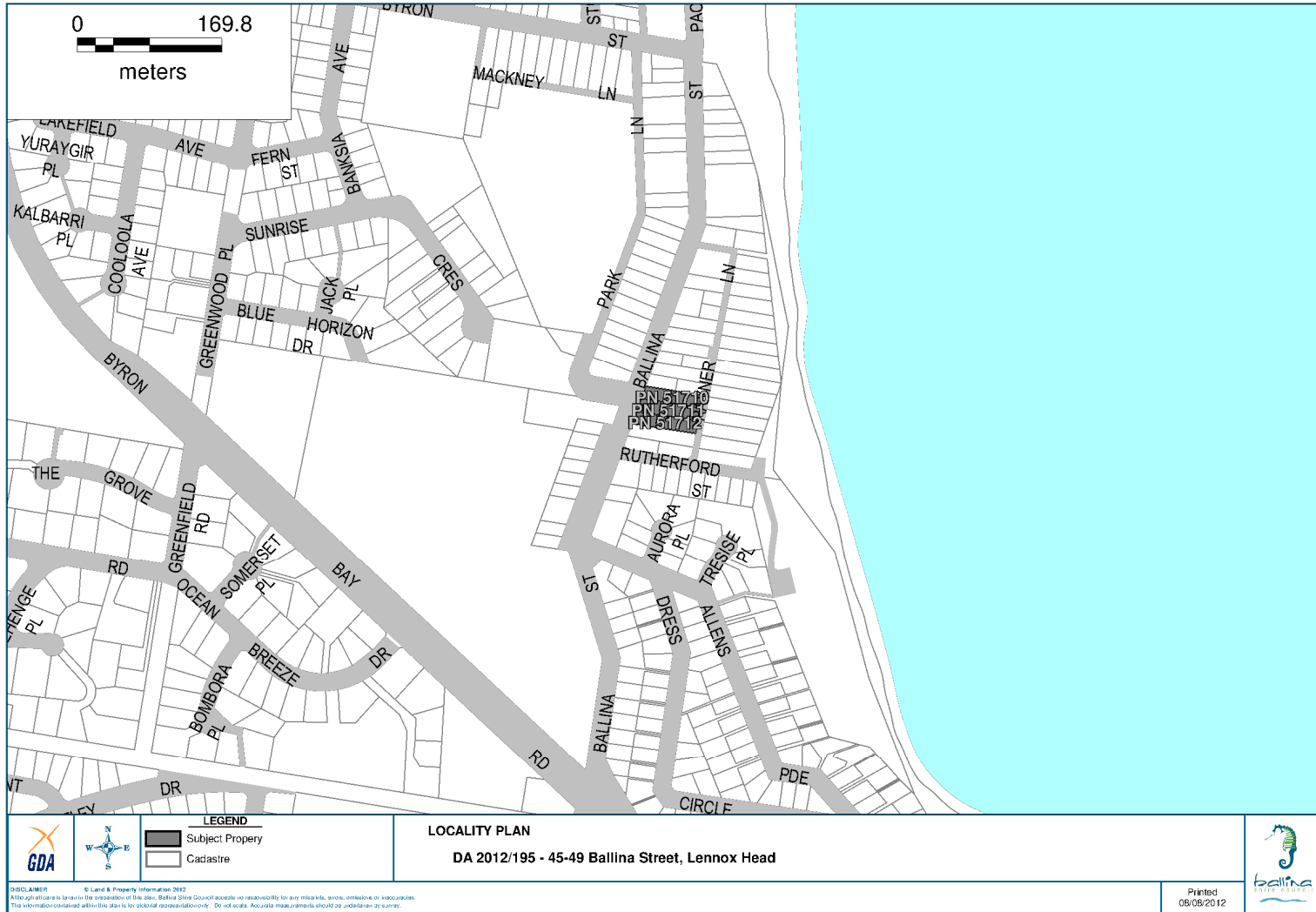
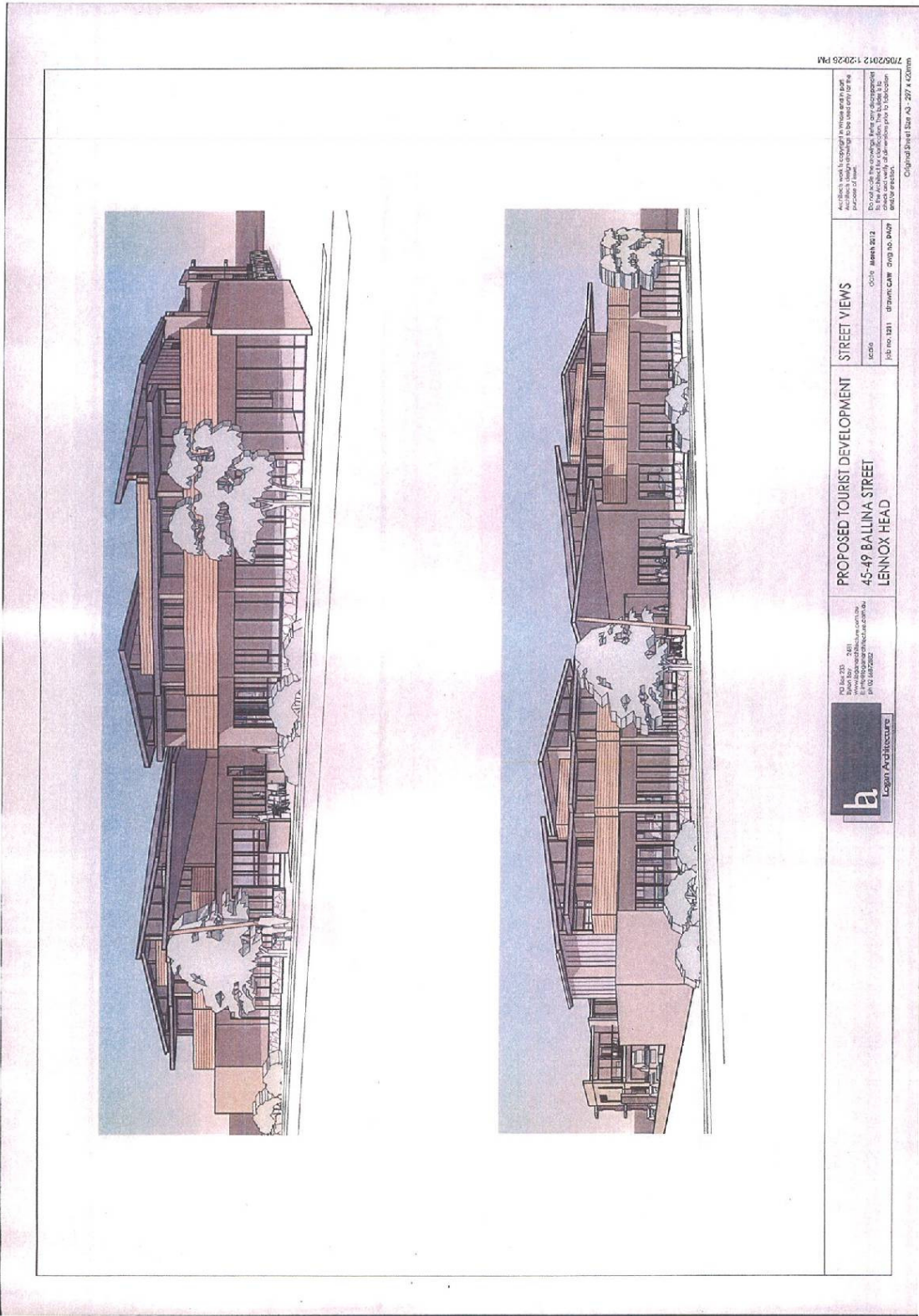


8.2 DA 2012/195 - Mixed Use Development.DOC





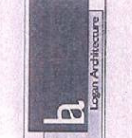
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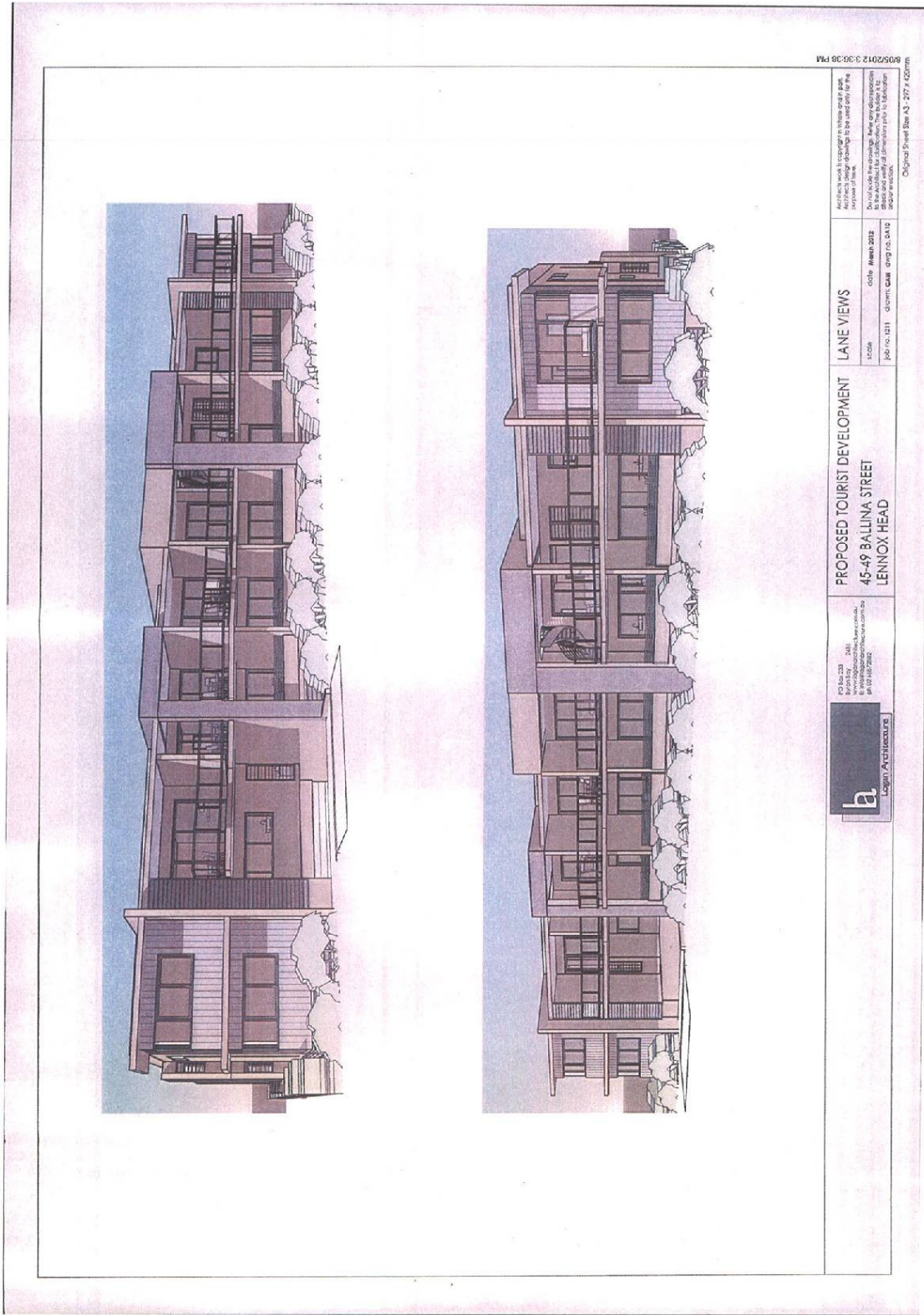
DATE: March 2012  
 DRAWING: CIVIL - CIVIL TO 04/12

PROPOSED TOURIST DEVELOPMENT  
 45-49 BALLINA STREET  
 LENNOX HEAD

100 Ballina Street  
 Lennox Head  
 NSW 2464  
 Phone: 067 552 1111  
 Fax: 067 552 1112



LOGAN ARCHITECTURE  
 100 Ballina Street  
 Lennox Head  
 NSW 2464  
 Phone: 067 552 1111  
 Fax: 067 552 1112

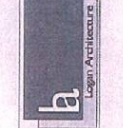


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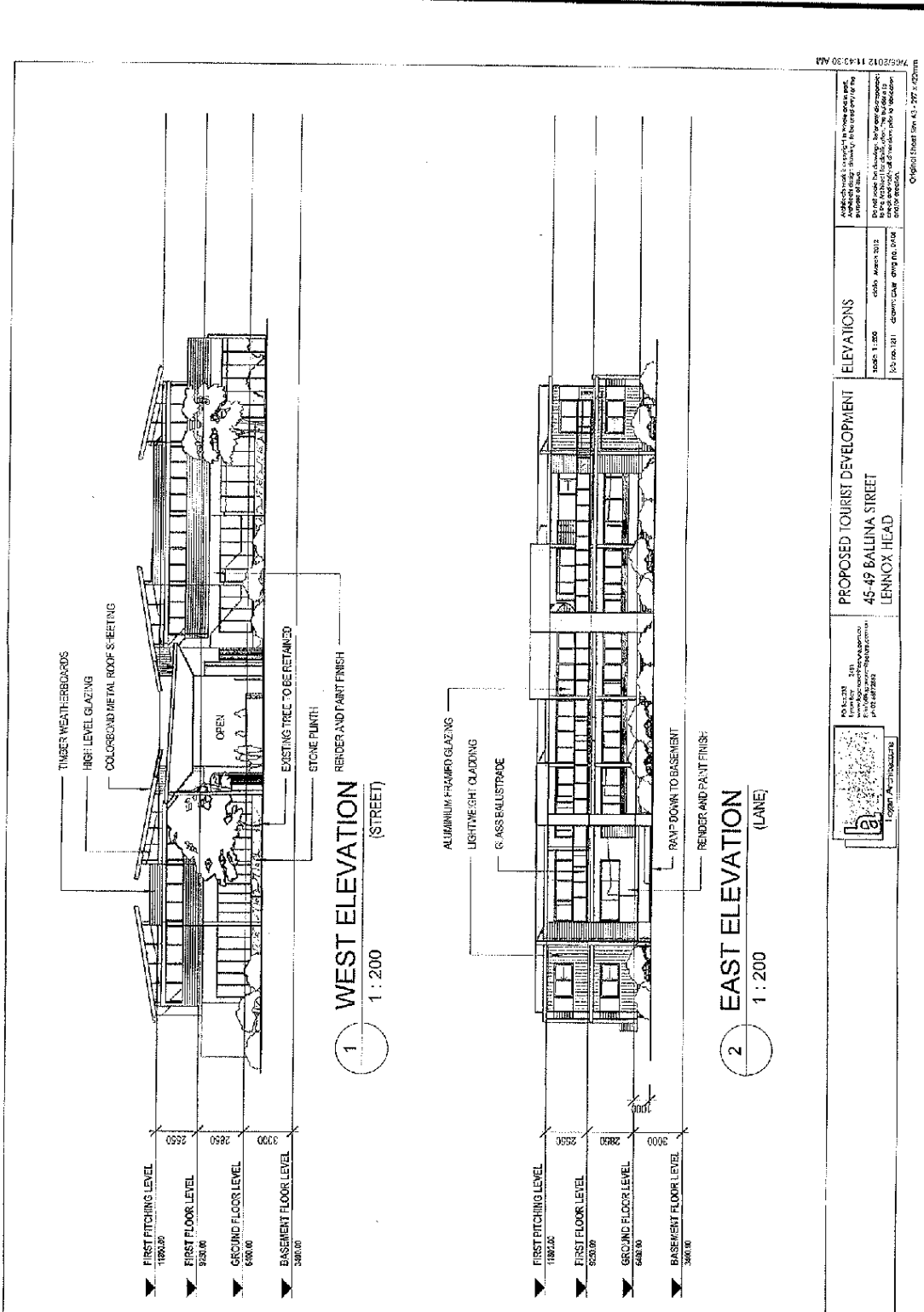
Project No: 2111 - 01-001: CALE Group Pty Ltd  
 Date: 11/08/2012  
 Scale: 1:100

**PROPOSED TOURIST DEVELOPMENT**  
**LANE VIEWS**  
**45-49 BALLINA STREET**  
**LENNOX HEAD**

PO Box 233  
 Ballina NSW 2460  
 Tel: 02 6621 1111  
 Fax: 02 6621 1112  
 www.laggin.com.au  
 info@laggin.com.au



