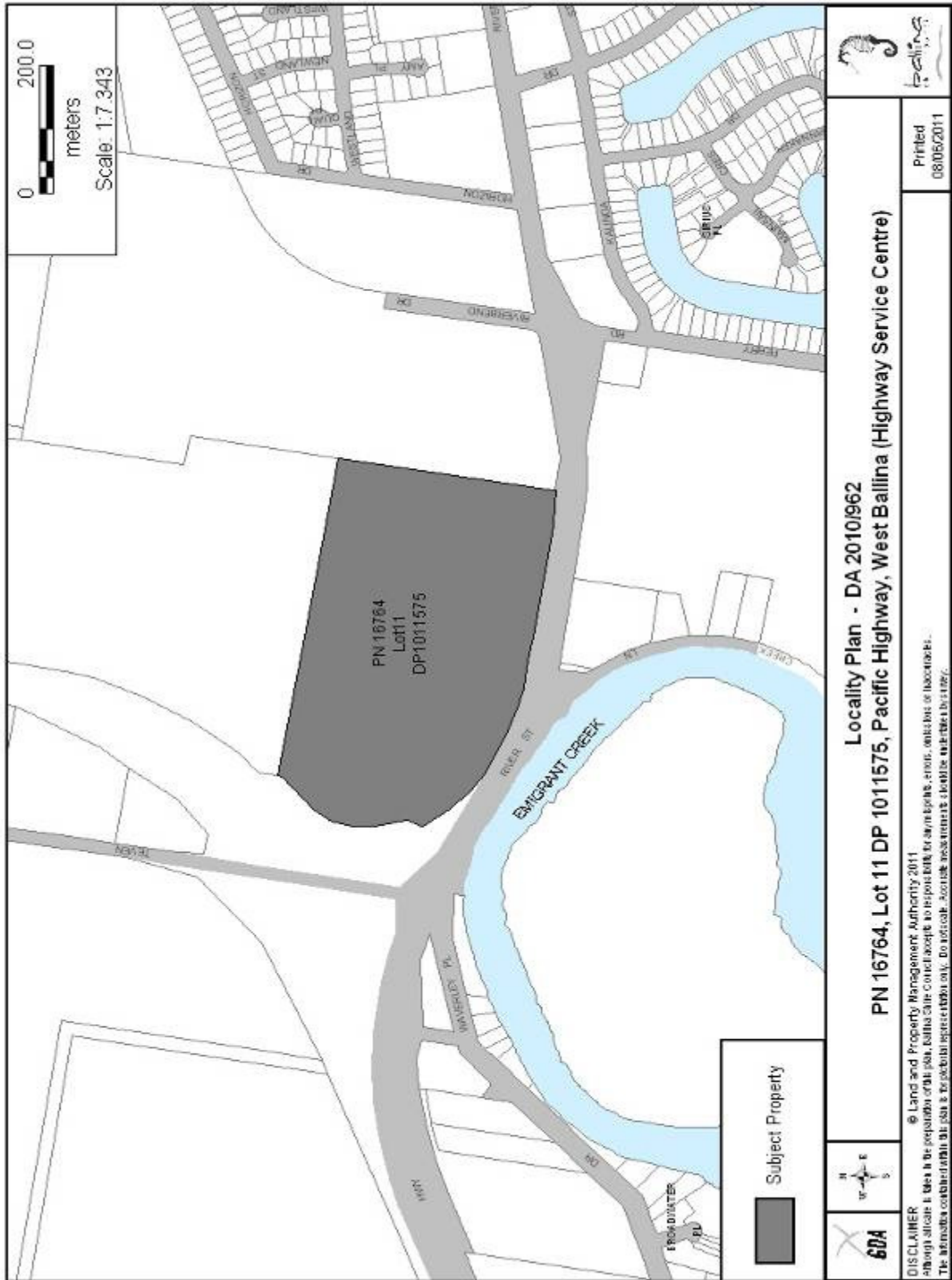


8.1 **DA 2010/962 - Highway Service Centre, Pacific Highway, Ballina**

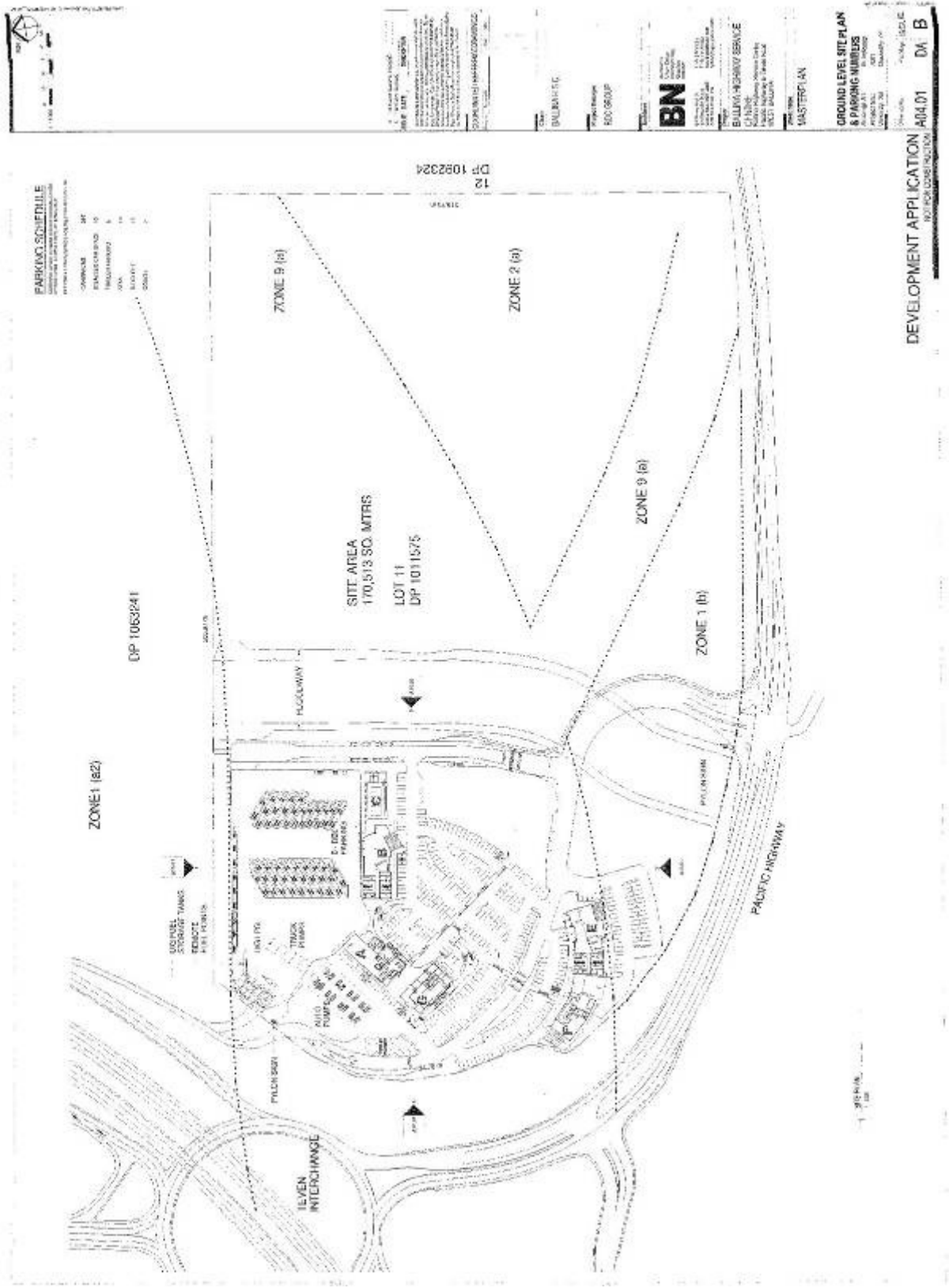


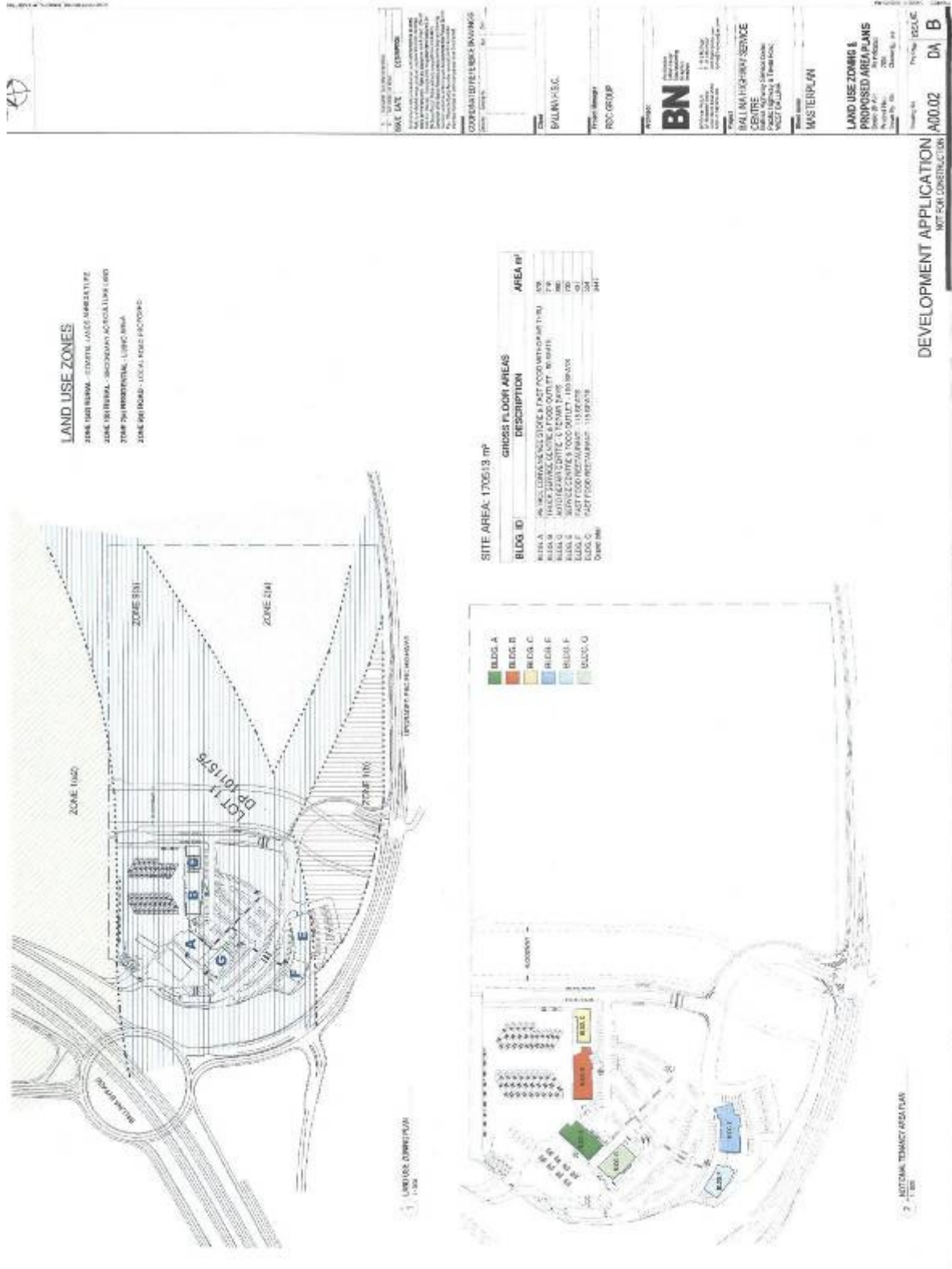
Printed
08/06/2011

Locality Plan - DA 2010/962
PN 16764, Lot 11 DP 1011575, Pacific Highway, West Ballina (Highway Service Centre)



© Land and Property Management Authority 2011
Although accurate it does not represent an official plan. Ballina Shire Council accepts no responsibility for any errors, omissions or inaccuracies.
The information contained within this data is for illustrative purposes only. Do not rely on this information for any other purpose.





DEVELOPMENT APPLICATION A/00/02 DA B

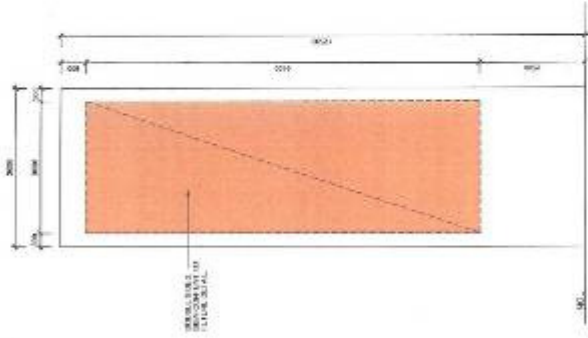
WATER CONSTRUCTION

BN

BALMA HIGHWAY SERVICE CENTRE

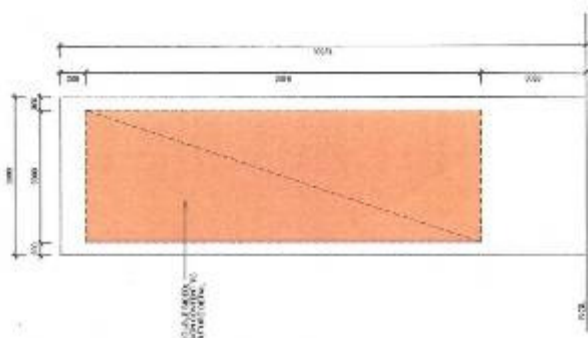
MUSTERIAN

LAND USE ZONING & PROPOSED AREA PLANS



1. Pylon Sign 1 - Tennis Interchange Entry

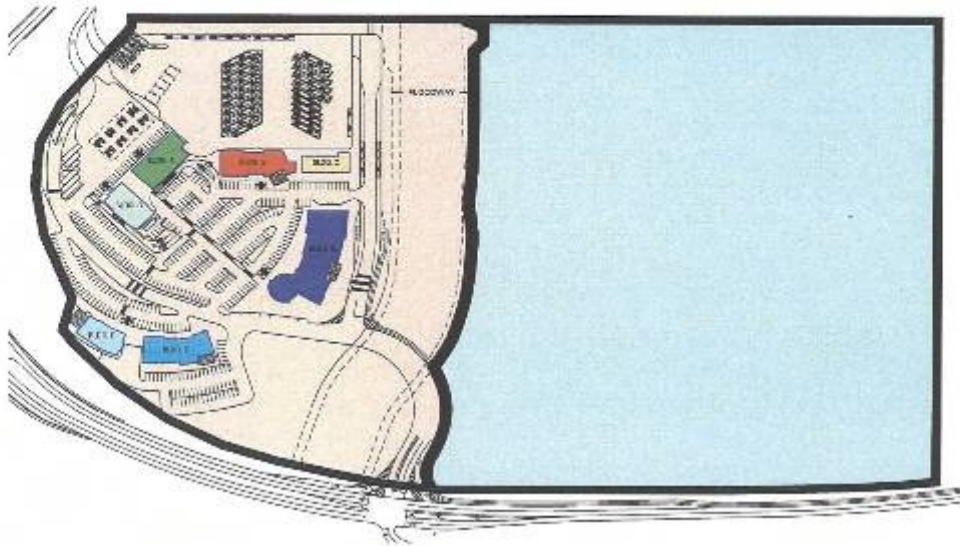
2. Pylon Sign 2 - Ballina Highway Entry





3. Pylon Sign 3 - Ballina Highway Entry

PROPOSAL DESCRIPTION	
PROPOSAL TITLE	DESCRIPTION
DA0001	Development Application for the installation of three pylon signs at the Ballina Tennis Interchange and Ballina Highway.
COMBINATION REFERENCE NUMBER	
DATE	BY
PROJECT MANAGER	PROJECT NUMBER
BN	
Ballina Highway Science Centre	
100 Ballina Highway, Ballina NSW 2478	
MASTER PLAN	
PYLON SIGN	
CONTRACT	SCALE
DA0001	DA
	A

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION



LEGEND

-  Proposed Lot 1 = 7.30 ha
-  Proposed Lot 2 = 9.72 ha



Source: BN Architects, Dwg No. A010 Issue B
Date: November 2010
01210-643

Plan 3.2

SUBDIVISION PROPOSAL



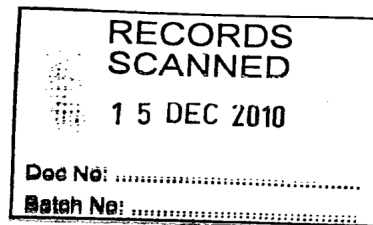




Ballina Chamber of Commerce and Industry Inc

14 December 2010

The General Manager
Ballina Shire Council
Tamar Street
BALLINA NSW 2478



Dear Sir

Re: DA 2010/962

I write on behalf of the Board of the Ballina Chamber of Commerce and Industry Inc to support the above Development Application.

The Board supports this application for the following reasons:

1. These types of service centres can be situated almost anywhere because they are stand alone operations and do not necessarily need proximity to a town centre or other support or services. The positioning of this service centre in close proximity to the Ballina township, and at the entry point off the motorway to this region, is expected to be of greater benefit to this region than a service centre located further away.
2. The position of this service centre should create an opportunity to introduce this region to travellers and encourage travellers to consider visiting our region and/or utilising shops or services within the Ballina township.
3. The Board understands that the development will include a significant undercover area dedicated to showcasing and promoting our region. Again, the Board can see substantial benefits for our region with having travellers stop at the entry point to our region, and in close proximity to Ballina township, and then having the area showcased at that same service centre.
4. The Board anticipates that the design of the exit roads from the service centre will give a further opportunity to promote the region by signage and should encourage travellers exiting the service centre to stop and visit the region because it will be so easy to continue into Ballina rather than return to the motorway.
5. The Board sees an opportunity to promote a tourist diversion from this service centre along the coast road and back to the motorway via Byron Bay. It is a short and scenic diversion that will re-connect to the motor way.

2010 – 2011 Chamber Board Members

Chairman - Glenn Costello
Georgie Latimer

Secretary - Peter Carmont
Treudie Kaehler
Scott Gollan

Treasurer - Don King
Mark Ezzy

PO Box 444 Ballina NSW 2478
Ph 02 6681 5049 Fax 02 6686 5810
Mobile 0438 484 403
Email info@ballinachamber.com.au
www.ballinachamber.com.au

6. Finally, and importantly, this development will generate significant commercial activity including employment and economic activity generally. The construction of the service centre will generate local employment and will produce a need for local goods and services. Thereafter the ongoing operation and management of the service centre consisting of a fuel outlet, convenience store, two food outlets, a truck/motor vehicle repair service and the area devoted to regional promotion will create significant employment, possibly 150-200 jobs together with the goods and services sourced from the local area. These benefits could all be lost to the region if this service centre was not approved and an alternative service, further from Ballina town centre was established.

The Board encourages the Applicant and Council to consider the possible uses of the area within the development to be used for promoting the region, particularly in relation to making the area available to local businesses for promotion purposes and particularly to industry groups who can use the area, or some of the area, for the promotion of their particular industries, such as accommodation, hospitality, tourist related facilities etc.

The Board also encourages the Applicant and Council to consider signage both before the entry to the service centre, within the service centre itself and along the exit roads from the service centre to advise travellers of things such as:

- The proximity of the Ballina township from the service centre;
- The general nature of services that are provided in and about the Ballina township;
- The proximity to river and beaches from the service centre; and
- The availability of information for travellers, such as the location of the Ballina Visitor Information Centre.

If you require any further information or response please do not hesitate to contact me.

