



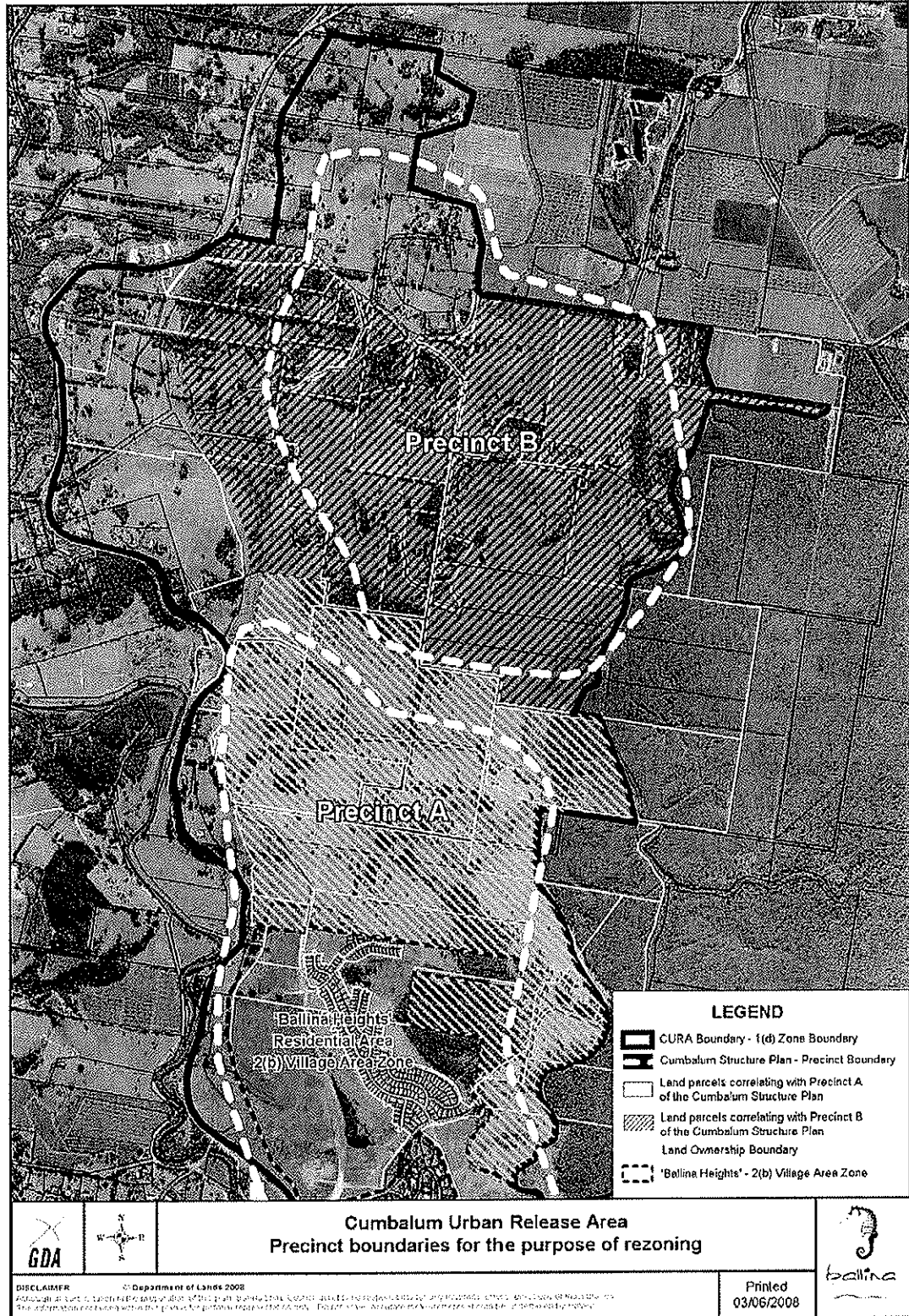
Appendix A

Cumbalum Urban Release Area

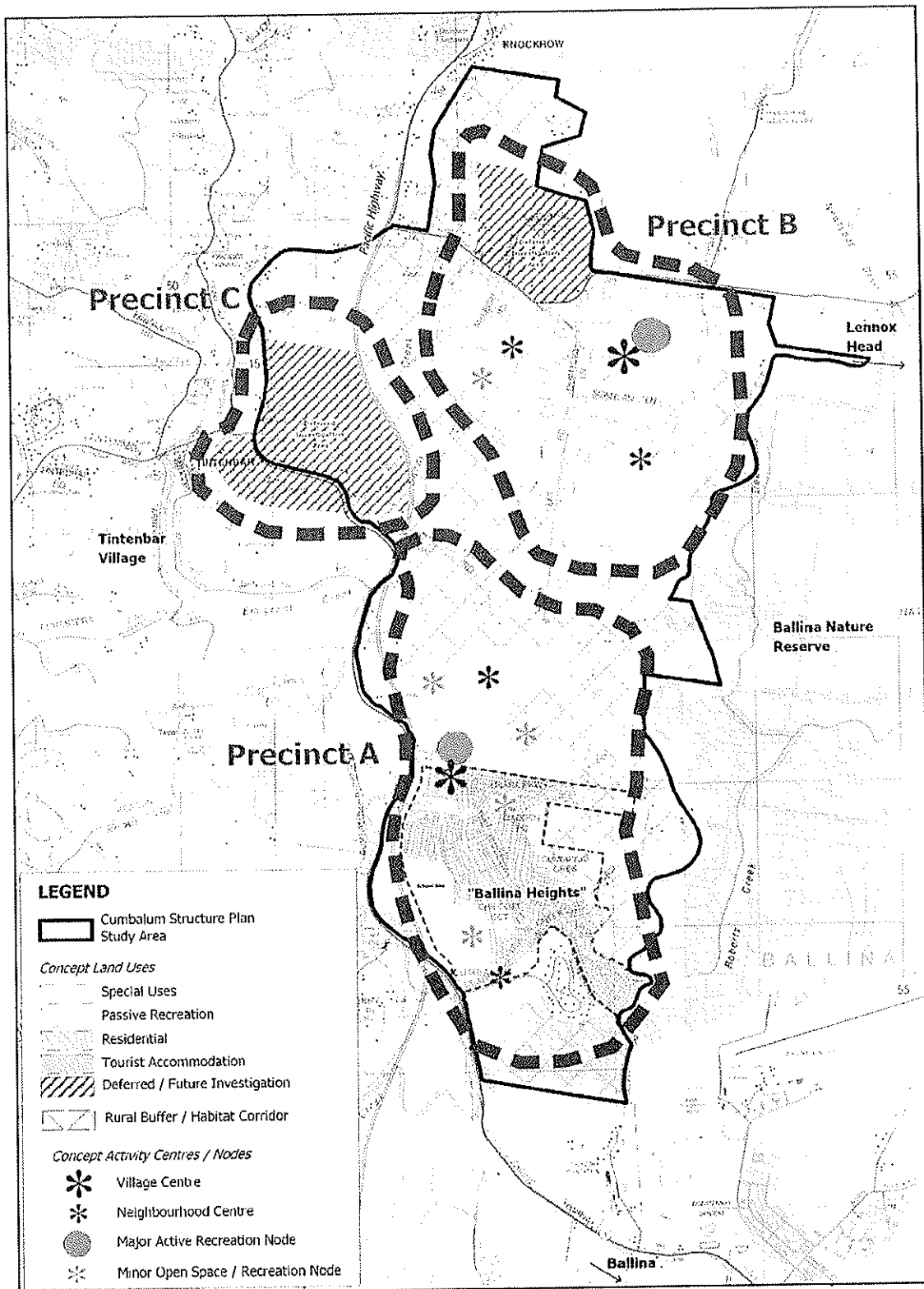
Precinct Boundaries Map

Structure Plan Map

ATTACHMENT 1: LOCALITY PLAN



ATTACHMENT 2: CUMBALUM STRUCTURE PLAN - CONCEPT PLAN

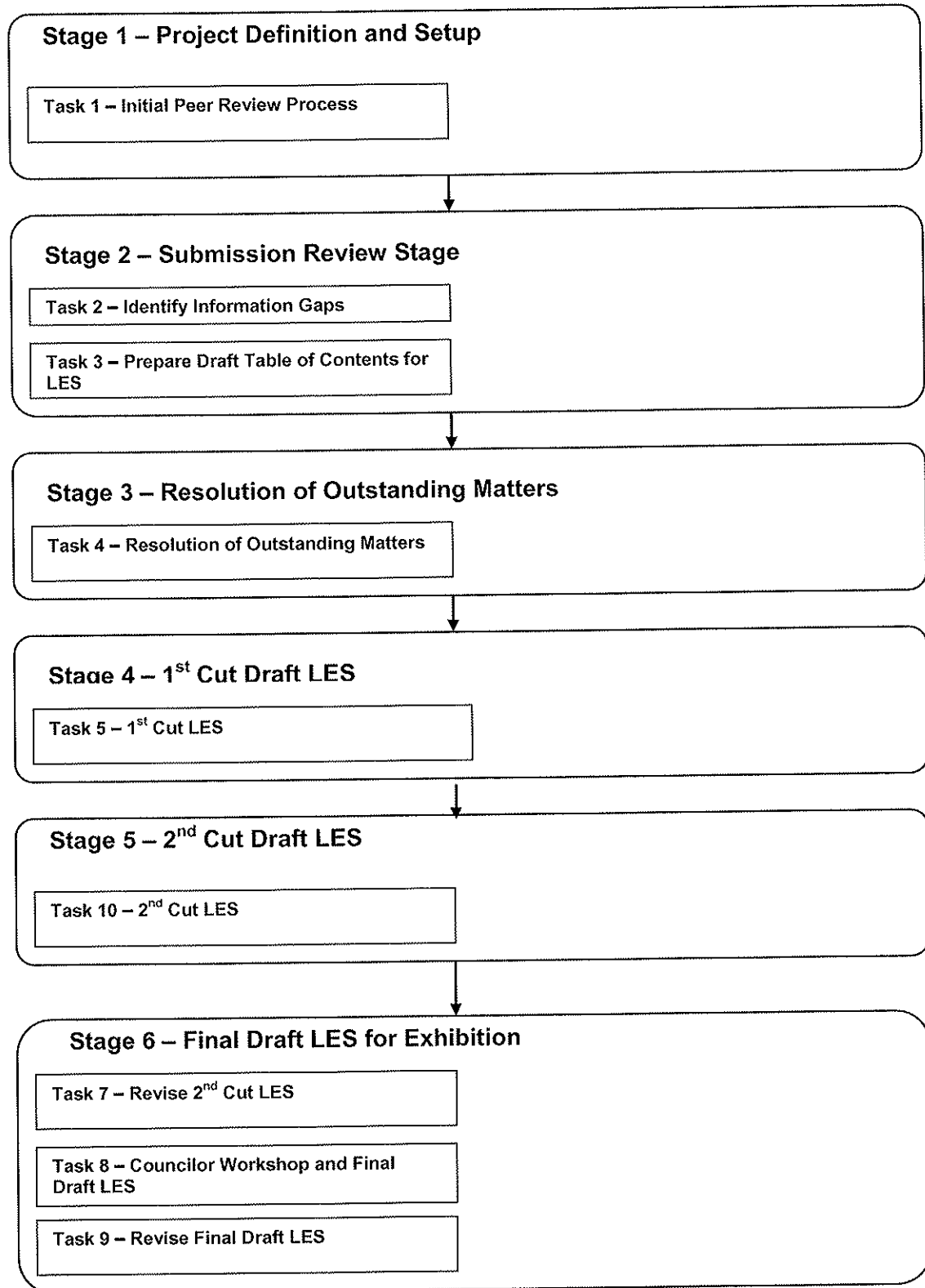




Appendix B

LES Flow Diagram

Methodology / Milestone Flow Chart



Appendix C

Structure and Staging Plans

Figure 2A - Ballina Heights Concept Landscaping & Feature Plan

Precinct A Structure Plan (APP, 2010)

Precinct B Structure Plan (LandPartners, 2010)

Precinct B Staging Plan

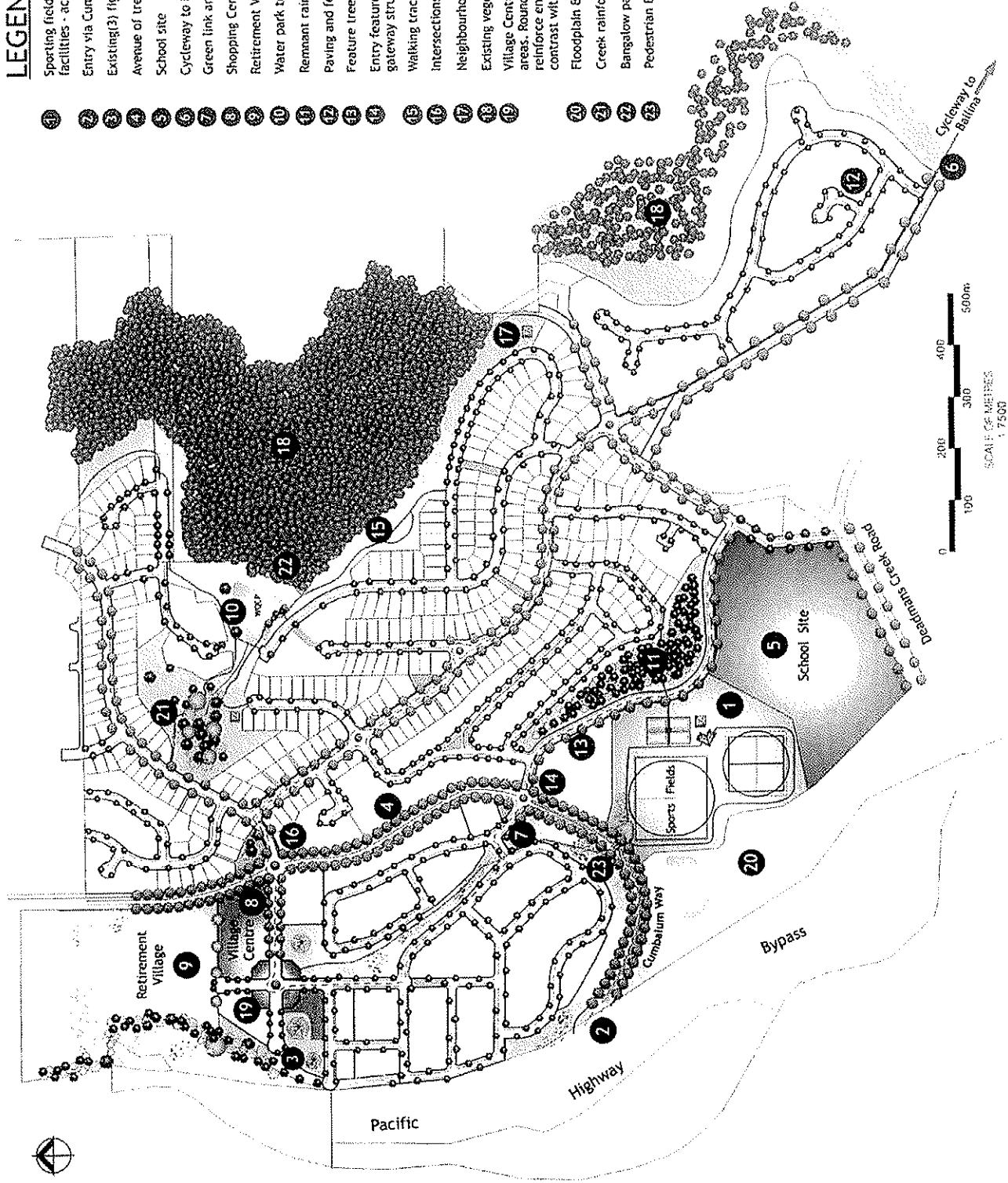
Precinct B Land Ownership Plan

LEGEND

- Sporting fields, amenities, netball courts, playground & parking facilities - active open space
- Entry via Cumbalum Way
- Existing (3) fig trees retained as features
- Avenue of trees mark key streets & entry points
- School site
- Cycleway to Ballina
- Green link and water course - Passive open space
- Shopping Centre/High Density/Mixed uses site
- Retirement Village
- Water park to detail
- Remnant rainforest vegetation area
- Paving and feature tree planting to define niche neighbourhood area
- Feature tree planting to reinforce pedestrian and cycleway system
- Entry feature with signage and paving treatments with evocative gateway structure
- Walking tracks connecting open space system
- Intersections to be identified by paving treatments reinforcing entry points
- Neighbourhood pocket parkland featured play equipment
- Existing vegetation to be retained
- Village Centre with paving changes to control traffic & identify pedestrian areas. Roundabout to feature paving patterns and bollard system to reinforce entry point to village centre & to create urban environment to contrast with softer avenue plantings of residential areas
- Floodplain & stormwater treatment site - passive open space
- Creek rainforest regenerated & extended
- Bangalow palm forest regenerated
- Pedestrian & cycleway underpass
- Feature Avenue Trees
- Feature Street Trees
- Cycle ways
- Potential Bus Route
- Building (concept)
- Bus Hoop - Hall & Ride
- Path ways
- Play equipment

