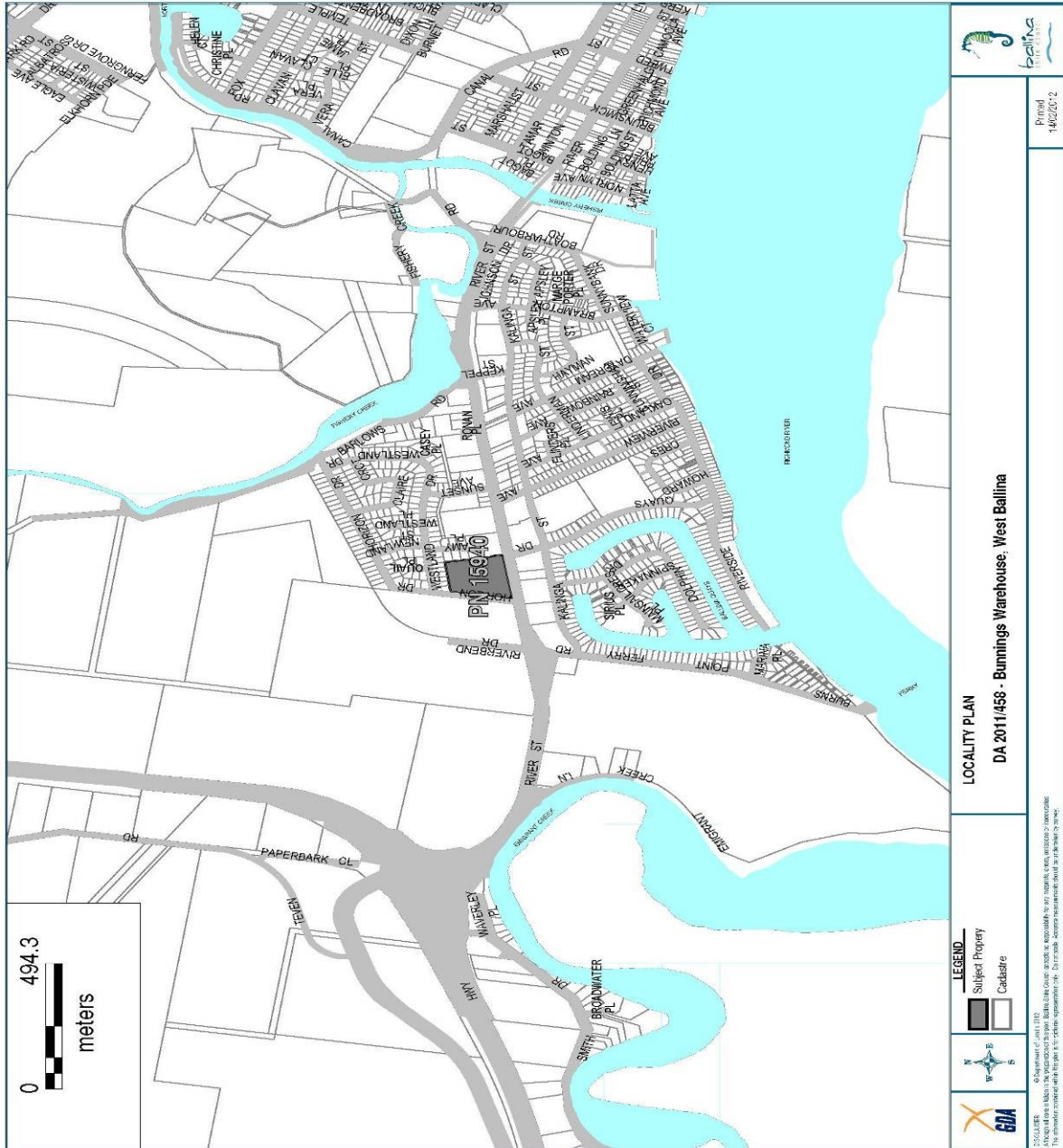
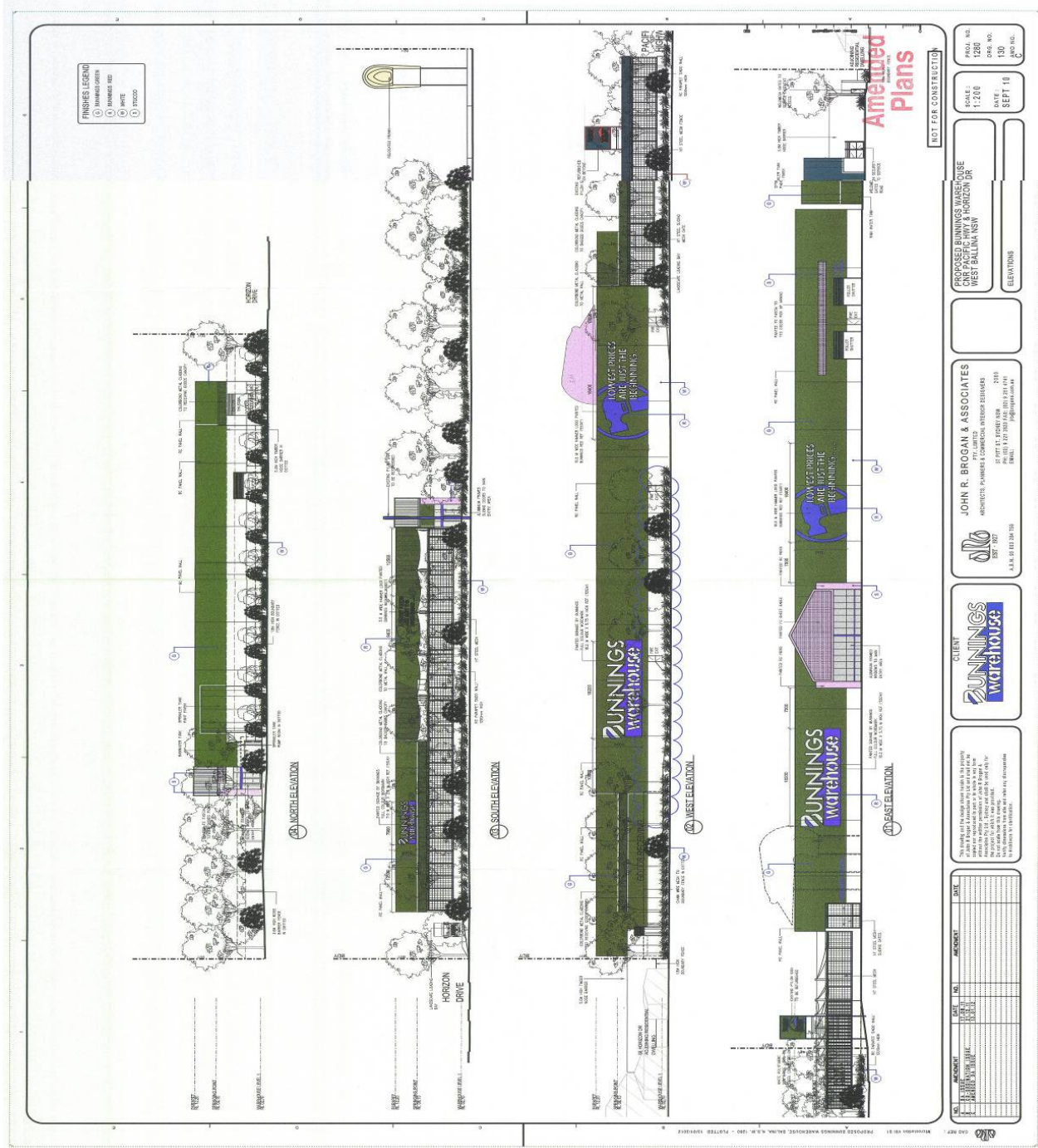


8.3 DA 2011/458 - Bunnings Warehouse, West Ballina







PO Box 871
Ballina
NSW. 2478
02 66867525
0416165760
elwright48@bigpond.com
30th January 2012

The General Manager
Att Mr. R Thornton

Dear Sir,

Re Bunnings

The appearance this past week of correspondence on the council web page is very enlightening.

As very few of the major issues appear to be getting addressed only the planting of the landscape I am at a loss to understand this, until I read in one of the council's letters "for as we have said from our first meeting we consider the provision of landscaping at this location to be of the highest priority". Is there someone in your department doing a course in horticulture and using this DA as work experience?

The traffic I believe is still one of your most pressing concerns because of the fatality consequences that would be identified from a properly conducted risk assessment, particularly as your reversal of traffic is only around the complex ie entering Horizon Drive, around the whole complex and exit at the roundabout.

Now that the school has resumed there is an increase in older students driving "P" plated cars to school and parking in Horizon Drive. These young people in the majority would have little or no experience of noticing or mixing with B doubles which now will be turning left into Horizon Drive and then turning to the right in front of the school car park entrance, into Bunnings delivery entrance.

Please have the road safety committee look much closer at the identifiable hazards of allowing extra traffic into Horizon Drive.

In our recent rain storm we had minor flooding at the rear of my property. Mr. Anthony Mancone in his letter to Mr. Richard Jerome dated 13th January 2012 to which you were copied has used a model based on a 3hr. storm. Please invite him to Ballina to see first hand what a rain storm looks like up here and the instant consequences, particularly on low lying ex sugar cane land as we have here in this subdivision. Bunnings will have their land built up but the neighbouring residences do not.

