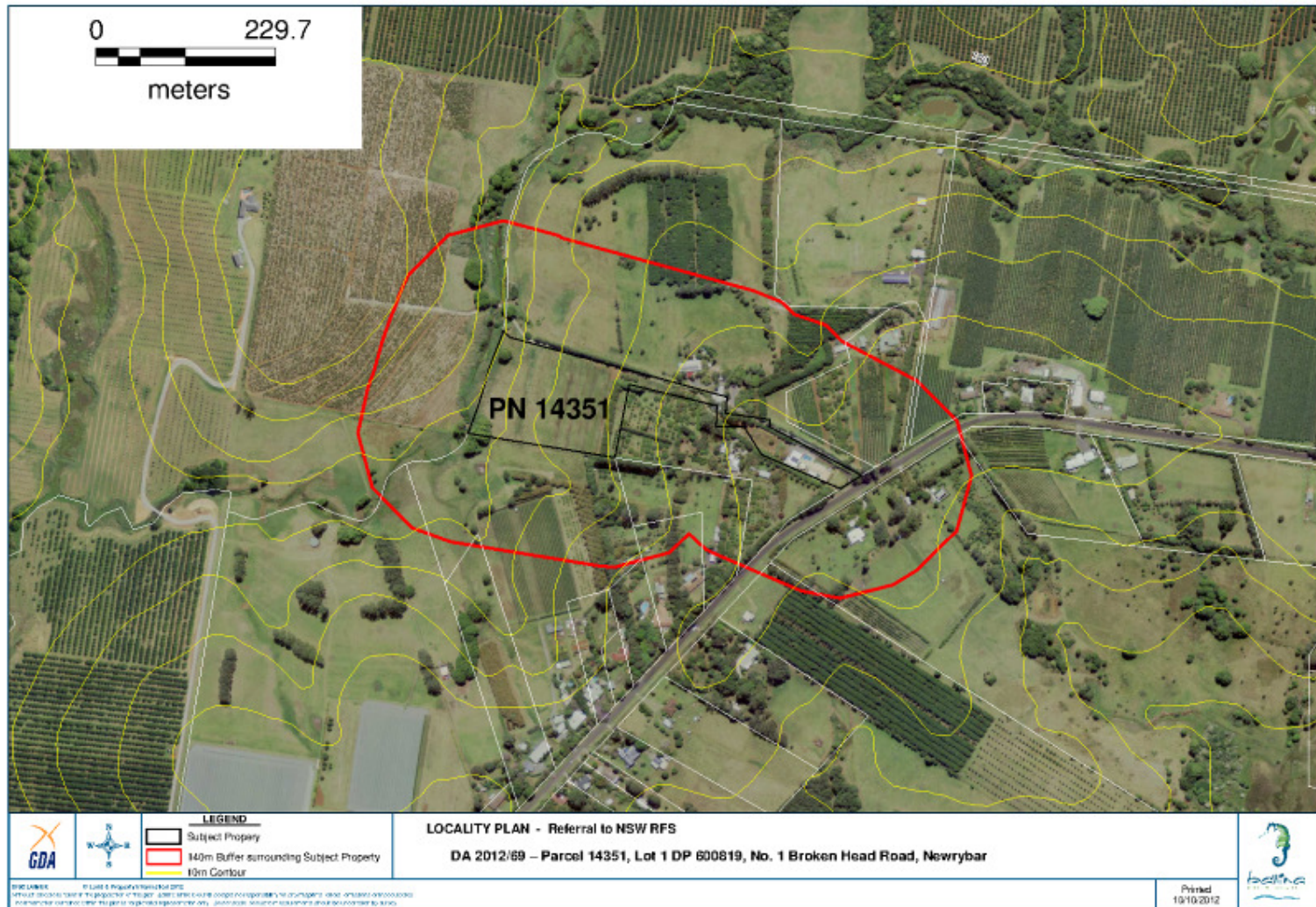


8.1 DA 2012/69 No. 161 Broken Head Road, Newrybar.DOC



PO Box 712
Spit Junction NSW 2088

Councillor/Mayor
Ballina Shire Council
Cnr Tamar and Cherry Sts
Ballina NSW 2478

Tuesday, 7 August 2012

RE: DA 2012/69 - Erection of Rural Workers Dwelling at PLT 1 DP 600819, No. 161 Broken Head Road, Newrybar.

Dear Councillor,

We are writing to express our concern to a pending decision to the above D.A. and would like to support the request of Simone and Nick Hatherly that the D.A. be called to the next council meeting for determination.

