

COUNCIL ASSESSMENT REPORT

JOINT REGIONAL PLANNING PANEL Northern Region

Panel Reference JRPP No	2016NTH029
DA Number	2016/660
Local Government Area	Ballina Shire
Proposed Development	Erection of a Highway Service Centre and Associated Uses, Advertising Signage Including One x 13.5m (AHD) and One x 11.5m (AHD) High Structures, Land Filling, Vehicular Access off Pacific and Bruxner Highways, Car Parking and Associated Works
Street Address	Lots 13, 14, 15, 29, 30 & 41 DP 1013485, Pacific Highway, West Ballina
Applicant	BP Australia Pty Ltd
Date of Lodgement	17/11/2016
Number of Submissions	Nil
Recommendation	Conditional Approval
Regional Development Criteria (Schedule 4A of the Act)	<i>Development that has a capital investment value of more than \$20 million.</i> The proposed development is categorised as item 3 of Schedule 4A being; General Development over \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Ballina Local Environmental Plan 2012 • Ballina Development Control Plan 2012 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No.44 - Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising & Signage • State Environmental Planning Policy No. 71 – Coastal Protection • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy (State & Regional Development) 2011 • Draft Coastal Management SEPP
Integrated Authorities	<ul style="list-style-type: none"> • Roads & Maritime Services
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Site, Landscape and Development Plans CADWAY PROJECTS • Draft Conditions of Consent • Cause 4.6 Variation to Development Standard

Report prepared by	Hugh Johnson
Report Date	November 2017
Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1.0 Executive Summary

On 17 November 2016 Council received a Development Application (DA) from BP Australia Pty Ltd for the Erection of a Highway Service Centre (HSC) and Associated Uses, Advertising Signage Including One x 13.5m (AHD) and One x 11.5m (AHD) High Structures, Land Filling, Vehicular Access off Pacific and Bruxner Highways, Car Parking, Landscaping and Associated Works.

The proposed development constitutes “regional development” requiring referral to the Northern Joint Regional Planning Panel (JRPP) for determination as it has a Capital Investment Value of over \$20 million (estimated at \$26,700,000.00).

The proposed development is not listed in Schedules 1, 2 or 3 of State Environmental Planning Policy (State and Regional Development) 2011 and therefore is not State significant development or State significant infrastructure.

The proposal is considered to be a positive contribution to the economic and employment opportunities of the region (particularly tourism).

The subject site where the works are proposed is zoned RU2 Rural Landscape under the Ballina Local Environmental Plan 2012 (BLEP). The proposed Highway Service Centre is considered to be consistent with the objectives of the zone and permissible with development consent in the zone.

The proposal is integrated development pursuant to Section 91 of the EP&A Act 1979 as it requires concurrence from Roads & Maritime Services (RMS) due to the proposed signage associated with the development being greater than eight metres in height and within 250 metres of the Pacific Motorway.

No formal referrals to Government Agencies, other than the NSW Roads and Maritime Service, were considered necessary based on the proposal; however the application was referred to the following Authorities for comment.

NSW Department of Primary Industries (Office of Water), NSW Water, JALI Local Aboriginal Land Council, Richmond Local Area Control (Lismore Police) and NSW Office of Environment & Heritage.

A detailed assessment has been undertaken against the relevant provisions of State Environmental Planning Policies (SEPP), Draft State Environmental Planning Policies and the Ballina Local Environmental Plan (BLEP) 2012 and, Ballina Development Control Plan 2012 (BDGP). The development is considered to satisfy and comply with all the relevant provisions inclusive of numerical development standards. Refer to the detailed assessment in Section 6 of this report.

The DA was publically notified, inclusive of adjoining and nearby property owners and operators, from 14 December 2016 to 18 January 2017. No submissions had been received at the time of writing this report.

Overall, both the internal and external design of the proposed Highway Service Centre is considered to be suitable for the subject site. Due to the size of the parcels of land on which the development is being carried out and the relatively small development footprint for the actual Highway Service centre, there is adequate room to accommodate compensatory plantings without having any impact upon the development.

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the EP & A Act 1979, including the suitability of the site and the public interest and is considered satisfactory.

It is recommended that the proposed development be approved subject to the conditions documented at **Attachment 1** to this report (which have been provided to and accepted by the applicant).

2.0 Proposal

Development Application 2016/660 seeks consent to establish a Highway Service Centre and Associated Uses on the subject site. The development comprises the following:

- Service Centre building having a gross floor area (GFA) of 1536m², consisting of the following key elements:
 - Fuel sales area, storage and associated administration
 - Convenience store
 - Three food outlets

- Dining area
- Tourist information area
- Outdoor display area
- Community cultural area
- Truckers lounge; and
- Two 13.5m AHD high multiple identification signs A & B & one 11.5m AHD high multiple identification sign C . (The third sign being sign B that was applied for was not supported by RMS and concurrence was withheld for sign B.)
- A car and truck canopy linking to the service centre building
- Hard stand area of approximately 3.2ha
- Landscape area of approximately 3.25ha
- Five Underground petrol tanks and one underground LPG tank
- Access from the Pacific Highway for northbound highway traffic, with separate highway egress
- An access point on the Bruxner Highway
- Landscape car parking area for 151 vehicles (including 129 customer spaces and 22 staff spaces), 19 B-Double truck parking spaces, six oversized truck parking and eight spaces suitable for use by busses or vehicles towing trailers or caravans
- Filling the development envelope to levels between RL 2.4m AHD and 3.0m AHD, utilising some on site earthworks and imported fill (approximately 8000m³)

The design of the HSC is predominantly a central building with the fuel bowzers and canopy located to the north west of the building and linked to it by a covered entry. A truck canopy/truck fuelling area is located on the north eastern side of the building. The building and car fuelling area are oriented towards the Bruxner Highway.

The parking and circulation layout separates heavy vehicles from cars and other light vehicles and includes separate staff parking areas. Customer car parking is conveniently located at the entry to the service centre building.

The layout incorporates one drive-thru facility for proposed food outlets.

The proponent has indicated that the proposed facility is designed to cater for all the RMS requirements as stipulated within the table below.

RMS REQUIREMENTS FOR A HIGHWAY SERVICE CENTRE

LAND USE	OBJECTIVE	COMPULSORY FACILITIES	ALLOWED FACILITIES
Highway Service Centre	<p>A facility operating for 24 hours per day that provides a range of services for the travelling public and commercial highway users.</p> <p>Encourages drivers to stop and take effective rest breaks at appropriate intervals along a highway in the interest of driver safety.</p> <p>Integrated and approved as part of a single development or as staged development in accord with a single approved plan.</p>	<p>Segregated fuel plazas for light and heavy vehicles</p> <p>Segregated parking for light and heavy vehicles (25 heavy vehicles spaces as minimum).</p> <p>Service Station.</p> <p>Shop servicing the travelling public.</p> <p>Restaurant/s (sit down).</p> <p>Food and drink outlets (fast food).</p> <p>Amenities (toilets, baby change room, showers).</p> <p>Waste disposal facilities.</p> <p>Public telephone/s.</p> <p>Tourist information booth.</p> <p>Public obligation free rest area facility.</p>	<p>Direct ingress from highway.</p> <p>Vehicle maintenance and repair workshop (emergency only).</p> <p>Postal and banking facilities (eg. ATM).</p> <p>Drive through food outlet.</p> <p>Children's play facilities.</p> <p>Outdoor picnic/eating area/ BBQ.</p> <p>Other services consistent with the objectives.</p>

3.0 Site Description

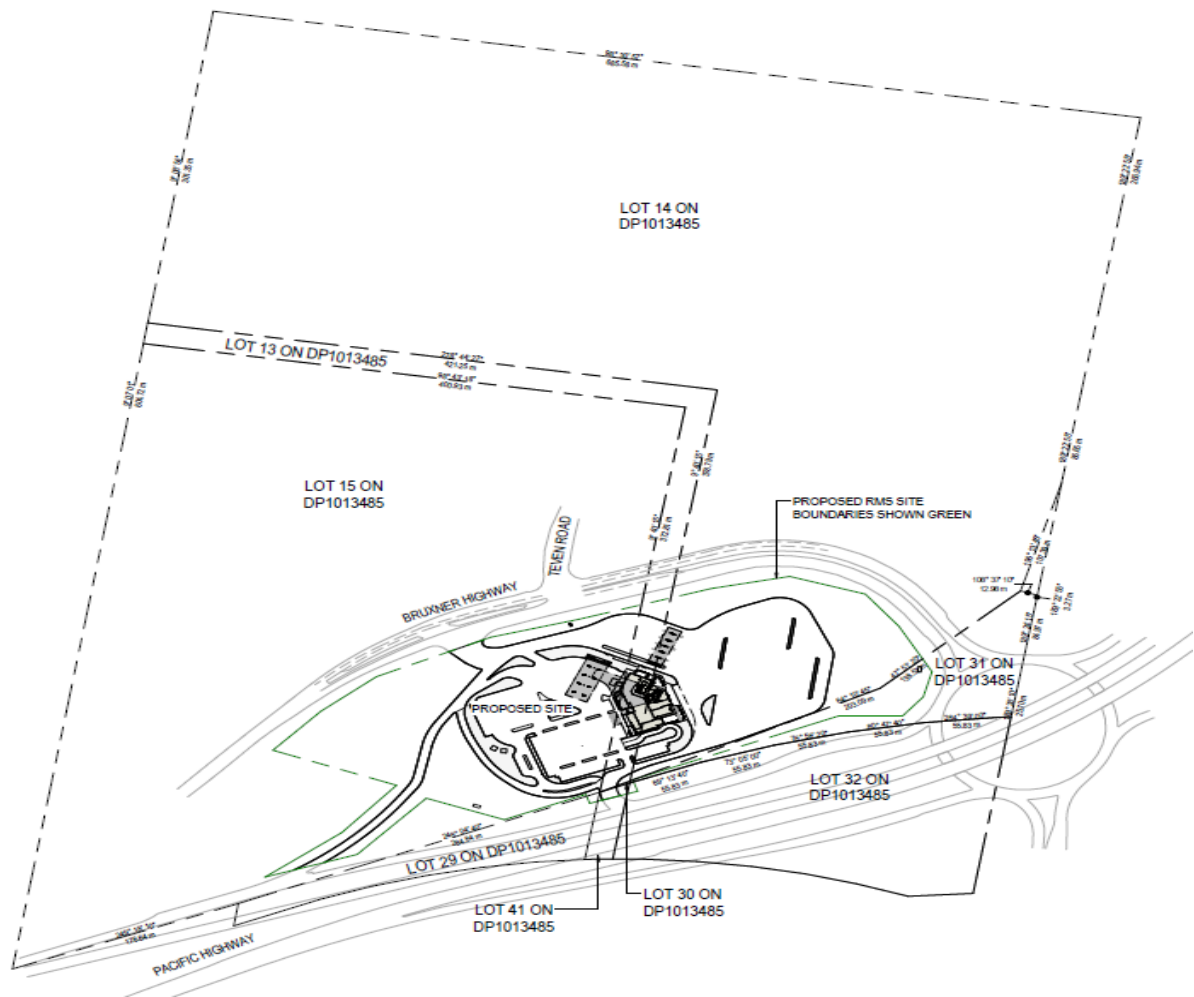
The proposed highway service centre is to be constructed on land located between the Pacific Highway and Bruxner Highway at West Ballina. The site is located approximately four kilometres to the west of the Ballina Central Business District (CBD).

The elevated Pacific Highway and exit ramp are located along the southern side of the development footprint. Bruxner Highway runs along the northern and eastern sides of the service centre site to a roundabout which intersects with the Pacific Highway exit and entry ramps under the highway.

The development site (the site) comprises of parts of lots 13, 14, 15, 29, 30, 31 & 41 in DP 1013485 (refer Figure below) and contains an area of approximately 6.471 hectares.

The site is primarily contained within the existing Roads & Maritime Services rest stop.

The Subject Site



The site is currently being used as an overnight parking stop for heavy vehicles.

Proposed Site Layout

landscape concept plan



- Legend
- ① Property boundary line.
 - ② Main service building
 - ③ Car canopy
 - ④ Truck canopy
 - ⑤ Car park
 - ⑥ Signage
 - ⑦ Maintained landscape area
 - ⑧ Grass seeding to demolition areas
 - ⑨ Proposed native landscape offset area
 - ⑩ Retained native landscape area
- Refer AWC ecological assessment report for further information in relation to impact on native vegetation and proposed offset location

3.1 Local & Regional Context

The site is located approximately four kilometres west of the Ballina CBD. The closest highway rest and refuelling facilities are located approximately 140 kilometres to the south at Grafton and 80 kilometres north at Chinderah. Since the construction of the Ballina Bypass there are no such facilities for a 220 kilometre stretch. The site is therefore well located for the proposed development.

The general locality is relatively low lying and flat, being on the floodplain of the Richmond River.

The service centre site is bound on three sides by significant road infrastructure, being the Pacific Motorway and off-ramp to the east and west, the Bruxner Highway to the northwest and River Street to the east. To the west is low lying rural land containing scattered vegetation and associated wetlands.

Existing development on the eastern side of Teven Road, opposite the service centre site, includes rural industrial properties that contain such land uses as a bulk landscape supplies and a timber yard. The land has been recently rezoned by an inclusion of an additional permitted use within Schedule 1 Clause 4 to enable the establishment of a 'freight transport and warehouse or distribution centre' over a number of properties located to the north east of the site, between Teven Road and the Pacific Motorway.

On the eastern side of the Pacific Motorway is a rural parcel of land which has been approved for the construction of a highway service centre. This development has not commenced, however, Council via letter dated 26/5/2016 has acknowledged physical commencement of the Development Application in accordance with Section 95(4) of the Environmental Planning and Assessment Act 1979.

3.2 Topography

The site is predominately flat and level. The existing filled area has been raised approximately 1 to 2 metres above a natural drainage channel that intersects the southern portion of the site. The majority of earthworks that will be required on the site are minor site stripping to enable pre loading of the pad site for the built form of the service centre. Suitable conditions have been imposed to address the proposed earthworks on the site.

The existing level building pad is approximately RL 2.2m to RL 2.3m AHD. The proposed floor level will be a minimum of RL 3.0m AHD.

3.3 Visual context

The subject site runs parallel to the Pacific Motorway. The proposed Highway Service Centre design is a conventional service centre layout with car fuel bowers at the front, truck bowers separated to the side and a single central service centre building containing fuel sales and convenience goods. The remainder of the building accommodates food tenancies, rest rooms, dining area and a trucker's lounge. The trucker's lounge has a separate entry from the western side of the building, closest to the truck parking area.

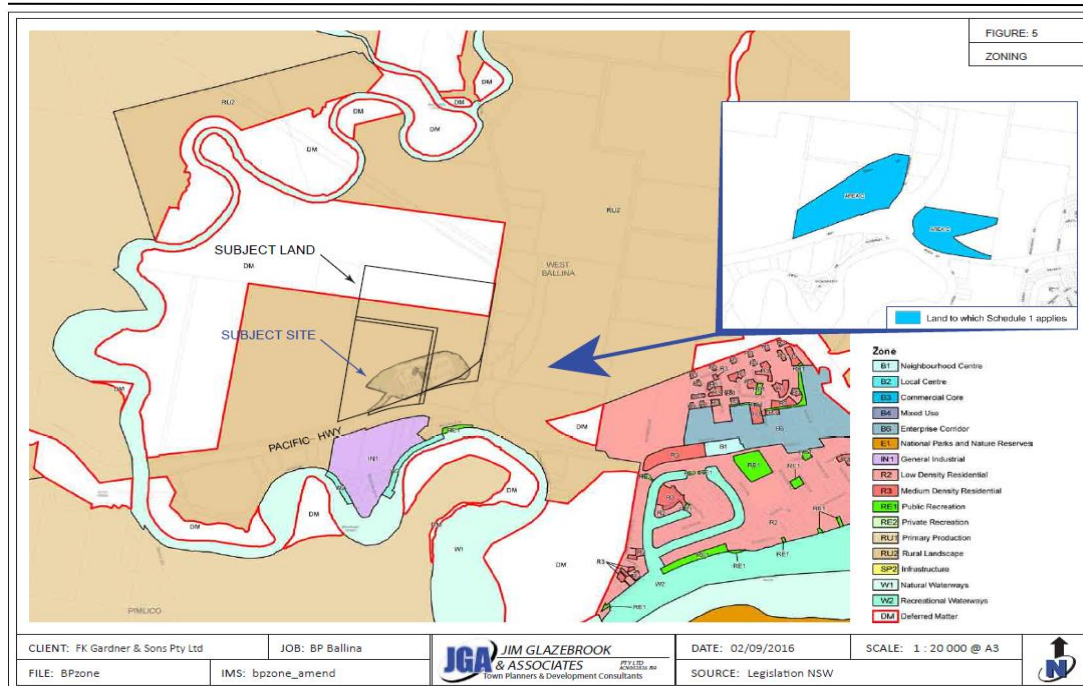
The service centre building is a single storey structure with a maximum height of 6.35m. The car and truck canopies have heights of 6.81m and 7.47m. Architectural feature columns above the canopies are 12.8m high.

The building will be constructed using a variety of materials and finishes including metal roof and fascia sheeting, timber look feature wall cladding, painted rendered finish on walls, steel columns are aluminium framed glazing. Final colours have not yet been selected but indicative tones are shown on the development plans.

It is proposed to have landscaping surrounding the carparking area, the motor vehicle fuelling bowers and the Highway Service Centre building, and an earthen mound along the western boundary of approximately 1m in height with plantings along the western access road to serve as buffers of the site and an earth mound.

4.0 Effect of Planning Instrument

The subject land is zoned RU2 – Rural Landscape under the provisions of the BLEP 2012, and is permissible pursuant to Schedule 1 Additional permitted uses Clause 3.



Other Planning instruments of consideration are,

- State Environmental Planning Policy No. 33 - Hazardous & Offensive Development
- State Environmental Planning Policy No.44 Koala Habitat Protection
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 71 – Coastal Protection
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy No. 64
- State Environmental Planning Policy (Infrastructure) 2007 and
- State Environmental Planning Policy (State & Regional Development) 2011

5.0 Consultation

The application was placed on public exhibition from 14 December 2016 to 18 January 2017. At the close of the exhibition period, and at the time of writing this report, no submissions had been received.

5.1 External Referrals

The application was referred to the following authorities:

- **Roads & Maritime Services** – Referred as required under Section 138 of the Roads Act 1993 and Clauses 101 & 104(3) of State Environmental Planning Policy (Infrastructure) 2007. A response was provided by the RMS 21 June 2017 **attached** and is further discussed under the *Internal and External Roads and Access* section of this report. In relation to the concurrence role, the RMS has issued concurrence for pylon signs A and C and hence no approval is issued for proposed pylon sign B.
- **NSW Department of Primary Industries (Office of Water)** - Referred for the purpose of comment. A response was received 11 May 2017 noting that a controlled activity approval is not required and no further assessment was necessary by the department.

- **NSW Water** - Referred for the purpose of comment. A response was received 11 May 2017 noting that an Aquifer interference Approval is not required.
- **JALI Local Aboriginal Land Council** - Referred for information and/or comment. At the close of the exhibition period, no response was received.

The proponent has had separate discussions with Jali and has resolved to include a tourist information booth with a community cultural awareness component and a storyboard in relation to the landscape plantings at the Pacific Motorway/Bruxner Highway Interchange roundabout. This will be addressed by a condition of consent.

- **Richmond Local Area Control (Lismore Police)** – Referred for the purpose of comment in relation to Safer by Design and Crime Prevention. A response was received 3 January 2017 noting that the importance of high quality CCTV coverage of the pumps and inside the facility is crucial. This will be imposed as conditions of consent.
- **NSW Office of Environment & Heritage (OEH)** – Referred for the purpose of comment in relation to the impact of the proposal on the threatened species and the ecological communities that exist on the portion of the site that is to be developed for the purposes of the proposed Highway Service Centre. OEH have noted the documentation that has been submitted and Council's response to the submission of additional information, and is supportive of the imposition of conditions on the consent that addresses the matters raised in their submission.

6.0 Assessment - Environmental Planning and Assessment Act 1979

The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 as follows.

6.1 Section 79c(1) (a)(i) Provisions of any planning instruments:

State Environmental Planning Policies (SEPP)

The following State Environmental Planning Policies are applicable to the proposed Highway Service Centre.

SEPP No. 33 - Hazardous & Offensive Development

SEPP No. 33 requires determination of whether the development is a potentially hazardous or offensive industry and requires that in considering any application to carry out potentially hazardous or offensive development, measures proposed to reduce impacts are considered.

A SEPP 33 Assessment, prepared by HMC Environmental Consulting, dated August 2016 addresses the requirements of SEPP 33. The report was prepared in line with the NSW Department of Planning *Hazardous and Offensive Development Application Guidelines Applying SEPP 33* (2011). The risk screening undertaken in accordance with section 7 of these guidelines confirms that the proposed

development would not be a potentially hazardous industry and a preliminary hazard analysis is not required.

SEPP No. 44 – Koala Habitat Protection

The proponent has submitted an Ecological Assessment Report that has identified one Koala food tree on the site. This tree is not considered to be koala habitat, and hence the report concludes that a plan of management is not required.

SEPP (Rural Lands) 2008

The aim of the policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes, to identify planning principles to assist in the proper management, development and protection of rural land, and to implement measures to reduce land use conflicts. Clause 7 contains “Rural Planning Principles”.

The proposal is consistent with the relevant rural planning principles as:

- The social, economic and environmental interests of the community will be maintained;
- Important natural resources have been identified and will be protected;
- The proposal will not impact on opportunities for rural lifestyle;
- No rural land use conflicts will result due to the physical separation of the Highway Service Centre being surrounded by significant state highway infrastructure; and
- There will be no loss of agricultural land.

SEPP No.55 – Remediation of Land

The Environmental Site Assessment prepared by URS (dated 17 August 2015) has been prepared generally in accordance with the requirements of the NSW EPA – Guidelines for Consultants Reporting on Contaminated Sites.

The consultant undertook a stage 1 investigation in line with the requirements of the Managing Land Contamination Planning Guidelines (DUAP and EPA, 1998). This involved establishing the site history and collecting soil samples.

The site history determined the site had been used for agriculture until recently when it has been used for a site office/yard and now as a highway rest area. The site has had previous uncontrolled filling occur which is likely to have occurred as part of the construction of the Ballina Bypass project.

Having regard to the above, it is considered Clause 7 of the SEPP has been adequately addressed and no further investigation is required pursuant to SEPP 55.

SEPP No.64 –Advertising & Signage

SEPP 64 applies to all signage which is within 250 metres of a classified road (the Pacific Motorway and the Bruxner Highway), and is visible from any public place or public reserve. The proponent has stated that the proposed signage is consistent with the relevant objectives of the policy and the criteria in the table below.

SEPP 64 OBJECTIVES

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Compatible with the desired amenity and visual character of an area (Clause 3(1)(a)(i))	The prior strategic planning process established justification for the selection of the site for a highway service centre, which is necessary infrastructure for the safety and efficiency of highway traffic. The amenity and visual character of the locality is that of a mixed use rural environment containing a service centre. The proposed advertising signage is part of this future character.
Provides effective communication in suitable Locations (Clause 3(1)(a)(ii))	The signs have been located along both road frontages with sufficient spacing to minimise visual 'overlap'. The location of the signs has been selected having regard to visual impact and traffic safety.
Is of high quality design and finish (Clause 3(i)(a)(iii))	The signs are of high quality design accepted in numerous roadside locations in Australia and have a high quality finish.