These reports from consultants really do leave a lot to be desired and I am pleased my rates are not being used to pay for these reports.

How are you and other members of your team expected to possibly write a council report based on this sort of data, let alone expect the councillors to understand any of it.

The persistent comment from Bunnings to all these minor questions that are being raised is to state "that can be done post DA."

It is more than evident they assume this is a fait accompli.

Would you please explain to me by return exactly what a post DA review alters?

Either the DA has been recommended or it hasn't or at least subject to conditions but post DA??

Outline for me the safeguards for non conformance and what redress is there available for such non conformances to something that is not conditional in the beginning.?

Do councillors who may approve this application realise the end result will be totally different to what is in your report because of this ludicrous "post DA" condition?

Although I have asked many questions and as yet hardly been acknowledged by the council but totally ignored by Bunnings, where does the planning department stand if this whole DA comes back in a legal action against the council with all the problems that are foreseeable having been documented and ignored?

Yours faithfully,



Eldon L G Wright





PO Box 871
Ballina
NSW...2478
0266867525
elwright48@bigpond.com

27th January 2011

General Manager.
Ballina Shire Council

Att. MR. R Thornton,

Dear Sir,

RE: Bunnings.

How pleasing it was this week to start finding copies of relevant letters on the web page regarding some of the many issues I have been raising over the past few months.

The letter from your Group Manager dated the 12th January to Wilkinson Murray is very interesting as it shows how much if any reliance can be placed on the noise survey outcomes.

The report was quite evidently a quick cut and paste but a little too quick as the streets from the original report were not deleted and the correct streets here in Ballina were not inserted in their place.

How many of the readings and the tables are also "typographical errors" as they have called them.

Please ensure you receive pertinent answers to all the queries your Group Manager has put to them.

Your letter dated the 17th January to Philip Drew regarding the traffic flow showed a sensible understanding of the issue.

If you extended the idea a little further you could almost wipe out the majority of issues being raised about this DA.

Advice has just been received from the RMS that there should be a local Council Traffic Committee in existence in Ballina.

This committee should comprise representatives from the Council, Police, RMS and sometimes the local Parliamentary Member.

Would you be kind enough to pass my concerns regarding the traffic and the potential situation in Horizon Drive onto this committee for evaluation then surely they can do nothing but endorse your thoughts of reversing the traffic flow and my thoughts of extending the concept even further.

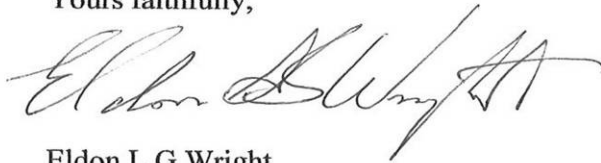
If as well as reversing the traffic as you have suggested the trucks were made to enter from the existing entrance off the main road, that is only a few metres east of the corner with Horizon Drive, then they could enter a new repositioned delivery area and exit out the next exit right on the roundabout and so eliminate the new problem of constant noise in our back yard from the reversing alarms

This would immediately eliminate, Horizon Drive and all the associated problems regarding extra traffic (apart from the hundred or so employees parking in the street), the school hours time restrictions, the high ongoing maintenance costs of roads, the daily in- calculable class action liability exposure of mixing fifty four (54) B- doubles (Bunning's estimation), unknown semi trailers and flat top delivery trucks and as far as I can ascertain forty six (46) buses full of school children (excluding school excursion buses and coaches), the circuitous route around the whole complex, the noise problems, the fumes problems and the lighting problems.

You could almost wipe the slate clean and allow the DA to go ahead with very few hiccups other than the potential for flooding and the contaminated soil problem still remaining.

In fact this whole situation would not have arisen if this DA had been sited in the first place in an industrial estate where it belongs and not in suburbia.

Yours faithfully,



Eldon L G Wright.





PO Box 871
Ballina
NSW. 2478
02 66867525
0416165760
elwright48@bigpond.com
14th January 2012

Mr. R Thornton

Dear Sir,

Re: 2011/458 Bunnings

First thank you for arranging to have the paddock mowed. Not only did it look a disgrace but there was a mouse plague there a few months ago and a snake worry.

Now that I am partially accepting the fact my lifestyle is about to change dramatically as a result of your department's impending planning decision I would like the answers to a few additional questions.

Because it appears obvious that my duplex block will most certainly be very much devalued as a result of the Bunnings project and my plans for retirement will have to change I could very well have to continue living at my present address.

My concerns now are centred on the toxic soil on the proposed construction site. I would like the following information supplied to me if I am to remain at this address and feel safe.

Who, and from what department in the council, signed off on the site as being safe?

What report and from whom in what department or government agency in addition to the EES, supplied this information to Bunnings or the council?

Please also include the results in the report and the standards applicable if different from the EES report supplied to Bunnings.

Please supply a map of the total site specifically outlining the geographical limits of testing that were carried out or were the test holes as shown in the EES report the only investigation conducted.

Please supply any detailed rationale from the council for this limiting, upon what standard was it based and who determined this rationale considering the underground wells and stormwater drain which collects water table runoff from the site and runs across the rear of the site and adjacent to all the adjoining residences. OR has the council done nothing to address this issue?

I quote from your received report from Bunnings compiled by EES on page 25
“Environmental Earth Sciences concludes that, based on the results of this assessment, there are a number environmental constraints to the proposed commercial development of the site. Predominantly, the constraints relate to offsite hydrocarbon contamination in groundwater on the outside of the cut off wall and the potential for vapour intrusion in the proposed development. Based on the review conducted of the information available, there is insufficient groundwater and soil vapour assessment to deem the site in a suitable condition for commercial occupancy.” unquote.

Further quote from page 26

“Environmental Earth Sciences recommended the following items are considered prior to a decision on procurement of the site for the proposed Bunnings development due to the current status of the soil, groundwater and soil vapour on site:

. the remediation processes at the Caltex Service Station are completed and signed off by a Site Auditor demonstrating that the site is suitable for commercial use with no limitations; and

. in particular, groundwater beneficial uses should be restored, and vapour risk to future indoor occupiers of a Bunnings warehouse be mitigated or deemed acceptable” unquote.

Considering all the earthworks to be undertaken in not only the civil and mechanical services aspect of the project but the installation of the massive underground water tanks I suggest page 16 section 6 headed Conclusions in the Stormwater Management Plan be re read and the above questions including my concerns answered.

The liability exposure to the council is almost unbelievable as a result of no (known to me) conditions having been applied to this application by the council.

Has council addressed any of these issues yet and if so to what outcomes?

I have asked in previous letters as to why covering letters are on the web page but not the actual letters them selves.

Who in your department determines what is for public viewing and what is not. REMEMBER transparency.

I am interested in the letter re soil contamination received by yourself on the 5th December 2011 but not posted on the web page.

The more I become concerned and look deeper into the actions that have and have not been taken, the more this application starts to fall apart.

Even Bunnings have not to my knowledge replied as they promised to do by the end of the first week in January, to the concerns I have expressed or once again the reply has inadvertently not been placed on the web page.

I am now looking forward to your prompt reply to this letter and also my letter dated 5th January 2012 hopefully containing this time, relevant and specific answers.

Yours faithfully,



Eldon L G Wright



RECORDS
SCANNED
09 JAN 2012
Doc No.....1961286.....
Batch No.....

PO Box 871
Ballina
NSW...2478
0266867525
elwright48@bigpond.com

5th January 2012

The General Manager
Mr. P Hickey.

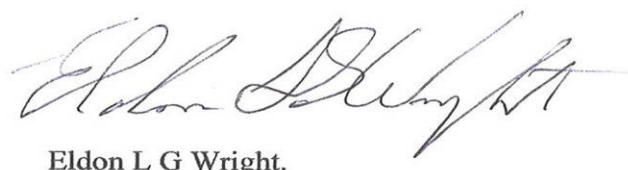
Dear Sir,

Today I received a fairly comprehensive reply to my letters to the Planning Department.

I imagine it was the result of your actions following my request to you.

Thank you.

Yours faithfully,



Eldon L G Wright.





PO Box 871
Ballina
NSW...2478
0266867525
elwright48@bigpond.com

5th January 2012

The General Manager.

Attention Mr. R Thornton

Dear Sir,
Re: DA 2011/458

Today I received a welcome response to my letters.
I am not sure if you or your manager are the author but I notice you are no longer Technical Officer but now Senior Town Planner.

From the response and I quote "within the council a number of staff having different technical and professional expertise and responsibility assess and comment on different aspects of any development." unquote. This is exactly what I have been trying to determine from your department for the last two months. What technical and professional expertise do these people have? or are their position descriptions confidential? What are the aspects for consideration and who determined them? Why are they not incorporated in council policy somewhere? How comprehensive are these aspects and what are the criteria for assessment of each of them? The word transparency should be very clear to Local Government.

I would imagine and hope that all the points raised in my submissions were the same aspects and hopefully are only a small section of the total number a council would have on an assessment checklist to comment upon, for such a large, controversial project that will impact dramatically upon the lifestyle of the neighbouring residents.

I realise all residents are free to write and comment upon the application and the proposer is very lucky in that there so few houses affected by this proposed development. People in all different circumstances respond in different ways. As I said previously, one resident has died, one has his property for sale, some feel intimidated by the applicant being a multi national company, some see it as a fait accompli, some are renters, some are incapable of presenting a submission and so I am virtually the only objector on paper from the adjoining residences.