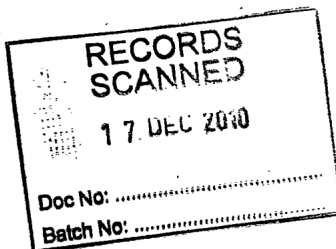
Yours faithfully



Peter Carmont
Secretary,
Ballina Chamber of Commerce and Industry Inc.



perfect coastal lifestyle for over 55's



The General Manager,
Ballina Shire Council,

Dear Sir,

The Riverbend Residents' Liaison Committee acts on behalf of the residents of Riverbend Village, 1 Riverbend Drive, Ballina. At a recent meeting, 79 residents requested that the Committee prepare a submission to Ballina Shire Council regarding the proposed development of a Highway Service Centre at 565-589 River Street, West Ballina. This proposal refers to Lot 11 DP 1011575 and has the Council File Reference DA 2010/962.

In general, the residents do not oppose the development. However, they do have some concerns and ask that you consider the issues raised on the following pages.

Yours sincerely,

George Connell
Chairperson

A handwritten signature in black ink that reads "George Connell".

George Connell
40/1 Riverbend Drive,
Ballina. 2478
Tel 66812040

Management
T: 02 6681 2196 / F: 02 6681 2199
E: info@riverbend.com.au

58/1 Riverbend Drive
Ballina NSW 2478
www.riverbend.com.au
abn 23 787 334 616

Sales
T: 02 6681 2000
E: info@riverbend.com.au

Submission regarding the Highway Service Centre DA 2010/962

1. Potential Noise

We note that all traffic will leave the centre at one exit on River Street. As well, a considerable proportion of traffic will enter at this same point. We are concerned at the potential traffic noise created, particularly by trucks, semi-trailers and B-doubles accelerating at low speeds.

The plans indicate that a sound barrier will be created by planting trees beside the roadway. We consider this to be inadequate.

Request: We request that a proper and more effective barrier be considered, that is, either fixed sound barriers or soil mounds.

2. Lights from Vehicles.

We believe that traffic, travelling on River Street towards Ballina and turning into the complex, will cause their headlights to sweep across a bare field towards houses in the Riverbend village. These headlights are likely to be on high beam and, if on trucks, will be positioned higher than normal. We believe that the continual sweeping of these lights has the potential to be extremely annoying for our residents.

Request: When consideration is given to erecting sound barriers (as above), the barriers also be positioned to contain truck and car headlights.

3. Lighting of the Complex.

We understand that the Service Station is likely to operate 24 hours a day. This means that the complex floodlighting will be operating all night. It is not clear to us from the plans as to the exact nature of this lighting. If it includes spotlights directed outwards over large areas, it is possible that these lights might be shining directly at our village.

Request: We ask that assurance be given that any floodlighting will be totally downward, specific to the development and not be directed in any way towards our village.

4. Signalised Intersection.

We note the use of the word “signalised” and presume that it means an intersection controlled by traffic lights. Such an intersection would dramatically change the southern entry into Ballina. We wonder whether Council and/or RTA have now developed a plan for the speed of traffic moving towards Ballina.

Request: We ask that Council consider dropping the speed on River Street to 50kph once traffic has passed the “signalised” intersection.

5. Fill.

Currently, there is a great deal of fill sitting in an area that is not designated as part of the development. We hope that this is a temporary arrangement as its positioning may change water flow and drain effectiveness/retention. This, in turn, may create breeding areas for mosquitoes virtually on our boundary.

Request: Can a guarantee be given that the fill is temporary, that current drains are operating effectively and that every effort will be made to ensure that the field continues to drain effectively when the development is completed?

TEKCADL INVESTMENTS Pty Ltd

ABN 14 008 450 931

Bangalow Road
PO Box 5073
BALLINA NSW 2478
Phone 02 66864892
Mobile 0437 730554

Submission in regard to DA2010/962

Dear Sir

In regard to the above mentioned Development we are not against the development per say as anything that increases employment for Ballina is I feel good for the town.

The above location was included in The West Ballina Structure Plan which was not accepted by council and now is part of a development application

Two Major Issues:

Ground suitability: Fill is already in place with preload so that when the ground stops sinking construction can begin.

Flooding: Some idea of expected Flood levels can be gauged by the height of The Teven Rd Interchange Bridge which adjoins the proposed site

I hope that Council is consistent with there rulings and if this land is successful in its proposed development that other land with more favourable RL and drainage issues is not overlooked

Regards

Kevin Woods

Director TEKCADL Investments Pty Ltd

0437730554

Mr Shane Smith
PO Box 3916
SOUTH BRISBANE BC QLD 4101

17 December 2010

ATTENTION : ANTHONY PETERS

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

17/12/10
@ 4.05pm

Dear Sir / Madam,

RE: SUBMISSION TO REVISED INTEGRATED DEVELOPMENT APPLICATION (DEVELOPMENT APPLICATION NUMBER DA2010/962) SEEKING A DEVELOPMENT CONSENT FOR A HIGHWAY SERVICE CENTRE ALONG THE PACIFIC HIGHWAY, WEST BALLINA ON LAND DESCRIBED AS LOT 11 DP1011575

I refer to Application Number DA2010/962 submitted by S J Connelly CPP Pty Ltd to the Ballina Shire Council seeking a Development Consent for the Construction of a Highway Service Centre comprising Service Station, Fast Food Restaurants, Regional Expo Centre, Auto Repair Centre, Associated Vehicular Access (including signalised intersection on the existing Pacific Highway alignment), car and Truck Parking, Infrastructure Works, Filling, Signage and Two Lot Subdivision (Lot 1 – Highway Service Centre & Lot 2 – Agricultural Residue), at Lot 11 DP101175, Pacific Highway, West Ballina.

After reviewing the information submitted to the Ballina Shire Council by S J Connelly CPP Pty Ltd, a number of concerns have been identified with regard to the proposed development.

This submission is being provided to the Ballina Shire Council on the following grounds.

1. Design

The Statement of Environmental Effects identifies that the proposed development has been redesigned to "Enhance the visual appearance of the proposed development through contemporary design and landscape planting" and also that the "internal layout of the development caters for sufficient service vehicle manoeuvrability, accessibility of heavy vehicle parking facilities and pedestrian connectivity to the individual buildings". It is considered the plans submitted to Council generally reflect the design of the previously submitted Highway Service Centre, and very few changes have been made.

1.

As detailed on the proposed plans, there are a number of separate buildings proposed surrounding a large central carpark. Although pedestrian pathways have been shown on the plan, it is considered that access to each individual building would be difficult and unappropriated in this instance as pedestrians will be required to cross Food Outlet Drive Through services and cross main through driveways. To ensure safe pedestrian access is provided to all buildings, it is considered the layout should be redesigned and may be more appropriate to have buildings in closer proximity to each other. It is also considered that the purpose of a Highway Service Centre is to provide rest areas for people travelling along the Pacific Highway, and it should be investigated further whether Drive Through food outlets encourage rest stops and whether such land uses should be located within this type of development.

The plans submitted to Council do not clearly demonstrate the individual building floor area breakdown. Drawing Number A00.02 (Issue A) submitted with this application identifies the total building GFA, however, the area of the individual components of the building are not identified on any plan submitted. It is considered the proportion of the internal areas of each building are not appropriate for the proposed development (without areas, this cannot be confirmed). There appears to be significant areas for toilets, which are in excess of what would be expected within a Highway Service Centre. It is considered the sewerage analysis undertaken by Cardno (Qld) Pty Ltd was not prepared in conjunction with the prepared plans, as the sewerage analysis identifies that the demand from the centre would be 27EP. Therefore, it is considered the application should provide further information in relation to the proposed land uses and the need for the large number of toilet facilities, and the sewerage analysis should be reviewed and updated to reflect the submitted plans.

The elevations submitted to Council do not clearly identify the proposed materials and colour scheme, to ensure Council can make an informed assessment of the proposed application. As the subject site is identified as a gateway entrance to Ballina, it is considered Council should be provided with the opportunity to comment and ensure a complete assessment can be undertaken. From the elevations submitted, it appears there may be large expanses of glass on the building facades, which will have a negative impact on the energy efficiency of the building. Therefore, in addition to amended plans illustrating the building materials and colours, it is considered the Applicant should also include details in relation to the energy efficiency of the proposed development for Council assessment.

The Applicant has also identified that the Estimated Cost of Development would be approximately \$7,978,200.00 as detailed on the Development Application Form submitted to Council. Given the size of the development, the amount of earthworks proposed, and proposed roadwork (including signalisation), it is considered the cost to construct the proposed development would be significantly higher than that stated by the Applicant. It is considered Council should request further information in relation to the calculated cost to construct the development, prepared and calculated by an appropriately qualified person, to ensure a detailed assessment can be undertaken by Council.

2. Proposed Land Use and Need

No Economic Impact Assessment Report was prepared or submitted with the amended application report. As identified within the application submitted, the Applicant is seeking to permit a Highway Service Centre and a number of supporting land uses on the subject site. The

Applicant fails to identify or define a number of the proposed land uses, including what is intended as part of the *Regional Expo Centre*, which is an undefined land use within Council's planning documents. To ensure all parties (including Council) are aware of the approved land uses and demonstrating the need for the proposed land use in the surrounding area, it is considered further information be requested from the Applicant regarding the land uses and possible tenants proposed. The Economic Impact Assessment Report should identify the need for not only the Regional Expo Centre, but the large number of food outlet tenancies, and the Highway Service Centre as a whole. Due to the size of the development and the land uses proposed, it is considered a report should be prepared which demonstrates the need for such land uses at the proposed location. Recent approvals issued by Council surrounding the Ballina area will result in an increase in commercial floor area, which has the strong possibility of resulting in large empty tenancies within this development. This would not be desired by Council, as it is understood Council is seeking to establish a gateway entrance to the Ballina area on this site. It is considered the proposed centre should not impact on the existing town centre, the existing retail hierarchy of the area, and should take into consideration the existing approvals within the surrounding areas approved by Council. To ensure the development does not result in large vacant tenancies, it is considered an Economic Impact Assessment Report be prepared and submitted to Council.

The Economic Impact Assessment Report should also investigate the size of the proposed Highway Centre. The proposed centre is considered to be significantly larger than other centres located along major transport routes at Chinderah and Grafton, which experience higher volumes of passing traffic. To ensure the proposed development is successful, it is considered an Economic Impact Assessment Report is necessary to ensure a detailed assessment can be undertaken by Council.

As detailed on the proposed plans prepared by Cardno (Qld) Pty Ltd, the application involves filling the balance of the subject site, where buildings and development is not proposed. It is considered that development in this area is not necessary for the proposed development, and should not be supported in this instance. Filling the balance area of the site as part of this application is considered premature. If further development is proposed in this area, the Applicant should advise of further land uses, to ensure an integrated development is created. Such information will allow potential traffic movements, infrastructure provisions, and the impact to surrounding properties can be assessed at this time. Our Client has advised that it is envisaged a Hardware Centre is to be constructed on the balance area, which is not included as part of this application and may occur within the balance area where filling is proposed. Therefore, as no development has been included as part of this application on the balance area of the site, it is considered filling or earthworks in this area should not be permitted and conditions should be included to require the balance area remain undeveloped.

3. Suitability of Site

In accordance with Council's current Planning Scheme, the subject site is included within Zone 1(b) Secondary Agriculture Land, Zone 2(a) Residential – Living Area, and Zone 9(a) Main Road Proposed. In accordance with the Ballina Local Environmental Plan 1987, Council cannot consent to development on land within Zone 9(a) "unless it obtains the concurrence of the Commissioner for Main Roads". Such approval has not been obtained or submitted with the application, and should be sought prior to Council continuing the assessment of the application. It should also be noted that Part 3, Clause 11 of the Ballina Local Environmental Plan 1987

identifies if subdivision within land included within Zone 1(b) is proposed, Council is to investigate the *“likely effects, both economic and otherwise, that the proposed subdivision will have on the use and development other land and resources in the area”*, and shall consider *“the likelihood of the proposed allotments remaining available for agricultural use”*. It is not considered the submitted Statement of Environmental Effects clearly addresses these concerns and should be addressed by the Applicant prior to Council continuing their assessment of this application.

In recent discussions between representatives of Homeworld Ballina Pty Ltd and the Ballina Bypass Alliance, it is understood the Ballina Bypass Alliance are to tender / sell a Highway Service Centre at the location where the Ballina Bypass works compound is locate, which is in close proximity of the subject site. It is considered the site proposed by the Ballina Bypass Alliance may be more appropriate for a Highway Centre, as it would not be located within a floodway and would be proposed with more appropriate access. It is understood the Ballina Bypass Alliance are proceeding to tender / sell the proposed Highway Centre when the Bypass construction is finalised, and it is considered the Economic Assessment Report previously identified as necessary for this application should include an assessment of the need for two (2) Highway Service Centres in close proximity. Supporting information should be obtained from the Applicant prior to a Development Consent being issued by Council, providing evidence there is a need for this development and the proposed site is appropriate.

4. Flood Impact

As identified within the Flood Impact Assessment Report prepared by BMT WBM Pty Ltd submitted with this application, the proposed development will have a negative impact on the peak floor levels which would be *“expected to increase significantly across large parts of the lower Emigrant, Maguires and North Creek floodplains”* if a floodway is not incorporated into the proposed development. However, the report also identifies that the proposed floodway will still result in an increase of *“5mm across most of the floodplain during the 100 year ARI event”*. It is considered there will be a significant impact on the floodplain and should be investigated further, to ensure the development will not have any impact on surrounding properties. If Council approves the development with any impact on the surrounding floodplain, it is considered Council should ensure the impact will not damage any property, and it is suggested a survey of floor levels within the floodplain should be undertaken. Alternative, to ensure the development has a zero impact on surrounding properties, it should be investigated if all of the sites balance area could be used for the floodway to ensure Council that the proposed development does not impact on surrounding properties. The proposed report provides an assessment of the 20 year and 100 year ARI events only. Due to the impact the proposed development may have on the floodplain, it is considered the flood report should include an analysis of all flood events and include storm surges. It is considered a peer review of the Flood Impact Assessment Report prepared by BMT WBM Pty Ltd should also be undertaken to confirm all details and calculations included within this report to ensure impacts do not result in property loss or damage.

5. Environmental

The Ecological Assessment Report prepared by Cardno (Qld) Pty Ltd and submitted with this application concludes that site is highly disturbed and therefore has very little environmental significance. The site on which the Homeworld Ballina development is to be located was a similar site (being disturbed), however was identified as being of significance and was required to undertake a seven part test. It is considered this report (dated November 2010) was prepared

and focused on the land in its current state (ie. prior to the stockpiling of materials on the site in accordance with Court Order 40457 of 2010). As identified within the abovementioned judgement, the stockpile is to be temporary, and removed from the site within two (2) years. As the stockpile material is to be removed, it is considered the land would be required to be returned to its former standard. It is considered the site would have previously been supportive of *Phragmites australis* (common reed) and Grass Owl habitat, and should be returned to the original environmental state. The large balance area adjoining the proposed development should be used as a habitat area to offset the impact of the development as applied to the Homeworld Ballina site.

As detailed within the Coffee Geotechnics Report submitted with the application, it is considered the site will be subject to significant settlement. It is considered that the application submitted does not detail how the proposed and post settlement will affect the fuel lines within the Highway Service Centre component of the proposed development which could have significant impact on the surrounding environment. The report does not identify methods of preventing contamination of groundwater or surrounding waterways should the settlement, vehicular parking areas, and service centre fracture the fuel pipes. It is considered the applicant should provide further information and amend the application to ensure the development will not have a negative impact on the surrounding environment.

6. Water and Sewerage Infrastructure

As identified within the Water Supply and Sewerage Analysis Report prepared by Cardno (Qld) Pty Ltd submitted to Council as part of the application, the report does not confirm there is sufficient capacity within the current network to cater for the proposed development and relies on a number of upgrades to be undertaken in the future to ensure the development can be serviced. Not all of the subject site is included within Council's Sewerage Infrastructure Development Servicing Plans, and it is unclear if there is sufficient capacity to supply the proposed development with reticulated water. The Water Supply Sewerage Analysis Report identifies that the Ballina RWF is operating near capacity and no evidence has been provided that the plant can accept the proposed development, nor has an alternative method of treatment been proposed to service the development site. The report prepared and submitted with the application is not considered to provide sufficient detail to allow Council to assess the application. It should be the responsibility of the Applicant to ensure the development can be serviced by an adequate reticulated water and sewer network. A modified Water Supply and Sewerage Analysis Report should be requested by Council to ensure the proposed development can be adequately serviced, which will enable Council to undertake a complete assessment of the application.

Due to the number of toilet facilities and associated basins proposed as part of this development, it is considered the water and sewerage demand calculation included within the Water Supply and Sewerage Analysis Report is low. Due to the large number of toilet facilities and basins proposed, and the large area proposed for restaurants and fast food outlets it is considered the demand should be recalculated and reviewed to ensure there is sufficient capacity within the existing infrastructure to cater for the expected demand.

7. Traffic

Access to the development is proposed via the Ballina Bypass off-ramp and the Pacific Highway which incorporates an all movements signalised intersection at Emigrants Creek Road. It is

unclear within the report if this report has included the ultimate road network in this analysis. From previous experience within the area, the RTA have advised the surrounding road network will be operating at capacity in the near future and the proposed report should take the ultimate traffic volumes and road design into consideration when reviewing their design horizon. The traffic impact assessment should take into consideration and provide appropriate design separation distances between the access to the Homeworld Ballina site, the Council proposed Western Bypass, and access to the subject site.

The access from the signalised intersection at Emigrants Creek Road is not considered appropriate to the proposed development. As detailed on the submitted plans, the proposed driveway is to cross the proposed floodway, which is not considered appropriate due to the impact the proposed development will have on the large parts of the lower Emigrant, Maguires and North Creek floodplains. Any crossing of the proposed floodway has the capability of becoming blocked, and will have significant impact on the surrounding properties. Should Council consider the proposed access across the floodway appropriate, it is considered the crossing should be designed for a 30% blockage factor, which should also be included within the hydraulic model to ensure the development will not have a greater impact on the surrounding properties. No access should be proposed as part of this application which crosses the floodway, and it is considered the layout of the proposed development should be reviewed to ensure appropriate access is provided.

8. Geotechnical

The Geotechnical Site Investigation Report prepared by Coffey Geotechnics identifies that there is high organic content within the soil (Peat soil). Due to the soil content, it is identified that *“settlement is expected to be relatively larger than anticipated, but may occur over a shorter timeframe”* and *“secondary consolidation (creep) is expected to be significantly greater than anticipated over the life of the development”*. It is considered that the Geotechnical Site Investigation Report should be reviewed to detail the settlement on the site which is anticipated to occur. Vehicular parking spaces, buildings, fuel storage tanks, and vehicular manoeuvring areas are considered to all have significant impact on the development's settlement. The Multi-Level Risk Assessment Report prepared by Myros Design Pty Ltd identifies that the fuel system will be appropriate for the subject site. However, no reports have been prepared which details or provides an assessment in relation to possible fractures of the fuel lines due to post construction settlement movements of over 200mm in the fuel storage tanks. Further details are required to be provided to ensure appropriate measures have been incorporated within the design of the fuel storage system and earthworks to minimise the fracture to fuel pipes and the impact on the environment and surrounding locality should this occur. The reports submitted with the application are investigation reports, it is considered detailed assessments are required to be undertaken and should be submitted to Council for assessment.

Conclusion

As this submission has been sent to Council prior to 20 December 2010, it is requested this submission be considered by the Ballina Shire Council when assessing Application Number DA2010/962, and that a response be forthcoming with regard to the issues raised. The matters raised in this submission should be further addressed by the Applicant prior to any decision being made by Council. It is also considered the submissions previously prepared on behalf of Homeworld Ballina Pty Ltd in relation to Council Application Number 2007/685 (submissions

dated 11 December 2009, 30 July 2010, and 20 August 2010) are relevant to the proposed development. As identified in this submission, the design of the proposed Highway Service Centre and reports submitted are similar to the previous applications, and therefore it is requested Council consider the abovementioned submissions dated 11 December 2009, 30 July 2010, and 20 August 2010 when assessing Application Number DA2010/962.

Should you require any further information in relation to this matter, please contact Shane Smith on phone number 0438 803 065.

