

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approved the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the proponent's Statement of Commitments in the attached Schedule 3.

These conditions are required to:

- Adequately mitigate the environmental impact of the project;
- Protect environmentally significant land and coastal waterways;
- Mitigate flooding and future climate change impacts;
- Maintain the amenity of the local area;
- Encourage good subdivision design; and
- To ensure adequate future public services and amenities to the residents of Ballina Shire.



Minister Keneally

SYDNEY, 14 Dec. 2008

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SCHEDULE 1

PART A—TABLE

Application made by:	Rayshield Pty Ltd
Application made to:	Minister for Planning
Project Application:	06_0118
On land comprising:	Lots 1, 2, 3 and 5 DP 10704242 and part Lot 269 on DP 755684, Pacific Highway, Ballina
Local Government Area	Ballina
For the carrying out of:	A proposal for residential subdivision of land into 239 lots, the provision of roads (including the link road), open space, playing fields, allocated land for a childcare centre, a pedestrian/ cycleway link, floodway and associated infrastructure, including minor land recontouring for drainage purposes.
Type of development:	Project Application
Determination made on:	14 December 2008
Date approval is liable to lapse:	Five (5) years from the date of determination unless works have physically commenced in accordance with section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0118

Responsibility for other consents / agreements

The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means Building Code of Australia

Certifying Authority has the same meaning as set out in Part 4A of the Act.

Council means Ballina Shire Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

DPI means the Department of Primary Industries or its successors.

DWE means the Department of Water and Energy or its successors.

Environmental Assessment means the Environmental Assessment prepared by Conics (Sydney) Pty Ltd dated April 2008.

Minister means the Minister for Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Preferred Project Report means the Preferred Project Report prepared by Conics dated August 2008.

Proponent means Rayshield Pty Ltd or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

SCHEDULE 2
CONDITIONS OF APPROVAL
06_0118

PART A—ADMINISTRATIVE AND GENERAL CONDITIONS

A1 *Project Description*

Project approval is granted only to carrying out the project described in detail below:

- (1) A 239 lot Torrens title subdivision comprising of 237 residential lots;
- (2) one (1) lot allocated for a future childcare centre;
- (3) one (1) lot allocated for open space;
- (4) the provision of roads (including the Link Road);
- (5) playing field;
- (6) a pedestrian link; and
- (7) cycleways and associated infrastructure, including minor land recontouring for drainage purposes.

A2 *Staging*

The project is to be constructed in five (5) stages, generally as follows:

- (1) Stage 1 has an area of 4.46 ha comprising:
 - (a) Subdivision of part Lot 1 DP 1074242 into 46 lots consisting of:
 - (i) five (5) "villa" allotments;
 - (ii) eight (8) "duplex" allotments;
 - (iii) 11 "courtyard" allotments;
 - (iv) 21 "traditional" allotments; and
 - (v) 1 "kenyon" allotment on Lot 3 DP 1074242.
 - (b) construction of floodway within Lot 2 DP 1074242;
 - (c) construction of the Link Road on part Lot 269 DP 755684 for the site's entire property frontage;
- (2) Stage 2 has an area of 5.30 ha comprising:
 - (a) Subdivision of part Lot 1 DP 1074242 into 58 lots consisting of:
 - (i) one (1) lot allocated for a future childcare centre;
 - (ii) six (6) duplex allotments;
 - (iii) 13 courtyard allotments; and
 - (iv) 38 traditional allotments;

- (3) Stage 3 has an area of 4.67 ha comprising:
- (a) Subdivision of part Lot 1 DP 1074242 into 51 lots consisting of:
 - (i) 10 duplex allotments;
 - (ii) 14 courtyard allotments; and
 - (iii) 27 traditional allotments;
 - (b) construction of 2.25 ha playing field.
- (4) Stage 4 has an area of 3.83 ha comprising:
- (a) Subdivision of part Lot 1 DP 1074242 into 46 lots consisting of:
 - (i) five (5) duplex allotments;
 - (ii) eight (8) courtyard allotments; and
 - (iii) 33 traditional allotments;
- (5) Stage 5 has an area of 3.26 ha comprising:
- (a) subdivision of part Lot 1 DP 1074242 into 38 lots consisting of:
 - (i) one (1) lot allocated for open space;
 - (ii) three (3) duplex allotments;
 - (iii) seven (7) courtyard allotments; and
 - (iv) 27 traditional allotments.

Approved plans

A3 Development in Accordance with Plans

The project shall be undertaken generally in accordance with the following plans:

Subdivision Drawings prepared by <i>Ardill Payne & Partners and Conics</i>			
Drawing No.	Revision	Name of Plan	Date
6607-LOT DIMS	-	Survey lot boundary set out plan	19/06/2008
20997-13-P		Proposed Subdivision	15/07/2008
Stormwater Drawing prepared by <i>Landpartners</i>			
Drawing No.	Revision	Name of Plan	Date
LM070113-CV2	F	Proposed stormwater management & floodway plan	18/07/2008
Landscape Design prepared by <i>Landpartners</i>			
Drawing No.	Revision	Name of Plan	Date
LM070113-LS03	B	Partial plans and landscape schedule	12/12/2007
LM070113.001-LA04	B	Streetscape and landscape partial plan	27/05/2008
LM070113.001-LA07	B	Riparian zones landscape detail plans	27/05/2008
Survey Drawings prepared by <i>Landpartners</i>			
Drawing No.	Revision	Name of Plan	Date
LM070113-EW3	B	Finished levels plan	21/07/2008

Lot Typologies Plan Indicative – For information Only prepared by <i>Conics</i>			
Drawing No.	Revision	Name of Plan	Date
S6082-11B		Typical lots	July 2008
S6082-12B		Typical lots	July 2008
S6082-12A		Typical lots	August 2008
Access Way Plan prepared by <i>Landpartners</i>			
Drawing No.	Revision	Name of Plan	Date
LM070113-PL100	B	Nominal access, parking and garbage bin collection points for lots 77, 87, 102, 112, 113, 114, 154, 155, 178 and 179	09/07/2008
Staging Plan prepared by <i>Conics</i>			
Drawing No.	Revision	Name of Plan	Date
S6082-07 c		Riveroaks, Ballina staging plan	July 2008
Link Road Design prepared by <i>Ardill Payne & Partners</i>			
Drawing No.	Revision	Name of Plan	Date
LC1 (1)	D	Site layout plan,	16/07/2008
LC1 (10)	D	Kerb return plans and long sections	16/07/2008
6316-C6	E	Linemarking signage and dimensions	01/08/2008
Sediment and Erosion Plan prepared by <i>Landpartners</i>			
Drawing No.	Revision	Name of Plan	Date
LM070113-CV14	F	Sediment and Erosion Control Plan	28/05/2008
Roads Plan prepared by <i>Landpartners</i>			
Revision	Revision	Name of Plan	Date
LM070113-RD3	B	Road Plan	16/07/2008
Pedestrian Movement Plan prepared by <i>Landpartners</i>			
Revision	Revision	Name of Plan	Date
LM070113-PATHSC		Proposed path and cycleway plan	28/10/08

A4 Project in accordance with documents

The project shall be undertaken generally in accordance with the following documents:

- 1) Riveroaks, Ballina – Environmental Assessment, prepared by Conics (Sydney) Pty Ltd dated April 2008;
- 2) MP 06_0118 Pacific Highway, Ballina “Riveroaks” – Preferred Project Report prepared by Conics (Sydney) Pty Ltd dated July 2008

A5 Inconsistency between documents

In the event of any inconsistency between:

- 1) The conditions of this approval and the Statement of Commitments in Schedule 3, the conditions of this approval prevail.

- 2) The conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
- 3) Any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.

Staging

A6 Staging and certification

- 1) Stage 1 (46 lots) of the project is to occur first. The remaining stages are to occur generally in accordance with the following sequence:
 - a) Stage 2 (58 lots)
 - b) Stage 3 (51 lots)
 - c) Stage 4 (46 lots)
 - d) Stage 5 (38 lots)

It is noted that staging may vary in timing according to market forces.

- 2) Prior to the commencement of subdivision works for each stage, the proponent must obtain a Construction Certificate from either the Council or an accredited certifier for each stage of the subdivision before any subdivision work can commence for each stage.
- 3) Prior to registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* for any allotments in any stage within the subdivision a Subdivision Certificate must be obtained from the Council or an accredited certifier for each stage of the subdivision.
- 4) Notwithstanding any other condition of this approval separate construction certificates for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for civil works where it can be demonstrated all works are compatible.
- 5) Prior to the issue of a Construction Certificate the following detail in accordance with Council's adopted Development Design and Construction Specifications shall be submitted to the Certifying Authority for approval.
 - a) copies of compliance certificates relied upon,
 - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - i. earthworks
 - ii. roadworks/furnishings
 - iii. stormwater drainage
 - iv. water supply works
 - v. sewerage works
 - vi. landscaping works
 - vii. sedimentation and erosion management plans
 - viii. location of all service conduits (water, sewer, electricity and telecommunications)

Rehabilitation areas

A7 Compensatory rehabilitation areas

The proponent is required to regenerate and maintain the compensatory rehabilitation area identified in plan "*Proposed Subdivision Plan No. 20997-13-p*" prepared by Conics for a period of at least four (4) years from the 27 December 2007. The compensatory rehabilitation area to be established generally in accordance with the recommendations detailed in Section 3.7 of "*Rehabilitation Area Management Plan for a 2 hectare area of land in Lot 2 DP 1074242*" prepared by James Warren and Associates Pty Ltd dated December 2007.

A8 Success of compensatory rehabilitation area

The success of the compensatory rehabilitation area tree planting shall be assessed by reference to the definition of success detailed in James Warren & Associates Rehabilitation Management Plan dated December 2007 (Appendix 14 of the Preferred Project Report).