Original Sheet Size A3 - 297 x 420mm



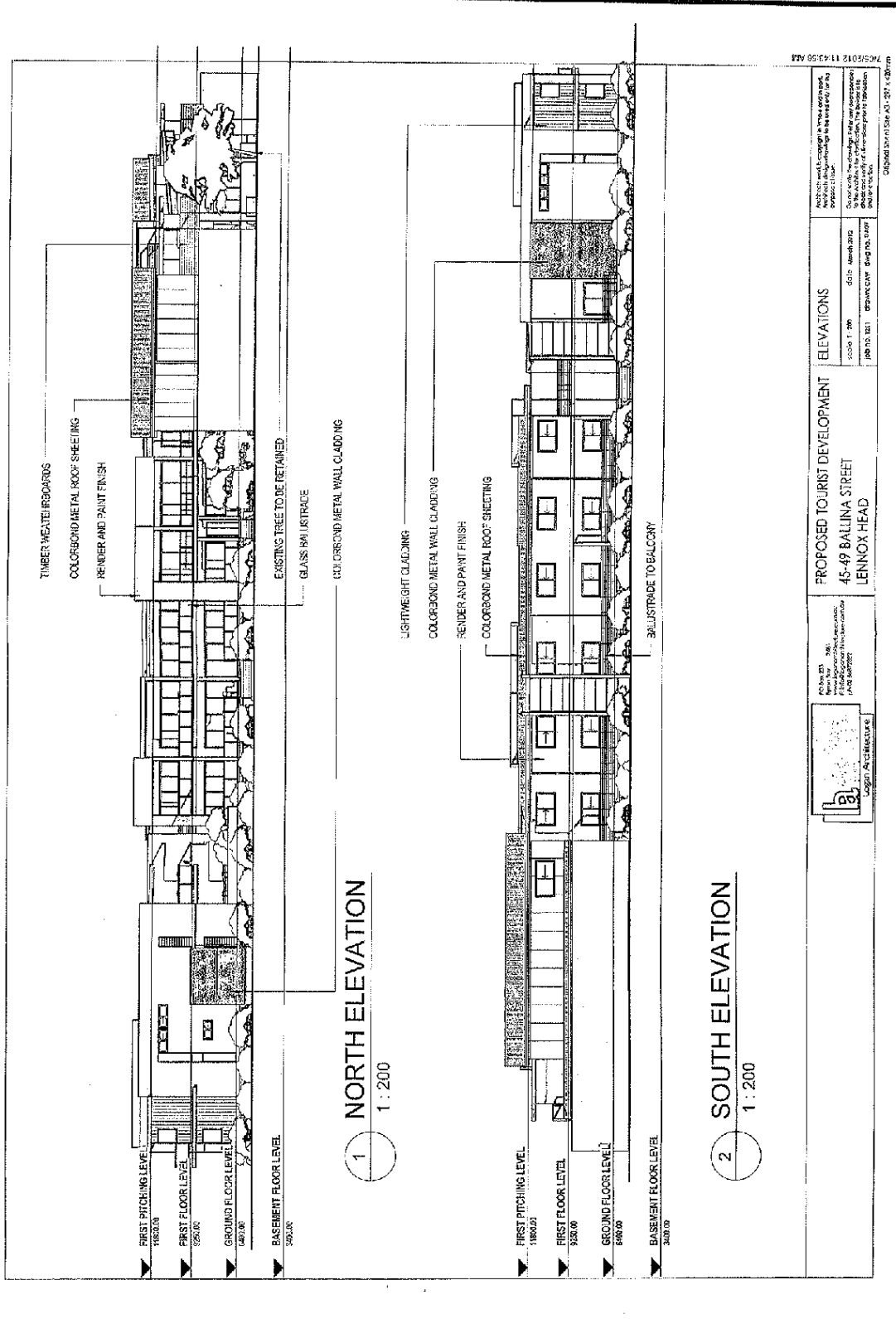
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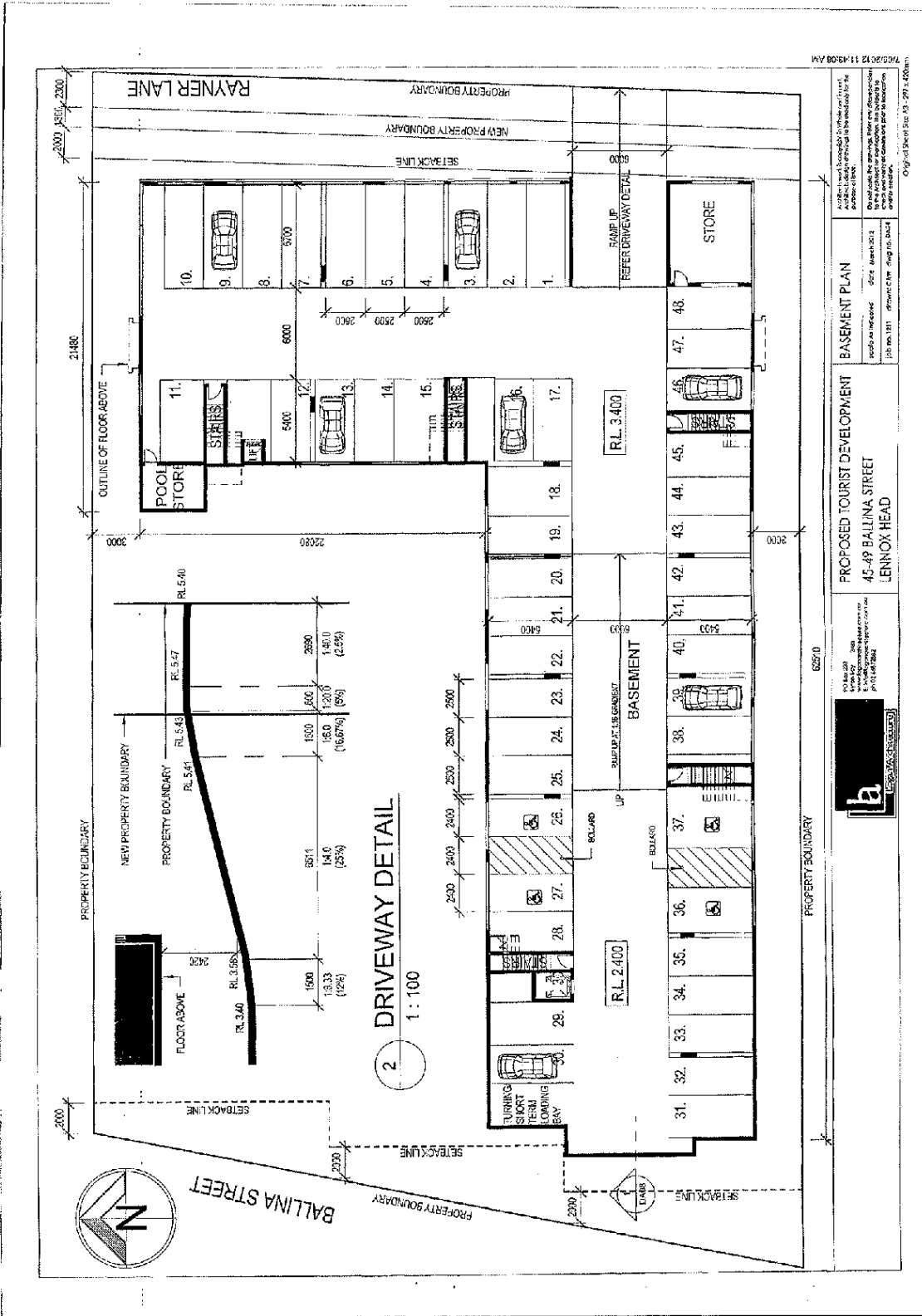
Address used to generate this sheet is: 45-47 Ballina Street, Ballina NSW 2478. This sheet is for the use of the applicant only. It is not to be used for any other purpose without the consent of the Council. The Council is not responsible for the accuracy of the information provided on this sheet.	ELEVATIONS
Scale: 1:200	Client: 2012
DA No: 2012	Drawn: CAE
DA No: 2012	Checked: CAE

PROPOSED TOURIST DEVELOPMENT  
 45-47 BALLINA STREET  
 LENNOX HEAD

PO BOX 2378  
 Lennox Head NSW 2478  
 Email: lennox@ballina.nsw.gov.au  
 Phone: 02 6622 2222

1:2000 (A3) 297x420mm





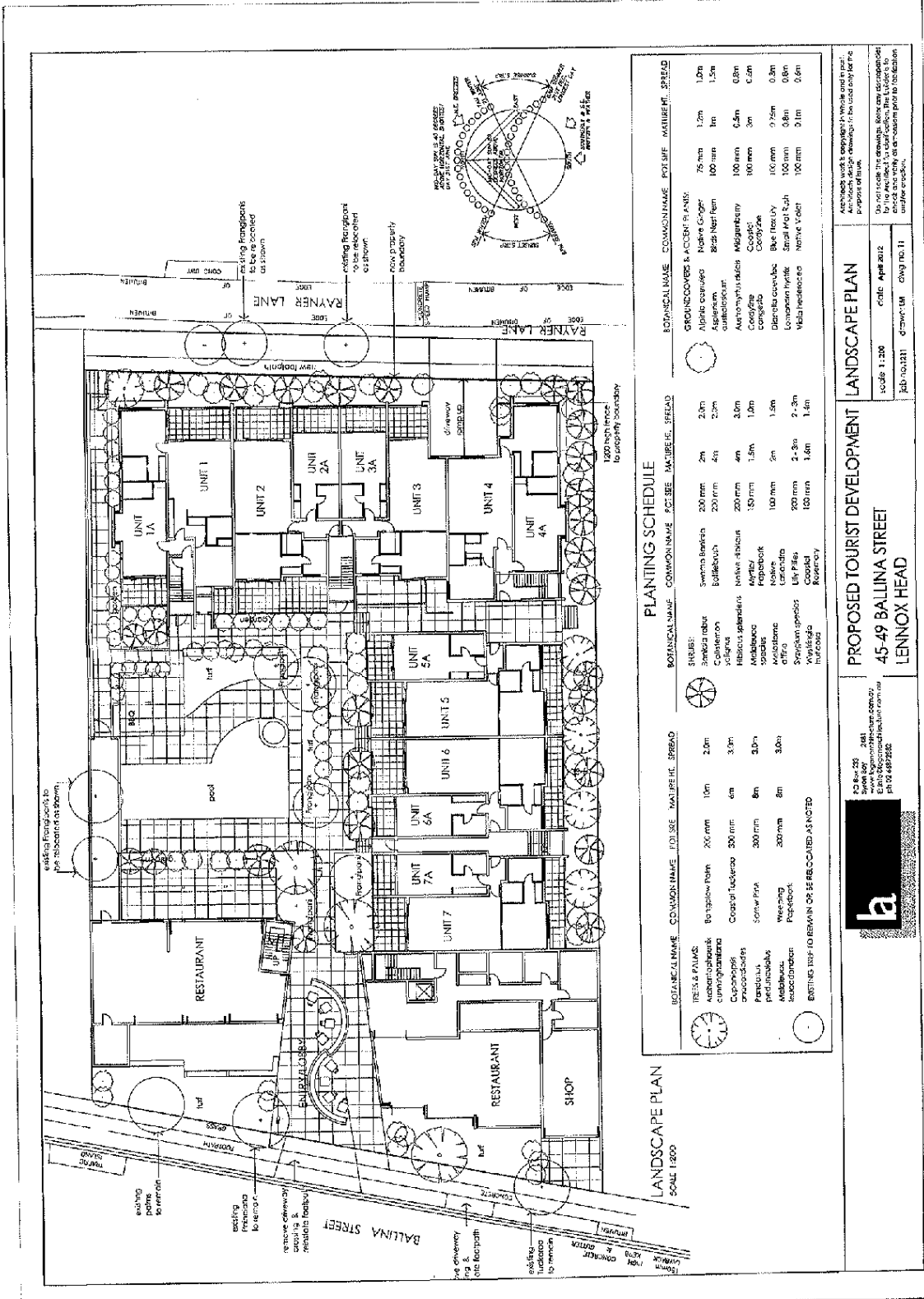
7/25/2012 11:43:08 AM  
Original: 3/20/12 File: 13\_2791\_1.dwg

As shown in this document, the proposed development is subject to the approval of the Council. The Council may require the applicant to provide additional information or to revise the development proposal. The Council may also require the applicant to provide a financial guarantee to cover the costs of the development. The Council may also require the applicant to provide a financial guarantee to cover the costs of the development.

**BASEMENT PLAN**  
 Job No: 195  
 Date: 08/12/12  
 Project: 45-49 Ballina Street  
 Client: Ballina Shire Council

**PROPOSED TOURIST DEVELOPMENT**  
**45-49 BALLINA STREET**  
**LENNOX HEAD**

13/08/2012 10:44:00 AM  
 Project: 45-49 Ballina Street  
 Job No: 195



**PLANTING SCHEDULE**

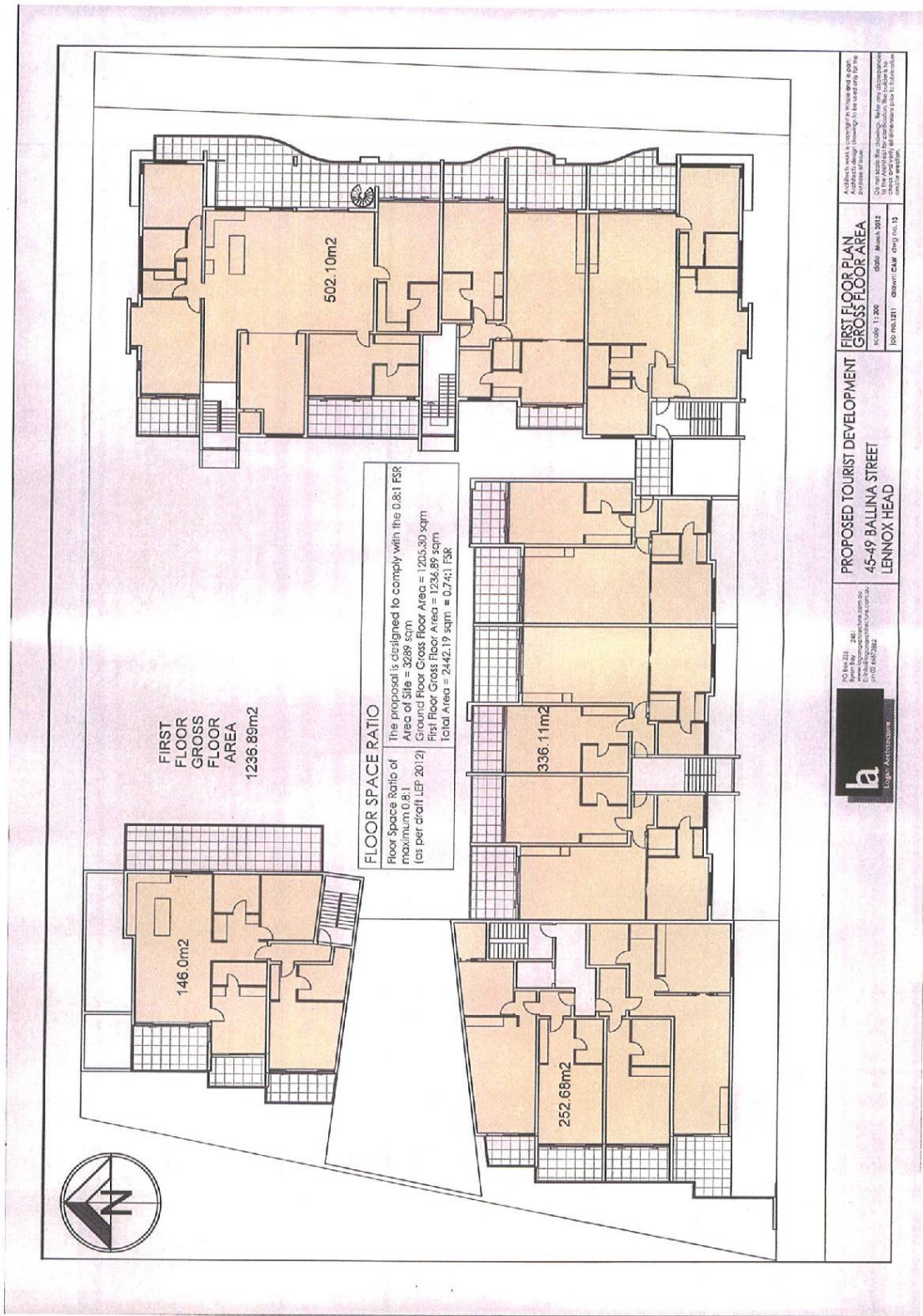
BOTANICAL NAME	COMMON NAME	POI USE	MAX IRE H.	SPREAD	BOTANICAL NAME	COMMON NAME	POI USE	MAX IRE H.	SPREAD	BOTANICAL NAME	COMMON NAME	POI USE	MAX IRE H.	SPREAD
ITR 5.5 & PALMS	Acacia saligna	Street	2.0m	2.0m	SW 1	Swamp Sheoak	200mm	2m	2.0m	GR 1	Grass	100mm	1.2m	1.0m
	Callitris glauca	Street	3.0m	3.0m	SW 2	Spotted Gum	200mm	4m	2.2m	GR 2	Grass	100mm	1m	1.5m
	Casuarina cunninghamiana	Street	6m	6m	SW 3	Swamp Sheoak	200mm	4m	3.0m	GR 3	Grass	100mm	0.8m	0.8m
	Cycas	Street	8m	8m	SW 4	Swamp Sheoak	200mm	4m	1.5m	GR 4	Grass	100mm	0.5m	0.5m
	Podocarpus neriifolius	Street	8m	8m	SW 5	Swamp Sheoak	200mm	4m	1.5m	GR 5	Grass	100mm	0.5m	0.5m
	Podocarpus neriifolius	Street	8m	8m	SW 6	Swamp Sheoak	200mm	4m	1.5m	GR 6	Grass	100mm	0.5m	0.5m
	Podocarpus neriifolius	Street	8m	8m	SW 7	Swamp Sheoak	200mm	4m	1.5m	GR 7	Grass	100mm	0.5m	0.5m
	Podocarpus neriifolius	Street	8m	8m	SW 8	Swamp Sheoak	200mm	4m	1.5m	GR 8	Grass	100mm	0.5m	0.5m
	Podocarpus neriifolius	Street	8m	8m	SW 9	Swamp Sheoak	200mm	4m	1.5m	GR 9	Grass	100mm	0.5m	0.5m
	Podocarpus neriifolius	Street	8m	8m	SW 10	Swamp Sheoak	200mm	4m	1.5m	GR 10	Grass	100mm	0.5m	0.5m

**PROPOSED TOURIST DEVELOPMENT**  
**45-49 BALLINA STREET**  
**LENNOX HEAD**

Scale: 1:200  
 Date: 14/04/2012  
 Job No: 10/2011

PO Box 250 4441  
 www.landscapeinc.com.au  
 08 8339 4441  
 08 8339 4442







<p>RECORDS SCANNED</p> <p>28 JUN 2012</p> <p>Doc No. <u>12/18786</u></p> <p>Batch No. ....</p>
----------------------------------------------------------------------------------------------------

6 Rayner Lane  
Lennox Head NSW 2478

26 June 2012

12/18808  
**ACKNOWLEDGED**

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

Dear Sir

Subject: Objections to DA 2012/195, 45-49 Ballina Street Lennox Head

**Traffic in Rayner Lane**

This development under DCP Chap 8 is required to have all access through Rayner Lane which is a narrow one way lane with residential houses on the eastern side. As far back as 1983 and again in 1989 the Council recognised that placing more traffic in Rayner Lane was not acceptable. See Council's decision in 1983 (DA 1983/186) to refuse a DA on the specific ground of traffic generation and the capacity of Rayner Lane. The determination states:

"The amount of traffic likely to be generated by this development (four flats) particularly in relation to the capacity of Rayner Lane and the probable effect of the movement of vehicles in Rayner Lane is considered unsatisfactory." Subsequently, after appeal, only one flat was permitted to use the lane.