KEY

- Feature Avenue Trees
- Feature Street Trees
- Cycle ways
- Potential Bus Route
- Building (concept)
- Bus Hoop - Hall & Ride
- Path ways
- Play equipment



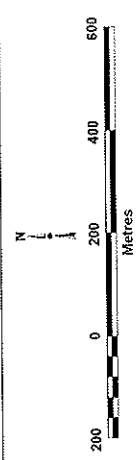
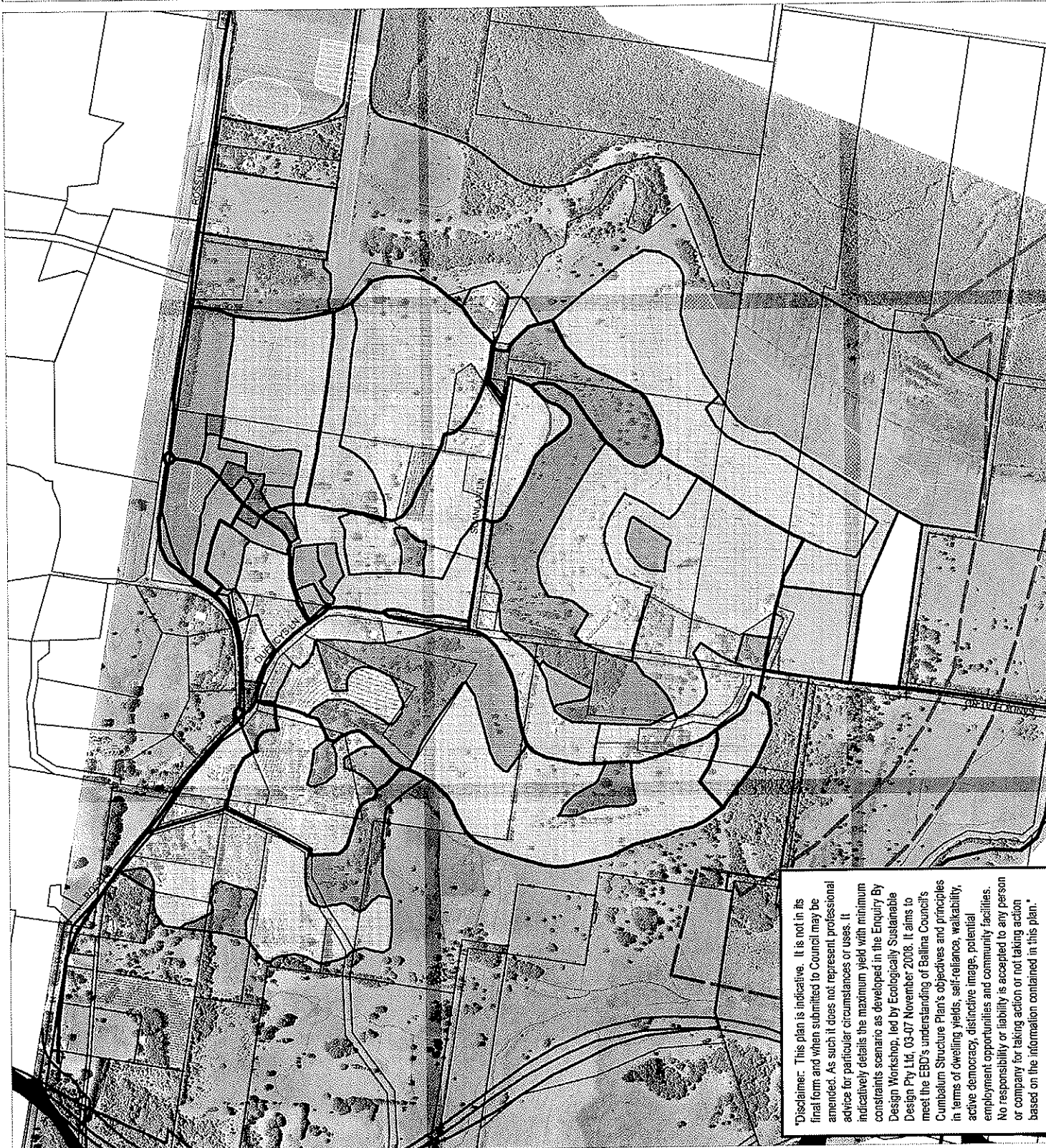
SCALE 1:7500
SCALE OF METRES
0 100 200 300 400 500m



Ballina Land Marketing
66862 711

BALLINA HEIGHTS CONCEPT LANDSCAPING & FEATURE PLAN

The full format & final plan for Ballina Heights are subject to change without notice & require planning approval



Scale: 1:10,000 @ A3

- Precinct B Study Area Approved by Council
- Ballina Bypass
- Roads
- Lower Density Residential
- Medium Density Residential - small lots
- Medium Density Residential - unit lots
- Business
- Retail
- Tourist
- Community
- Light Industrial
- Open Space/Bushland
- Active Open Space
- Stormwater Retention Areas
- Wildlife Corridors

Based on ESD plan received 4 February 2009

Source:
Cadastral: Department of Lands 2008
Precinct B: Cumberland Structure Plan 2007
Fill Model Areas: Cardno 2008
Aerial Photography: LandPartners 2007

Date: 17.05.10

Project: BA060214.ALL

STRUCTURE PLAN V3.1 AND AERIAL PHOTOGRAPHY **20 July 2010**

File: BA060214_PL406 Drawn: DA Appd: SS



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Scale: 1:10,000 @ A3

- Precinct B Study Area
- Approved by Council
- Ballina Bypass
- Roads

Preliminary Stages

- | | |
|----------------|----------|
| Stage 1 | Stage 3N |
| Stage 1N | Stage 3S |
| Stage 1S | Stage 4 |
| Stage 2N | Stage 5 |
| Stage 2Sa, 2Sb | Stage 6 |

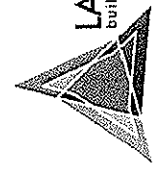
Based on ESD plan received 4 February 2009
 Source: Cadastre - Department of Land, 2008

Date: 06.08.09

Project: BA060214.ALL

DRAFT PRELIMINARY STAGING PLAN

File: BA060214.ALL_P130A Drawn: DA Appd: SS



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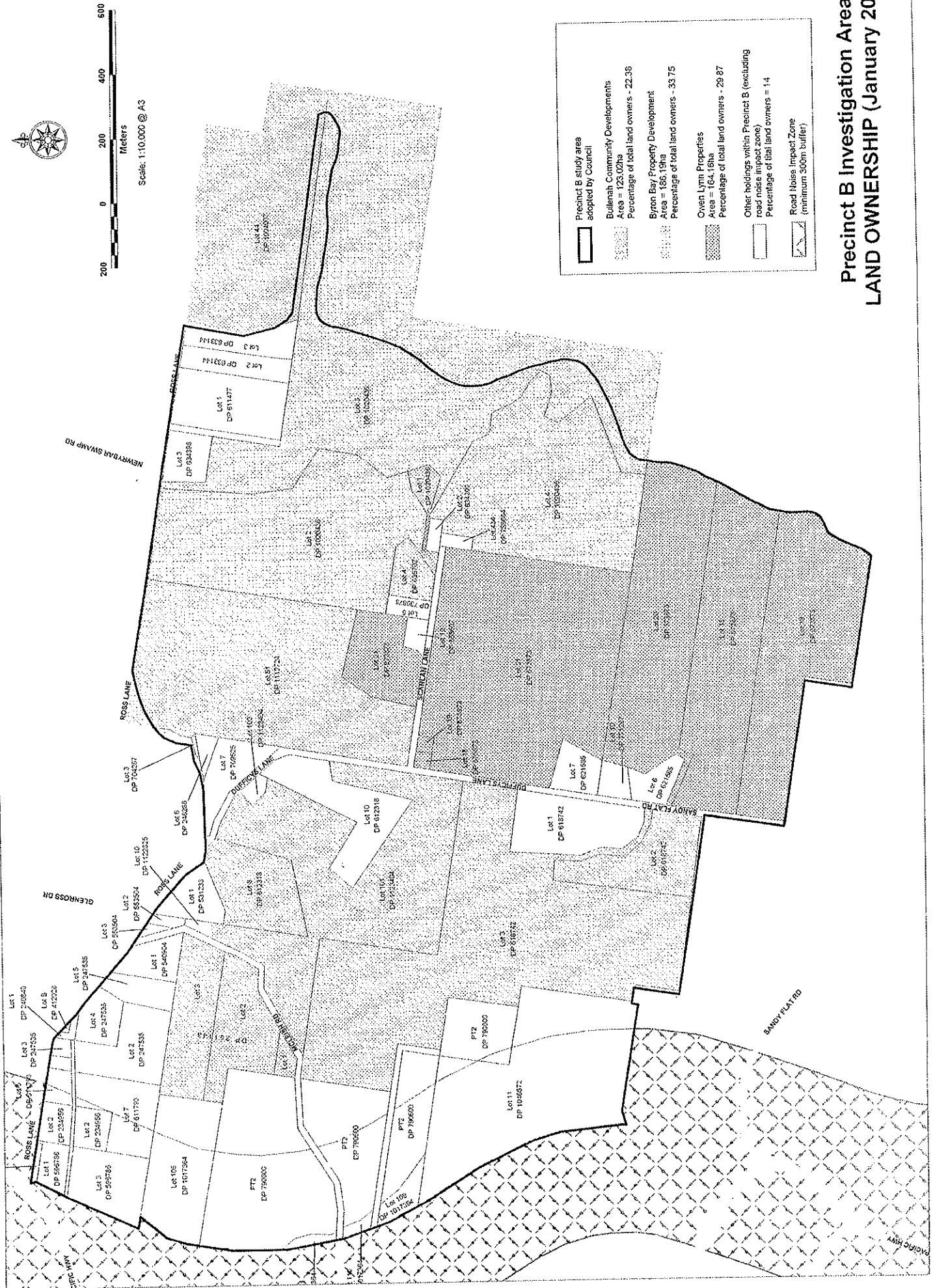
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Figure 3



**Precinct B Investigation Area
LAND OWNERSHIP (January 2009)**

Appendix D

Road Infrastructure Plans

Figure 5.1 - BH / Precinct A Traffic Catchment and Major Roads

REZ11 - BH / Precinct A Major Collector Roads

SK16 - Plan and Long section Cumbalum Way (Ballina Heights Drive)

SK148 - Proposed Cumbalum Way (Ballina Heights Drive) Interchange

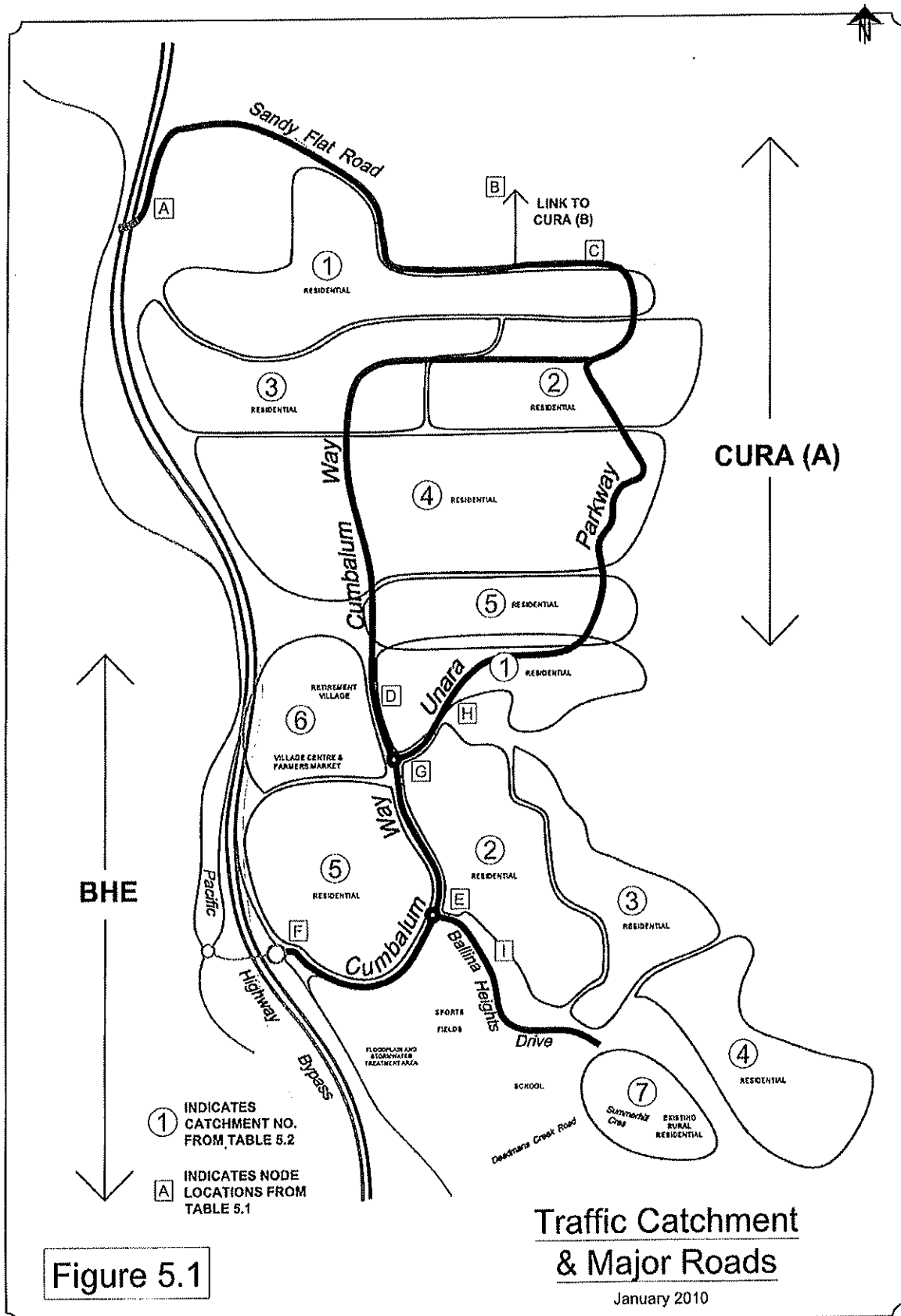
Proposed Sandy Flat Intersection Design

Location of Works - Cumbalum

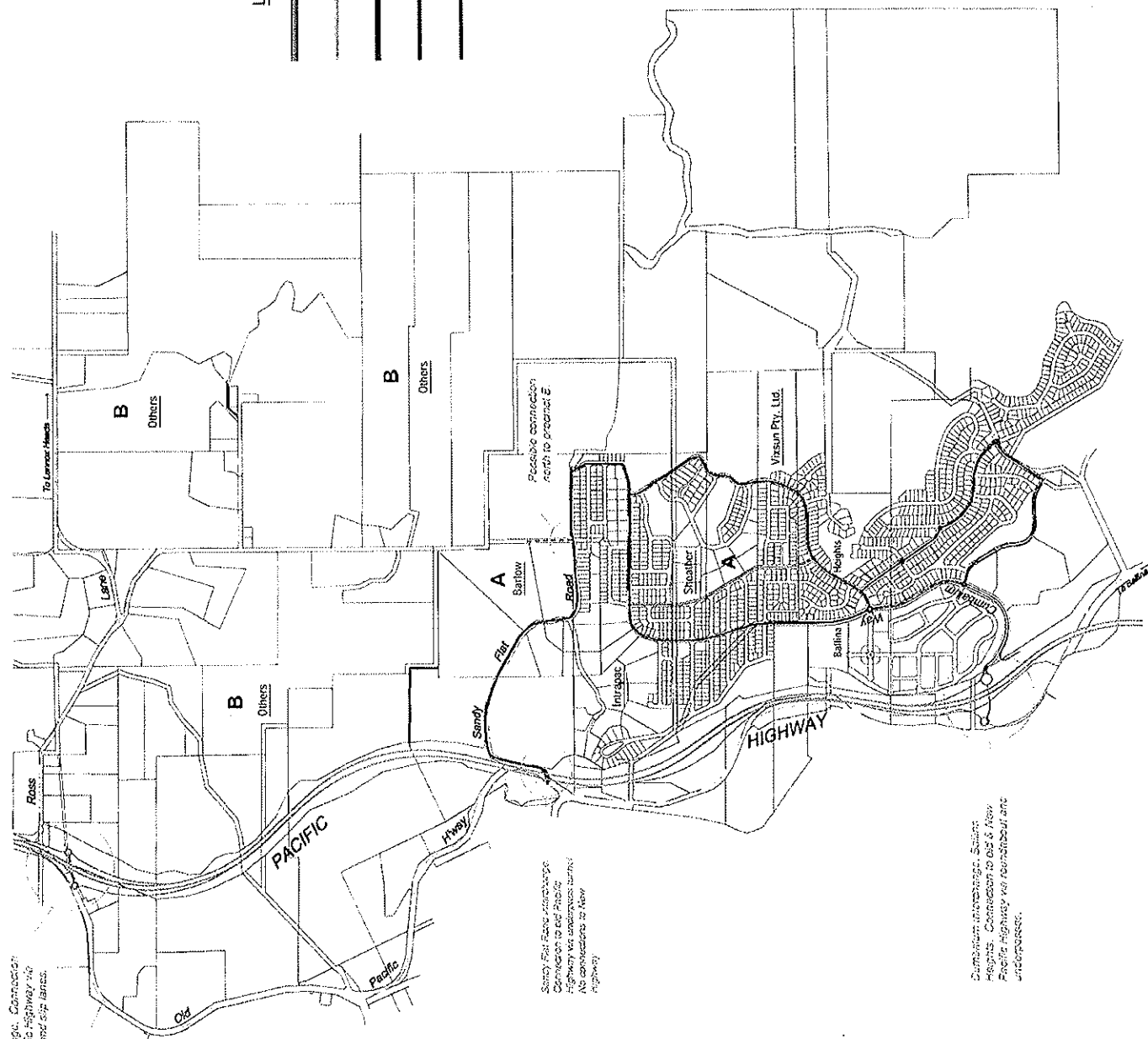
SK03 – Precinct B Indicative Major Road Network Plan

SK47 – Precinct B Indicative Road Network

SK48/49 – Precinct B Road 1 Long section



Road Lane interchange. Connection to Old and New Pacific Highway via roundabouts, bridge and slip lanes.



