



PLAN 3.4 - SUBDIVISION PLAN WITH AERIAL OVERLAY
 DWYER CD Date: 18.10.11 SW/No. 11/259

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Client: GREENWOOD GROVE PTY LTD
 Location:
 LOT 19 DP 1166124
 GREENWOOD CHASE LENKOW HEAD



DA 2011/490 - DRAFT CONDITIONS OF CONSENT

1. DEFERRED COMMENCEMENT CONDITIONS

The operation of this consent is deferred pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 until the following conditions have been complied with or addressed to the satisfaction of Council.

1.1. **Stormwater detention**

Additional stormwater detention and storage is to be provided on site in accordance with the requirements of Development Application 2004/605. Prior to the activation of this consent, details are to be submitted to and approved by Council showing the size and configuration for 85m³ of stormwater storage and detention on the site. This requirement is in addition to the stormwater storage and detention requirements approved as part of Development Application 2011/490.

- 1.2. This deferred commencement consent will lapse if the above requirements are not complied with prior to 25 January 2013 to the satisfaction of Council.

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 the Statement of Environmental Effects prepared by Newton Denny Chapelle, Reference No. 11/329, dated November 2011, supplementary information submitted by the applicant dated 16 December 2011 and the plans prepared by Newton Denny Chapelle, Reference No. 11/329, Plan 3.1 – Subdivision Plan, Plan 3.2 – Subdivision Plan (Eastern Precinct) and Plan 3.3 – Subdivision Plan (Western Precinct), dated 19 October 2011, except as modified by any condition in this consent.
- 2.2. **Dwelling house approvals**
The grant of this consent does not authorize or permit, and shall not be interpreted as authorising or permitting the erection of a dwelling house on any of the allotment(s) created by the subdivision. The subsequent erection of a dwelling house on any of the lots created by this subdivision is subject to separate development approval.
- 2.3. **Electricity reticulation**
All electricity reticulation within the development shall be provided underground.
- 2.4. **Mosquito management**
The consulting entomologist is to remain on the consultancy team until the completion of the development to advise on stormwater management (especially retention systems), landscape vegetation types, street lighting or any other matter that may relate to mosquito management.

Signs

2.5. **No signs without approval**

No advertising, promotional or marketing sign(s) is to be erected or displayed on the site without prior submission of a development application to, and approval from, Council, unless the proposed signage is consistent with the terms and conditions of Council's Exempt & Complying Development Control Plan.

General Terms of Approval – NSW Rural Fire Service

2.6. **Water and utilities**

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

2.7. **Public access**

Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

2.8. **Private access**

Private road access shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

3. **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

3.1. **Amended plan of subdivision**

The boundary of proposed Lot 102 and proposed Lot PR1 shall be modified to amalgamate the entire littoral rainforest stand in the Eastern Precinct of the site into one public reserve allotment. Details shall be submitted to and approved by Council's Town Planner prior to the issue of a Construction Certificate.

3.2. **Appointment of project manager**

Prior to the issue of a Construction Certificate for the development, a Project Manager is to be appointed whose name and contact details are to be provided to Council. The Project Manager is responsible for ensuring the development is carried out in accordance with the terms and conditions of this consent. The Project Manager is to inform Council in writing of the date of commencement of works on the site.

3.3. **Construction Management Plan**

A construction management plan is to be prepared for the site indicating what is to occur during the construction phase of the development, contact details, and any specific requirements. Details are to be submitted and approved by Council prior to issue of a Construction Certificate. The Construction Management Plan that shall include, but not be limited to, the following information:

- Traffic Management Plan – this plan shall be prepared in accordance with the NSW Roads and Traffic Authority "Traffic Control at Works Sites Manual" by a person holding a current "Design & inspect Traffic Control Plan" qualification and shall include the designers name and certificate number;
- Hours of Building Work;
- Waste Management Plan;
- Dust Management and Suppression Strategy – this shall include details of thresholds for ceasing of civil works, covering of stockpiles and revegetation. Further guidance can be sourced from 'No Dust No Fuss: Guidelines for controlling dust from construction sites (NSW EPA);
- Erosion and Sediment Control Plan – this shall incorporate a Soil and Water Management section prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction (LANDCOM, March 2004); and
- Noise Management and Control Plan – prepared having particular regard for the NSW Interim Construction Noise Guidelines (DECC 2009).

