled activities](#)

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

The Acid Sulfate Soil Assessment indicates the possible need for dewatering during construction. At this location, dewatering less than 3 megalitres for less than 12 months would not require a licence or approval. Dewatering more than 3 megalitres for less than 12 months would require a licence under the Water Act 1912

At this location, dewatering for more than 12 months would require a water supply work approval and probably a water access licence under the Water Management Act 2000. The water access licence would need to be purchased through a controlled allocation order or on the open market in accordance with the rules of the relevant Water Sharing Plan.

It is the consent holder's responsibility to assess and monitor water take and determine whether a licence or approval is required. If required, the consent holder needs to contact Water NSW.

Yours Sincerely



Patrick Pahlow
Senior Water Regulation Officer
Water Regulatory Operations, Water Regulation, North & North Coast
NSW Department of Primary Industries – DPI Water



General Terms of Approval

for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000*

Number	Condition	File No: 2017-0013
Site Address:	413-423 River Street, West Ballina	
DA Number:	DA2017/7	
LGA:	Ballina Shire Council	
Plans, standards and guidelines		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2017/7 and provided by Council.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> (i) Vegetation Management Plan (ii) Works Schedule (iii) Erosion and Sediment Control Plan 	
4	<p>All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/ Water-Licensing/Approvals.</p>	
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.</p>	
Rehabilitation and maintenance		
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.</p>	
7	<p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.</p>	
Reporting requirements		
8	N/A	
Security deposits		
9	N/A	
Access-ways		
10	N/A	

www.water.nsw.gov.au

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Template Ref: CAA04 Version 1.1 - June 2015

Number	Condition	File No: 2017-0013
11	N/A	
Bridge, causeway, culverts, and crossing		
12	N/A	
13	N/A	
Disposal		
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.	
Drainage and Stormwater		
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.	
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.	
Erosion control		
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	
Excavation		
18	N/A	
19	N/A	
Maintaining river		
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by DPI Water.	
21	N/A	
River bed and bank protection		
22	N/A	
23	The consent holder must establish a riparian corridor along Fishery Creek in accordance with a plan approved by DPI Water.	
Plans, standards and guidelines		
24	N/A	
25	N/A	
26	N/A	
27	N/A	
Groundwater		
28	N/A	

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Template Ref: CAA04 Version 1:1 - June 2015

Number	Condition	File No: 2017-0013
END OF CONDITIONS		

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Template Ref: CAA04 Version 1.1 -- June 2015



Paper: 30ERM2017/0052

West Ballina Service Station – DA2017/7

The following further information is requested to be addressed prior to lodging application for a Controlled Activity Approval:

1. The Acid Sulfate Soil (ASS) assessment states that the required depth of excavation for the underground storage tanks is expected to be >3m.
The actual required excavation depth should be provided.
2. It is noted in Section 8.3 of the ASS report, that the maximum liming rate of soil being 105kg/tonne is required in the area of the Underground Storage Tanks (USTs).
In lieu of further stratification testing, the report should be altered to require a liming rate for material excavated from below the fill material of 105 kg/tonne for all silty clay material, and 15kg/tonne for all silty sand material.
3. Dewatering – p15 of the ASS report, states that pH monitoring will be undertaken twice daily prior to discharge. This suggests that the water will be held prior to measuring then discharge.
Details of the proposed onsite water storage prior to discharge should be supplied.
4. ASS report p15, states "Neutralisation should be undertaken if discharge water pH falls below background levels", however, no background trigger action levels have been provided.
Should pH discharge levels be proposed based on background levels, a methodology for determination of background trigger levels should be provided. It is expected that this determination would be made on historical levels over a period of time.
It should be noted that the default pH requirement by DPI Water for discharge is >6.5 - <8.5
5. ASS report p16 states that, "Discharge of waters should be conducted in accordance with statutory and regulatory requirements, and the ANZECC Guidelines for Fresh and Marine Water Quality 2000 (ref 5)".
Should pH discharge levels be proposed based on the ANZECC 2000 guidelines, trigger levels supporting this should be provided in the report.
To assist in the determination of 2, 3 and 4 above, the proponent should consider if an inline monitoring and dosing treatment system would provide a suitable outcome.
6. ASS report p16, suggests water quality monitoring daily prior to discharge. This is inconsistent with "2" as outlined above.
Further clarification should be provided
7. Whilst it is suggested in the covering letter to the ASS Assessment from RPS that the objectives of the Aquifer Interference Policy have been met, there has been no



indication or determination as to the required volume of water to be dewatered for licensing purposes.

The volume of water required to be dewatered should be determined.