The questions in my letters were deliberately pointed and most likely not very welcome but I see so many areas of concern with this application. My life style is about to be turned upside down with the commencement of the construction period and the disturbance of the toxic soil on the site. Following this comes the noise, the fumes from the actual construction of the building and the grounds and the intrusion of a 5 metre fence almost against my back fence. Then an easement which most likely will be ignored and forgotten as is the current paddock behind the site creating a security hazard for all the residences.

We will then have an enormous slab concrete wall shutting out my views, my breezes and completely overpowering my back yard. When the business starts to operate I will have 16 hours a day seven days a week of fumes and noise from delivery trucks driving and idling whilst waiting immediately behind my back fence. Then we have the safety of the school children with all the increased traffic from the complex combined with having our street choked with employees' private cars. On top of all this we have the risk of flooding because of the current water table and the fact that this area was of course the runway from the old airport, so little water escapes through the soil after flooding rains and most certainly will not with the massive amount of water that would be shed from the roof of the proposed complex. Now when I perceive the major worry from the council on the website being "where can we plant a tree in the carpark"? alarm bells ring very loudly.

I am pleased to see the traffic aspect in relation to the safety of all the school children, child minding people and suburban walkers is to be assessed separately and I hope the load limit on the road will be included. Remember in relation to the load limit I was verbally told "that will be no problem". This begs the question of course that if there are so many exemptions to load limited roads why has a limit been put in place at all?

I am also aware that the site until recently operated as a major service station and supporting shops.!

I am not sure why this was mentioned and what it has to do with anything, as the complex was adjacent to and accessed from the Pacific Highway with acres of land as a buffer to all the residential houses and in no way resembled what is currently proposed. It is also going to be completely demolished.

I am extremely happy to learn that all my submissions will be presented to council in their entirety and that the planning report will also specifically comment on all the aspects raised in my submissions as I consider them all pertinent.

I still have concerns relating to this proposal but I will not be telephoning those concerns as requested in your department letter dated 3rd January 2012. Verbal conversations are very dangerous in that people have sudden memory lapses, or deny what was said and legally it is only hearsay evidence and could not be used in any action.


I shall continue to document everything on paper.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Eldon L G Wright', written in a cursive style.

Eldon L G Wright.

PS I would also appreciate you asking Bunnings to once again slash the paddock.

A large, handwritten mark in black ink, resembling a stylized 'S' or 'Z' shape, possibly a signature or a mark.

Friday 23 December 2011

TO-- Mayor .P. Silvers ,Deputy Mayor Susan Meeham ,CR Robyn Hordern.

I have already expressed my views & believes over the Big Prawn Complex ,being altered to become a Bunnings Hardware Warehouse ,i still believe it is the wrong property for that site .

When i spoke to Mr Craig Summerville by phone on Tuesday 20 December at 4.15pm in a plesent conversation he remembered our meeting & talk at the Ballina RLS on 26 November

i expressed my views & believes ,he asked me if i had summited objections to Ballina Council & i said yes to the three people named above ,i expressed what i prefered to be built on that site

he replied that site was selected because the structer of a suitable building was already their he realised there was an industrial area ,Harvey Norman Complex is already there ,but Bunnings Hardwere Warehouse would need to buid a new Complex .

I wished Craig Summerville at Mt Gravatt 4122 a Merry Christmas & the best for 2012 .

With this letter and the other letters to the persons named on top & the phone call i am expressing my veiws & believiews no one elses ,but they are my believes ,thank you

I give the Seasons Greatings to the Ballina Shire Council.

Mr .m.Walters ,18/111 Kalinga St, Ballina .



Page 1

Bob

RECEIVED
GENERAL MANAGER
22 DEC 2011
COUNCIL

7 Quail Place
West Ballina NSW 2478

Date: 22 December, 2011

To: General Manager, Ballina Shire Council

RE: PROPOSED BUNNINGS DEVELOPMENT AT WEST BALLINA

We live in the area behind this development and would ask that consideration be given in relation to the parking area within the planned development, to the following suggestions.

We would ask that adjustments be made to this development. Either, install gates to the vehicle entry and exit areas OR install plenty of speed humps throughout the entire parking area and not just around the shop front where pedestrians mainly gather.

Unfortunately, we currently endure young drivers "burning rubber" and doing "donuts" in intersections on some of our neighbourhood streets, and in the still of the night it is very loud and disturbs the peace and quiet.

Bunnings in Lismore is located in an industrial area and has speed humps, but only along near the pedestrian entry and exit area of the warehouse. There are no speed humps throughout the rest of the parking area but not causing undue stress due to its location.

We do not have any objection to this development, however it is very close to a large residential area and would appreciate Ballina Shire Council and Bunnings give our request serious consideration.

Thanking you in anticipation,
Mr & Mrs A & J Vesperman

A Vesperman *J Vesperman*

RECORDS
SCANNED
23 DEC 2011
Doc No: 1955276
Batch No:

1955387

ACKNOWLEDGED



PO Box 871
Ballina
NSW. 2478
02 66867525
0416165760
elwright48@bigpond.com

19th December 2011

The General Manager
Ballina Shire Council

Att. Mr. R Thornton

Dear Sir,

I have attached my letter dated the 9th December for your information in light of the fact I have not yet received an acknowledgement or a reply to it.

Considering the pathetic management performance of this ludicrous communication exercise by the council, my letter most likely went astray and was not received.

Or maybe we have gone into the "ignore him as it is a fait accompli anyway" stage.

At least there is some light comic relief in imagining your department in private enterprise treating customers in the perceived arrogant manner in which you treat ratepayers.

Public servant is evidently not a word used by this council.

I am still awaiting answers to my questions and surely they are not difficult to find. The Mayor on television speaking of the Porter Park DA catastrophe said and I quote "it ticked all the boxes"

Please ascertain the boxes to which he was referring and send me a copy as this is exactly what I have been trying to obtain from you.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Eldon L G Wright".

Eldon L G Wright.

A simple horizontal line drawn in black ink.

RECORDS
4 DEC 2011
15:00:00

Bdb - 2011/458.

Untitled

RECORDS
SCANNED
15 DEC 2011
Doc No. 1947313
Batch No.

Monday 12th December 2011 .

To --Mayor. P . Silvers .

I write to you today about the Big Prawn Building being demolished for the erection of the new Bunnings Hardware Warehouse .

I attended the meeting at the Ballina RSL on Saturday 26th November, which I expressed my views politely ,i also rung Deputy Mayor Susan Meeham and CR .Robyn Hordern ,wrote a letter to each Cr ,and left it to be given to the Manager ,i later hander a letter to Cr Robyn Hordern at her home .

I beleive building Bunnings Hardware store there will be too large for that spot ,it is on the Pacific Highway which is still busy ,trailers still service Ballina Shops & supermarkets from the south passing that spot & with a car parking for 450 cars in Bunnings plus it being a Warehouse to service other Bunnings Hardware Stores ,I have looked through the DA book in Council & i have been told it will very from the DA DA .

I beleive as I have said all along it is the wrong building for that site ,it should be in the industrial area with so many other outlets we all use .

If the site were used for houses for familys that would help to bring back the trade otherwise lost by the Ballina Bypass & reduce the noise & discomford again for thoes living in that area

I drive from West to North each time I need a hardware item & I enjoy it .

To--Mayor Silvers ,thank you for receiving & reading my letter .

Mr Walters , 18 / 111 Kalinga St Ballina ,

Page 1

DA 2011/458.



PO Box 871
Ballina
NSW. 2478
02 66867525
0416165760
elwright48@bigpond.com

9th December 2011

The General Manager
Ballina Shire Council

Att. Mr. R Thornton

Dear Sir,

Your letter was finally received today in response to my enquiries.

My house is situated at 55 Horizon Drive West Ballina. My postal address is PO Box 871 Ballina.

Please do not send correspondence to me at 55 Westland Drive Ballina unless of course I am not supposed to receive it.

If this is indicative of the interest and attention that is being shown to my submissions then you can understand my concern with the efficiency of this council.

Thank you for some of the partial answers to my questions. The questions not commented upon are answers in themselves.

Working my way through your letter you state that you as technical officer will assess the development application.

Please advise me of the answers I requested as to how this assessment is done.

Using what checklist, containing what criteria, do you use? And who designed this assessment checklist that you currently intend to use?

Naturally the same assessment type questions apply to the Group Manager of the Regulatory Services Group to allow him to write an informed and accurate council report.

Would you also advise me as to how early this report will be made public before going to determination?

I am now very concerned that only two people assess this application before a report is made available for determination by a group of elected ratepayers with no qualifications or experience.

You mention the DBLEP 2011 I imagine in relation to my question regarding the re zoning of the land upon which this project will be built.

A quick perusal by myself failed to find the particular piece of land detailed in any documents on the web site.

It was interesting to note the DBLED 2011 exhibition coincided with the rumour that surfaced in Ballina in 2009 regarding the Bunnings project on the Big Prawn site.

Whilst on the subject of the web site could you explain to me why, within the documents relating to this DA, the covering letters from outside sources are displayed but not the letters to which they refer?

You may find the tone of my letters not normal in a business sense and I may appear to you to be pedantic in my questions but I am treating these questions very seriously and do not consider them insignificant in any way, because my present lifestyle is about to change and most likely my house will be severely devalued as result of this DA.