The applicant is proposing that a rural workers dwelling be built on a narrow strip of land (approximately 35 metres wide) sandwiched between neighbouring properties. Within this narrow access strip there currently exists a 2 storey dwelling, pool, gazebo, family day-care centre, banana packing/machinery shed and driveway. By adding another dwelling of 135 m2 the said strip of land will be totally over-burdened. We feel that the neighbours have not considered the issues of privacy, noise and visual appeal between the adjoining properties.

Simone and Nick live at the property to the southern side of the proposed rural workers dwelling. They bought within the small hamlet of Newrybar for the rural lifestyle to bring up their young family. We feel that the proposed rural workers dwelling will be a massive intrusion on their privacy and the enjoyment of their family home and request that the D.A. not be granted for the following reasons:

1. It does not comply with the Department of Primary Industries guidelines for rural workers dwellings, quoted below.

"In coastal regions and within 200 km of major population centres, additional rural workers dwellings are unlikely to be necessary. Relevant factors include:

- improved communications
- the accessibility of nearby residential zones and surplus dwellings on other properties
- smaller scale enterprises that do not need additional full-time or resident farm labour
- mobile farm workers are able to work on more than one property."

The neighbouring farm is at an owner-operator scale and of a character that does not necessitate labour inputs on a full time basis. We dispute that the applicant farms intensively as only 1-2 workers regularly assist the owner at any time.

There is certainly sufficient alternate accommodation available for workers in the surrounding vicinity through a recent search of realestate.com.au.

Furthermore, should the D.A. be successful, **it is highly probable that the rural workers' dwelling will become a de facto subdivision.** We are concerned that the intention of the neighbours is to house extended family members who will not be associated with the farming enterprise. There is already a childcare facility on the property.

2. The impact it will have on Nick and Simone's property will be a loss of all privacy and negative visual appeal.

The screening vegetation must remain. The neighbours have mentioned on several occasions it is their intention to remove all trees bounding our properties. If this is their intention, the removal of the screening vegetation which forms a privacy hedge will detrimentally affect the overall ambience of a rural property robbing the young family of the very thing for which they bought in Newrybar.

If the D.A. is successful we request that Council includes within the Conditions of Consent, that the hedge remains and thus limits any negative visual impact.

Councillor, I understand from speaking to other locals that Ballina Shire Council has always been sensitive to the preservation of the unique character of the region and maintaining the rural integrity of the community. We urge you to oppose the proposal. A rural workers dwelling is not needed in this instance. We are requesting for the neighbourhood to remain as it is now, quiet private, green and very beautiful.

Kind regards,

Tony and Doris Lenn

159 Broken Head Road
Newrybar NSW 2479

Cr Phillip Silver (Mayor)
Ballina Shire Council
Cnr Tamar and Cherry Sts
Ballina NSW 2478

Tuesday, 31 July 2012

RE: DA 2012/69 - Erection of Rural Workers Dwelling at PLT 1 DP 600819, No. 161 Broken Head Road, Newrybar.

Dear Cr Silver,

We are writing to express our concern to a pending decision to the above D.A. and would like to ask that the D.A. be called to the next council meeting for determination.

The applicant is proposing that a rural workers dwelling be built on a narrow strip of land (approximately 35 metres wide) sandwiched between neighbouring properties. Within this narrow access strip there currently exists a 2 storey dwelling, pool, gazebo, family day-care centre, banana packing/machinery shed and driveway. By adding another dwelling of 135 m2 the said strip of land will be totally over-burdened. We feel that our neighbours have not considered the issues of privacy, noise and visual appeal between our adjoining properties.

We own and reside in the property to the southern side of the proposed rural workers dwelling. We bought within the small hamlet of Newrybar for the rural lifestyle. We feel that the proposed rural workers dwelling will be a massive intrusion on the privacy and amenity of our family home and request that the D.A. not be granted for the following reasons:

1. It does not comply with the Department of Primary Industries guidelines for rural workers dwellings, quoted below.

"In coastal regions and within 200 km of major population centres, additional rural workers dwellings are unlikely to be necessary. Relevant factors include:

- improved communications
- the accessibility of nearby residential zones and surplus dwellings on other properties
- smaller scale enterprises that do not need additional full-time or resident farm labour
- mobile farm workers are able to work on more than one property."

The neighbouring farm is at an owner-operator scale and of a character that does not necessitate labour inputs on a full time basis. We dispute that the applicant farms intensively as only 1-2 workers regularly assist the owner at any time.

We can also demonstrate that there is sufficient alternate accommodation available for workers in the surrounding vicinity through a recent search of realestate.com.au.