Yours faithfully,



Shane Smith
B App Sc Surv, LS, G.D.U.R.P., MPIA, CPP
Town Planner

20th December 2010

OUR REF: Ba/WV/Ballina Submission/ L02-V01

General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Attention Regulatory Services
Email to: reghelpdesk@ballina.nsw.gov.au

Dear Sir/Madams,

RE: SUBMISSION OBJECTING TO THE DEVELOPMENT APPLICATION FOR A HIGHWAY SERVICE CENTRE, THE PACIFIC HIGHWAY, WEST BALLINA – DA NO. 2010/962

This submission to the above mentioned application has been prepared on behalf of the Ballina Waterfront Village & Tourist Park (Silva Portfolios Pty Ltd t/As) in relation to an application over land described as Lot 11 on DP 1011575, on the Pacific Highway, West Ballina.

Ballina Waterfront Village & Tourist Park is located to the southern-eastern side of the proposed Highway Service Centre. The main access point to the caravan park is from the existing Pacific Highway. There is a local access road to existing residential dwellings to the west of the caravan park and a boat ramp in close proximity to the floodway flowing into Emigrant Creek.

This submission objects to the proposed 'Highway Service Centre' situated alongside the proposed interchange of the Pacific Highway Bypass and the existing Pacific Highway, near the intersection with Teven Road. A previous application 2007/685 and amendments were lodged April 2007, February 2008, August 2009 SEE and July 2010, reflecting various amendments to the proposed development.

The superseded proposals were previously placed on exhibition in November/December 2009 and November/December 2008. Application 2007/685 was withdrawn with the letter dated 19 August 2010.

The grounds of objection are set out in this letter. The facts and circumstances relied upon for the basis of this submission are contained in the Statement of Environmental Effects 2010 prepared by S.

 Website: www.brannock.com.au

Director John Brannock | MURP MRB RBav EPA EPW MRB LA&D CPP, Adjunct Professor, The University of Queensland | ABN 84 1753 571 234 | ACN 301 933 111
Level 5, T&G Building, 141 Queen St, GPO Box 552, Brisbane Q 4001 | Phone 07 3229 5322 | Fax 07 3229 5488 | Email brannock@brannock.com.au

J. Connelly Pty Limited in support of the application dated November 2010, and technical reports, the Ballina Local Environmental Plan (BLEP) 1987, the Draft Ballina Local Environmental Plan 2010, the Environmental Planning and Assessment Model Provisions 1998, the Ballina Shire Combined Development Control Plan, the North Coast Regional Environmental Plan and Environmental Planning and Assessment Act 1979 No 203.

Proposed Development

The development involves the proposed construction of a Highway Service Centre comprising Service Station, Fast Food Restaurants, Regional Expo Centre, Auto Repair Centre, Associated Vehicular Access, Car and Truck Parking, Infrastructure works, Filling and Signage over Lot 11 on DP 1011575. The development also includes a subdivision of Lot 11 on DP1011575 into 2 lots (Lot 1 – Highway Service Centre and Lot 2 – Agriculture Residue). Previous application 2007/685 was lodged April 2007, followed by various amendments to the proposed development in February 2008 and August 2009 SEE and July 2010. Application 2007/685 was withdrawn on the 19 August 2010.

The new development application is also integrated development and approval must also be granted by the Roads & Traffic Authority under s138 of the Roads Act 1993. The application is applicable to a Controlled Activity Approval for the proposed works adjacent to Emigrant Creek (instream works) under Section 92 under the Water Management Act 2000 and was referred to the Office of Water (Department of Environment, Climate Change and Water).

According to the Plans (BN November 2010), the total GFA of all the proposed land uses (buildings A-G) is 5089m² with a total site area of 7.30ha. The proposed development comprises the following uses:

BUILDING	LAND USE	GFA (m2)
A	Petrol Convenience Store	678
B	Truck Service Centre	716
C	Auto Repair Centre	360
D	Regional Expo Centre	1642
E	Fast Food	732
F	Fast Food	437
G	Fast Food	524
TOTAL		5089

Two advertising signs are also proposed.

The development is proposed within that part of Lot 11 DP1011575 that is zoned: 1 (a2) Coastal Lands Agriculture; 1(b) Rural (Secondary agricultural land) Zone and 9(a) Roads (Main Roads Proposed) Zone.

This submission seeks to provide grounds in opposition to components of the proposed development application, as follows.

Grounds for Objection

Planning Issues -

Ground 1:	The proposed development cannot demonstrate safe pedestrian access is provided and has not addressed potential impacts on existing public transport infrastructure.
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The proposed Highway Service Centre has a *signalised intersection proposed for the south-centre of the site to the existing Pacific Highway, provides motorists with the opportunity to make a variety of traffic movements, including east into the township of Ballina, west to the Pacific Highway Bypass, and south to the boat ramp.*

The proposed development provides marked pedestrian crossings within the development and a pedestrian connection on the northern side of the Pacific highway connecting the Highway Service Centre with the 'Old Big Prawn' site. Currently there is a bus shelter situated in front of Ballina Waterfront Village & Tourist Park.

It is unclear how safe pedestrian access is provided from the nearby Caravan Park and the boat ramp to the proposed development at the signalised intersection. There are a number of permanent residents living at the Caravan Park that should be provided with safe access to public transport stops and the proposed service centre. It is unclear to what extent the bus shelter and pedestrian access will be affected.

Ground 2:	The Acoustic Assessment has not assessed the acoustic impacts of the new development proposal on surrounding properties.
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The sole exit point of the proposed Highway Service Centre is located at the Pacific Highway in close proximity to the Caravan Park. The updated Acoustic Assessment (Cardno 2010) is based on the earlier site layout which has now been superseded and does not effectively address the impact on surrounding businesses and residences, in particular the nearby Caravan Park. The Acoustic Assessment provides a number of recommendations in relation to minimising traffic noise impacts on buildings situated on the site of the proposed development, construction noise and industrial noise

impacts.

The proposed development may have detrimental acoustic impacts on surrounding properties due to an increase of heavy vehicle traffic flow in the area (residents and visitors alike) and cause heavy vehicles to use their breaks and gears entering and especially when exiting the Highway Service Centre. Traffic noise impacts from the proposed development on the nearby Caravan Park have not been adequately addressed.

Ground 3: The proposed development and infrastructure upgrades will have significant impacts on the floodplain and hydrological impacts to surrounding properties.

The proposed development site is on flood prone with the Q100 flood level of approximately RL 2.7m AHD with levels of the site ranging from RL 0.7m to RL 1.8m AHD. As discussed in the SEE by SJ Connelly Pty Ltd, the following infrastructure upgrades are required:

It will be necessary as part of the proposed development to fill the site above the Q100 flood level in order to alleviate the potential for flooding, with buildings to be provided with a finished floor level of RL 3.2m AHD. The proposed development also includes the construction of a floodway along its eastern edge, the purpose of which is to alleviate flooding of the floodplain to the north, by connecting this area to the proposed West Ballina Flood Relief culverts – located through the existing Pacific Highway.

The proposed development requires a substantial amount of fill to ensure the building floor levels are 0.5m above the Q100 flood level. *Heights of surcharge fill are reported to be 3.2 to 3.4m. These amounts of fill will be reviewed and refined during detail design.*

The proposed development interferes with the existing floodplain and agricultural land resulting in significant environmental impacts. This will cause significant drainage and run-off from the site into the proposed floodway and into Emigrant Creek and as a result will increase the risk of flooding to surrounding properties.

There is significant uncertainty to what extent the extensive fill will impact on adjacent areas and the potential creation of stormwater management issues on downstream properties as a result of the proposed extensive works.

The Applicant should provide further details as to how the proposed infrastructure works particularly relating to flood immunity will be managed to avoid potential flood impacts on nearby properties such as the Caravan Park.

Ground 4: The proposed development and infrastructure upgrades will have a significant impact on the visual amenity of surrounding properties.

It is unclear how the proposed Highway Service Centre and the necessary infrastructure upgrades in particular for stormwater run-off will visually impact on surrounding properties in particular the Waterfront Village & Tourist Park. To the western side of the proposed intersection, box culverts with flood gates with dimensions of 3.6m x1.2m are proposed under the Pacific Highway.

It is unclear how the design of the flood relief culverts and associated floodway will impact on the visual amenity of residents and visitors, in particular any changes to the grade of the existing Highway. The applicant should provide more detailed designs of the proposed infrastructure works external to the subject site to ensure impacts on adjoining properties are mitigated.

Compliance Issues –

Ground 5: The proposed development has not demonstrated compliance with the Aims of the Ballina Local Environmental Plan (1987) in particular clauses 2(a) and 2(b).

Although the Applicant seeks to develop the site following the completion of the Pacific Highway Bypass, future development of the site should be consistent with the aims of the BLEP which are, inter alia:

2) *The particular aims of this plan are:*

(a) *to divide land into the zones referred to in clause 8 and to achieve in respect of land within each of those zones the objectives specified for that land in the Table to clause 9,*

(b) *to encourage the council to make development control plans regulating the carrying out of development in any zone:*

(i) *by restricting the carrying out of that development to a specified area within the zone, or*

(ii) *by fixing standards or specifying requirements in respect of any aspect of that development*

....

(e) *to contribute to continued economic growth of the Shire of Ballina by encouraging a pattern of development which will help to diversify and increase local employment opportunities,*

The proposed development has not demonstrated compliance with the specific requirements of the applicable Zones being 1(b) Rural (Secondary agricultural land) Zone and 9(a) Roads (Main Roads Proposed) Zone; nor has the application demonstrated compliance with the Combined Development Control Plan (CDCP).

Further, the proposed development has not demonstrated economic need for the proposed "highway centre" with consideration to existing and planned centres in the surrounding catchment.

The proposed development is contrary to the *Aims* of the Ballina Local Environmental Plan (1987).

Ground 6: The proposed development has not demonstrated compliance with the Aims of the Ballina Local Environmental Plan (1987) in particular clause 11 – subdivision of land within Zone 1 (a2) and 1(b)

Future development should be consistent with the aims of the BLEP which are inter alia:

- (1) *The council shall not consent to the subdivision of:*
- (a) *land within Zone No 1 (a1), 1 (a2), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d1), 7 (f), 7 (l) or 7 (ll)—except in accordance with this clause, or*
 - (b) *land within Zone No 1 (b) or 7 (d)—except in accordance with this clause or clause 13.*
- (2) *Except as provided by subclause (3), the council may consent to the subdivision of land referred to in subclause (1) only where the area of each allotment to be created by the subdivision is not less than:*
- (a) *in the case of land within Zone No 1 (a1) or 7 (l)—20 hectares, and*
 - (b) *in the case of land within Zone No 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f) or 7 (ll)—40 hectares.*

It is proposed to subdivide Lot 11 DP1011575 into two lots to create allotments of 7.3 and 9.72 hectares in area. Minimum lot sizes created by subdivisions of land within Zone No 1 (a2) and 1 (b) are not less than 40 hectares.

The proposed subdivision will create lots significantly less than intended for the Zone. The proposed development is contrary to the Aims of the Ballina Local Environmental Plan (1987).

Ground 7: The proposed development is contrary to Clause 17(2) of the BLEP and fails to demonstrate compliance with CDCP Policy Statement No. 7 sub-clause 3.3 Building Height Limitations.

The proposed development exceeds the 6.4m height restriction. The development application fails to demonstrate compliance with sub-clause 3.3 of Policy Statement No. 7 that the proposed development will not:

- (a) *adversely affect the existing or future amenity of adjoining properties by overshadowing or causing loss of privacy;*
- (b) *significantly obstruct views from adjacent buildings and public places;*
- (c) *have an adverse impact on the scenic or landscape quality of the locality;*
- (d) *exceed 2 storeys; and provided*
- (e) *no well founded objection, in the opinion of the Council, is raised to the proposed development by persons likely to be affected by that development.*

The proposed development is located towards the west of Ballina's urban centre, in close proximity to Emigrant Creek, a popular recreational area. The subject site is surrounded by good agricultural land with a strong rural character. Compact and small homes with mainly one to two storeys add to the low density, rural character of the area.

The development application does not provide sufficient evidence to demonstrate compliance with the above mentioned requirements and does not comply with the Policy Statement No.7 clause 3.3. The proposed development is potentially impacting on the amenity and privacy of the rural community, distorts the visual quality of the locality and creates a potential impact on the existing popular recreational area.

Ground 8: The proposed development is contrary to Clause 12 of the North Coast Regional Environmental Plan

The proposed development is contrary to Clause 12 of the North Coast Regional Environmental Plan which states that –

"Council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land."

The proposed Highway Service Centre is located between the Ballina Bypass and existing agricultural land set within a rural landscape. The proposed use may have potential impacts on the landscape character of the area as a result of increased traffic flow, noise and loss of amenity.

The proposed development has not demonstrated the likely impact of the proposed development on the existing agricultural values of the site and surrounding area.

Ground 9: The proposed development is contrary to Environmental Planning and Assessment Model Provisions 1980 - Clause 19 (a) as the site is less than 90m from a "junction" or "intersection".

The Environmental Planning and Assessment Model Provisions 1980, Clause 19 provision (a), state that –

Building or work shall not be erected or used and land shall not be used for the purpose of a service station unless -

(a) the site is more than 90 metres from the junction or intersection or a main or arterial road, with another main or arterial road

The proposed development site does not comply with Clause 19 and is considered to impact on the operation of both the Pacific Highway Bypass and the Existing Pacific Highway being less than 90 metres from a "junction" or "intersection". There will be significant traffic impact on the existing Pacific Highway with all traffic exiting at this signalised intersection opposite Emigrant Creek Road.

The proposed Highway Service Centre is located within 90 metres of the Ballina Bypass and the Old Pacific Highway. There are two access arrangements to the proposed development site, 'Access A' and 'Access B'. Heavy vehicles will access the development via the Ballina Bypass southbound off-ramp (Access A) and via the Pacific Highway from any other direction (Access B). Access B is a signalised, all movements intersection, on the existing Pacific Highway and the only exit point to the proposed Highway Service Centre.

The proposed signalised intersection will have impacts on surrounding properties, in particular the Caravan Park as a result of traffic lights, increase in noise and possible congestion. The upgrade of the Pacific Highway and Emigrant Creek Road junction will increase the road to 5 lanes creating uncertainty as to the impacts on the existing bus shelter and turning bay for buses entering the Caravan Park.

The Applicant should provide more details as to how this intersection will function and what mechanisms are proposed to protect surrounding properties from being adversely impacted from the development.

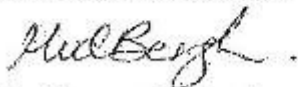
Conclusions

As has been demonstrated in this submission, the proposal compromises the achievement of the Ballina Local Environmental Plan (BLEP) 1987, the Draft Ballina Local Environmental Plan (2010), Environmental Planning and Assessment Model Provisions 1998, the Ballina Shire Combined Development Control Plan and the North Coast Regional Environmental Plan.

Further, sufficient grounds have not been provided to justify an approval, given this conflict with the relevant legislation. It is therefore submitted that the application for a highway service centre, automotive repair station, regional expo centre and associated signs over part of Lot 11 on DP1011575 Pacific Highway, Ballina be refused.

Please do not hesitate to contact me should you have any queries or wish to discuss this matter.

Yours faithfully
Brannock & Associates



Mariëka van den Bergh
Planner

20th December 2010

OUR REF: Mirvac/Ballina Submission/ L05-V01

General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Attention: Regulatory Services
Emailed to: reghelpdesk@ballina.nsw.gov.au

Dear Sir/Madams,

RE: SUBMISSION OBJECTING TO THE DEVELOPMENT APPLICATION FOR A HIGHWAY SERVICE CENTRE, THE PACIFIC HIGHWAY, WEST BALLINA – DA NO. 2010/962

This submission to the abovementioned application has been prepared on behalf of Mirvac in relation to an application over land described as Lot 11 on DP 1011575, on the Pacific Highway, West Ballina.

This submission objects to the proposed 'Highway Service Centre' situated alongside the proposed interchange of the Pacific Highway Bypass and the existing Pacific Highway, near the intersection with Teven Road. A previous application 2007/685 and amendments were lodged April 2007, February 2008, August 2009 SEE and July 2010, reflecting various amendments to the proposed development.

The superseded proposals were previously placed on exhibition in November/December 2009 and November/December 2008. Application 2007/685 was withdrawn with the letter dated 19 August 2010.

The grounds of objection are set out in this letter. The facts and circumstances relied upon for the basis of this submission are contained in the Statement of Environmental Effects 2010 prepared by S. J. Connelly Pty Limited in support of the application dated November 2010, including associated technical reports, the Ballina Local Environmental Plan (BLEP) 1987, the Draft Ballina Local Environmental Plan 2010, the Environmental Planning and Assessment Model Provisions 1998, the Ballina Shire Combined Development Control Plan, the North Coast Regional Environmental Plan and Environmental Planning and Assessment Act 1979 No 203.



Website www.brannock.com.au

Director John Brannock | MURP, MSc, BSc, BSW, FPA, FGA, MDA, FAWD, CPP, Adjunct Professor, The University of Queensland | ABN 64 863 471 204 | ACN 011 212 111
Level 8, T&G Building, 141 Queen St, GPO Box 552, Brisbane Q 4001 | Phone 07 3229 5322 | Fax 07 3229 5488 | Email brannock@brannock.com.au

Proposed Development

The development involves the proposed construction of a Highway Service Centre comprising Service Station, Fast Food Restaurants, Regional Expo Centre, Auto Repair Centre, Associated Vehicular Access, Car and Truck Parking, Infrastructure works, Filling and Signage over Lot 11 on DP 1011575. The development also includes a subdivision of Lot 11 on DP1011575 into 2 lots (Lot 1 – Highway Service Centre and Lot 2 – Agriculture Residue). Previous application 2007/685 was lodged April 2007, followed by various amendments to the proposed development in February 2008 and August 2009 SEE and July 2010. Application 2007/685 was withdrawn on the 19 August 2010.

The new development application is also integrated development and approval must also be granted by the Roads & Traffic Authority under s138 of the Roads Act 1993. The application is applicable to a Controlled Activity Approval for the proposed works adjacent to Emigrant Creek (instream works) under Section 92 under the Water Management Act 2000 and was referred to the Office of Water (Department of Environment, Climate Change and Water).

According to the Plans (BN November 2010), the total GFA of all the proposed land uses (buildings A-G) is 5089m² with a total site area of 7.30ha. The proposed development comprises the following uses:

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Two advertising signs are also proposed.

The development is proposed within that part of Lot 11 DP1011575 that is zoned: 1 (a2) Coastal Lands Agriculture, 1(b) Rural (Secondary agricultural land) Zone and 9(a) Roads (Main Roads Proposed) Zone.

This submission seeks to provide grounds in opposition to components of the proposed development application, as follows.

Grounds for Objection

Ground 1: The proposed development has not demonstrated compliance with the Aims of the Ballina Local Environmental Plan (1987) in particular clauses 2(a) and 2(b).

Although the Applicant seeks to develop the site following the completion of the Pacific Highway Bypass, future development of the site should be consistent with the aims of the BLEP which are, inter alia:

2) *The particular aims of this plan are:*

(a) *to divide land into the zones referred to in clause 8 and to achieve in respect of land within each of those zones the objectives specified for that land in the Table to clause 9,*

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(i) *by restricting the carrying out of that development to a specified area within the zone, or*

(ii) *by fixing standards or specifying requirements in respect of any aspect of that development*

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(e) *to contribute to continued economic growth of the Shire of Ballina by encouraging a pattern of development which will help to diversify and increase local employment opportunities,*

The proposed development has not demonstrated compliance with the specific requirements of the applicable Zones being 1(b) Rural (Secondary agricultural land) Zone and 9(a) Roads (Main Roads Proposed) Zone; nor has the application demonstrated compliance with the Combined Development Control Plan (CDCP).