I am also concerned about the neighbours who although do not seem to understand the full implications of the DA and have not objected in writing, are nevertheless going to be effected. Some have indicated they do not believe their objection as a small householder would carry any weight against such a large multi million dollar international group of companies.

Some are elderly, some are sick and some are absent. In fact I attended the funeral of one today. We also have our first affected resident with his house on the market today hoping to sell and finalise before any construction begins.

I am also concerned with the safety and health of the hundreds of school children who will be affected by this DA.

I am surprised that you have forwarded my submissions to the council onto the applicant. The applicant has a team of experts to find ways round objections and are quite capable of downloading public documents from the council web page.

If I had wished to advise them I would have written to them myself.

My submissions were to allow whoever in the council does the assessments to see and appreciate the implications this DA would have on the local community.

You indicate I have raised only three matters, delivery trucks, Emmanuel College and the generic nature of the design. Please have someone sit down and read the total submission and preferably not the person who looks up postal addresses.

This is a very quiet and peaceful suburban street having residential houses, a school complete with a child care centre and playing fields all adjacent to the proposed building and is not an industrial estate where this type of development should be located. A Bunnings warehouse is not a corner store.

I would further hope that as the closing date is fast approaching and there is this delay in my obtaining information, all my correspondence to yourself will be included in my submission material and read as part of the assessment process.

Yours faithfully,

A handwritten signature in cursive script, appearing to read 'Eldon L G Wright', with a long horizontal flourish extending to the right.

Eldon L G Wright.

A long, thin, horizontal handwritten flourish that starts on the left and ends with a small upward hook on the right.



PO Box 871
Ballina
NSW...2478
0266867525
elwright48@bigpond.com
7th December 2011

The General Manager
Ballina Shire Council.

Att. Mr. R Thornton

Dear sir,

I am writing to inform you that as yet I have had no response or acknowledgement of my letter dater the 27th November 2011.

My letter was requesting answers to several questions relating to development approvals.

The questions were straightforward and simplistic, the answers to which could be found in any professional organisation's Policy and Procedures manual.

Please advise me of any legitimate reasons for this delay.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Eldon L G Wright". The signature is written in a cursive style with some loops and flourishes.

Eldon L G Wright.

DA 2011/458.

RECORDS SCANNED	
28 NOV 2011	
Doc No.....	1933193.....
Batch No.....	

PO Box 871
Ballina
NSW. 2478
02 66867525
0416165760
elwright48@bigpond.com

27th November 2011

The General Manager
Ballina Shire Council

Attention: Mr. Robert Thornton

Dear Sir,

I have been in twice to see you and each time unfortunately I have missed you.

As you are aware I have submitted an objection to the Bunnings development at west Ballina.

This is the first time I have been involved in this sort of exercise with a council and I would like you to explain this development approval process to me if you would be so kind.

As you are the council officer in charge of this development application I imagine you will naturally have this information at hand.

The committee or panel used to determine the acceptance or otherwise of this development application is my first concern today .

Would you please advise me of the following :

The names and employers of the persons sitting on this panel. Are they council employees, paid consultants, ratepayers, general public or perhaps just elected councillors.

What criteria is used to determine the suitability of these people to assess this application and who, with what qualifications determined it. By qualifications of course I mean tertiary knowledge qualifications not paid memberships of associations.

What qualifications if any, do the members of this panel possess? I ask this in view of the recent recommendations by ICAC. I know that you being in the planning department would be aware of these recommendations that council determination panels receive, amongst other subjects, at least statutory planning responsibilities training.

Does the panel submit for general public and ratepayer perusal a written report outlining their decision and the reasons for it, at the completion of their deliberation.

What time frame is envisaged on a development application determination? and what opportunities are built into the process for extra ratepayer and general public consultation?

In other words how much transparency is there within this whole process once an application has been received by council?

Should the applicant put in an alteration to their original submission is there another thirty days of public exhibition to enable ratepayer and general public input?

What safeguards are there for ratepayers and the general public should an applicant put in a re submission on the afternoon of the closure of the public exhibition.?

The second concern I have is the new re zoning that must take place.

From a logical point of view I would see the re zoning having to be done first before any decision on the application is made.

Within this re zoning process is a public exhibition period allowed? and for what period of time? and are adjoining land owners personally notified ?

Again would you forward me the outline of the procedure used answering the same questions I raised regarding the development approval panel.

Bunnings lack of concern for and apathy towards residents is very well reflected in the fact that it took twenty nine days after their project manager assured residents that the overgrown paddock would be immediately mowed and cleaned up and this only occurred because I contacted council and they expedited the matter for me within three days of my complaint.

This attitude I am sure will also be reflected in their glib explanation of any questions raised by the council in relation to this application as happened to me in my house at their information evening on the 21st October 2011.

Another example is Bunnings assurance to Emmanuel College that there will be no delivery trucks into Horizon Drive during morning arrivals and afternoon departures of parents and children to and from the school. The tight schedules with which these delivery truck drivers must comply most certainly will not see them parked on the Pacific Highway for an hour before the school starts or in the afternoon waiting for the school to empty.

You should also make the panel aware of the concept plans for future major expansion of the school south along Horizon Drive that could possibly double the current number of cars, buses and pedestrians using this street.

Yesterday I attended the public information session hosted by Bunnings at the RSL.

It was a wonderful piece of news from the Bunnings representative that the overall plan for the project is actually a 'vending machine one size fits all' type plan that is used by them as a basic proposal each time a new venture is planned.

The current proposal is not site specific per se and therefore changes are more than possible if objections are raised or the approval is made conditional.

Please ensure this information is known by the approvals panel.

I now look forward to receiving my requested information.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Eldon L. G. Wright'. The signature is fluid and cursive, with the first name 'Eldon' being the most prominent.

~~Eldon L. G. Wright.~~

From: Traceyanne Pennisi [traceyp034@gmail.com]
Sent: Wednesday, 23 November 2011 10:40:42 PM
To: Ballina Shire Council
Subject: DA2011/458 Bunnings for West Ballina/ Ramifications for residents , businesses, traffic and safety

To: Project Planning Officer
Ballina Shire Council

From : Ronald and Margaret Jelfs

10 Spinnaker Crescent

West Ballina 2478

Ph. 66864191

Email: acc.jelfs@bigpond.com

Dear Sir/Madam,

There are problems from the Sundowner Motel Lights (Crn Kerr Street) - Fishery Creek Bridge- to the Burns Point Ferry Road. Firstly, let me say , we think Bunnings is a great project for West Ballina. With the right infrastructure, it will be a great asset to Ballina and in particular West Ballina. Secondly, let us say, we spent 20 years running a business and living not more than 100 metres from this proposed Bunnings site. We saw first hand the population of Ballina grow from 1981 (11,800 approx.) to a shire population of about 42,000 in 2001. In this period we saw the West Tower Tavern and shopping centre built, the Big Prawn came into being and all the houses north of Lismore Road and South (Quays Estate) also.

To get to the point , roads, roundabouts and two lanes going into four only at roundabouts is unsafe in my opinion. It leads to queuing and traffic 'bluff' drivers taking risks with cars on their left trying to enter the roundabout and is extremely frustrating. This invariably locks up traffic from North side estate behind the Big Prawn and the traffic from Quays Estate. A possible answer , by council, RTA, or Police would be to open to 4 lanes from the Lights in River Street to Ferry Boat Road. Lights at the Big Prawn , Fish co-operative and the elimination of the roundabouts might also aid smoother flow of traffic. Four lanes over Fishery Creek - Yes a new two lane bridge, which was allowed for as known should now be considered.

This should do for 20 years growth, not piece meal approach which has been previous. We repeat - Bunnings is now and will be a wonderful addition to West Ballina and great for expanding businesses. We are sure it will attract new residents to West Ballina area also. We would not like to be part of any negative thinking. Bunnings will be a welcome addition but the roads and adequate infrastructure to support the local area need careful consideration as it may have a further impact on congestion in the area. Safety of the local community is my utmost concern.

Regards,

Ronald & Margaret Jelfs



PO Box 871
Ballina
NSW...2478
0266867525
elwright48@bigpond.com

14th November 2011

The General Manager
Ballina Shire Council

Att. Mr. Robert Thornton

Dear Sir,



RE: Development Application No. DA 2011/458

Property: Bunnings Pacific Highway west Ballina

This letter is in addition to and will form part of the submission by myself dated the 10th November 2011. Document No. 1921999

Now that this DA was made available for public viewing I find on slowly working my way through the document that many of the points raised by me as objections to this project have already been highlighted by the relevant consultants and I wish to point these out in support of my submission.

After being told by the Project Manager of Bunnings at an information session in my home that my house would not be affected by this development and then to read in the DA application that my house is specifically mentioned thirteen (13) times throughout as being the most affected residence, I now have very serious doubts on the integrity of the whole DA.

At the moment of particular concern to me is the noise assessment. It is highlighted in the report that the noise criteria do not conform to standards in respect to the second storey of my house. I quote " It is considered that the worst affected receiver locations would be on the second storey of the residence at 55 Westland Drive near the loading dock" unquote. I assume this is meant to be 55 Horizon Drive? It also wrongly assumed the upstairs section of the house is not used during daylight hours.

I quote "Daytime noise levels will exceed the criteria at the second storey window at 55 Horizon Drive due to loading dock activity. While the noise levels exceed, it is considered less likely that the upstairs will be regularly used during the daytime period." unquote.