SEPP 64 SCHEDULE 1 ASSESSMENT CRITERIA

ASSESSMENT CRITERIA	ASSESSMENT
1.Character of the area <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>Yes on the basis of the site's nomination for a HSC – refer to previous discussion.</p> <p>No established theme for the area.</p>
2.Special areas 2 <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscape or residential areas? 	Refer to previous discussion regarding visual impact and future character of the area. Also refer to Clause 4.6 submission (Appendix E).
3.Views and vistas <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertiser? 	No – the signs do not obscure important views. The signs would protrude into the skyline when viewed from adjacent roads but would not dominate the skyline due to their narrow profile.
4.Streetscape, setting or landscape 4 <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>Having regard to the future character of the area, the signage is consistent with the use of the land and that of the adjacent approved Highway Service Centre on the eastern side of the interchange.</p> <p>The signs and building design is suitable for the area and is consistent with highway service centres along the motorway.</p> <p>No signage presently exists in the vicinity, however the proposed signage is of a similar scale to that approved on the Highway Service Centre on the eastern side of the motorway</p> <p>No. No unsightliness to screen.</p> <p>The signs will be higher than the future building and are compatible with the proposed building form and do not impact upon any vegetation on the site.</p>
5.Site and building <ul style="list-style-type: none"> Is the proposal compatible with scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship the site or building, or both? 	<p>Yes. The signs are compatible with the character of the building.</p> <p>The signs are standard for this type of proposal.</p> <p>Yes</p>
6.Associated devices and logos with advertisements and advertising structures <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	Yes. The signs contain nationally/internationally recognised logos. No externally protruding safety devices or platforms are proposed. Signs would be internally illuminated.

ASSESSMENT CRITERIA	ASSESSMENT
7.Illumination <ul style="list-style-type: none"> • Would illumination result in acceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	No No No Yes – but unlikely that this would be necessary. No.
8.Safety <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	No – would assist with safety by providing necessary information in a simple form. No. No.

Clause 18 of SEPP 64 requires the Roads & Maritime Service (RMS) to assess, and where appropriate, provide concurrence for any sign greater than eight metres above ground level and within 250m metres of and visible from the classified road (being the Pacific Motorway). The RMS has responded by letter dated 7/11/2017 by issuing concurrence for two of the three proposed signs, being signs A and C. In this regard concurrence has been withheld for proposed sign B that was located within the south eastern portion of the site. The consent will be conditioned accordingly.

SEPP 71 – Coastal Protection

The development will not contravene any aims of SEPP 71, as the proposed HSC is not located within close proximity to the coastal foreshore. However while it is located in close proximity to the Emigrant Creek, it is unlikely to have an adverse impact upon the creek system.

The development will not adversely affect any significant scenic qualities of the existing coastline.

The building footprint does not contain any known threatened species and will not have any significant adverse impacts on any known existing wildlife corridors. The development will not create any conflict between land based and water-based coastal activities.

The development will not have any identifiable impact to water quality of existing coastal water bodies, particularly Emigrant Creek. Consequently, no significant cumulative impacts on the environment can be identified.

SEPP (Infrastructure) 2007 (ISEPP)

The application was referred to the RMS in accordance with the requirements of the Clauses 101 - developments that front a classified road, & 104 – traffic generating developments.

The RMS provided concurrence subject to the imposition of a number of conditions of consent. In particular, a condition restricting the number of pylon signs from three to two.

The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 as follows.

Ballina Local Environmental Plan 2012 (BLEP 2012)

Clauses 1.2 – Aims and Objectives, 1.4 – Definitions, Clause 2.3 – Zoning and Permissibility – and Clause 2.5 – Additional Permitted uses if particular land

The application is consistent with the objectives of the BLEP listed under clause 1.2.

Aims, objectives of BLEP2012 (Clause 1.2)

The application generally complies with the aims and objectives of the BLEP 2012 particularly 2(a), by providing for a sustainable Ballina that recognises and supports community, environmental and economic values through the establishment and maintenance of diverse and balanced land uses.

Zoning (Clause 2.3)

Under the provisions of BLEP 2012 the land is zoned RU2 – Rural Landscape. Development for the purposes of a Highway Service Centre is prohibited within the zone, however, the development site is subject to the provisions of Schedule 1 of the Ballina LEP 2012 relating to “Additional permitted uses for particular land” ‘

Objectives of zone RU2 – Rural Landscape

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To enable small-scale tourist-orientated development that is compatible with the rural nature of the land.*
- *To encourage development that involves restoration or enhancement (or both) of the natural environment if consistent with the production and landscape character of the land.*
- *To enable development that does not adversely impact on the natural environment, including habitat and waterways.*
- *To ensure that there is not unreasonable or uneconomic demands (or both) for the provision of public infrastructure.*

The proposed development is generally consistent with the above stated objectives.

Clause 2.5 of the Ballina LEP 2012 provides that:

Additional permitted uses for particular land

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out:*
 - (a) *with development consent, or*
 - (b) *if the Schedule so provides – without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.*

- (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

Item 3 of Schedule 1 provides that development for the purpose of a Highway Service Centre is permitted at the Teven Road interchange on land identified as 'C' on the additional permitted uses map.

Therefore, the proposed development is permissible with development consent, being a use authorised by Clause 2.5 and Schedule 1 of the LEP.

Clause 4.3 Height of buildings & Clause 4.3A Exceptions to height of buildings

The Height of Buildings Map nominates a maximum building height of 8.5 metres for the development site. To establish the level at which the height is measured from, Clause 4.3A applies. The objective of Clause 4.3A:

'is to design building height and flood planning provisions and provide for a consistent point of reference for the measurement of building heights in flood prone areas'.

The Building Height Allowance map indicates the minimum level AHD for the Highway Service Centre site varies across the property from RL 2.1 to RL 2.4m AHD. Therefore the prescribed height of buildings for the site varies from RL 10.6m AHD to 10.9m AHD. The plans illustrate the prescribed building height and the height of the proposal.

The proposed buildings and canopies associated with the Highway Service Centre comply with the prescribed height limit.

The proposed columns above the building exceed the height limit however these are not included within the definition of building height (see below). Notwithstanding, they are permitted pursuant to Clause 5.6 of the LEP.

The Ballina LEP 2012 contains the following definition:

building height (or ***height of building***) means:

- (a) *In relation to the height of a building in metres – the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *In relation to the RL of a building – the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The proposed columns are considered to be similar to 'masts' or 'flagpoles' and therefore can be considered to be an 'and the like' structure which is not part of the building height definition.

Clause 4.6 – Exceptions to Development Standards

The height of the two pylon signs are 13.5m AHD and 11.5m AHD respectively (noting that the RMS did not issue concurrence for the third sign located in the north eastern portion of the site, due to the fact that the sign would not provide any benefit

to the travelling public due to its location), and hence exceed the allowable height limit of 10.6 – 10.9m AHD. To enable Council to consider a variation in the maximum height limit, Council, must consider the proposed variation in light of the objectives of Clause 4.6 of the Ballina LEP 2012.

The objectives of Clause 4.6 Exceptions to Development Standards of the Ballina LEP 2012 are as follows:

- (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development;*

Comment: The proposed variation in the height limit for the pylon signs is considered reasonable considering the location of the signs and consistency with the approved signage for the Highway Service Centre on the eastern side of the interchange. It is considered that the underlying object or purpose of the height limit standard is to ensure that development is not visually intrusive or prominent when taken into consideration the surrounding landform.

In this case, it is considered that the location of the Highway Service Centre and its primary function to cater for the needs of the traveling public require the proposed signs to be of a height that they will be visible from a distance when viewed from both directions along the Pacific Motorway.

The minor increase in height will ensure that there is good visibility of the signage, thus enabling the travelling public to be able to make a safe decision to use the facilities.

In addition to this, the height of the signage is consistent with the approved signage on the Ballina Highway Service Centre to the east of this development.

It is considered that the underlying object if the purpose of the standard would be thwarted if compliance was required.

- (b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment: The minor variation in the height of the pylon signs achieves a better outcome due to the nature, location and size of the proposed BP Highway Service Centre.

In accordance with Clause 4.6(3)(a) and (b), this variation request seeks to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify a variation from the development standard.

The development application was accompanied by a written request that addresses the above matters (refer to Attachment 1). The applicant's justification for the departure from the development standard is summarised as follows:

- The proposed signage height needs to be considered in the context of the proposed use as a Highway Service Centre and the location of the proposed development.
- The primary purpose of the proposed development is to provide the travelling public and commercial truck drivers who use the Pacific Motorway and Bruxner Highway with a well located fuel/food and rest stop.

- The site is located well below the existing level of the Pacific Motorway and hence the signs need to be of a size that they can be readily identified while travelling along the motorway.
 - The proposed signage height is consistent with the approved signage height of the adjacent Ballina Highway Service Centre, approved on the eastern side of the Pacific Motorway.
 - Traffic safety is of paramount concern in relation to the timing of decision making by the users of the Pacific Motorway, and the visibility of the signs from a distance assists highway users in the timing of the decision making
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*

The minor extent of the variation and the consistency with the recent approval of the Ballina Highway Service Centre is reasonable grounds in support of the proposed variation.

In relation to Clause 4.3 of the BLEP 2012 the proposed variation is relatively minor in relation to the impacts upon the surrounding neighbouring properties, the visual landscape of the locality and the views from public places.

The proposed two signs can be considered to be in the public interest and accordingly, it is deemed unreasonable and unnecessary to require strict compliance with the development standard in this instance.

The Roads & Maritime Service has granted concurrence in relation to two of the three signs, and the consent is conditioned accordingly.

The concurrence of the Secretary may be assumed pursuant to Planning Circular PS 08-003 (issued 9 May 2008).

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

In assuming the concurrence of the Secretary it is considered that the contravention of the development standard raises no issues of for State or regional planning significance, and there is no benefit, in this instance, in maintaining the development standard.

Clause 5.5 Development within the coastal zone

The subject site is within the Coastal Zone however it is well removed from the coast, and estuarine areas and accordingly the proposed development has no impact in terms of the preservation of natural, cultural or recreation considerations nor does it have any impact upon pedestrian access to the coastal foreshore.

Clause 5.6 Architectural roof features

In relation to the proposed building and canopies, the buildings comply with the prescribed height limit, however, the feature canopy columns that exceed the height limit are considered to be architectural features in accordance with the provisions of Clause 5.6 of the BLEP.

The proposed columns also exceed the height limit however these are not included within the definition of building height (see above). Notwithstanding, they are permitted pursuant to Clause 5.6 of the BLEP. Addressed below:

Clause 5.6 of Ballina LEP 2012 states as follows:

- (1) The objectives of this clause are as follows:
 - (a) to ensure that architectural roof features to which this clause applies are decorative elements only,
 - (b) to ensure that the majority of roof features are contained within the prescribed building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an Advertising structures, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

In this regard the architectural roof features above the conforming top plate of the building are considered:

- to be a deliberate architecture roof feature
- to comprise decorative elements on the upper portion of the building
- are not advertising structures
- do not contain floor space which is reasonable capable of modification to include additional floor space
- will not cause overshadowing impacts on adjoining property owners or adversely affect amenity.

In consideration of Clause 5.6 of BLEP 2012, the architectural roof feature which projects above the maximum height control is supported.

Clause 7.1 Acid Sulphate Soils

An Acid Sulfate Soil Management Assessment and Plan' prepared by HMC Environmental Consulting Pty Ltd and dated September 2016, has been submitted with the development application. It is likely that most of the excavations to occur will largely be confined to the fill on-site except for the proposed underground fuel tanks. The Acid Sulfate Soil Management Assessment concludes that;

- All material excavated below the natural ground surface during earthworks are to be managed to minimise and ameliorate the existing and potential acidity in accordance with the Acid Sulfate Soil Management Plan prepared by HMC Environmental Consulting Pty Ltd and dated September 2016
- Leachate and extracted water generated during the earthworks to be managed in accordance with prepared by HMC Environmental Consulting Pty Ltd and dated September 2016.

Council's Environmental Health officer has assessed the report and has recommended appropriate conditions of consent to address the issue of Acid Sulfate soils.

Clause 7.2 Earthworks

The proponent has identified that the proposal involves filling of some sections of the site to provide a flood free pad. Council's Environmental Health Section has reviewed the Stormwater Management Plan and details provided within the Statement of Environmental Effects and are satisfied that the proposed earthworks can be satisfactorily addressed via the imposition of conditions of consent.

Clause 7.2 (1)

The proposed earthworks are minor in nature and involve reshaping the land as it has been extensively filled as a result of the construction works for the Pacific Motorway and the creation of the Pacific Motorway and Bruxner Highway interchange.

Clause 7.2 (3) (a)

The proposed earthworks associated with the development will not have a detrimental effect on, drainage patterns and soil instability in the locality as the site is bordered by a significant road network consisting of the Pacific Motorway to the east and the Bruxner Highway to the northwest.

Clause 7.2 (3) (b)

The proposed development of the land as a Highway Service Centre is a significant long term landuse that will have a beneficial commercial life for many years. The conditions of consent that are to be imposed in relation to the environmental controls will ensure that any future use of the site can be established on the land

subject to minor environmental rehabilitation. The majority of the site will be conditioned to enable the establishment of significant revegetated areas.

Clause 7.2 (3) (c)

The quality of the fill to be excavated and relocated on the site as well as material that will be imported to the site will be controlled by conditions of consent to ensure that the material brought to and used on the site will have minimal environmental impacts.

Clause 7.2 (3) (d)

The surrounding land uses are predominantly vegetated wetlands and state infrastructure in the form of major motorways and highways. The surrounding rural lands will be revegetated to address the loss of vegetation on the site.

Clause 7.2 (3) (e)

The majority of the fill will be sourced from the site with some being sourced off site. The development will be conditioned to ensure that fill from off site will be sourced from clean fill areas.

Clause 7.2 (3) (f)

A search of the Office of Environment and Heritage AHIMS site revealed that there were no known or recorded sites on the subject land. The proponent has carried out an extensive Cultural Heritage Assessment of the site and the recommendations of this report are noted and a condition will be placed on the consent addressing steps to be taken in the event that aboriginal artefacts are uncovered.

Clause 7.2 (3) (g)

The potential for adverse impacts upon waterways, drinking water catchments or environmentally sensitive areas is minimal with the major focus being on the loss of wetland vegetation on the site. This will be addressed by conditions of consent requiring the replacement planting of wetland species at a rate of 5:1 on the residue land that is to the west of the Bruxner Highway.

Clause 7.2 (3) (h)

The consent has been appropriately conditioned to address the minimal environmental impacts that may result from the development.

Clause 7.3 Flood Planning

The site is flood affected with the flood planning levels (minimum fill levels) for the site being 2.7m & 2.8m AHD and is categorised as “High Flood Risk”. The development has been designed to ensure that there will be no increase in fill volume below RL 2.7m AHD. Minimum fill height for the proposed development is RL 2.8 m AHD (Flood Planning Level FPL 2) for the building footprint, bowsters and apron of the building that caters for the bowsters. The car parking areas can be constructed at FPL1 being a level of 2.4m AHD. In this regard storage of flood waters is not decreased due to the development footprint.

Council's Engineers are satisfied that the proposed development will provide a non-habitable floor level equal or greater than FPL 2 with a freeboard of 0.2 m. This complies with Council's DCP requirements. The proposal will be conditioned accordingly.

Clause 7.7 Essential Services

Council's Civil Services Group have indicated that all relevant utility services are available to meet the needs of the development.

6.2 Section 79C(1)(a)(ii) provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

The following proposed draft instruments are currently on exhibition.

DRAFT STATE ENVIRONMENTAL PLANNING POLICIES

Draft EPI/Planning Proposal	
Draft BSC PP 17/008 – Rural Area Detached Dual Occupancy Development	Not Applicable
Draft Coastal Management SEPP 2016	Draft Coastal Management SEPP 2016 applies to the land. The proposal is not considered to have any issues with respect to the aims and objectives or provisions of the draft SEPP. The site is well removed from the public foreshore.
Draft State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016.	Not Applicable
Draft Amendment to State Environmental Planning Policy 44 – Koala Habitat Protection.	The Draft Amendment to State Environmental Planning Policy 44 – Koala Habitat Protection The proposal is not considered to have any issues with respect to the aims and objectives or provisions of the draft SEPP. The Ecological Assessment report submitted with application determined that the there was no suitable habitat in existence on the site, and hence an assessment of significance is not required in accordance with the requirements of Draft Amendment to SEPP 44.
Draft State Environmental Planning Policy (Advertising and Signage) 2017.	The draft SEPP intends to ensure that advertising in transport corridors is permissible with consent whilst banning inappropriate advertising on parked trailers on roads and road related areas, and updating terms and definitions used in SEPP 64. The proposed advertising is consistent with the draft SEPP.

	It should also be mentioned that the proposed advertising signage has obtained the support of the NSW Roads & Maritime subject to the reduction in signage on the site being reduced from three pylon signs to two.
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Based on the above, there are no issues that are of relevance arising from these draft instruments in relation to the proposed development.

6.3 Section 79C(1)(a)(iii) provisions of any development control plan

Ballina Development Control Plan 2012 (DCP 2012)

The subject land is mapped on the DCP as follows:

- Minimum Fill Policy (m AHD) 2100 Climate Change Scenario 100 Year ARI Flood Levels – Map 2b
- Mosquito Management Map – Sheet MM_2_080 – Coastal Plain & Lowlands (Below 10m Contour)

Chapter 2 – General and Environmental Considerations

Section 3.1 - Land Use Conflict

The proposed site is highly disturbed and is located between several major roads. It is considered that due to the location of the proposed development and the adjoining land uses, the potential to create land use conflict with nearby properties is low.

Section 3.4 - Potentially Contaminated Land

Refer SEPP 55 Assessment within the body of this report.

Section 3.6 – Mosquito Management

The non-residential nature of the development, as well as design features such as fixed windows, automatic doors with airlocks, air-conditioning of buildings and stormwater ponds which drain in less than 48 hours, are identified as management strategies that reduce the potential mosquito impacts upon the site users. A suitable condition of consent will be imposed incorporating the recommendations of the Biting Insect Management Plan prepared by HMC Environmental Consulting Pty Ltd dated 1 September 2016 to address any impacts that may result.

Section 3.7 – Waste Management

A Site Waste Minimisation and Management Plan (SWMMP), prepared by HMC Environmental Consulting Pty Ltd dated August 2016, has been prepared in accordance with the requirements of Council DCP chapter 2. The report addresses the demolition, construction and operational phases of the development.

There will be minor demolition required to remove the existing small structures erected on the site. The construction phase of the development will involve extensive earthworks and building and construction works. There will be the

potential to generate large volumes of waste during the construction phase of the development. A condition of consent will be imposed on the development requiring compliance with the recommendations of the SWMMP.

Section 3.9 – Stormwater Management

The site is mapped as being flood affected and has previously been filled to create a pad site initially for the site offices during the construction of the Pacific Motorway and more recently as a truck rest area.

The proposed stormwater conveyance system consists of a pit and pipe system to collect surface runoff from hardstand and roof areas in two catchment areas and convey to two bio retention basins. The outlets to both bio retention basins junction will discharge to a nominate lawful point of discharge, being an existing 3 cell x 1200 pipe culvert under the Pacific Highway. This proposed conveyance and discharge layout is considered to be satisfactory and will be conditioned accordingly.

Section 3.10 – Sediment and Erosion Control

A sediment and erosion control plan has been submitted by the proponent and is considered adequate for the construction and operational phase of the development. The consent will be appropriately conditioned requiring implementation of the plan during the construction phase of the development to minimise the potential for water pollution or dust issues occurring.

Section 3.11 – Provision of Services

Electricity and telecommunication services are available to the site. Reticulated town water and sewerage are available. Appropriate conditions of consent have been applied in the provision of services.

Section 3.12 – Heritage

The subject site is modified from its original form by uses including temporary overnight truck stop and transport parking area. The site is not within or adjoining any site identified as being of heritage significance under the BLEP 2012 or the State or National Heritage Registers. A search of the Office of Environment and Heritage AHIMS Web Services failed to identify Aboriginal sites in or near the subject site.

Council contacted JALI Local Aboriginal Land Council on 7 December 2016 to provide information and to invite comment on the subject application. No comment has been received.

Section 3.19 – Car Parking and Access

Council's Development Engineer has assessed the car parking; truck parking and servicing required for the development and is satisfied that it complies with Council's requirements. The parking numbers and standards of construction will be imposed as conditions of consent.

Section 3.21 – Bushfire

The subject land is mapped on Council's Bush Fire Prone Land Map as being bushfire prone.

The proposed development does not constitute integrated development under the Rural Fires Act 1997 and therefore was not referred to the NSW Rural Fire Service.

Notwithstanding this, the proponent has submitted a bushfire assessment report that concludes that the proposed development will comply with the minimum requirements for Asset protection zones detailed in Table A2.5 Minimum Standards for Asset Protection Zones for residential and Rural residential Subdivision Purposes (for Class 1 & 2 Buildings) in FDI 80 Fire Areas and Access in accordance with section 4.1.3-2 (Property Access) in the Planning for Bushfire Protection Manual

Chapter 2b – Floodplain Management

Comments in respect of flooding are provided in section 6.2 of this report.

Chapter 7 – Rural Living and Activity

This chapter sets out various controls for development in rural areas. Of relevance to this proposal is the Building Line and Setback requirements contained in Section 3.7, and the Roads, Vehicular Access and Parking requirements in Section 3.8. The minimum setback requirements, and those proposed by the development are set out in the following table.

Location	Min Setback Required	Setback Proposed
Front boundary	28m from Pacific Highway & Bruxner Highway	37.99m to Pacific Highway – 26.21 – 35.26 to Bruxner Highway
Side setback	10m	>100m
Secondary frontage setback	10m	>100m

The proponent has requested a variation to the Bruxner Highway setback. Council is of the opinion that the variation is justified as this setback is to a corner of the open truck canopy, where the structure is angled to the road. The minor encroachment does not affect the visual bulk of the development, as the majority of the frontage, which is well landscaped, is setback well in excess of 28m.

Section 3.8 requires all external roads to the development to be sealed, internal roads, to be suitable for emergency vehicles and parking to comply with any other chapter of the DCP. The proposal complies and is conditioned accordingly.

6.4 Section 79C(1)(a)(iia) provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There is no planning agreement or draft planning agreement applying to this development or the subject site.

6.5 Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

NSW Coastal Policy 1997	Comments/Is consistency with these provisions achieved?
Goal 1 – To protect, rehabilitate and	The proposed development will have no adverse

improve the natural environment	impact upon the natural environment of the coastal zone
Goal 2 – To recognise & accommodate natural processes and climate change	The proposed development will have no adverse impact on any natural processes of the coastal zone and has accommodated predicted impacts of climate change.
Goal 3 – To protect & enhance the aesthetic qualities of the coastal zone	The proposed development will have no adverse impact upon the aesthetic qualities of the coastal zone.
Goal 4 – To protect & conserve cultural heritage	The proposed development will have no adverse impact on culture heritage of the coastal zone.
4.2.3 – Coastal sites of Aboriginal heritage significance	The proposed development will have no adverse impact on Coastal sites of Aboriginal heritage significance.
Goal 5 – To promote ecologically sustainable development & use of resources	The proposed development will not impact adversely upon any ecological sustainable development and use of resources.

If the DA is for the demolition of a building, consider the provisions of AS 2601-1991: The demolition of structures (as in force 1 July 1993):	<p>The proposed demolition of the amenities building will be in accordance with AS 2601-1991.</p> <p>AS 2601 sets out requirements for the planned demolition of buildings so that the risk of injury to workers, other site personnel and the public, and the risk of damage to adjacent property and the immediate environment is minimised.</p>
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If the DA is only for a change of use or the use of an existing building as a place of public entertainment, is the fire protection and structural capacity of the building appropriate to the building's proposed use?	N/A
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If the DA is involves the rebuilding/ alteration/enlargement/extension of an existing building, is the existing building required to be brought into total or partial conformity with the Building Code of Australia (BCA)?	N/A
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If the DA is for the erection of a temporary structure, is the fire protection and structural capacity of the structure appropriate to the proposed use of the structure?, and is the ground or other surface, on which the structure is to be erected, sufficiently firm and level to sustain the structure while in use?	N/A
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6.6 Section 79C(1)(a)(v) provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

No specific coastal zone management plan applies to the site.