Further, the proposed development has not demonstrated economic need for the proposed "highway centre" with consideration to existing and planned centres in the surrounding catchment.

The proposed development is contrary to the *Aims* of the Ballina Local Environmental Plan (1987).

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The proposed development is contrary to the *Aims* of the Ballina Local Environmental Plan (1987).

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 - (b) land within Zone No 1 (b) or 7 (d)—except in accordance with this clause or clause 13.
- (2) Except as provided by subclause (3), the council may consent to the subdivision of land referred to in subclause (1) only where the area of each allotment to be created by the subdivision is not less than:
 - (a) in the case of land within Zone No 1 (a1) or 7 (i)—20 hectares, and
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It is proposed to subdivide Lot 11 DP1011575 into two lots to create allotments of 7.3 and 9.72 hectares in area. Minimum lot sizes created by subdivisions of land within Zone No 1 (a2) and 1 (b) are not less than 40 hectares.

The proposed subdivision will create lots significantly less than intended for the Zone. The proposed development is contrary to the *Aims* of the Ballina Local Environmental Plan (1987).

Ground 3: The proposed development is contrary to Clause 17(2) of the BLEP and fails to demonstrate compliance with CDCP Policy Statement No. 7 sub-clause 3.3 Building Height Limitations.

The proposed development exceeds the 6.4m height restriction. The development application fails to demonstrate compliance with sub-clause 3.3 of Policy Statement No. 7 that the proposed development will not:

- (a) *adversely affect the existing or future amenity of adjoining properties by overshadowing or causing loss of privacy;*
- (b) *significantly obstruct views from adjacent buildings and public places;*
- (c) *have an adverse impact on the scenic or landscape quality of the locality;*
- (d) *exceed 2 storeys; and provided*
- (e) *no well founded objection, in the opinion of the Council, is raised to the proposed development by persons likely to be affected by that development.*

The proposed development is located towards the west of Ballina's urban centre, in close proximity to Emigrant Creek, a popular recreational area. The subject site is surrounded by good agricultural land with a strong rural character. Compact and small homes with mainly one to two storeys add to the low density, rural character of the area.

The development application does not provide sufficient evidence to demonstrate compliance with the above mentioned requirements and does not comply with the Policy Statement No.7 clause 3.3. The proposed development is potentially impacting on the amenity and privacy of the rural community, distorts the visual quality of the locality and creates a potential impact on the existing popular recreational area.

Ground 4: The proposed development is contrary to Clause 12 of the North Coast Regional Environmental Plan.

The proposed development is contrary to Clause 12 of the North Coast Regional Environmental Plan which states that –

"Council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land."

The proposed Highway Service Centre is located between the Ballina Bypass and existing agricultural land set within a rural landscape. The proposed use may have potential impacts on the landscape character of the area as a result of increased traffic flow, noise and loss of amenity.

The proposed development has not demonstrated the likely impact of the proposed development on the existing agricultural values of the site and surrounding area.

Ground 5: Undefined use - 'Regional Expo Centre'

The new development proposal maintains a significant portion of floor area (approximately 1700m²) to a 'Regional Expo Centre' use.

The SEE and revised documents do not seek to explain precisely what this use is, except to state that it is *'to showcase local and regional activities, services and products and which includes amenities'*.

The proposed use, *Regional Expo Centre* may have a closer definition within the BLEP (part 1 clause 5) as a "Commercial Premises" defined as

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place specifically defined for the purposes of this plan, or a building or place at which a land use so specifically defined is carried on.

A "Commercial Premises" on the site requires development consent being located within Zone 9(a). The Applicant has not demonstrated how this use complies with the permissible land use categories and is consistent with the zone objectives.

Further information needs to be provided in respect of this component of the development proposal. For such a large area of floor space, it is unclear what type of tenancies will occupy this space whether it is retail, commercial or an alternative use.

Ground 6: The proposed development is contrary to Environmental Planning and Assessment Model Provisions 1980 - Clause 19 (a) as the site is less than 90m from a "junction" or "intersection".

The Environmental Planning and Assessment Model Provisions 1980, Clause 19 provision (a), state that –

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(a) the site is more than 90 metres from the junction or intersection or a main or arterial road, with another main or arterial road

The proposed development site does not comply with Clause 19 and is considered to impact on the operation of both the Pacific Highway Bypass and the Existing Pacific Highway being less than 90 metres from a "junction" or "intersection". There will be significant traffic impact on the existing Pacific Highway with all traffic exiting at this signalised intersection opposite Emigrant Creek Road.

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The Applicant should provide more details as to how this intersection will function and what mechanisms are proposed to protect surrounding properties from being adversely impacted from the development.

Conclusions

As has been demonstrated in this submission, the proposal compromises the achievement of the Ballina Local Environmental Plan (BLEP) 1987, the Draft Ballina Local Environmental Plan (2010), Environmental Planning and Assessment Model Provisions 1998, the Ballina Shire Combined Development Control Plan and the North Coast Regional Environmental Plan.

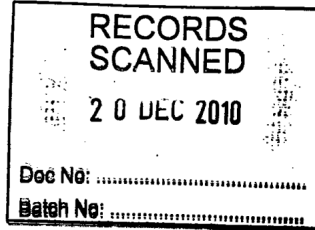
Further, sufficient grounds have not been provided to justify an approval, given this conflict with the relevant legislation. It is therefore submitted that the application for a highway service centre, automotive repair station, regional expo centre and associated signs over part of Lot 11 on DP1011575 Pacific Highway, Ballina be refused.

Please do not hesitate to contact me should you have any queries or wish to discuss this matter.

Yours faithfully
Brannock & Associates


Mariëka van den Bergh
Planner

Kathleen & Francis Bienke,
33 Emigrant Creek Lane, Pacific Highway,
WEST BALLINA. NSW 2478



The General Manager, Planning Committee, Mayor and all Ballina Shire Councillors,
Ballina Shire Council,
Ballina.NSW 2478

Dear All,

Regards: DA Ref Number: 010.2010.00000962.001

We object to the development on the grounds that the Pacific Highway bypass of Ballina was designed for the sole purpose of diverting heavy highway traffic away from the centre of Ballina. This development appears to try to defeat the bypass purpose by catering for numerous heavy transport and highway traffic back into Ballina.

Construction of a Highway Service Centre comprising Service Station, Fast Food Restaurants, Regional Expo Centre, Auto Repair Centre, Associated Vehicular Access (including signalised intersection on the existing Pacific Highway alignment), Car and Truck Parking, Infrastructure Works, Filling, Signage and Two Lot Subdivision (Lot 1 - Highway Service Centre & Lot 2 - Agriculture Residue)

First we would like to state that we have not been consulted by the applicant in relation to the late DA that has been submitted to Ballina Council in November.

We would like to ask the question WHY IS THE APPLICANT NOT ACCESSING AND DEPARTING DIRECTLY FROM THE PACIFIC HIGHWAY AND WHY HAS HE GOT TRAFFIC LIGHTS RIGHT AT THE END OF OUR STREET WHICH WILL HAVE HUGE SEMI TRAILERS DAY AND NIGHT STOPPING CHANGING DOWN GEARS AND UP GEARS AND STARTING AGAIN.

WE WENT THROUGH ALL THIS FOR YEARS. BROKEN SLEEP AND HOURS THAT WE COULD NOT POSSIBLY SLEEP BECAUSE OF THE CONSTANT STOPPING AND STARTING OF HEAVY TRAFFIC. SURELY AS RESIDENTS WE HAVE SOME RIGHTS.

ONCE THE HIGHWAY BYPASS IS COMPLETED THE LARGE SEMI TRAILERS WOULD HAVE BEEN DIVERTED AWAY FROM US AND WE MUCH ANTICIPATED THAT HAPPENING AND IT IS THE WAY IT SHOULD BE.

BUT WHY CAN'T A HIGHWAY JUST BE A HIGHWAY WITH THIS HEAVY TRAFFIC ENTERING AND EXITING OFF THE HIGHWAY ITSELF AND NOT POLLUTING AND CORRUPTING AND SPOILING THE OTHERWISE PLEASANT AND RELAZING AMMENITY OF WHERE WE LIVE.

IT APPEARS

No consideration for how we have to cross two lanes of congested traffic to be able to drive into Ballina, be almost impossible to do so once the additional constructional vehicles and workers vehicles add to the to & fro highway traffic at our access to highway prior to traffic lights.

No mention of daily work hour's restrictions.

No Mention of Dust Control during construction.

No Mention of filtration of Contaminated & Polluted Water from entering Emigrant Creek.

HOW COULD A DEVELOPMENT OF THIS ENORMITY NOT DESIMATE THE EXISTING FRAGILE CONDITION OF EMIGRANT CREEK AND HOW COULD IT NOT DESTROY THE LITTLE THAT THE RIVER SYSTEM CLINGS TO.

WITH ALL OTHER LAND THAT IS AVAILABLE IN THIS AREA WHY ON EARTH MUST THIS HUGE DEVELOPMENT BE ESTABLISHED IN THIS ENVIRONMENTALLY SENSITIVE LOCATION?

No Mention of Section 94 Contributions or Infrastructure Contributions to Council.

No Mention of Noise Control during construction i.e. Clanking of Dozens of Trucks Stockpiling thousands of cubic meters of fill.

No Consultation with us in regards to the total disruption of our daily life living adjacent to this Monstrosity Construction. ARE WE SUPPOSED TO DRIVE TO ALSTONVILLE TO BE ABLE TO GET BACK INTO BALLINA FOR HOSPITAL, DOCTOR & OR SHOPPING!

Can Council provide a Stop, Go Sign Man with holiday traffic to assist Emigrant Creek Residents?

FRANKLY IT WORRIES US EMENSELY AND WE SEE IT AS A CONDITION THAT WHEN EXISTING WILL BE IRREVERSABLE.

The Developer has a lot of influence and if the DA is refused approval by Ballina Council will take it to the State Government of NSW and judges in the Land & Environment Court. For this reason we implore Ballina Council NSW State Government & the Land & Environment Court to fully understand that this development needs to raise the existing road into Ballina by a minimum of 1 metre so the floodway pipe will not be damaged. See Sketch 11 Page 473 by raising the road 1 meter and with the finished floor level of BRL 3.2 meters AHD

FG & KA Bienke

FJ Bienke

If this Development was permitted to occur the floodway will find its own level since it would no longer have the current floodplain (the DA site) and the Caravan Park and the 3 houses on Emigrant Creek Lane will cease to exist as we know it because our properties will become the Dammed Floodway and the developer will have destroyed many human lives as well as the Environment

M & D Latham
P.O. Box 567
Ballina 2478

Phone 0266878587 email ballin@telstra.com
(505 North Teven Road, Teven)

20th Dec 2010

Development proposal DA 2010/962 Construction of a Highway Service Centre at West Ballina.

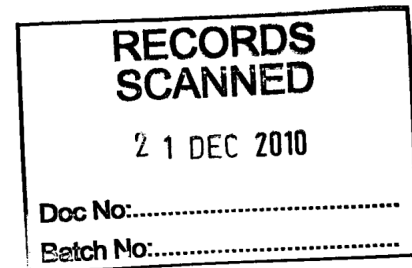
We wish to object to the proposal on the grounds of

Insufficient time allowed for submissions

Unstable Ground

Flooding

Environmental Effects-Wildlife



We have resided in Teven since 1990, two years after the flood of 1988. We have no political associations and do not give gifts to Councillors or Council Employees. We have made a study of flooding in the Teven Valley because of the increasing vulnerability of our property due to ill-considered development in the area. We are speaking up solely because of our concern for our and our neighbours' property if this development is approved.

We have only addressed these four most important issues as we did not have time to study the proposal in more detail. We have not yet been able to penetrate access Council's "DAs on Line". The plans on display for this proposal occupy about 600 pages and have obviously taken many people many weeks of work. To give such a short period for objection for such a huge document with the cut off date so close to Christmas in itself is grounds for objection. We are sure that all our elected representatives (Councillors) will have read all 600 pages several times over and are prepared to defend the rights and feelings of their electors.

The Service Centre is proposed in the flood plain of Emigrant Creek near its confluence with the Richmond River..

The proposal calls for a FLOOR LEVEL on 3.2 metres (10 feet 6 inches) of fill. The building height will be on top of this initial layer. So it will be a fairly massive structure. Do we want another Gold Coast? Look at the "Service Centre" at Mudgereebea. Not a pretty sight.

Unstable ground.

This seems to be a re-run of the "Ballina Waters" saga of 1999. Before that there was a proposal in 1992 for a golf course and retirement village in the area. Both these proposals were rejected by Council. It is enlightening yet somewhat disturbing to read the correspondence associated with these proposals. Little seems to have been learned from the experience of long term residents.

While the RTA has gone to great lengths to minimise subsidence on the unstable swamp land for the Ballina Bypass, it must be ascertained whether this developer has taken similar steps and can assure Council that differential rates of subsidence will not lead to cracking of sewer and other underground pipes. It would be a disaster if sewage or petroleum products were to seep out of this development into Emigrant Creek. At the very least Council would have to make it clear to the developer that any remedial costs must be borne by the developer or subsequent owners and not by the ratepayers or taxpayers.

Flooding.

In constructing such an edifice the proponent will be adding to the already overbuilt section of West Ballina which used to be an escape for floodwaters flowing from the combined Emigrant, Maguires and Houghlahans Creeks and their tributaries.

The applicant is dismissive of Emigrant and Maguires Creeks as "local". Between them they drain more than 60km of Ballina Shire, passing through some of the areas of highest rainfall in NSW. Maguires Creek, runs for over 24Km, (see report on Council's website, <http://www.ballina.nsw.gov.au/content/uploads/MaguiresCreekCatchmentVegetationManagementPLAN.pdf>) rises behind Kays Lane in Wollongbar, is joined by Willowbank Creek, flows through Alstonville, Tuckombil and Teven where it first joins Houghlahans Creek which drains Tyumba and the western sides of Fernleigh and Tintenbar. From Teven it flows 30metres wide and 3 metres deep to its confluence with Emigrant Creek where the new bridges are under construction. Emigrant Creek flows for over 33km, rising near Bangalow behind Old Byron Bay Road and drains the country to the west of the coastal ridge. The dam on Emigrant Creek was once Ballina's only source of town water.

Both creeks are tidal. The level of Maguires Creek rises up to two metres between low and high tide at the Tintenbar Road.

Emigrant creek is tidal as far as Tintenbar village. High tides frequently flood Old Bangalow Road near Tintenbar.

Both creeks were used for river transport of sugar cane, timber and passengers into the 20th century.

According to locals, major flooding has occurred in 1945, 1948, 1962, 1976, 1985 and 1988. Since that time there have been smaller flash floods in 1991, 1995, 2005, 2006, 2009 and 2010. There have been significant floods in the three valleys. Houghlahans Creek Road is frequently closed due to flooding. Emigrant Creek has often closed the Pacific Highway in the Cumbalum area and roads near Tintenbar are frequently closed. Maguires Creek is affected by flash flooding when heavy rains fall on the Alstonville/Wollongbar area and/or properties drained by the Houghlahans Creek. The waters drain into Maguires Creek and its tributaries causing an unchecked torrent of water in Teven.

The developer has chosen to present the 1976 flood and the 2005 flood as examples.

Every flood is different. While the 1976 flood was called Teven's biggest flood at the time, it was exceeded by the 1985 flood which washed away the Teven School, leading to its closure.

In 1988 another flood closed many roads in the area for several days due to much water in the Richmond not allowing the waters from Emigrant Creek and its tributaries to drain. The 2005 flood caused only moderate flooding.

Before 1988 significant falls of rain of around 500-600mm was the cause of the flooding. Since that time falls as low as 200mm have caused minor to moderate flooding due to the increased runoff caused by removal of vegetation and construction of suburban environments in the Alstonville/Wollongbar area.

Council decisions on suburban development upstream have been made on an individual basis with little regard to the bigger picture, and may yet lead to legal action if they prove to have caused damage to homes and property downstream. The floodplain is now almost surrounded by man-made banks of fill which will act like a low-level dam the next time we get significant rainfall. Ballina has indeed been fortunate not to get massive rainfall while otherwise dry areas of Australia were recently experiencing record floods.

Much of the discussion has been concentrated on actual flood levels. Of equal concern to the Teven community is flood duration. The longer that floodwater takes to drain away, the more damage is done to crops, trees and property. It will be interesting (and probably costly) to see if the floodway bridges in the RTA's amended plan will allow as much water to escape as the whole (unfilled) estuary did in the mid seventies. It is hard to imagine the extent of a big flood but locals tell of a sea of water in Teven Village, one metre deep covering Tintenbar Road, Teven Road and North Teven Road extending all the way to West Ballina where Ballina Quays estate has since been built "dropping like Niagara Falls into the Richmond River."

That much water will take a long time to exit the amended floodways in the RTA's revised plan.

Many would not be aware of the mistakes that were made on the Merrimac-Carrara floodplain on the Gold Coast which was gradually filled for development over many years. Now floodwaters cannot escape quickly enough and cause much damage after heavy rain.

Environmental Effects - Wildlife.

The applicant has provided a Statement of Environmental Effects, but is dismissive of the local wildlife.

While the Ballina Bypass has been under construction, Teven Road has been used by increasing amounts of Pacific Highway traffic as a means of avoiding Ballina. This has led to much road kill of Swamp Wallaby, Pademelon, Diamond Python, Lace Monitor, River Dragon, Echidna, Kingfisher, Kookaburra, Magpie, Butcher Bird, Water Fowl, brushtail and ringtail Possums. In addition to those killed on the roads we are aware of many other species (birds, insects and reptiles) living in the area. Many of these animals are nocturnal and unlikely to be seen in the daytime. While it is probably correct that the Broilga has not been seen in the area recently(We have a photo of one taken in the area about 1999) is that a reason for us to ignore it's traditional habitat? Other swamp birds too have been sighted less frequently since construction began. Shouldn't we be ensuring that they are given enough room to return and continue gracing our area.

We would like to think that our Council is not so naïve that it is unaware of moves by other Australian Councils which are regenerating and creating wetlands rather than destroying them. Shouldn't we be restoring, protecting and preserving this habitat to encourage our wildlife to continue rather than writing them off .

The effect on flooding and flooding duration that the Ballina Bypass will cause has not yet been tested.

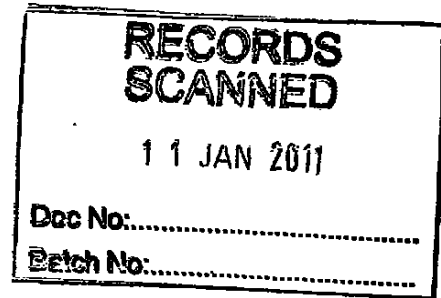
This development is not necessary for the completion of the bypass.

Let's have more time for further study before blocking the floodplain further.

Yours Sincerely



M & D Latham



PO Box 34
Ballina NSW 2478

27 December, 2010

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

Dear Sir,

**Re: DA 2020/962 Highway Service Centre Lot 11 DP1011575
Pacific Highway BALLINA**

We refer to the abovementioned Development Application and attach our Submission thereto.

We appreciate that the time for lodging these submissions has elapsed but in the absence to a response to our request for an extension of time to lodge, emailed to Mr Andrew Smith on 20 December, 2010 as instructed, we request your forbearance and understanding in the circumstances.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "B Flood".

Beatrice Flood

19 December, 2010

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

Dear Sir,

**Re: Application for a Highway Service Centre
Pacific Highway West Ballina
Ref Number: 010.2010.00000962.001**

Submission: OBJECTION

**Submission Applicants: Flood Family
321 Bangalow Road Ballina**

We refer to the abovementioned Application for a proposed development, noting that it is the second such application and make the following comments:

Development of the West Ballina Area Generally

We note that Council, as a Committee to the greater Council, at its meeting of 9 December, 2009 had reservations in adopting the West Ballina Study and Plan, prepared by their consultants King and Campbell; who themselves had reservations concerning this particular development and did not support it.