8.1 DA 2012/69 No. 161 Broken Head Road, Newrybar.DOC

This website alone revealed that there are 2 properties currently for rent in Newrybar, 1 in Knockrow, 2 in Broken Head, 1 in Nashua, 2 in Fernleigh, 1 in St Helena, 2 in Possum Creek, 12 in Bangalow, 14 in Suffolk Park, 31 in Byron Bay, 1 in Tyagarah, 1 in Ewingsdale, 2 in Myocum, 20 in Lennox Head and 63 in Ballina, all within a 20 minute drive of the subject site.

Furthermore, should the D.A. be successful, **it is highly probable that the rural workers' dwelling will become a de facto subdivision.** We are concerned that the intention of our neighbours' is to house extended family members who will not be associated with the farming enterprise.

2. The impact it will have on our property.... a loss of all privacy and negative visual appeal.

The applicant states the dwelling will be well away from the adjoining property and screened by vegetation along the southern boundary.

The screening vegetation must remain. Our neighbours have mentioned on several occasions and most recently through a letter from their solicitor that it is their intention to remove all trees bounding our properties. If this is their intention, the removal of the screening vegetation which forms a privacy hedge will detrimentally affect the overall ambience of our rural property robbing us of our private rural setting.

We request that Council includes within the Conditions of Consent, should the D.A. be successful, that the hedge remains and thus limit any negative visual impact.

Councillor, Ballina Shire Council has always been sensitive to the preservation of the unique character of our region and maintaining the rural integrity of our community. I urge you to oppose the proposal. A rural workers dwelling is not needed in this instance. We are requesting for the neighbourhood to remain as it is.

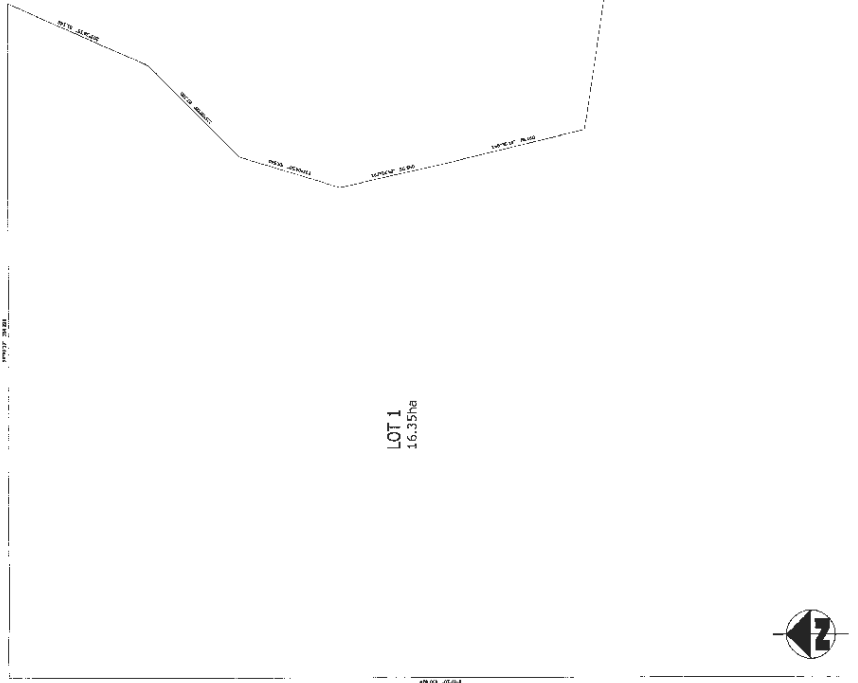
Finally, we would like to invite you to come to our home prior to a final decision to discuss our concerns and view the impact this will have on our property should the proposal be approved. If we can help in any way to defeat this proposal, let us know. Thank you for your thoughtful consideration on this important matter.

Kind regards,

Simone and Nick Hatherly

CC: Michael and Vivienne Westcott, 163 Broken Head Rd, Newrybar

PROPERTY DESCRIPTION:
 LOT 1 ON DP 600819,
 PART OF THE
 COUNTY OF BALLINA
 LOCAL AUTHORITY, BALLINA SHIRE COUNCIL,
 SITE AREA: 16.35 HECTARES.