In 1989 Council placed a condition on another proposed development in Ballina Street (Reference: determination regarding Commercial Building 63-65 Ballina Street Ref S6-89-36-1 March 1989) that:

"All vehicular access to Rayner Lane is denied"

Since then the amount of traffic in Rayner Lane has increased significantly.

Contrary to those decisions Council has since passed DCP 8, Lennox Head Village Centre, that sets rules which ignor this problem and in fact has exacerbated the situation. Now the present DA 2012/195 proposes to pour not traffic from four residential flats but from a carpark with 48 spaces plus the servicing of 2 restaurants, a gift shop and a bar as well as the management of waste from all these and from 16 units and a manager's residence.

The lane road surface is only 3.7m wide, it has constant use as a pedestrian thoroughfare and already has problems with speeding traffic. There is no footpath. The only reasonable solution to the problem of traffic is to alter the requirement that all access be through Rayner Lane and arrange at least some access from Ballina Street to service the commercial buildings as is currently the case with the existing motel and Thai Restaurant. DCP 8 causes much of this problem.

The servicing of shops and flats from Ballina Street at the northern end of the lane does not cause problems in Ballina Street, nor does the access to the existing motel and restaurant.

**Noise**

The proposed development includes a substantial number of residential units, 2 restaurants , a bar, al fresco dining and a swimming pool. All these are potential creators of noise especially if entertainment is included in the commercial areas. Private parties in rented tourist units already cause noise problems on occasion. The site is adjacent to and opposite private residences in Rayner Lane.

No live entertainment should be permitted.

There seems to be no attempt to protect the residents of Rayner Lane or the adjoining houses from noise pollution.

Waste Disposal

A development the size of this one produces an enormous amount of garbage especially from the restaurants. Again, because of the requirement that everything must happen in the restricted confines of Rayner Lane it is alarming to think of the effect of waste storage and disposal.

It is not satisfactory to store waste adjacent to other properties nor on the Rayner Lane boundary of the property. Congestion already occurs when waste bins are placed on the lane for collection especially where there are numerous bins from the same property.

Safety in Rayner Lane

The abovementioned traffic effects are specifically dangerous to the users of Rayner Lane. The lane is, arguably, more frequently used by pedestrians than any narrow lane in Lennox Head. It is a direct route from Rutherford Street to Ross Park and the centre of the village. Residents are already concerned about the safety of users, particularly children.

Families with young children on bicycles regularly use the lane to access Ross Park

Construction Effects

A major concern for residents and users of Rayner Lane is the impact on the lane during construction especially if the lane is to be the sole access to the site. Much smaller developments have recently occurred in Rutherford Street and construction vehicles, delivery trucks and mechanical implements have caused obstruction and safety concerns at the egress from Rayner Lane.

Thank you for the opportunity to comment on the suitability of the provisions in this application.

Yours sincerely

  
for Jill and Fred Goodman.

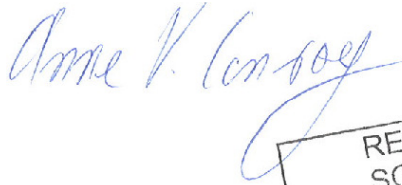
6a rayner lane Lennox Head 2478

21 June 2012  
09:53

Re DA 2012/195

As owner of 6A Rayner Lane I object to car access for 59 cars through Rayner Lane. Previously Ballina Council has maintained that the lane should be in keeping with the village ethos. All this traffic, which would use the lane night and day, would definitely ruin that atmosphere. At present the lane is used by walkers, bike riders, skateboarders, small children, strollers etc. as it is fairly narrow these users would be forced to different routes and the lane would become a car track only.

Anne V Conroy



More Cool Features Page 1

2012/18992.

28 June 2012

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

Dear Sir,

Re: DA 2012/195

I wish to express my objection to Development Application DA 2012/195 in its current form due to a number of issues that would impact directly on my adjoining property (51 Ballina St, Lennox Head) which is located on the northern side of the development site.

Issues to be addressed include:

Noise

- Impact of noise during demolition and construction
- Considerations relating to proposed usage and servicing of complex on completion
- Need to determine what is acceptable in relation to days/times of operation of all the above for neighbouring residents/tenants

It is noted that noise impact monitoring was only conducted on the southern side of the development site. This occurred outside peak periods (April – May) with far less utilisation of the area than proposed in the DA

Design

- Concerns regarding placement of 'service yardbin/store' along northern boundary opposite the neighbouring residence due to noise and hygiene issues
- Placement of pool pumps, airconditioning, etc in close proximity of the northern residence
- Detail required on containment and regulation of noise from restaurant, bar, pool, guest terrace and outside eating areas due to impact on the adjoining residence.

Waste Management

- Placement of bins and waste (presumably for up to a week) along the northern boundary is of major concern due to the proximity of the neighbouring residence and the potential hygiene issues resulting from flies, odours and possible vermin.

My concerns are expressed both as a resident and a landlord on behalf of current and future tenants due to the ongoing impact these issues may have on their health, wellbeing and quality of life.

Yours faithfully



Len McDaid  
PO Box 454  
Lennox Head NSW 2478

DA 2012/195.

TN° : 12/19847.

29 June 2012

General Manager and Councillors  
Ballina Shire Council  
Cherry Street  
Ballina NSW 2478

Acknowledged  
27/12.  
W. East  
See Doc N°:  
2012/19849.

**Re: DA 2012/195 Proposed development 45-49 Ballina Street, Lennox Head**


We as residents of 15 Rayner Lane, Lennox Head object to this development due to the basement carpark entry on Rayner Lane.

Rayner Lane is not coping with the excessive traffic at present possibly due to the population explosion we've had over the last 5-10 years and is continuously being band aid patched.

Not only is the lane not coping with the extra cars but it is heavily used by pedestrian traffic such as families, children on bikes and on skateboards. With the burden of extra cars and without a dedicated footpath these lives will be put at risk.

Presently there is an entrance to the Restaurant and Motel on Ballina Street, why cant it be left there? It seems to be adequate enough.

Regards



Dave and Tracy Somerville

# 12/19139  
**ACKNOWLEDGED**

RECORDS  
SCANNED  
29 JUN 2012  
Doc No.....12/19130.....  
Batch No.....

28 June 2012

General Manager and Councillors  
Ballina Shire Council

**Re: Opposition to DA 2012/195 Proposed Development at 45-49 Ballina Street,  
Lennox Head**

Dear General Manager and Councillors

Issues of safety have compelled me to write in opposition to DA 2012/195, a 16 residential unit and two commercial building development on 6 blocks of land which proposes that all traffic enter and exit onto Rayner Lane. The issues are so serious that I would strongly encourage each of you to drive down Rayner Lane so the issues raised in this letter can be verified. Having owned property on Rayner Lane for nearly 20 years and having been a full-time resident on Rayner Lane for over 11 years, I am certain that if this development proceeds as planned, a tragic accident will occur.

Rayner Lane is a narrow 3.7 metre (12 foot) one way street (with no room for footpaths on either side) that has heavy pedestrian traffic. When the tide is high, which occurs many times per month, it is impossible to walk along the beach from Rutherford Street to Ross Park, so all beach walkers are diverted onto Rayner Lane. Rayner Lane's foot traffic also includes many children on bikes and skateboards and in prams. When children at the Sport and Recreation Camp have their 'expeditions' to the Bream Hole and the tide is too high to walk on the beach, they walk along Rayner Lane. Physical Education classes from Lennox Head Public School often bicycle along Rayner Lane in order to reach the shared pathway south of Rutherford Street. At these times, scores of children are in the Lane .

The entrance to Rayner Lane from Ballina Street at Ross Park is also a particularly dangerous spot, as the playground in Ross Park is directly across from the very popular cafe where many parents of children at the playground have coffee. More than once I have seen children at the playground run through the parked cars on the north side of Rayner Lane to join their parents at the cafe without looking for traffic entering the Lane. Oppositely, children at the cafe may take off without warning to run to the playground. Similarly, several driveways that front the Lane are fenced on either side making them "blind". Children often dart out onto the Lane from such driveways, especially at holiday time when all the rental units are full and residents have children and/or grandchildren visiting. Although there are two worn speed bumps on the Lane at present, they do little to impede the speed of many vehicles that drive much too fast for such a narrow street with 'blind' driveways and many children.

Currently, there are 15 single family resident dwellings and 9 double unit dwellings with access fronting Rayner Lane. Almost all these dwellings house permanent residents who are very mindful of the safety issues outlined above. Those renting holiday units will likely not be as aware of these issues as are full time residents. The proposed DA will add 16 holiday units and several commercial venues (including two restaurants, a bar, and a gift

shop). This means that traffic on Rayner Lane will nearly double. To further add to an already potentially dangerous situation, the exiting traffic from the proposed development will be entering Rayner Lane at a steep angle from the underground parking area, further impeding visibility, especially of all the 'little people' who play and bike on the Lane. When wheelie bins are placed on the street, visibility is further reduced and the lane ends up even narrower. (Currently, all wheelie bins are placed on the east side of Rayner Lane. The three blocks of land directly opposite the proposed development on the east side of the Lane, Nos. 3, 4, and 5 Rayner Lane, are all single family homes and already the residents of these homes must cope with up to a dozen malodorous bins being placed on their property every Monday evening from the current small motel and restaurant on the property. The thought of several dozen wheelie bins being placed out weekly from the 16 units and 2 restaurants of the proposed development is a completely different issue, but one that is certainly on the minds of the residents of these properties.)

I am aware that under the most recent DCP's that Council has decreed that all traffic from new developments on Ballina Street must enter and exit from Rayner Lane, but certainly for a development of this size, an exception could be made so that traffic from it would enter and exit onto Ballina Street. With six blocks of land for this proposed development, a small portion of the land could be used for a designated turning lane on Ballina Street so that the substantial traffic generated by this complex will not jeopardise the welfare of the many pedestrians and residents on Rayner Lane.

In 1983 Council rejected DA 1983/186 which proposed a four unit residential development with access to Rayner Lane for the following reasons, which are quoted verbatim from a letter signed by Ballina Shire Clerk G.L. Pearse on 30 August 1983:

**“Council, at its meeting of 25 August, 1983 refused the application for the following reasons:**

- 1. The amount of traffic likely to be generated by this development particularly in relation to the capacity of Rayner Lane and the probable effect of the movement of vehicles in Rayner Lane is considered unsatisfactory.**
- 2. The proposed development would have an adverse effect on the existing and likely future amenity of the locality.”**

Council had the wisdom in 1983 to reject a proposed 4 unit development which would front Rayner Lane. One would hope that since Rayner Lane is not any wider in 2012 than it was in 1983 that Council will reject DA 2012/195 unless traffic can enter and exit from Ballina Street.

Regards,

*Susan Kent*

Dr Susan Kent

5 Rayner Lane

Lennox Head

#12/19157  
**ACKNOWLEDGED**

Robert Warren  
9 Rayner Lane  
Lennox Head NSW 2478

27 June 2012

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

RECORDS  
SCANNED  
29 JUN 2012  
Doc No.....  
Batch No..... 12/19157

Dear Sir,

**Re: DA 2012/195**

My wife, children and I reside at 9 Rayner Lane, Lennox Head. Having lived here for about 8 years we are well acquainted with the traffic flows and heavy pedestrian usage of Rayner Lane. There is no doubt that Rayner Lane is a very popular pedestrian thoroughfare and given that most of the residents' fences in Rayner Lane border the roadway, there is no room for pedestrians using Rayner Lane to walk anywhere other than on the roadway. There is little chance of any road widening in the foreseeable future and nor is there any chance of pedestrians using an alternate route.

Accordingly, any increase in the volume of traffic along Rayner Lane is obviously going to increase interaction between vehicles and pedestrians which will undoubtedly increase the risk of injury to pedestrians including large numbers of children. The fact that Rayner Lane is already a 'footpath' is obviously inconsistent with turning this narrow lane into a major vehicular thoroughfare which would happen with the increased traffic flow from the scale of development that is proposed.

We do not object to the proposed development (DA 2012/195) however, we do object to the access to the development being in Rayner Lane.

Yours faithfully,

  
Robert Warren

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#12/19140

ACKNOWLEDGED	RECORDS
	SCANNED
29 JUN 2012	
Doc No.....	12/19131
Batch No.....	

28 June 2012

General Manager and Councillors  
Ballina Shire Council  
Cherry Street  
Ballina NSW 2478

Re: DA 2012/195

Council should reject this DA for the following reasons:

**The amount of traffic likely to be generated by this development particularly in relation to the capacity of Rayner Lane and the probable effect of the movement of vehicles in Rayner Lane is considered unsatisfactory.**

**The proposed development would have an adverse effect on the existing and likely future amenity of the locality.**

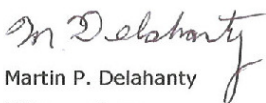
The two points printed in bold above are verbatim quotes from Ballina Council Clerk G.L. Pearse in a signed letter dated 30 August 1983 listing the reasons why DA 1983/186 which proposed a four-unit development at 7A Rayner Lane was rejected. (See attached copy of original letter.)

Now, DA 2012/195 proposes a 16 unit tourist/residential and two commercial building development (including two restaurants, a bar, and a gift shop) with 48 parking spaces all entering and exiting from Rayner Lane.

Let common sense prevail. If Council had the wisdom in 1983 to reject a four unit development, surely Council in 2012 will reject this proposed 16 unit and two commercial building development unless traffic can enter and exit from Ballina Street. Surely with 6 blocks of land, a small portion that fronts Ballina Street could be used as a designated turning lane so that all traffic access could be from Ballina Street.

Drive down Rayner Lane to see for yourself that the safety of pedestrians, including many children who bike and play in the 3.7 metre (12 feet) wide lane that has no room for footpaths on either side will be jeopardised if this DA is approved with access only from Rayner Lane. There will quite likely be a tragic accident on Rayner Lane if this is allowed to occur. Do not be responsible for letting this happen.

Regards,



Martin P. Delahanty  
5 Rayner Lane  
Lennox Head



## Shire of Ballina

P.O. BOX No. 450  
BALLINA, N.S.W. 2478  
TELEPHONE No. (STD 066) 86 4444  
OX 7788 LISMORE

All communications should be  
Addressed to the Shire Clerk.

IN REPLY PLEASE

DA.1983/186

OTHER THAN HERE

ENQUIRIES REFER

Mr. R. Hosie,  
P.O. Box 111B,  
LISMORE, N.S.W. 2480

30th August, 1983.

Dear Mr. Hosie,

DEVELOPMENT APPLICATION NO. 1983/186  
P.N. & J.C. CAMERON  
Residential & Commercial Development  
53 BALLINA STREET, LENNOX HEAD.

In reference to your submission in relation to the abovementioned development application, I wish to advise that Council, at its meeting of 25th August, 1983 refused the application for the following reasons:

1. The amount of traffic likely to be generated by this development particularly in relation to the capacity of Rayner Lane and the probable effect of the movement of vehicles in Rayner Lane is considered unsatisfactory.
2. The proposed development would have an adverse effect on the existing and likely future amenity of the locality.
3. The circumstances of the case and the public interest.

You are advised that the applicant has the right of appeal to the Land & Environment Court in relation to Council's refusal of the subject application. Should such an appeal be lodged you will be further advised regarding the time, date and place of any hearing on the matter.

Yours faithfully,

  
G.L. Pearce,  
SHIRE CLERK.

GLP.lcw

Jodi Granger

---

**From:** Richmond Manyweathers [manys@bigpond.com]  
**Sent:** Tuesday, 12 June 2012 5:59 PM  
**To:** Ballina Shire Council  
**Subject:** DA 2012/195

The General Manager,  
Ballina Shire Council.

I write concerning the proposed development at no.s 45/49 Ballina St., Lennox Head - the site of the current motel and Thai restaurant.

We are the residents/owners of #4 Rayner Lane directly to the east of the proposed development.

Our major concern relates to the increased traffic flow which will be using Rayner Lane. 48 vehicle spaces are allowed for in the development.

The lane is extremely narrow and uneven with poor surface drainage - effective width probably under 4 m with little possibility of any widening in the foreseeable future. There are no footpaths and all walkers must use the sealed road pavement.

The lane acts, as council well knows, as the de facto extension of the coastal cycle/walk way. It is experiencing increased pedestrian usage with the development of the coastal path to the south of the village. It is popular with walkers because it is relatively free from fast moving traffic and will continue to be used irrespective of any attempt to channel walkers away from it because it leads to the heart of the village, the major park at the northern end of the lane and the coffee shop(s) situated in that area.

Further, the residents of the lane have no alternatives thoroughfare to walk to the village centre etc.

In addition, on current experience with the existing motel, residents of the proposed development will also be using the lane to access the beach thus increasing its pedestrian traffic at the southern end.

It is very popular for family groups who walk down the centre of the lane - there is no where else to walk; for people pushing prams and strollers etc; children on skate boards/ roller skates and on trainer bicycles etc. Numerous surfers can be seen using the lane to access the swimming areas adjacent the Boat Channel and board riders heading south to use the wave area below the headland.

It is quite common to see a swarm of children from the Recreation/Fitness camp making their way along the lane on foot or on bikes when beach access is not possible because of the high tide.

In summer, especially, it is a very busy pedestrian thoroughfare.

We recommend, apart from any outcome from the DA process, that council declare it a shared pedestrian/vehicle way with a limited speed limit as is used in other developments in the Shire. The speed humps need rebuilding as they have minimal effectiveness now in slowing would-be speeders.

Further to the impending conflict and danger that will be generated by the new traffic flow (48 car spaces are shown on the DA documents viewed at Council on Monday, 4 June, but apparently are not on the web presentation), there is the danger posed by the joint vehicle access/exit opposite #3 Rayner Lane. Vehicles leaving the site climb at an angle

## 8.2 DA 2012/195 - Mixed Use Development.DOC

which will impeded visibility of pedestrians, and especially children, walking along the lane.

