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ballina shire council
 geographical information system

Projection: GDA94 / MGA zone 56
 Date: 11/04/2017

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8.1 DA 2016/506 - 37 Converys Lane, Wollongbar

8. Development and Environmental Health Group Reports

8.1 DA 2016/506 - 37 Converys Lane, Wollongbar

Applicant	Newton Denny Chapelle
Property	37 Converys Lane, Wollongbar Lot 2 DP 577649
Proposal	To Permit Increased Student Numbers (from 100 to 235 students) on a Permanent Basis for an Approved Educational Establishment.
Effect of Planning Instrument	The land is zoned RU1 Primary Production under the provisions of the Ballina LEP 2012.
Locality Plan	The subject land is depicted on the locality plan attached.

Introduction

Consent is sought to permit an increase in student numbers of the existing Educational from 100 students to 235 students on a permanent basis. The Educational Establishment is to continue to operate for no more than a maximum of two weekends per month and from Friday evening to Sunday, in accordance with the terms of DA 2011/146.

This application was reported to the Council meeting of 27 April 2017. Council resolved the following:

That this matter be deferred to allow a further report to be submitted to Council with draft conditions of consent for approval.

This report supplements the Council report of 27 April 2017 (Item 8.1).

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Report

The key issue in relation to the proposal is the impact the traffic generated by the development will have on Converys Lane and the intersection of the Bruxner Highway and Converys Lane.

8.1 **DA 2016/506 - 37 Converys Lane, Wollongbar**

Given the NSW Roads and Maritime Services (RMS) is the roads authority responsible for the Bruxner Highway, Council staff consulted with the RMS to determine its position in regards to the matter. The RMS advised that they would not support modification of the intersection and would rather see the issue managed using demand management strategies such as transporting students to the site via buses, should Council consider this an acceptable system to allow approval of the development.

The applicant was then provided the opportunity to submit a revised Traffic Management Plan (Attachment 2) to attempt to address the concerns raised by Council's Civil Services in relation to the capacity of the intersection and Converys Lane to accommodate the vehicle movement generated by the development.

This plan includes measures to attempt to maintain the traffic generation associated with the proposed development to the same number of vehicles (maximum of 90 movements/hour) associated with the current number of students approved to use the facility (100 students), despite the proposed increase of 135 students.

The measures in the plan include encouraging students to car pool, establishing a register of students offering or requiring carpooling and where the operator has identified more than 90 vehicles could be accessing the site, bus services will be provided from the Ballina airport for students who are flying to the event.

The plan also proposes to submit compliance reports to Council on a quarterly basis for the first two years of operation and then annually for the remaining life of the development.

Council's assessment staff are still concerned that there is a high risk of the system becoming non-compliant over time due to the following reasons:

- The difficulty and costs associated with the logistics of arranging carpooling for 235 people who live in different locations
- Students deciding to travel to the site using their own transport to avoid the inconvenience of carpooling, despite the best intentions of the operator
- The proposed system will require significant expenditure by the operator of the business creating a disincentive for them to continue the process on an ongoing basis.

The costs include administration associated with managing the carpooling system, contractors to implement the traffic control plan and consultants to prepare reports for Council.

It is anticipated that the operator is likely to request, at some stage in the future, that the Traffic Management Plan be amended on the grounds that it is not financially viable to operate the business with the financial impost associated with the system.

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The proposed Traffic Management Plan also places additional resource requirements on Council as there are insurance and Work Health Safety requirements associated with the contractors completing the traffic control works in the road reserve and staff will also be required to review the reports provided by the applicant to ensure they are complying with the conditions of consent.

Where there are non-compliances, Council will be required to work with the applicant in an effort to ensure future compliance.

Should Council accept the proposed Traffic Management Plan it cannot reasonably require an upgrade of the Converys Lane road pavement, nor the intersection of Converys Lane and the Bruxner Highway given that the plan will theoretically limit the number of vehicles associated with the proposed development to that of the existing approved development.

Converys Lane is currently constructed to a width of seven metres for the first 150m from the intersection and only three metres wide for the remaining 220m to the access driveway of the subject property.

This is considered insufficient to accommodate additional traffic.

In addition, Council will be unable to charge road contributions for the proposed development given that there will theoretically be no increase in traffic beyond the number of vehicles associated with the existing approved development.

