

Sue Wade

**From:** Andrew & Allison King <andrew.ally@bigpond.com>  
**Sent:** Tuesday, 14 April 2020 9:02 PM  
**To:** Ballina Shire Council  
**Subject:** DA 2018/51 Submission - Andrew and Allison King

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Ballina Shire Council

Revised Subdivision Layout Plan for Reservoir Hill Subdivision

DA 2108/51 property Lot 1 DP 517

Access to this new subdivision has been changed from Hutley Drive to Henderson Lane. An Extra 200 families with approx 2.5 cars each will put about 500 cars will now have to travel up Silkwood road to access the Reservoir Hill Estate. The Kiddies park that is in Silkwood rd will not be a safe spot for kids to play now with all these extra cars travelling along Hutley drive off the new coast road roundabout then up Silkwood road to access the shorter route to Henderson lane into the Reservoir Hill estate.

All traffic from the subdivision is directed to the local road network via road 2 and [4 on to Henderson Lane](#). Only a traffic report from the previous application could be found (Ardill Payne 2018) which assesses the impacts of 103 lots on the site. Given the lot yield has increased and there is potential for significantly more dwellings within the proposed medium and future development lots, this report is not adequate. The report does not adequately demonstrate that the amount of traffic being directed onto Henderson Lane can be safely accommodated give its steep and narrow characteristics.

The Traffic Impact Assessment (Ardill Payne 2018) relies on about 30% of traffic using Henderson Lane and the remainder using the Hutley Drive extension. However there is no connection to Hutley Drive shown on the subdivision plan. The Hutley Drive connection referred to in the traffic report no longer exists on the new subdivision plan and there are residential lots along the entire boundary with Hutley Drive. The assumption is that a road would be constructed through the residual lot, which is already accommodating the existing wetland, compensatory habitat and stormwater infrastructure. A road cannot be accommodated in this lot for the reasons previously discussed. This lot should be an environmental zone. A road on the residual lot would not be permitted under an E zone and is not permitted in the RU1 zone.

Henderson Lane is not adequate to accommodate all traffic until a road of Hutley Drive into the Reservoir Hill Subdivision is built. The development should not be approved until adequate access and egress is provided for current and future traffic i.e. the yield from additional lots is defined, and the connection to and construction of the Hutley Drive extension is confirmed.

**The development should not be approved until:**

The zoning, ownership, and long term management of the residual lot is confirmed.

At least an indication of the total lot/ dwelling yield including future and medium density lots is provided.

A technical peer review of the Ecological Assessment is completed by an independent ecological

consultant, particularly addressing location and likelihood of occurrence of HJG and freshwater wetland EEC and an assessment of impacts to both.

An updated traffic report and revised subdivision layout is prepared that caters for both proposed and future development yields **and includes a connection to the Hutley Drive extension that does not traverse the residual lot.**

An updated hydrological assessment is provided that assesses the impacts of the proposed bulk earthworks and waterway infill on the HJG population and freshwater wetland vegetation.

The layout is revised to show additional pedestrian and cycle links.

A detailed socio-economic impact assessment is completed by a suitably qualified consultant.

Andrew & Allison King  
24 Silkwood Road Lennox Head  
Ph 66876580

Sent from my iPad

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~~Site Waste~~

**From:** Paul Josi <savvycdc@bigpond.com>  
**Sent:** Friday, 10 April 2020 10:13 AM  
**To:** Ballina Shire Council  
**Subject:** RE: DA2018/51 20 North Creek Road Lennox Head

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#### To Whom it May Concern

I have a number of specific questions, concerns and comments about DA2018/51 20 North Creek Road Lennox Head, as follows:

1. The SEE refers to assessing the proposal to rezone the RU1 land on the site concurrently with the DA. What is the timeframe for this being implemented?
2. Can the ratepayers and residents (ie. The community) be assured that this lot will be rezoned for **environmental restoration and open space** as promised in the DA? A wonderful feature of Lennox Head is the fact it is not simply another overcrowded beach town, with a beautiful foreshore backed by a massive urban sprawl.

***The negative social and environmental impact of unmanaged or poorly managed hinterlands areas can create immense headaches for ratepayers and Councils in the not too distant future. A major feature of Lennox Head is its relaxed social and environmental character – a beautiful place backed by large patches of rural land and coastal bush. It is critical that this is retained and enhanced by any development, including those proposed in DA2018/51 20.***

***It is strongly recommended that this DA should not be determined until the planning proposal is certain. The lot is currently labeled 'for future development'. This is vague and offers no assurances about future intent, and certainly the community, which is being increasingly encroached by rapid housing development, needs to be advised of the status, content and intentions of this planning proposal?***

3. If this development is to proceed, we need certainty that the restoration works, open space and street landscaping are complete (or at least substantially commenced and budgeted for) before any lots are sold. It is all too familiar to the community of Lennox Head, that roads and lots are built and sold without any of the required social or environmental infrastructure being in place. ***It is of critical importance that any new subdivisions are linked to the overall community and are not isolated with good linkages and access (roads and pathways) to the surrounding community. This promotes connectivity and social cohesion.***
4. Will the developer be required to pay a bond to ensure that proposed restoration etc. is completed? ***The payment of a substantial bond capable of providing remedies must be a condition of consent.***

1

Thank you for considering these comments.

Regards, Paul Josif

39 Fig Tree Hill Drive,  
Lennox Head

Reservoir\_Crest DA 2018/15  
 Lennox Head Residents' Association (LHRA) submission  
 15 April 2020



### **Visual Amenity**

#### **2018 Submission re DA 2018/51.1**

*LHRA members have expressed the following concerns;*

*The eastern perimeter of this development, bordering North Creek Road is one of the most prominent ridgelines in Lennox Head. It provides pedestrians, cyclists and motorists alike with sweeping district views unparalleled from any other public location including Pat Morton Lookout.*

*Structures on this ridgeline are also visible from many parts of Seven Mile Beach and the public areas on the hind dunes.*

*The Lennox Head Strategic Plan 2002 identifies prominent ridgelines as being important to the scenic quality, character and amenity of LH and this is certainly supported by the comments which have been posted on various social media sites about the impact of interference with these views.*

*The destruction of the earlier billboard erected on this site in 2017 draws rather graphic attention to the strength of these feelings. It is obvious that there is no way the proposed advertising billboards, the possible acoustic barriers or even buildings such as houses, garages or sheds should be allowed to interfere with these sightlines. Especially, pedestrians on North Creek Road should be able look directly over the highest point of the rooflines of this development and still access this sweeping vista uninterrupted.*

*We suggest a more appropriate plan would be to*

- (i) provide a green buffer between the road / pedestrian corridor and any building line such that these sightlines remain unobstructed – nb. This would mean height restrictions on any vegetation in the buffer zone as well.*
- (ii) limit advertising signage to the height of the original farm fence (ie a standard 3 strand wire fence) and restricted to , say 8m, in length to preserve the enjoyment of the residual rural view until the estate is complete.*

#### **2020 Response**

##### **Short term visual amenity**

Signage: LHRA reiterates its stance that the signage does not exceed the original farm fence.

The acoustic barriers conclusion in the Acoustic Assessment applies to this signage proposal too “...will likely have a significant effect on the existing scenic / visual aesthetics of the area...”

##### **Long term visual amenity**

LHRA reiterates concern for the community's lose of visual amenity from North Creek Road which is supported by the Acoustic Assessment conclusion.

Page 21; However, in relation to the surrounding area, existing residences are afforded unobstructed views of the surrounding natural and built landscape; with there being no existing examples of acoustic barriers for residential estates within the surrounding Lennox Head area. Application of acoustic barriers (which are extensive structures in length and in some cases height when including proposed earthworks) will likely

Reservoir\_Crest DA 2018/15  
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have a significant effect on the existing scenic / visual aesthetics of the area; and would impact on local winds and shadowing.

Additionally the repercussions of a proposed solution concerns LHRA.

Page 22: Such slope sensitive designs can significantly reduce the noise mitigation performance of acoustic barriers if the dwellings are raised above the finished ground. Therefore, given that final dwelling designs are unknown at this stage, any barrier constructed onsite may have limited noise reduction performance at future slope sensitive dwelling façades.

According to the *Revised DA 2018/51 Final SEE February 2020*, Council has "identified the site does not include significant public viewing locations and not a significant scenic landscape area or view" however there is **no doubt** that developers of the Lots alongside North Creek Rd will wish to optimise their views by wanting to build from the upmost top of the sloping block.

It has already happened in the area whereby builders have exploited the 8.5metre height restriction by measuring & building from this upmost TOP of a sloping block.

***There may be a so-called lack of significant landscape area or view within the development however the same cannot be said for above the development, on North Creek Rd.***

LHRA argues that the views from North Creek Rd are of similar value as the views south from Skennars Head on The Coast Rd. Both have sweeping views of the coastline and the hinterland to the escarpment.

LHRA argued that the Aureus development must not take away from that public amenity....*"This is an iconic stretch of coastline with hinterland expanse – it comes with social responsibilities the rest of the Ballina Shire expect these developers to live up to."* Exerpt Monica Wilcox's 2018 Council Deputation.

The same must also be argued for this section of North Creek Road.

A "No-one owns a view" response was **not** argued during the Aureus DA process therefore it **cannot** be argued during the Crest/Reservoir DA as **both** are iconic stretches of coastline with hinterland expanses.

In the future North Creek Rd will be re-connected to Ballina and will become the northern Gateway to the region from the airport. Therefore, this section of North Creek Rd will be for residents and visitors, alike, first iconic view of our area which **cannot be reduced to a built-up corridor.**

Reservoir\_Crest DA 2018/15  
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There is a social responsibility to the rest of Ballina Shire that the developers do not impede on this by:

- a) Creating a built corridor abutting North Creek Rd down to the The Coast Road roundabout
- b) Slope sensitive designs are to mitigate noise and NOT optimise property views.

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### **Road Layout**

#### **2018 Submission re DA 2018/51.1**

*Our members have expressed concern that all vehicle movements to and from the estate will be carried by Henderson Lane and thus onto North Creek Road. The major points of concern are;*

- *the steep gradient and narrow carriageway of Henderson Road with no useful shoulders or footpaths for cyclists or pedestrians*
- *the increase in traffic entering/exiting North Creek Road from Henderson Lane, especially considering that this is planned to be an arterial road carrying traffic heading to the supermarket and shops planned for Epiq as well as traffic heading to West Ballina and North Ballina once the North Creek bridge is finally built.*
- *The traffic report presented along with the Amended Environmental Assessment relates to a subdivision plan which included a road connection to Hutley Drive and was based on 105 lots as opposed to the current proposal of 118\* lots (final number depending on the yield of the proposed future lots).*

*We believe that a road connection to Hutley Drive is essential to minimise the impact of these vehicle movements.*

#### **2020 response**

LHRA commends the development for allocating Lot 103 specifically to the construction of a road connection to Hutley Drive.

However, it has been noted that the first DA which included Hutley Dr & North Creek Road re-alignment, had a road connected to Hutley Drive, which was not in the 2018 DA. This absence was concerning at the time and still is.

Therefore, LHRA requests that a specified time be allocated to this road building because its location aside Lot 124, the wetlands, means Lot 103 could easily disappear into the wetlands & end up with residents mowing themselves a pedestrian track out to Hutley Dr to access Epiq Shopping Centre.

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Reservoir\_Crest DA 2018/15  
Lennox Head Residents' Association (LHRA) submission  
15 April 2020



### **Open Space**

#### **1) Proposed “future” public reserve**

*The LH Strategic Plan 2002 acknowledges the importance of the outdoors as an important component of the lifestyle valued by the residents of Lennox Head. We are all acutely aware of the pressure already being experienced in the town centre in terms of traffic, parking spaces and sheer numbers of users. One way currently available to Council to manage growth in this pressure is to encourage people to access outdoor recreation close to home..... The space provided within the development needs to be suitable for activities such as shooting baskets, kicking a ball around, gathering for BBQ's / picnics and sitting in the shade for a neighbourly chat.*

#### **2020 Response**

LHRA fully appreciates the developer's proposal to protect & restore the native vegetation and wetlands, as well, the landscaping plans gives the impression there is plenty of green open space. However, there is no public space for residents to casually congregate in this DA which contributes to much need local connection and reduces car use.

- 1.1) Ballina Shire Local Strategic Planning Statement (LSPS) 2020-2040.  
Connected Community- Planning Priority 2  
*Priority Encourage urban design which increases chances for social interaction and connectedness.*

LHRA submission on this LSPS Planning Priority 2

*“Ways of social connection are changing and there is a need for localised casual congregation of people to counter social isolation of changing employment and technology. There are plenty of (car dependent) economy-of-scale community facilities such as large playgrounds, community centres and parks however this does not encourage localised connection.*

- 1.2) Lennox Village Vision (LVV) March 2020 design workshop was also consistent on this matter of needing spaces for *localised connection* to occur. These results were going to feed into the next Lennox Head Strategic Plan (LHSP) expected late this year

Therefore, this development is inconsistent with the BSC Draft LSPS, LVV & near future LHSP.

Reservoir\_Crest DA 2018/15  
Lennox Head Residents' Association (LHRA) submission  
15 April 2020



LHRA strongly recommends that LSPS Community Connection Priority Plan 2 is applied to this DA and the design *increases chances for social interaction and connectedness* via specific open space for local casual congregation.

**2) Wetlands & other bushland restoration**

LHRA requests assuredness that this restoration will occur therefore a specific deadline for the completion of these works must be included in this DA.