LEGEND

- New Pacific Highway and slip roads
- Existing Pacific Highway
- Major Distributor Road - limited access
- Collector road
- Local street

Sandy Flat Road interchange. Connection to Old Pacific Highway via underpass turn. No consideration as New Highway

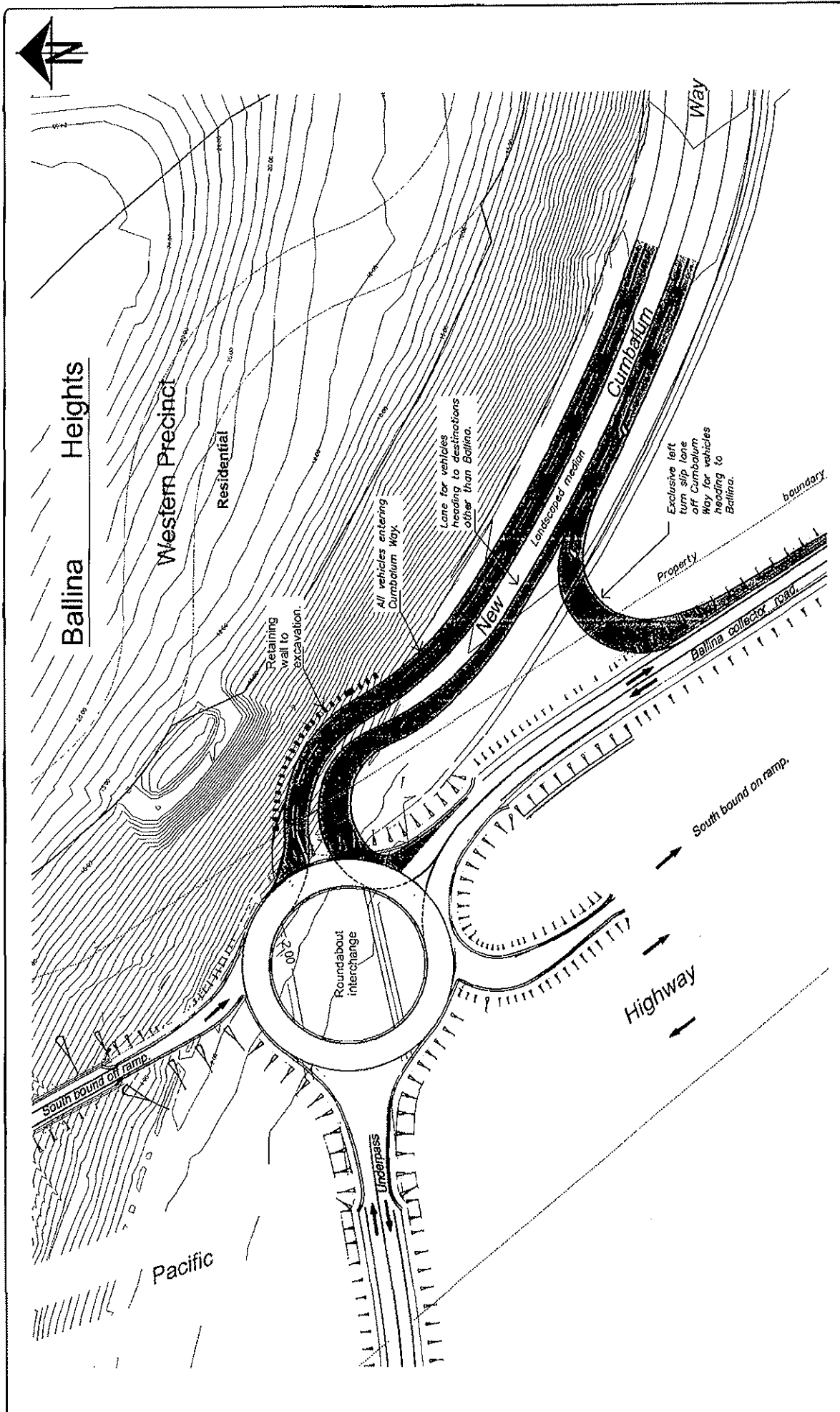
Cumberland Interchange. Sandy Highway. Connection to Old & New Pacific Highway via roundabout and underpass.

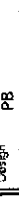
ARDILL PAYNE & PARTNERS

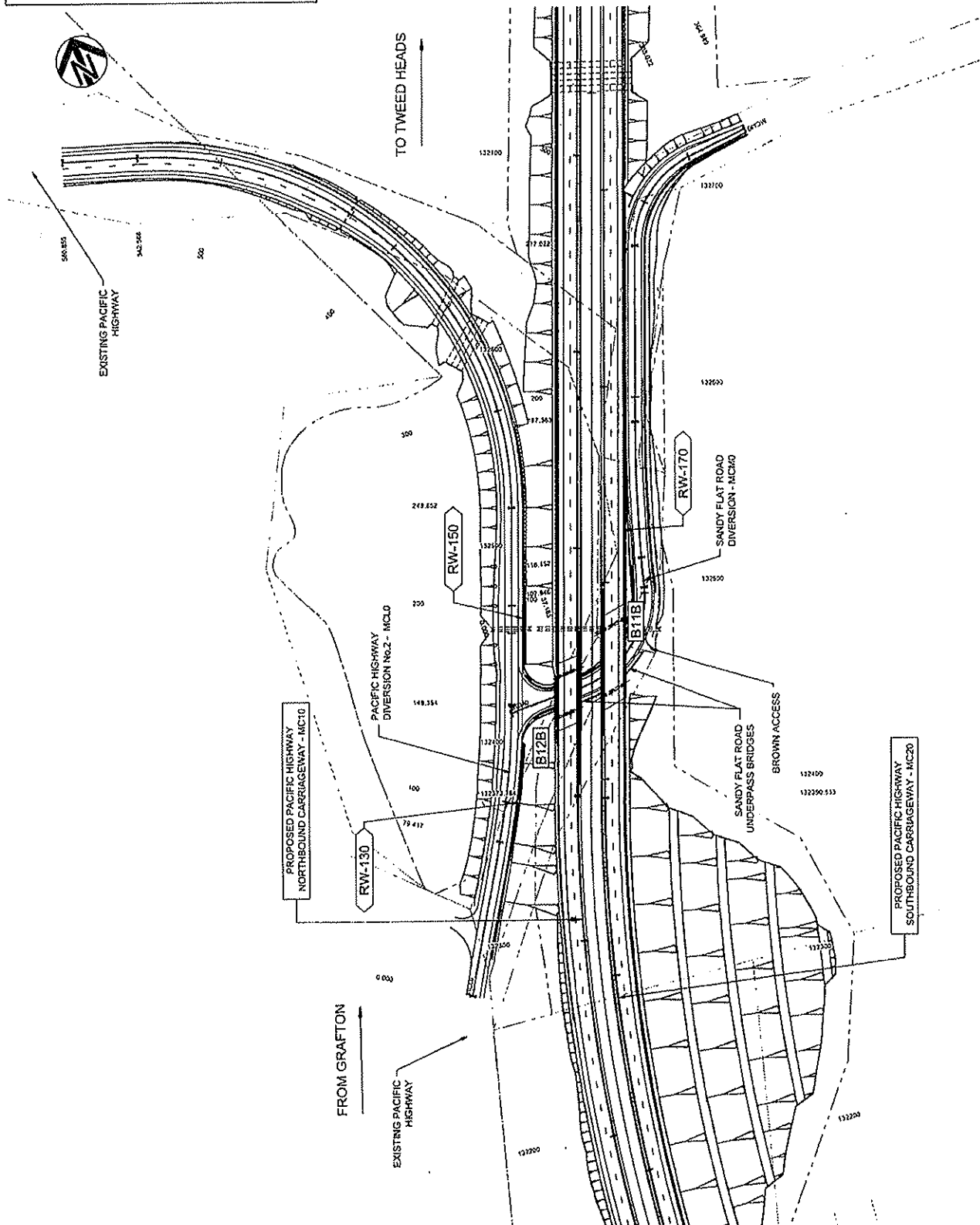
CONSULTANTS AND ARCHITECTS

PROJECT MANAGER: TONY PLUNKETT

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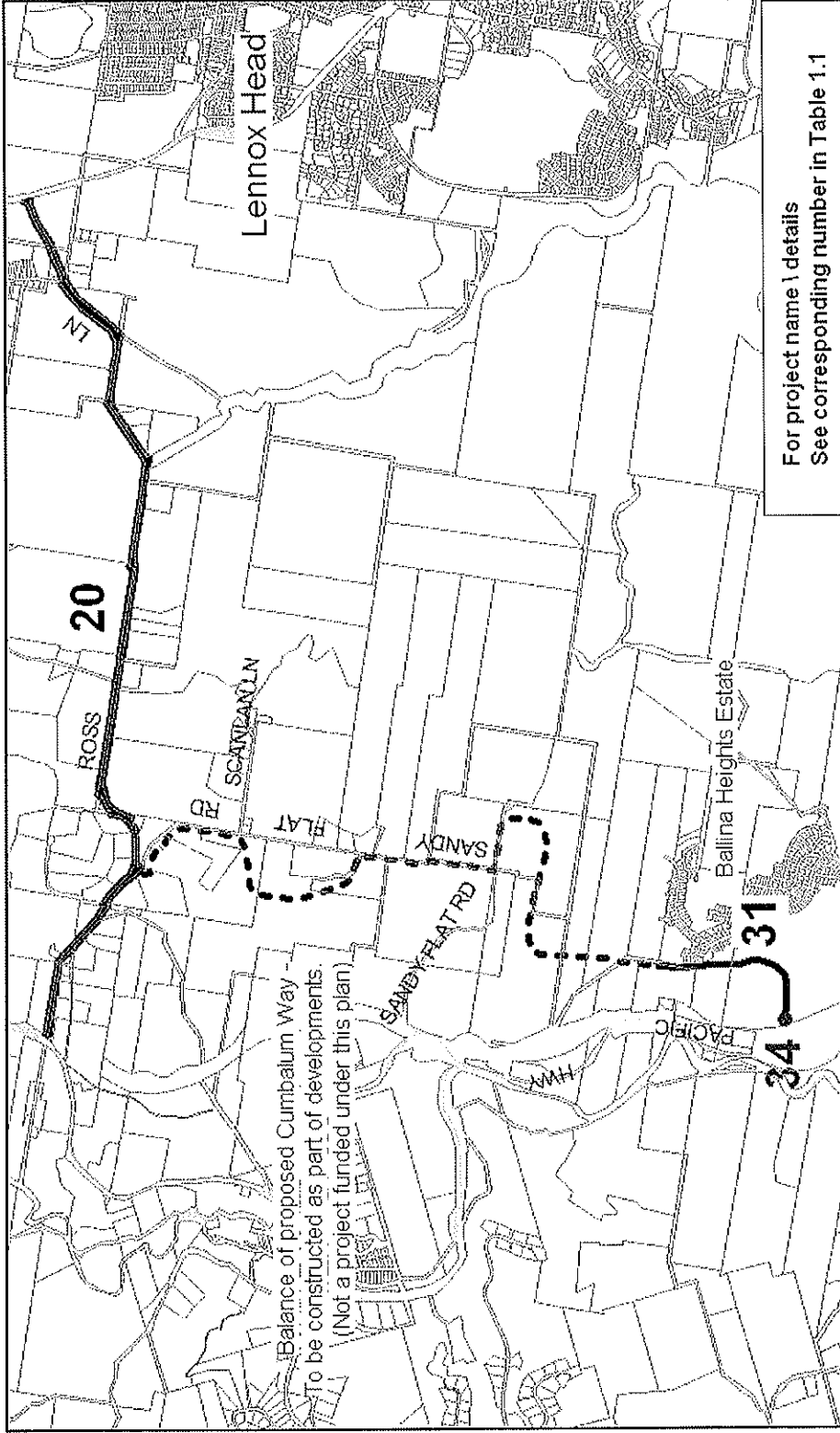


Project	Ballina Heights		Deadmans Creek Road,		Cumbalum		Do not scale drawing. Use written dimensions only This plan is copyright © All rights reserved.	
	Client		The Catholic Church & Vixsun Pty. Ltd.		Title			
	Proposed Cumbalum Way, Pacific Highway interchange							
Design	PB		Scale at A3 1:2000		 ARDILL PAYNE & PARTNERS Consulting Civil & Structural Engineers Project Managers Town Planners & Surveyors Telephone: 02 6686 3260 Facsimile: 02 6686 7920 Email: info@ardillpayne.com.au Website: www.ardillpayne.com.au P.O. Box 20 BALLINA NSW 2478		Issue	
	PB		Datum				SK148	
	Date 03-08-09		Filename 5009-T2-SK1-6					
	Checked		Approved					
Job No.		5009		Dwg. No.		SK148		



SANDY FLAT ROAD INTERSECTION
SHEET 1

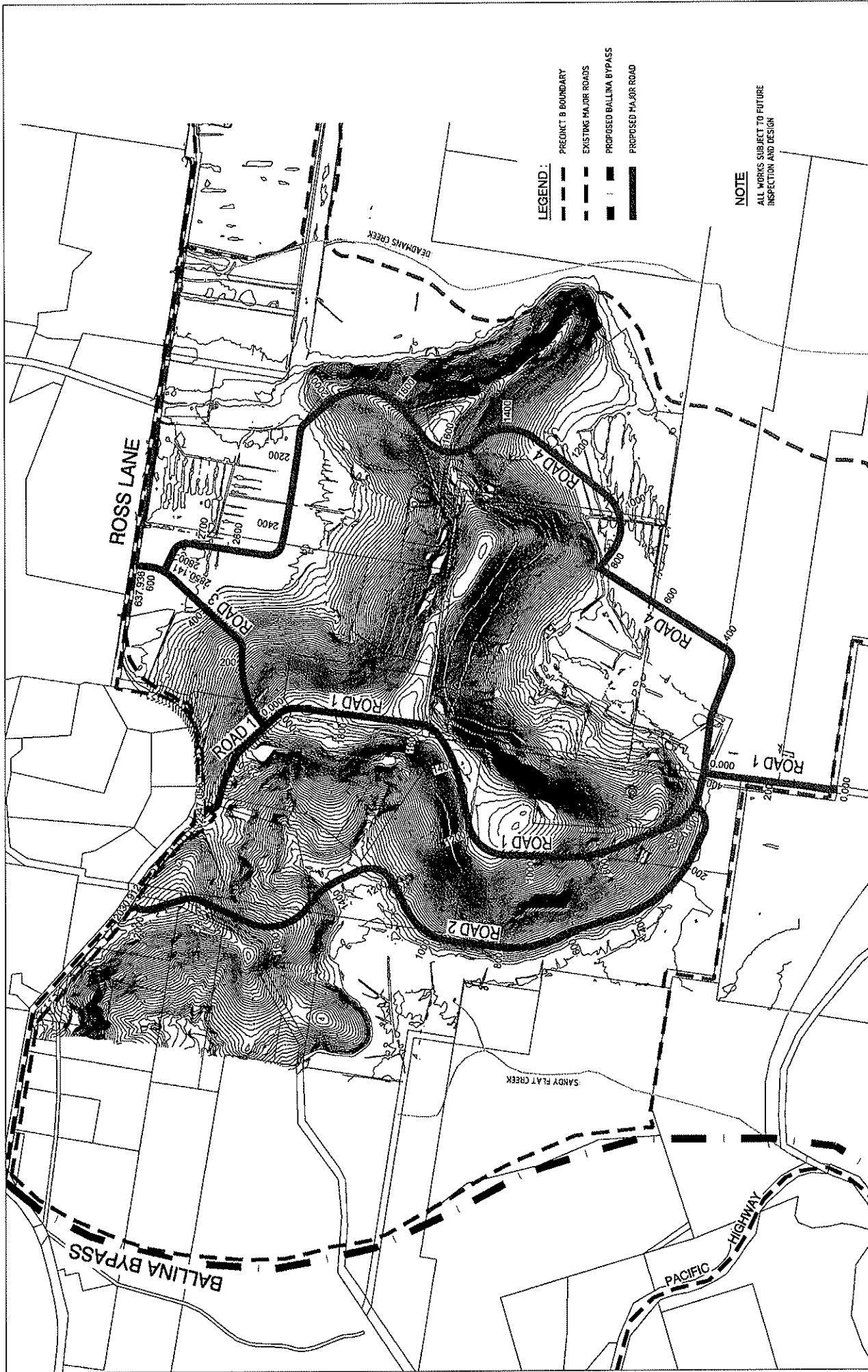




For project name & details
See corresponding number in Table 1.1

	Location of Works - Cumalum / Lennox Head	
Printed 16/11/2009	© Department of Lands 2009 This plan is the property of the State of New South Wales. It is to be used for the purposes of the Roads Contributions Plan 2010 only. It is not to be reproduced or stored in a retrieval system without the written permission of the Department of Lands.	