6.7 Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Environmental Impacts

Flooding

The Ballina Shire Council DCP categorises this site as High Flood Risk, and the year at which climate change conditions are to be used to determine Flood Planning Level (FPL) is 2100. The 100 year ARI flood level for the site under the 2100 climate change scenario is a FPL of RL 2.7m & 2.8m AHD, the DCP Figure FPL 2b 2100/D shows the 2.7m contour splitting the site, with the majority of the proposed development being in the 2.7m zone.

Council's DCP requires that the level of habitable and non-habitable floor areas is to be equal or greater than FPL2 with 0.2m freeboard. This represents minimum floor level; of RL 3.0m AHD as a minimum. The proposal complies with this minimum floor level.

Waste

A Site Waste Minimisation and Management Plan prepared by HMC Environmental Consulting Pty Ltd dated August 2016 has been prepared in accordance with the

requirements of Chapter 2 of Council's DCP. The report addresses the demolition, construction and operational phases of the development.

There will be minor demolition required to remove the existing small toilet structure erected on the site. This building was connected to the sewer and did not consist of any asbestos or other potential contaminants.

The construction phase of the development will involve extensive earthworks and building and construction works. There will be the potential to generate large volumes of waste during the construction phase of the development. Council has suggested a condition that will require the recommendations of the Site Waste Minimisation and Management Plan prepared by HMC Environmental Consulting Pty Ltd dated August 2016 to be implemented in full during the demolition, construction and operational phases of the development.

Ecological Impacts

While it is acknowledged the development site has been subjected to substantial disturbance over the years, a number of historical ecological assessments have been undertaken on the subject land. From 2008 - 2012 the majority of the development site was used as the main site office for the upgrade of the Ballina Bypass.

In 2011, the then Roads and Traffic Authority (RTA) undertook a Review of Environmental Factors (REF) to establish a temporary rest stop at the site. The ecological assessment undertaken (as part of the REF) identified that two Endangered Ecological Communities (EEC) listed under the Threatened Species Conservation (TSC) Act 1995, namely, Freshwater Wetlands and Swamp Oak Forest, occurred on the development site.

The existing site offices only required minor construction work to transform the site to a temporary rest stop.

The majority of the work to be undertaken involved the provision of access roads to the rest stop. A review of the ecological assessment identified that while the creation of the road impacted on the EECs, the majority of the EEC habitat was located outside of the developments footprint.

Prior to the lodgment of any development application for the redevelopment of the site, Council received written correspondence (including mapping) from an ecological firm Total Earth Care (TEC), working on behalf of the developer, which again confirmed the occurrence of EEC's on the subject land. In addition, fauna surveys undertaken by TEC confirmed that five species of bats and one species of bird, namely the *Eastern Grass Owl*, listed under the Threatened Species Conservation Act (1995) utilised the site.

Based on the results of that survey work Total Earth Care concluded that a Species Impact Statement (SIS) should be prepared for the development. However when the development applicant was lodged with Council, the application was not supported by an SIS. In addition, the Ecological Assessment Report (EAR) submitted as part of the development application was prepared by Australian Wetland Consulting (AWC). The EAR again confirmed the occurrence of the subject EEC's on the development site and identified the development would impact on 1690m² of Swamp Oak and 3440m² Freshwater Wetland EEC habitat.

To offset these impacts the EAR recommended:

“that vegetation removed be compensated for at a rate of between 3:1 and 5:1 using land within the site and the adjoining McLeay wetland property. This equates to approximately 5070m² to 8450m² of Swamp Oak Forest and, 323m² to 17,205m² of Freshwater wetland”.

While the EAR identified that offsetting could be undertaken onsite, the report did not undertake any detailed analysis to identify the extent or location of the mentioned onsite offset areas.

The submitted Landscape Concept Plan identified potential EEC offset areas, and Council’s inspection of the proposed offsets area confirmed they were either existing hardstand carpark areas or were subjected to significant earthworks during the construction of the Ballina Bypass.

Given the existing levels of disturbance it is highly unlikely the areas nominated within the Landscape Concept Plan are suitable for threatened species offsetting.

The applicant was advised that the proposed offset sites were unacceptable, and Council requested the applicant to further refine their vegetation mapping to enable Council to accurately identify the impact the proposed development would have on EEC habitat.

In response to these issues, AWC provided an amended EAR that concluded that due to disturbance, changes to the soil profile and the vegetation on site being predominantly regrowth, the vegetation occurring on the site could not be classified EECs. Aside from those general statements the EAR provides no other robust information to support this conclusion.

While it is agreed that the development site has undergone *“substantial modification since 2008, the areas of EEC habitat mapped by RTA in the REF have remained largely unaffected by the creation of the rest area”*. The conclusions in the EAR are inconsistent with the findings of the ecological report, which supported the previous REF, given that the report considered regrowth swamp forest to be an EEC.

The application was referred to the NSW Office of Environmental Heritage (OEH) and the following comment was received.

“We note that the NSW Scientific Committees final determinations for both Freshwater Wetlands EEC and Swamp Oak Floodplain Forest EEC make no reference to regrowth status as a determining feature for these EECs. We also note that no evidence is provided on the EAR on how the soil profiles were defined or how the effects of hydrological change and distribution were assessed, relative to the NSW Scientific Committees final determinations for these EECs.”

Consequently, AWC conclusion that swamp forest EEC, Freshwater Wetland EEC and threatened Fauna do not occur on the development site cannot be supported.

To identify what impact the development will have on each vegetation community, the location and extent of each EEC was mapped by Council. The mapping confirmed the development would directly impact on 789m² of Swamp Oak Forest EEC and 4280m² of Freshwater Wetland EEC.

Given Council applies a 5:1 offset ratio for developments that affect EECs and threatened species habitat, if approved, the development will be required to provide an EEC offset area equating to 26000m². Accordingly, a condition of consent requiring the applicant provide a 5:1 offset ratio on adjacent or adjoining land associated with this development has been recommended.

Built Environment Impacts

The site, although located in a prominent position in relation to access and services offered, is not considered to be visually prominent due to the low lying, generally flat topography and existing scattered vegetation around the periphery of the existing disturbed areas. It is part of the western entry to Ballina and will be one of the first developed sites on the urban/rural boundary.

The Highway Service Centre site is not visually prominent when viewed from:

- The development on the southern side of the Pacific Motorway which comprises mixed commercial/industrial uses and some residential development. Those views are limited by topography and vegetation
- Emigrant Creek and its foreshore. Those views are restricted by vegetation and the elevation of the Pacific Motorway
- The eastern side of the Pacific Motorway. Those views are limited by the elevation of the Pacific Motorway. In close proximity to the site there are non-sensitive land uses and in respect of the wider catchment, distance and topography limits visibility.

The visual catchment of the proposed Highway Service Centre building and associated car parking is primarily to the west of the Motorway and of users of the Pacific Motorway, Bruxner Highway, and Teven Road. However, the proposed 13.5 metre (AHD) high signs would be visible from a wider catchment.

The viewpoint from northbound vehicles using the exit ramp is currently dominated by the overbridge, vegetation and the existing improvements on the site (hardstand areas, lighting etc). The proposed development would be at the periphery of this viewpoint and partially obscured by vegetation/landscaping.

From the viewpoint of vehicles using the overbridge, the elevation and curvature of the bridge would provide a vantage point with sweeping distant views of vegetation along Emigrant Creek and adjoining wetland areas, cane land, the Bruxner Highway, as well as upcoming sections of the Ballina bypass. The service centre would form a small portion of this view.

At night, the floodlighting of the existing rest area and the highway lighting makes it a more dominant part of the landscape character from all viewpoints. Further lighting of the site would not significantly alter the established character.

Site & Design Response

The proponent has indicated that the following factors were relevant in consideration of an appropriate design response:

- Highway Service Centres within a rural context and rural/urban interface are a normal and not unexpected feature of a highway landscape;
- The Highway Service Centre site is of a sufficient area to allow for the dedication of generous landscaped areas. The landscaping plans provide for buffer planting between internal roadways/traffic and open space;
- The site is in a visually disturbed rural context where potential impacts are somewhat softened by that existing development;
- The site does not contain any distinctive landmarks or visual elements;
- The service centre building and attendant car and truck canopies are all below 7.5 metres in height. In the context of a site area of approximately 6.4 hectares, the apparent bulk and scale of the building is considered to be reasonable and visually consistent with its setting;
- The project design incorporates generous landscaped areas which have been designed to achieve appropriate softening and integration of the development into the highway landscape;
- Signage control on the building is achieved by integrating signage panels into the building;
- That both of the two large pylon signs (of which only one has received concurrence from the RMS and hence only one sign is approved as part of this development approval) exceed the prescribed height limit. This sign would contain individual tenancy logo advertising space and fuel prices.
 - The sign would not obliterate any important views;
 - The sign would not overshadow any public areas (other than roadways), including foreshore open space areas; and
 - The sign is professionally designed and consistent with the overall built design theme for the site.
- The Visual Impact Assessment indicates that:
 - The proposed site is suitable for the intended use because of its size, location adjacent to existing infrastructure and development, and its lack of distinctive or landmark visual elements;
 - The project design complies with regulatory requirements, with the exception of the height of two of the three signs, and achieves a development with minimal visual impacts; and
 - The likely impacts of the proposed development are acceptable in the context of existing planning considerations.

Social Impacts

The proponent has indicated that the major social benefits that arise from the proposed development are summarised as follows:

- Creation of local employment opportunities catering for skilled and unskilled workers;
- Provision of efficient service facilities that meet the needs of motorists/tourists;
- Encourage rest stops for motorists; and
- Enables, safe and efficient vehicular movement, to and from the site.

The development proposal is considered likely to result in positive social impacts for the surrounding and wider Ballina community.

Economic Impacts

The proponent has submitted an Economic Assessment prepared by RPS Australia East Pty Ltd. This assessment identified that the proposed Highway Service Centre

would primarily rely on patronage from users of the Pacific Motorway and Bruxner Highway. The majority of the patronage is therefore expected to be passing traffic that is utilising one of the major roads for another trip i.e. patronising the Highway Service Centre is not the main reason for travel. The absence of the Highway Service Centre would not change the nature, origin or destination of their trip. However, it is recognised that a small proportion of patronage and expenditure would be derived from residents who undertake a specific trip to the site, including for employment.

The establishment of a Highway Service Centre with fuel and a number of fast food options allows highway travellers (particularly those travelling north on the Pacific Motorway) to utilise these facilities without impacting local traffic in Ballina and at a reasonable separation distance from similar centres at Chinderah and Grafton.

It is considered that the BP Highway Service Centre would provide the opportunity to make the travelling public aware of local services, facilities and attractions. The provision of a tourist information booth and community cultural area provides the opportunity to offer information and marketing materials to people who are already in the area. These people may decide to extend their stay, undertake more activities or return at a later date.

The Economic Assessment demonstrates that there are significant economic grounds to support the development of the subject site and that the project is expected to offer a range of economic and social benefits to the community.

Internal and External Roads and Access

The proponent has provided a Traffic Impact Assessment (TIA) prepared by Bitzios Consulting. The key findings are *"the proposed development provides an acceptable design with regards to traffic and transport components and does not introduce any adverse traffic and transport impacts that would preclude its approval and relevant conditioning by Council."*

The original TIA was considered deficient as it provided no details or analysis of the proposed access from the Bruxner Highway.

Additional information was therefore requested by Council to clarify these matters. The RMS also responded to the TIA by letter dated 17 February 2017 raising a number of matters including trip generation rates, traffic volume growth rates, intersection configuration and internal vehicle circulation.

The proponent's consultant (Cadway Projects) responded on 12 April 2017 and attached an amended TIA by Bitzios dated 17 March 2017.

Council's concerns regarding the absence of details or analysis of the proposed Bruxner Highway access were still not adequately addressed in the amended TIA.

A previous RMS recommendation for a Bruxner Highway/Teven Road roundabout intersection (RMS letter dated 6 November 2015) which could enable a combined Teven Road/Bruxner Highway/Service Centre roundabout intersection, remained Council's preferred option as this configuration will be serviceable in the longer term (beyond 10 year horizon). A future roundabout option would be compromised by the

current proposed services centre layout as its circulation network is incompatible with a roundabout footprint at Teven Road.

SIDRA modelling indicates the current Teven Road/Bruxner Highway T intersection is already under capacity with right turns from Teven Road already extremely difficult/unsafe and left turns will also have a lower than acceptable level of service (LOS) in future years (due to predicted traffic volume growth on the Bruxner Highway). Provision of, or the ability to provide a future combined services centre access/Teven Road/Bruxner Highway roundabout would future proof this/these intersection(s). However, the proponent argued that as the Teven Road/Bruxner Highway intersection is already under capacity and their development generated traffic does not significantly worsen the situation, they should not be compelled to pay for the roundabout or reconfigure their internal layout to accommodate a future roundabout that services both their development and Teven Road.

As the amended TIA still did not adequately address or analyse the proposed site access from the Bruxner Highway (except for turn warrants) further additional information was requested. This further additional information was addressed and the RMS comments imply they will now accept the staggered T intersection configuration for the Services Centre/Bruxner Highway/Teven Road intersections as proposed, on the proviso that the Services Centre access to the Bruxner Highway may be restricted to left in/left out in the future “if operational issues are experienced”.

This solution is not a preferred solution as it results in a future Teven Road/Bruxner Highway roundabout being compromised. Access from Teven Road to/from the Bruxner Highway will have increasing congestion and an increasingly lower level of service, as predicted traffic volumes on the Bruxner Highway increase, reducing available gaps for entering/exiting traffic and reducing the LOS for the right turn in the 10 year time horizon.

In conclusion, Council discussions with the RMS has concluded that the Teven Road/Bruxner Highway roundabout is not supported at this time, however RMS has indicated that they will continue to monitor the traffic movements at the “T” intersection, and should it become evident that the traffic flows are compromised by the operation of the BP Highway Service Centre, they may explore the introduction of additional traffic controls in the form of a roundabout.

Cultural heritage

A cultural heritage assessment of Aboriginal and non-indigenous cultural heritage concluded that no Aboriginal objects, places of cultural significance or items of historic heritage significance, were identified within the project area.

6.8 Section 79C(1)(c) – The suitability of the site for the development

Subject to compliance with the conditions of consent, the subject site is considered suitable for the proposed development as it is relevantly isolated and within close proximity to the Pacific Motorway.

This is further justified by the inclusion of an enabling clause within BLEP 2012 that specifically relates to the establishment of a Highway Service Centre on the subject land.

6.9 Section 79C (1)(d) Any submission made in accordance with this Act or the Regulations?

The application was placed on public exhibition from 13 December 2016 to 18 January 2017. No public submissions were received during this period.

6.10 Section 79C(1)(e) The public interest.

The public interest is best achieved by a proposal complying with the relevant planning instruments. In this instance, the proposal has demonstrated compliance with the applicable planning instruments (with the inclusion of a Clause 4.6 variation for the height of the proposed signs). The proposed Highway Service Centre will serve the interests of the community by providing a facility for the general and travelling public while not unreasonably impacting upon amenity or the environment. The proposal is considered to be within the public interest.

7.0 Conclusion

The application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C (1) of the *Environmental Planning and Assessment Act 1979*.

In relation to the pertinent issues relating to the proposed development, the application has been assessed for potential impacts to the natural and built environments. Where negative outcomes have been anticipated, such as with access issues and environmental impacts, further investigation and mitigating measures have been undertaken and issues rectified, subject to application of conditions of consent

It is considered the submitted Statements of Environmental Effects, reports and associated studies have satisfied the Council's and other State Government bodies concerns and provides a complete outline for the construction and operation of the Highway Service Centre. It is determined that through the application of the recommended conditions of consent, the proposed development can perform its purpose while providing a favourable environmental outcome.

8.0 Recommendation

That Development Application 2016/660 to establish a Highway Service Centre and associated works at the corner of the Bruxner Highway and Pacific Motorway West Ballina, being Lots 13, 14, 15, 29, 30 & 41 DP 1013485, Pacific Highway, West Ballina be **APPROVED** subject to conditions **attached**.

enquiries refer
Hugh Johnson
In reply please quote
DA: 2016/660



BP Australia Pty Ltd
PO Box 724
Enviropacific Services
FORTITUDE VALLEY QLD 4006

**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**
(Issued under Section 81(1)(a) of the Environmental Planning and Assessment Act 1979)

Development Application No: DA 2016/660

Applicant: BP Australia Pty Ltd

Subject Land: Lot 13 DP 1013485, Lot 14 DP 1013485, Lot 15 DP 1013485, Lot 29 DP 1013485, Lot 30 DP 1013485,
Pacific Highway WEST BALLINA

Development Proposal: Erection of a Highway Service Centre and Associated Uses, Advertising Signage Including one x 11.5m and one x 13.5 m High Structures, Land Filling, Vehicular Access of Pacific and Bruxner Highways, Car Parking and Associated Works

Determination: The development application has been determined by the Joint Regional Planning Panel on 13 December 2017 by way of **the grant of consent subject to the conditions specified in this notice:**

This consent operates from: 13 December 2017

GENERAL

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including the following plans:

Design Plans	Reference	Dated
CADWAY PROJECTS	Overall Site Plan (As	Dwg. No. 11098 DA001,

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	amended in red)	ISS D Dated 08/03/17
CADWAY PROJECTS	Proposed BP Ballina Travel Centre-Cover Sheet	Dwg. No. 11098 DA000, ISS B Dated 08/09/2016
CADWAY PROJECTS	Site Plan	Dwg. No. 11098 DA002, ISS E Dated 31/03/17
CADWAY PROJECTS	Building Ground Floor Plan	Dwg. No. 11098 DA100, ISS C Dated 23/08/16
CADWAY PROJECTS	Overall Existing Site Boundary Plan	Dwg. No. 11098 DA003 ISS A Dated 15/09/16
CADWAY PROJECTS	Building Elevations Sheet 1	Dwg. No. 11098 DA200 ISS C Dated 15/09/16
CADWAY PROJECTS	Building Elevations Sheet 2	Dwg. No. 11098 DA201 ISS C Dated 15/09/16
CADWAY PROJECTS	Canopy Elevations	Dwg No. 11098 DA 202 ISS C Dated 15/09/16
CADWAY PROJECTS	Building Signage Elevations Sheet 1	Dwg. No. 11098 DAS200 ISS A Dated 02/11/17
CADWAY PROJECTS	Building Signage Elevations Sheet 2	Dwg. No. 11098 DAS201 ISS A Dated 02/11/17
CADWAY PROJECTS	Canopy Signage Elevations	Dwg. No. 11098 DAS202 ISS A Dated 02/11/17
CADWAY PROJECTS	Site Main Identification Signage 12.5m (as amended in red)	Dwg. No. 11098 S001 ISS B Dated 02/11/17
CADWAY PROJECTS	Site Main Identification Sign	Dwg No.11098 S002 Issue A 02/11/2017
RPS Australia East	Landscape detail Plan 1	Dated 13/4/2017
RPS Australia East	Landscape detail Plan 2	Dated 13/4/2017
Clear Sky Engineering	"Stormwater Layout Plan DWG No C01 REV E" dated	05-09-16

except as modified in red or by any condition in this consent.

- Occupation or use of the premises/site for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final occupation certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.

Roads & Maritime requirements

- Concurrence of the Roads Authority is to be obtained in relation to the introduction of new traffic signage (whether on the road network or the internal road related area) prior to installation to ensure that the proposed signage is to a proper standard and is legally enforceable.
- The design and operation of the pylon signs should be consistent with the *Road Safety Guidelines for Sign Content* provided under Section 3.4 of the *Transport Corridor Outdoor Advertising and Signage Guidelines*.
- Blue and white service signs are to be installed on Pacific Highway and Bruxner Highway to direct the travelling public to the site access points. A signage plan demonstrating the location of all proposed service signs should be submitted to Roads and Maritime along

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with concept designs for construction of the site access driveways. Blue and white service signs will be approved under the Works Authorisation Deed (WAD) process and the Developer will be responsible for the cost of the signs and installation.

6. No approval is issued for Pylon Sign B. Refer to amendments in red on approved plan set.
7. No additional advertising sign(s) is to be erected or displayed without prior submission of a development application to, and approval from, Council, unless the proposed signage is consistent with the terms and conditions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
8. The approved signs shall not incorporate any moving parts or flashing lights. If illuminated, the signs are not to be objectionably glaring, luminous or incorporate a variation in the intensity of the illumination or a change in colour.
9. **BCA compliance**
The buildings are to comply with the requirements of the Building Code of Australia and relevant Australian Standards.

10. **Demolition**

All demolition work is to be carried out in accordance with AS 2601. The sewer, water and electrical services from the building are to be disconnected by licensed tradespersons.

Prior to the capping off of the sewer and water services an application is to be lodged with Council under Section 68 of the Local Government Act and the appropriate fees paid for inspection of the disconnection work.

The capped off sewer and water services are to be inspected by Council prior to covering.

11. **Compliance with Plumbing & Codes**

All drainage and sanitary plumbing work must be carried out in accordance with the requirements of the NSW Code of Practice Plumbing and Drainage July 2006 and National Plumbing and Drainage Code AS 3500.

Environmental Health

12. The recommendations of the Biting Insect Management Plan, prepared by HMC Environmental Consulting Pty Ltd dated 1 September 2016, shall be implemented in full during both the construction and operational phases of the development.
13. The recommendations of the Site Waste Minimisation and Management Plan, prepared by HMC Environmental Consulting Pty Ltd dated August 2016, shall be implemented in full during the demolition, construction and operational phases of the development.

Roads and Maritime Services Condition

14. Subject to the approval of NSW Roads and Maritime Services (RMS), the development can gain access via three accesses, one to the north of the development on the Bruxner Highway and two on the Pacific Motorway off-ramp. However if in the future, operational issues are experienced, the RMS reserves the right to manage safety by regulating traffic on the classified road network. This may include, but is not limited to, potential changes to access arrangements for the highway service centre, in particular restricting access to

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the Bruxner Highway to left in/left out. The proponent must respond to and implement such access changes required by any future notices from RMS in this regard.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building/Civil)

The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.

15. Administration/inspection fees

Where Council is not chosen as the Principal Certifying Authority, the relevant certificate registration fee and required sewer inspection fees are to be paid to Council in accordance with Council's Fee Schedule, prior to the issue of a Construction Certificate.

16. Long Service Levy

In accordance with Section 109F of 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.

17. Section 68 Application

Prior to issue of a Construction Certificate, an application is to be lodged with Council under Section 68 of the Local Government Act 1993 for all water, sewer, stormwater and any proposed fire service installations. Hydraulic details of all water, sewer, stormwater and fire service installations are to be submitted to Council and approved prior to the issue of a Construction Certificate. The plans are to be designed in accordance with AS3500 and NSW Code of Practice and other relevant Australian Standards regarding any essential fire services.

18. Details of the proposed fit out of any of the three tenancies to be used as food premises are required to be submitted to and approved by Council prior to the issue of the Construction Certificate.