There are actually two windows facing south not one as indicated in the report. We have a TV upstairs, our landline telephone is in the retreat area and also more importantly upstairs is my office and computer where I do my writing during the day.

The second storey is constantly occupied during daylight hours.

Further the report indicates under the traffic management section that a long waiting queue is provided for delivery trucks to ensure there is no traffic hold-ups in the carpark.

I quote "The Bunnings delivery and service vehicles will ingress and travel along the eastern and northern sides of the site to the dock area before egressing to Horizon Drive. The Bunnings delivery vehicles will involve B Double and semi-trailers (AV) with some vans and MRV's and the very extensive queuing length available will ensure that there is no possibility of waiting trucks affecting the movement of cars to/from the carpark" unquote.

This very extensive queuing length is of course immediately behind my rear fence and as I pointed out in my previous letter the noise will be directed straight at my house. To make matters even worse the report now states there may even be night time deliveries outside normal operating hours, which remember are 6.30am until 9.00pm. The report also again confirms there will be four deliveries per hour during operating hours.

I quote "Store operating times are expected to be 6.30am to 9.00pm Monday to Friday and 8.00am to 6.00pm on weekends and public holidays.

Deliveries will generally be between 7.00am and 9.00pm.

Night filling may occur outside of normal store trading hours." unquote.

In fact the Environmental Report Statement chapter 3 page 12 states deliveries could be up to 10.00pm at night.

Because both the day time and night time noise levels at my second storey exceed the criteria set by the modelling by 3 dBA, as outlined in report No.11211 table 6-1 and table 6-3 of the applicant's submission, one of the report recommendations is I quote " Compliance with evening and night time noise criteria at the 2nd storey of 55 Horizon Drive may be achieved if truck deliveries are restricted to the day time period " unquote.

You will note there is no recommendation for the day time period so the noise exposure will still be present for at least 12 hours per day during daylight hours 7 days a week.

The noise modeling is based on four (4) truck deliveries per hour and three hundred and forty (340) car movements.

There appears to be no accumulation of noise levels in the report i.e highway traffic plus Horizon Drive traffic plus loading dock activity plus fork lift truck movements plus waiting delivery trucks plus ambient noise from the building machinery. From my experience I would be surprised if the sound pressure level at my second storey would be less than eighty (80) decibels and would be certainly classified as intrusive noise.

The NSW Industrial Noise Policy (INP) states that the types of noise that typically cause greater annoyance to the community are tonality, impulsiveness, intermittency or dominant low frequency content and should have a modifying factor of up to ten (10) dBA added.

Personally in noise evaluations I have found that this is a necessity to ensure a more realistic and accurate assessment is compiled.

The traffic concerns in Horizon Drive have also increased with the revelation that the Nursery Department will not only have vehicles exiting into Horizon Drive but also now entering from this street.

It is also now stated that there will be only 10 – 15 staff car parking spaces so my assumption appears to be correct that the extra 100 odd staff owned cars will be parked in Horizon Drive.

I also have concerns for the surface condition of Horizon Drive with this massive increase in not just passenger vehicles but the inclusion now of at least 50 odd truck movements per day. Will we have road patching gangs working in the street almost daily and at what cost and where will the traffic go each day when there is a road gang in attendance?

Trucks already unloaded and those waiting will of course have to turn north out of the development into Horizon Drive and continue illegally around on the 4.5t load limited suburban street to the roundabout at the fish co-op corner.

The forty (40) approx bus movements per day will also have to alter routes to avoid the road works.

As previously stated in my first letter the circuitous route would appear to be one of the major problems in relation to noise and traffic. Surely further thought and an altered traffic flow would correct this.

Also in my opinion, if the deletion of this route around the site and the prohibition of traffic entering and exiting from Horizon Drive was made a condition of approval there would be substantial cost savings to the applicant.

The cost of materials and labour for such a massive acoustic sound barrier fence would now not be required.

The cost of the foundations for the heavy duty truck road and the noise mitigating surface material would not be required.

The virtual elimination of future potential litigation, against both the applicant and possibly the council, from adjoining residents, school children, their parents and school staff, for obvious and foreseeable mental and physical health problems due to continued exposure to noise and toxic exhaust fumes would be achieved.

Further the Statement of Environmental Effects Attachment E page 55 states incorrectly that the:

proposal does not require ongoing vegetation management.

Certainly the easement behind the residences will need weekly attention.

illumination will not result in unacceptable glare

It certainly will, into my backyard and the windows along the rear of my house.

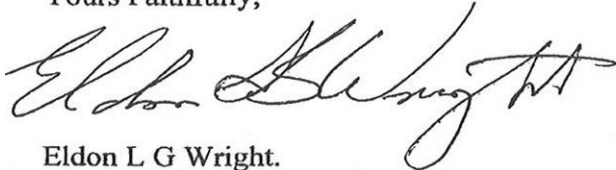
Illumination will not detract from the amenity of any residence

How many houses are built under full security lighting?

These ridiculous statements are made in a report that also states the signage on the proposed building will not be seen from the river???

I would hope all these points are taken into account and this application as submitted is rejected.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Eldon L G Wright', written in a cursive style.

Eldon L G Wright.



PO Box 871
Ballina
NSW...2478
0266867525
elwright48@bigpond.com

10th November 2011



The General Manager
Ballina Shire Council

Att. Mr. Robert Thornton

Dear Sir,

RE: Development Application No. DA 2011/458

Property: Bunnings Pacific Highway west Ballina

My Property at 55 Horizon Drive adjoins this property and I will be the resident who of all the residents will be most affected by this development should it go ahead

I object to the proposed development on the following grounds:

The impact on amenity, design of the complex layout and character of the complex in relation to the surrounding area.

Noise generated by the movement of delivery trucks. These vehicles will traverse the rear of my property from east to west and turn south into the prevailing weather direction and park and wait for unloading to take place. As I have a two storey house in a direct line with this area, all noise will be directed at my house. Deliveries will take place during operating hours which will be Mon-Fri 6.30am to 9.00pm, Sat 8.00am to 5pm and Sun 9.00am to 6.00pm.

Bunnings' representative has stated that there will be no more than one truck movement each fifteen minutes during operating hours, which equates to fifty eight trucks per day.

Eventually one will be delayed in the unloading process or more likely cannot leave because of the undertaking from Bunnings to the school that there will be no truck movements during the morning and afternoon normal school children arrival and departure by both private vehicles and by buses.

The following trucks will bank up behind with their motors running and completely exacerbate the whole situation.

Fallout from the exhaust of these vehicles will again be sent onto my property and most likely into my house thus adversely affecting our health.

Fuel fumes and exhaust odour from the high vertical exhausts of these vehicles coming over the wooden fence with the prevailing winds will also affect our property and the health of residents and school children alike.

The bulk and ugliness of this massive building will have adverse impacts on the natural and built environment in the locality in that this is suburbia and apart from my own two storey house all the houses in the sub division are single low set houses and will be completely dwarfed by this structure.

The visual scene from the backyards will be a 5m wooden sound barrier fence in front of an 11m massive square block building. This building will also limit the view of the sky from the backyards.

The quiet existing street scape will be changed in that Horizon Drive is a speed limited and load limited suburban street. The delivery vehicle traffic from the development exiting onto Horizon Drive exactly opposite the entrance / exit of the school carpark, will definitely be in excess of the 4.5t load limit that is presently in place, thus making the exiting of vehicles illegal anyway.

The street is also used by walking school children who are dropped off at the bus stop on the corner of Horizon Drive and the Pacific Highway. These children are from the schools at Lismore and Alstonville and if the load limit is abolished to cater to the increase in number of delivery trucks (remembering at present there are no trucks in this street) then the lives of these unaccompanied children and those of parents delivering and picking up children at the adjoining school will also be put in danger.

Further as there is no footpath on the western side of Horizon Drive and the local residents also use the eastern side of the road for access to the local shopping centre and for general walking exercise and they would also be put in immediate danger from all the traffic.

With the store having only 253 proposed car parking spaces for customers I am sure the 110 staff will not park on the Pacific Highway but use Horizon Drive for convenience thus making the whole situation of traffic much worse and the danger to pedestrians greatly increased.

To further make the exiting of vehicles into Horizon Drive more of a nightmare, would be the necessity of all the delivery B double trucks to turn left onto the Pacific Highway and then almost immediately turn 180 degrees around a very small roundabout to enable the vehicles to travel south to re-join the new bypass highway.

I believe this is inappropriate neighbourhood use to have a major commercial complex virtually next to a school and its playing fields in the middle of suburbia.

I believe the reasonable expectations of the residents would not be addressed by the acceptance of this development. When purchasing here the adjoining land was zoned tourism (and to my knowledge this has not been changed), meaning we would not have an industrial area in our backyard only the quiet suburbia we now enjoy.

Lighting is also an issue in that very high and bright security lighting poles will be erected in the development grounds and will flood light not only into my backyard and onto my house but the backyards and houses of all the residents' properties during night time hours.

Flooding of water is an issue as the sub division was originally cane fields and at the moment the surrounding land and a section of Horizon Drive floods in heavy downpours as the water table is very close to the surface and the massive roof area of the proposed development will most certainly need adequate drainage. The metre of fill under the building will also ensure the run off of water heads onto the low lying areas such as the residents homes behind the development.

This metre of fill is of concern because of the complexities involved. Behind the properties on Westland Drive is a three metre wide easement over a storm water drain.

