

Threshold Sustainability Criteria for Any Proposed Development Site Outside of Designated Areas in Regional Strategies.	Measurable Criteria	Explanation of	Response
	Maintain or improve existing environmental condition for water quality: > Consistent with community water quality objectives for recreational water use and river health (DEC and CMA). > Consistent with catchment and stormwater management planning (CMA and council).		The Water Cycle Management Plan prepared for this proposal has includes a number of measures to ensure that water quality will be maintained
	Protects areas of Aboriginal cultural heritage value (as agreed by DEC).		A Cultural Heritage Assessment undertaken as part of this proposal has not found evidence of any Aboriginal cultural heritage values on the site.
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible	Available and accessible services. > Do adequate services exist? > Are they at capacity or is some capacity available? > Has Government planned and budgeted for further service provision? > Developer funding for required service upgrade/access is available.		There are a range of community and welfare services available in the Ballina Shire. These have been detailed within Chapter 4 (4.17) of this report. While Ballina Shire Council has a lower per capita expenditure on Environmental Management and Health, Recreation and Leisure, and Community Services, this development will assist by providing input in terms of Section 94 contributions and an increase in the number of rate paying residents. This proposal also provides facilities on-site, with a sporting and recreational facility proposed for construction on the site.

03

STATUTORY PLANNING FRAMEWORK

3.1. Introduction

The proposal has been designed having close regard to the objectives and controls of the relevant planning policies that apply to the site.

In accordance with the provisions of the Director General Environmental Assessment Requirements dated 2 January 2008, the proposal has had regard to the following planning instruments:

- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy No 1 - Development Standards
- State Environmental Planning Policy No 11- Traffic Generating Development
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 71 – Coastal Protection
- North Coast Regional Environmental Plan 1988
- Ballina Local Environmental Plan 1987
- Ballina Combined Development Control Plan
- Section 94 Contributions Plan

The application of each of the above controls is discussed in detail in the following sections.

3.2. Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EPAA) is the overarching planning legislation, providing the statutory framework for planning and development assessment in New South Wales. The purpose of the EPAA is to encourage ecologically sustainable development through sharing environmental responsibility between different levels of government and to allow for public involvement and participation in the assessment process.

While the subject application requires development consent under Section 76A, the development is to be assessed under the provisions of 75A (3) of the Act. As the project is classified as a Major Project and requires

environmental assessment under section 75F, consent must be obtained from the Minister for Planning.

3.3. State Environmental Planning Policies

State Environmental Planning Policies (SEPP's) articulates the interests of the State with regard to a range of issues. The following SEPP's are relevant to the development of this site.

3.3.1. State Environmental Planning Policy (Major Projects) 2005

SEPP (Major Projects) requires certain developments that are major projects under Part 3A of the Environmental Planning and Assessment Act 1979 and are determined by the Minister for Planning.

The applicable aims of this Policy are as follows:

- to identify development to which the development assessment and approval process under Part 3A of the Act applies;
- to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate orderly use, development or conservation of those State significant sites for the benefit of the State;
- to rationalise and clarify the provisions making the Minister the approval authority for development and sites of State significance, and to keep those provisions under review so that the approval process is devolved to councils when State planning objectives have been achieved.

Response

The proposed development is classified as State significance as it seeks to subdivide land into 236 Lots on land that is located within the Coastal Zone. The proposed development triggers assessment under this SEPP as it is nominated in Schedule 2 (1) (i). It constitutes subdivision of land in a residential zone into more than 25 lots within a sensitive coastal location.

In accordance with this Policy, the Minister for Planning has confirmed that the proposed development is a major project and outlined the Environmental Assessment Requirements for the proposed subdivision. Subsequently, this report forms part of the Environmental

Assessment to be submitted to the Director-General.

3.3.2 State Environmental Planning Policy No.11 (Traffic General Developments)

SEPP 11 was repealed upon commencement of the SEPP (Infrastructure) which came into force on 1 January 2008 and is aimed at facilitating the effective delivery of infrastructure across the State. It repeals a number of other SEPPs, including SEPP 11 (Traffic Generating Developments). Further to the advice of the Department of Planning, we are still required to address SEPP 11 as a relevant statutory instrument.