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**Pedestrian / Cyclist Interconnectivity**

**2018 Submission re DA 2018/51.1**

*This development needs to provide for both pedestrian and cyclist interconnectivity with adjoining estates and with existing routes that connect with the town centre.*

*This is another important way to encourage outdoor recreation outside the town centre / beach / lake precinct. By connecting these shared routes with existing shared routes into the town precinct there is also further encouragement to walk or use a pushbike to access the town precinct rather than drive and park. This needs to be a priority for all LH developments, especially considering concerns were being expressed back in 2002 about the impacts of population growth on the infrastructure and facilities of the town.*

**2020 response:**

The connectivity within the development is excellent with footpaths throughout but there is still only one pedestrian/cycle lane intended to connect the development with Lennox Head Village whilst not providing connectivity to Epiq development. Humans do not go up to go down, therefore another access is needed onto Hutley Dr to encourage connectivity to Epiq and its facilities (eg. sporting & shopping) which in turn reduces the use of the car.



Simon Smith  
18 Silkwood Road  
Lennox Head  
NSW 2478  
[silkwood@exemail.com.au](mailto:silkwood@exemail.com.au)

Date: 14 April 2020

To: Ballina Shire Council  
[council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)

**Submission on Development Application DA 2018/51**

I live at 18 Silkwood Road, which backs onto the Reservoir Hill site. It has long been my expectation that the site would one day become residential development.

This is my third submission on the development proposal relating to DA 2018/51. My first was on the previous version of the development application, my second on the subsequent rezoning application.

My principal concern remains the long-term management of proposed Lot 124, this being the existing wetland area behind our property. It is unclear how the drainage characteristics and ecological values of this lot, including the two large discharge drains, are to be maintained in perpetuity. Is Council intending to take over management of the site? If not, how will Council ensure that the future owner of the site does not allow the drainage characteristics of the site to fail by neglecting their maintenance? The existing wetland area is already subject to inundation during heavy prolonged rainfall events, presumably more so post-development, and the two large storm water discharge pipes will continue to need periodic clearing of debris. The saturated nature of this wetland area has been highly event following recent rainfall events, which is also evidenced by standing water that is continually present in a recently cleared stormwater drain.

Furthermore, it is unclear whether the developer has fully exploited the opportunity to site the two proposed stormwater detention basins away from the freshwater wetland areas so as to minimize their direct impact on the wetland.

Also, what is meant by the term "future development" of Lot 124? Does this infer a possibility that Council may permit development inconsistent with its currently proposed use as a drainage and ecological reserve? I would like to see any reference to future development of this lot removed, since I believe any modifications such as the siting and construction of stormwater detention basins should be resolved prior to consent being granted.

The proposed subdivision plan does not show the newly formed alignment of Hutley Drive at its northern boundary. It is suggested in Section 4.2 of the Statement of Environmental Effects that proposed Lot 103 will provide flexibility for connection onto Hutley Drive. It is unclear in the absence of a plan showing the alignment of Hutley Drive in relation to Lot 103 as to how, if at all feasible, Hutley Drive will be connected to the development, especially given there is a sharp bend on Hutley Drive at that proximate location. I believe this issue needs to be resolved to ensure there is no future attempt to utilise Lot 124 for that same purpose, since I reiterate my aforementioned concern that Lot 124 should not be used for any purpose other than to maintain the drainage characteristics and

ecological values of Lot 124. Therefore, the developer should be required to demonstrate the feasibility of connecting to Hutley Drive via Lot 103 as proposed.

I point to Sections 6 and 7 of the "*WETLAND HYDROLOGICAL MONITORING & MANAGEMENT PLAN 20 NORTH CREEK RD LENNOX HEAD NEW SOUTH WALES*" prepared by Gilbert + Sutherland which advises that the "proponent" must comply with a range of maintenance practices relating to the drainage and hydrology of the site, both during a five-year maintenance phase and in perpetuity thereafter. These measures are of paramount importance in ensuring the drainage characteristics and ecological values of the site are maintained. Especially concerning is the potential for flooding of adjoining properties including mine should this maintenance regime be neglected

The Gilbert + Sutherland report states that adjustments to the mitigation measures would occur during the five-year maintenance period and would involve suitability qualified and experienced people such as hydrogeologists, soil scientists, environment scientists, engineers and ecologists. This represents a significant amount of human intervention and resources, and it is unclear how the developer will be forced to comply with all of Gilbert + Sutherland's recommendations, both during the five-year maintenance regime and in perpetuity thereafter. It is also important that this drainage and wetland maintenance regime be deemed feasible, practicable and implementable before any development consent is given.

It is essential that any consent for this development must be conditioned to require Council to take over ownership of the site and be responsibility for the in-perpetuity maintenance of the site's hydraulic maintenance regime, since there is no other way of guaranteeing this outcome given that the developer will not be around for ever after.



Regards  
Simon Smith

~~Screen Waste~~

**From:** Andrew & Allison King <andrew.ally@bigpond.com>  
**Sent:** Sunday, 5 April 2020 11:32 AM  
**To:** Ballina Shire Council  
**Subject:** Opposition to DA 2018/51.1. 20 North Creek Rd Lennox Head

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I strongly oppose the proposed land development DA 2018/51.1 on the grounds of access to the new estate. On looking at the plans I noted no access to the development from Hutley Drive forcing all future residents onto Henderson Lane. This would incorporate a number of vehicles from in excess of 99 individually owned properties. As this is the case vehicles wishing to access the new Woolworths complex on Hutley Drive could be potentially forced down Silkwood Rd, a residential Street.

As Hutley Drive is the major thoroughfare linking a number of existing estates and the Woolworths complex I believe an access road from this planned estate onto Hutley should be a priority thus removing any potential traffic issues along Henderson Lane, Silkwood Rd and Stoneyhurst Dr.

Andrew & Allison King  
24 Silkwood Rd Lennox Head  
0266876580  
Sent from my iPad

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~~Sue Wade~~

**From:** berenice@pinnacleadvisory.com.au  
**Sent:** Tuesday, 14 April 2020 9:39 PM  
**To:** Ballina Shire Council  
**Cc:** Councillors  
**Subject:** DA 2018/51 Submission - Berenice Roberts

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Ballina Shire Council Staff and Councillors,

As per previous versions of this DA2018/51, I maintain some significant concerns with this development proposal. I am pleased with some of the changes and the reduced number of house blocks and the general layout is certainly an improvement.


My concerns are as follows:

- ✦ My biggest area of concern is that despite the extension of Hutley Dr now nearing completion this development is not making provision for and entry to this road. The only entries, two of them onto Henderson Lane. I believe it is completely unacceptable that a development which will have hundreds of people and cars etc will only be fed in and out through Henderson LANE. This is a small street, that traffic will only have two choices to exit to Ballina or Byron. One is up onto North Creek Rd where the majority of traffic currently now enters and leaves. There is now additional traffic on this road as much of the Epic estate enters Henderson Lane from Stoneyhurst Dr. This will mean an unacceptable amount of traffic dealing with the intersection at North Creek Rd. Alternatively the traffic will have to come down Silkwood Rd to be able to get onto Hutley to get on to the Coast Rd. It is unthinkable that this development could be approved without an entry/exit onto Hutley Dr. Creating estates connected to each other creates more social cohesion and community. This is vital, especially when our community is growing so quickly and immensely. We don't want to be creating enclosed little enclaves. The developer stating the entry onto Hutley could be done in the future is not acceptable. The current proposal does not allow for the road connection to occur except to run through the 'wetland area' which must surely be contradictory to the acceptable land use for wetlands.
- ✦ How can there be a proposal to rezone the RU1 land on the site at the same time as the DA. Surely this issue must be dealt with separately and prior to the DA being determined. Having this land rezoned for environmental restoration and open space needs to be done first. The application itself notes on the map 'for future development'.
- ✦ Where can we see the where the rezoning is up to and details of the process?
- ✦ To ensure all the 'extra' works i.e. street landscaping, open space, restoration works etc are completed at the start and or during the project not an afterthought at the end, as required, these things must be a condition of approval AND to ensure these works are completed and paid for it is not unreasonable for the council to take a refundable bond to be repaid once the work is all completed.
- ✦ I remain concerned about the vagueness of what exactly a superblock is and how one can make decisions about the appropriateness of a development when exactly what the 'superblocks' will contain and how this would affect the suitability of the overall development.

Thank you for the opportunity to contribute to the process.

Kind Regards  
Berenice

Berenice Roberts Dip FP,JP  
Certified Financial Planner™  
Authorised Representative of

  
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~~Sub-Wade~~

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**From:** Bryan Fuge <bryanfuge@hotmail.com>  
**Sent:** Wednesday, 15 April 2020 4:04 PM  
**To:** Ballina Shire Council  
**Subject:** Comments - DA 2018/51 20 North Creek Rd Lennox Head

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

Hi,

Please take into account my submission below in considering the subject DA.

Thank you in advance for your consideration.

Bryan Fuge  
Lennox Head  
Mob: 0487733207

I am concerned that Lennox Head's recent and planned growth has outstripped the capacity of the town's infrastructure and services to adequately support the community.

Moreover, Developers want to cash in on an aesthetic which paradoxically will be destroyed by their massive sub divisions but as they are typically out of town investors they don't care or have to live with the consequences.

With no ambulance, police or fire station, it will take a black swan event for these facilities to be built after a tragedy but should be funded now on a whole of life basis by the Developer.

This estate was taken to market in the past in contravention of regulations demonstrating that the Developer does not respect the community or Council so no matter what might be approved they will need extraordinary supervision before, during and after any build to guarantee compliance with every condition.

Finally, I saw the expected prices the last time they tried to rush to market and believe the lots will not sell quickly, if at all, given the potential impact of Covid 19. That means Council should insist that all specified services and utilities are complete and certified prior to any sales or the site will be unoccupiable and an eye sore for the long term.

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Sue Wade

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**From:** David <dave.borrack@gmail.com>  
**Sent:** Wednesday, 15 April 2020 4:57 PM  
**To:** Ballina Shire Council  
**Subject:** The Crest- Water Tower Development Lennox Head ( The Crest) DA 2018/51 20 North Creek Road

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Hi Councilors,

The view from North Creek Road of the coastline and to escarpment is iconic and should never be developed. Our town is losing the value of it's beauty, which has kept it alive with tourism for a long time. Lennox Head, the jewel of the Ballina coast is at threat due to this development. Please protect the natural beauty of our town.

Regards,

David Borrack

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Sue Wade

**From:** Buffy Gall <buffyvh@yahoo.com>  
**Sent:** Wednesday, 15 April 2020 9:51 AM  
**To:** Ballina Shire Council  
**Subject:** DA 2018/51.1

**CYBER SECURITY WARNING** - This message is from an **external sender - be cautious**, particularly with links embedded within the message and/or attachments.

Hi council

I have been on the DA tracker section of the website and am concerned with the above DA for under the water tower that the only real access to the proposed development is off Henderson. Should there not also be access from Hutley?

If all access is off Henderson then Council will need to install footpaths on Henderson as school children have to walk up and down that hill to the bus stop that is located on the corner of North Creek Road and Henderson. At the moment there is NO footpath and especially of an afternoon, there are a lot of children who are dropped from their bus and have to walk down the hill into the Meadows. Though the speed limit is 50kph, most cars drive upwards to 80 down the hill and it is treacherous at the best of times. We have already seen an increase in traffic on the top part of Henderson with residents of Epiq cutting through Stoneyhurst Drive. This top part of the road has no side verges to walk on and is extremely dangerous. With the trucks and movements for the works on this new development you will need to ensure that the children and their parents are safe during construction and for after when the traffic increases as residents move in. I would image you would also need a roundabout at the top of Henderson and North Creek to allow for the significant increase in cars as well.

My other concern is the size of the so called 'super blocks'.....what types of housing can be built on these blocks and is it appropriate for them to be in a residential area that is made of freestanding homes/blocks?

Kind Regards  
Buffy Gall  
9 Kell Mather Drive  
Lennox Head

0400 290564

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**Sue Wade**

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**From:** Genevieve Lee <gleeco.8@gmail.com>  
**Sent:** Wednesday, 15 April 2020 10:02 PM  
**To:** Ballina Shire Council  
**Subject:** DA 2018/51 Submission - Genevieve Lee

**CYBER SECURITY WARNING** - This message is from an **external sender - be cautious**, particularly with links embedded within the message and/or attachments.

To Whom It May Concern,

This is a submission objecting to the above DA.

From my reading of the DA proposal, I have a concern with the lot that is currently labelled 'for future development'. The lack of clarity of such labelling leaves a lot of uncertainty and is not helpful for informed decision making.

From the public point of view such lack of specificity seems to indicate the proposal has not been thought through in detail, was rushed and pushed through. It does not appear to utilise longer horizon thinking, risk management, nor wider impact analysis of this 'future development' on our community.

If this DA is able to be approved with such lack of specific content, my concern is that it will set a precedent for future developers to use these Trojan Horse tactics widely in future DAs. Those impacts will not only be felt in this Shire but across the nation.

Kind Regards

Genevieve Lee

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**From:** JEFF TOWERS <basiltowers@yahoo.com.au>  
**Sent:** Tuesday, 14 April 2020 4:16 PM  
**To:** Ballina Shire Council  
**Subject:** The Crest DA

**CYBER SECURITY WARNING** - This message is from an **external sender - be cautious**, particularly with links embedded within the message and/or attachments.

14<sup>th</sup> April 2020.

I am writing to you to voice my and my family's concerns regard the plans for The Crest Subdivision (DA 2108/51).