Should the required fill cover the whole complex resulting in a metre of fill against the residents' back fences our security will initially be compromised, in that any person could access the easement and be hidden between our fences and the five metre wooden sound barrier fence and could literally step over our back fences and into our yards remembering that an easement would normally have open access from the street.

In fact the drawings from Bunnings show the planted trees in this easement actually growing over the back fences of the residents and overshadowing the back yards already!

This extra fill would have an adverse effect on the water drainage of the property and with the amount of run off from this building and surfaced car park, the water most certainly will not run up hill onto the development but into all the residents properties below causing a nightmare of liability.

Irrespective of the fill, should the easement be planted out with trees, the root systems will most certainly negate the purpose of the drain and again may cause flooding into our properties.

This initial land fill construction stage will also be of concern. The last exercise in dirt movement on this property resulted in toxic dust being blown over the subdivision for weeks. Many calls had to be made to the Workcover authority to send an inspector out to ensure the contractors turned the sprinklers on during these weeks.

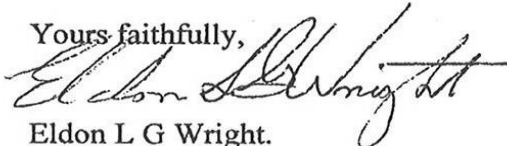
I would hope the Risk Assessment conducted by the contractors will highlight the potential hazard of dust over the houses and that the hazard is mitigated at least by the building of the sound barrier fence **before** any earthworks are commenced on the site and of course water sprinklers being installed.

In conclusion I believe the most important aspect of the whole development is the traffic route of delivery trucks around the whole complex and the exiting of those vehicles onto Horizon Drive.

This circuitous route and the hazards resulting from it could all be eliminated by the re-design of the delivery traffic route to cross east to west in front of the building and turn north into the delivery section before exiting back onto the Pacific Highway and thus not entering suburbia at all.

The attached photocopy of photographs show the traffic in Horizon drive on a typical day when the College hold a special events day such as, for parents, grandparents, concerts, a school fair, sports days and religious day celebrations.

Yours faithfully,



Eldon L G Wright.

DA 2011/458 - DRAFT CONDITIONS OF CONSENT

GENERAL CONDITIONS

General

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

PREPARED BY	DRAWING No	ISSUE	DATE
John R Brogan & Associates	1280/000	B	13/1/12
John R Brogan & Associates	1280/030	C	13/1/12
John R Brogan & Associates	1280/100	D	13/1/12
John R Brogan & Associates	1280/120	C	13/1/12
John R Brogan & Associates	1280/130	C	13/1/12
John R Brogan & Associates	1280/140	C	17/1/12
John R Brogan & Associates	1280/141	B	13/1/12
John R Brogan & Associates	1280/142	B	13/1/12
John Lock & Associates	1817LP-01	E	5/1/12
John Lock & Associates	1817LP-02	E	5/1/12
John Lock & Associates	1817LP-03	E	5/1/12

except as modified by any condition in this consent.

- 1.2. **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, unless alternative arrangements have been made with Council.
- 1.3. **Delivery trucks**
All delivery trucks are to enter the site via Horizon Drive and exit the site via the River Street/Quays Drive roundabout.
- 1.4. **Lighting**
All external lighting shall be installed and operated in accordance with the AS 4282:1997 "Control of the obtrusive effects of outdoor lighting".
- 1.5. **Contamination**
Council and the Principal Certifying Authority are to be immediately notified during remediation, demolition or construction works should any new information arise which has the potential to alter conclusions in relation to the site contamination.
- 1.6. In accordance with the recommendation of the Site Audit Statement prepared by Marc Salmon and dated 20 May 2011 the onsite concrete shoring wall shall not be removed. If removal or disturbance of the concrete shoring wall is required additional assessments shall be undertaken by a suitably qualified consultant to address any potential impacts.
- 1.7. **Relocated noise attenuation wall**
The 5 metre high noise attenuation wall located at the northern end of the site is to be moved 1.5 metres to the south, providing for a minimum 4.8 metre separation distance to the southern boundary.

1.8. **No additional signs without approval**

No advertising signs are to be erected or displayed 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.

1.9. **Limited consent for approved signage**

The consent for the approved signage component is for a limited period that terminates five years from the date of approval. Should it be intended to continue the approved signage component of the development beyond the nominated date, it will be necessary for the applicant/owner to lodge a written request with Council.

2. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES

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.

2.1. **Construction certificate to be consistent with DA**

Any construction Certificate issued in association with this development must ensure that any certified plans are consistent (in terms of site layout, site levels, building location, size, inter/external design, external configuration and appearance) with the approved Development Application plans.

2.2. **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the Principle Certifying Authority prior to issue of the Construction Certificate. The Plan shall integrate the various site management plans required by conditions of this consent (refer to consent conditions) and incorporate the following:-

- Name and contact details of site manager
- Complaints management
- Management of construction noise
- A Traffic Management Plan
- Management of construction waste.
- Soil and Management Plans (SWMP)

This plan shall also detail the induction program to be followed that informs all relevant site construction workers and visitors of the terms and conditions of this development consent.

2.3. **Soil and Water Management**

A Soil and Water Management Plan (SWMP) shall be submitted to and approved by the Principle Certifying Authority prior to the issue of the Construction Certificate. The SWMP shall be prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004. In addition, this plan is to address, but is not limited to, the following:-

- a) The construction access to the site shall have a shake down grid or equivalent to minimise the transportation of material onto the road network via vehicular movements from the site.
- b) A watering system is to be designed to suppress dust from exposed surfaces and access roads. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation.

-
- c) Suitable covering and protection must be provided to all stockpiles to ensure that no material is removed by wind from the site, causing a nuisance to neighbouring properties.
- 2.4. **Dewatering – Groundwater Contamination**
If dewatering is to occur on site a management plan for all dewatering activities shall be submitted to and be approved by Council prior to the release of the Construction Certificate. The plan is to give consideration to the contamination issues on site and the impact this may have on groundwater and dewatering activities proposed.
- 2.5. **Commercial Food Premise**
Plans and specifications showing details of layout and construction of the food premises, method of installation of all fittings and fixtures are to be submitted to and approved by Council prior to the issue of the Construction Certificate.
- 2.6. **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 sect 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.
- 2.7. **Roads & Traffic**
Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and Section 68 of the Local Government 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).
- 2.8. The provision of a concrete footpath a minimum of 1.35 metres wide along the River Street frontage and from River Street to the Horizon Drive Westland Drive intersection. The footpath is to be designed and constructed in accordance with Standard Drawing R07 of Northern Rivers Local Government *Development Design and Construction Manuals*.
- 2.9. The provision of a Splitter island with pedestrian refuge and pedestrian kerb ramps at the access to the development adjacent to the River Street/Quays Drive roundabout, in accordance with Austroads Guide to Road Design Part 4B: Roundabouts. Design plans are to be certified by a suitably qualified professional and approved by Council prior to issue of the Construction Certificate.
- 2.10. The provision of footpath and gutter crossings for the development in accordance with Standard Drawing R06 of Northern Rivers Local Government Development Design and Construction Manuals.
- 2.11. Modification of the drainage pit within the Horizon Dive road reserve.
- 2.12. The existing kerb and gutter crossings in Horizon Drive and River Street shall be reinstated to upright kerb and gutter in accordance with the Northern Rivers Local Government Development *Design and Construction Manuals* (as current at the time of construction works commencing).

- 2.13. The applicant shall dedicate to Council as road reserve, land sufficient to include the splitter island, and a minimum verge width of 3.5m. The verge must include the footpath and pedestrian ramps.
- 2.14. **Covered pedestrian way**
A 1.2 metre wide covered walkway is to be constructed from the entrance of the building for the length of the accessible car parking spaces. The footpath is to be located between the accessible car parking spaces and the building. Details to be provided to and approved by Council prior to the issue of the Construction Certificate.
- 2.15. **Covered car parking spaces**
The accessible car parking spaces are to be covered by a metal roofed carport or like structure, details to be provided to and approved by Council prior to the release of the Construction Certificate
- 2.16. **Disabled car parking spaces**
The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. 6 disabled car parking spaces are to be provided in accordance with Transport and Traffic Planning Associates report (dated September 2011). Design plans are to be certified by a suitably qualified professional and approved by Council prior to issue of the Construction Certificate
- 2.17. **Car parking spaces**
The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1: 2004. The car parking spaces are to be provided in accordance with Transport and Traffic Planning Associates report (dated September 2011). Design plans are to be certified by a suitably qualified professional and approved by Council prior to issue of the Construction Certificate.
- Combined car parking rows containing more than 20 car parking spaces are to be provided with one additional tree per area.

Developer Bonds and Fees

- 2.18. **Civil Inspection Fee, Construction Certificate Fee & Construction Bond**
Prior to the issue of a Civil 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 & Charges
 - Civil Inspection Fee: Equal to 3% of the estimated cost of the civil works (min \$190)
 - Civil Construction Bond: Equal to 5% of the estimated cost of civil works (min \$1,000)
- The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (eg Sewer systems, footpaths, kerb and guttering etc) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur.

