

Modification of Minister's Approval

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

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2 and statement of commitments in Schedule 3.



Anthony Witherdin
Acting Director
Regional Assessments

Sydney 6 NOVEMBER 2015

SCHEDULE 1

Development Consent:

MP 06_0118 granted by the Minister for Planning on 14 December 2008.

For the following:

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 re-contouring for drainage.

On land comprising:

Lots 1, 2, 3 and 5 DP 10704242 and part Lot 269 DP 755684, Pacific Highway, Ballina.

Modification:

MP 06_0118 MOD 3 to:

- increase the number of stages;
- convert two 'duplex' allotments and one 'courtyard' allotment to three 'traditional' allotments;
- amend lot numbers; and
- administrative changes to conditions and Statement of Commitments to reflect new stage numbers and lot numbers.

SCHEDULE 2

1. Modify Condition A2 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

A2 Staging

The project is to be constructed in ~~five (5)~~ **nine (9)** 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) 6 duplex allotments;~~
 - ~~(ii) 12 courtyard allotments; and~~
 - ~~(iii) 33 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.

- (3) Stage 3 has an area of 5.54 ha comprising:
 - (a) Subdivision of part Lot 121 DP 1205071 into 49 lots consisting of:
 - (i) 6 duplex allotments;
 - (ii) 12 courtyard allotments; and
 - (iii) 31 traditional allotments;
 - (b) Construction of a 2.25 ha playing field; and
 - (c) Dedication of a portion of the bike path as a road reserve.
- (4) Stage 4 has an area of 1.4 ha comprising:
 - (a) Subdivision of part Lot 121 DP 1205071 into 16 lots consisting of:
 - (i) 1 duplex allotment;
 - (ii) 3 courtyard allotments; and
 - (iii) 12 traditional allotments;
- (5) Stage 5 has an area of 1.59 ha comprising:
 - (a) subdivision of part Lot 121 DP 1205071 into 20 lots consisting of:
 - (i) 1 duplex allotment;
 - (ii) 3 courtyard allotments; and
 - (iii) 16 traditional allotments;
- (6) Stage 6 has an area of 1.31 ha comprising:
 - (a) Subdivision of part Lot 121 DP 1205071 into 15 lots consisting of:
 - (i) 2 duplex allotments;
 - (ii) 5 courtyard allotments; and
 - (iii) 8 traditional allotments;
- (7) Stage 7 has an area of 0.9 ha comprising:
 - (a) Subdivision of part Lot 121 DP 1205071 into 11 lots consisting of:
 - (i) 11 traditional allotments;
- (8) Stage 8 has an area of 1.16 ha comprising:
 - (a) subdivision of part Lot 121 DP 1205071 into 11 lots consisting of:
 - (i) 1 lot allocated for open space;
 - (ii) 1 duplex allotment;
 - (iii) 2 courtyard allotments; and
 - (iv) 7 traditional allotments.
- (9) Stage 9 and 10 are to be developed as a single stage and have an area of 1.25ha comprising:
 - (a) Subdivision of part Lot 121 DP 1205071 into 13 lots consisting of:
 - (i) 1 duplex allotment; and
 - (ii) 12 traditional allotments;

2. Modify Condition A3 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

A3 *Development in Accordance with Plans*

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

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
Staging Plan prepared by <i>Conics</i>			
Drawing No.	Revision	Name of Plan	Date
S6082-07-g		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 Landpartners			
Revision	Revision	Name of Plan	Date
LM070113-PATHSC		Proposed path and cycleway plan	28/10/08

Section 75W Modification No. 2 - Revised Subdivision Drawings prepared by Northern Rivers Surveying Pty Ltd			
Revised Access Way Plan prepared by Northern Rivers Surveying Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
-	A	Plan Showing Nominal Access, Parking and Garbage Bin Collection Point for Lots 71, 74, 81, 110, 111, 112, 154, 154, 178 & 179.	15/04/2015
Revised Subdivision Drawings prepared by Northern Rivers Surveying Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
-	C	Plan Showing Dimensions and Areas as at 24 th March 2015	15/04/2015
-	A	Plan Showing Conditions D3(5) and D3(6)	24/04/2015