Council therefore needs to be satisfied that the proposed Traffic Management Plan will be effective in limiting the number of vehicles attending the site to a maximum of 90 vehicles/hour (as generated by the existing educational establishment with a maximum capacity of 100 students), despite the increase in the maximum capacity by a further 135 students.

Council's assessment staff have prepared draft conditions of consent (refer to Attachment 3), as required by the April 2017 resolution.

Should Council see fit to approve the application it should do so subject to compliance with all draft conditions.

Options

Option One – Approval

That Council resolves to issue development consent to the application, subject to the attached conditions (Attachment 3), on the basis that the development is suitable for the site, the impacts on traffic safety can reasonably be mitigated through the ongoing implementation of the proposed traffic management plan (Attachment 2) and the implementation of such a plan will not result in any additional traffic movements to/from the development site for the approved operations (maximum capacity of 100 students) .

This is not the preferred option for the reasons detailed in the previous Council report.

8.1 **DA 2016/506 - 37 Converys Lane, Wollongbar**

Option Two - Refusal

That Council refuses the development application. As outlined in the previous Council report, this is the preferred option for the following reasons:

1. The intersection of the Bruxner Highway and Converys Lane has insufficient capacity to service the proposed development and approval of the application would compromise the safety and efficiency of the intersection.
2. The proposed Traffic Management Plan is neither practical nor self-enforcing. There is likely to be a high risk of non-compliance with the proposed traffic management strategies, and therefore these strategies are unlikely to alleviate traffic safety and management concerns at the intersection of the Bruxner Highway and Converys Lane.
3. For the reasons outlined above, the application is not considered to be in the public interest.

It is recommended that the development application be refused on the grounds that the intersection of the Bruxner Highway and Converys Lane has insufficient capacity to service the proposed development safely and non-compliance with the proposed traffic management strategies is likely to occur.

The facility can continue to operate at a maximum capacity of 100 students under the terms of DA 2011/416.

RECOMMENDATION

That Development Application 2016/506 'To Permit Increased Student Numbers (from 100 to 235 students) on a Permanent Basis for an Approved Educational Establishment' on Lot 2 DP 2 DP 577649 No. 37 Converys Lane, Wollongbar be **REFUSED** for the following reasons:

1. The intersection of the Bruxner Highway and Converys Lane has insufficient capacity to service the proposed development and approval of the application would compromise the safety and efficiency of the intersection.
2. The proposed Traffic Management Plan is neither practical nor self-enforcing. There is likely to be a high risk of non-compliance with the proposed traffic management strategies, and therefore these strategies are unlikely to alleviate traffic safety and management concerns at the intersection of the Bruxner Highway and Converys Lane.
3. For the reasons outlined above, the application is not considered to be in the public interest.

Attachment(s)

1. DA 2016/506 - 37 Converys Lane - Locality Plan
2. DA 2016/506 - 37 Converys Lane - Traffic Management Plan
3. DA 2016/506 - 37 Converys Lane - Draft Conditions



Date: 19th September 2017
Our Ref: 11/098

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Sir,

**Re: Section 82A Review of Determination - Development Application 2016/506
Lot 2 DP 577649 No. 37 Converys Lane, Wollongbar**

Newton Denny Chapelle have been instructed by the proponent Mr S Benhayon to be the lodgement agent for a review of determination in respect to Development Consent Notice 2016/506 in accordance with Section 82A of the Environmental Planning and Assessment Act 1979.

Pursuant to section 82A of the Environmental Planning and Assessment Act 1979 the applicant requests the Council to review the determination of Development Application 2016/506 which was made by the elected Council at the Ballina Shire Council Ordinary Meeting on 22 June 2017. Council adopted the following resolution at the Ordinary Meeting with respect to the above referenced Development Application.