Access to the motel/restaurant site is currently from Ballina St. Repositioning the entry/exit to that frontage should be required of the development to prevent a tragic accident on the lane. Currently speeding motorists scatter walkers etc as they drive down the lane at an excessive speed. The increased traffic flow generated by visitors who know nothing of the lane's usage will only exacerbate this situation.

We look forward to council putting safety first and requiring a relocation of the development's entry/exit point.

Thank you for your consideration

Richmond and Jeannette Manyweathers

4 Rayer Lane., Lennox Head.

PO Box 329 Lennox Head, 2478

**Jodi Granger**

---

**From:** Samantha Hodge on behalf of Ballina Shire Council  
**Sent:** Friday, 22 June 2012 3:44 PM  
**To:** Regulatory Support Staff  
**Subject:** FW: DA 2012/195 - 45/49 Ballina Street, Lennox Head

**From:** MARY HOSIE [mailto:rmhosie@bigpond.net.au]  
**Sent:** Friday, 22 June 2012 3:29 PM  
**To:** Ballina Shire Council  
**Subject:** DA 2012/195 - 45/49 Ballina Street, Lennox Head

The General Manager,  
Ballina Council,  
BALLINA

Dear Sir,

Re: DA 2012/195 – 45/49 Ballina Street, Lennox Head

As residents of No. 7 Rayner Lane, we request that Council review very seriously the effect on traffic in Rayner Lane which would result from approval of the above D.A. concerning the current motel site.

At present, traffic from the motel is using Ballina St. for access and this has had no apparent detrimental effect on that street. The shops and units at the northern end of Rayner Lane also use Ballina Street for access - yet there are no hold-ups to the traffic flow on Ballina Street.

The proposal contained in the above D.A. to use Rayner Lane for access is suicidal. Already, the combination of vehicular and pedestrian traffic in this narrow, dangerous laneway is cause for great concern to the residents. There is no room for a footpath – everyone must walk on the road. If this D.A. is approved, the Council will be facing major legal problems when the inevitable accident occurs.

Yours faithfully,

Robert Hosie  
Mary Hosie

7 Rayner Lane, Lennox Head

Carseldine Holdings Pty Ltd  
P.O. Box 7269  
Gold Coast MC 9726

28<sup>th</sup> June 2010

General Manager  
Ballina Shire Council  
Via email: council@ballina.nsw.gov.au

**Re: Opposition to DA 2012/195 Proposed Development at 45-49 Ballina Street, Lennox Head**

Dear General Manager and Councilors'

We are the owners of 3 Rayner Lane on the eastern side of Rayner Lane directly opposite the southern boundary and basement car park entry/exit of the proposed development. We currently hold a Development Approval (DA: 2010/538) for the construction of a new two storey Strata Title Duplex.

We strongly oppose the development (**DA 2012/195**) in its current form.

We do not support access to this development being via Rayner Lane. Access to the basement car park of the proposed developments is directly opposite our property and our vehicle access point. Night time headlights directly into vehicles exiting both ramps would possibly create a dangerous blind spot for both vehicles and in particular pedestrians.

The scale and nature of the proposed development with all access being from Rayner Lane (including for tourists, residents, shoppers, restaurant patrons and commercial loading and unloading etc) will have a negative and dangerous impact on Rayner Lane.

Rayner Lane is essentially a narrow one way lane with high pedestrian traffic and is not wide enough or in any condition to cope with the amount of traffic likely to be generated by this development.

Collection of rubbish: Wheelie bins from 16 tourist/residential units plus food and commercial waste being placed on Rayner Lane (a residential street) is also of significant concern.

We do not support the permanent residential component of the proposed development. The residential component of the proposed development is not consistent with the provisions of the Ballina Draft LEP 2011.

Yours faithfully,



Clive A Savage  
Director - Carseldine Holdings Pty Ltd

**Jodi Granger**

---

**From:** Bruce Parry [bparry@summerland.com.au]  
**Sent:** Friday, 29 June 2012 3:21 PM  
**To:** Ballina Shire Council  
**Subject:** Submission re DA 2012/195

To The General Manager  
Ballina Shire Council

Dear Sir,

As the owners of 13 Rayner Lane Lennox Head, we wish to lodge an objection to DA 2012/195 on the basis that this development as proposed poses serious risk to current users of Rayner Lane.

At present, Rayner Lane is used by a large number of pedestrians going both north and south along the laneway. As there is no footpath, pedestrians walk or ride bikes/skateboards/scooters/push prams on the roadway. People heading south along the lane (particularly older persons) quite often do not hear the approaching traffic which is coming from behind them. As they move further onto the bitumen to go around parked cars on both sides of the lane, there is a much greater chance of them stepping into the path of a moving vehicle. We have seen near misses on many occasions.

Pedestrians travelling north along the laneway against the traffic flow restrict the room for vehicles.

Also, it is not uncommon to see vehicles (which are likely to be visitors) driving north along Rayner Lane –against the one way traffic flow. They either do not see or disregard the one-way signage. This causes issues when meeting another vehicle heading south(the correct way) on Rayner Lane.

It is usual that visitors taking their children, many of small pushbikes, from Rutherford St to Ross Park, walk in groups. Usually, small children who are looking forward to playing on the swings, run ahead of their parents and onto the laneway in direct line of the oncoming traffic as there is no footpath.

To increase the amount of traffic in Rayner Lane would be greatly increasing the risk of serious injury/death as there is no footpath and the width of the laneway is quite narrow. This laneway was never designed to handle the amount of traffic it currently carries. It was designed to carry the night carts up until the 1960s. To increase the traffic above current levels would create an unacceptable risk.

Increased traffic is what has been proposed as part of DA 2012/195.

The type of vehicle servicing this proposed site would include much larger servicing vehicles which makes the problem I have highlighted above even worse.

I request that access to the proposed development in Ballina Street/Rayner Lane be not allowed from Rayner Lane. The risk to life is too great.

I would be pleased to provide additional information on our submission if required.  
I can be contacted on 0428 666 522 or on email [ambparry@bigpond.com](mailto:ambparry@bigpond.com)

Thank you

Regards,

Bruce Parry

On behalf of the owners of 13 Rayner Lane Lennox Head - Graham, Kathryn & Bruce Parry

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Please consider the environment before printing this e-mail.



DA 2012/195

02.07.2012

1 Tara Downs  
Lennox Head  
NSW 2478

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



Dear Council Members,

**Re New Mixed Development 45-49 Ballina Street, Lennox Head**

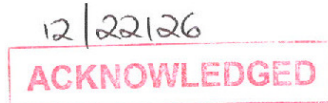
I am writing to Council to show my support for the proposed project at above address for a number of reasons. I think it will encourage better use of the Southern area of Ballina Street and visually be more attractive to tourist and residents coming into the town's village.

I believe the project will greatly support the dwindling employment in and around the area. I and my employees will spend money in the town whilst the construction phase is on and secondly once completed the occupants living / staying at the premises will support the rest of the community with tourist accommodation. I am a local operator in the area and know the benefit of a project like this to the community as it will assist many of our local people.

This development has a residential component. I understand that it will mainly be tourist development but that it will be allowable for an owner to live in one of their units. I completely support this idea.

Yours sincerely

Saul Carmichael



DA 2012/195

2 July 2012

73 Stewart Street  
Lennox Head  
NSW 2478

RECORDS  
SCANNED  
- 9 JUL 2012  
Doc No.....12 / 22081  
Batch No.....

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

Dear Council Members,

**Re New Mixed Development 45-49 Ballina Street, Lennox Head**

I am writing to Council to show my support for the proposed project at above address for a number of reasons. I think it will encourage better use of the Southern area of Ballina Street and visually be more attractive to tourist and residents coming into the town's village.

I believe the project will greatly support the dwindling employment in and around the area. I and my employees will spend money in the town whilst the construction phase is on and secondly once completed the occupants living / staying at the premises will support the rest of the community with tourist accommodation. I am a local operator in the area and know the benefit of a project like this to the community as it will assist many of our local people.

This development has a residential component. I understand that it will mainly be tourist development but that it will be allowable for an owner to live in one of their units. I completely support this idea.

Yours sincerely

Grant Tennant

12/22132  
**ACKNOWLEDGED**

7 MEADOWS BUI-  
LENNOX.

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

Dear Sir PAUL.

RE 45-49 BALLINA STREET, LENNOX HEAD

The proposed tourist development designed by Alan Logan for 45-49 Ballina Street, Lennox Head is an excellent example of a tourist project for this village. It provides a mix of uses commercial and tourist predominantly but also I understand that it allows for permanent occupation by an owner. I like the mix of uses proposed by this application and support it whole heartedly.

In case council has not noticed it the Ballina Shire is declining in terms of building activity. This is a shot in the arm that a little place like Lennox Head needs.

This development has a residential component. I understand that it will mainly be tourist development but that it will be allowable for an owner to live in one of their units. I completely support this idea.

Yours sincerely



(IAN SCRYPY GUYAS)

PS. I NEED THE WORK!

12/20109  
ACKNOWLEDGED

RECORDS  
SCANNED  
= 3 JUL 2012  
Doc No...12/20020  
Batch No.....

TIAIWOR HESSION  
433 Allens POE  
LENNOX HEAD.

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

Dear Sir

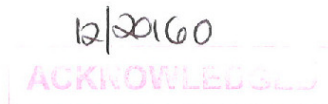
Support for Development Application 2012/195

The tourist project proposed for this site looks to be of high quality and will compliment the seaside village atmosphere of Lennox Head. I like it because it is a low scale development compatible with the existing built character in the locality.

I have spoken to the builder of this development. He is ready to go. Please give him and his client an opportunity to get cracking with this project, it will be good for Lennox Head and good for Ballina Shire.

This development has a residential component. I understand that it will mainly be tourist development but that it will be allowable for an owner to live in one of their units. I completely support this idea.

Yours sincerely



TROY MACKAY  
19 BIRD ST RYDE  
NSW 2112

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

Dear Sir

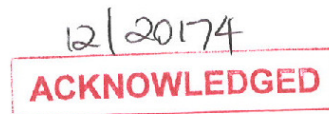
**Re Development Application for Tourist Development 45-49 Ballina Street,  
Lennox Head (DA 2012/195)**

Thank you for the opportunity to make a submission in relation to this project. I love the architecture of this building and I think it relates well to the streetscape and locality of the Lennox Head Village.

I support the continued growth and vitality of Lennox Head. This application will provide such a growth and I understand the developer and builder are ready to go.

I would like to see this development application approved. The mixed use idea is a good one. The idea of allowing the owner of a unit in the development to live there permanently is also a good idea. I understand that this improves the ability for purchases to buy premises because of the bank loan to value ratio rules.

Yours faithfully



Lois Delaney  
17 Dress Circle Dr  
Lennox Head 2478

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

Dear General Manager

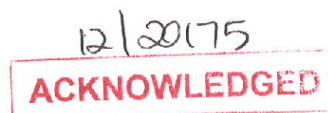
**Submission in support of the tourist project 45-49 Ballina Street, Lennox Head.**

I respond to your notice on Public Exhibition concerning DA 2012/195. I support this project because I support the concept of alfresco dining and the concept of traffic circulation and parking set out in Council's Development Control Plan Chapter 8. I think the landscape treatment is good and I like the bulk and scale of this development it is not too big and imposing

I like the idea of a new development in the southern end of the village. The northern end of the village has been the centre of activity for too long with the hotel improvements and the new shops and restaurants built in that area. I like the idea of the southern end of town being enhanced.

I support the mixed use nature of this project. I like the idea of it mainly being for tourist purposes but also I support the idea that a person who owns a unit in this development can reside in it should they choose to.

Yours sincerely



ADD ADDRESS HERE G. HILL

409 D MT BROWNS RD  
UPPER ORARA 2450

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

Dear Sir

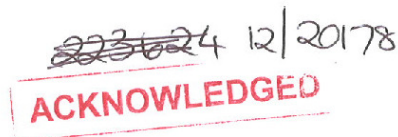
**Re Development Application 2012/195, Ballina Street, Lennox Head**

I respond to council's notice of public exhibition to support this development application. I understand that the building adopts the new floor space ratio proposed by Council's Draft Local Environmental Plan. The buildings 2 storey scale suits the locality and I think it is quite an appropriate development response.

I want to see Lennox Head thrive and prosper. A project like this will help it in that direction.

One of the good things about this development is the idea that although it is predominantly residential that an owner of a tourist unit can reside in that tourist unit if they so desire. I think this is only right and fair.

Yours sincerely



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

*Tobias Ratchliffe  
6/1 Rotherford St.  
Lennox Head, NSW  
2478.*

Dear Sir

**Re Development Application 2012/195, Ballina Street, Lennox Head**

I respond to council's notice of public exhibition to support this development application. I understand that the building adopts the new floor space ratio proposed by Council's Draft Local Environmental Plan. The buildings 2 storey scale suits the locality and I think it is quite an appropriate development response.

Since Wayne Lazarus built the shops near the Catholic Church the "centre of gravity" of the Lennox village has moved very much to the north. By building this project that centre of gravity will hopefully move a little further south and give some vitality to the shops at the southern end of the village.

In the village of Lennox Head there are premises that switch between tourist and residential occupation. I do not understand that this causes a bother to anyone. I do know that there is going to be a permanent caretaker on site for this development so I think the idea of continuing the precedent that also exists in town for one to be able to swap between a residential use and a tourist use is great.

Yours sincerely

*T. Ratchliffe*

RECORDS  
SCANNED  
= 3 JUL 2012  
Doc No.....12/20035  
Batch No.....

12/20179  
**ACKNOWLEDGED**

RECEIVED  
3 JUL 2012  
COUNTER





PO Box 11  
Lennox Head NSW 2478

Mr Paul Hickey  
General Manager  
Ballina Shire Council  
Cherry St  
Ballina NSW 2478

June 27<sup>th</sup>, 2012

Dear Mr Hickey

Re: DA 45-49 Ballina St, Lennox Head

The Lennox Head Chamber of Commerce fully supports this Development Application for a tourist and residential facility in this location.

We believe it will enhance the street landscape giving a very suitable southern entrance to the village. The scale of the project is in keeping with the village atmosphere and it will create much needed local trades and services employment.

The southern end of Ballina St has been suffering for some time and this development will ensure the entire main street will become a lively area once again.

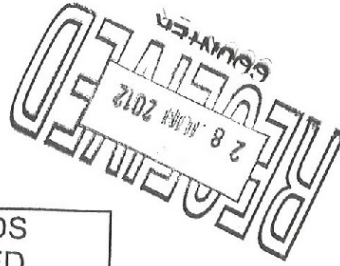
The mixture of both short term tourism and permanent residential is in keeping with the Council's DCP and LEP. Alfresco dining is a major attraction for the entire Lennox Head CBD and this development has got it right.

Council has the opportunity to support a wonderful project in Lennox Head giving a positive spin on our economic downturn. The chamber urges you to proceed hastily with your vote for this facility in its entirety.

Yours faithfully,

A handwritten signature in black ink that reads "Louise Owen".

Louise Owen  
President



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

Michael Donovan  
manager.  
Lennox Beachfront Apts  
77 Ballina St  
Lennox Head 2478  
0467677672

Dear Councillors

Re **2012/195**  
**Proposed Tourist Development 45-49 Ballina Street, Lennox Head**

I support the proposal. Mr Logan has done another great job in terms of the architecture he has suggested for this site. I particularly like the landscaping he has chosen and think it will work well with the building and the remainder of the streetscape.

Building development has slowed significantly in Lennox Head. This project will give the area a new lease of life.

This project is innovative. Lots of people around town build straight residential development or straight tourist development. I like the idea that is embodied in this project that allows for an owner to live in the premises they own on a permanent basis.

Yours faithfully

Michael Donovan.  


12/18/196  
**ACKNOWLEDGED**

12/18/174  
SCANNED  
26 JUN 2012  
RECORDS



**Williams Group Australia Pty Ltd**  
ABN 28 128 744 990 ACN 128 744 990  
Address: PO Box 102, Murwillumbah NSW 2484  
Ph: 02 6672 1313 Fax: 02 6672 3466  
Website: [www.jhwilliams.com.au](http://www.jhwilliams.com.au)

22 June 2012

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

RECORDS SCANNED
27 JUN 2012
Doc No..... b/18391
Batch No.....

Dear Councilors

**Re: Mixed Development 45-49 Ballina Street, Lennox Head**

We would like to put on record our support for the proposed project of development at 45-49 Ballina Street, Lennox Head.

The Project fits the amenity of the seaside village which captures and supports holiday, permanent residential and commercial. All of which will be extremely beneficial to the local economy of Lennox Head, both in the construction phase and the ongoing benefits after completion.

Yours Sincerely

Brenda Dossey  
Williams Group Australia Pty Ltd  
Manager, Seed Division





**Williams Group Australia Pty Ltd**  
ABN 28 128 744 990 ACN 128 744 990  
Address: PO Box 102, Murwillumbah NSW 2484  
Ph: 02 6672 1313 Fax: 02 6672 3466  
Website: [www.jhwilliams.com.au](http://www.jhwilliams.com.au)

22 June 2012

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



Dear Councilors

**Re: Mixed Development 45-49 Ballina Street, Lennox Head**

We would like to put on record our support for the proposed project of development at 45-49 Ballina Street, Lennox Head.

The Project fits the amenity of the seaside village which captures and supports holiday, permanent residential and commercial. All of which will be extremely beneficial to the local economy of Lennox Head, both in the construction phase and the ongoing benefits after completion.

In addition my parents reside at 22 Pacific Parade Lennox Head and have done for many years, they also give their full support of the proposed project.

Yours sincerely  
WILLIAMS GROUP AUSTRALIA PTY LTD

Bruce Williams  
Managing Director



PO Box 457

Lennox Head NSW 2478

Owner 90-92 Ballina Street  
Lennox Head

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

Dear Sir

**Re Development Application for Tourist Development 45-49 Ballina Street,  
Lennox Head (DA 2012/195)**

Thank you for the opportunity to make a submission in relation to this project. I love the architecture of this building and I think it relates well to the streetscape and locality of the Lennox Head Village.