As a resident of Danalah Close (off Silkwood Drive) Lennox Head, I am concerned regards the lack of provision for a road linking the proposed estate with the new Hutley Drive extension. The maps provided in the development application show access into and out of the new planned subdivision is by two roads onto the narrow and poorly aligned Henderson Lane. The early application showed access to Hutley Drive and thus directly onto the coast road via a new roundabout designed for a higher volume of traffic. The new plans shows that the Hutley Drive entry/exit option has been removed or at best will be considered with future development applications.

My concerns are that to access the new shopping precinct in the Epiq development and/or the Coast Road will necessitate the use of Silkwood Drive for a large volume of traffic. The dangers, noise and inconvenience have already been experienced for over twelve months due to the higher volume of large trucks, workmen utes and trucks involved in the development of the Epiq estate. The road surface of Silkwood has experienced continued damage due to the higher than designed traffic movements. The corner of Silkwood and Henderson Lane has been and will continue to be dangerous due to the number of cars, trucks etc that cut the corner when turning right into Silkwood Drive off Henderson Lane.

Another concern is the fact that Henderson Lane has not had any pedestrian provision such as a footpath since we moved into the Meadows estate in 2004. The number of people who use Henderson Lane to enter and exit the estate as pedestrians has increased greatly. The major concern is the number of school students who are dropped at the top of Henderson lane and walk down the hill every school day. When driving down Henderson Lane the sun in the afternoon is directly in the drivers eyes. With the new plan the volume of traffic using Henderson Lane will increase greatly and one would assume so will be the dangers for pedestrians

I implore council to reconsider the non-access/exit from the planned estate for the safety of those living in the Meadows Estate and the future residents of The Crest Estate . The current residential roads were not design to cater for the amount of traffic this development will generate.

I look forward to council reconsideration of the  
changed plans.

Jeff Towers

4 Danalah Close Lennox Head

66874909.

basiltowers@yahoo.com.au

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Sue Wade

**From:** Lisa King <lisajanelennox@gmail.com>  
**Sent:** Wednesday, 8 April 2020 1:26 PM  
**To:** Ballina Shire Council  
**Subject:** DA2018/51 20 North creek Road Lennox Head

**CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.**

Hi there

I wish to express some concerns re the above DA:

1. The SEE refers to assessing the proposal to rezone the RU1 land on the site concurrently with the DA. Is this happening? Can the community be satisfied that this lot will be zoned for environmental restoration and open space as promised in the DA? I do not think this DA should be determined until the planning proposal is certain. The lot is currently labeled 'for future development'. Can the community be advised of the status and content of this planning proposal?
  2. If this development is to proceed, we need certainty that the restoration works, open space and street landscaping are complete (or at least substantially commenced) before any lots are sold. It is all too familiar to the community of Lennox Head, that roads and lots are built and sold without any of the required social or environmental infrastructure (or there is a significant lag) provided.
  3. Will the developer be required to pay a bond to ensure that proposed restoration etc. is completed? This should be a condition of consent.
  4. Can the road network for this subdivision be connected to the Hutley Drive extension currently under construction? In my view, new subdivisions shouldn't be allowed to exist in isolated bubbles but be connected to the existing housing around them. This promotes connectivity and social cohesion.
- Thank you for the opportunity to provide comments.

Kind Regards  
Lisa King

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**From:** Mick Smith <walrus3@bigpond.com>  
**Sent:** Tuesday, 14 April 2020 10:40 AM  
**To:** Ballina Shire Council  
**Cc:** Councillors  
**Subject:** DA2018/51

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

Proposed Subdivision 20 North Creek Road.

Dear Councillors,

I wish to voice our concerns about the current DA for 20 North Creek Road, Lennox Head. I do not profess to understand the DA process in its entirety and if I have misunderstood something I would welcome advice and correction.

Our main concern is that as a resident of Silkwood Road and backing directly onto the current wetlands/drainage area. I am concerned about the future development or maintenance of the drainage from 'The Crest' estate. How will an additional 99 residences and a number of super lots affect the drainage which currently runs under the park which is adjacent to my property. Will their cause flooding into the yards of residents in Silkwood Road?

The wetland is currently overgrown with lantana and other noxious weeds of which I battle to keep out of my property. Will the council or the developer be responsible for maintaining the wetland area and removing the weeds?

Has there been any studies in relation to reptile and amphibian species that inhabit the wetland and what impact the development will have on them. I have seen numerous species of frog, lizards and snakes coming from the wetland area into my property and at night the wetland is alive with the sounds of frogs. Will the new development impact these species?

Our other concern is that the current DA does not have an immediate provision for an entry road from the Hutley Drive extension as in previous DA's. Silkwood road has been the main thoroughfare into the Meadows estate for a number of years. Vehicles have sped along the road risking the lives of young residents who use the park near the intersection of Silkwood and Kell Mather Drive. Now with the extension of Hutley drive traffic will be reduced dramatically. If the proposed DA is approved there will be a huge increase in traffic as most of the residents in 'The Crest' will have to use Silkwood Road then Henderson lane to access their estate.

In the event of an Emergency in 'The Crest' the fact there is one main entrance in and out of 'The Crest' could cause a bottle neck for Emergency vehicles and may cost lives. Should the emergency be at the main entrance it may mean that Emergency services are prohibited from entering the estate. The DA should include a further entrance from the Hutley Drive extension to allow traffic flow in the event of an Emergency.

These are our concerns.

Mick and Leisa Smith  
20 Silkwood Road, Lennox Head

**Sue Wade**

**From:** Mark Young <lockstock4@live.com>  
**Sent:** Wednesday, 15 April 2020 6:41 PM  
**To:** Ballina Shire Council  
**Subject:** DA 2018/51 Submission - Mark Young

**CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.**

Please accept this email as an objection to the proposed sub division now labelled "The Crest".

Lennox head is a town which has slowly matured and organically fitted into its environment over time.

Like all iconic towns Lennox is not a rushed purpose built eyesore but a considered town with a community and spirit that in many cases goes back for generations.

The recent mega sub divisions being dropped onto the landscape are soul less eyesores which seek to cash in on the town they are smothering.

The infrastructure in Lennox is not in place to support the amount of housing being planned, the local community has not shown any desire to watch the surrounding landscape turned into row upon row of unnecessary mini mansions.

The appeal of Lennox is that it is historic, quaint, nestled into the landscape and surrounded by bushland, and farms. Please do not allow the area to be spoiled forever.

Idyllic does not come back, please do not be a part of the destruction of something special.

Mark Young

Lennox

0414 159 170

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**From:** Maureen Baker <maureenpbaker@icloud.com>  
**Sent:** Tuesday, 14 April 2020 4:13 PM  
**To:** Ballina Shire Council  
**Subject:** DA NO: 2018/51

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ATTENTION; ANDREW SMITH. Manager - Development Services Section.

Dear Sir,

Regarding DA No:2018/51 - Applicant : Ballina Island Developments Pty Ltd

With regard to the above application - my husband and I object strongly to the above development for the following reasons.

- a) the land is flood-prone with at least two creeks running through it. It is low-lying and will require tonnes of soil filling in order to develop 99 lots with the relevant streetscape.
- b) the design of the streets with two accesses both of which use Henderson's Lane is plainly absurd. The plan will have hundreds of people with vehicles all either departing or arriving at the development through two roads which are both to the south of the proposed estate.
- d) an access road MUST be formed to the North and join into Hutley Drive to give residents the choice of driving in this direction. Otherwise residents will be driving in a huge arc and Hendersons Lane will be carrying far more traffic than it was ever envisaged for it. It is, after all, a suburban road.
- e) in essence this development is a blight on the landscape, poorly designed and thought out.

Yours faithfully,

Regards,

Maureen and Dennis Baker, 34 Stoneyhurst Drive, Lennox Head. (0402547631)

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Sue Wade

**From:** michelle shearer <mimisurf03@hotmail.com>  
**Sent:** Wednesday, 15 April 2020 1:55 PM  
**To:** Councillors; Ballina Shire Council; Ballina Shire Council  
**Subject:** Submission: DA 2018/51 20 North Creek Road

**CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.**

Dear Councillors,

Thank you for the opportunity to give feedback with regard to DA 2018/51 20 North Creek Road, Lennox Head.

We would like to lodge the following concerns:

- We would like to know that the views from North Creek Road will be preserved for all by not having buildings alongside the road.
- That this DA is not approved until the planning proposal is received and reviewed for consistency. Assurances that the restoration area and open space occur (and be made an appropriate environmental/ reserve zone, it is currently rural and labelled for future development on the plans)
- That landscaping (and the proposed wetland restoration and open space) is par of the first stage works.
- The SEE refers to assessing the proposal to rezone the RU1 land on the site concurrently with the DA. Can we be satisfied that this lot will be zoned for environmental restoration and open space as promised in the DA?  
The lot is currently labelled 'for future development'. Can we all be advised of the status and content of this planning proposal?
- If this development is to proceed, we would like to know that the restoration works, open space and street landscaping are complete before any lots are sold.
- The developer to pay a bond so that we are assured that the proposed restoration is completed.
- We're also very concerned about the traffic volume on Henderson Lane which is already very busy, unsafe for our children and loud. It will be too much with this also.

Thank you again for your consideration of our feedback.

Michelle and Steve Shearer

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**Screen shot**

**From:** Leah Toole  
**Sent:** Wednesday, 15 April 2020 9:25 AM  
**To:** Nadelene Smith  
**Subject:** FW: CM - DA 2018/51 objection for Road access and RU1 Zone usage

Good morning Nadz,

Could you please register this submission against DA 2018/51? I think it's being assessed by Darryl Anderson (consultant planner).

I have registered in CM against the current rezoning proposal but it primarily relates to the current DA and revised subdivision layout plan.

Thank you,  
Leah

Leah Toole  
Strategic Planner



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**From:** Rick Coles <[rushofdawn@gmail.com](mailto:rushofdawn@gmail.com)>  
**Sent:** Tuesday, 14 April 2020 8:02 PM  
**To:** Leah Toole <[Leah.Toole@ballina.nsw.gov.au](mailto:Leah.Toole@ballina.nsw.gov.au)>  
**Subject:** CM - DA 2108/51 objection for Road access and RU1 Zone usage

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Ballina Shire Council

Revised Subdivision Layout Plan for Reservoir Hill Subdivision

DA 2108/51 property Lot 1 DP 517

Access to this new subdivision has been changed from Hutley Drive to Henderson Lane. An Extra 200 families with approx 2.5 cars each will put about 500 cars will now have to travel up Silkwood road to access the Reservoir Hill Estate. The Kiddies park that is in Silkwood rd will not be a safe spot for kids to play now with all these extra cars travelling along Hutley drive off the new coast road roundabout then up Silkwood road to access the shorter route to Henderson lane into the Reservoir Hill estate.

All traffic from the subdivision is directed to the local road network via road 2 and 4 on to Henderson Lane. Only a traffic report from the previous application could be found (Ardill Payne 2018) which assesses the impacts of 103 lots on the site. Given the lot yield has increased and there is potential for significantly more dwellings within the proposed medium and future development lots, this report is not adequate. The report does not adequately demonstrate that the amount of traffic being directed onto Henderson Lane can be safely accommodated give its steep and narrow characteristics.

The Traffic Impact Assessment (Ardill Payne 2018) relies on about 30% of traffic using Henderson Lane and the remainder using the Hutley Drive extension. However there is no connection to Hutley Drive shown on the subdivision plan. The Hutley Drive connection referred to in the traffic report no longer exists on the new subdivision plan and there are residential lots along the entire boundary with Hutley Drive. The assumption is that a road would be constructed through the residual lot, which is already accommodating the existing wetland, compensatory habitat and stormwater infrastructure. A road cannot be accommodated in this lot for the reasons previously discussed. This lot should be an environmental zone. A road on the residual lot would not be permitted under an E zone and is not permitted in the RU1 zone.

Henderson Lane is not adequate to accommodate all traffic until a road of Hutley Drive into the Reservoir Hill Subdivision is built. The development should not be approved until adequate access and egress is provided for current and future traffic i.e. the yield from additional lots is defined, and the connection to and construction of the Hutley Drive extension is confirmed.

**The development should not be approved until:**

The zoning, ownership, and long term management of the residual lot is confirmed.

At least an indication of the total lot/ dwelling yield including future and medium density lots is provided.

A technical peer review of the Ecological Assessment is completed by an independent ecological consultant, particularly addressing location and likelihood of occurrence of HJG and freshwater wetland EEC and an assessment of impacts to both.

An updated traffic report and revised subdivision layout is prepared that caters for both proposed and future development yields **and includes a connection to the Hutley Drive extension that does not traverse the residual lot.**

An updated hydrological assessment is provided that assesses the impacts of the proposed bulk earthworks and waterway infill on the HJG population and freshwater wetland vegetation.

The layout is revised to show additional pedestrian and cycle links.

A detailed socio-economic impact assessment is completed by a suitably qualified consultant.

Kind regards Rick Coles  
26 Silkwood Road Lennox Head.

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Sue Wade

**From:** Nelly Post <nellypost33@gmail.com>  
**Sent:** Wednesday, 15 April 2020 10:38 PM  
**To:** Ballina Shire Council  
**Subject:** The crest submission

**CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments:**

Dear ballina shire council

Please accept this email as an objection to the proposed sub division now labelled "The Crest", next to the water tower in Lennox head.

Lennox head is a small beautiful soulful village, it is iconic in its own right, slowly evolving through the generations of people who help create that soul, and wish to keep it that way.. no need for the rush and bustle of high populations and big developments.. it really opposes the nature and essence of what Lennox is about..

The developments are mostly curated by money hungry out of towners who have no idea of how special and unique the village vibe is... sad that the vibe that creates the appeal to this area would inevitably under threat with such big developments... especially as we have already seen so many so quickly recently..