**Department of
Primary Industries**

OUR REF: C17/35

23 February 2017

Mr Rod Willis
Ballina Shire Council
PO Box 450
BALLINA NSW 2478
Via email: peterd@ballina.nsw.gov.au

Attention: Mr Peter Drew

Dear Mr Drew

Re: DA no. 2017/7 - SEPP 62 referral for proposed construction of service station at Lot 1 DP 543357, 413-423 River Street, West Ballina, Ballina LGA

Thank you for referring the above development application to the NSW Department of Primary Industries Fisheries (DPI Fisheries) in accordance with SEPP 62 – Sustainable Aquaculture.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is “no net loss” of key fish habitats upon which they depend. To achieve this, the Aquatic Ecosystems Unit assesses activities under Part 4 and Part 5 of the *Environmental Planning and Assessment Act 1979* in accordance with the objectives of the *Fisheries Management Act 1994* (FM Act), the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the FM Act, and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update)* (DPI Fisheries P&G). This document is available online at www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/toolkit. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial fisheries, quality recreational fishing and viable aquaculture within NSW.

Priority Oyster Aquaculture Areas

DPI Fisheries can confirm that Priority Oyster Aquaculture Areas (POAA) are present in the estuarine waters in proximity to the proposed development. These POAAs are mapped (Figure 1) and described in the NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS). This strategy also details the required water quality growing and harvest standards for the NSW oyster industry in chapters 3 & 4. OISAS can be accessed at <http://www.dpi.nsw.gov.au/fishing/aquaculture/publications/oysters/industry-strategy>.

The harvest standards are prescribed under the NSW Shellfish Program administered by the NSW Food Authority and the NSW oyster industry has a statutory responsibility to meet these standards. These standards also reflect the Australian standards for shellfish harvest prescribed in the Australian Shellfish Quality Assurance Program. These internationally accepted water quality standards are designed to protect the consumers of shellfish from human pathogenic bacteria and viruses that may accumulate in shellfish where shellfish growing waters are polluted by sewage or stormwater effluent.

Division of Primary Industries, DPI Fisheries
1243 Bruxner Hwy, WOLLONGBAR NSW 2477
Tel: 0447 537 168 ABN 72 189 919 072 www.dpi.nsw.gov.au

1 of 4



Further, as the NSW Shellfish Program is administered by the NSW Food Authority, this agency should also be consulted as part of the development approval process via NSWSP@foodauthority.nsw.gov.au.

Please also note that DPI Fisheries notifies the potentially affected sectors of the oyster industry for all applications referred to DPI Fisheries under SEPP 62– Sustainable Aquaculture.

Should you have any enquiries in relation to POAAs, please contact Mr Ryan Jefferson on (02) 4916 3824 or ryan.jefferson@dpi.nsw.gov.au.

Integrated referral under the *Fisheries Management Act 1994*

It is noted that this proposal was not referred to DPI Fisheries as an integrated referral matter under provisions within Part 7 of the FM Act. Specifically s201 dredging and reclamation or s205 harm marine vegetation. DPI Fisheries has however, **chosen to provide comment** on the impact of this proposal on aquatic ecosystems for the following reasons:

- The site is located very close to large areas of Type 1 and 2, Class 1 Key Fish Habitats;
- DPI Fisheries P&G specifically iterates the need for “Comprehensive environmental assessment [of] impacts (including direct, indirect, on and off-site, short and long term and cumulative impacts) of any works or activities on fish and key fish habitat are to be assessed in all development and planning procedures. Assessment of alternative options including sites, work methods, timing, etc., shall also be undertaken as part of the assessment to minimise or mitigate potential impact.”; and
- Assessment of the subject proposal suggests several components, particularly the stormwater outlet, are likely trigger permit requirements under the FM Act.

Buffer distances to key fish habitats

Key fish habitats are defined within DPI Fisheries P&G and are graded by ‘Type’ on the basis of their sensitivity, or their importance to the survival of fish (refer to section 3.2 of the DPI Fisheries P&G for further information). It has been DPI Fisheries’ long established position that Type 1 Class 1 Key Fish Habitats such as SEPP14 Coastal Wetlands and areas of coastal saltmarsh >5m² require appropriate buffering. Section 3.2.3.2.4 of DPI Fisheries P&G states:

“NSW DPI will generally not approve developments or activities that do not incorporate foreshore buffer zones of 50-100 metre width adjacent to Type 1 marine vegetation and at least 50 m width adjacent to Type 2 marine vegetation. Where a buffer zone of at least 50 m is physically unachievable due to land availability constraints the available buffer must be maximised to achieve protection of Type 1 and 2 marine vegetation (i.e. from edge effects, changes to water quality, flood protection and to allow for climate change adaptation). The buffer zone should not be used for other asset protection purposes (e.g. as a bushfire or mosquito buffer).”