Roads and Maritime Services Conditions

19. Prior to issue of a Construction Certificate, the proponent shall enter into a Works Authorisation Deed (WAD) with NSW Roads and Maritime Services for any works deemed necessary on the classified (State) roads, being the Pacific Highway/Pacific Motorway and the Bruxner Highway. The proponent will be responsible for all costs associated with the works and administration for the WAD.
20. Prior to issue of a Construction Certificate, the proponent shall submit to Council and the Principal Certifying Authority, a copy of the Works Authorisation Deed from NSW Roads and Maritime Services to carry out necessary works on the Pacific Highway/Pacific Motorway and the Bruxner Highway.
21. For the purpose of the Works Authorisation Deed Application and subject to any NSW Roads and Maritime Services requirements, the proposed access to the development from the Bruxner Highway is to be in general accordance with the email from Brian Schapel (Bitzios) to Patrick Knight (Ballina Council) dated 4 May 2017 (TRIM 17/77212), except that the proposed two stage right turn from Teven Road onto the Bruxner Highway is not to be included in the proposed works. The access design shall be provided with AUL and CHR treatments in accordance with Austroads *Guide to Road Design Part 4a: Unsignalised and Signalised Intersections* and the following design parameters:
- (a) Minimum 23 m taper length;
 - (b) Minimum 75 m deceleration length to allow full deceleration within the turn lane

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- (c) Storage lengths to cater for a 36.2 m A-Double; and
 - (d) No right turn out of the development from the northern access
22. A road safety audit is required to fully identify and assess the safety risks associated with the proposed designs for access to Pacific Motorway and Bruxner Highway. The proponent is required to work through all safety and design issues identified, to gain the relevant Roads Act approvals and a Works Authorisation Deed from NSW Roads and Maritime Services.
23. All works on the classified road network are to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.
24. The internal road design will likely lead to confusion for motorists looking to exit the site. Internal design, internal sign posting and delineation must be addressed by the applicant and approved by Council prior to the issue of a Construction Certificate. Any regulatory signs or line marking must be endorsed by the Ballina Local Traffic Committee.
- 25. Parking**
The design of all car parking, service areas, loading bays and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.
The development shall provide:
- (a) 151 car parking spaces on-site, including three People with Disability spaces, four caravan spaces and four bus spaces;
 - (b) 19 B-Double and six A-Double sized truck parking bays;
 - (c) 14 bicycle parking facilities including six for employees at security level B and eight for visitor bicycle parking at security level C in accordance with AS2890.3; and
 - (d) Service areas and loading bays must be designed to cater for the vehicles and servicing operations anticipated.
- Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
- 26. Car parking for disabled**
The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. Disabled parking spaces shall be covered by a waterproof roof or awning structure. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
- 27. Filling of the site**
The site fill and floor levels are to be in general accordance with Clear Sky Engineering "Stormwater Layout Plan DWG No C01 REV E" dated 05-09-16 attached to "Appendix I - Stormwater Management" of the Statement of Environmental Effects submitted with the development application.
- 28. Stormwater management plan**
The provision of stormwater controls on site shall be in accordance with the proposals and strategies in "Appendix I - Stormwater Management Plan" of the Statement of Environmental Effects submitted with the application, and include:
- (a) The stormwater conveyance system is to consist of a pit and pipe system to collect surface runoff from hardstand and roof areas in two catchment areas and convey to two bioretention basins. The outlets to both bioretention basins are to junction to discharge to a lawful point of discharge being an existing 3 cell x 1200 pipe culvert under the Pacific Highway;

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- (b) Stormwater quality treatment is to be in accordance with strategy proposed in Appendix I; and
- (c) Stormwater quantity and attenuation management is to be in accordance with the strategy proposed in Appendix I

Detailed designs for the above must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

29. Sewer Connection

Sewer connection shall be in general accordance with Appendix J – “Utilities Study” of the Statement of Environmental Effects, submitted with the application.

The proposal is to connect to the existing sewer rising main and detailed design are subject to obtaining approval by Council in accordance with S68 of the Local Government Act 1993.

Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.

30. Water connection (dual reticulation)

The proponent shall be responsible for the design and construction of a dual water supply system for both drinking water and recycled water to the Services Centre complying with Ballina Shire Council's Dual Water supply Plumbing Policy.

Design plans are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

31. Water meters

Each tenancy in the Service Centre is to be fitted with a water meter of a minimum size of 20mm depending on the nature and size of the development. Prior to the issue of the Construction Certificate, the applicant is required to submit an "Application for a Water Service" to Council, along with a site plan clearly showing the location of the required meter/s.

For multiple tenancy developments where it is impractical for separate metering to be provided at the boundary due to the number of meters required or the logistics of the installation, Council shall require installation of remote read meters. This includes a master meter, repeater and sub meters on each tenancy.

The repeater shall be housed in an IP 68 rated weather proof enclosure with a GPO inside. The enclosure shall be located adjacent to the properties electrical power board. All sub meters and components of the remote metering system shall be installed by the applicant's plumbers in accordance with Council's Water Metering Policy. The design must be certified by a suitably qualified professional and submitted to and approved by Council prior to the issue of a Construction Certificate.

32. Water meter Hydraulic Designs – If the development includes a Fire Service Assembly or More Than 3 Residential Units or 32 mm Assemblies or Greater

The applicant is required to submit to Council a hydraulic design detailing the sites connection to the reticulated main including the required water meter size and backflow prevention in accordance with AS 3500 and Council's Backflow Prevention Policy. The design must be certified by a suitably qualified professional and submitted to and approved by Council prior to the issue of a Construction Certificate.

33. Water backflow prevention (Industrial & Commercial refurbishments)

The site's containment backflow prevention shall be to current standards as per AS/NZS 3500 and Council's Backflow Prevention Policy. The design must be certified by a suitably qualified professional and submitted to and approved by Council prior to the

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issue of a Construction Certificate. Water connections not required to service this development must be disconnected in accordance with Council requirements.

Testable backflow devices will be required to be tested and certified annually by a suitably qualified NSW licensed plumber and the annual certificate submitted to Council. The design must be certified by a suitably qualified professional and submitted to and approved by Council prior to the issue of a Construction Certificate.

34. **Environmental Management Plan**

An Environmental Management Plan (EMP) is to be prepared by a qualified bush regenerator, and submitted to and approved by Council prior to the issue of the Construction Certificate. The EMP is to address the following matters:

- (a) The vegetation removed is to be compensated for at a rate of between 5:1 using land within the site and/or the adjoining Lot 11 DP 1233125 (or other land confirmed by Council to be suitable). This equates to approximately 3945m² (5 x 789m²) of Swamp Oak Forest and 21400m² (5 x 4280m²) of Freshwater Wetland;
- (b) Details of how all vegetation not subject to approval/removal will be protected during and post construction;
- (c) Details of all planting works and weed eradication works that are to be undertaken throughout the development site and/or offset areas;
- (d) A list of all weed species and methods to be used to control them;
- (e) Details of measures to be implemented to monitor the success of all restoration works including the provision of monitoring reports to Council;
- (f) Commitment that all planting stock will be sourced from plants growing in the immediate locality;
- (g) Confirmation that the restoration program will be undertaken for a minimum period of five years, and the developer will fund all aspects of the program;
- (h) A range of performance goals that are measurable, and include commitments that unless the goals are achieved, the rehabilitation program will be extended until they are achieved. In this regard, Council will require all the Swamp Oak Forest areas to achieve 80% native vegetation coverage within a five year time period. All vegetation strata's are to be free of all environmental and noxious weeds;
- (i) A timetable for the implementation of all revegetation, rehabilitation and weed control works;
- (j) Identify contingency plans if proposed revegetation works do not respond to proposed treatment works, e.g. feral animal browsing;
- (k) Confirmation that the EMP has been prepared by a qualified bush regenerator;
- (l) Provide details of protective fencing and signage to be erected prior to the commencement of construction works to protect all retained native vegetation;
- (m) Identify for the need to erect permanent fencing to ensure long-term protection of all significant vegetation communities and/or rehabilitation areas;
- (n) Measures to publicise the environmental attributes of the rehabilitation areas;
- (o) Management actions to eradicate other invasive species from the rehabilitation areas; and
- (p) Measures to be implemented to ensure that all areas subjected to the EMP will be protected in perpetuity.

35. The waste disposal areas are to be screened, covered, graded, bunded and drained to the sewer via a Council approved pre-treatment device. Drainage details are to be incorporated into the hydraulic plans and are required to be submitted to and approved by Council prior to the issue of the Construction Certificate.

36. A Soil and Water Management Plan (SWMP) shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The

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SWMP shall be prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

37. The design and location of all external plant and equipment, noise level emissions and if required, design of noise control measures are to be submitted to and approved by Council prior to the issue of the Construction Certificate.
38. All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "Control of the obtrusive effects of outdoor lighting". Details demonstrating compliance with these requirements are to be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
39. Plans (including sections and elevations) and specifications showing details of all food preparation and storage areas, layout, construction and method of installation of all fittings and fixtures, together with floor, wall and ceiling finishes, are to be submitted to, and approved by Council prior to the issue of the Construction Certificate. The applicant shall construct and fit-out the premises in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3. Note 1: Food handler's toilets shall be provided with suitable hand washing facilities connected to warm running water. Note 2: Suitable hand wash basins connected to warming running water should be located proximate to all food handling areas.
40. A Construction Management Plan shall be submitted to and be approved by the Principal Certifying Authority (PCA). 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) Complaints register;
 - (d) The location of existing services;
 - (e) Traffic Management (vehicles, pedestrians and cyclists);
 - (f) Noise, dust and vibration;
 - (g) Materials storage and waste management;
 - (h) Soil & water management (including erosion and sediment control);
 - (i) Flora & fauna management;
 - (j) Construction staging plan (where the works will be completed in stages); and
 - (k) Restoration of damage to public assets.
 Details must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate for each stage of the development.

41. Prior to the issue of the first Construction Certificate for the development, a Project Manager is to be appointed whose name and contact details are to be provided to Council. The Project Manager is responsible for ensuring the development is carried out in accordance with the terms and conditions of this consent. The Project Manager is to inform Council in writing of the date of commencement of works on the site.

42. **Developer Contributions**

Prior to issue of a Construction Certificate where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979 :

Contribution Plan/Development Servicing Plan	Adopted
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Cumbalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan 2015	24 September 2015
Ballina Shire Open Spaces and Community Facilities Contributions Plan 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 (**attached**).

43. Developer Charges

Prior to issue of a Construction Certificate where building work is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2000. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2000 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

The charges are currently guided by the following development servicing plans:

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Council	Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 February 2015
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 February 2015
Rous Water	Development Servicing Plan for Bulk Water Supply	15 June 2016

The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the charges set by the water supply authorities at the time payment is made. Copies of the Development Servicing Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

It should be noted that Ballina Shire Council acts as Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.

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The charges applicable at the time this consent is issued are included in Schedule 1 (**attached**).

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with prior to commencement of construction works relating to the approved development.

44. Construction Certificate

Prior to construction of the approved development it is necessary to obtain a Construction Certificate. Either Council or an appropriately accredited certifier may issue a Construction Certificate. A separate application, complete with detailed plans and specifications, must be made to the Principal Certifying Authority for a Construction Certificate.

45. Notice of Commencement and Appointment of Principal Certifying Authority

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit to Council the following information:

- Written notification of the name and details of the Principal Certifying Authority (PCA); and
- The date of commencement and details of the Development Consent and associated Construction Certificate.

The above information is to be submitted at least two days prior to the commencement of any works, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

46. Erection of Signs

- (1) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.
- (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 109R of the Act, to comply with the technical provision of the NSW Government's building laws.

47. Building waste containment

A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.

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48. Builder's toilet

A suitable builder's toilet is to be provided on-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.

49. Activation of the EMP

The developer is to commence the actions contained within the EMP, a minimum of seven days prior to works starting work at the site.

50. Vegetation removal

Any vegetation to be removed is to be clearly marked with flagging tape, prior to the commencement of work at the site.

51. Vegetation protection

All vegetation and/or trees to be retained immediately adjoining construction works areas are to be protected with temporary "No Go" fencing as required by the approved EMP. All "No Go" fencing is to be established a minimum of one metre outside of the identified root protection zone areas and/or drip line zone, whichever is greater. All construction plans for the project are to identify the location and the purpose of the No Go fencing. The developer is to advise Council's Environmental Scientist when the "No Go" fencing has been established.

DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with during the course of carrying out the construction works relating to the approved development.

52. Within four weeks of commencement of works on the site, the appointed Project Manager is to submit to Council a progress report on the development's compliance with this consent. Thereafter, six-monthly reports are to be submitted by the Project Manager to Council detailing the progress of construction works and compliance with the conditions of this consent. These reports are required to be submitted for the construction life of the project and the 12 month civil maintenance period.

53. During construction, the applicant shall comply with the requirements of the Construction Management Plan as approved via Consent Condition 40.

54. A Soil and Water Management Plan (SWMP) which has been which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 and approved by the Principal Certifying Authority (PCA) must be implemented in full during the construction period.

55. Site filling

Certification will be required from a suitably qualified practicing geotechnical engineer verifying that the site filling was completed in accordance with Level 1 geotechnical testing under AS 2870 & AS 3798 and has adequate bearing capacity for building construction. 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.

56. Vegetation protection

Within all areas protected by "No Go" fencing, all vegetation and/or trees to be retained are to be marked to ensure that they are protected during construction activities.

_____(initial)
Assessment Officer

57. There is to be no vegetation clearing, earthworks and/or storage of any vegetative matter, goods and/or equipment within the areas protected by No Go fencing.

58. Vegetation removal

Any vegetation removal is to be undertaken in a manner that ensures the ongoing integrity of retained vegetation and/or adjacent native plants. Any vegetation matter is to be removed from the site and disposed of in an appropriate manner.

59. Revegetation of disturbed areas

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.

60. All restoration work shall be undertaken by, or overseen by, a qualified bush regenerator. The bush regenerator must hold the Bushland Regeneration Certificate 11 or equivalent and have a minimum of two years' experience regenerating wetland vegetation communities.

Revegetation

61. Revegetation is to be carried out as provided for in the Environmental Management Plan.

Construction

62. 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	8.00am to 1.00pm

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

63. Leachate and extracted water generated during the earthworks are to be managed in accordance with Acid Sulfate Soil Management Plan prepared by HMC Environmental Consulting Pty Ltd, dated September 2016.

64. All material excavated below the natural ground surface during earthworks are to be managed to minimise and ameliorate the existing and potential acidity in accordance with the Acid Sulfate Soil Management Plan prepared by HMC Environmental Consulting Pty Ltd, dated September 2016.

65. The applicant shall construct and fit-out all food premises in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3. The applicant is responsible to ensure compliance with the Standards and Council will not accept responsibility at the time of final inspection for premises that are not in compliance with the Standards, regardless of the approved plans. Reference shall be made to the AS 4674 – 2004 "Design, Construction and Fit-Out of Food Premises" for guidance on construction of food premises.

66. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.

_____(initial)
Assessment Officer

-
67. All demolition, construction waste, or the like, is to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption. If alternative disposal methods are to be sought, written approval is to be granted by the Principal Certifying Authority (PCA). **It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.**
68. 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 they are completed.
69. All weather access ways are 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 these access ways so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways. A 'shake down' grid area for truck wheel washing should be provided at each access way. When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material. **Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.**
70. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
71. The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the Protection of the Environment Operations Act 1997.
72. If necessary dust control measures such as wetting down, covering stockpiles and physical barriers shall be used to control and prevent a dust nuisance to surrounding properties. Further guidance can be sourced from 'No Dust No Fuss: Guidelines for controlling dust from construction sites' NSW EPA.
73. All work, including demolition, excavation and building work must generally comply with Australian Standard AS 2436:1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and *NSW Interim Construction Noise Guidelines* (DECC 2009).
74. The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to the Principal Certifying Authority (PCA) at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.
75. If dewatering is required a management plan for all dewatering activities on site shall be submitted to and be approved by the Principal Certifying Authority (PCA) prior to the issue of extracted water. The plan is to give consideration to the acid sulfate soils issues on site and the impact this may have on groundwater and dewatering activities proposed. Prior to the issue of any water extracted during dewatering operations the test results and interpretation of results are to be submitted to and approved by Council. Note: Dewatering activities may require a license issued by the NSW Office of Water.

_____(initial)
Assessment Officer

76. No burning of cleared vegetation or other waste material shall occur on site prior to or during the construction phase of the development. Council has a No Burn Policy which aims to minimise air pollution by prohibiting the burning of any waste on or adjacent to residential areas. All vegetation waste should be removed to a licenced waste management facility. If an alternative method of disposal is sought written approval of Council is required.

77. Cultural Heritage Storyboard

During construction, details of the proposed cultural heritage storyboard detailing the significance of the landscaping feature within the Bruxner Highway/Pacific Motorway interchange are to be submitted to Council.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Unless otherwise stated all conditions referred to in other sections of this consent must be complied with together with the following conditions prior to occupation or use.

78. Occupation Certificate

The building is not to be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority

Security

79. The service centre operator being BP Australia, is to install a high-quality digital CCTV that captures the pumps inside the store of the service centre. The CCTV should be of a commonly used format such as .AVI or .MP4, and the footage is to be kept for 28 days. Staff members are to be trained in how to access CCTV and transfer data to a USB stick to be retained for future reference. Details are to be provided to Council prior to the issue of the Occupation Certificate.

80. A phone list of relevant persons who can be contacted in the event of a major incident is to be submitted to the Richmond Local Area Command (Lismore Police). Details are to be submitted to Council prior to the issue of the Occupation Certificate.

Environmental

81. The waste disposal areas are to be covered, graded and drained to the sewer via a pre-treatment device prior to the issue of the interim or final occupation certificate.

82. A litter management plan, including regular litter collection patrols, shall be developed for the site. The litter management plan shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Interim or Final Occupation Certificate.

83. All drainage grates located within traffic movement areas shall be fixed to avoid rattling.

84. The acoustic consultant shall provide the Principal Certifying Authority (PCA) with certification that the development complies with the acoustic specifications identified in the Environmental Noise Impact Report, dated 29 August 2016 (or as amended), by CRG Acoustics, prior to the issue of the Interim and/or Final Occupation Certificate.

85. All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "Control of the Obtrusive Effects of Outdoor Lighting". Upon installation of lighting and before final commissioning, a report from a qualified consultant shall be submitted to the Principal Certifying Authority (PCA) demonstrating compliance with AS 4282:1997 "Control of the Obtrusive Effects of Outdoor Lighting".

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Assessment Officer

86. The underground petroleum storage system (UPSS) shall:

- (a) Be appropriately designed, installed and commissioned by a duly qualified persons in accordance with the Protection of the Environment Operations (UPSS) Regulation 2014 and Australian Standards AS4897-2008: *Design, installation and operation of underground petroleum storage systems* (AS 2008a) and AS 1940-2004 *The Storage and Handling of Flammable and Combustible Liquids* (AS 2004);
- (b) Have minimum mandatory pollution equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices;
- (c) Have groundwater monitoring wells installed and tested in accordance with the Regulation; and
- (d) Have a Certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.

Details are to be submitted to and approved by Principal Certifying Authority (PCA) prior to the issue of the Interim and/or Final Occupation Certificate.

87. The proponent is to provide a S88E instrument over the site to require non-potable water to be used for all applicable indoor and outdoor use on the site. Details are to be submitted to and approved by Principal Certifying Authority (PCA) prior to the issue of the Interim and or Final Occupation Certificate.

Exhaust Hood

88. A certificate of compliance is to be submitted to the Principal Certifying Authority (PCA) prior to the commencement of trading, that the filtered hood and air extraction system has been installed and operated in accordance with Australian Standard 1668 Parts 1 and 2.

89. Written evidence shall be provided to Council's Environmental Health Officer that a pest control program has been implemented throughout the premises prior to the introduction of foods into the premises.

90. Trading must not commence until the premises have been inspected and approved by Council's Environmental Health Officer and an application has been made to Council to register the business on Council's "Commercial Premises Register" and the appropriate fee paid.

91. The fuel dispensing areas are to be adequately bunded to capture potentially contaminated stormwater to enable treatment prior to discharge to stormwater. The stormwater shall be treated to remove oils, fuels, heavy metals and nutrients to a quality suitable for discharge to the environment. The treatment device shall be installed in accordance with the manufacturer's recommendations.

92. Classified road works

All works on the classified road network required by the NSW Roads and Maritime Services (RMS) Works Authorisation Deed (WAD) are to be completed to the satisfaction of RMS prior to issue of an Occupation Certificate.

93. Sewerage works

All sewer connection works under Section 68 of the Local Government Act 1993 are to be completed to the satisfaction of Council prior to issue of an Occupation Certificate.

94. Car parking (standard)

The construction of all car parking and vehicular access is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works

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Assessment Officer

are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

95. Car parking (disabled)

The construction of all disabled car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS /NZS 2890.6: 2009. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

96. Vehicle Management Plan

Prior to the issue of the Occupation Certificate, the applicant shall be required to submit to, and obtain approval from Council, a Vehicle Management Plan for vehicles servicing the site. The plan must be in accordance with AS2890.2 and include the following minimum requirements:

- (a) The maximum size of vehicles servicing the site;
- (b) The service vehicle travel path through the site and associated swept path analysis;
- (c) Any proposed restrictions on the hours vehicles can service the development; and
- (d) Consideration of other services such as waste management, gas bottle storage/services etc.

97. Any regulatory signs or line marking must be endorsed by the Local Traffic Committee and approved by Council prior to issue of an Occupation Certificate.

98. Stormwater

Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with this consent. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.

99. Filling of the site

Prior to the issue of the Occupation Certificate, certification must be submitted from a suitably qualified practicing geotechnical engineer verifying that the site filling was completed in accordance with Level 1 geotechnical testing under AS 2870 & AS 3798 and has adequate bearing capacity for building construction. 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.

100. Backflow prevention certification

Prior to the issue of an Occupation Certificate, the Backflow Prevention Device shall be commissioned and certified by a licensed NSW plumber who holds the required backflow prevention qualifications. Certification must be submitted to Council.

Testable backflow devices are to be tested and certified annually by a suitably qualified NSW licensed plumber and the annual certificate submitted to Council.

101. S88E instrument regulating use of non-potable water

Prior to occupation, the proponent is to provide and register on title a S88E instrument over the site to require non-potable water to be used for all applicable indoor and outdoor use on the site.

102. Cultural Heritage Storyboard

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Assessment Officer

Prior to issue of the Occupation Certificate, the proposed cultural heritage storyboard detailing the significance of the landscaping feature within the Bruxner Highway/Pacific Motorway interchange is to be established on site.

CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

103. Fire safety statement

The owner of the building must provide Council with an annual Fire Safety Statement at least once in each twelve months certifying that the essential and statutory fire safety measures in the building have been inspected and tested by a competent person and were found to have been designed, installed and capable of operating to the minimum standard required by the Fire Safety Schedule. A copy of the Annual Fire Safety Statement together with a copy of the Fire Safety Schedule are to be forwarded to the Commissioner, NSW Fire Brigades, and a copy of the Fire Statement and Schedule, prominently displayed in the building.

104. NSW Roads and Maritime Services Operational Condition

If in the future, operational issues are experienced, NSW Roads and Maritime Services (RMS) reserves the right to manage safety by regulating traffic on the classified road network. This may include, but is not limited to, potential changes to access arrangements for the highway service centre, in particular restricting access to the Bruxner Highway to left in / left out. The proponent must respond to and implement such access changes as required by the RMS in this regard.

105. All waste, including waste cooking oil, generated on site is to be disposed to and stored in the nominated waste areas.

106. Waste collection must occur as required to prevent the creation of an odour or pest nuisance.

107. The use and occupation of the proposed development, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to any offensive noise within the meaning of The Protection of the Environment Operations Act, 1997. Offensive Noise means noise:

1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances;
 - a. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted;
 - b. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

108. Operation of the site shall be in accordance with recommendations included in the Environmental Noise Impact Assessment (dated 29 August 2016) prepared by CRG Acoustics. Namely amplified music in the cultural area shall be limited to a maximum sound level of 90 dB(A) when measured at one metre from the speakers.

_____(initial)
Assessment Officer

109. The forecourt area of the service station shall be spot cleaned using a suitable absorbent material. The forecourt area is not to be hosed or washed to the stormwater drainage system under any circumstances.
110. Clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminates such as oils and chemical spills.
111. All plant and equipment installed or used in or on the premises shall be maintained in a serviceable condition and operated in a proper and efficient manner at all times.
112. In the event of a pollution incident on the premises, that has caused, is causing, or is likely to cause harm to the environment, the incident shall be reported in accordance with the requirements of section 148 of the Protection of the Environment Operations Act 1997.
113. The site shall be operated in accordance with the requirements of the Protection of the Environment Operations (UPSS) Regulation 2008 and Australian Standards AS4897-2008: *Design, installation and operation of underground petroleum storage systems* (AS 2008a) and AS 1940-2004 *The Storage and Handling of Flammable and Combustible Liquids* (AS 2004) and other relevant guidelines.
114. The stormwater treatment device for the fuel dispensing areas shall be operated and maintained in accordance with the manufacturer's requirements.

REASONS FOR CONDITIONS

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 2012;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.