The infrastructure in Lennox is not in place to support the amount of housing being planned, the local community has not shown any desire to watch the surrounding landscape Be destroyed... not to mention the green spaces the are disappearing, and the environmental destruction that inevitably follows an influx of more houses, people, roads, cars, increased waste and pollution, loss of habitat and wildlife from the afore mentioned, which also leads to impact on our beaches and oceans as well.

One only has to look into psychological research to find green spaces, nature and natural environments are paramount our mental health, but it's not all about us humans, we need to consider the life on land and life below the water we share, and the ecology of all creatures in it, great and small.

The appeal of Lennox is that it is historic, quaint, nestled into the landscape and surrounded by lush bushland, and farms. Please do not allow the area to be spoiled forever. Once the vibe has dwindled from development after development it cannot be replaced .. please do not be a part of the destruction of something special.

Warm regards

Shonnelle and Christian  
Fig tree.hill drive  
Lennix head

Sent with nelly love bubbles ♥

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~~Send Message~~

**From:** Ballina Shire Council  
**Sent:** Tuesday, 14 April 2020 8:23 AM  
**To:** Planning and Environmental Health Support Staff  
**Subject:** FW: DA2018/51



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**From:** Lennox Lee's  
**Sent:** Monday, 13 April 2020 6:15 PM  
**To:** Ballina Shire Council  
**Subject:** DA2018/51

**CYBER SECURITY WARNING** - This message is from an **external sender - be cautious**, particularly with links embedded within the message and/or attachments.

Hi Planning Department,

As nearby residents to the proposed development "The Crest" DA2018/51 we have the following concerns.

1. There is no direct access to the proposed estate from Hutley Drive. This means that vehicles exiting the Estate have to exit onto Henderson Lane, resulting in increased traffic in surrounding areas, in particular Silkwood road that is a narrow street that incorporates a children's playground. An exit directly onto

Hutley Drive would reduce travel distances to the roundabout on the Coast road and associated traffic noise.

2. The SEE refers to the rezoning of the RU1 land concurrently. This should occur prior to the DA approval process to ensure that this area is available for environmental restoration.

3. We are also concerned about the extent of Civil works associated with the development occurring in close proximity to existing dwellings and pools etc for existing residences on Silkwood road. (noise, dust, vibration from compaction, storm water flow etc)

Best regards

Steven & Jackie Lee

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**From:** gordon williamson <williamsong56@gmail.com>  
**Sent:** Sunday, 12 April 2020 2:20 PM  
**To:** Ballina Shire Council  
**Cc:** Councillors  
**Subject:** The Crest-DA2018/51

CYBER SECURITY WARNING - This message is from an external sender - be cautious, particularly with links embedded within the message and/or attachments.

I notice in the new changes to the development of THE CREST off North Creek Road there is no longer a provision for a road linking the Hutley Drive Extension. This is very concerning as for the past 5 years we have had to put up with extensive traffic on Silkwood Rd.

It has been extremely hard with the cement trucks ,dirt trucks, trades people and normal resident traffic coming along Silkwood Rd at above normal speeds for the area. It is only with good luck that an accident hasn't happened with someone or a child being seriously injured.

I believe that by not having the Hutley Dr extension it will increase the traffic on Silkwood Rd, which was not designed for heavy traffic. The new extension would take the traffic from the new estates to the Coast Rd to facilitate getting to Ballina, Lennox Head and Byron Bay it would also be the most direct way.

This should be part of stage 1 of this development because I have no doubt that it won't be added later as it will be to complex.

I feel that the changes need to apply to all residents and not just one section of the community and as a rate payer i think we should all have a say in this matter and that thought should be put in before going ahead with the current changes. on the DA.

Kind Regards

Jennifer Williamson  
2/6 Meadows Dr  
Lennox Head

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**DRAFT CONDITIONS OF CONSENT – DA 2018/51****GENERAL**

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:

Plans prepared by	Drawing No.	Drawing Title	Dated
Urbis	02	DA Subdivision Plan	11/11/19
Urbis	02	DA Subdivision Plan – Staging Plan	11/11/19
Credit Connect Group	Version 6	Lennox Head Signage	19/09/18
Urbis		Revised SEE and Appendices	February 2020
Urbis		RFI Response	18/5/20

except as modified by any condition in this consent.

**2. Sequencing of Stages**

The development is to be staged in accordance with the nominated sequencing provided on the approved plans, unless otherwise agreed to by Council. A Subdivision Certificate for a particular stage is not to be issued unless a Subdivision Certificate has been issued for the prior stages of the development.

**3. Discovery of Aboriginal Relics**

Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 within the subject site, the project manager shall immediately notify the Biodiversity Conservation Division (BCD) of the Department of Planning, Industry and Environment and the Jali Local Aboriginal Land Council and shall cease all subdivision works within the vicinity thereof until such time as the consent from the BCD is obtained for the destruction, removal or protection thereof and the developer has complied with the direction of the BCD in that respect.

**4. Aboriginal Human Remains**

If human remains are located at any stage during construction works within the development site, all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest Police Station, the JALI LALC, and the BCD Regional Office (Coffs Harbour) are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the BCD should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

In all dealings with Aboriginal human remains, the developer should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.



**5. Notification to the Biodiversity Conservation Division (BCD) of the Department of Planning, Industry and Environment**

If Aboriginal cultural material is uncovered as a result of development activities within the Subject Lands, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the BCD. Any management outcomes for the site will be included in the information provided to the AHIMS.

**6. NSW NRAR GTAs**

The developer shall comply with the General Terms of Approval issued by DPI Water dated 29 March 2018 and NSW NRAR dated 25 May 2020, a copy of which is included in Schedule 3 of this consent.

**7. Electricity**

All power reticulation within the development shall be provided underground.

**8. Locks**

Any asset that will be dedicated to Council which contains a lock must be fitted with locks consistent with Council's master lock system. Council's Engineer must be contacted on telephone 6686 4444 for further information.

**9. Dedication of Drainage Reserve Areas Lots 102 and 104**

Areas generally identified as A, B, C & D within Plan 18093E2 dated 1/07/2020 prepared by RCS Group Australia shall be dedicated to Council as drainage reserve or transferred to Council (and at no cost to Council) within a five year period commencing from the issue date of first subdivision certificate or prior to the issuing a subdivision certificate for the 80th lot developed as part of this consent (whichever is first). The area to be transferred or dedicated to Council shall be adjusted as necessary so that it suitably contains all public stormwater infrastructure including provision for access.

This requirement does not preclude the landowner submitting a development application/modification applicable to this land prior to the land being required to be dedicated or transferred. Should the submitted development application/modification include alteration/relocation of the stormwater management infrastructure approved as part of the subject application (2018/51), then a revised plan of land to be dedicated or transferred is to be submitted to Council and approved as part of that development consent should it be granted.

The applicant shall be required to maintain the drainage infrastructure that is located within this lot until the land is dedicated or transferred to Council.

Note: Should a development application/modification be submitted to but not approved by Council prior to the end of the 5 year period before dedication is required, then Council at its discretion may extend this period to enable sufficient resolution of the submitted application.

**PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

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

**10. Section 138 Approval**

An approval under Section 138 of the Roads Act, 1993 shall be obtained for all proposed works on public roads.

**11. Future Development Lots**

The subdivision works certificate application/s shall demonstrate that sufficient capacity will be provided in all infrastructure to meet the demand from the future medium density residential lots zoned R2 and R3.

**12. Schedule of Compliance**

Prior to the issue of a Subdivision Works Certificate/s a Schedule of Compliance detailing how each "PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE" condition of consent has been complied with shall be submitted to Council for approval at each stage of the development.

**13. Long Service Levy**

In accordance with Section 6.14 of the EP & A Act a Subdivision Works Certificate will not be issued with respect to the plans and specifications for subdivision construction works until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

**14. Civil Works**

Prior to the issue of the Subdivision Works 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 Subdivision Works 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".

**15. Half Road Reconstruction**

At the developer's expense, the Henderson Lane Street frontage for the development extending through to the existing kerb and gutter to the east shall have the road pavement widened on the northern half of the nominal centreline. The road widening shall be to suit an ultimate total width of 11m, with the development required to widen the existing road pavement to a nominal 5.5m width north of the nominal centreline. This shall include a 300mm width reconstructed overlap into the existing pavement. The pavement shall consist of a minimum 300mm of compacted roadbase quality material plus a minimum 25mm asphalt wearing surface with a concrete dish gutter along the property boundary. Inspection of the road widening is required by Council's Engineer (Ph 1300 864 444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700mm and replace with approved sand fill. Details are to be submitted to and approved by Council prior to the issue of the Subdivision Works Certificate

**16. Drainage, Henderson Lane**

At the developer's expense the half road construction of Henderson Lane shall incorporate a suitably designed piped stormwater system.

**17. Line Marking, Henderson Lane**

At the developer's expense line marking shall be provided within Henderson Lane at the intersection of North Creek Road as per Figure 1 of Ardill Payne and Partners response to Stage 1 RFI dated 28 August 2018.

**18. Footpath (external)**

The provision of a concrete footpath a minimum of 1.35 metres wide along the Henderson Lane Street frontage connecting through to the existing bus stop located on North Creek Road.

The provision of a concrete footpath a minimum of 1.35 metres wide between proposed lots 5 and 6 connecting into the existing footpath on North Creek Road.

The footpath is to be designed and constructed in accordance with Standard Drawing R07 of the Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council prior to the issue of the Subdivision Works Certificate.

**19. Vegetation Clearing**

A review of the available sight distance for the Henderson Lane/North Creek road intersection shall be undertaken. Where the review identified any vegetation within the existing road reserve which obscures sight distance then the removal of this shall be included within the design plans.

**20. Protective Barrier**

At the developer's expense suitable pedestrian and vehicular barrier protection must be provided along North Creek Road where the existing footpath and/or carriageway is adjacent to the proposed retaining walls along the eastern boundary of the development site.

**21. Footpath**

A 1.35 metre wide concrete footpath shall be constructed within the road verge of the internal roads within the development. The footpaths are to be designed and constructed in accordance with 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 Subdivision Works Certificate.

**22. Road Naming**

Prior to the issue of a Subdivision Works Certificate, the applicant must submit for Council's approval a list of proposed road names for all new roads and/or bridges 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' and be in accordance with the Geographical Names Board of New South Wales document, "NSW Road Naming Policy".

**23. Vehicular Access**

Where the gradient slope of any allotment is 1 in 6 or steeper, the applicant shall be required to demonstrate that reasonable driveway access opportunities can be provided in accordance with Northern River Local Government Standard Drawing R06 and AS 2890.1. The applicant may be required to undertake construction of driveway accesses to the satisfaction of Council's Engineer, particularly when the demonstrated access is shown at the maximum gradient permitted.

**24. Bus Stops**

Bus stops shall be provided at approximately 400m intervals or as otherwise approved by Council as well as bus shelters. A design in accordance with the requirements of AS 1428.4.1:2009, and identifying the proposed locations of the bus shelters within the development, is to be provided prior to the issue of the Subdivision Works Certificate.

**25. Pathway Corridors**

Pathway corridors shall be a minimum of 5m in width. Bollards or similar devices shall be required within these corridors to prevent unauthorised vehicular traffic utilising these corridors to the satisfaction of the Principal Certifying Authority. Details are to be included in the stormwater designs and submitted to and approved by The Principal Certifying Authority prior to issue of the Subdivision Works Certificate for each stage of the development.

**26. Road 7**

Shall be constructed as a two-way road with a minimum 3m verge to be provided for the outer verge of road 7 with a minimum road width of 6.5m. Proposed lots 13 and 14 are to have the primary frontage off road 1 and not road 7.

**27. 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 Site Stormwater Management Plan by Mott Macdonald dated 20 January 2020, titled *Reservoir Hill, 20 North Creek Road Lennox Head: Stormwater Management Report*. 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 Subdivision Works Certificate.

**28. Stormwater Attenuation**

Prior to the issue of a Subdivision Works Certificate, details shall be submitted to and approved by Council which demonstrate that the proposed stormwater attenuation infrastructure will not result in a reduction of any inherent attenuation which may occur on-site by virtue of the existing characteristics of the land. Any loss in attenuation identified must be accounted for in the final design of the proposed basins.

**29. Stormwater Treatment Assets**

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

**30. Overland Flow Paths**

Shall be provided within the subdivision such that these flow paths are contained within a minimum 5m wide pathway corridor, reserve or other open space to the approval of the Principal Certifying Authority. For swales, the pathway corridor shall be widened as necessary to ensure that suitable all weather access to the swale is available for its full length for future maintenance access. Details are to be included in the stormwater designs and submitted to and approved by The Principal Certifying Authority prior to issue of the Subdivision Works Certificate.

**31. Reservoir Scour Outlet**

The stormwater network shall be connected to the reservoir scour outlet and shall be designed to accommodate a flow rate of 200l/s at this location.

**32. Stormwater Safety Grates**

Stormwater safety grates to protect against drowning shall be provided over the two inlet headwalls located on the west boundary of the site as well as the outlet headwall located on the northern boundary of the site.

**33. Stormwater Basin Fencing**

A basin fencing risk analysis shall be completed in accordance with the Lake Macquarie, Batters and Fencing Guidelines for SQIDS and Detention Basins (available from Council). Results of the basin fencing risk analysis shall be incorporated into the basin design and submitted to Council for approval prior to the issue of the Subdivision Works Certificate.

**34. Driveway Culverts**

All driveway culverts are to include concrete aprons to the extent of the headwalls and wingwalls. Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate.

**35. Stormwater**

At the expense of the applicant, an inter-allotment drainage system shall be provided within the proposed development in accordance with the minimum requirements of the Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Subdivision Works Certificate.