The relevant considerations of this Policy are discussed below.

As the development is greater than 50 Lots the application will be referred to the relevant Traffic Authority for consideration. In this instance the relevant Traffic Authority is Ballina Shire Council. As the development will connect to an arterial road, that is the Pacific Highway, the Department may need to refer the application to the Roads and Traffic Authority (RTA). The RTA provided comments for consideration as part of the DGRs, see Chapter 6.

Response

The proposed subdivision fronts the Pacific Highway at Ballina, which is a classified road. The subdivision will not be accessed directly from the Pacific Highway, but via a proposed "Link Road" to the east of the subdivision. The location of this road has already been approved as part of the previous application DA 2002/566. Access from the subdivision onto this link road is in excess of 90m from the intersection with the Pacific Highway.

The site has good accessibility in terms of its proximity to the Ballina town centre and the local road network. As part of this proposal, a portion of the North Creek Canal pedestrian/cycleway will be constructed, which will further assist in improving access to the town centre by alternative modes of travel.

A Traffic Report has been prepared for the proposal which has assessed traffic safety, road congestion and parking implications. The report has not identified any such impacts in association with the proposal, and has provided recommendations with regards to access and intersection treatment which will ensure an efficient system.

3.3.3 State Environmental Planning Policy No 55 – Remediation of Land

The Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by:

- (a) Specifying when consent is required, and when it is not required, for a remediation work;
- (b) Specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) Requiring that a remediation work meet certain standards and notification requirements.

A consent authority must not consent to carrying out of development unless it has considered whether the land is contaminated and if so, is the contaminated land suitable for the purpose proposed in the development.

Response

The proposed development application has been supported by an investigation into contamination issues, see Appendix 16.

3.3.4 State Environmental Planning Policy No. 71 - Coastal Protection

The Policy has been made under the *Environmental Planning and Assessment Act 1979* to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

The subject site is located within the coastal zone and therefore subject to the provisions of SEPP 71 Coastal Protection. SEPP 71 seeks to protect the areas within the coastal zone, including the control of development proposed, to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.

SEPP 71 includes numerous Matters of Consideration that are addressed below:

- (a) The aims of this policy set out in Clause 2

Response

The proposed development involves the establishment of up to 236 residential allotments over the site. The proposed layout of the site has been considerate of the site characteristics, including slope, soil stability, vegetation, surrounding land uses and access. The proposed development seeks to create an attractive residential form that provides a high level of residential amenity for the future residents.

The design of the subdivision involves a variety of allotment sizes, which assists with creating a sensitive design, and also provides a variety of housing types to suit future residents of the development.

The development has retained a substantial area of open space within the development.

The site is currently zoned as 2 (a) Living Area Zone, see Figure 3.1. The proposed development form is consistent with the provisions relating to scale and form within this zoning. The development is also complementary to, and consistent with the existing surrounding development.

The proposed development is considered to be consistent with the provisions of the Clause 2 of the SEPP 71.

- (b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved

Response

The proposed development is not located along the waterfront and therefore does not impact on accessibility for pedestrians or persons with a disability to access the coastal foreshore.

- (c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability

Response

As identified above, the site is not located along the coastal foreshore, and therefore does not impact on waterfront access.

- (d) The suitability of development given its type, location and design and its relationship with the

surrounding area

Response

The proposed development is residential in nature. The adjacent land and the site are zoned for residential purposes. The design of the proposal takes into consideration the site characteristics including topography, stability, vegetation and surrounding land uses. The proposed layout is considered to be appropriate for the subject site, given the scale, location and design of the proposal, along with its interaction with surrounding land uses.

(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore

Response

The proposed development is not located along the coastal foreshore. The proposed development is residential in nature and proposes a low density residential form. The proposed development will not result in any overshadowing of the coastal foreshore or loss of views from public places. The proposed development is consistent with the zoning of the site, and surrounding development form.