*That Development Application 2016/506 'To Permit Increased Student Numbers (from 100 to 235 students) on a Permanent Basis for an Approved Educational Establishment on Lot 2 DP 2 DP 577649 No. 37 Converys Lane, Wollongbar be **REFUSED** for the following reasons:*

1. *The intersection of the Bruxner Highway and Converys Lane has insufficient capacity to service the proposed development and approval of the application would compromise the safety and efficiency of the intersection.*
2. *The proposed Traffic Management Plan is neither practical nor self-enforcing. There is likely to be a high risk of non-compliance with the proposed traffic management strategies, and therefore these strategies are unlikely to alleviate traffic safety and management concerns at the intersection of the Bruxner Highway and Converys Lane.*
3. *For the reasons outlined above, the application is not considered to be in the public interest.*

Based on the refusal issued by Ballina Shire Council dated 23 June 2017, we seek the following matters be considered for this review of determination.

JOHN NEWTON B. Surv. M.L.S. Aust. TONY DENNY B. Surv. (Hons); M.L.S. Aust. DAMIAN CHAPELLE BTP OPP
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Intersection Capacity

Both Ballina Shire Council and the traffic consultant engaged to assess the intersection capacity have concurred with the identified the capacity for the Bruxner Highway and Converys Lane. That is, both parties agree the intersection is near capacity and as such only 100 peak daily movement exist at the intersection.

Accordingly, through the implementation of a Traffic Management Plan, no additional traffic movements above the existing traffic volumes are generated by the current 100 students. Based on the ability to preserve the current traffic volumes, the reason for refusal based on the proposal impacting the safety and efficiency of the intersection is not supported.

Peer Review of TMP

Notwithstanding the detailed review of the TMP by Council's Development Engineer, inclusive of requesting specific changes which were adhered with, the proponent has had the TMP which was reported to the June meeting to be peer reviewed in order to address Council's reasons for refusal.

Bitzios Consulting (BC) was commissioned by *Newton Danny Chapelle* to undertake an independent peer review of a TMP. The TMP covers the management of traffic associated with an educational facility catering for a maximum of 235 students. As Council will be aware, the objective of the submitted TMP is to manage the traffic demand to ensure that the traffic volumes generated by the proposed 235 student cap does not exceed traffic volumes generated by the current 100 student cap.

The peer review, which forms the basis of the Section 82A review, is **attached** to this letter for Council's detailed review. The following key findings are made in the review of the TMP;

BC recommended that the Traffic Management Plan (TMP) be supplemented to provide further detail surrounding the management of the proposed 90 car parking cap.

BC subsequently recommended that the following measures, be implemented:

1. *update on-line booking to include parking permit application and bus pick-up location options;*
2. *update on-line booking to promote arrivals in groups, lack of on-site parking, availability of permit parking only, and the ability to park and ride via a free bus shuttle service;*
3. *the on-line booking system shall communicate the enforcement processes and penalties in place to increase compliance; and*
4. *provide priority of permit parking allocations to those that are proposing to travel in groups of three or more. []*

Students who do not utilise the pre-booked parking systems will have access to shuttle services from a pick-up location as nominated to access the site. The details of the shuttle would be as follows:

- *the shuttle service would operate between two predefined pick-up locations and the Converys Lane facility; and*
- *the proposed locations would be at Lismore Town Centre (location to be confirmed) and Alstonville Town Centre (location to be confirmed).*

BC have identified the use of an online parking booking system combined with enforcement through a local 'tow-truck' provider would provide the necessary assurances for compliance. The associated costs, to the facility, of operating a bus shuttle service, would be incorporated into the enrolment fees. The number of private vehicles accessing the site would then be restricted to those only with a parking permit. This would allow control over

the number of student vehicles using the intersection of Bruxner Highway and Converys Lane. More specifically, this will assist with ensuring there is no increase in traffic volumes arising from the increase in the student cap to above that which is currently approved for the current land use.

In response to key issues raised by Council with the TMP, BC has provided the following commentary.

Concern 1

"The difficulty and costs associated with the logistics of arranging carpooling for 235 people who live in different locations";

BC Comment:

It is proposed to have students pre-book a parking permit, with the use of a 'free' shuttle service once the availability of permits are exhausted. Car pooling will be incentivised through additional priority placed during the permit allocation process.

As the facility already has enrolment systems in place, only minor adjustments will need to be made to accommodate the organisation of students transport to the site for reserved (permit) parking. Therefore, it is expected that use of the proposed online booking method is unlikely to have significant associated costs.

The permit could be as simple as numbering permits from 1 to 90 and if there is a duplicate number both attendees can be crossed checked against the database for correctness. Penalties for such attendees can range from a warning to expulsion from any future course attendance. The penalties can also be included on the enrolment page to further encourage compliance to the system. These are all considered to be cost-effective measures.