**36. Kerb Stormwater Outlet**

Galvanised steel RHS Kerb and gutter drainage adaptors are to be installed on the low side of each lot 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 the Principal Certifying Authority prior to the issue of the Subdivision Works Certificate.

**37. Potable Water Main Link**

The potable watermain link between WPD61 and WPD50 as per Council's Development Servicing Plan – Drinking Water Supply shall be constructed. Details are to be included within the application for a subdivision works certificate and be approved by Council.

The existing DN200 reservoir inlet pipe which encroaches on the subdivision site will need to be relocated, refer to the Infrastructure Gap Analysis Report + Servicing Strategy Concept Designs prepared by IGS dated September 2018. Details are to be submitted to and approved by Council prior to the issue of Subdivision Works Certificate.

**38. 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 complying 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 Subdivision Works Certificate.

**39. Sewer (high water table areas)**

Notwithstanding the WSAA code, sewer gravity mains are not to exceed a final design depth of 3.0 m unless otherwise approved by Council's Engineer.

**40. Sewer (reticulation)**

Council's sewer reticulation network shall be extended to service the proposed development (excluding the cost of any works identified within the Ballina Shire 'Sewerage Infrastructure Development Servicing Plan'). 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). Engineering design drawings must be submitted to and approved by Council prior to the issue of the Subdivision Works Certificate.

**41. Provision for Future Orderly Development**

Provision must be made for the future orderly development of adjacent upstream/upslope properties with respect to stormwater and sewerage drainage where part or the whole of these upstream/upslope properties would drain through the development.

The stormwater and sewer services adjacent to proposed Lot 101 shall be provided at a depth and location which facilitates the potential future extension of these services into Lot 1 DP878933 in such a manner as to avoid the future extension of one service prejudicing the other. The sewer main should be at a level which allows its future extension to drain sewage from either side of the natural drainage line. The upstream manhole at this location is to be provided within road reserve to ensure Lot 1 DP878933 can be provided with a legal connection point without the need of acquiring further easements.

Stormwater and sewerage conveyance infrastructure within the development site catering for upslope connections (now or in future) is to be sized for fully developed catchment flows. Details are to be submitted to Council for approval prior to the approval of the Subdivision Works Certificate.

**42. 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 Subdivision Works 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*.

**43. 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 the reserve until a 90% coverage is achieved that is weed free. The Plant species, densities, and maintenance program shall be included in the landscape plan and approved by Council prior to the issue of the Subdivision Works Certificate.

**44. 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.

**45. Electricity Supply**

The applicant shall be responsible for all costs associated with the connection of underground reticulated electricity to each lot within the development. Electrical pad mounts are to be wholly contained within private lots and not located within road reserve. Design plans are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Subdivision Works Certificate.

**46. Broadband Service**

At the expense of the applicant and in accordance with the Federal Government's National Broadband Network (NBN) initiatives, the applicant is required to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN Co's specifications to allow for the installation of 'fibre to the home' (FTTH) broadband services. Certified design drawings must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Subdivision Works Certificate.

**47. Civil Inspection Fee, Subdivision Works Certificate Fee & Construction Bond**

Prior to the issue of a Subdivision Works Certificate, a Subdivision Works Certificate application is to be made as well as the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent till time of payment see Councils schedule of Fees and Charges for the current rates:

- Subdivision Works Certificate Fee
- Civil Inspection Fee
- 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 (eg sewer systems, footpaths, kerb and guttering etc) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur.



**48. Asset Listing**

Prior to the submission of the Subdivision Works Certificate application an electronic listing of all road, stormwater, water and sewer assets generated by the development shall be submitted to Council via the Asset Spreadsheet (available on Council's website). The asset spreadsheet is used to generate a Subdivision Works Certificate Fees and Charges quote which is payable on submission of the Subdivision Works Certificate application.

**49. Geotechnical Investigation**

Prior to the issue of a Subdivision Works Certificate, a detailed Geotechnical investigation shall be undertaken by an appropriately qualified practising professional Geotechnical Engineer having regard for the Geotechnical Investigation prepared by Coffey, dated 12 February 2020. The geotechnical investigation shall address the geotechnical constraints identified within Section 6 of the Geotechnical Investigation prepared by Coffey. Specific problematic areas or areas with constraints should be identified and suitable treatments and methodologies to manage these should be detailed.

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

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

**50. Redundant Infrastructure**

All existing sewer and stormwater infrastructure made redundant as a result of the development shall be decommissioned and completely removed from the site. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Subdivision Works Certificate.

**51. Retaining Wall Design and Certification**

All retaining wall designs are to address the following:

- Retaining walls are to be designed in accordance with AS 4678-2002.
- Designs are to consider all the applicable limit states defined in Section 3 of AS 4678-2002. Design loads are to be in accordance with Section 4 of the Standard. Earthquake loads are to be provided for in accordance with Appendix I of the standard.

- Definition - "combined height" is defined in this condition as the sum of the heights of retaining walls that are individually horizontally staggered by less than 3.0m between top of lower wall and bottom of higher wall
- Structure Classification AS 4678 - 2002, Table 1.1. Retaining walls with a combined height of >1.5m and < 2.5m are, as a minimum, to be designed as Class B; Retaining walls with combined height of >1.0m and < 1.5m that support services are, as a minimum, to be designed as Class B; Retaining walls with combined height equal to or >2.5m are, as a minimum, to be designed as Class C.
- Site investigation is to be in accordance with Section 2 of AS 4678-2002.
- The retaining wall design is to have regard to the informative Appendix G Drainage of Earth-Retaining Structures of AS 4678-2002.
- The design and associated drawings are to specify maximum loads (at specified distance from walls) that may be placed on land supported by the retaining walls and/or whether there need to be restrictions on loads that would preclude placement of swimming pools or other structures in the vicinity.
- The design and associated drawings are to specify the limits of future excavation forward (i.e. on the low side) of retaining wall footings that could compromise the structural integrity of the retaining walls.
- Fully detailed (position, levels, dimensions, alignment, drainage) and notated drawings are to be provided for each individual retaining wall and retaining wall group. Drawing details are also to comply with Section 6.3 of AS 4678. A specification is to be provided with the Subdivision Works Certificate application for materials to be used and construction details (including foundation preparation, backfilling, drainage etc.) of the retaining walls.
- A retaining wall design report must accompany the Subdivision Works Certificate Application. The design report is to address AS 4678-2002 and the matters referred to in this condition.
- Certification is required with the Subdivision Works Certificate application, from a registered certified practicing engineer, competent in the field of retaining wall design and familiar with the geotechnical aspects of the project; that the retaining walls depicted in the Subdivision Works Certificate drawings and the associated Design Report, comply with the requirements of AS 4678-2002 and the design requirements of this condition.

## **52. Retaining Walls and Reserves**

Where retaining walls are to be constructed adjacent to public reserves and road reserves the walls must be located completely within the private properties and not within public land. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Subdivision Works Certificate.

## **53. Retaining Walls and Adjacent Property**

The retaining walls along the eastern boundary shall be constructed such that adjoining property and road reserve receives no loss of amenity, this precludes the addition of any load restrictions on the high side of the retaining walls on neighbouring property or road reserve. In order to ensure that uphill property receives no loss of amenity, retaining walls will need to be offset from the boundary such that the zone of influence of these retaining walls is entirely within the development lot. Alternatively, consent may be provided from adjoining property owners such that the zone of influence can extend into their property. Details are to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate.

**54. Stepped Retaining Walls**

Retaining walls with steps shall include suitable low maintenance vegetation to mitigate the need to regular maintenance by future land owners. Details are to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate

**55. Retaining Walls and Services**

Where retaining walls are located adjacent to water, sewer and drainage pipelines the walls must be designed such that they will be structurally self-supporting when excavation is required to the invert level of the adjoining pipeline or otherwise offset sufficient distance that the retaining wall is beyond the zone of influence of the pipeline. Engineering design drawings and structural certification must be submitted to and approved by Council prior to the issue of the Subdivision Works Certificate.

**56. Protection of Freshwater Wetland EEC**

To reduce the impact to the Freshwater Wetland EEC located on Residual Lot 104 and to ensure excavation works associated with the installation and operation of the stormwater network and swale system do not affect the existing surface and groundwater hydrology the following mitigation measures are to be implemented:

- a) All works associated with the construction of the drainage basins, swale system and stormwater infrastructure are restricted to areas depicted in the "Earthworks Cut and Fill Plan Stage 1A Enabling Works" (Revision 8) prepared by Mott McDonald and dated 13.08.2020. Consequently, no further construction works will be permitted within the Freshwater Wetland EEC.
- b) Works within the area depicted as 'SW1' are to be avoided or minimised where possible. Should any works be necessary in 'SW1', construction design details and rationale for these works in this area are to be provided to Council. Any works to be carried out within this area are to be undertaken in accordance with a construction management plan to minimise impact on the wetland. At the completion of the construction phase, the 'SW1' area is to be rehabilitated in accordance with the actions in the approved Wetland Management Plan.
- c) To reduce the footprint of Drainage Basin 2 all batters associated with the bio retention basin that will reduce the footprint in the wetland are to be steepened to 1:4. The modified drainage basin is to be moved landward away from the Freshwater Wetland. The resulting gain in space may be used for construction works and then rehabilitated in accordance with the actions of the approved Wetland Management Plan.
- d) The existing seepage area depicted in Figure 8 of the Revised Ecological Assessment (Volume 1) prepared by JWA Pty LTD and dated 19 February 2020 is to be retained as a subsurface drainage structure. Within this area, the existing natural topography and flow paths are to be retained through the placement of suitably sized boulders and/or rocks encased by geotextile or the like.
- e) Measures implemented during construction and operation to prevent groundwater and surface waters of the wetland system draining into subsurface gravel material and/or the constructed swale system. The baseline hydrological monitoring is to be used to inform this design.
- f) Ensure all construction plans will depict the location of the management areas and exclusion fencing will be erected around all areas subject to the plan

Prior to issue of an approval under Section 68 of the Local Government Act 1993 for the proposed drainage work, revised construction plans and reports depicting compliance with the above mitigation strategies are to be submitted to the satisfaction of Council.

**57. Wetland Monitoring and Adaptive Management Plan (WMAMP)**

Prior to the issue of an approval under Section 68 of the Local Government Act 1993 for the proposed drainage work the proponent shall prepare a Wetland Monitoring and Adaptive Management Plan (WMAMP) to the satisfaction of Council. The objective of the plan shall be to monitor the health of the Freshwater Wetland EEC and associated hydrology over time to assess whether or not the development is resulting in material adverse changes to the health and composition of the wetland.

The WMAMP must include a range of remedial actions to address the ecological decline of the wetland resulting from the development in the event such decline occurs. The WMAMP is to be prepared by a Council approved specialist wetland ecologist with at least 5 years experience in wetland ecology and monitoring.

Monitoring of the ecology shall be undertaken in accordance with the Biodiversity Assessment Method (OEH 2017) to determine a Vegetation Integrity Score (VIS). A VIS baseline calculation shall be undertaken prior to any works commencing at the site and subsequent VIS assessments undertaken annually for a period until five years after the registration of the plan of subdivision for the 90<sup>th</sup> residential lot.

The WHMAMP is required to have direct linkage to the results of thy hydrological monitoring program as revealed in the report titled "Wetland Hydrological Monitoring and Management Plan (WHMMP)" prepared by Gilbert and Sutherland and dated April 2020 and as amended by conditions of this consent.

Outside of any major climatic event, an adaptive management regime is to be implemented if any or all of the following scenarios occur:

- the development results in a 10% or greater change in either or both surface and/or groundwater levels when compared to the predevelopment baseline levels
- for the first two years of the monitoring program the VIS scores associated with the monitoring program record a decline of 10% or greater when compared to the baseline VIS scores
- the VIS scores decline by 10% or greater when compared to the previous 12month monitoring period.

**58. Wetland Hydrological Monitoring and Management Plan (WHMMP)**

Prior to the issue of an approval under Section 68 of the Local Government Act 1993 for the proposed drainage work, the submitted WHMMP prepared by Gilbert and Sutherland and dated April 2020 is to be modified to address:

- Confirmation that the monitoring results will be reviewed by a specialist wetland ecologist who is implementing the actions of the WMAMP.
- For each stage of the project provide a specified timeframe in which the results of the monitoring program will be reported to Council and the manner in which the program will be reported. However, during periods of high risk activities such as bulk earthworks Council will require monitoring reports to be submitted every three months.
- Confirmation and the qualifications of the key personnel responsible for undertaking all aspects of the WHMMP.
- Confirmation that "on maintenance phase monitoring" will be undertaken annually for a period until five years after the registration of the plan of subdivision for the 90<sup>th</sup> residential lot.
- Outside of any major climatic event confirmation that if the monitoring confirms there is a 10% or greater change to surface and/or groundwater levels when compared to the

baseline water levels for all rainfall events the corrective actions detailed in the WMAMP and the WHMMP will be activated. In addition, if the WMAMP confirms a 10% or greater decline in VIS scores when compared to the baseline and/or 10% or greater when compared to the previous 12month monitoring period the corrective actions detailed in the WMAMP and the WHMMP will be activated.

- Include the performance indicators detailed within Section 5 of the Wetland Management Plan prepared by JWA dated 19 February 2020.
- Measurable criteria for establishing stabilised results post construction/on maintenance phase. In this regard Council will require at least a year of stabilised results (where the total catchment in relation to the development site is at least 90% developed with dwellings constructed) which reflects the pre-construction baseline levels without intervention or adjustment to the management devices. The allowed deviation from baseline results should be identified (ie. what deviation is no longer considered acceptable/stabilised). The criteria is to determine whether or not stabilised conditions have been achieved, including specific timeframes and measures to address deviations outside of trigger levels.