LOT 1
 16.35ha



SITE PLAN
 SCALE: 1:2000

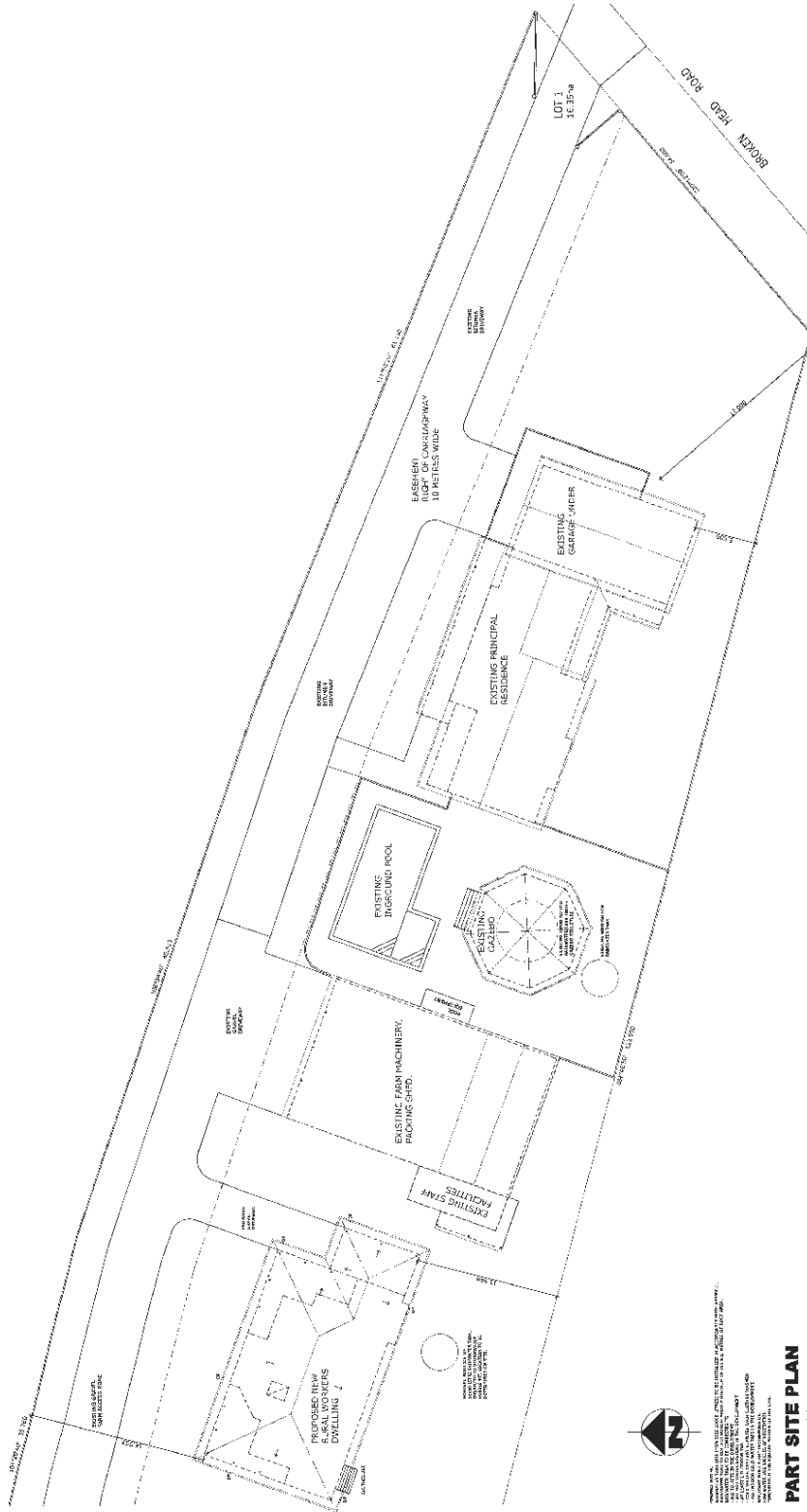
NO.	DATE	DESCRIPTION

PROJECT: **PROPOSED RURAL WORKERS DWELLING.**
 RE: No. 161. Broken Head Road, Newrybar. NSW.
 FOR Mr R. & Mrs B. Singh.

Design & Documentation by Douglas Coppe
 15/11/2012
 PROJECT No. **B617** DA1
 SCALE: 1:2000



PROPERTY DESCRIPTION:
 LOT 1 ON DP 600819,
 BROKEN HEAD ROAD,
 COUNTY OF RIVERINA,
 LOCAL AUTHORITY BALLINA SHIRE COUNCIL
 SITE AREA: 16.35 HECTARES.