Section 75W Modification No. 3 - Revised Subdivision Drawings prepared by Northern Rivers Surveying Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
-	<u>B</u>	<u>Plan Showing Nominal Access, Parking and Garbage Bin Collection Point for Lots 70, 74, 81, 110, 111, 112, 155, 156, 171 & 172.</u>	<u>14/09/2015</u>
-	<u>E</u>	<u>Plan Showing Dimensions and Areas</u>	<u>14/09/2015</u>
-	<u>D</u>	<u>Staging Layout Plan</u>	<u>22/09/2015</u>

To the extent of any inconsistency in terms of dimensions and areas in the above plans, the *Plan Showing Dimensions and Areas, Issue E* dated 14/09/2015 prevails in determining lot dimensions and areas.

3. Modify Condition A4 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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;
- 3) Stage 3A Ferngrove Ballina Modification Report, prepared by Northern Rivers Surveying Pty Ltd, dated 19 March 2015;
- 4) **MP06 0118 Modification Report, prepared by Northern Rivers Land Solutions, dated 14 September 2015 and associated documents.**

4. Modify Condition A6 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 ~~49~~ lots)
 - c) Stage 4 (46 16 lots)
 - d) Stage 5 (38 20 lots)
 - e) **Stage 6 (15 lots)**
 - f) **Stage 7 (11 lots)**
 - g) **Stage 8 (11 lots)**
 - h) **Stage 9 (12 lots) and Stage 10 (1 lot) are to be developed as a single stage.**

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)

5. Modify Condition B7 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B7 Stormwater and drainage

- 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.
 - 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~~ 8.
6. Modify Condition B8 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 lots ~~74, 81, 110, 111, 112, 154, 155, 178 and 179~~ **70, 74, 81, 110, 111, 112, 156, 155, 172, and 171** in accordance with the plan entitled 'Plan Showing Nominal Access, Parking and Garbage Bin Collection Point for Lots ~~71, 74, 81, 110, 111, 112, 154, 154, 178 & 179~~, Issue A, **70, 74, 81, 110, 111, 112, 156, 155, 172, and 171** Issue B prepared by Northern Rivers Surveying Pty Ltd, dated ~~15 April 2015~~ **14 September 2015**. Details are to be included in 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.
7. Modify Condition D3 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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) ~~The lots facing the Pacific Highway/Link Road as identified in red in the plan 'Plan Showing Conditions D3(5) and D3(6)', prepared by Northern Rivers Surveying Pty Ltd and dated 24 April 2015, shall have recorded on the Certificate of Title a covenant restriction stating that the building design and construction requirements at the ground and/or upper levels shall be in accordance with the requirements of AS 3671 – 1989 'Road Traffic noise intrusion - Building siting and construction'.~~ **The lots identified in green in the above plan 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".**
- 6) Deleted
- 7) Deleted
- 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.

8. Modify Condition D8 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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	\$80,390.00	\$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	\$173,864.00	\$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

9. Modify Condition D29 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 **4-7**.

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 **209 and 210**. 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 **4-7**.

10. Modify Condition D30 by the inclusion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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~~ 9.

SCHEDULE 3

1. Delete Statement of Commitment 16 in Section VII of Schedule 3 and replace it with the following:
 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 71, 74, 81, 110, 111, 112, 156, 155, 171, and 172. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate for that stage
2. Delete Statement of Commitment 31 and 32 in Section XVI of Schedule 3 and replace with the following:
 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 - 9.
 32. Landpartners have completed detailed road and intersection design drawings for stages 1 & 2 (LM070113-RD1-Rev.A to LM070113-RD25-Rev.A). 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 - 9 and will be provided to Council upon application for construction certificate.