#### 59. Revised Wetland Management Plan

Prior to the issue of an approval under Section 68 of the Local Government Act, 1993 for the proposed drainage work, the submitted "Wetland Management Plan" prepared by JWA Pty Ltd dated 19 February 2020, is to be amended to the satisfaction of Council to address the following matters:

- a) Section 1 is to be modified to confirm the Section 88b Instrument will state that the ownership and maintenance of the restoration area either is dedicated to Council or is attached to a residential allotment within the subdivision and that it will be managed and protected in perpetuity.
- b) A timetable for the implementation of all revegetation, rehabilitation and weed control works linked to the staging of the development.
- c) The WMP including all maps are to remove all references to the construction of the Council drainage network located in the northwest corner of Residual Lot 104
- d) Figure 5 Category 2 of the legend is to replace "natural regeneration" with "assisted regeneration"
- e) Figure 5 Category 6 is to be removed
- f) Figure 5 is to be updated to show the location of the exclusion fencing
- g) Section 3.3 is to modify what actions will be implemented if the range of identified risks eventuate
- h) Section 4.3 is to be modified to comply with Sections 4.5.5
- i) Section 4.3 is to be modified to confirm the "*maintenance period*" commences immediately after the 12 month "*establishment period*". The "*maintenance period*" will be undertaken by the developer for a period until five years after the registration of the plan of subdivision for the 90th residential lot.
- j) Section 4.3 is to be modified to state weed control works will be undertaken as required
- k) Section 4.4.3 is to be modified to state that all erosion and sediment measures will be established outside of the management areas
- l) Section 4.4.4. is to be modified to state all construction plans will depict the location of the management areas and exclusion fencing will be erected around all areas subject to the plan
- m) Section 4.6.2 is to be revised to state that Phase 1 will be completed within two months of the earthworks being completed
- n) Phase 6 of Section 4.6.2 is to be modified to be consistent with the maintenance period for the project being until a period of five years after the registration of the plan of subdivision for the 90th residential lot.

- o) Section 4.6.3 is to be modified to include a cane toad monitoring and control program
- p) Section 4.6.3 and Table 3 are to be modified to confirm all rainforest trees will be planted at 1.8m spacings
- q) Section 4.6.4 is to be modified to comply with the planting models detailed in Table 3 of the document titled " Subtropical Rainforest Restoration – A practical manual and data source for Landcare groups, land managers and rainforest regenerators (Third Addition).
- r) Section 4.7 is to be consistent with the maintenance period for the project being until after the registration of the plan of subdivision for the 90th residential lot.
- s) Section 5 dot point 6 is to be revised to delete the references to the "2 year maintenance period or the site becomes self-sustaining, vehicle tracks. Dot point 6(d) is to be deleted.
- t) Section 5 is to be revised to confirm that if the performance criteria is not achieved within the restoration period, the Developer will extend the restoration project until the performance criteria are achieved or forfeit the Freshwater Wetland Bond. In this regard, all forested areas are to achieve a 90% native vegetation canopy coverage within a minimum five year period. All wetland areas are to achieve a 90% native coverage. All vegetation stratas are to be free of all environmental and noxious weeds.
- u) Identify contingency plans should the proposed revegetation works not respond to proposed treatment works.
- v) All references to "should" throughout the WMP are to be replaced with "will".
- w) Section 6.3 is to be revised to include the provision of monitoring reports to be provided to Council's Planning and Environmental Health Division (PEHD).
- x) Confirmation that all restoration work shall be undertaken by or overseen by a qualified bush regenerator. The bush regenerator must hold the Bushland Regeneration Certificate II or equivalent and have a minimum of two years' experience regenerating floodplain communities.
- y) Outline of all future management actions the owner of the wetland will be required to undertake in perpetuity to maintain the ecological condition of the restored restoration area

#### **60. Freshwater Wetland Bond**

To ensure the ecological values of the retained wetland on Residual Lot 104 are protected in perpetuity, the applicant is to lodge prior to the issue of an approval under Section 68 of the Local Government Act 1993 for the proposed drainage work, a surety bond with Council. The amount of the bond is to be calculated by using the Biodiversity Offsets Payment Calculator and is to calculate the area of retained wetland as a score of 100% against its benchmark condition for PCT (782). The costings of the bond are to be based on a 100% loss of the retained Freshwater Wetland. A bond shall be provided in the form of a payment to Council in the amount of 150% of the agreed calculated Biodiversity Offsets Payment Calculator results.

The bond will be returned to the developer at the successful completion of both the WMAMP and the WMMP. Success of both projects will be assessed in accordance with the 10% or greater change for both monitoring programs and the achieving of stabilised results. Otherwise, Council will use the full amount of the bond to restore other vegetation communities under Council's care and control.

**61. Threatened Species and EEC Offset Site - Nomination of EEC Offset Site**

All areas of Freshwater Wetland EEC to be directly and/or indirectly impacted by the development are to be offset on a like for like basis in the ratio of 10:1 (that is 10m<sup>2</sup> of offset is required for 1m<sup>2</sup> of impact). This equates to a Freshwater Wetland EEC offset area of 4.84ha (10 x 4837m<sup>2</sup>). If the mitigation measures described in Condition 56 (Protection of Freshwater Wetland EEC condition) result in overall reduction in the area (m<sup>2</sup>) of impact to the Freshwater Wetland EEC a reduced 10:1 offset ratio will be applied.

In addition, all areas of Littoral Rainforest EEC and Hairy Joint Grass habitat (outside of the Freshwater Wetland EEC) to be directly and/or indirectly impacted by the development are to be offset on a like for like basis in the ratio of 5:1 (that is 5m<sup>2</sup> of offset is required for 1m<sup>2</sup> of impact). This equates to a Littoral Rainforest EEC offset area of 0.4ha (5 x 800m<sup>2</sup>) and a Hairy Joint Grass offset area of 2.65ha (5 x 5300m<sup>2</sup>). Consequently, the total threatened species and EEC offset area equates to 7.89ha.

If the mitigation measures described in Condition 57 (Protection of Freshwater Wetland EEC condition) result in an overall reduction in the area (m<sup>2</sup>) of impact to the Freshwater Wetland EEC a reduced 10:1 offset ratio will be applied.

The proposed offset site is to be located within five kilometres of the development site. Sites subject to existing restoration programs and/or funded projects cannot be used to comply with this Condition of Consent. This offsetting requirement is in addition to the restoration works contained within document titled "Wetland Management Plan" prepared by JWA Pty Ltd dated 19 February 2020 and as modified by conditions in this consent. Accordingly, the retained Freshwater Wetland EEC located on Residual Lot 102 cannot be used as an offset site to comply this condition. Any proposed offset site is to be protected in perpetuity.

Details on the location and extent of any proposed freshwater wetland EEC offset site are to be submitted to Council's Planning and Environmental Health Division for approval prior to the issue of the first Subdivision Works Certificate.

**62. Freshwater Wetland Offset Options**

The Developer is to comply with one of the following Freshwater Wetland Offset options:

- 1) The Developer shall prepare a Freshwater Wetland Offset Plan (FWOP) for the approved Freshwater Wetland EEC offset site. The FWOP is to be prepared to the satisfaction of Council's Planning and Environmental Health Division prior to the issue of the first Subdivision Works Certificate. The FWOP is to confirm and/or provide details on:
  - a. written authorisation from the landowner of the approved freshwater wetland EEC offset site confirming that they have reviewed the WCRP, permit for the required restoration works to be conducted on the identified offset site and accept that the vegetation is to be protected in perpetuity.
  - b. a detailed costing and staging plan for all aspects of the program including: fencing, planting works, maintenance works, monitoring, weed control etc.
  - c. details on the location and type of exclusion fencing required to prevent domestic stock from accessing land affected by the FWOP
  - d. a list of all weed species and methods to be used to control them
  - e. details of the measures to be implemented to monitor the success of the rehabilitation plan including the provision of monitoring reports to be provided to Council's PEHD.

- f. commitment that all planting stock will be sourced from plants growing in the immediate locality.
- g. confirmation that the developer will implement the actions of the FWOP for a minimum period of five years.
- h. a range of performance goals that are measurable and include commitment that unless the goals are achieved the rehabilitation program will be extended until they are achieved. In this regard Council will require wetland areas are to achieve an 80% native coverage. All vegetation stratas are to be free of all environmental and noxious weeds.
- i. a timetable for the implementation of all revegetation, rehabilitation and weed control works linked to the staging of the development.
- j. identify contingency plans if proposed revegetation works do not respond to proposed treatment works.
- k. management actions to eradicate other invasive species from the rehabilitation areas.
- l. measures to be implemented to ensure that all areas of native vegetation is managed and protected in perpetuity.
- m. Confirmation all restoration work shall be undertaken by or overseen by a qualified bush regenerator. The bush regenerator must hold the Bushland Regeneration Certificate II or equivalent and have a minimum of 2 years experience regenerating floodplain communities.
- n. land that is already subjected to existing works, grants and or previous rehabilitation programs cannot be used for offsetting.

*Or alternatively,*

- 2) The Developer is to provide funding, prior to the issue of the first subdivision certificate, for the restoration of 4.43 hectares of degraded coastal EEC native vegetation communities under Council's management. Funding shall be provided to Council to prepare a Freshwater Wetland Offset Plan (FWOP) that addresses dot points 1a-n of this condition. To comply with this requirement the applicant is to provide adequate funding to achieve:
  - a. A coastal EEC vegetation offset totalling 4.43ha.
  - b. Preparation of a Rehabilitation Plan for the offset area. This includes a detailed site assessment, a program of rehabilitation works and staging, provision for annual monitoring reports to be presented to Council's Planning and Environmental Health Division and the identification of precise restoration goals.
  - c. Provision of funding for a minimum of five years.
  - d. Provision of three individual quotes from qualified bush regenerators for the cost of undertaking the required work.
  - e. Written approval from Council's Open Spaces Section showing acceptance of the costings provided and that upon the handover of the funds Council's Open Space Section will implement the restoration program.

### **63. Vegetation and Fauna Management**

All vegetation and/or trees to be retained and/or areas to be subjected to restoration works which immediately adjoin any construction areas are to be protected with temporary "No Go" fencing as required by an approved plan. All "No Go" fencing is to be established a minimum of 1 metre outside of the identified restoration area and/or root protection zone areas and/or drip line zone, whichever is greater. Signage depicting the purpose of the fencing is to be installed on the fence. All construction plans for the project are to identify the location and the purpose of the "No Go" fencing. The developer is to advise Council when the "No Go" fencing has been established.



**64. Tree Protection on Adjoining Lot 1 DP878933**

All works required on Proposed Lot 24 and Super Lot 101 (previously referenced as Lot 120) are to comply with the plan titled "*Stage 1A Fig Tree Canopy in South East Corner Superlot and Lot 24 frontage option*" prepared by Mott Macdonald and dated 23.10.19. All construction plans are required to depict the location of the 20m Buffer Zone.

**65. Construction Waste**

The construction waste component of the Site Waste Minimisation and Management Plan (SWMMP) shall be provided to and approved by Principal Certifying Authority (PCA) prior to the issue of the Construction or Civil Subdivision Works Certificate in accordance with the requirements of Council's DCP 2012 Chapter 2 section 3.7.3.

**66. Construction Environmental Management Plan**

A Construction Environmental Management Plan (CEMP) must be submitted to and be approved by the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate. A copy of the CEMP must also be submitted to Council prior to the issue of a Subdivision Works. The CEMP must address, but not be limited to the following matters:

- Hours of work
- Contact details of project manager/liaison officer
- Complaints management register
- Location of existing services
- Traffic Management (Vehicles, pedestrians and cyclists)
- Flora & fauna management which details the ongoing maintenance of the adjoining properties and the residual allotments and areas during construction
- Strategies to protect the existing hydrology of the retained wetland during construction works
- construction staging plan specifically showing the area of earthworks and soil disturbance with accompanying internal erosion control measures for each stage of construction
- Restoration of damage to public assets
- Noise and vibration
- Dust - Air quality management plan (include escalation protocols and triggers)
- Materials storage and waste management including classification and disposal/reuse location of any fill material to leave the development site
- Soil & water management (including erosion and sediment control) for all stages
- An unexpected finds protocol to appropriately manage unexpected potential contamination issues encountered during works.

**67. Air Quality/Dust Management Plan**

An Air Quality/Dust Management Plan must form part of the CEMP. This Plan must show the locations of all potentially affected properties and residences on a map and provide details of air quality control measures to be undertaken during construction, including:

- Potential sources and impacts of dust.
- Air and dust management objectives consistent with relevant legislation, guidelines and standards.
- A monitoring program to assess compliance with the identified objectives.

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- Mitigation measures to be implemented including wetting of exposed surfaces from a water truck and measures during weather conditions where high dust episodes are likely (such as strong winds in dry weather).
  - 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.
  - A progressive stabilisation/rehabilitation strategy for disturbed surfaces with the aim of minimising exposed surfaces.
  - Contingency plans to be implemented in the event of non-compliances and/or complaints about dust.
  - Procedures for regularly reviewing the effectiveness of the Air Quality/Dust Management Plan.
  - The generation of dust during construction works must be minimised to prevent construction activities from causing air quality impacts that are hazardous or a nuisance to sensitive receivers.