3.4. ***Stormwater infrastructure***

Stormwater controls are to be provided on the site in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 13 Stormwater Management and in accordance with the stormwater management proposal submitted with the development application (Engineering Services Report prepared by Newton Denny Chapelle, Reference No. 11/329, dated November 2011). Overland flow paths are to be incorporated into the design directing overflows to the street or public drainage systems and shall not be impeded by structures or landscaping. Detailed design for the stormwater infrastructure must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.

Environmental Management

3.5. ***Infrastructure clearance from vegetation***

All subdivision infrastructure is to be positioned with sufficient clearance to ensure the long-term protection of the significant vegetation on the site. Final details of the placement of all infrastructure servicing the subdivision shall demonstrate compliance with AS 2870-1996: Residential slabs and footings – construction, Annexure B. It should be noted that given the ecological significance of the vegetation present on the site, removal is not considered an option in achieving compliance with this standard. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

3.6. ***No Build Zones***

No Build Zones shall be established on proposed Lots 101, 102, 104, 204, 205, 206 and 207 to provide sufficient separation from the stands of significant vegetation. The No Build Zones shall be determined using the calculations contained in AS 2870-1996: Residential slabs and footings – construction, Annexure B. Predictive plant growth rates are to be based on Alex Floyd's 'Rainforest trees of mainland south-eastern Australia' or similar. It should be noted that given the ecological significance of the

vegetation present on the site, removal is not considered an option in achieving compliance with this standard. Details of the No Build Zones demonstrating compliance with the above shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

3.7. *Revegetation, Rehabilitation and Weed Control Plan*

The applicant shall prepare to the satisfaction of Council's Environmental Scientist a Revegetation, Rehabilitation and Weed Control Plan (RRWCP) for all areas of significant vegetation on the site. The RRWCP shall be prepared by a suitably qualified ecological consultant and shall include, but not be limited to, the following details:

- a) Identification of personnel undertaking the proposed rehabilitation program;
- b) Native species planting list and proposed planting matrix;
- c) Methods to be used to rehabilitate the subject areas;
- d) Commitment that all native vegetation removed will be compensated in the ratio of 1:3;
- e) Details of means of temporary protection of vegetation during construction works;
- f) Methods for controlling weeds including on Proposed Lot 101;
- g) Timetable for implementation of all revegetation, rehabilitation and weed control works, including all works that are to be completed prior to issue of a Subdivision Certificate;
- h) Identification of precise restoration goals;
- i) Methods for monitoring and maintaining the success of the rehabilitation programs including replacement of any deceased plants and ongoing weed control;
- j) Provisions for the long-term protection of all significant vegetation and rehabilitation areas; and
- k) Provisions for monitoring reports to be supplied to Council.

All works required by the RRWCP shall be maintained and monitored for a minimum of five (5) years after completion of these works.

The RRWCP shall be submitted to and approved by Council prior to issue of a Construction Certificate.

3.8. *Fencing to public reserve (Proposed Lot PR1)*

At the expense of the developer, suitable fencing delineating the residential allotments from the public reserve shall be erected on the boundaries of approved Lots 102 and 104. Details of the proposed fencing shall be submitted to and approved by Council's Open Space & Reserves Manager prior to the issue of a Construction Certificate.

Utility Services

3.9. *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). Design plans are to be approved by Council prior to issue of the Construction Certificate.

3.10. Standard water connection

The applicant shall be responsible for all costs associated with the connection of Council's reticulated water supply 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). Design plans are to be approved by Council prior to issue of the Construction Certificate.

