



Job No. 14027

12 October 2015

Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Natasha Harras

Dear Natasha,

Re: S75W Modification Application MP 06_0118 Ferngrove Estate – Elkhorn Parade, Ballina – Lot 121 DP 1205071

Following on from our telephone conversation earlier today, please find below a summary of the additional changes to the wording of conditions and the Statement of Commitments, which are required as a result of the proposed modifications to the development. The following conditions and Statement of Commitments require changes to their wording –

- Condition D29;
- Condition D30;
- Statement of Commitments 31, and
- Statement of Commitments 32.

The proposed changes to the wording of each condition or Statement of Commitments are detailed below -

Condition D29 currently reads as follows -

“Condition 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.”

It is proposed that Condition D29 be modified as follows -

“Condition 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 7.

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 7.”

Condition D30 currently reads as follows -

“Condition 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.”

It is proposed that Condition D30 be modified as follows -

“Condition 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 10.”

Statement of Commitments 31. currently reads as follows -

"31. Traffic calming devices will be incorporated within the design of internal subdivision roads. Landpartners Limited has already prepared Civil Engineers drawings of the Stage 1 and Stage 2 roads and traffic calming devices are noted on their drawings LM070113-RD3-RevA and LM070113-RD16-RevA. It is intended to use similar devices where deemed necessary in Stages 3, 4 and 5."

It is proposed that Statement of Commitments 31. be modified as follows -

"31. Traffic calming devices will be incorporated within the design of internal subdivision roads. Landpartners Limited has already prepared Civil Engineers drawings of the Stage 1 and Stage 2 roads and traffic calming devices are noted on their drawings LM070113-RD3-RevA and LM070113-RD16-RevA. It is intended to use similar devices where deemed necessary in the remaining Stages 3-10."

Statement of Commitments 32. currently reads as follows -

"32. Landpartners have completed detailed road and intersection design drawings for stages 1 & 2 (LM070113-RD1-RevA to LM070113-RD25-RevA). These roads and intersections have been designed to Ballina Shire standards and have been submitted to Council for review. Similar details are proposed for Stages 3, 4 and 5 and will be provided to Council upon application for construction certificate."

"32. Landpartners have completed detailed road and intersection design drawings for stages 1 & 2 (LM070113-RD1-RevA to LM070113-RD25-RevA). These roads and intersections have been designed to Ballina Shire standards and have been submitted to Council for review. Similar details are proposed for Stages 3- 10 and will be provided to Council upon application for construction certificate."

We hope this clarifies the additional changes required to the wording of the conditions and the Statement of Commitments as a result of the proposed changes to the approved development.

Please feel free to contact us should you require any further information.

Kind Regards,



Tony Hart,
General Manager
Northern Rivers Land Solutions