I support the continued growth and vitality of Lennox Head. This application will provide such a growth and I understand the developer and builder are ready to go.

I would like to see this development application approved. The mixed use idea is a good one. The idea of allowing the owner of a unit in the development to live there permanently is also a good idea. I understand that this improves the ability for purchases to buy premises because of the bank loan to value ratio rules.

Yours faithfully

  
Wayne Lazarus

12/18798  
**ACKNOWLEDGED**

1218779  
SCANNED  
28 JUN 2012  
RECORDS

PO Box 457

Lennox Head NSW 2478

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

owner 90-92 Ballina Street  
Lennox Head.

12/18800  
**ACKNOWLEDGED**

Dear Sir

Re DA 2012/195 45 Ballina Street

I write in support of the Development Application for the proposed restaurant and tourist project. I like the work of the Architect and think that he has made a really good effort on this project.

This development will encourage bring forth a renewed start into the building industry in Lennox Head which has currently slowed considerably at this time.

I would hope that council would consider to adopt a practical approach in relation to the proposal by the developer to have a mixed use commercial and tourist development but also to allow an owner to live in their own home unit should they wish to.

Yours faithfully

Maree Lazarus

12/18781  
**SCANNED**  
28 JUN 2012  
**RECORDS**

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

Tracey Donovan  
Manager Beachfront Apartments  
77 Ballina St  
Lennox Head 2478  
0467677672

Dear Sir

**RE 45-49 BALLINA STREET, LENNOX HEAD**

The proposed tourist development designed by Alan Logan for 45-49 Ballina Street, Lennox Head is an excellent example of a tourist project for this village. It provides a mix of uses commercial and tourist predominantly but also I understand that it allows for permanent occupation by an owner. I like the mix of uses proposed by this application and support it whole heartedly.

In case council has not noticed it the Ballina Shire is declining in terms of building activity. This is a shot in the arm that a little place like Lennox Head needs.

This development has a residential component. I understand that it will mainly be tourist development but that it will be allowable for an owner to live in one of their units. I completely support this idea.

Yours sincerely



Tracey Donovan

12/18186  
ACKNOWLEDGED

RECORDS SCANNED
26 JUN 2012
Doc No: 12/18161
Batch No: .....

LENNOX HEAD VIDEO

MARK CLAPHAM

1/57 BALLINA ST

LENNOX HEAD 2478

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

Dear Sir

**RE DEVELOPMENT APPLICATION 2012/195 BEING A TOURIST DEVELOPMENT PROJECT LOCATED AT 45-49 BALLINA STREET, LENNOX HEAD**

Chapter 8 of Council's Combined Development Control Plan sets out general design guidelines for the village. I think this project will provide a high quality built environment which compliments the location and the seaside village atmosphere of the village. The 2 storey scale is great. It is a low scale development compatible with existing development in the locality.

Lennox Head needs council's support. Please do not frustrate this application because I want to see the area progress in terms of the economic development and character of the area.

I understand that council officers are saying that permanent residential use by an owner is prohibited. I have looked at the Development Control Plan and see that it only refers to "preferred land uses". I encourage Councillors to look further and be supportive of short term tourist but also long term occupation by an owner of the unit if they so wish to.

Yours faithfully



12/18187  
ACKNOWLEDGED

12/18163  
SCANNED  
26 JUN 2012  
RECORDS



ALL ABOVE BOARD SURFSHOP

Akiko Graham

Alvin Calton

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

Dear Sir

Re DA 2012/195

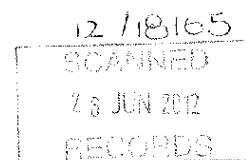
I write to council because I have been approached by the builder of this project who has shown me the plans for it. I think the builder and his architect are to be congratulated. This is a fantastic building. It does not look to be an overdevelopment in terms of its bulk and scale and I like the idea of more alfresco dining.

Don't let the developer of this development escape! The village of Lennox Head needs a fresh lease of life. The building community of Lennox Head needs a fresh lease of life. I urge council to support this project.

One of the fantastic ideas behind this development is that it allows for predominantly tourist use at the rear of the shops but also an owner can live there if they so choose. I think this is an excellent idea.

Yours hoping for a bright future for Lennox Head

Akiko Graham  
Alvin Calton



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

Dear Sir

I write regarding the recent publicly exhibited development application 2012/195. Once upon a time Lennox Head was a tiny strip shopping centre. Since the village was bypassed in 1994 the quality and character of the locality has improved immensely. I think this building because of its bulk, scale and character will compliment the seaside village nature of Lennox Head.

I want to see Lennox Head thrive and prosper. A project like this will help it in that direction.

I support the idea that an owner should be able to live in the premises they own. I appreciate that council might want to see this development solely used for tourist development but council needs to be a little be practical. A person who owns the premises should be able to live in the premises if they so desire.

Yours faithfully

  
SIMON JONES  
Managing Director

**FINANCIAL SENSE  
AUSTRALIA PTY LTD  
AFSL # 340749  
PO BOX 413  
LENNOX HEAD NSW 2478  
PH 1300 668 191**

12/18190  
**ACKNOWLEDGED**

12 /18168  
ANNED  
26 JUN 2012  
RECORDS

*Gracey Everingham  
Michelle Chandler  
Heckelle Bastique*

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

**Le Chelle Boutique**  
Shop 3/72 Ballina St  
Lennox Head Ph 6687 0088

*Stacy L.*

Dear Councillor

Thank you for the opportunity to make a formal submission to you concerning this important development application – DA 2012/195 proposed at 45 Ballina Street Lennox Head. I note that Council's Development Control Plan encourages the engagement of qualified architects to design projects like this. Mr Logan is well known in the locality as a competent designer and he has again done a fantastic job.

I understand that it is council's aim to try to foster development of the village. This project when it starts will really give the area a kick along in terms of employment and a feeling like the area is prospering.

As I understand it is permissible under council's LEP for the development to be residential and tourist but that council officers are pushing for it to be only tourist. I support the idea of the mixed tourist and residential use.

Yours faithfully

*Stacy L.*

12/18191  
ACKNOWLEDGED

12/18169  
SCANNED  
26 JUN 2012  
RECORDS

Noel Graham  
all above board surf shop



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


Dear Sir,

I write to council because I have been approached by the builder of this project who has shown me the plans for it. I think the builder and his architect are to be congratulated. This is a fantastic building. It does not look to be an overdevelopment in terms of its bulk and scale and I like the idea of more alfresco dining.

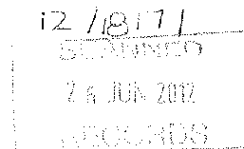
I understand the person behind this project wants to start work immediately. I further understand that he has appointed a builder to do this work. I support the project because it will see action immediately in the town.

I do not understand why council officers want to frustrate the good intentions of this developer by not permitting him to have a mixed residential and tourist use. This occurs elsewhere in the village and works fine. Why make it difficult here?

Yours faithfully thank you very much



Noel Graham



25 June 2012  
The General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478



C Gradwell  
5 Park Lane  
Lennox Head  
NSW 2478

Submission of support for DA No. 2012/195  
Proposed Tourist / Residential Development  
At No,s 45 - 49 Ballina Street Lennox Head.

I write in relation to Development Application 2012/195.  
I wish to support the Application. I think it will fit in very well in the southern end of the village centre.

The "centre of gravity" of the Lennox village has moved very much to the north following the building of recent developments. By building this project that centre of gravity will hopefully move a little further south and help the shops at the southern end of the village.

Logan architecture are the architects for my approved tourist development at Lots 7,8&9 No,s 7-11 Byron Street Lennox Head. (DA 2009 / 382)

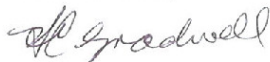
I feel that the proposed development is attractive and will enhance the streetscape in Ballina Street and be good for other businesses in the village.

It appears to be a well considered design and does not look like an overdevelopment.

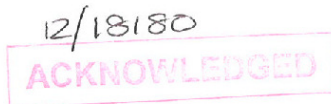
Designs such as this maintain the village feel of Lennox Head whilst adding to the mix of development in the village.

It would be good to see some new development in Lennox Head.

Yours Sincerely



Col Gradwell



# McGrath

18<sup>th</sup> June 2012

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

Attention: Ms Joanne Kay

Dear Ms Kay

**RE: Development Application No. 2012/195 Proposed tourist/ Residential Development at 45-49 Ballina Street Lennox Head.**

I write in support of flexible use of the proposed abovementioned development.

Residential Tourist / Commercial Buildings are products which are commercially non-viable because banks will not offer favourable finance terms for the product. If the residential property cannot be used for permanent residential purpose, lending institutions will regard it as a commercial product and only offer limited finance – typically 50 - 60% LVR – at commercial interest rates – usually 1% over residential lending rates.

Recent sales at Ramada, Ballina and Salt Village, Casuarina have shown falls of more than 50% in values as the product falls from favour. While the property market has fallen over the past two years, statistics would indicate that decline to be in the order of 15% across the market, not 50 – 60%.

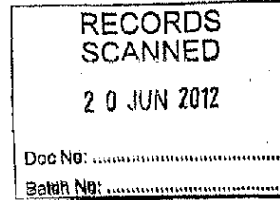
With such clear indications from the market, there is no way that any developer would offer this product. While Council obviously sees the need for short term tourist accommodation in Lennox Head, it is imperative that owners have the option to live permanently in their apartments although, in reality, that is highly unlikely to happen due to the design of the units. With partial kitchens and dual key design, they simply don't suit permanent occupation. Also, when selling apartments in other buildings, it has become common for prospective purchasers to ask about short term letting because some permanent residents may not want to live alongside holiday makers. The proposed building has facilities for on-site management and any prospective purchaser would realize that the dominant use of the building would be short term accommodation and make any buying decision accordingly. Marketing material would also contain potential income and expense costs which, again, would indicate the dominant use.

The buyer should be able to make the decision as to whether they wish to live permanently, not Council.

There is clearly a need for short term accommodation in Lennox Head and this building provides it. It is an attractive design which will enhance the streetscape and it's commercial component will add interest

176 River Street  
Ballina NSW 2478  
T +61 2 6618 3399  
F +61 2 6618 3388

Reverwalk Realty Pty Limited ABN 83 672 598 667 (an independently owned and operated Franchised business) Vias McGrath Ballina/Byron Bay

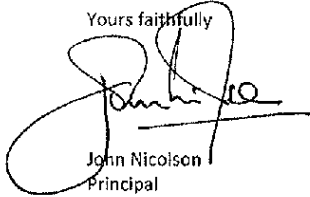


and colour to the southern end of the village. If owners do find that the occupancy rates are not as good as anticipated, they should at least have the option of permanent occupation.

If development approval contains a restriction on permanent occupation, the developer will not proceed with this much needed development, the building industry will miss out on a \$6 million development and the businesses of Lennox Head will be denied an economic stimulus.

I urge you to approve this development without the constraint of restricted use.

Yours faithfully



John Nicolson  
Principal

**Jodi Granger**

---

**From:** Caroline Desmond [caroline@carolinedesmond.com.au]  
**Sent:** Monday, 25 June 2012 10:02 PM  
**To:** Ballina Shire Council  
**Subject:** Submission in support of Tourist Facility 45 - 49 Ballina Street Lennox Head

To the General Manager

I write to express my support for the proposal for 45 – 49 Ballina Street Lennox Head, DA # 2012/195.


I am a resident of Lennox Head and have eaten at the Thai Garden restaurant on a number of occasions. I also once viewed the accommodation which is located to the rear of the restaurant. Many years ago it was dilapidated and in need of at least a refurbishment, so I am pleased to see that this project is on the cards.

The project is in a prime location and I therefore believe that maximum use of this space should be allowed. Certainly I support the mixed use. In these trying times it is essential, I believe, to allow operators as much flexibility as possible, within the bounds of environmental sensitivities and consideration of neighbours of course. Lennox Head has seen its fair share of businesses go under in recent times. Let's not make this project impossible from the start. This is the Ballina shire. It's not Byron, so let's give them a fair go.

Thanks for considering my submission. Please contact me if you need any further clarification.

Sincerely

Caroline Desmond

  
public relations • marketing • community relations

02 6687 5674 • 0415 499 429  
PO Box 185 Lennox Head NSW 2478  
[caroline@carolinedesmond.com.au](mailto:caroline@carolinedesmond.com.au)  
[www.carolinedesmond.com.au](http://www.carolinedesmond.com.au)

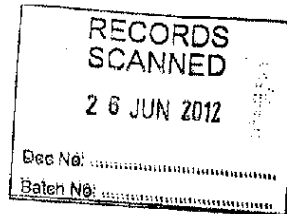
Information from ESET NOD32 Antivirus, version of virus signature database 7244  
(20120625)

The message was checked by ESET NOD32 Antivirus.

<http://www.csct.com>



23 June 2012  
Dojoo Pty Ltd  
31 North Creek Road  
Ballina NSW 2478



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

Submission of support for  
Proposed Tourist / Residential Development  
At No,s 45 - 49 Ballina Street Lennox Head.  
DA No. 2012/195

As the owners of 52-54 Ballina Street we wish to advise council of our support for the proposed tourist residential development at 45-49 Ballina Street.  
We have development consent (DA 2007/180) for a commercial development on our property. However we have not proceeded to construction on our project due to it being unviable at this stage. The DCP Floor space ratio of 0.6:1 which is little more than a dwelling house makes it difficult for development to be economically viable. The draft LEP floor space ratio is marginally better. We have no problem with the tourist residential development using an FSR of 0.8:1 as this can only make it more viable as it is obvious that Council believes the 0.6:1 ratio is too low. We also support the owners of a tourist development being able to live in their unit. It makes no sense preventing an owner living in their unit if required.  
Council should be open to looking at projects on their merits and varying development controls that lead to making projects unviable.

Recent development has seen the "centre of gravity" of the Lennox village move to the north. By building this project that centre of gravity will hopefully move a little further south and give some vitality to the shops at the southern end of the village.  
This would also make our project more viable.  
This project is attractive and well designed and will be good for Lennox Head

Council will know that times are tough in the building industry, and this is evident in Lennox Head. We urge council to support this application also for economic reasons. It is unfortunate that some of our competent tradesmen have to go to western Australia to work in the mines. We need council to support good local development.

Yours Sincerely

A handwritten signature in black ink, appearing to read "S Pennisi".

S Pennisi

ADD ADDRESS HERE

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

PAUL JONES STEELWORKS P/L.  
P.O. BOX 413  
LENNOX HEAD 2478.

Dear Sir

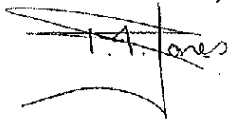
**RE DEVELOPMENT APPLICATION 2012/195 BEING A TOURIST  
DEVELOPMENT PROJECT LOCATED AT 45-49 BALLINA STREET,  
LENNOX HEAD**

Chapter 8 of Council's Combined Development Control Plan sets out general design guidelines for the village. I think this project will provide a high quality built environment which compliments the location and the seaside village atmosphere of the village. The 2 storey scale is great. It is a low scale development compatible with existing development in the locality.

Lennox Head needs council's support. Please do not frustrate this application because I want to see the area progress in terms of the economic development and character of the area.

I understand that council officers are saying that permanent residential use by an owner is prohibited. I have looked at the Development Control Plan and see that it only refers to "preferred land uses". I encourage Councillors to look further and be supportive of short term tourist but also long term occupation by an owner of the unit if they so wish to.

Yours faithfully



RICHARD JONES

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

4 Duffcys Lane  
Tintenbar

Dear Councillor

I write in relation to the Development Application 2012/195 located at 45-49 Ballina Street Lennox Head. I write in support of this Development Application. Our family has lived in the area for the past 10 years over this period we have seen a few changes in the Lennox strip and appreciate the shop owners of the areas.

We like the idea of the development being mixed use as we so many friends and family come to visit they could be accommodated in the development and enjoy Lennox Head.

I respect the idea of the alfresco dining combined with the tourist facility at the rear that an owner could use as well and enjoy the facilities on offer with the development.

Yours sincerely



Kate Leary

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

ADD ADDRESS HERE

79 Sanctuary Village  
LENNOX HEAD 2478

Dear Councillors

Re 2012/195

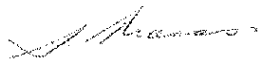
Proposed Tourist Development 45-49 Ballina Street, Lennox Head

I support the proposal. Mr Logan has done another great job in terms of the architecture he has suggested for this site. I particularly like the landscaping he has chosen and think it will work well with the building and the remainder of the streetscape.

I understand the person behind this project wants to start work immediately. I further understand that he has appointed a builder to do this work. I support the project because it will see action immediately in the town.

In the village of Lennox Head there are premises that switch between tourist and residential occupation. I do not understand that this causes a bother to anyone. I do know that there is going to be a permanent caretaker on site for this development so I think the idea of continuing the precedent that also exists in town for one to be able to swap between a residential use and a tourist use is great.

Yours sincerely



S. THOMAS

6687-9283

ADDRESS Amanda Weston  
1/4 Chauvel Close  
Skennars Head NSW 2478

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

Dear Councillor

Thank you for the opportunity to make a formal submission to you concerning this important development application – DA 2012/195 proposed at 45 Ballina Street Lennox Head. I note that Council's Development Control Plan encourages the engagement of qualified architects to design projects like this. Mr Logan is well known in the locality as a competent designer and he has again done a fantastic job.

The centre of the Lennox village has moved very much to the north and it has adversely impacted on the shops to the south. By building this project that centre of gravity will hopefully move a little further south and give some vitality to the shops at the southern end of the village.

One of the good things about this development is the idea that although it is predominantly residential that an owner of a tourist unit can reside in that tourist unit if they so desire. I think this is only right and fair.

Yours sincerely



ADDRESS

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

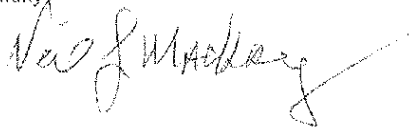
Dear Mr Hickey

I write in relation to your notice on public exhibition of a Development Application No. 2012/195. The proposal relates to a tourist type development in the southern end of Ballina Street, Lennox Head. I like the idea that access to the off-street car parking is to the back of the development. That will help in providing a safe pedestrian friendly environment in Ballina Street.