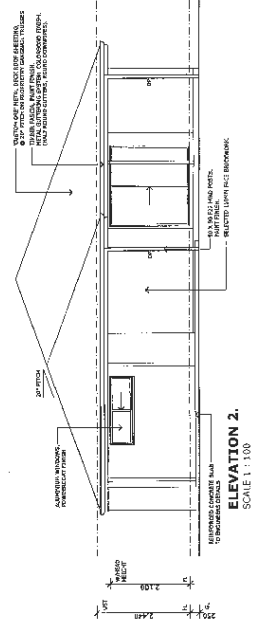
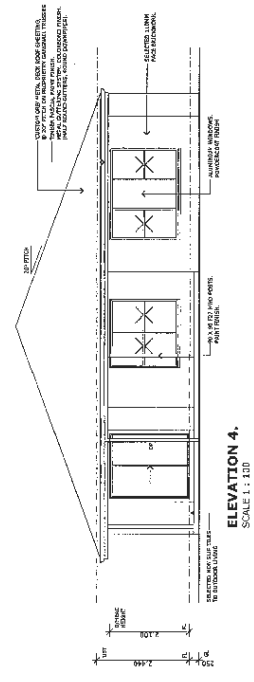
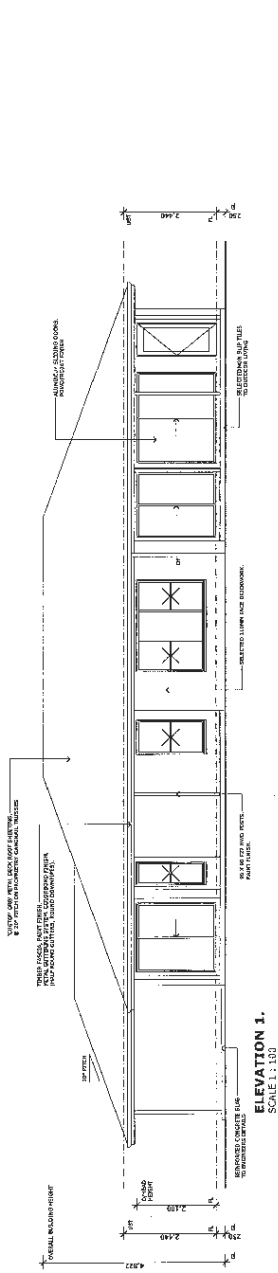
PART SITE PLAN
 SCALE 1:1000

PROPOSED RURAL WORKERS DWELLING.
 AT No. 161, Broken Head Road, Newrybar, NSW.
 FOR Mr R. & Mrs B. Singh.

Project No. B617 DA2

Design & Documentation by Douglas Copp. 48 Kingfisher Lane
 Broken Head NSW 2574
 08 2351 5511 2511
 The design of this document is the property of Douglas Copp Pty Ltd. It is to be used only for the project and site for which it was prepared. It is not to be used for any other purpose without the written consent of Douglas Copp Pty Ltd. The design is provided on the understanding that the user will indemnify and hold Douglas Copp Pty Ltd harmless from and against all claims, damages, losses and expenses, including reasonable legal costs, incurred by Douglas Copp Pty Ltd in connection with the use of this design for any purpose other than that for which it was prepared.

DATE: 24.11.12 DRAWING TITLE: PART SITE PLAN
 PROJECT NO: B617 DA2
 SCALE: 1:1000

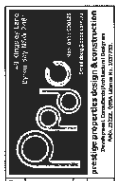


ELEVATIONS
SCALE 1:100

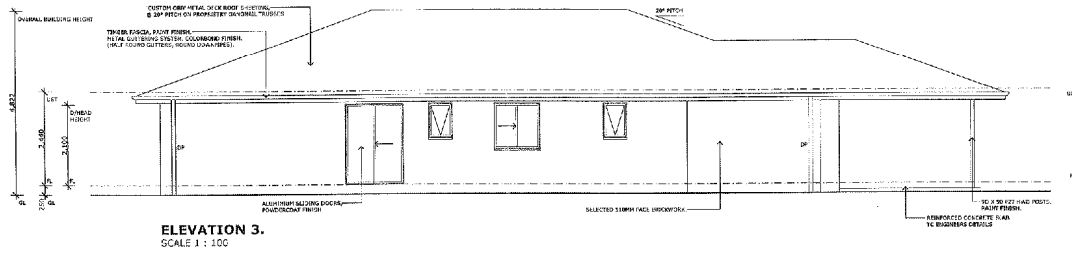
NO.	DATE	BY	DESCRIPTION

PROJECT: **PROPOSED RURAL WORKERS DWELLING.**
 62 No. 161, Broken Head Road, Newrybar, NSW.
 FOR Mr R. & Mrs B. Singh.

Design & Documentation by Douglas Cooper Architects Pty Ltd
 177-179 Macquarie Street, Sydney NSW 2000
 Tel: (02) 9231 3333 Fax: (02) 9231 3334
 www.douglascooper.com.au
 PROJECT NO: B617 DA7
 DATE: 19/11/10 DRAWING TITLE: ELEVATIONS 1, 2, 3, 4
 SCALE: 1:100
 DRAWN BY: [Name]
 CHECKED BY: [Name]



8.1 DA 2012/69 No. 161 Broken Head Road, Newrybar.DOC



NOTE:
ALL TIMBERGLASS BATT WALL INSUL
TO ALL TIMBER FRAME EXTERIOR V.