A9 Maintenance of stormwater system

The stormwater system shall be dedicated to Council (per watershed catchment) upon completion of the works in accordance with Council approved drawings. During the 12 month maintenance period the proponent shall demonstrate the system to be functionally operating as designed to the satisfaction of Council.

A10 Surrender of existing consent

In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this approval, the proponent shall surrender development consent 2002/566 as it relates to Lots 1, 2, 3 and 5 DP 10704242 and part Lot 269 DP 755684, subject to and in accordance with the Regulation, upon the issue of the final Subdivision Certificate for the project.

Note: This condition does not affect the operation of the development consent as it relates to part Lot 269 and Lot 268 DP 755684 and Lot 1 DP 799238.

A11 Low-voltage power reticulation

All low-voltage power reticulation within the project shall be provided underground.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES

B1 *Flooding*

- 1) Prior to the issue of a construction certificate for each stage of the project, the proponent shall demonstrate to the satisfaction of Council that the project has been designed such that the flood protection measures for the site (as it relates to the relevant stage of the project) are capable of excluding up to and including the 1 in 100 year ARI flood event, as determined by Council's flood policy as in force at the time of issue of the construction certificate for that stage.
- 2) Each stage of the project shall be designed to ensure that the flood management arrangements for the site (as it relates to the relevant stage of the project) is consistent with the relevant floodplain management policies and plans of the Council as in force at the time of the issue of the Construction Certificate for that stage.

Note: At the time of this approval, the relevant Council flood policy is the Ballina Flood Study (March 2008) and that Council is currently in the process of developing a Floodplain Management Plan in accordance with the NSW Government's Floodplain Management Manual.

B2 *Acid Sulfate soil monitoring*

Prior to the issue of a Construction Certificate for the first stage of the project an Acid Sulfate Soils (ASS) monitoring program is to be commenced in accordance with the *NSW Acid Sulfate Soil Manual* and ASS Management Plan dated January 2008 prepared by Landpartners. The ASS monitoring program is to examine runoff water quality from the development including (but not limited to) testing from the following parameters: pH; Electrical Conductivity (EC) and Titratable Acidity.

The ASS Monitoring program shall be undertaken during construction and for one year after release of the Subdivision Certificate for the final stage of the development. A quarterly report shall be provided to DWE and Council (and their successors) detailing the results of the monitoring during construction. If monitoring results exceed the relevant criteria the report shall include corrective actions taken to manage and prevent any reoccurrence. The contact details of the individual or organisation responsible for the monitoring program shall be provided to Council and DWE prior to commencement of works.

B3 *Groundwater monitoring and reporting*

Prior to the issue of a Construction Certificate for any stage of the project, groundwater monitoring bores are to be installed. These bores are to be installed to a minimum depth of 4.0 metres below natural surface level across the site. The number of bores and locations are to be determined by DWE.

The monitoring is to be undertaken by suitably-qualified and independent personnel and reported on a quarterly basis (to Council, the DWE and the DPI and their successors) from the commencement of construction works for the first stage of the development until two (2) years after release of the subdivision certificate for the final stage of the development.

The groundwater monitoring and sampling analysis shall include but not be limited to testing for the following parameters: Water table depth (below nsl); pH; EC; dissolved Iron; dissolved Monomeric Aluminium; chloride; sulfate. This piezometer network is to be designed to provide adequate characterisation of the local groundwater conditions in order to enable the identification of potential deleterious impacts associated with the project and will allow the implementation of suitable best practice mitigation and management measure should the need arise.

Related works**B4 Works carried out under development consent DA 2002/566**

Prior to the issue of the first Construction Certificate for any stage of the project, Construction Certificates must have been issued by the Certifying Authority for the detailed civil design plans for the construction of:

- 1) The roundabout at the intersection of the Pacific Highway and the Link Road.
- 2) The acoustic mound/ barrier referred to in condition B6 and the revised drainage system along the sites Pacific Highway frontage.
- 3) Site filling in accordance with DA 2002/566.

B5 High voltage power lines

The high voltage power lines traversing the site must be relocated at the proponent's expense. Engineering design drawings must be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate for any stage of the project.

Noise attenuation**B6 Noise attenuation**

- 1) The Pacific Highway frontage shall have a noise attenuation barrier/device designed on the site boundary line and on an earthen plantation mound of a nominal height of one (1) metre in accordance with Landpartners Ltd drawing LM70113-SW12K. The mound shall be landscaped along the Pacific Highway in accordance with James Warren & Associates dated December 2007. The noise barrier/device shall be of concrete panelling construction or equivalent that achieves a minimum fifty year design life and is inclusive of a basic pattern finish, to the satisfaction of Council.
- 2) The Link Road frontage shall have a landscaped earthen plantation mound of a nominal height of one (1) metre with a maximum batter slope of 1 in 4.

Engineering design plans are to be approved by Council prior to the issue of a Construction Certificate for any stage of the project.

Stormwater and drainage**B7**

- 1) The project shall make due provision for the diversion of the existing stormwater quantities that discharge onto the site via the natural water course from the adjacent catchment to the west of the site. The project shall be required to provide a suitable drainage system and demonstrate that the pre-development performance of the existing stormwater and overland drainage system is maintained

The pre-development performance shall be based on the hydraulic capacity of the watercourse prior to any bulk filling works undertaken under either development consent DA 2002/566 or this approval. Details are to be included in the stormwater designs and submitted to and approved by Council prior to issue of the Construction Certificate for each stage of the project.

- 2) The project shall make due provision for the diversion of the existing stormwater quantities that discharge onto the site via the Pacific Highway drainage system and demonstrate that such proposed works do not unduly affect the function of the existing stormwater system. The project is not required to cater for pipe design flows over and above the existing capacity of the Pacific Highway drainage system. Details are to be included in the stormwater designs and submitted to and approved by the

Certifying Authority prior to issue of the Construction Certificate for each stage of the project.

- 3) The proponent is to prepare a stormwater management plan for the entire site, prepared by a suitably qualified person(s) that includes detailed modelling for both water quality and quantity. The plan shall demonstrate:
 - a) that the project does not concentrate or lead to an increase in the volume or rate of flow of stormwater discharged from the site over and above pre-development flow conditions; and
 - b) that the project does not increase the average annual load of key stormwater pollutants in stormwater discharged from the site over and above pre-development conditions.

The plan is to be prepared in accordance with the Water Sensitive Urban Design requirements of Ballina Shire Combined Development Control Plan Chapter 13 – Stormwater Management.

The stormwater plan is to be submitted to and approved by Council prior to the issue of the Construction Certificate for each stage of the project.

- 4) The proponent shall be required to develop a Stormwater Works Process Strategy to maintain the performance of the stormwater system during construction phase. This strategy shall include but not be limited to the following:
 - a) The water quality performance targets to be achieved.
 - b) The proposed treatment system for each stage of the project.
 - c) The proposed water quality testing regime and frequency of site inspections.
 - d) The reporting requirements to Council.

Details are to be approved by Council prior to issue of the Construction Certificate for each stage of the project.

- 5) Stormwater treatment assets shall be designed and constructed to make due provision for all weather access and vehicle turning facilities. A detailed design must be submitted to and approved by the Council prior to issue of the Construction Certificate for each stage of the project.
- 6) The stormwater drainage system shall be monitored to demonstrate that it satisfactorily complies with the intended design. Details of the monitoring program are to be provided to the Council prior to issue of the Construction Certificate for each stage of the project for each stage of the project.
- 7) Overland flow paths shall be provided within the subdivision such that these flow paths are contained within a minimum five (5) metre wide pathway corridor, reserve or other open space area deemed appropriate. Details are to be included in the stormwater designs to be approved by the Council prior to issue of the Construction Certificate for each stage of the project.
- 8) Pathway corridors shall be a minimum of five (5) metres in width. Bollards or similar devices shall be required within these corridors to prevent unauthorised vehicular traffic utilising these corridors. Details are to be included in the stormwater designs and submitted to and approved by Council prior to issue of the Construction Certificate for each stage of the project.
- 9) The project shall make due provision for the diversion of the existing stormwater quantities that discharge onto the site via adjacent properties. The proponent, at its own expense shall design and construct stormwater drains to ensure conveyance of stormwater through and around the site in order to maintain pre-developed conditions. The engineering design for the final alignment and profile of drainage channels must be submitted to and approved by the Council prior to the issue of the Construction Certificate for each stage of the project.

- 10) Detailed engineering plans for the western drainage detention basin/ open space area identified in "LM070113-CV2 – F" prepared by Landpartners are to be approved by Council prior to issue of the Construction Certificate for Stage 5.

Road design

B8 Roads

- 1) Temporary turnaround facilities shall be provided at the appropriate stage boundaries of the road network. Details are to be included on the engineering design plans submitted to the Council prior to the issue of the Construction Certificate for each stage of the project.
- 2) Provision is to be made for on-street car parking spaces and a turning bay area within the road reserves of the minor access roads servicing proposed lots 77, 87, 102, 112, 113, 114, 154, 155, 178 and 179 in accordance with Plan No. LM070113-PL100 Revision B prepared by LandPartners. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate for each stage of the project.
- 3) The lane proposed at the rear of proposed lots 1, 2, 3, 4 and 5 shall provide a minimum carriageway width of six (6) metres with a minimum road reserve width of seven (7) metres to allow for the provision of kerb and gutter, utilities and services.
- 4) Traffic calming devices are to be incorporated within the project's road network and approved by Council prior to issue of the Construction Certificate for each stage of the project.