#### **68. Erosion and Sediment Control**

An Erosion and Sediment Control Plan must form part of the CEMP. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

Soil erosion and sediment control measures are to include but not be limited to the following:

- An all-weather construction access, including a truck wheel wash, must be provided on the site. All construction vehicles are to enter and exit the site via this access so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways. When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material.
- Disturbed exposed areas must be stabilised via seeding, hydro-mulched or other adequate stabilisation method immediately after completion of each work stage to protect the exposed area from water and wind erosion.
- Exposed surfaces including access pads and stockpiles must be regularly wetted to suppress dust generation. As a minimum at least one water truck must be available at the site at all times. Water sprays, sprinklers, dust suppression material such as hydromulch and covering of stockpiles must also be used when needed to prevent the emission of dust from the site.
- The transport of soil or similar material to and from the site must be covered to prevent the generation of dust and material leaving the vehicles.
- Daily inspections of all erosion, dust and sediment controls must be carried out to ensure they are adequately maintained. Inspections of all such controls must also be carried out prior to the onset of heavy rain.
- Any soil, mud or other material deposited on public roads associated with construction activities must be removed and disposed of appropriately to prevent stormwater pollution.
- Soil protection measures specifically for the bulk earthworks construction phase to ensure the protection of the Freshwater Wetland Area.

**69. Controlled Activity Approval**

A controlled activity approval must be obtained from NSW DPI Natural Resources Access Regulator, in accordance with the requirements of Schedule 3 of this consent. A copy of the controlled activity approval is required to be provided to the Principal Certifying Authority and Council prior to the issue of the first Subdivision Works Certificate for the development or the commencement of any works, whichever occurs first.

**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.*

**70. Baseline Hydrological Monitoring**

Prior to works commencing at the site, the applicant is to submit to the satisfaction of Council a detailed report of the results of the baseline hydrological monitoring program as described in Section 4 of the Wetland Hydrological Monitoring and Management Plan (WHMMP) prepared by Gilbert and Sutherland and dated April 2020.

**71. Pre-Construction Dilapidation Report**

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to commencement of any work. A copy of the report is to be forwarded to the department and council.

Dilapidation reports detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and driveway are to be prepared and certified by a suitably qualified and experienced structural engineer. The reports are to be submitted to Council prior to commencement of ANY works on the site.

**72. Community Notification**

A community notification leaflet shall be drafted by the applicant and approved by Council. The Council approved community notification leaflet shall be issued to nearby residents who may be impacted by the works at least 14 days prior to works commencing. The community notification leaflet should include:

- a) A brief summary of approved works
- b) Project duration and approved construction hours
- c) Contact details of project manager for complaints and enquiries
- d) Any other relevant information such as traffic management etc.

**73. 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.

**74. Traffic Control**

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

**75. Soil Erosion and Sediment Control Measures**

Erosion and sediment control measures shall be installed and maintained in accordance with Managing Urban Stormwater - Soils and Construction, LANDCOM, March 2004 and the approved Erosion and Sediment Control Plan.

**76. Project Manager**

Prior to the commencement of any works, a Project Manager is to be appointed, whose name and contact details are to be provided to the Council. The Project Manager is to be responsible for ensuring the development is carried out in accordance with the required Construction Environmental Management Plan (CEMP) and all requirements of approval outlined within this consent. The Project Manager shall act as a single point of contact for Council, Government Authorities and the general public in relation to compliance with conditions of consent and any issues that arise in relation to the project generally. Prior to the work commencing, the Project Manager is to inform the Council in writing of the date of commencement of works on site.

**77. Safety Fencing**

The building site is to be provided with adequate safety fencing preventing public access onto the site. Such protection measures are required to protect the public from construction works including dangerous excavations. Signage, restricting unauthorised site entry, containing the builder's name, licence number and contact telephone numbers is to be provided in a visually prominent location on the site.

**78. Implementation of the Wetland Hydrological Monitoring and Management Plan (WHMMP), Wetland Management Plan (WMP) and Wetland Monitoring and Adaptive Management Plan (WMAMP).**

Prior to the commencement of construction works, the Developer is to commence implementation of the approved Wetland Hydrological Monitoring and Management Plan, Wetland Management Plan and Wetland Monitoring and Adaptive Management Plan.

**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.*

**79. Construction Environmental Management Plan**

The approved Construction Environmental Management Plan is required to be implemented at all times during construction works and is to be kept in the Site Office.

**80. Imported Soil**

To protect the Freshwater Wetland EEC, all construction soil to be used within 20m of the wetland is to be sourced from the development site and/or otherwise certified as being weed free. Ongoing weed eradication works shall be undertaken during and post construction.

**81. Construction Vehicles**

Vehicles servicing the development (including deliveries and waste collection) shall not park and or wait in the surrounding residential areas prior to 7.00am or after 6.00pm Monday to Fridays and prior to 8.00am or after 1.00pm Saturdays.

**82. Noise Control (Construction)**

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).

**83. Complaints Management**

The Complaints Management Plan and Register must include:

- A telephone number on which complaints and enquiries about construction and operation activities may be registered.
- A postal address to which written complaints and enquiries may be sent.
- An email address to which electronic complaints and enquiries may be sent.
- Information on all complaints received, including the means by which they were addressed and whether resolution was reached

The information contained within the Plan must be made available to the PCA and Council upon request.

**84. Export/Import of Waste**

The export/import of waste (including fill or soil) to and from the site must be in accordance with:

- the provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or
- current Resource Recovery Orders and Exemptions.

Any sampling, analysis and reports required by the above provisions must be carried out by a suitably qualified and experienced person.

**85. Waste Material**

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

**86. Water Management**

All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

**87. Construction Activity**

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.

The recommended acoustic treatments for onsite construction activity- submitted by CRG acoustics shall be implemented in full during the construction activities for the subdivision. Specifically, onsite construction vehicles must have be fitted with and utilise 'croaker' reversing alarms.

**88. Notification – Site Contamination**

Any new information that becomes known 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.

**89. Construction Access**

A single all weather access way is to be provided on site that extends from the kerb to the building construction site. All construction vehicles are to enter and exit the site via this access way so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways. The provision of a temporary truck wash-down and shake down grid facility must be implemented to service vehicles exiting the site during the construction stage.

**90. Soil and Water Management**

The development is to be carried out so as to ensure that all works are conducted strictly in accordance with the Soil and Water Management Plan prepared by Mott McDonald dated 30 March 2020.

**91. Acid Sulphate Soils Management**

Acid Sulphate Soils (ASS) may be encountered during excavating and earthworks. The earthworks must be monitored for the presence of acid sulphate soils. Should ASS materials be disturbed, they should be stored separately to non-ASS material, banded, and treated with lime to neutralise any acid production from the oxidation process.

**92. Importing of Fill**

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

In addition, to protect the Freshwater Wetland EEC, all construction soil to be used within 20m of the wetland is to be sourced from the development site and/or otherwise certified as being weed free. Ongoing weed eradication works shall be undertaken during and post construction.

**93. Dewatering**

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.

**94. Burning of Vegetation**

No burning of cleared vegetation or other waste material shall occur on site prior to or during the construction phase of the development. Council has a No Burn Policy which aims to minimise air pollution by prohibiting the burning of any waste in residential areas. All vegetation waste should be removed to a licenced waste management facility. If an alternative method of disposal is sought written approval of Council is required.

**95. 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.

**96. 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).

**97. Inspection (road and drainage)**

Inspection and approval of the road and drainage works approved within the road reserve is required by Council's Engineer (Phone 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700 mm and replace with approved sand fill.

**98. Inspection (footpath and gutter crossing)**

Council's Engineer must inspect and approve works associated with the construction of the footpath and gutter crossing for the development. Council's Engineer must be contacted on telephone 6686 4444 at the time of excavation and at least 24 hours prior to the concrete pour.

**99. 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.

**100. 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.

**101. 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.

**102. 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.

**103. 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.

**104. 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.



**105. 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.

**106. 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.

Notwithstanding earthworks and filling, the frequency of field density tests for trenches shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

**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.*

**107. Application for Subdivision Certificate**

An application for Subdivision Certificate accompanied by final plans of subdivision, together with the requisite processing fee, shall be submitted to Council for approval. In addition, a document confirming how each condition of consent has been complied with is also to accompany the Subdivision Certificate application. This document is to include progress reports confirming that compliance with the implementation timetable in each of the approved environmental plans (WHMMP, WMP, WMAMP) has been successfully achieved.

**108. Implementation of Freshwater Wetland Offset Plan (FWOP)**

Prior to the issue of the first Subdivision Certificate, the Developer is to implement the approved Freshwater Wetland Offset Plan (FWOP), if this option is taken up as per condition 62.

**109. 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 Subdivision Works Certificate(s), have been completed or that other arrangements satisfactory to the consent authority, in accordance with Part 6 Division 6.4 Section 6.15 (2) (b) or (c) of Environmental Planning and Assessment Act 1979, have been made.

In this regard "evidence satisfactory to Council" is to consist of certification by Council 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

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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.

**110. Recycled Water Main DSP**

The developer is to construct a recycled water pipeline from the recycled water connection point (south) to the northern extreme of the property as per the Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure (2015).

The developer is to be reimbursed an agreed amount by way of a reduction to the wastewater contributions as required under the the Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure (2015).

The basis of the agreed amount shall be the cost to provide the materials(pipelines, valves, thrust blocks) for the DSP infrastructure, which would otherwise not be required for the development (i.e. a section of the internal recycled water main to be sized as 200mm as opposed to 100mm).

The agreed amount shall be no more than the price available to Council based on existing supplier contracts and no more than the actual price paid by the developer for the materials. Should the agreed amount be more than the total value of wastewater contributions payable, the developer will need to negotiate an alternative method of reimbursement with Council prior to the issue of a subdivision certificate.

**111. Future Connection to Hutley Drive**

Prior to the issue of a subdivision certificate the applicant shall provide a Section 88B restriction over Proposed Lot 104 to preserve a future connection to Hutley Drive for the purpose of road reserve. The location of this connection should facilitate safe and efficient access to Hutley Drive and be of a minimum 14m wide.

**112. Drainage Reserves - Easement**

An easement shall be created over the areas generally identified as A, B, C & D within Plan 18093E2 dated 1/07/2020 prepared by RCS Group Australia. The easement shall burden the subject lot and benefit Ballina Shire Council for the purpose of access, maintenance and drainage. The areas to be burdened by an easement in favour of Council shall be adjusted as necessary so that they suitably contain all public stormwater infrastructure including provision for access.

**113. Civil Works**

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

**114. Road Reserve Width**

The width of the road reserve between Proposed Lots 24 and Lot 101 which extends to the boundary of Lot 1 DP878933 shall be increased to allow for a minimum width of 14m. Details are to be submitted to and approved by Council prior to the issue of a subdivision certificate.

**115. 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.

**116. Access Restriction**

Prior to the release of the Subdivision Certificate, those allotments that have frontages to

- Road 2 shall have a restriction on use preventing direct access to Henderson Lane recorded on the Land Title.
- Road 1 shall have a restriction on use preventing direct access to Hutley Drive Road or North Creek Road recorded on the Land Title.
- Road 7 shall have a restriction on use preventing direct access to North Creek Road recorded on the Land Title.
- This excludes those allotments that have no alternate access. Details are to be submitted to and approved by Council prior to the issue of the Subdivision Certificate.

**117. 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 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.

**118. 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.

**119. Water and Sewer**

The completion of all water supply and sewer works are to be in accordance with the approved Construction Plans and in accordance with the Northern Rivers Local Government Development Design and Construction Manuals. All works are to be approved by Council prior to issue of the Subdivision Certificate.

**120. 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:

- (i) 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
- (ii) 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.

**121. Dry Weather Flow**

Certification shall be provided by a suitably qualified engineering consultant confirming that the developments sewer infrastructure was designed and constructed to prevent dry weather sewage overflows under all operating conditions.

**122. Developer Contributions**

Prior to issue of a Subdivision Certificate where Subdivision is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979:

<b>Contribution Plan/Development Servicing Plan</b>	<b>Adopted</b>
Cumbalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan Version 4.1	26 July 2018
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	24 October 2019

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

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 and Schedule 2 (**attached**).

### 123. Developer Charges

Prior to issue of a Subdivision Certificate where Subdivision is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 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](http://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 and Schedule 2 (**attached**).

**124. 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.

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. 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.

**125. 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.

**126. 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.

**127. 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:

- 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.

**128. Works as Executed (drawings)**

Prior to the issue of the Subdivision Certificate. The applicant shall submit to Council an electronic copy of the WAE information in AutoCAD and PDF format. All AutoCAD data is to be on MGA zone 56 coordinates and AHD for levels with separate layouts within the drawing for roads, water, sewer and stormwater drainage. Separate PDF drawings shall be provided for roads, water, sewer and stormwater drainage. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.

**129. 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.

**130. Easements**

Easements shall be created prohibiting the erection of buildings or structures over or adjacent to Council assets (ie: water, sewer and stormwater pipelines). The prohibition on the erection of buildings or structures shall extend horizontally on each side of the pipeline for a distance equal to the depth of the pipeline from the pipe invert level to finished surface level. The minimum width of such easement shall be 3.0 metres. Easements are to be in accordance with the "Building over Council's Assets" policy and approved prior to issue of the Subdivision Certificate.

**131. Retaining Walls**

Prior to the issue of a Subdivision Certificate, certification must be provided to the Principal Certifying Authority that all retaining wall works have been provided in accordance with the approved Construction Plan and associated Design Report from a registered certified practicing engineer, competent in the field of retaining wall design and familiar with the geotechnical aspects of the project.

**132. Easements**

Easements are to be provided, benefiting the land or allotment being supported, over the footprints of the retaining walls (or retaining wall group, where there are multiple retaining walls) supporting adjoining allotments. Restrictions to user are to be created above and below retaining walls, restricting excavation forward of walls (on the low side) and restriction placement of superimposed loads rear of the walls (on the high side). The location, dimensions and terms of the restriction to user are to be in accordance with the requirements of the retaining wall design report.