ELEVATION,
SCALE 1:10

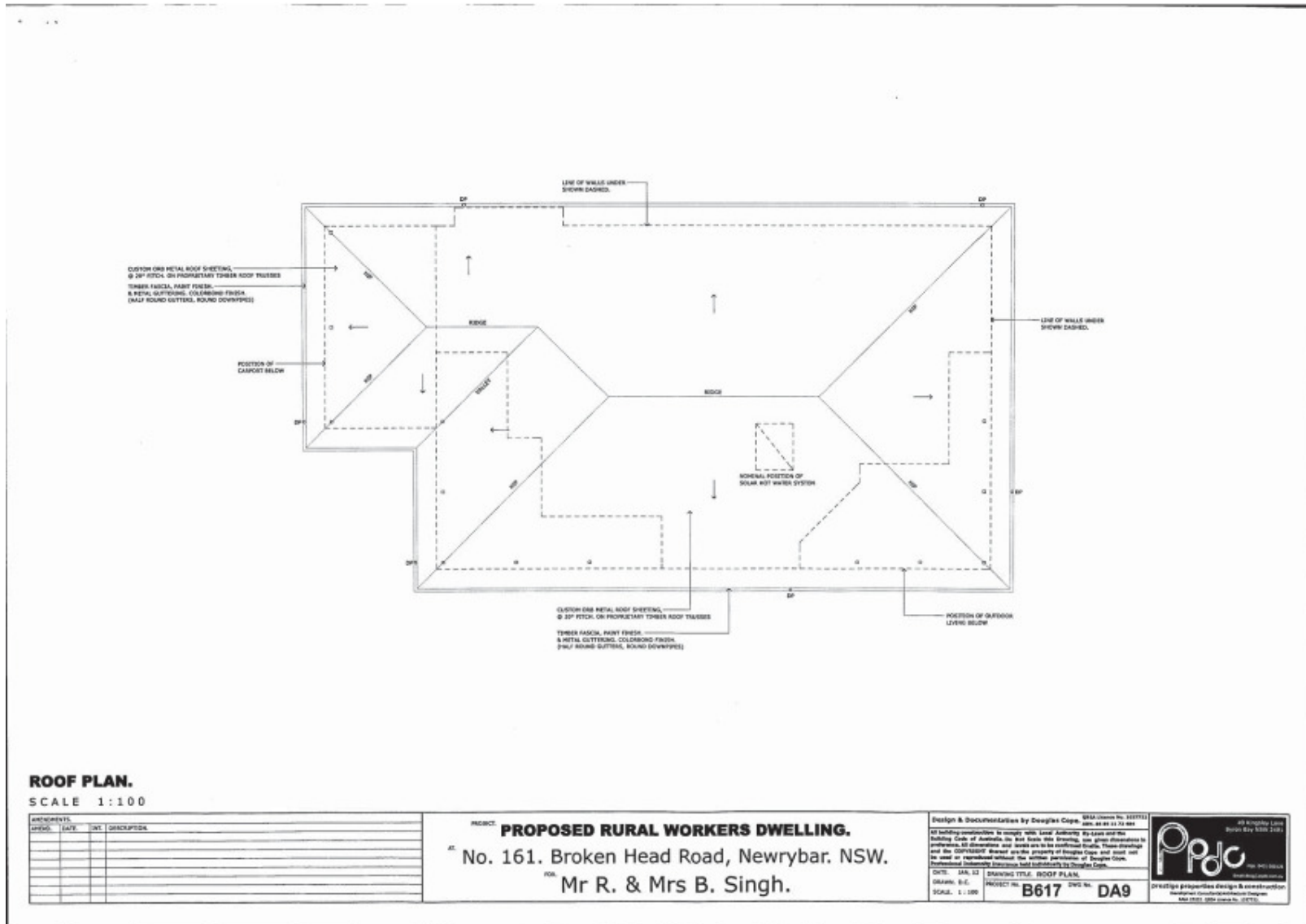
REV.	DATE	DESCRIPTION

PROJECT **PROPOSED RURAL WORKERS DWELLING.**
 AT No. 161. Broken Head Road, Newrybar. NSW.
 FOR Mr R. & Mrs B. Singh.