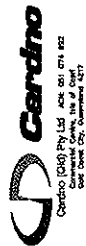
INDICATIVE MAJOR ROAD NETWORK PLAN



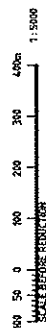
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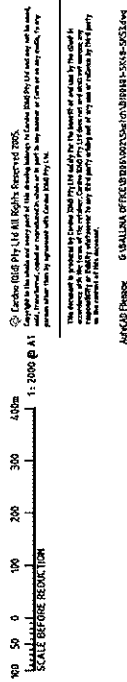
INDICATIVE ROAD NETWORK MAJOR ROADS

SCALE - 1:5000 B 41	Rev. 3
DATE - FEBRUARY 2009	DRAWING NO.
PRECINCT B	B1006\02
CUMBALUM	
OVERALL ROAD LAYOUT	



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ROAD 1 LONG SECTION
Sheet 2 of 2

PRECINCT B
CUMBALUM
OVERALL ROAD L



Author and Professor
G. BATTANA, OFFICE OF THE DEAN, UNIVERSITY OF ALABAMA, 535 S. 9TH AVE.



Appendix E

Ross Lane Improvements

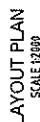
Ross Lane - Road Layout and Cross Sections

EXISTING ALIGNMENT

PROPOSED CURVE RE-ALIGNMENT
TO DESIRABLE MIN RADIUS

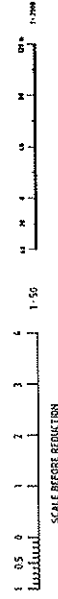
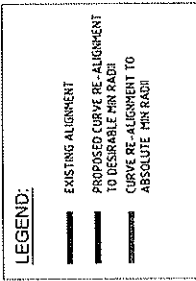
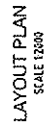
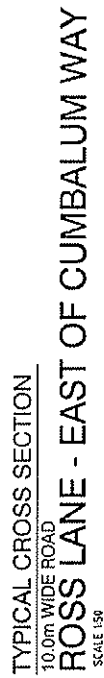
CURVE RE-ALIGNMENT TO
ABSOLUTE MIN RADIUS

PROPOSED CUBIC SUM WAY



17.0m WIDE ROAD
ROSS LANE - WEST OF CUMBALUM WAY

[illegible]



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 83	
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Appendix F

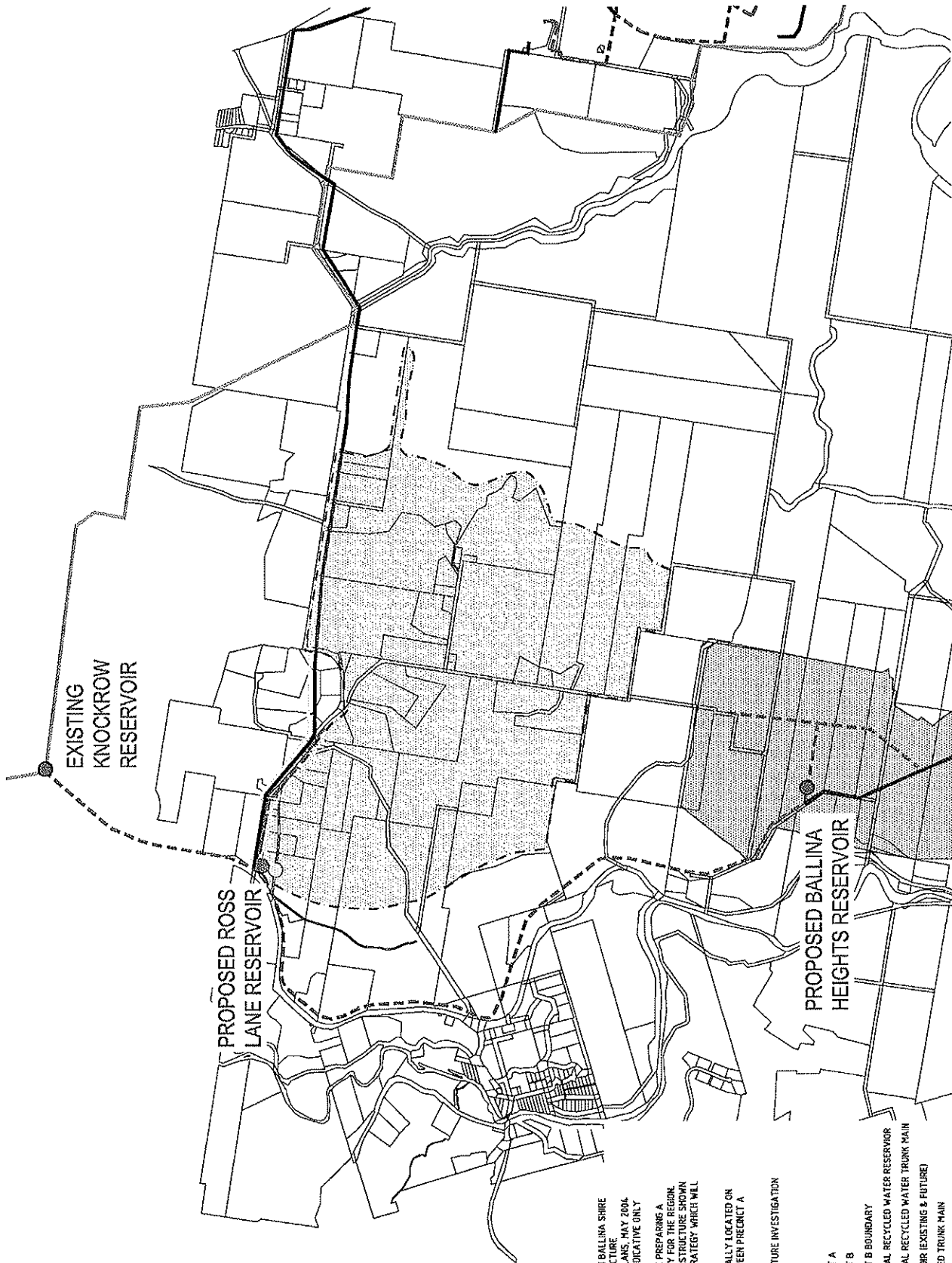
Water Supply Infrastructure Plans

SK01 – Precinct B Water Supply Strategy

REZ7 – Precinct A Water Reticulation

DSP (2004) Water Supply Plans

CURA Conceptual Servicing Plan - Water



NOTES:

1. INFRASTRUCTURE BASED ON BALLINA SHIRE CUMING WATER RECYCLING DEVELOPMENT SERVING PLANS, MAY 2004. LOCATION AND SIZES ARE INDICATIVE ONLY.
2. BALLINA SHIRE COUNCIL ARE PREPARING A RECYCLED WATER STRATEGY FOR THE REGION. WE UNDERSTAND THE INFRASTRUCTURE SHOWN COULD BE PART OF THIS STRATEGY WHICH WILL INCLUDE THE SUBJECT SITE.
3. WATER ALIGNMENTS GENERALLY LOCATED ON PROPOSED LINK ROAD BETWEEN PRECINCT A AND B.
4. ALL WORKS SUBJECT TO FUTURE INVESTIGATION AND DESIGN.

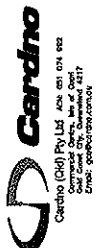
LEGEND:

- PRECINCT A
- PRECINCT B
- PRECINCT B BOUNDARY
- POTENTIAL RECYCLED WATER RESERVOIR
- POTENTIAL RECYCLED WATER TRUNK MAIN
- RESERVOIR (EXISTING & FUTURE)
- PROPOSED TRUNK MAIN
- EXISTING 2500 WATERMAIN
- EXISTING 3000 WATERMAIN
- EXISTING 5000 WATERMAIN
- EXISTING 6000 WATERMAIN

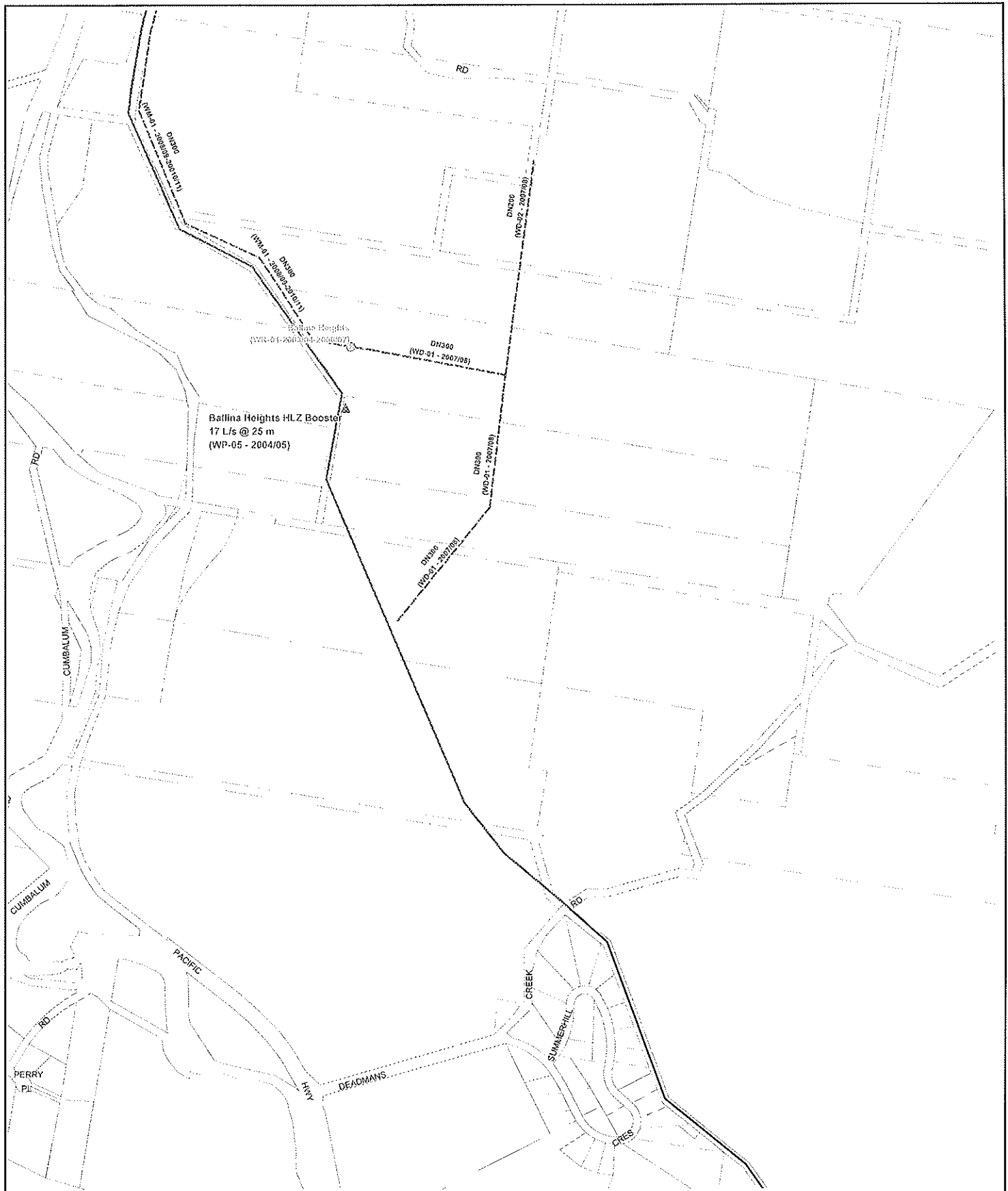
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BULLENH COMMUNITY DEVELOPMENTS		SCALE - 1:12500	A1
PRECINCT B		DATE - 24 APRIL 2007	Rev. A
CUMBALUM		DRAWING No.	B1006\02
WATER SUPPLY STRATEGY			

SKETCH No. SK01 (03/11/08)
WATER SUPPLY STRATEGY
(INCLUDING RECYCLED
WATER STATEGY)



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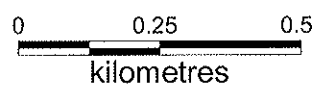
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Existing Mains Diameter (mm)



- ⊗ DSP Area A
- ⊗ DSP Area B
- ⊗ DSP Area C
- ⊗ DSP Area D

North

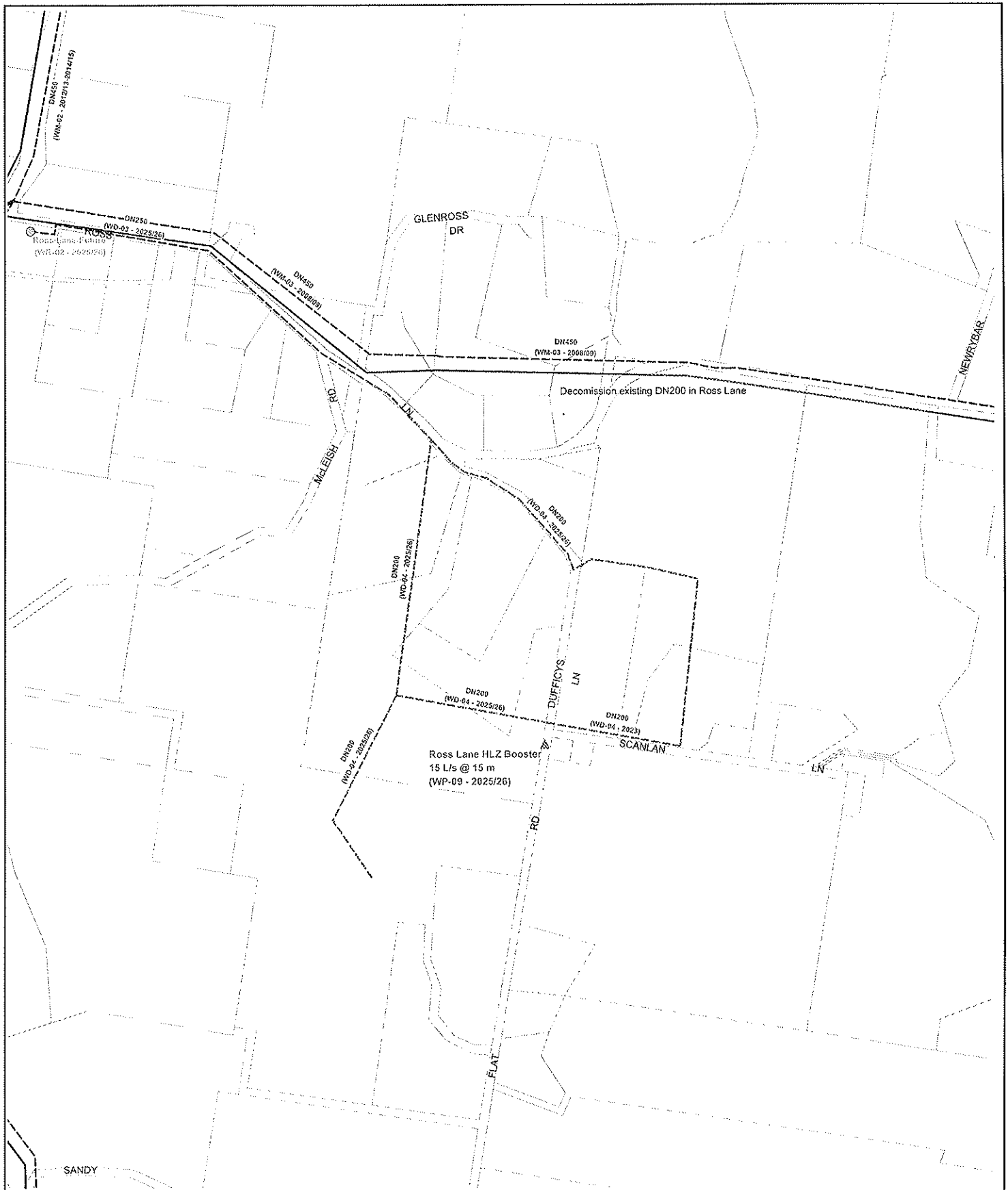


Source Information: GIS Data
supplied by Ballina Shire Council

Ballina Shire Council

Figure 3
Ballina Heights

Extract from Water
DSP (GHD, 2004)