(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.

Response

The proposed development will not result in any impact on the scenic qualities of the New South Wales coast. The proposed development is located on land zoned for residential development and is intended to be developed for low density residential purposes. Refer to Appendix 3, Visual Assessment.

(g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995 and plants (within the meaning of that Act), and their habitats

Response

As all terrestrial vegetation has been removed from

Lot 1 of the site, the majority of the site consists solely of pasture, and thus few conservation measures are relevant. While up to 277 m² of the Endangered Ecological Community 'Swamp Oak Floodplain Forest' is likely to be removed for the proposed Link Road, the remainder of this community on Lot 269 (and adjoining land will be retained). It is noted that Council has approved the removal of the subject area of swamp Oak. Refer to Appendix 1, Flora and Fauna Assessment.

(h) Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part) and their habitats

Response

The proposed development is not located along the coastal foreshore and will not have an impact upon marine flora or fauna. Refer to Appendix 1, Flora and Fauna Assessment.

(i) Existing wildlife corridors and the impact of development on these corridors

Response

As all trees have been removed from the majority of the subject site, wildlife corridor values are very low. Existing vegetation to the east and west of the site will continue to provide stepping stone habitat for mobile fauna within the locality. Furthermore the site does not occur within a Regional or Sub-Regional Corridor mapped by the NPWS 'Key Corridors and Habitat' database. The two hectare vegetation rehabilitation area, recently planted perimeter trees around the proposed sportsfield, and utilisation of locally-occurring native trees in streetscapes and landscaping will provide some (albeit limited) stepping stone habitat for native fauna. Refer to Appendix 1, Flora and Fauna Assessment.

(j) The likely impact of coastal process and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards

Response

The subject site is not located along the coastal foreshore. The subject site is proposed to be developed for low density residential development, which is not anticipated to result in any significant impact on the coastal processes.



Figure 3.1 Zoning Plan

(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities

Response

The proposed development seeks to facilitate low density residential development on the site. The site is not located along the coastal foreshore and will not have any negative impact on any water based coastal activities.

(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals

Response

An Archaeological Assessment was conducted over the subject land with the assistance of the Jali Local Aboriginal Land Council (LALC) in 1997 (Piper 1997). No archaeological sites were found. As it was found that surface disturbance through vegetation clearing had recently taken place over a wide area a further field inspection of the subject lands was considered justified as the amount of surface area possible to inspect was significantly greater than had been the case when the 1997 assessment was carried out. The field inspection was carried out by Everick Heritage Consultants and Mr. Marcus Ferguson, Heritage Officer of the Jali LALC on 29-06-07. There were no Aboriginal archaeological sites found or areas considered to be potentially archaeologically significant. Refer to Appendix 7 and 8 the Cultural Heritage Assessments.

(m) Likely impacts of development on the water quality of coastal waterbodies

Response

The Water Cycle Management Plan assesses the potential of the proposal to impact upon downstream water quality. Through the utilisation of detention basins and the implementation of rainwater tanks serving each of the residential lots within the proposed subdivision, as well as grassed swales and bio retention systems, the impact of the subdivision and subsequent development on downstream water quantity and quality can be suitably managed. Refer to Appendix 6 for the Water Cycle Management Plan.

(n) The conservation and preservation of items of heritage archaeological or historic significance

Response

There were no items of archaeological or historic significance identified in the Heritage Assessment conducted by Everick Heritage Consultants.

(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this policy applies, the means to encourage compact towns and cities

Response

The proposed development does not involve the preparation of a Local Environmental Plan.

(p) Only in cases in which a development application in relation to the proposed development is determined:

i) the cumulative impacts of the proposed development on the environment; and

ii) measures to ensure that water and energy usage by the proposed development is efficient

Response

The proposed development has considered the potential impacts of the proposed development on the surrounding environment and any necessary measures to be implemented to ensure efficient water and energy usage.