Concern 2

"Students deciding to travel to the site using their own transport to avoid the inconvenience of carpooling, despite the best intentions of the operator";

BC Comment:

The permit based system will limit the available car spaces. The permits will need to be displayed on the dash when parked. All other cars will be towed at the owners expense. This can also be communicated on the enrolment web page.

Concern 3

the potential that the costs of maintaining the proposed system will act as "a disincentive for them to continue the process on an ongoing basis".

BC Comment:

The costs to operate the 'free' shuttle service will need to be absorbed within the course fees by the operator. The cost can be reduced by extending the levy across all attendees.

Conclusion

The site is currently approved for 100 full time students with a generation of 90 peak hour vehicle trips previously modelled at the intersection of Converys Lane and the Bruxner Highway. The proposed demand management strategies to be coordinated and implemented by the proponent generates transport to service the additional 135 proposed full time students which will enable the development to stay within the 90 peak hour vehicle limit for Converys Lane and the Bruxner Highway intersection. Accordingly, we submit there is no increase in vehicle movements by the proposed development.

Importantly, the parking at the site is able to be appropriately managed by the proponent pursuant to the updated Traffic Management Plan which encompasses the recommendations from BC. As with all development conditions applied within a consent notice, the onus is on the proponent to comply with the conditions of consent, whilst the TMP is structured so the cost of implementing the TMP is borne by the proponent and not Council. Where Council may be required to receipt compliance reports submitted by the

proponent, a fee charged by Council is deemed reasonable in this instance and aligns with existing pay for service delivery actioned by Council.

With respect to timing/frequency of use, we also seek to highlight the land use is approved to occur pursuant to Condition 6.1, no more than a maximum of two (2) weekends per month and from Friday evening to Sunday. To this end, the frequency of use is low and occurs at time which is outside the use of the building by the other tenants.

The proponent has actioned the trial period with no additional resources called of Council in undertaking the management of the carpooling. Council has not received any objections from surrounding residents or businesses, whilst there is no evidence of traffic safety issues being generated by the development through reports to Council. Notwithstanding this point, it is clear from the peer review assessment of the TMP by BC there are readily acceptable ways in which the carpooling and the management of student movements accessing the site may be managed so as to tighten the implementation of the TMP and thus eliminate additional vehicles accessing the property.

We submit the peer review by BC has identified no prohibitive issue with the implementation of the TMP having due regard to the reasons offered to refuse the Development Application. Accordingly, we trust this letter addresses Council's previously stated concerns such that this review may be supported. Should you have any questions, please do not hesitate contacting Damian Chapelle of this office.

Yours sincerely,

NEWTON DENNY CHAPELLE



DAMIAN CHAPELLE
Town Planner. BTP CPP

DA 2016/506 – 37 Converys Lane – Draft Conditions**GENERAL****1. Approved Documents**

Development being carried out generally in accordance with the documentation lodged by, or on behalf of, the applicant, except as modified by any condition in this consent.

2. BCA Compliance

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

3. Car Parking & Vehicular Access

The development shall provide a total of 119 on-site visitor car parking spaces with a minimum of 90 of these spaces being sealed and at least two sealed disabled car parking spaces. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1:2004 and Australian Standard AS/NZS 2890.6: 2009. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

4. Flooding and Stormwater

Stormwater controls shall be provided on site in accordance with the Water Sensitive Design requirements of Council's Combined Development Control Plan Chapter 2 – Section 3.9 – Stormwater Management. This is to include the shaping of driveways and paved areas to drain to landscaped/vegetated areas. A Stormwater Management Plan and detailed design, prepared by a suitably qualified hydraulics consultant and/or Engineer, must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

5. Developer Contributions

Prior to the issue of the Construction 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 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

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

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

6. Developer Charges

Prior to the issue of the Construction 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**).

7. Revised Traffic Management Plan

Prior to the issue of a Construction Certificate, a revised Traffic Management Plan must be submitted to and approved by Council for any educational sessions at the facility which exceed 100 students. The revised plan must contain the measures nominated in

the Traffic Management Plan, prepared by Newton Denny Chapelle Ref: 11/098, Dated September [Ver C] 2017 (Council Record No. 17/97266) and the additional measures in the letter from Newton Denny Chapelle dated 19 September 2017 (Council Record No. 17/79648).