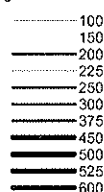


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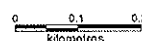
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Existing Mains Diameter (mm)



- ⊗ DSP Area A
- ⊗ DSP Area B
- ⊗ DSP Area C
- ⊗ DSP Area D

North



Source Information: GIS Data supplied by Ballina Shire Council

Ballina Shire Council

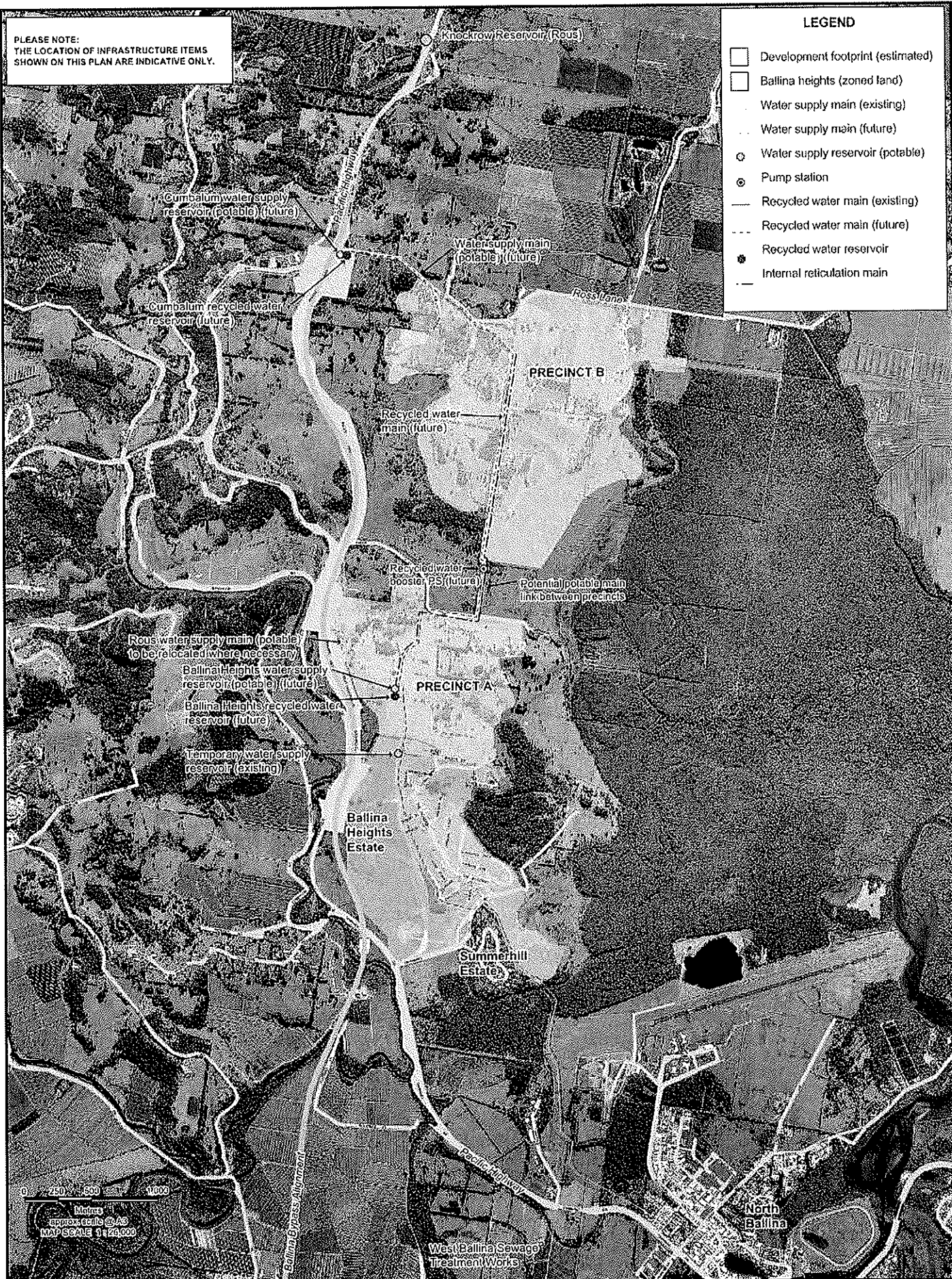
Figure 2
Ross Lane

Extract from Water
DSP (GHD, 2004)

PLEASE NOTE:
THE LOCATION OF INFRASTRUCTURE ITEMS
SHOWN ON THIS PLAN ARE INDICATIVE ONLY.

LEGEND

- Development footprint (estimated)
- Ballina heights (zoned land)
- Water supply main (existing)
- Water supply main (future)
- Water supply reservoir (potable)
- Pump station
- Recycled water main (existing)
- Recycled water main (future)
- Recycled water reservoir
- Internal reticulation main



CURA Conceptual Servicing Plan Proposed Water Supply Infrastructure Capital Works



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30/05/2011



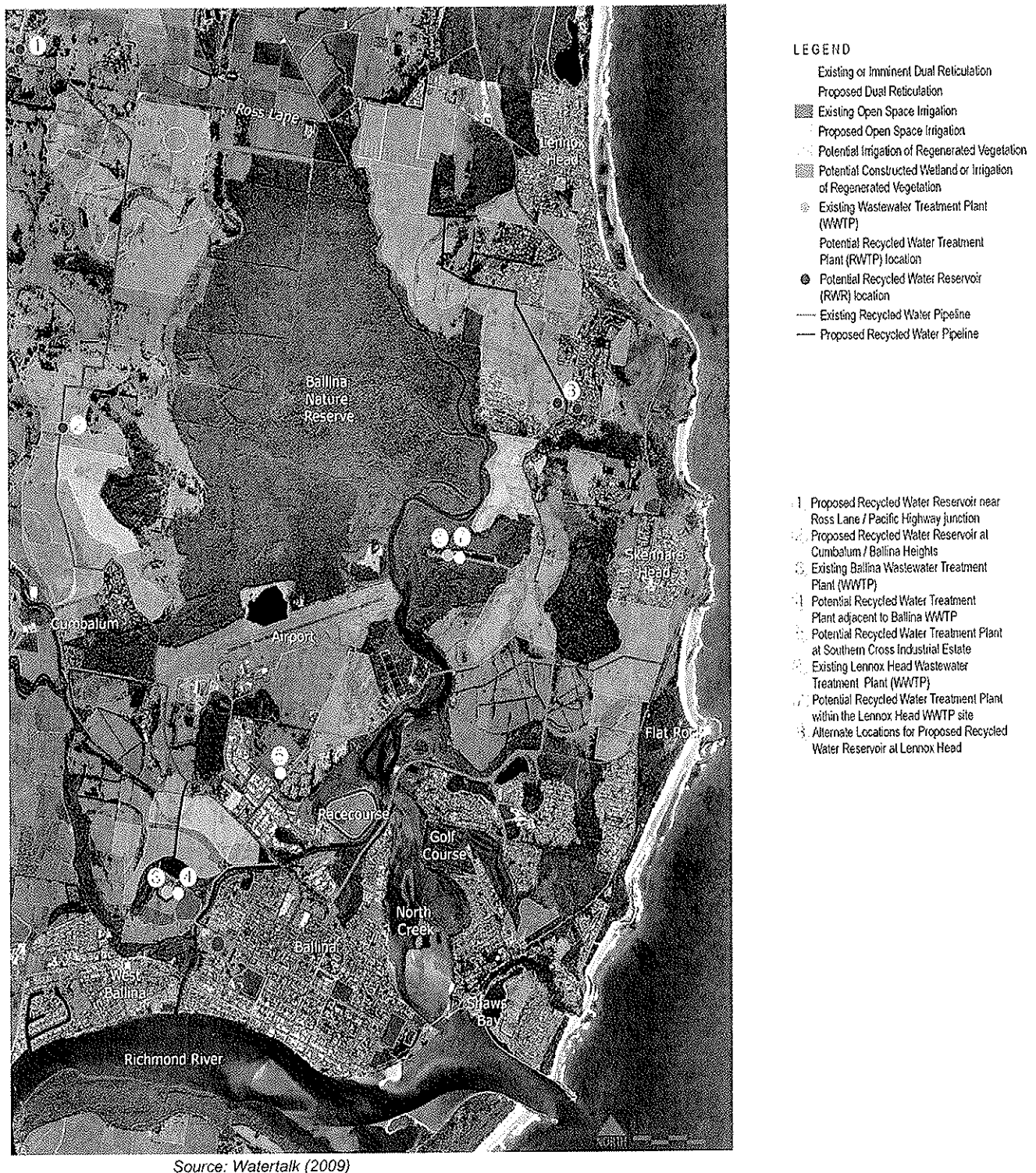
Appendix G

Recycled Water Infrastructure Plans



Figure 5-2

Scope of the Proposed Works



Source: Watertalk (2009)

Figure 5-4 Existing and Potential UOS, UDR and Vegetation Regeneration Areas



Figure 5-6: Ballina Heights Reservoir Location



Figure 5-7: Ballina Heights Rising Main

Appendix H

Sewerage Infrastructure Plans

REZ 6 - Sewer Zones

SK02 – Proposed Sewer Strategy

Sewer DSP (2004) Plan

Figure 6A – Cumalum (GHD, 2011)



1. INFRASTRUCTURE BASED ON BALLINA SHIRE COUNCIL SEWER INFRASTRUCTURE DEVELOPMENT SERVICE PLANS, MAY 2004. LOCATION AND SIZES ARE INDICATIVE ONLY.
2. ALL CONSTRUCTION DATES SHOWN ARE INDICATIVE BASED ON ANTICIPATED REQUIREMENTS AND POTENTIALLY BRINGING FORWARD INFRASTRUCTURE DUE TO EXISTENCE OF PRESENT 8".
3. SEWER ALIGNMENTS GENERALLY LOCATED ON PROPOSED LINK ROAD BETWEEN PRECINCT A AND B.
4. ALL WORKS SUBJECT TO FUTURE INVESTIGATION AND DESIGN.

LEGEND:

-  PUMP STATIONS
 FUTURE GRAVITY MAIN
 FUTURE RISING MAIN
 EXISTING RISING MAIN
 PRECINCT A
 PRECINCT B
 PRECINCT B BOUNDARY

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GA BALLOON OF FRODO BAGGINS

SKETCH No. SK02(03/11/08)

PROPOSED SEWER STRATEGY

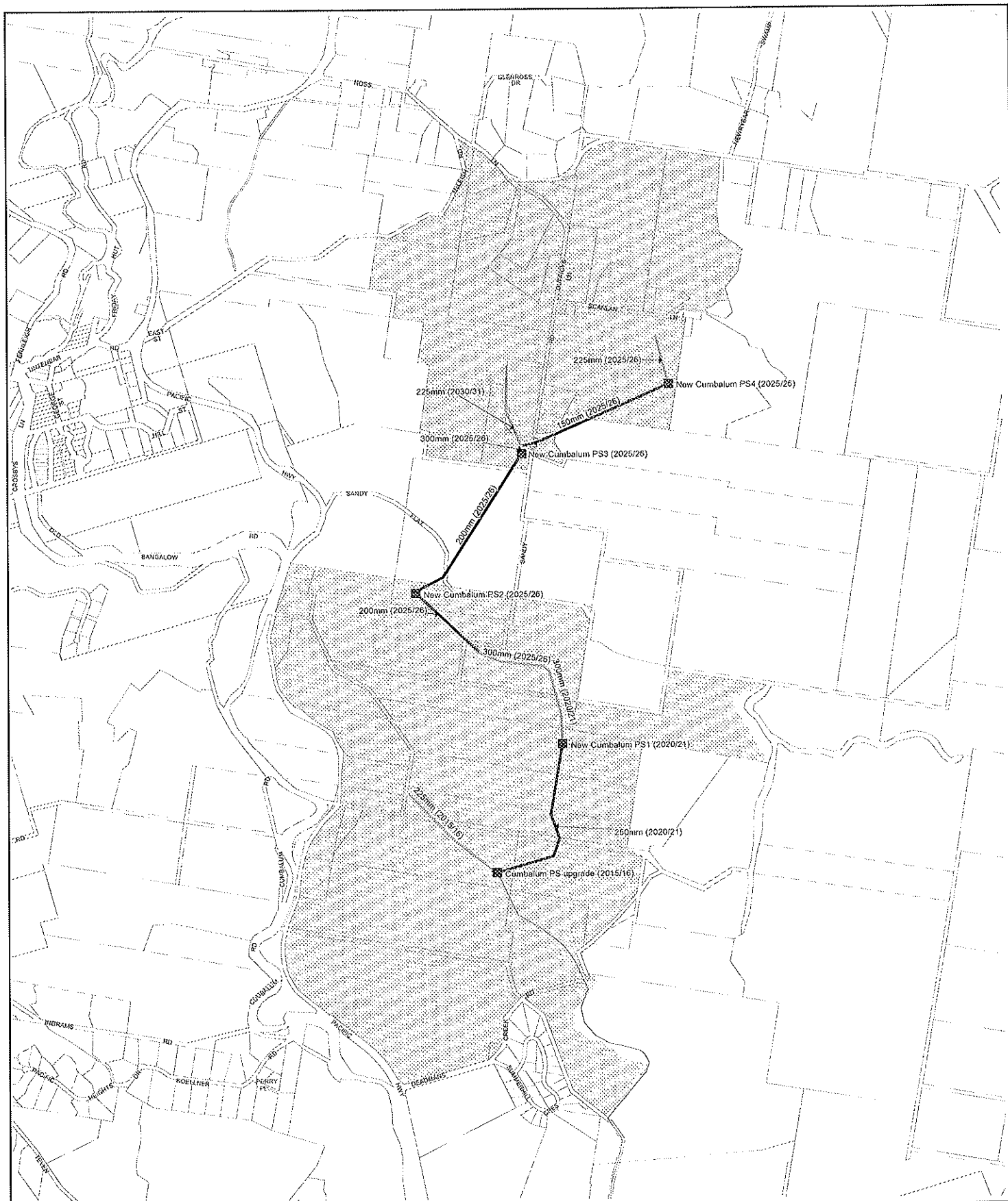
BULLENAH COMMUNITY DEVELOPMENTS

PRECINCT B
CUMBALUM

PROPOSED SEWER STRATEGY

Cardino
Cardino (Pty) Ltd. A/C: 251 076 002
Commander Centre, 1st of April
Bldg Coast City, Durbanville 4117
Email: cardino@cardino.co.za

Cardano (Que) Pty Ltd Acq 231 074 022
Commerical Centre, 151 of Court
Bld Coast City, Queensland 4317
Email: cardano@cardano.com.au



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G:\4111\2595\MapInfo\Workspace\Severage DSP\Fig7.WOR

Legend

- Existing Pump Station
- Existing Gravity Main
- Existing Rising Main
- Future Pump Station / Upgrade
- Future Gravity Main / Upgrade
- Future Rising Main / Upgrade
- ⊗ DSP Area A
- ⊗ DSP Area B
- ⊗ DSP Area C
- ⊗ DSP Area D
- ⊗ DSP Area E

North



0 0.25 0.5
kilometres

Source Information: GIS supplied by Ballina Shire Council.