I support the continued growth and vitality of Lennox Head. This application will provide such a growth and I understand the developer and builder are ready to go.

I am told that council has a "preferred land use" for this area which is would see the premises only be able to be used for tourist accommodation and the owner of the unit not be able to live there permanently. I respectfully submit that this is a silly idea and that council should be practical about this matter and show a bit of flexibility in the circumstances.

Yours faithfully

A handwritten signature in black ink, appearing to read "Neil J. Mackay". The signature is written in a cursive style with a long horizontal stroke extending to the right.

ADDRESS *1/38 DAVENPORT DRIVE  
LENNOX HEAD  
2478*

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

Dear Sir

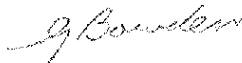
Re 45-49 Ballina Street, Lennox Head

The proposed tourist development designed by Alan Logan for 45-49 Ballina Street, Lennox Head is an excellent example of a tourist project for this village. It provides a mix of uses commercial and tourist predominantly but also I understand that it allows for permanent occupation by an owner. I like the mix of uses proposed by this application and support it whole heartedly.

Please do not hold this development up! The Lennox Head area needs some new development activity to stimulate confidence.

I would like to see this development application approved. The mixed use idea is a good one. The idea of allowing the owner of a unit in the development to live there permanently is also a good idea. I understand that this improves the ability for purchases to buy premises because of the bank loan to value ratio rules.

Yours faithfully



11/2 Williams St  
Lennox Head 2478  
ADD ADDRESS HERE

23/8/12

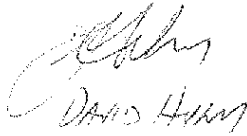
Dear Sir

Submission in support of DA 2012/195

This letter is in support of the abovementioned development application. I like the idea of the consolidated development of the village and this project will go a long way to supporting that idea. Since Wayne Lazarus built the shops near the Catholic Church the "centre of gravity" of the Lennox village has moved very much to the north. By building this project that centre of gravity will hopefully move a little further south and give some vitality to the shops at the southern end of the village.

I like the idea of the development being mixed use. The alfresco dining at the front is great. The tourist development at the back is great and the idea that an owner can use the premises as permanent residential accommodation is also a fantastic idea.

Yours sincerely

  
DAVID HUNT



ADD ADDRESS HERE

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

4/9 LAKEFORD AVE  
LENNOX HEAD

Dear Sir

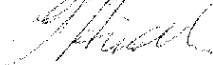
Re Support for DA 2012/195

This development is a fantastic thing for Lennox Head. The bulk and scale of the development really fit in with the bulk and scale of architecture around this area of the village. It is for this reason that I support the application.

Lennox Head needs council's support. Please do not frustrate this application because I want to see the area progress in terms of the economic development and character of the area.

As I understand it is permissible under council's LEP for the development to be residential and tourist but that council officers are pushing for it to be only tourist. I support the idea of the mixed tourist and residential use.

Yours faithfully



Omega Hospitality  
9 Southern Cross Drive  
Ballina, 2478 NSW

27 June 2012  
The General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Submission of support for DA No. 2012/195  
Proposed Tourist / Residential Development  
At No,s 45 - 49 Ballina Street Lennox Head.

We wish to support the above application, as we believe it is the type of development Lennox Head needs.

The mix of tourist residential and commercial uses is ideal for the town and will boost the local economy.

As a company which relies upon tourism and hospitality we see this as a boost to the Local economy and it can only benefit the area by bringing more jobs and more tourists to our region.

At present when economic conditions are having a real impact on local jobs and businesses a development such as this should be supported by council.

The design of the building looks good and it will fit in well with the Lennox Head village.

Yours Sincerely

Grayson Kernaghan



Williams Group Australia Pty Ltd  
ABN 26 128 744 990 ACN 128 744 990  
Address: PO Box 102, Murwillumbah NSW 2484  
Ph: 02 6672 1313 Fax: 02 6672 3466  
Website: [www.jhwilliams.com.au](http://www.jhwilliams.com.au)

RECORDS  
SCANNED  
27 JUN 2012  
Doc No.....  
Batch No.....

22 June 2012

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

Dear Councilors

**Re: Mixed Development 45-49 Ballina Street, Lennox Head**

We would like to put on record our support for the proposed project of development at 45-49 Ballina Street, Lennox Head.

The Project fits the amenity of the seaside village which captures and supports holiday, permanent residential and commercial. All of which will be extremely beneficial to the local economy of Lennox Head, both in the construction phase and the ongoing benefits after completion.

Yours Sincerely

Brenda Dossey  
Williams Group Australia Pty Ltd  
Manager, Seed Division





25<sup>th</sup> June 2012

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

Dear Sir

**Re DA 2012/195 - 45 Ballina Street Lennox Head**

I write in full support of the development proposed for the site in Ballina Street Lennox Head. Lennox Head is a burgeoning destination in our region which offers a unique experience for visitors. The growth in small businesses along the Ballina Street strip will be advantaged by this development with an increase in tourist visitation.

The proposed development will attract a vast mix of tourist to the destination with target markets including international and domestic visitors. I would also see great opportunity to partner with the Lennox Community Centre and market this facility to the conference/meeting markets using the development as the accommodation and local restaurants for the food and beverage services.

I understand the DA is requesting approval for permanent and holiday letting in this development and would like to stress the importance of this to ensure the viability of this project. Whilst it is clear from the design, layout and location of the development that it will lend itself ideally to the tourist market (and I believe this is the developers intent), without the approval for mixed use, funding sources are reluctant to support and therefore make this fantastic development a reality. In my experience this has been a major contributing factor to the lack of quality product

Northern Rivers Tourism  
Suite 5, 20 Byron St Bangalow NSW 2479  
P: +612 6687 0695 F: +612 6687 0749 e: [nrt@northernriverstourism.com.au](mailto:nrt@northernriverstourism.com.au)  
[www.northernriverstourism.com.au](http://www.northernriverstourism.com.au)



across Australia, which has left our industry lagging. An example is the lack of new hotels developed in Brisbane over the past 10 years even when demand has been at a premium.

In discussions with friends and colleagues whom are residents of Lennox Head, I understand there is a definite need for a development of this structure, size and quality and implore you to support its application.

Regards

A handwritten signature in black ink, appearing to read "Cameron Arnold", is written over a light grey dotted background.

Cameron Arnold

CHAIR

Northern Rivers Tourism  
Suite 5, 20 Byron St Bangalow NSW 2479  
P: +612 6687 0695 F: +612 6687 0749 e: [nrt@northernriverstourism.com.au](mailto:nrt@northernriverstourism.com.au)  
[www.northernriverstourism.com.au](http://www.northernriverstourism.com.au)



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

Dear Sir,

Re DA 2012/195 45 Ballina Street Lennox Head

I write in support of the development application proposing a mixed (tourism and residential) accommodation complex with ancillary restaurant and retail facilities at 45 Ballina St Lennox Head.

Lennox Head is an emerging destination in the Northern Rivers region for visitors from Australia and overseas. Regional dispersal is an important measure of success in spreading economic benefits of tourism. Moreover new accommodation infrastructure is a direct way to contribute to increased economic contribution to local towns and villages through overnight visitor expenditure.

The associated benefits of this mixed use facility for the residential community of Ballina Shire Council are also commendable.

From the development application and letters of support from Ballina Shire locals it is apparent that the size, design, location and quality of the proposed complex are in keeping with best-practice for this kind of development.

In the interests of transparency I declare that the Chair of Northern Rivers Tourism has held discussions with the proponent in regard to leasing/managing the complex if approved.

I urge you to consider this application as a very positive development proposal for Lennox Head and Ballina Shire council.

Kind Regards

A handwritten signature in black ink, appearing to read "Russell Mills".

Russell Mills  
Chief Executive Officer

---

Northern Rivers Tourism Incorporated  
Suite 5, 20 Byron St Bangalow NSW 2479  
Phone: +612 6687 0695 Fax: +612 66870749  
Email: [nrt@northernriverstourism.com.au](mailto:nrt@northernriverstourism.com.au) Web: [www.northernriverstourism.com.au](http://www.northernriverstourism.com.au)  
A.B.N. 41 880 865 829



**Williams Group Australia Pty Ltd**  
ABN 28 128 744 990 ACN 128 744 990  
Address: PO Box 102, Murwillumbah NSW 2484  
Ph: 02 6672 1313 Fax: 02 6672 3466  
Website: [www.jhwilliams.com.au](http://www.jhwilliams.com.au)

22 June 2012

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

RECORDS SCANNED
29 JUN 2012
Doc No..... <i>12/19129</i> .....
Batch No.....

Dear Councilors

**Re: Mixed Development 45-49 Ballina Street, Lennox Head**

We would like to put on record our support for the proposed project of development at 45-49 Ballina Street, Lennox Head.

The Project fits the amenity of the seaside village which captures and supports holiday, permanent residential and commercial. All of which will be extremely beneficial to the local economy of Lennox Head, both in the construction phase and the ongoing benefits after completion.

Yours Sincerely

Neville Newell  
Williams Group Australia Pty Ltd  
Building Division Branch Manager



17 Allison Ave  
Lennox Head

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

Dear Sir

**Submission in support of DA 2012/195**

This letter is in support of the abovementioned development application. I like the idea of the consolidated development of the village and this project will go a long way to supporting that idea.

Council will observe that times are tough in the building industry. Nothing is more slow than in Lennox Head. Council has probably noticed that that development applications are dropping. Please do not drop this application if it is one that is important to our local industry and must be supported.

This project is fantastic. Lots of people around town build residential development or tourist development. I like the idea that is proposed in this project that allows for an owner to live in the premises they own on a permanent basis.

Yours faithfully

Wayne Harvey



2/17 ANSON AVE  
LENNOX HEAD

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

Dear Councillors

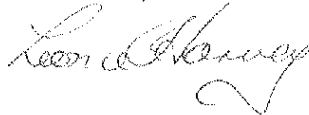
Re **2012/195**  
**Proposed Tourist Development 45-49 Ballina Street, Lennox Head**

I support the proposal. Mr Logan has done another great job in terms of the architecture he has suggested for this site. I particularly like the landscaping he has chosen and think it will work well with the building and the remainder of the streetscape.

Building development has slowed significantly in Lennox Head. This project will give the area a new lease of life.

This project is innovative. Lots of people around town build straight residential development or straight tourist development. I like the idea that is embodied in this project that allows for an owner to live in the premises they own on a permanent basis.

Yours faithfully



Lennox Pumps  
1 Tara Downs  
Lennox Head, NSW  
2478

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

Dear Council Members,

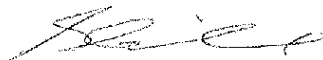
**Re New Mixed Development 45-49 Ballina Street, Lennox Head**

I Saul Carmichael of Lennox Pumps Concrete Pumping, am writing to Council to support the proposed project at above address for a number of reasons.

- It will add to the modern, fresh and new image of the southern end.
- Compliment the new, modern existing dwellings already there.
- Encourage better use of the Southern area of Ballina Street.
- Visually be more attractive than the existing buildings to tourist and residents coming into the town's village.
- The project will greatly support the dwindling employment in and around the area. once completed the occupants living / staying at the premises will support the rest of the community with tourist accommodation.
- I am a local operator in the area and know the benefit of a project like this to the community as it will assist many of our local people.
- This development has a residential component. I understand that it will mainly be tourist development but that it will be allowable for an owner to live in one of their units. I completely support this idea.

I and my employees all live in Lennox Head. Two were born here, I have lived here since 1995. We have become accustomed to changes in Lennox Head. This is what happens in a tourist dependant town.

Yours sincerely

  
SAUL CARMICHAEL  
(OWNER / LENNOX PUMPS)

DA 2012/195 - Logan Architecture, 45-49 Ballina Street, Lennox Head.

RECOMMENDED CONDITIONS OF CONSENT

**GENERAL CONDITIONS**

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including plans prepared by Logan Architecture, Job No.1211 Drawings No. DA01-DA18 Dated March- April 2012 except as modified by any condition in this consent.

**Restrictions on Residential Use**

2. No accommodation lot created by the consented to development, other than Lot 8, may be occupied for residential purposes unless, in the event the registered proprietor of the lot is a natural person not acting as a trustee, it is the registered proprietor who occupies the lot for residential purposes.

Further to the above restriction, no such residential use by the proprietor is to occur in isolation from the main suite in the lot, within any Studio Units that do not contain kitchen and laundry facilities.

**Carparking**

3. Other than as permitted by Condition 2 of this consent, the apartments comprising the tourist facility component of the development are permitted to be used for the purpose of short-term tourist accommodation only. For the purposes of this development, short term accommodation means temporary accommodation for holiday or tourist purposes which for any one person is restricted to a period of accommodation not exceeding forty two (42) consecutive days with an interval of at least fourteen (14) days between occupancies and not exceeding a total of ninety (90) days in any twelve (12) month period. These restrictions do not apply to the on-site manager's apartment.

The use of any unit outside the parameters above is considered to be residential use that has not been consented to.

4. The basement carpark must be suitably signposted in Rayner Lane to advise the public that parking is available. Prominent and clear signage must also be provided on the Ballina Street frontage of the development directing customers and guests of the property to the Rayner Lane carpark.
5. A minimum of fourteen carparking spaces must remain in common property and be suitably sign posted for the use of visitors to the units and patrons of the commercial premises.
6. The basement carpark must remain fully accessible for visitors to the units and patrons of the commercial premises during normal operating and business hours.

7. Where the driveway is accessed from the lane, the car parking area must be left open for general public access purposes during normal business hours. Any gate installed for "out of hours" security use must be fully automated such that it remains open during normal business hours and drivers of vehicles are not required to stop in the lane way and leave their car to attain access to the facility.
8. A bicycle rack capable of storing 13 bicycles is to be provided on site and made accessible to the public.

**Manager's Unit**

9. The Manager's unit shall be occupied as a single residence only. No bedroom suite is to contain any style of bench capable of being utilised at a kitchenette.
10. The proprietors of each tourist accommodation suite must always maintain the services of the Onsite Manager to exercise the function of managing the short-term guest occupancies in accordance with the Tourist/Residential Management Plan.
11. The terrace area located at the rear of the northern refreshment room shall not be used as an alfresco dining area for serving the general public. This area is to be restricted to the use of onsite guests and residents at all times.
12. **Local Government Act 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 or selling water so drawn.
  - (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 (vii) 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.

13. **Roof colour**  
The roof material of the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background. As far as practicable, finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off-white and light grey are not acceptable.

14. **External cladding**

External cladding of the proposed buildings shall comprise subdued or earthy tones.

**Building Inspections**

15. **Where Council is the Principal Certifying Authority**

Forty eight (48) hours notice is to be given to enable the following building works to be inspected during construction by the Council where Council is the Principal Certifying Authority. NOTE: All required sewer and water service plumbing drainage inspections are to be carried out by Council:

- a) Excavation for pier hole foundations prior to concrete pour.
- b) Prior to the pouring of any in-situ reinforced concrete building element.
- c) When the foundation trenches are open, the steel reinforcement in position before the concrete is poured.
- d) When the internal sewer drainage pipelines beneath the building have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
- e) When the steel is in position before any concrete floor slabs including patios and garages are poured.
- f) When the external sewer drainage lines have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
- g) When the external stormwater drainage lines have been laid and connected by a licensed plumber prior to backfilling.
- h) On completion of the framework with the roof covering and external wall cladding in position before the internal walls and ceilings are fixed.
- i) Prior to the covering of waterproofing flashings to any wet areas.
- j) On completion of the water supply "rough in" and/or plumbing stackwork prior to the internal lining of the building.
- k) On completion of the building before occupation and the issue of any occupation certificate.

**NOTE: These inspections are considered to be critical stage inspections required during construction. Failure to carry out these inspections is a breach of the *Environmental Planning & Assessment Act* and may jeopardise the issue of an Occupation Certificate.**

16. **BCA compliance**

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

17. **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, internal/external design, external configuration and appearance) with the approved Development Application plans.

18. **Protection of excavations & fill**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

19. **Siting of building**  
The building is to be located clear of any existing easements or sewer lines.
20. **Building to comply with BCA**  
All aspects of the building design shall comply with the performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural efficiency, safety, health, and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions,
  - (b) formulating an alternative solution which:
    - (i) complies with the performance requirements, or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision.
  - (c) combination of (a) and (b).
- Details are to be included with the plans and specification accompanying a Construction Certificate application.
21. The owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child resistant barrier, that:
- (a) separates the swimming pool from any residential building on the premises and from any place (whether public or private) adjoining the premises; and
  - (b) is designed, constructed and installed in accordance with the standards prescribed by the regulations.
22. The fence surrounding an outdoor swimming pool and any gate that forms part of such a fence are to comply with the standards set out in Australian Standard 1926.
23. All pool backwash is to discharge to the existing sewer system through an overflow relief gully.
24. **Compliance with Codes**  
All house drainage and sanitary plumbing work must be carried out in accordance with the requirements of the NSW Code of Practice Plumbing and Drainage July 2006 and National Plumbing and Drainage Code AS 3500.
25. 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.
26. **Waste Management**  
All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility or if alternative disposal methods are sought, that written approval is granted by Council. **It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.**

27. **Hoarding/fencing**

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

28. **No signs without approval**

No advertising sign(s) is 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 development applicable.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Demolition)**

*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.*

29. Prior to the issue of a Construction Certificate, a Demolition Management Plan must be submitted to and approved by Council. The demolition plan must include but not be limited to the following:
- a. Contractors details
  - b. Public Liability Insurance details
  - c. The proposed method of demolition
  - d. Proposed closures or works within any adjoining road/footpath
  - e. Machinery used in demolition
  - f. Timetable and duration of works and any proposed closures of roads/footpath
  - g. Protection of the public and adjoining buildings/property
  - h. Prevention of all amenity and environmental issues
  - i. Traffic control
  - j. Disposal of demolition material

This Demolition Management Plan must comply with Workcover and EPA requirements in relation to the demotion/removal of a building containing lead based and asbestos products.