2.19. **Administration/inspection fees**

Where Council is not the Principal Certifying Authority, the following fees/contributions/charges are to be paid to Council prior to the issue of a Construction Certificate:

- (a) administrative certificate handling and registration fee
- (b) plumbing, drainage and water service inspection fee

Utility Services

2.20. **Local Government Act approval**

Prior to release of the Construction Certificate, the applicant is to apply to Council for a Section 68 approval pursuant to Section 78A(3) of the Environmental Planning & Assessment Act 1979, this development consent authorises the following activities listed under Section 68 of the Local Government Act 1993, subject to full compliance with all other relevant conditions of this approval:

- (i) Carry out water supply work.
- (ii) Draw water from a Council water supply or a standpipe.
- (iii) Install, alter, disconnect or remove a meter connected to a service pipe.
- (iv) Carry out sewerage work.
- (v) Carry out stormwater drainage work.
- (vi) Connect a private drain or sewer with a public drain or sewer under the control of Council or with a drain connected to such device or facility.
- (vii) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.

This approval expires upon completion of the building works on the land.

As provided for in Section 78A(6) of the Act, the abovementioned approvals are granted only to the applicant and do not attach to or run with the subject land.

2.21. **Hydraulic Design**

Prior to the issue of the Construction Certificate, the applicant is to submit to Council for assessment, the Hydraulic design and detail for the Sewage, Water and Fire Service proposed to be installed to the building. These designs are to be submitted with the section 68 application, with relevant fee's to be paid at the time of submission, for assessment by Councils Plumbing Section.

2.22. **Standard Sewer Connection**

The applicant shall be responsible for all costs associated with the extension of Council's gravity sewer system from the existing maintenance shaft on adjoining Lot 117 River Street to within the development site. Should it be determined that the site cannot be serviced by a gravity system the applicant shall be responsible for all costs associated with providing the sites sewer connection via a suitably sized rising main (Council will consider approving the use of the existing rising main at the site subject to inspection, pressure testing, etc). Design plans are to be in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing) and approved by Council prior to issue of the Construction Certificate.

2.23. **Standard Water Connection**

The applicant shall be responsible for all costs associated with the connection of Council's reticulated water supply system to 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 the issue of the Construction Certificate.

2.24. Backflow Prevention

The applicant is required to submit to Council a hydraulic design detailing the sites connection to the reticulated main including the required water meter size and backflow prevention in accordance with AS 3500. The design must be certified by a suitably qualified professional and submitted to and approved by Council prior to the issue of a Construction Certificate. Existing water connections not required to service this development must be disconnected in accordance with Council requirements.

Access and Parking

2.25. A Vehicle Management Plan including, but not limited to, the number, size of delivery vehicle and hours of operation is to be submitted to and approved by Council. The vehicle management plan is to be approved by Council prior to the issue of the Construction Certificate.

2.26. Delivery vehicles are not permitted to enter the site between 8:30am-9:30am and 2:30pm-3.30pm on school days.

Drainage and Stormwater Controls

2.27. Drainage easement

The easement to drain water on the northern boundary is to be graded to the stormwater pit at the north western corner of the block on Horizon Drive

Flooding and Site Filling

2.28. Flooding and Stormwater

The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 13 Stormwater Management and in accordance with the Site Stormwater Management by (C&M Consulting Engineers, Report # R00640-DA Rev A, December 2011). 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 Construction Certificate.

2.29. Filling of the site

The area of the building envelope and the outdoor nursery area must be filled to a minimum level of RL 2.2 metres AHD. The applicant is required to investigate the relative levels between the proposed development and the properties on the eastern and northern boundaries. Should it be required overland drainage paths shall be designed to drain stormwater along the common boundaries to prevent surface water flooding of any adjoining property and to accommodate existing stormwater quantities that discharge onto the site via adjacent properties.

Landscaping

2.30. Landscaping plan

A detailed landscaping plan is to be presented to and approved by Council prior to the issue of the Construction Certificate. The plan is to make provision for plants with low invasive root systems over the easement to drain water on the northern

boundary of the development, a tree to be located where the former northern vehicular access from Horizon Drive use to be and turfing of the footway in front of the entire site. Landscaping plans are to be approved by Council prior to the issue of the Construction Certificate.

- 2.31. Landscaping is to consist of appropriate plantings generally in accordance with Policy Statement No 6 of *Ballina Shire Development Control plan No 1 – Urban Land* and the *Bushland Friendly Nursery Scheme Environmental Weeds and native Alternatives*.

Amenity/Visual Impact

2.32. Noise

The following noise mitigation measures are to be constructed on the site and shall be included on the construction plans submitted with the application for a Construction Certificate:

- a. The 5m high acoustical barrier to part of the northern boundary, including a 20 metre return to the western boundary, (as detailed in figure 5-3 of the *Bunnings Ballina DA Noise Assessment* (Wilkinson Murray Pty Ltd Report No 11211 version A December 2011)); and,
- b. The 3.6m high acoustical barrier along part of the northern and eastern boundary of the site (as detailed in figure 5-3 of the *Bunnings Ballina DA Noise Assessment* (Wilkinson Murray Pty Ltd Report No 11211 version A December 2011)).
- c. The acoustic consultant is to provide certification to Council prior to the release of the Construction Certificate that all the acoustic recommendations have been incorporated into the final construction plans.
- d. Construction design details (including, elevation/section plans and construction materials and finishes other than timber) of the acoustic barriers are required to be submitted to and approved by Council prior to the issue of the Construction Certificate.

2.33. Noise Attenuation fences

The noise attenuation fences must not be constructed of timber. Details of the proposed alternative materials for the fences, is to be submitted to and approved by Council prior to the issue of the Construction Certificate.

2.34. Air Conditioning/Mechanical Ventilation

The air conditioning and mechanical ventilation shall be installed in accordance with the provisions of Australian Standard 1668 Part 2 (2002). The use of ventilation and air conditioning in buildings. Details shall be submitted to and approved by the Principle Certifying Authority prior to the release of the Construction Certificate.

Waste

2.35. Waste Management

Adequate provision must be made on site for the storage and disposal of solid 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 shall be submitted to and approved by the Principle Certifying Authority prior to the release of the Construction Certificate.

3. 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

3.1. ***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.

3.2. ***Notice of commencement***

- a. Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$10M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.

Traffic control

3.3. ***Traffic control plan***

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

Building Construction Requirements

3.4. ***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.

3.5. ***Builder's sign***

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

3.6. **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.

3.7. **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.

3.8. **Protection of adjoining properties**

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation to be made must:

- (a) Preserve and protect the building from damage;
- (b) If necessary, underpin and support the building in an approved manner;
- (c) At least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment, and furnish particulars of the excavation to the owner of the building being erected.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. Any reference to an allotment of land includes a public road and any other public place.

Soil Erosion/Filling & Contamination

3.9. **Soil Erosion and Sedimentation**

The applicant/builder is to ensure that appropriate sedimentation/erosion controls shall be installed and maintained in accordance with Managing Urban Stormwater - Soils and Construction, LANDCOM, March 2004 and the approved SWMP (refer to consent condition) prior to commencement of construction.

- a) The applicant is to ensure all loose soil material does not wash into any roadways, gutters or watercourse.
- b) Service trenches are to be backfilled as soon as practicable.
- c) Downpipes are to be connected as soon as practicable.
- d) Buffer vegetation zones are to be retained adjoining roadways, stormwater drains or watercourses.
- e) Soil is not to be placed into street gutter to provide access.
- f) Suitable erosion barriers i.e. Cloth fencing or hay bales are to be provided where soil may wash into street gutters, drains or watercourses.
- g) The erosion control systems are to be maintained throughout the building process and beyond by the owner where necessary.

4. 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.

General

- 4.1. **BCA compliance**
The building and associated structures are to be constructed in accordance with the requirements of the *Building Code of Australia* and relevant Australian Standards.
- 4.2. **Commercial Food Premise**
The applicant shall construct and fit-out the premises in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3. The applicant is responsible to ensure compliance with the Standards and Council will not accept responsibility at the time of final inspection for premises that are not in compliance with the Standards, regardless of the approved plans. Reference shall be made to the AS 4674 – 2004 "Design, Construction and fit-out of food premises" for guidance on construction of food premises.
- 4.3. The design and construction of the food premises must permit the premises to be effectively cleaned and not permit the entry of pests and not provide for the harbourage of pests.
- 4.4. **Compliance with Codes (drainage)**
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*.
- 4.5. **No storage of materials on Council land**
There shall be no storage of building materials, plant or equipment on the road or footway without the prior consent of Council.
- 4.6. **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 Management Control Plan.

Building Inspections

- 4.7. **Building Inspections**
Twenty-four (24) hours notice is to be given to enable the following inspections to be carried out by Council. NB: All required plumbing and drainage inspections are to be carried out by Council.
- a. 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.
 - b. 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.
 - c. On completion of the water supply "rough in" and/or plumbing stackwork prior to the internal lining of the building.
 - d. On completion of the plumbing before occupation.

Building Construction Requirements

- 4.8. **Demolition**
All demolition work is to be carried out in accordance with the WorkCover Authority guidelines and Australian Standard 2601:2001 'The demolition of structures' the

removal of asbestos and lead based products. The sewer, water and electrical services from the building are to be disconnected by licensed trades persons.