Ballina Shire Council

Figure 7
Cumbalum



Appendix I
DCP Extract

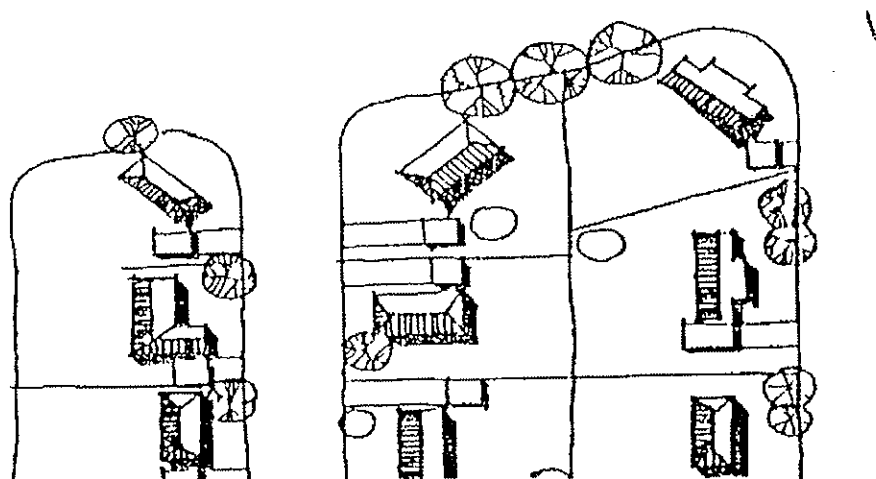
Policy Statement No. 4 Urban Subdivision

Ballina Shire Combined Development Control Plan

Chapter 1 – Urban Land

Policy Statement No. 4

Urban Subdivision



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Amend. No.	Main Purpose of Plan / Amendment	Date of Council's Resolution to adopt	Effective From
PRINCIPLE PLAN	Combined Council's former DCPs (other than the Exempt and Complying Development DCP) into a single document. Also introduced new planning controls for the Ballina Town Centre. Prepared in response to NSW Legislative Reforms concerning DCPs	24/08/06	1/10/06
Amendment. No. 6	Insertion of Section 5 dealing with open space standards	26 June 2008	10 July 2008

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**POLICY STATEMENT NO. 4
URBAN SUBDIVISION**

1. PREAMBLE AND CITATION

- 1.1** This component of the Ballina Shire Combined DCP relates to the resubdivision of urban zoned land.
- 1.2** This part of the plan may be cited as Policy Statement No. 4 Urban Subdivision.

2. RELATED STATUTES AND REFERENCE PUBLICATIONS

- Local Government Act, 1993.
- Streets Where We Live - New South Wales Department of Environment and Planning, Traffic Authority and Land Commission (1983).
- New Choices in Housing/Guidelines for Cost-Effective Residential Development - Department of Housing and Construction
- Technical Bulletin No. 15 - Residential Development Standards - N.S.W. Department of Environment & Planning (1982).
- Ballina Council Subdivision Code
- Northern Rivers Local Government Development and Design Manual
- Northern Rivers Local Government Construction Manual

3. BACKGROUND TO POLICY

Ballina Local Environmental Plan 1987 does not limit the size and shape of land to be provided for varying housing forms, but identifies the need to regulate the subdivision and use of land to permit housing and ancillary development where the scale, type and traffic generating characteristics of the developments are compatible with the character and amenity of surrounding residential areas.

Having regard to the above, Council in giving consideration to applications for residential subdivision, will be mindful of the type of development which is likely to occur and will have regard for the existing subdivision pattern in the locality.

Standards for the type and shape of residential allotments may be seen as a reflection of:

- (a) Resident needs - lot capacity for accommodation of a dwelling and surrounds, with potential for expansion;
- (b) Neighbours needs - particularly privacy and access to sunlight;
- (c) Public health and safety - building separation for light and ventilation, retardation of the spread of fire and access for emergency vehicles;
- (d) Economy - efficient land use for access and services;
- (e) Choice - provision for different and varied housing and development types and changes in development needs over time.
- (f) Predictability - clarity of rules which allows developers to proceed with confidence, and owners to gain some measure of security against change;
- (g) Environment - retention of trees and natural features, achievable landscaping capacity, minimisation of adverse external impacts, and regard for amenity of the area.

4. DESIGN PRINCIPLES

With the above objectives in mind, Council has adopted the following design principles for subdivisions, which are illustrated in **Diagram No. 1**:

4.1 Residential Areas

Allotments created for residential development shall generally have a minimum area of 600m² with a minimum frontage of 18m.

Irregular Shaped Allotments (or fan-shaped) as occur at the end of cul-de-sacs are to be at least 15m wide, measured at the front building line for standard depth blocks. For lots of greater than standard depth, the absolute minimum road frontage is to be 4m and a minimum lot width of 15m is to be provided 20m from the front boundary.

Hatchet shaped allotments are generally not desirable. Acceptable situations for battleaxe allotments may occur when:

- (a) the allotment fronts a public reserve area or waterway; and,
- (b) the level of the land is such that the rear allotment is sufficiently above the front allotment to permit an attractive outlook.

The minimum area of a battleaxe lot is 800m², excluding the access handle, which is to be a minimum of 3.6m wide and to extend no further than 45m from the road alignment.

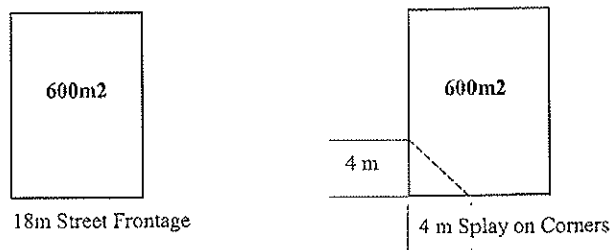
Multiple battleaxe lots will be allowed only when:

- (a) access ways, paved to Council's specification, are provided over the battleaxe handles;
- (b) Council is satisfied that access cannot be reasonably provided with the construction and dedication of a public road by the subdivider;
- (c) the lots comply with the requirements above.

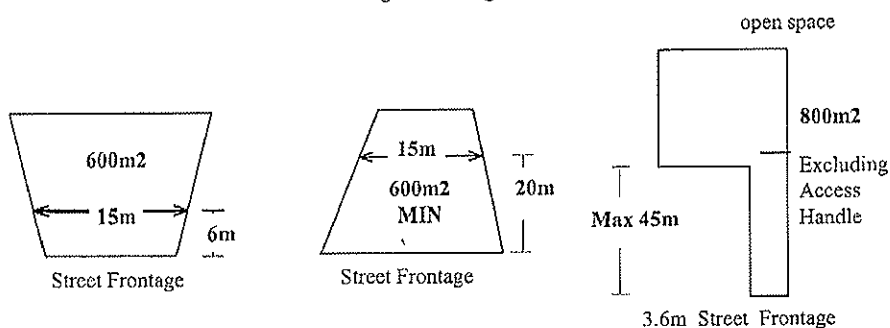
Corner allotments are to incorporate a suitable splay section to facilitate traffic sight distances, generally 4.0m but varying in accordance with the angle of the intersection. The minimum frontage of corner lots is to be 20m.

DIAGRAM No. 1 **MINIMUM DESIGN REQUIREMENTS** **for** **RESIDENTIAL SUBDIVISION**

SINGLE DWELLING ALLOTMENTS



Standard Single Dwelling Allotments

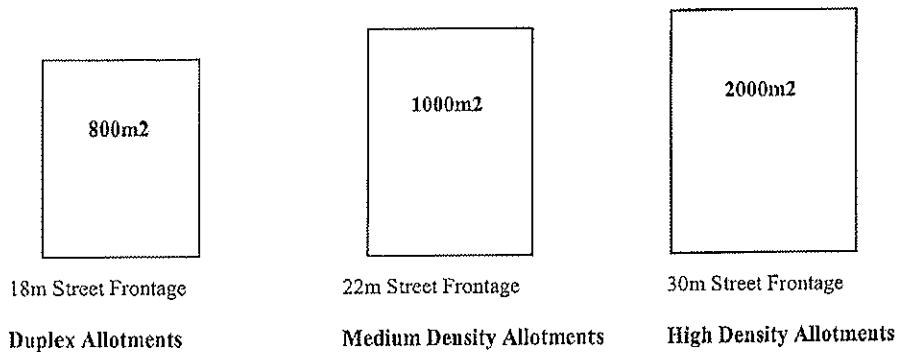


Irregular Shaped Allotments

Hatched Shaped Allotments

HIGHER DENSITY ALLOTMENTS

(Recommended Requirements)



4.2 Unit Sites

It is evident that the maximum density of units allowed under this plan becomes easier to achieve with each additional unit and on larger sites, having regard to landscaped open space, setback, car parking and height restriction requirements. As the number of units in a proposal increases, the amount of landscaped open space and driveway area per unit decreases. Experience has been that in most cases the 600m² subdivision minimum for urban lots is only sufficient for the siting of a dwelling or a dual occupancy development.

For residential buildings containing three or four units a lot with a minimum area of 1000m² with a minimum frontage/width of 22m is considered desirable.

For high density development proposals, a minimum aggregated allotment area of 2000m² is considered necessary.

These recommended minimum frontage/widths are critical for typical flat proposals because of side boundary setback requirements and the dimensions of manoeuvring areas required to allow vehicles to enter and leave in a forward direction.

4.3 Commercial Areas

No minimum areas are stipulated, however, the dimensions should be suited to the type of activity proposed. The developer must take into account car parking requirements and height restrictions. To be able to provide on-site parking with spaces parallel to the street frontage with single aisle width, a car park area requires a minimum width of 13 metres to allow for vehicular manoeuvring room.

4.4 Industrial Areas

When preparing a proposal for an industrial subdivision, a study of the anticipated traffic flow patterns within the area should be undertaken and suitable routes for distributor roads should be established.

No minimum areas and dimensions for industrial allotments are specified by Council, however because of the need to provide setbacks for vehicular access purposes, a minimum area of 1,000m² is desirable. Each proposal should cater for the type of industry intended for the estate and submissions will be assessed in this manner.

Allotment shapes should be designed to permit easy access to the rear. Generally a frontage to depth ratio of between 1:2 and 1:3 is desirable, with the lots being regular and rectangular where possible.

4.5 Subdivision to Rear Lanes

The subdivision of land whereby a vacant allotment is created which has a frontage to a lane only, is unacceptable. This policy relates not only to the subdivision of land but also to the strata subdivision of a building and has been adopted to ensure suitable access is afforded to all allotments to postal and garbage services and the like.

4.6 Vacant Strata Lots

Where staged residential development of allotments involving rear service lanes is proposed, it is Council's practise not to allow the creation of vacant allotments of land having only lane frontage. That is, the residential building is to be constructed and completed prior to the final plan of subdivision release.

Council may, however, approve of the creation of vacant strata lots where development consent has been granted for the erection of a building thereon and the strata plan is accompanied by a concept plan in a development contract showing the dimensions and design of the approved building.

5. OPEN SPACE

The provision of open space in new residential subdivisions shall be in accordance with the following standards, either being provided directly as a consequence of development or by way of a Section 94 Contribution Plan.

Space Type	Quantity	Location/Distribution	Size	Facilities	Quantum of Provision	Other Attributes
Local Park	Sufficient to meet location and size criteria. 0.33 ha/1000 persons	Within 500 metres of all residents and safe access without major road crossings.	Min size of 2,000m ² , exclusive of any drainage/stormwater management reserves and serves up to 800 people	- Seating - Play equipment - Pathway - Shade trees or structures - Litter bins - Safety fencing as appropriate	1.5 playground equipment sets with shade structure & safe fall area per 1000 persons.	- Access via more than one street; - Integrate with Local shopping and community facilities; - Integrate with cycle and footpaths; - Parks will be sited to take advantage of natural features such as foreshore areas or where there is significant vegetation when applicable; - Link with wildlife corridors and flora and fauna protection areas to provide transition between natural and residential development; and - At least 2,000m² should be level to gently sloping land - Play equipment and soft fall to meet relevant Australian Standards
District Park¹	Sufficient to meet location and size criteria. May form part of the 0.5ha/1,000 persons	Preferably within 5 kms of all residents	- Large enough to accommodate a large range of informal opportunities (while possibly protecting and enhancing significant natural features, visual qualities, heritage items) - Should be large enough to support large numbers of people in social groups - Min size of 1.0 ha – with 3 or more hectares preferred.	- Seating - Play equipment - Pathway - Shade trees or structures - Litter bins - Safety fencing as appropriate - Sealed parking - Toilets and amenities - BBQ facilities		- Integrate, where possible with other community facilities, community centres, outdoor sports facilities; - Located such that traffic causes minimal disruption to residential areas; and - May be highly modified/developed or incorporate significant natural features. - Access to public transport. - Play equipment and soft fall to meet relevant Australian Standards

Sporting Fields	Approximately 1.7 ha per 1,000 people.	Located in close proximity to schools.	Minimum of 4 hectares to allow grouping of sports fields to maximise land efficiency and reduce embellishment costs through economies of scale (shared use of amenities, parking, etc)	• Club house • Amenities • Change rooms • Lighting • Car parking	1.2 large winter playing field (Rugby) per 1000 persons. 1.2 tennis, netball or basket ball court per 1000 persons • 30 car parks for each of the 1st 2 winter playing fields, 20 thereafter • 20 car parks for each of the 1st 2 netball/ basketball courts, 15 thereafter • 4 car parks per tennis court 1 clubhouse per 4 winter playing fields and per 6 courts	• Integrate with Local or district parks where possible - to enhance appeal and diversity of opportunity. See further detailed on playing field & court specifications
Regional Facilities	Approximately 0.3 ha per 1,000 people.		Range of higher order facilities that satisfy Shire wide needs, including minimum 10 hectares site centralised Playing Fields in Ballina. Other major Shire wide recreational facilities include upgrading of the Ballina-Lennox Head Coastal Reserve, Construction of the Coastal cycleway, Regional Skate Park, Provision and upgrading of Regional Riverside Parks etc.	• Grandstand • Indoor sporting facilities • Athletics track • Club house • Amenities • Change rooms • Lighting • Car parking • Landscaping • Cycleways • Embellishment • Boating facilities		• Provision of Centralised sporting facility in Ballina with good access from main road network • Development and implementation of Precinct Plan for Coastal Reserve.

PLAYING FIELD & COURT SPECIFICATIONS

Plans

Engineering and/or building plans shall be submitted for all required open space facilities for Council approval.

Playing Fields

Specifications for playing fields:

- a. 1.2 large winter playing field (Rugby) per 1000 persons
- b. The size of the fields shall accommodate a full sized turf pitch cricket oval in summer and two rectangular full sized fields for winter sports (ie rugby league, union soccer).
- c. The orientation of the fields is to be between true north and 15 degrees east of north.
- d. The playing fields, curtilage and site on which facilities are to be located shall be developed and filled to a minimum of 1 in 10 year ARI for stormwater.
- e. All fills shall suitably for the purpose and be free of contaminants.
- f. The playing fields shall be domed with an optimum surface slope of 1 in 70.
- g. The playing surface shall consist of a free draining topsoil of nominal 150mm depth and within a pH range of 6.0-7.0. The free draining topsoil shall be laid upon a further 150mm of free draining sand medium.
- h. Construction shall commence 2 growing seasons before fields are required/proposed for use.
- i. A fully automated pop-up sprinkler irrigation system, associated controller unit and quick coupling valves shall be installed.
- j. The grass cover shall be of species suitable for the site.
- k. Field lighting shall be provided in accordance to the Australian Standards.

Courts

- Tennis, netball or basket ball court per 1000 persons
- Netball, Tennis and basketball Courts shall be of a hard paved surface
- Court lighting shall be provided in accordance to the Australian Standards.
- Access

The playing fields shall be serviced by a sealed access road.

Parking

Parking shall generally be provided at the following rates

- 30 car parks each for 1st 2 winter playing fields , 20 thereafter
- 20 car parks each for 1st 2 netball/ basketball courts, 15 there after
- 4 car parks per tennis court

All car parking shall be sealed to Council's standards. Additional all weather overflow car parking to be provided depending on needs

Amenities buildings

An amenities building shall be required that provides a minimum of:

- a. Male and Female ablution (WC's & Showers) facilities. Number of toilets & showers will be dependant on the number of fields/courts.
- b. Two designated lockable storage rooms of nominated dimensions 4m x 4 m per sport (variable depending on number of sports using facility)

- c. An awning/verandah for the perimeter of the building.
- d. A canteen.
- e. The building being constructed such that a second storey is capable of being erected.

Clubhouses

- 1 clubhouse per 4 winter playing fields
- 1 clubhouse per 6 courts
- Orientation to suit site

Dedication

The areas nominated as reserves/open spaces shown on the approved plan for structured open space are to be dedicated to Council at no cost to Council at the time playing fields and/or courts are finished.

Maintenance

The developer shall maintain and improve the surface of playing fields and associated facilities until they are available for public use.

6. ENGINEERING REQUIREMENTS

All subdivision proposals shall be designed and constructed in accordance with the requirements and standards specified in the following documents.:

- Northern Rivers Local Government Development and Design Manual.
- Northern Rivers Local Government Construction Manual; and
- Council's "Subdivision Code" available from Civil Services Group. This document is particularly relevant to the subdivision of "en globo" land.

7. INTEGRATED SUBDIVISION

Integrated housing development means the subdivision of land and the development of detached dwellings for which development consent is given by the Council at the same time.

Whilst a lesser allotment size is permitted under the provisions of the Building Code of Australia, Council specifies a preference for each lot having a minimum area of 400m² for integrated subdivision.

A development application for consent to carry out integrated housing development must be accompanied by:

- a) the proposed plan of subdivision and location of each dwelling house; and,
- b) a plan indicating the proposed location of each dwelling house on the allotment and the location of all windows, doors and the like in each dwelling house.