**DURING DEMOLITION WORKS**

*The following conditions in this section of the consent must be complied with or addressed during any demolition works.*

30. All works shall be undertaken in accordance with the Demolition Management Plan approved By Ballina Council.
31. All plant and vehicles associated with the demolition works must enter the site via Ballina Street. Plant and vehicles must not access the site via the Rayner

Lane frontage. The demolition process must be undertaken in such a way so as to minimise the time required to load demolition material within the adjoining street system. Where possible the loading of vehicles is to be carried out off-street and wholly within the site. Details in this regard are to be submitted to and approved by Council within the Demolition Plan.

32. There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without the prior consent of Council.
33. All excavations and backfilling associated with the demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
34. All demolition work is to be carried out in accordance with the WorkCover Authority and Council guidelines for the removal of asbestos and lead based products. The sewer, water and electrical services from the building are to be disconnected by licensed tradespersons. All demolition of asbestos based products shall be carried out in accordance with the WorkCover Authority guidelines by New South Wales licensed asbestos removers. All waste is to be disposed of at an EPA licensed waste disposal facility unless otherwise with the written consent of Ballina Shire Council.
35. All traffic control during demolition shall be in accordance with the Roads and Traffic Authority - *Traffic Control at Works Sites* and the approved traffic control plan.
36. The applicant shall be responsible for all costs associated with the disconnection of the site's existing connection to Council's water reticulation main. These works must be completed by Council. Prior to the issue of the Construction Certificate, the applicant is required to submit an "Application for a Water Service" to Council in accordance with Council's Water Metering Policy (as current at the time of construction works commencing) and request that the existing connection be removed.
37. The applicant shall be responsible for the disconnection works associated with the site's existing connection to Council's sewer main. The existing sewer connection must be capped at the junction/property boundary. Council's Engineer must be contacted on telephone 6686 4444 to inspect the disconnection prior to backfilling.
38. All demolition work is to be carried out in accordance with the WorkCover Authority guidelines, Australian Standard 2601:2001 'The demolition of structures', and the Council approved Demolition Management Plan. The sewer, water and electrical services from the buildings are to be disconnected by licensed tradespersons.
39. ***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.



40. All work, including demolition, excavation and building work must comply with Australian Standard AS 2436:1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and *NSW Interim Construction Noise Guidelines* (DECC 2009).
41. Hazardous and/or industrial waste arising from the demolition/construction activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Climate Change (DECC) 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

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building/Civil)**

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.

**Issue of construction certificate**

42. 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 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.

43. ***Plan modification***

A preliminary assessment of the plans submitted with the Development Application has disclosed that the following design and/or construction issues need to be addressed and approved by Council, prior to the issue of any Construction Certificate:

- i. Modification of the design of Unit 15 on the approved plan to ensure the balconies do not protrude more than 1.8m into the building line, in accordance with Condition 3.2.5 of Ballina Combined DCP- Chapter 8 Lennox Village Centre.
- ii. Modification of the design of the rear fence to ensure compliance with the Ballina Combined DCP- Chapter 8 Lennox Village Centre, Clause 3.2.5. The fence shall either be reduced in height to a maximum 1m or designed in accordance with these provisions for visual relief and landscape plantings
- iii. Further details shall be provided regarding the item of Public Art to be included with the development The Art must be consistent with Clause 3.2.9 of Ballina Combined DCP- Chapter 8 Lennox Village Centre.
- iv. Further details shall be provided regarding the provision of fencing on the side boundary adjoining the waste receptacle area. The fence shall provide a visual and acoustic buffer for the adjoining property.
- v. The plans shall be amended to remove any benches in the bedrooms of the Managers Unit to prevent the construction of a kitchenette.
- vi. The applicant is to submit a redesign for the purpose of allocating additional private open space for all ground floor units generally in accordance with Plan Prepared by Logan Architecture, Job Number 1211, Drawing No 12, dated March 2012.

**Amenity/Visual Impact**

44. ***External finishes to be submitted***

A schedule of all external building materials and finishes shall be submitted to Council for approval prior to issue of a Construction Certificate.

**Landscaping**

45. ***Landscape plan to be submitted***

A landscape plan, prepared by a person competent in the field is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall show the mature height, location, quantity and species of all plantings and should also give details of soil conditions and the planting and maintenance program. The selection of appropriate plants shall be made generally in accordance with the Policy Statement No. 6 of *Ballina Shire Council Development Control Plan No. 1 – Urban Land* and the *Bushland Friendly Nursery Scheme Environmental Weeds and Native Alternatives*.

**Noise**

46. The final construction plans shall generally demonstrate compliance with the NSW Industrial Noise Policy, the POEO (Noise Control) Regulation 2008 and the Noise Impact Assessment prepared by Greg Alderson & Associates and dated May 2012 and specifically for the following:
- the intrusion of the mechanical ventilation from the ground floor restaurants through the tourist/residential premise above,
  - the design and location of all external plant and equipment and if required, design of noise control measures,
  - The design and construction details of the acoustic fences/walls to the southern and northern property boundaries
- The acoustic consultant shall provide certification to Council of compliance with relevant standards prior to the release of the Construction Certificate.

**Waste**

47. The waste disposal area is to be screened, covered, graded and drained to the sewer. Details shall be submitted to and approved by Council prior to the release of the Construction Certificate.

**Erosion and Sediment Control Plan**

48. An Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by Council prior to the issue of the Construction Certificate. The ESCP shall be prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

**Administration/inspection fees**

49. Where Council is not chosen as the Principal Certifying Authority, the relevant certificate registration fee and required sewer inspection fees are to be paid to Council in accordance with Council's Fee Schedule, prior to the issue of a Construction Certificate.
50. ***Glazing requirements***  
Prior to release of Construction Certificate, the Council or other accredited Certifier is to assess the required stress pressure and water penetration resistance (Pascal ratings) for the glazing to the building. Window manufacturers must label their windows with their identification mark, structural rating and water penetration resistance. Each panel of safety glazing shall be legibly marked in accordance with AS 2208. The building is to be constructed in accordance with the following requirements:
- (a) Part 3.6 of the Building Code of Australia (Housing Provisions),
  - (b) Australian Standard 1288 – Glass in Buildings – Selection and Installation,
  - (c) Australian Standard 1170 – Wind Loads
  - (d) Australian Standard 2047 – Windows in Buildings – Selection and Installation.

**Structural engineer's design**

51. The Structural Engineer's design of the building must be based upon a geotechnical report from a reputable soil testing engineering consultant. The Structural Engineer is to identify on the design plan the company and date of the geotechnical report on which the design is based, prior to issue of a Construction Certificate. Structural engineering details detailing the method of shoring to the basement carpark are to be submitted to Council prior to the issue of a Construction Certificate (CC).
52. In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

**Dilapidation report**

53. A dilapidation report detailing the current structural condition of the adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate. A second dilapidation report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The report shall also be submitted to the satisfaction of the Principal Certifying Authority and should be compared with the earlier report to ascertain any change has occurred.

The developer of the property shall be responsible for ensuring that no damage occurs to other property in the locality as a consequence of construction or demolition work. Any incidental damage that does occur shall be properly repaired and/or made good.

**Construction management plan**

54. Prior to issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by Council. The plan shall address but not be limited to the following matters where applicable:
  - Hours of operation;
  - Contact details of the site manager;
  - Traffic management;
  - Noise, dust and vibration management;
  - Waste management;
  - Erosion and sediment control.

**Engineering**

55. Hydraulic details for any water, sewer, stormwater and any proposed fire service installations are to be submitted to Council and approved prior to the

issue of a construction certificate. The plans are to be designed in accordance with AS3500 and NSW Code of Practice and other relevant Australian Standards regarding any essential fire services.

56. Design plans are to indicate all plumbing fixtures and outlets, location and type of services, grade, invert, finished floor and ground levels, location of inspection openings, surcharge gullies and levels, vents, water meters, hot water heaters, hot water temperature control devices, etc. Design plans are to also indicate details of any pretreatment of trade waste prior to discharge to the sewerage system and pretreatment as necessary of any stormwater prior to discharge to the environment. Additional details may be requested as directed by Council.
57. Prior to release of Construction Certificate, the Council or other accredited Certifier is to assess the design wind speed rating in accordance with the *Residential Timber Framed Construction Code AS 1684* and *Wind Loading code AS 1170*.

#### **Roads & Traffic**

58. 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).

#### **Shoulder Widening Lane Pavement**

59. At the developer's expense, the pavement of Rayner Lane shall be widened from the edge of existing seal (inclusive of 300mm reconstruction overlap of existing road pavement) to the property boundary for the full length of the property frontage to Rayner Lane. The extension shall be in accordance with Council Drawing SDRP527. The pavement profile shall consist of at least 300mm compacted thickness of roadbase quality material plus a minimum 25mm asphalt wearing surface with a concrete dish gutter along the property boundary. Inspection of the road widening is required by Council's Engineer (Ph 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700mm and replace with approved sand fill.
60. At full cost to the developer, Rayner Lane is to be upgraded by the installation of a third speed bump located mid block for traffic calming. Details are to be submitted to and approved by Council prior to issue of a Construction Certificate for road works.

#### **Drainage Lane Frontage, Lennox – with no connectivity**

61. At the developer's expense, a 450mm diameter slotted Class 3 pipe or an equivalent and approved granular backfill shall be installed for the full frontage of the development to the laneway inclusive of a concrete dish drain, grated inlet pit and associated gross pollutant trap in accordance with the provisions of the Infiltration Stormwater Drainage Strategy for Lennox Head. The drainage shall be in accordance with Council Drawing SDRP527.

**Footpath**

62. The provision of a concrete footpath a minimum of 1.35 metres wide along the Rayner Lane frontage. The footpath is to be designed and constructed in accordance with Standard Drawing R07 of Northern Rivers Local Government *Development Design and Construction Manuals*. The footpath location shall be in accordance with Council Drawing SDRP527.
63. The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
64. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1: 2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

**Civil Inspection Fee, Construction Certificate Fee & Construction Bond**

65. 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.

**Flooding and Stormwater**

66. Stormwater controls shall be provided on site in accordance with the Water Sensitive Design requirements of Council's Combined Development Control Plan No.1 Chapter 13 Stormwater Management. This is to include the shaping of driveways and paved areas to drain to landscaped/vegetated areas. Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not be impeded by structures or landscaping. A Stormwater Management Plan and detailed design, prepared by a suitably qualified hydraulics consultant and/or Engineer, must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
67. The provision of a 45kL rainwater tank is to be provided on site and connected for re-use. Details are to be submitted to and approved by Council prior to issue of a Construction Certificate.

68. No filling is to be placed on the site that will cause surface water flooding of any adjoining property. The development shall make due provision for the diversion of the existing stormwater quantities that discharge onto the site via adjacent properties. The development shall be required to provide a suitable drainage system and demonstrate that the pre-development performance of the existing stormwater and overland drainage system is maintained. Details are to be included in the stormwater designs and submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for the first stage of the development.

**Sewer Extension Due To Land Dedication**

69. Investigation shall be undertaken prior to the issues of a Construction Certificate to confirm whether the site's existing sewer junction shall extend at least 1.0m into the property subsequent to the 3.6m wide land dedication along the site's Rayner Lane frontage. If it doesn't, the applicant shall be responsible for all costs associated with the extension of Council's sewer system into the site in accordance with the Northern Rivers Local Government Development Design & Construction Manual (as current at the time of construction works commencing). Design plans are to be approved by Council prior to issue of the Construction Certificate.

**Standard Water Connection**

70. The applicant shall be responsible for all costs associated with the connection of Council's reticulated water supply system to each lot within the development in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing).

**Water Meters - Residential Developments with 4 Units or More**

71. Prior to the issue of the Construction Certificate, the applicant is required to submit an "Application for a Water Service" to Council in accordance with Council's Water Metering Policy (as current at the time of Construction works commencing). Each tenancy is to be fitted with a water meter of a minimum size of 20mm depending on the nature and size of the development. The applicant shall be responsible for all costs associated with water meter installations. For multiple unit developments where it is impractical for separate metering to be provided at the boundary due to the number of meters required or the logistics of the installation, Council shall require installation of remote read meters.
72. ***Water Meter Hydraulic Designs - Any Fire Service Assembly or More Than 4 Residential Units or 32 mm Assemblies or Greater***  
The applicant is required to submit to Council a hydraulic design detailing the site's 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.
73. ***Developer Contributions***  
Prior to issue of a Construction Certificate where building works are proposed, payment to Council of non-refundable monetary contributions shall

be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979 :

<b>Contribution Plan/Development Servicing Plan</b>	<b>Adopted</b>
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Shire Roads Contribution Plan 2010	25 February 2010
Ballina CBD Car Parking Contribution Plan	25 November 2004
Lennox Head Village Centre Car Parking Contribution Plan	12 February 2004
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

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

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

74. **Developer Charges**

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

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

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

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

The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the



charges set by the water supply authorities at the time payment is made. Copies of the Development Servicing Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website [www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au).

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

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

75. **Footings/slab design**

The footings and/or slab design are to be designed by a qualified practising Structural Engineer in accordance with *AS 2870 Residential Slabs and Footings Code* and the requirements of the *Building Code of Australia*. Such design is to address land stability, soil classification and adequate bearing capacities. The details are to be submitted to the Council or other accredited Certifier prior to release of Construction Certificate. The requirement for engineer designed footings or slab designs do not apply to dwelling additions or alterations where footing and slab designs comply with *AS 2870 Residential Slabs and Footings Code* and the requirements of the *Building Code of Australia*.

76. Design details of the following (compliant with the Building Code of Australia requirements) are to be submitted to Council prior to the issue of a Construction Certificate:

1. Emergency lighting and illuminated exit sign layout plan;
2. Hydraulic services plan for all water, sewer and fire services (ie: any required fire hydrants, sprinklers or fire hose reels);
3. Smoke management system including detection and alarm system;
4. Air conditioning system to the building including any proposed smoke control system and mechanical ventilation system to the carpark.

77. Electrical plans indicating the position of all emergency lighting and illuminated exit signs must be submitted to Council prior to the issue of a Construction Certificate.

**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.*

78. **Appointment of Principal Certifying Authority**

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit written notification to Council, at least two (2) days prior to the commencement of any works, giving the name and details of the Principal Certifying Authority, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

79. **Notice of commencement**  
Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit written notification to Council, at least two (2) days prior to the commencement of any works, giving the date of commencement and details of the Development Consent and associated Construction Certificate, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).
80. **Erection of Signs**  
(1) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:  
a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and  
b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and  
c) stating that unauthorised entry to the work site is prohibited.  
(2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.  
(3) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.  
(4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 109R of the Act, to comply with the technical provision of the NSW Government's building laws.
81. **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.
82. **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.
83. **Safety fencing**  
The building site is to be provided with adequate safety fencing preventing public access onto the site. Such protection measures are required to protect the public from construction works including dangerous excavations. Signage, restricting unauthorised site entry, containing the builder's name, licence number and contact telephone numbers is to be provided in a visually prominent location on the site.
84. **Safety barrier**  
The proposed site excavations are to be provided with an adequate safety barrier to protect the public.

85. ***Surveyor setout***  
A survey peg-out is to be carried out by a Surveyor to establish the correct position of the boundaries of the allotment before any building work commences, unless all existing survey pegs can be located. The building is to be located clear of Council easements and sewer mains.
86. ***Engineer's structural detail***  
Structural Engineer's details for all structural steel, reinforced concrete work and required wall bracing and tie down are to be submitted to the Principal Certifying Authority prior to commencement of construction.
87. ***Home Building Act 1989 requirements***
  1. For the purposes of Section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
    - a. That the work must be carried out in accordance with the requirements of the Building Code of Australia,
    - b. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
  2. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
    - a. In the case of work for which a principal contractor is required to be appointed:
      - i) The name and licence number of the principal contractor, and
      - ii) The name of the insurer by which the work is insured under Part 6 of that Act,
    - b. In the case of work to be done by an owner-builder:
      - i) In the name of the owner-builder, and
      - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder's permit.
  3. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
  4. This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the NSW Government's building laws.
88. The applicant/builder is to ensure that appropriate sedimentation/erosion controls are in place prior to commencement of construction.
89. The applicant is to ensure that no loose soil or like material washes into any roadways, gutters or watercourse.
  - a. Service trenches are to be backfilled as soon as practicable.
  - b. Downpipes are to be connected as soon as practicable.

- c. Buffer vegetation zones are to be retained adjoining roadways, stormwater drains or watercourses.
  - d. Soil is not to be placed into street gutter to provide access.
  - e. Suitable erosion barriers ie. Cloth fencing or hay bales are to be provided where soil may wash into street gutters, drains or watercourses.
  - f. The erosion control systems are to be maintained throughout the building process and beyond by the owner where necessary.
90. 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.
91. 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.

**Contamination**

92. Following the demolition of the existing buildings, and prior to the construction of the proposed building, the Contaminated Lands Consultant shall:
- Undertake additional soil sampling as recommended in the Preliminary Contaminated Land Assessment dated 23 April 2012 and prepared by Greg Alderson and Associates Pty Ltd,
  - Certify that the site is free from any contamination resulting from the demolition process including asbestos or lead based products.
- A report addressing these two issues shall be provided to and approved by Council prior to the commencement of building construction works on the site.

**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.*

**Hours of Operation**

93. Construction:

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

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

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

**Noise**

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

**Fill**

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

**Sediment and Erosion**

96. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with *Managing Urban Stormwater – Soils and Construction*, LANDCOM, March 2004.
97. The advisory sediment and erosion sign issued with this approval is to be attached to the most prominent structure at the entrance of your site at all times during the construction of the project. **Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.**
98. The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the Protection of the Environment Operations Act 1997.
99. An Erosion and Sediment Control Plan (ESCP) which has been approved by Council must be implemented in full during the construction period.

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.

**Dewatering**

100. If dewatering is required a management plan for all dewatering activities on site shall be submitted to and be approved by Council prior to the release of extracted water. Prior to the release of any water extracted during dewatering operations the test results and interpretation is to be submitted to and be approved by Council. Note: Dewatering activities require a license issued by the NSW Office of Water.