It is our contention that approval of the proposed Service Centre may further reduce the viability of the surrounding arable and existing farming land, in the principally agricultural section of the West Ballina Area. Additional land fill levels noted in the proposal will exacerbate more extensive flooding of that surrounding lower farming land.

It was brought to our notice at the Meeting of Council held on 9 December, 2009 that subsequent to revised forecasts for sea level changes by the Department of Environment and Climate Change; the State Authorities have also revised their expectations for future developments. We are concerned in the light of those forecasts, the implications such a development may have on the wider area, and particularly in conjunction with the construction of the yet to be completed Pacific Highway Bypass, the ramifications of which have yet to be tested in a significant rainfall event.

The Ballina Local Environmental Plan 2010

It is noted at 4.1.9 of the Application that at the time of application, the Ballina Local Environmental Plan 2010 was in Draft only and that submissions in relation to that Draft LEP were still in the process of review. It is our contention that any decision regarding this Application should be held in abeyance until such time as the matters raised in connection with the Draft LEP have been satisfactorily addressed.

Flooding Issues

The Applicant acknowledges a number of times throughout the Application that the land and surrounding land is prone to flooding:

Section 2

2.2 Site Context

"The site is relatively flat, lying within a deltaic floodplain of the Richmond River."

Section 5

5.9 Hazards

"The site is floodprone...."

Whilst the Application may adequately address possible flooding issues for the proposed site, we have grave concerns for the surrounding area, its residents and the wider floodplain. The proposed landfill requirements to meet Q100 + climate change flood level cannot be examined in isolation and certainly does not bode well for adjoining and surrounding residents and businesses who remain some 1.6m to 2.3m lower than the proposed site after filling (Refer Appendix B Cardno Engineering Statement 3.8 Earthworks,).

Appendix B Cardno's Engineering Statement also acknowledges at Section Geotechnical 3.4:

"The site is underlain by soft alluvial clays" Which it is proposed will settle as a result of filling and with the use of wick drains throughout construction.

It is our concern that after decades of prolonged dry weather and the yet incomplete construction of the Pacific Highway Bypass of Ballina that the true ramifications of the changes made to the lay of the land under extremes of heavy rainfall combined with high tide events may cause significant detriment to surrounding properties.

The combined effect of these two facts: changes to watercourses and significant landfill throughout the floodplain, have not been a determining factor in past significant flood events, these man-made factors of change are yet to be tested. Major development projects in the Ballina Shire have only occurred in the last 20 years which has been a period of exceptional dry and low rainfall; well after major events such as 1974 flooding.

Rainwater Tanks

We note the proposed Development will include rainwater tanks with the capacity of 4410m³ to collect roof runoff from the various buildings. Whilst this may be an

advantage, it would appear to be somewhat minor and cosmetic, given the significant loss of water absorbent area lost to asphalt and cement.

Additionally the proposed construction of the floodway noted at Conclusion 6.2 of the Application, would be a **necessity** rather than the “...benefit to the northern floodplain....” (See Appendix 3 BMT WBM Flood Impact Assessment for Lot 1 DP Ballina 3.2 “*This floodway was identified during the Ballina Flood Study Update as being required to reduce the flood impacts across the floodplain to the north.*”)

Likely Benefits of the Proposed Construction to Greater Ballina

We note that the Applicant foresees that the Project will create employment opportunities and a “multiplier effect” for the wider Ballina Community. We question that perhaps this development will be capturing the passing disposable income that would otherwise have been spent in the town proper, businesses such as local service stations will no longer reap the benefit of passing tourists. Similarly, existing fast food chains already established in the town will be hard pressed to survive without the advantage of the passing tourist trade - will these premises become vacant commercial space as these conglomerates vacate Ballina Town Centre.

Conclusion

We appreciate that there is an opportunity for the development, given that there are no service centre facilities between Chinderah and Grafton however; a service centre in this proposed location will undoubtedly have adverse effects on the existing service station owners presently situated within the town centre. Development on the periphery at the expense of existing businesses in the town centre will not be a benefit to the shire. More importantly we urge the Council to cautiously consider the full ramifications of this and all surrounding development on the sensitive floodplain of the Richmond River.

Yours faithfully,



Beatrice Flood
(on behalf of Flood Family)

Mr Shane Smith
PO Box 3916
SOUTH BRISBANE BC QLD 4101

28 March 2011

ATTENTION : CR PHILLIP SILVER

Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Cr Silver,

RE: SUBMISSIONS TO DEVELOPMENT APPLICATION DA2010/962 SEEKING A DEVELOPMENT CONSENT FOR A HIGHWAY SERVICE CENTRE ALONG THE PACIFIC HIGHWAY, WEST BALLINA ON LAND DESCRIBED AS LOT 11 DP1011575

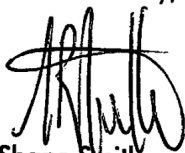
I refer to Council Application Number DA2010/962 submitted by S J Connelly CPP Pty Ltd seeking a Development Consent for the Construction of a Highway Service Centre comprising Service Station, Fast Food Restaurants, Regional Expo Centre, Auto Repair Centre, Associated Vehicular Access (including signalized intersection on the existing Pacific Highway alignment), car and Truck Parking, Infrastructure Works, Filling, Signage and Two Lot subdivision (Lot 1 – Highway Service Centre & Lot 2 – Agricultural Residue), at Lot 11 DP101175, Pacific Highway, West Ballina.

A number submissions were prepared and previously submitted to the Ballina Shire Council on behalf of Homeworld Ballina Pty Ltd, in relation to Application Number DA2010/962.

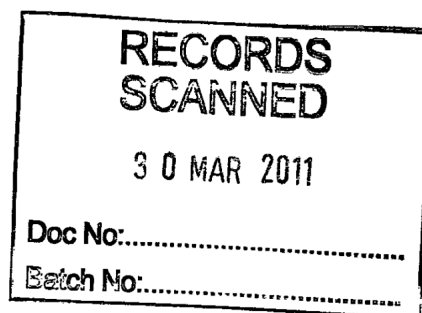
For your information, please find attached a copy of the submissions submitted to Council in relation to the abovementioned application, dated 17 December 2010 and 2 February 2011.

Should you require any further information in relation to this matter, please contact Shane Smith on phone number 0438 806 065.

Yours faithfully,



Shane Smith
B App Sc Surv, LS, G.D.U.R.P., MPIA, CPP
Town Planner



Mr Shane Smith
PO Box 3916
SOUTH BRISBANE BC QLD 4101

2 February 2011

ATTENTION : ANTHONY PETERS

COPY

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

Dear Sir / Madam,

RE: FURTHER SUBMISSION TO REVISED INTEGRATED DEVELOPMENT APPLICATION (DEVELOPMENT APPLICATION NUMBER DA2010/962) SEEKING A DEVELOPMENT CONSENT FOR A HIGHWAY SERVICE CENTRE ALONG THE PACIFIC HIGHWAY, WEST BALLINA ON LAND DESCRIBED AS LOT 11 DP1011575

I refer to Application Number DA2010/962 submitted to the Ballina Shire Council by S J Connelly CPP Pty Ltd, seeking a Development Consent for the Construction of a Highway Service Centre comprising Service Station, Fast Food Restaurants, Regional Expo Centre, Auto Repair Centre, Associated Vehicular Access (including signalised intersection on the existing Pacific Highway alignment), Car and Truck Parking, Infrastructure Works, Filling, Signage and Two Lot Subdivision (Lot 1 – Highway Service Centre & Lot 2 – Agricultural Residue), at Lot 11 DP101175, Pacific Highway, West Ballina.

I also refer to the previous submissions prepared on behalf of Homeworld Ballina Pty Ltd submitted to the Ballina Shire Council in relation to this application (submission dated 17 December 2011) and Application Number 2007/685 (submissions dated 11 December 2009, 30 July 2010, and 20 August 2010). This submission is being submitted to Council as further information for your review and consideration prior to assessing Application Number DA2010/962.

As identified in the information provided as part of Application Number DA2010/962 and abovementioned submissions, it is identified the proposed development will have a negative impact on the flood levels on surrounding properties. The Flood Impact Assessment Report prepared by BMT WBM Pty Ltd submitted by the Applicant as supporting evidence to the current application Number DA2010/962 identifies that the development will result in an increase of "5mm across most of the floodplain during the 100 year ARI event". The proposed development is located within an existing floodplain, and therefore it is considered development in such location is not a desirable outcome due to the expected impacts.

1.

Due to the recent severe weather and floods within New South Wales, Queensland, and Victoria, it is considered Council should ensure the proposed development will not have a negative impact (zero impact) on properties within the existing floodplain and surrounding properties. Mitigation measures and engineering modelling have been undertaken in recent years in a number of Local Government Areas (including the Ballina Shire Council Local Government Area), which has resulted in a number of Council's and authorities lowering their flood levels resulting in development occurring in these areas. Recent severe inundation and weather has identified that there may be fundamental flaws in the modelling work undertaken, and the mitigation measures incorporated within a number of areas has not had the optimum result as desired during these storm events.

Therefore, due to the recent widespread weather events across Australia, it is considered Council should ensure the proposed development will have a zero impact on the existing floodplain, and will not affect the any properties within the surrounding locality it cannot be ensured that the mitigation measures incorporated within developments mitigate all negative impacts, and should not be relied upon.

It is considered that a more suitable site for the proposed land use should be investigated by Council prior to approval of the proposed development, which will not have an impact to the flood levels. As identified in previous submissions, the site where the current Ballina Bypass works site compound is located may be more appropriate for a Highway Centre as this site is not located within a floodway and would provide more appropriate access. Prior to any development being permitted on the subject site (Lot 11 DP101175, Pacific Highway, West Ballina), Council should ensure there is no land within the surrounding locality which would be more appropriate for the proposed land use and have less impact on surrounding properties.

It is requested this submission be considered by the Ballina Shire Council when assessing Application Number DA2010/962, and that a response be forthcoming with regard to the issues raised. It is also considered the submissions previously prepared on behalf of Homeworld Ballina Pty Ltd in relation to Application Number DA2010/962 (submission dated 17 December 2010) and Council Application Number 2007/685 (submissions dated 11 December 2009, 30 July 2010, and 20 August 2010) are relevant to the proposed development. As identified in this submission, due to wide spread severe weather and inundation across three (3) states within Australia, Council should ensure the proposed development has a zero impact on the surrounding locality prior to approval to ensure development will not have a negatively impact.

Should you require any further information in relation to this matter, please contact Shane Smith on phone number 0438 803 065.

Yours faithfully,



Shane Smith
B App Sc Surv, LS, G.D.U.R.P., MPlA, CPP
Town Planner

DA 2010/962

Proposed Draft Conditions

Development Application No:	DA 2010/962
Applicant:	SJ Connelly CPP Pty Limited
Subject Land:	Lot 11 DP 1011575, Pacific Highway, West Ballina
Development Proposal:	<p>Two (2) Lot Subdivision (Proposed Lot 1 – Highway Service Centre {7.3 ha} & Proposed Lot 2 – Agricultural Residue {9.72 ha}), and the Construction of a Highway Service Centre involving:</p> <ul style="list-style-type: none">• Construction of the following Off-site works comprising, a roundabout on the existing Pacific Highway alignment, the floodway culverts under the Pacific Highway, the construction of the spine road culvert bank, road access from the Ballina Bypass and Teven Interchange and associated road upgrades and pedestrian accessways along the Pacific Highway; and• On-site works consisting of the construction of Service Station, associated Fast Food Restaurants, Auto Repair Centre, associated Vehicular Accesses, Car and Truck Parking, Infrastructure Works, Site Filling, Floodway Construction, Landscaping, Earthworks and Advertising Structures upon Proposed Lot 1 (currently part Lot 11 DP 1011575), Pacific Highway (now known as No. 565-589 River Street, West Ballina).

_____(initial)
Assessment Officer

1. DEFERRED COMMENCEMENT

General

Deferred Commencement

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

- 1.1. Approval is obtained from all relevant Government Authorities (including Council) and property owners, for the design and construction and establishment of the flood culvert under the Pacific Highway and all associated works in relation to the Pacific Highway. Approvals must be obtained in writing and copies submitted to Council.
- 1.2. The submission of a Construction Sequencing Plan (CSP) to be approved by Council. The CSP shall specify the proposed timing of the construction of the Off-site and On-site works associated with the proposed development.
The CSP shall provide for the following matters to be scheduled:
 - i) that Off-site Pacific Highway roadworks associated with the construction of the highway floodway culverts and the construction of the Highway culverts are to be commenced to the satisfaction of the relevant Public Authorities and in accordance with the BMT WBM Flood Impact Assessment Report dated Jan 2009 and associated document dated 13/9/10;
 - ii) approval for the temporary construction access to the site from the Pacific Highway to the satisfaction of the relevant Public Authorities;
 - iii) prior to the importing of any additional fill material from Off-site the Off-site floodway culverts under the Pacific Highway are to be completed to the satisfaction of the relevant Public Authorities and, a floodway and culverts/bridge are to be completed On-site in accordance with the design criteria as specified within the BMT WBM Flood Impact Assessment report and associated documents.
- 1.3. Approval from the relevant Public Authorities in relation to the design of the temporary construction access from the Pacific Highway to the development site.
- 1.4. A geotechnical risk management report for Off-site and On-site works is to be prepared presenting alternatives for situations where settlement tolerances may not be achieved through preloading. This is to include alternate foundation systems to provide the required support and/or maintenance schedules/plans to repair expected damage. The Geotechnical Report is to be submitted to and approved by Council.
- 1.5. Information on the type of preloading, installation criteria, location, heights, monitoring, instrumentation, reporting and performance limits for Off-site and On-site works are to be submitted to and approved by Council.

_____(initial)
Assessment Officer

- 1.6. A preload construction plan for Off-site and On-site works is to be submitted to and approved by both Council and the RTA (for Off-site works). This is to include a Vehicle Management Plan for haulage vehicles.
- 1.7. The development is to be modified to create a pedestrian linkage from buildings B and C to buildings A and G such that they do not cross the path of a circulating vehicle utilising the drive through areas of buildings A and G. Details are to be submitted to and approved by Council.
- 1.8. The design plans are to be modified to reflect the changes in Cardno Eppell Olsen drawing 6151-001 revision A dated 18/03/11 intitled Ballina Service Centre Carpark and Internal Road Layout Truck Circulation Parking where the slip lane from the bypass has been enlarged to facilitate truck turning movements. Details are to be submitted to and approved by Council.
- 1.9. The design plans are to be modified by widening the distance between the northern car bowzers and the truck refuelling area by 3m to the north. This is to allow greater perimeter circulation as identified in Cardno Eppell Olsen drawing 6151-006 revision A dated 18/03/11 titled Ballina Service Centre Carpark and Internal Road Layout Caravan Circulation Parking – Caravan Parking Detail E. Details are to be submitted to and approved by Council.
- 1.10. Plans for the installation of underground fuel tanks are to provide for the tanks and associated in-ground servicing infrastructure to be protected from chemical attack/degradation whilst in-situ and they are to be limited in settlement to +/- 5mm with a flexible fitting. Details are to be submitted to and approved by Council.
- 1.11. The design plans are to be modified to reflect the changes to the parking spaces and coach parking areas as depicted in Cardno Eppell Olsen drawing 6151-007 revision A dated 18/03/11 titled Ballina Service Centre Carpark and Internal Road Layout New Coach Set Down. Details are to be submitted to and approved by Council.
- 1.12. The main spine road linking the Pacific Highway entrance to the truck parking area is to be sized for bidirectional flow for frequent usage of B-doubles in accordance with the principles of AS 2890.2 (As current at time of Construction). Details are to be submitted to and approved by Council.
- 1.13. The secondary spine road linking the main spine road to the fuel bowzers is to be sized for bidirectional frequent caravan use in accordance with the principles of AS 2890 (As current at time of construction). Details are to be submitted to and approved by Council.
- 1.14. The deferred commencement conditions are to be complied with within twelve (12) months of the date of the issue of this consent.

(initial)
Assessment Officer

2. GENERAL CONDITIONS

General

- 2.1. Development being carried out generally in accordance with the plans and associated documentation lodged by or on behalf of the applicant, including Drawing No.'s A04.01DA & A00.02DA Issue B Dated 1/3/11, A-A&G-06.01DA Issue A, A-B & C – 06.01DA Issue A, A-E&F- 06.01DA Issue A, A60.01DA Issue A Dated 2/11/2010 & Subdivision Plan No.A010 Issue B Dated November 2010 being plans prepared by BN Group Pty Ltd; and Drawing No. 6151-001 revision A, drawing 6151-006 revision A, drawing 6151-007 revision A dated 18/03/11 prepared by Cardno Eppell Olsen, BMT WBM Flood Impact Report dated Jan 2009 and associated document dated 13/9/10, Coffey Geotechnical Report & plans "Interim Geotechnical Design for preload works: Ballina Highway Service Centre dated 30 September 2010, and Landscape Plan prepared by Jackie Amos, except as modified by any condition in this consent, and by the reports/details & plans to be carried out in accordance with the deferred commencement conditions of this consent.
- 2.2. **Commencement of occupation or use**
Occupation or use of the premises for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with, and necessary Occupation Certificates obtained, unless alternative arrangements have been made with Council.
- 2.3. No approval is granted for the storage of excess filling material on the subject land (proposed Lots 1&2). All excess fill is to be removed from the site at the completion of satisfactory preloading.
- 2.4. All design and construction costs associated with the development are to be at no cost to Council.
- 2.5. **Signage**
Concurrence of the Roads Authority is to be obtained in relation to the introduction of new traffic signage (whether on the road network or the internal road related area) prior to installation to ensure that the proposed signage is to a proper standard and is legally enforceable.
- 2.6. **No signs without approval**
No additional advertising signs are to be erected or displayed without prior submission of a development application to, and approval from, Council.
- 2.7. The RTA specifications, Austroads, Australian Standards and Northern Rivers Development and Construction Manuals are to be revisited prior to construction, and designs amended accordingly, to satisfy the most recent practices of the RTA, Austroads, Australian Standards, and Northern Rivers Development and Construction Manuals applicable at the time of Construction.

Sequence of Civil Works

- 2.8. The development is to proceed in accordance with the approved Construction Sequencing Plan.

_____ (initial)
Assessment Officer

Works on Proposed Lot 1

- 2.9. No site filling (other than utilising the existing stockpiles on the subject land) or associated works are to occur on proposed Lot 1 (the Highway Service Centre Site) until all works associated with the construction and establishment of the flood culverts under the Pacific Highway (Off-site), the associated highway works and the establishment of a construction access to the site, the floodway and the spine road culvert/bridge(On-site), have been completed in accordance with the design criteria as specified within the BMT WBM Flood Impact Assessment Report and associated documents, to the satisfaction of the Roads & Traffic Authority, Industry & Investment NSW and Council.

3. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Off site Civil Works)

Levies

- 3.1. **Long Service Levy**
In accordance with the EP&A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

Civil Works - Roads and Traffic

- 3.2. A Works Authorisation Deed (WAD) is to be obtained from the RTA. The WAD is to address those works required from the Ballina Bypass to access the site and those works on the Pacific Highway associated with the development. Details and the approved WAD are to be submitted to Council prior to issue of the Off-site Construction Certificate.
- 3.3. Prior to the issue of the Off-site Construction Certificate, engineering design drawings shall be submitted to and approved by Council and the RTA, under Section 138 of the Roads Act 1993 for the following civil works. Details are to be in accordance with the Northern Rivers Local Government *Development Design and Construction Manuals* (as current at the time of construction works commencing). Where details are not addressed in these Manuals, the design is to comply with the requirements of Council's *Subdivision Code*.
- (i) **Upgrade of Existing Pacific Highway – Site entry**
At the developer's expense, a two lane, 30m diameter (internal island) dual lane roundabout and associated roadworks is to be situated at the Emigrant Creek boat ramp entrance. The roundabout is to have the following properties:
- (a) Dual lane (in and out) from the Ballina Bypass/Teven interchange dual lanes on the Pacific Highway alignment.
 - (b) Single lane (in and out) from Emigrant Creek Lane (boat ramp access).