Before granting consent to an application for an integrated housing project the Council must be satisfied that:

- a) there will be adequate privacy within the development for the occupants of each new dwelling and for existing dwellings on neighbouring allotments;
- b) there will be adequate access to natural light for each dwelling;
- c) the floor space ratio of each dwelling will not exceed 0.5:1 (a floor space ratio of 0.5:1 means that the total floor area of dwellings must not be greater than half the area of the allotment); and,
- d) there are adequate water, sewerage and drainage services for each proposed dwelling house.

As is the case for the determination of all development applications, these requirements apply in addition to the matters contained in Section 79C of the Environmental Planning and Assessment Act, 1979.

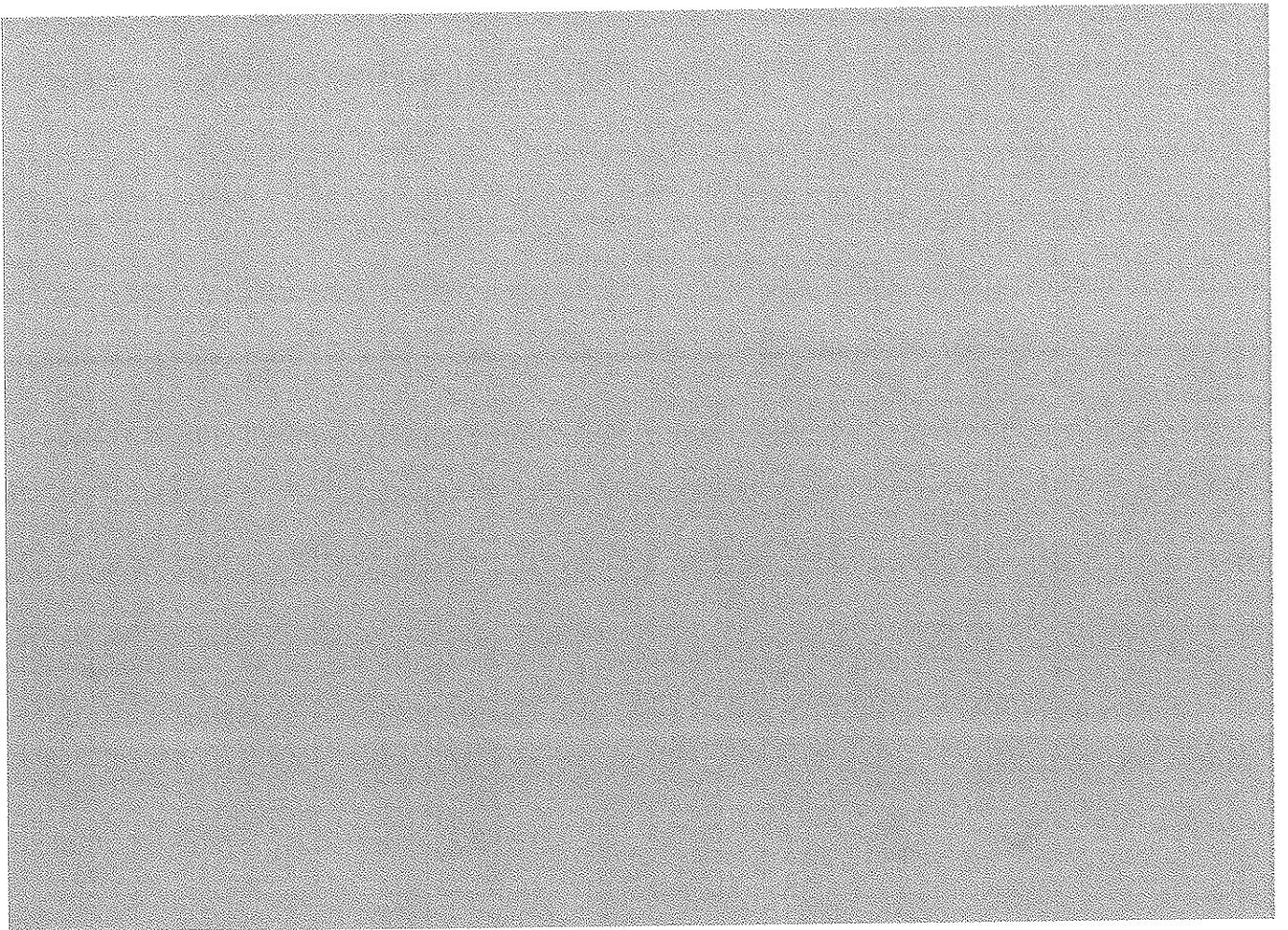
The provisions in the Policy for integrated housing developments will supplement existing minimum allotment size or minimum width or depth requirements specified in earlier sections of this policy statement.

When any land has been approved for integrated housing development, land must be developed in accordance with the floor plan, site location, window and door location for which development approval has been given. This applies unless the Council is satisfied that any variations will not reduce the amenity. Under the Building Code of Australia, walls with no windows can be constructed along one boundary with no side setbacks. With careful design, and allotment orientation the site can be used to great benefit to provide for private open space. Such a successful design approach can include placing passageways and utility areas along the windowless walls, the orientation of living areas to private open space to the north or east and the use of light wells and courtyards.

Council will only approve the subdivision of an integrated housing development with exterior walls on or within 0.9 metres of the boundary where a maintenance easement is provided over the adjoining land.

8. CONSULTATION

It is considered desirable that potential urban subdivision applicants and/or their professional representatives consult with Council's Town Planning and Engineering Staff prior to the lodgement of a formal development application.



SCHEDULE 3

**CUMBALUM URBAN RELEASE AREA – PRECINCT B
DEVELOPMENT CONTRIBUTIONS**

Column 1 Contribution Item	Column 2 Public Purpose	Column 3 Nature / Extent	Column 4 Timing	Column 5 Responsible Landowner
Carrying Out of Works				
1. District playing fields	Open space & recreation	District playing fields located in the area marked as 'Playing Fields' on the Map. The following facilities are to be provided for every 300 Final Lots: • 1 Playing Field; • 1 Court; • Clubhouse and amenities; • Public (road) access; and • Car parking. The facility is to occupy a minimum area of 1.4 hectares and is to be designed and located to make efficient use of the site and so as to be capable of being expanded through future stages of the development such that each open space facility will comprise a minimum area of 4 hectares. The location of playing fields is to be sufficient to accommodate the projected total development yield of CURA B, as defined in Table 8 of the Infrastructure Delivery Plan and as determined by the Council. The type of court to be provided shall be that specified in writing by the Council. The facility is to be provided on a common site with CURA A and arrangements are to be made to avoid duplication and to create a variety of	Works to be completed prior to the issue of: a) the Subdivision Certificate that creates the 300th Final Lot or a lot which has the capacity to accommodate (as determined by the Council) the 300th Final Lot, whichever occurs first, and b) each Subdivision Certificate that creates a subsequent Final Lot that is a multiple of 300, or a lot which has the capacity to accommodate (as determined by the Council) a subsequent Final Lot that is a multiple of 300, whichever occurs first.	A Landowner that applies for a Subdivision Certificate referred to in Column 4.

Column 1 Contribution Item	Column 2 Public Purpose	Column 3 Nature / Extent	Column 4 Timing	Column 5 Responsible Landowner
		sporting options. Playing fields to be constructed and maintained, to a standard acceptable to the Council, for a minimum of two years prior to the creation the Final Lots to which facility relates. Further details of works are provided in Section 9 - Open Space of the Infrastructure Delivery Plan		
2. District parks	Open space & recreation	District parks, for passive recreation, are to be provided comprising a minimum area of 4050m² per 300 Final Lots. District parks are to be embellished, to the Council's satisfaction, and may include walking paths, picnic shelters, BBQ facilities and play equipment. Further details of works are provided in Section 9 – Open Space of the Infrastructure Delivery Plan.	Works to be completed prior to the issue of: a) the Subdivision Certificate that creates the 300th Final Lot or a lot which has the capacity to accommodate (as determined by the Council) the 300th Final Lot, whichever occurs first, and b) each Subdivision Certificate that creates a subsequent Final Lot that is a multiple of 300, or a lot which has the capacity to accommodate (as determined by the Council) a subsequent Final Lot that is a multiple of 300, whichever occurs first.	A Landowner that applies for a Subdivision Certificate referred to in Column 4.
3. Local parks	Open space & recreation	Local parks are to be provided at a rate of 1 park, comprising a minimum area of 2100m², per 240 Final Lots. Local parks are to be embellished with	Works to be completed prior to the issue of: a) the Subdivision Certificate that creates the 240th Final Lot or a lot which has the capacity	A Landowner that applies for a Subdivision Certificate referred to in Column 4.

Column 1 Contribution Item	Column 2 Public Purpose	Column 3 Nature / Extent	Column 4 Timing	Column 5 Responsible Landowner
		play equipment to the reasonable satisfaction of the Council. Parks shall be located such that all residences will be within 400m of a local park. Further details of works are provided in the Section 9 – Open Space of the Infrastructure Delivery Plan.	to accommodate (as determined by the Council) the 240th Final Lot, whichever occurs first, and b) each Subdivision Certificate that creates a subsequent Final Lot that is a multiple of 240, or a lot which has the capacity to accommodate (as determined by the Council) a subsequent Final Lot that is a multiple of 240, whichever occurs first.	
4. Multi-purpose Hall	Community Facilities	Community halls are to be provided comprising a minimum size of 250m² GFA per 880 Final Lots. Each hall is to include an auditorium comprising a minimum of 170m², car parking and landscaping. Community halls are to be centrally located. Further details of works are provided in Section 9 – Open Space of the Infrastructure Delivery Plan.	Works to be completed prior to the issue of: a) the Subdivision Certificate that creates the 880th Final Lot or a lot which has the capacity to accommodate (as determined by the Council) the 880th Final Lot, whichever occurs first, and b) each Subdivision Certificate that creates a subsequent Final Lot that is a multiple of 880, or a lot which has the capacity to accommodate (as determined by the Council) a subsequent Final Lot that is a multiple of 880, whichever occurs first.	A Landowner that applies for a Subdivision Certificate referred to in Column 4.
5. Roads - arterial intersections	Roads and traffic management	Construct intersections on Ross Lane, as follows: Two lane roundabout to arterial road	Works to be completed prior to the issue of a Subdivision Certificate that creates a Final Lot at any stage in the	A Landowner that applies for a Subdivision Certificate referred to in Column 4.

Column 1 Contribution Item	Column 2 Public Purpose	Column 3 Nature / Extent	Column 4 Timing	Column 5 Responsible Landowner
		standard at McLeish Road intersection; • Signalised intersection to arterial road standard at Duffcys Lane intersection; and • Any further intersections with Ross Lane required as a consequence of the Development. or, in the circumstance that Ross Lane is realigned, works to an equivalent standard and scope as determined by the Council in writing. Further details of works are provided in Section 5 – Roads of the Infrastructure Delivery Plan.	Development where the Council advises the Landowner in writing that the intersection works, or part thereof, are required.	
6. Roads – sub arterial/distributor	Roads and traffic management	Construct CURA Link Road as shown on the Map to minimum distributor road standard as defined in the Manual. Further details of works are provided in the Infrastructure Delivery Plan - Section 5 – Roads.	Works to be completed prior to the issue of the Subdivision Certificate that creates the 600 th Final Lot in the Development.	The Landowner that applies for the Subdivision Certificate referred to in Column 4.
7. Sewerage – mains and pump stations	Sewerage management	The construction of sewerage mains and pump stations in the locations marked as 'Sewerage Main' and 'Sewerage Pump Station' as shown on the Map, to achieve conveyance to SP2402 (as shown in the Infrastructure Delivery Plan). Capacity to be sufficient to accommodate ultimate development of CURA B, as defined in Table 8 of the Infrastructure Delivery Plan and as determined by the Council.	Works to be completed prior to the issue of a Subdivision Certificate that creates Final Lots at any stage in the Development where the Council advises the Landowner in writing that the works, or part thereof, are required.	The Landowner that applies for the Subdivision Certificate referred to in Column 4.

Column 1 Contribution Item	Column 2 Public Purpose	Column 3 Nature / Extent	Column 4 Timing	Column 5 Responsible Landowner
8. Drinking water distribution mains	Water supply	Where sewerage mains are to be located on land not under the ownership or control of the parties to this agreement the developer is to obtain the necessary rights to construct the main on the land. The design and construction of mains is to be undertaken to achieve the integration of services (including drinking and recycled water, sewer, electricity and telecommunications), where possible and to the reasonable satisfaction of the Council. The construction of Drinking Water Distribution Mains from the future Ross Lane Water Reservoir, generally as shown on the Map. Capacity to be sufficient to accommodate ultimate development of CURA B, as defined in Table 8 of the Infrastructure Delivery Plan and as determined by the Council. Where drinking water distribution mains are to be located on land not under the ownership or control of the parties to this agreement the developer is to obtain the necessary rights to construct the main on the land. The design and construction of mains is to be undertaken to achieve the integration of services (including drinking and recycled	Works to be completed prior to the issue of the Subdivision Certificate that creates the 1st Final Lot in the Development. The Landowner that applies for the Subdivision Certificate referred to in Column 4.	

Column 1 Contribution Item	Column 2 Public Purpose	Column 3 Nature / Extent	Column 4 Timing	Column 5 Responsible Landowner
		water, sewer, electricity and telecommunications), where possible and to the reasonable satisfaction of the Council. The location of the drinking water main is to undertaken in consideration of the future widening of Ross Lane, to the reasonable satisfaction of the Council.		
Dedication of Land and registration of easements				
9. Playing fields	Open space & recreation	Dedication of a minimum of 1.4 hectares of land, as shown on the Map on which Item 1 is located. The land on which Item 1 is located is to capable of accommodating the expansion of the facility through future stages of the development such that each open space facility will comprise a minimum area of 4 hectares.	On registration of: a) the plan of subdivision that creates the 300th Final or a lot which has the capacity to accommodate (as determined by the Council) the 300th Final Lot, whichever occurs first, and b) each plan of subdivision that creates a subsequent Final Lot that is a multiple of 300, or a lot which has the capacity to accommodate (as determined by the Council) a subsequent Final Lot that is a multiple of 300, whichever occurs first.	Landowner of: • Lot 18 DP 873873 and • Lot 19 DP 873873.
10. District parks	Open space & recreation	Dedication of land on which Item 2 is located.	On registration of: a) the plan of subdivision that creates the 300th Final Lot or a lot which has the capacity to accommodate (as determined by the Council) the 300th Final Lot, whichever occurs first, and	Landowner of land on which Item 2 is located.

Column 1 Contribution Item	Column 2 Public Purpose	Column 3 Nature / Extent	Column 4 Timing	Column 5 Responsible Landowner
			b) each plan of subdivision that creates a subsequent Final Lot that is a multiple of 300, or a lot which has the capacity to accommodate (as determined by the Council) a subsequent Final Lot that is a multiple of 300, whichever occurs first.	
11. Local parks	Open space & recreation	Dedication of land on which Item 3 is located.	On registration of: a) the plan of subdivision that creates the 240 th Final Lot or a lot which has the capacity to accommodate (as determined by the Council) the 240 th Final Lot, whichever occurs first, and b) each plan of subdivision that creates a subsequent Final Lot that is a multiple of 240, or a lot which has the capacity to accommodate (as determined by the Council) a subsequent Final Lot that is a multiple of 240, whichever occurs first.	Landowner of land on which Item 3 is located.
12. Multi-purpose Hall	Community facilities	Dedication of land on which item 4 is located.	On registration of: a) the plan of subdivision that creates the 880 th Final Lot, or a lot which has the capacity to accommodate (as determined by the Council) the 880 th Final Lot, whichever occurs first, and b) each plan of subdivision that	Landowner of land on which Item 4 is located.

Column 1 Contribution Item	Column 2 Public Purpose	Column 3 Nature / Extent	Column 4 Timing	Column 5 Responsible Landowner
			creates a subsequent Final Lot that is a multiple of 880, or a lot which has the capacity to accommodate (as determined by the Council) a subsequent Final Lot that is a multiple of 880, whichever occurs first.	
13. Roads - Arterial Road	Roads and traffic management	(a) Dedication of land to accommodate the widening of Ross Lane. (b) Dedication of land on which Item 5 (Ross Lane intersections) are located.	Upon receipt of a request from the Council for the dedication of the land for the purpose of Ross Lane road widening. On registration of the Plan of Subdivision relating to the Subdivision Certificate referred to in Column 4 corresponding to Item 5.	Landowner of: • Lot 8 DP 612318, • Lot 3 DP 1020436, • Lot 11 DP1127111, and • Lot 60 DP 1136918.
14. Roads - Sub arterial/distributor	Roads and traffic management	Dedication of public road corridor of distributor standard for the CURA Link Road, as shown on the Map on which Item 6 is located.	Within 90 days of the completion of Item 6	Landowner of: • Lot 3 DP 618742 • Lot 8 DP 612318 • Lot 2 DP 618742 • Lot 18 DP 873873, • Lot 19 DP 873873 • Lot 101 DP1123404 • Lot 60 DP 1136918.
15. Sewerage trunk main easements	Sewerage management	Creation of a minimum 3m wide easement (subject to asset depth) in favour of the Council registered on the title to the land on which Item 7 is located.	Within 90 days of the completion of Item 7.	Landowner of: • Lot 18 DP 873873, • Lot 19 DP 873873, • Lot 20 DP 873873, • Lot 21 DP 873873, • Lot 4 DP 1020436, • Lot 11 DP1127111, • Lot 60 DP 1136918 , and • Lot 10 DP 1127111.