Constraints on the site limit the extent to which meaningful habitat buffers consistent with DPI Fisheries P&G can be achieved to the Type 1 habitats described above or Type 2 habitats. At the site, Type 2 habitats include the intertidal area below the Highest Astronomic Tide (~1m AHD) which contains mangroves and stable intertidal substrate with large populations of infauna and Fishery Creek.

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Stormwater Outlet

The proposed design (Drawing No. SK1, SEE pg 62) includes a stormwater outlet to be located in the north east corner of the site immediately adjacent to saltmarsh and the SEPP 14 Coastal Wetland. DPI Fisheries is concerned that the habitat types adjacent to the outfall are the most sensitive in the vicinity of the proposal. If the proposal is approved, in addition to an appropriate level of treatment, discharge of stormwater into the existing stormwater network is recommended. If that is not possible, discharge should be to the least sensitive area with greater assimilatory capacity. Furthermore, the in-line SPEL Purceptor Class 1 oil and fuel separation unit must be appropriately sized to contain an anticipated maximum oil and fuel spillage scenario.

Works that may trigger Part 7 of the *Fisheries Management Act 1994*

DPI Fisheries cannot yet determine if installation of the above mentioned outlet / headwall apron as featured in the subject proposal will involve removing material from and placing material into lands below 1m AHD and harm to marine vegetation triggering provisions of the FM Act. If the proposal is approved and it later becomes clear that a permit is required under the FM Act, a permit may include conditions relating to offsetting impacts on key fish habitats.

Offsetting unavoidable impacts to key fish habitats

Section 3.3.3.2 of the DPI Fisheries P&G notes that DPI Fisheries enforces a 'no net loss' habitat policy as a permit condition or condition of consent. This may require proponents to conduct habitat rehabilitation and/or provide environmental compensation for all unavoidable impacts on key fish habitats. The DPI Fisheries P&G states that for disturbances to SEPP 14 Coastal Wetlands, approval from the Department of Planning and Environment is required and an offset ratio of 10:1 generally applies. An offset ratio of 2:1 applies for harming of marine vegetation outside of SEPP 14 Coastal Wetland areas.

In addition, section 3.3.4 DPI Fisheries P&G notes that the lodgement of an environmental bond may be a permit requirement for developments that:

- i) present a risk of causing significant impact on key fish habitats or fisheries resources and/or;
- ii) require substantial performance in terms of environmental protection/outcomes

This is legislated within section 220 (1B) of the FM Act which states:

"conditions of a permit may include conditions requiring the permit holder to enter into a bond or guarantee or other financial arrangement for the due performance of the holders obligations under this Act."

The purpose of the bond is to ensure predicted outcomes/proposed mitigation measures are indeed implemented and achieved.

Further information

Finally, DPI Fisheries is aware that the development was referred to the NSW Office of Water pursuant to the *Environmental Planning and Assessment Act 1979* (EPA Act) and the *Water Management Act 2000* for works that constitute a controlled activity, and that that Department has 'stopped the clock' on the assessment pending additional information.

It may be useful for the proponent to reassess whether the proposal triggers the FM Act, and if so, to make a formal integrated referral to DPI Fisheries to ensure that the development proposal can be assessed in a fully integrated approach.

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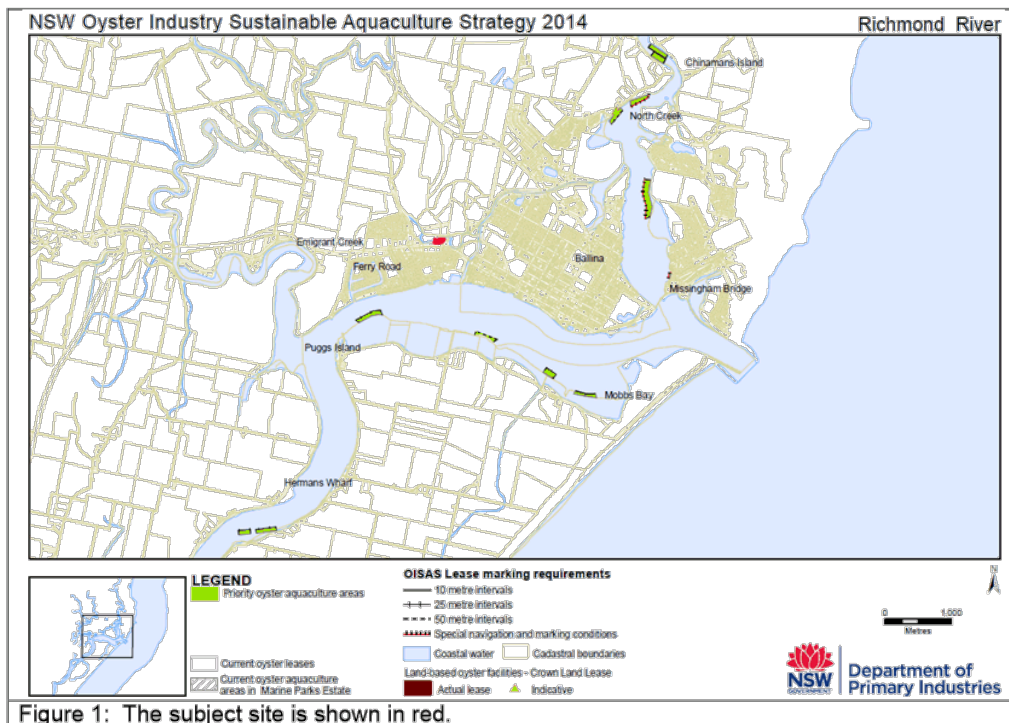