The design of the proposal has considered the existing site constraints, including topography, stability, vegetation and flooding. The street layout is designed to minimise the earthworks required and maintain a standard of residential amenity for the future residents of the development.

Future houses to be established on site will be designed and constructed in accordance with the BASIX requirements.

A preliminary discussion of building envelopes and future dwellings is provided in Chapter 5.

3.4. Regional Environmental Planning Policies

Regional Environmental Planning Policies are developed to inform local instruments and provide a regional context to certain development issues. The subject site is contained within the North Coast Regional Environmental Plan.

3.4.1. North Coast Regional Environmental Plan 1988

The North Coast Regional Environmental Plan (NCREP) applies to the local government areas of Ballina, Bellingen, Byron, Casino, Coffs Harbour, Copmanhurst, Grafton, Hastings, Kempsey, Kyogle, Lismore, Maclean, Nambucca, Nymboida, Richmond River, Tweed and Ulmarra.

2. Aims

The aims of the NCREP include:

- (a) To develop regional policies that protect the natural environment, encourage an efficient and attractive built environment and guide development into a productive yet environmentally sound future;
- (b) To consolidate and amend various existing policies applying to the region, make them more appropriate to regional needs and place them in an overall context of regional policy;
- (c) To provide a basis for the co-ordination of activities related to growth in the region and encourage optimum economic and social benefit to the local community and visitors to the region; and
- (d) To initiate a regional planning process that will serve as a framework for identifying priorities for further investigation to be carried out by the Department and other agencies.

The following policies within the NCREP are applicable to the proposed development. These policies are addressed below.

32B Development Control - Coastal Lands

- (1) This clause applies to land within the region to which the NSW Coastal Policy 1997 applies.
- (2) In determining an application for consent to carry out development on such land, the council must take into account:
 - (a) the NSW Coastal Policy;
 - (b) the Coastal Management Manual; and
 - (c) The North Coast: Design Guidelines.
- (3) The council must not consent to the carrying out of development which would impede public access to the foreshore.

- (4) The council must not consent to the carrying out of development:

- (a) on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coff Harbour or Port Macquarie, if carrying out the development would result in breaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time), or
- (b) elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).

Response

Although located within the coastal zone, the proposed development, being some 4kms from the beach, is unlikely to contribute toward, impact on, or be affected by coastal processes.

43 - Development Control - residential development

- (1) The council shall not grant consent to development for residential purposes unless:
 - a) It is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land,
 - (b) it is satisfied that the proposed road widths are not excessive for the function of the road,
 - (c) it is satisfied that, where development involves the long term residential use of caravan parks, the normal criteria for the location of dwellings such as access to services and physical suitability of land have been met,
 - (d) it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles, and
 - (e) it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.

Response

The proposal will result in a variety of densities, which will achieve a good level of housing choice and will address issues of affordability. The density and scale of the proposal is not out of character with the surrounding land use and will not adversely impact on the environmental features on the site. The site is in fact

relatively unconstrained in this regard, given it is largely devoid of vegetation.

The proposed road widths are in line with Council standards and are consistent with the scale and nature of development that will eventually utilise them. The roads have also been designed to cater for a school bus.

As stated previously, construction of the pedestrian/cycleway along North Creek Canal will assist in providing a means for alternative transport in the Ballina locality.

66. Development Control - adequacy of community and welfare services

Before granting consent to a development application for the subdivision of land intended for residential or rural residential purposes, the council shall consider the adequacy of community and welfare services available to the land and take into account the results of that consideration.

Response

There are a range of community and welfare services available in the Ballina Shire. These are detailed on their website, within the "Facts and Figures" section. In summary, there are the following services available in the Ballina Shire:

~ **Health Services:** The Ballina District Hospital is situated in Ballina, and approximately 30 minutes to the west in Lismore are the Lismore Base Hospital and St. Vincent's Private Hospital. Ballina and Alstonville both have staffed Ambulance Stations and Community Health Centres. Ballina Shire is also well serviced by a large number of private health care providers and specialists, including GPs, dentists, radiologists, pathologists and other health care specialists.