ADVISORY MATTERS

1) Disability Discrimination Act 1992

The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992 (DDA). The applicant is advised to investigate any liability that may apply under that Act. Australian Standard AS 1428 – Design for Access and Mobility should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

Compliance with the BCA does not guarantee compliance with the DDA. The BCA provides important access provisions however:

- (a) it does not cover all developments that are subject to the provisions of the DDA;
- (b) it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities; and
- (c) while it mandates improved access for people with disabilities, it is not framed in terms of "equality of access".

_____(initial)
Assessment Officer

You are therefore advised to investigate your liability under the DDA with respect to any existing and proposed future works.

2) Protection of the Environment

The development is to be operated in accordance with the provisions of the Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and wastewater quality.

3) Noise Control

Use of the premises/services/equipment/ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment & Operations Act 1997.

4) WorkCover Requirements

The premises shall be operated in accordance with the requirements of the WorkCover Authority.

5) Wastewater Management Advice

All work carried out in connection with this approval must comply with any applicable standard established by the Local Government (Approvals) Regulation 1999, the Local Government (Water Services) Regulation 1999.

6) Smoke Free Environment

As required by the Smoke-free Environment Act 2000 smoking is banned within 4 metres of the pedestrian entrance or exit of the building used for non-residential purposes. 'No smoking' signage is recommended to support public awareness of the smoking ban. On the spot fines may be issued to those who do not comply with the 4 metre requirement.

Advisory Note:

The applicant is advised to take care in ensuring that no damage is done to or unauthorised modifications are carried out on either Council's or any other organisation's underground infrastructure assets. Any Council sewer, stormwater or water main or other organisation owned electricity supply or telecommunication facility is not to be damaged or altered in any way without the necessary approvals being obtained beforehand from the relevant server.

You are advised to contact the following:

- Council - for information on sewer, water supply & stormwater
- Rous Water - Water Supply for Rous Water Authority controlled areas
- "Dial Before You Dig" - for other service infrastructure
-

The information relating to your property is to be obtained prior to any works commencing.

_____(initial)
Assessment Officer

SCHEDULE 1

Roads Contribution Plan V4.0 (2015)	5204	equivalent residential allotment	\$11,806.00	5.9217	\$69,911.59
Roads Administration V4.0 (2015)	5205	equivalent residential allotment	\$177.00	5.9217	\$1,048.14
West Ballina Wastewater Services (DSP Area B)	3003	equivalent tenement	\$5,020.00	54.8000	\$275,096.00
West Ballina Water Supply (DSP Area B)	2003	equivalent tenement	\$3,280.00	35.3000	\$115,784.00
Rous Water 2016	5001	equivalent tenement	\$8,404.00	35.3000	\$296,661.20
TOTAL	\$758,500.93				

_____(initial)
Assessment Officer

The consent shall lapse on 13 December 2022 unless the development has commenced in accordance with the provisions of section 95 of the Act.

Other Approvals: **The following approval bodies have given general terms of approval in relation to the development:**

Note: **The Planning Assessment Commission has not conducted a public hearing in respect of the application.**

Signed: _____ **on 13 December 2017**

Kerri Watts
Acting Group Manager
Development and Environmental Health
On behalf of Ballina Shire Council

Right of Appeal: If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the NSW Land and Environment Court within 6 months after the date on which you receive this notice or the date on which the application is taken to have been determined under Section 82(1).

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

Except in the case of designated development, there is no provision within the Environmental Planning and Assessment Act 1979 for a third party (objector) to appeal against the consent issued by the Council.

Review of Determination: Section 82A of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within the time prescribed by Section 82A(2A) and be accompanied by the fee prescribed by Section 257 of the Environmental Planning & Assessment Regulation 2000. Review provisions do not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or
- (c) a determination in respect of integrated development, or
- (d) a determination made by the Council under Division 4 in respect of an application by the Crown.

_____(initial)
Assessment Officer

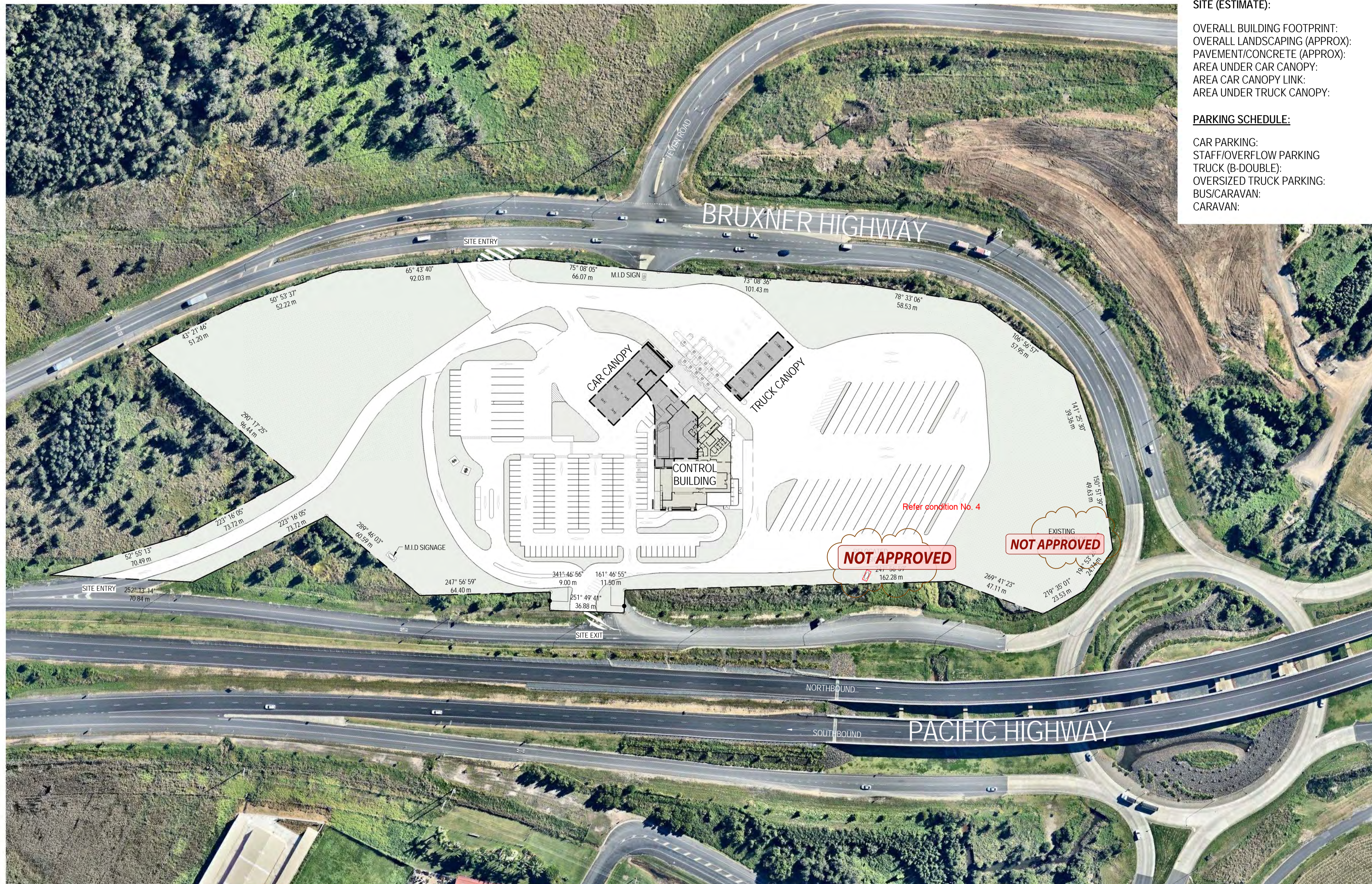
PART LOT 13, PART LOT 14, PART
LOT 15 AND PART LOT 31 ON
DP1013485

- SITE BOUNDARY'S ARE PROPOSED BOUNDARIES AND ARE NOT SURVEYED BOUNDARIES. FINAL BOUNDARY CO-ORDINATES TO BE PROVIDED BY RMS ONCE APPROVED. BOUNDARIES ARE TO BE CONFIRMED BEFORE CONSTRUCTION TAKES PLACE

SITE (ESTIMATE): 64712m²

OVERALL BUILDING FOOTPRINT:	1536m²
OVERALL LANDSCAPING (APPROX):	31942m²
PAVEMENT/CONCRETE (APPROX):	30604m²
AREA UNDER CAR CANOPY:	698m²
AREA CAR CANOPY LINK:	779m²
AREA UNDER TRUCK CANOPY:	400m²


CAR PARKING:	129
STAFF/OVERFLOW PARKING	22
TRUCK (B-DOUBLE):	19
OVERSIZED TRUCK PARKING:	6
BUS/CARAVAN:	4
CARAVAN:	4





BP BALLINA

BRUXNER HIGHWAY, WEST BALLINA
PART LOT 13, PART LOT 14, PART LOT 15 AND PART LOT 31 ON DP1013485
BALLINA SHIRE COUNCIL

 <div>building designers' association of queensland inc.</div>		Membership No. 563 QBCC Lic. No. 1272165	
DO NOT SCALE COPYRIGHT © 2016			
		JC	CKD
		JC	
		ISSUE FOR REVIEW PRELIMINARY ISSUE TO CLIENT FOR REVIEW	
		AMENDMENT	
		02/09/16	DATE
B		A	ISS

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ISSUED FOR
PRELIMINARY

30/8/2016 4:55:13 PM

FULL SIZE @ A1

CADWAY

PROJECTS

AN ENVIROPACIFIC COMPANY

Studio 24/115 Wickham Street,
PO Box 724,
Fortitude Valley, QLD 4006

T: 1800 616 760
E: info@cadway.com.au
W: www.cadway.com.au

acn: 111 372 064 abn: 43 111 372 064

project description	
PROPOSED BP BALLINA TRAVEL CENTRE	
project address	
PART LOT 13, PART LOT 14, PART LOT 15 AND PART LOT 31 ON DP1013485 BRUXNER HIGHWAY, WEST BALLINA, NSW 2478	
client	
FK GARDNER & SONS PTY LTD	
drawing title	
COVER SHEET	

@ A1	scale
09/13/13	date
JC	drawn
WL	checked
11098	job no.
11098 DA000	
dwg no.	
B	issue

REAL PROPERTY DESCRIPTION
PART LOT 13, PART LOT 14, PART LOT
15 AND PART LOT 31 ON DP1013485
BALLINA SHIRE COUNCIL

NOTES:
• SITE BOUNDARY'S ARE PROPOSED BOUNDARIES
AND ARE NOT SURVEYED BOUNDARIES. FINAL
BOUNDARY CO-ORDINATES TO BE PROVIDED BY
RMS ONCE APPROVED



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QBCC Lic. No. 1272165

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ISS	DATE	AMENDMENT
E	31/03/17	ADDITION OF SIGNAGE
D	15/09/16	ISSUE FOR DEVELOPMENT APPROVAL
C	23/08/16	PRELIMINARY ISSUE TO CLIENT FOR REVIEW
B	16/08/16	REVISED FLOOR PLAN FOR REVIEW
A	27/07/16	PRELIMINARY CONSULTANT ISSUE

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ISSUED FOR
DEVELOPMENT APPROVAL



31/03/2017 10:12:34 AM
CADWAY PROJECTS
AN ENVIROPACIFIC COMPANY

Studio 24/115 Wickham Street,
PO Box 724,
Fortitude Valley, QLD 4006
T: 1800 616 760
E: info@cadway.com.au
W: www.cadway.com.au
acn: 111 372 064 abn: 43 111 372 064

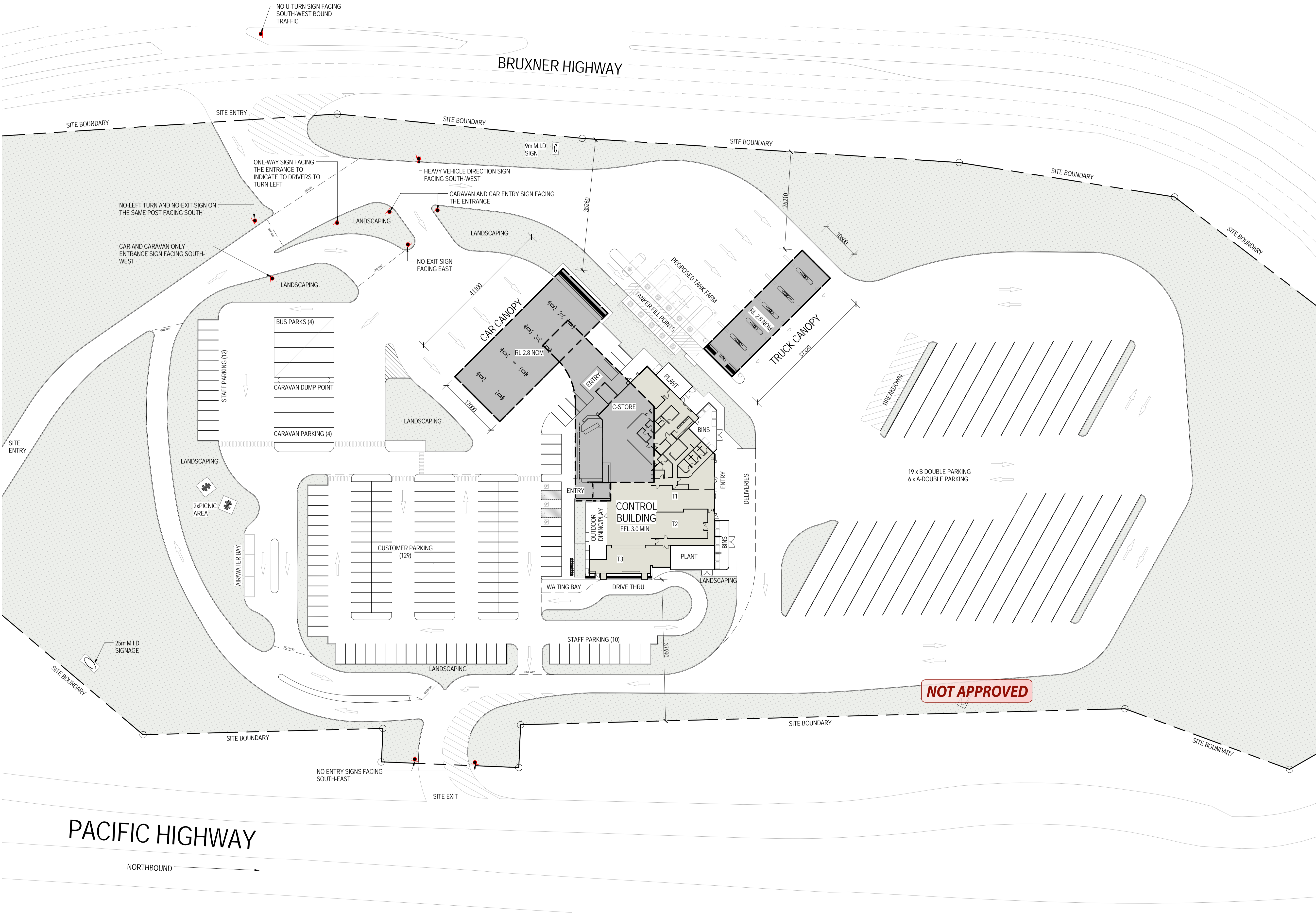
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**PROPOSED BP BALLINA
TRAVEL CENTRE**

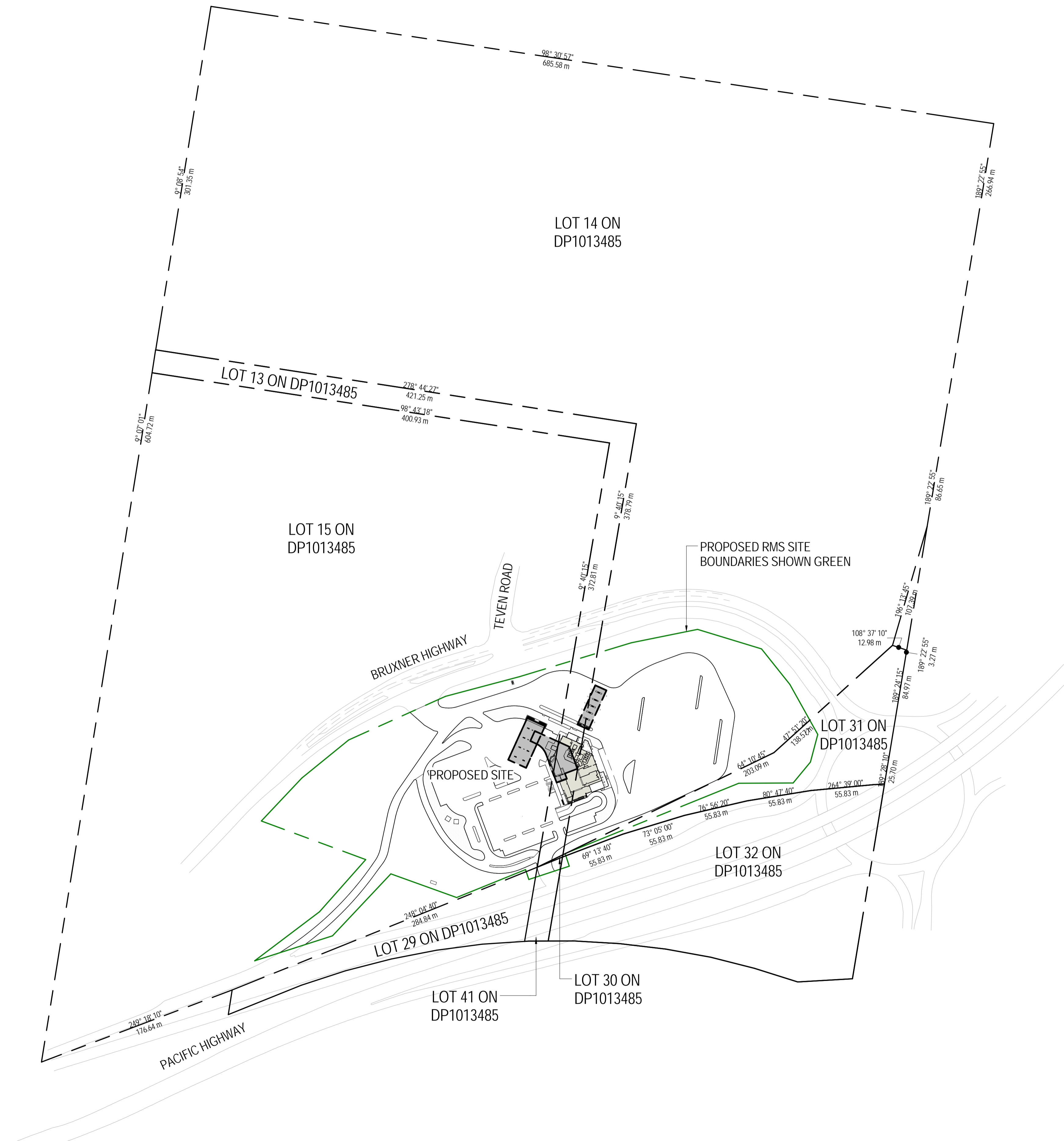
project address
**PART LOT 13, PART LOT 14,
PART LOT 15 AND PART LOT
31 ON DP1013485
BRUXNER HIGHWAY, WEST
BALLINA, NSW 2478**
client
**FK GARDNER & SONS
PTY LTD**

drawing title
SITE PLAN

scale
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date
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drawn
JC
checked
DA
job no.
11098

dwg no.
11098 DA002
issue
E





NOTES:

- EXISTING SITE BOUNDARIES ARE ESTIMATE FROM INFORMATION PROVIDED. ACTUALL EXISTING SITE BOUNDARIES ARE TO BE CONFIRMED BEFORE DETAILED DESIGN TAKES PLACE

LEGEND

PROPOSED RMS SITE BOUNDARY



A	15/09/16	ISSUE FOR DEVELOPMENT APPROVAL	JC
	DATE	AMENDMENT	CKD

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ISSUED FOR
DEVELOPMENT APPROVAL



FULL SIZE @ A1

**CADWAY
PROJECTS**
AN ENVIROPACIFIC COMPANY

Studio 24/115 Wickham Street,
PO Box 724,
Fortitude Valley, QLD 4006

T: 1800 616 760
E: info@cadway.com.au
W: www.cadway.com.au

acn: 111 372 064 abn: 43 111 372 064

project description

PROPOSED BP BALLINA
TRAVEL CENTRE

project address

PART LOT 13, PART LOT 14,
PART LOT 15 AND PART LOT
31 ON DP1013485
BRUXNER HIGHWAY, WEST
BALLINA, NSW 2478 client
FK GARDNER & SONS
PTY LTD

drawing title

OVERALL EXISTING SITE
BOUNDARY PLAN

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09/14/16	date
JC	drawn
WL	checked
11098	job no.