Sewer and water reticulation

B9 Sewer system

- 1) At the proponent's expense, Council's sewer reticulation network shall be extended to service the project (excluding the cost of any works identified within the Ballina Shire "Sewerage Infrastructure Development Servicing Plan"). The design shall comply with the minimum requirements of the NSW Department of Public Works design criteria as set out in the "Manual of Practice: Sewer Design" and "Manual of Practice: Sewer Pump Station Design". The proposed sewer design is required to demonstrate that it is a low risk design taking into account the geotechnical settlement characteristics of the site. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate for each stage of the project.
- 2) Sewer pump station designs must comply with the following minimum requirements:
 - a) Be designed for a well capacity of eight (8) hours (average dry weather flow) including temporary pump station locations.
 - b) Be controlled by multitrode level controls with cabinet details to the requirements of Council's Engineer.
 - c) Have telemetry installed to the requirements of Council's Engineer.
 - d) Be supplied with dual pumps installed in the pump station of which one is a standby pump prior to the release of any Subdivision Certificate.
 - e) Be provided with an access and turnaround area consisting of a minimum standard of 300 mm DGB20 gravel pavement with a 25 mm AC10 wearing surface.
 - f) The proposed the pump station and sewer rising main shall be designed such that detention guidelines are met to ensure that sewage does not become septic.

Sewer gravity mains are not to exceed a final design depth of 3.5 metres unless otherwise approved by Council.

- 3) At the proponent's expense, the existing 150 mm diameter sewer rising main traversing Lot 1 DP 1074242 is required to be relocated to the eastern verge of the Link Road for the site's full property frontage. Engineering design drawings must be approved by Council prior to the issue of the Construction Certificate for each stage of the project.
- 4) At the proponent's expense, the existing 500 mm diameter sewer rising main located within the road reserve of the proposed Link Road shall be relocated for the site's full property frontage, as required to suit the design alignment of the road carriageway and other utilities/services within the Link Road. The main must be relocated to a suitable location within the eastern verge of the road reserve. Relocation of this main shall not be required if Council is satisfied, at the design stage, that the main can be incorporated into the road design in its existing location. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate for each stage of the project.
- 5) Easements are to be provided over all sewer mains in accordance with Council's *Subdivision Code*. Details are to be approved by Council prior to issue of the Construction Certificate.

B10 Water reticulation

- 1) At the proponent's expense, Council's water reticulation network shall be extended to service the project (excluding the cost of any works identified within the Ballina Shire "*Water Supply Infrastructure Development Servicing Plan*"). This shall include the following:
 - a) Extension of the non-potable reclaimed water trunk supply main extending from the Pacific Highway main along the Link Road for the site's entire frontage.
 - b) Extension of the non-potable (reclaimed water) reticulation mains to service each proposed lot within the project.
 - c) Extension of the potable reticulation mains to service each proposed lot within the project.

Engineering design drawings must approved by Council prior to the issue of the Construction Certificate for each stage of the project.

Construction management

B11 Construction Management Plan

- 1) Prior to the issue of a Construction Certificate for each stage of the project, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:
 - a) hours of work;
 - b) contact details of site manager;
 - c) traffic and pedestrian management;
 - d) noise and vibration management;
 - e) construction waste management; and
 - f) erosion and sediment control as specified in condition B13.

- 2) All traffic control during construction shall be in accordance with the RTA Guideline: Traffic Control at Work Sites. Details are to be submitted for approval by the Certifying Authority prior to the issue of the Construction Certificate for each stage of the project.

B12 Council's Refuse Service Provider

Confirmation is to be provided in writing by Council's refuse service provider that all proposed lots can be serviced by a garbage truck, prior to the issue of Construction Certificate for each stage of the project.

B13 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for each stage of the project.

The proponent is to ensure:

- 1) All loose material does not wash into any roadways, gutters or watercourses.
- 2) Service trenches are to be backfilled as soon as practicable.
- 3) Downpipes are to be connected as soon as practicable.
- 4) Buffer vegetation zones are to be retained adjoining roadways, stormwater drains or watercourses.
- 5) Soil is not to be placed in the street gutter to provide access.
- 6) Suitable erosion barriers i.e. Cloth fencing or hay bales are to be provided where soil may wash into street gutters, drains or watercourses.
- 7) The erosion control systems are to be maintained throughout the building process and beyond by the proponent where necessary.

B14 List of public infrastructure

In connection with the "Works-As-Executed" drawings the proponent shall submit a listing of all road, stormwater and sewer assets generated by the project to Council. The format of the list shall conform to the proforma in Council's *Subdivision Code* (as current at the time).

Geotechnical requirements

B15 Geotechnical

All site filling (excluding the open space and playing field areas) in accordance with development consent DA 2002/566 shall be to a minimum fill level of RL 2.0 m AHD for lots and RL1.7 m AHD for roads subject to flow velocity depth relationship not exceeding a 0.4 ratio, and shall be in compliance with the requirements of Level 1 geotechnical testing for:

- 1) AS 2870 – 1996 Residential Slabs and Footings Code
- 2) AS 3798 – 1996 Guidelines on Earthworks for Commercial and Residential Developments.

Details are to be shown in the Construction Certificate plans for each stage of the project.

B16 Landscaping bond

A landscaping bond, equal to the value of the landscaping works, shall be lodged with the Council prior to the issue of a Construction Certificate. This bond shall be refunded four (4) months after Council has issued a written notice advising that the approved site landscaping has been satisfactory completed.

Pedestrian / cycleway

B17 Shared pedestrian footpath/ cycleway

A three (3) metre wide concrete shared footpath/cycleway shall be designed as follows:

- 1) Within the entire length of the site's southern boundary extending across the Link Road adjacent to the southern roundabout. The footpath/cycleway shall include the provision of pram ramps and a pedestrian refuge where it crosses the Link Road. The shared footpath/cycleway shall be constructed progressively to suit the staging of the project.
- 2) Extending east from the Link Road crossing and then along the North Creek Canal linking to the existing cycleway system at the North Creek Canal bridge as per the conceptual cycleway layout identified on the approved path and cycle plan.

The shared footpath/cycleway shall be designed and constructed in accordance with the *Austroads Guide to Traffic Engineering Practice Part 14 Bicycles*. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate for each stage of the project.

B18 Pedestrian footpaths

A 1.35 metre wide concrete footpath shall be designed within the road verge of the internal roads within the site as indicated on the approved path and cycleway plan. The footpaths are to be designed and constructed in accordance with *AustRoads Part 13 Guide to Traffic Engineering Practice: Pedestrians*. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate for each stage of the project.

B19 Playing field

The playing fields shall be designed to the following standards to the satisfaction of Council:

- (a) Provision of a sealed access, turnaround area and twenty (20) sealed car parking spaces, including one (1) disabled parking space.
- (b) Provision of an additional all weather overflow parking area for a further 20 vehicles.
- (c) Fields capable of accommodating a junior sized, synthetic pitch cricket oval.
- (d) Orientation of the fields to be between true north and 20 degrees east of north.
- (e) Playing fields graded with cross fall with an optimum surface slope of 1 in 70 and a minimum slope of 1 in 80.
- (f) The playing surface consisting of clean topsoil of nominal 150mm depth and within a pH range of 6.0-7.0. The clean topsoil shall be laid upon a further 150mm of free draining sand medium. The mixing of topsoil with sand will depend on the quality of the soil and shall be to the satisfaction of Council.
- (g) Grass cover shall be of species suitable for the site and to the satisfaction of Council.
- (h) The playing fields, curtilage and site on which facilities are to be located, shall be developed and filled to a flood immunity level of 1 in 10 year ARI storm event, with the only filling to occur above this level being for field design and drainage purposes (i.e. shaping of the fields).
- (i) An automatic irrigation system for the reclaimed water.

Design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate that includes the 150th lot.

PART C—DURING CONSTRUCTION OF ALL STAGES***Requirements during construction*****C1 *Site notice***

Site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

C2 *Contact telephone number*

The proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the project.

C3 *Movement of trucks transporting waste material*

The proponent shall notify the Roads and Traffic Authority's Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

C4 *Approved plans to be on-site*

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the Principal Certifying Authority.

C5 *Construction Environmental and Waste Management (During Construction)*

- 1) No burning of cleared vegetation or other waste is permitted on site during the construction phase of the project.
- 2) A secure, covered and bunded area is to be provided on site for the storage of chemicals.
- 3) The proponent must notify adjoining owners of proposed work and provide them with the contact numbers of the construction manager for any complaints or concerns to be raised.
- 4) Kerb and guttering, footpaths, utility services or roads damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.

- 5) Any grass verge or footpath within the road reserve that is damaged as a result of works on the site shall be immediately reinstated to a satisfactory and safe condition. This will involve the regrading of the disturbed area, turfing and top-dressing.

Construction noise

C6 Noise during construction

- 1) The hours of operation for any noise generating construction activity (including delivery of materials to and from the site) on the site are to be limited to within the following times:
 - a) Monday to Friday 7.00am to 6.00pm
 - b) Saturday 8.00am to 1.00pm
- 2) No noise generating construction activities are to take place on Sundays or public holidays.
- 3) To manage noise during construction the proponent should use mufflers on all equipment,

C7 Revegetation of disturbed areas

All disturbed and exposed areas are to be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the site. Disturbed areas shall be revegetated with grass seed to promote early grass cover

C8 Topsoiling

At the commencement of each section of civil works, all topsoil within the road formation of that section is to be stripped and stockpiled and used for topsoiling all disturbed areas including road cut and fill batters.

C9 Pollutant incident

In the event of a pollution incident on the site that has caused, is causing, or is likely to cause harm to the environment, the proponent shall report the incident to Council immediately as they, or their onsite representative, become aware of the incident.

Dust control

C10 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted if required:

- 1) A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation until such time that construction is completed and areas have been revegetated. All disturbed areas shall be revegetated immediately once they are completed.
- 2) Suitable covering and protection must be provided to all stockpiles to ensure that no material is removed by wind from the site, causing a nuisance to neighbouring properties.
- 3) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,

- 4) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- 5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- 6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- 7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- 8) Cleaning of footpaths and roadways shall be carried out regularly.