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.

8. 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.

9. Pollution Prevention

To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works. These are to be maintained during the construction of the project until the site has been stabilised. This is to include:

- the prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land
- service trenches being backfilled as soon as practical
- buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses
- sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

10. Soil Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

11. Waste Management

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.**

12. Fill Material

To ensure fill material is suitable and will not contaminate the site, the only fill material that may be received at the subject property is:

- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations (POEO) Act);
- b) Any other waste-derived material the subject of a resource recovery exemption under Clause 91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material, excluding waste tyre.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Unless otherwise stated all conditions referred to in other sections of this consent must be complied with together with the following conditions prior to occupation or use.

13. Occupation Certificate

An Occupation Certificate is to be obtained prior to commencement of use or occupation of the premises. Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.

An application for an Occupation Certificate to the Principal Certifying Authority is to be accompanied by a written statement confirming how each condition of consent has been complied with.

14. Waste Management

To ensure compliance with the objectives of Ballina Council's Development Control Plan 2012 Chapter 2 Section 3.7 a site waste minimisation management plan for operational waste must be submitted to and approved by the Principal Certifying Authority prior to issue of any Occupation Certificate.

15. Car Parking (standard)

The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant prior to commencement of use of the facility for in excess of 100 students.

16. Car Parking (disabled)

The construction of all disabled car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.6: 2009. All works are to be certified by a suitably qualified consultant prior to commencement of use for the facility for in excess of 100 students.

17. Stormwater

Prior to the commencement of use of the facility for in excess of 100 students, 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 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.

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.

18. Student Number Limitations

The educational facility may exceed 100 students up to a maximum of 235 students at any one time, provided that traffic generated by the Educational Establishment does not exceed 90 peak hour trips for the Converys Lane and Bruxner Highway intersection.

19. Traffic Management Plan

For any educational sessions at the facility which exceed 100 students, the approved Traffic Management Plan, must be implemented. Reporting must be submitted to Council in accordance with the requirements within the plan.

20. Lighting

All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "Control of the obtrusive effects of outdoor lighting".

21. Frequency of Use

The educational facility is to operate for no more than a maximum of two weekends per month and from Friday evening to Sunday.

22. Offensive Noise

The use and occupation of the proposed development, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to any offensive noise within the meaning of The Protection of the Environment Operations Act, 1997. Offensive Noise means noise:

1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances;
 - a. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted;
 - b. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

23. Amenity

The land use on site shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, odours, fumes, smoke, vapour, steam, dust, water, waste products and the like.

24. Waste Management

Waste arising from the operational activities must be stored, transported and disposed of in accordance with the requirements of NSW EPA and the NSW WorkCover Authority 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.

25. Waste Management

All waste generated on site is to be disposed to and stored in the nominated waste area/s.

Operational waste management activities at the site shall be in accordance with the Site Waste Minimisation and Management Plan (SWMMP) approved by Council.

REASONS FOR CONDITIONS

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 2012;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.

ADVISORY MATTERS

Disability Discrimination Act 1992

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

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

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

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

Protection of the Environment

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

Noise Control

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

WorkCover Requirements

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

Advisory Note:

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

You are advised to contact the following:

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

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

SCHEDULE 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST	Actual Contribution Units Payable (residential)	Actual Contribution Units Payable (commercial)
Wollongbar Water Supply (DSP Area E)	2007	equivalent tenement	\$3,221.00	0.4050	\$1,304.51	0.0000	0.4050
Rous Water 2016	5001	equivalent tenement	\$8,256.00	0.4050	\$3,343.68	0.0000	0.4050
TOTAL					\$4,648.19		

• JOHN NEWTON B. Surv; M.I.S. Aust. • TONY DENNY B. Surv; [Hons]; M.I.S. Aust. • DAMIAN CHAPELLE BTP. CPP.