11098 DA003 dwg no.

A _____ issue

BUILDING AREA SCHEDULE:

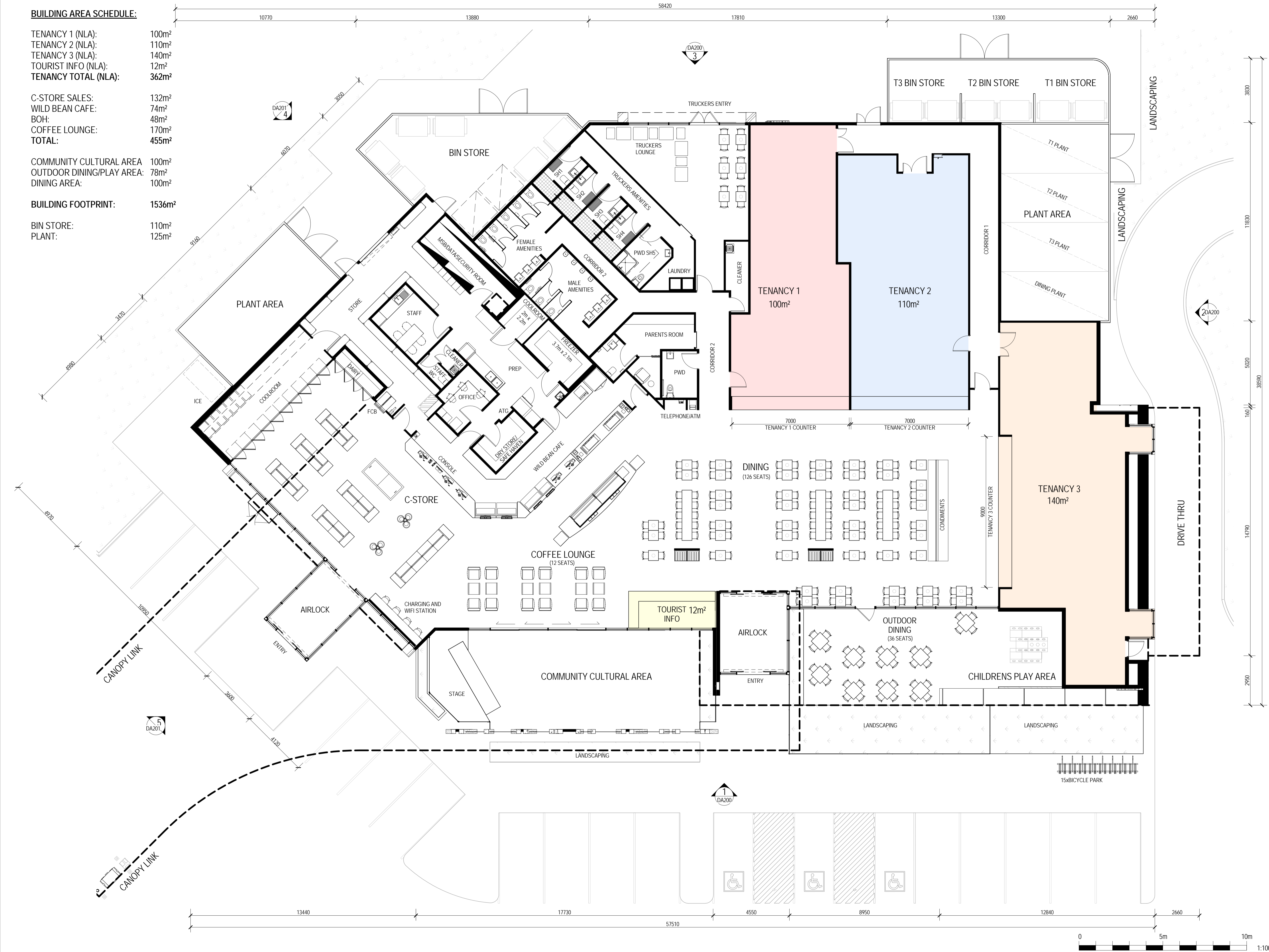
TENANCY 1 (NLA):	100m ²
TENANCY 2 (NLA):	110m ²
TENANCY 3 (NLA):	140m ²
TOURIST INFO (NLA):	12m ²
TENANCY TOTAL (NLA):	362m ²

C-STORE SALES:	132m ²
WILD BEAN CAFE:	74m ²
BOH:	48m ²
COFFEE LOUNGE:	170m ²
TOTAL:	455m ²

COMMUNITY CULTURAL AREA	100m ²
OUTDOOR DINING/PLAY AREA:	78m ²
DINING AREA:	100m ²

BUILDING FOOTPRINT:	1536m ²
---------------------	--------------------

BIN STORE:	110m ²
PLANT:	125m ²



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JC	JC	JC
PRELIMINARY ISSUE TO CLIENT FOR REVIEW		AMENDMENT
REVISED FLOOR PLAN FOR REVIEW		
PRELIMINARY CONSULTANT ISSUE		
C	23/08/16	DATE
B	16/08/16	ISS
A	27/07/16	
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project description
PROPOSED BP BALLINA TRAVEL CENTRE

project address
LOT 12-15 BRUXNER HIGHWAY, WEST BALLINA, NSW 2478

client
FK GARDNER & SONS PTY LTD

drawing title
BUILDING GROUND FLOOR PLAN

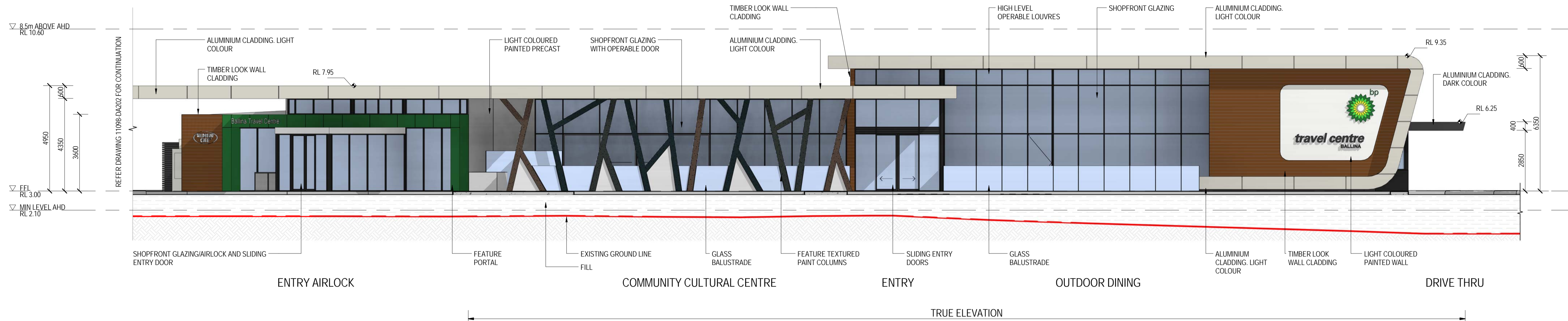
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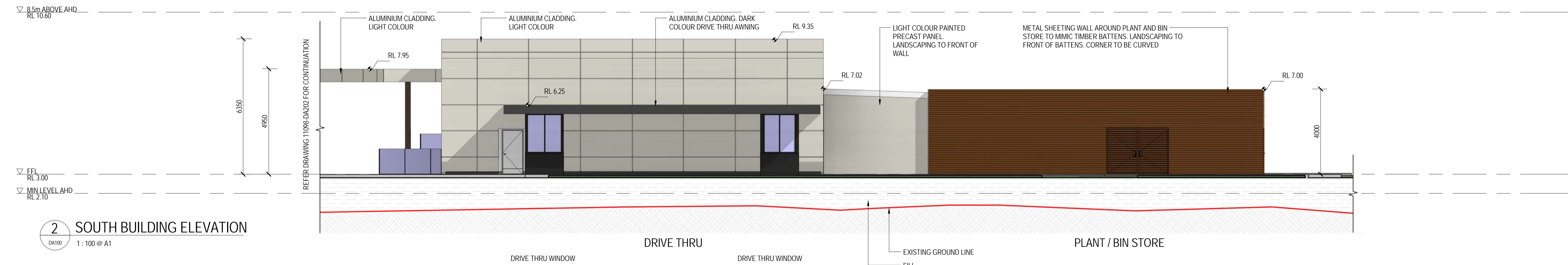
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C	15/09/16	DATE	
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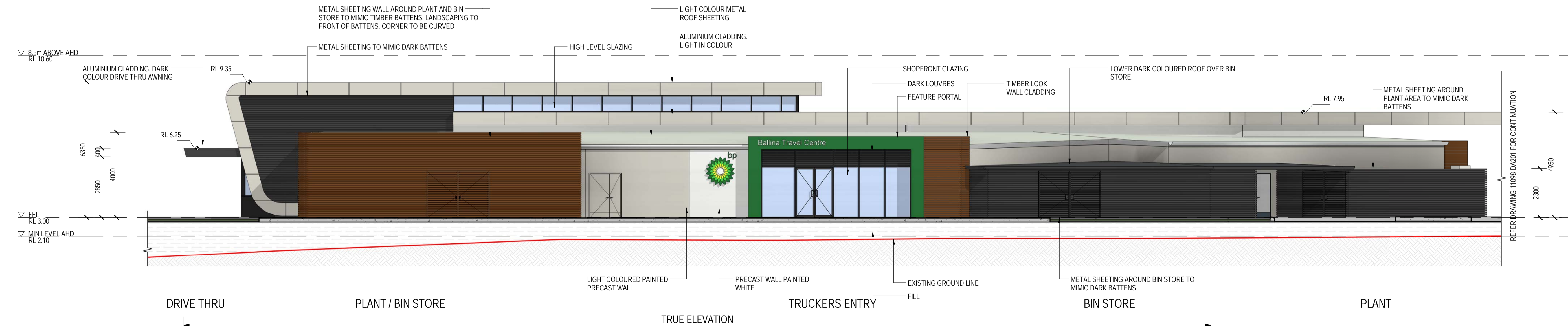
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1 WEST BUILDING ELEVATION
1 : 100 @ A1



2 SOUTH BUILDING ELEVATION
1 : 100 @ A1



3 EAST BUILDING ELEVATION
1 : 100 @ A1



FULL SIZE @ A1

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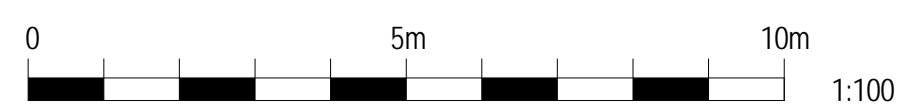
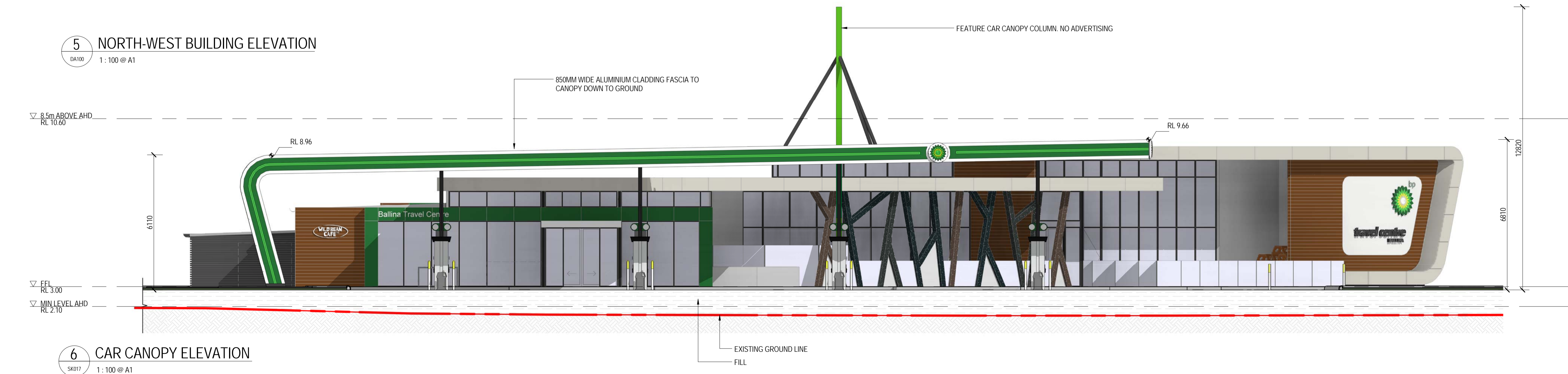
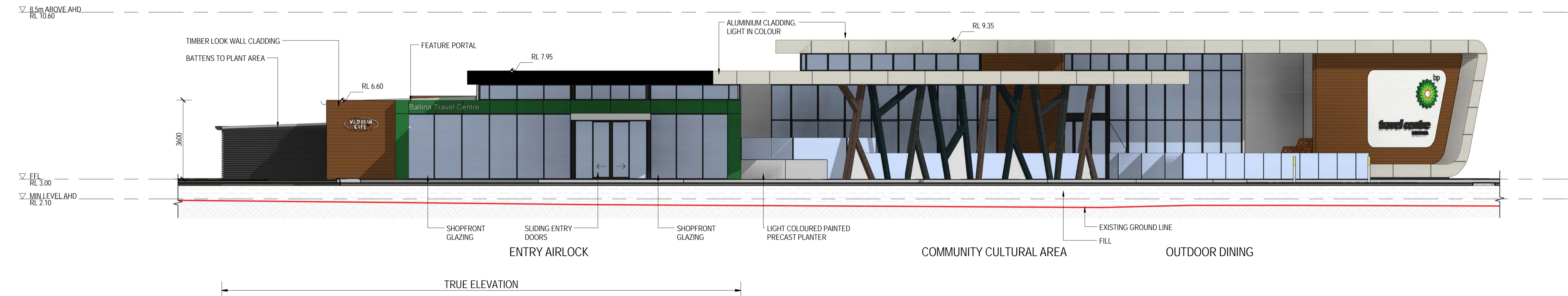
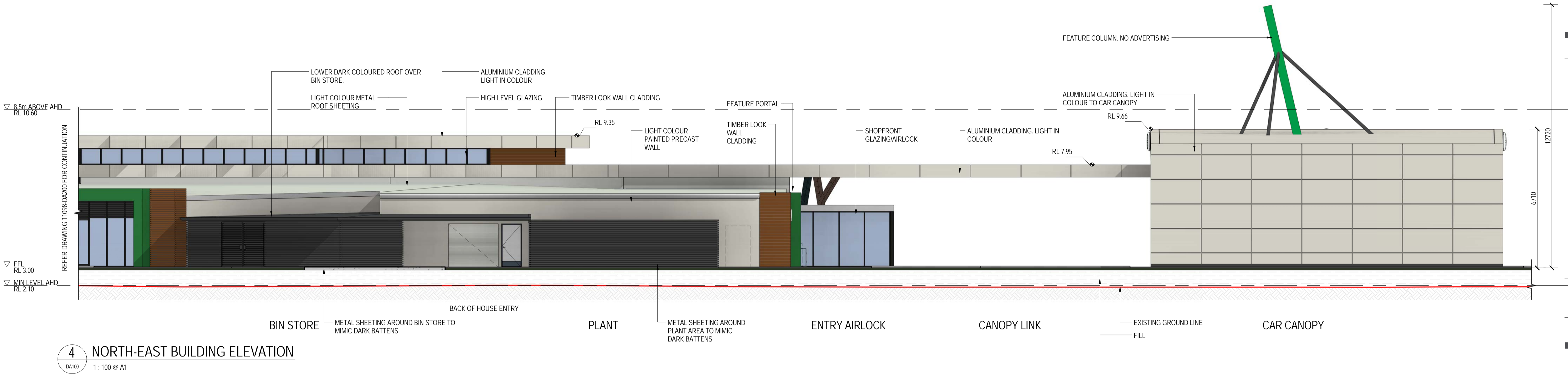
project description
PROPOSED BP BALLINA TRAVEL CENTRE

project address
PART LOT 13, PART LOT 14,
PART LOT 15 AND PART LOT
31 ON DP1013485
BRUXNER HIGHWAY, WEST
BALLINA, NSW 2478
FK GARDNER & SONS
PTY LTD

drawing title
BUILDING ELEVATIONS - SHEET 1

1 : 100 @ A1	scale
31/08/10	date
RW	drawn
JC	checked
11098	job no.

11098 DA200
C
dwg no.
issue



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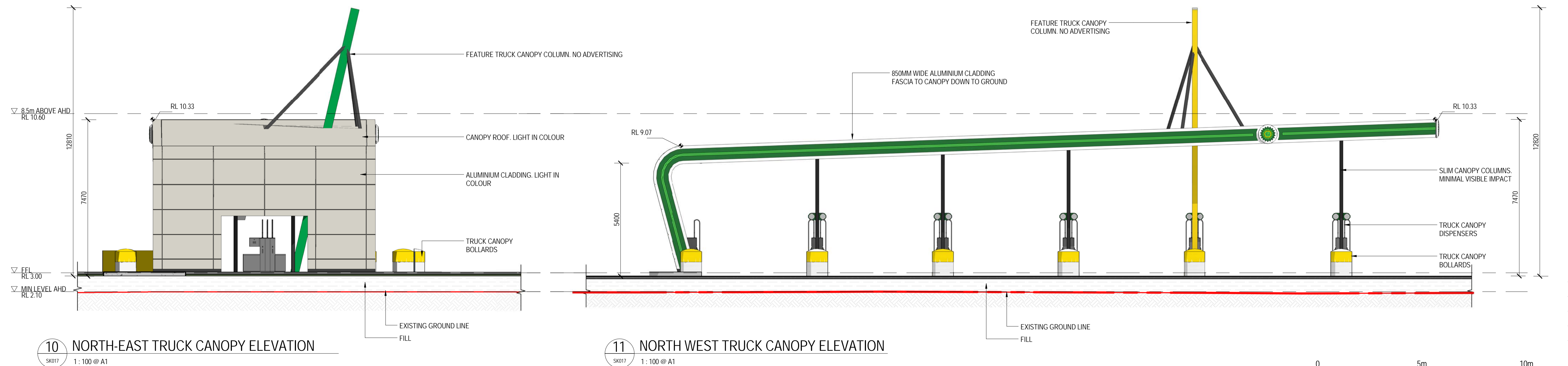
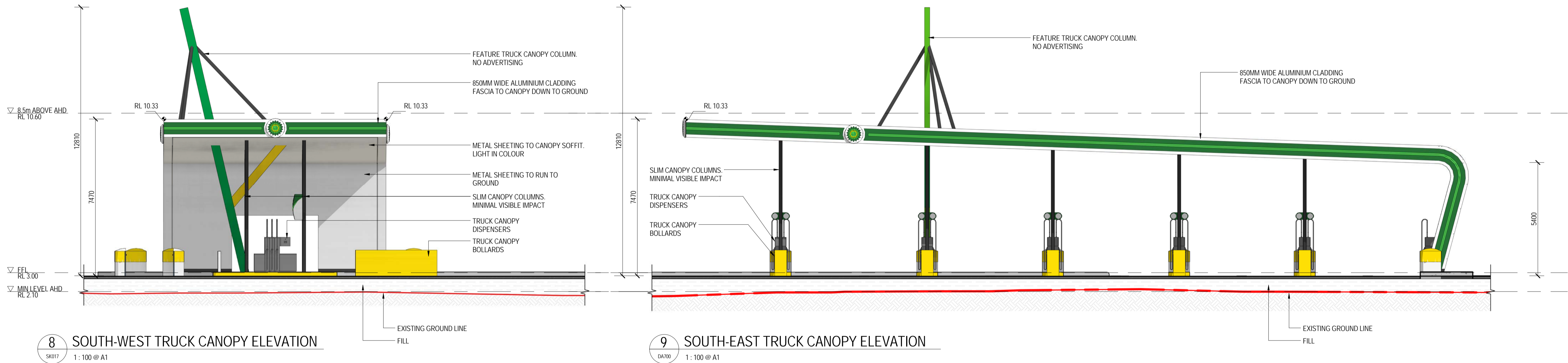
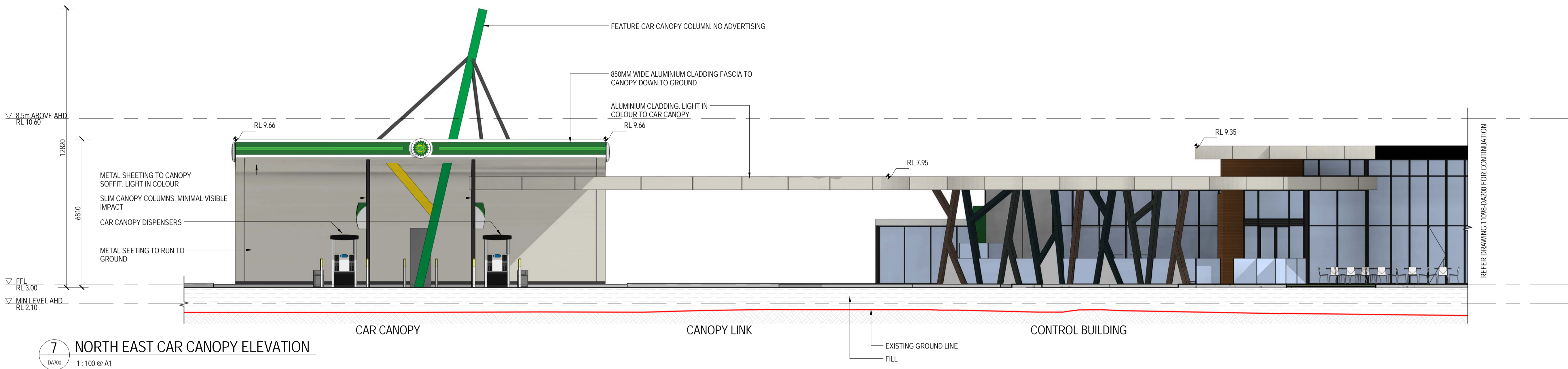
project description
**PROPOSED BP BALLINA
TRAVEL CENTRE**

project address
**PART LOT 13, PART LOT 14,
PART LOT 15 AND PART LOT
31 ON DP1013485
BRUXNER HIGHWAY, WEST
BALLINA, NSW 2478**
client
**FK GARDNER & SONS
PTY LTD**

drawing title
CANOPY ELEVATIONS

scale	date	drawn	checked	job no.
1 : 100 @ A1	08/19/16	JC	WL	11098

11098 DA202
C



0 5m 10m
1:100

NOTE:
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ISS	DATE	AMENDMENT	JC	CKD
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project description

PROPOSED BP BALLINA TRAVEL CENTRE

project address

PART LOT 13, PART LOT 14,
PART LOT 15 AND PART LOT
31 ON DP1013485
BRUXNER HIGHWAY, WEST
BALLINA NSW 2478
FK GARDNER & SONS
PTY LTD

drawing title

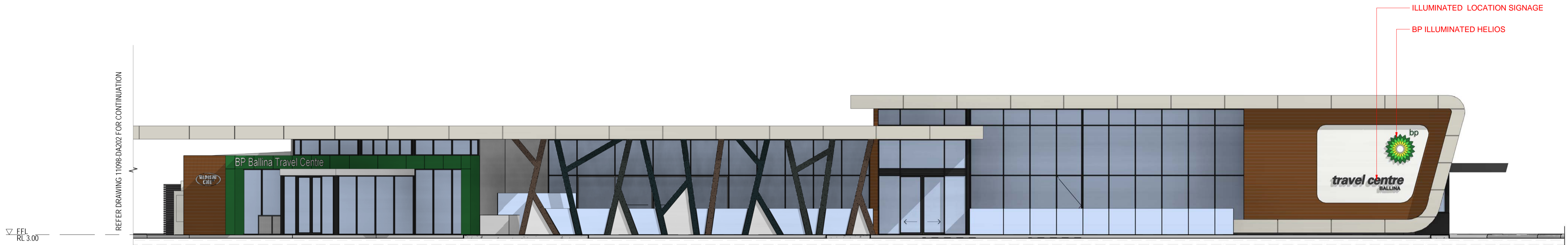
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ELEVATIONS - SHEET 1**

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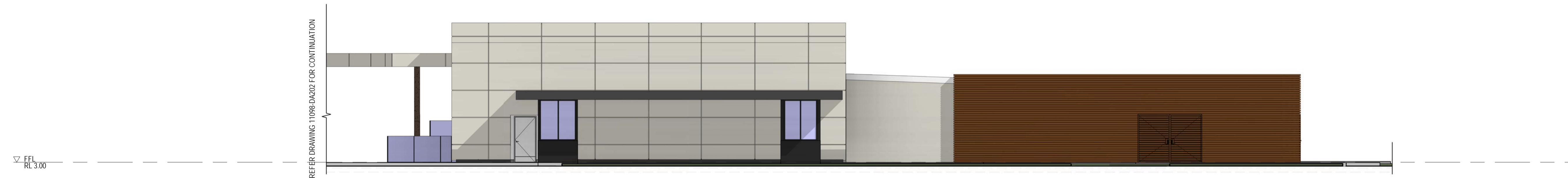
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dwg no.