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- (c) Dual lane (in and out) from the new intersection east towards Ballina.
- (d) Dual lane (in and out) at the site's Spine road access point at the Pacific Highway.
- (e) Designed for the circulation of B-doubles without mounting of the island.
- (f) The Roundabout shall provide a central concrete median from the roundabout westbound to tie in with the Teven Interchange central concrete median.
- (g) The Roundabout shall provide a central concrete median from the roundabout eastbound to the western point of the Sunmaid Village Caravan Park entrance.
- (h) The arms and circulation path of the roundabout are to be concrete in accordance with RTA concrete roundabout specifications (as current at time of construction).
- (i) The Roundabout and eastern median is to possess a pedestrian crossing point in the form of a pedestrian refuge and associated pram ramps situated in a location that facilitates circulation of the roundabout by vehicles, facilitates pedestrian flow and offers clear pedestrian and vehicular sightlines.
- (j) The road pavement to the west of the roundabout connecting with the Teven interchange dual lanes is to be of concrete construction in accordance with AS3600 and RTA specifications (as current at time of construction) for each lane.
- (k) The road pavement to the east of the roundabout and extending to the end of the zip merge taper is to be of concrete in accordance with AS3600 and RTA specifications (as current at time of construction) for each lane.
- (l) The provision of a zip/merge taper eastbound from the eastern portion of the caravan park entrance. The dimensions are to accord with RTA & Austroads specifications as current at the time of construction.
- (m) The provision of diversion lanes and temporary drainage structures are to be designed and submitted to both Council and RTA for approval prior to issue of the Off-site Construction Certificate. These structures are to ensure trafficability during the external site works. Details of decommissioning of the above structures are to be included.
- (n) The provision of site access from the Ballina Bypass is to be submitted to and approved by the RTA prior to forwarding to Council.
- (o) Street lighting is to be designed in accordance with AS 1158 (as current at the time of construction). Details are to be submitted to and approved by the RTA and Council prior to the issue of the Off-site Construction Certificate.

Inspection of the road works is required by the relevant Roads Authority at the time of excavation and prior to sealing of the works. It shall also be inspected during construction of the medians.

(II) Shared footpath/cycleway

- (a) The provision of a concrete footpath a minimum of 2.0 metres wide along the existing Pacific Highway from the internal road network of the Highway Service Centre Site to match with the _____ (initial)
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footpath at Emanuel Anglican College Ballina. The footpath is to be designed and constructed in accordance with Standard Drawing R-07 of Northern Rivers Local Government *Development Design and Construction Manuals*. The alignment must be approved by Council's Development Engineer and any unnecessary footpath resulting from the development is to be removed and the area restored in accordance with Council's requirements.

- (b) The provision of a concrete footpath a minimum of 1.35 metres wide from the Sunmaid Caravan Park north to connect with the site's internal and external footpath network at the new intersection of the site's access with the Pacific Highway. The footpath is to be designed and constructed in accordance with Standard Drawing R-07 of Northern Rivers Local Government *Development Design and Construction Manuals As current at time of construction*). The alignment must be approved by Council's Traffic Committee and RTA prior to the issue of the Off-site Construction Certificate.

Details of the above are to be submitted to and approved by Council and the RTA prior to the issue of the Off-site Construction Certificate. Inspection of the road works is required by the relevant Roads Authority at the time of excavation and prior to sealing of the works.

Floodway Controls

- 3.4. The size of the floodway culverts (including tide flaps) under the Pacific Highway are to be constructed such that they convey the 100yr design flows (as identified in the BMT WBM Flood Impact Assessment and reports for Lot 1 DP 238009) with a 500mm freeboard to the soffit/obvert of the culvert. The invert level is to be above mean high water level (MHWL) of the connecting channel/outlet but low enough to drain completely. Details and hydraulic analysis is to be submitted to and approved by Council prior to issue of the Off-site Construction Certificate.
- 3.5. At full cost to the developer the alignment of the current Pacific Highway is to be designed to accommodate the required culverts (inclusive of optimisation and performance conditions listed within this consent). The alignment shall be in accordance with the RTA's Road Design Guide for a first order arterial road and shall possess a pavement design in accordance with the RTA specifications (as current at time of construction). Details are to be submitted to and approved by Council and the RTA with the RTA's WAD approval prior to issue of the Off-site Construction Certificate.
- 3.6. ***Floodway Design***
The floodway outlet is to be designed such that it does not create erosion or have any scour effects during its operation. Details are to be submitted to and approved by Council prior to issue of the Off-site Construction Certificate.
- 3.7. The structural and geotechnical design of culvert banks under the Pacific Highway and the Spine road culverts, are to be in accordance with geotechnical specifications and reporting specific to the installation location

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of the culvert cells. Settlement of the culvert banks under the Pacific Highway and within the floodway corridor is to be limited to 5mm or less. Details are to be submitted to and approved by Council prior to issue of the Off-site Construction Certificate.

Geotechnical

- 3.8. A comprehensive geotechnical report for the Off-site works is to be prepared based on the site characteristics and methodology provided for preloading and filling of the road. Details are to be submitted to Council for approval once the development's designated geotechnical engineer considers the information sufficient for construction (via a letter to Council) prior to issue of the Off-site Construction Certificate. Contained within this updated report are to be clear notations of all soil properties and coefficients relative to this site.
- 3.9. The geotechnical report submitted for the construction of Off-site works shall also include the preload limits and performance targets to be achieved for each stage of the development. Details are to be submitted to and approved by Council prior to issue of the Off-site Construction Certificate.
- 3.10. The management of the preload material associated with the Off-site Construction Certificate shall be as per the submitted Coffey geotechnical report "Interim Geotechnical Design for Preload Works: Ballina Highway Service Centre, West Ballina dated 30 September 2010, pp 14-15. Details are to be submitted to and approved by Council prior to issue the Off-site Construction Certificate.
- 3.11. The location of preloading stability berms for Off-site works are to be designed & certified by a practising geotechnical engineer and submitted to and approved by Council prior to issue of the Off-site Construction Certificate.
- 3.12. The location of preloading material, heights, and measuring equipment for Off-site works is to be documented and submitted to and approved by Council prior to issue of the Off-site Construction Certificate.
- 3.13. Information on the type of preloading, installation criteria, location, heights, monitoring, instrumentation, reporting and performance limits for Off-site works are to be submitted to and approved by Council prior to issue of the Off-site Construction Certificate. At the completion of the preload period, all material is to be removed from the land.
- 3.14. ***Erosion & Sediment Control Plan***
An Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by Council prior to the issue of the Construction Certificate (Building). The ESCP shall be prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
- 3.15. ***Dewatering of excavations***
In the event that any excavations require dewatering, a dewatering plan must be submitted to and approved by Council prior to the issue of the Construction Certificate.

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- 3.16. **Surface water management on covered forecourt areas**
All surface water drainage, including waste collection, treatment and disposal, on the covered forecourt area must be designed to incorporate the requirements of NSW EPA Environmental Guidelines: Surface Water Management on the Covered Forecourt Areas of Service Stations. The plans and specifications must be submitted to and approved by Council prior to the issue of the Construction Certificate.

Civil Works Bond

- 3.17. **Civil inspection fee, Construction Certificate fee & construction bond**
Prior to the issue of a Construction Certificate, 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 at the actual time of payment:

- Civil Construction Certificate Fee: Refer to Council's Schedule of Fees and Charges
- Civil Inspection Fee: Equal to 3% of the estimated cost of the civil works (min \$185)
- Civil Construction Bond: Equal to 5% of the estimated cost of the civil works (min \$1000)

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.

4. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (On-site Civil Works)

- 4.1. **Long Service Levy**
In accordance with the EP&A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.
- 4.2. **Protection of underground fuel tanks**
Plans for the installation of underground fuel tanks are to provide for the tanks and associated in-ground servicing infrastructure to be protected from chemical attack/degradation whilst in-situ and they are to be limited in settlement to +/- 5mm with a flexible fitting. Details are to be submitted to and approved by the Council prior to issue of the On-site Construction Certificate.
- 4.3. **Erosion & Sediment Control Plan**
An Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Accredited Certifier prior to the issue of the On-site Construction Certificate. The ESCP shall be prepared in accordance with

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the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

Geotechnical

- 4.4. The comprehensive geotechnical report for On-site works is to be prepared based on the site characteristics and methodology provided for preloading and filling of the site. Details are to be submitted to the Council for approval once the site's designated geotechnical engineer considers the information sufficient to allow construction to proceed (via a letter to the Council prior to issue of the On-site Construction Certificate. Contained within this updated report are to be clear notations of all soil properties and coefficients relative to this site
- 4.5. The geotechnical report prepared for On-site works construction shall include the preload limits and performance targets to be achieved for each construction stage of the development. Details are to be submitted to and approved by the Council prior to issue of the On-site Construction Certificate.
- 4.6. The management of the On-site site works preload material shall be as per the submitted Coffey geotechnical report "Interim Geotechnical Design for Preload Works: Ballina Highway Service Centre, West Ballina" dated 30 September 2010, pp 14-15. Details are to be submitted to and approved by the Council prior to the issue of the On-site Construction Certificate.
- 4.7. The location of preloading stability berms for On-site works are to be designed & certified by a practising geotechnical engineer and submitted to and approved by Council prior to issue of the On-site Construction Certificate.
- 4.8. The location of preloading material, heights, and measuring equipment for On-site works is to be documented and submitted to and approved by Council prior to issue of the On-site Construction Certificate.
- 4.9. Information on the type of preloading, installation criteria, location, heights, monitoring, instrumentation, reporting and performance limits for On-site works are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate. At the finish of the preloading of the site, all residue preload material is to be removed from the subject land.
- 4.10. The geotechnical report submitted for the construction of On-site works shall also include the preload limits and performance targets to be achieved for each stage of the development. Details are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

Services Associated with the Site Filling of Proposed Lot 1

- 4.11. All services within the site are to be limited in total settlement to 25mm or less and possess flexible jointing. Details are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.
- 4.12. Services connecting to Council's network are to be limited in total deflection to +/- 5mm with a flexible fitting. Details are to be submitted to

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and approved by Council prior to issue of the On-site Construction Certificate.

- 4.13. In accordance with the Coffey geotechnical report, non sensitive pavements and hardstand areas are permitted to settle up to 300mm. Written confirmation from the developer stipulating that they are prepared for areas to settle to this amount and have designed accordingly such that it is not of a critical nature and location to the long term functionality and performance of the site. These areas are to be documented for consideration and preloading requirements. Written information is to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

Access & Car Parking

4.14. ***Disabled Carparking***

The design of all disabled car parking spaces is to be in accordance with Australian Standard AS/NZS 2890.6 and AS2890.2 (as current at time of construction). This is to include a shade structure to protect the vehicle occupants from the weather. Design plans are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

- 4.15. The design of all car parking and vehicular accesses is to be in accordance with the Australian Standard AS/NZS 2890.1: (as current at time of construction). Design plans are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

4.16. ***Concrete or similar parking areas***

The roadways and parking bays within the development are to be constructed of reinforced concrete or similar paved material. All roadway areas are to be adequately graded and drained to the stormwater system to ensure that stormwater is not directed onto adjoining properties. Design plans are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

Pedestrian linkage

- 4.17. The development is to be modified to create a pedestrian linkage from buildings B and C to buildings F and E. Details are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.
- 4.18. The development is to be modified to create a pedestrian linkage from buildings B and C to buildings A and G such that they do not cross the path of a circulating vehicle utilising the drive through areas of buildings A and G. Details are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

Vehicle Management Plan

- 4.19. A vehicle management plan is to be prepared for loading areas that obstruct car space access addressing responsible parties, driver expectations, delivery times, repercussions, unloading practices and parking management. This is to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

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Signage

- 4.20. A plan showing the proposed road and pedestrian signage for the development is to be prepared submitted and approved by Council prior to issue of the On-site Construction Certificate. This is to include all of the signage relevant to car circulation, caravan circulation and parking, truck circulation and parking, coach circulation and parking and any associated directional and parking signage required by the development.

Safety Fencing

- 4.21. On both sides of the floodway, 1800mm high pedestrian safety fencing is to be installed (at the full cost to the developer). Details are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.
- 4.22. Around the perimeter of the stormwater basins there is to be installed (at full cost to the developer) a 1800mm high pedestrian safety fence, if the ponded water depth is greater than 600mm. Details are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

Spine Road Construction

- 4.23. The size of the Spine road culverts crossing the floodway corridor are to be constructed such that they convey the 100yr design flows (as identified in the BMT WBM Flood Impact Assessment for Lot 1 DP 238009) with a 500mm freeboard to the soffit/obvert of the culvert. Details and hydraulic analysis is to be submitted to and approved by Council prior to issue of the Off-site Construction Certificate.

Flooding

- 4.24. ***Floodway Corridor Construction***
The construction of the floodway corridor and all associated infrastructure is to be at the full cost of the developer, and to be designed such that the 100yr design flows (as identified in the BMT WBM Flood Impact Assessment for Lot 1 DP 238009) are contained and conveyed within the floodway corridor with a 500mm freeboard to the discharge point and do not flow outside the floodway as a result of scour or meandering. Details are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.
- 4.25. ***Acid Sulfate Soils- Proposed Floodway***
The proposed floodway construction will require management to treat the existing acidity which is present in the upper soil profile. The applicant is therefore requested to submit a revised Acid Sulfate Soil Management Plan (Precise Environmental March 2007) to include assessment and treatment of excavations associated with the proposed floodway. The revised Acid Sulfate Soil Management Plan is to be submitted to and approved by Council prior to the issue of the On-site Construction Certificate.

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Stormwater

4.26. Stormwater

The provision of stormwater controls on site in accordance with the Water Sensitive Design requirements of Council's Development Control Plan No. 13 Stormwater Management and in accordance with the Site Stormwater Management Plan by (Cardno Ballina Highway Service Centre Preliminary Hydraulic Assessment Dated 22 October 2010 and Cardno Ballina Highway Service Centre Stormwater Quality Management Plan Dated 22 October 2010). This is to include the shaping of driveways and paved areas to drain to landscaped/vegetated areas. Details are to be submitted to and approved by Council prior to the issue of the On-site Construction Certificate.

- 4.27. The stormwater basin is to be amended to remove the standpipe and riser. This is to be replaced with a permeable weir (or equivalent) to allow the basin to drain. Details are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

Filling of Land

- 4.28. The Highway Service Centre site west of the floodway (inclusive of the spine road) must be filled to a minimum level of RL 2.7 metres AHD except where floodway hydraulics and environmental hazards prevail. Masonry retaining walls and dish gutters shall be constructed, and wholly contained, within side and rear boundaries of the site, such that no stormwater is discharged from the site onto the adjoining properties. The adjoining properties shall be drained at the common boundary with the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. The stormwater drainage shall be discharged to Council's drainage system. Details are to be submitted to and approved by Council prior to the issue of the On-site Construction Certificate.
- 4.29. The portion of the allotment associated with the Highway Service Station, underground fuel tanks, and fuel sales must be filled to a minimum level of RL (3.2) metres AHD. Details are to be submitted to and approved by Council prior to the issue of the On-site Construction Certificate.
- 4.30. No filling is to be placed on the site that will cause surface water flooding of any adjoining property. The development shall make due provision for the diversion of the existing stormwater quantities that discharge onto the site via adjacent properties. The development shall be required to provide a suitable drainage system and demonstrate that the pre-development performance of the existing stormwater and overland drainage system is maintained. Details are to be included in the stormwater designs and submitted to and approved by Council prior to issue of the On-site Construction Certificate.

Water & Sewer

4.31. Standard Sewer Connection

The applicant shall be responsible for all costs associated with the installation of a new rising main from the development to connect with Council's sewerage pump station at 450 River Street Ballina in accordance _____(initial)
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with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing). Design plans are to be submitted to and approved by Council prior to issue of the On-site Construction Certificate.

4.32. Standard Water Connection

The applicant shall be responsible for all costs associated with the connection of Council's reticulated water supply system to each tenancy within the development in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing). Design plans are to be approved by Council prior to issue of the On-site Construction Certificate.

4.33. Water Meters

Prior to the issue of the On-site Construction Certificate, the applicant is required to submit an "Application for a Water Service" to Council in accordance with Council's Water Metering Policy (as current at the time of Construction works commencing). Each tenancy is to be fitted with a water meter of a minimum size of 20mm depending on the nature and size of the development. The applicant shall be responsible for all costs associated with water meter installations.

4.34. Backflow Prevention – Industrial and commercial

The sites containment backflow prevention shall be to current standards as per *AS 3500*. The design must be certified by a suitably qualified professional and submitted to and approved by Council prior to the issue of the On-site Construction Certificate.

5. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

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

Structural Building Requirements

- 5.1. All soil material under proposed buildings (excluding the service station) is to be limited in settlement to 25mm or less after preload. Details are to be submitted to and approved by the Accredited Certifier prior to issue of a Construction Certificate (Building).
- 5.2. All buildings on site (excluding the service station) are to be designed for a total differential settlement of 25mm after thirty (30) years and possess flexible joints at the interface between the building foundations and any connected services (water, sewer, power etc.). Details are to be submitted to and approved by the Accredited Certifier prior to issue of a Construction Certificate (Building).

Geotechnical

- 5.3. A geotechnical report containing graphs of the rate of settlement and settlement targets for preload is to be provided for all building pads. This information is to be submitted to Council specifying that all works have been conducted in accordance with the approved geotechnical reports and how the building pads limited settlement targets will be satisfied. Details

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are to be submitted to and approved by the Accredited Certifier prior to issue of a Construction Certificate (Building).

Building & Environmental Requirements

- 5.4. ***BCA compliance***
The buildings are to comply with the requirements of the *Building Code of Australia* and relevant Australian Standards.
- 5.5. ***Construction certificate to be consistent with DA***
Any Construction Certificate (Building) issued in association with this development must ensure that any certified plans are consistent (in terms of site layout, site levels, building location, size, internal/external design, external configuration and appearance) with the approved Development Application plans.
- 5.6. ***External finishes to be submitted***
A schedule of all external building materials, finishes and colour schemes shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building).
- 5.7. ***External Lighting***
All external lighting to be installed and operated on site shall comply with Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building).
- 5.8. ***Heavy Vehicle Lights***
The applicant is to engage a suitably qualified person to assess the impacts of lights from heavy vehicles entering the proposed Ballina Highway Service Centre on residents within the Riverbend development and Ballina Waterfront Village and Tourist Park. A report which details any potential lighting impacts and resultant mitigation measures is to be submitted to the Accredited Certifier for approval prior to issue of Construction Certificate (Building).
- 5.9. ***Dewatering of excavations***
In the event that any excavations require dewatering, a dewatering plan must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building).
- 5.10. ***Surface water management on covered forecourt areas***
All surface water drainage, including waste collection, treatment and disposal, on the covered forecourt area must be designed to incorporate the requirements of NSW EPA Environmental Guidelines: Surface Water Management on the Covered Forecourt Areas of Service Stations. The plans and specifications must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building).
- 5.11. ***Dangerous goods storage and handling***
Detailed plans and specifications are to be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building) demonstrating compliance with the NSW Occupational Health

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and Safety (OH&S) Act 2000, the OH&S Regulation 2001, and the NSW Code of Practice 2005 for the Storage and Handling of Dangerous Goods. The plans and specifications must be prepared by a "competent" person as defined within Clause 3 of the OH&S Regulation 2001.

Guidance on the design and installation of underground petroleum storage tanks can be found in the Australian Institute of Petroleum CP4 Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems.

The NSW Workcover Authority should be consulted in the event that further information is required in regard to this condition.

Wastewater Management

5.12. ***Compliance with Codes***

All drainage and sanitary plumbing work must be carried out in accordance with the requirements of the *NSW Code of Practice Plumbing and Drainage and National Plumbing and Drainage Code AS 3500*.