C11 Filling operations

During construction, no filling is to be placed on the site that may affect either temporary or permanent stormwater drainage systems and cause surface water flooding of any adjoining property. Any fill material brought and used on site is to be virgin excavated natural material, as defined under the publication *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Waste*.

C12 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *Heritage Act 1977* may be required before further works can continue in that area.

C13 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the proponent shall immediately notify the Department of Environment and Climate Change (DECC) and obtain any necessary approvals to continue the work. The proponent shall comply with any request made by the DECC to cease work for the purposes of archaeological recording.

PART D—PRIOR TO RELEASE OF SUBDIVISION CERTIFICATES

D1 Landscaping

Prior to the release of a Subdivision Certificate for each stage of the project, the site is to be landscaped generally in accordance with the approved landscape plan specified in condition A3. The landscaping is to include the grassing of the site and the undertaking of appropriate plantings generally in accordance with Policy Statement No. 6 of *Ballina Shire Council Development Control Plan No. 1 – Urban Land*.

Easements and covenant restrictions

D2 Registration of Easements / Right of carriageway

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a) Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b) Use of site regrading on sloping residential subdivision sites to manufacture flat earth platforms is not permitted. Future dwellings on these sites are to use building techniques suitable to sloping sites.
 - c) Easements shall be created prohibiting the erection of buildings\structures over or adjacent to sewer and stormwater pipelines. The minimum width of such easement shall be 3.0 metres or as agreed with Council.
 - d) The flood evacuation route specified in condition D29.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
- 3) Council is to be nominated as the authority empowered to release, vary or modify the restrictions.
- 4) Prior to the release of the Subdivision Certificate for the any stage of the project, all stormwater drainage systems that are shown upon Lot 2 DP 1074242, with the exception of the floodway and western catchment drain are to be contained within an easement benefiting Council.
- 5) Prior to the release of the Subdivision Certificate for each stage of the project, a right of carriageway, easement or equivalent legal instrument, having a minimum width of five (5) metres, extending from the southern boundary of the 2(a) zoned land to the Ballina Sewage Treatment Plant shall be created benefiting the Council. The alignment of this right of carriageway, easement or equivalent legal instrument shall be consistent with the alignment shown on the Plan No: 5035-sl.02a, prepared by Ardill Payne & Partners dated 1 June 2003.
- 6) Any electricity easement (benefiting Country Energy) over Lot 2 DP 1074242 shall also benefit Council to enable the co-provision of services and vehicular access.

D3 Covenant restrictions – residential

Prior to the release of the Subdivision Certificate for each stage of the project, the proponent shall ensure the creation of a covenant restriction (on the Land Title) over allotments to be created within the subdivision pursuant to section 88B of the *Conveyancing Act 1919*. The Section 88B Instrument shall ensure the following:

- 1) All allotments created by this approval shall include a covenant restriction requiring all future dwellings and buildings with plumbing (including schools, commercial and the like) to make provision for non-potable water service plumbing and facilities in accordance with Council's "Ballina Heights Dual Water Supply – Plumbing Guidelines" & "Plumbers quick checklist for plumbing in areas with dual water supply" policies or any superseding policies.
- 2) All allotments created under this approval are to include a covenant restriction requiring standard type mosquito screening to be fitted to residential windows and external doors.
- 3) A requirement for rainwater tanks within each individual lot to have mosquito proof screens fitted to openings including inspection openings and overflows. Such screens should be made of a durable material such as brass, copper or stainless steel. The mesh size should not provide an aperture of more than 1 (one) mm.
- 4) All allotments adjacent to the Pacific Highway frontage shall include a covenant restriction requiring that no residential buildings are to be constructed within four (4) metres of the acoustic fence on the lot boundary. In addition, no landscaping or other improvements are to be carried out in the vicinity of the acoustic fence which may have a detrimental impact on the structural integrity of both the acoustic fence and sound mound.
- 5) Lots facing the Pacific Highway/ Link Road (Lots 199, 198, 172, 173, 171, 170, 169, 168, 167, 166, 165, 164, 59, 58, 57, 56, 54, 55, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 30, 29, 28, 19, 18, 17, 16, 15, 14, 13 and 12) shall have recorded on the Land Title as a covenant restriction stating that building design and construction requirements at ground and upper level in accordance with AS 3671-1989 *"Road traffic noise intrusion – Building siting and construction"*.
- 6) Lots 235, 234, 233, 232, 231, 230, 229, 228, 227, 226, 225, 224, 223, 202, 201, 200, 197, 196, 175, 174, 163, 162, 161, 160, 134, 133, 108, 107, 82, 81, 60, 36, 35, 34, 33, 32, 31, 27, 26, 20 and 1 shall have recorded on the Land Title as a covenant restriction stating building design and construction requirements at upper level only in accordance with AS 3671- 1989 *"Road traffic noise intrusion – Building siting and construction"*.
- 7) The covenant restriction shall prohibit construction of any future building or built structure within one (1) metre of the property boundaries specified for the following lots:
 - a) Lots 1, 2, 3, 4, 5, 8, 9, 13, 14, 15, 22, 23, 24, 25, 30, 32, 33, 34, 35, 36, 37, 39, 41, 42, 45, 46, 60, 61, 62, 69, 70, 71, 79, 80, 81, 83, 84, 85, 94, 95, 96, 104, 105, 106, 109, 110, 111, 112, 117, 118, 119, 120, 121, 122, 123, 124, 131, 132, 133, 134, 135, 136, 144, 145, 146, 147, 148, 149, 150, 160, 161, 162, 163, 164, 165, 166, 184, 185, 186, 204, 205, 206, 211, 212, 213, 214, 215, 216, and 236.
- 8) The covenant restriction shall prohibit second storey building construction within 1.5 metres of all property boundaries.
- 9) Foundations for buildings and residential dwellings constructed on subdivided lots are to be designed and constructed to satisfy the requirements of the site classification determined by a geotechnical engineer in accordance with AS 2870 – Residential Slabs & Footings. These details must be included in the Section 88b Instrument and recorded on the title for each lot prior to release of Subdivision Certificate for each stage of the project.

D4 Documentary evidence of easements

Documentary easements for services, drainage, support and shelter, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to section 88B of the *Conveyancing Act 1919*.

Prior to the issue of the Subdivision Certificate of each stage of the project, the proponent shall provide to Council evidence that all easements required by this approval have been registered on the certificates of title.

D5 Stage 1

Prior to the issue of the Subdivision Certificate for Stage 1 of the project the following works must have been completed in accordance with the approved engineering design and to the satisfaction of Council:

- 1) The floodway within Lot 2 DP 1074242 as in accordance with approved plans.
- 2) Completion of children's play area in accordance with condition D10.
- 3) The construction of the roundabout at the intersection of the Pacific Highway and the Link Road approved under development consent DA 2002/566.
- 4) The construction of the Link Road for the site's entire property frontage.
- 5) The construction of the drainage system along the site's entire Pacific Highway property frontage.
- 6) Relocation of high-voltage power lines traversing the site as specified in condition B5.

D6 Playing field

The proposed playing fields referred to in condition B19 are required to be operational prior to release of the Subdivision Certificate that includes release of the 150th lot.

D7 Acoustic mound/ barrier

The acoustic mounds/barriers referred to in condition B6, along the site's Pacific Highway property frontage are to be completed progressively prior to release of the Subdivision Certificate for each stage of the project. The length of the acoustic mound/barrier shall be such that it provides suitable noise attenuation to all lots released within each stage. Certification of the design and its construction, from an appropriately qualified acoustic consultant, must also be submitted to Council prior to the release of each Subdivision Certificate.

Monetary contributions and contributions-in-lieu**D8 Monetary contributions**

- 1) Prior to the release of the Subdivision Certificate for each stage of the project, total payment to Council of non-refundable monetary contributions is to be made towards the provision of public services and amenities, which are required as a result of the project. These contributions are required in accordance with section 94 of the Act and Council's adopted Contribution Plans.

The current amounts required are:

- a) **\$261,960.00** for the provision community facilities, being the rate of \$1,110 per additional serviced allotment in accordance with S94 Contribution Plan: Community Facilities.

- b) **\$417,547.00** for the provision of major shire wide road infrastructure, being at the rate of \$1,965 per equivalent residential allotment in accordance with the Ballina Road Contribution Plan. An amount of \$46,193.14 is to be credited against the total road contribution calculated and payable in accordance with this condition, in addition to the allotment credits, in acknowledgement of the material benefit of the land dedicated for the Western Arterial Road. This credit will be applied at the time the contributions required by this condition are paid to Council.

These rates are reviewed periodically by Council and the contribution amounts will be calculated at the rate applicable at the time of payment.

Note: Copies of the contribution Plans may be viewed at the Council's office.

- 2) Prior to the issue of the Subdivision Certificate for each stage of the project, the proponent will have obtained, or at least be eligible to obtain, a certificate of compliance for development. To be eligible, all necessary water supply, sewerage and stormwater infrastructure would be completed and the proponent will have paid the following:
- a) **\$720,272.00** for the augmentation of water supply mains and storage within Ballina Shire, being at the rate of \$3,052.00 per additional serviced allotment.
- b) **\$1,566,807.00** for the augmentation of sewerage headworks being at the rate of \$6,611.00 per additional serviced allotment.

These developer charges are levied in accordance with Section 64 of the *Local Government Act 1993* and Section 306 of the *Water Management Act 2000*. The developer charges are reviewed periodically by Council and the contribution amounts will be calculated at the rate applicable at the time of payment.

Note: Copies of the Contribution Plans may be viewed at the Council office.