Design & Documentation by Douglas Cape QMS Licence No. 302723
Act. 66.08.13.22.004
 All building construction to comply with Local Authority By-laws and the
 Building Code of Australia, the Act, State and Commonwealth
 performance, all dimensions and levels are to as indicated on this drawing
 and the COPYRIGHT reserved are the property of Douglas Cape and must not
 be used or reproduced without the written permission of Douglas Cape.
 Professional indemnity insurance held individually by Douglas Cape.
 DATE: 04.12.12 DRAWING TITLE: CONSTRUCTION SECTION.
 DRAWN: D.C. PROJECT NO: **B617** DWG NO: **DA8**
 SCALE: 1:100



8.1 DA 2012/69 No. 161 Broken Head Road, Newrybar.DOC



GENERAL CONDITIONS

1. **Approved Plans**
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 PPDC, Drawing No. DA1, DA2, DA6, DA7, DA8 and DA9, Dated January 2012, except as modified by any condition in this consent.
2. **Commencement of occupation or use**
Occupation or use of the (premises/site) for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final occupation certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.
3. **Use of Rural Workers Dwelling**
The approved dwelling is only to be used for rural workers who work on the subject property. The dwelling is not to be used in any other form.
4. **Vegetation Retention**
The existing screening vegetation between the proposed rural workers dwelling and the existing dwelling located at 159 Broken Road is to be retained so that a reasonable amount of amenity can be provided between the two properties.

REQUIRED INSPECTIONS

5. **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. 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.

PRE CONSTRUCTION

6. 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.
7. The development shall be carried out in accordance with the submitted plans, details and conditions contained herein.
8. **Issue of construction certificate**
The erection of a building under the terms and conditions of this Development Consent must not be commenced until:
 - (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) *The Council; or*
 - (ii) *An accredited certifier; and*
 - (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority and has notified the Council (if Council is not the principal certifying authority) of the appointment; and
 - (c) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.
9. Where Council is not chosen as the Principal Certifying Authority, a "Notice of Commencement of Building Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least two (2) days prior to work commencing.
10. 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.
11. The buildings are to comply with the requirements of the *Building Code of Australia* and the relevant Australian Standards.
12. **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) 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.

13. ***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 provisions of the NSW Government's building laws.
14. For the control of litter, a suitable waste container for holding lightweight building materials must be made available on the building site during the course of the building work. 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 local environment.
15. For the purposes of health and amenity, a temporary builder's toilet is to be provided on site before building work commences. Such facility is to be either connected to Council's sewer or a suitable approved portable chemical closet is to be provided.
16. A single all weather accessway is to be provided on site that extends from the kerb to the building construction site. All construction vehicles are to enter and exit the site via this accessway so as to minimise erosion on site and prevent the movement of soil material onto roadways. When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material. **Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.**

17. 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.**
18. Suitable covering and protection is to be provided to all stockpiles to ensure that no material is removed from the site by wind, causing a nuisance to neighbouring properties.
19. To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works on site and are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:
 - a) The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and/or adjoining land.
 - b) Service trenches are to be backfilled as soon as practical.
 - c) Downpipes are to be connected as soon as practical or otherwise temporary downpipes are to be used.
 - d) Buffer vegetation zones are to be retained on sites that adjoin roadways, drainage systems and/or watercourses.
 - e) Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

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

20. Any roofing material used on the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background. Finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off-white and light grey are not acceptable.
21. The sleeping areas of this building are to be provided with effective insect screening to all external windows and doors. It is a strong recommendation that screening be provided throughout the building to minimise the potential for contact with arbovirus carrying mosquitoes.
22. **Heat Pump Hot Water Systems**
If it is proposed to use a heat pump system for supplying hot water, the service is to be located such that noise from the unit's fan and compressor does not create offensive noise at the boundary of the nearest affected residence. Generally these units are unsuitable for location between the building and side boundary with another residential lot.

23. **Air Conditioning**

If it is proposed to install air conditioning, the compressor is to be located such that noise from the compressor and fan does not create offensive noise at the boundary of the nearest affected residence. Generally these units are unsuitable for location between the building and side boundary with another residential lot. Compulsory noise labelling on the unit provides guidance to installers.

24. **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.

25. **Developer Contributions**

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

Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Shire Roads Contribution Plan 2010	25 February 2010
Ballina CBD Car Parking Contribution Plan	25 November 2004
Lennox Head Village Centre Car Parking Contribution Plan	12 February 2004
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.

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

DURING CONSTRUCTION

26. Contamination

Any new information which comes to light during construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principle Certifying Authority.

27. For the purposes of residential amenity, any building work involving the use of noisy mechanical plant and noisy equipment must only be carried out within the following hours:

- Monday to Friday - 7.00am to 6.00pm
- Saturdays - 8.00am to 1.00pm
- Sundays & Public Holidays - No noisy work at all

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

29. 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 the existing survey pegs can be located. The building is to be located clear of Council easements and sewer mains.