5.13. ***Waste Management***

Adequate provision must be made on site for the storage and disposal of solid and liquid wastes from the development. Details of the location and method of storing and disposing of solid wastes must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building).

5.14. ***Bundling***

An impermeable bunded and roofed on site storage area shall be provided to contain liquid contaminants and other possible pollutants. Full details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building).

5.15. ***Water Sensitive Urban Design***

Consideration must be given to the principles of Water Sensitive Urban Design in regard to the storage and recycling of water on site. Details are to be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building).

5.16. ***Noise***

The applicant is to engage a suitably qualified person to assess the noise impacts of vehicles entering and leaving the site via the access way on the Pacific Highway on residents at the Ballina Waterfront Village Caravan Park and Riverbend. The report and associated recommendations are to be submitted to the Accredited Certifier for approval prior to issue of Construction Certificate (Building).

5.17. ***Disabled Access***

Detailed plans of the proposed disabled access ramps to the buildings are to be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate (Building).

5.18. ***Long Service Levy***

In accordance with the requirements of the EP & A Act (Section 109 F) a Construction Certificate (Building) will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long

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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.

External Plant and Equipment

- 5.19. The design and location of all internal and external plant and equipment (including proposed methods of screening), noise level emissions and if required, design of noise control measures are to be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building).

Waste

- 5.20. Prior to the issue of a Construction Certificate (Building), preliminary Hydraulic designs are to be submitted detailing the proposed trade waste pre-treatment device and water supply services including fire services.
- 5.21. Adequate provision must be made on site for the storage and disposal of solid and liquid wastes from the development. The waste disposal area/s are to be screened, covered, graded and drained to the sewer and if required via a pre-treatment device. Details of the location and method of storing and disposing of waste materials must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate (Building).

Hydraulic Services

- 5.22. Prior to the issue of the Construction Certificate (Building), the proponent is to submit to the Accredited Certifier details of all Hydraulics Services for sewage, stormwater and trade waste facilities including required essential Fire services e.g. Fire Hose Reels and Fire Hydrants.

Developer Contributions/Charges/Bonds

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

Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Shire Roads Contribution Plan 2010	25 February 2010
Ballina CBD Car Parking Contribution Plan	25 November 2004
Lennox Head Village Centre Car Parking Contribution Plan	12 February 2004
The Council of the Shire of Ballina Section 94 Contributions Plan: Heavy Vehicle Traffic Generating Development - Maintenance and Construction of Roads	9 February 1996

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

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

Developer Charges

- 5.24. Prior to issue of the Construction Certificate (Building) where building work is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2002. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2002 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

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

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Council	Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 May 2004
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 May 2004
Rous Water	Rous Water Development Servicing Plan	April 2009

The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the charges set by the water supply authorities at the time payment is made. Copies of the Development Servicing Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

It should be noted that Ballina Shire Council acts a Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.

The charges applicable at the time this consent is issued are included in Schedule 1 (**attached**).

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6. PRIOR TO CONSTRUCTION WORK COMMENCING (Off - site Civil Works)

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

6.1. Sedimentation and Erosion Control

Suitable covering and protection is to be provided to all stockpiles to ensure that no material is removed from the site by wind, causing a nuisance to neighbouring properties.

To prevent the pollution of waterways, the applicant/contractor is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works on site and these are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. The measures are to include:

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

Failure to comply with this requirement may result in on-the-spot fines or other penalty issued by an Authorised Officer of Council.

6.2. Sediment and Erosion Control Plan

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan prior to commencement of the Off-site construction works.

Additionally the enclosed sign, to promote the awareness of the importance of maintenance of sediment and erosion controls, is to be clearly displayed on the most prominent sediment fence or erosion control device for the duration of the project.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

6.3. Public Liability

Prior to the commencement of Off-site construction works, the contractor must submit a copy of their 10 million dollar Public Liability Insurance policy and a completed copy of the "Notice of Commencement of Civil Development Work" form to Council. Copies of the form are available on Council's website.

6.4. Traffic Control

All traffic control during construction shall be in accordance with the Roads and Traffic Authority – *Traffic Control at Work Sites*. Details are to be submitted to and approved by Council and the RTA prior to the commencement of Off-site Construction works.

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- 6.5. **Geotechnical Monitoring**
The designated registered practising geotechnical engineer (or approved geotechnical delegate) is to be present during preload works, floodway works and highway works. Details of the consultant (and delegate) are to be made available to Council prior to Off-site Construction works commencing.
- 6.6. **Safety fencing**
The construction 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 contractor's name, licence number and contact telephone numbers is to be provided in a visually prominent location on the site.
- 6.7. **Storage areas**
Adequate waste receptacle areas are to be provided Off-site (within the site compound) to store all waste pending disposal. Such areas shall be screened, regularly cleaned and accessible to collection vehicles in the interests of amenity, safety and public convenience.
- 6.8. **Builder's toilets**
Suitable toilet facilities are to be provided Off-site (within the site compound) before construction work commences. Such facilities are to connect to Council's sewer, or suitable approved chemical closets are to be provided.

Amentity

- 6.9. **Construction:**
The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

7. **PRIOR TO CONSTRUCTION WORK COMMENCING (Civil Works-On-site)**
The following conditions in this section of the consent must be complied with or addressed prior to commencement of construction works relating to the approved development.

Environmental

- 7.1. **Sedimentation and Erosion Control**
Suitable covering and protection is to be provided to all stockpiles to ensure that no material is removed from the site by wind, causing a nuisance to neighbouring properties.
To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works on site and are to be maintained during the
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construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:

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

Failure to comply with this requirement may result in on-the-spot fines being issued by an Authorised Officer of Council.

- 7.2. The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the Protection of the Environment Operations Act 1997.

7.3. ***Sediment and Erosion Control Plan***

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan prior to commencement of the On-site Construction works.

Additionally the enclosed sign, to promote the awareness of the importance of maintenance of sediment and erosion controls, is to be clearly displayed on the most prominent sediment fence or erosion control device for the duration of the project.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

7.4. ***Dewatering of excavations***

Facilities for the dewatering of excavations must be in place in accordance with the approved dewatering plan prior to commencement of On-site Construction works.

Amentity

7.5. ***Construction:***

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Frida 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.

7.6. ***Public Liability***

Prior to the commencement of On-site construction works, the contractor must submit a copy of their 10 million dollar Public Liability Insurance

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policy and a completed copy of the "Notice of Commencement of Civil Development Work" form to Council. Copies of the form are available on Council's website.

7.7. **Traffic Control**

All traffic control during construction shall be in accordance with the Roads and Traffic Authority – *Traffic Control at Work Sites*. Details are to be submitted to and approved by Council prior to the commencement of On-site Construction works.

7.8. **Geotechnical Monitoring**

A registered practicing geotechnical engineer (or approved geotechnical delegate) is to be present during preload works, floodway works and site filling works. Details of the consultant (and delegate) are to be made available to Council prior to On-site Construction works commencing.

7.9. **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.

7.10. **Contractor's toilet**

A suitable builder's toilet is to be provided On-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.

8. PRIOR TO CONSTRUCTION WORK COMMENCING (Building)

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

General

Geotechnical

8.1. Prior to commencement of structural building works, certification is to be provided to the Principal Certifying Authority by the designated geotechnical engineer that the preload has attained sufficient consolidation to allow for a total differential settlement of 25 mm and the material has attained sufficient consolidation and level 1 geotechnical testing for the following;

- AS 2870-1996 Residential slabs and footings code
- AS 3798-1996 Buildings on earthworks for commercial and residential developments;

And is suitable to commence erection of the buildings on the site.

8.2. A geotechnical report containing graphs of the rate of settlement and settlement targets for preload is to be provided to the Principal Certifying Authority specifying that all works have been conducted in accordance with the approved Geotechnical report and how items with limited settlement

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allowances during the operational phase shall conform to the specified limits.

Building Construction Requirements

8.3. ***Issue of construction certificate***

The erection of a building under the terms and conditions of this Development Consent must not be commenced until:

(a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

- (i) *The Council; or*
- (ii) *An accredited certifier; and*

(b) The person having the benefit of the development consent has appointed a Principal Certifying Authority and has notified the Council (if Council is not the principal certifying authority) of the appointment; and

(c) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.

8.4. ***Builder's sign***

A suitable sign is to be provided on the building site in a prominent location, indicating the builder's name, licence number and contact telephone numbers (including after hours numbers).

8.5. ***Building waste containment***

A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.

8.6. ***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.

8.7. ***Hoarding/fencing***

If the work involved in the erection or demolition of a building is likely to obstruct or inconvenience pedestrian or vehicular traffic in a public place or involves enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected sufficient to prevent any substance from or in connection with the work, falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

8.8. ***Storage areas***

An adequate waste receptacle area is to be provided On-site to store all _____ (initial)
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waste pending disposal. Such area shall be screened, regularly cleaned and accessible to collection vehicles in the interests of amenity, safety and public convenience.

8.9. **Builder's toilet**

A suitable builder's toilet is to be provided On-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.

Amentity

8.10. **Construction:**

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

I. **DURING CONSTRUCTION (Off site Civil Works)**

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

9.1. **Residential Access to Lot 226 DP 1121079**

At all times during the carrying out of Off-site works associated with the development, the existing residential access over the site to Lot 226 DP 1121079 to the north of the development is to be maintained.

9.2. All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government *Development Construction Manuals*, RTA manuals and specifications, AUSTRROADS and Australian Standards (as current at the time of construction works commencing). Where details are not addressed in these Manuals, the works are to comply with the requirements of Council's *Subdivision Code*.

Civil Works

9.3. **Traffic control during construction**

All traffic control during construction shall be in accordance with the Roads and Traffic Authority – *Traffic Control at Work Sites*.

9.4. **Roadworks Inspections**

Inspection and approval of road works approved within or to be within any public road reserve is required by the Roads Authority 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, and submit a revised design to Council for assessment.

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- 9.5. **Geotechnical**
The designated geotechnical engineer (or approved geotechnical delegate) is to be present during preload works, floodway works, site filling works and highway works. Details of the consultant (and delegate) are to be made available to Council prior to Construction works occurring.
- 9.6. **Repair damaged infrastructure**
Kerb and guttering, footpaths, utility services or roadworks damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.

10. DURING CONSTRUCTION (On site Civil Works)

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

- 10.1. **Residential Access to Lot 226 DP 1121079**
At all times during the carrying out of works associated with the On-site On-site Construction Certificate, the existing residential access over the site to Lot 226 DP 1121079 to the north of the development is to be maintained.
- 10.2. All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government *Development Construction Manuals*, RTA specifications, AUSTROADS and Australian Standards (as current at the time of construction works commencing). Where details are not addressed in these Manuals, the works are to comply with the requirements of Council's *Subdivision Code*.
- 10.3. **Traffic control during construction**
All traffic control during construction shall be in accordance with the Roads and Traffic Authority – *Traffic Control at Work Sites*.
- 10.4. **Civil Inspections**
Inspection and approval of the road and drainage works approved within the road reserve is required by the Roads Authority 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.
- 10.5. 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 excavation and connection.
- 10.6. 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.

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- 10.7. Council's Engineer must inspect and approve works associated with the construction of the floodway culverts. Council's Engineer must be contacted on telephone 6686 4444.
- 10.8. **Geotechnical**
The designated geotechnical engineer (or approved geotechnical delegate) is to be present to inspect and approve preload works, floodway works, and site filling works. Details of the consultant (or delegate) are to be made available to Council prior to Construction works occurring.
- 10.9. **Repair damaged infrastructure**
Kerb and guttering, footpaths, utility services or roadworks damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.

Filling of the site

- 10.10. **Minimum fill and floor levels**
The whole allotment is to be filled to a minimum level of RL 2.7 m AHD with the finished floor height of the building at RL 3.2 metres AHD. A Surveyor's certificate verifying compliance with this requirement is to be submitted to Council at completion of footings/slab formwork (prior to concrete pour) or completion of the timber floor.
- 10.11. All site filling shall be to a minimum fill level of RL 3.2 m AHD for the service station and fuel tank portion of the development and shall be in compliance with the requirements of Level 1 geotechnical testing for:
- | | |
|----------------|---|
| AS 2870 – 1996 | Residential Slabs and Footings Code |
| AS 3798 – 1996 | Guidelines on Earthworks for Commercial and Residential Developments. |
- 10.12. The finished floor height of buildings (other than those referred to in condition No.10.11) are to be constructed at a minimum RL of (3.2) metres AHD. A Surveyor's certificate verifying compliance with this height is to be submitted to Council at completion of slab formwork stage, prior to concrete pouring, or upon completion of the timber floor prior to work proceeding beyond this stage. Where filling is utilised to raise the slab level and extends to the outside of the building, such filling is to be adequately retained and drained to the stormwater drainage system, to ensure stormwater is not directed onto adjoining properties.

11. DURING CONSTRUCTION (Building)

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

Environmental

- 11.1. **Air Quality**
A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress
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dust generation until such time that construction is completed and areas have been revegetated. All disturbed areas shall be revegetated immediately they are completed.

11.2. **Site construction signs**

Site construction signs are to be maintained in a prominent location on the site until all works are completed.

11.3. **Construction noise**

As the development will involve construction for a greater period than 26 weeks, the LA10,15min SPL at the nearest noise sensitive place (Ballina Waterfront Village Caravan park (old Sunmaid Caravan park), Riverbend Development) should not exceed 5 dB(A) above background.

11.4. **Construction Environmental Management Plan**

To minimise noise generated by construction activities of the Ballina Highway Service Centre on existing sensitive places, a Construction Environmental Management Plan (CEMP) must encompass the following noise abatement measures:

- the establishment of construction noise and vibration control plan;
- the selection of plant and equipment where practical on acoustic performance;
- the use of plant and equipment to minimise noise impacts;
- the implementation of a noise monitoring program to ensure that noise levels are being controlled and that best possible practices are being implemented; and
- to initiate information program to inform local residents of the construction program and time periods when noise levels could exceed the recommended assessment guidelines.

11.5. **Waste**

All demolition, construction or the like waste is not to be stored or stockpiled on the site and must be disposed of to an approved waste facility.

All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility or if alternative disposal methods are sought, that written approval is granted by Council.

The waste disposal area/s are to be screened, covered, graded and drained to the sewer and if required via a pre-treatment device.

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

Traffic Noise

11.6. **Buildings A, B, C and G**

To minimise intrusion of traffic noise into buildings, areas of Buildings A, B, C and G having an external facade directly exposed to traffic noise emanating from the Ballina Bypass and the Pacific Highway are to be constructed to category 1 construction standards as defined in Australian Standard 3671-1989.

- Building A Petrol Convenience Store;
- Building B Truck Service Centre;
- Building C Auto Repair Centre; and

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- Building G Fast Food Restaurant.

11.7. Buildings E and F

To minimise intrusion of traffic noise into buildings, areas of Buildings E and F having an external facade directly exposed to traffic noise emanating from the Ballina Bypass and the Pacific Highway are to be constructed to category 2 construction standards as defined in Australian Standard 3671-1989.

- Building E - Service Centre; and
- Building F - Fast Food Restaurant.

11.8. Builders rubbish to be contained on site

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

11.9. Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

11.10. Dewatering of excavations

Dewatering of excavations must be conducted in accordance with the approved dewatering plan.

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

11.11. Environmental

Waste from the workshop area shall not be conveyed to any stormwater drainage system.

The workshop area within the respective Auto Repair and Truck Service Centres shall be provided with bunding to contain all liquid contaminants. Alternatively, a separate bunded area shall be set aside for the storage of oils, chemicals and other liquid contaminants. Where applicable, the construction of a bunded area must comply with the requirements specified in Australian Standard 1940 – 2004 "The storage and Handling of Flammable and Combustible Liquids" and Australian Standard AS 4452 – 1997 "The Storage and Handling of Toxic Substances".

11.12. Surface water management on covered forecourt areas

All surface water drainage, including waste collection, treatment and disposal, on the covered forecourt area must be constructed in accordance with the approved plans and specifications.

11.13. Dangerous goods storage and handling

All construction works associated with the storage and handling of dangerous goods must be undertaken by a "competent" person (as defined in NSW OH&S Regulation 2001, clause 3) and in accordance with the NSW OH&S Act 2000, the NSW OH&S Regulation 2001, the NSW Code of Practice 2005 for the Storage and Handling of Dangerous Goods and approved plans and specifications.

Guidance on the design and installation of underground petroleum storage tanks can be found in the Australian Institute of Petroleum CP4 Code of

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Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems.
The NSW Workcover Authority should be consulted in the event that further information is required in regard to this condition.

11.14. *Pollution prevention*

To prevent littering and the pollution of waters, cigarette butt bins must be provided externally on site for the disposal of cigarette butts. Positioning must be in convenient locations to the carpark areas and the entry and exits to the development but at a sufficient distance that smoke does not enter the building structure.

Safer by Design Requirements

11.15. The maximum height of planter box vegetation outside the toilet facilities is not to exceed 1.2m from floor level.

11.16. The screen outside building A is to be installed with base height starting at 400mm above ground.

11.17. Delineated marked crossings, delineated roadway signage or bollards (safe areas) between the car parks and buildings are to be installed to allow pedestrians a safe passage to building entries to and from car parks.

Building Construction Requirements

11.18. *Building Inspections*

Forty-eight (48) hours notice is to be given to enable the following inspections to be carried out by the Council. NB: All required plumbing and drainage inspections are to be carried out by Council.

- (i) When the drainage pipelines beneath the building have been laid by the plumber so that a water test can be carried out before they are backfilled.
- (ii) When the external drainage lines have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
- (iii) On completion of the water supply "rough in" and/or plumbing stackwork prior to the internal lining of the building.
- (iv) On completion of the plumbing works before occupation.

11.19. *No storage of materials on Council land*

There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without the prior consent of Council.

11.20. *Hot water outlets – Commercial/Industrial*

All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C.

Each commercial kitchen hand basin shall deliver hot water at a temperature of at least 40°C and each cleaning sink/tub shall be provided with hot water with a minimum temperature of 45°C.

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11.21. Hot water system

The internal hot water system is to be provided with a stainless steel safe tray, being drained to the building exterior.

11.22. Water conservation

All showers are to be of the water conservation type having a flow rate not exceeding 12 litres per minute. All water closets are to be of dual flush system.

11.23. Mechanical ventilation

Adequate ventilation is to be provided to all sanitary compartments in accordance with *Part 3.8.5 of the BCA (Housing Provisions)*. Where mechanical ventilation is used to bathrooms or laundries, such exhausted air is to be directed to the exterior of the building, not into the roof space, unless eaves or roofs are suitably vented.

11.24. Sanitary compartment doors

In accordance with *Part 3.8.3 of the BCA (Housing Provisions)*, a door must:

- (a) open outwards; or
- (b) slide; or
- (c) be readily removable from the outside of the sanitary compartments, unless there is a clear space of at least 1.2 metres between the closet pan within the sanitary compartment and the nearest part of the doorway.

Food premises

11.25. The premises shall be constructed to comply with the New South Wales Food Act 2003 and Food Regulation 2004. Requirements of Food Standard Code 3.2.3 and Australian Standard AS4674 – 2004 "Design, construction and fit-out of food premises" to be satisfied to achieve the minimum construction standards for the food business. The operator shall obtain a satisfactory inspection from Councils Environmental Health Officer prior to commencing the operation of the food business.

11.26. A minimum of twenty-four hours notice is required prior to inspection. Inspections can be arranged by telephoning 6686 4444 during normal office hours. A fee is levied upon the operator for such inspections.

11.27. All drainage fixtures from the food storage and preparation areas shall discharge into an approved trade waste pre-treatment device prior to entry into the council sewer.

11.28. The operator of the food business shall demonstrate to Councils' Environmental Health Officers' satisfaction that adequate waste disposal facilities are available on the premises, and that such facilities can be maintained to prevent environmental harm or public nuisance.