- 3) Prior to the issue of the Subdivision Certificate for each stage of the project, payment is required to Council (as a collection agent for Rous Water), of a non-refundable monetary contribution towards the provision of infrastructure development servicing in accordance with Section 64 of the *Local Government Act 1993* and Section 306 of the *Water Management Act 2000* for an amount of:
- a) **\$849,600.00** for the amplification and provision of water supply infrastructure to meet the demands generated by new development on headworks and distribution works at the rate of \$3,600.00 per additional serviced allotment.

This rate is reviewed periodically and the contribution amounts will be calculated at the rate applicable at the time of payment.

Note: Copies of the Development Servicing Plan may be inspected at the Council office, however all enquiries in relation to the Rous Water Supply Development Servicing Plans should be directed to Rous Water (Lismore).

- 4) These community contributions are to be paid pro rata in accordance with the release of each Subdivision Certificate (Stages 1-5) and the following table:

Contribution Category	Rate per lot	Stage 1 45 lots (47-2)	Stage 2 57 lots	Stage 3 51 lots	Stage 4 46 lots	Stage 5 37 lots	Total 238 lots
S 94 Roads	\$1,965.00	\$88,425.00	\$112,005.00	\$100,215.00	\$90,390.00	\$72,705.00	\$417,546.86
S 94 Community Facilities	\$1,110.00	\$49,950.00	\$63,270.00	\$56,610.00	\$51,060.00	\$41,070.00	\$261,960.00
S 64 Sewer	\$6,611.00	\$304,106.00	\$376,827.00	\$337,161.00	\$304,106.00	\$244,607.00	\$1,556,807.00
S 64 Water Supply	\$3,052.00	\$137,340.00	\$173,964.00	\$155,652.00	\$140,392.00	\$112,924.00	\$720,272.00
S 64 Rous	\$3,600.00	\$162,000.00	\$205,200.00	\$183,600.00	\$165,600.00	\$133,200.00	\$849,600.00
Total	\$16,338.00	\$741,821.00	\$931,266.00	\$833,238.00	\$751,548.00	\$604,506.00	\$3,816,185.86

D9 Site Filling Works

Prior to the release of the Subdivision Certificate for each stage of the project, certification from a suitably qualified practicing geotechnical engineer verifying such site filling is in accordance with AS2870 & AS3798 and having adequate bearing capacity for building construction must be submitted to the Certifying Authority.

Any change in the source of fill must be notified to the Certifying Authority and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report must include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material.

Public facilities and utilities**D10 Playground facility**

A bond covering the total cost of construction of the playground required within this condition shall be submitted to Council prior to the release of the Subdivision Certificate for any stage of the project. The playground shall be constructed at the proponent's expense and be available for use upon occupation of the first dwelling on the site. The playground shall include but not be limited to the following minimum requirements to the satisfaction of Council's Manager Open Spaces & Reserves:

- 1) The play equipment type and style shall be to the satisfaction of the Manager Open Spaces and Reserves.
- 2) An approved shade structure shall be required to cover the play equipment.
- 3) The playground/equipment area shall have a rubberised compound soft fall.
- 4) Play equipment to facilitate use for a range of age groups.
- 5) The adjoining park area shall be fitted with two sheltered picnic tables.
- 6) An amenities building that services both the playground and the playing field.

Bushfire**D11 Bushfire management**

Prior to the release of the Subdivision Certificate for Stage 1, the proponent is to update and amend the Bushfire Assessment 2008 prepared by Landpartners (Appendix 2 of the Environmental Assessment) in consultation with the Rural Fire Service and the Department.

Note: As the vegetation has been cleared from adjacent land on Lot 269 on DP 755684 since the report was written, the bushfire threat to the site has changed.

D12 Bus shelters

Prior to issue of the Subdivision Certificate that releases the final stage of the project, the following information must be submitted to and approved by Council:

- 1) Written advice from the Ministry of Transport acknowledging that the Ministry has been provided sufficient information about the project to allow for the future planning of public transport services within the estate.
- 2) A design identifying the proposed location of bus shelters and bus stops within the project. Bus stops shall be provided at the proponent's cost, at approximately 400 metres intervals or as otherwise approved by Council with at least one (1) bus shelter to be provided. Installation of the approved bus stops and shelter must be completed prior to the release of the final Subdivision Certificate.

Flooding

D13

Prior to the issue of a Subdivision Certificate for each stage of the project, certification is to be provided to Council that the flood protection measures for the site (as it relates to the relevant stage of the project) are capable of excluding up to and including the 1 in 100 year flood event, as determined by Council's flood policy as in force at the time of issue of the Construction Certificate for that stage.

Note: At the time of this approval, the relevant Council flood policy is the Ballina Flood Study (March 2008) and that Council is currently in the process of developing a Floodplain Management Plan in accordance with the NSW Government's Floodplain Management Manual.

D14 Completion of stormwater works

- 1) Prior to the issue of a Subdivision Certificate for each stage of the project, certification is to be provided to Council that all stormwater works have been provided in accordance with the approved plans and the approved Stormwater Management Plan No. LM070113-CV2 prepared by Landpartners. This certification is to be provided by a registered certified practicing Civil Engineer competent in the field of stormwater design and familiar with all aspects of the project.
- 2) For each stage of the project a CCTV inspection of the stormwater pipes and sewerage system including joints and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to Council.
- 3) Any defects identified by the inspection are to be repaired in accordance with Council's adopted Development Design and Construction Specification.
- 4) All costs associated with the CCTV inspection and repairs shall be borne by the proponent.

D15 Civil works

Prior to the issue of a Subdivision Certificate for each stage of the project, all civil works approved with the Construction Certificate for that stage are to be completed to the satisfaction of Council. All works are to be completed in accordance with Council's *Subdivision Code* (as current at the time of commencement).

D16 Drainage

Certification by a Registered Surveyor is required, prior to release of each Subdivision Certificate, that all services and domestic drainage lines are wholly contained within the respective lots.

Services

D17 Utilities –Telephone and Electricity Services

- 1) The project is to be connected to all available services (water, electricity and telephone) prior to issue of the Subdivision Certificate for each stage of the project. Such connections, and any extension of services required to the development, are to be carried out at full cost to the proponent. Certification is to be provided that electricity and telephone services have been provided to each lot to the satisfaction of the relevant authorities.

- 2) The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply must be submitted prior to issue of a Subdivision Certificate for each stage of the project.
- 3) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity has been completed prior to issue of a Subdivision Certificate for each stage of the project.
- 4) The submission to the Certifying Authority and subsequent registration of the required right of carriageway/easement for services/restrictions-as-to-users is required.

D18 Street lighting

The proponent shall be responsible for the design and installation of public street lighting within the site. All street lighting must be designed in accordance with AS/NZS 1158 and based on the installation of Country Energy Style 1 lanterns fitted with high pressure sodium lighting. Engineering design plans and specifications must be submitted to and approved by Council. All works must be completed and commissioned in accordance with the approved plans, prior to the release of the Subdivision Certificate for each stage of the project.

D19 Water Supply and Sewer

Prior to the issue of a Subdivision Certificate for each stage of the project, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the project in accordance with condition B9, Council's *Subdivision Code* and the Construction Certificate approval. The plans must accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the proponent it is the responsibility of the proponent to prepare and submit works-as-executed plans.

D20 Infrastructure/ Work as executed plans

- 1) The proponent is to construct, at own cost, all civil and service infrastructure works to service each stage of the subdivision, in accordance with the Construction Certificate under the supervision of an engineer or surveyor approved by the Council.
- 2) Prior to the issue of a Subdivision Certificate for each stage of the project, Works as Executed Plans shall be submitted in accordance with the provisions of Council's with Council's *Subdivision Code*.
- 3) The plans are to be endorsed by a Registered Surveyor or a Consulting Engineer Certifying that:
 - a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
 - b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the proponent it is the responsibility of the proponent to prepare and submit works-as-executed plans.

D21 Sewage Pumping Station

An accurate plan of the sewage pumping station site shall be submitted to Council at least 60 days prior to lodgment of the Application for Subdivision Certificate for the first stage of the subdivision to allow the land to be classified.

Note: The Act makes no provision for works under the *Water Supplies Authorities Act 1987* to be certified by an Accredited Certifier.

D22 Survey Marks

Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate for each stage of the project in accordance with the Survey Practices Regulation.

Signage/ Street names**D23 Road signage**

The proponent shall be responsible for the installation of all road signage including street name signs. All lettering on road signs is to conform with Australian Standard 1744:1975 Standard Alphabets for Road Signs Metric Units.

D24 Street Names

Prior to the issue of a Subdivision Certificate, the proponent must submit for Council's approval a list of proposed road names for all new roads created as a result of the subdivision. The developer must give consideration to the requirements of the Department of Lands document "Guidelines for the Naming of Roads".

Maintenance**D25 Maintenance – playing field**

The proponent shall actively maintain, mow, water and further embellish the playing field surface in the period between commencement of construction and dedication. A bond for 5% of the cost of the works shall be lodged with Council at the time of dedication, which may be used to maintain, repair or rectify works that are failing. The bond will be refunded after a 12 month period, should no rectification works be required.

D26 Maintenance and management plan

Prior to issue of a Subdivision Certificate for each stage of the project, Council is to be provided with a comprehensive maintenance and management plan for all stormwater controls and assets to be inherited by Council. This management plan is to be prepared by a suitably qualified registered practicing engineer experienced in stormwater management.

D27 Maintenance period

Prior to the issue of a Subdivision Certificate for each stage of the project, the following maintenance bond shall be paid to Council which includes the amount of Goods and Services Tax payable. The bond is subject to review and may vary at the actual time of payment:

Maintenance Bond: Equal to 5% of the estimated cost of the civil works (min \$1000)

Note: A maintenance period of 12 months will apply from the date of issue of a Subdivision Certificate. The bond may be used by Council to maintain, repair or rectify works that are failing. The bond will be refunded upon completion of the 12 month period should no such failure occur.