30. 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.

31. 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. A register of accredited physical barrier systems permitted to be used within the Shire is maintained with Council. 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.

32. Where the driveway grades toward a proposed garage, surface drainage must be provided at the garage entry to prevent the ingress of stormwaters.

33. All proposed driveways are to be located a minimum of 6 metres from the extremities of a road intersection (ie. the intersection tangent point).
34. All proposed driveways within the property boundary are to be constructed of all weather, dust free construction. All driveway areas are to be adequately graded and drained to the stormwater system to ensure that stormwater is not directed onto adjoining properties.
35. Stormwater sensitive design techniques are to be adopted in accordance with the requirements of Council's DCP 13 Stormwater Management Plan. This is to include the shaping of driveways and paved areas to drain to landscaped/vegetated areas or grassed infiltration strips. Pervious paving is encouraged where possible. Details are to be shown on the design plans and approved prior to the commencement of work.
36. Any proposed internal hot water system, other than a system located within a garage, laundry or other wet area, is to be provided with a stainless steel safe tray, being drained to the building exterior.
37. 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 e.g. 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.

Existing installations where there is any significant change of existing pipework shall require the installation of a hot water temperature limiting device to deliver tempered water at all sanitary fixtures used primarily for personal hygiene at a temperature not exceeding 50°C.

COMPLETION

38. On completion of the building, a certificate certifying that the development has been built in accordance with the submitted BASIX certificate is to be submitted to Council.
39. **Occupation certificate**
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.
40. The applicant shall submit written certification from the licensed electrical contractor that the automatic fire detection and alarm system has been installed in accordance with AS 3786. Such certification shall be submitted to the Council or other accredited Certifier on completion of the building.
41. 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.
42. On completion of the building, a certificate verifying the method of termite protection in accordance with *Australian Standard 3660* is to be submitted to the Council or other accredited Certifier.

43. On completion of the building, a certificate verifying that the installation of the water proofing system to the wet areas has been installed in accordance with the BCA and AS 3740 is to be submitted to Council.
44. Where not existing, the building is to be provided with a street identification number and mailbox facility. Any proposed mailbox is to comply with the requirements of Australia Post, unless alternate postal arrangements are made.
45. Any proposed clothesline facilities are to be located in the rear or side yard area unless screened from street view.
46. All temporary builder's sheds, amenities, waste storage bins and builder's power pole are to be removed from the site on completion of the building.
47. Public infrastructure, such as kerb and guttering, footpath utility services or road works, damaged as a result of construction works related to the development shall be rectified and reinstated to the satisfaction of Council.
48. Sediment and erosion control measures shall be installed and maintained to control stormwater runoff. All disturbed areas shall be immediately stabilised and revegetated on completion of earthworks.
49. The building or part of the building (ie. in the case of additions and/or alterations) is not to be occupied without the issue of an Occupation Certificate by Council or other Principal Certifying Authority.

DURING OCCUPATION OR USE

50. **Amenity**
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.
51. **Noise**
The use and occupation of the rural workers dwelling, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to any offensive noise within the meaning of The Protection of the Environment Operations Act, 1997. Offensive Noise means noise:
 1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - a. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - b. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
 2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
51. **Use of Rural Workers Dwelling**
The approved dwelling is only to be used for rural workers who work on the subject property. The dwelling is not to be used in any other form.

52. **Vegetation Retention**

The existing screening vegetation between the proposed rural workers dwelling and the existing dwelling located at 159 Broken Road is to be retained so that a reasonable amount of amenity can be provided between the two properties.

SCHEDULE 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
No Local Park Contribution Applicable					
Ballina District Parks	4008	equivalent residential allotment	\$878.00	1.0000	\$878.00
Ballina Playing Fields	4008	equivalent residential allotment	\$1,143.00	1.0000	\$1,143.00
Regional Open Space Facilities	4016	equivalent residential allotment	\$843.00	1.0000	\$843.00
Open Space Administration	4017	equivalent residential allotment	\$33.00	1.0000	\$33.00
Ballina District Community Facilities	4209	equivalent residential allotment	\$1,664.00	1.0000	\$1,664.00
Regional Community Facilities - Amend 1	4213	equivalent residential allotment	\$3,769.00	1.0000	\$3,769.00
Community Facilities Administration	4214	equivalent residential allotment	\$69.00	1.0000	\$69.00
Rural Roads 2010	5202	equivalent residential allotment	\$10,673.00	1.0000	\$10,673.00
Roads Administration 2010	5203	equivalent residential allotment	\$162.00	1.0000	\$162.00
TOTAL					\$19,234.00