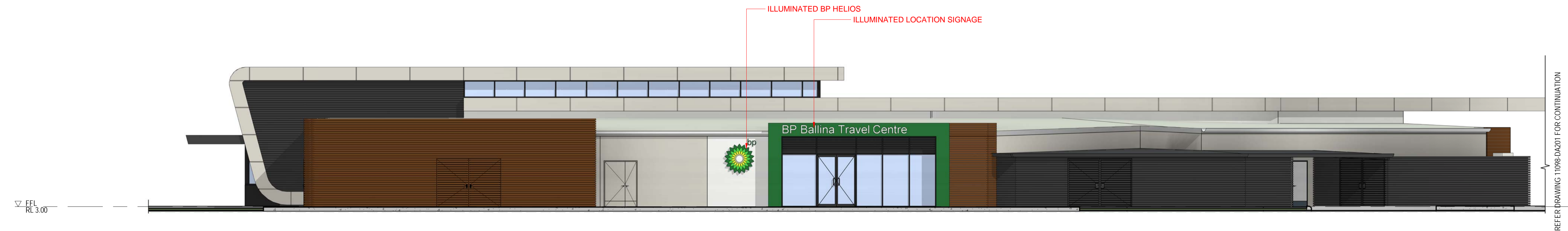
issue



1 WEST BUILDING ELEVATION
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2 SOUTH BUILDING ELEVATION
DA100 1 : 100 @ A1



3 EAST BUILDING ELEVATION
DA100 1 : 100 @ A1

0 5m 10m
1:100

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ISS	DATE	AMENDMENT	JC	CKD
A	02/11/17			
COUNCIL REVIEW OF SIGNAGE				

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project description
PROPOSED BP BALLINA TRAVEL CENTRE

project address
PART LOT 13, PART LOT 14,
PART LOT 15 AND PART LOT
31 ON DP1013485
BRUXNER HIGHWAY, WEST
BALLINA NSW 2478
FK GARDNER & SONS
PTY LTD

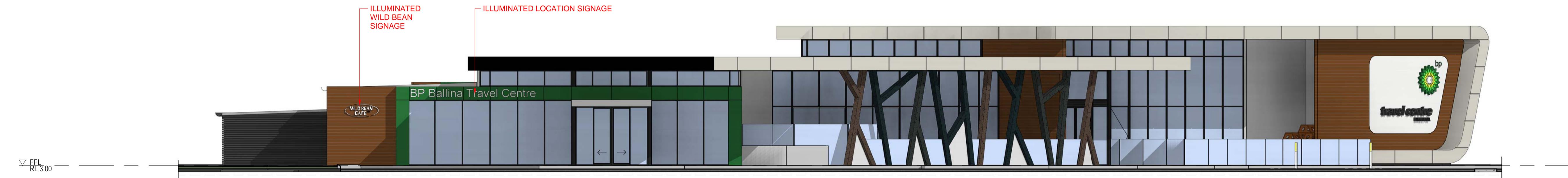
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ELEVATIONS - SHEET 2**

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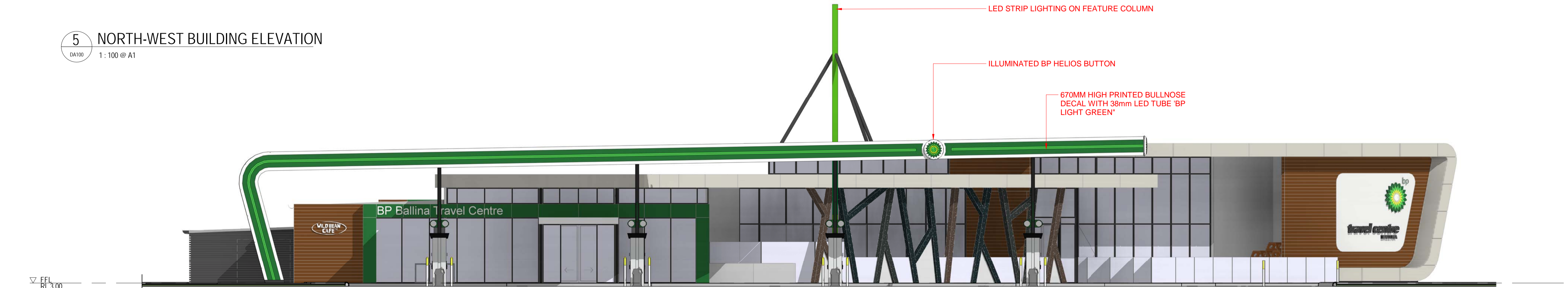
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dwg no. A
issue



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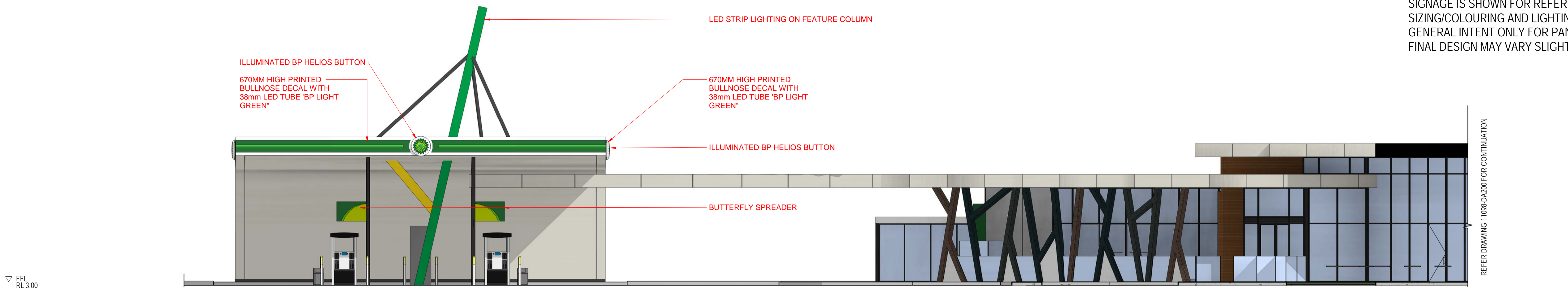


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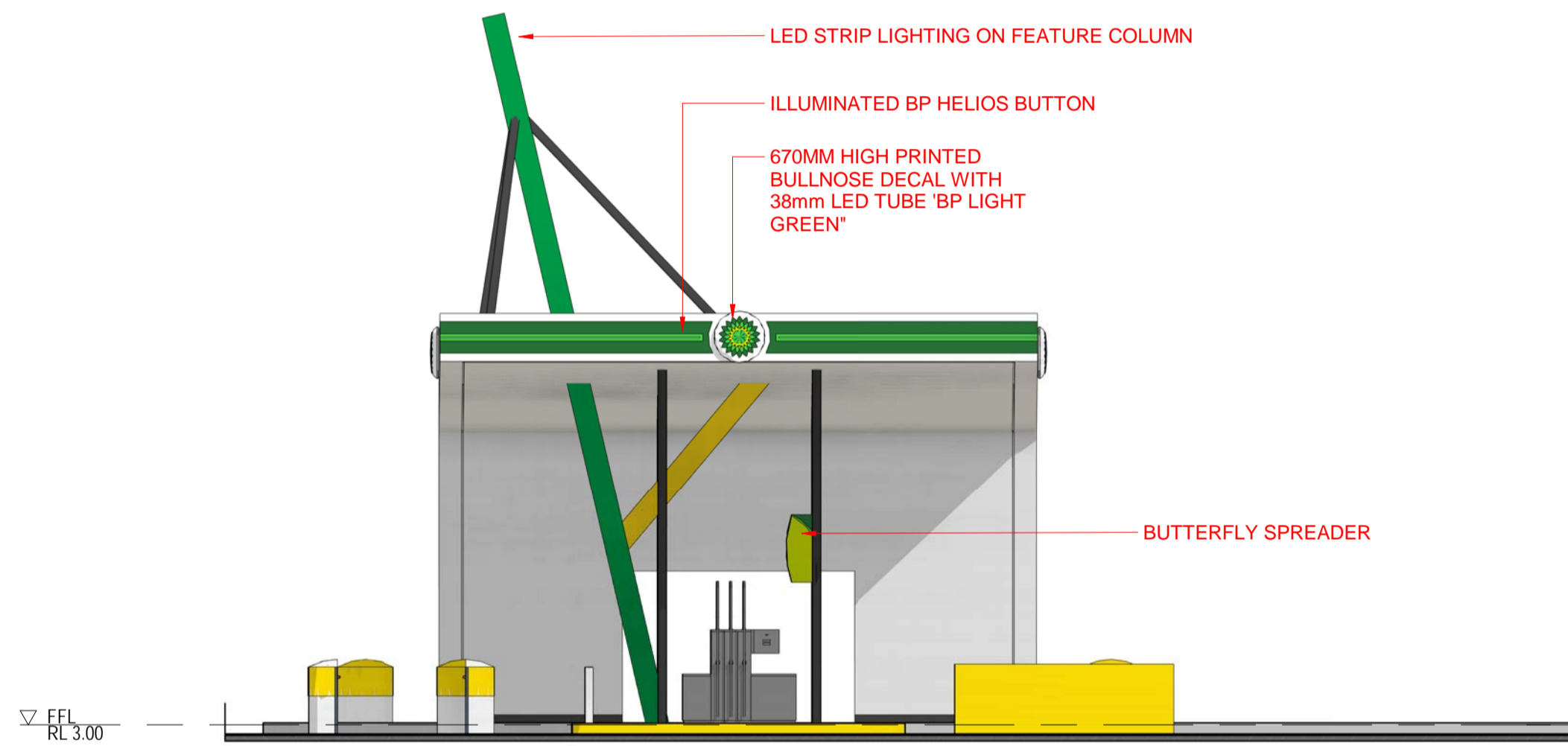


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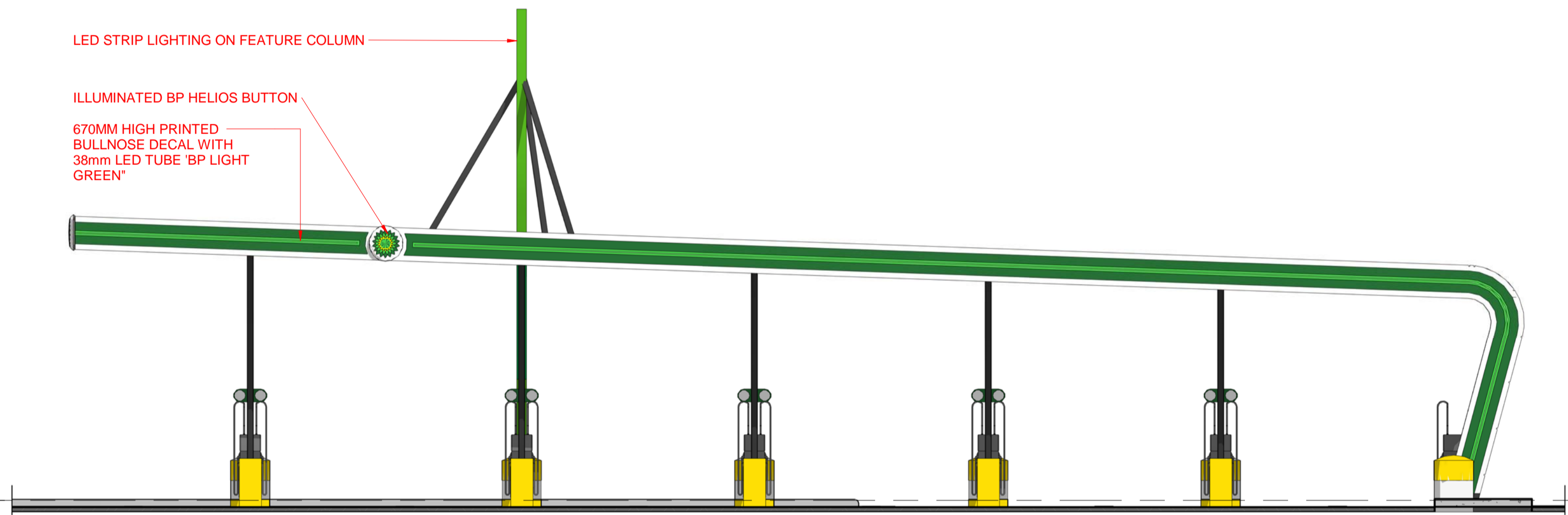
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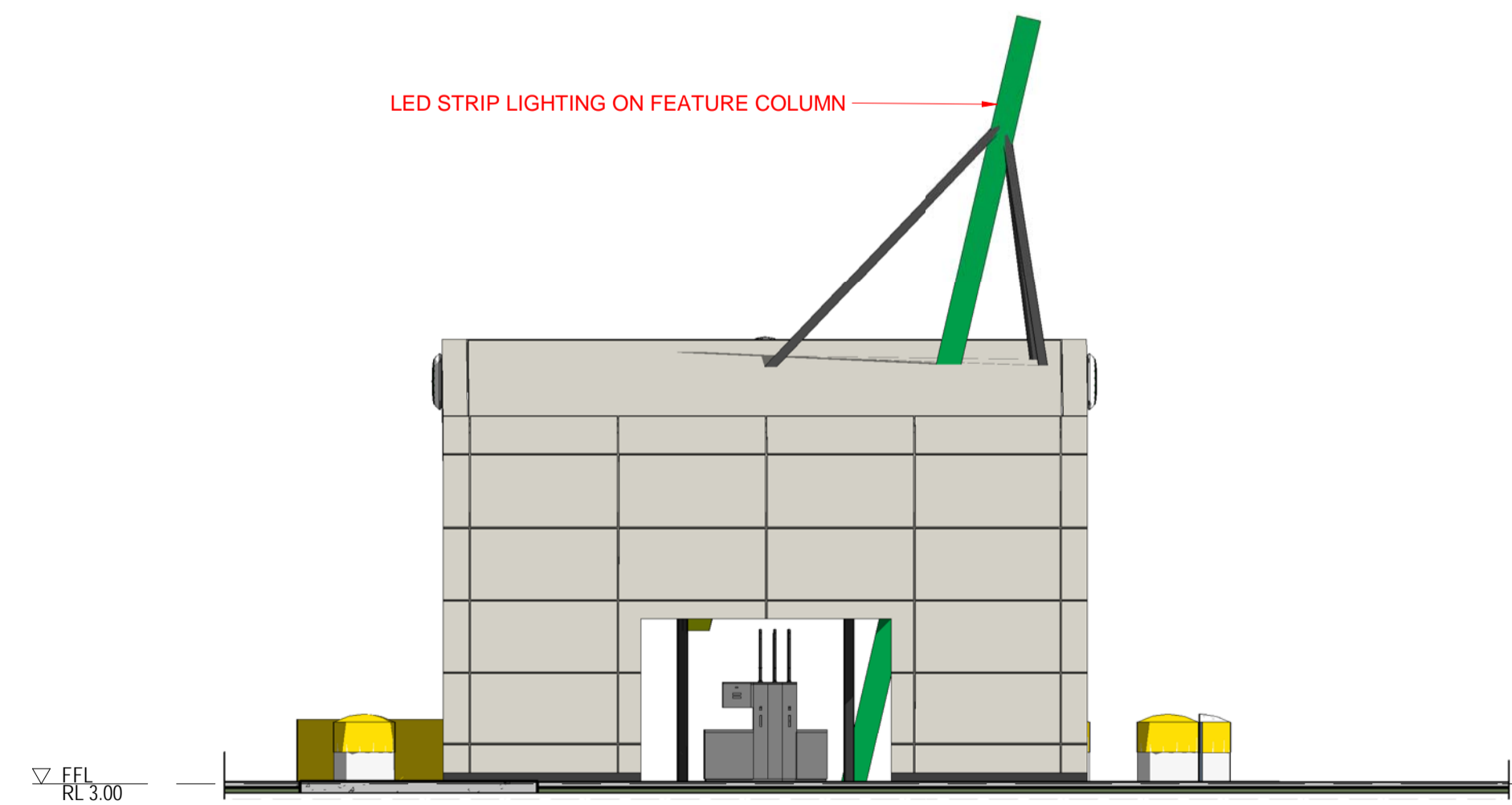
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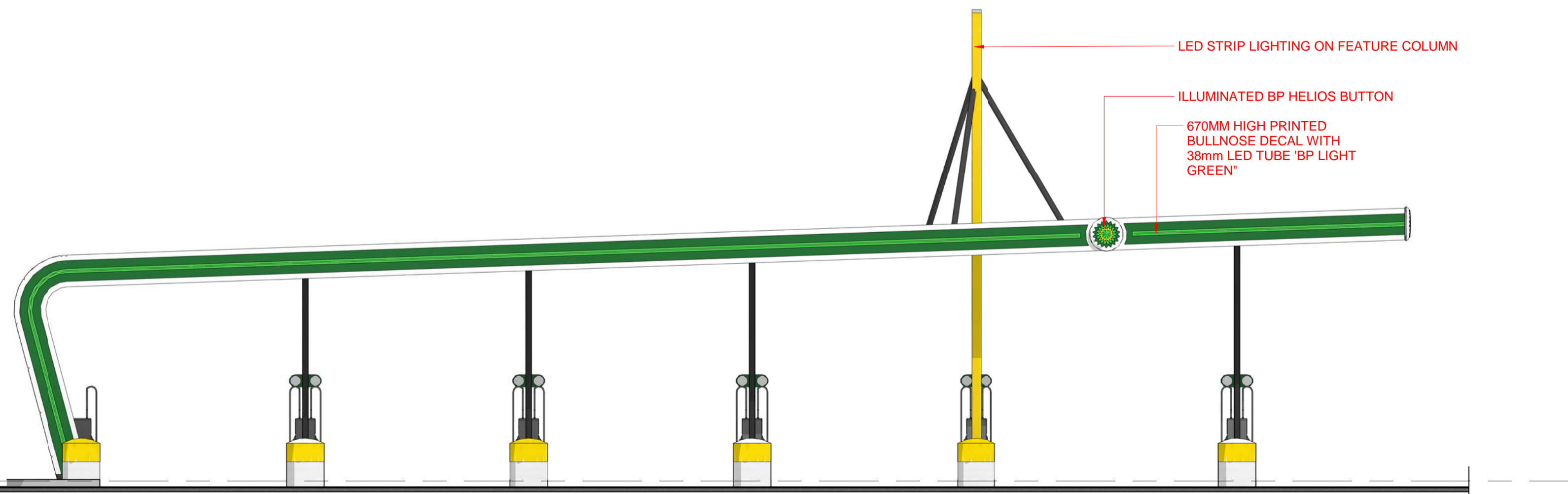
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SK017 1:100 @ A1



9 SOUTH-EAST TRUCK CANOPY ELEVATION
DA700 1:100 @ A1




10 NORTH-EAST TRUCK CANOPY ELEVATION
SK017 1:100 @ A1



11 NORTH WEST TRUCK CANOPY ELEVATION
SK017 1:100 @ A1



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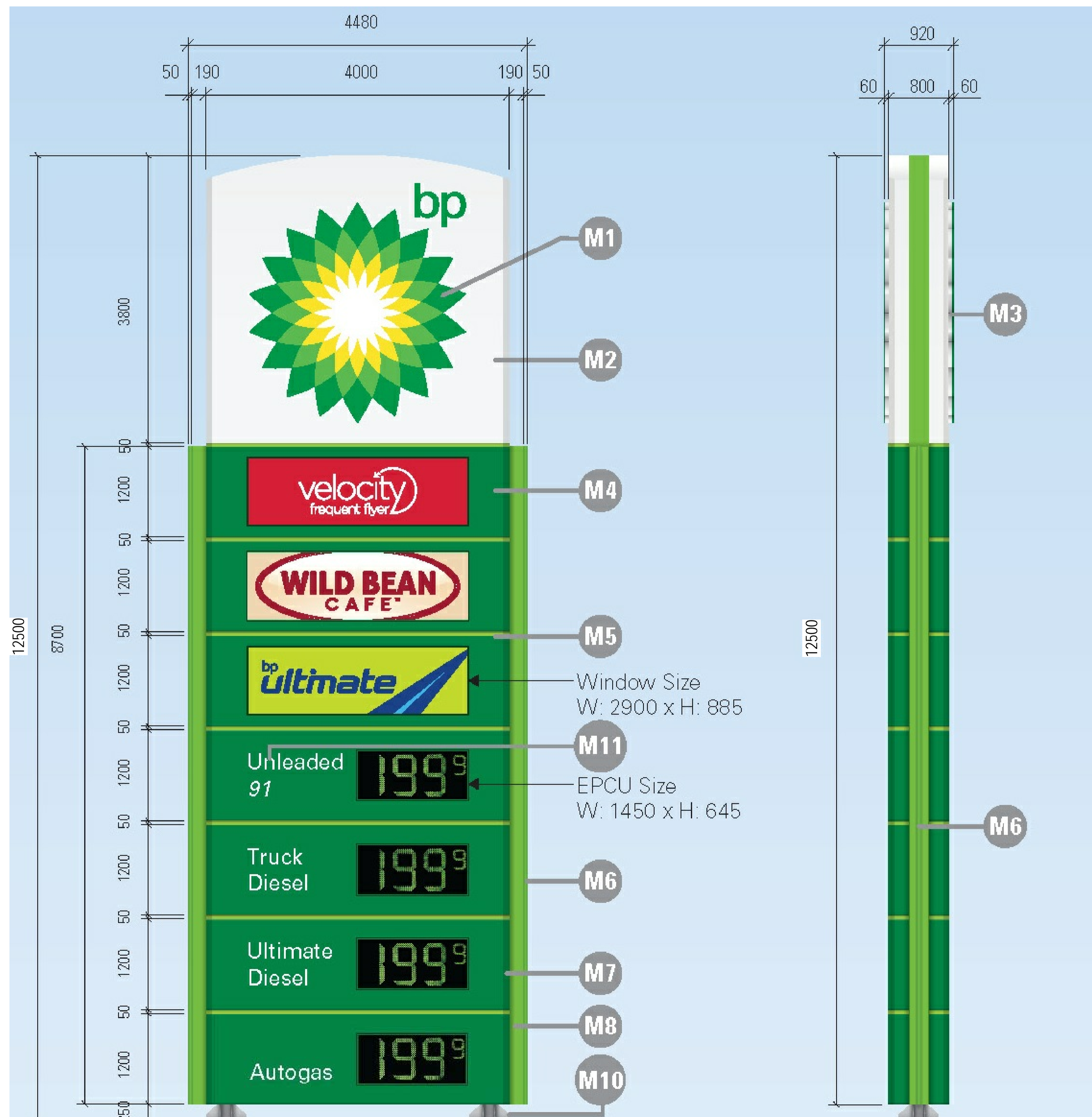
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acn: 111 372 064 abn: 43 111 372 064

project description
**PROPOSED BP BALLINA
TRAVEL CENTRE**
project address
PART LOT 13, PART LOT 14,
PART LOT 15 AND PART LOT
31 ON DP1013485
BRUXNER HIGHWAY, WEST
BALLINA NSW 2478
FK GARDNER & SONS
PTY LTD

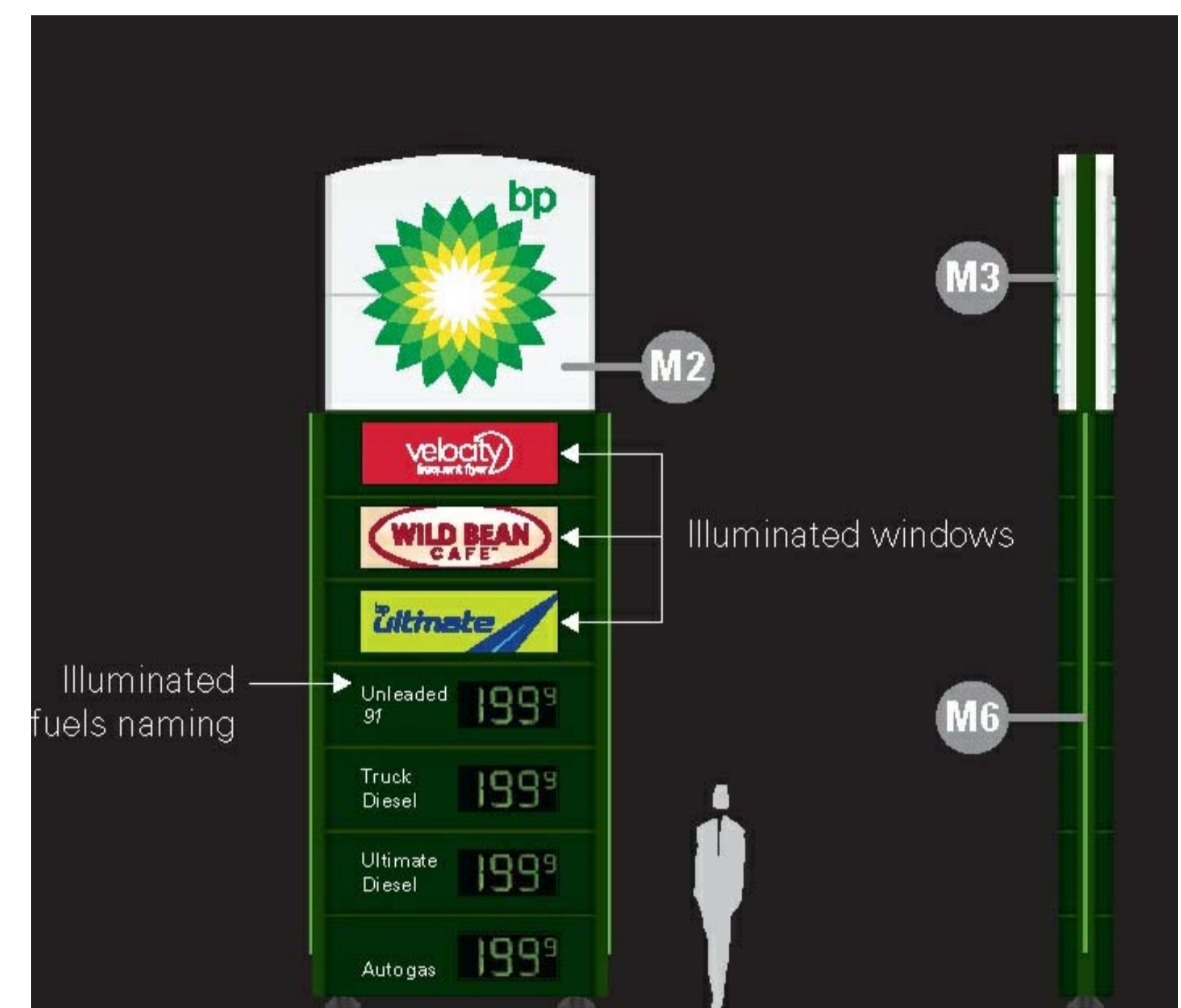
drawing title
**CANOPY SIGNAGE
ELEVATIONS**

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08/19/16	date
JC	drawn
WL	checked
11098	job no.