Dedication of Land

D28 Dedication of Open Space

The proponent must make necessary arrangements for the dedication of the open space areas to Council within the site.

A deed of agreement must be prepared with Council to allow the proponent to carry out management and maintenance works on this land during the 12 months following construction, prior to Council maintaining this area.

Flood evacuation

D29 Flood evacuation access

An all weather vehicular access road (not required to be sealed) is to be constructed prior to the release of the Subdivision Certificate for Stage 4.

The access road is to have a carriageway width of four (4) metres. The road is to be accommodated from the cul-de-sac between lots 199 and 200. The gates are to be locked and keys provided to the NSW Police, State Emergency Service (SES), Ambulance Service and Council. Gates are only to be used for emergency access in the event of a flood.

A section 88B instrument is to be created to provide an easement for emergency public access over the width of the road. The section 88B instrument is to include a clause requiring the written approval of Council and the SES to extinguish the easement, which can only occur in the event of a publicly accessible alternative emergency flood evacuation route for all flood events up to the 1 in 100 year event being constructed.

Documentation for the creation of the easement is to be provided to the Department prior to the release of the Subdivision Certificate for Stage 4.

D30 Mitigation measures to reduce impacts on aquatic habitats

In order to achieve no net loss of fish habitat as a result of the project, the proponent is to show evidence of removal of a remnant illegally constructed block bank located under the power lines to the extreme west of the site prior to the release of the Subdivision Certificate for Stage 5.

D31 Dedication of Internal Roads

All internal roads shall be constructed by the proponent and dedicated to Council as public roads concurrent with the issue of a Subdivision Certificate for each stage of the project. Upon dedication and at the end of the maintenance period, Council will be responsible for the on-going maintenance of the roads.

SCHEDULE 3

STATEMENT OF COMMITMENTS

06_0118

I. General Terms

The project will be carried out generally in accordance with the plans and materials submitted as part of the Environmental Assessment Report and Preferred Project Report prepared by Conics Pty Ltd for MP 06_118 including all appendices.

The developer will ensure that all works are undertaken in accordance with the determination and associated conditions of MP 06_118. All low voltage power reticulation within the development shall be provided underground. Council shall accept the stormwater management system (per watershed catchment) 'on-maintenance' only once the system is complete in its entirety and demonstrated to be functionally operating as designed to the satisfaction of Council's Engineer.

II. Built Form

Future development of dwellings and structures will be subject to approval under the Ballina Local Environmental Plan 1987. The Building and Design Covenant will be included on each certificate of title. Future dwellings are to generally conform to the setbacks nominated in the plan 'Lot Typologies' dated July 2008 prepared by Conics Pty. Future dwellings constructed on lots highlighted on Sketch No.5 Recommended Acoustic Barriers and Noise Affected Lots Requiring Building Acoustic Design in the report, 'Environmental Noise Impact Assessment' prepared by CRG Traffic and Acoustics Pty Ltd, dated 9 January 2008, are to be constructed in accordance with the applicable design standard.

III. Development Staging

The development will generally be undertaken in accordance with the Plan Ref: S6082-07c prepared by Conics Pty Ltd Open Space and Recreational Areas (refer Appendix 20). All open space areas will be dedicated to Council upon satisfactory completion of works.

IV. Visual Amenity

Acoustical treatment mounds are to be constructed as a combination fence and vegetated mounds. Mounds should be constructed in sequence with development staging as proposed in the attached Acoustic Barrier Staging Plan (refer Appendix 15). Entrance treatment planting and signage should be designed by a landscape Architect. All landscaping following site preparation works should be undertaken in accordance with the 'Landscape Masterplan and Visual Analysis' prepared by LandPartners Pty Ltd.

V. Noise

- A. A 2.5metre high acoustic barrier constructed of a material with a surface mass of greater than 11 kg/m².
- B. The location of the barrier is to be generally accordance with 'Sketch No.5 Recommended Acoustic Barriers and Noise Affected Lots Requiring Building Acoustic Design' in the report, 'Environmental Noise Impact Assessment' prepared by CRG Traffic and Acoustics Pty Ltd, dated 9th July 2008.
- C. Future dwellings and buildings adjacent to the Pacific Highway and the Link Road are to be constructed generally in accordance with the recommendations identified in section 6, 'Recommended Acoustic Treatments' in 'Environmental Noise Impact Assessment' 7 July 2008, prepared by Carter Rytenskild Group.

VI. Visual amenity

Landscape elements proposed for the access ways and generally identified in the plan, 'LM070113-LA-SK01' prepared by Landpartners are to be provided in accordance with the requirements and specifications of Ballina Shire Council.

VII. Prior to construction

1. Identified acoustic construction measures, as specified in recommendations of Environmental Noise Impact Assessment dated 9th July 2008 prepared by CRG Traffic and Acoustics Pty Ltd shall be incorporated into the final construction plans.
2. The acoustic consultant is to provide certification to Council prior to the release of the Construction Certificate, that the recommended acoustic treatments have been incorporated into the construction plan.
3. Prior to the issue of the Construction Certificate for the first stage of the development, Construction Certificates must have been issued by Council under DA 2002/566 for the following works:
4. The detailed civil design plans for the construction of the roundabout at the intersection of the Pacific Highway and the Western Arterial Road.
5. The detailed civil design plans for the construction of the Western Arterial Road.
6. The detailed civil design plans for the construction of the acoustic mound and the revised drainage system along the sites Pacific Highway frontage.
7. The high voltage power lines traversing the site must be relocated at no cost to Ballina Shire Council. Work will not commence on the relocation of the high voltage power lines without Council approval of Country Engineering design drawings.
8. Noise attenuation measures shall be required in accordance with the NSW RTA Environmental Noise Management Manual 2001, and in particular:

9. The Pacific Highway frontage shall have a noise attenuation barrier/device installed on the property boundary line and on an earthen plantation mound of a nominal height of one metre. The noise barrier/device shall be of concrete panelling construction or equivalent that achieves a minimum fifty year design life and is inclusive of a basic pattern finish to the approval of Council's Engineer.
10. All allotments adjacent to the Pacific Highway frontage shall include a Restriction on Use which requires that the ground area adjacent to the noise attenuation barrier must not be moved, reshaped or altered.
11. The Western Arterial Road frontage shall have a landscaped earthen plantation mound of a nominal height of one metre.
12. Engineering design plans are to be submitted to and approved by Council prior to the issue of a Construction Certificate for the first stage of the development.
13. The development shall make due provision for the diversion of the existing stormwater quantities that discharge onto the site via the Pacific Highway drainage system and demonstrate that such proposed works do not unduly affect the function of the existing stormwater system. The development is not required to cater for pipe design flows over and above the existing capacity of the Pacific Highway drainage system. Details are to be included in the stormwater designs and submitted to and approved by Council prior to issue of the Construction Certificate for the first stage of the development.
14. In accordance with the EP&A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.
15. Prior to the Issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 for the road and drainage assets. The design shall comply with the minimum requirements of the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction works commencing) and shall be submitted with a completed Certification Report as set out in Annexure DQS-A of the manuals. Where details are not addressed in these Manuals, the design is to comply with the requirements of Council's Subdivision Code.
16. In regards to the road design provision must be made for on-street car parking spaces and a turning bay area within the road reserves of the minor access roads servicing proposed lots 77, 87, 102, 112, 113, 114, 154, 155, 178 and 179. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate for that stage.
17. In regards to the road design temporary turnaround facilities shall be provided at the appropriate stage boundaries of the road network. Such turnaround facilities shall include a single coat spray seal or as otherwise approved by

Council's Engineer. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate.

18. Council's sewer reticulation network shall be extended to service each proposed lot within the development. The design shall comply with the minimum requirements of the NSW Public Works Department design criteria as set out in the "Manual of Practice - Sewer Design" and "Manual of Practice - Sewer Pump Station Design". The proposed sewer design shall be required to demonstrate that it is a low risk design taking into account the geotechnical settlement characteristics of the site. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate. Works are to be the responsibility of Council in accordance with the Sewerage Infrastructure Development Servicing Plan.

Sewer pump station designs must also comply with the following minimum requirements:

- (a) Be designed for a well capacity of 8 hours ADWF including temporary pump station locations.
 - (b) Be controlled by multitrode level controls with cabinet details to the requirements of Council's Engineer.
 - (c) Have telemetry installed to the requirements of Council's Engineer.
 - (d) Be supplied with dual pumps installed in the pump station of which one is a standby pump prior to the release of the Subdivision Certificate.
 - (e) Be provided with an access and turnaround area consisting of a minimum standard of 300 mm DGB20 gravel pavement with a 25 mm AC10 wearing surface.
 - (f) Where stage development is proposed the pump station and sewer rising main shall be designed such that detention guidelines are met to ensure that sewage does not become septic.
 - (g) Sewer gravity mains are not to exceed a final design depth of 3.5 metres unless otherwise approved by Council's Engineer.
19. At the developer's expense, the existing 150 mm diameter sewer rising main traversing Lot 1 DP 1074242 shall be required to be relocated to the eastern verge of the Western Arterial (Link) Road for the sites full property frontage. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate for the first stage of the development.
20. At the developer's expense, the existing 500 mm diameter sewer rising main located within the road reserve of the proposed Western Arterial (Link) Road shall be relocated for the sites full property frontage, at the developer's expense, as required to suit the design alignment of the road carriageway and other utilities/services within the Western Arterial (Link) Road. The main must be relocated to a suitable location within eastern verge of the road reserve. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate for the first stage of the development.
21. Council's water reticulation network shall be extended to service the proposed development. The works are the responsibility of Council under the Water