If you have any queries please contact Jonathan Yantsch, Fisheries Manager, Aquatic Ecosystems (North Coast) on 0447 537 168 or jonathan.yantsch@dpi.nsw.gov.au.

Yours sincerely

Jonathan Yantsch
Fisheries Manager, Aquatic Ecosystems (North Coast)
 Authorised delegate of the Minister for Primary Industries

Cc: Ryan Jefferson, A/Policy Officer, Aquaculture, NSW DPI



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File No: NTH04/00216
Your Ref: DA2017/7

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

Attention: Patrick Knight – Traffic & Development Engineer

Dear Sir

Main Road 545 – Proposed Service Station, River Street Ballina - Additional Information.

I refer to your email of 31 March 2017 requesting comment from Roads and Maritime Services in relation to the abovementioned development application.

Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

River Street is a classified (Regional) Road (MR545) under the *Roads Act 1993* (Roads Act). Ballina Shire Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act. Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Roads and Maritime's concurrence is required prior to Council's approval of works on this road under Section 138 of the Roads Act.

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road.

In accordance with Clause 104 of the *State Environmental Planning Policy Infrastructure 2007* (ISEPP), Roads and Maritime is given the opportunity to review and provide comment on the subject development application as it meets the requirements under Schedule 3.

Roads and Maritime Response

Roads and Maritime has reviewed the additional information referred and provides the following comments to assist the consent authority in making a determination;

- 1) The proposed eastern exit from the proposed service station is in conflict with the seagull merge from Brampton Avenue. The service station exit should be moved further west to provide safe separation from the seagull merge.

Roads and Maritime Services

76 Victoria Street, Grafton NSW 2460 |
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- 2) The service station development as proposed appears to be in conflict with Council's proposed western arterial. On site development should be compatible with any future planned road proposal. In particular it is suggested that ;
- a) no development should occur on the western edge of the property that could compromise construction of the western arterial, and
 - b) the eastern boundary of the property fronting River Street should be splayed to facilitate sight distances and future construction of the western arterial.

All works / new connections to River Street will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.

Advice to the Consent Authority

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully



For Monica Siro
Network & Safety Manager, Northern Region
10 April 2017

Peter Drew

From: Claudio Toscan <tosc1cla@police.nsw.gov.au>
Sent: Tuesday, 31 January 2017 9:36 AM
To: Peter Drew
Subject: DA PROPOSED SERVICE STATION 413 - 423 RIVER ST WEST BALLINA
[DLM=Sensitive:NSW Government]

Greetings Drew,

Thank you for the opportunity to comment on the proposed DA for 413-423 River Street Ballina. Our input is as follows:

CCTV:

- * Consider positioning CCTV cameras on all entries, exits and driveways

Lighting:

- * Security lighting needs to cover the entire area. This lighting needs to remain on even when the service station is closed.
- * Limited lighting to remain on inside the business when closed.
- * Lighting must be sufficient to support images obtained from CCTV footage
- * Light switches must be located in a secure area within the premises

Forecourt:

- * Console Operator does not have clear vision of the rear diesel pumps.
- * During non-peak times (9pm to 7am) pumps should not be on automatic authorisation

Building Design:

- * Bollards should be placed between car parking area and front of shop

Shop Fittings:

- * Internal shelving heights should not restrict visibility
- * Advertising signs are not to restrict vision or view of CCTV cameras
- * Physical barrier required to prevent customers from accessing the area behind the counter (including a barrier across the counter)

Windows:

- * Windows are to remain free of promotional material that may hinder sightlines to and from the premises

Cash and Valuable handling:

- * Consider the use of a safe (time delay or drop-chute)
- * Provide staff with an area with restricted access where they can store personal items

Landscaping:

- * Flora used in landscaping on the entire site is kept at a minimum height (approx 1m)
- * Stones/pebbles are not to be used in the landscaping

Kind Regards,