Education: Education facilities in Ballina Shire cater for approximately 7,000 school aged children. There are 19 primary schools and 4 secondary schools in the Shire. Additionally, there are 5 nongovernment primary schools and 1 non-government secondary school in the Shire.

~ The North Coast Institute of TAFE has two campuses located in Ballina Shire. The major tertiary institution in the region, Southern Cross University, is located in Lismore, approximately 30 minutes west of Ballina.

~ **Youth Services:** Ballina Youth Service is a support, advocacy and referral service for disadvantaged youth

aged 13-24 years. The service provides support, develops youth programs, and oversees the running of the Ballina Youth Activities Centre.

~ **Aged Care Services:** There is a high demand for aged care services in the Shire. There are four aged care facilities accommodating aged people in Ballina Shire. There are also three aged care hostels in Ballina, which provide a higher level of care, and a number of elderly care services operate in the Shire,

Ballina Shire Council however, has lower per capita expenditure on Environmental Management and Health, Recreation and Leisure, and Community Services. The additional population of the proposed subdivision will enhance the ability of existing services in receiving funding both from Government grants and voluntary work.

82. Development control - sporting fields or specialised recreation facilities

The council shall not grant consent to the development of sporting fields or other specialised recreational facilities unless it has considered the need for access by the community to the facilities and included relevant conditions in its approval to achieve an acceptable level of public access.

Response

The development proposes to grant or dedicate to Ballina Shire Council, an area of approximately 2ha for a sporting ground. This ground is to be located on the adjacent land south of the residential area, and will consist of a playing field, cricket pitch and associated amenities.

The proposed grounds will provide a multi-purpose facility for use by residents of the local area. The design will enable a variety of uses and is not overly specialised in nature or form. Access will be readily available to members of the public.

3.5. Ballina Local Environmental Plan 1987

The proposal represents a unique opportunity to realise the aims of the Ballina Local Environmental Plan (LEP) 1987 through the provision of a residential development that responds to the topography of the land and environmentally sensitive areas. The proposed

development is consistent with the relevant provisions contained within the LEP.

3.5.1. Zoning

The site is zoned part 2(a) Living Area and part 1(d) Rural (Urban Investigation) under the LEP.

Clause 9 of the LEP states that the primary objectives of the 2 (a) Living Area Zone are:

(a) to regulate the subdivision and use of land to permit housing and ancillary development where the scale, type and traffic generating characteristics of the ancillary development are compatible with the character and amenity of the surrounding residential area,

(b) to permit development which is considered by the council to be an essential land use within the urban living area, but not including a shop (other than a general store), and

(c) to allow detailed provision to be made, by means of a development control plan, to set aside specific areas within the zone for varying housing densities as well as other associated urban and tourist facilities.

In addition, the secondary objective of the zone is:

to allow a variety of housing types and designs and to encourage greater visual amenity by requiring site landscaping.

The plan provides the following primary objectives for the 1(d) Rural (Urban Investigation) Zone:

(a) to identify land which may be needed in the future and will be thoroughly investigated with respect to its suitability or otherwise for urban land uses and the environmental consequences associated with the land's release for urban purposes,

(b) to regulate the subdivision and use of land so as to prohibit development which could prejudice the possible future release of land within this zone for urban purposes, and

(c) to ensure that the release of land for urban purposes, by rezoning, shall not take place unless:

(i) urban structure planning has been completed by the council,

(ii) the council reviews urban suitability investigations for individual planning units, and detailed land use allocations for each planning unit have been determined by the council,

(iii) sufficient demand exists for the release of urban land, and

(iv) appropriate urban infrastructure and facilities are available to the land or can be provided to the land in a manner which does not create an unreasonable or uneconomic demand, or both, for the provision or extension of such services.