Supply Infrastructure Development Servicing Plan. This shall include the following:

22. Extension of the non-potable reclaimed water trunk supply main extending from the Pacific Highway main along the Western Arterial (Link) Road for the sites entire frontage.
23. Extension of the non-potable (reclaimed water) reticulation mains to service each proposed lot within the development.
24. Extension of the potable reticulation mains to service each proposed lot within the development.
25. The design shall comply with the minimum requirements of Council's "Water Reticulation Specification 2004" as current at the time of construction works commencing. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate for the first stage of the development.
26. All allotments created by this consent shall include a Restriction on Use which requires all dwellings and buildings with plumbing (including schools, commercial and the like) to make provision for non-potable water service plumbing in accordance with the Ballina Heights Dual Water Supply – Plumbing Guidelines Plumbers Quick Checklist for plumbing in areas with dual water supply.
27. A landscape plan, prepared by a person competent in the field, shall be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall show the mature height, location, quantity and species of all plantings and should also give details of soil conditions and the planting and maintenance program. The selection of appropriate plants shall be made generally in accordance with the Policy Statement No. 6 of Ballina Shire Council Development Control Plan No. 1 – Urban Land and the Bushland Friendly Nursery Scheme Environmental Weeds and Native Alternatives.
28. A landscaping bond, equal to the value of the landscaping works, shall be lodged with Council prior to the issue of a Construction Certificate. This bond shall be refunded four (4) months after Council has issued a written notice advising that the approved site landscaping has been completed to the satisfaction of Council's Engineer.
29. Prior to the issue of a Construction Certificate, the following fee and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fee and bond are subject to review and may vary at the actual time of payment: - Civil Inspection Fee: Equal to 3% of the estimated cost of the civil works (min \$175) - Civil Construction Bond: Equal to 5% of the estimated cost of the civil works (min \$1000) The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (eg. Sewer systems, footpaths, kerb and guttering etc) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur.

30. All traffic control during construction shall be in accordance with the Roads and Traffic Authority – Traffic Control at Work Sites. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.
31. The developer shall be required to submit a Construction Management Plan that will include but not be limited to the following information:
- Traffic Management Plan
 - Vehicle Movement Plan
 - Environmental Management Plan
 - Construction Staging Plan
32. Details must be submitted to and approved by Council prior to the issue of the Construction Certificate for the first stage of the development.
33. The developer shall be required to develop a Stormwater Management Strategy detailing the provision of on site stormwater controls in accordance with Water Sensitive Design requirements of Council's Development Control Plan No. 13 - Stormwater Management. A detailed design and modelling report must be submitted to and approved by Council prior to issue of the Construction Certificate for each stage. The developer shall be required to develop a Stormwater Works Process Strategy to maintain the performance of the stormwater system during construction phase. This strategy shall include but not be limited to the following:
34. The water quality performance targets to be achieved.
- The proposed treatment system for each stage of the development.
 - The proposed water quality testing regime and frequency of site inspections.
 - The reporting requirements to Council.
- Details are to be submitted to and approved by Council prior to issue of the Construction Certificate.
35. Stormwater treatment assets shall be designed and constructed to the approval of Council's Engineer and make due provision for all weather access and vehicle turning facilities. A detailed design must be submitted to and approved by Council prior to issue of the Construction Certificate.
36. Overland flow paths shall be provided within the subdivision such that these flow paths are contained within a minimum 5m wide pathway corridor, reserve or other open space to the approval of Council's Engineer. Details are to be included in the stormwater designs and submitted to and approved by Council prior to issue of the Construction Certificate.
37. Pathway corridors shall be a minimum of 5m in width. Bollards or similar devices shall be required within these corridors to prevent unauthorised vehicular traffic utilising these corridors to the satisfaction of Council's Engineer. Details are to be included in the stormwater designs and submitted to and approved by Council prior to issue of the Construction Certificate for each stage of the development.

38. A floodway as shown conceptually on the proposed plans shall be constructed within Lot 2 DP 1074242. The floodway design must ensure, in regards to conveyance of floodwaters, that the post developed flows through the site match the pre-developed conditions. The Engineering design for the final alignment and profile of the floodway must be submitted to and approved by Council prior to the issue of the Construction Certificate for the first stage of the development.
39. A 3m wide concrete shared footpath/cycleway shall be constructed as follows:
- (a) Within the entire length of the main entry road to the development along the sites southern boundary extending across the Western Arterial road adjacent to the southern roundabout. The footpath/cycleway shall include the provision of pram ramps and a pedestrian refuge where it crosses the Western Arterial road. Construction along the Southern Boundary will be constructed with each stage.
 - (b) Extending east from the Western Arterial Road crossing and then along the North Creek Canal linking to the existing cycleway system at the North Creek Canal bridge as per the conceptual cycleway layout identified within Figure 13 of Council's Development Control Plan Chapter 1 (Urban Land) – Part 4 Policy Statement No – 15 River Oaks.
 - (c) The shared footpath/cycleway shall be designed and constructed in accordance with the Austroads Guide to Traffic Engineering Practice Part 14 Bicycles and Standard Drawing R-07 of Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate.
40. A 1.35 metres wide concrete footpath shall be constructed within the road verge as identified in drawing 'Proposed Subdivision Plan 20997-13P' prepared by Conics dated 15 July 2008 (Appendix 20). The footpaths are to be designed and constructed in accordance with Standard Drawing R-07 of Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate.
41. The whole of the development site shall be filled with a suitable foundation material in accordance with Section 4.7 of Council's Subdivision Code (as current at the time of construction commencing) to a minimum level of RL 2.0 metres AHD for Lots and RL1.8m AHD for roads. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate.

XIII. Contributions

The following contributions are to apply to the development:

- s. 94: Roads, Open Space, Community Facilities
- S 64: Sewer servicing, Water Supply, Rous Water

Details of the contributions are below:

CONTRIBUTION	No of Units	\$/Unit	Sub Total	Less Credit	Mod'n Factor	Total Contributions
S 94 Roads	236	1671	394356	49535.14	1.00	344821
S 94 Open Space	236	675	159300	1350	1.00	157950
S 94 Com Facilities	236	1078	254408	2156	1.00	252252
S 64 Sewer	236	6458	1524088	6458	1.00	1517630
S 64 Water Supply	236	2981	703516	5962	1.00	697554
S 64 Rous	236	3482	821752	6964	1.00	814788

An amount of \$46,193.14 is to be credit against the total road contribution calculated and payable in accordance with this condition, in acknowledgement of the material benefit of the land dedicated for the Western Arterial Road. This credit will be affected at the time the contributions required by this condition are paid to Council. Note that contributions for Open Space are offset by the provision of the playing fields, amenities building and playground equipment. No open space contribution is required.

Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

IX. During Construction

All work, including excavation and construction work will comply with Australian Standard AS 2436:1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

- Monday to Friday 7.00am to 6.00pm
- Saturday 7.00am to 3.00pm

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

Work outside these hours shall require prior approval from Council.

All vehicles shall be fitted with appropriate mufflers to control noise.

X. Infrastructure

1. The site is to be serviced by all available water, sewerage, telephone, electricity and gas services.
2. The Link Road corridor is to be dedicated to Ballina Shire Council. The indicative location of the area to be dedicated is identified in the plan, Ref: 20997-13-P, dated 15th July 2008 prepared by Conics Pty Ltd.

3. The drainage swale on Lot 2 is to be dedicated to Ballina Shire Council. The location of drainage swale is identified in the 'Proposed Stormwater Management and Floodway Plan, LM070113CV2 Revision F, prepared by LandPartners Pty Ltd.
4. Water and sewage infrastructure are to be generally in accordance with Dwg.No. LM070113_CV3 Revision H, prepared by LandPartners Pty Ltd.
5. Inspection and approval of the road works approved within the road reserve is required by Council's Engineer (Ph. 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700mm and replace with approved sand fill.
6. Council's Engineer must inspect and approve construction works associated with the connection of the development to Council's water and sewer mains. Council's Engineer must be contacted on telephone 6686 4444 at the time of excavation and connection.
7. A water truck or other equivalent method designed to suppress dust from exposed surfaces and access roads shall be available at the site. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation.
8. Suitable covering and protection must be provided to all stockpiles to ensure that no material is removed by wind from the site, causing a nuisance to neighbouring properties.
9. All disturbed and exposed areas shall be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development
10. Kerb and guttering, footpaths, utility services or roads damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.
11. Any grass verge or footpath within the road reserve that is damaged as a result of development works on the site shall be immediately reinstated to a satisfactory and safe condition. This will involve the regrading of the disturbed area, turfing and top-dressing.

XI. Footpaths and Cycle Ways

Footpaths and Cycle ways are to be constructed generally in accordance with the plan, 'Pedestrian Movement Plan' dated February 2008 prepared by Conics (refer to EA Appendix 18).

Footpaths and Cycle ways are to be built in accordance with the requirements of Ballina Shire Council.

XII. Construction and Site Preparation Works

Pursuant to the completion of filling works, all site preparation works should be undertaken in accordance with the construction management plan detailed in the report, 'Construction Management Plan' prepared by LandPartners Pty Ltd dated January 20, 2008 (refer Appendix 5 of the EA).

XIII. Acid Sulfate Soils

Management of Acid Sulfate Soils is to be in accordance with Acid Sulfate Soil Management Plan prepared by LandPartners Pty Ltd dated 24 January 2008 and detailed in the report, 'Acid Sulphate Soil Management Plan' (refer Appendix 4 of the EA).

Six (6) groundwater monitoring bores (constructed as per Minimum Construction Requirements for Water Bores in Australia 2nd Ed.; Queensland Department of Natural Resources 2003) are to be installed. These bores are to be installed to a minimum depth of 4.0 m below natural surface level across the site in locations to be determined in consultation with Ballina Shire Council. Monitoring will be undertaken by suitably-qualified and independent personnel and reported on a quarterly basis (to relevant authorities) for a period of two (2) years after the completion of stage 2. This monitoring is to measure any development influenced variations in water table depths.

