

enquiries refer  
**Andrew Smith**  
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**Pt V Register No: 22.2017/1**



Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

**NOTICE TO APPLICANT OF DETERMINATION OF AN  
ENVIRONMENTAL ASSESSMENT FOR A PART V "ACTIVITY"  
(Issued pursuant to Section 111 of the Environmental Planning and Assessment Act 1979)**

**Part V Register No:** 22.2017/1

**Project File Reference:** PF 2017/1

**Applicant:** Ballina Shire Council

**Subject Land:** Lot 439 DP 43825, Lot 7016 DP 1068899,  
Lot 7017 DP 1064314, Fenwick Drive, East  
Ballina, Compton Drive, East Ballina

**Activity Proposal:** Shaws Bay Foreshore Upgrade Work

**Determination:** The proposed activity has been determined by Ballina Shire Council on 1 March 2017 by way of **the grant of approval subject to the following ameliorative/mitigation measures being implemented to reduce any likely environmental impact:**

**GENERAL**

1. Works must be carried out generally in accordance with the plans and associated documentation lodged by the applicant, including plans and Review of Environmental Factors (REF) prepared by Hydrosphere Consulting dated January 2017 (TRIM 17/6814) , except as modified by any ameliorative measures in this approval. Where there is any inconsistency with the REF and the specific requirements of this approval, the specific requirements within this approval shall prevail.

 (initial)  
Assessment Officer

2. Prior to the commencement of work, a Project Manager is to be appointed, whose name and contact details are to be provided in writing to Council's Development and Environmental Health Group. The Project Manager is to be responsible for ensuring the development is carried out in accordance with the terms of this approval and mitigation measures and safeguards outlined in the REF. The Project Manager is to inform Council's Development and Environmental Health Group in writing of the date of commencement of works on site.

### **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.*

3. A Construction Management Plan shall be submitted to and be approved by Council. The Plan shall address, but not be limited to, the following matters:
  - The mitigation measures identified in the REF
  - Hours of work
  - Contact details of site manager
  - Complaints register
  - The location of existing services
  - Traffic Management (vehicles, pedestrians and cyclists)
  - Noise, dust and vibration
  - Materials storage and waste management
  - Soil and water management (including erosion and sediment control)
  - Flora and fauna management
  - Construction staging plan (where the works will be completed in stages)
  - Restoration of damage to public assets.
  - Any matter prescribed as a condition of approval or concurrence by a Government Agency
  - Any additional matter specified within this approval
4. A community notification shall be provided to all potentially impacted premises prior to commencement of construction works. The community notification shall include the following details:
  - Brief summary of approved works
  - Project duration and approved construction hours
  - Contact details for complaints and enquiries
  - Any other useful information such as traffic control plans etc
5. Prior to each work action being commenced a preliminary ASS assessment prepared in accordance with the requirements of the Acid Sulfate Soils Manual (NSW Acid Sulfate Soil Management Advisory Committee, 1998) shall be undertaken to determine if an ASS Management Plan is required for the works.
6. If the preliminary assessment determines that an ASS Management Plan is required this shall be prepared and submitted to Council for approval prior to works commencing on site. If required the ASS Management Plan shall be prepared in accordance with the requirements of the Acid Sulfate Soils Manual (NSW Acid Sulfate Soil Management Advisory Committee, 1998).

 (initial)  
Assessment Officer

**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.*

7. An Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 and approved by Council must be implemented in full during the construction period.
8. 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.
9. The Acid Sulfate Soil Management Plan (if required) approved by Council shall be implemented in full during the construction period. If required adequate supplies of lime shall be stored onsite to neutralise the acid sulfate soil to be disturbed. All lime stored onsite shall be located in a weatherproof enclosure or under a weatherproof covering.
10. After liming, excavated soil shall be tested to ensure the potential acid generation has been adequately neutralised.
11. Any potential acid sulphate material excavated shall be stored in a bunded location prior to liming.
12. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.
13. The export of waste (including fill or soil) from the site must be in accordance with:
  - a) the provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or
  - b) current Resource Recovery Orders and Exemptions.
14. If necessary dust control measures such as wetting down, covering stockpiles and physical barriers shall be used to control and prevent a dust nuisance to surrounding properties. Further guidance can be sourced from 'No Dust No Fuss: Guidelines for controlling dust from construction sites' NSW EPA.
15. 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 or water pollution.
16. All work, including demolition, excavation and building work must generally comply with Australian Standard AS 2436:1981 *Guide to Noise Control on Construction*,

 (initial)  
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*Maintenance and Demolition Sites and NSW Interim Construction Noise Guidelines* (DECC 2009).

17. The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. Fill imported to be used for erosion control and sink hole backfill shall be certified clean sand (or other suitable low nutrient, low fines content material). The supplier of the fill material must certify to the Principal Certifying Authority (PCA) at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.
  
18. If dewatering is required a management plan for all dewatering activities on site shall be submitted to and be approved by the Principal Certifying Authority (PCA) prior to the release of extracted water. The plan is to give consideration to the acid sulfate soils issues on site and the impact this may have on groundwater and dewatering activities proposed. Prior to the release of any water extracted during dewatering operations the test results and interpretation of results are to be submitted to and approved by Council. Note: Dewatering activities may require a license issued by the NSW Office of Water. Any pumps used for dewatering may require acoustic attenuation.


Signed:



Andrew Smith  
**Development Services Manager**

1 March 2017

Signed:



Rod Willis  
**Group Manager**  
**Development and Environmental Health**

1 March 2017

 (initial)  
Assessment Officer