3.11. Water meters

Prior to the issue of a 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 lot 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. For multiple unit developments where it is impractical for separate metering to be provided at the boundary due to the number of meters required or the logistics of the installation, Council shall require installation of remote read meters.

Fees and Charges

3.12. Long service levy

In accordance with Section 109 F of the *Environmental Planning and Assessment Act 1979* 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. Evidence that the long service levy has been paid shall be submitted to Council prior to the issue of a Construction Certificate for each stage of the development.

3.13. Civil inspection fee, Construction Certificate fee & construction bond

Prior to the issue of a Construction Certificate for each stage of the development, the following fees and bonds are to be paid to Council (which includes the amount of Goods and Services Tax payable). The fees and bonds are subject to review and may vary at the actual time of payment. The estimate cost of civil works is to be submitted to and approved by Council prior to payment.

- Civil Construction Certificate Fee (in accordance with Council's Schedule of Fees and Charges)
- Civil Inspection Fee (equal to 3% of the estimated cost of the civil works with a minimum charge of \$180.00)
- Civil Construction Bond (equal to 5% of the estimated cost of the civil works with a minimum charge of \$1000.00)

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 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.

General

4.1. *Notice of Commencement*

Prior to the commencement of construction works, the contractor must provide to Council evidence of public liability insurance coverage to an amount to \$10,000,000.00 and a "Notice of Commencement of Civil Development Work". Copies of the form are available on Council's website.

4.2. *Erosion and Sediment Control*

To prevent the pollution of waterways, the applicant/developer is to ensure adequate sediment and erosion control measures are in place in accordance with the approved Erosion and Sediment Control Plan (ESCP) prior to the commencement of works on the site. These measures shall be maintained during the construction of the project in accordance with the ESCP 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 an on-the-spot fine being issued by an Authorised Officer of Council.

4.3. *Construction access*

A single all weather access way is to be provided to each section of the site: one from Tallow Wood Place and another from Satinwood Place. This accessway shall extend from the kerb to the building construction site. All construction vehicles are to enter and exit the site via this access way so as to minimise erosion on the site and prevent the movement of soil material into surrounding roadways. When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material. The construction access shall have a shake down grid or equivalent to minimise the transportation of material onto the road network via vehicular movements from the site.

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

Vegetation Management

4.4. **Implementation of RRWCP**

Prior to construction works commencing, the approved Revegetation, Restoration and Weed Control Plan shall be substantially commenced on the site. All work and costs associated with the approved RRWCP are the responsibility of the applicant or developer.

4.5. **Vegetation removal**

Any vegetation to be removed is to be clearly marked with flagging tape, prior to the commencement of work at the site.

4.6. **Fencing of Proposed Lot PR1**

Fencing required by condition 3.8 is to be erected prior to commencement of subdivision construction work.

5. 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 all stages of the approved development.

General

5.1. **Construction Management Plan**

All construction activity undertaken on the site in conjunction with this consent shall be undertaken in accordance with the approved Construction Management Plan.

5.2. **Compliance reporting**

Within four (4) weeks of commencement of works on the site for each stage of the development, the appointed Project Manager is to submit to Council a progress report on the development's compliance with this consent. Thereafter, six-monthly reports are to be submitted by the Project Manager to Council detailing the progress of construction works and compliance with the conditions of this consent. These reports are required to be submitted for the construction life of the project and the 12 month civil maintenance period.

5.3. **Hours of Operation**

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.

5.4. **Sediment and erosion control**

During the construction phase of the development, the following sediment and erosion control measures shall be implemented and maintained:

- a) Compliance with the approved Construction Management Plan including all measures incorporated to control dust, sedimentation and erosion;
- b) Erosion and sediment controls are to be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- c) Erosion and sediment control signage available from Council is to be attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- d) Building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system. Construction waste materials must be removed promptly to an authorised waste facility.

5.5. Traffic control

All traffic control during construction shall be in accordance with the Roads and Traffic Authority - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified in the "Apply Traffic Control Plans" (Yellow Card).