- 4.9. Hazardous and/or industrial waste arising from the demolition activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage (OEH) and the NSW Work Cover Authority pursuant to the provisions of the following:
- a. Protection of the Environment Operations Act 1997
 - b. Protection of the Environment Operations (Waste) Regulation 1996
 - c. Waste Avoidance and Recovery Act 2001
 - d. New South Wales Occupational Health & Safety Act 2000
 - e. New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos or Asbestos Cement 1983)
 - f. The Occupational Health & Safety Regulation 2001
 - g. The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996
- 4.10. **Soil Contamination**
The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage (OEH) *Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes*.
- 4.11. Any new information which comes to light during construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principle Certifying Authority
- 4.12. **Acid Sulfate Soils**
Acid Sulfate Soils (ASS) may be encountered while excavating more than 1.8 metres below ground level therefore monitoring of this excavated material shall occur. Should ASS materials be disturbed, they should be stored separately to non-ASS material, banded, and treated with lime to neutralise any acid production from the oxidation process.
- 4.13. **Retaining walls**
Any proposed excavations must be properly guarded and protected to prevent them from being dangerous to life or property. Any proposed excavations or filling on property boundaries are to be immediately retained. Such retaining walls are to be drained to the stormwater system.

Civil Construction Requirements

- 4.14. **Road Construction**
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.
- 4.15. **Reinstatement of road verge**
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.
- 4.16. **Vehicular access construction**

The driveways and parking bays within the development are to be constructed of reinforced concrete or similar paved material. All driveway areas are to be adequately graded and drained to stormwater treatment areas. These areas must discharge to Council's stormwater system to ensure that stormwater is not directed onto adjoining properties.

Utility Services

4.17. ***Civil construction works***

All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government *Development Construction Manuals* (as current at the time of construction works commencing).

4.18. ***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.

4.19. ***Council inspection***

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.

Flooding and Site Filling

4.20. ***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 the Principle Certifying Authority at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

4.21. ***Minimum fill and floor levels***

The building envelope and the outdoor nursery area are to be filled to a minimum level of RL 2.2m AHD with the finished floor height of the building at RL 2.7m 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, prior to work proceeding beyond this stages. All filling under the building is to be carried out in accordance with *Australian Standard AS 2870 – 1996*.

Soil Erosion/Filling & Contamination

4.22. ***Soil Erosion and Sedimentation***

The Soil and Water Management Plan (SWMP) which has been approved by the Principle Certifying Authority (as per consent condition) must be implemented in full during the construction period.

4.23. If necessary dust control measures such as wetting down, covering stockpiles and physical barriers shall be used to control and prevent a dust nuisance to surrounding properties. Further guidance can be sourced from 'No Dust No Fuss: Guidelines for controlling dust from construction sites' NSW EPA.

Hours of Operation

4.24. **Hours of Construction Works**

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.

Amenity/Visual Impact

4.25. **Waste**

All construction and/or demolition 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. **It is an offence to transport waste to a place that can not lawfully be used as a waste facility.**

4.26. **Noise**

All work, including demolition, excavation and building work must comply with the Interim Construction Noise Guideline (NSW DECC, 2009) and the Australian Standard AS 2436:1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

4.27. **Air Conditioning/Mechanical Ventilation**

The air conditioning and mechanical ventilation shall be installed in accordance with the provisions of Australian Standard 1668 Part 2 (2002).

Hot water supply

4.28. **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.

4.29. **Hot water system**

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

5. **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.

General

- 5.1. ***Compliance with conditions of consent***
The Occupation Certificate must not be issued until all conditions of this consent have been complied with, unless alternative arrangements have been made with Council.
- 5.2. ***Occupation certificate***
Where Council is not the Principal Certifying Authority the applicant shall ensure that an Occupation Certificate prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.
- 5.3. ***Commercial Food Premise***
Trading must not commence in the Café until:
- Application has been made to Council to register the business on Council's "Commercial Premises Register" and the appropriate fee paid,
 - Registration of the business details on the NSW Food Authority's Notification and Food Safety Information System. This can be completed online at www.foodnotify.nsw.gov.au, and
 - Council's Environmental Health Officers have inspected the Café and all equipment.
- 5.4. ***Road dedication***
Prior to the release of the Occupation Certificate, the applicant shall have dedicated to Council, as road reserve, a parcel of land adjacent to the River Street Quays Drive roundabout which contains the splitter island and a minimum verge width of 3.5m. This verge must include the footpath and pedestrian ramps.

Building Construction Requirements

- 5.5. ***Hoarding & barrier to be removed***
Any hoarding or similar barrier erected to protect a public place is to be removed from the site prior to the issue of the Occupation Certificate.
- 5.6. ***Temporary soil erosion controls to be removed***
All temporary soil erosion controls employed during construction are to be removed and other permanent measures put in place as necessary prior to the issue of the Occupation Certificate.
- 5.7. ***Builders signs & facilities to be removed***
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.

Essential Fire services

- 5.8. ***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.

Civil Construction Requirements

5.9. ***Civil construction works***

All civil works approved under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to issue of an 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).

5.10. ***Works as executed plans***

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 scale of 1:500 in addition to a computer disk copy of the WAE information in AutoCAD and PDF format. Separate drawings shall be provided for 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.

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.

Road Construction

5.11. ***Replace kerb and gutter***

The existing kerb and gutter crossing in Horizon Drive and River Street shall be reinstated to upright kerb and gutter in accordance with the Northern Rivers Local Government Development *Design and 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.

5.12. ***Footpath and gutter crossings***

The footpath and gutter crossing required as part of this development are to be completed and approved by Council prior to issue of the Occupation Certificate.

Utility Services

5.13. ***Completion of water and sewer works***

All water supply and sewer works are to be completed 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.

Access and Parking

5.14. ***Car parking***

The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

5.15. ***Disabled car parking***

The construction of all disabled car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS /NZS 2890.6: 2009. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

Drainage and Stormwater Controls

5.16. Stormwater management plan

Prior to the issue of a Occupation Certificate certification is to be provided to Council that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Soil and Water Management Plan lodged with the Development Application. 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.

Developer Bonds

5.17. Maintenance bond

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 Occupation Certificate. The bond maybe 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.

Amenity/Visual Impact

5.18. Noise

The acoustic consultant shall provide Council with certification that the construction complies with the acoustic recommendations identified in the *Bunnings Ballina DA Noise Assessment*, dated December 2011, prepared by Wilkinson Murray Pty Limited or as amended, prior to the release of the Occupation Certificate.

5.19. Signs shall be erected detailing the loading dock hours, and directing delivery vehicles queuing within the development to turn off motors and minimise noise. Details shall be provided to and approved by Council prior to the release of the Final Occupation Certificate.

5.20. Cigarette Butt Bins

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.

5.21. External Lighting

All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "Control of the obtrusive effects of outdoor lighting". Details demonstrating compliance with these requirements are to be submitted to and

approved by the Principle Certifying Authority prior to the release of the Occupation Certificate.

5.22. **Air Conditioning/Mechanical Ventilation**

The air conditioning and mechanical ventilation shall be installed in accordance with the provisions of Australian Standard 1668 Part 2 (2002). Details demonstrating compliance with these requirements are to be submitted to and approved by the Principle Certifying Authority prior to the release of the Occupation Certificate.

6. 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.

6.1. **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.

6.2. **Signs**

All signs associated with the development must be maintained in a clean and tidy condition at all times.

6.3. The intensity of light in the sign is to be limited in the interest of amenity and not cause glare or distraction to motorist or other persons.

6.4. **Delivery vehicles**

Vehicles servicing the development shall not park and or wait in the loading docks or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Sundays.

6.5. Delivery vehicles may only enter the site between the hours of 7.00am and 9.00pm, with no vehicles to enter the site between 8.30am – 9.30am and 2.30 am – 3.30pm on school days.

6.6. All loading and unloading of goods are to be carried out off-street and wholly within the site in accordance with the submitted Vehicle Management Plan.

6.7. **Vehicular entry**

Vehicular entry to and exit from the site shall be in forward direction at all times.

6.8. **Noise**

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

- a. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

- i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii) 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
 - b. 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.
- 6.9. All drainage grates located within traffic movement areas shall be fixed to avoid rattling.
- 6.10. An electric forklift with a sound power level no greater than 95dBA over a 15 minute time period shall be used at the loading dock.
- 6.11. Mechanical plant operating between 10pm and 7am shall be limited to the air conditioning plant and the HALE fans.
- 6.12. The HALE fans and the TTS fans shall not operate concurrently at any time.
- 6.13. The acoustic barriers shall be maintained at all times so that the required acoustic attenuation as specified in *Bunnings Ballina DA Noise Assessment*, dated December 2011, prepared by Wilkinson Murray Pty Limited are achieved.
- 6.14. **Acoustic report**
An acoustic report prepared by a suitably qualified consultant is to be submitted to Council within one (1) month of the use commencing confirming that the use complies with the project specific criteria identified in the *Bunnings Ballina DA Noise Assessment*, dated December 2011, prepared by Wilkinson Murray Pty Limited.
- 6.15. **Dangerous Goods License**
NSW Workcover regulates the storage and handling of dangerous goods. Premises that have dangerous goods above prescribed amounts must formally notify Workcover.
- 6.16. **WorkCover requirements**
The premises shall be operated in accordance with the requirements of the WorkCover Authority.
- 6.17. **Environmental**
Clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminates such as oils and chemical spills
- 6.18. 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.
- 6.19. **Waste Management**
Waste shall be managed in accordance with the Waste Management Plan prepared by SITA Environmental Solutions submitted with DA 2011/458.
- 6.20. **Commercial Food Premise**
The Café shall be operated and maintained in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.