**Burning of Vegetation**

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

**Mechanical Ventilation**

102. The waste air shall be discharged in accordance with AS 1668 Part 2 "The use of ventilation and air conditioning in buildings" and shall not create a nuisance to adjoining properties.

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

104. ***Termite protection***  
Termite protection is to be provided to the building in accordance with *Part 3.1.3 of the Building Code of Australia (Housing Provisions)* and *AS 3660-Protection of Buildings from Subterranean Termites*. Council permits the use of both chemical spray and physical barrier systems. Where monolithic slabs are part of a termite barrier system, the slab is to be constructed in accordance with *AS 2870.1* or engineer designed, being mechanically vibrated to achieve maximum compaction.

A durable notice is to be fixed inside the meter box detailing the following:

- (a) The method of termite protection used,
- (b) The date of installation,
- (c) The life expectancy of any termiticide used as per the NRA label,
- (d) The installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

A copy of this notice is to be submitted to the Council or other accredited Certifier prior to occupation of the building.

**NOTICE TO OWNERS & OCCUPIERS – Maintenance of Termite Barriers.**  
As well as inspecting for termite activity, it is advisable where practicable, to check the condition of the termite barrier to assess its continued effectiveness. This may involve introducing remedial work, including refurbishment of barriers. Household activities such as landscaping, paving etc. will also need to be considered carefully and designed so that they do not interfere with the barrier system. Maintenance, including the keeping of accurate records of application is particularly important for chemical barriers that have an established life expectancy.

105. ***Glazing requirements***  
On completion of the building, manufacturer's certification for any glazing used within the building, including required Pascal ratings (stress pressure/water penetration) and compliance with relevant Australian Standards is to be submitted to the Council or other accredited Certifier.

106. **Timber Framing Code**  
All timber framing is to comply with requirements of the *Residential Timber Framed Construction Code, AS 1684*.
107. **Timber framing (wind forces)**  
The timber frame of the building is to be designed and constructed to withstand the wind forces that could be expected in a design wind speed of W(50)N for N(4) Wind Classification.
108. **Disabled access**  
Provide facilities for the disabled including toilet facilities, ramped access to the building and a car parking bay for the disabled in the carpark in accordance with AS 1428.1 and AS 2890.1.
109. Stainless steel or engineered polymer wall ties are to be used within the building in accordance with Part 3.3 of the BCA Housing Provisions.
110. **Noise attenuation – pools**  
The pool filtration plant motors and pumps are to be housed in a suitable structure designed to minimise noise from the plant. As the inverse square law applies to the diminishing of noise over distances, the plant should be located as far as possible from adjoining boundaries and in particular, bedrooms of neighbouring homes.
111. **Material flammability**  
Any material used in the building shall have a smoke-developed index not greater than 8 if the spread-of-flame index is greater than 5 and a spread-of-flame index not greater than 9. Any sarking type material used in the building shall have flammability index not greater than 5. Any timber panels used in the building shall have a spread-of-flame index not greater than 9 (NB: western red cedar does not comply).
112. **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.
113. Provide illuminated emergency exit signs on or near every door affording direct access from a storey to:-
- (a) An enclosed stairway or ramp serving as a required exit.
  - (b) An external stairway servicing as a required exit.
  - (c) An external access balcony leading to a required exit.
  - (d) On or near every door discharging from an enclosed stairway or ramp at every level of access to a road or open space.
  - (e) A door forming part of a required exit in a storey required to be provided with emergency lighting.
114. **Hot Water Outlets – Domestic**  
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.

Hot water temperatures at 50°C or higher are still acceptable at all other fixtures eg. laundry tub and kitchen sink. Temperature control devices or equipment used to achieve the maximum hot water temperature shall ensure continuous flow and shall be fail safe in design.

Temperature control devices shall be installed in a location that minimises any opportunity for being interfered or tampered with.

115. **Building Height**  
The building height is not to exceed that as depicted on the approved plans. A certificate, prepared by a registered surveyor certifying the floor level (AHD) is to be submitted to Council on completion of the formwork for the lower floor slab (prior to concrete pour) or completion of timber floor installation prior to work proceeding further.
116. If it is determined during construction that the site does not have a sewer junction that complies with Council's standards the applicant shall be responsible for all costs associated with the connection of Council's sewer system to the site in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing). Design plans are to be approved by Council prior to issue of the commencement of these construction works.
117. 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).
118. All traffic control during construction shall be in accordance with the Roads and Traffic Authority - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified in the "Apply Traffic Control Plans" (Yellow Card).
119. Inspection and approval of the road and drainage works approved within the road reserve is required by Council's Engineer (Ph 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700 mm and replace with approved sand fill.
120. 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.
121. 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.
122. Kerb and guttering, footpaths, utility services or road works damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.



123. 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.
124. ***Protection of adjoining buildings***
1. If a development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
    - (a) Protect and support the adjoining premises from possible damage from the excavation; and
    - (b) Where necessary, underpin the adjoining premises to prevent any damage.
  2. Should the owner of the adjoining land be the same person with the benefit of the development consent, or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.
125. ***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. Excavations or filling exceeding one (1) metre in depth or height are to be retained by suitable Structural Engineer designed retaining walls or battered to a slope of not greater than 45% to the horizontal. Such retaining walls are to be drained to the stormwater system.

**PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

*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.*

126. ***Occupation certificate***
- An Occupation Certificate is to be obtained prior to commencement of use or occupation of the premises. Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.
127. Prior to the release of the Occupation Certificate, the applicant shall have dedicated to Council a 3.6m wide strip of land along the full length of the site's Rayner Lane frontage in accordance with DCP Chapter 1 - Policy Statement 10 – Road Widening.

128. All civil works approved with the Construction Certificate 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).
129. 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 an electronic copy of the WAE information in AutoCAD and PDF format. Separate drawings shall be provided for roads, water, sewer and stormwater drainage. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.
130. 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.
131. 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.
132. 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.
133. Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Stormwater Management Plan lodged with the Development Application. Overland flow paths must not to be impeded through structures or landscaping and must direct stormwater flows to the public drainage system rather than onto adjoining properties. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.
134. The completion of all water supply and sewer works in accordance with the approved Construction Plans and in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of construction works commencing). All works are to be completed and approved by Council prior to issue of the Occupation Certificate.
135. The provision of a footpath and gutter crossing for the development. Details are to be in accordance with the 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.

136. The existing kerb and gutter crossing in Ballina 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.
137. Prior to the issue of an Occupation Certificate, the following maintenance bond must be paid to Council which includes the amount of Goods and Services Tax payable. The bond is subject to review and may vary at the actual time of payment:
- Maintenance Bond: Equal to 5% of the estimated cost of the civil works (min \$1000)
- A maintenance period of 12 months will apply from the date of issue of a Subdivision Certificate. The bond may be used by Council to maintain, repair or rectify works that are failing. The bond will be refunded upon completion of the 12 month period should no such failure occur.
138. Easements shall be created prohibiting the erection of buildings / structures over or adjacent to sewer and stormwater pipelines. The prohibition on the erection of buildings / structures shall extend horizontally on each side of the pipeline for a distance equal to the depth of the pipeline from the invert level to finished surface level. The minimum width of such easement shall be 3.0 meters. Details are to be lodged and approved prior to issue of the Occupation Certificate.
139. The fencing and gates are to be completed prior to filling of the pool with water. In some circumstances the Principal Certifying Authority may consider temporary measures if filling is required due to technical reasons and the permanent fencing is not in position.
140. Gates to the swimming pool area shall be a maximum width of 1 metre and shall be self-closing and latching. The latch is to be positioned as high as practicable to prevent a small child opening the gate or door when gate or door is closed. The gates are to be mounted so that they swing outwards only, away from the pool area, and are to be maintained in proper working order at all times.
141. Resuscitation instructions are to be displayed near the pool (Council will supply such with each Construction Certificate it issues for a swimming pool).
142. The development is to be constructed in accordance with the BASIX design requirements as depicted in the submitted BASIX Certificate that has accompanied the development application. Certification from the relevant builder, owner builder and/or contractor, certifying that the development has been built in accordance with the submitted BASIX Certificate, is to be submitted to the Principal Certifying Authority (PCA) on completion of the building prior to occupation of the building.
143. Any hoarding or similar barrier erected to protect a public place is to be removed from the site prior to use of the development.

144. **Outdoor 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 Council prior to the release of the interim or final Occupation Certificate.
145. **Mosquito Management**  
In accordance with Combined DCP chapter 11 'Mosquito Management' all rooms capable of being used for sleeping (including rooms designated as a study or sleep-out) must be provided with adequate insect screening.
146. **Swimming Pool/Spa**  
Notification shall be made to Council to include the swimming pool on Council's Semi-Public Swimming Pool Register and inspection program prior to use commencing.
147. **Noise**  
The acoustic consultant shall provide Council with certification that the development complies with the acoustic requirements identified in the Noise Impact Assessment dated May 2012 prepared by Greg Alderson and Associates Pty Ltd (and subsequent information provided to Council including email dated 2 July 2012), prior to the release of the Interim and or Final Occupation Certificate.
148. All drainage grates located within traffic movement areas shall be fixed to avoid rattling.
149. **Parking signposting**  
Permanent signposting is to be maintained in front and rear of the development stating that visitor parking is available on the site. The car parking spaces shall be clearly designated and kept available for such purpose.

**Landscaping**

150. **Landscaping to accord with plan**  
All landscaping works shall be completed in accordance with the landscape plan approved as part of this development consent.
151. **Inspection Required prior to Use - Restaurant**  
A Council food inspection is to be undertaken prior to the occupation of the commercial tenancy (restaurants) of the development to ensure that the 'fit-out' meets the regulations of the Food Act 2003.

**Reinstatement of existing driveway crossing**

152. The existing kerb and gutter crossing in Ballina 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).

153. ***Tourist/Residential Use Plan of Management***

The Tourist/Residential Use Plan of Management which has been approved by Council shall be adopted by resolution of the Owners Corporation prior to the occupation of the premises and commencement of the tourist land-uses.

In the event that the above condition is not able to be effected prior to the owners of the property wanting to commence the tourist landuses then the owners shall adopt and implement the tourist/residential Plan of Management that has been approved by Council

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (Road Widening)**

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

154. ***Application for subdivision certificate***

An application for Subdivision Certificate accompanied by final plans of subdivision, together with the requisite processing fee, shall be made to Council for approval. In addition, a written statement confirming how each condition of consent has been complied with is also to accompany the Subdivision Certificate application.

155. All civil works approved under Section 138 of the Roads Act 1993 with the Construction Certificate are to be completed to the satisfaction of Council prior to issue of a Subdivision Certificate. 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 commencing).

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

157. Prior the release of the Subdivision Certificate, the applicant shall submit to Council a hard copy of a 'Works-as-Executed' (WAE) drawing and a computer disk copy of the WAE information in both Autocad and pdf format. Separate drawings shall be provided for roads, water, sewer and stormwater drainage. Such drawings are to be at a scale of 1:500. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.

158. 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.

159. Easements shall be created prohibiting the erection of buildings / structures over or adjacent to water, sewer and stormwater pipelines. The prohibition on the erection of buildings / structures shall extend horizontally on each side of

the pipeline for a distance equal to the depth of the pipeline from the invert level to finished surface level. The minimum width of such easement shall be 3.0 metres. Details are to be lodged and approved prior to issue of the Subdivision Certificate.

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (Strata)**

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

160. ***Application for subdivision certificate***  
An application for Subdivision Certificate accompanied by final plans of subdivision, together with the requisite processing fee, shall be made to Council for approval. In addition, a written statement confirming how each condition of consent has been complied with is also to accompany the Subdivision Certificate application.
161. Prior to the issue of the Subdivision Certificate, a restriction under Section 88B of the Conveyancing Act is to be placed on the title of each applicable lot that restricts the residential occupation of the development in accordance with the requirements of Condition No. 2 of this consent.

**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.*

**Amenity**

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

**Hours of Operation – Restaurants**

163. ***Prescribed hours of operation***  
The hours of operation for the restaurants shall be limited to 7.00am – 10.00pm Monday to Saturday and 7.00am – 8.00pm on Sundays or Public Holidays.

**Waste**

164. All waste generated on site is to be disposed to and stored in the nominated waste area/s. Waste collection shall occur as required to prevent the generation of an odour or pest nuisance.

**Car Washing Facilities**

165. No vehicles shall be washed on site unless a Council approved wash bay and wastewater interceptor have been provided within the premises.

**Tourist Accommodation – Cleanliness and Hygiene**

166. All parts of the tourist accommodation premises (including furniture, fittings, beds and bed linen) must be kept in a clean and healthy condition and free from vermin.

**Fire safety statement**

167. 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.

**Noise**

168. Noise caused by the approved use including plant, equipment, music and other activities must comply with the following criteria:
- (a) The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
  - (b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
  - (c) The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
  - (d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
169. 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 Fridays and prior to 8.00am or after 1.00pm Saturdays.
170. Operational activities at the site shall be in accordance with the Tourist/Residential Use Plan of Management which has been approved by Council.
171. The use of the waste area shall be limited to the hours of 7.00am – 10.00pm Monday to Saturday and 8.00am – 8.00pm on Sundays or Public Holidays.

172. **Smoke Free Environment**  
Note: The applicant and occupier of the premises are alerted to the requirements of the Smoke Free Environment Act 2000 and the Smoke Free Environment Regulation 2007 and the guidelines in the Regulation for determining what an enclosed public place is. Enquiries may be directed to the NSW Department of Health. The legislation may be viewed on the following website:  
<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0>
173. **Swimming Pool/Spa**  
Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the most current *NSW Health Public Health (Swimming Pools and Spa Pools) Regulation*. Note Guidance may also be obtained from the *NSW Health Department's Swimming Pool and Spa Pool Guidelines*, available from Council.
174. The swimming pool water is to be recirculated, filtered and disinfected in accordance with the requirements of the most current *Public Health (Swimming Pools and Spa Pools) Regulation*. The swimming pool water shall be maintained at a satisfactory level of purity for bathing at all times.
175. **Environmental**  
If liquid contaminants are kept on site they shall be stored within an impermeable bunded and roofed storage area and clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid spills.
176. **Clothes lines**  
No clothes line facilities are to be located in yard areas unless they are adequately screened from adjoining public places.
177. All loading and unloading of goods are to be carried out off-street and wholly within the site.
178. Vehicular entry to and exit from the site shall be in forward direction.
179. All vehicles associated with the conduct or operation of the businesses on the subject allotment shall be parked wholly within the allotment and not within the adjoining street system.
180. **Car parking spaces**  
A minimum of 49 car parking spaces shall be provided and constructed on the site in accordance with the approved development plans (Drawing No. DA 04 March 2012)
181. **Landscaping to accord with plan**  
All landscaping shall be permanently maintained in a good condition in accordance with the intent of the landscaping plan.



182. **Street numbers**

Street numbers or alternative methods of property identification shall be affixed to the front of the premises. Such numbers or identification shall be clearly discernible from the street.

**REASONS FOR CONDITIONS**

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

**ADVISORY MATTERS**

**1. Disability Discrimination Act 1992**

The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992 (DDA). The applicant is advised to investigate any liability that may apply under that Act. Australian Standard

AS 1428 – Design for Access and Mobility should be consulted for guidance.

The

prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

Compliance with the BCA does not guarantee compliance with the DDA. The BCA

provides important access provisions however:

(a) it does not cover all developments that are subject to the provisions of the DDA;

(b) it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities;

and

(c) while it mandates improved access for people with disabilities, it is not framed in terms of "equality of access".

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

**2. Protection of the Environment**

The development is to be operated in accordance with the provisions of the

Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and wastewater quality.

**3. Noise Control**

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

**4. WorkCover Requirements**

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

**5. Wastewater Management Advice**

All work carried out in connection with this approval must comply with any applicable standard established by the Local Government (Approvals) Regulation 1999, the Local Government (Water Services) Regulation 1999.

**6. Smoke-Free Environment**

The applicant and occupier of the premises is alerted to the requirements of the Smoke-Free Environment Act 2000 and the Smoke-Free Environment Regulation 2007 and the guidelines in the Regulation for determining what is an enclosed public place. Enquiries may be directed to the NSW Department of Health. The legislation may be viewed on the following website:  
<http://www.legislation.nsw.gov.au>

**Advisory Note:**

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

**You are advised to contact the following:**

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

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

**Schedule 1**

<b>Contribution</b>	<b>Receipt Code</b>	<b>Contribution Unit</b>	<b>Rate per contribution Unit</b>	<b>Total Contribution Units Payable</b>	<b>TOTAL COST</b>
Lennox Head Local Parks	4009	equivalent residential allotment	\$218.00	15.5185	\$3,383.03
Lennox Head District Parks	4009	equivalent residential allotment	\$910.00	15.5185	\$14,121.84
Lennox Head Playing Fields	4009	equivalent residential allotment	\$1,781.00	15.5185	\$27,638.45
Regional Open Space Facilities	4016	equivalent residential allotment	\$843.00	15.5185	\$13,082.10
Open Space Administration	4017	equivalent residential allotment	\$33.00	15.5185	\$512.11
Lennox Head District Community Facilities	4210	equivalent residential allotment	\$1,332.00	15.5185	\$20,670.64
Regional Community Facilities - Amend 1	4213	equivalent residential allotment	\$3,769.00	15.5185	\$58,489.23
Community Facilities Administration	4214	equivalent residential allotment	\$69.00	15.5185	\$1,070.78
Lennox Head Roads 2010	5202	equivalent residential allotment	<b>\$10,673.00</b>	7.4061	\$79,045.31
Roads Administration 2010	5203	equivalent residential allotment	\$162.00	7.4061	\$1,199.79
Lennox Head Sewerage (DSP Area B)	3004	equivalent tenement	\$7,260.00	10.2586	\$74,477.44
Lennox Head Water (DSP Area B)	2004	equivalent tenement	\$3,351.00	9.5413	\$31,972.90
Rous Water 2009	5001	equivalent tenement	\$8,628.00	9.5413	\$82,322.34
Lennox Head Car Parking Contribution	4602	per car park	\$18,246.00	0.0000	\$0.00
<b>TOTAL</b>					<b>\$407,985.93</b>