**133. 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.

**134. Public Transport**

Prior to the issue of the Subdivision Certificate, the following information must be submitted to and approved by the Principal Certifying Authority:

- Written advice from the Ministry of Transport acknowledging that the ministry has been provided sufficient information in regards to the subdivision to allow for the future planning of public transport services within the estate.
- A design identifying the proposed location of bus shelters and bus stops within the development. Bus stops shall be provided at the applicants cost, at approximately 400 m intervals or as otherwise approved by the Principal Certifying Authority with suitable

bus shelters to be provided. Installation of the approved bust stops and shelter must be completed prior to the release of the Subdivision Certificate.

#### **135. Earthworks and filling**

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

- All earthworks and filling have been inspected to a Level 1 standard in accordance with AS 3798 (current version) and in accordance with the recommendations of the detailed Geotechnical Investigation approved with the Subdivision Works Certificate.
- All surface movement (ys) has achieved rates that are consistent with a site classification M as defined by AS 2870 (current version). If expected surface movement (ys) for the proposed allotments are likely to exceed a site classification of M, all affected allotments shall be burdened by a Restriction on Use pursuant to Section 88B of the Conveyancing Act advising future owners of the site classification.
- Trenches have been compacted in accordance with Council's Construction Specifications.
- 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.

#### **136. Geotechnical**

A notation is to be registered on the title of all allotments, which have a slope greater than 15 degrees, by way of a section 88B instrument, noting the slope of the land and specifying a requirement for a separate Geotechnical Report to be submitted with any future development application or complying development certificate application for a dwelling house or any other form of residential accommodation on that lot (i.e. dual occupancy development, multi-unit housing etc.).

The section 88B instrument is required to be submitted with the Subdivision Certificate Application for the relevant stages of the development and is to be approved by Council prior to the issue of the Subdivision Certificate.

#### **137. Bus shelter certification**

Prior to the issue of a subdivision certificate, certification is required from a suitably qualified person, that all requirements of AS 1428.4.1:2009, have been met in relation to bus shelter construction and treatments.

#### **138. Positive Covenant (FWOP)**

A positive covenant is to be registered on the title of the lot(s) nominated as the Freshwater Wetland EEC Offset Site as per condition xxxx, if this option is taken up, in accordance with section 88E of the Conveyancing Act 1919. This covenant is required to ensure the owner of the lot(s) protect the vegetation in the area to which The Freshwater Wetland Offset Plan applies.

The section 88E instrument is required to be registered on the subject land prior to the release of the first Subdivision Certificate.



**139. Positive Covenant (WMP)**

If the portion of land subject to the requirements of the approved WMP is to remain in private ownership a positive covenant is to be registered on the title of the Residue Lot, in accordance with section 88E of the Conveyancing Act 1919. The section 88E instrument is to ensure the owner of the lot protects and maintains the vegetation in the area to which the approved WMP applies. The section 88E instrument is required to be registered on the Residue Lot prior to the release of the applicable Subdivision Certificate.

**140. Positive Covenant (No Building Areas)**

A positive covenant is to be registered on the title of Proposed Lot 24 and Super Lot 101, in accordance with section 88E of the *Conveyancing Act 1919*, to confirm no building structures, earthworks etc. is permitted within 20m Buffer Zone depicted in the plan titled "Stage 1A Fig Tree Canopy in South East Corner Superlot and Lot 24 frontage option" prepared by Mott Macdonald and dated 23.10.19.

The section 88E instrument is required to be registered on the subject land prior to the release of the applicable Subdivision Certificate.

**141. Public Positive Covenant – Noise Affected Lots**

In accordance with the *Conveyancing Act 1919* a Public Positive Covenant shall be placed on the following noise affected lots. Dwellings erected on the lots identified on the submitted plan of subdivision, Drawing No. 02 dated 11/11/19, shall be constructed so as to achieve internal noise levels (LAeq) of 35 dB (A) for bedrooms during night periods (10pm to 7 am) and 40 dB (A) for other habitable rooms.

**Ground Floor Construction – Noise Affected Lots**

• 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, 91, 92, 93, 94, 95, 96, 97, 98, 99

**First Floor if Constructed – Noise Affected Lots**

• 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 27, 28, 29, 30, 31, 91, 92, 93, 94, 95, 96, 97, 98, 99

An advisory note shall be added to the section 88E instrument referring to the CRG Acoustics Environmental Noise Impact Report dated 19 June, 2018 and due regard for the requirement and consideration of AS3671:1989 'Acoustics – Road Traffic noise intrusion – building siting and construction'.

**142. Restriction on Use – Proposed Lots 6 to 12 and Lots 17, 17 & 19**

A Restriction on Use pursuant to Section 88B of the Conveyancing Act shall be imposed on Lots 6 to 12 and lots 17, 18 and 19 precluding structures (other than swimming pools and garden sheds) within 6m of the eastern boundary of the lots to preserve view corridors and minimise acoustic impacts.

**143. Restriction of Use - Future Road Corridor Lot 104**

A Restriction on Use pursuant to Section 88B of the Conveyancing Act shall be imposed on Lot 104 to secure the lot as a future road corridor.

**144. Temporary Real Estate Signage**

The temporary real estate signs adjacent to North Creek Road shall be removed within two years of the date of their installation.

**145. Dilapidation Report**

Upon completion of all works on the site and prior to the issue of a Subdivision Certificate, a further dilapidation report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current, general and structural condition of adjoining buildings / sites, infrastructure and roads. The dilapidation report shall take into consideration the findings of the original dilapidation report and advise if any damages have occurred that could be attributed to the work, the subject of this development consent. If damages have occurred, the PCA is to be provided with evidence that the damages have been repaired to the satisfaction of the certifying structural engineer OR that alternative mutually agreeable arrangements (ie: between the Developer and the affected property owner) have been finalised, prior to the issue of a Subdivision Certificate.

A copy of the dilapidation report is to be provided to the Principal Certifying Authority / and to Council.

**SCHEDULE 1**  
**SCHEDULE 1– Developer Contribution (Per Residential Lot Rate)**

Note: The following contributions are payable for each new residential lot (other than open space, reserve and super lots) created as part of the development approved under DA 2018/51, with the exception of the final lot to be created as part of this development, to which a credit will be applied by Council in recognition of dwelling entitlement for the existing rural lot at the development site.

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Lennox Head Local Parks 2016	4301	equivalent residential allotment	\$262.00	0.9426	\$246.96
Lennox Head District Parks 2016	4302	equivalent residential allotment	\$1,165.00	0.9426	\$1,098.12
Lennox Head Playing Fields 2016	4303	equivalent residential allotment	\$2,625.00	0.9426	\$2,474.31
Regional Level Recreational Facilities (SHIRE) 2016	4304	equivalent residential allotment	\$1,906.00	0.9426	\$1,796.59
Lennox Head District Community Centres & Meeting Halls 2016	4305	equivalent residential allotment	\$1,135.00	0.9426	\$1,069.85
Regional Level Community Facilities (SHIRE) 2016	4306	equivalent residential allotment	\$1,118.00	0.9426	\$1,053.82
OS & CF Plan Administration (SHIRE) 2016	4307	equivalent residential allotment	\$113.00	0.9426	\$106.51
Roads Contribution Plan V4.1 (2018)	5206	equivalent residential allotment	\$12,704.00	0.9426	\$11,974.74
Roads Administration V4.1 (2018)	5207	equivalent residential allotment	\$190.00	0.9426	\$179.09
Lennox Head Wastewater Services (DSP Area B)	3004	equivalent tenement	\$5,301.00	1.0000	\$5,301.00
Lennox Head Water Supply (DSP Area B)	2004	equivalent tenement	\$3,463.00	1.0000	\$3,463.00
Rous Water 2016	5001	equivalent tenement	\$8,878.00	1.0000	\$8,878.00
<b>TOTAL</b>					<b>\$37,642.00</b>

**SCHEDULE 2– Developer Contribution (Per Super Lot Rate)**

Note: The following contributions are payable for each new lot larger than 2000m<sup>2</sup> (other than open space and reserve lots) created as part of the development approved under DA 2018/51, with the exception of the final lot to be created as part of this development, to which a credit will be applied by Council in recognition of dwelling entitlement for the existing rural lot at the development site.

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Lennox Head Local Parks 2016	4301	equivalent residential allotment	\$262.00	0.9426	\$246.96
Lennox Head District Parks 2016	4302	equivalent residential allotment	\$1,165.00	0.9426	\$1,098.12
Lennox Head Playing Fields 2016	4303	equivalent residential allotment	\$2,625.00	0.9426	\$2,474.31
Regional Level Recreational Facilities (SHIRE) 2016	4304	equivalent residential allotment	\$1,906.00	0.9426	\$1,796.59
Lennox Head District Community Centres & Meeting Halls 2016	4305	equivalent residential allotment	\$1,135.00	0.9426	\$1,069.85
Regional Level Community Facilities (SHIRE) 2016	4306	equivalent residential allotment	\$1,118.00	0.9426	\$1,053.82
OS & CF Plan Administration (SHIRE) 2016	4307	equivalent residential allotment	\$113.00	0.9426	\$106.51
Roads Contribution Plan V4.1 (2018)	5206	equivalent residential allotment	\$12,704.00	0.9426	\$11,974.74
Roads Administration V4.1 (2018)	5207	equivalent residential allotment	\$190.00	0.9426	\$179.09
Lennox Head Wastewater Services (DSP Area B)	3004	equivalent tenement	\$5,301.00	1.0000	\$5,301.00
Lennox Head Water Supply (DSP Area B)	2004	equivalent tenement	\$3,463.00	1.2000	\$4,155.60

Rous Water 2016	5001	equivalent tenement	\$8,878.00	1.2000	\$10,653.60
TOTAL					\$40,110.20

**SCHEDULE 3**



**General Terms of Approval**  
for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1105380  
**Issue date of GTA:** 29 March 2018  
**Type of Approval:** Controlled Activity  
**Description:** Subdivision to create 103 lots, seven super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage  
**Location of work/activity:** 20 North Creek Road, Lennox Head  
**DA Number:** 2018/51  
**LGA:** Ballina Shire Council  
**Water Sharing Plan Area:** Richmond River Area Unregulated, Regulated and Alluvial Water Sources

The GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00004	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0013-00001	A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.
<b>Erosion and sediment controls</b>	
GT0014-00003	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00002	The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.
GT0022-00003	During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Crown Lands and Water Division, such as: A. machinery must not enter the water course at anytime. B. there must be a minimum flow in the water course.
<b>Plans, standards and guidelines</b>	
GT0002-00235	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2018.51 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Grafton Office, must be notified in writing to determine if any variations to the GTA will be required.

Level 11, 10 Valentine Avenue, Paramatta, NSW 2124 | LOCKED BAG 5123, Paramatta, NSW 2124  
 water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au

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Department of  
Primary Industries  
Water

### General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1105380  
**Issue date of GTA:** 29 March 2018  
**Type of Approval:** Controlled Activity  
**Description:** Subdivision to create 103 lots, seven super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage  
**Location of work/activity:** 20 North Creek Road, Lennox Head  
**DA Number:** 2018/51  
**LGA:** Ballina Shire Council  
**Water Sharing Plan Area:** Richmond River Area Unregulated, Regulated and Alluvial Water Sources

GT0003-00015 The application for a controlled activity approval must include the following document(s): - Erosion and Sediment Control Plan.

#### Reporting requirements

GT0018-00002 The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.  
 GT0020-00002 The consent holder must inform Crown Lands and Water Division in writing when the proposed construction of the controlled activity has been completed.

#### SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by DPI Water for integrated development associated with 2018/51 as provided by Council:

- 'Statement of Environmental Effects' (including Appendix A-M) prepared by Urbis, dated January 2018 (Doc Ref: SA8674)



**Natural Resources  
Access Regulator**

**Natural Resources Access Regulator**  
Locked Bag 9129,  
Parramatta NSW 2124  
T 1800 633 362  
[www.industry.nsw.gov.au/nrar](http://www.industry.nsw.gov.au/nrar)

Our ref: S961123442  
Your ref: DA2018/51

25 May 2020

The General Manager  
Ballina Shire Council  
40 cherry street,  
po box 450,  
Ballina NSW 2478

Dear Sir/Madam

Re: **Section 4.55 Modification Referral – General Terms of Approval**  
Dev Ref: 2018/51

Description: **Subdivision of land to create 99 residential lots, five super lots subject to future development, constructions of roads, installation of essential services and infrastructure, excavation works including cut and fill and retaining walls, stormwater drainage infrastructure including detention basins and piping of creek, vegetation clearing, landscaping works and temporary signage (refer SEE dated Feb 2020)**  
Location: **Lot 1 DP 517111, 20 North Creek Road LENNOX HEAD**

The Natural Resources Access Regulator (NRAR) has reviewed documents for the above application to modify a DA Consent and considers that, for the purposes of the Water Management Act 2000 (WM Act), previously issued General Terms of Approval are adequate, remain current, and no further assessment by this agency is necessary.

Further information on controlled activity approvals under the WM Act can be obtained from NRAR's website: [www.water.nsw.gov.au](http://www.water.nsw.gov.au), go to Water Licensing > Approvals > Controlled activities. Please direct any questions to Natural Resources Access Regulator by email to [nrar.servicedesk@industry.nsw.gov.au](mailto:nrar.servicedesk@industry.nsw.gov.au)

Yours Sincerely

**Mohammed Ismail**  
**Water Regulation Officer**  
**Natural Resources Access Regulator**