5.6. Amenity

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

5.7. Noise

Construction activities on the site shall be in accordance with recommendations contained in the approved Construction Noise Management Plan. All work, including demolition, excavation and building work must comply with Australian Standard AS 2436:1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

5.8. Storage of materials on public land

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

5.9. Waste disposal

All demolition, construction or the like waste shall not be stored or stockpiled on the site and must be transported to and disposed of at an approved waste facility. Alternative waste disposal methods are only permitted with the written approval of Council.

5.10. Spill clean up

Clean up equipment including suitable absorbent material shall be available on site to effectively handle liquid contaminants such as oils and chemicals.

5.11. Damage to infrastructure

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

5.12. *Damage within road reserve*

Any grass verge or footpath within the road reserve that is damaged as a result of development works on the site shall be immediately reinstated to a satisfactory and safe condition. This will involve the regrading of the disturbed area, turfing and top-dressing.

5.13. *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.

Vegetation Management

5.14. *Vegetation protection*

All vegetation and/or trees to be retained immediately adjoining construction works areas are to be protected with temporary fencing in accordance with the approved RRWCP. Fencing is to be established a minimum of 1 metre outside of the identified root protection zone areas and/or drip line zone whichever is greater. No vegetation clearing, earthworks and/or storage of any vegetative matter, goods and/or equipment shall be undertaken within the barrier fenced areas.

5.15. *Vegetation removal*

Any vegetation removal is to be undertaken in a manner that ensures the ongoing integrity of retained vegetation and/or adjacent native plants. Any vegetation matter is to be removed from the site and disposed of in an appropriate manner.

Civil Works

5.16. *Completion of civil works*

All civil construction works shall be completed in accordance with the requirements of the Northern Rivers Local Government *Development Construction Manuals* (as current at the time of construction works commencing). Inspections and approval of the road, drainage, water & sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual.

5.17. *Sewer junction*

If it is determined during construction that the site does not have a sewer junction that complies with Council's standards the applicant shall be responsible for all costs associated with the connection of Council's sewer system to the site 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 commencement of these construction works.

5.18. *Works within road reserve*

Inspection and approval of the road and drainage works approved within the road reserve is required by Council's Engineer (Ph 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory sub-grade material, the developer shall be required to

remove the unsuitable material for a further depth of 700 mm and replace with approved sand fill.

5.19. *Water and sewer connections*

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 contact on telephone 6686 4444 at the time of the excavation and connection.

5.20. *Footpath and gutter crossing*

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

Earthworks

5.21. *Site filling*

All site filling 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

5.22. *Quality of fill material*

The applicant shall ensure that any fill material imported to the site for the proposed development shall only be obtained from other fill sources with approved testing. The supplier of the fill material must certify to Council at the completion of construction that the material was free of contaminants, being natural or otherwise.

5.23. *Revegetation of disturbed areas*

All disturbed and exposed areas shall be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.

6. 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 for the approved subdivision.

General

6.1. *Application for subdivision certificate*

Prior to the issue of a Subdivision Certificate for each stage of the development, application shall be made to Council accompanied by the following items:

- final plans of subdivision;
- a Schedule of Compliance detailing how each condition of consent has been complied with; and
- the requisite processing fee

An application for Subdivision Certificate shall not to be lodged until all consent conditions have been complied with.

6.2. *Revegetation, Rehabilitation and Weed Control Plan*

All works required by this approval plan, except for the ongoing maintenance and monitoring component of the plan, shall be completed in accordance with the restoration goals and to the satisfaction of Council prior to the issue of a Subdivision Certificate.

6.3. *Maintenance Bond for Revegetation, Rehabilitation and Weed Control Work*

Prior to release of the Subdivision Certificate a bank guarantee for the sum of \$30,000 is to be lodged with Council to ensure the on-going monitoring and maintenance of all work required under the RRWCP is carried out for a period of five (5) years after the date of plantings.