Column 1	Column 2	Column 3	Column 4	Column 5
Contribution Item	Public Purpose	Nature / Extent	Timing	Responsible Landowner
16. Sewerage pump stations	Sewerage management	Dedication of land on which Item 7 (pump stations) is located. Where development is staged, temporary easements for access and electricity are to be provided, where required by the Council in writing.	Within 90 days of the completion of Item 7.	Landowner of: • Lot 18 DP 873873, • Lot 4 DP 1020436, and • Lot 11 DP1127111
17. Drinking water distribution main easement	Water supply management	Creation of a minimum 3m wide easement (subject to asset size & depth) in favour of the Council registered on the title to the land on which Item 8 is located.	Within 90 days of the completion of Item 8.	Landowner of: • Lot 8 DP 612318, and • Lot 101 DP1123404.
18. Recycled water supply main easement	Water supply management	Creation of a minimum 3m wide easement (subject to asset depth) in favour of the Council as shown on the Map.	Within 90 days of the receipt of a written request from the Council for the creation of an easement for recycled water mains.	Landowner of: • Lot 8 DP612318; • Lot 101 DP1123404; • Lot 18 DP873873; and • Lot 19 DP873873
Monetary Contribution				
19. Monetary Contribution	Various	\$53,860 per hectare of the Net Developable Area to be paid to the Council and applied towards the following public purposes in the following proportions: \$3,572 per hectare of the Net Developable Area for the Upgrade to Eastern Roundabout of the Pacific Highway Cumbalum Interchange \$14,286 per hectare of the Net Developable Area for the Upgrade to Eastern and Western Roundabouts of the Pacific Highway Ross Lane Interchange \$36,002 per hectare of the Net	Immediately prior to the issue of the Subdivision Certificate for the creation of Final Lots in per hectare contributions of \$53,860.	A Landowner that applies for a Subdivision Certificate referred to in Column 4.

Column 1	Column 2	Column 3	Column 4	Column 5
Contribution Item	Public Purpose	Nature / Extent	Timing	Responsible Landowner
		Developable Area for the Duplication of Over-bridge of the Pacific Highway Ross Lane Interchange		

SCHEDULE 4

Law Society of NSW – Mediation Rules

Functions of the Mediator

1. The mediator will assist the parties to explore options for and, if possible, to achieve the expeditious resolution of their dispute (“the Dispute”) by agreement between them.
2. The mediator will not make decisions for a party or impose a solution on the parties.
3. The mediator will not, unless the parties agree in writing to the contrary, obtain from any independent person advice or an opinion as to any aspect of the Dispute and then only from such person or persons and upon such terms as are agreed by the parties.

Conflicts of Interest

4. The mediator must disclose to the parties to the best of the mediator’s knowledge any prior dealings the mediator has had with either of them and any interest the mediator has in the Dispute.
5. If in the course of the mediation the mediator becomes aware of any circumstances that might reasonably be considered to affect the mediator’s capacity to act impartially the mediator will immediately inform the parties of those circumstances. The parties will then confer and if agreed continue with the mediation before the mediator.

Co-operation in the Mediation

6. The parties must co-operate with the mediator and each other during the mediation to achieve a mutually satisfying outcome to their dispute.
7. Each party must use its best endeavours to comply with reasonable requests made by the mediator to promote the efficient and expeditious resolution of the Dispute.

Authority and Representation

8. If a party is a natural person, the party must attend the mediation conference. If a party is not a natural person it must be represented at the mediation conference by a person with full authority to make agreements binding on it settling the Dispute.
9. Each party may also appoint one or more other persons including legally qualified persons to assist and advise the party in the mediation and to perform such roles in the mediation as the party requires.

Conduct of the Mediation

10. Subject to Rule 21, the mediation, including all preliminary steps, will be conducted in such manner as the mediator considers appropriate having due regard to the nature and circumstances of the Dispute, the agreed goal of an efficient and expeditious resolution of the Dispute and the view of each party as to the conduct of the mediation.

11. The mediation conference shall be held within fourteen (14) days of the selection of the mediator or within such other period as the parties may agree.
12. Without limiting the mediator's powers under Rule 10 the mediator may give directions as to:
 - 12.1 Preliminary conferences prior to the mediation conference.
 - 12.2 The exchange of experts' reports, the meeting of experts and the subsequent preparation of a joint experts' report with a view to identifying areas of agreement, narrowing the area of disagreement and clarifying briefly the reasons for disagreement.
 - 12.3 The exchange of brief written outlines of the issues involved.
 - 12.4 Service on the mediator prior to the mediation conference of any such reports and outlines.

Communication between the Mediator and a Party

13. The mediator may meet as frequently as the mediator deems appropriate with the parties together or with a party alone and in the latter case the mediator need not disclose the meeting to the other party.
14. The mediator may communicate with any party orally and/or in writing.
15. Subject to Rule 16, any document relied upon by a party and provided to the mediator must immediately be served by the party on the other party.
16. Information, whether oral or written, disclosed to the mediator by a party in the absence of the other party may not be disclosed by the mediator to the other party unless the disclosing party permits the mediator to do so.

Confidential Information

17. A party may prove objective facts, whether or not confidential, by direct evidence in any proceedings in respect of the Dispute. Subject to that, all confidential information disclosed during the mediation, including the preliminary steps:
 - 17.1 may not be disclosed except to a party or a representative of that party participating in the mediation or if compelled by law to do so; and
 - 17.2 may not be used for a purpose other than the mediation.

Privilege

18. Subject to Rule 25, the following will be privileged and will not be disclosed in or relied upon or be the subject of a subpoena to give evidence or to produce documents in any arbitral or judicial proceedings in respect of the Dispute:
 - 18.1 Any settlement proposal, whether made by a party or the mediator.
 - 18.2 The willingness of a party to consider any such proposal.
 - 18.3 Any admission or concession or other statement or document made by a party.

18.4 Any statement or document made by the mediator.

Subsequent Proceedings

19. The mediator will not accept appointment as an arbitrator in or act as an advocate in or provide advice to a party to any arbitral or judicial proceeding relating to the Dispute.
20. Neither party will take action to cause the mediator to breach Rule 19.

Termination

21. A party may terminate the mediation immediately by giving written notice to each other party and to the mediator at any time during or after the mediation conference.
22. The mediator may immediately terminate the engagement as mediator by giving written notice to the parties of that termination, if, after consultation with the parties, the mediator forms the view that the mediator will be unable to assist the parties to achieve resolution of the Dispute. The mediation will not be terminated in that event unless a party gives notice to that effect to each other party. The parties must appoint another mediator, where the mediation is not terminated.
23. The mediation will be terminated automatically upon execution of a settlement agreement in respect of the Dispute.

Settlement

24. If settlement is reached at the mediation conference, the terms of the settlement must be written down and signed by the parties and the mediator before any of the participants leave the mediation conference.

Enforcement

25. In the event that part or all of the Dispute is settled either party will be at liberty:
 - 25.1 To enforce the terms of the settlement by judicial proceedings.
 - 25.2 In such proceedings to adduce evidence of and incidental to the settlement agreement including from the mediator and any other person engaged in the mediation.

Exclusion of Liability and Indemnity

26. The mediator will not be liable to a party except in the case of fraud by the mediator for any act or omission by the mediator in the performance or purported performance of the mediator's obligations in the mediation.
27. The parties shall jointly and severally indemnify the mediator against all claims, except in the case of fraud by the mediator, arising out of or in any way referable to any act or omission by the mediator in the performance or purported performance of the mediator's obligations in the mediation.

Costs

28. The parties will share equally and will be jointly and severally liable to the mediator for the mediator's fees for the mediation. The mediator may, at any time and from time to time, require each party to deposit with the mediator such sum as the mediator considers

appropriate to meet the mediator's anticipated fees and disbursements. The mediator may decline to embark upon or continue the mediation until all such deposits are made.

29. If the mediation does not result in an agreement to resolve the Dispute, the costs of the mediation will be costs in the cause.

SCHEDULE 5

Contact for Notices

Zali:

Attention: **Zali Investments Pty Ltd ACN 124 161 128**
Address: 65 Scanlan Lane, LENNOX HEAD NSW 2478
Fax Number: (02)66879062
Email: rmw21@bigpond.com

Cromdale:

Attention: **Cromdale Developments Pty Ltd**
Address: PO Box 1255, BYRON BAY NSW 2481
Fax Number: (02)66857685
Email: owen@byronbaypro.com.au

RM Walsh:

Attention: **RM Walsh Land Holdings Pty Ltd**
Address: 65 Scanlan Lane, LENNOX HEAD NSW 2478
Fax Number: (02)66879062
Email: rmw21@bigpond.com

Lynn:

Attention: **Owen Lynn & Margaret Lynn**
Address: PO Box 1255, BYRON BAY NSW 2481
Fax Number: (02)66857685
Email: owen@byronbaypro.com.au

Newrybar:

Attention: **Newrybar Developments Pty Ltd**
Address: 65 Scanlan Lane, LENNOX HEAD NSW 2478
Fax Number: (02)66879062
Email: rmw21@bigpond.com

Dencannon:

Attention: **Dencannon Pty Ltd**
Address: 65 Scanlan Lane, LENNOX HEAD NSW 2478
Fax Number: (02)66879062
Email: rmw21@bigpond.com

Byron Bay Land:

Attention: **Byron Bay Land Development Pty Ltd**
Address: 65 Scanlan Lane, LENNOX HEAD NSW 2478
Fax Number: (02)66879062
Email: rmw21@bigpond.com

Council:

Attention: **Ballina Shire Council**
Address: PO Box 450
BALLINA NSW 2470
Fax Number: (02) 6686 7035
Email: council@ballina.nsw.gov.au

EXECUTED AS FOLLOWS:

EXECUTED by ZALI INVESTMENTS PTY LTD ACN 124 161 128 in accordance with its Constitution)

) 

EXECUTED by RM WALSH HOLDINGS PTY LTD ACN 067 001 852 in accordance with its Constitution)

) 

EXECUTED by BYRON BAY LAND DEVELOPMENTS PTY LTD ACN 106 666 648 in accordance with its Constitution)

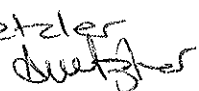
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EXECUTED by DENCANNON PTY LTD ACN 145 591 448 in accordance with its Constitution)

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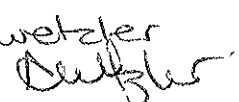
SIGNED by OWEN LYNN in the presence of:)

) 

Witness Angela wetzler 

SIGNED by MARGARET LYNN in the presence of:)

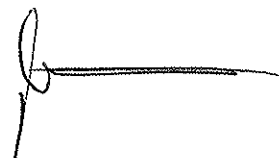
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Witness Angela wetzler 

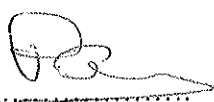
EXECUTED by CROMDALE DEVELOPMENTS PTY LTD ACN 146 911 202 in accordance with its Constitution)

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EXECUTED by NEWRYBAR DEVELOPMENTS PTY LTD ACN 147 410 580 in accordance with its Constitution)

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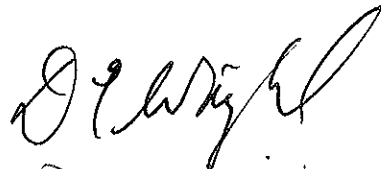
Signed for and on behalf of BALLINA SHIRE
COUNCIL)
)
)

Per: 

(authorised signatory)

Paul Hickey
General Manager




Cr David Wright
Mayor

21 December 2012

Appendix
(Clause 33)

Environmental Planning and Assessment Regulation 2000
(Clause 25E)

Explanatory Note

Draft Voluntary Planning Agreement (VPA)

Under s93F of the Environmental Planning and Assessment Act 1979

Parties

Ballina Shire Council of corner Tamar and Cherry Streets, Ballina, NSW 2478 (**Council**)

Zali Investments Pty Ltd of 65 Scanlan Land, Lennox Head, NSW 2478 (**Zali**)

Cromdale Developments Pty Ltd of PO Box 1255, Byron Bay, NSW 2481 (**Cromdale**)

RM Walsh Land Holdings Pty Ltd of 65 Scanlan Land, Lennox Head, NSW (RM Walsh)

Owen Lynn

Margaret Lynn of PO Box 1255, Byron Bay, NSW 2481 (**together, Lynn**)

Newrybar Developments Pty Ltd of 65 Scanlan Land, Lennox Head, NSW 2478 (**Newrybar**)

Dencannon Pty Ltd of 65 Scanlan Land, Lennox Head, NSW 2478 (**Dencannon**)

Byron Bay Land Development Pty Ltd of 65 Scanlan Land, Lennox Head, NSW 2478 (**Byron Bay Land**)

30. Description of Subject Land

The land shown shaded in grey on the Map, as further specified or described in Column 2 of the Table in Part 2 of Schedule 1

31. Description of Development

Any development, within the meaning of the Act, carried out on the Land and which is only permissible as a result of the making of the LEP

32. Summary of Objectives, Nature and Effect of the Draft VPA

The objective of the Draft VPA is to secure the delivery, at the Landowner's cost, of a range of urban infrastructure to service demand brought about by the development of the Land.

The Draft VPA is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979* (**Act**) under which Development Contributions (as defined in clause 1.1 of the Draft VPA) are made by the Landowner for various public purposes (as defined in s93F(3) of the Act).

The Draft VPA:

- relates to the carrying out by the Landowner of development on the Land
- does not exclude the application of s 94, s94A or s94EF of the Act to the Development,

- requires monetary Development Contributions,
- requires the carrying out of specified Works including roads, water supply works, sewerage works and establishment of district and local parks, by the Landowner,
- requires the Council to apply monetary Development Contributions made under the agreement towards the specified purpose for which they were made and at the location, in the manner and to the standard (if any) specified in the agreement,
- imposes obligations on the Landowner in relation to the carrying out of specified Works, the handing over of those Works to the Council and the rectification of defects in those Works.
- is to be registered on the title to the Land,
- imposes restrictions on the Parties transferring the Land or part of the Land other than Final Lots or assigning an interest under the agreement,
- provides two dispute resolution methods for a dispute under the agreement, being expert determination and mediation,
- provides that the agreement is governed by the law of New South Wales, and
- provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the agreement.

33. Assessment of the Merits of the Draft VPA

33.1 The Planning Purposes Served by the Draft VPA

The Draft VPA:

- reasonably promotes the orderly and economic use and development of the Land to which the agreement applies.
- provides land for public purposes, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development

33.2 How the Draft VPA Promotes the Public Interest

The Draft VPA promotes the public interest by promoting the objects of the Act as set out in s5(a)(ii)-(v) and 5(c) of the Act

It also provides for local development in a manner that ensures that the costs associated with infrastructure delivery are borne by those parties that benefit from same.

33.3 Councils – How the Draft VPA promotes the Council’s Charter

The Draft Planning Agreement promotes the elements of the Council's charter by:

- providing services and facilities for the community,
- ensuring that public facilities provided by the Landowner under the agreement are transferred to and managed by the Council or are otherwise subject to the Council's control,
- providing a means that allows the wider community to make submissions to the Council in relation to the agreement.

33.4 All Planning Authorities – Whether the Draft VPA conforms with the Authority's Capital Works Program

The Planning Agreement does not affect or conflict with Council's Capital Works Program.

33.5 Whether the Draft VPA specifies that certain requirements must be complied with before issuing of a construction certificate, occupation certificate or subdivision certificate

This Draft Planning agreement contains requirements that must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued, being:

- carrying out of work,
- payment of monetary Development Contributions

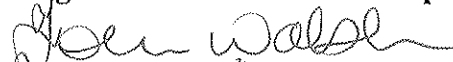
Dated: 21 December 2012 

Signed on behalf of the Council:

Paul Hickey
General Manager



Signed on behalf of the Developer:


Duncannon P/L

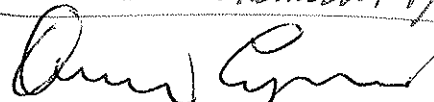

24L Investments


Rumakaty Holdings


Byron Bay Land Developments


Henry Barr Developments P/L


Cromdale Developments P/L


or Anna Gunn

ML M. Lynne

witness
Angela wetzel