11098 DAS202
dwg no.
A
issue



**1x12.5M HIGH SITE MAIN IDENTIFICATION
SIGNAGE DAY TIME (PACIFIC HIGHWAY)**
Refer to condition 4



**1x12.5M HIGH SITE MAIN IDENTIFICATION
SIGNAGE NIGHT TIME (PACIFIC HIGHWAY)**
NOT TO SCALE

Refer to condition 4

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AMENDMENT		AMENDMENT	
B		DATE	
02/11/17		DATE	
A		ISS	
03/02/17		ISS	

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
project description
**PROPOSED BP BALLINA
TRAVEL CENTRE**

project address
**PART LOT 13, PART LOT 14,
PART LOT 15 AND PART LOT
31 ON DP1013485
BRUXNER HIGHWAY, WEST
BALLINA NSW 2478
FK GARDNER & SONS
PTY LTD**

drawing title
**SITE MAIN
IDENTIFICATION SIGNAGE
12.5m**

1:30 @ A1	scale
02/03/17	date
JC	drawn
DA	checked
11098	job no.

11098 S001
dwg no.
B
issue



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W: www.cadway.com.au
acn 111 372 064 abn 43 111 372 064

project description

PROPOSED BP BALLINA
TRAVEL CENTRE

project address

PART LOT 13, PART LOT 14,
PART LOT 15 AND PART LOT
31 ON DP1013485
BRUXNER HIGHWAY, WEST
BAI LINA NSW 2478
FK GARDNER & SONS
PTY LTD

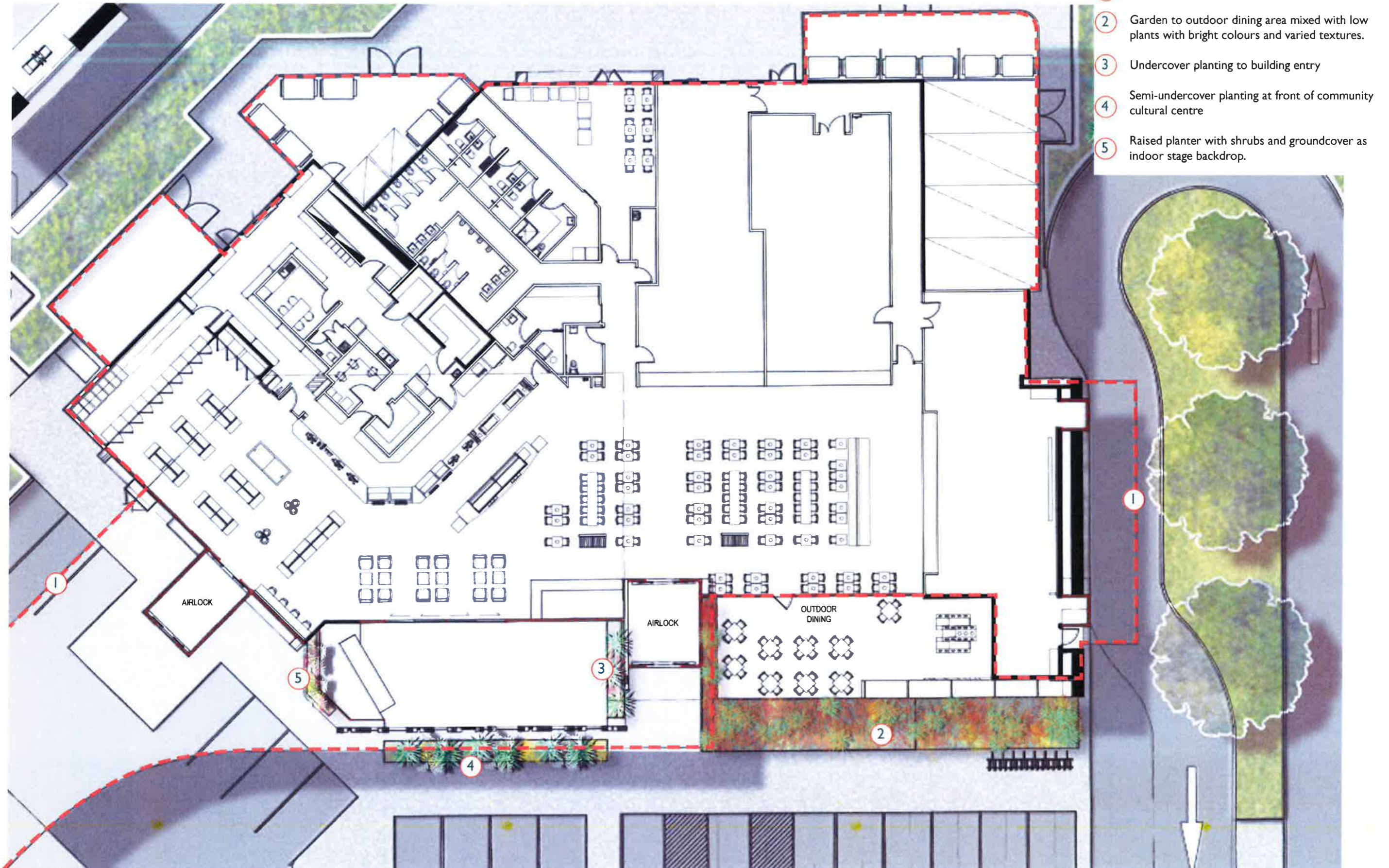
SITE MAIN
IDENTIFICATION SIGNAGE
9M

1 25 @ A1	scale
10/25/17	date
JC	initials
DA	checked
11098	job no
11098 S002	dog no
A	mark



1x9M HIGH SITE MAIN IDENTIFICATION
SIGNAGE NIGHT TIME (BRUXNER
HIGHWAY)

landscape detail plan



scale 1:200@A3

landscape detail plan



Legend

- 1 Entry/exist maintained landscape area and grass seeding to demolished area for keeping clear sightline.
- 2 Low planting to traffic island.
- 3 Feature trees and low planting to create visual interest at vehicle or pedestrian threshold.
- 4 New trees are to be spaced and maintained to ensure canopies maintain 2m separation.
- 5 Recreational open space with picnic settings and feature trees, possible mounding opportunities to future detailed design.
- 6 Trees with low shrubs and groundcovers to car park to provide shade and clear sightline.
- 7 Feature groundcover planting at pedestrian intersection between main building and truck canopy. Landscape area to have pebble mulch installed within 5m offset from buildings for IPA requirements.
- 8 Garden to outdoor dining and recreational area to be integrated with low plants with bright colours and varied textures.
- 9 Trees in turf to large vehicle parking area.
- 10 Signage

Notes:
All tree planting to have a minimum 1.8m clear trunk at maturity.

TGSI to pedestrian cross overs to be in accordance with AS 1428.4.

Refer civil engineering plans for detailed surfaced finished levels and proposed services.

Refer architecture plans for building and facility finished levels and details.

Irrigation will be in accordance with Ballina Shire Council requirements for this industrial development.

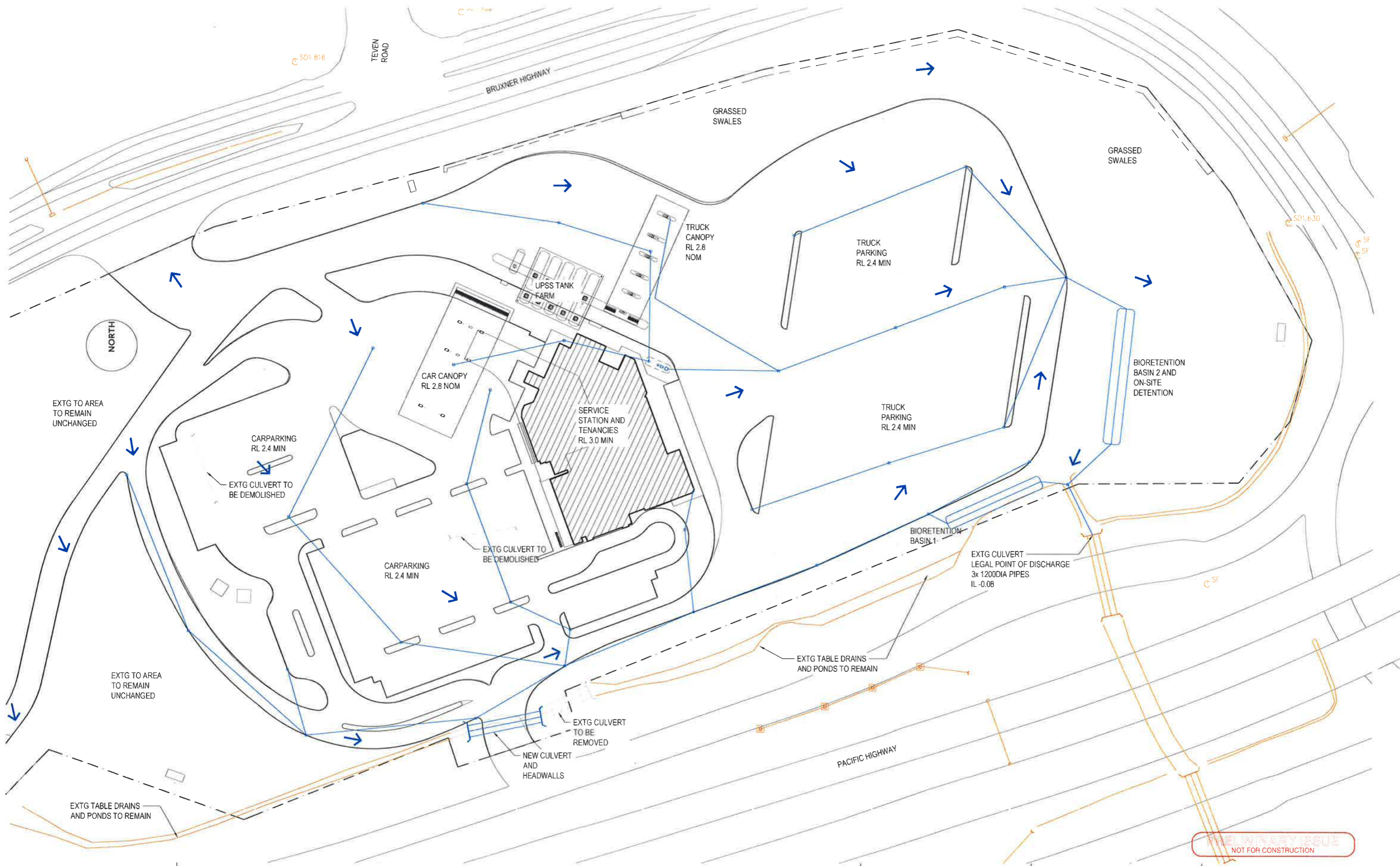


scale 1:1000@A3

2017-04-13 [M]

landscape development application document

3



REV	DATE	COMMENTS
A	08.02.16	PRELIMINARY ISSUE
B	17.02.16	PRELIMINARY ISSUE
C	31.08.16	FINAL COORDINATION
D	02.09.18	ISSUED FOR DA
E	05.09.16	BIORETENTION ADDED

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info@clearskyengineering.com.au
clearskyengineering.com.au
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Toowoong DC QLD 4066
1A/524 Milton Rd,
Toowoong QLD 4066
ABN 30 443 170 097

ARCHITECT		
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DESIGNED	CHECKED	DATE
TJP		09/16
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TJP	1:500	A1

PROJECT		
BP BALLINA TRAVEL CENTRE BRUXNER HWY TEVEN INTERCHANGE WEST BALLINA NSW 2478		
CLIENT	BP AUSTRALIA	

TITLE		
STORMWATER LAYOUT PLAN		
PROJECT NO	DWG NO	REV
CSE15096	C01	E



PROPOSED HIGHWAY SERVICE CENTRE

BRUXNER & PACIFIC HIGHWAY, WEST BALLINA

“BP BALLINA TRAVEL CENTRE”

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS REPORT

(REVISION A – 13.7.17)

1.0 INTRODUCTION

This Clause 4.6 variation report has been prepared on behalf of the applicant to support a development application for a highway service centre at the Bruxner Highway/Pacific Highway interchange at West Ballina. This revised report supercedes the Clause 4.6 report provided with the Statement of Environmental Effects (SEE). The revision was necessitated by the applicant's agreement to Council's request to reduce the height of signs A & B (refer attached plan) to RL 13.5m AHD.

This report is a request for a variation to the maximum height of buildings development standard prescribed for the site under Clause 4.3 of the Ballina Local Environmental Plan (LEP) 2012. Specifically, the variation is requested with respect to the signage associated with the proposal. The prescribed height limit for the site is 8.5m above the level indicated on Council's Building Height Allowance Map, which varies from RL 2.1 to 2.3m AHD across the site (refer Figure 1). Therefore, the prescribed building height for the site varies between RL 10.6m AHD to RL 10.8m AHD. The proposed free standing signage exceeds the prescribed height limit.

2.0 PROPOSED VARIATION

The development application for the proposed highway service centre incorporates three (3) free standing signs that exceed the prescribed height limit. These are illustrated on the plans attached to this report.

A description of the proposed signs, the prescribed height limit, the proposed height of the signs and the variation sought is outlined on Table 1.

TABLE 1

PROPOSED SIGN	HEIGHT LIMIT	PROPOSED HEIGHT	EXCEEDENCE
Sign A	10.6m AHD	13.5m AHD 12.5m above FGL	2.9m
Sign B	10.6m AHD	13.5m AHD 12.5m above FGL	2.9m
Sign C	10.7m AHD	11.4m AHD 9.0m above FGL	0.7m

3.0 CLAUSE 4.6 – EXCEPTIONS TO DEVELOPMENT STANDARDS

Clause 4.6 Exceptions to Development Standards of the Ballina LEP 2012 provides flexibility in the application of planning provisions by allowing Council to approve a development application that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

The objectives of Clause 4.6 Exceptions to Development Standards of the Ballina LEP 2012 are as follows:

- (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development; and*
- (b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In accordance with Clause 4.6(3)(a) and (b), this variation request seeks to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify a variation from the development standard.

4.0 PURPOSE OF SIGNAGE SIZE

The proposed signage height needs to be considered in the context of the function of the proposed development, the fact that it is not general 'advertising' of highway commercial development, the need for the facility and the site context.

The primary function of the proposed development is to provide the travelling public (general motorists) and commercial truck drivers using the Pacific Highway and Bruxner Highway with a well located facility for fuel, meals, convenience goods and rest. Roads & Maritime Services (RMS) policy and the Ballina LEP 2012 specifically identify the site for this purpose. Currently, there are limited opportunities for such rest stops between Grafton, 140 kilometres to the south, and Chinderah, 80 kilometres to the north. With limited opportunities for refuelling and rest, the importance of having adequate advance notice of the facility is apparent.

Due to the setbacks of the site from the adjoining highway, the proposed signs A & B would be located approximately 60 metres from the through lanes of the Pacific Highway.

There is significant road infrastructure in proximity to the site including:

- Northbound and southbound (two (2) lanes each way) Pacific Highway traffic lanes;
- Pacific Highway off-ramp (two (2) lanes – one direction);
- Existing off-ramp site entry;
- Major roundabout at the intersection of the Pacific Highway, Bruxner Highway and River Street;
- Bruxner Highway (two (2) lanes, both directions, including merging); and
- Teven Road intersection.

Motorists using the roads in the vicinity of the site therefore have many decisions to make (changing lanes, merging traffic etc.). Appropriately sized signage will assist motorists in making quick decisions which is vital from a traffic safety viewpoint. If the height of the signs was reduced strictly to comply with the Ballina LEP the visibility of the signs would be diminished and traffic safety possibly compromised.

Highway service centres are a part of national highway infrastructure and the need for prominent signs for traffic safety is established by the approval of 25 metre high 'BP' signs on Melbourne's Eastlink Motorway and BP Eastern Creek.

5.0 ASSESSMENT

The objectives of Clause 4.3 Height of buildings of the Ballina LEP 2012 are as follows:

- (a) *to ensure that the height of buildings is compatible with the bulk, scale and character of the locality;*

-
- (b) *to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality; and*
 - (c) *to protect significant views from public places.*

The following considerations are relevant in addressing the foregoing objectives and assessing the proposed departure from the development standard:

- Sign Design & Traffic Safety

The signs are designed to complement the building design in terms of colour, and features and profile. Signage is a part of an integrated design response aimed at providing information to motorists about location, facilities and fuel pricing. Large signs are consequently necessary to provide motorists with sufficient advance warning in which to make a decision to exit the surrounding high speed traffic environment, to access the site. The need for the proposed signs is addressed in Section 4.0.

- Existing and future surrounding land uses

The service centre is bound on three sides by significant road infrastructure being the Pacific Highway and off-ramp to the south, and the Bruxner Highway to the north and west. To the west is low-lying rural land containing scattered vegetation.

Existing development on the eastern side of Teven Road, opposite the service centre site, includes rural industrial properties that contain such land uses as a bulk landscape supplies and a timber yard. A Planning Proposal is currently being processed to amend the Ballina Local Environmental Plan (LEP) 2012 to enable a freight transport and warehouse or distribution centre over a number of properties located to the north east of the site, between Teven Road and the Pacific Highway.

Existing development on the southern side of the Pacific Highway includes a number of dwellings, bulky goods retailers (antique furniture retailer and nursery), a light industrial development comprising a self-storage facility and marine industries.

On the eastern side of the Pacific Highway is a rural parcel of land which has been approved for construction of a highway service centre. That has not yet commenced.

Therefore, in context, the site will be part of an area typified by larger scale development. It is not an isolated scenic location as is demonstrated in the Visual Impact Assessment (refer SEE Appendix K).

- Site Specific development

The site has been specifically identified for the purpose of a highway service centre. Signage is an important component of that and compliance with the

height limit is not desirable in this case due to safety considerations. Therefore, it is accepted that signage exceeding the height limit is largely unavoidable on this site if development objectives are going to be achieved.

The following specifically addresses each objective of the Clause 4.3 development standard and the assessment of the impact of the departure.

“(a) to ensure that the height of the buildings as compatible with the bulk, scale and character of the locality”.

The proposal is acceptable in that regard as the site is specifically nominated for the development of a highway service centre, the site is surrounded by significant road infrastructure, and surrounding future development includes another highway service centre and a freight transport and warehouse or distribution centre.

These are large scale developments and the exceedence of the height limit would not be inconsistent with the future built environment, given the considerations in Section 4.0

“(b) to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality”.

As discussed, the character of the area is changing from predominantly rural (with some mixed development) to one which includes other large scale development.

The size of the signs would not impact on the amenity of adjoining properties by way of significant overshadowing or lighting impacts and the land is outside of the area mapped by Council as having scenic qualities (refer to Visual Impact Assessment, SEE Appendix K).

“(c) to protect significant views from public places”.

Other than along road corridors, the signs would not be highly visible from public places (such as waterways, foreshore areas, parks etc.).

6.0 CONCLUSION

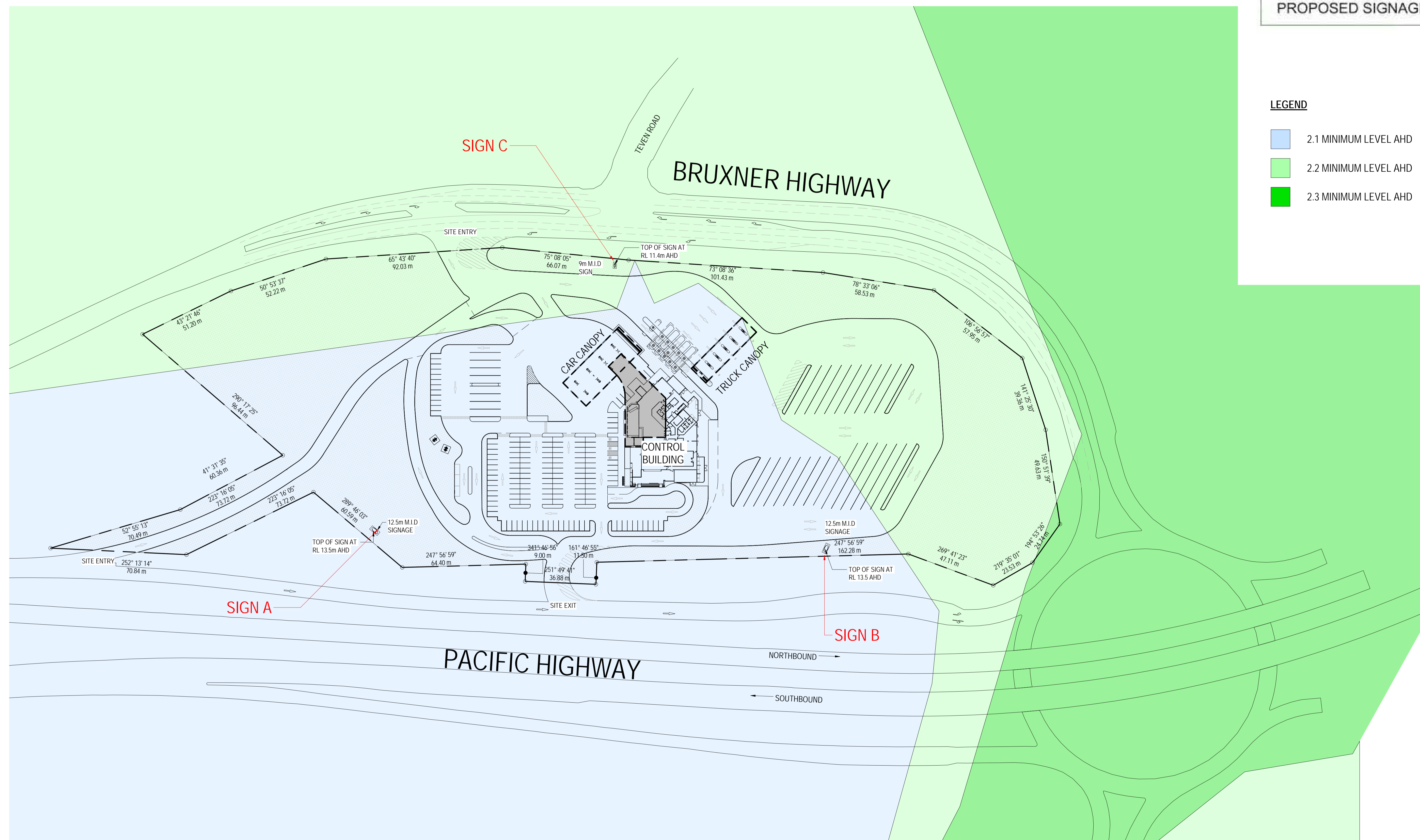
In light of the foregoing analysis it is concluded that, in the circumstances, compliance with the development standard is unreasonable and unnecessary. Further, being a site specific development where the purpose of exceeding the height limit is for traffic safety for critical highway infrastructure, the proposal does not compromise the integrity of the standard.

JIM GLAZEBROOK. RPIA
July 2017

(Revision A – 13.7.17)
BP Ballina Clause 4.6 (amended)



FIGURE: 1
PROPOSED SIGNAGE



- LEGEND**
- 2.1 MINIMUM LEVEL AHD
 - 2.2 MINIMUM LEVEL AHD
 - 2.3 MINIMUM LEVEL AHD

CLIENT: FK Gardner & Sons Pty Ltd

JOB: BP Ballina

FILE: BP_signage

IMS: bpsignheight

JGA JIM GLAZEBROOK
& ASSOCIATES
Town Planners & Development Consultants
PTY LTD
ACN 003 836 799

DATE: 13/07/2017

SCALE: 1 : 1000 @ A1

SOURCE: Cadway Projects