The groundwater monitoring and sampling analysis will include testing for the following parameters: Water table depth (below nsl); pH; EC; Dissolved Iron; Dissolved Monomeric Aluminium; chloride; Sulfate. This piezometer network will be designed to provide adequate characterisation of the local groundwater conditions and will enable the identification of potential deleterious impacts associated with the development and will allow the implementation of suitable best practice mitigation and management measure should the need arise.

XIV. Bushfire Management

Any future development in the areas identified on the Residential Lots identified on Plan LM070114-EV14 Issue B located in the report, 'Bush Fire Assessment Riveroak' prepared by LandPartners dated 7th January 2008, are to be constructed to the standards specified on the aforementioned map (refer to Appendix 18 of the EA). Prior to the issue of subdivision certificate for Stage 1, an Emergency Evacuation Management Plan is to be prepared in accordance with the recommendations contained within the report, 'Bush Fire Assessment Riveroak' prepared by LandPartners dated 7th January 2008. All acceptable solutions from 'Bush Fire Assessment Riveroak' report will be adopted where practical.

XV. Stormwater Management

All runoff leaving the site is to achieve the performance criteria identified by Ballina Shire Council.
Site Preparation Earth Works; Following completion of filling all stormwater management is to be undertaken in accordance with Sediment and Erosion Control Plan Dwg. No.LM07113_CV14 Rev.F, prepared by LandPartners Pty Ltd.

Final details regarding Stormwater Management in relation to the southern drainage line as illustrated in 'LM070113-CV2 – F Proposed Stormwater Management Floodway Plan' prepared by Landpartners Pty Ltd are to be prepared in consultation with the Department of Primary Industries and Ballina Shire Council. Detailed engineering plans for Stormwater Management are to be prepared to the satisfaction of Ballina Shire Council and are to be submitted upon application for Construction Certificate.

- Detailed engineering plans for the western detention basin identified in 'LM070113-CV2 – F
- Proposed Stormwater Management Floodway Plan' prepared by Landpartners Pty Ltd are to be provided to Ballina Shire Council upon application for Construction Certificate.

XVI. Operational

Stormwater management measures are to be generally in accordance with Proposed Stormwater Management and Floodway Plan, LM070113CV2 Revision F, prepared by LandPartners Pty Ltd.

XVII. Cultural Heritage

At any time it is believed materials of an Aboriginal origin are found, works at the location must stop immediately. The NSW Department of Environment and Climate Change (DECC) Regional Office - Coffs Harbour and Jali LALC must be advised and advice sought as to the most appropriate course of action to follow. Jali LALC may also wish to inform Traditional Owner respondents and seek their views as to how cultural heritage values might be impacted and to how best to mitigate potential impacts. Works must not proceed in the specific location without written consent of the DECC and Jali LALC.

Prior to any vegetation clearing, earthworks contractors be advised of the statutory requirements of the National Parks & Wildlife Services Act (1974 as amended) that in regard to Aboriginal sites or relics: it is an offence to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of a relic without first obtaining written consent to do so from the Director General of the DECC.

XVIII. Vegetation Management

A variety of locally occurring native flora species to be utilised in landscaping and as street trees. Weed species should be controlled or removed anywhere on the site.

The rehabilitation plantings identified in the VMP by James Warren & Associates (2006) should be established (and maintained) as soon as possible.

Disturbed areas are to be watered regularly to minimise dust generation and transportation of sediment off the site.

Any earthmoving equipment brought to the site should be free from soil and weed propagules.

Management of the rehabilitation area identified in plan "Proposed Subdivision" drawing number 20997-13-p, prepared by Conics is to be generally in accordance with the recommendations detailed in Section 3.7 of 'Rehabilitation Area

Management Plan for a 2 hectare area of land in Lot 2 DP 1074242', December 2007 prepared by James Warren & Associates Pty Ltd.

XIX. Mosquito Management

All permanent stormwater management devices will have low flow outlets to permit the draining of stored waters in a controlled manner. These pipes shall be sized so that retention times are limited to less than 3 days.

All temporary structures used for sediment and pollution control during civil construction have to detain water for as long as is required to produce water of a quality acceptable for discharge. Water stored in these structures is assessed daily for water quality. Management practices such as the addition of lime or flocculants to these stored waters are implemented so that suitable water quality is maintained and retention times are minimised.

XX. Dust Management

Dust shall be managed in accordance with the recommendations of the Construction Management Plan dated 20 January 2008 prepared by LandPartners Ltd namely; water suppression, re-establishment of vegetation cover, stockpile management and halting works on site in extreme wind events.

XXI. Sediment and Erosion

The development is to be carried out so as to ensure that all works are conducted strictly in accordance with the Sediment and Erosion Control Plan prepared by LandPartners Pty Ltd dated 10 January 2008.

The applicant will ensure that;

- (a) erosion and sediment controls are regularly inspected, repaired and maintained in working order; and
- (b) erosion and sediment control signage available from Council must be attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

A single all weather accessway is to be provided on site that extends from the kerb to the building construction site. All construction vehicles are to enter and exit the site via this accessway so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways (if required provide a 'shake down' grid area for truck wheel washing). When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material.

Erosion and sediment control measures shall be employed until vegetation has stabilised the area, to minimise silts and sediments from the adjoining waterways.

XXII. Land Contamination

A sampling and analysis program shall be carried out to assess the need for a detailed site investigation. The details of sampling program and analysis results is to be forwarded to Council prior to the issue of a construction certificate.

XXIII. Waste

All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility or if alternative disposal methods are required, written approval from the Council will be sought.

XXIV. Fill

The proponent will ensure that any fill material imported to the site as part of this current development application shall only be obtained from other fill sources with approved testing. The supplier of the fill material must certify to the NSW Department of Planning at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

XXV. Environment

All flammable and combustible liquids and other chemicals kept on site must be stored in a manner that complies with the requirements specified in Australian Standard 1940 – 2004 "The storage and Handling of Flammable and Combustible Liquids" and Australian Standard AS 4452 – 1997 "The Storage and Handling of Toxic Substances.

Clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminates such as oils, fuels and chemical spills should they be handled on site during the development.

XVI. Prior to Issue of Subdivision Certificate

1. Prior to the release of the Subdivision Certificate for the first stage of the development, all stormwater treatment areas that are shown upon Lot 2 DP 1074242, with the exception of the floodway, are to be contained within an easement benefiting Ballina Shire Council. The easement is to be such that will enable the continued discharge of stormwater from and through the estate and through and/or over such land to adjoining downstream lands. These stormwater treatment easements are to include the grass swale areas and channels utilised to meet the nil pollutant load increase development criteria in addition to a minimum 3m wide vehicular access strip at the top of the embankment of the grass swales and channels areas for maintenance purposes.
2. Prior to the release of the Subdivision Certificate for the first stage of the development, the floodway within Lot 2 DP 1074242 shall be constructed as per the approved Engineering design and to the satisfaction of Council's Engineer.
3. Prior to the issue of the Subdivision Certificate for the first stage of the development the following works must have been completed in accordance with the approved Engineering design and to the satisfaction of Council's Engineer:
4. The construction of the roundabout at the intersection of the Pacific Highway and the Western Arterial (Link) Road.

5. The construction of the Western Arterial (Link) Road for the sites entire property frontage.
6. The construction of the acoustic mound/barrier and the revised drainage system along the sites entire Pacific Highway property frontage for that Stage.
7. The high voltage power lines that traverse the site must be relocated at no cost to Council in accordance with the approved plans prior to the release of the subdivision certificate for the first stage of the development.
8. Prior to the release of the Subdivision Certificate for the first stage of the development, a right of carriageway, easement or equivalent legal instrument, having a minimum width of five (5) metres, extending from the southern boundary of the 2(a) zoned land to the Ballina Sewerage Treatment Plant shall be created benefiting the Ballina Shire Council. The alignment of this right-of-carraigeway, easement or equivalent legal instrument shall be consistent with the alignment shown on the Ardill Payne & Partners Drawing No: 5035-sl.02a, dated 1 June 2003.
9. The proposed playground shall be constructed at the developer's expense and be operational prior to the release of the Subdivision Certificate for the first stage of the development. The playground shall include but not be limited to the following minimum requirements to the satisfaction of Council's Manager Open Spaces & Reserves:
 - The play equipment type and style shall be to the satisfaction of the Manager Open Spaces & Reserves.
 - An approved shade structure shall be required to cover the play equipment.
 - The playground/equipment area shall have a rubberised compound soft fall.
 - Play equipment to facilitate use for a range of age groups.
 - The adjoining park area shall be fitted with two sheltered picnic tables.
 - An amenities building that services both the playground and the playing field.
10. Any electricity easement (benefiting Country Energy) over Lot 2 DP 1074242 shall also benefit Ballina Shire council to enable the co-provision of services and vehicular access.
11. All site filling (excluding the open space and sports field areas) shall be to a minimum fill level of RL 2.0 m AHD and shall be in compliance with the requirements of Level 1 geotechnical testing for:
 - AS 2870 – 1996 Residential Slabs and Footings Code
 - AS 3798 – 1996 Guidelines on Earthworks for Commercial and Residential Developments.
12. Prior to the release of the Subdivision Certificate, certification from a suitably qualified practicing geotechnical engineer verifying such site filling is in accordance with AS2870 & AS3798 and having adequate bearing capacity for building construction must be submitted to Council. In addition, the certification shall also verify that any fill material imported to the site is free of contaminants, being natural or otherwise, and was obtained from an approved fill source with quality assurance testing.