Traffic Management Plan

For an Educational Establishment
at 37 Converys Lane, Wollongbar
DA 2011/098

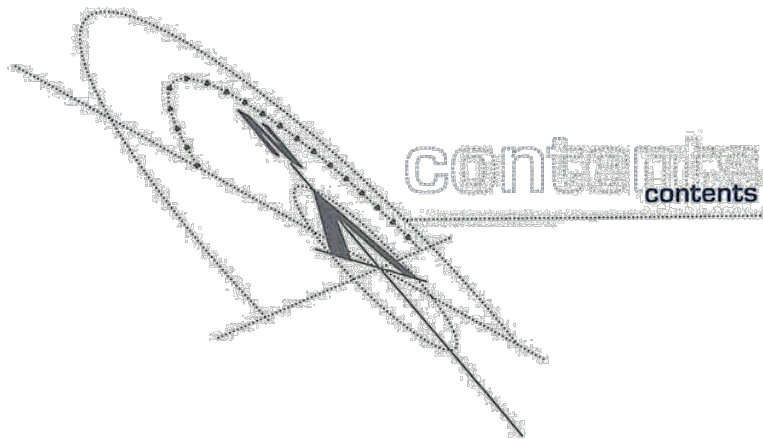
ON BEHALF OF UNIVERSAL MEDICINE

Our Ref: 11/098

Date: September [Ver C] 2017



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Version	Comments
A	Draft issued to Council
B	TMP adopts comments made from Council's Mr Paul Wilson
C	TMP adopts all recommended changes by Bitzios Consulting

1 Introduction

Newton Denny Chapelle has been engaged by Universal Medicine to prepare a Traffic Management Plan [TMP] associated with the operation of an Educational Establishment.

The subject lands are located at 37 Converys Lane, to the north of the Bruxner Highway at Wollongbar, known in real property terms as Lot 2 DP 577649.

The TMP provides the operational provisions associated with the educational establishment catering for a maximum of 235 students.

2. Objectives

The Educational Establishment's TMP documents existing traffic management arrangements, identifies emerging traffic management issues, and maintains an action plan to address these issues.

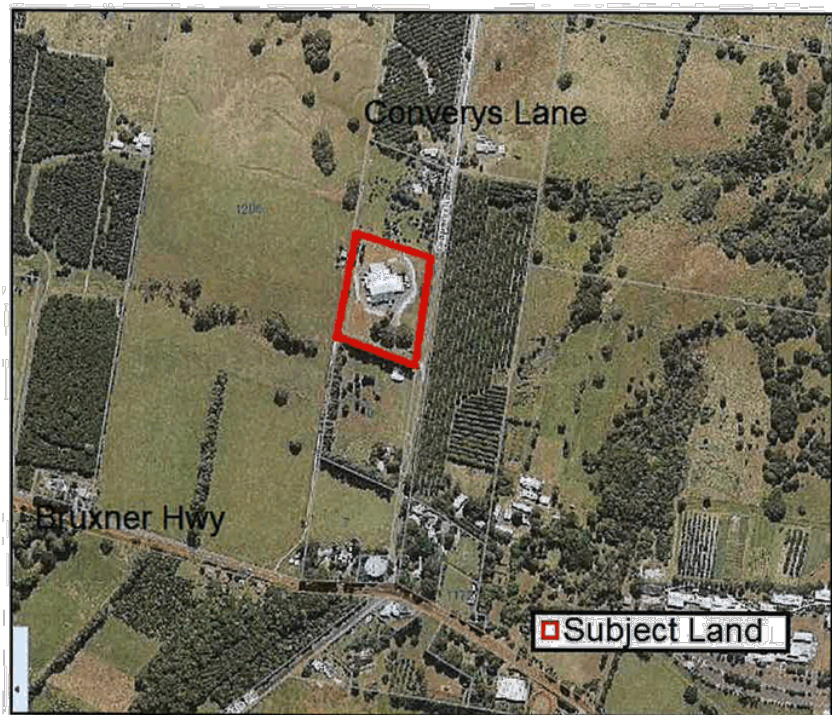
The objectives of the TMP are:

- Ensure the safety of its employees and students attending the educational establishment;
- Manage the registration and carpooling for students attending the site;
- Manage traffic volumes associated with the educational use of the site;
- Ensure clear protocols are established for enrolling students for carpooling and traffic routes to and from the establishment;
- Ensure operational procedures are in place to coordinate the collection of students from designated pick-up points;

3. Location

The subject land is situated approximately 350 metres north of the Bruxner Highway and Converys Lane intersection. The land is regular in shape and corresponds to the adjoining lots which front Converys Lane. In cadastral terms, the property is known as Lot 2 DP 577649, Parish of Tuckombil and County of Rous.