Essential Fire Services

11.29. Material flammability

Any material used in the buildings shall have a smoke-developed index not greater than 8 if the spread-of-flame index is greater than 5 and a spread-of-flame index not greater 9. Any sarking type material used in the building

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shall have flammability index not greater than 5. Any timber panels used in the building shall have a spread-of-flame index not greater than 9 (NB: western red cedar does not comply).

12. PRIOR TO OCCUPATION OR USE

Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to occupation or use.

Civil Works

- 12.1. All On-site and Off-site works including floodway, floodway culverts and Pacific Highway work are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.
- 12.2. All On-site and Off-site civil works approved under Section 138 of the Roads Act 1993 with the Construction Certificates are to be completed to the satisfaction of Council and the RTA prior to issue of any Occupation Certificate. All works are to be completed in accordance with the Northern Rivers Local Government Development *Design and Construction Manuals* (as current at the time of construction works commencing), RTA, Austroads & Australian Standards. Where details are not addressed in these Manuals, the construction is to comply with the requirements of Council's *Subdivision Code*.

Works-as-Executed

- 12.3. Prior to the release of the Occupation Certificate, the applicant shall submit to Council a hard copy of a 'Works-as-Executed' (WAE) drawing at a scale of 1:500 in addition to a computer disk copy of the WAE information. Separate drawings shall be provided for external roads, 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.
- 12.4. 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. The developer shall be required to contact Council's Engineer on telephone 6686 4444 to obtain an electronic copy of the lists required.

Vehicular & Car Parking Access

- 12.5. The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1 and AS2890.2 (as current at time of construction). All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.
- 12.6. The construction of all disabled car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.6: (as current at the time of Construction). All works are to be completed prior to issue of the Occupation Certificate.

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12.7. Car parking spaces

A minimum of **(399)** car parking spaces shall be provided and made available at all times for parking purposes on an unrestricted basis.

Water & Sewer

12.8. All sewer works for the site (inclusive of the line along to 450 River Street) are to be completed prior to issue of the Occupation Certificate.

Stormwater & Floodway

12.9. All stormwater management works (inclusive of floodway corridor works through the site to and inclusive of the outfall) is to be completed in accordance with the approved Construction Plans prior to issue of the Occupation Certificate.

Signage

12.10. All road user signage (On-site and Off-site) is to be completed in accordance with the approved Construction Plans prior to issue of the Occupation Certificate.

12.11. All parking area signage is to be installed in accordance with the approved signage plans prior to the issue of an Occupation Certificate.

Fencing

12.12. All fencing is to be completed in accordance with the approved Construction Plans prior to issue of the Occupation Certificate.

Preloading/Fill

12.13. All preloading and filling is to be completed in accordance with the approved Construction Plans (On-site and Off-site), prior to issue of the Occupation Certificate.

Services

12.14. All services are to be completed in accordance with the approved Construction Plans (On-site and Off-site), prior to issue of the Occupation Certificate.

Water & Sewer

12.15. The completion of all water supply and sewer works in accordance with the approved Construction Plans and in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing). All works are to be completed and approved by Council prior to issue of the Occupation Certificate.

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Maintenance Bond

12.16. Prior to the issue of an Occupation Certificate, the following maintenance bond must be paid to Council which includes the amount of Goods and Services Tax payable. The bond is subject to review and may vary at the actual time of payment:

- Maintenance Bond: Equal to 5% of the estimated cost of the civil works (min \$1000)

A maintenance period of 12 months will apply from the date of issue of a Subdivision Certificate. 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.

Easements

12.17. Easements shall be created prohibiting the erection of buildings\structures over or adjacent to sewer and stormwater pipelines. The prohibition on the erection of buildings\structures shall extend horizontally on each side of the pipeline for a distance equal to the depth of the pipeline from the invert level to finished surface level. The minimum width of such easement shall be 3.0 metres. Details are to be lodged and approved prior to issue of the Occupation Certificate.

12.18. At the full cost to the developer, a right of way benefitting Lot 226 DP 1121079 is to be established over the Applicant's Land. Details are to be submitted to and approved by Council prior to issue of an Occupation Certificate.

12.19. At full cost to the developer a 50m wide drainage reserve is to be established within Lot 11 DP 1011575 benefitting Council for the provision of floodwater and surface stormwater flows. This corridor is to be kept free of obstructions and any non-floodway works. Details are to be submitted to Council prior to issue of an Occupation Certificate.

Food Premises

12.20. A minimum of twenty-four hours notice is required prior to inspection. Inspections can be arranged by telephoning 6686 4444 during normal office hours. A fee is levied upon the operator for such inspections. All drainage fixtures from the food storage and preparation areas shall discharge into an approved trade waste pre-treatment device prior to entry into the council sewer.

12.21. The operator of the food business shall demonstrate to Councils' Environmental Health Officers' satisfaction that adequate waste disposal facilities are available on the premises, and that such facilities can be maintained to prevent environmental harm or public nuisance. Details are to be submitted to and approved by Council prior to the issue of the Occupation Certificate.

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External Lighting

12.22. Upon installation of all external lighting and before finally commissioned, a report from a suitably qualified consultant is to be submitted to and approved by Council, demonstrating compliance with the Australian Standard AS 4282:1997 "Control of the Obtrusive Effects of Outdoor Lighting". Details are to be submitted to and approved by Council prior to the issue of the Occupation Certificate.

Acid Sulfate Soil Management

12.23. The applicant is to engage a suitable qualified and independent Environmental Consultant to review and validate the management of the approved Acid Sulfate Soil Management Plan and submit a report to Council at the completion of construction.

Landscaping

12.24. *Landscaping to accord with plan*

All landscaping works shall be completed in accordance with the landscape plan approved as part of this development consent.

Completion of Construction Tasks

12.25. Any hoarding or similar barrier erected to protect a public place is to be removed from the site prior to use of the development.

12.26. All temporary builder's signs or other site information signs, temporary toilet facilities, waste storage bins and the like are to be removed upon completion of site works.

12.27. *Compliance certificate*

Where Council is not the Principal Certifying Authority, the applicant shall ensure that a Compliance Certificate is submitted to Council on completion of the building. Such Certificate is to certify that all required inspections have been completed; compliance with the approved plans, development consent conditions, *Building Code of Australia* and relevant Australian Standard requirements.

12.28. *Fire safety certificate*

On completion of the erection of the building, the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the BCA.

13. CONDITIONS OF USE/DURING OCCUPATION

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

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General

- 13.1. ***Loading & unloading***
All loading and unloading of goods is to be carried out off-street and wholly within the site.
- 13.2. Vehicular entry to and exit from the site shall be in a forward direction.
- 13.3. The vehicle repair building is to be limited to emergency repairs in accordance with the RTA Service Centre requirements.
- 13.4. All buildings with loading bays are to be issued a copy of the approved vehicle management plan developed for the site.
- 13.5. No signage is to be erected on the site that will detract from the task of driving on either the Ballina Bypass or the Pacific Highway.

Food business

- 13.6. The food business must be operated and maintained to ensure that the statutory requirements of the NSW Food Act 2003 and Food Regulations 2004 (incorporating Food Standard Codes) are satisfied at all times. Access to the Food Standard Codes is available on-line at [www.foodstandards.gov.au].

The operator of the food business must comply with the NSW OH&S Act 2000 statutory requirements. Staff shall be provided with adequate toilet and washing facilities. The NSW Workcover Authority should be consulted in the event that further information is required in regard to this condition.

Dangerous goods storage and handling

- 13.7. The premises must be operated and maintained in compliance with the NSW OH&S Act 2000, the NSW OH&S Regulation 2001, the NSW Code of Practice 2005 for the Storage and Handling of Dangerous Goods and approved plans and specifications.

Guidance on the operation of underground petroleum storage tanks can be found in the Australian Institute of Petroleum CP4 Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems.

The NSW Workcover Authority should be consulted in the event that further information is required in regard to this condition.

Environmental Management

- 13.8. The forecourt area of the service station shall be spot cleaned using a suitable absorbent material. The forecourt area is not to be hosed or washed to the stormwater drainage system under any circumstances.
- 13.9. Clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminants such as oils and chemical spills.

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13.10. All plant and equipment installed or used in or on the premises shall be maintained in a serviceable condition and operated in a proper and efficient manner at all times.

13.11. In the event of a pollution incident on the premises, that has caused, is causing, or is likely to cause harm to the environment, the occupier shall report the incident to Council immediately the occupier or occupier's managers on site become aware of the incident.

13.12. **Industrial Noise**

To aid in minimising noise from service & heavy vehicles (the dominant noise source from the development's operations) the following requirements are imposed.

a) All delivery vehicle companies and their respective drivers are to be instructed to operate delivery vehicles in as quiet a manner as possible whilst on site. Such measures include:

- i. travel at low speeds;
- ii. minimise use of excessive engine revving and no rapid acceleration;
- iii. do not use exhaust breaks whilst on site; and
- iv. do not park external to a loading dock with engines running for extended periods of time.

b) The operator shall erect appropriate On-site signage in the service vehicle roadways and loading dock areas advising of the necessity to minimise noise so as to protect neighbouring residents' amenity;

c) Staff will be instructed to minimise noise by careful work practices (i.e. no dropping of pallets);

d) Institute a complaint response procedure to be used in the instance of complaints regarding noise from site activities.

No interference with amenity of neighbourhood

13.13. The proposed use of the premises shall not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy.
- b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- c) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- d) No mechanical repairs are permitted on the premises.
- e) All trade waste pre-treatment devices and other waste storage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.

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- f) Goods deliveries, fuel deliveries and waste collection shall be restricted to daytime operating hours (7am-6pm Monday-Saturday; 8am-6pm Sunday)
- g) Vehicles servicing the loading docks shall not park and or wait in the loading docks or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Saturday or prior to 8.00am or after 6.00pm on Sunday.
- h) All plant and equipment installed or used on the premises shall be maintained in a serviceable condition and operated in a prepare and efficient manner at all times
- i) All drainage grates located within traffic movement areas shall be fixed to avoid rattling

Offensive Noise

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

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

Hours of operation

13.15. Hours of operation for the service centre are for 24 hours, seven days a week, while the auto and truck repair centres (unless required to be open for emergency repairs) will operate within conventional business hours: i.e. Monday to Friday 8.30 am to 5.00pm and Saturday 8.30am to 12:00pm.

Amenity/Visual Impact

13.16. Goods not to be exposed

No goods, materials or unauthorised signs are to be stored, displayed or left exposed outside the building or in the street, unless otherwise approved by Council.

13.17. General amenity

The building, constructed works and activities carried out on the site shall not cause injury to, or prejudicially affect the amenity of the locality by reason of the appearance of the buildings, works, materials or goods on

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the site; traffic movements, on-street parking; the emission of smell, noise, vibration, dust, waste products, oil, lights and the like.

Landscaping

13.18. *Landscaping to accord with plan*

All landscaping shall be permanently maintained in a good condition in accordance with the intent of the landscaping plan.

13.19. *Maintain landscaped character*

Landscaping provided around the premises as part of the approved landscape plan is to be maintained so that such is sympathetic to the style of the premises and to existing streetscape quality.

13.20. *Fire safety statement*

The owner of the building must provide Council with a Fire Safety Statement at least once in each twelve month period, certifying that the essential services installed in the building have been inspected and tested by a competent person and at the time of that inspection, were capable of operating at the minimum standard required by the development consent. This certificate is to be kept in the building to which it relates.

RURAL SUBDIVISION

14. GENERAL CONDITIONS

General

14.1. 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 BN Architects Drawing No. A010 Issue B Dated November except as modified by any condition in this consent.

14.2. *Commencement of occupation or use*

Occupation or use of the site for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with, unless alternative arrangements have been made with Council.

14.3. *Dwelling-House Entitlement*

Subject to the provisions of Clause 12 of the Ballina Local Environmental Plan 1987, a dwelling-house may, with the consent of Council, be erected on the subject land(s) described as proposed Lot 2 in a plan of subdivision of Lot 11 DP 1011575 as authorised by this consent.

(NB: This entitlement has been exercised if a Council approved dwelling-house exists on the land, or may be exercised if the land is vacant).

No dwelling entitlement exists for proposed Lot 1.

This consent authorises subdivision only and does not include an approval for the erection of a dwelling house on the subject land.

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15. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Subdivision)

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

General

- 15.1. In accordance with the EP&A Act (Section 109 F) a construction certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

Roads and Traffic

- 15.2. Prior to the Issue of the Construction Certificate (Subdivision), engineering design drawings shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 for the following civil works. Details are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction works commencing). Where details are not addressed in these Manuals, the design is to comply with the requirements of Council's *Subdivision Code*.
- At full cost to the developer a combined property access is to be situated on the Pacific Highway. Details are to be submitted to and approved by Council and the RTA prior to issue of a Construction Certificate (Subdivision).
- 15.3. ***Standard Sewer Connection***
The applicant shall be responsible for all costs associated with the connection of Council's sewer system to each lot within the development in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing). The Council sewer system has allocated 1 tenement per existing land parcel in this location.
- 15.4. ***Standard Water Connection***
The applicant shall be responsible for all costs associated with the connection of Council's reticulated water supply system to be in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing).

16. PRIOR TO CONSTRUCTION WORK COMMENCING

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

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Sedimentation and Erosion Control

- 16.1. To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works on site and are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:
- a) The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land.
 - b) Service trenches are to be backfilled as soon as practical.
 - c) Downpipes are to be connected as soon as practical or otherwise temporary downpipes are to be used.
 - d) Buffer vegetation zones are to be retained on sites that adjoin roadways, drainage systems and or watercourses.
 - e) Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

- 16.2. Prior to the commencement of construction, the contractor must submit a copy of their 10 million dollar Public Liability Insurance policy and a completed copy of the "Notice of Commencement of Civil Development Work" form to Council. Copies of the form are available on Council's website.

17. DURING CONSTRUCTION

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

Civil Works

- 17.1. 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). Where details are not addressed in these Manuals, the works are to comply with the requirements of Council's *Subdivision Code*.

Inspections

- 17.2. 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 excavation and connection.
- 17.3. 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.

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17.4. *Repair damaged infrastructure*

Kerb and guttering, footpaths, utility services or roadworks damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.

8. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of a Subdivision Certificate relating to the approved subdivision.

General

18.1. *Application for subdivision certificate*

A completed Subdivision Certificate application form accompanied by final plans of subdivision, together with the requisite processing fee, shall be submitted to Council for approval.

18.2. *Subdivision works to comply with code*

All works associated with this subdivision are to be designed and constructed in compliance with *Council's Subdivision Code* (as current at the time of construction works commencing).

18.3. *Floodway to be located on proposed Lot 1*

The final form of the proposed floodway is to be wholly located within proposed Lot 1. Details are to be submitted to and approved by Council prior to issue of the Subdivision Certificate.

Water and Sewer

18.4. The completion of all water supply and sewer works in accordance with the approved relevant Construction Plans and in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing). All works are to be completed and approved by Council prior to issue of the Subdivision Certificate.

Certification

18.5. Prior to the issue of a Subdivision Certificate, certification is to be provided that electricity and telephone services are able to be provided to each lot to the satisfaction of the relevant authorities.

Easements

18.6. Easements shall be created prohibiting the erection of buildings/structures over or adjacent to sewer and stormwater pipelines. The prohibition on the erection of buildings/structures shall extend horizontally on each side of the pipeline for a distance equal to the depth of the pipeline from the invert level to finished surface level. The minimum width of such easement shall be 3.0 metres. Details are to be lodged and approved prior to issue of the Subdivision Certificate.

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- 18.7. At full cost to the developer a 50m wide drainage reserve is to be established within Lot 11 DP 1011575 benefitting Council for the provision of floodwater and surface stormwater flows. This corridor is to be kept free of obstructions and any non-floodway works. Details are to be submitted to Council prior to issue of the Subdivision Certificate.
- 18.8. At full cost to the developer a right of carriageway is to be established over Lot 11 DP1011575 (Proposed Lot 1) benefitting Lot 226 DP1121079 in relation to the vehicular access to Lot 226 DP 1121079. Details are to be provided prior to issue of a Subdivision Certificate.

REASONS FOR CONDITIONS

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 1987;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.

ADVISORY MATTERS

1. ***Disability Discrimination Act 1992***

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

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

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

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

2. ***Protection of the Environment Operations Act 1997***

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to

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the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed Off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

3. **Noise control**

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

4. **WorkCover requirements**

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

5. **Wastewater management advice**

All work carried out in connection with this approval must comply with any applicable standard established by the *Local Government (Approvals) Regulation 1993*, the *Local Government (Water, Sewerage and Drainage) Regulation 1993*, or by or under the Act.

6. **Surplus carparking on site**

The site has a surplus of 7 physical car parking spaces that may be allocated to future development of the site if the car parking layout remains unchanged in total number of provided spaces. This is only attributable to B85 and B99 parking spaces. Any additional spaces for other vehicle classes are in accordance with the requirements with no surplus available for future allocation.

7. **Future floodway corridor works by the developer**

When filling of the eastern land parcel occurs the eastern portion of the floodway corridor channel is to be completed to accord with the approved floodway corridor channel sizing requirement.

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

You are advised to contact the following:

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

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

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Schedule 1 (Highway Service Centre)

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
North & West Ballina Roads 2010	5202	equivalent residential allotment	\$10,123.00	231.5519	\$2,343,999.88
Roads Administration 2010	5203	equivalent residential allotment	\$154.00	231.5519	\$35,658.99
West Ballina Sewerage (DSP Area B)	3003	equivalent tenement	\$6,886.00	48.3170	\$332,710.86
West Ballina Water (DSP Area B)	2003	equivalent tenement	\$3,179.00	30.2720	\$96,234.69
Rous Water 2009	5001	equivalent tenement	\$6,222.00	30.2720	\$188,352.38
TOTAL					\$2,996,956.81

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

Pacific Highway, Ballina Bypass – Provision for heavy vehicle parking.

Dear Mr Hickey

The purpose of this letter is to advise Council of the provision that the Roads and Traffic Authority (RTA) is making for parking of heavy vehicles in response to the upcoming opening of the Ballina Bypass.

The Ballina Bypass is currently scheduled for completion by mid 2012 at which time a range of facilities for road users will be less directly accessible from the Pacific Highway. Available space for parking of heavy vehicles is one of these facilities.

The RTA has conducted surveys of the number of heavy vehicles that use the current highway in Ballina for parking and rest. It is recognised that continued use of the current highway in Ballina for parking would not be desirable for either local residents or truck drivers once the bypass is opened.

In addition, a shortfall of heavy vehicle spaces in rest areas between Grafton and Ballina has also been identified.

To address both of these issues, the RTA is proposing to build a heavy vehicle rest area on land currently occupied by the bypass construction site office. A Review of Environmental Factors for this rest area has been prepared and will be released for community comment in the near future.

The proposed rest area would have good access from both the Pacific and Bruxner highways and is expected to be operational around 6 months after the bypass is opened.

Roads and Traffic Authority

21 Prince Street Grafton NSW 2460
PO Box 546 Grafton NSW 2460
www.rta.nsw.gov.au | 02 6640 1000

I understand that Council is considering a development application for a Highway Service Centre (HSC) on the north-eastern corner of the Teven Road interchange and appreciate that should this development proceed, it would provide around 25 parking spaces for heavy vehicles as well as a range of facilities for other users. Even so, the RTA considers that further formal heavy vehicle parking spaces are desirable in this general area.

I would appreciate if Council could note that the RTA also considers the proposed rest area site to be suitable for development as a Highway Service Centre at some stage in the future. While the RTA has made no decision on this site, as it is adjacent to the Teven Road interchange it fits the location criteria of the Minister for Planning's direction under Section 117 Direction of the *Environmental Planning and Assessment Act 1979* and it is large enough to easily accommodate the range of uses required of HSCs.

Should you have any questions on the proposed rest area, please call Wes Stevenson on 6640-1000.

Yours sincerely



Robert (Bob) Higgins
General Manager, Northern Region 23/5/11