In addition, the secondary objective of the zone is to regulate the subdivision and use of land to permit development for agriculture and a range of other purposes complementary to the prime objectives, particularly tourist facilities, recreation establishments and recreation facilities, subject to these developments:

(a) maintaining the semi-rural character of the locality,

(b) by their nature being compatible with the possible urban development, particularly residential uses, of the land in the locality, in the future, and

(c) not creating unreasonable and uneconomic demands, or both, for the provision or extension of public amenities or services.

Overall, it is considered that the proposed development complies with the zone objectives as follows:

Zone 2(a) Living Area

~ The proposed development will result in the creation of housing at a variety of densities, consistent with the surrounding residential development.

~ It is considered that the scale, type and traffic generating characteristics of the ancillary development such as the proposed sporting field and child care centre are compatible with the character and amenity of the surrounding residential area.

Zone 1(d) Rural – Urban Investigation

~ The proposed use of the 1(d) portion of the land will not prejudice the release of the surrounding land for urban purposes, given the restrictions on development of this area given the proximity to the sewerage treatment works.

~ The use of the land is consistent with the secondary objective, given that the primary land use will be for recreation purposes ancillary to the adjoining urban area.

For the above reasons, the proposal is considered consistent with the objectives of the zones.

3.5.2. Permissibility

The residential component of the development is contained wholly within the 2(a) zoned portion of the site. Residential development is permitted with development consent in this zone.

Development encroaching on the 1(d) portion of site includes roads, drainage and recreation area with associated facilities. All these types of development are permissible with consent in this zone.

Specific relevant clauses of the Ballina Local Environmental Plan 1987 that apply to the site and our response to those provisions are detailed in the table below.

3.5.3. Other LEP Provisions

Clause 10 - Subdivision generally

A person shall not subdivide land to which this plan applies except with the consent of the council.

Response

This clause is superseded by the application of SEPP (Major Projects). Council will have the opportunity to make comment with regard to all facets of the development as part of the application process.

Clause 17 - Limitation on Building Height

(1) In this clause height, in relation to a building the topmost floor of which has a ceiling, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

(2) Except as provided by subclauses (2A), (4), a person shall not, on any land to which this plan applies, erect a building taller than 6.4 metres in height unless the council is satisfied that the building will not:

- (a) adversely affect the existing or future amenity of adjoining properties by overshadowing or causing loss of privacy,
- (b) significantly obstruct views from adjacent buildings and public places,
- (c) have an adverse impact on the scenic or landscape quality of the locality, or
- (d) exceed 2 storeys.

Response

This application does not seek consent for the development of dwelling houses or other buildings. The issues identified in this clause will be considered in future applications once the subdivision has been approved and finalised.

Clause 23 - Development within Zone No 1 (d), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l)

A person shall not, on land within Zone No 1 (d), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l):

(a) notwithstanding clause 8 of the Environmental Planning and Assessment Model Provisions 1980, cut down, top, lop or otherwise destroy a tree (other than a tree planted for commercial or landscaping purposes), or

(b) clear, fill or otherwise alter the surface level of land, without the consent of the council.

Response

The application includes the proposed minor land recontouring to facilitate stormwater drainage and flood management on Lot 2 DP 107424. While filling the site is subject to the previous Council consent DA 2002/566, the proposed drainage infrastructure will address the requirements of Council following finalisation of the Ballina Flood Study 2007. The land recontouring will result in a proposed 30-50 metre wide drainage swale that will divert storm and flood waters south of the proposed residential subdivision directly into North Creek Canal.

While the need for Council consent is superseded by the application of SEPP (Major Projects) it should be noted that the drainage corridor has been included following significant consultation with both Ballina Shire Council and the Department of Planning. The details of this drainage corridor are discussed further with the Water Cycle Management Plan prepared by LandPartners.

Clause 36 - Development on land identified on Acid Sulfate Soils Planning Maps

A person must not, without the consent of the council, carry out works on land identified as being class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soils Planning Maps.

The site has been identified as containing acid sulfate soils. A Management Plan has been prepared by LandPartners which provides recommendations for minimising the potential impacts of the acid sulfate soils