The property maintains an area of 2.429 hectares and is zoned RU1 Primary Production under the Ballina Local Environmental Plan 2012.



4. Land Use

At present, the land is embellished with an existing building that is approved for a rural industry, community facility and an Educational Establishment (Universal Medicine College). The TMP has been prepared based on a maximum of 235 students able to attend the site.

The approved operational requirements include the Educational Facility operates a maximum of two (2) weekends per month and from Friday evening to Sunday.

5. Traffic Management

This TMP outlines the Educational Establishment's guidelines for managing vehicular traffic and parking at 37 Converys Lane, Wollongbar. All staff and students are asked to read and comply with the following provisions

Student Enrolment

- All students will enrol with the operator of the Educational Establishment so the maximum student numbers are managed. No students attend courses without pre-enrolling.
- The operator of the Educational Establishment will provide carpooling details to all enrolling students.
- The operator of the Educational Establishment will advocate carpooling within course communication issued to all students.
- The operator of the Educational Establishment will coordinate through enrolments the need to provide a bus collection service for students to the course from designated collection points.
- All students are to obey the TMP at all times.

Carpooling

- The operator of the Educational Establishment will communicate with students the need to carpool to limit demand for on-site car parking.
- The operator shall provide on-line booking to include parking permit application and bus pick-up location options.
- The operator shall ensure the on-line booking system promotes arrivals in groups, lack of on-site parking, availability of permit parking only, and the ability to park and ride via a free bus shuttle service.
- The operator shall state upon the on-line booking system to the enforcement processes and penalties in place to increase compliance.

- The operator shall provide priority of permit parking allocations to those that are proposing to travel in groups of three or more.
- The operator of the Educational Establishment will identify car parking available for those students who carpool.
- The operator of the Educational Establishment will establish a register for those students offering and/or requiring carpooling. This process will enable the operator to identify the total number of vehicles accessing the site.
- Where the operator has identified greater than 90 vehicles will be accessing the site, the bus service will need to be initiated from a designated collection point and students advised of the transport plan.
- Students who do not utilise the pre-booked parking systems will have access to shuttle services from a pick-up location as nominated to access the site. The details of the shuttle would be as follows:
 - the shuttle service would operate between two predefined pick-up locations and the Converys Lane facility; and
 - the proposed locations would be at Lismore Town Centre (location to be confirmed) and Alstonville Town Centre (location to be confirmed).

Traffic

- The operator of the Educational Establishment will require all staff to attend the site a minimum of 30 minutes before the educational classes begin to ensure traffic accessing the site is staggered. This will ensure the peak traffic volume accessing the site is below 90 movements/hour.
- Students will be advised to abide at all times with the Traffic Control Plan (TCP) dated 9/3/2016 and provided within Attachment 1. The TCP requires all students to utilise a left turn movement only out of Converys Lane onto the Bruxner Highway.

Key Performance Indicators

- The operator of the Educational Establishment shall submit traffic and car parking counts for the operation of the educational establishment where student numbers will exceed 100 students. The report is to be provided to Ballina Shire Council on a quarterly basis.
- Traffic generated by the Educational Establishment shall not exceed 90 peak hour trips for the Converys Lane and Bruxner Highway intersection.
- The operator of the Educational Establishment will enforce through marketing material and student briefings a "no left turn" movement from Converys Lane onto the Bruxner Highway pursuant to the TCP provided within Attachment 1 of this TMP.

Reporting

- A report demonstrating compliance with the KPI's will be required to be submitted to Council on a quarterly basis for the first 2 years of operation and then annually for the life of the development.
- Where the circumstance exists where greater than 90 peak hour vehicle movements occur, the report should include a review of the specific event and identify measures to negate this from reoccurring.
- The report should be sent with a statutory declaration from the operator confirming the accuracy of the information being submitted

Responsibilities

- The staff of the Educational Establishment have the responsibility for implementing this TMP, appointing suitable qualified consultants to undertake the required monitoring and coordinating the reporting to Ballina Shire Council