6.4. *Mosquito management*

The consultant entomologist is to provide a brief report on conclusion of the project and prior to the issue of a Subdivision Certificate detailing that all practical steps have been taken to minimise the attraction of mosquitoes to the development and to prevent mosquito breeding within the development.

6.5. *Developer charges - water and sewer infrastructure*

Prior to issue of a Subdivision Certificate for each stage of the development, 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 is 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 as 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**).

6.6. Developer contributions - public services and amenities

Prior to issue of a Subdivision Certificate for each stage of the development, 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
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The amount payable is the assessed additional equivalent residential allotments generated by the development multiplied by the charge applicable at the time of payment. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

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

6.7. Maintenance bond

Prior to the issue of a Subdivision Certificate for each stage of the development, 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:

- Civil Maintenance Bond (equal to 5% of the estimated cost of the civil works with a minimum charge of \$1,000.00)

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.

Civil Works

6.8. **Completion of civil works**

All civil works approved under Section 138 of the *Roads Act 1993* with the Construction Certificate are to be completed to the satisfaction of Council prior to issue of a Subdivision Certificate for each stage of the development. All works are to be completed in accordance with the approved plans.

6.9. **Footpath and gutter crossing**

All works relating to the approved footpath and gutter crossings for the development are to be completed in accordance with the with the Northern Rivers Local Government Development *Design and Construction Manuals* (as current at the time of construction works commencing). These works are to be completed and approved by Council prior to issue of a Subdivision Certificate.

6.10. **Works as executed drawings**

Prior to the issue of a Subdivision Certificate for each stage of the development, 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 in both .AutoCAD and PDF formats. Separate drawings shall be provided for roads, water, sewer and stormwater drainage. Such drawings are to be at a scale of 1:500. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.

6.11. **Electronic listing of assets**

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 prior to the issue of a Subdivision Certificate for each stage of the development. The list of assets required can be obtained from Council's Engineer on telephone 6686 4444 or via Council's website.

6.12. **Site filling**

Prior to the release of the Subdivision Certificate, certification must be submitted from a suitably qualified practicing geotechnical engineer verifying that any site filling has been completed in accordance with Level 1 geotechnical testing under AS 2870 & AS 3798 and has adequate bearing capacity for building construction. In addition, the certification shall also verify that any fill material imported to the site is free of contaminants being natural or otherwise, and was obtained from an approved fill source with quality assurance testing.

Utility Services

6.13. **Water and sewer installation**

All water supply and sewer works shall be completed in accordance with the approved plans and in accordance with Councils *Subdivision Code* (as current at the time of construction works commencing). All works are to be approved by Council prior to issue of the Subdivision Certificate for each stage of the development.

6.14. *Electricity and telephone services*

Prior to the issue of a Subdivision Certificate for each stage of the development, certification is to be provided that electricity and telephone services have been provided to each lot to the satisfaction of the relevant authorities.

6.15. *Containment of services*

Prior to the issue of a Subdivision Certificate, certification is to be provided by a Registered Surveyor, that all services and domestic drainage lines are wholly contained within the respective lots.

Stormwater Management

6.16. *Stormwater infrastructure*

Prior to the issue of a Subdivision Certificate, certification is to be provided to the PCA that all stormwater works have been completed in accordance with the approved construction plans and the stormwater management infrastructure approved as part of this consent. This certification is to be provided by a registered certified practicing civil engineer competent in the field of stormwater design and familiar with all aspects of the project.

6.17. *Stormwater maintenance*

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

Easements, Covenants and Restrictions on Use

6.18. *Water, sewer and stormwater infrastructure*

The final plan of subdivision and an instrument pursuant to Section 88B of the *Conveyancing Act 1919* shall establish easements prohibiting the erection of buildings and structures over or adjacent to sewer and stormwater pipelines. The prohibition on the erection of buildings and 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 in accordance with the policy "Building over Council Assets" and approved by council prior to issue of a Subdivision Certificate for each stage of the development.

6.19. *Building construction – rainwater storage*

The final plan of subdivision and an instrument pursuant to Section 88B of the *Conveyancing Act 1919* shall establish a positive covenant on the title of all proposed residential allotments. This positive covenant shall require a minimum of 7,000 litres rainwater storage per allotment and that all water storage and detention infrastructure is to be effectively screened at inlets and outlets using durable materials to prevent access by mosquitoes. Details are to be submitted to and approved by Council prior to the issue of a Subdivision Certificate.

6.20. Restriction on use – no build zones

The final plan of subdivision and an instrument pursuant to Section 88B of the *Conveyancing Act 1919* shall establish restrictions on use and easements delineating the approved No Build Zones on the title of proposed Lots 101, 102, 104, 204, 205, 206 and 207. The restriction shall specify that no buildings or structures of any kind are permitted to be erected in the No Build Zones. Details are to be submitted to and approved by Council prior to the issue of a Subdivision Certificate.

6.21. Restriction on use – vegetation protection

The final plan of subdivision and an instrument pursuant to Section 88B of the *Conveyancing Act 1919* shall establish restrictions on use and easements delineating the areas of significant littoral rainforest vegetation and vegetation buffers on each applicable lot in the subdivision. The restriction shall require the protection in perpetuity of all significant vegetation and rehabilitation areas. Details are to be submitted to and approved by Council prior to the issue of a Subdivision Certificate.

6.22. Restriction on use – asset protection zones

The final plan of subdivision and an instrument pursuant to Section 88B of the *Conveyancing Act 1919* shall establish restrictions on use and easements delineating the approved Asset Protection Zones in accordance with the approved plans and NSW Rural Fire Service requirements on the title of all proposed residential allotments. Details are to be submitted to and approved by Council prior to the issue of a Subdivision Certificate.

6.23. Compliance with General Terms of Approval - NSW Rural Fire Service

Certification is to be provided confirming compliance with the General Terms of Approval - NSW Rural Fire Service, prior to issue of a Subdivision Certificate.

REASONS FOR CONDITIONS

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

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

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. *Mosquito management – future dwelling houses*

All dwellings erected on the lots created by this consent will be required to be provided with insect screening to all windows, doors and other openings capable of excluding mosquitoes from both sleeping and living areas. Self closing screen doors are to be utilised where possible.

7. *Bush fire protection – future dwelling houses*

This approval is for the subdivision of the land only. Further development applications on the subject land for Class 1, 2 & 3 buildings (as identified by the 'Building Code of Australia') may be required to address AS 3959-2009 Construction of buildings in bushfire prone areas. The rehabilitation of remnant rainforest areas and any bush fire risk these areas may pose, should be taken into consideration at this stage.

Advisory Note:

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

You are advised to contact the following:

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

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

**SCHEDULE 1
DEVELOPER CONTRIBUTIONS**

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Lennox Head Local Parks	4009	equivalent residential allotment	\$212.00	10.0000	\$2,120.00
Lennox Head District Parks	4009	equivalent residential allotment	\$884.00	10.0000	\$8,840.00
Lennox Head Playing Fields	4009	equivalent residential allotment	\$1,729.00	10.0000	\$17,290.00
Regional Open Space Facilities	4016	equivalent residential allotment	\$819.00	10.0000	\$8,190.00
Open Space Administration	4017	equivalent residential allotment	\$32.00	10.0000	\$320.00
Lennox Head District Community Facilities	4210	equivalent residential allotment	\$1,293.00	10.0000	\$12,930.00
Regional Community Facilities - Amend 1	4213	equivalent residential allotment	\$3,660.00	10.0000	\$36,600.00
Community Facilities Administration	4214	equivalent residential allotment	\$67.00	10.0000	\$670.00
Lennox Head Roads 2010	5202	equivalent residential allotment	\$10,362.00	10.0000	\$103,620.00
Roads Administration 2010	5203	equivalent residential allotment	\$158.00	10.0000	\$1,580.00
TOTAL					\$378,960.00